CONSIDERATION OF REPORTS

REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of Italy (E/1994/104/Add.19; E/C.12/Q.ITA/1; written replies to the list of issues supplied by the Government of Italy (document in English only without a reference number)) (continued)

At the invitation of the Chairperson, the members of the delegation of Italy resumed their places at the Committee table.

The CHAIRPERSON invited the members of the Committee to put further questions concerning articles 10 and 11.

Mr. WIMER ZAMBRANO observed that the Vatican had protested against the recent recognition by the State of Vermont in the United States of homosexuals' right of adoption. Given the varying solutions adopted by different countries, how was that issue dealt with under Italian legislation?

Mr. THAPALIA said that, in addition to information provided with regard to territorial distribution of immigrants and the poor in Italy, he wished to know how many people lived in poverty and exactly how the Government was addressing the problem.

Mr. CITARELLA (Italy) , responding to questions on housing policy, cited the country's legislation on the matter, which had obliged landlords to rent empty homes cheaply and, until 5 or 6 years previously, had resulted in instances of social, economic and individual litigation. A great many landlords, who preferred to leave their houses unoccupied in those circumstances, had protested, inducing the authorities to relax that stringent, unfair requirement. Under a new, more flexible - and successful - system, leases could be arranged directly between landlord and tenant or through the associations representing the interests of the two parties. Low-income families also received subsidies from a national rental fund - the amount of which depended on their earnings and general situation - to bridge the gap between their means and the rent charged. In addition, first-time leases for young people and single-parent families were exempt from tax.

Following the 1999 decision to sell to the occupants - cheaply and with State subsidies - the 30 per cent of homes owned by the State or by semi-private enterprises, two privatization laws had been enacted in January 2000. Some 25 per cent of such homes were expected to be sold by early 2001, the occupants enjoying a pre-emptive right of first refusal.
The authorities to rationalize the public health service, including a series of dispositions for the closure of the psychiatric hospitals.

Mr. CEAUSU drew attention to paragraph 130 of the written report (E/1994/104/Add.19), which noted the measures envisaged by

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Mrs. JIMÉNEZ-BUTRAGUEÑO asked whether the elderly were given enough preventive care, either in their own homes or in

provide basic health care to all persons entering the country.

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National Health Plan, all of which were admirable, it did not say what had actually been done to implement them.

Although the Italian response to question 32 of the list of issues, regarding care for the aged, described the targets of the 1998

was almost over, the results of the Plan should be known. The CHAIRPERSON said that, since the Committee and the human rights world as a whole were appalled at the profound impact of

families by criminal organizations operating in Italy posed a major problem for the authorities. Italian criminal organizations had

started working in league with criminal elements emerging from among immigrants (legal and illegal alike) to Italy in the past 3-5 years. Since the Vienna Conference, Italy had been intent on playing a leading role in the establishment of a convention against organized crime and was particularly involved in two related protocols. The first of those concerned trafficking in women and children, who were subjected to a sort of “double jeopardy”: they were not only obliged to pay their fare to the country, but were also exploited for nefarious purposes upon their arrival. The second was the protocol relating to migration. The Government’s purpose was not to oppress migratory flows, but to clamp down on the criminal aspect of migration, especially in the Mediterranean area. Since trafficking in human beings was the second largest source of profit for criminal organizations, Italy hoped, by the end of 2000, not only to see the two protocols in force, but to host in Palermo the signing of the aforementioned convention.

The CHAIRPERSON said that, since the Committee and the human rights world as a whole were appalled at the profound impact of domestic violence against women on their enjoyment of the economic and social rights, she endorsed the questions asked by Mr. Hunt and Mr. Sadi - which the delegation had failed to answer - concerning measures taken by the authorities to combat domestic violence and any studies conducted into the factors leading to the phenomenon. She asked how Italy was addressing the issue not only in social and legal terms, but as a human rights concern.

Mr. CITARELLA (Italy) said that violence against women in general, at work and within the family, was currently a central issue of human rights protection in Italy. As recently as February 2000 the Justice Commission of the Chamber had begun its first reading of special legislation codifying crimes against women and establishing appropriate sanctions. Under that law, an abusive spouse would be expelled from the home, as an emergency measure, and deprived of access to it without a special magistrate’s order. Under this new law, an abusive spouse would be expelled from the household after the first recorded incident of abuse, and if the person continued to abuse, an order to leave the household could be granted by the judge.

Mr. RIEDEL said that the problem of exploding health services costs was one facing many countries, not only in Europe.

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Mr. RIEDEL said that the problem of exploding health services costs was one facing many countries, not only in Europe. He would like to know more about the steps taken by the Italian Government to contain those costs, including regionalization of the health system, the privatization of local health units, the creation of hospital societies and so on. He wondered how the poorer sections of society were affected by the decision to establish different categories of drugs, the refunding of which by the health system depended on their cost-effectiveness. Had the essential drugs list established by the World Health Organization, which required certain drugs always to be available, been taken into account?

Although the Italian response to question 32 of the list of issues, regarding care for the aged, described the targets of the 19982000 National Health Plan, all of which were admirable, it did not say what had actually been done to implement them. Since the period was almost over, the results of the Plan should be known. In response to question 33, about the medical assistance offered to refugees and asylum-seekers, particularly those housed in reception centres, the Committee had been told that such persons had a maximum of 120 days in which to receive assistance and that no subsidized health care was available to asylum-seekers except in case of emergency. Italy would not, of course, want to encourage foreigners to seek medical assistance. At the same time, it should provide basic health care to all persons entering the country.

Mrs. JIMÉNEZ-BUTRAGUEÑO asked whether the elderly were given enough preventive care, either in their own homes or in special residences. She noted that elderly persons often required much medication. Given the valuable contribution they could make to society, it was important that the elderly should be able to live out their last days in comfort and to enjoy all the care required.

Mr. CEAUSU drew attention to paragraph 130 of the written report (E/1994/104/Add.19), which noted the measures envisaged by the authorities to rationalize the public health service, including a series of dispositions for the closure of the psychiatric hospitals. He
Mr. GRISSA commented that both tourism and prostitution were highly developed in Italy. Since both could lead to sexually transmitted diseases, he would like to know what action was being taken to mitigate their impact. He was also concerned about the undesirable effects of the discotheques frequented by young people in Italy, which could, he believed, include hearing loss, mental illness and drug abuse, and which had undoubtedly led to an increase in traffic accidents, particularly at weekends. Was the Government taking any action to control such meeting places? He would also like more information on the extent of mental disease in Italy and on what was being done to care for the mentally ill.

Mr. THAPALLA said that he too would like to know the number, age and sex of the mentally ill. He would also like to know what measures were being taken in regard to environmental health and in regard to the reproductive health rights of women. Were the rights set out in the Beijing Platform of Action accepted in Italian society?

The CHAIRPERSON said that she also would like more information regarding reproductive health and family planning. She noted that paragraph 140 of the written report referred to a Women's Welfare Programme which sought to safeguard the health of women in relation to such matters as contraception and pregnancy. She wondered, however, whether there had been any attempt to update the 1975 law. She would be particularly interested to hear more on governmental policy regarding contraception and abortion. No precise details were given regarding the choices open to women. For example, was abortion criminalized? Was the Government able to protect women needing an abortion from illegal operators? Did women have the right to choose what form of contraception they used?

Mr. CITARELLO (Italy) said that he would take first the question of women's reproductive health rights. The 1975 law allowed for abortion as a matter of free choice but there were regulations in regard to timing safety conditions and moral protection. Although the law had been adopted by majority vote, abortion was still a matter of much public debate. It was not legally a crime and the operation could be performed in public hospitals or private clinics under conditions of complete secrecy. Even a woman under the age of 18 could go freely to any doctor or hospital to request an abortion without even her parents being informed, if she so wished. There were additional guarantees of secrecy for women who might wish to have a child but not to keep it. In such cases, the child was put up for public adoption as soon as it was born, secrecy still being preserved. A widespread campaign was waged in favour of contraception, which was regarded as the most important protection against sexual disease as well as unwanted births.

Mrs. JIMÉNEZ-BUTRAGUEÑO asked whether abortion was completely free or whether certain conditions were imposed. She noted that in Spain there were only three valid grounds for abortion: rape, malformation of the foetus or the health of the mother.

Mr. CITARELLO (Italy) said that the general principle was that abortion was dependent only on the decision of the expectant mother. There was no limitation on therapeutic abortion in the first three months of pregnancy. Abortion at a later stage on the grounds of the mother's health required a decision by a doctor. No crime was involved in abortion at any stage of gestation.

Turning to the questions asked by Mr. Riedel, he said that efforts were being made to contain expenditure on health for reasons common to all European countries. Expenditure in Italy had risen too far because of the abuse of health services such as free prescription drugs. Limits had now been imposed, in the sense that a distinction was made between low-wage families and those with normal earnings. Families with an annual income of over 70 million lire were required to pay a fixed contribution to their local health association. Public hospital services remained free. A family with an income of less than 70 million lire did not contribute anything. There was no limitation on the sale of cigarettes or tobacco, requiring a prescription.

Regarding psychiatric hospitals, he said that since 1995 the trend had been to regard the confinement of mental patients in psychiatric institutions as inappropriate. The plan had been to abolish psychiatric hospitals for good. Patients in need of care could go to regular hospitals instead of being segregated in psychiatric institutions. Regarding causes of death, he drew Mr. Ceausu's attention to the table in paragraph 34 of the replies to the list of issues giving mortality for the year 1994 by cause and age. Cardiovascular diseases took first place, particularly for persons over 75, and cancer was the main cause for persons between 45 and 75.

In regard to the problem of smoking, he noted that there was no overall legislation in Italy to deter or prevent smoking. There were, however, legal provisions dealing with certain aspects of the problem. For instance, smoking was prohibited on public premises and in closed environments such as a theatre or cinema. There were other restrictions on the sale of cigarettes or tobacco, requiring a warning on all packages to the effect that smoking was dangerous to health and could cause cancer. A number of anti-smoking campaigns had been carried out and the advertising of all forms of tobacco was prohibited. In regard to meat products and the problem of mad cow disease, he said that, in view of the restrictions imposed at the European Union level, Italy had refused to accept meat from certain countries, in particular the United Kingdom. Certain foodstuffs for animal consumption had also been banned in...
order to avoid the establishment of the disease in Italy.

Turning to the questions asked by Mr. Grissa, he said it was true that the number of traffic accidents was very high, particularly at
weekends, and that it was regarded as a major problem. Many of those accidents were fatal and involved young people and they
were undoubtedly due in part to alcohol and the use of intoxicating substances obtained at discotheques. Accident prevention
campaigns were being waged constantly. One of the preliminary precautions taken had been to advance the closing hours of premises
frequented by young people. Discotheques were obliged to close by 2 a.m. which to some extent limited the consumption of drugs
and alcohol. As to sexually transmitted diseases, AIDS, though a serious problem in Italy was not in general sexually transmitted. The
vast majority of AIDS cases occurred among drug users.

Another problem that had been mentioned was the situation of the elderly. In the rare cases where elderly people could not live in
their own homes because of low income or for family reasons, special homes were provided. They could also receive a special
subsidy if their income was particularly low. However, the main thrust of Government policy was to help the elderly to continue
playing a useful part in society. For example, they were sometimes asked to supervise children on their way to school, to help protect
them from road accidents or from being targeted by drug dealers. A system of volunteers was in place to give assistance to those
elderly people who did remain at home.

Mr. RIEDEL asked whether the means test that was applied to families, mentioned in the delegation’s reply to question 30, was also
applicable to the elderly under question 32. He said that he realized that it was probably difficult for the delegation to give an
immediate answer to his previous question about the implementation of the 1998-2000 National Health Plan. It would be helpful if a
detailed answer could be provided before the Committee drafted its concluding observations; if that was not possible, the issue of
implementation could be addressed in the country’s next periodic report. Otherwise, the right to health, which was a legal obligation
under the Covenant, would remain only a policy aim. He would also appreciate a reply to question 33 regarding asylum seekers,
which he did not think the delegation had yet given.

Mr. GRISSA asked how it was that the Marlboro tobacco brand could be advertised on Ferrari cars in Formula One racing, which
was broadcast widely on Italian television, if there was supposed to be a ban on tobacco advertising in Italy. He would also like to
have more precise information on the gravity of the problem of sexually transmitted diseases and statistics on the number of cases and
on mortality rates.

Mr. AHMED, noting that the State health service was not centralized but was run by local health authorities in the regions, said that
the standards of medical care apparently varied considerably from region to region and tended to be worse in the south of the country
and in the large cities. He would like to know whether there were any groups of the population that were not covered by the State
health service and whether patients themselves had to pay part of the cost of health care. He also asked whether patients had the right
to choose where they were treated and by which doctor.

Mr. CITARELLA (Italy), in reply to Mr. Ahmed’s questions, said that the national health system was available not only to all Italians,
but also to anyone resident or even temporarily present in Italy. Until seven or eight years previously, a system of reciprocity had
existed whereby citizens of certain countries were eligible for free health care in Italy. The cost had been borne by their country’s embassey, however, if reciprocal facilities were not made available to Italian citizens in the other country. That system had been abolished and medical care was currently provided according to the territorial criteria previously described. There were no restrictions on where patients could seek treatment within the State health service. However, if they wanted to be treated in a private hospital, they had to pay part of the cost themselves.

In reply to Mr. Riedel’s question, he said that refugees and asylum-seekers were entitled to health care as soon as they entered the
country. The delegation would not be in a position to report on the implementation of the 1998-2000 National Health Plan until the end of the year, when its impact would be clearer.

Regarding tobacco advertising in Formula One racing, all the brands of cars - not just Ferrari - bore tobacco advertisements. Under
the legislation in force, there was no way to prevent the name of a cigarette appearing on the side of a vehicle; however, work was
under way to introduce new legislation that would prohibit even that form of advertising.

He pointed out that statistics on the number of AIDS cases in adults, disaggregated by category and sex, were provided on page 56
of the written replies to the list of issues.

The CHAIRPERSON invited the members of the Committee to put further questions to the delegation regarding points 35 to 40 of
the list of issues.

Mr. CEVILLE said that according to the Committee’s General Comment on the right to education, States parties were obliged to set
minimum educational standards that the private education sector had to meet. It also said that, if a State elected “to make a financial
contribution to private educational institutions, it must do so without discrimination on any of the prohibited grounds”. One of the
more controversial aspects of the education reform undertaken by the Government of Italy was the proposal to apply the same legal
regime to private schools as to State schools. He requested more information on the financing of private education from State funds.
He also asked for the delegation’s comments on the school drop-out rate, which, according to some reports, was particularly high in
secondary education: only 56 per cent of pupils who completed primary school went on to complete secondary school.

Mr. HUNT asked whether tertiary education was available without cost to students and, if fees were payable, whether they were
increasing or decreasing. He also pointed out that, according to the Committee’s General Comment on article 13 of the Covenant,
“States parties must closely monitor education so as to identify and take measures to redress any de facto
discrimination”. Moreover, “educational data should be disaggregated by the prohibited grounds of discrimination”. He would like to
know whether such disaggregated data was available and, if not, whether there were plans to provide it in the future. He would also

As to sexually transmitted diseases, AIDS, though a serious problem in Italy was not in general sexually transmitted. The
vast majority of AIDS cases occurred among drug users.
like to know whether corporal punishment was prohibited in State and private educational institutions in Italy, as recommended in paragraph 41 of the General Comment.

Mr. TEXIER asked what the ratio was of State to private educational institutions in Italy. He would like to know what the school drop-out rates were for boys and girls respectively. He would also like to know whether the phenomenon of adult illiteracy existed in Italy and whether any adult education programmes were in place to deal with that problem.

Mr. ANTONOVICH, referring to the written reply to question 35, asked why the building of new schools had disappeared from the budget: was it because of the lower number of pupils entering school or because of budget difficulties? Renovating old school buildings could often be more expensive than building new ones. He would also like to know whether the literacy campaign aimed at illiterate adults was an attempt to address the effects of the high school drop-out rate. What age group was covered by “young and older illiterate adults”? He asked whether the “rationalizing” of the school network laid down in the Ministerial Decree of 24 July 1998 actually involved closing schools and whether that might be a reason behind the large drop-out rate. He also asked whether there were any special programmes to help school drop-outs, apart from the programme for illiterate adults previously mentioned, and whether any reforms relating to the school curriculum were being implemented in addition to the structural reforms taking place.

Mr. WIMER ZAMBRANO asked whether any resources were provided in the State education system for minorities and whether there was any cultural policy aimed at protecting them.

Mr. GRISSA said that he would like more information on university and technical education. He asked whether secondary school drop-outs were able to go on to other educational institutions, such as technical schools, in order to obtain qualifications that would enable them to find a job. He would also like to know whether parents who sent their children to private schools were allowed to deduct the fees from their taxable income, as was the case in the United States.

Mr. AHMED said that the fact that different languages were spoken in the south of Italy perpetuated the disparities between the north and the south. He would like to know whether the Government’s policy on those minority languages was to bring about their gradual disappearance or to preserve them, and whether the languages were taught at school - which would serve to perpetuate their existence - or were only spoken at home, in which case they might eventually disappear. The issue of language was an important one for the cohesion and stability of Italian society.

Mr. WIMER ZAMBRANO acknowledged the point made by Mr. Ahmed, but said that it was general practice to preserve minority languages since they were an important part of the history and cultural heritage of any country.

Mrs. JIMÉNEZ BUTRAGÜEÑO asked whether older people had the opportunity to complete their studies, for example, at special universities for older students. She would also like to know how the State party made use of the experience and knowledge of older people, who had much to contribute to society.

Mr. CITARELLA (Italy), replying to Mr. Antanovich’s question, said that, in some small towns and villages, it was not possible to keep schools open if the number of pupils dropped below a certain level. In two or three villages, some older people had enrolled in school in order to maintain the minimum number of pupils and thus prevent the school from closing.

Differences between north and south were not so much attributable to the existence of distinct dialects or languages as to cultural factors derived from the historical domination of the south by the Spanish and of the north by Germanic peoples. Dialects existed throughout the country, including in such regions as Piedmont, Lombardy and Veneto, and not just in the south. Although they were not taught in schools, they were maintained by private organizations and by family tradition. While some guarantees existed for specific minority languages, including Sardinian, they did not ensure that such languages would be taught in public schools. The State had no deliberate policy aimed at maintaining or not maintaining local linguistic traditions. However, the tendency in Italy, as in the rest of the world, was clearly to preserve traditions for future generations.

Mr. ZOCCHI (Italy) said that the Italian Constitution ensured maximum freedom for educational activities, as long as the exercise of such freedoms did not involve any cost to the State. That law was generally observed in practice, and in early 2000 an agreement had been reached on an Act governing private education. The new law guaranteed equal treatment for private and public education and established rules for the resources that could be earmarked for private schools. In 1998 the State had already provided some financial support for private educational establishments that provided nursery schools, which were seen as a form of public service. The recent trend had been to offer more support to private educational establishments while observing the provisions of the Constitution.

Mr. CITARELLA (Italy) said that corporal punishment had been abolished early in the last century and was not tolerated in schools, nor for that matter in the home. Any reports of corporal punishment at schools would lead to a strong reaction by parents and would be investigated immediately and given due attention by the Public Prosecutor’s Office. For primary and secondary education families did not pay any fees apart from the cost of books and equipment, and the Government had taken measures to ensure that those expenses did not increase unduly. University fees for dependants up to the age of 26 were tax deductible. All schools had introduced special classes to cope with language problems and remedial courses for foreigners so as to accelerate their integration into the education system. For the elderly there were special universities, which taught subjects specifically tailored to their needs. The disappearance from the State budget of appropriations for the construction of schools was a direct consequence of the decrease in the population.

Mr. ZOCCHI (Italy) said that 90 per cent of students at all levels of education were enrolled in public educational establishments. While special courses existed for adults and foreign students, they were provided as a temporary measure, and the general policy objective was to return students to normal classes as quickly as possible so as to avoid any differentiation or discrimination. The drop-out rate for students aged 14 to 19 had fallen between 1992 and 1998 from 8.2 per cent to 7.1 per cent. As for compulsory education, the drop-out rates were respectively 0.2 per cent for primary schools and 5.7 per cent for middle schools.
Some 94.5 per cent of students completing middle schools went on to secondary schools, and about 60 per cent of those completing secondary schools went on to university. Because technical education and vocational training were generally integrated in the school curriculum, only about 8 per cent of young people underwent vocational training outside the regular school system.

With the education reform, the situation would change. Compulsory schooling would be extended to age 15, and vocational training would continue through age 18. Students would be able to attend either regular secondary schools, technical schools, or vocational schools which were run by the regions. Each currently consisted of a five-year programme. There was also the possibility of undergoing training apprenticeships, which combined work and study. The total budget earmarked by the regions for vocational schools came to 5,000 billion lire in 1996. The overall education budget in 2000 amounted to some 64,000 billion lire. Clearly, the reform would lead to some difficulties, particularly in small villages. The Government intended to consolidate primary and middle schools in a single facility known as a lifelong learning centre, which could also provide certain types of further education for adults. There would be one such centre in virtually all villages.

Mrs. Jiménez Butragueño considered that the coordination of education administered at the State, regional and municipal levels required much effort. The subject was of particular interest to her, as her country faced similar problems. She asked to receive a copy of the delegation’s prepared text.

Mr. Hunt asked whether educational data were disaggregated according to the grounds prohibited by article 2 of the Covenant. If not, did the Government have any plans to collect such data? Were fees for tertiary education currently stationary, or were they rising or falling?

Mr. Citarella (Italy) said that while it was possible to request more disaggregated data, it might not be realistic. The administration could provide data broken down by gender, as the sex of a student was obvious, but there was no legal requirement to collect information disaggregated on the basis of the other grounds listed in article 2.2 of the Covenant.

Mr. Zocchi (Italy) said that university fees had risen approximately 5 per cent in the last two years. University fees were proportional to the economic means of the family. Every year, students filled in a form which gave information extracted from their family’s statement of income. Students from families with incomes over 70 million lire paid all tuition and university fees covering laboratory costs and internships, etc., and those from families with modest incomes under approximately half of that amount were dispensed from paying any fees at all. There were also various grants awarded on the basis of performance.

Mr. Pignatelli (Italy) said that his delegation welcomed the opportunity to present the situation in Italy to the Committee in the course of a vivid and topical discussion. The new Government currently being set up in Italy would no doubt set out to adapt Government policy to the complex changes the country was undergoing. Italy was at a crossroads, as it was a place where north met south and east met west. It was also facing a time of great change, as it had gone from a country of emigration to a country of immigration in a few short years. Ten per cent of all primary school and kindergarten pupils were foreign. There was an influx of other religions in a country where only one religion had existed for many centuries. From being a tricolour country, it was becoming a multicolour country.

The meeting rose at 5.55 p.m.