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Summary record (partial)* of the 58th meeting

Held at the Palais des Nations, Geneva, on Friday, 25 September 2015, at 3 p.m.

Chairperson: Mr. Sadi

Contents

Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fifth periodic report of Italy (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Fifth periodic report of Italy (continued) (E/C.12/ITA/5; E/C.12/ITA/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Italy took places at the Committee table.*

2. **Mr. De Martino** (Italy) said that the reference in the periodic report to a “failure” in the implementation of article 39 of the Constitution did not reflect a failing of the authorities, but rather a reluctance on the part of trade unions and employers’ associations to embrace a system involving greater regulation. The term “socially useful workers” applied to persons employed in jobs that were useful to the community, including gardeners and persons who maintained or cleaned public buildings. The Government had been working to strengthen policies to bolster an active labour market, especially for beneficiaries of unemployment benefits and other social safety net programmes. To maintain and develop the skills of such beneficiaries, a recently adopted law allowed for their involvement in activities run by local authorities for the public good. However, such activities were not performed under work contracts.

3. The central government’s annual budget for assistance for persons with disabilities amounted to some €17 billion. That sum included allowances disbursed directly to persons with a certified disability status. Such benefits were considered to be individual entitlements and could not be curtailed in response to budget constraints or policy changes. In addition, the National Fund for Social Policies provided about €700 million per year to the various regions to supplement regional funding for local programmes for non-self-supporting persons with disabilities, which brought the total amount of assistance at the regional level to some €7 billion per year. Persons with disabilities were also provided with health care through the National Health Service. A two-year programme for the promotion of the rights and integration of persons with disabilities was under way. One of its action lines focused on promoting independent living arrangements for such persons and their social integration. The Ministry of Labour and Social Affairs had funded experimental initiatives aimed at drawing up a national policy in that field, and in 2013 the Government had issued a first series of guidelines. The annual budget to support such initiatives had risen from €3.2 million in 2013 to over €10 million in 2014 and 2015, and the number of local areas that were taking part in them had risen from 41 to 125. The parliament was currently considering legislation that would allocate funding for non-institutional alternatives for adults with disabilities who were unable to live independently upon the death of their parents or guardians.

4. A fund for non-self-supporting persons had been established in 2006. Since then, its annual budget had fluctuated between €100 million and €400 million. It had recently been recognized as a structural fund, however, and would henceforth be guaranteed at least €250 million per year in support. Since 2010 the number of schools attended by students with disabilities had increased markedly, as had the total number of students with disabilities, which had risen from 174,000 in 2008 to 217,000 at present. The number of learning support teachers had increased to some 119,000 and the ratio of students with disabilities to learning support teachers was 1.7 to 1 at the primary level and 1.9 to 1 at the lower secondary level. There was high turnover among those teachers, however, which meant that some 10 per cent of students with

disabilities had to change teachers within any given school year. A recently adopted law provided for a further increase in support teaching staff, including at the university level, and recognized the right of all students to a full education and the right of teachers and dedicated staff at all levels to appropriate training. The objective was to ensure equal levels of education, social services and health services for everyone throughout the country. The inclusion of persons with disabilities in the education system would be monitored using specific indicators and capacity assessments. Steps were being taken to ensure that teaching and administrative staff received proper training, and home schooling was to be supported when necessary. School principals were permitted to reduce the number of students in a given class if necessary to accommodate students with disabilities.

5. To improve accessibility for persons with disabilities, the Government had an advanced system for doing away with architectural barriers in public buildings, and several regional funds supported the same kind of alterations in privately owned buildings and in the home. The Region of Lombardy, for instance, had a home mobility programme with an annual budget of €4 million. The number of schools equipped with facilities and services for students with disabilities had increased sharply since 2010.

6. Data on students with disabilities were generally collected beginning at the age of 6, but in 2015 an experimental programme had been begun that provided for data collection and analysis covering an age range from 2 to 17. It was estimated that about 3.5 per cent of all persons with disabilities were under the age of 6. The most frequent disabilities encountered among students were mental or intellectual impairments, which accounted for some 41 per cent of students with disabilities in primary school and 48 per cent at the lower secondary level. Specific needs were associated with language, developmental (at the primary level), learning and affective-relational disorders. The number of persons recognized as having functional impairments had decreased from 6.1 per cent in 2000 to 5.5 per cent in 2013 and currently stood at about 3 million, of whom over 80 per cent were older adults, with women accounting for two thirds of the latter figure.

7. As for the issue of informal work, the recent reform of the labour market was aimed at strengthening market oversight, ensuring that suitable working conditions and occupational safety standards were in place and bolstering efforts to conduct inspections and use other mechanisms to supervise workplaces. The Government was committed to implementing the resolution adopted by the European Parliament on 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe, and it had therefore rationalized its labour inspections and had introduced new mechanisms for information exchange in an effort to ensure that proper records were kept and to fight fraud and tax evasion. The number of violations of health and safety regulations had totalled about 27,000 in 2014, with some 6,800 suspensions of activity being imposed for labour law violations. In just the first half of 2015, some 34,000 undeclared workers had been identified, including about 680 undocumented migrants and 18,000 employees who were working without contracts. Most labour law violations took place in the manufacturing, construction and services sectors.

8. In 2014 a law had been adopted that provided economic incentives, including a three-year exemption from the obligation to pay certain social contributions, for the conversion of fixed-term labour contracts into permanent ones. The number of permanent contracts had grown by 24 per cent in the first quarter of 2015, while the number of newly concluded contracts of other kinds had declined by 14 per cent. During that quarter alone, some 91,000 temporary posts had been converted into permanent ones, and that trend was continuing, albeit at a somewhat slower pace.

Under the new law, in certain circumstances, other types of contracts were automatically converted into permanent contracts. In addition, workers who met certain criteria, including those with severe illnesses or particular sorts of family responsibilities, had the right to convert their full-time contracts into part-time ones. At the same time, the new law would soon prohibit some kinds of arrangements, such as work-on-call contracts or so-called “collaborative employment relationships”.

9. Upon arrival in Italy, all migrants, including economic migrants and asylum seekers, were immediately provided with assistance, including medical care and related services. Multidisciplinary mobile teams composed of representatives of non-governmental organizations, language mediators, law enforcement officers and doctors and other medical staff were stationed at arrival points and conducted a preliminary screening which included individual interviews during which migrants were informed of their right to international protection. Any migrant who asked for protection was processed as a candidate for asylum and subsidiary international protection. If, based on such factors as the applicants’ languages, religious and declared nationalities, the assessment team determined that they should be considered as possible asylum seekers, they were processed further on that basis even if they had not claimed asylum seeker status.

10. Levels of official development assistance (ODA) had fallen from 0.22 per cent to 0.14 per cent of GDP between 2008 and 2012 owing to the global financial crisis but had since risen again, and the Government had undertaken to increase ODA to around 0.30 per cent of GDP by 2017. Italy had been providing ODA to Sudan, which in 2014 had received some €2 million in bilateral assistance for the development of the country’s health system, €3 million for three years of poverty reduction activities and €1.5 million for policies to support persons with disabilities. South Sudan and Kenya had been supplied with about €44 million in debt relief that had freed up resources for a number of programmes, including high-impact poverty reduction activities. In 2014, the Italian Government had also assisted the Kenyan Red Cross in providing food and medical supplies for about 5,000 Somali refugees in the Turkana region of Kenya.

11. In 2014, the Government had begun to monitor the implementation of the law on abortion, which dated back to 1978. A technical panel had been set up under the Ministry of Health, and questionnaires had been sent out to hospitals and family planning clinics across the country. Between 2007 and 2012, the number of abortions per 1,000 live births among women aged 15 to 49 had fallen by 10.6 per cent.

12. Health conditions continued to improve, as did life expectancy, which was among the highest in the world. Between 2009 and 2012, the average number of years lived in good health had increased by 2.1 years for men and 2.2 for women. Recent findings also pointed to a decline in child mortality and tumour-related deaths, while the upward trend in dementia and diseases of the nervous system had abated. Since 2005, the prevention of women’s cancers had been boosted by the introduction of public screening programmes. The largest increases in screening rates had been recorded among women aged 65 and over, those with lower levels of education and those living in southern Italy. The use of non-conventional therapies had been halved since 2000, and levels of satisfaction with public health services were very high.

13. Efforts were being made to discourage behaviours that constituted a risk to health. The number of heavy smokers was falling, and tobacco control was one of the priority objectives of national public health plans. By 2018, the Government hoped to reduce the prevalence of smoking by 10 per cent with the help of intersectoral health promotion interventions in schools and workplaces. Cigarettes were heavily taxed to reduce demand, which was monitored closely by the Ministry of Health and the Ministry of Economic Affairs and Finance. Excess weight and lack of exercise continued to impair the health of a significant percentage of the population. With that

in mind, the Government had drafted a national prevention plan for 2014-2018 which provided for strengthening nutrition education and promoting healthy choices among schoolchildren and their parents.

14. The rate of prison overcrowding had decreased steadily from 151 per cent in 2010 to 105.6 per cent in August 2015, thanks in part to legislative amendments that had led to an increased use of house arrest for lesser offences, including drug consumption.

15. Since 2008, food had been distributed free of charge to persons living in poverty, who also received support from other national sources and the European Union. The national social policy fund had been increased from €298 million in 2014 to €315 million in 2015 and, as part of a social inclusion programme, an average of €400 per month was being provided to 6,500 households in 12 Italian cities. In 2015, an unemployment allowance had been introduced on an experimental basis to provide income support to unemployed workers who were actively seeking work and willing to accept suitable job opportunities. Although priority had initially been given to parents, there were plans to extend the project to include all persons approaching retirement age.

16. In 2013, health expenditure had amounted to €110 billion, a decrease of 0.85 per cent from the previous year. Social assistance expenditure, meanwhile, had increased as a percentage of gross domestic product (GDP). While the supply of childcare services was growing, demand was weakening. In 2015, the Government had allocated €100 million for such services, and a further €400 million had been set aside for childcare services in Apulia, Calabria, Campania and Sicily under an action plan for 2013-2017.

17. The Italian National Institute of Statistics was in the process of conducting the first national survey on corruption based on actual experiences rather than perceptions. Around 50,000 citizens would be asked if they had been involved in bribery either directly or indirectly and, if so, how much money had been paid. The Institute was also considering ways of measuring the impact of corruption on GDP. The National Anti-Corruption Authority was cooperating with the military police (*Carabinieri*) to step up the exchange of information for use in investigations and had reached an agreement with the Ministry of the Interior for the detection of criminal activity in public procurement.

18. Following the housing emergency of 2009 and 2011, the housing situation of the Roma, Sinti and Traveller communities was monitored on the ground by the National Office against Racial Discrimination, which was working with local authorities to find alternatives to the camps in which many immigrants were living. In October 2015, the Office would launch a website dedicated to the National Strategy for the Inclusion of Roma, Sinti and Traveller Communities in Italy, one of whose key objectives was to do away with informal settlements. Moreover, a pilot project was being carried out in Apulia, Calabria, Campania and Sicily to map and enumerate both authorized and unauthorized settlements. For the time being, however, there were no reliable, comprehensive official statistics on the number and living conditions of Roma, Sinti and Travellers in Italy. In 2014, the National Association of Italian Municipalities had conducted a survey on Roma, Sinti and Traveller settlements, and it was hoped that the results would give the Government a clearer picture of the situation on the ground and help it to target its policies more accurately. Preliminary findings indicated that, of the estimated 110,000 to 150,000 Roma, Sinti and Travellers residing in Italy, 29,435 lived in settlements, of which 516 had been formally identified. Of the 606 municipalities that had replied to the survey, 206 had confirmed the presence of Roma, Sinti and Travellers in their district. In many cases, members of those communities had been offered alternative housing solutions such as small permanent family-centred

settlements, support for purchasing or renting private accommodation and support for self-building.

19. Between 2010 and 2014, over 25,000 law enforcement officers had received specific human rights training, which had become a module in all police training programmes. Human rights education began in primary school and was present throughout the curriculum. Several bills to establish an independent human rights institution had been submitted to parliament and were under consideration. Delays in that regard had been caused, at least in part, by changes in government and by the desire to ensure compliance with the Paris Principles.

20. **Mr. Mancisidor de la Fuente**, noting that the periodic report (E/C.12/ITA/5) did not address the implementation of article 15 of the Covenant, said that he would like to draw the delegation's attention to the Committee's general comment No. 21 on the right of everyone to take part in cultural life and to encourage the State party to provide detailed information on article 15 in its next periodic report.

21. **Mr. Uprimny** asked what concrete strategies had been developed to tackle the issue of early school leaving and to enable persons with disabilities to take part in cultural life.

22. **Mr. Kedzia** asked the delegation to provide information about any steps being taken to address the impact of the economic crisis in terms of the protection of the cultural heritage of Italy. Given the fact that participation in community life depended to a large extent on access to the Internet, he wished to know whether any special measures had been put in place to facilitate such access for disadvantaged persons, such as migrants or persons living in remote areas.

23. **Ms. Bras Gomes** said that it was important for migrants to preserve their language and cultural identity. She appreciated the importance of the Government's plans for teaching Italian to migrant children, but wished to know how the authorities intended to maintain a balance between Italian culture and the cultural values and traditions of origin, particularly for second-generation children.

The meeting was suspended at 4.20 p.m. and resumed at 4.35 p.m.

24. **Mr. De Martino** (Italy) said that the implementation of article 15 of the Covenant would be analysed in depth in the country's next periodic report. He believed that teaching Italian to migrants while at the same time enabling them to preserve their own language and culture would greatly enhance the cultural wealth of Italy. It was apparent that migrant communities in Italy maintained strong links with their countries of origin, and that represented a de facto system for the preservation of cultural and linguistic traditions. Research had shown that 4.5 per cent of foreign citizens in Italy had spoken Italian since childhood. Knowledge of Italian was better among women than among men and among children than among adults. Levels of proficiency were also markedly higher among native speakers of certain languages, such as Bosnian-Croatian-Serbian or Romanian, and lower among others, such as speakers of Chinese, Ukrainian or Arabic. Research had also shown that 37.5 per cent of foreign residents had difficulty understanding the television news and 39 per cent encountered linguistic problems when conducting transactions by telephone or in public offices.

25. Nearly all educational indicators had improved in the period between 2011 and 2014, helping to bridge the gap which separated Italy from the rest of Europe in that regard. In the 2013/14 academic year, 92.1 per cent of 4- to 5-year-olds had attended pre-primary education and, as of 2014, almost 60 per cent of persons between the ages of 25 and 64 had a high school diploma, compared with the European average of 75.9 per cent. The number of young people who neither studied nor worked had increased

over previous years due to the economic crisis, but it had recently stabilized at around 26 per cent.

26. The school dropout rate was decreasing, having fallen from 16.8 per cent in 2013 to 15 per cent in 2014. The issue was also being addressed in the context of the National Action Plan for Children and Adolescents, which provided for the establishment of a national register of students and for the creation of networks among schools, families and other segments of society. It was hoped that those measures would help to counter the problem of early school leaving. At the same time, school curricula were being adapted to the changing needs of the labour market. New educational legalization was also expected to have a positive effect on school dropout rates by helping the country to tackle social, cultural and territorial inequalities and to break down ethnic and cultural barriers. The new legislation focused on such aspects as democratic citizenship, cross-cultural education, respect for difference, scholastic inclusion of persons with special needs, increased interaction with families and local communities, and the teaching of Italian as a second language for foreign students. In all, €1 billion had been set aside for 2015 and €3 billion for 2016 to fund those initiatives.

27. The Ministry of Education had allocated €50 million of European Union structural funds for efforts to reduce school dropout rates. It was also working with the Ministry of Labour on a project which focused on family involvement in the schools and academic and other support services. In 2012-2014, the project had served around 900 students from 23 schools in 13 cities throughout the country. Some €3 million had been allocated for promoting language courses for migrants in rural areas, especially women, and for reducing the digital divide.

28. The index of participation in cultural life, after having fallen for over two years running due to the impact of the economic crisis, had shown an increase in 2014. However, there were significant differences in that respect between men and women and across regions, and the figures showed that some 19.3 per cent of the population did not participate in cultural life at all. Visitors to museums and archaeological sites had increased by 2 per cent; the reading of books and attendance at cinemas, theatres and concerts were stable but the reading of daily newspapers was in decline.

29. Informal solidarity networks, especially family networks, provided fundamental support throughout life and had proved to be crucial in countering the effects of the economic crisis in Italy. The proportion of persons who relied on such networks had risen from 76 per cent in 2009 to 80.8 per cent in 2013. Non-profit organizations were also an important feature of Italian life, and there was an average of 50.7 such organizations per 10,000 individuals.

30. **Mr. Pillay** said that he had been disappointed by the delegation's replies, which had added little to the Committee's knowledge about poverty- and housing-related problems in the country. Much had been said about plans and consultations, but little about implementation and results. No mention had been made of the many documented cases of forced evictions of Roma people who had been left without alternative accommodation and without the benefit of procedural safeguards or adequate compensation. He wondered what was being done about the segregation of Roma in substandard camps despite a court ruling that such a practice was discriminatory. He would appreciate it if the delegation could provide recent statistics on homelessness. The information at his disposal indicated that there had been 40,000 homeless persons in Italy in 2011, of whom 59 per cent were foreigners. He wished to know whether there were any plans to review the policy in that regard in order to increase its scope and make it more effective in tackling the root causes of the problem. He would like to know what measures Italy was taking to honour its core obligation to provide minimum levels of housing, such as low-cost social housing, to

disadvantaged and marginalized individuals and groups, including the Roma, particularly in the light of the rulings issued by the Constitutional Court in 2007 and 2008.

31. **Mr. Martynov** said that he would like to know the reasons for the recent sharp increase in child poverty and the poor results of government efforts in that area. He would appreciate disaggregated statistics, in writing if necessary, on the unemployment rate of persons with disabilities.

32. **Mr. Uprimny** asked whether he was correct in his understanding that only those economic, social and cultural rights that were enshrined in the Constitution were justiciable. He had not heard a response to his question regarding the lack of legal protection for same-sex couples.

33. **Ms. Shin** said that she would appreciate a reply to her earlier question about the incorporation into law of the concept of reasonable accommodation for persons with disabilities. While she welcomed the steps taken to collect data on children aged from 2 to 6 years, she would like to know why no statistics were collected on children under the age of 2. She asked whether any measures, other than the imposition of stiff penalties on offenders, were being taken to prevent violence against girls and women with disabilities. Lastly, she would appreciate clarification from the delegation as to whether women had full access to abortion services and, if not, what obstacles they faced.

34. **Ms. Ravenberg** said that, in view of concerns expressed by the Committee on the Rights of the Child in 2011 in its concluding observations on the report of Italy (CRC/C/ITA/CO/3-4), she would like to know what action the Government had taken to improve exclusive breastfeeding rates.

35. **Mr. De Martino** (Italy) said that, as part of its efforts to prevent homelessness, the Government had set aside €100 million over the next seven years to fund the building of new affordable housing that would be made available without discrimination of any kind. Following the recent financial crisis, the Government had taken further measures to tackle child poverty, including the introduction in 12 cities with populations of more than 250,000 of an experimental income support mechanism, known as the “social card”. Some €50 million were allocated annually to fund the initiative, under which beneficiaries were entitled to a monthly allowance of up to €400, depending on household size.

36. In a ruling that reflected recent changes in attitudes in Italian society about marriage rights, the Constitutional Court had stated that, in view of the lack of legislation regulating same-sex relationships, it was for parliament to take legislative action to ensure that the constitutional principle of non-discrimination was fully respected in that regard. Accordingly, in March 2015 the legislature had approved a number of recommendations regarding the recognition of same-sex civil unions and it would soon begin considering a bill to that end.

37. Women had had the right to seek an abortion for health, economic or social reasons since the legalization of abortion in 1978. Abortions were performed free of charge in public hospitals and specially authorized private facilities; although individual doctors were entitled to refuse to perform an abortion on moral grounds, all such institutions were required by law to arrange to have at least one physician available to perform abortion procedures.

38. The National Working Group on Roma Housing had joined forces with the Institute of Statistics to collect data on the housing situation of Roma communities in order to develop new policies to combat segregation and self-segregation and to improve existing ones. The Office against Racial Discrimination and the National

Association of Italian Municipalities were responsible for implementing key projects in that area, which included the building of new social housing. Forced evictions of Roma were generally carried out for public health reasons; the authorities concerned were familiar with the basic principles and guidelines on development-based evictions and displacement, which had been translated into Italian and widely disseminated.

39. Breastfeeding rates were monitored using six internationally harmonized indicators which made it possible to assess, among other things, the duration of breastfeeding and the prevalence of exclusive breastfeeding. Over the last 15 years, the overall percentage of mothers who breastfed had risen from 80 per cent to 85 per cent, while the mean duration of breastfeeding up to the age of 36 months had risen from 6.2 months to 8.3 months. The current mean duration of exclusive breastfeeding was 4.1 months; there were, however, considerable differences across the various regions, since the maximum and minimum regional values were 5 months and 3.5 months, respectively.

40. The employment rate for persons with disabilities aged from 15 to 64 was 44 per cent, compared to 55 per cent for the population as a whole. However, the unemployment rate for persons with disabilities, which was 12.6 per cent, was lower than the national unemployment rate of 14 per cent, since 22.9 per cent of persons with disabilities were unable to work. Under the National Plan of Action against Gender-based Violence, which had been approved in July 2015, particular attention would be given to combating violence against women with disabilities. A law on gender-based violence adopted in 2013 set out new aggravating circumstances that were applicable to cases involving violence committed against any victim who was in a particularly vulnerable situation, which of course included victims with disabilities. Regional and local authorities were responsible for ensuring the implementation of legislative requirements relating to the provision of reasonable accommodation for persons with disabilities. Although the pace and level of implementation of those requirements was not yet uniform throughout the country, it was expected that, over time, standards would become harmonized as best practice models were developed, disseminated and applied.

41. **Ms. Ravenberg** said that she would like to thank the delegation for the constructive dialogue and its efforts to answer the Committee's questions.

42. **Mr. De Martino** (Italy) said that he wished to renew his Government's commitment to the ongoing dialogue with the Committee and to enhancing the enjoyment of economic, social and cultural rights in Italy. To that end, his delegation looked forward to receiving the Committee's concluding observations and recommendations.

43. **Mr. Serra** (Italy) said that the Permanent Mission of Italy was at the disposal of the Committee to provide any additional information that it might require.

44. **The Chairperson** said that he had appreciated the candid dialogue with the delegation. Although Italy had undoubtedly devoted a great deal of effort to fulfilling its obligations under the Covenant, the picture that had emerged in the course of the dialogue suggested that much work remained to be done. Due consideration should therefore be given to the recommendations that the Committee would make in its concluding observations with a view to providing constructive guidance on ways to enhance awareness and the implementation of those rights at all levels of government.

The discussion covered in the summary record ended at 5.40 p.m.