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Committee on Economic, Social and Cultural Rights**Fifty-sixth session****Summary record of the 57th meeting***

Held at the Palais des Nations, Geneva, on Friday, 25 September 2015, at 10 a.m.

Chairperson: Mr. Sadi**Contents**

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The meeting was called to order at 10:05 a.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 (E/C.12/ITA/5; E/C.12/ITA/Q/5)

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

2. **Mr. De Martino** (Italy), introducing the fifth periodic report of Italy (E/C.12/ITA/5), after reaffirming the values enshrined in the Italian Constitution, said that, owing to a severe economic crisis in the previous years, the unemployment rate in the State party had reached 12.7 per cent in 2014. The unemployment rate among persons aged 15 to 24 years was as high as 42.7 per cent, with the number of persons who were neither employed nor undergoing training exceeding 1.3 million, which represented 22.1 per cent of that age group.

3. The Government had adopted several measures to improve the employment situation. A labour market reform had been launched in 2012 with a view to reinforcing employment protection legislation, reducing labour market segmentation, expanding the system of unemployment benefits, and providing incentives for the recruitment of older workers and women. A youth employment strategy was being implemented in order to facilitate the employment of young people, encourage self-employment and entrepreneurship, and strengthen public and private youth employment services. Under a special programme, which had been launched in May 2014, more than 700,000 young people had benefited from employment services. To further the implementation of the labour market reform, a special Act had been adopted, which sought, inter alia, to ensure equal employment opportunities for men and women, create apprenticeship opportunities, and offer equal and efficient protection guarantees to all workers. A national agency in charge of overseeing market policies and a national labour inspectorate had been established. Moreover, a special system was in place to monitor the results of labour market reforms, with the participation of all the stakeholders involved.

4. As a result of the above-mentioned reforms, employment indicators, in particular those related to women, had slightly improved. The unemployment rate had fallen to 12.4 per cent in March 2015. A positive trend could also be detected in the second quarter of 2015, with 1.1 per cent annual growth in employment. The employment rate among persons aged 15 to 24 years had increased by 5.7 per cent in March 2015. Moreover, the number of employment contracts concluded had increased by 3.8 per cent, with a particularly significant increase in the number of permanent contracts.

5. With regard to the right to food, he said that Italy was hosting the Expo Milano 2015, the main theme of which was “Feeding the Planet. Energy for Life”. The Exhibition sought to raise public awareness of issues related to nutrition, lifestyles, multiculturalism and sustainability. The legacy of the Expo Milano 2015 would be sustained by the Milan Protocol, which had been drafted by scholars, politicians and institutions. In addition, the Milan Center for Food Law and Policy, which studied, documented and oversaw national and international laws and policies on nutrition, had been launched in February 2014.

6. He said that health-care assistance for citizens from outside the European Union was provided under regional memoranda of understanding by hospital emergency services. Health-care and administrative staff were prohibited from reporting illegal migrants in need of medical services to the police. The Government was implementing

two projects aimed at protecting the health of vulnerable migrants, asylum seekers and ethnic minorities: one with the assistance of the World Health Organization (WHO) and another with that of the International Organization for Migration (IOM). In 2014, special training had been provided to health-care personnel working with migrants in order to help them overcome intercultural barriers. The National Institute for Health, Migration and Poverty, which was part of the national health system, had provided assistance to 46,752 foreign patients between 1 September 2007 and 3 March 2014, which represented 70.6 per cent of all patients attended during that period.

7. He drew the Committee's attention to two action plans adopted by his Government. The first aimed at combating sexual and gender violence and included measures such as awareness-raising campaigns and support services for victims of gender-based violence. The second plan sought to promote the rights of persons with disabilities and focused on labour and employment policies for persons with disabilities, special services, accessibility, mobility, inclusive education and a range of other issues.

8. Turning to the issue of migration, he said that, owing to its geographical situation, Italy had been exposed to a massive influx of migrants over the previous years. At the forefront of the search and rescue efforts aimed at saving migrants at sea, Italy always applied the principle of non-refoulement. As part of the "Mare Nostrum" operation, which had been launched in 2013, 563 operations had been carried out and over 100,000 persons rescued. Moreover, 270 perpetrators of smuggling and trafficking in persons had been arrested. In 2014, Italy had spent 9.3 million euros per month dealing with the migration crisis. By 22 September 2015, 128,993 migrants had reached Italy by sea. Italy carried out rescue operations within an area of about 1,130,000 square metres, which included the national search and rescue area and the area off the Libyan coast. Given the continuous increase in the number of migrants trying to reach Europe by sea, he stressed the paramount importance of continued support for search and rescue operations on the part of the international community.

9. The Italian Government had established reception centres in coastal towns most affected by the arrival of migrants. The centres were in charge of receiving migrants and providing them with first aid. After a period of 20 to 35 days, migrants were transferred to special centres under the System of Protection for Asylum Seekers and Refugees (SPRAR), which were currently dealing with almost 21,000 persons. The Government had also doubled the number of commissions in charge of granting international protection, each of which included a representative of the United Nations High Commissioner for Refugees in order to ensure transparency. If a decision on applications was not taken within a period of six months, applicants were granted residence permits, which allowed them to work. The legislation also provided humanitarian protection to individuals who did not qualify as refugees and were not entitled to subsidiary protection under the 1951 Convention and the European law but who, for humanitarian reasons, could not be repatriated.

10. In conclusion, he recalled that, on 18 March 2015, on the occasion of the Universal Periodic Review at the Human Rights Council in Geneva, Italy had accepted 176 recommendations, including many on issues covered by the Covenant.

11. **Ms. Ravenberg** (Country Rapporteur) welcomed the information provided by the State party concerning the laws and policies adopted but stressed the importance of providing the Committee with information about the way in which those laws and policies were being implemented and what the results of their implementation were.

12. She expressed concern that no independent national human rights institution had been established in the country in conformity with the Paris Principles. According to the State party's replies to the list of issues, six draft laws on the establishment of such

an institution had been submitted to the Chamber of Deputies and the Senate. However, no indication had been given as to the time frame within which those laws were expected to be adopted and would enter into force. She enquired what the main obstacles to the establishment of such an institution were and whether the above-mentioned draft laws ensured that it would enjoy sufficient independence and funding. It would also be useful to know whether the draft laws had been prepared with the participation of civil society.

13. She regretted that there was not enough information on court cases invoking the rights under the Covenant and asked the delegation to provide information on the accessibility of national courts to persons seeking redress for human rights violations. Lastly, she expressed concern that the National Fund for Social Policies (FNPS) and the Fund for dependent people, which were the main mechanisms ensuring the efficiency of the welfare systems, did not seem to have sufficient funding to ensure comprehensive and efficient services. Additional information in that regard would be welcome.

14. Expressing concern at the effect of austerity measures on access to the social security system, housing, health and education, she asked what measures had been introduced to monitor the impact of national budget cuts on the general population, particularly for vulnerable groups such as persons with disabilities. She also wished to know whether the State party had assessed the impact of austerity measures on the effective implementation of the Covenant.

15. **Mr. Ribeiro Leão** said that he would like further information regarding the State party's international cooperation efforts aimed at reducing poverty, improving health and strengthening sustainable development. Noting the recent influx of migrants and asylum seekers to the country, he wished to know whether non-nationals had access to economic, cultural and social rights on an equal basis with nationals.

16. **Ms. Bras Gomes** asked whether legislative provisions had been introduced to guarantee access to social and cultural rights. She also wished to know what efforts had been made to elaborate anti-discrimination legislation prohibiting all grounds of discrimination. Lastly, she asked whether the State party had established an appropriate data-collection mechanism and set of human rights indicators pursuant to the recommendations made by the Special Rapporteur on the human rights of migrants following his visit to the country in 2014.

17. **Mr. Schrijver** said that he would like further information on the progress made in establishing an independent national human rights institution in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Noting that official development assistance had stood at merely 0.16 per cent of gross domestic product (GDP) in 2014, he asked whether the State party intended to increase that percentage in future.

18. **Ms. Shin** asked whether judges and law enforcement officers received training on the Covenant and the Optional Protocol. Noting the persistence of gender stereotypes that discriminated against women and girls, she wished to know whether parental leave had been made available for fathers and whether the National Statistics Office collected data disaggregated by gender in order to monitor and address the gender pay gap. Concerning the rights of persons with disabilities, she asked whether the Government intended to include the concept of reasonable accommodation and a classification scale for persons with psychosocial and intellectual disabilities in the Act of 12 March 1999 aimed at promoting the inclusion and employment integration of persons with disabilities. She also wished to know why the State party failed to collect national data on children with disabilities until they reached the age of 6.

19. **Mr. Uprimny** asked what steps had been taken to bring domestic legislation into line with the provisions of the Covenant and the Optional Protocol. Information on the measures taken to include sexual orientation as a ground for discrimination in national legislation would also be particularly welcome. What efforts had been made to combat the pervasiveness of corruption in the State party?

20. **Mr. Kedzia** said that he would like further information about the impact of Constitutional Court ruling 187/10 on the equality provisions of article 3 of the Constitution. He also asked whether the Covenant had been ratified with parliamentary consent pursuant to article 80 of the Constitution, which required parliamentary authorization for certain categories of international treaties.

21. **Mr. Abdel-Moneim** said that he would like more information concerning the hierarchy of international treaties in domestic legislation, with specific reference to the Covenant and the Optional Protocol.

22. **The Chairperson** asked what measures had been adopted to provide appropriate assistance to different categories of migrants arriving in the State party.

23. **Mr. Ribeiro Leão** said that he would appreciate clarification of the term “socially useful workers” referred to in paragraph 148 of the report.

24. **Ms. Bras Gomes** asked what policies had been developed to address youth unemployment and increase access to stable employment and the social security system for young persons. She also wished to know what measures had been adopted to empower Roma women, particularly in regard to employment. Noting the government initiative to establish an hourly minimum wage, she asked whether the government intended to extend that initiative and introduce a monthly minimum wage. She also requested clarification of the State party’s understanding of the concept of equal pay for work of equal value. Lastly, she asked whether non-nationals had access to the social security system and what policies had been introduced to provide social security protection to informal sector workers.

25. **Mr. Kedzia** asked why article 39 of the Italian Constitution, on trade union rights, had not been implemented. What was being done to remedy the situation? Would a law on trade unions be adopted? Under what circumstances would a trade union not be recognized or not have legal personality? What legal remedies were available to unions in such situations? How was the right to strike guaranteed?

26. **Mr. Martynov** asked how widely so-called atypical employment contracts were used in Italy, how the Government combated the practice and what impact, if any, such measures had had. He asked what steps the Government took to provide employment to persons with disabilities and requested statistical data on unemployment among such persons during the past few years. He asked whether the accessibility guidelines adopted in July 2015 for buildings funded by the Directorate General for Development Cooperation of the Ministry of Foreign Affairs and International Cooperation related only to such buildings. What was done to ensure access to other public buildings?

27. **Ms. Ravenberg** said that she would like information on the impact of recent austerity measures on women. They could be disproportionately affected by cutbacks in, for example, school hours and after-school care. How did the State party intend to ensure that austerity measures did not contravene women’s right to work or otherwise worsen their situation?

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

28. **Mr. De Martino** (Italy), replying to a question about his country’s position regarding the justiciability of economic, social and cultural rights, said that those who

considered that their rights had been violated could, in certain circumstances, bring cases before the Constitutional Court.

29. His country's National Strategy for the Inclusion of Roma, Sinti and Traveller Communities in Italy for the period 2012-2020 applied a cross-cutting human-rights-based approach and included a gender perspective. Since the Strategy's adoption, increasing attention had been paid to challenges facing Roma women and girls, such as accessing the labour market. In addition to national-level initiatives, various Italian cities administered programmes on behalf of Roma and Sinti inhabitants. His delegation would be happy to provide details of those programmes to the Committee. Under article 32 of the Constitution all persons living in Italy, including migrants in an irregular situation and members of minority communities, were entitled to health care.

30. Horizontal and vertical segregation of women in the labour market persisted, with women concentrated in fields such as education, health and social work. Even in those sectors their access to leadership positions remained limited. They were well represented in the public and non-profit sectors, where they held a greater proportion of management positions than in other sectors. Women constituted the majority of those self-employed in the hospitality industry. They were relatively well represented in cooperatives. Their representation on the boards of publicly listed firms had increased rapidly in recent years because of legislation dating from 2011, stipulating that, by 2015, no more than two-thirds of the members of boards of State-owned and publicly listed enterprises could be members of one sex. Women's occupation of high-level posts in public entities such as the Constitutional Court and in the diplomatic service had also increased slightly in recent years. In addition to the various figures he had cited, his delegation could provide the Committee with more detailed statistics on women's employment.

31. Campaigns were under way to increase opportunities for women in the scientific sector, where they continued to face discrimination. In addition, several campaigns had been launched to combat stereotypes regarding women. A yearly week-long awareness-raising campaign aimed to reduce violence and discrimination against women, and the Ministry of Labour and Social Policy was working to eliminate advertisements showing degrading images of women or inciting violence against them.

32. In line with a European Union directive, compulsory paternity leave had been introduced in Italy, whereby leave was granted to working fathers within five months of the birth of their child. Furthermore, in June 2015, as part of the labour law reform, the Government had adopted a decree establishing a range of measures to reconcile family and working life. They included parental leave for the natural, adoptive or foster fathers of children up to the age of 12 as well as the possibility of taking such leave on an hourly basis. The Public Administration had to introduce flexible working arrangements, including teleworking, for at least 10 per cent of its employees in order to facilitate their childcare arrangements but without undermining their career advancement. It also had to establish agreements with preschool facilities and take steps to facilitate the childcare arrangements of its employees during school holidays.

33. In 2011 a special survey had been conducted into various forms of discrimination and its impact on work, access to labour markets, education and health services. According to the data collected on gender stereotypes as part of the survey, 80 per cent of the population did not agree with the statement that men should always take the most important decisions concerning the family and that men were better political leaders. Nonetheless, gender stereotypes persisted in Italy, although they were less prevalent among the younger and better educated sector of the population and in central and northern parts of the country. Almost half the population considered that men were less suited to household chores. According to data available, in couples

where both partners were working the amount of time women spent on household chores had decreased by around 6 per cent since the late 1980s, but that was because they were devoting less of their time and not because men were devoting more of theirs to such chores.

34. Efforts to end violence against women included plans to conduct a national survey on violence against women every four years and to collect data on victims from national shelters and protection services. A comprehensive information system would be set up containing data on violence against women collected by the State Statistics Institute (ISTAT), the Ministry of Health, Ministry of the Interior and Ministry of Justice. The Department for Equal Opportunities had recently conducted a survey of a sample of 240,000 Italian and foreign women aged from 16 to 70 years, inter alia, to assess the impact of the law introduced in 2009 criminalizing stalking. The results of the survey showed that the foreign women in Italy most affected by violence came from Albania, China, Moldavia, Morocco, Romania and Ukraine.

35. Anti-discrimination legislation in Italy was based on the two European Union directives mentioned in the report, as well as the Charter of Fundamental Rights of the European Union and the Treaty on the Functioning of the European Union. It should also be noted that during its presidency of the Council of the European Union in 2014, Italy had been instrumental in relaunching discussion of the horizontal directive on anti-discrimination legislation. The foundations of Italian anti-discrimination legislation were enshrined in article 3 of the Italian Constitution.

36. The number of persons over the age of 15 identified as having functional limitations, impairments or severe or chronic diseases had decreased slightly in the last decade; in 2013, they had accounted for 5.5 per cent of the overall population, with a significantly higher proportion in the South and Islands of Italy. Around only 20 per cent of such persons had been in employment and their level of education had been far lower than average. More than 22 per cent had no educational qualification and around only 14 per cent of such persons had obtained a diploma or degree compared with 55 per cent of the total population. More disaggregated data on persons with disabilities were available.

37. **The Chairperson** invited the Committee members to raise additional questions.

38. **Mr. Pillay** said that in 2004, in its concluding observations on the State party's fourth periodic report, the Committee had expressed concern about forced evictions of the Roma, inadequate housing for disadvantaged groups and poverty and homelessness in Italy in general. Those areas had also been specifically addressed in the list of issues in relation to the fifth periodic report, yet the State party had provided scant information in response. It was hard to believe that there had been no developments in those areas since 2004 and, in the interests of a constructive dialogue, he would now appreciate frank replies from the delegation.

39. He asked whether any measures had been taken to tackle the increasing rate of poverty affecting disadvantaged groups and what results had been achieved. He enquired what steps had been taken to prevent the repeated use of forced evictions against the Roma without procedural guarantees and without providing suitable alternative accommodation. Did the State party intend to enact legislation or regulations that complied with international standards relating to eviction and with the Committee's general comment No .7 on the right to adequate housing? He wished to know what steps had been taken to deal with the acute shortage of social housing, the de facto exclusion of the Roma from social housing and why members of the Roma community who were willing to leave their settlements for alternative accommodation were not provided with rental or housing allowances. He also wished to know what measures the State party intended to take to provide low-cost housing for all Roma in

line with the National Strategy for the Inclusion of Roma and the recent court ruling that any large-scale housing solution designed only for persons of the same ethnic group, which in effect prevented their cohabitation with the majority of the population, was discriminatory.

40. **Mr. Schrijver** asked what measures the State party adopted to combat regional disparities in the standard of living, whether those measures were effective and how their effectiveness was assessed. He also asked what measures the State party took to reduce and eliminate the informal economy while guaranteeing the economic, social and cultural rights of persons operating in that sector.

41. **Ms. Shin** enquired whether there was any specific provision or policy to protect women and girls with disabilities against violence, since they were an easy target for abuse, rape and domestic violence. One of the side effects of the austerity measures in Italy had been cuts to the health-care budget resulting in the reinstitutionalization of persons with disabilities. What efforts were being made to cater for the needs of such persons and protect their rights in a home setting? Many complaints were still submitted by Italian women about access to abortion services; in legal and practical terms, how did the State party reconcile women's need for such services with the existence of a conscientious objection clause?

42. **Mr. Uprimny** said that while he welcomed all the information provided on the various measures implemented since 2009 to combat violence against women, he wished to know whether any assessment had been made of the impact of those measures. He also wished to know what steps were being taken to mitigate the effects of reduced expenditure on social services, especially at the regional level. Similarly, he enquired what action was taken to protect marginalized sectors of society against cuts in the health-care budget, which, according to reports, had adversely affected around 9 million persons in 2013. Lastly, he asked whether any specific measures were planned to deal with overcrowding in Italian prisons and its impact on the enjoyment of inmates' economic, social and cultural rights.

43. **Mr. Dasgupta** said that he would welcome more information on reports of a recent increase in tobacco consumption in Italy, particularly among children and adolescents. What measures were being taken to reverse that trend, including in the areas of taxation and advertising?

44. **Ms. Ravenberg** said that according to information received from the Organisation for Economic Co-operation and Development, obesity among young persons and particularly children was increasingly becoming a problem in Italy. What measures did the State party plan to introduce to address the problem? It was reported that teaching materials and facilities as well as extracurricular activities for children with disabilities in Italy were inadequate, and that poor cooperation between the various institutions responsible for their education further undermined its effectiveness. She requested information on how teachers and other persons dealing with children with disabilities were trained, how the inclusion of such children in society was monitored and to what extent the involvement of their families was guaranteed.

45. **The Chairperson** said that the delegation would continue with its replies at the next meeting.

The meeting rose at 1 p.m.