



Economic and Social Council

Distr.: General
7 October 2022

Original: English

Committee on Economic, Social and Cultural Rights

Seventy-second session

Summary record of the 38th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 29 September 2022, at 3 p.m.

Chair: Mr. Abdel-Moneim

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* No summary records were issued for the 37th meeting.

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

Consideration of reports (continued)

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

Sixth periodic report of Italy (E/C.12/ITA/6; E/C.12/ITA/QPR/6)

1. *At the invitation of the Chair, the delegation of Italy joined the meeting.*
2. **Mr. Petri** (Italy), introducing the sixth periodic report of Italy (E/C.12/ITA/6) said that his country's efforts to guarantee a high level of protection and to ensure the full and comprehensive promotion of economic, social and cultural rights were encapsulated in the National Recovery and Resilience Plan, published in April 2021. The Plan had six policy areas: digitization, innovation, competitiveness and culture; the green revolution and ecological transition; infrastructure for sustainable mobility; education and research; inclusion and cohesion; and health.
3. The Plan proposed a broad programme of reforms aimed at modernization and investment. In the area of inclusion and cohesion, the main objective was the reform of active labour policies and vocational training policies, with a view to establishing a basic level of services and promoting the employability of workers in transition. Particular attention was paid to people receiving unemployment benefit and those furthest from the labour market, and to the social inclusion of persons in highly vulnerable situations. The reforms would help combat undeclared labour and promote investment in the development of innovative labour policy tools, firm action on behalf of the most vulnerable, including persons with disabilities, notably through the new Disability Framework Law, quality employment for women and support for women entrepreneurs.
4. In the area of education and research, the objective was to promote the development of a knowledge-intensive, competitive, resilient economy. It comprised two key components, the first of which was consolidation of the supply of education services and the provision of child care at universities, as a means of combating regional inequalities, and the promotion of research as a fundamental tool for doing business. The second component was inclusive education: in 1977, Italy had been the first country to abolish special classes for pupils with disabilities and was still the only country in Europe to provide fully inclusive education. The Ministry of Education had a budget of over €7 billion for that purpose.
5. In the area of health, the Plan proposed two main thrusts: the redesign of health care in the regions in order to bring the health system closer to the people and innovation and investment in hospital technology and research and training for health care personnel in order to ensure safer, fairer and more sustainable care.
6. Overall investment resources for the Plan amounted to more than €220 billion, with 27 per cent dedicated to digitization, 40 per cent to climate change investment and more than 10 per cent to social cohesion. Forty per cent of the funding, or €82 billion, was earmarked for southern Italy.
7. **Ms. Saran** (Country Rapporteur) said that she welcomed the positive steps taken by the State party to promote economic, social and cultural rights in recent years, notably during the very difficult period of the coronavirus disease (COVID-19) pandemic. She commended the enactment of legislation to expand the application of the principle of non-refoulement and to improve the quality of life of families with children and the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. She would like to know whether the proposed legislation on the protection of migrant workers' rights had been adopted and, if not, what the reason was for the delay.
8. She asked what steps had been taken to incorporate the Covenant in the State party's legal order, how many times courts had invoked the Covenant in their rulings and what action had been taken to raise awareness of rights under the Covenant and its Optional Protocol among members of the judiciary, lawyers and rights holders.

9. Noting that Parliament was debating the creation of a national human rights institution, she said that she would like to know why the process was taking so long. She would be interested to hear about any proposals aimed at promoting public awareness of, and confidence in, the proposed mechanism and increasing cooperation with civil society.

10. Recalling that the Organization for Economic Co-operation and Development had estimated the level of the State party's official development assistance (ODA) in 2021 at 0.28 per cent of gross national income, she enquired what steps were proposed to bring that figure up to the United Nations target of 0.7 per cent of gross national income. Did the State party intend to pursue a human rights-based approach in its development cooperation policy?

11. The Committee had received reports that State revenue was under pressure from several sources: corporation tax had been reduced, inheritance taxes remained low and there were concerns that delays in the implementation of the National Recovery and Resilience Plan could hamper the transfer of funds needed for post-pandemic recovery. She would like to know how the State party intended to increase public revenue to enable it to meet its treaty obligations towards the most disadvantaged and marginalized groups, who were particularly hard hit by the austerity policies that had been put in place.

12. Turning to the issue of climate change, she asked the delegation whether it considered the State party's mitigation policies to be compatible with its obligations under the Paris Agreement and the Covenant. In the light of growing concerns about the frequency of extreme natural phenomena, she said that she would be interested to hear about any action taken by the State party to analyse and review policies that adversely affected the environment and to address the current and future impact of climate change on economic, social and cultural rights. What steps had been taken to involve the scientific community more closely in developing policy to address climate change? What specifically had been done to reduce the country's dependence on fossil fuel?

13. Concerns relating to business and human rights in the State party included the fact that measures taken to ensure that businesses protected human rights remained voluntary; that Law Decree No. 231/2001 did not adequately cover corporate abuses of human rights; and that the legal and regulatory framework did not fully embrace subcontractors and suppliers. In addition, the United Nations Working Group on business and human rights had highlighted serious and persistent human rights abuses relating to business activities in Italy, most notably in respect of the treatment of migrant workers.

14. She would therefore be interested to hear what legislative and institutional measures the State party had taken to ensure that businesses, including corporations with outlets outside the country, adopted a human rights-based approach and provided decent working conditions for their workers. She asked the delegation to describe the judicial remedies available to victims of human rights violations committed by Italian businesses inside and outside the country and any steps taken to improve access to such remedies.

15. Noting that changes had been made in the legislation and procedures in relation to arms export licensing in order to ensure due diligence by businesses in the arms industry, and the fact that licences for the export of bombs and missiles to Saudi Arabia and the United Arab Emirates had been revoked following attacks on the civilian population in Yemen (E/C.12/ITA/6, para. 62), she enquired whether any new licences had subsequently been issued to the same companies for exports to the same destinations.

16. In the light of concerns about transparency in licensing arms exports, and given the non-binding nature of injunctions on arms producers to respect national and international law, she would welcome information on any legislative or punitive measures taken or proposed to ensure that Italian arms companies maintained the highest standards of due diligence in protecting human rights.

17. She asked the delegation to provide information on the State party's efforts to combat corruption, which reportedly affected the judiciary, the Government and even educational institutions, and on measures taken to ensure the effective implementation of legislation in that area.

18. Referring to the rhetoric in the recent election campaigns, during which political leaders had displayed animosity towards sexual diversity and religious, ethnic and migrant

communities, she said that she would like to know what measures had been taken to denounce alleged hate crimes and incitement to discrimination. More generally, what moves had been made towards adopting a comprehensive strategy and legislation to protect all individuals against discrimination?

19. She wished to know whether the State party had gathered data on, and analysed the impact of, statelessness; whether action had been taken to clarify the definition of disability; and what steps were being taken to reduce regional disparities that affected the economic, social and cultural rights of people living in the south of the country.

20. Under recently introduced legislation, the situation of migrants, asylum-seekers and refugees appeared to have worsened, so she would like to know what specifically had been done to safeguard the human rights of those groups. How did the State party intend to end their segregation in slums, promote their access to services and guarantee their enjoyment of economic, social and cultural rights?

21. She would be interested to know why the State party denied asylum-seekers registration in the civil registry, thereby hindering their access to basic services; why the criteria for migrants applying for social welfare benefits were so strict; what measures had been taken to help asylum-seekers to enter the labour market; and what had been done to implement the recommendations on women refugees and asylum-seekers made by the Committee on the Elimination of Discrimination against Women in 2017.

22. Given the persistence of concerns about gender role stereotyping, gender pay gaps and the unsatisfactory levels of women's representation in Parliament, the judiciary and senior administrative positions, she wished to know what measures the State party had taken to enhance women's participation in public life, and particularly that of Roma women and women from the south.

23. **A representative of Italy** said that, in 2020, the Ministry of Labour and Social Policies had published a plan specifically addressing the exploitation of migrant workers in the agricultural sector. The aim was to identify and support migrants, particularly women and minors, who were victims of labour exploitation in that sector with a view to protecting their human rights.

24. The plan had been in operation for a year; guidelines on implementation had been issued in 2021; and the plan would be rolled over for another two years. Initiatives had been put in place across the country, at the national, regional and local levels, in cooperation with civil society organizations working in that area.

25. **A representative of Italy** said that the Italian Constitution was in full compliance with the Covenant and enshrined numerous civil, political and social rights, including the rights to work, health and education. Social rights were enforceable through the courts. Initial attempts to apply the Covenant had been hampered by the idea that such rights were expensive, but now the Constitutional Court aimed to strike a balance between the expense incurred and the general welfare of the population. In accordance with an amendment made to the Constitution in 2001, the courts were now required to apply domestic law in tandem with international treaties. Italian judges were thus fully aware of their obligation to enforce human rights.

26. **Mr. Petri** (Italy) said that it was hoped that the newly elected parliament, which would begin its first session in mid-October, would make progress in the coming years with the creation of the national human rights institution. In respect of development assistance, in 2018, the Government had provided €4.4 billion, or 0.25 per cent of the country's gross national income, in ODA. More than half of that amount had been channelled into multilateral cooperation, while the remainder took the form of bilateral cooperation with countries in Africa and the Middle East. In 2015, like the Governments of other member States of the European Union, the Government of Italy had pledged to devote at least 0.7 per cent of gross national income to ODA by 2030.

27. **A representative of Italy** said that the fifth goal of the National Recovery and Resilience Plan was centred on social inclusion and set out measures to support vulnerable workers, facilitate access to the labour market for socially excluded groups and foster the autonomy of persons with disabilities and older persons. Assisted living facilities for persons

with disabilities had been constructed and special training programmes on reskilling and digital literacy had been organized.

28. Homeless persons had access to temporary housing and shared post boxes, which allowed them to work on their skills, apply for jobs and receive support from the social services. As part of the Government's reform of the labour sector, €4.4 billion had been distributed to the regional authorities to support local employment initiatives. The funds had been allocated according to the unemployment rate in each region.

29. **A representative of Italy** said that the National Institute for Statistics maintained a publicly accessible platform that contained up-to-date statistical information on indicators related to the implementation of the National Recovery and Resilience Plan. The Institute published a yearly report on the well-being of the population.

30. Organic farming and sustainable agricultural practices were increasingly common in Italy. As a result, ammonia emissions had decreased in recent years. In line with European Union environmental directives, the Government had taken measures to promote renewable energy production and reduce greenhouse gas emissions.

31. **A representative of Italy** said that the Government had adopted a road map on business and human rights for the period 2021–2026. It planned to organize a review of the legislative framework that governed corporate due diligence, including Legislative Decree No. 231 of 2001, in order to ensure compliance with international standards. The Ministry of Justice had recently established a working group to assess the effectiveness of the regulations governing administrative liability for offences committed by collective entities. In February 2021, the Ministry of Justice had issued a circular on the implementation of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders. The Government shared the text of its anti-mafia legislation with other Governments through the United Nations Office on Drugs and Crime SHERLOC portal.

32. **Mr. Petri** (Italy) said that no new licences for the export of aircraft bombs and missiles or their components to Saudi Arabia and the United Arab Emirates had been issued since the adoption in June 2019 of resolution No. 1-00204, which temporarily prohibited the export of such items. Requests from Saudi Arabia and the United Arab Emirates for other military items were comprehensively assessed on the basis of the items' lethality and the risk of their being used against civilian populations.

33. **A representative of Italy** said that Parliament was in the process of establishing a comprehensive legal framework on whistleblowing, in line with the relevant European Union directive. The Anti-Corruption Authority was competent to receive reports of corruption in relation to all public bodies. The Council of Ministers had recently adopted a decree on the implementation of Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law. Persons and businesses found to have engaged in acts of corruption were subject to severe penalties, including, for individuals, permanent disqualification from public office and, for businesses, permanent disqualification from entering into contracts with the public administration. The Government followed up on all recommendations made by the Council of Europe Group of States against Corruption.

34. **A representative of Italy** said that the Department for Equal Opportunities of the Office of the President of the Council of Ministers took measures to prevent and address all forms of discrimination, in accordance with article 3 of the Constitution, which provided that all citizens had equal social dignity and were equal before the law, without distinction based on sex, race, language, religion, political opinion or personal or social conditions. Direct assistance was provided to the victims of discrimination, and the Department cooperated with civil society on the development of anti-discrimination policies and strategies. A new strategy for combating discrimination against the Roma and Sinti populations had recently been adopted and similar strategies for combating racial discrimination and xenophobia and discrimination against lesbian, gay, bisexual, transgender and intersex persons were being drafted.

35. **A representative of Italy** said that 400 applications for the determination of stateless status had been submitted over the past eight years. Of those applications, 27 had been accepted, 23 had been rejected and 61 had been declared inadmissible.

36. **A representative of Italy** said that there was a national support fund for persons who required living assistance. The Government planned to increase the size of the fund to €900 million by 2025. Increased funding had been made available for the provision of assistance to persons with autism, persons who required educational assistance and persons who had been disproportionately affected by the pandemic.

37. **A representative of Italy** said that the education sector in Italy was based on a bottom-up, cooperative model. The Government delegated authority for the management of the school system to provincial educational authorities that liaised directly with schools and teachers' councils. Measures to reduce regional disparities in learning outcomes were bearing fruit.

38. **Mr. Windfuhr** (Country Task Force) said that he wished to know what measures the State party had taken to reduce the allegedly excessive length of judicial procedures and to provide judges with training on the Covenant. He also wished to know more about the protections afforded to journalists, in particular those working on sensitive issues such as corruption, justice for migrants and the environment.

39. **Ms. Saran** said that she would be grateful for the delegation's comments on reports of harassment of human rights defenders and representatives of civil society.

40. **A representative of Italy** said that the Government planned to take measures to facilitate migrants' access to social benefits. Migrants were required to have resided legally in Italy for a number of years before they could apply for citizenship income.

41. **A representative of Italy** said that the legal provisions that had prevented the registration of asylum-seekers in the civil registry had been repealed. Asylum-seekers were now registered within 60 days of submitting their asylum application.

42. **A representative of Italy** said that the Government had recently adopted a national strategy for gender equality for the period 2021–2026. Two of the main themes of the strategy were equality in employment and income. Incentives were available to employers who hired disadvantaged women and persons under the age of 30.

43. **Mr. Petri** (Italy) said that the Government participated actively in the Council of Europe Platform for the Protection of Journalism and Safety of Journalists. The Central Bureau of Inter-Forces for Personal Security of the Ministry of the Interior provided guidance to ensure that appropriate protective measures were taken in respect of journalists. The journalists who faced the highest level of risk were those who investigated cases related to organized crime.

44. **A representative of Italy** said that the aim of the ongoing judicial reform was to improve the effectiveness of both civil and criminal procedures by using digital technologies, imposing time limits on criminal investigations and increasing the use of restorative justice and alternative dispute resolutions.

45. **Mr. Windfuhr** said that, given the size of the informal economy in Italy, which reportedly represented 12.4 per cent of gross domestic product, and in the light of the finding of the Special Rapporteur on contemporary forms of slavery following her visit to the country in October 2018 that labour exploitation in the agriculture sector could amount to slavery-like conditions, he wished to know what steps the State party was taking to tackle forced labour, particularly among undocumented migrants. He also wished to know how the National Labour Inspectorate sought to identify cases of informal employment.

46. He would like to know what measures the State party was taking to address the gender pay gap, which, according to Eurostat, was larger in Italy than in other European Union countries. In addition, noting that the employment rate for women was around 20 per cent below the European average, he said he would be interested to know what efforts were being made to remove structural barriers to women's employment, such as the lack of childcare facilities in the country, and to ensure fair recruitment practices – particularly given reports

that prospective employers frequently asked female candidates about their marital and family status.

47. Since the unemployment rate for persons with disabilities was significantly higher than for persons without disabilities, he was eager to know what measures the State party was taking to remove physical barriers to work, particularly in the private sector. Some of the steps taken in the State party's education system to include children with disabilities in mainstream schools, which had been rather successful, might be taken as inspiration.

48. He would be grateful to know the employment rate of Roma persons, who, according to information received by the Committee, were sometimes excluded from the labour market. Furthermore, he wondered what steps the State party was taking to regularize the situation of undocumented migrants, who were particularly prone to labour exploitation, against the backdrop of reports that the pathway to residency programme launched during the COVID-19 pandemic had excluded hundreds of thousands of persons, including many farm workers.

49. He welcomed the Government's extension of the dismissal ban – initially introduced to protect jobs during the COVID-19 pandemic – for the construction sector. However, he wished to know what efforts the State party was making to protect care workers, a number of whom had reportedly been subjected to onerous working conditions and unfairly dismissed during the pandemic.

50. He would like to know what measures the State party was taking to provide undocumented migrants and stateless persons with social security benefits. In addition, he would welcome up-to-date information on the guaranteed minimum income scheme, which had been introduced about a year before the submission of the State party's report. Specifically, he wondered whether the scheme had reduced poverty among disadvantaged population groups and how the State party planned to assist those persons who were not eligible to receive the minimum income.

The meeting was suspended at 4.55 p.m. and resumed at 5.05 p.m.

51. **A representative of Italy** said that, to address the issue of informal work in the construction sector, the Government had imposed an obligation on firms participating in public tenders to disclose the tax status of their employees. Only those firms whose workers were employed under regular contracts could submit bids. To increase the capacity of the National Labour Inspectorate to identify unfair employment practices, the Government planned to hire an additional 2,000 labour inspectors.

52. According to the Inspectorate's records, the number of women working in the informal sector had decreased markedly over the previous three or so years, while the number of women in formal employment had risen. As at the end of the second quarter of 2022, the unemployment rate for women stood at 9.4 per cent.

53. **A representative of Italy** said that regional employment centres took a proactive approach to the employment of persons with disabilities, in line with Government guidelines; by law, employers were required to make reasonable accommodations for such persons. Businesses participating in public tenders must meet stringent requirements for the employment of persons with disabilities. The Government was running awareness-raising campaigns to highlight the added value that they could bring and offered incentives to those businesses that employed higher-than-average numbers of persons with disabilities.

54. **A representative of Italy** said that the National Institute of Statistics was taking steps to improve its collection of statistics on the social inclusion of Roma, Sinti and Travellers, including on their access to housing and employment. In addition, under a European Union-funded programme, the Government was working with non-governmental organizations to promote the employment of Roma.

55. **A representative of Italy** said that the National Integration Plan for Persons Entitled to International Protection set out measures for promoting the education and formal employment of refugees and other persons entitled to international protection. The Ministry of the Interior had set up a working group to determine the effectiveness of steps taken to integrate such persons.

56. **A representative of Italy** said that the guaranteed minimum income scheme, for which funding for 2022–2023 stood at €1.5 billion, had directly benefited around 3 million persons and lifted around 1 million persons out of extreme poverty.

57. **A representative of Italy** said that the National Strategic Plan on Male Violence against Women, 2021–2023, which was aligned with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, set out a range of practical measures to support victims, including the provision of microloans to promote their financial independence from their abusers.

58. **A representative of Italy** said that steps taken by the Government to boost women's employment included the improvement of girls' education in the fields of science, technology, engineering and mathematics and the investment of around €6 billion in preschool and after-school childcare. The Government aimed to provide places for 33 per cent of children under 3 years of age and 90 per cent of school-age children, in line with the Barcelona objectives of the European Union for the development of childcare facilities for young children.

59. **A representative of Italy** said that the Government and the European Union had yet to harmonize their statistics on women's employment in Italy but were due to do so in the coming weeks.

60. **A representative of Italy** said that the guaranteed minimum income was paid to persons with residence permits who met certain criteria. Traditionally, to be eligible for a residence permit, applicants must prove that they had been resident in Italy for 10 years. However, the Government had relaxed that requirement for certain vulnerable groups. Other measures were in place to alleviate poverty among those groups.

61. **A representative of Italy** said that the Government had conducted studies in 2016 and 2022 to establish how many citizens had been victims of corruption. In addition, the Anti-Corruption Authority performed background checks on businesses participating in public tenders to determine their involvement in “red flag” activities, including those related to corruption. The Ministry of Foreign Affairs had produced a compendium of best practices in fighting corruption to share with other Group of Seven and Group of 20 countries.

62. **Ms. Lemus de Vásquez** (Country Task Force) said that she wished to know what specific measures the State party was taking to alleviate poverty in southern regions of the country, particularly among women and children, and to address regional inequalities in the availability and coverage of certain social security benefits. She would also welcome further details of the State party's efforts to address the economic effects of the COVID-19 pandemic on disadvantaged persons, including how those efforts had improved their living conditions.

63. She was concerned about the difficulties reportedly experienced by many persons – in particular women, young persons, members of the Roma community, refugees and asylum-seekers – in accessing housing, primarily owing to their low salaries and precarious employment situations. Accordingly, she would like to know what progress the State party had made in establishing municipal committees for housing, and to what extent they had improved such persons' access to housing.

64. The Committee had received reports that environmental contamination in the State party was disproportionately affecting the health, especially the reproductive health, of women, as well as of children and other vulnerable populations. Against that background, she wondered whether the National Adaptation Plan for Climate Change included an analysis of the health impacts of environmental disasters on women and what measures the State party was taking to mitigate those impacts.

65. Data on childhood obesity in the State party remained worrisome, despite the Government's efforts to improve food labelling and promote breastfeeding. She would be interested to hear what additional measures the State party was taking to tackle childhood obesity and how the health system was preparing for a possible increase in the incidence of related chronic diseases, such as hypertension and diabetes.

66. Given reports of the commodification of health care in response to the COVID-19 pandemic, she wondered what steps the State party was taking to ensure that, in all regions

of the country, the health-care system was based on a strong and well-regulated public sector, and that private health care complemented but did not replace public health care. She would welcome information on the steps taken to monitor the implementation of the National Recovery and Resilience Plan in the wake of the pandemic. Furthermore, given the adverse effect of the pandemic on the mental health of health-care workers, young persons and low earners in particular, she wondered whether the plan made financial and other provision for mental health care.

67. According to information received by the Committee, asylum-seekers, refugees and other persons entitled to international protection continued to encounter difficulties in gaining full access to health-care services, owing in particular to shortcomings in the identification, referral and response procedures for persons with specific needs. In that regard, she would welcome information on the measures taken to overcome cultural and language barriers in the provision of health-care services to such persons.

68. With regard to sexual and reproductive health, conservative groups in certain regional administrations were attempting to restrict women's rights and freedoms, including the right to voluntary termination of pregnancy, and continued to impede access to abortion facilities. She wished to hear the State party's response to allegations that around 7 in 10 doctors reportedly refused to perform abortions on the grounds of conscientious objection. She wondered whether there was a complaints mechanism for women who were unable to find a provider of abortion services, and, if so, how many complaints had been received. She was particularly eager to learn what measures the Government was taking to remove obstacles to abortion access.

69. The Committee understood that the continued pathologization of transgenderism and intersexuality on the basis of the outdated ninth revision of the International Statistical Classification of Diseases and Related Health Problems was perpetuating practices such as conversion therapy and intersex genital mutilation in the State party. She would like to know whether the future national strategy on lesbian, gay, bisexual, transgender and intersex persons would set out measures for prohibiting such pathologization and promoting gender self-determination. Furthermore, she wished to know on what evidence the State party planned to base its public policy on lesbian, gay, bisexual, transgender and intersex rights.

70. Noting the information provided in the State party's report on drug use and the relevant penalties in law, she said she would nevertheless appreciate a more detailed response to the Committee's request for further information in paragraph 25 of the list of issues prior to submission of the report (E/C.12/ITA/QPR/6). In particular, she was keen to learn about the measures taken to prevent – and not merely to punish – drug use.

The meeting rose at 5.50 p.m.