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

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

ITALY

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

A. INTRODUCTION

2. The Committee welcomes the submission of the fourth periodic report of the State party, which was prepared in conformity with the Committee's guidelines as well as the comprehensive written replies to its List of Issues.
3. The Committee welcomes the constructive dialogue with the delegation of the State party, which included government officials with expertise in the subjects relevant in the context of the Covenant.

B. POSITIVE ASPECTS

4. The Committee notes with appreciation the adoption of the Law of 30 May 2003 modifying article 51 of the Italian Constitution, which introduces the principle of equal opportunity for men and women in respect of access to political offices.
5. The Committee welcomes the measures taken by the State party to combat the phenomenon of trafficking in persons, including the adoption of the Law 288/8 of August 2003 on trafficking in human beings.
6. The Committee notes with appreciation the establishment, under the Ministry of Equal Opportunity, of the Office for Promotion of the Equality and Elimination of Discriminations of Race and Ethnic Origin in November 2004.
7. The Committee notes with satisfaction the State party's efforts to reduce unemployment.
8. The Committee welcomes the regularization of 700.000 migrant workers in the State party.
9. The Committee welcomes the fact that the child mortality rate has steadily decreased during the last reporting periods.
10. The Committee also welcomes that the National Sanitary Plan (PSN 2003-2005) has extended sanitary assistance also to illegal immigrants, so that they can enjoy preventive medicine treatments, over and above urgent and basic treatments.
11. The Committee welcomes the pro-active participation of civil society in monitoring the implementation of the Covenant, including the provision of a large amount of information to the Committee.

C. FACTORS AND DIFFICULTIES IMPEDING THE IMPLEMENTATION OF THE COVENANT

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

D. PRINCIPAL SUBJECTS OF CONCERN

13. The Committee is concerned that the State party still considers that some of economic, social and cultural rights, including the right to housing, are not justiciable since they entail financial burdens upon the State. In this regard, the Committee notes the scarcity of Court decisions where the Covenant on economic, social and cultural rights has been invoked.
14. The Committee expresses concern at a lack of an independent national human rights institution which conforms with the Paris Principles (UNGA Resolution 48/134 of 20 December 1993, annex). It is also concerned at possible initiatives which would place an eventual institution under the responsibility of the office of the Prime Minister or President.
15. While the Committee takes note of the State party's commitment to raising the level of official development assistance (ODA) from the current 0.23 per cent of gross domestic product (GDP) to 0.33 per cent by 2006, it expresses concern that the level of development assistance still falls short of the United Nations target of 0.7 per cent of GDP.
16. Despite the measures adopted by the State party to combat racism and discrimination, the Committee remains concerned at the limited implementation of such measures, in particular at the fact that observatories on racism and discrimination at regional and local level have not yet been fully established, as envisaged by art. 44 of the Legislative Decree N. 286 of 25 July 1998.
17. The Committee is concerned that the new Law No. 189 of 2002 on Immigration which introduced a strong link between the labour contract and the length of a residence permit

may hinder the enjoyment by migrant workers and their families of economic, social and cultural rights as enshrined in the Covenant. The Committee is further concerned about the excessive length of time taken by the authorities to renew residence permits in the State party which may restrict, *inter alia*, freedom of movement and access to social services by migrant workers and their families.

18. The Committee notes with concern the explanation given by the State party in connection with case law (No. 6030 of May 25 1993 and No. 4570 of 17 May 1996) according to which the principle of equal pay for work of equal value cannot be fully implemented in the Italian legal order.
19. The Committee is concerned at the continued existence of a large scale of informal economy in the State party which, *inter alia*, infringes upon the enjoyment of the economic, social and cultural rights of those employed, including children.
20. The Committee reiterates its concern about the persistent regional inequalities and the considerable levels of poverty, especially in the southern parts of the country. The Committee takes note of the decision by the State party to increase the assessment period for the Reddito Minimo d’Inserimento (Minimum Integration Income) which is presently being implemented by 306 municipalities.
21. The Committee notes with concern the lack of comprehensive legislation on asylum seekers in the State party.
22. Despite the relevant measures taken to combat domestic violence, including the adoption of the Law No, 154 of April 2001 providing “measures against violence in family relations”, the Committee expresses its concern about the low number of complaints lodged especially by women.
23. The Committee is concerned that women with children face increased difficulties in finding and keeping a job partly due to the lack of services for small children.
24. The Committee remains concerned, as it did in its Concluding Observations made in May 2000 (E/C.12/1/Add.43) about the plight of Roma immigrants leaving in camps characterized by poor housing, unhygienic sanitary conditions, limited employment prospect and inadequate educational facilities for their children.
25. The Committee is concerned about the increasing difficulties faced by disadvantaged and marginalized groups, in particular immigrants and Roma people, in renting or obtaining public housing owing to discrimination.
26. The Committee is also concerned about the continuing increase in rents and the privatization of houses and about the scarcity of adequate social housing units for low-income families while the social fund established to give housing assistance has been reduced.
27. While the Committee notes that the report and replies by the State party mention that chronic illness, old age and disability are a reality which must be faced with new means and strategies, and mentions specific components of such strategies, it remains concerned that no facts and figures were provided to enable the Committee to assess the health situation in the State party.
28. The Committee notes that, in relation to the incidence of new infections with HIV/AIDS, the State party has set priority actions in line with WHO targets, but it remains concerned that no facts and figures for these priority aims were provided.

E. SUGGESTIONS AND RECOMMENDATIONS

29. Affirming the principle of the interdependence and indivisibility of all human rights, the Committee encourages the State party to reconsider its position regarding the justiciability of economic, social and cultural rights. Moreover, the Committee considers that the State party remains under an obligation to give full effect to the Covenant in its domestic legal order, providing for judicial and other remedies for violations of all economic, social and cultural rights. In this respect, the Committee draws the attention of the State party to its general comment No. 9 on the domestic application of the Covenant.
30. The Committee recommends that the State party provide appropriate training to the judiciary, prosecutors and other officials responsible for the implementation of economic, social and cultural rights enshrined in the Covenant to ensure that those rights are consistently enforced in courts of law.
31. The Committee welcomes the new programme on Education to Citizenship mentioned by the delegation and encourages the State party to strengthen its efforts to provide human rights education in schools at all levels and to raise awareness about the Covenant and other international human rights instruments among the public in general.
32. The Committee recommends that the State party undertake, with a broad base of civil society representatives and with the support of the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights, the necessary consultations concerning the possible establishment of an independent national human rights institution.
33. The Committee urges the State party to prepare, as soon as possible, a national integrated human rights plan of action, in accordance with paragraph 71 of the 1993 Vienna Declaration and Programme of Action.
34. The Committee recommends that the State party continue its activities in the area of international cooperation and increase its official development assistance to 0.7 per cent of its GDP, as recommended by the United Nations. The Committee also urges the State party to take into account the provisions of the Covenant in its bilateral project agreements with other countries.
35. The Committee recommends that the State party effectively implement the legislation and programmes adopted against racism and discrimination including, through the establishment of observatories in the whole territory as envisaged by art. 44 of the Legislative Decree N. 286 of 25 July 1998 as well as by providing them with adequate human and financial resources.
36. The Committee recommends that the State party undertake measures to expedite the process of residence permit renewals of migrant workers so as to enable them to enjoy their economic, social and cultural rights. The Committee further recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
37. The Committee recommends that the State party expedite the ratification procedures for the ILO Convention No.174 on the Prevention of Major Industrial Accidents Convention.
38. The Committee reaffirms that the principle of equal pay for work of equal value, as enshrined in article 7(2) of the Covenant must be implemented immediately and from which the State party cannot derogate without being in breach of its Covenant's obligations.
39. The Committee recommends to the State party that the bill on the Judicial Regulations that the State party contemplates modifying, if adopted, should ensure that the right of

- everyone, including judges, to form and join trade unions and to take part to trade unions activities is respected, in conformity with article 8 (1”a”) of the Covenant.
40. The Committee recommends that the State party increase its efforts to effectively regularize the informal labour sector.
 41. The Committee urges the State party to integrate economic, social and cultural rights in its Plan of Action on Poverty and Social Exclusion. In this regard, the Committee refers the State party to its Statement “Poverty and International Covenant on Economic, Social and Cultural Rights”, adopted on 4 May 2001. The Committee also urges the State party to establish the Reddito Minimo d’Inserimento at national level to combat poverty.
 42. The Committee calls upon the State party to take appropriate measures to adopt comprehensive legislation on asylum seekers and ensure that their economic, social and cultural rights are duly taken into account.
 43. The Committee recommends that the State party intensify its efforts to combat domestic violence, especially against women and undertake informational and educational campaigns to educate the population regarding the consequences of domestic violence. The Committee requests the State party information on results achieved and difficulties encountered in the implementation of the relevant legislation in its next periodic report.
 44. The Committee strongly recommends the State party to extend the network of affordable, accessible and available childcare services.
 45. The Committee urges the State party to step up its efforts to build more permanent housing settlements for the Roma immigrants and take all the necessary measures in order to promote their integration into local communities, offer them job opportunities and make available to their children adequate educational facilities.
 46. The Committee urges that the State party take all necessary corrective measures to combat discrimination in the housing sector against the disadvantaged and marginalized groups, particularly immigrants and the Roma people.
 47. The Committee urges that the State party take effective measures to ensure that forced evictions of Roma people and tenants who cannot pay their rents comply with the guidelines established by the Committee in its General Comment No. 7 and to provide more housing units to cater for the needs of the disadvantaged and marginalized groups, including older persons, people with disabilities and immigrants.
 48. The Committee also urges the State party to provide in its next periodic report information on the scope and the extent of the problem of homelessness that particularly affects immigrants.
 49. The Committee recommends that the State party provide, in its next periodic report, specific benchmarks in relation to chronic diseases, old age and disability, supplemented by disaggregated data, and on a comparative basis for the entire reporting period, so that to enable the Committee to assess how the right to health, in line with the Committee’s general Comment No. 14 has been realized.
 50. The Committee recommends that the State party provide a more detailed information on measures taken in relation to HIV/AIDS, and to provide in its next periodic report detailed facts and figures, disaggregated by, *inter alia*, sex, urban/rural, and disadvantaged or marginalized groups of society, and by other criteria mentioned in General Comment No. 14 of the Committee.

51. The Committee recommends that the State party develop home care and other personal and social services, taking into account the combined health and social care needs of the older persons.
52. The Committee takes note of the fact that a bill on pension reform was approved by the Senate in May 2004. The Committee wishes to be informed in the next periodic report on the implementation, particularly in ensuring that minimum pensions guarantee an adequate standard of living for pensioners and their families.
53. The Committee requests the State party to widely disseminate the present concluding observations among all levels of society, and in particular, among State officials and the judiciary, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organisations and other members of civil society in the process of discussion at the national level prior to the submission of its fifth periodic report.
54. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2009.
