

ITALY

General Comments - Government Responses

CERD A/32/18 (1977)

Annex V

Comments of States parties on general recommendation V, adopted by the Committee at its 338th meeting, on 13 April 1977 a/

[Original: Italian]
[24 June 1977]

1. The Ministry of Foreign Affairs has taken note of general recommendation V adopted on 13 April 1977 by the Committee on the Elimination of Racial Discrimination, in which the Committee expresses its regret that few States Parties to the Convention have included information in their national reports on preventive measures taken to give effect to the provisions of article 7 of the Convention, and that the information received has often been of a general and perfunctory nature.

The Ministry intends to bring the recommendation to the attention of the government services and other bodies that co-operated in the preparation of the first Italian report as soon as information is available on the results of the Committee's examination of the report, which it is presumed will take place at the forthcoming sixteenth session.

2. As Italy is not a member of the Committee, it is not in a position to judge how far the negative facts reported by the Committee are due to a lack of will on the part of the States Parties to the Convention and how far to the highly analytical type of procedure advocated by the Committee for the preparation of national reports.

If major factors of appraisal can be drawn from the report on the fifteenth and sixteenth sessions of the Committee, which will be considered at the next session of the General Assembly, the Italian delegation will not fail to assist in considering ways and means of overcoming the difficulty of which the Committee complains.

a/ For the text, see chap. VIII, sect. A, decision 3 (XV).

CERD A/37/18 (1982)

Annex IV

Comments of States parties on General Recommendation VI adopted by the Committee at its 569th meeting, on 15 March 1982 a/

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ITALY

[Original: Italian]

[3 June 1982]

1. The Italian Government has examined with particular interest General Recommendation VI of the Committee on the Elimination of Racial Discrimination, in which the Committee invited the General Assembly to take note of the delays with which many States parties to the Convention on the Elimination of All Forms of Racial Discrimination transmit reports on the implementation of the Convention in their respective countries. This move by the Committee not only confirms the sense of responsibility with which the Committee performs its tasks and reports annually to the General Assembly, but it also draws the attention of States parties to article 9, paragraph 2, of the Convention, which provides for general recommendations by the Committee to be reported to the General Assembly "together with comments, if any, from States Parties".

2. In view of the Italian Government, the delays referred to by the Committee in the submission of reports by States parties are highly regrettable, particularly since racial discrimination is an object of constant concern to all the intergovernmental bodies of the United Nations which are competent in the field of human rights, and that concern has found its most significant expression in the proclamation, in General Assembly resolution 3057 (XXVIII), of the Decade for Action to Combat Racism and Racial Discrimination. At the same time, the Italian Government considers that the situation reported by the Committee can and should be overcome through a review of its causes and of measures which might be taken to ensure that the reports of States parties not only fulfil an obligation assumed on the ratification of the Convention and form a useful dialogue between States parties and the Committee, but that they also act as an incentive towards constant efforts to improve national situations.

3. The causes of the delays which have been pointed out by the Committee are considered to be threefold:

(a) The difficulties which may be faced by small countries, above all in preparing the first analytical report on racial discrimination in accordance with the Committee's general guidelines;

a/ See chap. IV, part A. para. 45, above [concluding observations, CERD A/37/18].

(b) The excessively short interval (two years) between States parties' first reports and succeeding reports;

(c) The simultaneous preparation of four other, very complicated, reports by those States which have also ratified the International Covenants on Human Rights.

This is the case with Italy, for example, which has not yet been able to submit the third report on racial discrimination because in the meantime the Interministerial Committee on Human Rights - an ad hoc institution for preparing the reports called for under the conventions ratified by Italy - has had to prepare the first report on civil and political rights and the first report on economic rights, and is now engaged in preparing the first report on social rights, which is already well advanced. In addition, there is the danger that the present situation of simultaneous preparation over relatively short periods of five reports on racial discrimination and human rights may become worse in the light of the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women and the preparation, still in progress, of the final text of the draft convention on torture and the draft convention on the rights of the child.

4. The Italian Government, before indicating the steps which it thinks might be considered as a means of eliminating, or helping to eliminate the causes of the delays mentioned above, feels it appropriate to point out that delays in the submission of national reports also occur with the four reports on the International Covenants on Human Rights. The various aspects of the "reporting system" should therefore be examined as a whole by the General Assembly after adequate preparatory work, in which all the organs responsible for the implementation of the system should participate. For this purpose, the next session of the Assembly might consider the desirability of convening a short meeting of the Chairmen of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Sessional Working Group of the Economic and Social Council which considers the reports on economic, social and cultural rights. For the same purpose, the comments of States parties to the Convention on the Elimination of All Forms of Racial Discrimination should be communicated by the Secretariat to the Human Rights Committee and the Economic and Social Council Working Group.

5. On that basis, attention is drawn to the following measures which, in the opinion of the Italian Government, might be considered in order to improve the present overall situation of the "reporting system" for States parties to the human rights conventions so far adopted by the United Nations:

(a) The difficulties which small countries may face in preparing their reports could be overcome, after it has been ascertained that they occur in connection with the reports on the International Covenants on Human Rights as well, by organizing short missions of three experts, appointed in each case by the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Economic and Social Council working group, following a calculation of the financial implications.

(b) In general, States parties which have presented their first report (assuming it has been found to be comprehensive) should merely be asked to "update" it periodically for the purposes of each succeeding report.

(c) The excessively short interval between the reports on racial discrimination subsequent to the first report could be modified by a General Assembly resolution containing an amendment to article 9, paragraph 1, of the Convention.

This amendment should take account of the intervals laid down by the Human Rights Committee for the reports on civil and political rights (five years) and by the Economic and Social Council for the reports on economic, social and cultural rights (six years for the three reports in question); and it should be based on an overall timetable providing, for example, for two reports (or updatings) for each of the five kinds of reports in any one decade.

6. The suggestions made in the preceding paragraph take into account the state of ratification of the Convention on Racial Discrimination and the International Covenants, to which there are new accessions every year. The proposed timetable would both lighten the task required of States parties in preparing reports and enable the bodies responsible for examining them to cope with an increasing volume of work.

7. The Italian Government hopes that when the Secretary-General brings General Recommendation VI to the attention of the General Assembly, he will include in his report, in extenso, the comments made by States parties to the Convention on the Elimination of All Forms of Racial Discrimination.