



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/Q/ITA/2
18 December 2003

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
1-5 December 2003

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of the
fourth periodic report of ITALY, concerning the rights covered by
articles 1-15 of the International Covenant on Economic, Social and
Cultural Rights (E/C.12/4/Add.13)**

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. Please provide information on whether the State party's various national plans on human rights are consistent with the recommendations of the Vienna Declaration and Programme of Action of 1993. Do the various national plans existing in the State party aim to protect and promote economic, social and cultural rights in an integrated and coherent manner?
2. Please indicate if the State party envisages establishing a 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, General Assembly resolution 48/134, annex).
3. Please indicate to what extent the Covenant is reflected in the domestic legal order and whether the so-called "indicative value" of the Covenant allows it to be invoked before a court and is sufficient to render it justiciable. Please cite examples of relevant case law.
4. Please indicate the position of State party on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights.
5. Please indicate whether non-governmental organizations were consulted in the preparation of the report.
6. Please provide information on the implementation of the recommendations contained in the Committee's concluding observations on the third periodic report of the State party.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

International cooperation (art. 2, para. 1)

7. Please describe the measures adopted by the State party in the area of international assistance and cooperation. Please also indicate whether the State party intends to increase its budget allocation for official development assistance in order to reach the United Nations target.

Non-discrimination (art. 2, para. 2)

8. Please indicate what measures have been taken to combat social and economic discrimination against persons with disabilities in the State party.
9. Please indicate to what extent migrant workers and refugees are enjoying their economic, social and cultural rights. Please also explain how applicants for refugee status are afforded economic, social and cultural rights.

Equality between men and women (art. 3)

10. Under articles 3, 35 and 37 of the State party's Constitution and in accordance with Law 903/77, men and women are given equal treatment. However, women suffer de facto discrimination. Please indicate what measures have been taken to bridge the gap between legislation and practices on gender equality.

**III. ISSUES RELATING TO SPECIFIC PROVISIONS OF
THE COVENANT (arts. 6-15)**

Right to work (art. 6)

11. Unemployment in the State party is still high. Despite all efforts, the unemployment rate in 2001 reached 10.1 per cent. Please explain why the national plans to combat unemployment have failed to reduce the high unemployment rate, especially among women.

12. Please indicate the extent of the problem of high participation of women in the informal labour market, especially in the south of the country, and what effective measures have been introduced to deal with this problem.

Right to just and favourable conditions of work (art. 7)

13. Please indicate, by providing disaggregated statistical data, the extent to which the principle of equal pay for work of equal value has been respected in the State party.

14. Accidents in the workplace continue to grow in the State party. According to the State party's report, there were more than 1 million accidents in 2000, representing an increase of 6 per cent over the previous year. There had also been a rise in job-related illnesses of 4.3 per cent between 1999 and 2000. Please explain the reason for this increase.

Trade union rights (art. 8)

15. The definition of essential services with regard to which the right to strike is restricted appears to be too broad, covering not only health and security, but also education, social assistance, insurance and communication. Please indicate how these restrictions have been applied lately and whether the State party intends to reduce these restrictions.

Right to social security (art. 9)

16. While the overall population is projected to decrease by 20 per cent between 1996 and 2050, the number of elderly persons dependent on social security is expected to increase dramatically in the coming decades. Please indicate what measures are being taken to deal with these demographic changes.

17. Please indicate what social protection measures have been adopted to enable workers in the informal labour market to provide an adequate standard of living to themselves and their families.

Protection of the family, mothers and children (art. 10)

18. Please indicate on what grounds divorce is permitted in the State party.
19. Please indicate whether all forms of discrimination against children born out of wedlock have been removed.
20. Please indicate the extent of family violence in the State party and the measures adopted to combat this phenomenon.
21. Please provide information on whether trafficking in persons has been criminalized in the State party. Please also indicate the extent of the problems of prostitution, trafficking in women and children and child prostitution as well as of the problem of child pornography in the State party.
22. Please indicate under what conditions asylum-seekers are entitled to family reunification.

Right to an adequate standard of living (art. 11)

23. There is a concentration of absolute poverty in southern Italy reaching the level of 11 per cent of the population as against 1.4 per cent in the north and 2.6 per cent in the centre of the country. Please explain what policies and measures have been adopted to deal with this situation.
24. Please indicate the impact of the first National Action Plan on Social Inclusion (2001-2003) and the priorities set for the second National Action Plan on Social Inclusion (2003-2005) to improve the standard of living of vulnerable and marginalized groups.
25. According to paragraph 195 of the State party's report, the most serious housing problem is the quality and regularity of the supply of drinking water. In the light of the Committee's general comment No. 15 (2002) on the right to water, please indicate what effective measures have been introduced to deal with these problems.
26. Please explain conditions under which forced evictions have been carried out in the State party.
27. According to the State party's report, the exact number of homeless people cannot be ascertained. However, an ad hoc study carried out in 2000 puts the number at 17,000. Please provide data, disaggregated by sex, age and ethnic origin, on homeless persons in the State party, and indicate what measures have been introduced to tackle this problem.

Right to physical and mental health (art. 12)

28. There is very little information in the State party's report on the right to health. Please explain how medical security and health care are being provided to all sectors of the Italian society, including the most vulnerable groups of people, in accordance with the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health.

29. Please indicate to what extent HIV/AIDS, drug abuse and alcoholism are problems in the State party. Please indicate what effective measures have been adopted to combat these threats.

Right to education (arts. 13 and 14)

30. Law 40/1998 on immigration and the conditions of foreigners in Italy accords children of Italians and foreigners equal access to free and compulsory education. Please explain whether children of immigrants, refugees and asylum-seekers are afforded the same treatment as nationals.

31. Please explain why, despite the considerable budgetary allocations to education, there is a decrease in the number of school population, especially at pre-primary, primary and lower secondary schools. Is the drop in the birth rate the sole reason for this decrease? Please indicate whether school attendance by children of immigrants has reversed this trend.

32. How serious is the problem of dropouts in the State party, especially at the secondary level of education, and what effective measures have been taken to combat it?

33. Please provide information on the extent of the phenomenon of functional illiteracy in the State party.

Cultural rights (art. 15)

34. The State party's report states that the rights of linguistic and religious minority groups are respected in education. Please explain how these minority rights are actually being implemented.
