

**Council of Europe contribution for the 20th UPR session
regarding Italy**

Prevention of torture

On 19 November 2013, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report on its visit to Italy from 13 to 25 May 2012, together with the response of the Italian authorities (both documents are attached below).

The CPT delegation received a number of allegations of physical ill-treatment by State Police and *Carabinieri* officers, in particular in the Milan area and mostly concerning foreign nationals. Consequently, several recommendations are made in the report concerning the reinforcement of safeguards against ill-treatment. The conditions of detention observed by the Committee in law enforcement establishments were on the whole acceptable. However, material conditions were poor in the cells at the Florence and Palermo State Police Headquarters (*Questura*). In their response, the Italian authorities state that the above-mentioned cells have been taken out of service and that alternative - more suitable - places of detention have been found.

As regards the detention of foreign nationals under aliens legislation, some allegations of excessive use of force by *Carabinieri* and State Police officers during search operations were received at the Bologna Identification and Expulsion Centre (CIE). Material conditions of detention were adequate in terms of living space; however, the male unit of the centre was in a poor state of repair, apparently due to repeated acts of vandalism by detainees. The CPT was favourably impressed by the health-care services and the work performed by the cultural mediators at the centre, but expressed concern about possible staff reductions in these areas in the context of announced budgetary cuts. In their response, the Italian authorities inform the Committee about the temporary closure of the CIE in Bologna in order to carry out renovation work and state that the health-care staffing levels would be maintained when the centre reopened.

In relation to the prisons visited, inmates generally spoke favourably about the manner in which they were treated. However, at Vicenza Prison the CPT's delegation received a number of allegations of physical ill-treatment (kicks and punches) and/or excessive use of force by prison staff. The Committee recommends that external bodies (including the responsible judicial supervisory authorities) be informed of the allegations described in the report and that clear reporting procedures be introduced. Material conditions of detention were in many respects adequate at the prisons visited, with the notable exception of Palermo Ucciardone Prison, where most of the detention units were in a poor state of repair and the level of hygiene left much to be desired. Nevertheless, serious overcrowding was a source of concern in all the establishments visited; for example, at Bari Prison, the CPT's delegation found 11 inmates accommodated in a room measuring some 20 m². The cramped conditions were made worse by a lack of purposeful activities; the CPT calls upon the Italian authorities to expand the range of activities on offer to prisoners, including vocational training and work opportunities. In respect of the so-called "41-bis" regime, the report questions the necessity of the 2009 legislative changes which have imposed further limitations on this specific category of inmates already subject to a very restrictive regime. The health-care facilities were of a good standard in the establishments visited, but ensuring the confidentiality of medical examinations of prisoners and of medical data remains problematic.

As regards the treatment of forensic psychiatric patients in the Judicial Psychiatric Hospitals (OPGs), the CPT expresses concern in its report as regards the low health-care staffing levels and almost total absence of psychologists observed at the OPG of Barcellona Pozzo di Gotto.

A complete list of the CPT's recommendations, comments and requests for information is contained in Appendix I to the report.¹



Italy 2012 report.pdf



Italy 2012
response.pdf

Council of Europe Commissioner for Human Rights

Report from the 2012 visit to Italy

On 18 September 2012, the Commissioner for Human Rights, Nils Muižnieks, released the report on his visit to Italy from 3 to 6 July 2012.²

The Commissioner's report focuses on the following selected human rights issues:

- Excessive length of court proceedings³
- Protection of the human rights of Roma and Sinti⁴
- Protection of the human rights of migrants, including asylum seekers⁵

The Commissioner provides specific conclusions and recommendations at the end of each section.⁶

Upon releasing his report Commissioner Muižnieks said that "it is high time that durable solutions be found to the excessive length of court proceedings, which is a long-standing human rights problem in Italy, generating the highest number of so-called repetitive cases lodged before the European Court of Human Rights." He stressed that no solution to this problem is likely to work "unless it benefits from the full collaboration of all stakeholders, including the Ministry of Justice, the High Council of the Judiciary, as well as judges, prosecutors and lawyers".

Judicial inefficiency is estimated to reduce Italy's yearly GDP by 1%. "In times of economic crisis, this figure should be an incentive to find solutions to reverse the situation. Active case management by judges has proved remarkably effective in the First Instance Court of Turin, where the backlog of cases was reduced by 26.6% in 5 years. It is a cost-effective measure which should be transposed to other parts of Italy."

The Commissioner welcomed the adoption of Italy's first national strategy for the inclusion of Roma and Sinti. "It must now yield concrete actions. The policies of segregated camps and forced evictions should be once and for all discontinued. There is also a continuing need to work against anti-Gypsyism, which remains rampant in political discourse and in the media. Regrettably, some measures taken recently, such as the severe downsizing of UNAR, the anti-discrimination office entrusted with a co-ordinating role under the strategy, may thwart the chances to achieve Roma inclusion and fight against discrimination."

The Commissioner welcomed the authorities' commitment to no longer pursue the policy of "push-back" of migrants to Libya, which constitutes a human rights violation. "The announced renegotiation of the bilateral agreement with Libya must include appropriate guarantees to prevent human rights violations resulting from possible interceptions and expulsions. Attention should also be paid to avoiding similar violations when applying other agreements, such as the readmission agreements with Egypt and Tunisia, and when returning migrants to Greece."

¹ pp. 55-65.

² A summary of the report appears on pp. 2 - 4.

³ paras. 6 - 44.

⁴ paras. 61 - 72, 79 - 91, 98 - 102, 107 - 112 and 116 - 118.

⁵ paras. 121 - 134, 140 - 149, 155 - 164 and 168 - 176.

⁶ paras. 45 - 60, 73 - 78, 92 - 97, 103 - 106, 113 - 115, 119 - 120, 135 - 139, 150 - 154, 165 - 167 and 177 - 181.

The Commissioner lastly stressed that the near absence of an integration framework for refugees and other beneficiaries of international protection clashes with Italy's human rights obligations. "The shocking situation of the estimated 800 recognised refugees and beneficiaries of international protection who occupy the so-called "Palace of Shame" in Rome exposes the fate of deprivation that refugees often face in Italy."

The Commissioner's report on his visit to Italy and the comments of September and November by the Italian Government appear below.



Report CHR Italy.pdf



Comments Italian Gov.pdf



Italy CommentNov.pdf

Letter in 2013 to the Mayor of Rome

On 11 December 2013, the Commissioner for Human Rights, Nils Muižnieks, published his letter addressed on 12 November to the Mayor of Rome, Mr Ignazio Marino. The letter draws the Mayor's attention to two concerns raised in the Commissioner's report on Italy from 2012, namely the segregation of Roma and Sinti on the one hand, and the living conditions and integration of beneficiaries of international or humanitarian protection on the other.

The Commissioner underlined in his letter that the integration of refugees and other beneficiaries of protection required urgent action from the Italian government, as well as regional and municipal authorities.

The Commissioner's letter to the Mayor of Roma and the Mayors's reply (in Italian) are attached below.



CHR letter.pdf



Comments to letter.pdf

Fighting corruption

In its evaluation report on Italy in 2012 during its third evaluation round the Council of Europe's Group of States against Corruption (GRECO) identified critical shortcomings in the party funding system of Italy which must be addressed as a matter of priority. The control performed by public authorities over political funding is fragmented and formalistic, consisting of three different institutions with limited powers and no co-ordination either among themselves or with law enforcement bodies. GRECO urged political parties to develop their own internal control systems and to subject their accounts to independent audit. GRECO recommended more transparency in political finances by substantially lowering the 50,000 EUR threshold under which the identity of the donor remains unknown to the public. Likewise, anonymous donations must be banned. Moreover, GRECO called for appropriate sanctions for the violation of funding rules, which must also be applied in practice.

GRECO furthermore underlined the need for Italy to ratify the Criminal Law Convention on Corruption and its Additional Protocol and to fully incorporate them into national law. Italy is one of the very few member states which are not party to these instruments. GRECO was particularly concerned about the effectiveness of the sanctioning regime for corruption offences in Italy and the high risk of prosecuted cases being dismissed as time barred.

The evaluation report on Italy contains 16 recommendations to be assessed during 2014. The evaluation report focusing on two specific themes is attached below.



GrecoEval3(2011)7_IGrecoEval3(2011)7_I
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Execution of judgments and decisions of the European Court of Human Rights

At 31 December 2013, there were 2 593 cases pending before the Committee of Ministers for supervision of their execution. 69 of these cases are “leading cases”, i.e. raising a new structural/general problem and requiring the adoption of general measures. The main cases or groups of cases revealing such structural problems are listed below:

- ❖ Longstanding problem of excessive length of civil (including bankruptcy proceedings), criminal and administrative proceedings - Problems related to the functioning of the domestic remedy put in place in 2001: insufficient amounts and delays in the payment of compensation, excessively lengthy compensation proceedings
Ceteroni group, application No. 22461/93, judgment final on 15/11/1996
Luordo group, application No.32190/96, judgment final on 17/10/2003
Mostacciuolo (Pinto) group, application No.64705/01, judgment final on 29/03/2006
- ❖ Deficiencies in the legal framework adopted to tackle concentration in the television broadcasting sector and to ensure effective media pluralism - *Centro Europa 7 S.R.L. And Di Stefano v. Italy, application No. 38433/09, judgment final on 07/06/2012*
- ❖ Inhuman and degrading treatment in prison, on account of the inadequacy of the medical care provided – *Cirillo v. Italy, application No.36276/10, judgment final on 29/04/2013*
- ❖ Access to medically-assisted procreation refused to healthy carriers of genetic diseases wishing to avoid the transfer of their genes – *Costa and Pavan v. Italy, application No.54270/10, judgment final on 11/02/2013*
- ❖ Prolonged inability of the authorities to ensure the proper functioning of the waste collection, treatment and disposal service in Campania and lack of an effective remedy in this respect – *Di Sarno and Others v. Italy, application No.30765/08, judgment final on 10/04/2012*
- ❖ Inhuman or degrading treatment suffered on account of overcrowding in prison – *Sulejmanovic v. Italy, application No.22635/03, judgment final on 06/11/2009 (Torreggiani and Others v. Italy, 43517/09, pilot judgment final on 27/05/2013)*

The document attached presents a brief description of the violations and the latest detailed decisions taken by the Committee of Ministers and the responses given thereto by the respondent state.



Contributions
Italy.docx

Fight against racism and intolerance

On 21 February 2012, the European Commission against Racism and Intolerance (ECRI) published its fourth report on Italy.⁷ ECRI's Chair ad interim, François Sant'Angelo, said that, while progress has been made in some areas, there is significant room for improvement in combating hate speech and protecting Roma and migrants from violence and discrimination.

Italy has now an effective legislation against discrimination and racist violence in sport. UNAR, the National Office against Racial Discrimination, is increasingly active. The courts have annulled a number of discriminatory measures taken by the Government and some mayors.

There is more racist discourse in politics; migrants, in particular, are regularly equated with insecurity. This reflects discriminatory policies (for example, several aspects of the "pacchetto sicurezza"). Although the most questionable measures have been abandoned, the impact on public attitudes is obvious. In some cases, there have been violent attacks against Roma and migrants.

Most Roma experience marginalisation, notwithstanding some municipalities' and regions' programmes for social inclusion. Even legal settlements are relegated far from urban centres. As for illegal settlements, their demolition and forced evictions have resulted in increased discrimination in everyday life.

Despite progress made in the field of asylum, the pushback ("respingimento") policy of returning to their country of origin boats intercepted on the open sea between Italy and Libya, which was introduced in May 2009, appears to have deprived individuals of the possibility of applying for international protection. There have been problems also following the events in North Africa in early 2011: excessively rapid returns and poor reception conditions.

Anti-Muslim prejudice and antisemitism persist and private landlords reportedly discriminate against vulnerable groups.

The report contains findings and recommendations regarding the following issues:

- Existence and application of legal provisions⁸
- Racism in public discourse⁹
- Racist violence¹⁰
- Racism in sports¹¹
- "*Pacchetto sicurezza*" and other measures targeting foreigners¹²
- Vulnerable/target groups, including Roma, migrants, refugees and asylum seekers, and muslim communities¹³
- Antisemitism¹⁴
- Discrimination in various fields, including education, employment, housing and health¹⁵
- Conduct of law enforcement officials¹⁶
- Monitoring of racism and racial discrimination¹⁷
- Education and awareness-raising¹⁸

⁷ A summary of the report can be found on pp. 7 - 10.

⁸ paras. 1 - 48.

⁹ paras. 49 - 61.

¹⁰ paras. 62 - 68.

¹¹ paras. 69 - 71.

¹² paras. 72 - 81.

¹³ paras. 82 - 156.

¹⁴ paras. 157 - 160.

¹⁵ paras. 161 - 179.

¹⁶ paras. 180 - 183.

¹⁷ paras. 184 - 186.

The following three recommendations were selected for priority implementation to be revisited two years later:

- Give the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR) a more prominent role;
- Provide guarantees to all Roma who are evicted from their homes;
- Respect the principle of non-refoulement.

ECRI's report on Italy, which includes Government observations, is attached below.



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Protection of minorities

Protection of national minorities

On 4 July 2012, the Council of Europe's Committee of Ministers adopted a resolution on the protection of national minorities in Italy (attached below). The resolution contains conclusions and recommendations, highlighting positive developments¹⁹ but also mentioning issues of concern²⁰. Moreover, it mentions a number of areas where further measures are needed to advance the implementation of the Framework Convention for the Protection of National Minorities.

In addition to the measures to be taken to implement the detailed recommendations contained in Sections I²¹ and II²² of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention.

Issues for immediate action²³

- a formalised dialogue with the Slovenian minority should start also with the aim of examining the implementation of the legislation governing the protection of the Slovenian minority, particularly Law No. 38/01;
- consider adopting a specific legislative framework on integration and protection of Roma and Sinti, in consultation with their representatives, and taking adequately into account the differences existing within these communities;
- intensify as a matter of priority existing measures to enable Roma and Sinti to enjoy adequate living conditions and pursue the efforts to guarantee the Roma and Sinti equal access to housing, employment, education and health care; consider putting an end to the undue use of the measures of civil protection issued from May 2008 in tackling the situation of the Roma and Sinti, in line with the 2011 judgment of the Italian Council of State;
- increase the awareness raising measures at all society levels to prevent, combat and sanction effectively all forms of discrimination, intolerance, racism and xenophobia; prevent and combat and, while fully respecting the editorial independence of the media, support their fight against the spread of prejudice and racist language through the media, as well as on the Internet and in sports events;
- ensure that the current economic crisis and related budgetary cuts do not have a disproportionate impact on measures to support persons belonging to minorities.

¹⁸ paras. 187 - 190.

¹⁹ Part 1.a) of the resolution.

²⁰ Part 1.b) of the resolution.

²¹ paras. 6-34 of the third Opinion of the Advisory Committee on the Framework Convention on Italy.

²² paras. 35-254 *ibid*

²³ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

Further recommendations²⁴

- pursue efforts to gather reliable data on the numbers and situation of persons belonging to the linguistic minorities, as well as on the Roma and Sinti in line with the principles of free self-identification and international recognised data collection and protection standards;
- continue to support the preservation and development of the cultural heritage of minorities, including the numerically-smaller minorities, and ensure a more adequate balance between needs and resources allocated;
- ensure adequate human and financial support to the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR) to enable this body to carry out its work effectively and independently; carry on the current efforts aimed at setting up a national institution for the protection of human rights, in accordance with the Paris Principles;
- increase public awareness, including among the public authorities, the law enforcement agencies, the judiciary and the media, about human rights, legislative safeguards in the area of protection against discrimination and available remedies; promote mutual understanding and respect, particularly towards persons belonging to vulnerable groups, such as Roma and Sinti, migrants, asylum seekers and refugees; continue to ensure that any violation of human rights by law enforcement officers is effectively investigated, prosecuted and appropriately sanctioned;
- take steps to remedy shortcomings – including for Slovenes in some parts of the Friuli Venezia Giulia region – to ensure sufficient access for persons belonging to linguistic minorities to radio and television broadcasting in their languages; pay particular attention to the needs of persons belonging to the numerically-smaller minorities in the media field, including the print media;
- take effective measures to address shortcomings in the public use of minority languages – in particular in dealings with the local administrative authorities and for bilingual/multilingual topographical indications – in accordance with domestic legislation and the principles of the Framework Convention;
- adopt more effective measures to increase availability of teachers and textbooks for minority education, and continue to develop teaching of/or in minority languages, including taking adequate measures and giving support to providing proper maintenance and suitability of school premises, particularly the bilingual Slovene-Italian school in San Pietro al Natisone; increase public awareness of the languages and culture of linguistic minorities, and of Roma and Sinti, through textbooks and other educational tools;
- intensify measures to ensure equal access to education and improvements of the situation of the Roma and Sinti children in education;
- consolidate the effective participation of persons belonging to minorities in public affairs, both at the local/regional and central level and promote more effectively the presence of such persons in the civil service, elected bodies, as well as in socio-economic planning bodies; consider setting up a single co-ordinating body for minority protection at central level;
- intensify the efforts to enable the effective participation by Roma and Sinti in public affairs, including by developing the existing mechanisms for the consultation of the Roma and Sinti on policies and measures concerning them.

The Committee of Ministers' resolution is largely based on the corresponding third Opinion of the Advisory Committee on the Framework Convention on Italy²⁵. The concluding remarks, contained in Section III²⁶, serve as the basis for the Committee of Ministers' resolution. The Opinion of the Advisory Committee is also attached below.



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²⁴ *Idem.*

²⁵ A summary of the report can be found on pp. 1 - 2.

²⁶ paras. 255 - 278.

European Charter for Regional or Minority Languages

Italy has signed but not yet ratified the European Charter for Regional or Minority Languages. Thus, the country is not yet covered by the monitoring carried out by the Committee of Independent Experts under the Charter.

Action against trafficking in human beings

A delegation of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) carried out a visit to Italy from 2 to 6 December 2013. GRETA's final report on the implementation of the Convention by Italy will not be available before early autumn 2014.

Preventing and combating violence against women and domestic violence

Italy has ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. It will be covered by the monitoring procedure to be carried out once the Convention will enter into force.

European Commission for Democracy through Law (Venice Commission)

The Venice Commission adopted an opinion on the draft law on defamation in Italy. See the attachment below with hyperlink to the text.



Venice Com
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Social and economic rights

Italy ratified the European Social Charter on 22/10/1965 and the Revised European Social Charter on 05/07/1999, accepting 97 of its 98 paragraphs

It ratified the Additional Protocol providing for a system of collective complaints on 03/11/1997, but has not yet made a declaration enabling national NGOs to submit collective complaints.

Cases of non-compliance

Thematic Group 1 "Employment, training and equal opportunities"

- ▶ Article 1§2 – Right to work – Free placement services
- Foreign nationals' access to public service employment is excessively restricted and constitutes discrimination on grounds of nationality.
- The Navigation Code provides for criminal penalties against seafarers and civil aviation personnel who desert their post or refuse to obey orders, even in cases where there is no threat to the safety of the vessel or aircraft, thus constituting excessive coercion to work.
(Conclusions 2008, p. 8)

- ▶ Article 1§3 – Right to work – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

It has not established that the right to free placement services is guaranteed.
(Conclusions 2008, p. 9)

► Article 15§2 – Right of persons with disabilities to independence, social integration and participation in the life of the community – Employment of persons with disabilities
It has not been established that persons with disabilities are guaranteed effective equal access to employment.

(Conclusions 2008, p. 19)

► Article 18§1 – Right to engage in a gainful occupation in the territory of other Parties – Applying existing regulations in a spirit of liberality
It has not been established that the regulations governing the right to engage in a gainful occupation are applied in a spirit of liberality.

(Conclusions 2008, p. 22)

► Article 18§2 – Right to engage in a gainful occupation in the territory of other Parties – Simplifying formalities and reducing dues and taxes

The formalities for granting residence permits to self-employed workers were not simplified.

(Conclusions 2008, p. 24)

► Article 24 – Right to protection in cases of termination of employment

The categories of workers excluded from the protection against termination of employment are more extensive than those provided for by this provision.

(Conclusions 2008, p. 28)

Thematic Group 2 “Health, social security and social protection”

► Article 3§1 - Right to safe and healthy working conditions - Health and safety and the working environment

There is no appropriate occupational safety and health policy;

There is no adequate system to organise occupational risk prevention.

(Conclusions 2013, p. 9)

► Article 12§1 - Right to social security - Existence of a social security system

It has not been established that the minimum level of sickness benefit is adequate;

The minimum level of pension benefit is inadequate.

(Conclusions 2013, p. 29)

► Article 12§3 - Right to social security - Development of the social security system

It has not been established that measures were taken to raise the system of social security to a higher level.

(Conclusions 2013, p. 31)

► Article 12§4 - Right to social security - Social security of persons moving between States

Equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties;

It has not been established that the retention of accrued benefits is guaranteed to nationals of all other States Parties.

(Conclusions 2013, p. 34)

► Article 13§1 - Right to social and medical assistance - Adequate assistance for every person in need

Social assistance is not provided for everybody in need;

The level of assistance is inadequate;

It has not been established that medical assistance is provided for everybody in need.

(Conclusions 2013, p. 37)

► Article 23 - Right of elderly persons to social protection

It has not been established that there is an adequate legal framework to combat age discrimination outside employment.

(Conclusions 2013, p. 47)

► Article 30 - Right to protection against poverty and social exclusion

It has not been established that there is an overall and coordinated approach to combating poverty and social exclusion;

There is discriminatory treatment of migrant Roma and Sinti with regard to citizen's participation.

(Conclusions 2013, p. 50)

Thematic Group 3 "Labour rights"

► Articles 2§1 – Right to just conditions of work - Reasonable daily and weekly working hours

Regulations permit weekly working time of up to 72 hours in the fishing industry.

(Conclusions 2010, p. 5)

► Articles 2§2 – Right to just conditions of work - Public holidays with pay

Work performed on a public holiday is not compensated at a sufficiently high level.

(Conclusions 2010, p. 6)

► Articles 2§4 – Right to just conditions of work - Elimination of risks in dangerous or unhealthy occupations

- There is no prevention policy for the risks in inherently dangerous or unhealthy occupations.
- It has not been established that the right to just conditions of work in case of risks in inherently dangerous or unhealthy occupations is guaranteed.

(Conclusions 2010, p. 7)

► Article 4§1 – Right to a fair remuneration - Adequate remuneration

It has not been established that the minimum wage can guarantee a decent standard of living.

(Conclusions 2010, p. 9)

► Article 4§2 – Right to a fair remuneration - Increased remuneration for overtime work

Time off granted to compensate overtime is not sufficiently long under the collective agreement in the food industry sector.

(Conclusions 2010, p. 10)

► Article 4§4 – Right to a fair remuneration – Reasonable notice of termination of employment

- In textile, private metal-working and mechanical industries as well as food-processing sector, one week's notice is not reasonable period of notice for any worker whether or not he or she has completed six months' service.
- In private metal-working and mechanical industries sector, nine days' notice is not a reasonable period of notice for workers with five to ten years' service.
- In private metal-working and mechanical industries as well as food-processing sector, twelve days' notice is not a reasonable period of notice for workers with more than fourteen years' service.
- In textile sector, two weeks' notice is not a reasonable period of notice for workers with more than six month's service.
- In textile, private metal-working and mechanical industries as well as food-processing sector, one month's notice is not a reasonable period of notice for workers with five or more years' service.

(Conclusions 2010, p. 10)

► Article 4§5 – Right to a fair remuneration – Limitation of deduction from wages

It has not been established that deductions from wages will not deprive workers and their dependents of their very means of subsistence.

(Conclusions 2010, p. 11)

► Article 6§4 – Right to bargain collectively – Collective action

- It has not been demonstrated that the Government's right to issue ordinances restricting strikes in essential public services falls within the limits of Article G of the Revised Charter.
- The requirement to notify the duration of strikes concerning essential public services to the employer prior to strike action is excessive.

(Conclusions 2010, p. 16)

► Article 21 – Right of workers to be informed and consulted

It has not been established that the rules relating to information and consultation cover the majority of employees concerned.

(Conclusions 2010, p. 18)

► Article 22 – Right of workers to take part in the determination and improvement of the working conditions and working environment

It has not been established that a majority of employees have an effective right to participate in the decision-making process in their undertaking on matters referred to in Article 22 of the Revised Charter.

(Conclusions 2010, p. 20)

Thematic Group 4 “Children, families, migrants”

► Article 7§1 – Right of children and young persons to protection – Prohibition of employment under the age of 15

It has not been established that the legislation prohibiting employment under the age of 15 is effectively applied.

(Conclusions 2011, p. 5)

► Article 7§2 – Right of children and young persons to protection - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

It has not been established that the labour inspectorate undertakes inspection visits in training places where some tasks carried out by persons under the age of 18 could be considered dangerous or unhealthy even if they have not been declared as such.

(Conclusions 2011, p. 7)

► Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education

The effective enjoyment of the right to education is not guaranteed as there is no indication that the legislation on the prohibition of employment under the age of 15 is effectively applied.

(Conclusions 2011, p. 8)

► Article 7§4 – Right of children and young persons to protection – Length of working time

It has not been established whether that the working hours of young persons between the ages of 15 and 16 are reasonable.

(Conclusions 2011, p. 8)

► Article 8§3 – Right of employed women to protection of maternity - Time off for nursing mothers

Domestic workers and home workers are not entitled to paid breaks for the purposes of breastfeeding their infants.

(Conclusions 2011, p. 15)

► Article 16 - Right of the family to social, legal and economic protection

- unequal treatment of foreigners in matters of family benefit;
- undue interference in the family life of Roma and Sinti families.

The second ground of non conformity is also the one which led to the finding of violation in COHRE v. Italy, Complaint No. 58/2009
(Conclusions 2011, pp. 19 - 20)

► Article 17§2 – Right of children and young persons to social, legal and economic protection – Free primary and secondary education – regular attendance at school

It has not been established that measures taken to improve access for Roma children to education are sufficient.
(Conclusions 2011, p. 23)

► Article 19§1 - Right of migrant workers and their families to protection and assistance - Assistance and information on migration

Racist misleading propaganda against migrant Roma and Sinti indirectly allowed or directly emanating from public authorities.

This ground of non conformity is the one which led to the finding of violation in COHRE v. Italy, Complaint No. 58/2009.
(Conclusions 2011, p. 27)

► Article 19§4 - Right of migrant workers and their families to protection and assistance - Equality regarding employment, right to organise and accommodation

- It has not been established that migrant workers enjoy treatment which is not less favourable than that of nationals with respect to:
 - enjoyment of the benefits of collective bargaining;
 - access to housing.
- The forced evictions of Roma migrant workers were carried out without due respect of the necessary procedural safeguards guaranteeing that in respect of housing for such workers treatment is not less favourable than that of nationals.

The second ground of non conformity corresponds with the one which led to the finding of violation in COHRE v. Italy, Complaint No. 58/2009.
(Conclusions 2011, p. 29)

► Article 19§6 - Right of migrant workers and their families to protection and assistance – Family reunion

The requirement relating to the income is likely to hinder family reunion rather than facilitate it.
(Conclusions 2011, p. 31)

► Article 19§8 - Right of migrant workers and their families to protection and assistance - Guarantees concerning deportation

During the reference period "security measures" representing a discriminatory legal framework target Roma and Sinti, making it very difficult for them to obtain identification documents in order to legalise their residence status and, therefore, permit even the expulsion of Italian and other EU citizens.

(Conclusions 2011, p. 32)

► Article 19§10 - Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed

The same grounds for non conformity apply as for paragraphs 1, 4, 6 8 and 12 of the same Article.

(Conclusions 2011, p. 33)

► Article 19§12 - Right of migrant workers and their families to protection and assistance - Teaching mother tongue of migrant

It has not been established that Italy promotes and facilitates the teaching of the migrant worker's mother tongue to the children of migrant workers.

(Conclusions 2011, p. 34)

► Article 31§1 – Right to housing - Adequate housing

Measures taken by public authorities to improve the substandard housing conditions of most Roma in Italy are inadequate.

This ground of non conformity is the one which led to the finding of violation in ERRC v. Italy. The Committee holds that during the reference period the follow-up to this finding was unsatisfactory.

This ground of non conformity is also the one which led to the finding of violation in COHRE v. Italy, Complaint No. 58/2009.

(Conclusions 2011, p. 41)

► Article 31§2 – Right to housing - Reduction of homelessness

- the initiatives undertaken to reduce the number of homeless persons are insufficient;
- evictions of Roma and Sinti continue to be carried out without respecting the necessary procedural safeguards to guarantee full respect of every individual's human dignity and without alternative accommodation being made available;
- intervention in Roma and Sinti settlements by the police, has not been respectful of the dignity of their inhabitants and those responsible for destroying the personal belongings of the inhabitants of the settlements have not always been investigated nor have they, if identified, been condemned for their acts.

The second ground of non conformity is the one which led to the finding of violation in ERRC v. Italy. The Committee holds that during the reference period the follow-up to this finding was unsatisfactory.

The second and third grounds are those which led to the findings of violation in COHRE v. Italy, Complaint No. 58/2009.

(Conclusions 2011, p. 44)

► Article 31§3 – Right to housing - right to affordable housing

- in some regions and municipalities nationals of other Parties to the Charter and to the 1961 Charter lawfully residing or regularly working in Italy are not entitled to equal treatment regarding eligibility for social housing and access to housing benefit ;
- it has not been demonstrated that resources have been invested with the effect of improving in practice access of Roma and Sinti to social housing without discrimination.

The second ground of non conformity is the one which led to the finding of violation in ERRC v. Italy. The Committee holds that during the reference period the follow-up to this finding was unsatisfactory.

The second ground of non conformity also corresponds with the one which led to the finding of violation in COHRE v. Italy, Complaint No. 58/2009.

(Conclusions 2011, p. 47)

Please find attached below the Conclusions regarding Italy from 2008, 2010, 2011 and 2013, as well as the country fact sheet.



Italy2008_en.pdf



Italy2010_en.pdf



Italy2011_en.pdf



Italy2013_en.pdf



Italy fact sheet.doc