
Advance Unedited Version

Distr.: General
13 March 2020

Original: English

Committee on Economic, Social and Cultural Rights

List of issues prior to submission of the sixth periodic report of Italy^{1*}

1. The State party is requested to submit in writing the information requested below (21,200 words maximum) by 30 June 2021.

A. Issues of particular relevance

2. Please provide information on any assessment carried out by the State party of the effect of the austerity measures, taken during the financial crisis, on the enjoyment of the Covenant rights, particularly by disadvantaged and marginalized individuals and groups; and on the steps taken to mitigate the adverse effect of such measures. Please also provide information on the steps taken to strike a balance between the requirements of creditors to narrow its public debt and the need to strengthen public services, particularly for disadvantaged and marginalized individuals, with a view to protecting their Covenant rights.

3. Please provide information on the extent to which the State party has taken legislative and institutional measures to improve the economic, social and cultural rights situation of migrants, asylum seekers and refugees. Please also indicate any steps taken to ensure that Law No. 132 of 2018 on immigration and security does not adversely affect the enjoyment of the rights to work, housing, health and education by migrants and asylum seekers, especially in relation to the abolition of humanitarian protection, introduction of accelerated procedures and new grounds for detention of asylum seekers, and the changes made to the reception system. Please further provide information on the measures taken to respond to the reportedly large increase in the number of persons in an irregular situation due to the abrogation of resident permits on humanitarian grounds, including those whose countries of origin have no agreement with the State party for repatriation, and to ensure the protection of their Covenant rights. Please also provide information on the steps taken to address the reportedly increased incidence of xenophobia and verbal and physical abuse against migrants, asylum seekers, refugees and stateless persons.

4. Please provide updated information on the old age pension, including the eligibility and age requirements, coverage and adequacy; and on the challenges faced by the State party in relation to the pension system and any steps taken to reform the pension system. Please also provide information on the measures taken to ensure that unemployment benefits provide recipients and their families with an adequate standard of living.

5. Please provide information on the anti-poverty measures, including the Citizen's Income (Reddito di Cittadinanza), in relation to the eligibility requirements, coverage, accessibility and adequacy. In particular, please provide information on the implementation of the Citizen's Income so far; on the efforts made to minimize errors of exclusion and inclusion; and on the budget allocated to it. Please also provide information on the concrete

* Adopted by the pre-sessional working group at its sixty-sixth session (9–13 March 2020).

steps taken to address the regional disparities in terms of availability and coverage of certain social security benefits.

B. Ongoing implementation of the Covenant

6. Please provide information on the legislative and institutional framework to provide effective remedies for individuals claiming violations of their rights under the Covenant. In particular, please provide information on the concrete steps taken to incorporate the Covenant provisions in the domestic legal order; and on the cases in which the Covenant has been invoked before or applied by domestic courts, including their numbers and examples thereof. Please also indicate whether the draft law to create a national human rights institution, which is under consideration by Parliament, provides for an explicit mandate to deal with the Covenant rights. Please further indicate whether legal aid is applicable to cases relating to economic, social and cultural rights and, if so, provide information on such cases, including relevant statistical data.

7. Please provide information on the steps taken to address the criticism about the so called “smear campaign” against civil society organizations engaged in migrant search and rescue operations in the Mediterranean Sea and the criminalization of their work. Please also provide information on the measures taken to protect human rights defenders, including civil society actors, journalist and parliamentarians, advocating for the rights of migrants, asylum seekers and refugees, from physical attacks and intimidation. Please further provide information on such cases, including the numbers of cases reported, investigated and prosecuted as well as the sanctions imposed on perpetrators.

8. Please provide information on the progress made in meeting the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement on climate change. In particular, please provide information on the concrete measures taken to address the inconsistency between its emission reduction targets and the continued use of fossil fuels, as indicated by the European Commission on the State party’s proposal for an integrated national energy and climate plan 2021-2030. Please also provide information on the concrete measures taken to mitigate the adverse effect of climate change on the enjoyment of the Covenant rights, particularly the rights to food, housing, water and health; and on any procedures or mechanisms put in place to ensure that such measures are formulated on a human rights based impact assessment and/or participation of and consultation with relevant stakeholders.

9. Please provide information on the implementation of the National Action Plan on Business and Human Rights, adopted in 2014, including the achievements made and challenges faced so far. Please also indicate the extent to which legislative and institutional framework that includes human rights due diligence of business entities and provides for judicial remedies for individuals claiming their Covenant rights are violated by Italian businesses abroad; and provide information on any concrete steps taken to improve access to remedies, particularly in view of the Opinion of the European Union Agency for Fundamental Rights of 10 April 2017. Please further provide information on specific examples of judicial remedies accorded to victims of human rights violation committed by Italian businesses abroad.

10. Please provide information on the mechanisms or procedures put in place to ensure that human rights risk assessments are carried out prior to granting licences for arms exports by Unita’ per le autorizzazioni dei materiali d’armamento (Unit for the Authorizations of Armament materials); and on the assessments carried out and responses to such assessments so far. In particular, please provide information on any specific measures taken to ensure that the human rights due diligence is implemented by business entities in the arms industry. Please also provide information on the implementation of the motion approved by the Parliament in June 2019 in relation to arms export to Saudi Arabia and the United Arab Emirates.

11. In order for the Committee to assess whether the State party is using the maximum available resources to realize the rights recognized in the Covenant, please provide information on the evolution over the past 10 years of:

(a) The proportion of the population below the poverty line as defined at the national level and the levels of inequality, defined as the ratio of the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is financed through taxes;

(c) Tax rates levied on corporate profits and on personal incomes, and value added tax (exclusive of value added tax on luxury items, tobacco, alcohol, sugary drinks and snacks, and petrol and diesel); and the percentage of total revenue from personal income taxes that is collected from the richest decile of the population;

(d) Public expenses as a percentage of gross domestic product and, within total public expenses, the proportion of the public budget that is dedicated to social priorities (employment, education, food, health, water and sanitation, social security, housing and culture);

(e) Inflation-adjusted absolute levels of social spending.

12. Please provide information on the concrete steps taken to combat corruption in the public and private sectors and to enhance transparency and accountability in the conduct of public affairs, particularly in the judiciary, procurement, public services and tax administration. Please also provide information on the cases filed with the National Anti-Corruption Authority, particularly those involving high-level officials and/or mafia, including the number of cases filed, investigated and prosecuted and the sentences passed on those involved in corruption, during the reporting period. Please also indicate the legislative or other measures put in place to protect whistle-blowers and to ensure the protection of and remedies for victims of corruption.

13. Please provide information on the concrete steps taken to adopt a comprehensive anti-discrimination legislation or to amend existing anti-discrimination legislation of the State party with a view to prohibiting all forms of discrimination, including multiple and intersectional discrimination, based on all prohibited grounds. Please also provide information on the progress made in incorporating the concept of reasonable accommodation in all legislation affecting persons with disabilities. Please further provide information on the cases of discrimination in relation to the enjoyment of the Covenant rights brought before equality bodies, including the number of cases lodged, and main areas of concern identified and the measures taken to address them.

14. In the light of the high number of stateless persons who are not recognized, please provide information on the extent to which the measures taken by the State party have facilitated the statelessness recognition process and reduced the number of stateless persons, especially those who have lived in Italy for a long period, those who are born in Italy to unrecognized stateless parents. Please also provide information on the extent to which stateless persons in Italy have access to employment, social security benefits, housing, healthcare services and education; and on the measures taken to strengthen the protection of the Covenant rights of stateless persons.

15. Please provide information on the outcome of the measures taken to improve women's representation in decision-making positions in the public and private sectors, including Act No. 120/2011 and Act No. 215/2012; and provide relevant statistical data in this regard. Please also provide information on the concrete measures taken by the State party and their effectiveness, to narrow the large gender disparities in the labour market participation and employment and to address women's concentration in non-standard forms of employment and in the informal economy, and provide relevant statistical data.

16. Please provide information on any assessments carried out on the measures taken by the State party under labour market reforms, particularly in relation to employment security and social protection of employees. Please provide information on the targeted measures, and their outcome, taken by the State party to reduce the high incidence of unemployment among young people as well as the number of the long-term unemployed and young people who are not in education, employment, or training, which is disproportionately higher in the South. Please provide information on the steps taken to mainstream the rights of persons with disabilities in labour policies; on the concrete measures taken to improve employment

of persons with disabilities; and on the implementation of the quota for the employment of persons with disabilities. Please further provide information on the concrete measures taken to protect the rights of workers working in the informal economy and to regularize their employment and the outcome thereof; and on the steps made by the State party to progressively reduce the informal economy.

17. Please provide information on:

(a) Difficulties in setting up a national minimum wage and on the steps taken or envisaged to overcome them;

(b) The steps taken to incorporate the principle of equal pay for work of equal value in the Labour Code;

(c) The incidence of occupational accidents and diseases, including annual statistical data, disaggregated by industry and sex, and the main areas of concern and the measures taken to address them;

(d) The measures taken to strengthen labour inspections, and the annual budget and human resources allocated to the labour inspection system;

(e) The measures taken to enhance the transparency and fairness in training and apprenticeship, and recruitment processes of legal professionals and to address the discrimination faced by women, particularly women with children, in the processes.

18. Please provide information on the concrete measures taken to regularize migrant workers in an irregular situation, particularly those working in the agricultural sector. Please also provide information on the measures taken to address the imbalance between the labour demand for migrant workers and the supply of migrant workers through regular migration systems. Please further provide information on the concrete measures taken to guarantee labour rights and social protection for migrant workers. In particular, please provide information on the enforcement of Law 199/2016 (the anti-Caporalato law) and on other concrete measures taken to address the dire living and working conditions of workers, particularly migrant workers in an irregular situation, in the agricultural sector and their outcome.

19. Please provide information on the framework legislation on trade union rights and the right to strike; and on the exercise of the right to strike by workers.

20. Please also provide information on childcare services provided by the State party, in terms of availability, accessibility and quality of such services. Please also provide detailed information on the use of paternity leave and that of parental leave by fathers, including annual statistical data on the numbers and proportions of fathers who have taken paternity leave and/or parental leave as well as the duration of leaves taken.

21. Please provide information on the framework policy on food and nutrition security and the implementation thereof and also include information on the incidence of hunger, malnutrition and obesity in the State party. Please also provide information on the concrete measures taken to protect small farmers from aggressive land purchase by large farming business or developers, and from the unfair trade practices. Please also indicate the concrete steps taken to support small scale farmer in the framework of the Common Agricultural Policy and relevant national policies, and to combat the abuse of direct payments under the Common Agricultural Policy. Please further provide information on the concrete steps taken to combat the illegal production, distribution and use of pesticides and fertilizers.

22. Please provide information on the progress made by the State party in adopting comprehensive framework legislation on housing, including legislation on rent control. Please also provide information on the concrete steps taken to improve the availability, accessibility and quality of rental housing and social housing provided to low-income families, and include annual statistical data on the provision of social housing and rental housing during the reporting period. Please further provide information on the concrete measures taken to address the difficulties faced by migrants, asylum seekers, refugees, and Roma, Sinti and Camminanti in accessing social housing and rental housing, and indicate the number of social housing units provide to these groups of persons.

23. Please provide information on:

(a) The progress made through the measures taken by the State party, including the National Strategy for the Inclusion of Roma, Sinti and Camminanti Communities 2012-2020, in ending residential segregation of these communities and in regularizing and upgrading the informal settlements where these communities are living;

(b) The construction of new camps or shelters mainly for these communities, approved by municipalities, including annual statistical data, disaggregated by municipality, on the number of approvals granted and the capacity of these camps; and the legislative or policy framework based on which these approvals are granted;

(c) The legislative framework based on which evictions against these communities are carried out;

(d) The evictions carried out in the informal settlements during the reporting period, including annual statistical data, disaggregated by municipality, on the numbers of evictions carried and of affected persons/families; and alternative accommodation provided;

(e) The compensation and/or accommodation provided to those affected by forced evictions carried out under “the nomad emergency”.

24. Please provide information on the measures taken to strengthen the public healthcare services and to increase the scope and the coverage of the National Health Services (Servizio Sanitario Nazionale). Please also provide information on the mechanisms put in place at the national level to monitor and coordinate healthcare services provided by local health system at the national level and their compliance with the Essential Levels of Assistance (Livelli Essenziali di Assistenza); and on the progress made in narrowing the large regional disparities in the availability, accessibility and quality of healthcare services.

25. Please provide information on:

(a) The measures taken to reduce the incidence of HIV and hepatitis C, particularly among persons who inject drugs, and annual statistical data on the number of new cases of HIV and of hepatitis C;

(b) The measures taken to prevent drug use and to reduce the prevalence of drug use and the increase overdose fatality; and the availability, accessibility and quality of harm reduction services for drug users, including relevant annual statistical data disaggregated by sex and region;

(c) The policy framework on drugs and the steps taken to decriminalize drug use and to address critics about the harsh criminal and administrative sanctions on drug use;

(d) The measures taken to guarantee access to abortion services and appropriate referral services across the country, particularly including those to ensure that the exercise of conscientious objection by health-care personnel does not pose an obstacle for women who wish to terminate a pregnancy; and annual statistical data, disaggregated by region, on the number and the proportion of medical professionals conscientiously objecting to abortion services;

(e) The measures taken to guarantee access to reproductive health treatment and the right of all women to take free decisions regarding these medical interventions.

26. Please provide information on:

(a) The progress made in reducing the incidence of school dropout;

(b) The measures taken to improve tertiary education attainment, particularly among male students;

(c) The progress made in improving inclusive education for children with disabilities (para.55) and the measures taken to increase the completion of the second level of secondary education among children with disabilities;

(d) Any steps taken to improve the appointment and assignment of teaching staff for children with disabilities, managed by municipalities, to ensure that these students have adequate support throughout their school year;

(e) The implementation of the 30 per cent quota of foreign students.

27. Please provide information on the efforts made by the State party to assist second-generation migrant children and youth, including Roma children, in retaining their mother tongue and promoting their cultural traditions. Please also provide information on the measures taken to ensure that the socio-cultural diversity is reflected in mainstream media. Please further provide information on the legislation on and procedures for the recognition of a faith entity and the establishment of an Accord with a recognized faith entity and on the application of this legislation and procedures in practice.

28. Please indicate the measures taken for the conservation, development and diffusion of science and culture, and to ensure access, without discrimination, to the benefits of scientific progress and its applications for everyone, especially for women, persons with disabilities and persons in poverty. In particular, please provide information on the steps taken to revise and update Law 14/2004, taking into account Covenant rights and the evolution of society and scientific progress. Please also indicate the measures taken to ensure access to internet, especially for disadvantaged and marginalized individuals and groups.

C. Good practices

29. Please provide information on good practices in policy formulation and implementation that have been developed by the State party during the reporting period and that have effectively contributed to the realization of economic, social and cultural rights, in particular for marginalized and disadvantaged individuals and groups. Please indicate how the Committee's previous concluding observations (E/C.12/ITA/CO/5) have been taken into account in developing such practices.
