



## Economic and Social Council

Distr. General  
26 August 2021

Original: English  
English, French and Spanish only

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### Committee on Economic, Social and Cultural Rights

## Sixth periodic report submitted by Italy under articles 16 and 17 of the Covenant, due in 2021\* \*\*

[Date received: 29 June 2021]

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present report may be accessed from the web page of the Committee.



1. Following the List of Issues (E/C.12/ITA/QPR/6) of 13/03/2020, Italy submits the following information.

## **I. Issues of particular relevance**

### **A. Assessment on budget policies with a gender perspective**

2. With reference to the 2016 State budget, a pilot gender budget was implemented in 2017<sup>1</sup> in view of assessing the impact of budgetary policies, from both an expenditure and revenue perspective. The resulting analysis, aimed at highlighting gender gaps in fundamental socio-economic areas, was replicated with wider sets of indicators the following year, to develop a mapping of expenditures and activities by each administration. Amongst other, the assessment (based on the State's budget final accounts) focused on: gender gaps among public employees (central administration); relevant provisions and laws introduced in 2017; the impact of overall tax policies and specific tax reliefs (but not on policies without financial burden on the State budget and specific tax advantages which could not be evaluated on the revenue side).

3. Further, in the 2019 Report to Parliament on gender budget, the expenditures relating to different administrative actions were re-classified<sup>2</sup> according to the following categories:

- Expenditures “aimed at reducing gender inequalities”;
- “Sensitive” expenditures, relating to measures that could have a direct or indirect impact on gender inequalities;
- “Neutral” expenditures, relating to measures that have no direct or indirect impact on gender.

#### **Inclusion of disadvantaged and marginalized individuals**

4. Over the last years, the National Office Against Racial Discrimination (i.e. Italian acronym UNAR),<sup>2</sup> as well as the central and regional administrations, have allocated extensive European Social Fund (ESF) resources to social inclusion, including through the Program “Inclusion of Vulnerable People”, started in 2014, aimed at the social inclusion of Roma, Sinti and Camminanti. Within this framework, many operations are ongoing for the period 2018–2022. Further, thanks to the coordination between regional realities and other intermediate bodies, this objective was included in different National Operating Programs (i.e. NOP Inclusion and NOP Metro) and regional operation plans.

5. With regard to the NOP Inclusion, the following Actions were already launched:

- Action 9.5.1 Education Axis – aimed at preventing school dropouts and at developing schooling and pre-schooling (under the competence of the Ministry of Labour);
- Action 9.5.3 Health Axis – referring to health services and their accessibility;
- Action 9.5.4. Mediation and awareness raising including social mediation, mediation in relation to the family and to education and conflict resolution, projects aimed at promoting understanding of the Romani Language and Culture;
- Action 9.5.5. Labour Axis focusing on recognition of competences, vocational training, self-entrepreneurship and occupational mediation, designed to facilitate job placement on the ‘Acceder Program’ model (a Good Practice recognized at European level);

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<sup>1</sup> By Decree of the President of the Council of Ministers and the Minister of Economy and Finance.

<sup>2</sup> UNAR is responsible for the protection against all forms of discrimination, be it on the ground of race, ethnic origin, religion or belief, age, be it on the ground of sexual orientation or gender identity. UNAR is also strongly engaged in promoting the integration of Roma communities in the framework of the National Strategy of Social Inclusion of Roma, Sinti and Camminanti 2012–2020 (NRIS).

- Action 11.1.3. Statistical Working Group – focusing on the Improvement of organizational processes of the public administration for a better organization of informational bases, social statistics and social reports.
6. Within the NOP Metro,<sup>3</sup> Action 9.5.7. Housing Axis aims at facilitating access to non-segregated housing and full interaction with the community of residents, thereby envisaging further opportunities for replacing “Roma settlements”.
7. In view of achieving greater coordination between central and local administrations, UNAR also launched a call for proposals (2020) in collaboration with the Conference of Regions and Autonomous Provinces, in view of implementing the Project P.A.R. (Regional Action Plans). Over the period 2021–2022, the project will provide the Regions with relevant technical support for the effective planning and financial access to available resources, while ensuring better operational coordination of social and economic interventions for the inclusion of Roma and other communities at greatest risk of social vulnerability.
8. Further, it is worth mentioning the Annual Report on “Reddito di Cittadinanza” published by the Ministry of Labour and Social Policies in November 2020, focusing also on vulnerable families and children: <https://www.lavoro.gov.it/priorita/Pagine/Catalfo-Reddito-di-cittadinanza-strumento-cruciale-per-aiutare-le-famiglie-in-difficolta.aspx>.

## B. Migrants, asylum seekers and refugees

9. The Asylum, Migration and Integration Fund (AMIF) 2014–2020 allowed the implementation of numerous actions aimed at the integration and protection of migrants, asylum seekers and unaccompanied minors, with particular regard to the following areas:

*Reception and social inclusion of unaccompanied minors: since 2016, 86 projects were funded for a total of 93.352.396,82 Euro*

10. The strategy entailed:
- The creation of a national first-line reception system for unaccompanied minors through highly specialized care facilities;
  - The improvement of the national second-line reception system for unaccompanied minors;
  - The activation of specific programmes for the assistance of vulnerable cases, including legal assistance of unaccompanied minors in places of disembarkation and identification.
11. Achievements (until 31.12 2020):
- 42.798 minors received legal assistance in places of disembarkation and identification;
  - 9.163 unaccompanied minors were welcomed at first-line reception facilities, and other 1.002 unaccompanied children were accepted in second-line reception facilities;
  - 2.330 unaccompanied minors benefitted from services of social inclusion;
  - Many services concerning legal assistance, psychological and social support, improvement of the legal protection institute, recreational activities, educational support and school admission, were set up with the aim of ensuring effective inclusion of unaccompanied minors.

*Promotion of refugees' autonomy when exiting the reception services: 42 projects (30 on-going) were funded for a total of 34.125.688,58 Euro*

12. The strategy entailed:

<sup>3</sup> The Metropolitan Cities are the main beneficiaries of the allocated funds.

- The improvement of services relating to social, economic and cultural integration or inclusion (i.e. access to accommodation /housing, access to the labour market, etc.);
- The customisation of services, according to the particular needs of each beneficiary;
- The complementary use of national and European resources to avoid overlapping or duplication of services.

13. Achievements (until 31.12.2021):

- 1.285 international protection beneficiaries were assisted during their transition into the new socio-economic environment through proper guidance and support;
- 875 beneficiaries successfully completed their individual plans for socio-economic inclusion, and 498 beneficiaries gained full socio-economic autonomy.

*Civic education and language training: 84 projects (44 on-going) were funded for a total of 72.701.224 Euro*

14. The strategy entailed:

- Two complementary levels of intervention: domestically, the delivery of qualified educational services reinforced through a specific regional training, implemented in collaboration with the Ministry of Education, the Regions, the Public Educational Institution for Adult Education (CPIA – Centro Provinciale per l’Istruzione degli Adulti), the Local Government Authorities and various associations; locally, pilot actions were financed to target vulnerable individuals with specific educational needs;
  - The integration of reception facilities and language training services;
  - The monitoring of services, best practices and education tools.
- Achievements (until 31.12.2020):
- 60.278 third-country nationals (TCNs) -10.459 of which belonging to vulnerable target groups- benefitted from specific trainings;
  - 34.340 migrants obtained an Italian language certificate;
  - 4.592 courses (for a total of 320.395 hours) were delivered;
  - Multiple online platforms, multimedia products, apps, evaluative models, training guides and material were developed for educational purposes.

*Health protection and support of asylum-seekers and beneficiaries of international protection belonging to a vulnerable group: 30 projects (19 ongoing) were funded for a total of 31.872.835,41 Euro*

15. The strategy aimed at providing an overarching system for the undertaking of migrants in vulnerable conditions by the National Health Care System. It envisages the identification of vulnerabilities and their referral to the National Health Care System, through the activation of specific networks and procedures, as well as the ensuing undertaking.

16. Achievements (until 31.12.2020):

- Assistance and support were provided to 12.834 asylum seekers and beneficiaries of international protection;
- 5.454 health-care professionals were trained on the treatment of post-traumatic vulnerability and psychological-health distress;
- 61 multi-disciplinary teams were set up.

*Improvement of educational system in multicultural environments, also through actions that tackle obstacles to continued education and training: 16 projects were funded for a total of 12.186.994,79 Euro*

17. So far, 36.523 foreign students have participated in activities concerning school inclusion and other 10.500 are still assisted through 19 on-going projects.

*Promotion of access to integration services: 16 projects were funded for a total of 12.401.057,80 Euro, through which 46.926 TCNs benefitted from different social, health and housing services between 2017–2018. Further, 19.364 TCNs are being assisted through 19 on-going projects*

### **Special protection**

18. In compliance with Law No. 132/ 2018 on immigration and security, humanitarian protection was replaced by complementary-type of protection. In light of the “non refoulement” principle. Territorial Commissions can recognize special protection, whereas the Questura is the responsible authority for assessing the following “special cases”, to release a residence permit:

- Victims of domestic violence (art. 18bis TUI);
- Medical care (art. 19, c. 2, d-bis TUI);
- Natural disasters (art. 20bis TUI);
- Exceptional labour exploitation (art. 22 TUI);
- Exceptional civil acts (art. 42-bis TUI);
- Victims of trafficking in human beings.

19. In view of improving Law No.132/2018, in compliance with articles 3 and 8 of ECHR, the recent Decree-Law No.130/2020, converted into Law No.173/2020, extended the application of the principle of non-refoulement to other cases,<sup>4</sup> in addition to the risk of persecution and torture:

- Cases which fall under the national/constitutional and international obligations of Italy<sup>5</sup> which take into account the existence of systematic and serious violations of human rights in the State of origin of the third-country national;
- Cases in which the foreign national is likely to suffer inhuman and degrading treatment in his/her country of origin;
- Cases in which reasonable grounds exist to believe that refoulement would conflict with respect for private and family life of the foreign national, unless expulsion is deemed necessary for national security, public order or public safety reasons.

20. In compliance with economic, social and cultural rights, the above reform also allows to convert residence permits for special protection into residence and work permits and for reasons of respect for private and family life.

21. More information in Annex I.

### **Xenophobia**

22. The ‘Observatory for security against acts of discrimination’ (OSCAD) was established within the Ministry of Interior in 2010 to improve the coordination between Italian Police Forces (in particular State Police and Carabinieri Corps) in preventing and combating hate crimes. Within its remit, OSCAD, of course, addresses xenophobia and verbal/physical abuses against migrants, asylum seekers, refugees and stateless persons. To this end, a specific email address was also activated ([oscad@depc.interno.it](mailto:oscad@depc.interno.it)), to receive ‘informal’ reports from victims, witnesses and NGOs. OSCAD’s experts analyse those reports and, where appropriate, initiate targeted interventions by the Police or the Carabinieri. Moreover, OSCAD facilitates the approach of victims to competent Police agencies, in case of willingness to file a complaint.

23. Further, OSCAD promotes general awareness on how to tackle crimes with discrimination motives (i.e. Hate Speeches and Hate crimes), through a variety of training or

<sup>4</sup> Art. 19 para. 1.1. Legislative Decree n.286/1998.

<sup>5</sup> Including art.5, para. 6 of Legislative Decree n.286/1998.

e-learning activities for law enforcement, as well as through the organisation of seminars targeting a wider public (more information in Annex II).

24. In this context, UNAR (introduced in point 2) also plays a crucial role. Since its establishment in 2004, it supports victims of discrimination through a Contact Centre and collects data on its causes in view of monitoring its incidence and development (more details under point 13).

25. The reports handled by UNAR over the last years confirm that the most relevant discrimination cases relate to ethnic-racial motives. For example, in 2019, the great majority of the 3,394 reports processed by the Office (namely 2,496 cases, equalling 73.5% of the total) referred to discrimination based on “Race and Ethnicity”, whereas discrimination based on “Religion or personal beliefs” amounted to 326 cases (9.6% of the total), with 212 cases concerning anti-Islamism and 69 anti-Semitism. Further, 219 cases referred to “Sexual orientation and gender identity”, 188 to “Disability”, 108 to “Age” and 53 classified as “Multiple Discrimination”.

### **C. Old-age pension**

26. The old-age pension is paid, on request, to employees and self-employed workers enrolled in the Compulsory General Insurance (AGO) with a minimum of 67 years of age and 20 years of contributions.

27. Since January 2012, DL 201/2011 has tightened the access requirements by providing for a gradual increase of the age requirements with the aim of equalizing the retirement age between men and women. This equalization took place since January 2018. Further, in 2013, 2016 and 2019 the age requirement periodically increased in relation to life expectancy (and will now remain the same until December 2022).

28. The old-age pension begins on the first day of the month following the accomplishment of the retirement age.

29. In order to obtain the right to an old-age pension, workers must further satisfy the requirement of having an amount of the pension higher than 1.5 times the amount of the social allowance.

30. Since January 2008, workers employed in particularly strenuous and heavy activities are entitled to an earlier retirement age. These activities include, for example: deep-sea diving, labour at high temperatures, night working hours, chain-line labour, driving of vehicles (with no less than 9 seats) for public transport service etc.

31. Benefit consists in the possibility of retiring with the “quota” system, i.e. with a minimum seniority of 35 years, a minimum age of 61 years and 7 months, and the reaching of the sum of these requirements equal to a quota of at least 97.6.

32. I.e. the system allows to retire once the sum of the age and contributions results in 97.6. To have access, however, a minimum age and contribution requirement is established:

- 61 years and 7 months for age;
- 35 years for contributions.

#### **The evolution of pension system**

33. Plans to reform the current pension system envisage more flexibility in exiting the labour market and aim to address the social security structure of the young generation, in consideration of their discontinuous working career.

34. The main reform areas under examination include:

- The introduction of a guarantee pension for young people in view of ensuring adequate amounts of pensions for workers with intermittent careers and periods of low wages;

- The change of retirement access requirements in order to enable more exit strategies in connection with exceeding pensions at so called 'quota 100' (provisions for workers with at least 67 years of age and 38 years of contributions) which ends in 2021;
- The review of the pension access requirements in the contribution-based system;
- The study of new pension revaluation mechanisms.

#### D. "Reddito di Cittadinanza"

35. As for the "Reddito di Cittadinanza" please refer to point 2 and to Annex III.

## II. Ongoing implementation of the Covenant

36. As for the creation of a national human rights institution, a lively debate is ongoing at the parliamentary level. The relevant Bill is under examination at the First Committee of the Chamber of Deputies, following the merging ("Testo unificato") of two previously existing Bills on the topic, in line with the Paris Principles.<sup>6</sup>

#### A. Intimidation of journalists and Human rights Defenders

37. In 2017, the Minister of the Interior established the "Coordination Centre for monitoring activities, analysis and permanent exchange of information on the phenomenon of intimidating acts against journalists", with the additional capacity of formulating proposals aimed at identifying strategies of prevention and fight against this phenomena. Further, a Permanent Supporting Body for the Coordination Centre was set up in 2018.

38. Within this framework, the analysis on intimidation of journalists highlighted some critical issues, which are particularly relevant at the local level. Amongst other, data showed an increasing trend (163 cases in 2020, against 87 episodes in 2019 and 27 in 2018), whereby the Regions with the highest number of incidents were Lazio, Sicily, Campania, Calabria and Lombardy. Further, against the number of intimidations received via social networks in previous years (24% in 2018 and 23.5% in 2019), these data significantly increased to 44% in 2020 (71 incidents). Finally, a number of individual intimidating events involved journalists or media professionals working on issues concerning the protection of human rights. Information on specific cases provided in Annex IV.

39. In terms of legislation, the safety of human rights defenders and journalists, including their protection against exposure to risks, is not regulated separately, but is part of the national system of personal protection and surveillance measures, which our country adopts to ensure the individual security of people on the national territory. In particular, personal protection entails all security measures planned to prevent, avoid or limit any unwanted harm to physical safety and freedom of life, as well as any threat, intimidation or hindrance to the exercise of functions and work activities of a person exposed to risk.

40. The Italian system for personal protection distinguishes three levels of decision-making and intervention:

(a) The personal security measures referred to in Decree-Law No.83 (converted with amendments by Law n. 133/2002) establishing the Central Multiagency Office for Personal Security (UCIS);

(b) The special protection measures for witnesses of justice and of those who collaborate with justice;

(c) Ordinary protection measures, delegated to the exclusive competence of the Prefects and Provincial Public Security Authorities, as protection tools in response to more general security purposes.

<sup>6</sup> <https://www.camera.it/leg18/126?tab=4&leg=18&idDocumento=1323&sede=&tipo>.

41. The protection of human rights defenders, journalists and civil society actors, falls into the first level.

42. In particular, the Central Multiagency Office for Personal Security (UCIS) has the task to ensure, exclusively and in a coordinated manner, the adoption of protection and surveillance measures throughout the national territory, within the framework of the specific powers attributed to the Minister of the Interior, as National Public Security Authority, for the protection of people exposed to particular risks.

43. Therefore, the UCIS is embedded within the Department of Public Security at the Ministry of the Interior and holds the nationwide task of:

- Collecting and analysing the intelligence products;
- Identifying the protection schemes;
- Providing for its adoption and implementation;
- Planning the use of relevant resources;
- Monitoring the needs for special tools and means;
- Supervising the identical training of all the officers operating in this field.

44. The legislation also envisages a complex evaluation process, based on a double level of examination of the individual positions, to be carried out preliminarily at provincial level, by the so-called Offices for Personal Security within the Prefectures. Additional information in Annex V.

## **B. Emission reduction**

45. Italy ratified the Paris Agreement in 2016<sup>7</sup> and undertakes climate change mitigation actions within the EU framework. Presently, Italy is in line with the requirements set at the EU level and climate change is at the core of the Italian political agenda. The reduction path is annually approved by the Government and published as an Annex to the economic and financial planning document (DEF).<sup>8</sup>

46. In Italy the protection of the environment, ecosystem and cultural resources is under the exclusive competence of the Central Government. The Ministry for the Environment Land and Sea (IMELS) carries out the activities on climate change at national and international level. As required by the European path, in 2015 the IMELS adopted the Italian National Adaptation Strategy on Climate Change (NAS), as a tool for encouraging adaptation actions in planning activities at national, regional and local levels. The IMELS is currently working on the implementation of the NAS through the drafting of an Italian National Adaptation Plan for Climate Change (NAP), which will provide national and local authorities with institutional guidance to design new regional strategies, also through spatial and sectorial planning.

47. Specifically, the following sectors are considered in the Draft NAP: water resources, marine environments, inland and transitional waters, coastal zones, hydrogeological instability, desertification, soil degradation and drought, terrestrial ecosystems, forest ecosystems, agriculture and food production, sea fishing, aquaculture, tourism, urban settlements, transport, industry, cultural heritage, energy and health. The Draft NAP provides an impact and vulnerability evaluation, as well as a set of actions for the different sectors taken into consideration. The safeguard of every natural system and every social and economic sector from the climate change impacts will also allow the strengthening of the rights to food, housing, water and health.

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<sup>7</sup> With Law No.204/2016.

<sup>8</sup> [www.dt.mef.gov.it/modules/documenti\\_it/analisi\\_programmazione/documenti\\_programmatici/def\\_2020/DEF\\_2020\\_Allegato\\_MATTM.pdf](http://www.dt.mef.gov.it/modules/documenti_it/analisi_programmazione/documenti_programmatici/def_2020/DEF_2020_Allegato_MATTM.pdf).



### Right to water

48. In line with international Covenant rights, Italy adopts many legislative, regulatory, tariff and organizational tools in order to ensure universal access to quality water, to guarantee water resource protection from pollution and to safeguard population and territories from flooding. At a regulatory level, the Italian legislator identified potable use as a priority utilization, reserving the best quality water to this purpose.

49. Since 2016, Italy launched a national policy aimed at ensuring homogeneous access to water for all citizens without discrimination, with special regard to weak users. In particular, with President of Minister's Council Decree (October 2016), implementing Art. 60 of Law No. 221/2015 (so-called Environmental Link), social rate has been regulated and, with Decree of August 2016 implementing Art.61 of the same Law, a set of new measures addressed the issue of containment of arrears. Thanks to these measures, which set the criteria to access to a minimum amount of water to protect the dignity of the person, without neglecting water resource protection, Italy ranks among the most structured experiences which ensure access to water rights. Additional information in Annex VI.

## C. Business and Human Rights

50. The first Italian National Action Plan (NAP) on Business and Human Rights (2016–2021),<sup>9</sup> reviewed in 2018, is in the process to be re-launched for the next cycle.

51. The Italian NAP contains a reference to the need of promoting stronger relationships with business as fundamental ways towards reinforced cooperation to protect high human rights standards. This commitment has been translated into the request addressed to business companies to respect the national legislation in force, in compliance with hard and soft international law, in matter of right of association and assembly, labour rights, consumers' rights, environmental conservation. At the same time institutional actors are committed to inform about human rights promotion, facilitating multi-stakeholder initiatives with the participation of business companies, calling for a transparent communication about the impact of business on human rights, achieving the protection of high human rights standards through the sharing and reception of national and international best practices.

52. To this purpose, Italy has accepted the recommendations addressed during the UPR 3rd cycle, which makes an explicit reference to the BHR issue: 148.121 Ensure that its policies, legislation, regulations and enforcement measures effectively serve to prevent and address the heightened risk of business involvement in abuses in conflict situations, which includes situations of foreign occupation; 148.122 Support businesses in addressing modern slavery in supply chains by implementing Italy's 2016 labour exploitation legislation and encouraging agricultural business to sign up to the "quality agricultural network".

53. In terms of Italian legislation, Law Decree No.231/2001 created a strong incentive for the adoption of adequate compliance programs that can exonerate a company from corporate liability for crimes committed in its interest (and a draft proposal for the adoption of mandatory models for limited companies with a certain annual profit is currently pending in the Italian Parliament).

54. Law No.273/2002 provided for the establishment of the National Contact Point in charge of promoting the OECD Guidelines for multinational enterprises at the Ministry of Economic Development – General Directorate for Industrial Policy, Innovation and SMEs, which – among others – has the task to:

- Handle specific allegations of non-observance of the OECD Guidelines, especially with regard to the duty to respect human rights;
- Recommend and support companies in implementing a due diligence process, through which they can identify, prevent, mitigate and account for how they address their actual and potential adverse impact as an integral part of their decision-making and risk-management systems.

<sup>9</sup> [http://cidu.esteri.it/comitatodirittiumani/resource/doc/2020/02/cidu\\_napbhreng\\_2018def.pdf](http://cidu.esteri.it/comitatodirittiumani/resource/doc/2020/02/cidu_napbhreng_2018def.pdf).

55. Moreover, as the competent Authority for the national implementation of Regulation (EU) 2017/821, the Italian Ministry of Economic Development has the task of carrying out ex-post checks on compliance with importers' duty to implement a supply chain due diligence.

56. Italy also takes part to the EU process aiming at a mandatory human right due diligence. Since the adoption of Legislative Decree No.254/2016 (in line with Directive 2014/95/EU4), larger enterprises and groups are already obliged to publish, for each financial year, a non-financial statement concerning environmental and social information, human resources, respect for human rights and fight against corruption.

57. Finally, the implementation of a supply chain due diligence is now an optional criteria for public administrations to select textile product suppliers.

58. More information in Annex VII.

#### **D. Arms exports**

59. Law No.105/2012 introduced relevant changes to the Italian legislation on armament export control (Law No.185/1990), which also took into account European legislation. As a result, the National Authority on Armament Export ( Italian acronym UAMA) is now tasked to centralize controls on the whole transfer of military weapons, maintaining the principle that any individual or entity, whether private or public, has to seek and receive authorization prior to a transfer of items contained in the national control list. Export authorization procedures were also revised, with the scope of increasing controls and compliance with international law requirements. These include assessment on respect for human rights in the Country final destination, as required by Art.2, criterion 2 of Common Position n. 2008/944 and, since 2014, Art.7 of the Arms Trade Treaty. According to the said procedures, exchange of information between UAMA and the Departments of the Ministry of Foreign Affairs in charge of assessing respect for human rights, respect for women and children, disarmament, and non-proliferation, was established on a regular basis. Consequently, a list of arms export destination Countries was established, to be considered: (a) with particular attention; (b) at risk. The said list, which is updated every 4 months, presently includes 84 Countries, 22 of which are classified as at risk. For each of these, a country profile keeps record of its performance in the field of respect of human rights and its political and military reliability. Country profiles not only collect information from the Ministry of Foreign Affairs, but also from international partners, open intelligence sources and research institutes.

60. According to the procedures established since 2012, any single request of arms export towards a Country included in the list is submitted to relevant Departments of the Ministry of Foreign Affairs for further risk assessment. Details on final users and other information are also submitted for verification to Embassies and Offices abroad. In addition, UAMA takes into account the behaviour of EU partners through the COARM (Working Party on Conventional Arms Export) online system. The risk assessment also takes into account the risk of diversion, as described by Art.11 of the ATT Treaty. Italy is particularly aware that diversion mainly concerns small arms and light weapons, which is the category most implicated in human rights violation and gender-based/domestic violence, thus having a multiplier effect on GBV and VAWC. Several licenses have been denied for the above-mentioned reasons.

61. Furthermore, UAMA has a regular program of inspections and controls on the issue of human rights due diligence by business entities in the arms industry. On a rotating basis, at least 11 arms export companies are inspected every year. Within this inspection program, companies are strongly encouraged to strengthen their compliance division. By pushing to commit more human and financial resources to their internal control system, the Italian arms industry is encouraged to ensure respect for national and international law.

62. Following UN reports and information on bombings of Yemeni civilian population, the Italian Parliament approved on 26th June 2019 Resolution No.1-00204 which, inter alia, committed the Government to suspend the export of aircraft bombs and missiles and their components to Saudi Arabia and the UAE, until concrete developments in the process of

peace in Yemen will happen. As a consequence, no new export licences for such items have been issued since. Requests of export towards the same Countries of other military items are sharply scrutinized, depending on their lethality and the risk of being used against civilian population. Following Resolution No.1-00204, also export licenses for aircraft bombs and missiles to Saudi Arabia and the UAE which had been authorized before June 2019 were suspended. In January 2021, following the approval by the Parliament of further Resolution No.7/00589 of 22 December 2020, the said licenses were definitively revoked.

63. The preliminary estimates of absolute poverty for year 2020 provided by ISTAT hint to the serious economic consequences produced by the pandemic crisis, given that the levels of absolute poverty are rising towards their highest values since 2005, thereby affecting the status of both families (over 2 millions) and individuals (over 5.6 millions). In terms of families, absolute poverty levels have risen from 6.4% in 2019 to 7.7% in 2020, (namely a total of+ 335.000) and in terms of individuals, from 7.7% to 9.4% (namely a total of + 1 million).

64. Over the course of the pandemic crisis, any improvement recorded in 2019 disappeared. Yet, before the pandemic, the number and share of families and individuals in absolute poverty had started to decrease significantly, despite remaining on higher values than those preceding the economic crisis started in 2008, when the incidence of absolute family poverty was less than 4% and individual absolute poverty was around 3%. According to ISTAT, many families which slipped below the poverty line in 2020 have however maintained a higher consumption expenditure, also thanks to the Government measures aimed at supporting citizens in need (i.e. Citizenship income, Emergency income, etc.).

65. More information and data in Annex VIII.

## E. Anticorruption

66. The Italian anticorruption legal framework was strengthened by Law No.3/2019 ‘Measures to fight crimes against the public administration, as well as on the matter of statute of limitations and transparency of political parties and movements’,<sup>10</sup> which consolidates a process based upon Law No.190/2012 and Law No.69/2015 (empowerment of anticorruption system). The new Law represents an important step towards a more comprehensive anticorruption regime, particularly with regard to combating corruption in the public sector.

67. Its main features are the following:

- The Law adopts a two-pronged approach, as it enhances (criminal) prosecution and sanctioning of corruption and (administrative) prevention of corruption in the public and private sectors;
- It fosters the coordination among public institutions involved in these areas;
- Promotes the multi-stakeholder approach, calling the private sector to play an active role in preventing corruption;
- Proves how relevant is the impact of multilateral Conventions, recommendations and standards developed in the relevant Fora (G20, UNCAC, OECD ABC and the CoE criminal and civil Conventions and respective peer review processes) since it is also the result of further alignment of the national anticorruption system to those frameworks. After having introduced the Freedom of Information Act (FOIA) and the

<sup>10</sup> Before the formal adoption of Law n. 3/2019, the main lines of the bill were very positively assessed in the GRECO, III evaluation Round <https://rm.coe.int/third-evaluation-round-second-addendum-to-the-second-compliance-report/16809942a4>). A similar assessment came from the European Commission Country Report published on February 27, 2019 cfr. p. 17 ([https://ec.europa.eu/info/sites/info/files/file\\_import/2019-european-semester-country-report-italy\\_en.pdf](https://ec.europa.eu/info/sites/info/files/file_import/2019-european-semester-country-report-italy_en.pdf)) and by the Executive Summary and Country Report adopted in the framework of the second review cycle of the United Nations Convention against Corruption (<https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries2/V1808771e.pdf>).

protection of whistle-blowers both in the public and the private sector, it is now the turn of undercover agents in corruption-related investigations.

68. Law No.3/2019 also imports some measure from the experience of the fight against organised crime and adapts them to countering corruption.

69. Its most relevant measures include:

- Banning order (debarment) for both public officials and private/individuals convicted for corruption. Permanent inability to contract with public administrations and permanent disqualification from public office even in case of rehabilitation;
- Informers who self-report and cooperate will not be held responsible;
- Strengthening of individual and economic sanctions: convicted public officials and individuals will be subject to more robust economic sanctions/penalties, proportionate to the relevance of the crime;
- The Law provides for increased transparency requirements with regards to political parties' funding; it thus addresses previous Recommendations under peer review mechanisms on this topic;
- The statute of limitation will be frozen at the end of the judgement at first instance, so that the second instance can continue.

70. These provisions are enforced through the detection, investigation and prosecution by a strong and independent judiciary, moreover subject to the principle of mandatory criminal action. They can proceed *ex officio* for bribery among private persons and embezzlement/incitement to corruption among private persons, a circumstance under which the penalty may be increased by more than one third. The accessory penalty becomes applicable even in case of the conditional suspension of the principal penalty.

71. Further, in 2017<sup>11</sup> the Parliament approved a comprehensive legal regime on whistleblowing, extended to the private sector (including State-Owned Enterprises (SOEs)). Since January 2019, the Italian independent Anti-Corruption Authority (ANAC) has become the main channel for receiving the reports besides the judicial authority and the internal bodies in the organisation concerned. To that purpose, a desk service is available to whistle-blowers who signal cases of illegal behaviour inside their workplace. Each report is acquired through a dedicated software system that guarantees confidentiality, safety and reliability of whistle-blowers. The on-line platform was made available by ANAC to other public administrations.

72. In addition, ANAC enjoys the power to impose sanctions in case of discriminatory or retaliatory measures against reporting employees or in cases of non-compliant procedures or failure to carry out supervisory activities and analysis of the reports. In the public sector, this makes ANAC also a governance and regulatory authority, in view of its investigative and sanctioning powers when it comes to discriminatory measures applied after a report.

73. Moreover, some major Italian companies, heralding “zero-tolerance” policy vs fraud and corruption, have been pioneers in this area since they had already created protected reporting channels, on guarantee of anonymity, well before the obligation by the law to do so. With the support of Transparency International-Italian chapter, they have recently adopted, on a voluntary basis, an on-line whistleblowing platform, which is more advanced than the current tools in use and meets the highest confidentiality standards.

74. The discipline of whistle-blowers' protection is reinforced, in terms of judicial proceedings, by the principle of shifting the burden of proof: it will be up to the public or private entity to prove that measures eventually adopted against the whistle-blower are not discriminatory - namely in case of dismissal – and that they have been taken for reasons unrelated to the alert.

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<sup>11</sup> Law No.179/2017, entitled “Provisions for the protection of authors of reports of crimes or irregularities of which they have become aware in the context of a public or private employment relationship”.

75. More information in Annex IX.

## F. Anti-discrimination

76. The principle of non-discrimination is contained in numerous internal regulatory sources (see Annex X), as reported in Common Core Document of Italy dated May 2016. In addition, in terms of latest legislation, please consider:

- Ratification of ILO Convention No.190 on the elimination of violence and harassment in the workplace;
- Approval by the Lower House of Parliament (Chamber of Deputies) of a Draft Law on homo-transphobia.

### Reasonable accommodation for disabled workers

77. In line with Convention on the Rights of Persons with Disabilities – CRPD, Law No.68/1999<sup>12</sup> provides Regional Funds for the right to work of people with disabilities, through the provision of contributions to:

- The (full or partial) reimbursement of expenses relating to the adoption of reasonable accommodation in favour of workers with reduced working capacity of more than 50 percent;
- The introduction of teleworking technologies or the removal of architectural barriers that limit the employment of persons with disabilities;
- The employment of persons responsible for job placement in the workplace.
- The Regional Funds are established by the Regions to finance employment integration programs and related services.

78. Following the start of the epidemic emergency, Law-Decree No.104/2020 provided that (from 16 October and until 31 December 2020) workers at certified health risk (i.e. relating to immune-depression, oncological pathologies, life-saving therapies etc.) and their cohabiting family members should normally perform their work in an agile manner, possibly also through their employment in a different job of the same category or area of classification.

79. Discrimination cases reported to UNAR in Annex XI.

## G. Statelessness

80. The phenomena of “de facto” statelessness in Italy re-emerged significantly in the 1990s, following the conflict in the former Yugoslavia. The Roma (i.e. from Bosnia and Herzegovina, Serbia, North Macedonia and Kosovo) were among the communities who suffered the most lasting consequences in this regard. To date, there are still many second or third generation people in Italy who have never acquired Italian citizenship or determined their stateless status. In order to address these problems, a specific Working Group<sup>13</sup> was set up in the framework of the National Strategy for the inclusion of Roma, Sinti and Travelers. However, due to the present epidemic emergency, its proceedings were interrupted.

81. In terms of procedure, the status of statelessness in Italy can be either certified by administrative means or ascertained by ordinary judges, independently from each other (see data in Annex XII).

82. In the case of administrative certification, the competent authority is the Ministry of the Interior,<sup>14</sup> through a procedure governed by art.17 of D.P.R. No.572/1993 “Regulation for the execution of Law No.91/1992”.

<sup>12</sup> As amended by Legislative Decree No.151 /2015.

<sup>13</sup> Coordinated by the Ministry of the Interior and including representatives of Ministry of Foreign Affairs, UNAR, UNHCR and other institutional entities.

<sup>14</sup> Department of Civil Liberties and Immigration.

83. As for the judicial proceeding, the judge has broader powers of probative ascertainment with respect to the Administration. As far as the proof of the status of statelessness is concerned, circumstantial evidence is considered sufficient, according to established jurisprudence, in addition to proving a permanent residency on Italian territory.

84. According to Law No.91/1992, stateless persons can acquire a 'status civitatis' after 5 or more years of legal residence in Italy (Art.9) and children born in Italy to recognized stateless parents acquire Italian citizenship at birth (Art.1). Moreover, in line with the obligations of the 1954 New York Convention,<sup>15</sup> stateless persons are entitled to the same treatment as Italian citizens in various sectors, whereas in others they are entitled to the same rights as aliens.

## H. Gender balance

85. Since adoption of Law No.120/2011, Italy is witnessing a significant revolution in women's leadership, thanks to the provision which requires equitable representation of gender in the organs of management of listed companies. In 2013, such requirement was extended to public companies. Further, the Consolidated Law on State-owned companies<sup>16</sup> reinforced the principle of gender balance, requiring that at least one third of the appointments at the directorial level had to refer to the less represented gender.

86. In 2018, an inter-institutional Observatory, aimed at monitoring the implementation of Law No.120/2011 was established in the framework of a 5-year Memorandum of Understanding between the Department for Equal Opportunities of the Presidency of the Council of Ministers, the CONSOB and the Italian National Bank. Moreover, by acting as a supervisory body on female participation, the Department for Equal Opportunities initiated 391 administrative proceedings against companies whose composition of the Boards of Directors /of Statutory Auditors did not respect gender balance.

87. Altogether, these measures proved to be effective tools for promoting the presence of women in top positions and highlighted a positive correlation between women's empowerment and the improvement of company performances. As such, the law under reference was renewed in 2019 within the 2020 Budget Law towards the target of 40% rate of women in companies' boards.

88. To date, the percentage of women in management boards of listed companies stands at 33,5%, (against 6% before the legislation), thereby exceeding the ratio (1 out 3) required by Law; the presence of women in Boards of public companies (now at 32.1%) increased by 75% in about five years (see more data in Annex XIII).

89. Likewise, in the entrepreneurial sector, the Italian Government launched a significant action since 2013, in view of supporting female entrepreneurship and employment opportunities, by providing a public guarantee covering financial transactions of Italian SMEs, aimed at business activities carried out by women. In particular, the initiative meant to ease procedures for 'access to credit', being this one of the main problems faced by women undertaking business and self-employment. To date, over 16,000 female companies benefited from this guarantee and about 42% of Italian financial institutes are involved in the operation.

90. In terms of female presence in political areas, some positive signs are also emerging. The percentage of women elected during the general election in 2018 increased to 35.4 % (against the ratio of 30.7% of the previous parliamentary term) and Italian female representation in the European Parliament (41.7%) is almost twice than ten years before, in line with the European average.

91. However, despite these important achievements, the gender employment gap in Italy is still wide and already lagging women's working conditions deteriorated, especially during the epidemic crisis, particularly in the South. This also considering that women are mainly (and precariously) employed in the service sector, which was the most affected sector over

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<sup>15</sup> Ratified by Italy with Law No.306 /1962.

<sup>16</sup> Legislative Decree No.175/2016.

the past year.<sup>17</sup> For example, the 2nd trimester of 2020 registered less 470 thousand employed women than in the same trimester of 2019, and less 323 thousand women with a fixed-term contract. As such, the employment rate among females aged 15–64 years now stands at 48.4%, compared to 66.6% for men, placing Italy in the second-to-last position in the European ranking, just above Greece.

92. Further, female unemployment in Italy is startling, considering that the level of female education is comparatively higher than that of men. For example, in 2019, almost 2 out of 3 women had a high-school diploma, indicating a percentage that is about 5 points higher than that of men (64.5% vs. 59.8%), whereas 22.4% of women (vs. 16.8% of men) had a university degree.

93. Overall, the female employment rate has increased by only 15 points in the last 40 years (from 33.5 % in 1977 to 48.4% in 2020), despite investments in education, tertiarisation of the economy and progressive cultural changes have significantly contributed to the participation of women in the labour market.

## I. Unemployment among young people

94. According to ISTAT, in 2018, the so-called NEETs (young people, aged 15–29, neither in employment, in education or training) amounted to 2,116,000, representing 23.4% of the total number of young people of the same age. Their distribution on the Italian territory is unbalanced, with approximately 1,099,000 NEETs in the Southern regions, 666,000 in the North and 336,000 in the Central regions.

95. In 2015, the Department for Youth Policies and Universal Civil Service and the Department for Anti-Drug Policies of the Presidency of the Council of Ministers issued a Public Notice “Prevention and contrast to youth discomfort”, to finance targeted actions aimed at addressing youth discomfort and risk-behaviours with reference to the identification and reintegration of NEETs.

96. Data on labour force in Annex XIV.

### Labour policies for persons with disabilities

97. In Italy, Law No.68/1999 was adopted to the purpose of “promoting the inclusion and integration of disabled people in the labour market, through support services and targeted placement”. Its provisions apply to:

- People of working age, affected by physical, mental or sensory impairments and to people with intellectual disabilities, which result in a reduction of work capacity of more than 45%;
- Persons disabled at work, with a degree of disability exceeding 33%;
- Blind or deaf-mute persons;
- Persons disabled during war, civilian invalids during war and invalids for service with disabilities.

98. The Law also establishes that employers cannot ask the disabled worker for a benefit that is not compatible with his/her disabilities (Art.10), and are required to preserve the job to those subjects who, not disabled at the time of hiring, have acquired a disability due to an accident at work or occupational disease (Art.1)

99. In order to ensure access to work by people with disabilities, Italian legislation also provides for particular ‘reserve quotas’ for their recruitment. Since January 2018, private companies with 15–35 employees, are now required to have at least one disabled worker among them.

100. Likewise, in the Public Administration, Legislative Decree No.75/2017 provided for the establishment of:

<sup>17</sup> 809.000 less people employed than in the 2nd trimester of 2019.

- The National Council for the integration of people with disabilities into the workplace;
- The person in charge of integration of people with disabilities;
- The task of monitoring the application of Law 68 in the public area.

101. Further, Italy provides a variety of incentives for the hiring of people with disabilities, particularly since Legislative Decree No.151/2015 innovated the discipline on this subject and the functioning of the relevant Fund. Specifically, the system that provided for the annual budget allocation to the Regions and its subsequent disbursement to the employers (formerly based on the hires of the previous year) was superseded in favour of an immediate benefit for the employer, whereby the incentives are now paid according to monthly contribution reports, through a telematics-procedure of the National Social Security Institute (I.N.P.S).

102. The economic incentive relates to the taxable gross salary for social security purposes and varies according to the degree and type of reduction in the working capacity of the hired person. The duration of the contributory benefit also varies according to the characteristics of the hired worker and the type of employment relationship. In particular, for employers who hire people with disabilities for an indefinite period, a 36-month incentive is provided for the recruitment of disabled workers with a reduction in working capacity of and above 67%. Moreover, incentives of 70% of the gross monthly salary can be provided for a longer period of time (60 months), for the recruitment of workers with intellectual and mental disabilities. For these workers there are also incentives for a fixed-term hiring of no less than twelve months.

103. With reference to the incentives for work disabled, Law No.190/2014 attributed various competences in the field of work integration/reintegration of people with disabilities to the National Institute for Insurance against Accidents at Work (I.N.A.I.L.) These include the promotion of customized projects or interventions aimed at preserving the workplace or at looking for new employment through professional training, as well as at adapting workstations or overcoming architectural barriers in the workplace.

## **J. Minimum wages**

(a) In Italy, the definition of minimum wages and working conditions is left to the free negotiation between social partners and to the national collective bargaining for each category. Therefore, the regulatory and economic conditions of different work services are defined by sectorial CCNL (national collective bargaining labour agreements), in line with their respective classification and level-scheme of workers. A European directive on minimum wages is now under negotiation which, once adopted, will be implemented at national level.

(b) According to Legislative Decree No.216/2003 on “Implementation of Directive 2000/78/EC for equal treatment in the field of employment and working conditions”, the principle of equal treatment applies to: a) access to employment and work, both self-employed and dependent, including selection criteria and hiring conditions; b) employment and working conditions, including career advancement, remuneration and conditions of dismissal; c) access to all types and levels of vocational guidance and training, further training and professional retraining, including professional internships; d) affiliation and activity within the organization of workers, employers or others professional organizations and services provided by the same organizations. Data in Annex XV.

104. With regard to persons with disabilities, equal treatment in working condition is ensured also by Law No.67/2006,<sup>18</sup> which provides for their judicial protection, by enabling them to appeal to the judge in order to obtain the cessation of discriminatory acts. Trade unions and representative organizations may be entitled to act for delegation for collective discrimination and obtain administrative procedures for the annulment of acts that harm

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<sup>18</sup> On “Measures for the judicial protection of persons with disabilities who are victims of discrimination”.



people's interests. Further, the Law allows the judge to order the publication of the judicial measures on a national newspaper or on the most popular newspapers in the territory.

105. Moreover, Law No.68/1999 provides that accidents or illness do not constitute a justified reason for dismissal of workers who become unable to carry out their duties as a result of injury or illness: they should be rather assigned to equivalent duties or, failing that, to lower duties. In the case of assignment to lower jobs, people with disabilities have the right to preserve the most favourable treatment corresponding to their previous jobs. Should it be impossible to assign these workers to equivalent or inferior duties, they shall be initiated in another company, in activities compatible with their residual working skills.

(c) The 2020 annual report on the labour market (now in its fourth edition), resulting from the collaboration between the Ministry of Labour and Social Policies, Istat, Inps, Inail and Anpal, indicates that, out of 561,000 reported accidents at work, a total of 369,000 accidents were recognized in 2019. Most of these accidents happened during work activity and 21% of the total happened "outside the company" (in itinere). In this framework, a total of 1,179 fatal cases were reported for accidents at work, out of which 677 ascertained cases and 389 cases (over 57%) "outside the company".

106. More data on occupational accidents in Annex XVI.

(d) As for the measures regarding labour inspections, it is worth mentioning:

- The establishment, in January 2017, of a single agency for labour inspections (the National Labour Inspectorate-INL) in order to: reduce the duplication of inspections, facilitate uniformity of behaviour and interpretative guidelines, and ensure effective planning of supervisory action;
- The strengthening of the ascertainment warning and dispositions, in order to simplify the use of existing institutions and to extend the substantive protection of workers.

107. More information in Annex XVII.

(e) While implementing their supervisory activity, the territorial offices of the National Labour Inspectorate (INL) also carry out investigations in relation to the rules on equal opportunities and to the prohibition of gender discrimination at workplaces, including in terms of remuneration.<sup>19</sup> Further, on gender issues relating to equality and equal opportunities, they take into account reports submitted by councillors and equality councillors, in the context of their institutional cooperation with ITL, as foreseen by Art.15 of Legislative Decree No.198/2006.

108. In this regard, in 2018, a new Memorandum of Understanding was signed between INL and the National Councillor for Equality, aimed at boosting the collaboration between the Inspection Agency and the National Network of Counsellors/Directors of Parity, with particular regard to physical protection and economics of pregnant and working mothers. As such, in 2019, the inspection staff intervened in favour of 466 female workers in the tertiary sector, which is traditionally characterized by a higher female employment rate, as well as by a higher rate of this type of violations (namely 81%, against 16% in the industry, 2% in construction and 1% in agriculture). Further, the inspection staff is engaged in prevention activities (pursuant to art. 8 of Legislative Decree No.124/2004) aimed at promoting correct methods of application of the current legislation in the labour market (i.e. among private companies, employers' and trade unions and professional associations).

109. More information in Annex XVIII.

## **K. Migrant workers in irregular situations**

110. Among the main areas of intervention in the annual supervision planning of the National Labour Inspectorate (INL), are: the contrast to undeclared work, illegal hiring and

<sup>19</sup> Legislative Decree No.198/2006 – "Code of equal opportunities between men and women" and subsequent amendments.

labour exploitation of migrants (data on work exploitation in Annex XVIX). In particular the latter, and especially those without residence permit, fall within the categories of more vulnerable workers and worthy of protection. Especially, since the start of the epidemic crisis, the national production fabric became particularly exposed to the risk of illegal economy and, in terms of inspections, these consequences shall be countered through the following actions:

- Inspection campaigns in targeted product sectors and territorial contexts, to be intensified in coincidence with phases of increasing production activities;
- Initiatives envisaged by the ‘Three-year plan against exploitation and illegal hiring in agriculture’ (2020–2022),<sup>20</sup> which embodies the national strategy of contrast to illegal hiring and labour exploitation in agriculture;<sup>21</sup>
- Participation of the INL in specific projects aimed at strengthening the fight against illegal hiring and to labour exploitation. In this context, the Su.Pr.Eme project, based on the FAMI (Asylum, Migration and Integration), aims at promoting effective forms of integration of migrants in some territorial contexts of Southern Italy. Further, the so-called ‘A.L.T. Caporalato!’ project, focusing on central and northern regions of Italy, aims at countering illegal hiring also in sectors other than agriculture;
- Adoption of a multi-agency logic and establishment of specific task-forces that attest the importance and usefulness of working in collaboration with other supervisory bodies, of communicating with the Public Prosecutors and to involve the social operators of the territory (trade unions, anti-trafficking associations interpreters / cultural mediators). In particular the latter play a crucial role in facilitating relations between inspection forces and exploited workers, thanks to their capacity in understanding and overcoming language barriers and cultural differences.

111. For information on trafficking refer to Annex XX.

## **L. Trade union**

112. In Italy, trade union freedom is enshrined in Art. 39 of the Constitution.

113. This also guarantees trade union association of workers and their representativeness within the corporate and public context. As such, trade unions are recognised as an institutional form of exclusive self-protection with the aim of privileging the collective action over the individual exercise of fundamental freedoms.

114. Relevant legislation on the subject developed especially since the adoption of the Workers’ Statute (Title II and Title III), which marked the principle of free trade union activities within the workplace. The Workers’ Statute was entrusted with the dual task of consolidating some trade union achievements on a legislative level and of attempting a delicate coordination between trade unions in the workplace and business needs. In particular, Title II specifies the “legal, protected situations” which entitle the performance of trade union activities in the company, to which necessarily correspond some obligations on the part of the employer.

115. The actual exercise of the right to strike has been regulated in different ways: unilaterally by the trade unions, or through specific agreements with the employing counterpart. The Consolidated Law on representation (10/01/2014) also establishes that, in the CCNL (National Collective Labour agreements), the member Confederations must foresee specific clauses and ‘cooling’ procedures aimed at guaranteeing compliance with the commitments undertaken in the contracts, as well as adequate sanctions related to the breach of these obligations.

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<sup>20</sup> Approved on 20/02/2020 at the MLPS.

<sup>21</sup> The Plan is implemented by a specific operational table, chaired by the Minister of Labour and of Social Policies, which brings together all the institutional bodies involved at national and local level, the social partners and the main organizations of the Third Sector.

116. In case of breach or failure to recognize trade union rights and freedom of association, several sanctioning rules in the Italian legal system can apply.

## M. Childcare services

117. In Italy, the current available supply of places in Early Childhood Education and Care (ECEC) services is on average 25.5%,<sup>22</sup> with a significant territorial variability across the country.<sup>23</sup>

118. In the educational year 2018/2019, 13.335 children services were active in 355.829 authorized places (51,6% in municipal structures). The offer includes: traditional nursery schools (81%); nursery schools<sup>24</sup> for children between 24 and 36 months (10%); integrative services for early childhood, such as play-areas, centres for children and parents, domiciliary services (9%). Compared to the previous year, the offer increased slightly (2.000 more spots) in the public sector, but the overall offer is still under the EU parameter (33%) set to support reconciliation between family and working life and to promote a greater participation of women in the labour market. Both the North-East and the Central Regions are just above the European target (respectively 33.6% and 33.3%), the North-West is not far from the target (29.9%), but the South (13.3%) and the Islands (13.8%) are still far from it. Regionally speaking, the highest levels of coverage are recorded in Valle D'Aosta (45.7%), Umbria (42.7%), Emilia Romagna (39.2%), Tuscany (36.3%) and in the Autonomous Province of Trento (38.4%).

119. Some geographical areas also show very different situations between municipalities. Generally, child services are concentrated in large municipalities and in most economically developed areas. While provincial capitals stand at an average of 33%, all the other municipalities have an average of 22.4 spots per 100 residents under 3 years. Among the metropolitan areas, only the cities of Florence (48.2%), Bologna (46,9%) and Rome (44.0%) and other cities of the Center-North are above or close to 40% coverage, whereas cities in the South and on the Islands, coverage reaches less than 15%, with the exception of Cagliari (26.5%). Some metropolitan areas (i.e. Bologna, Milan and Genoa) are able to guarantee a good offer even in peripheral municipalities, whereas the coverage in the peripheral area of Rome stands below the national average (21.1%).

120. According to the European sample survey on family incomes and living conditions, Italian children under 3 years who attend an educational facility stand around 25.7%, (vs. the EU average of 35.1%). Among the factors which determines family choices are the service costs: the estimated average annual cost for nursery service increased from 1.570 Euro in 2015 to 2.208 Euro in 2019.

121. Ten years after the 'Extraordinary Plan for the development of social and educational services for early childhood', the "Buona Scuola" national reform (Law No.107/2015) provided for the integration of early childhood education and care (0–3 years) and of nursery schools (3–6 years) in a single "integrated education and education system from birth to six years". The reform aims at offering quality services and adequate number of places to achieve the objectives set by the Barcelona European Council in 2002, through a global strategy that involves different actors at all national, regional and local levels. The "National Fund for Integrated Education and Training System" for childcare services 0–6 was established at the Ministry of Education (Legislative Decree No.65/2017), with a total budget of 264 million euro for 2020.

122. In 2018, new legislation gave specific competences for the development of ECEC services to the Presidency of the Council of Ministers (Department for Family Policies) and the Ministry for Family Policies.<sup>25</sup>

<sup>22</sup> 7.5% points below the European target of 33%.

<sup>23</sup> According to data emerging from a Collaboration Agreement between the Department for Family Policies, the Italian National Statistics Office (ISTAT) and the University Ca' Foscari Venice (2020).

<sup>24</sup> "Sezioni primavera".

<sup>25</sup> With Law-Decree No.86/2018.

123. The Budget Law 2020 established the ECEC and Childcare Services Fund<sup>26</sup> with 100 million Euro per year from 2021 to 2023, and 200 million Euro per year from 2023 to 2034. To assure its best implementation, a Steering Committee was established under the coordination of the Department for Family Policies, with the participation of other competent authorities (i.e. Ministry of Interior, Ministry of Education, Ministry of Infrastructures and Transports, Conference of regions and autonomous provinces).

#### **Paternity and parental leaves**

124. To improve the wellbeing of children and parents, while supporting the national birth policy, the Italian Government adopted a series of legal measures, such as the mandatory paternity leave, introduced by Act No.92/2012, which was extended from 5 to 7 days through Law No.160/2019.<sup>27</sup>

125. In June 2020, the Council of Ministers adopted the so-called ‘Family Act’, which introduced a set of new measures for families with children. The new bill also aims at combating the low birth rate in Italy, while supporting parenthood, promoting work-life balance and facilitating the social and educational role of families, in view of a harmonious growth of children and youth. The Act envisages, inter alia: the establishment of a monthly universal allowance for each child (from birth to adult age and without age limits for children with disabilities); the strengthening of family policies which support coverage of educational and school expenses; the promotion of sport and cultural activities; the extension of parental leaves to all professionals, including with regard to compulsory and paternity leaves.

126. In the framework of the Covid-epidemic, Decree Law No.18/2020 (the so-called Cura Italia Decree) provided for an extraordinary leave and bonus for parents, with the aim of supporting them during the period of temporary suspension of child services and school activities.

### **N. Food-labelling**

127. In line with the EU regulatory framework, the Italian proposal for nutritional labelling (NutrInform Battery)<sup>28</sup> aims to contribute to the ongoing debate on the correct and uniform application of the provisions of the EU regulation 1169/2011.

128. On the issue, Italy notified to the EU Commission and subsequently adopted a Ministerial Decree laying down the form of presentation and the conditions of use of a nutrition logo, which food business operators can choose to apply as an additional complementary information for consumers.

129. The purpose of the Italian logo is to provide information related to the intake levels of the nutrients, by using the RI (Reference Intakes) as a scientific base. However, the graphic form (battery) developed by Italy is meant to be easier to understand for the consumer, with regard to the information on fundamental nutrients (i.e. fats, saturated fats, sugars and salt etc.) and energy values per portion consumed. In fact, the results on the experimentation with the NutrInform logo show that consumers improved their nutritional knowledge.

#### **Nutritional needs in childhood**

130. In accordance with the guidelines suggested by the EU, the Italian Ministry of Health has drawn up 2 documents intended, on one hand, to regulate the promotion of baby food and, on the other, to share some objectives for nutritional quality improvement of products consumed by children aged 3 to 12. The documents are the result of a successful collaboration between the Ministry of Health and trade associations in the food sector, which actually led to excellent improvements in the quality of targeted food product, in terms of reduction of sugars, saturated fats and salt.

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<sup>26</sup> Art.1, para. 59, Law No.160/2019.

<sup>27</sup> The 2020 Budget Law.

<sup>28</sup> Developed by various Ministries (MISE, Ministry of Health, MIPAFF and MAE).

### **Nutritional security**

131. In Italy, the ‘Technical Table on Nutritional Safety’ (TaSiN) carries out various activities, ranging from the design of interventions for the prevention of micro and macronutrient deficiencies, to the launch of sector studies and researches in specific areas. In this framework, TaSiN has also encouraged other institutions to implement technological platforms which allow the sharing of data on nutritional policies, in order to monitor the impact of all measures taken in this sector. The work of TaSiN is closely linked to the Decade of Action on Nutrition (Italy Table for the Decade of Nutrition) established to achieve the goals of the United Nations Decade for Nutrition (2016–2025), in the struggle against the triple burden of malnutrition, micronutrient deficiency and obesity.

### **Strategies for the quality of diet and nutrition**

132. In Italy, collective catering (school, hospital and commercial) is identified as an important tool for contributing and educating to varied and balanced diet. In this regard, the national guidelines for school catering were drafted in 2010. In addition, the guidelines on hospital catering in the paediatric sector were developed, in order to prevent malnutrition and nutritional risks, and to ensure that hospital catering meets all criteria of satisfaction, healthiness and quality, while influencing food choices. Pursuant to Art.144 of Legislative Decree No.50/2016, the national guidelines for school, hospital and welfare catering (currently awaiting publication in the Official Gazette) were updated.

### **Breastfeeding**

133. The Interdisciplinary Technical Committee for the Promotion of Breastfeeding (TAS) is permanently operational at the Ministry of Health. As part of its activities, the TAS also addresses the issue of monitoring breastfeeding rates after hospital discharge. Considering that data on breastfeeding are partial and difficult to find, the monitoring needs a uniform system of data acquisition at national level in order to allow the adoption of breastfeeding protection and support. To this end, a document was recently developed, defining: (a) the categories of infant nutrition; b) the indicators chosen for national monitoring; (c) the duration of the monitoring; (d) the conclusive recommendations for the implementation of the monitoring system at national level, based on analysis of critical issues and solutions for data collection at the point of birth.<sup>29</sup>

### **Obesity**

134. In Italy, the 2019 data from the “OKkio alla salute” surveillance confirm that the phenomena of overweight and obesity among children (age 8–9 years) is slowly but steadily decreasing. In particular, obesity decreased from 12% in 2008/9 to 9.4% in 2019, and overweight decreased from 23.2% in 2008/9 to 20.4% in 2019. However, strong geographical differences persist, with higher percentages in the Southern and Central Regions. Italy is still among the nations with the highest values of excess weight in children, according to the “Childhood Obesity Surveillance Initiative – COSI” of the WHO European Region. The 2019 survey also confirms a great diffusion of incorrect eating habits: 8,7% of children skip breakfast, 52,2 % have a too abundant mid-morning snacks; 24,3% consume fruit and/or vegetables less than once a day; 25,4 % drink sugary and/or carbonated beverages daily. Moreover, 20.3% of the children did not have physical activity the day before the survey, and 73.6% do not go to school on foot or by bicycle. Among mothers of overweight or obese children, 40,3% believe that their child is under-normal weight.

135. As regards adolescents, the 2018 data from the Health Behaviour in School-aged Children (HBSC) survey show that: 16.6% of students aged 11, 13 and 15 are overweight, and 3.2% obese; excess weight is higher in males and in the Southern Regions, and decreases only slightly with age. Compared to the survey carried out in 2014, these values tend to be stable. HBSC also highlighted the frequent habit of not having breakfast on school days, higher in girls in all age groups considered. Only a third of adolescents consume fruit and

<sup>29</sup> To date, the document is awaiting the necessary clearance to be sent to the Secretariat of the State-Regions Conference.

vegetables at least once a day, with better values in girls. Recommended levels of daily physical activity are respected only by 9.5% of 11–15-year olds. The 2019 data of the PASSI (Progress of the Health Authorities in Italy) surveillance system on the Italian adult population (age 18–69) show that, out of 10 adults, 3 are overweight (BMI between 25 and 29.9) and 1 obese (BMI  $\geq$  30). Overweight is a more frequent with increasing age, mainly among: men, people with economic difficulties and/or low level of education, and people in the southern regions. Among overweight people, less than half think that their body weight is too high, whereas there is greater awareness among obese people. However, more than 1 in 10 believe their weight is right. Generally, women are more aware of the problem than men.

## **O. Housing**

136. In order to contribute in overcoming Roma settlements, places of isolation and physical degradation, UNAR (as National Contact Point of the National Strategy for Roma inclusion 2012–2020) launched a series of project proposals, while monitoring on-going activities for the advancement of non-mono-ethnic housing opportunities. These activities focus on the housing displacement of families and are designed on the grounds of territorial dialogue and consultation agreements with various social actors and Roma beneficiaries involved. Since 2016, UNAR promotes a correct use of available resources in favour of housing policies for the Roma communities, both through the NOP Metro, and in synergy with the interventions of the NOP Inclusion and the Regional Operational Plans. Thus, UNAR works in coordination with the Territorial Agency for Cohesion and with the Metropolitan cities, respectively being the Managing Authority and the intermediate bodies of the NOP Metro.

137. In order to support local administrations, in 2018 UNAR launched the project P.A.L. (Local Action Plans) to carry out additional services for the establishment and animation of city tables in the metropolitan cities involved (Rome, Cagliari, Milan, Genoa, Naples, Bari, Palermo and Catania). The first phase of the project referred to the period 2018–2020, while a second phase is foreseen for 2021–2022.

138. In particular, the activation of city tables develops from the 4 main axes of the Strategy (housing, work, education, health) which refer to the overcoming of settlements as a key theme. To this end, the initiative promotes greater coordination between regional and municipal levels for the optimization of interventions and available resources. During the consultations with the concerned Municipalities, one of the topics concerns the evictions of illegal Roma settlements and the key principles for the protection of housing rights, as well as the social protection of vulnerable subjects. Overall, the aim is to reinforce the complex governance process of the National Inclusion Strategy, with a focus on the local level, by enhancing synergies of policies and interventions in favour of Roma communities and promoting their participation in social, political, economic and civic life. In the Local Action Plans, approved through Resolutions in the eight metropolitan Municipalities involved, the development of methodologies and interventions on the subject of housing is envisaged, which include the issue of relocation of communities living in precarious or disadvantaged housing contexts in line with the National Strategy and in the protection of people's rights and situations of fragility.

## **P. Residential segregation of Roma, Sinti and Camminanti**

139. The National Multi-Fund Program (ERDF and ESF) Metropolitan Cities 2014–2020 (NOP Metro) aims to improve the quality of services offered to resident citizens and city users, through the involvement of 14 capital municipalities (Milan, Turin, Venice, Bologna, Genoa, Florence, Rome, Naples, Bari, Reggio Calabria, Messina, Palermo, Catania, Cagliari). The interventions for the housing of Roma communities are focused on Action 3.2.1 of the Expected Result RA 9.5. “Accompaniment paths to the home for marginalized communities”.

140. The Action is based on an integrated approach, aiming at a constant interaction between interventions in different fields (education, health, regularization of Roma legal status and/or employment etc.), thereby providing an accompanying path to the housing measures of the municipalities concerned. In particular, the Action is based on:

- The analysis of single family needs for the correct identification of the necessary support for housing inclusion;
- The preparation of personalized agreements for housing inclusion;
- Search for a housing solution mainly through the identification of a home in the private market;
- A contribution to the rent as part of the accompanying path;
- The implementation of accompanying services, both with reference to the family / individual belonging to the Roma population and to the community.

141. Despite persisting difficulties across the national territory, numerous efforts are taken at various levels to adopt diversified solutions for the housing and living conditions of the Roma population, and a series of ‘good practices’ refer to various areas of intervention identified by the 2012–2020 Strategy (Work, Education, Housing, and Health).

142. For example:

- In Turin, a Protocol signed in 2019 for the overcoming of the camps enabled the accommodation of 11 families (ca.95 people), and the consequent closure of the Camp in Via Germagnano. The Ministry of the Interior also participated in this project;
- In the city of Milan, various projects for the reception in residential structures (ca.100 people) were assigned to Third Sector Entities. In particular, projects were launched to follow and facilitate the transition into housing structures. As for young people, new plans were launched to combat prostitution and facilitate inclusion, schooling and the start of work activities. The Ministry of Labour and Social Policies participated in these projects, and European funds were also employed;
- In addition, the city of Rome launched a plan to enable the closure of the Camps of Castel Romano and Monachina by 2021, also by providing funding to relocate the families concerned.

143. Further, to the purpose of monitoring interventions at the local level, UNAR developed an agreement with ISTAT (National Institute of Statistics) in view of developing a qualitative-quantitative survey of Roma who abandoned settlements in favour of other forms of housing. The project, financed through the NOP Inclusion, avails itself of the support of the Statistical Working Group and the participation of a representative of the National Roma Platform. The survey filled a statistical and cognitive gap on the housing problems experienced by Roma communities, while providing accurate data on the measures taken by central and local administrations for overcoming Camps. Among the most significant outcomes of the 2020 survey (relating to 745 municipalities with over 15,000 inhabitants), a total of 373 formal and / or informal settlements were highlighted in 126 cities (42 of which had started a total of 96 housing transition projects for Roma families since 2012). Municipalities that have activated projects in a period covered by the National Strategy on Roma Inclusion (2012–2020) are 42, for a total of 96 projects that have involved 1342 beneficiary families (with a total number of people actually transiting into permanent accommodation equal to 3.104). The largest share of individuals who had access stable housing is found in Piedmont (870 individuals transited), Sardinia (843 individuals transited), Tuscany (436 individuals transited), Emilia-Romagna (250 individuals transited) and Trentino-Alto Adige (189 individuals transited). The regions with major numbers of municipalities involved in transition projects are: Emilia-Romagna (seven municipalities), Piedmont (five municipalities), Lombardy (five municipalities), Veneto (five municipalities) and Tuscany (five municipalities). In addition to the above, 63 more transition projects in 27 municipalities are still under implementation.

## Q. Public healthcare

144. In Italy, primary care is guaranteed within the socio-health district, intended as an element of territorial socio-health integration and a reference point for the citizen, through the collaboration of General Practitioners (GPs) and Free Choice Paediatricians (PLS). Over the last decade, health policies in Italy were increasingly oriented towards the reorganization of primary care, also through the identification of organizational models based on professional integration and the participation of patients and families. This allowed for a multidisciplinary approach to the needs of the citizens, while guaranteeing the necessary continuity of preventive, curative and rehabilitative care processes. In view of the creation of integrated care pathways and of ensuring unified access to health and social services, the Italian legislation has given a strong impetus to the reorganization of Primary Care, by providing that the Regions, within the scope of their decision-making and organizational autonomy, establish the Complex Primary Care Units (UCCP) and Functional Aggregations Territorial (AFT). These represent two organizational forms of integrated medicine with employees of the National Health Service for the provision of Primary Care. The UCCPs are usually organized in a single site, linked to the corporate and/or regional telematics-network, and work in a multi-professional organizational form, which engages General Practitioners, Paediatricians of Free Choice, Outpatient Specialists and other professionals. The AFTs are functionally linked to the UCCPs and act in mono-professional organizational forms of the affiliated medicine (General Practitioners and Free Choice Paediatricians).

145. In terms of access to territorial-district services, the presence of a “single point of access” (PUA) to health and social services, has a strategic importance in view of giving effective and immediate response to patients. The process of strengthening the primary care system in Italy also foresees the development of assistance structures with temporary residency, such as the hospital of community, aimed at ensuring health interventions by an average level of medicalization over 24 hours. The facility has an intermediate function between home care and hospitalization. It is designed for patients who, following an acute episode or exacerbation of chronic diseases, require low-intensity clinical assistance, potentially available at home, but who need hospitalisation, in the absence of a suitable domicile. Assistance is provided by nurses, GPs and other doctors who are employed or affiliated with the NHS and is carried out in the context of short-term hospitalizations (15–20 days), in line with the provisions of the Pact for Health 2014–2016 and Ministerial Decree No.70/2015.

146. Further, through the Pact for Health 2019/2021, territorial assistance was reorganised, in agreement with the Regions, to the purpose of favouring an integrated approach in various prevention and health promotion activities, including pathways taking charge of chronicity based on initiative medicine.<sup>30</sup> The new Pact also aims at strengthening home, semi-residential and residential care, in view of preventing the aggravation of diseases related to the aging process of the population. In this context, the expansion of the Pharmacy’s testing of services is envisaged as a relevant aid for taking care of patients and controlling their therapeutic adherence. At the same time, family / community nursing assistance shall be enhanced, in order to ensure continuous and integrated care, in the context of therapeutic adherence, especially for the most fragile subjects of the population.

147. Since the start of the Covid-19 pandemic, a series of provisions were issued in view of reinforcing public assistance at the territorial level. In particular, Law Decree No.34/2020<sup>31</sup> provides that the Regions and Autonomous Provinces adopt plans to reorganize the health care network, with the aim of strengthening the diagnostic assessment, monitoring and surveillance of the circulation of the virus. In order to intercept promptly any outbreak or transmission, the foreseen system targets both infected patients and their contacts, while ensuring early care of all confirmed cases, including patients in mandatory home or fiduciary isolation, as well as discharged or paucisymptomatic patients.

<sup>30</sup> In line with the National Chronicity Plan, the Waiting List Governance Plan and the National Prevention Plan.

<sup>31</sup> Converted, with amendments, by Law No.77/2020.



148. The territorial assistance plans contain specific measures for:

- The identification and management of contacts;
- The surveillance carried out by Prevention Departments, in collaboration with general practitioners and free of choice paediatricians;
- The constant monitoring and continuity of health care;
- The early tracking of all cases and their contacts, in view of their isolation end/or treatment etc.

149. The Regions and Autonomous Provinces also ensure active surveillance and monitoring activities at assisted healthcare residences and other residential structures, and they guarantee the collaboration and advice of specialist doctors in relation to the health needs of the assisted persons, with the instrumental and financial human resources available under current legislation.

150. With regard to infected subjects identified through health risk monitoring activities and frail people whose condition is aggravated by the ongoing emergency, the Regions and Autonomous Provinces direct and increase the therapeutic assistance at home level, both with the aim of ensuring the monitoring of the epidemiological emergency and to strengthen integrated home care services. Next to the patients in quarantine or home isolation, these services also regard people who are chronic, disabled, with mental disorders, with pathological addictions, non-self-sufficient, with the need for palliative care, in pain therapy, or, more in general, in situations of fragility.

151. Further, Law No.27/2020 established the Special Continuity Care Units (USCA) to the purpose of carrying out surveillance activities for the territorial assistance of both COVID-19 patients and suspected cases. Given the growing management complexity and the need to harmonize all actions in face of the emergency, the USCAs shall support the coordination of the enormous organizational effort carried out at both national and territorial level, through the simultaneous sharing of data, protocols, provisions and other relevant information. In this context, the coordination of local health and social activities is also addressed by Legislative Decree n. 34/2020, which provides that the Regions and Autonomous Provinces shall activate regional operational centres to carry out all functions connected with the emergency-urgency system, also through information and telemedicine tools. In the framework of each regional organization, these telematics coordination and communication centres, at the service of all relevant operators, are a fundamental tool for identifying the most appropriate paths for patients.

152. The LEA (Essential Levels of Healthcare) Grid represents the instrument with which fulfilment of the “Maintenance of the disbursement of the LEA” is certified, which is one of the fulfilments envisaged by the State-Regions Agreement of 23 March 2005, which the Regions are required to access to greater funding from the NHS. The verification of these obligations is carried out by the LEA Committee. Starting from January 2020, the New Guarantee System (NSG) for monitoring health care is in force, as required by the Ministerial Decree of March 12, 2019. The subset of “core” indicators, envisaged by the New Guarantee System, will replace the LEA Grid starting from the 2020 evaluation year, as required by Art.3, para.6, of Ministerial Decree of 12 March 2019.

## **R. HIV and AIDS**

153. The National Plan against HIV and AIDS (PNAIDS), shared with the Regions with the agreement of 26 October 2017, outlines the best possible path to achieve the objectives indicated as priorities by the international agencies (ECDC, UNAIDS, WHO). In 2019, the Ministry of Health funded the Project: “Intervention study on support from peers in order to increase adherence and persistence in a national Pre-Exposure Prophylaxis (PrEP) program in people at risk of sexually transmitted HIV”. The Technical Health Committee promoted

research projects with health sector public bodies<sup>32</sup> whose final results are a useful reference for associations and an update for those interested in innovative and targeted prevention strategies. Furthermore, these results can support health professionals in identifying health and social needs of sick people.

### People who inject drugs

154. In recent years, patterns of intake and contexts have changed: heroin is not the only substance used by injection while there is a significant increase in the methods of non-intravenous drug intake; new psychoactive substances are available on the market and practices such as “chemsex” are spreading. Drugs use can lead to other risk behaviors, including greater frequency of unprotected sexual intercourse with significant risk of contracting HIV, HBV, HCV, syphilis, and possible antiviral therapies (PrEP or Cart) adherence reduction. According to a study conducted by the Public Health National Center “Istituto Superiore di Sanità” in 2012, only 47.9% of IDUs know HIV transmission routes. Internationally, harm reduction strategies, such as syringe and needle distribution – according to consumption context and intake mode-, are recommended policies to counter the spread of infections related to injection and non-injection drug use. HIV prevention interventions in prisons are also recommended. More information on drug abuse in Annex XXI.

### HIV and AIDS surveillance

155. The systematic collection of data on AIDS cases began in 1982; in 1984 the surveillance system at national level was formalized (National AIDS Register) and in 1986 (Ministerial Decree No.288) AIDS notification became mandatory. HIV infection new diagnoses data collection began in 1985 and the surveillance system was instituted in 2008. By 2012, all Regions progressively reached homogeneous and complete coverage. At present, the new HIV diagnoses and the national AIDS registers cannot be merged, since information flow, data collection form and individual identification systems are different. To this end the project “Feasibility study for HIV/AIDS surveillance towards the construction of a single national platform” was implemented to assess the feasibility of implementing a single national platform for HIV/AIDS surveillance.<sup>33</sup>

### HCV

156. The Working Group for the organic and coordinated review of the National Plan for the fight against viral hepatitis B and C has drawn up a diagnostic therapeutic assistance path (Percorso Diagnostico Terapeutico Assistenziale, PDTA), to ensure equal access to treatment. To date 213,000 patients have been initiated for treatment under the HCV infection eradication plan, also thanks to Law No.232/2016 which allowed complete reimbursement of direct antiviral drugs until 2020. Despite the large number of subjects treated, it is estimated that a considerable number of people remain unaware of being infected (the so-called “submerged”), constituting a reservoir for the virus and a source of new infections; it is therefore essential to implement screening campaigns. Given that most infections are diagnosed in older aged and in particular groups with risk behaviours, Decree-law No.162/2019<sup>34</sup> provided for a fund allocation to carry out a free national HCV screening in 2020–2021, for subjects born from 1969 to 1989, in prison or in charge for drug addiction to public services.

157. Drug addiction has an important social-health impact, with direct and indirect consequences on public order and on health and social spending. The progressive lowering of age of first intake of psychoactive substances, confirmed by all epidemiological research, is associated with a market offering a wide range of active ingredients<sup>35</sup> at increasingly lower

<sup>32</sup> Available at: [http://www.salute.gov.it/portale/temi/p2\\_6.jsp?lingua=italiano&id=200&area=aids&menu=vuoto](http://www.salute.gov.it/portale/temi/p2_6.jsp?lingua=italiano&id=200&area=aids&menu=vuoto).

<sup>33</sup> Available online at: [www.salute.gov.it/portale/temi/p2\\_6.jsp?lingua=italiano&id=198&area=aids&menu=vuoto](http://www.salute.gov.it/portale/temi/p2_6.jsp?lingua=italiano&id=198&area=aids&menu=vuoto) - [www.iss.it/ccoa](http://www.iss.it/ccoa).

<sup>34</sup> Coordinated with Law No.8/2020.

<sup>35</sup> Including the so-called NPS New Psychoactive Substance often not yet tabulated and therefore legal.

prices. This causes the phenomena of abuse to take on important dimensions in terms of impact on public health, already in the phases preceding the onset of states of real drug addiction. The direct negative consequences on health derive from the pharmacological effects of the substance and the route of intake, while the indirect ones include hepatitis B and C, AIDS and central nervous system (CNS) disorders. The topic of drug addiction prevention has been included in the National Prevention Plan 2020–2025. In 2018, the SerD (Drug Addictions services) assisted a total of 133.060 patients (85.8% male subjects with a M/F ratio = 6). In 2018, 64.7% of users were treated for heroin as a primary substance, 19.6% for cocaine and 11.4% for cannabinoids. In 2018, the patients tested for HIV were 37.1941, equal to 29.5% of the treated subjects. 1,585 subjects were positive, corresponding to 1.3% of the total treated, with a range of values between 0% of the Trento PA and 3.5% of the Lombardy region. The subjects tested for HBV were 26,786 (21.3% of the total users): for 0.4% of the users (513 subjects) the test was successful, with considerable inter-regional variability. 25,274 patients were tested for HCV (20.1% of the treated users). 8.5% of the treated (10,692 subjects) were positive, with substantial territorial variability: the proportion of positive users for HCV is between 0% and 33.3% detected in the Molise and Emilia Romagna regions respectively. Overall, 4.3% of the tested subjects were HIV positive, 1.9% HBV positive and 42.3% HCV positive, with a wide inter-regional variability.

### **Prevention of drug abuse**

158. In Italy, early prevention actions play a crucial role, especially in school environments and during educational terms, and, since 2018, the prevention of psychoactive substances by schools increased considerably in view of identifying risk behaviours and psycho-behavioural vulnerability conditions. The importance of prevention is also felt at the local level and in most Italian Regions, where interventions involve various actors, including school, health and social services. The Regions, in collaboration with the Municipalities and Local Health Authorities, cover the territories of their competence with projects targeting consumers and subjects at risk, although interventions aimed at specific target groups are not yet uniformly spread throughout the national territory. In addition, the Region-School collaboration covers, among others, the training of reference figures (i.e. medical and health personnel, Police officers, teachers and parents).

159. The prevention actions implemented by the Ministry of Health have the following objectives:

- Promote prevention interventions with integrated action plans between the Prevention Departments, in particular the Health Promotion Operational Units, the Departments for Pathological Addictions, social areas, schools, law enforcement agencies, associations of category, the third sector, voluntary associations, etc.;
- To promote the adoption of a strategy that, distinguishing between use, abuse and dependence, introduces contrast models that adhere to the new needs, according to some fundamental assumptions;
- Implementing the integrated policy guidelines for the Health Promoting School;
- To consolidate the implementation, in accordance with the evidence and with the guidelines developed at EU level, of an organic system of programs and actions for Damage Reduction (RdD), according to the provisions of the DPCM of 12/01/2017 the adoption of LEAs, which also include the offer of health devices (e.g. sterile syringes, condoms, naloxone, etc.) and counselling actions;
- To strengthen the collaboration between the specific services for taking care of people with comorbidities (Departments of Addiction, Mental Health and Prevention of the ASL).

### **Risk and harm reduction**

160. In most of Regions, harm reduction (RdD) activities are mainly carried out by territorial outpatient services for addictions (SerD), low-threshold services and mobile units. In some Regions, RdD activities are also carried out by mental health services, residential structures (therapeutic communities and/or hospitals), pharmacies, first reception and drop-

in services and/or by teams of professional operators who intervene in the place's fun. The main activities regarding Harm Reduction mainly concern the distribution of information material, while the distribution of devices (i.e. sterile disposable syringes and needles, disinfectants and condoms) is slightly less widespread (13 Regions). Disposable syringe and needle exchange programs are present in 11 Regions. The distribution of filters in 7 Regions, of citric/ascorbic acid and sterile inhalation kits (e.g. pipettes) in 6 Regions, of sterile containers for mixing in 5 Regions. In order to reduce the risk and the harm related to drug abuse, the main prevention practices include individual counselling, as well as screening campaigns on the risk of disease (i.e. hepatitis B, hepatitis C, HIV and AIDS). The campaigns of HBV vaccination was implemented in 14 Regions, involving most, but not all, drug addicts who requested it; the RdD services of 17 Regions provided pharmacological treatments for hepatitis C and HIV antiretroviral treatments. Further, in view of preventing overdoses, 11 Regions implemented trainings / survival training courses for "safe use and/or safe injection use", 9 for "prevention of drug-related deaths" and 8 for the "prevention of overdoses".

161. Since 1991, Italy promotes the distribution of Naloxone to drug users and today this strategy is accompanied by treatments with substitute drugs with the aim of reducing risks of opiate overdose. In most cases, naloxone is part of the standard ambulance equipment and its staff is trained on its use. 7 Regions report the use of naloxone limited to hospitals, emergency departments and / or emergency vehicles and medical personnel. The distribution of naloxone is included in the peer-to-peer programs in 6 Regions.

#### **Policy framework**

162. Since 1990, drug abuse in Italy is considered an illegal act of administrative nature and not a criminal offence. The legal system is markedly hostile to any conduct involving the use of drugs and psychoactive substances, except for the use of medicinal products containing psychoactive molecules of proven therapeutic efficacy, in specific contexts of prescription and administration under medical supervision. The sanctions depend on the type of illicit behaviour: sale, production, cultivation, traffic and other similar conducts fall within the scope of criminal law. Drug possession for personal use remain within the administrative framework. Different penalties are envisaged according to criminal conducts, with regard to the type of crime and drug.

163. Law adopted by Presidential Decree No.309/1990 provides the legal framework for prohibition and punishment of illegal activities relating to the trafficking of drugs and psychoactive substances, as well as to their treatment and prevention. In particular, possession for personal use is ruled by Art.75 and is punishable by administrative sanctions (such as the suspension of driver's licence). The threshold between personal possession and trafficking is determined by the circumstances of the specific case (the act, possession of packaging tools, types of drug possessed, number of doses in excess of an average daily dose, means of organization, etc.). According to Law No.79/2014, a distinction is made between less and more dangerous drugs. Administrative sanctions for personal possession may range between 1–3 months for the former and 2–12 months for the latter. A person found in possession of illicit drugs for the first time usually does not receive a sanction, but rather a warning from the Prefect and a formal request to refrain from use. A socio-rehabilitation and therapeutic program may be offered in addition to administrative sanctions, according to the same Law.

164. Until 2018, the penalties prescribed for crimes related to the production, trafficking and detention of narcotic drugs or psychotropic substances<sup>36</sup> were:

- For hard drugs, the imprisonment from 8 to 22 years and a fine of 25.822 to 309.874 Euro;
- For soft drugs, the imprisonment from 2 to 6 years and a fine of 5.164 to 77.468 Euro;
- For all drug types (regardless of distinctions between soft and hard) and if the offense is considered minor (para.5 of the same article), imprisonment from 6 months to 4 years and a fine ranging from 1.032 to 10.329 Euro.

<sup>36</sup> Ruled by Art.73, DPR No.309/1990.

165. However, in January 2019, these provisions were declared unconstitutional by the Italian Constitutional Court.<sup>37</sup> Therefore, all offences relating to unauthorised activities of narcotic or psychotropic substances is now punished with imprisonment from 6 to 20 years, and a fine ranging from 26.000 to 260.000 Euro.

166. In case of minor offences (in terms of means, modalities or circumstances), the terms of imprisonment range between 6 months to 4 years, for all drug types. Evaluation on whether the offence is minor should also refer to the mode of action, the criminal motives, the personality of the offender, his/her conduct during or subsequent the offence, as well as his/her family and social conditions.

167. In this perspective, the Italian Court of Cassation (Joint Chambers) stated in 2019 that any conduct of transfer, sale or trade to the public of any product obtained from the Cannabis Sativa is punishable as a criminal offence,<sup>38</sup> except when such products are actually lacking in concrete doping efficacy. Moreover, according to a recent judgement, the Court established that drug cultivation is a crime, regardless of the quantity of active ingredient that obtained.

168. However, the law shall not apply in case of small-scale cannabis home cultivation, destined exclusively to the personal use of the grower.

169. The same Law (Art.74) punishes subjects promoting, constituting or financing associations aimed at committing crimes included in Art.73 (illegal trafficking of substances) with a penalty no lower than 20 years.

170. Further, it provides (Art.90 and 94) for tailored programmes for drug-addicted offenders sentenced to imprisonment, regulating the possible suspension of the sentence and their assignment to treatment services in particular cases.

#### **Abortion services**

171. In order to monitor the application of Law No.194/1978, the Minister of Health activated a permanent “Technical Table”, with the participation the Regional Departments since 2013, to monitor individual hospitals and family clinics (CF) with regard to the choice of conscientious objection. To this end, some monitoring indicators were established, summarized in 3 parameters, in order to verify the adequate application of the Law at the local level and to identify any critical issue that may not emerge from the overall framework at the regional level:

- Parameter 1 – IVG service offer in relation to the absolute number of available facilities;
- Parameter 2 – IVG service offer in relation to the female population of childbearing age and birth points;
- Parameter 3 – average weekly IVG workload for each non-objector gynaecologist.

172. The analysis of the data relating to each parameter is inserted annually as an integral part of the Report presented to Parliament by the Minister of Health.<sup>39</sup>

173. The Ministry of Health is committed to a constant evaluation of operating methods, in view of guaranteeing the offer of social and health services to all citizens. A free and direct access to care is ensured through the family clinic (CF), a health facility established by Law No.405/1975, which is unique in the world in its planning.

174. The TCs represent an effective reference system for all women, including those who wish to use the IVG, as they constitute a network of services throughout the Italian territory, managed by the Regions, while the local health authorities are responsible for their financial management and organization.

<sup>37</sup> Constitutional Court, decision No.40/2019.

<sup>38</sup> According to Art.73, para.1 and 4, of Presidential Decree No.309/1990.

<sup>39</sup> The latest report (2018) at: [www.salute.gov.it/portale/documentazione](http://www.salute.gov.it/portale/documentazione).

175. The Epidemiological Surveillance System for Voluntary Interruptions of Pregnancy (IVG) has been active in Italy since 1980, involving the Ministry of Health, the Istituto Superiore di Sanità (ISS), ISTAT, the Regions and Autonomous Provinces, the hospitals and territorial assistance networks. While monitoring the evolution of voluntary abortion, this surveillance system provides the data and the related analysis for the Minister's Annual Report to Parliament, it provides answers to specific questions and indications for in-depth research on the IVG phenomena.

176. To date, the level of conscientious objection in Italy does not appear to harm the right of women to terminate the pregnancy. The phenomena is also balanced by various factors, such as: the mobility of personnel; special contracts with specialists in obstetrics and gynaecology; the introduction of pharmacological abortion in outpatient facilities and family clinics, in line with the guidelines issued following the positive technical opinion of the Superior Health Council in 2020. According to the analysis (parameter 3) of the IVG Report, the average workload for the IVG, per non-objector gynaecologist, counted on 44 working weeks per year. The evaluation of this parameter includes the regional organizational capacity to ensure the service through temporary mobility of non-objecting personnel in other structures.<sup>40</sup>

177. Further, in the context of the Covid-19 epidemic, the Ministry issued some organizational guidelines for hospitals and territorial services, aimed at the remodelling IVG services, among the unpostponable health services in the gynaecological field. More information and data in Annex XXII.

### **Reproductive health**

178. Several measures in the Italian system guarantee access to reproductive health services and the right of women to make free decisions in this regard.

179. In particular, the President of the Council of the Minister's Decree of 12 January 2017 defines and updates the essential levels of assistance,<sup>41</sup> by providing in particular:

- (Art.24) Health and social assistance to minors, women, couples and families. It establishes that the National Health Service guarantees women, minors, couples and families the services, including home, specialist medical, diagnostic and therapeutic, obstetric, psychological and psychotherapeutic, and rehabilitation, through the use of necessary/appropriate methods and tools, based on the most advanced scientific evidence, in the following areas :
  - Education and counselling for responsible motherhood and fatherhood;
  - Administration of the means necessary for responsible procreation;
  - Preconception counselling;
  - Protection of women's health, prevention and therapy of sexually transmitted diseases, prevention and early diagnosis of female genital tumours in collaboration with screening centres, and of benign pathologies of the genital system;
  - Assistance to pregnant women and protection of the health of the unborn child also for the purpose of preventing related mental illness;
  - Birth accompaniment courses in collaboration with the hospital unit;
  - Assistance in the postnatal period, promotion and support of breastfeeding and support in the care of the new-born;
  - Counselling, psychological support and assistance for voluntary termination of pregnancy and issuing of certifications;

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<sup>40</sup> As established by Law No.194/1978.

<sup>41</sup> Art.1, para.7, Legislative Decree No.502/1992.

- Counselling, psychological support and assistance for problems of sterility and infertility and for medically assisted procreation;
- (Art.59) – Specialized outpatient assistance for pregnant women and for maternity protection, which are excluded from participation in the cost of outpatient specialist services for the protection of maternity, used in accredited public and private health facilities, including family counselling. However, periodic obstetric-gynaecological visits and specialist outpatient services for ascertaining procreative risks related to a pathological condition or genetic risk of one or both parents (i.e. highlighted by the couple's reproductive or family history) prescribed by the specialist are excluded from participation in the cost.

180. In June 2020, the Ministry of Health issued the “Guidelines for the progressive reactivation of scheduled activities considered deferrable in the course of an emergency by Covid-19”, aimed at the safe reactivation of reduced or suspended social and health services due to the Covid-19 emergency and the progressive restoration of all essential levels of assistance. In view of preventing the spread of the virus, the Guidelines, concern all public (institutional and professional), private, accredited and non-accredited health activities.

181. Among the interventions aimed at strengthening the territorial health networks, the strengthening of family clinics is envisaged, namely: a single model of multidisciplinary service of the NHS, designed to protect the health of women, the developmental age and couple /family relationships. Through the integration of basic socio-health activities, the counselling centres shall be strongly oriented towards prevention and health promotion. With regard to the family clinics, the Ministry of Health also launched a specific project in 2018<sup>42</sup> to the purpose of updating the mapping of their offices and their activities.

## S. School dropout

182. Over the last years, the Ministry of Education implemented several initiatives to reduce the incidence of school dropout, to promote inclusive education and training opportunities as well as the right to quality education. All these objectives were pursued through a dedicated funding from the national budget, in addition to other ad hoc interventions financed through other budgets (e.g. local authorities).

183. At an institutional level, the most relevant measures carried out by the Ministry of Education are the following:

- The line of intervention aimed at fighting early school leaving annually financed by the competent Department of the Ministry of Education which, in addition to the establishment of a fund equal to 4.500.000 Euro to face the educational emergency, has proceeded among various actions taken to appoint a leading school to act as territorial coordinator for actions to be taken against school dropout in each regional school offices;
- The introduction of the “Io Studio” card, which ensures to all upper secondary students, in state and private schools, a sustainable access to the right to education and, more broadly speaking, to all different cultural services. This prepaid rechargeable card allows safe and traceable purchase management by the students providing them the opportunity to benefit from dedicated discount rates;
- The free supply of textbooks in favor of disadvantaged background students all over Italy, with dedicated funds ensured by the competent Department of the Ministry of Education, in compliance with art. 27 of Law 448 of 23rd December 1998. The outcome of this action has resulted in the loan of textbooks and digital aids to support disadvantaged background students, with an allocation of 10 million euro.

184. Other measures carried out on an ad hoc basis with other sources of funding in Annex XXIII.

<sup>42</sup> In collaboration with the ISS and within the program of the National Centre for Disease Prevention and Control (CCM).

185. Moreover, in January 2020, the Ministry of Education signed a Memorandum of Understanding with the National Association of Italian Municipalities (ANCI) to deepen the cooperation in the fight against early school leaving and to promote equal opportunities for the right to education.

#### **Children with disabilities**

186. Since Law No.517/1977, Italy has established a framework and school integration model, whereby all succeeding rules and regulations aimed at overcoming the logic of exclusion and separate education. In recent years, the measures aimed at supporting the learning of pupils with disabilities introduced a number of special instruments, including Braille printers, ocular interfaces for quadriplegics, software for augmentative alternative communication, speech recognition software, etc. The yearly budget of 10 million Euro for school years 2017–18, 2018–19 and 2019–20 served to purchase over 32.000 items of teaching equipment for students with disabilities.

187. In view of optimizing the use of these resources, the Ministry of Education also developed special training courses and an e-learning platform for school staff in both state and private schools, in view of increasing awareness on the needs of students with disabilities. These training activities focus on different areas, including: the role of the Individual Education Plan based on ICF,<sup>43</sup> the identification of the best assisted technologies for various functional frameworks, the purchase and management procedures of teaching support instruments; the choice of most appropriate teaching support instruments and their operating instructions.

188. With Law No.197/2020 “Decree Ristori”, the Fund<sup>44</sup> for the purchase of individual instruments for the enjoyment of integrated digital teaching increased by 85 million Euro. The new tools and devices, to be distributed on loan to students and underprivileged students, shall be purchased by their respective educational institutions, according to specific needs for both distance learning and digital connectivity (i.e. number of students and the socio-economic family contexts).

#### **Teaching staff for children with disabilities**

189. An important initiative to help mitigate early school leaving and supporting educational continuity was promoted<sup>45</sup> in 2019, through the launch of a new portal<sup>46</sup> for students who are not able to attend traditional schooling. In addition to offering dedicated services for home and hospital schooling, the portal supports teachers’ commitment in the use of technologies.

190. In the academic year 2017/2018, 68.900 students benefited from hospital schooling<sup>47</sup> with the support of 740 teachers. The service covers the entire national territory, but it is more widely used in the regions of Campania, Lazio, Liguria and Sicily. Home education service is intended for all level students who are undergoing home therapy, thus preventing them from attending school for a period of not less than thirty days, even if not continuously. In the academic year 2017/2018, 1.306 students took advantage of this service, for a total amount of 64.715 hours of home schooling.

191. Moreover, the “Fund for the implementation of the National Training Plan”, intended for the mandatory training of teachers working with students with disabilities, was increased by 10 million Euro.

#### **Foreign students**

192. Given the increasing migration phenomena in Italy and its impact on the national schooling system, the Ministry of Education monitors the percentage of foreign pupils within schools and classes in order to guarantee school inclusion. The Ministerial Circular of

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<sup>43</sup> International classification of the functioning of disability and health.

<sup>44</sup> Set up at the Ministry of Education.

<sup>45</sup> By the Ministry of Education.

<sup>46</sup> <https://scuolainospital.miur.gov.it/sio/>.

<sup>47</sup> 70% from kindergarten and primary school and almost 6.000 students from lower secondary school.



January 8th 2010 establishes a threshold of maximum 30% pupils with reduced knowledge of Italian per class, to ensure conditions of proper integration and profitable learning and participation. Based on the 2020 survey on the percentage of foreign students in Italian schools, it emerges that during academic year 2018/2019 approximately 6.4% of Italian schools were exceeding the 30% threshold, mainly in the kindergarten and primary school.

193. The renewed effort to integrate foreign minors into the school system is also testified by the reactivation, in 2019, of the National Observatory for the Integration of Foreign Pupils and Intra-culture at the Ministry of Education. This consultative body, partially renewed in its composition<sup>48</sup> in 2019, has the task to identify solutions in view of modulating school integration policies according to the needs of an increasingly multicultural society and constantly evolving school system.

194. Further, a special attention is paid to children belonging to specific ethnic groups, such as Roma, Sinti and Camminanti. Since 2013, the Ministry of Education is working with the Ministry of Labour and Social Policies, the Ministry of Health and the Istituto degli Innocenti in Florence on the national project for the inclusion and integration of children of these communities, in the framework of the “National Strategy for the inclusion of Roma, Sinti and Camminanti populations” issued by the National Anti-Racial Discrimination Office (UNAR).

195. More information in Annex XXIV.

## T. Cultural diversity of ethnic minorities

196. In order to protect and promote the cultural diversity of ethnic minorities (e.g. Roma), the ESF Operational Programme (OP) 2014–2020 for Social Inclusion includes different measures aimed at the socio-economic integration of Roma communities (Priority 9), through a global approach to Roma culture (Action 9.5.4). Specifically, this approach aims to improve social, educational and familiar mediation, as well as to promote Roma participation and conflict resolution. In this framework, the National Anti-Racial Discrimination Office (UNAR) also launched a strategy for the promotion of Roma culture in 2017, implemented through a MoU with a public in house company (Formez), in view of designing specific initiatives to fight prejudice and stereotypes towards Roma, Sinti and Travelers (i.e. through communication and sensitization activities on their history, art and language), by engaging also representatives of these communities. In particular, in 2018–2020, the three pillars of the project focused on: awareness raising campaigns, trainings and social interventions, targeting both the public opinion and specific groups (i.e. school students and teachers, traditional and new media journalists etc).

### Cultural diversity

197. In line with UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions, the Ministry of Culture (MIC) promotes a series of measures to support artistic freedom and cultural expression, especially among youth. Among others, it is worth mentioning:

- The multiyear partnership between MIC and GAI (Association for the Circuit of Young Italian Artists) to ensure the continuity of the “MOVIN’UP” project (now in its 21<sup>st</sup> edition), aimed at supporting emerging artistic creation. As a result of a collaboration between different organizations committed to contemporary art and the new generations, the project supports young creative professionals (18–35 years) who have been admitted/invited by foreign cultural institutions (e.g. festivals, residencies, seminars, workshops, internships etc.) to perform /showcase their skills and knowledge abroad;
- The multiyear promotion of the “Culture Bonus/18App”, which provides a nominal amount of 500 Euro for 18-year olds to access to culture (e.g. theatrical/cinematographic performances, monuments and museums, exhibitions and

<sup>48</sup> Through Ministerial Decree No.1119.

events etc.) and natural parks, as well as to support costs of cultural or foreign language courses;

- The measures taken in response to the COVID-19 emergency and its consequences on artists' and cultural workers' conditions (in line with UNESCO Recommendation concerning the Status of the Artist – 1980).<sup>49</sup> In this context, MIC adopted, among others, supplementary resources for salary workers; income support measures for authors, interpreters, performers and agents; a special allowance of 600 Euro for intermittent workers and entertainment professionals; a special allowance of 1.000 Euro for intermittent workers and entertainment professionals.

### **Recognition of a faith entity**

198. The Italian Constitution guarantees fundamental rights for all religious denominations (i.e. equal freedom of expression, freedom of assembly, freedom of organization of the faithful; freedom of worship) and allows each individual to profess his/ her religion (or not to profess any). In particular, Article 3 affirms the principle of non-discrimination on religious grounds, and Article 19 states that “Anyone is entitled to freely profess their religious belief in any form, individually or with others, and to promote them and celebrate rites in public or in private, provided they are not offensive to public morality”.

199. Relations between the State and the religious denominations:

- In line with Art.7 of the Constitution, the main instrument governing the legal situation of the Catholic Church and its relations with the Italian State is the Agreement for the Revision of the Lateran Concordat,<sup>50</sup> which has the value and dignity of an international treaty. Given that the aim of the Agreement is to bring relations with the Catholic Church in line with the laical principles of the Italian Republic, the provision of the Lateran Treaty which recognized the Catholic Church as the State religion, is no longer considered to be in force;
- Regarding religious denominations other than the Catholic Church, Art.8 of the Constitution states that “All religious denominations are equally free before the law. Denominations other than Catholicism have the right to self-organisation according to their own statutes, provided these do not conflict with Italian law. Their relations with the State are regulated by law, based on agreements with their respective representatives”.

200. To start a procedure for the negotiation of an agreement (Intesa) with a religious Denomination, the practice requires the prior recognition of the legal personality of the confession itself by the Ministry of the Interior, pursuant to Law 1159/1929. The recognition of the legal personality is a result of a procedure by Minister of Interior, ratified by a decree of the President of the Republic, upon advice of the Council of State and decision by the Council of Ministers. Up to date, 37 religious denominations acquired the legal personality.

201. More information in Annex XXV.

## **U. Access to science and culture**

202. Non-discrimination as a “fundamental principle” of the Italian Constitution, applies also to education and higher education (Art. 34). In particular, Art.117 (letter m) entrusts the State with competence for determining the essential levels of benefits relating to civil and social rights across the national territory, while legislative competence on the right to university study is reserved to regional administrations. Further, the Italian inclusion policy relating to higher education refers to Legislative Decree No.68/2012, aimed at removing economic and social barriers that limit citizens' equality in accessing and reaching the highest levels of Education.

<sup>49</sup> <https://www.beniculturali.it/covid-19>.

<sup>50</sup> Signed on 18 February 1984 and made enforceable by Law No.121/1985, in replacement of the 1929 Concordat.

203. In line with their exclusive competence in this specific area, the Regions regulate and activate most social and economic interventions designed to ensure student accessing and completing their university studies (e.g. through scholarships, teaching material, transport, catering, accommodation etc. Each year, the Ministry for University and Research (MUR) allocates the resources of the State Supplementary Fund (FIS) to the Regions, to allow them to grant scholarships to capable and deserving students without adequate means.

204. Under the provisions of Law No.232/2016, students with an ISEE<sup>51</sup> declaration of up to 13.000 Euro are exempt from fees for teaching, administrative and scientific services. Further, Decree Law No.34/2020<sup>52</sup> extended this exemption to student with ISEE of up to 20.000 Euro, while the recent Decree No.234/2020 extended the partial exemption to other cases.<sup>53</sup>

205. To support refugee integration, many actions were taken by the Ministry for University and Research (MUR) and the Ministry for Internal affairs, also in collaboration with private bodies (e.g. the Italian NARIC Center-CIMEA and the Conference of Italian University Rectors (CRUI). In particular, CRUI supports the integration of refugees and holders of international protection in Italian universities through:

- 100 annual fellowships for holders of international protection to enrol in an Italian university, through an annual call (since 2016), managed with the Ministry of Internal Affairs. All universities associated to CRUI (84) participate in the project;
- A mentorship project to strengthen the integration of refugee students, managed (since 2019) with the International Organization for Migration (IOM-Italy) and the Ministry of Internal Affairs. In 2020, 10 universities were involved.

#### **Recognition of qualifications held by refugees**

206. In line with the Lisbon Convention, Italy adjusted its legislation on refugee qualification recognition with Legislative Decree No.251/2007 (Art.26). Moreover, the “Procedures for access to foreign students requesting visas for higher education courses”, invite Italian higher education institutions to «... recognise cycles and periods of study conducted abroad and to evaluate refugee and subsidiary protection holder qualifications, even in cases where all or part of the relative documents certifying the qualifications are missing».

207. The Ministry of Foreign Affairs and International Cooperation (MAECI) offers a service for the request of Statements of Validity (Dichiarazione di valore) for refugees and international and subsidiary protection holders.

208. CIMEA (the Italian ENIC-NARIC Centre, operating under the authority and financial support of the Italian Ministry for Universities and Research)<sup>54</sup> produces, via its own service of certification, “Statements of Comparability” of foreign qualifications free of charge, for persons with refugee status, subsidiary or international protection holders and detainees. CIMEA has also sponsored the ‘National Coordination for the Evaluation of Refugee Qualifications (CNVQR)’– an informal network of experts from the administrative sector, operating in higher education institutions, who deal with recognition of qualifications- to share evaluation procedures, problem cases, sources of information and methodological practices with regard to qualifications held by refugees, even in cases of little or no documentation.

209. In the framework of the CoE project ‘European Qualifications Passport for Refugees’, financially supported by the Italian Ministry for Universities and Research, CIMEA and CRUI started a trial phase of the ‘Academic Pass of Refugee Qualifications’, through an innovative evaluation procedure of refugees’ qualification. Through this action, 100

<sup>51</sup> The Equivalent Economic Condition Indicator to assess a family’s economic condition.

<sup>52</sup> “Urgent measures in the field of health, support for work and the economy, as well as social policies related to the epidemiological emergency from COVID-19”.

<sup>53</sup> Links to the statistical office of the Ministry: [ustat.miur.it](http://ustat.miur.it).

<sup>54</sup> [www.cimea.it](http://www.cimea.it).

fellowships for students holding the refugee status were assigned in 2019, in collaboration with ANDISU and the Ministry of Interiors.

210. Access of people with disabilities to IT tools. Law No.76/2020 (“Decreto Semplificazioni”) extended the obligation to make accessible websites and tablet/smartphone-applications to other public and private entities<sup>55</sup> providing services of social relevance.

211. Further, in view of promoting their full inclusion in the social and cultural community life, the introduction of the ‘EU Disability Card’ in Italy<sup>56</sup> aims to facilitate their access to a series of services in the area of transport, culture and leisure (at no or reduced cost), in reciprocity with other EU countries. The 2019 Budget Law (art. 1) reserved specific financial resources for the adoption of the Card and, in 2020, the criteria and methods for the identification of its beneficiaries were defined by Legislative Decree.

212. The objective of overcoming architectural, cognitive and sensorial barriers for people with disabilities is also a priority of the MIC, which, in 2018, published both the Guidelines for overcoming architectural barriers in places of cultural interest and the Guidelines in preparation of the “Plan for the elimination of architectural barriers (P.E.B.A) in museums, museum complexes, archaeological areas and parks”.<sup>57</sup> In the same perspective, MIC’s project ‘Ad. Arte’ developed an information system on the quality of fruition of cultural heritage by people with specific needs. The project involved the implementation and dissemination of an analysis regarding both architectural features and services offered at Italian cultural sites, with regard to their accessibility to visitors with specific needs. The accessibility sheets of the first 80 places are available at [www.accessibilitamusei.beniculturali.it](http://www.accessibilitamusei.beniculturali.it).

213. In addition, the project ‘Cultura e Sviluppo- PON’, focusing on the digitization of cultural heritage, is promoting, since 2020, other 32 interventions aimed at improving the access and fruition of cultural heritage in Southern Italy, through: knowledge creation and information platforms, integrated information systems, areas of socialization and web-oriented sharing, digital archives, virtual reality, 3D and gaming applications.

214. Moreover, the inclusion of students with disabilities and learning disabilities in schools and universities is guaranteed by different rules, including Law No.170/2010 and its subsequent Decrees. In line with the principle of university autonomy, the related actions are implemented by each university, through their respective Delegates for Disability and Learning disabilities, with the financial support of the Ministry for University and Research (MUR). On the grounds of their university strategies, each delegate designs actions and projects to support the population of students with disabilities or learning disabilities, through a personalized approach, aimed at reducing risks of exclusion and guaranteeing equal opportunities for success. Moreover, the National Conference of these Delegates (CNUDD) serves as a coordination body at the national level. Likewise, for the implementation of gender policies, universities rely on specific delegates focusing on gender strategies.

215. In line with Law No.107/2015 and the principle of equal opportunity, the three-year school plan on the educational offer promotes gender equality, prevention of gender-based violence and all forms of discrimination, at all levels of education, in order to raise awareness among students, teachers and parents on the risks arising from neglecting these issues. Further, the Ministry of Education issued, in 2017, the national guidelines for “education in schools to gender equality, prevention of gender-based violence and any other discrimination” as a reference document highlighting the principles embodied by Art.3 of the Italian Constitution.<sup>58</sup> In Italy, the risk of discrimination between girls and boys at school is often linked to their participation in technical-scientific educational paths, given the existing gender gaps relating to the employment-ratio in the technical-scientific field<sup>59</sup> and this gap is

<sup>55</sup> With an average turnover of 500 million Euros over the last 3 years.

<sup>56</sup> In line with the EU Strategy on disability 2010–2020.

<sup>57</sup> As a result of the proceedings of a dedicated Working Group set up by the Directorate General of Museums.

<sup>58</sup> [www.miur.gov.it/documents](http://www.miur.gov.it/documents).

<sup>59</sup> According to OECD, only 31.71% of women are employed in a technical-scientific work.

even wider if referred to current students in technical-scientific courses (about 17% girls vs. 26% boys).

216. To reduce this gap, the Ministry of Education and the Department for Equal Opportunities of the Presidency of the Council of Ministers...started, since 2018, the “Month of STEM” program,<sup>60</sup> in view of promoting the study of Science, Technology, Engineering and Mathematics among all students, at all levels of education. The project provided schools with useful new tools to contrast traditional gender stereotypes, and to foster the appeal of scientific disciplines, by underlining the extraordinary opportunities that STEM disciplines could bring in terms of future professional career.

217. In recent years, the Ministry of Education also strengthened the national portal [www.noisiamopari.it](http://www.noisiamopari.it), focusing on ‘good practices’ implemented in schools, in order to fight gender violence and stereotypes. The portal connects national institutions, schools, students and companies involved in gender policies aimed at increasing the role and number of women in social life. Moreover, the promotion of the awareness campaign “Female students count!” engaged many schools, as well as students, in sharing good practices for raising awareness on gender equality and violence.

218. Finally, the initiative “Safer Internet Centre (SIC) – Generations Connected project”, meant to raise awareness on safe Internet access, was funded with an annual budget of 398,000 Euro, in the academic years 2018/2019 and 2019/2020. The project<sup>61</sup> is part of a network promoted by the European Commission through the online platform “Better Internet for Kids” managed by European Schoolnet, in cooperation with INSAFE (a network that gathers all European Safe Internet Centres SICs) and Inhope (a network that gathers all European hotlines).

219. In Italy, it is coordinated by the Ministry of Education, in partnership with many important bodies dealing with safety issues on the Web: the Italian Independent Authority for Children and Adolescence, the State Police, the Ministry for Cultural Heritage and Activities, the Universities of Florence and ‘La Sapienza’ in Rome, Save the Children Italy, Telefono Azzurro, the cooperative EDI onlus, Skuola net, the press agency DIRE and the Giffoni Experience.

220. The Safe Internet Centres (SIC) were created to provide information, advice and support to children, teenagers, parents and teachers with (problematic) internet experiences, by facilitating the reporting of illegal material online and by sharing good practices or useful training tools to promote a positive and critical use of the network.

221. Additional campaigns and online actions aimed at raising awareness on the risks of Internet usage include the production of cartoons and tutorial videos channelled through YouTube, and other social media targeting children, parents and educators.

222. Further, in line with the European strategy “Better Internet for Kids”, the Italian Government enacted Law No.71/2017<sup>62</sup> in view of strengthening the fight against cyberbullying, and the Ministry of Education published the “Guidelines for the prevention and contrast of the phenomenon of cyberbullying” as a tool to respond to the educational and pedagogical challenges related to the new technologies.

223. Consistent with this regulatory framework, the Elisa Platform was developed as a tool to implement a national training program on the fight against bullying and cyberbullying for referent teachers. It is foreseen that each school establishes a working group of up to three teachers to monitor these phenomena in primary and secondary schools, through periodic surveys.

224. Additional actions on the issue are promoted by the Directorate General for students, inclusion and school guidance to raise awareness and information on online hate speech and

<sup>60</sup> Co-funded by the European Union (EU National Operational Program 2014–2020 and European Social Fund for the “For the School” initiative).

<sup>61</sup> Co-financed by the Connecting Europe Facility (CEF) – Telecom program.

<sup>62</sup> “Provisions for the protection of minors for the prevention and contrast of the phenomenon of cyberbullying”.

related risks, including through competitions for secondary school students, aimed at stimulating a reflection on the risks and dangers of online violence and hatred.

225. Lastly, it is worth mentioning the ‘Memorandum of Understanding’ (October 2018) between the Ministry of Education and UNICEF aimed a better implementation in Italy of the UN Convention on the rights of the child and adolescent which, among others, provides for the promotion of active digital education for a conscious use of new technologies and social networks.

### III. Good practices

226. OSCAD was included as the Italian best practice on combating hate crimes in the Compendium of best practices<sup>63</sup> developed by the FRA “Working Party On Improving Reporting And Recording of Hate Crime”. From 2014 to 2016, OSCAD was also a member of the Working Party, established in response of the Council “Conclusions on Combating Hate Crime in the European Union” and co-leader of its sub-group concerning training.

227. In 2018, OSCAD released the “Guide to Judaism for Police Officers” in cooperation with the Union of the Italian Jewish Communities (UCEI) and, since then, its cooperation with UCEI was extended to other hate-crime reporting activities. In 2019, the two bodies developed a dedicated reporting form, based on the most relevant Anti-Semitic bias indicators.

228. In January 2020, OSCAD organized the Conference ‘The victims of hatred’ at the Presidency of the Council of Ministers,<sup>64</sup> in view of enhancing the commitment made by Law enforcement in preventing and combating all forms of discrimination, while promoting the values of tolerance and inclusion. During the event, the OSCAD Secretariat also presented its article “When hate becomes crime. Hate crime: what it is and the legal framework against it”, published on the official National Police magazine ‘Polizia Moderna’ (Modern Police) in January 2020.<sup>65</sup>

229. UNAR’s bottom-up approach in supporting Roma’s participation to social development and policy-making can be considered a best practice, insofar as its employment of innovative tools. In particular, UNAR’s National Roma Platform, established in 2017,<sup>66</sup> and represents an effective tool for dialogue between Roma communities and central/local public administrations, in line with UNAR’s strategic objective of promoting networks across the national territory. In this framework, the Forum of the Roma Communities, (composed of 25 Roma NGOs) represents the central nucleus of the Platform, by acting as an interface and consultation body, both with respect to the implementation of the Roma Strategy and its periodic evaluation and review. The Forum expresses a common position vis-a-vis competent institutions, on relevant issues such as housing and the overcoming of camps. To that purpose, the National Roma Platform also served to appoint a delegate for each area of intervention through a public vote. The Platform and the Forum meet several times a year, in view of discussing specific situations and critical issues at the national/local level, or designing capacity building/training activities, as well as wider policy strategies and practices for Roma inclusion.

230. The establishment of UNAR’s permanent consultation Table for the protection of the rights of LGBT people also aimed at the development of a Strategic Plan. The Table, divided into plenary and sectorial sessions, saw a large participation of (66) associations working in the field. Further, UNAR implemented several measures (financed by the ESF/NOP Inclusion) related to job inclusion of LGBT people, including projects supporting self-employment for transgender people. Other interesting practices relate to: the translation and dissemination of the standards of conduct of the UN High Commissioner for Human Rights on management of diversity; the networking with NGOs, trade unions and entrepreneurs who

<sup>63</sup> <https://fra.europa.eu/en/promising-practices/observatory-security-against-acts-discrimination-oscad>.

<sup>64</sup> Attended also by the Minister of the Interior, the Minister for Equal Opportunities and the President of the Italian Inter-Ministerial Committee for Human Rights (CIDU).

<sup>65</sup> [www.interno.gov.it/it/ministero/osservatori/osservatorio-sicurezza-contro-atti-discriminatori-oscad](http://www.interno.gov.it/it/ministero/osservatori/osservatorio-sicurezza-contro-atti-discriminatori-oscad).

<sup>66</sup> Following an expression of interest which engaged 79 associations.

implement training and exchange of good practices (e.g. through ad hoc Webinars); and the first institutional web portal for transgender people (INFOTRANS.IT), focusing on access to local health services, developed in cooperation with the National Health Institute.

231. In view of dealing with the pandemic emergency and its impact on the labour market, a number of new measures were enacted since February 2020 to provide additional income support for workers, thereby strengthening the social safety nets already in force [Ordinary Redundancy Fund (Cassa Integrazione Ordinaria), Extraordinary Redundancy Fund (Cassa Integrazione Straordinaria-CIGS), Ordinary Allowance (Assegno Ordinario) and Redundancy Fund in Exception (Cassa Integrazione in Deroga)].

232. Further, in August 2020, Decree Law N.14 and N.104 (so-called “Decreto Agosto”), as well as several other following decrees (“Decreti Ristori”) reinforced these measures, before Budget Law 2021 confirmed and extended the support for the labour market.

233. More information on specific measures aimed at supporting the recovery after the pandemic crisis in Annex XXVI.

234. Finally, with regard to the promotion of cultural diversity, it should be noted that Italy has enabled many inter-institutional synergies in connection with the Covenant on Economic, Social and Cultural Rights (ICESCR) and with the objectives of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), with particular regard to the freedom of artistic expression and the UNESCO Recommendation on the Status of the Artist (1980).

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