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

**Fourth periodic reports submitted by States parties under
articles 16 and 17 of the Covenant**

Addendum

ITALY*

[23 April 2003]

* The third periodic report concerning rights covered by articles 1 to 15 (E/1994/104/Add.19) was considered by the Committee on Economic, Social and Cultural Rights at its twenty-second session (see E/C.12/2000/SR.6-8) in May 2000.

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Introduction

A. Preparation of the present report

1. The present report, like the previous ones, was drawn up as part of the institutional activities of the Interministerial Committee for Human Rights, which was set up by the Minister of Foreign Affairs in 1978. The Committee includes representatives of the government departments involved in the different sectors of activity, along with bodies, associations and academics with special expertise in the field of human rights. The Committee set up a special Working Group after which the secretariat drew up a draft report which was approved in plenary session by the Committee itself. The report was distributed to various non-governmental organizations (NGOs) for comments and observations.

2. In drawing up the present report account was taken of the observations and recommendations formulated by the Committee on Economic, Social and Cultural Rights when the previous report was discussed.

3. It was felt that the report should be divided into two parts, the first dedicated to the follow-up of some of the previous recommendations. It was deemed useful in some cases to refer readers to the discussion of individual issues in the second part of the report, which provides a framework illustrating the implementation of the provisions of the Covenant in Italy during the period 1998-2001. For this second part a particular emphasis was placed on a discussion of the Government's policy approach in the individual sectors covered by the provisions of the Covenant, including the content of the various national plans adopted in 2001. Account was also taken of the new legislation in this area and of administrative practices and procedures.

B. Political framework

4. The elections of 13 May 2001 saw a reversal of the previous balance of power between the centre-left (known as the "Ulivo", or Olive Tree coalition) and the centre-right coalition which, having emerged victorious from the ballot, immediately gave rise to the second Berlusconi Government. After its appointment the Government presented a programme of action in the form of a package, known as the "Hundred Days" package, containing a complex and varied set of measures.

5. In the economic sector, Law 383 of 18 October 2001 concerning initial measures for the recovery of the economy (known as the "Tremonti bis" Law) was intended to relaunch the economy through measures including fiscal incentives for investment. The incentives for investment and development also include a tax credit equal to the taxes paid by companies on profits distributed to shareholders in order to encourage company capitalization.

6. In the field of the public administration, a sector considered to be strategic in terms of increasing Italy's economic competitiveness internationally, the Government intends to introduce a series of key principles such as efficiency, effectiveness, simplification, accessibility, transparency and quality of service. The central elements of the entire reform process will be technological innovation, the re-engineering of administrative processes and related structures, and the training of staff.

7. In the field of employment, with the bill on “Delegation of powers to the Government in matters concerning employment and the labour market” the increase in the employment rate towards levels agreed in the European Union (EU) context is being pursued, with the involvement of the social partners, by modernizing the public employment services, the key aim being to achieve convergence towards European standards of guarantees, flexibility and participation.

8. One of the priorities of the government plan, in order to facilitate the entry of young people to the world of work, was the implementation of Directive 99/70/EC (in force since 24 October 2001) concerning the framework agreement on fixed-term work. The implementing provision was Legislative Decree 368/2001, which also took into consideration the agreement signed by the social partners on 4 May 2001.

9. The powers delegated to the Government in labour market issues make it possible to complete the process of bringing Italy into line with its European partners, through the implementation of Directive 93/104/EEC on working time, Directive 94/45/EC on European Works Councils and Directive 1998/24/EC concerning protection against the risks related to chemical agents. In this context all actions designed to resolve the sensitive question of the informal or “submerged” labour market are of considerable importance.

10. To give a concrete response to the morally unacceptable and harmful problem, especially for southern Italy, of the submerged economy, Law 383 (heading I) of 18 October 2001 envisaged fiscal and contributory incentives that increase in proportion to the volume of work “emerging” into the light of day. Incentives designed to regularize informal economic activities can give rise to a series of advantages such as: discouraging forms of unfair competition that are detrimental to legally operating companies; structurally widening the tax base; and ensuring the full benefits of welfare provision for the many workers who are currently excluded from the social insurance system.

11. The sector of the environment and natural resources was also of key interest to the Government. This is demonstrated by the bill concerning “delegated powers to the Government for the review of the legislation governing environmental issues”, which sets out the sectors in which action is considered to be necessary.

12. In the field of research the Government’s strategic objective is to bring Italy into line with the standards of the principal European countries.

13. Finally, in the health sector the Government has taken steps to tackle the shortcomings of health-care services in the most disadvantaged areas of the country.

C. The most significant elements of the general political approach

1. The fight against poverty and social exclusion

14. In Italy the fight against poverty and social exclusion is considered as one of the key elements for economic progress and the development of employment. Inclusion policies start from the assumption that the conditions of social exclusion include forms of material deprivation and social fragility that go beyond material economic poverty or extreme disadvantage to

encompass failures in terms of family and social bonds, housing systems, the networks of support and social integration services, training and employment and social marginalization. This leads to an awareness that to effectively combat phenomena linked to poverty and social exclusion it is necessary to bring into play actions relating to a wide range of policies: “classic social assistance”; poverty reduction policies; modern social protection and social and cultural integration policies; initiatives for the guidance, training and employment of the most vulnerable sections of the population; policies for the development of the social economy; the harmonization of the times and requirements of family life; policies for housing, health, sport and leisure; and policies regarding the development of knowledge and the new information and communication technologies.

2. National plans

15. In consideration of the above, in terms of planning Italy has launched a series of sectorial plans over the past few years addressing specific categories of social exclusion (Action programme for policies regarding disability; Plan of Action for children and adolescents; National Fund for the drugs problem; Programme of interventions for the elderly; Fund for nursery schools). To these “vertical” plans have been added a series of national-level plans that act in tandem with them: the National Health Plan; the National Employment Plan; the National Education Plan and, above all, the National Plan for Social Actions and Services. This last-named Plan, which was approved in April 2001 in application of the Framework Law on Social Welfare (Law 328/2000), is characterized by its strongly decentralized network structure, which enables the system to develop at the local level through the regional and area plans, and directly involves local actors in the planning, programming and implementation of policies and actions. This architecture makes it possible to highlight the differences between one area and another regarding the type of disadvantage experienced and consequently to tailor the priorities for intervention to these different needs, working within a framework of interregional benchmarking.

3. The National Plan for Social Actions and Services

16. The social plan approved in April 2001 in application of Law 328/2000 is structured around the following key objectives:

- to provide an integrated system of social actions and services for individuals and families;
- to guarantee the quality of life;
- to prevent, reduce and eliminate conditions of disability;
- to promote the participation of citizens, the contribution of trade union organizations, and social and consumer protection organizations;
- to enhance and support family responsibilities;

- to strengthen interventions to combat poverty;
 - to develop measures designed to foster the inclusion of the immigrant population, the prevention of dependency and efforts on behalf of adolescents.
17. The envisaged aims and measures focus on:
- policies and services in the different spheres of the social realm;
 - services for individuals and families, supplemented by economic measures;
 - active routes for the optimization of resources.
18. The following priority actions are envisaged:
- economic measures to encourage autonomous living conditions and care in their own homes for totally dependent persons;
 - actions in support of minors;
 - measures in support of women in difficult circumstances;
 - actions to promote the full integration of the disabled;
 - actions for elderly and disabled people to enable them to go on living at home, with families, or in residential or semi-residential structures;
 - integrated social-educational services to combat dependency on drugs, alcohol, and pharmaceuticals, with preventive actions being aimed at recovery and reintegration;
 - information and advice for individuals and families to enable them to benefit from services and self-help initiatives;
 - measures to provide individuals and families with an integrated system of social services and actions;
 - more incisive measures to combat poverty;
 - actions to improve the quality of life;
 - measures to prevent, eliminate or reduce conditions of disability, need and disadvantage;
 - actions to promote the active participation of citizens and the contribution of trade unions and social and consumer-protection organizations;
 - the enhancement and support of family responsibilities;
 - the strengthening of minors' rights;

- stronger actions to combat poverty;
- support for persons who are not self-sufficient (especially the seriously disabled) in the form of services provided in the home;
- the development of measures to foster the inclusion of the immigrant population, the prevention of dependency and greater efforts to tackle the problems faced by adolescents.

4. The National Action Plan to Combat Exclusion

19. In accordance with the invitation formulated by the Heads of State and Government at the EU Summit, held in Nice in December 2000, in June 2001 Italy presented the first two-year National Action Plan to combat exclusion. The priorities, lines of action, measures and actions of the various national, sectorial and regional plans operating for the period 2000-2003 were drawn together and summarized within this action plan which, taking into account the four principal objectives of the Nice Council, highlights the priorities identified, the actions planned and the measures drawn up for the following areas for action:

- promotion of direct and transverse policies for employment, through the recognition of innovation and the upgrading of education and training systems not just as factors for development, economic growth and employment, but also as key elements to combat the new forms of social exclusion. The key priorities include the need to reinforce the mechanisms operating in the system for employment integration and lifelong learning, the introduction of income support measures with a view to social and employment reintegration; the enhancement of and support for family responsibilities through a greater harmonization of the needs of working life and family life;
- promotion of the participation of all individuals in resources, rights, goods, and services; as priority actions the Plan envisages: the implementation of the new Framework Law (Law 328/2000) which enhances and diversifies the measures and instruments available for access to the social services, with the aim of implementing welfare policies that are able to offer support and protection to individuals throughout their lives; the enhancement of decision-making autonomy for users in the sectors of health care and social welfare and the reduction of informational imbalances (with a view to social-health integration); guaranteed access (especially for the persons and categories most exposed to the risk of exclusion) to the most important public and private services;
- the drawing up of policies for the prevention of the risks of social exclusion by means of measures and actions to combat social exclusion, develop the opportunities provided by the new technologies and safeguard family solidarity;
- actions to combat poverty and actions on behalf of the most vulnerable persons: children and adolescents, the elderly (especially elderly people who are not self-sufficient), the disabled, and actions for the integration of immigrants;

- implementation of an overall policy of subsidiarity and federalism based on solidarity and the realization of a welfare system resting on responsibilities founded on strong involvement by citizens, both as users and as informed actors and consumers; on the transformation into active players in social policies of local communities, households and citizens; on the collaboration of the various actors (families, volunteer networks, social partners, local authorities) in the planning and implementation of the integrated system of social services and actions; and on the direct involvement of non-profit organizations in the management of services.

20. In order to ensure the coherency and consistency of the interventions taken as a whole, as well as the efficacy of the measures and the flexibility of the planning mechanisms, the Government of Italy has set itself the objective of developing an overall system of social policy monitoring and evaluation; this system will be built up around a core consisting of the Social Policy Observatory as envisaged by Framework Law 328/2000 and the monitoring structures for social actions financed by the structural funds. With regard to measurement instruments Italy, while accepting the seven indicators set out at Stockholm, which are common to all member States, considers them primarily as a starting point, albeit an essential one, from which to identify forms, processes and contexts of situations of social inclusion/exclusion. Therefore, pending the definition of a conceptual framework of reference to be submitted to the attention of the Commission and the other member States, within the Plan a richer and more varied picture has already taken shape in which further aspects are taken into consideration, such as the geographical area of residence, the housing conditions, or the duration of poverty. Some “subjective” indicators (for example, those relating to the perception of poverty) are also presented.

21. The Social Plan is the foundation on which social assistance in Italy will in future be based; moreover, it corresponds, both in its aims and its field of intervention, to the objectives for combating social exclusion that were approved at the European Summit in Nice. Sometimes this response is direct (Nice Objectives 2 to 4) and sometimes - particularly for the first Nice objective (promoting participation in employment) - the response is at one and the same time direct (promotion of employment through new personal services) and indirect (creation of better conditions for the reconciliation of family and working life).

22. Nearly 10 million pensioners live in 40 per cent of Italian households; about 800,000 over-65s receive social pension. In 1999, 4.8 per cent of Italian households, representing about 1,038,000 individuals, were living in a state of absolute poverty; in the regions of southern Italy the figure rises to 11 per cent.

23. The role of the social protection system - other than pensions - is essentially limited to the distribution of income to needy people. On the basis of 1996 data, following the intervention of social protection mechanisms other than pensions the percentage of “poor” people was reduced from 22 to 19 per cent. Old-age and “seniority” pensions (based on the number of years in employment and social insurance contributions) play a very important role in the distribution of income.

24. Absolute poverty, which refers to those who cannot afford a “basket” of items considered to be essential, affects a smaller proportion of the population, as the threshold set by this measure is lower.

D. Demographic evolution of the population

25. Italy is one of the countries most affected by the ageing of the population. Between 1980 and 1999 life expectancy rose by about five years for both sexes, reaching 75.9 years for men and 82.3 years for women. Over this same period the average number of children born to each woman fell from 1.68 to 1.20. The improvement in survival rates, together with fertility rates well below the generational substitution rate, brought the proportion of elderly people and those over age 80 in the population to 18 per cent and 3.9 per cent, respectively, in 2000.

E. Employment

26. Employment levels have increased: in January 2001 there were 21,272,000 people in employment, an increase of 656,000 (+3.2 per cent) over January 2000. The employment rate for the population aged 15-64 was 54 per cent, 1.7 percentage points more than at January 2000. This result is a combination of the increase for males (from 66.4 per cent to 67.7 per cent) and also for women in particular (from 38.3 per cent to 40.3 per cent). Again in January 2001 the unemployment rate, slightly down for both men and women, was 10.1 per cent, while the rate for young people in search of work was 29.2 per cent, compared to 32.3 per cent in January 2000.

F. Education

27. The level of educational attainment strongly conditions access to and the quality of knowledge, which is a powerful factor for social inclusion. Secondary school attendance rates have increased in recent years, from 68.3 per cent in 1990/1991 to 82.3 per cent in 1998-1999, an increase that has particularly affected girls. However, the Italian educational and training system presents a wide range of variations. About 5 per cent of young people each year fail to complete their middle-school (lower secondary) education; 3.3 per cent of 18 to 24-year-olds only holds the primary school diploma; 11.8 per cent of young people enrolled at secondary school drop out of the educational system after the first year; and only 38 per cent of those enrolled at university manage to complete their degree course and graduate.

I. OBSERVATIONS OF THE COMMITTEE ON THE THIRD PERIODIC REPORT OF ITALY

A. Court rulings and the Covenant

The Committee notes with concern the statement made by the State party in its written replies to the list of issues, confirmed by the delegation during its dialogue with the Committee, that only very few court rulings refer explicitly to the Covenant.

28. Although the International Covenant on Economic, Social and Cultural Rights is well known in all the sectors involved in the administration of justice, only a small number of verdicts pronounced by Italian courts refer explicitly to its provisions. The reason for this is essentially twofold. First, the Law that implemented the Covenant, enabling it to be applied by the courts, is the same one that implemented the International Covenant for Civil and Political Rights. It is therefore difficult to extract from the decisions of the courts those verdicts that refer

explicitly to the provisions of the Covenant under consideration here. Secondly, the decisions of the courts refer mainly to those provisions of domestic law, issued by the Italian legislator, that constitute an application or extension of the principles and provisions contained in the Covenant. In view of the long period that has passed since the ratification by Italy of this international instrument, it can be estimated that today there are hundreds of laws that have been inspired by the Covenant. It can therefore be considered, including on the basis of extensive studies and research carried out in Italy, that the obligations envisaged by the Covenant have been transformed into an extensive and in-depth body of legislation. The significance of the Covenant before the Italian courts assumes an indicative value - in abstract terms - only in those cases where a provision of the Covenant is invoked to plead the unlawfulness of a domestic provision that runs counter to the provisions contained therein.

B. Problems concerning the Rom population

Data regarding some of the major cities

29. An initial, brief census of the Romany and Sinte population resident in Rome dates from 1993, at which time they numbered about 6,000. In November 1995 the first general census was carried out: 5,467 persons from these communities were recorded (over 50 per cent of them minors); there were 50 makeshift camps and one equipped camp (opened in 1994). Thanks to measures taken to reorganize these areas, there are currently 26 settlements, 5 of which are new villages, equipped with housing units and supplied with basic facilities and common service structures. Another six settlements are equipped with caravans, running water and chemical toilets. Since 1993, a total of 25 unauthorized settlements have been dismantled. Great attention has been paid to social integration and protection measures: the introduction of a school attendance programme for minors, which has led to a constant increase in the number of children attending school in recent years; health-care measures (health-care camper vans, vaccination campaigns, access to health services); and the introduction of integration services (Italian courses for adults, employment training initiatives).

Milan

30. In the city of Milan the Romany population accounts for one in every 1,000 residents, while in the province of Milan the figure is 0.5, for a total of 1,600 at most. The Romany population is very variegated, forming a "mosaic" of different communities in terms of origin, lifestyle and religion, but all sharing a strong sense of cultural and linguistic identity (the groupings include Khanjarja, Khorakhanè, Ariija, Rudara and Rumuni). Over 50 per cent of the people belonging to these communities are minors under 14, and only 2-3 per cent are 60 or older.

31. Italian Romanies have been living in cities since the beginning of the 1960s in areas or "villages" that have been partly equipped by the municipal administrations, on rented or owned land, in caravans, mobile homes or prefabs, in the difficult quest for a more stable and secure relationship with the urban environment and its social and cultural context.

Turin and Piedmont

32. In Piedmont, and especially in Turin, the Romany population can be divided into four groups: *Piedmontese Sinti*, *“Vlax” Romanies*, *“Balcan” Romanies*, *“refugee” Romanies* and *“Rumanian” gypsies*. Just when it was felt that the migratory flows into Italy had more or less come to a halt, political changes and events in the countries of Central and Eastern Europe have conspired to re-launch the process. The war in the former Federal Republic of Yugoslavia has caused a new, large-scale wave of migrations of Romanies from the Balkans. The biggest influx of Romanies into Italy after the “refugees” from the former Federal Republic of Yugoslavia was made up of Rumanian gypsies (1998). This flight from the East is expanding, with constant arrivals in Italy of Albanian and Kosovar citizens, who include a non-negligible number of persons belonging to Romany ethnic groups.

Problems concerning the education of Romany children

33. As part of the initiative put in place by the Ministry of Education a document has been drawn up entitled “Transformations in education in a multicultural society”. This initiative highlighted the difficulties of integrating pupils belonging to “nomadic” communities into Italian society. These groups pose a specific problem that cannot be equated to that of foreigners in general, and which needs to be studied in greater depth. In this light, starting with the 1999/2000 academic year an attempt has been made through the “supplementary surveys” to obtain data on the numbers of gypsy children attending public and private schools of all levels. The information obtained in this way was processed independently by the department providing support services for the policy decisions of the Ministry of Education and, in highly summarized form, is set out and interpreted in this paper. It represents an attempt to provide a starting point for further study which could be carried out by the schools attended by these children and young people.

Analysis of the presence of gypsy pupils by level and type of education

34. The observation that the number of gypsy children attending non-State primary, middle and senior secondary schools is just 78, and that the only schools in the private sector to report a high number (523) of gypsy pupils were nursery schools, led us to concentrate solely on the data for State schools, in which about 9,000 pupils from gypsy communities are enrolled.

35. As can be seen from the table, in the school year 1999/2000, 8,982 gypsies attended the public education system. With respect to the school population as a whole, on average one gypsy is enrolled for every 805 pupils. The highest numbers of Romany children are found in primary schools, with 5,100 pupils, corresponding to an average of one gypsy child for every 483 pupils. At middle school level the ratio is one to every 943 pupils, even though attendance at middle school level is compulsory, while in the upper secondary schools the figure is one Romany pupil for every 5,567 students. At nursery school level, which nearly all children in Italy now attend, there is one gypsy for every 506 children.

C. Accidents in the workplace

1. The Committee is alarmed by the high rate of accidents in the workplace and draws the attention of the State party to the concern expressed by the ILO Committee of Experts which has repeatedly drawn the Government's attention to the need to adopt legal regulations and policies on the prevention of accidents in the workplace, and in particular in the ports.

2. The Committee calls upon the State party to take effective measures to ensure that workers enjoy safe working conditions. In particular, the Committee recommends that the State party adopt measures, including legislation, on the prevention of accidents, particularly in the ports, and ratify the ILO Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152). The Committee also recommends that the State party ratify the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and the Part-time Work Convention, 1994 (No. 175).

36. As far as the prevention of workplace accidents is concerned, the key legislative instruments under the Italian legal system are Legislative Decree 626/1994, amended and supplemented by Legislative Decree 242/1996, implementing EU Directives 89/391/EEC, 90/654/EEC, 89/656/EEC, 90/270/EEC, 90/394/EEC and 90/679/CEE, and 97/42/EC. These concern the improvement of the health and safety of workers in the workplace. Essentially in line with the trend recorded in previous years, the number of workplace accidents was slightly up at the end of 2001 compared with the previous year, both in terms of overall accidents reported (just under 6,000 accidents, up 0.6 per cent over 2000) and fatal accidents (30 cases more than in 2000, an increase of 2.1 per cent). These figures are the end product of a much more differentiated situation in which the increase in the industry and services sectors (+1.2 per cent overall and +3.1 per cent for fatal accidents) can be set against a marked reduction in agriculture (-6.5 per cent overall and -4.7 per cent for fatal accidents). In the industry and services sectors, the increase in accidents was markedly higher for women (+5.4 per cent) compared with men (+0.1 per cent), while in agriculture the dip affected both sexes more or less equally. In geographical terms, the industry and services sectors saw a general increase, with peaks in southern Italy (+2.7 per cent) and the Islands (+3.3 per cent); the reduction in agricultural accidents is more evenly spread throughout the country.

37. With particular regard to fatal accidents the situation in the industry and services sectors was highly differentiated, with a reduction in the north-east and Islands, no change in the south, an increase in the centre and another, higher increase in the north-west of the country. In this area the considerable increase in Lombardy should be noted: this reflects, at least in part, the disaster at Linate Airport on 8 October 2001, in which 118 people lost their lives; subsequent to this a further 36 fatal accidents have been reported in Lombardy region. The increase in fatal accidents in Puglia was also considerable, and provided further confirmation of the fact that the data sometimes reveal situations that need to be further examined and analysed at both the central and local levels.

38. It must also be said that the data available for the first few months of 2002, which are still provisional, appear to indicate a general reversal which can only be confirmed after a longer period of observation and, more importantly, by a more stable and well-established informational base. In this respect, it should be underlined that a significant and reliable statistical analysis of current trends with regard to workplace accidents should be carried out over a longer timescale than the previous two years. A medium- to long-term historic series would also make it possible to evaluate the evolution of workplace accidents in the context of a whole series of social, economic, cultural and legislative factors, which are closely linked to the phenomenon in question. In this respect the trends revealed by the analysis of the 50-year historic series described in the report “Half a century of accidents under the microscope” show a constant and continuous reduction in accidents expressed as accident frequency indices (para. 2.1.3).

39. This consideration notwithstanding, a short-term analysis that compares the cases reported in one year with those reported in the previous one still has its uses in terms of interpreting the phenomenon. The analysis will, however, be more accurate if carried out by relating the absolute values to a benchmark figure that expresses the size of the workforce from which the phenomenon is produced. In this respect, if we observe current developments in the workforce, it is not difficult to see how the trend in occupational accidents in 2001 is a reasonably faithful reflection of the employment trends recorded in the same period. On the basis of the most recent National Institute of Statistics (ISTAT) data, the numbers in employment rose by 2.1 per cent in 2001, with an overall increase of about 434,000 jobs compared with the previous year. The increase was once again more marked for women (296,000 units more, an increase of 3.8 per cent) than for men (a rise of 138,000, or 1.0 per cent).

40. The sectors that saw the greatest improvements were the construction sector (+5.5 per cent); the tertiary sector, which, with +2.7 per cent, consolidates the upward trend that has been under way since 1995; and agriculture, which, after a massive outflow of jobs lasting over 50 years, saw a modest but significant +0.6 per cent.

41. As on previous occasions, the ISTAT employment data, appropriately rationalized for obvious reasons of uniformity, can be used as a basis for an initial indication in relative terms of the general variation noted in the number of workplace accidents in 2001 compared with the previous year. The indices reveal a slight fall, of about one percentage point, in the frequency of workplace accidents in the building and service sectors and a more substantial fall in agriculture of about 9.0 per cent. The reduction affected both males and females. The number of fatal accidents fell considerably in agriculture (-7.69 per cent) and rose slightly in industry and services (+1.64 per cent).

42. For fatal accidents, the usual indicators were supplemented by additional ones relating the number of employed with the number of accidents net of “*in itinere*” accidents, which in general are not strictly related to the specific risk entailed in the job carried out.

43. It should be noted in this respect that, in 2001, there was a considerable increase in “*in itinere*” fatal accidents: in industry and services the number of such accidents rose by 43, from the 127 cases reported in 2000 to 170 in 2001; in agriculture the rise was from 2 to 5 cases. From these new indicators a downward trend clearly emerges in the number of fatal accidents net of those taking place “*in itinere*”.

44. Finally, it should be underlined that in this form of evaluation account needs to be taken not just of general factors referring to the growth in employment levels, but also of “endogenous” factors such as the extension of the pool of individuals covered by insurance with INAIL (the insurance institute for occupational accidents/illnesses). These factors cannot fail to reflect on the “number of employees”, which is the parameter normally used as denominator for the ratio expressing the frequency of such accidents. In 2001 there was a considerable expansion in the number of categories subject to compulsory insurance as a result of provisions laid down by Legislative Decree 38/2000; these “new” categories include management staff, professional sportsmen and sportswomen, and workers on non-continuous employment contracts (485,463 of the latter were insured in 2001, for a total of about 130 million days worked in the year).

45. As far as we know, the data on “employees 2001”, calculated on the basis of the INAIL methodology using the payroll statistics declared by employers, are not at present available, but it is likely that they will show a further improvement with respect to the accident frequency indices calculated using ISTAT workforce statistics. What this implies is that the situation can be considered satisfactory, since the fall, if indeed there is one, will not be large, and will certainly not warrant any lowering of our guard.

46. Italy is focusing on giving real substance to the planning and implementation of increasingly targeted actions in workplace health and safety; in this respect, the new incentives introduced by the Institute for the Prevention of Accidents could lead to that leap in quality that is needed to significantly lower the levels of risk.

47. On the subject of workplace accident prevention, especially in ports, the following are worthy of note:

- Legislative Decree 271/1999, containing further provisions governing the health and safety of seafarers on board national merchant fishing boats pursuant to Law 485/1998 concerning delegated powers to the Government in matters concerning health and safety in ports, and Law 862/1984 concerning the ratification and implementation of ILO Convention No. 152, for which the ratification was filed on 7 June 2000.
- Legislative Decree 272/1999 containing further provisions governing the health and safety of workers in the performance of port operations and services, and operations involving the maintenance, repair and transformation of ships in ports, pursuant to Law 485/1998 and Law 862/1984.

48. Finally, the Government of Italy some time ago opened ratification procedures for Convention 174/1993 on the prevention of major industrial accidents.

D. Social security

3. The Committee regrets the insufficiency of the information provided by the State party concerning the social security system, especially considering that the Committee's previous concluding observations on Italy had signalled a lack of information on article 9 in the State party's second periodic report (E/1993/22, para. 188).

4. While commending the State party for its efforts to combat violence against women, the Committee remains concerned that the Government has not yet devised a comprehensive, coordinated and concerted strategy to address this serious problem.

49. For a full illustration of the Italian social security system reference is made to the comment in the present report regarding article 9 of the Covenant.

E. Inequalities between the northern and southern parts of Italy

5. The Committee notes with concern that there are still substantial economic and social inequalities between the northern and southern parts of the country, which impact negatively on the situations of women, young people, children and disadvantaged and marginalized groups.

6. The Committee recommends that the State party seriously address the persistent problem of economic and social disparities existing between the northern and southern parts of Italy, which have a negative effect on the situations of women, young persons, children and disadvantaged and marginalized groups.

The Government is now working on a plan focusing on the needs of the unemployed youth in southern Italy. The plan is envisaged to last for three years and will concentrate on spreading information technology and the English language among the unemployed, the aim being that of increasing their career opportunities.

Regional differences

50. The economic development process in Italy shows marked regional differences; this differentiation emerges primarily in the form of employment levels, but also in the development of personal and community services. The main elements of differentiation regard:

- a concentration of job opportunities in particular areas of the country;
- inequalities between different parts of the population, starting with the considerable gap in opportunities to enter and remain in the labour market, and continuing with the development of and access to personal services;
- variations in the concentration of poverty (about 65 per cent of poor households are located in southern Italy).

F. Dropping out of secondary schools - functional illiteracy

7. With respect to education, the Committee notes with concern the high rate of young people dropping out of secondary education. In addition, the Committee is concerned about the phenomenon of functional illiteracy. The Committee regrets not having had a clear answer to its question on this issue during the dialogue.

8. The Committee recommends that the State party draw up a national strategy and plan of action to address the significant problems relating to school dropouts and youth unemployment.

51. In relation to the concerns expressed by the Committee, reference is made to the comments made below on articles 6 and 13 of the Covenant.

G. Decentralization and system of labour inspection

9. The Committee calls upon the State party to implement the recommendations made by the ILO Committee of Experts concerning the decentralization of labour inspection. The Committee would appreciate detailed information about the system of labour inspections in the next periodic report.

Introductory comments

52. Under Italian legislation labour inspections are one of the instruments available to the legislator to implement the constitutional principles governing labour protection and social security and to ensure that economic activity takes place with due respect for liberty, safety and human dignity. The significance that our legislation attaches to the aims of labour inspections, that is, the implementation of the legislation governing employment, social insurance and occupational health and safety, can be inferred from the fact that they are recognized as elements legitimizing the restriction of the right to the inviolability of personal domicile, based on the principle set forth in articles 14 and 41, paragraph 3.

53. In this regard the Constitutional Court has recognized the constitutional legitimacy of all those ordinary laws granting power of access to the domicile of other parties by public officials with responsibility for the administrative oversight of labour and social insurance issues, waiving the guarantees imposed by the protection of personal liberty and the right to defence.

Inspection functions of the Ministry of Labour

54. Law 628/1961 assigned the coordination of labour inspections to the Ministry of Labour which, through the exercise of the powers entrusted to the inspectors of the Labour Inspectorates (now the Provincial Labour Directorates), carries out in the first instance the administrative oversight of the “enforcement of all laws governing labour matters”. This originally included the oversight of the enforcement of the laws governing workplace health and safety, social insurance and the performance of collective labour contracts, as well as the task of carrying out advisory activities on the application of the laws in question. The same law also assigned to the Labour Inspectors a supervisory role with respect to the social insurance bodies.

55. The task of overseeing the enforcement of all the laws governing labour and social insurance issues (art. 4 of Law 628/1961) generally takes the form of ensuring that the law is respected with regard to: the establishment of the employment relationship (art. 9 bis of Law 608/1996), working hours (RDL 692/1923, amended by art. 13 of Law 196/1997), weekly rest period (Law 370/1934), annual holidays (ILO Convention 132 (1970), ratified by Law 157/1981), enforcement of collective contracts (Law 741/1959), protection of work by minors (Law 977/1967, amended by Legislative Decree 262/2000) and of working mothers (Legislative Decree 151/2001), gender equality (Law 903/1977; Law 125/1991; Legislative Decree 196/2000) and the correct application of the legislation governing atypical contracts such as fixed-term contracts (Legislative Decree 368/2001), part-time contracts (art. 1 Legislative Decree 61/2000; Legislative Decree 100/2001), apprenticeship contracts (Law 25/1955; art. 21 Law 56/1987; art. 16 Law 196/1997), training and work contracts (Law 863/1984; art. 16 Law 451/1994; Law 196/1997), home- or outworking (Law 877/1973), temping work (Law 196/1997).

56. Moreover, the labour inspectors also oversee the correct application of the laws governing compulsory social insurance and occupational health and safety, for which they still retain residual oversight responsibilities (in the construction sector; works involving the construction, maintenance, repair and demolition of road, railway and hydraulic structures; work underground and in tunnels, including work involving the use of explosives or works carried out using compressed air tanks and underwater work, as set out in Prime Minister's Decree 412 of 1997).

57. Article 8 of Presidential Decree 520/1955 gives labour inspectors the status of law enforcement officers within the limits of the service to which they are appointed and in accordance with the tasks and responsibilities allocated to them by specific laws and regulations. This means that, if in the course of their ordinary duties of administrative oversight, evidence emerges of offences that are pertinent to the administrative duties of the Labour Inspectorate, the inspectors may carry out investigations to ascertain the soundness of this evidence without having to interrupt the inspection procedure. In such cases, the obligation remains for the inspector to inform the judicial authorities of the offence.

58. These law enforcement functions are exercised by the labour inspectors in the event of a violation of the rules governing occupational health and safety, under the terms of the residual competencies pursuant to article 23 of Legislative Decree 626/1994.

59. The powers of the labour inspectors consist of:

- Power to visit the premises of the firm (power of access - art. 8 of Presidential Decree 520/1955);
- Power to seek and obtain information and to make observations (art. 4 of Law 628/1961);
- Power to issue a caution (art. 9 of Presidential Decree 520/1955);
- Power to issue provisions (art. 10 of Presidential Decree 520/1955).

60. Power of access takes the form of authorization to visit, at any time of the day or night, every part of the workshops, factories, construction sites and works, since these are subject to oversight by the inspectors, and to visit dormitories and dining facilities annexed to the plant. The power of caution enables labour inspectors, in the event of non-compliance with the legislative provisions, to assess whether it is opportune to give the offender a time limit within which to put right the administrative or criminal offence in question.

61. The provisions are administrative proceedings that have a discretionary nature with regard to the timeliness of their adoption and to their content and have the effect of introducing new compulsory obligations in addition to those already laid down in the legislation. Article 10 of Presidential Decree 520/1955 restricts the adoption of these procedures to the sphere of occupational health and safety.

62. The significance of the power to issue cautions and the power to issue provisions was reduced following the almost exclusive attribution of administrative oversight in matters concerning occupational health and safety to the local health units/agencies and to the introduction of obligatory prescription pursuant to article 20 of Legislative Decree 758/1994.

63. For labour inspectors the use of these powers is limited to the oversight of occupations involving particularly high levels of risk, set out in Prime Minister's Decree 412/1997 (construction, works involving compressed air tanks, underwater work, etc.) issued in implementation of article 23 of Legislative Decree 626/1994, which establishes the residual competency of labour inspectors in occupational health and safety matters.

Attribution of prevention, workplace hygiene and monitoring responsibilities in matters concerning occupational health and safety to the local health units/agencies

64. The transfer of functions concerning health and hospital assistance (art. 117 of the Constitution) to the Regions, implemented by the Government through Presidential Decree 616/1977, also involved the decentralization of competencies in matters concerning occupational health and safety. When the National Health Service was set up through Law 833/1978, the administrative functions relating to the prevention of occupational illnesses and the safeguarding of the healthiness, hygiene and safety of living and working environments were transferred to the Regions and removed from central government, and so from the Ministry of Labour.

65. As a result, new bodies were set up, the local health units/agencies, to which were entrusted the tasks previously assigned to the Labour Inspectorate with regard to the monitoring of the state of health of workers. The power of access and the power to issue cautions previously attributed to the labour inspectors were also extended to the local health units/agencies. The exercise of these powers corresponds to the activity, expressly envisaged by Law as being attributed to the officials of the local health units/agencies, of recommending suitable measures for the elimination of risk factors and the improvement of working and living environments in application of the laws currently in force (art. 20 of Law 833/1978). As mentioned above, prevention and monitoring tasks in this sphere are now mainly carried out through compulsory prescription, introduced by Legislative Decree 758/1994, which involves the power/duty for the

supervisory body (local health unit/agency inspectors and labour inspectors) to issue specific measures to offenders to put right violations of the rules governing occupational health and safety, listed in Annex 1 to the same Legislative Decree.

66. This special procedure substitutes the exercise of the power of caution and the power to issue provisions in the event of offences, and envisages the power/duty to issue, in the exercise of the functions of law enforcement, a special prescription which establishes a period within which the offence must be put right. In the event that the prescription is not respected the offender is required to pay a sum amounting to a quarter of the maximum penalty envisaged. The prescription can be issued by the supervisory body only in the event of offences in matters concerning occupational health and safety punishable by arrest as an alternative to the fine. The attribution to the officials of the local health units/agencies of the powers already granted to labour inspectors in workplace health and safety matters poses a problem of coordination between the functions exercised by the central government and those exercised by the Regions and Municipalities. Prime Minister's Decree 412/1997 provides for coordination between labour inspectors and health authority inspectors in this respect, by establishing that the prevention department of the local health agency should, in accordance with schedules agreed on periodically, be informed of the activity carried out by the ministerial bodies in order to avoid duplication.

67. Article 27 of Legislative Decree 626/1994 envisages the setting up of a Regional Coordination Committee with responsibility for liaison with the supervisory bodies of the Ministry of Health and Ministry of Labour in order to identify appropriate criteria to ensure that the supervisory actions undertaken by them in occupational health and safety matters are inspired by uniform principles and criteria.

Attribution of inspection powers to the social insurance bodies

68. The shift away from the centralized, exclusive role of the Labour Inspectors in matters concerning the oversight of working conditions has taken place not just in the sphere of occupational health and safety, but also in social insurance issues, where the inspectors of the bodies administering compulsory social insurance contributions have been given wider powers of investigation, by virtue of Law 638/1983. Article 3 of Law 638/1983 gives officials of these insurance bodies (INPS, INAIL, ENPALS etc.) with supervisory responsibilities in contributory matters the following powers: access to all parts of the firm's premises ... to examine staff and pay rolls ... and any other documentation that has a direct or indirect bearing on contributory obligations and the delivery of benefits; the issuing by employers, workers and trade union representations of declarations regarding the existence of the employment relationship, pay, contributory and insurance procedures and the delivery of benefits. Article 3 also attributes to these officials the same powers as the labour inspectors, with the exception of the power to issue fines. The same provision establishes that the Provincial Labour Directorate, after consulting the relevant social insurance bodies, should exercise the power of coordination, for example by drawing up annual programmes for the purpose of combating the evasion of compulsory social insurance and social assistance contributions.

69. To this end, joint supervisory actions are planned on an annual basis, to be carried out by inspection groups made up of inspectors from the Labour Inspectorate and inspectors from the social insurance bodies, for the purpose of combating the evasion of contributions, as mentioned

above. This provision should be set against the same background as article 5 of Law 628/1961, according to which the Provincial Labour Directorate is entrusted with the task of regulating the activity of assistance and supervision exercised by INAIL, in order to avoid multiple checks and differences in the handling of cases.

70. Ample space has been devoted to the coordination of inspection activities in recent legislative provisions also, such as article 79 of Law 448/1998, through which measures designed to combat the “informal” or “submerged” labour market were adopted. This provision attributes to the Labour Ministry, the Finance Ministry, social insurance institutes and the local health units/agencies the task of coordinating their activities of carrying out inspections and monitoring fiscal and contributory requirements, by setting up integrated projects. The same provision assigns to the Ministry of Labour the task of taking the initiative in these activities. For this purpose this Ministry has set up a commission, at the central level, which identifies the criteria for planning how to carry out the above-mentioned integrated checks, including through the exchange of data and information on the various participants’ monitoring initiatives.

H. Disabled persons

10. The Committee encourages the State party to ratify, as planned, the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). The Committee would appreciate information from the Ministry of Labour in the next periodic report on the number of cases dealt with by the courts under the legislation on disability.

71. The problems concerning the disabled in Italy are described in full in the comments on article 11 of the Covenant.

I. Poverty

11. The Committee recommends that the State party step up its efforts to assist those living under the poverty line, the majority of whom are women.

72. In the new National Plan for Social Inclusion particular importance has been given to the problem of poverty. Further information about the Plan is given later on in the present report.

II. IMPLEMENTATION OF SPECIFIC ARTICLES OF THE COVENANT

A. Articles 2 and 3

Discrimination

Women - the shadow economy

73. The principle of equal treatment for men and women in the area of work is contained in the Italian Constitution (arts. 3, 35 and 37) and has been given full implementation in Italian legislation (Law 903/77 and subsequent measures). In reality, however, the two genders still occupy different positions on the labour market. The inverse proportion between the training

and employment of women as compared to men demonstrates that the labour market is the site of a true parity between women and men (on average, women are better trained, but their rate of employment is lower than that of their fellow men workers).

74. An evaluation of the impact on women of all the economic and work-related measures taken, for the purpose of implementing the “mainstreaming” policy which was identified as a top priority by the World Conference held in Beijing in 1995 and introduced in Italy under the Prodi/Finocchiaro Directive of 1997, is a key step in efforts to improve the social and economic lives of both women and men. Though there are still imbalances between men’s and women’s employment conditions, an increase in the level of work activities among women has been recorded. Within an overall consolidation of the labour market, women represent the most dynamic segment, though one that is still fragile.

75. Based on data provided by ISTAT, the Italian Statistical Institute, the total number of workers increased by 1,168,000 between 1997 and 2000, and more than 700,000 of these new workers (or 61 per cent) were women. A partial analysis of these figures may lead to the conclusion that female employment has reached acceptable levels, in line with the rest of the EU countries. But though a gradual process of realignment between the rates of male and female work activity has begun, the rates of activity in Italy, as shown by the Report on Women for the Year 2000 of the Italian Prime Minister’s Office, issued five years after the Beijing Conference, have still not reached the European averages, primarily on account of the lower rate of female work activity. Corresponding to the rise in the rate of female employment is an increase in unemployment among women, pointing to the fact that the supply of women offering their services on the labour market has risen as well.

76. It should also be noted that the growth in female employment has been accompanied by an increase in the number of so-called atypical jobs, meaning part-time and fixed-period employment, as well as working relationships consisting of external contributions on a coordinated and continuous basis. The greater flexibility of these forms of work has provided women with a genuine opportunity to enter the world of work, despite attendant conditions of precariousness and a decrease in rights, safeguards and career prospects.

77. Finally, it should be stated that no evaluation of equal opportunity between men and women in terms of job opportunities, professional development and entrepreneurial initiative would be complete without an examination of the more significant effects on the supply of female labour of the agreements of 1993 and 1996.

Gender equality in education

78. The Ministry of Education (Ministero dell’Istruzione, dell’Università e della Ricerca - MIUR) carried out a number of initiatives to support and promote gender equality in the period between 1997-2000.

79. The main features of these initiatives may be observed along the following axes/dimensions:

Organizational structure:

- the closing down of the Technical Institutes for Women (Istituti Tecnici Femminili), which have been replaced by Technical Institutes for Social Activities (Istituti Tecnici per le Attività Sociali), open to male and female students (Ministerial Act/Decreto Ministeriale No. 383 of 7 October 1998);
- the setting up of two Commissions within the MIUR addressing the issue of gender equality as regards the condition of clerical staff and teachers.

Educational guidelines:

- the Secondary-School Male and Female Students Statute, which sets out the values regulating the school community and specifically stresses the importance of gender equality rights (No. 249 of 24 June 1998);
- the financing of the research and intervention programme POLITE (Gender Equality in Schools), which aims at suggesting guidelines whereby textbooks are made to conform to the principles of gender equality.

Operational or practical dimension:

- the implementation of projects supporting gender equality in the field of education within the National Programme 2000-2006 “School for development”, which is partly financed by FSE - with a total financial commitment exceeding €50 million - specifically aiming to sustain women who wish to study while retaining their employment, by setting up childcare facilities or providing financial incentives, among other things.

B. Article 6

Right to work

The status of unemployed

80. Legislative Decree 181/2000 (issued in implementation of the delegated powers contained in Law 144/1999, the Employment Annex to the Finance Law for 2000), reviewed the criteria for determining the eligibility requirements for access to preventive measures; it laid down the conditions for the integration of the status of unemployed persons and established that the state of unemployment must be subject to immediate availability for work, with refusal of a suitable job offer resulting in the loss of “seniority” in the state of unemployment.

81. The Public Employment Services (PES) play a key role in this respect. PES are called upon not only to carry out the traditional tasks of ascertaining and monitoring the conditions of unemployment, but also to deliver innovative services such as “guidance interviews” for young people and adolescents within six months of their becoming unemployed and “proposals for

participation in initiatives for labour market placement or training and/or re-training” for (a) women wishing to return to employment, no more than six months from their becoming unemployed; (b) long-term unemployed or inactive, for no more than 12 months; and (c) unemployed persons receiving welfare benefits, for no more than 6 months.

82. It should be pointed out that if the interested parties do not attend the “guidance interview” they will lose their status as unemployed.

Work experience - young people

83. Following the example of well-established initiatives in other countries, a series of measures have been put in place to provide non-contractual technical-practical work experience. These include the work grants introduced by Law 196/1997 (the Treu Package, named after the then Labour Minister) and the Professional Insertion Plans (PIPs) which, although envisaged since 1994, were only activated in 1998. The aim of PIPs is to encourage periods of training and work experience for people with professional qualifications; on the basis of special agreements with employers’ associations and professional associations and/or rolls, young people holding a professional certificate, diploma or degree, aged 19-32 (up to 35 for unemployed persons entered for at least two years in category I of the unemployment register) have been able to gain real working experience with companies or professional practices taking part in the scheme. The placements are for a period of up to six months or 960 hours per year, and participants receive 600,000 lire per month from INPS. Special contributory incentives have been introduced for employers who, at the end of the PIP, offer the participant an on-the-job training contract in the same professional area.

84. In the same context an important role is played by guidance and training *tirocini* (traineeships), which have recently been reformed on the basis of the Treu Package (art. 18). With this measure, the PES (regional and provincial structures), the universities, public bodies, private non-profit bodies and organizations for the placement of particularly disadvantaged persons, have been allowed to undertake initiatives to enable individuals with educational levels ranging from lower middle school to post-graduate, to gain a better, direct knowledge of the world of work through work experience with public and private sector employers. The duration of the traineeships ranges from 4 to 24 months, depending on the educational level and the degree of disadvantage (in labour market terms) of the participant. No forms of payment are envisaged for participants, unless the employer decides on his/her own initiative to make some such provision. Nor are incentives (e.g. “discounted” contributions) or payments from public funds envisaged for employers if they offer a participant a job.

85. The legislative instruments for the creation of positive conditions to effectively prevent youth unemployment also include the following more traditional “mixed” contracts, which have recently been up-dated and amended:

(a) Training and work contracts (TWCs), envisaged by article 16 of Legislative Decree 299/1994, were amended by article 15 of Law 196/1997. In May 1999 the EU Commission defined the infraction procedure opened against Italy in July 1998 regarding the legitimacy of the contributory incentives, establishing that these aids could be considered legitimate only in the presence of specific conditions, such as the creation of new jobs and the recruitment of workers in difficulty, i.e. young people under 25 (or 29 if graduates) and the

long-term unemployed (for over 12 months). With regard to the legislative framework, article 15, paragraph 2, envisaged that TWCs could also, alternatively, be targeted at (i) the acquisition of intermediate professional skills; (ii) the acquisition of advanced professional skills; and (iii) facilitating work placements through work experience that enables skills to be brought into line with the requirements of the production and organizational context in question.

Paragraph 4 of the same provision establishes that the maximum duration of the training and work contract should be 24 months, for the cases set out in (i) and (ii), and 12 months for those set out in (iii). Paragraph 5 establishes that TWCs must also envisage at least 80 and 130 hours, respectively, of training to be carried out in the workplace. In the case referred to in (iii) the duration of the training activity must be at least 20 hours, depending on the type of employment relationship, the organization of the job, and the environmental and accident prevention measures.

(b) Apprenticeships, under the terms of article 2 of Legislative Decree 25/1955, are a special type of employment relationship under which employers are obliged to provide the necessary instruction, or arrange for it to be provided, in their firms, to apprentices in their employment in order to enable them to gain the technical skills required to qualify as skilled labour, putting their work to use in the firm itself. After many years this type of contract has also been substantially reviewed, once again through Law 196/1997. The eligible age group, which previously was 15-20 year-olds, has been extended to 16-24 year-olds (the upper age-limit can be increased to 26 in Objective 1 and 2 areas of EEC regulation 208/1993 and to 28, in the same areas, for disabled persons; or to 29 in the craft sectors). A minimum duration of 18 months has also been established to ensure that the scheme can be governed and organized properly on the basis of the specific requirements of the individual industrial sector and local circumstances, as has the obligatory nature of off-the-job training for a minimum of 120 hours per year if employers are to obtain entitlement to the contributory incentives. The Ministry of Labour Decrees of 8 April 1998 and 20 May 1999 set out the content of the training activities for apprentices. Two types are envisaged: (i) general and transverse training, taking up not less than 35 per cent of the 120 hours per year, in language, management and economic subjects and the regulation of the employment contract and collective preventive measures; and (ii) technical-scientific and operational training, taking up not less than 65 per cent of the 120 hours per year, regarding the professional skills linked to the specific activities carried out by the apprentice in his/her job.

86. Finally, the provisions of article 68 of Law 144/1999 regarding the educational reforms and the requirement for compulsory schooling or training up to 18 years, is of undoubted importance in this respect. Apprenticeships are included along with other educational and training options as one of the ways in which this requirement can be met.

Work training

87. Exercising the right to work (stipulated in article 4 of the Constitution) while promoting conditions that make this right a concrete reality entails, first and foremost, implementing activities designed to prevent unemployment. In practical terms, such activities take the form of active labour policies. On the assumption that training is one of the tools of an active policy, thanks in large part to the reform of the school and university education system, it has been decided to pursue the objective of a greater integration between school-vocational training and work and to outline a new system of ongoing training in the collective interest (Law No. 196/97,

the so-called Treu Package, allocates new resources to training). Seen in this light, there would appear to be two priorities common to all training policies: guaranteeing knowledge of foreign languages; and setting the groundwork for computer literacy.

88. Numerous programmes and initiatives have been undertaken to spread knowledge of informatics and languages while expanding the technological resources of the structures. In schools, mention can be made of “Languages 2002” (to reinforce language instruction at all school levels); the “e-Europe” programme of the EU (whose objectives include Internet access for schools); the “Plan for the Development of Teaching Technologies” (geared towards reinforcing the resources and know-how of schools in the new technologies); and “A PC for Students” (loans on advantageous terms for the purchase of personal computers).

89. In the area of vocational training, we find the “Plan for Computer Literacy”, offered by the government agency Italia-Lavoro, which is aimed at 60,000 unemployed young people in southern Italy; the activities of the Permanent Territorial Centres; the regional activities co-financed by ESF; and the creation of an education credit card (subsidized loans for the purchase of personal computers and users’ courses).

90. As for the university system, a growing demand for informatics and linguistics laboratories can be observed, calling for adequate financial coverage and the availability of suitable structures.

91. A special effort has been made to establish facilitated procedures for categories of individuals whose access to information is scarce. This problem has been addressed in part by Law 53/2000, which stipulates that those employed (or in search of employment, or not yet a part of the workforce) are entitled to obtain access to courses of ongoing training in order to obtain new know-how and reinforce their professional capabilities (i.e. a training leave of 11 months). What is more, Law 338 of 23 December 2000 established inter-professional funds for the ongoing training of workers, under the management of the social partners. The greater capacity for utilization of structural funds, and in particular ESF, has served to reinforce public sector intervention in the activation of employment services.

92. Finally, it should be remembered that the liberalization of the telephone services market, by favouring a decrease in costs, has led to an increase in the utilization and spread of Internet among families.

Informal labour

93. Naturally, any reflection on the defence of workers’ rights must include an examination of informal labour, which, in Italy, has reached levels that are among the highest for all the industrialized countries (accounting for an estimated 15.4 per cent of GDP), with noteworthy repercussions on safety at the worksite and on the defence of the weaker segments of the labour market (women, minors, immigrants, seasonal labourers, workers in southern Italy). Numerous discussions held in recent years have emphasized the difficulty of estimating informal labour based exclusively on quantitative data, with it being both necessary and advisable to include analyses in the field. The results of such an integrated approach produce an overview of informal labour which proves even more worrisome.

94. Together with Greece, Italy is the country in the European Union that shows the highest rate of informal labour. According to the ISTAT data for 1999, informal labour accounts for 15.1 per cent of total labour (equal to 3 million and 486,000 labour units), representing an increase of 1.7 per cent over 1992. The magnitude of informal labour is further demonstrated by the results of the inspection activities carried out over the past two years, which provide a measure of the number of irregularities detected compared to the quantity of inspections carried out, with the figure varying depending on the geographical zone, the production sector and the dimensions of the companies being examined. The Ministry of Labour reported that 51,965 companies presented irregularities out of a total of 118,638 enterprises inspected. According to the INPS social security institute, out of approximately 1.495 trillion lire in social security payment evasion, 1.102 trillion lire can be traced to informal labour in the strict sense (73.72 per cent), while the INAIL workmen's compensation institute detected instances of informal labour in 62.65 per cent of the inspections it carried out.

95. A further meaningful result comes from the comparison established by the INAIL institute between the date on which accidents are reported and that on which the insured party is hired: the high percentage of accidents occurring during the first five days of employment (6,399 cases out of 92,474, representing approximately 7 per cent of the total), points to noteworthy levels of informal labour during the first two days of activity, while making it appear probable that many hirings are only reported in the event of an accident. What is more, the fact that 42 out of 135 mortal accidents (more than 30 per cent) occur during the first five days of work backs the supposition that hirings are reported only in cases where this becomes inevitable (such as the occurrence of mortal accidents).

96. With regard to the variety of forms taken by the practice, it was found that informal labour in the strict sense prevails in southern Italy, while the most common variety in central-northern Italy is camouflaged salaried employment, accomplished through the improper use of contracts deriving from the category of freelance work, together with moonlighting and overtime that does not appear on the pay cheque. This is the framework within which work by minors must be placed: quantifying its dimensions is a complex operation that calls for a cross-analysis of different sets of data. Consideration must first be given to a pair of factors that are on the rise, namely the level of school dropouts and failures, and reports of accidents at the workplace.

97. In order to identify the conditions that favour the spread of shadow economic activity while fighting the alarming spread of the practice, a series of focused initiatives have been implemented since 1989, designed both to provide incentives for companies to emerge into the legitimate economy and to reinforce activities of inspection and control while easing the effect of the system of sanctions. This is the direction taken by:

- Legislative Decree 338/1989, articles 1, 6 and 7 (converted, with modifications, by article 1, Law 389/1989);
- Legislative Decree 129/1990, article 2-bis (implemented, with modifications, by article 1, Law 210/1990);

- Law 608/1996, article 5;
- Law 196/1997, article 23;
- Law 448/1998, articles 75, 78 and 79 (the Budget Law for 1999);
- Law 488/1999, article 63 (the Budget Law for 2000);
- Law 388/2000, articles 5, 116 and 119 (the Budget Law for 2001);
- The Labour Accord of 24 September 1996, chapter entitled “Bringing Informal Labour out in the Open”;
- The 1999 Social Pact for Development and Employment, chapter 3 (Policies of Development and Employment), Point 7.

98. To date, the key instruments in such policies have been realignment contracts, which, though their use is limited compared to the vast dimensions of informal labour, have nevertheless proven their worth as an initial, systematic approach to the problem (for the first time, a promotional, incentive-based prospective has been added to what was strictly a repressive-penalizing approach), in addition to having a positive influence on working conditions and salaries while affirming the rights of both workers and businesses.

99. The initiatives taken in recent years, though designed to address the economic cycle, have nevertheless contributed to underlining the importance of the local dimension while stimulating the technical and organizational reformulation of inspection activities, with examples being: the establishment of the Committee for Legitimizing Activities of the Shadow Economy and the Local Commissions, as well as the steps taken to coordinate activities among the different bodies of inspection and control (as per articles 78 and 79 of the 2000 Budget Law), or to establish the figure of a tutor for legitimizing informal labour and attenuating penalties (articles 5, 116 and 119 of the 2001 Budget Law).

100. There followed an intensive activity on the part of the State Administration, of which the most significant steps are the following:

- The establishment at the Ministry of Labour (under a Ministerial Decree of 19 March 1999) of a Task Force entrusted with the task of reinforcing the inspection function and supplementing the activities of the Provincial Departments of Labour, especially in cases of marked gravity or urgency;
- The creation (INPS Resolution No. 246 of 21 July 1999) of a Department for the Supervision of Revenues and the Shadow Economy, whose objective is to analyse and draw up policies for the legitimization of shadow economic activities;

- Authorization from the INPS social security institute (April 2000) for the signing of agreement protocols with local institutions and organizations that pursue related interests for the establishment of Regional Observatories of Informal Labour, regarding the shadow economy and the evasion and avoidance of social security payments;
- Adoption by the INAIL (March 2000) of a single return and deposit form (to report the names of the insured parties) which may be used for both taxes and social security payments, with the subsequent creation of a databank for workers and businesses, together with the establishment of combined windows designed to operate as centres for services and for the performance of tax and social security procedures.

101. The experience with realignment contracts came to a close with approval of Law No. 383 of 18 October 2001, which introduced new favourable conditions for employers, together with the possibility of benefiting from an amnesty for the regularization of social security and tax violations, as well as, in the case of small-sized enterprises, environmental infractions. At the moment, four months after the introduction of the measure, INPS reports that no businesses have presented requests to use it.

Flexibility

102. The new developments in terms of “working time and flexible schedules” are designed to favour growth in employment while making businesses more competitive. They are in line with the measures being taken in the rest of Europe (from the White Book of Mr. Delors to Directive 93/104/EC: the 40-hour workweek) and are meant to optimize the contractual advances made, so as to achieve a balanced distribution of advantages between the contractual parties, both individually and collectively. But the entire question may be tied, broadly speaking, to changes in both the collective and individual scheduling of life in the city, developments which have led legislators to provide a tool for the diversification and customization of working schedules, especially in cities, with consideration given to the needs of the workers, and to those of women in particular (Law 142/90).

103. As contemplated under the Constitution (art. 36, reiterated in art. 2107 of the Civil Code), the maximum working hours are set by law, while businesses and workers are free to negotiate the structuring of the working hours into days and weeks to meet their needs. Up until the last decade, the goal of legislators in this area was to limit the number of working hours in order to defend the health of workers. Starting from the end of the 1980s, in light of the needs of the production system and the employment crisis, the tendency to reduce the number of working hours became a tool of social policy and solidarity in order to avoid collective lay-offs, produce higher levels of employment and avoid the utilization of overtime work (the 1996 Budget Law). Though financial resources were not available for its full implementation, we find the same objectives outlined above in the measures taken under article 13 of the Treu Package (Law 196/97), which provides incentives for the reduction and reformulation of working schedules and part-time work, setting the normal work schedule at 40 hours a week, while stipulating that national collective bargaining contracts may set a shorter workweek. In the case of civil servants, the workweek has been set, under a different measure, at 36 hours (Law 93/83).

104. A different weekly workload is stipulated for individuals between the ages of 14 and 18 years: 35 hours a week for youngsters and 40 hours a week for adolescents (Law 977/67). The main source of measures regarding work schedules remains the bargaining process, on account of the complexity and diversity of the needs that must be satisfied by the flexible models. An analysis of the weekly working hours contemplated under national collective bargaining contracts shows that 62 per cent of the workers have a weekly schedule of more than 39 hours, while 18 per cent work for 37-39 hours and 20 per cent for up to 36 hours.

Work grants

105. Although they are no longer in operation, “work grants” should also be considered, as they were addressed to young people in southern Italy. In implementation of the delegated powers granted to the Government by article 26 of Law 196/1997 concerning initiatives for young unemployed persons in southern Italy, Legislative Decree 280/1997 was approved. This introduced the “publicly useful jobs” scheme (workfare) and “work grants”. The intention of the legislator was to enable at least 100,000 young unemployed people to enter employment, in the eight regions of southern Italy and in provinces with an average annual rate of unemployment that in 1996 was higher than the national average according to the ISTAT extended definition (Viterbo, Latina, Roma, Frosinone, Massa Carrara).

106. Under the terms of the decree, participation in the scheme was open to young people aged 21 to 32 registered for over 30 months in the first category of the unemployment lists, the persons for whom the special action plan was designed. With regard to the grants, the decree envisaged that young people should be chosen on an individual basis directly by firms, within 30 days of notification of eligibility for inclusion in the authorization list. The duration of the work experience - which did not constitute a direct employment relationship - could not exceed 12 months. The grant recipients were allocated a monthly allowance of 800,000 lire. Firms with less than 2 or over 100 employees were excluded from taking part in the scheme, which was only open to firms belonging to certain sectors of activity identified on the basis of the ISTAT classification of 1991.

107. In order to encourage firms to employ participants in the scheme on a more permanent basis, the provision envisaged that firms offering young people jobs either during or on completion of the grant should be entitled to special contributory “discounts” (the same as those granted to employers hiring long-term unemployed (art. 8, para. 9, of Law 407/1990)).

Assisted mobility from southern to central northern Italy

108. Training and guidance *tirocini* or traineeships for young people holding at least the lower middle school diploma are designed to facilitate their employment decisions by providing them with direct experience of the world of work by enabling them to alternate work and study. In this respect the aim of the Ministerial Decree of 22 January 2001 was to provide financial support for young people from southern Italy who intended to move to the centre-north for their traineeship. This Decree governed the reimbursement of the costs incurred by public and private sector employers of young people from the south taking part in traineeship projects with firms in the centre-north, and of the costs incurred for providing industrial accidents insurance for them.

109. With regard to these reimbursement procedures, Ministerial Decree 142/1998 implementing the Treu Package (Law 196/1997) granted priority status to the funding of traineeships established “as part of framework projects drawn up by the Regions”. The 2001 provision expressly states that these projects should set out the arrangements for reimbursement, incentivizing the geographical mobility of young people from the south to the centre-north, for which 85 per cent of the resources allocated to the scheme in 1998 and 2000 were reserved. Once the financial resources were divided out amongst the local authorities of the young people’s home regions, on the basis of the regional unemployment rates and resident population, the host areas were encouraged to subscribe to the projects in order to ensure that they received the maximum funding available. The transfer of central government funding to the regions of the centre-north is conditional upon their drawing up at least two agreements with a region in southern Italy.

110. Further incentives to take up this funding are also envisaged: the local authorities in southern Italy have been urged to use the funds in the shortest time possible, or risk seeing them re-distributed to other southern regions; in the event of failure by the local authorities in the centre-north to take up the funding, the resources in question would be returned to the original pool.

Negotiated planning

111. In the context of the initiatives for the social and economic development of depressed areas, negotiated planning plays a special role not just in terms of the amount of resources involved, but also and above all by reason of the greater emphasis laid on the objective of reducing geographical disadvantage rather than merely compensating for it and by reason of the opening at the local level of a dialogue for planning and project design between public and private operators, local authorities, and economic and social players. The implementation process for these initiatives is divided into four stages: the allocation of the funding to the individual instruments by the CIPE (Interministerial Committee for Economic Planning); the selection of the initiatives through an evaluation process implemented by the relevant government departments; the delivery of funding; and the spending of the funds by local operators, whether private or mixed.

112. New institutional scenarios will therefore be opening up in the short-term. An administrative decentralization process has been initiated in this area, by recognizing the role of regional planning. Legislative Decree 112/1998 gave the regions the task of “determining the arrangements for the implementation of the negotiated planning instruments”. Of particular interest for our purposes are the Area Contracts (see outline below). Some of the agreements reached by the social partners contained important innovations regarding flexible contractual arrangements, especially for young people, in view of the capacity of such contracts to derogate from the legislative framework currently in force in this area.

113. Briefly, the first agreements included the following points:

- Training and work contracts were extended to 36 months, with participants being appointed to grades two levels lower than that envisaged for permanent employees carrying out the same tasks, for the duration of the contracts in question and the 12 months following their transformation into permanent employment contracts;

- Apprenticeships were extended to four years (maximum envisaged by Law 196/1997), with starting pay up to 60 per cent lower than the normal level; traineeships and Professional Insertion Plans were also envisaged.

C. Article 7

Right to just and favourable conditions of work

Safety at the workplace

114. Legislative Decree 626/94 (which implemented the EEC directives regarding the improvement of workers' safety and health at the workplace), in addition to subsequent measures and integrations, forced businesses to deal with the defence of workers' health and safety in an all-encompassing and dynamic manner, with the creation of a specific corporate function (RSPP) to support the employer in managing and planning prevention activities within the enterprise. Legislative Decree 626 contains norms under which the social partners are assigned the task of drawing up the concrete procedures for the enactment of rights stipulated under the decree regarding the participation of the workers' safety representative (RLS) in: risk analysis and evaluation, the formulation of the information/training programme and the identification of preventive measures. Despite the innovative regulatory and organizational framework, work-related accidents still entail enormous costs in terms of loss of life and permanent disability.

115. During 2000 there were more than 1 million accidents at the workplace (Census Report for 2001), representing an increase of 0.6 per cent over the previous year. In a break with the recent past, there has also been a rise in job-related illnesses (an increase of 4.3 per cent). This increase may be attributed in large part to the extension of obligatory insurance to additional categories of workers, particularly to those most at risk (para-salaried workers, non-EU labour, housewives and students). In the light of the above, the available data (INAIL, INPS and ISTAT) shows a long-term trend that clearly points to a decrease (growth in absolute terms but a drop-off in relative terms), especially in agriculture. In other words, a more thorough evaluation of the situation must necessarily take into account other elements that characterize the country's production system. In fact, a more attentive analysis points to a significant process involving a gradual transfer of accident risk towards less serious events, as the result of earlier efforts to modernize and upgrade worksites to higher quantitative levels, to improve working conditions, to provide training and heighten awareness about topics relating to the health and safety of workers at the workplace.

116. Ninety-seven per cent of the accidents for which the INAIL workmen's compensation institute provided indemnity in 2000 involved temporary disability, while the more serious events (up to and including those causing death) accounted for 2.5 per cent when taken altogether. What is more, between 1999 and 2000, damaging events causing permanent disability decreased by almost 60 per cent, while mortal accidents fell by more than 28 per cent. The difficulty of examining the situation for the purpose of implementing corrective policies is still tied, in part, to the precarious efforts made to organize a monitoring function (the data for the first interregional project of monitoring and control included in the Special Programme of the Ministry of Health are from 2001) capable of taking into account the deep-rooted transformations in the different sectors of the Italian production system.

117. We are referring, first and foremost, to the size of companies in the industrial sector, where the number of small and extremely small companies has grown, especially in the high-technology sector, with a series of consequences for the organizational model, which shows a marked tendency to assign a portion of the production function to third parties (the network system, industrial branches). The emphasis has shifted from large public sector enterprises and private corporations, as a well developed network of small and medium-sized sources of production now operates throughout the country, characterized by flexibility and creativity and competitive even on an international level, and also because of a drop in levels of training and safety (the profit approach is given priority over the value of work and life).

118. The fight against on-the-job accidents has been, and remains, one of the priorities of successive Governments, which have put in place instruments of prevention (the project “Charter 2000: a plan of action against on-the-job injuries”) and taken action against illegal and illicit forms of behaviour (a task force of labour inspectors and the Carabinieri police). At the same time, a similar effort must necessarily involve measures designed to favour the regularization of informal labour and realignment contracts.

Right to strike

119. In presenting its annual report for 2000, the Watchdog Committee for the implementation of the law on strike action in the essential public services pointed out that the right to strike, although one of the fundamental rights included in the Constitution (art. 40), was only partially covered by the legislation, mainly through Law 146/1990 containing “Provisions concerning the exercise of the right to strike in the essential public services”, subsequently amended by Law 83/2000. The essential public services are those intended to guarantee the rights and freedoms of the individual as safeguarded by the Constitution, such as the right to life, health and security, the freedom of movement, the right to social assistance and insurance, the right to education and the freedom of communication.

120. In the context of these services, while not banning strike action, the law imposes a requirement to ensure that this prerogative does not clash with the other rights safeguarded by the Constitution. This is done by establishing and ensuring respect for certain specific guarantees such as the rule envisaging a minimum notice period; the rule setting the duration of the strike in advance; the requirement to guarantee indispensable (or minimum) levels of service; the requirement to indicate the reasons for the action and method of implementation; the requirement to attempt “cooling-down” and conciliation procedures before the strike action; and the rule governing the minimum time-period between one strike and the declaration of the next one.

121. The Watchdog Committee encourages the drawing up of agreements between government departments (or the public firms delivering the services) and workers’ representatives, since this form of negotiation ensures that the right to strike can be properly reconciled with the other constitutional rights. The Watchdog Committee is particularly active in the communications, electricity, and justice sectors, in government ministries and in the health and transport sectors. From a purely statistical point of view, the Committee reported that in 2000:

- 5 national agreements and 231 local agreements were signed on the self-regulation of the right to strike;
- 287 strikes took place, of which 179 in the transport sector alone, 22 in the communications sector, 18 in the justice sector, 10 in the health sector and 5 in education;
- with regard to the evaluation of the extent to which the law is being respected - an index of the degree to which the right to strike is being reconciled with the other major constitutional rights - a number of violations, involving 37.6 per cent of the total strikes carried out, were noted.

D. Article 8

Trade unions

122. The norms of labour law are the result of legislation, collective bargaining and jurisprudence. Legislative initiatives, respecting the independence and right to self-regulation of the unions, have generally served as guarantees (setting obligatory minimum levels for economic and regulatory treatment, as in the case of Law 83/00, which supplements the regulations governing the right to strike in the essential public services - Law 146/90 - introducing norms to increase the defence of citizen users), supports and stimulus for the bargaining process. The collective bargaining contract, which represents the maximum expression of the union independence, functions as the specific source for labour law. Though, as is known, implementation of the relevant article of the Constitution (art. 39) is still incomplete, the unions - all the while acting as independent, de facto associations (arts. 39, para. 1, and 18 of the Constitution), signing agreements negotiated by the parties under common law or collective bargaining contracts - have taken on a significant role for the body public as a whole, with legislators gradually granting to collective bargaining contracts (more or less directly, and in part on the basis of court rulings) a general validity (not limited to union members, but erga omnes). The legislators' references to collective bargaining amount to a permanent mandate to a source of norms whose elasticity is better equipped to regulate working relations. The system of bargaining (or of bargaining structured on a number of different levels), in proceeding on the basis of established practices, is not confined to the collective bargaining contract (pay and pertinent rules and regulations), but also encompasses a far more extensive portion of relations on the central and the company levels for the different production sectors and types/categories of workers.

123. The gradual participation and assumption of responsibility by the social partners in the overall national situation, combined with other, more general factors (the innovation of production models; the crisis of political parties; the obsolescence of corporative logics; European Community commitments; the renewed international political outlook) have contributed to bringing about a shared agreement on collective goals meant to support the country's socio-economic development (and resulting in the signing of bilateral and trilateral agreements). The extension of participation in the decision-making process to include new forces and groups through procedures of social dialogue, partnership and concerted action has become a milestone in a new era of social and civil democracy.

124. The Social Pact for Development and Employment, signed on 22 December 1998, is an inter-confederation agreement (involving the Government, business associations and the unions) that represents the most significant step taken in this direction in the past five years. It reconfirms the system of industrial relations, the rules of collective bargaining and the sum total of policies for the development of employment already stipulated in the agreement of July 1993. Acknowledgment of the results and the validity of the method of concerted action, contained in the first part of the agreement, is followed by the guidelines for the reform meant to achieve the objectives set for the development of employment. “Concerted actions” have proven to be a privileged method of “decision-making”, permitting the achievement of the following fundamental objectives: first and foremost, a reduction in inflation, thanks to which family incomes have been defended; the recovery of public finance, which has made it possible to respect the Maastricht objectives; and the prevalence of cooperation in industrial relations, which has led to a revival in the competitive strength of Italian companies.

125. Within this context, there has also been growth in decentralized collective bargaining at both the company and the territorial level. Starting in 2000, the Government was obliged to give priority to the need for modernization in order to make the Italian system more competitive, calling for reforms leading to a greater deregulation of the labour market, a lower tax load and a modernization of the welfare system. At the same time, and in close connection with a series of profound changes in the economic and social fields, the past year has witnessed a reconsideration of the concerted actions approach that characterized the 1990s, resulting in a de facto suspension of the 1998 Pact and the creation of a vacuum that makes concerted actions difficult. For that matter, there is no denying that the concerted action process in Italy has been influenced by European Community models of social dialogue and partnership. The most recent changes that have taken place indicate that the Social Partners are working towards different objectives than those that characterized the 1990s. To a certain extent, attempts to control macroeconomic variables have given way to new challenges, such as the development of employment and business growth, together with a simultaneous, and possibly new, safeguarding of workers’ rights.

E. Article 9

Social security

Obligatory and supplementary social security

126. In Italy, the forecasts drawn up by the ISTAT statistical institute on the demographic evolution of the population demonstrate that the trend common to the rest of Europe remains strong. Specifically, the index of dependency of the elderly rises from 24.6 per cent in 1996 to a forecast 57.6 per cent for 2050, representing an increase of approximately 134 per cent. The overall population, on the other hand, will decrease by approximately 20 per cent (falling from 57,333,000 in 1996 to 45,997,000 in 2050).

127. Under the stimulus of these forces, Italy has made a noteworthy effort in recent years, especially with Law No. 335/1995, to bring the course of social security spending back to a balanced level, though without losing sight of the objective of providing adequate pension services to its retired citizens, as is stipulated in Article 38 of the Constitution.

128. The overall situation is still fragmented, both in terms of its normative structure, which is characterized by legislation that has not yet been fully coordinated, plus a number of mandates that have not been carried out, and as regards information flows on social security developments, making them difficult to monitor.

129. With regard to the defence of the rights of the weaker segments of the population, it must be observed that privileged pension regimens persist for specific sectors/categories. In the case of immigrant workers the reliability of the available data is a problem. In fact, there is a significant percentage discrepancy between the workers entered in the archives of the Ministry of the Interior and those on file with the INPS social security institute. However, despite the fact that the system still presents a number of distortions, it should be emphasized, as was demonstrated by the work of a ministerial commission, that the reform of the Italian social security system in recent years has met (and even improved upon) expectations in the highly significant area of financial balances. The supplementary pension system is meant to add to public pension benefits through negotiated pension funds, which are accompanied by open funds that serve as further instruments for the attainment of higher levels of pension coverage.

130. The prerogatives of the negotiated source must be clarified in terms of the central-State and regional norms; compared to the latter, the goal is not only to avoid discrepancies in pension treatment and alterations in the rules of the market, but also to avoid imbalances between the different regions in terms of the resources available for supplementary social security. The challenge is to avoid a situation in which the supplementary social security system is both atomized and overlapped, all the while keeping present considerations of economic efficiency and the prospects of the pension funds.

Negotiated pension funds

131. The participants in the negotiated funds (including those registered with the funds already in existence before Legislative Decree No. 124/1993) number approximately 1.7 million (Mefop data as at 30 September 2001), while the pool of potential participants consists of approximately 13 million workers. Almost all the negotiated funds permit participation by apprentice workers, as well as those with training contracts, set-period contracts and seasonal contracts. In this respect, and contrary to the first phase, the national collective bargaining has resulted in an extension of the right. It has been observed that difficulties in participation are encountered by the salaried employees of small companies and crafts enterprises, where problems are encountered in reaching the interested parties, starting with information on the right. As such, the distribution of pension-fund participants by age continues to show a limited presence of young people. The average yield of the funds during the year 2000 was 3.6 per cent; also to be taken into consideration is the annual yield of severance pay funds, which registered a figure of 3.5 per cent in 2000. A topic that deserves to be addressed separately is that of temporary workers, who are not able to register for the negotiated funds of the companies that use their services. The institutional entities with authority over this area (the Government, Parliament and the social partners) must reflect on the inadequate levels of participation in order to come up with adequate solutions.

Open pension funds

132. Identification has been made of a number of normative points whose solution is held to be of “critical” importance to ensuring adequate development of this sector of supplementary social security. At issue is the so-called “portability of social security payments” (including those made by the employer). The question involved the option of a worker registered with a given negotiated fund to transfer, following the minimum required period of participation in that fund, his or her overall reserve situation to another open fund. Without a doubt, the possibility falls exclusively under the decision-making power of the worker, without being subject to any approval or to any bilateral or union agreement. As things currently stand, however, the problem is whether or not the transfer modifies the company’s obligation to pay into the new fund the portion of the social security payments for which it is responsible, as well as the severance pay contribution. This is an extremely relevant issue, and one that must be clarified through a concerted interpretation of the central-State and inter-union norms.

The pension system

133. The nineties witnessed a series of important social security measures. In particular, an initial reform dating back to 1992 began a process of gradual harmonization extending to different categories the regulations that applied to workers in dependent employment, making it possible to attain some initial results in curbing social security spending thanks to the introduction of a series of innovations, including:

- the increase in the “pensionable” age and in the minimum contribution-based seniority entitling to old-age pension benefits;
- indexation of benefits merely to price rises.

The process that was to streamline the pension spending proceeded in the period 1993-1994 with:

- a reduction of the seniority pension benefits of public employees proportional to the difference between the years of work and the minimum 35-year limit;¹
- the merger and reorganization of a few social security bodies;
- the privatization of professional funds.

134. In 1995, making the most of an extensive participation of the social partners, in line with the income policy concertation procedures, the measures addressing the social security system led to the enactment of a law (No. 335/95) that provided for a totally new set-up of the Italian pension system and the passage from the wage-linked calculation method to a contribution-based method. The new contribution system represented a fundamental step towards a stabilization of the pension spending-GDP ratio; it was also a sound example of harmonization of the rules that could be turned to advantage by other welfare functions. The same law has also intervened on the access requirements for seniority retirement introducing the age requirement (gradually elevated to 57 years), joined to the seniority contributory one fixed to 35 years. Finally, in 1997 the State Budgetary Law (No. 449/97) introduced a number of significant measures

designed to ensure a greater homogeneity of regulations, including in particular: the assimilation of public and private employees in respect of seniority pension requirements; the progressive raising of the rate of contribution for self-employed workers; the increase of the self-employed workers age requirement for the seniority retirement (from 57 to 58 years); and the reduction of the implementation period for the new age requirements for seniority pension.

The new calculation method

135. The new contribution system continues to be based on the apportionment principle, meaning that current pensions are paid through the contributions of active workers, but the pension calculation simulates a capitalization-based calculation; therefore insured workers are credited with a contribution amounting to:

- 33 per cent of the taxable earnings for workers in dependent employment (the actual contribution rate is at present 32.7 per cent);
- 20 per cent of the taxable income, for self-employed workers including atypical workers that have no other coverage (current rates are lower, but they are gradually getting to 19 per cent).

The distinction between the contribution that was actually paid and the contribution being credited may be considered a means to control the trend of financial balances, since the former meets the system financing requirements while the latter is designed to keep the mean replacement rates at a level deemed to be socially adequate. The contributions being credited are accumulated over the years and revalued on the basis of the five-year average of the nominal GDP variation rates.

136. Workers may retire from 57 to 65 years of age, provided that they have actively contributed to the compulsory system for at least five years and that the pension they are entitled to exceeds by at least 20 per cent the amount of the social allowance (at present, nearly €333 per month). When a worker retires, the contribution amount multiplied by the specific transformation actuarial coefficient gives the yearly pension. Such coefficients keep into account the life expectancy at retirement age by adopting a mean value for women and men and taking into consideration the likelihood of survivors. Their value is obtained applying a 1.5 per cent discount rate that represents a proxy of the real GDP expected growth rate.

137. For those workers who, at the end of 1995, had completed 18 years of contributions the old system of pension calculation rules were maintained, while for those who had completed less than 18 years the new calculation system was applied with the pro rata principle, that is starting from the contributions paid from January 1996. The new law has also done away with the seniority pension for all new entrants. This retirement possibility was preserved however for all those workers who had started working prior to the end of 1995, subjecting such a possibility to the increase in the minimum age-limit (currently 55 years, to be gradually raised until the age of 57 is reached between 2002 and 2006). As mentioned above, the rule was aimed at grading the effects of the reform on active workers close to the retirement age.

Exceptions

138. With reference to the general regulations, the reform law provided for a few exceptions, dictated for the most part by solidarity-type reasons. These include:

- workers with 40 years of contributions or more may retire even before they are 57 years old with a pension calculated on the basis of the same transformation coefficient applicable to those who are 57 years old. Besides, the value of the contributions paid before reaching the age of 18 years is subject to a 50 per cent increase;
- workers engaged in extremely awkward and risky activities (the so-called “wearisome jobs”) are entitled to a favourable treatment, with a one-year increase in the transformation coefficient every six years of engagement in such activity;
- female workers with children are entitled to an increase in the transformation coefficient amounting to a year for one or two children and two years for three children or more;
- working parents are credited with the leaves of absence connected with the education and care of their children (up to 6 years of age) for a maximum period of 170 days per child;
- family members are acknowledged leaves taken in order to care for relatives living in the same house for a period of up to 25 days per year for a maximum of 24 months.

The development of complementary and individual social security

139. The recent reform provisions opened up new prospects for the development of forms of complementary and individual social security. In fact, the nineties witnessed a growing recourse to self-protection. The amount of premiums in the direct life insurance portfolio moved from €5,473 million in 1991 to €35,595.2 million in 1999, with a 550.3 per cent increase in nominal terms. Within the context of the complementary social security and in addition to the forms of collective social security (pension funds), the new regulations provided for the setting up of individual pension schemes that entail the participation in an open-end pension fund or the underwriting of life insurance contracts providing for the disbursement of a life annuity, with limited capital settlement possibilities. These contracts do not allow money advances other than, starting from 2000, for expenses borne in vocational training periods. Besides, they provide for even a partial surrender in the event of extraordinary health-care expenses and the purchase and refurbishing of one’s home. As for taxation, the new regulations provide for an income deduction of both the amounts paid for the collective complementary social security (pension funds) and those paid for the individual complementary social security up to an amount equal to 12 per cent of the overall income, provided that it does not exceed €5,164.57.

140. A few provisions introduced in 1999 extended the compulsory social security to persons working in State-controlled agencies, privatized compulsory social security and insurance management companies, as well as to dependent workers of the agricultural sectors with

fixed-term contracts. As a tentative measure, during the 1999-2002 four-year period, the Government provided for the possibility that, with the prior consent of both enterprises and workers, the severance pay shares may be allocated to pension funds in the form of financial debt instruments issued by enterprises. Finally, 1999 witnessed also the setting in motion, in agreement with the trade unions, of procedures for the development of a complementary social security even for the public employment sector.

141. The efforts made in order to develop a supplementary social security in our country are beginning to yield some initial results. The total number of those registered with the nearly 705 pension funds in operation since 30 September 2000 is 1,695,682 persons, pointing to a 17.3 per cent increase with respect to the end of 1999. The registration rate, given by the ratio of the underwriters to the total number of potential underwriters, is 30.5 per cent, and is 4 points higher than in December 1999. The number of persons registered with open-end funds is on the increase, but continues to be considerably lower than the figure for those subscribing to contract-type funds. The available data still points to the fact that, by the end of 1999, 78.8 per cent of those registered were workers who, at the time of the 1995 reform, had a contribution-related seniority of less than 18 years and, therefore, workers that are going to be affected by the reduction in the public pension coverage. On the other hand, a scarce presence of younger workers and women is reported.

Welfare measures

142. This section lists only the principal national welfare measures which benefit the poor and distinguishes social insurance-type measures from social assistance-type ones principally on the basis that the former are mainly financed by contributions, whereas the latter are financed out of general taxation. An individual's entitlement to measures of the former type depends primarily on his/her employment history.

Social insurance-type measures

143. These measures, provided by the National Institute for Social Insurance (INPS), include the following:

(a) Family allowance (*assegno per il nucleo familiare*): a means-tested monthly transfer reserved to households of dependent or ex-dependent workers with family burdens. The amount of the transfer is directly proportional to the size of the household and negatively correlated with its income. Since 1999, this allowance may be claimed by independent workers although criteria of eligibility for this category are stricter than those for dependent workers.

(b) Pensions supplements (*trattamento minimo delle pensioni*): a benefit granted to those beneficiaries of a contributory pension who receive a benefit lower than a statutory minimum, about €5,100 in 2002.² The receipt of the supplement is conditional on a test on the taxable income of the potential beneficiary (plus, for those who claimed this benefit after 1994, that of the partner, when the beneficiary is married) and to contribution requisites (15 years of contributions). Those who have entered the labour market after 1 January 1996 are not entitled to this benefit, since with the shift to a contribution-related pay-as-you-go system their pension

benefit will be a fraction of accrued contributions, with no supplements. Amongst the measures examined here, pensions supplements have the highest number of beneficiaries: more than 4.4 million in 2000.

(c) Invalidity pensions (*pensione di inabilità and assegno ordinario di invalidità*): these benefits are paid to workers with at least five years of contribution (of which three in the last five years). Eligibility is conditional on both a medical test and an income test and the benefit amount is supplemented to the minimum if necessary.

Social assistance-type measures

144. These measures include the following:

(a) Civil invalidity pensions (*pensione di inabilità civile and assegno di assistenza*): these non-contributory schemes are reserved for the disabled and are compatible with exercising work activity. The income test is strictly individual, regardless of the size of the family of the beneficiary. After 1984, these programmes have replaced INPS invalidity pensions. In 1999, about 1,260,000 individuals benefited from these schemes.

(b) Social pension (*pensione sociale*): this is a pension granted to persons who are 65 years of age and who either have no income or receive annuities, benefits or income the amount of which does not exceed the amount of the social pension. Starting from 1996, this pension was replaced by the social allowance, but it continued to be paid to all those who had become entitled to it prior to that date. To be granted a social pension the beneficiary needs to be residing in Italy. In 2000, the social pension amounted to €274.2 per month. However, in case of extremely low or no income, it is supplemented by an additional provision, which is called *maggiorazione* of the social pension. It is granted to persons who are over 65 years of age and who either have no income or receive annuities, benefits or income the amount of which does not exceed the amount of the social pension, including the additional provision. It is paid to residents for 13 months per year, is not subject to automatic equalization and may not exceed €64.56 per month,³ even though the actual amount varies in relation to individual income. The social pension is also granted to the disabled and the civil invalids (whether totally or partially affected), as well as to the deaf-mutes who reached 65 years of age on or before 1995, and it replaces the specific provisions they were entitled to up to that age.

(c) Social allowance (*assegno sociale*): it is a benefit introduced by the 1995 reform law for persons who are over 65 years of age and whose income is lower than the amount of the allowance. Since 1996, it has replaced the social pension (and the relative additional provision). To be granted the social allowance, the beneficiary needs to be residing in Italy. The social allowance is also due to the disabled and the civilian invalids (whether totally or partially affected), as well as to the deaf-mutes who have reached 65 years of age, as it replaces the specific provisions they were entitled to up to that age. Should there be other sources of income, the social allowance may be paid in part, to the extent of the limit. The monthly amount of the allowance was initially set at €248 and is adjusted to the cost of living. In 2000, following subsequent normative interventions, the monthly amount was approximately €333.⁴

(d) Care allowance (*indennità di accompagnamento*): this allowance is paid to those in need of continuous assistance, who are unable to care for themselves. It is conditional on medical tests on the physical condition of claimants, but is not means-tested. Over the years, it has become more and more important as a source of welfare for the frail elderly.

Table 1**Pensioners' welfare benefits**

	Social pension		Social pension with additional provision		Social allowance		Pension supplement	
	Monthly amount		Monthly amount		Monthly amount			
Year	Lire	€	Lire	€	Lire	€	Lire	€
1995	357 000	184.4	482 000	248.9	-	-	626 450	323.5
1996	376 300	194.3	501 300	258.9	480 000	247.9	660 300	341.0
1997	390 600	201.7	515 600	266.3	498 700	257.6	686 050	354.3
1998	397 650	205.4	522 650	269.9	507 200	261.9	697 700	360.3
1999	504 800	260.7	629 800	325.3	616 350	318.3	710 250	366.8
2000	530 900	274.2	655 350	338.5	644 200	332.7	721 600	372.7

145. In June 1998 a legislative decree launched the experimentation of *Reddito Minimo di Inserimento* (Minimum Integration Income), the name of which is clearly reminiscent of the French *Revenu minimum d'insertion*, in force since 1998. In the words of the institutive decree (D.Lg. 237/98), *Reddito Minimo di Inserimento* (Rmi) is a scheme designed to act as a non-categorical guaranteed safety net to “counter poverty and social exclusion, through the support of economic and social conditions of persons exposed to the risk of social marginalization and unable to support themselves and their children for psychical, physical or social reasons”. The scheme consists of two elements: a cash transfer and an integration programme. Rmi pursues “the social integration and economic independence of recipient individuals and households through personalized programmes and monetary transfers that integrate income”.

146. Rmi is a measure directly aimed at alleviating poverty and social exclusion and consists of a monetary component and an “activation” component: a potential beneficiary’s entitlement to the monetary component is conditional on participation in programmes of integration built on his/her specific situation of need or exclusion. For a single-member household, Rmi amounts to the difference between an established threshold (€268 in 2000) and the monthly disposable income of the beneficiary, while for different household sizes the amount of the benefit is calculated with reference to ISE equivalence scale. The reintegration programmes are personalized, aim to restore and promote personal abilities and to rebuild social networks, and must involve all the members of the household. Rmi started to be experimented in 39 municipalities, selected on the basis of socio-economic indicators, for a period of

two years, beginning at the end of 1998 and ending on 31 December 2000.⁵ Between 1998 and 2000, the Rmi experiment involved over 34,000 families and the expenditure on benefits amounted to €220 million approximately. Five of the 39 municipalities were chosen in the north of the country, 10 in the centre and 24 in the south.

147. The legislative decree provided that the experimentation be evaluated; thus for the first time ever in Italy, policy evaluation was carried out on a welfare measure. An evaluation report on the experience of the first two years of the Rmi experimentation was compiled in June 2001 by an association of independent research centres.⁶ Subsequently, Law 328/2000 provided that by mid-2001 the Government should report to Parliament on the experimentation and its evaluation, with a view to establishing the Rmi as a fully-fledged measure, bound to absorb other measures such as the social pensions. However, even before the mid-2001 deadline had expired, and when the experimentation was still being carried on, the Budget Law for 2001 (passed in December 2000) determined the prorogation of the experimentation of the Rmi by two years, until 31 December 2002, with a total appropriation of €402,840,000 over the two years (€220 million for the year 2002 alone). The law has increased the number of municipalities involved, extending the experimentation to all the municipalities that were by 30 June 2000 part of those territorial acts that included one of the 39 municipalities of the first phase of experimentation as a member.⁷ The rationale behind involving all the municipalities linked through a territorial pact to an Rmi municipality has been one connected with the hypothesis that the integration programmes are more effective where there are developed networks of territorial relationships among the offices in charge of administering the programme, other local public institutions, the social partners and non-profit organizations. The expansion of the experimentation will thus concern over 260 municipalities, primarily of the south, for a total number of 306 municipalities involved. Also this extension of the experimentation will be evaluated at the end of the two-year period, and an interesting output of such evaluation could be the provision of evidence connected to the aforementioned hypothesis.

Italy's strategy against poverty and social exclusion

148. The reform of Italy's social assistance sector has been accompanied by an attempt to develop a comprehensive, general strategy against poverty and social exclusion, set out in the framework law 328/2000. Following the adoption of this law, a comprehensive master plan (*piano sociale*), covering the period from 2001 to 2003, was approved in April 2001.⁸ The strategy delineated in the framework law and the *piano sociale* has then merged with the Italian side of the social inclusion process, the new EU strategy against poverty and social exclusion, the first output of which was the National Plan on Social Inclusion (Nap/incl) Italy presented in July 2001.⁹

149. Italy's inclusion strategy rests on the establishment of an integrated system of social interventions and services, along the lines provided by the general principles underlying the framework law: universal access, policy integration, partnership, network creation, monitoring and evaluation. Ground-breaking in the Italian context of policies against poverty is the principle of universal access, with priority for individuals and families in conditions of economic need and physical and psychological disability. Traditionally, such policies have been categorical and highly unfair, with those most in need easily slipping through the safety net.

150. Following the adoption of the framework law, the Italian system of policy planning can be described as multi-level, multi-actor and multi-sector planning. The multi-level character of the planning process consists in a rather detailed division of labour between the responsibilities of the central government, the regions and the municipalities (or sets of municipalities grouped in “zones”). Its multi-actor character rests on the involvement of social partners and NGOs in the identification of priorities as well as in the actual implementation of measures. Finally, the multi-sector character of Italy’s social planning lies in the parallel presence of several action plans at various levels - the main plans being the Social Plan (every three years), the National Action Plan on Employment, the Education Plan (2000-2006), the Health Care Plan (every three years), in addition to a series of other, more circumscribed plans (on disability, children and teenagers, drug addiction, the elderly). All these plans contain measures that address social exclusion.¹⁰ Particularly relevant is the Social Plan for 2001-2003, approved in April 2001.¹¹ It identifies five policy priorities: supporting family responsibilities; enhancing children’s rights; combating poverty; supporting dependent persons (especially the severely disabled) through home-help services; and promoting the inclusion of specific problem groups (immigrants, drug addicts, teenagers). All these features of the new system of policy planning are highlighted in the Italian Naps/incl. In the words of the Commission, Italy’s Nap/incl contains “elements of a national strategy that is being improved in order to reflect new realities or made more coherent”.¹²

F. Article 10

Protection and assistance to the family

151. In recent years three new measures have been introduced, which include services to households in the form of parental support and parental leave, a national fund supporting families leasing housing, a benefit for families with at least three children, a maternity cheque and a minimum integration income scheme (*Reddito Minimo di Inserimento* (Rmi)).

152. The benefit for families with at least three children is aimed at alleviating poverty among large households, precisely those that experience a high poverty risk as the data examined earlier show. This measure was introduced in 1999 for Italian families with three or more children (under the age of 18).¹³ The monthly cash transfer amounts to €110 for a family of five components in 2002 and is paid for 13 months with the possibility of being renewed. The method used for determining the financial situation of a potential beneficiary household is the *Indicatore della Situazione Economica* (Ise) (Indicator of Economic Situation), introduced in 1998. The Ise threshold for this measure is set for 2002 at €19,904. In 2000, a total of 377,000 families (1.7 per cent of Italian families) benefited from this measure. The beneficiaries are mainly concentrated in the southern regions (approximately 80 per cent of beneficiaries are in six regions: Campania, Sicilia, Puglia, Calabria, Basilicata and Sardegna). As seen in the section on poverty trends, this measure might be praised for the reduction of 3 percentage points in the poverty rate among southern large households between 1999 and 2000.

153. The maternity cheque was introduced by the same law as the benefit for large families and can be claimed by mothers that are not entitled to the insurance-based maternity allowance. Italian citizens, EU citizens and third-country nationals in possession of a residence permit can claim this benefit. The event giving rise to the entitlement is not only the birth of a child, but

also pre-adoption custody and adoption of children. For 2002, the monthly benefit amounted to €265 and is paid for five months. The measure is means-tested: the Ise threshold for a family of two parents and one child is set at €27,645. In 2000, a total of 177,000 mothers claimed this benefit.

154. The following section describes the main points of the most important legislative provisions.

Family responsibilities

Legislative Decree 151/2001 - Consolidated text containing provisions concerning maternity and paternity

155. To encourage the participation of both parents in family responsibilities, especially those involving childcare, the following provisions providing help and support have been introduced or more carefully regulated:

- Maternity/paternity leave, parental leave for both parents up until the child's eighth year, leave for children's illness, rest periods and time off for family reasons (hourly based);
- Ban on night shifts during pregnancy and until the child is 1 year old; possibility of exemption from night work in particular family situations, e.g. if there are children under 3 years or care is being provided for disabled dependants.

156. A special emphasis has been placed on support for families with care responsibilities for disabled dependants. These take the form of special working arrangements such as periods of leave for the care of children under 3, daily and hourly leave periods and, where possible, transfer to place of work nearer home for the entire working life of the parents or relative providing the care.

Forms of economic support

157. These include the following:

- Family allowance for large families (Law 448/1998, art. 65, as amended). This is payable to Italian households (and households of EU citizens) with at least three children of minority age, with household income of less than 38,540,204.352 lire, or €19,904.35. The monthly allowance, paid 13 times each year, amounts to 214,112.041 lire or €110.58;
- Maternity allowance (Law 448/1998, art. 66) amounting to 513,500 lire, or €265.20, payable for five months for a total of 2,567,500 lire (€1,326.00) to Italian, EU or non-EU women with permit of stay, without work and with household income no higher than 53,528,061.6 lire (€27,644.94). The allowance is doubled in the case of twins;

- Maternity allowance provided and delivered by INPS (Law 448/1999, art. 49.8): allowance of 3 million lire (€1,549.70) on the birth of a child, pre-adoption fostering and adoption after 2 July 2000 for Italian, EU and non-EU women with permit of stay, who have previous working experience. The allowance is doubled in the case of twins;
- Minimum inclusion allowance (Legislative Decree 237/1998): beneficiaries must be without income or with per capita income no higher than 500,000 lire (€258.230). This benefit consists of the difference between the original threshold, of 500,000 lire, reviewed annually, and the recipient's monthly income. Social Inclusion programmes include a requirement for minors to meet the compulsory education rules, with subsequent training.

Promotion of the rights and opportunities of children

158. This is dealt with in Law 285/1997, which envisages funding for projects in support of families in difficulty, as well as projects to combat poverty and violence in households and to encourage the social and educational inclusion of minors.

National Plan for Social Actions and Services, 2001-2003

159. This is based on Presidential Decree of 3 May 2001 implementing Law 328/2000 - the Framework Law on Social Assistance. The integrated system of social actions and services envisages a series of measures on behalf of individuals and families, with flexible and diversified measures based on personalized plans; the priority objectives include the enhancement and support of family responsibilities and support for minors.

Innovative aspects

160. These include the following:

- (a) Reinforcement of the principle of vertical and horizontal subsidiarity through the direct involvement of central government, the regions and local authorities, as well as of non-profit bodies working in the social sphere, cooperative bodies, associations and other social organizations, foundations and citizens' advice bodies, voluntary associations and religious bodies working in this sector;
- (b) Shift away from centralized approach, by enhancing local responsibilities and the capacities of families and family associations;
- (c) Implementation of actions taking the place of the aid previously envisaged by category, this time envisaging differentiated actions with the focus on the individual and the family, with changing needs reflecting the different phases of the life cycle;
- (d) Shift away from money transfers and a new emphasis on integrated measures with economic allowances, network services (training, health, social; job-starts; housing problems);
- (e) Flexible and personalized approach that will require a quality standard for the local authorities in order to achieve equal opportunities for citizens in all regions of Italy.

Financial support/tax cuts

Amendment to the law on IRPEF (income tax) for households - article 2 of Law 448/2001

161. This provision raised the amount that can be offset for tax purposes for dependent children, including adopted or foster children, for households with income of less than 100 million lire.

Services for young children

Network of municipal nursery schools - Law 1044/1971 as amended and supplemented

162. A network of municipal nursery schools has been set up for children of up to 3 years of age. The number of nursery schools is still not high enough to meet the needs of all families plying for the service and there is still a marked difference between the number of nursery schools in the centre-north and the south of the country.

Funding for nursery schools

Law 448/2001(Finance Law), article 70

163. In order to provide access to this service throughout the country and for a growing number of families, a fund for nursery schools has been set up by the Ministry, to be divided annually among the regions.

164. In order to encourage the reconciliation of the work and family responsibilities and needs of working parents, government departments and public bodies may, within their normal budget allocations, set up “micro-nurseries” on their premises. The costs of running these workplace nurseries can be offset against the parents’ and employers’ income tax to a degree that will be set by the Minister for the Economy and Finance.

Regional initiatives

165. The Regions have approved a number of laws relating to family protection measures, with financial contributions from central Government.

G. Article 11

Adequate standard of living

The Italian Plan for Social Inclusion

166. In June 2001, the Italian Plan for Social Inclusion was approved. This was drawn up on the basis of priorities, lines of action, measures and actions taken from the various national, sector-based and regional plans for 2000-2003. The transverse elements drawing the Plan together relate primarily to the multidimensional approach, geographical differences, the prospect of the integrated development of the social system, and a move away from the assistance-based approach to inclusion policies.

The multidimensional nature of inclusion policies

167. The underlying factors contributing to the various forms of inequality can be objective and subjective, such as age, sex, educational level, income, consumption, attitude to finding work, state of social disadvantage, etc, or local, linked to the area (with southern Italy and some urban areas of the centre and north in first place), and able to facilitate or obstruct social inclusion. In this light and for the purpose of drawing up the plan, poverty and social exclusion were considered as complex and multidimensional phenomena, influenced by fields of action linked to a wide range of policies: those that might be termed “classic social assistance”; poverty reduction; modern social protection and social and cultural inclusion policies; initiatives regarding guidance, training and employment for the most vulnerable categories; policies for the development of the social economy; policies to harmonize the schedules and needs of family life; the development of networks; policies for housing and the development of the social services; policies for health, justice, culture, sport, free time; and so on, until we arrive at policies for the development of knowledge and the new information and communication technologies.

168. Therefore, in keeping with the above analysis, the policies of the Italian Government’s plan are not addressed purely to the question of the “vulnerability of low-income groups”, but also encompass the whole multidimensional aspect, which includes not just access to the labour market, but also provisions to combat the different types of “deprivation”, including obstacles which by themselves or taken together can prevent full participation in the following areas:

- income support;
- education and training;
- the environment;
- housing;
- culture;
- access to social services;
- access to training and employment opportunities;
- access to the new technologies.

Geographical differences

169. The Italian economy has developed at different rates determined by geographical circumstances. This differentiation emerges primarily in terms of employment, but also in the development of personal and community services. The main elements of differentiation regard:

- a concentration of job opportunities in particular areas of the country;

- inequalities between different parts of the population, starting with the considerable gap in opportunities to enter and remain in the labour market, and continuing with development and access to personal services;
- different levels of concentration of poverty (about 65 per cent of poor households are located in southern Italy).

170. With regard to social disadvantage, in the widest sense, it must be noted that the different parts of the country are characterized by specific types of disadvantage, which vary from one region to another. Moreover, the same type of social exclusion can have different characteristics and include different social groups, from the point of view of gender, level of education, age and family networks for access to services, both social and cultural. The statistical analyses of the plan take into account differences in gender, educational level and access to services, in addition to qualitative variations in the level of exclusion. However, they also and above all highlight inter- and intraregional differences, as illustrated in the tables of the present report, differences that are considered to be essential elements in the analysis and planning of concrete measures.

171. In this light it is important for Italy to draw up a social development policy, along with the lines of the National Operational Plans (NOPs), working not just in a context of benchmarking by European countries, but also on the basis of interregional benchmarking.

Relative, absolute and subjective poverty elements relating to subjective circumstances and objective conditions

172. A Commission for the Investigation of Poverty (now known as the Commission for the Investigation of Social Exclusion) has existed in Italy since 1984. The Commission is appointed by the Prime Minister and is responsible for carrying out studies into poverty and social exclusion and formulating evaluations and policy proposals. This Commission, in collaboration with ISTAT, carries out a survey each year to estimate the spread and intensity of poverty in Italy, using a measure of relative poverty which since 1993 has also been accompanied by a measure of absolute poverty based on a basket of goods and services defined as essential. In both cases the Survey of Household Consumption carried out each year by ISTAT is used; the survey takes consumption but not income into consideration.

Relative poverty

173. A total of 2,660,000 Italian households comprising 7,508,000 individuals were living in poverty in 1999. 11.9 per cent of households and 13.1 per cent of individuals were classed as poor, the latter figure being higher since poor households generally contain more members. The rate of extreme poverty was 22.9 per cent in 1999.

174. The defining aspect of poverty in Italy is the marked imbalance between the regions of the centre and north of the country and those of the south. 67.1 per cent of Italian households are resident in the former, and 34.1 per cent of poor households, while 32.9 per cent of households, but 65.98 per cent of poor households, are resident in the south.

175. A study of the characteristics of poor households shows how those most at risk are large families (five or more members), for which the poverty rate is 22.9 per cent at the national level.

176. The presence of minor children in the household is related to an increase in poverty: in families with just one such child the proportion is 10.8 per cent; with two children the figure is 16.4 per cent and with three or more children the figure is 27 per cent. This also explains why the incidence of relative poverty among minors (16.2 per cent) is as high as for the elderly, the other segment of the population at a high risk of poverty (16.1 per cent).

177. Some significant elements emerge with regard to household types. 10.1 per cent of one-member households are classified as poor, but this figure falls to 3.2 per cent if the person is under 65 years of age and rises again to 15.4 per cent if they are older. Even in the case of couples, if the person taken as reference is under 65, then 5.1 per cent of the households are poor, with the figure rising to 16.1 per cent when the person taken as reference is over 65.

178. With regard to the age of the person taken as reference, the risk of poverty is similar for all age groups up to 64 years, ranging from 8.5 to 10.9 per cent, and rises considerably to 16.4 per cent, when the person in question is elderly. The incidence of poverty in households where the person taken as reference is female is slightly higher (12.6 per cent compared with 11.7 per cent). We can also observe a clear correlation between education qualifications and the spread of poverty: as the level of educational attainment rises, the incidence of poverty falls.

179. With regard to professional or employment status, the highest incidence of poverty is found in households where the person taken as reference is unemployed (28.7 per cent); this is particularly marked in southern Italy. Households where the person taken as reference is a pensioner also show high values taken nationally (13.5 per cent); this situation is again more marked in the south. For households where the person taken as reference is in employment, whether as an employee or self-employed, then the figures are lower.

Absolute poverty

180. Absolute poverty - defined with respect to expenditure on consumption that is lower than the monetary value of a basket of essential goods and services - affects a lower proportion of the population, since the threshold in this case is lower. In 1999, 4.8 per cent of Italian households were living in absolute poverty, the equivalent of 1,038,000 persons, an increase of over 70,000 compared with figures for 1998. In the case of absolute poverty again one observes a higher concentration in the regions of southern Italy, where the figure is 11 per cent, compared with 1.4 per cent in the north and 2.6 per cent in the centre.

Social protection

181. The role of the system of social protection (other than pensions) in the distribution of income to economically disadvantaged persons is somewhat limited. Based on 1996 data the number of "poor" people was reduced from 22 to 19 per cent following the intervention of the social protection system (other than pensions). Pensions therefore play a very important role in income re-distribution and include old-age and "seniority" pensions, the latter being based on years in employment and contributions record. Nearly 10 million pensioners live in 40 per cent of Italian households, for which the pension in question is often the main source of income.

182. Other pensions paid under the Italian system include: social pensions, paid to about 800,000 persons aged over 65 and acting as a sort of minimum guaranteed income for the elderly; a top-up to the minimum level for workers; disability pensions and war pensions. Initiatives in these areas are addressed mainly to certain specific categories: the elderly, the poor, women with disabled children, households with dependent children, and citizens with income below the poverty line.

183. Social protection instruments to combat poverty include:

- Social pensions

For elderly people on a low income with insufficient social insurance entitlement;

- Minimum pensions

For pensioners who have paid less than the minimum level of contributions;

- “Inability to work” pensions

For persons meeting contributory requirements and with serious, permanent infirmities that prevent them from working;

- Ordinary disability pensions

For persons meeting contributory requirements and with disability causing a permanent reduction of at least two thirds in their ability to work;

- Family allowance

For employed workers and pensioners working as employed workers, with dependent family members, and meeting certain income requirements;

- Family allowance for self-employed workers

For workers belonging to the self-employed national insurance scheme, with dependent family members and meeting certain income requirements;

- Family allowances

For farmers and agricultural workers and pensioners belonging to special national insurance schemes, with dependent family members and meeting certain income requirements;

- National fund for access to rented accommodation

For persons with contracts for rented accommodation with income at or below certain threshold levels;

- Income tax deductions

For persons with contracts for rented accommodation with income at or below certain threshold levels;

- “Civil” disability allowances

For persons with total disability or 74 per cent disability with income at or below certain threshold levels;

- Maternity allowance

For mothers who are not in receipt of maternity pay, with income at or below certain threshold levels;

- Allowance for families with at least three children

For families with at least three children of minority age and income at or below certain threshold levels;

- Minimum inclusion allowance (currently provided on an experimental basis in some parts of the country)

For all citizens in relevant areas with income at or below certain threshold levels.

184. To these national protection schemes should be added other forms of cover provided at the local level for categories in a state of need. These also extend to categories not included in the cover provided at the national level.

Minimum inclusion allowance

185. The Minimum Inclusion Allowance (MIA) was introduced on an experimental basis by Legislative Decree 237/1998. This is a “measure to combat poverty and social exclusion” that also envisages personalized programmes and income support in the form of money transfers. In view of the experimental nature of MIA, the field of application is limited in terms of duration and areas covered. The emphasis has been on southern Italy, although the scheme has been extended (again in terms of duration and areas covered).

186. The bodies delivering this experimental scheme are the municipal authorities, selected on the basis of criteria that include: level of poverty in the various localities of the area; extent of area to be covered; and willingness of the municipal authorities to take part. With regard to the provision of funding to meet the costs involved in the scheme, it was established that running costs would be covered by the municipal authorities, while at least 90 per cent of the cost of the income support for beneficiaries would be covered by the State.

187. The next step was to establish the criteria for access to MIA. These include residence, income and assets owned, although the Decree explicitly recognizes that the priority criterion is that the allowance should go to families with children of minority age or seriously disabled dependents. In terms of assets, beneficiaries must have an income of less than 520,000 lire

per month (for 2000) and may not own real estate or personal property other than their home, which however must not be worth more than a given threshold level indicated by the municipal authority. To calculate the income threshold, a sliding scale is used to account for large families.

188. The income supplement is accompanied by personalized “inclusion plans” which the local authority should draw up for each beneficiary in order to help “overcome the marginalization of individuals and families by fostering the abilities and financial autonomy of the individual”. Beneficiaries are required to respect the commitments arising from these programmes.

189. Law 328/2000 (the Framework Law for the realization of the integrated system of social actions and services) envisaged that MIA would be implemented nationwide after the trial period. This will however depend on the evaluation of the results of the trial.

190. The Finance Law for 2001 (Law 388/2000) envisaged the extension of the trial in terms of duration and geographical coverage. A total of 350 billion lire were earmarked for 2001 and 430 billion lire for 2002, authorizing the 39 municipalities already involved in the scheme to continue with the trial. Municipalities that participated in the Territorial Pacts approved until 30 June 2000 are also taking part, whether already selected or awaiting selection pursuant to Legislative Decree 237.

The right to adequate food

191. The subject of the safety of food regards a number of different sectors, affecting the interests of more than one category. There is the inalienable right of all citizens, as consumers, to receive products that fully comply with the rules of hygiene and sanitary security for the defence of health, as stipulated and guaranteed under article 32 of the Italian Constitution. Along these lines, it should be remembered that recent crises (in particular the detection of BSE, which involved the entire European Union) has undermined the public’s trust in the ability of the food industry and the public authorities to guarantee the safety of food. As a direct consequence of this situation, safety has become the most important ingredient of food in the eyes of consumers. But food safety is not a major concern for consumers alone. In fact, the manufacturers and the various operators in the food sector also feel the need for effective food-product safety, given the fundamental role of this factor in a modern production system.

192. The emergence of the issue of food safety should be viewed as a major opportunity for raising the overall maturity of the production system. Of critical importance to such an effort is the interaction between the public entities and the private operators in the sector. Determination by the public entities of the set of rules designed for the supervision of safety, being obligatory for all operators in the system, should be accompanied by the preparation of a series of additional and distinct instruments and voluntary norms that identify production procedures geared towards reaching the further objective of quality product offerings. Quality must be considered the end result of a number of different elements involving ethics, social concerns, culture, the environment and economics: a series of considerations which serves to give concrete form to the right expressed in article 11 of the International Covenant on Economic, Social and Cultural Rights.

193. In the case of Italy, this approach has resulted in the selection of the National Council of Economics and Labour as the institutional venue for the promotion, signing and monitoring of voluntary agreements reached between the various professional associations of the food industry for the purpose of guaranteeing the quality and transparency of production processes in a number of merchandise branches. The results of these initiatives shall be communicated by means of appropriate information tools.

194. To this end, the organizations representing business and independent labour within CNEL signed during 2001, with CNEL itself, “a declaration of intent” in which they undertake to sign “voluntary industrial branch agreements”. Following this initiative within CNEL, four round tables were organized for a number of industrial branches (at the moment fish, milk and milk derivatives, fresh fruit and vegetables and meat, but it was agreed that additional branches may be the subject of later agreements) in order to draw up voluntary agreements referred to earlier on. A further result of this initiative was the negotiation of a voluntary agreement entitled “The National Pact for Food Safety and Quality”, which should provide overall guidelines for the framework agreements drawn up in the individual branches in order to guarantee that products may be traced/retraced “from the fields and the sea to the dinner table”.

The right to adequate housing

Homes

195. In 1999, over two thirds of Italian families owned their own homes. Home ownership is relatively more widespread in small towns (over 70 per cent of homeowners in municipalities with less than 10,000 inhabitants). In metropolitan areas 57.3 per cent of families own their principal home. The percentage of households that consider their housing costs to be too high rose from 52.4 per cent in 1995 to 58.5 per cent in 1999. The most serious housing problem is the quality and regularity of the supply of drinking water: 46.2 per cent of families are wary of drinking tap water and 14.9 per cent report discontinuous supply.

The homeless

196. The distinguishing features of this condition are the absence of a stable and regular home and the multidimensional nature of the forms of marginalization experienced by the homeless. This means that the homeless suffer primarily from the absence of a place to live, but that their condition is characterized by a sum of factors of social vulnerability (substance dependence, absence of relational networks, psychiatric problems) which are the consequence of adverse life events (violence, imprisonment, abuse, abandonment).

197. It is extremely difficult to assess the number of homeless. The Commission for the Investigation of Social Exclusion tried for the first time to estimate the extent of the phenomenon through an ad hoc study carried out in 2000: the figure obtained was 17,000 homeless throughout the country. Most of the homeless (80 per cent) are males and of intermediate age (54 per cent are aged between 28 and 47); only half are Italian. Most of the homeless have been living this way for 3 years or less, but 12.1 per cent have been living rough for over 10 years.

Measures in support of access to housing

198. In Italy 70 per cent of the population own and live in their own homes. However, ownership or the ability to rent a home is still a problem for some segments of the population with low income, and for young people intending to leave home to set up their own household. In recent years 37 measures providing help with rent and house purchase and renovation have been approved. At the same time, the tax burden on ownership of the “first” home (i.e. the home of residence) has been reduced. A bill is going through Parliament that will grant incentives for young couples or single-parent families wishing to rent or buy a home. In Italy the fight against social exclusion and poverty is considered a key factor in fostering economic progress and the development of employment.

The demographic impact

Gender differences

199. The increases in the activity and employment rates for women are two indices of the growing pressure on the labour market from categories such as married women, women returning to the labour market after childcare responsibilities or some form of compulsory leave and immigrant women, all of whom were underrepresented until about 10 years ago. In spite of the increased presence of women, the structure of participation in the economic system continues to be characterized by gender-based segregation, both vertical and horizontal, in employment terms. Geographical variables have a significant influence on access to the labour market for women, and accentuate their difficulties with respect to those of men.

200. The labour market in the regions of southern Italy is characterized by high unemployment; a female activity rate that is about half that of males; lack of transparency in recruitment and placement mechanisms as a result of the lack of services for job-seekers; widespread marginalization and underuse of human resources; a still significant disparity in pay levels; a low presence of women in more senior positions; and a predominance of women in the “informal” labour market.

201. The traditionally “temporary” nature of female employment is gradually disappearing: in the last decade the activity rates of women with children have risen constantly. However, this increase has not been accompanied by a more equal distribution of family responsibilities: the unpaid tasks involved in this sphere weigh almost entirely on women, whose overall working hours, paid or unpaid, are on average 28 per cent higher than those of males. A good 35.2 per cent of employed males devote zero hours to family-related tasks. From this we can infer that women with a double employment and family role seek from the kind of employment they choose situations that will offer them as much flexibility as possible in organizing and managing their working time. In southern Italy too, women are more frequently employed in part-time jobs, the proportion there being 11.3 per cent compared with 14.8 per cent in the centre and north. The development of different forms of contract, such as part-time, has encouraged the increase in women’s employment in the public sector and personal services.

202. The question of the compatibility of family responsibilities with the type of work engaged in remains a key problem. Family responsibilities are the main reason for women leaving their jobs. Even if we only take the younger generations (aged 25 to 34), we can

estimate that more than one in four women with two children have suspended or left their jobs as a direct result of the birth of their first or second child. We need only consider that a good 57.7 per cent of employed women with children aged 3 to 13 work for 60 hours or more per week, between housework and paid employment, compared with 21.9 per cent of men in the same condition. And it is mainly women who take on care responsibilities, including outside their own families. In 1998 a quarter of women, compared with a fifth of men, provided at least some form of free help (assistance for elderly people or children, help with health problems, company, etc.) to persons not belonging to their household, for a total of 2,849 million hours over the year. Two thirds of total help-hours were the result of women's commitment to these tasks.

Distance from the labour market

203. Distance from the market is associated with material situations of economic disadvantage. This, in terms of inequality, translates into evident disparities between those who gain access to and remain in the labour market and those who have difficulty in doing so or who remain on the margins.

204. Moreover, to the inequality in employment opportunities that can be traced back to the individual's geographical origins should be added a series of factors of disparity, which are responsible to varying degrees for the exclusion of certain social categories from the labour market. These are objective factors - such as gender and age - which are accompanied by a wide range of subjective and social factors, such as level of education, the existence of some form of social disadvantage, etc., which, in their various combinations, determine the degree of resistance by the labour market to the entry of certain groups of individuals. Distance from the market is therefore determined by the accumulation of various layers of factors of inequality which reach a negative peak, i.e. the greatest distance, in cases where there is also a form of social disadvantage, as in the case of the disabled, drug addicts, prisoners, immigrants etc., against whom the labour market and the world of work put up the greatest resistance.

Access to the network of services

Social welfare and assistance services

205. In recent years a far-reaching redesign of the welfare State has taken place in Italy. This includes the reform of the pensions system, the reform of the health service, the development of administrative federalism, and experiments introducing innovative social policy instruments. The range of services on offer has increased for all categories of users: the increase has been most marked for alcoholics and drug addicts (the services available more or less doubled between 1991 and 1997); and for prisoners, ex-convicts, immigrants and the mentally ill, as well as for the disabled (69 per cent of municipal authorities provide educational support and assistance, 63.4 per cent provide school transport services and 60.4 per cent provide home help services).

206. The most widely available services are assistance to the elderly and home help for the elderly, which are on offer in 84 per cent and 73.2 per cent respectively of municipalities; homes for the elderly (60.4 per cent - 36.3 per cent), community centres (58.7 per cent - 28.5 per cent),

and school meals (88.1 per cent - 72.5 per cent of municipalities), followed by transport (83.2 per cent) and nursery schools (22.8 per cent). In Italy, only 140,000 children attend nursery school (with one third attending private nurseries). This figure represents 6 per cent of children aged 0 to 2, a percentage which implies that much childcare is carried out within the family network or through private, paid services. Further action is in any case required in this sphere.

207. With regard to nursery schools and services for pre-school and school-age children, there is still a shortage of structures in small towns and villages (nurseries are only rarely found in towns with less than 5,000 inhabitants). There is also a marked geographical divide between the centre-north and southern Italy, with the difference lessening only in bigger towns and cities. Against this background recourse to the network of informal help and paid services is of fundamental importance.

Communication services

208. In implementing the European Union directives in the telecommunications sector, the Italian legislation has defined the notion of “universal service”, which, on the basis of article 3, concerns basic connections for access by normal users. Special arrangements are envisaged in terms of running and connection costs, and free access to emergency services. The legislative provisions guarantee that the services taken as being universal are available to all users in their own geographical area, regardless of their precise location, and taking into account the specific conditions prevailing in Italy, at accessible prices. Special conditions are available for users in rural areas (in terms of costs) and for users in vulnerable categories such as the elderly, the disabled and others with special social needs. Although most of the population has access to the basic communication facilities, there are still some pockets of exclusion. While only 5.7 per cent of households taken nationally do not have telephone links (fixed or mobile), in Campania, Calabria and Sicily the figure reaches 10 per cent.

Goods and services for well-being and the quality of life

Consumer goods

209. A high proportion of households now has access to the principal services and consumer goods. In 1999, 96.1 per cent of Italian households had a washing machine, 96.4 per cent a colour TV and 78 per cent at least one car (32.3 per cent had two or more). The ownership of video recorders (63.7 per cent) and hi-fi systems (50.1 per cent) is also widespread, while one Italian household in five now owns a video camera. From 1997 to 1999 there was an increase in ownership of mobile phones (from 27.3 per cent to 55.9 per cent), answering machines (12.4 per cent to 14.5 per cent), and fax machines (from 3.8 per cent to 6 per cent). In 1999, 20.9 per cent of households had a personal computer, compared with just 16.7 per cent in 1997. Internet subscriptions have also seen a significant rise, from 3.5 per cent to 7.6 per cent, over the same period. However, the proportion of Italian households that do not own at least one of the goods and services that are essential for daily life (drinking water, hot water, toilet, electricity supply, fridge and washing machine) is, at 6 per cent, by no means negligible, especially if we consider that the figure rises to 11 per cent in Calabria, Sicily and Sardinia.

Social needs for specific categories

210. Some individuals develop social needs which, if not satisfied, create situations of social exclusion. These include particularly disadvantaged categories who suffer the greatest discrimination by the market, such as the disabled, immigrants, drug addicts, prisoners, the mentally ill. Each part of the country has its own share of disadvantaged citizens, but the types of disadvantage vary from region to region. This is the case, for example, with immigrants, who are more numerous in the north and centre. A similar trend can be seen for substance abusers, who are again most commonly to be found in the centre and north of the country.

Non-self-sufficient elderly

211. The rise in average life expectancy, the increase in the numbers of elderly people in the population and the transformation of the family structure all create a need for a welfare system that is "friendly" to the elderly and able to use the resource that they represent, while at the same time meeting their needs through the development of social and health services, with a particular emphasis on elderly people who are not self-sufficient. About 7.4 million households include one elderly person, while over 2.6 million over-65s live alone. Some of these people require home help and services, along with support in the form of home assistance and prevention, care and rehabilitation measures.

The disabled

212. There are 2,686,000 disabled people living in Italy (5 per cent of the population aged 6 or over), 754,000 of them living alone. 26.7 per cent of the disabled are under 65 years of age, 20 per cent are aged 65-74 and a good 53.3 per cent are aged 75 or over. About 30,000 people are seriously disabled. These figures account for a large proportion of the population and the persons concerned have specific expectations and needs which, if not satisfied, create situations of marginalization and social exclusion. These needs encompass education and training, labour market placement, housing, sport, tourism, recreation, access to information and services providing help and assistance to individuals or families.

213. Over the past few decades, in Italy as in other countries the public institutions and civil society have laid an increasing emphasis on the disabled and their needs, a factor that has resulted in considerable improvement in their conditions in terms of health, independence and social inclusion. The response to disability has grown in quantitative and qualitative terms in all social contexts. There has been a shift away from policies involving institutionalization and mere assistance, with a move towards those involving opportunities and good practice, with an increased awareness and assumption of responsibilities by the institutions, voluntary associations and private social operators.

214. In full respect for the principles upheld by the international bodies, the social policy choices made in our country have contributed to a general increase in the quality of life for the disabled and their integration into education, employment and social relations.

215. Ten years ago Parliament approved the law upon which the Italian legislation in this area still hinges: Law 104/1992, the Framework Law for the assistance, social integration and rights of the disabled. This law sets out principles, recognizes rights of citizenship, identifies actions to

be taken and envisages service to foster the autonomy and participation of all disabled persons. The law envisages instruments and operational arrangements to provide support for families and foster the independence of the disabled, with special regard for those in particularly difficult situations. Inter-institutional coordination and collaboration with regard to the increasing responsibilities of the local authorities, together with a recognition of the active role that can be played by families and the involvement of voluntary associations, are elements singled out as priority strategies for the achievement of the objectives set. The application of this law has led to faster progress towards full recognition of the civil rights of the disabled. This process has however been highly complex and has involved a multifaceted linkage between the needs of individuals and the responses provided by the service network, which is now awaiting further suitable responses to meet the processes of change that we are living through.

216. The progress made thus far has enabled us to achieve significant goals in many areas, but a great effort is still needed in cultural, legislative, administrative and operational terms. The identification and implementation of policies focusing more closely on the relationship between health and disability cannot leave aside shared cultural concepts and parameters that are also scientifically proven. In order to develop satisfactory social and health policies with reference to disability, we therefore need to overcome the cultural ambiguities that are still present, along with approaches that are ad hoc and sectorial, and start again taking the individual and his or her needs and rights as our focus. We need to shift our gaze from the pathology, with its specific features, to the person, with his or her specific difficulties, resources and potential. For several years now one of the crucial issues in social policy for the disabled has been the review of the criteria for disability.

217. Article 24 of Law 328/2000, the “Framework law for the realization of an integrated system of social actions and services”, envisages delegated powers to the Government to review the allowances paid to civil invalids, the blind and the deaf and mute.

218. Another crucial distinguishing factor of the state of the policies for the disabled in the country is the diverse approach taken to the planning and running of social initiatives and social-health-care services. Laws that include innovative objectives are not always applied in full, and there is no guarantee that all the intended beneficiaries will actually obtain the services envisaged.

219. The local authorities play a decisive role in the planning and running of policies for the disabled. They have also been entrusted with a more active role in promoting a constructive dialogue and effective collaboration with voluntary organizations, private social operators and civil society. This consideration has led to the approval of Ministerial Decree 470/2001 containing regulations concerning the criteria and arrangements for the granting and delivery of funding for initiatives on behalf of persons with serious disabilities and with no family help. These rules envisage the transfer of the resources in question to the regions, which are required to issue provisions to grant funding to non-profit bodies that intend to develop regional structures for seriously disabled people who no longer have families to provide help.

220. The State continues to promote and coordinate social and health policies and will continue also to provide economic help to ensure that the innovative actions that have been introduced are able to develop fully.

Law 284/1997 and Law 162/1998: initiatives for the seriously disabled blind and the seriously disabled

221. In 2001 the procedures envisaged for the full implementation of the multi-year programmes and experimental projects envisaged by two legislative provisions (Law 284/1997 and Law 162/1998) were completed, with respect only to financial years 1999 and 2000. The projects for which funding was provided include experimental projects for the seriously disabled blind and a contribution for the National Federation of Institutes for the Blind, along with funding for experimental projects for the seriously disabled. Since 2001 all resources for these purposes have been channelled through the National Fund for Social Policies and then shared out annually by ministerial decree to the regions and the autonomous provinces of Trento and Bolzano.

“handicapincifre” web site

222. Under the provisions of Law 162/1998 for the promotion of statistical surveys on disability, an agreement has been drawn up with the National Institute of Statistics (ISTAT) to set up an information system on this subject. The aim of the project is to complete, as soon as possible, an integrated system of sources of information on disability based on a set of instruments, methods and procedures designed to acquire, at various geographical and administrative levels, the data needed to analyse the needs and social and health conditions of the disabled; to plan, run and evaluate the services provided; and to monitor the quantity and efficacy of the initiatives implemented by the various institutional players. In 2001 the web site “handicapincifre” was set up; the site can be accessed through the Ministry of Labour and Social Policies site “www.minwelfare.it”.

223. “handicapincifre” includes data on disabled people in Italy and aspects of disability taken or developed from the information sources currently available nationally (ISTAT surveys and the archives and information systems of ministries and public bodies). It can also be used by disabled people, who can access tables that have been specially set up. The data contained in the site are constantly updated with content regarding other issues such as the third sector, social-health services, permanent disabilities resulting from work and sports accidents, and integration at school and university level. handicapincifre is not just a product of the Disability Information System, as it was considered to be at the outset, but a key instrument for the dissemination of accurate information on the problems of disability.

Law 328/2000: social-health-care initiatives and provisions for implementation

224. Provisions on social-health-care services and provisions implementing Law 328/2000, the “Framework Law for the realization of the integrated system of social actions and services” that focus specifically on the problems of disability, have also been issued. A decree containing guidelines and coordination for social-health services has been issued. The decree defines the different types of services, distinguishing between health services with a strong social significance, social services with a strong significance in terms of health and social-health services that are highly integrated with the health system, and indicates which should be covered, in terms of remit and cost, by the local health agencies and which by the municipal authorities. The decree includes an annex setting out the different services and funding criteria with reference to the areas of intervention, including those regarding disability.

225. Another provision is the “National Plan for Social Actions and Services, 2001-2003”. This sets out the criteria for the planning of social services, identifies the priority objectives and offers recommendations for the development of the integrated system of social actions and services. It also sets out the arrangements and instruments for the monitoring and evaluation of existing processes and the results achieved. The priority objectives of the National Social Plan include support for family responsibilities and support for non-self-sufficient elderly people and the seriously disabled.

226. A regulation has been issued concerning “the minimum structural and organizational requirements for the authorization of residential and semi-residential services and structures pursuant to article 11 of Law 328/2000” (Decree 308/2001), through which the minimum structural and organizational requirements are set for the authorization of day centres and residential centres, whether already operating or newly set up. The services include those intended for the disabled, in terms of social assistance or social-health initiatives designed to maintain or restore personal independence and provide support for families, along with those intended for children, the elderly, persons with AIDS, and persons with psychosocial problems.

227. With reference to the various problems, in 2001 the provisions promulgated pursuant to article 81 of Law 388 of 23 December 2000 were implemented. These envisaged financial resources amounting to 100 billion lire to develop a programme of initiatives by voluntary associations and other non-profit bodies to provide care and assistance to seriously disabled people with no family support. Twenty per cent of the funding in question will be divided equally amongst all the regions and autonomous provinces and 80 per cent will be divided proportionately to the resident population. On the basis of the regulations the following can apply to the regions for funding: ONLUS, cooperatives, voluntary organizations, social associations, foundations, citizens’ advisory bodies and other private operators.

228. The regions will establish the criteria for the selection of the projects to be granted funding, which can be used for the purchase, renovation or rental of buildings, the purchase of equipment, or the introduction and continuation for a year of initiatives providing assistance. The structures must be “small in size” in order to ensure the reception and integration of the disabled in a “family-type” environment and comply with the hygiene requirements of ordinary homes. The activities granted funding must be completed within two years of disbursement of the grant. For each project the maximum grant is €1,032,000 (2 billion lire).

Further provisions concerning special arrangements and leave for working parents providing care for seriously disabled persons

229. Legislative Decree 151/2001, the consolidated text containing legislative provisions concerning the protection and support of maternity and paternity, adds further regulations to the existing ones governing leave from work for persons caring for disabled family members and paid leave of absence. Article 42, paragraph 6, of the legislative decree, concerning rest and absence periods for the care of seriously disabled children, states that entitlement to these special conditions also exists where the other parent is not entitled.

Social pensions and other provisions envisaged by Law 488/2001 (Finance Law 2002)

230. Law 488/2001 containing provisions for the annual and multi-annual budget of the State establishes that with effect from 1 January 2002 the recipients of pensions lower than €516 and aged over 70 whose personal income is less than €6,713.98, apart from any income deriving from their home, should receive an increase to bring their pensions up to this level. If the recipient is married the income of the couple must not exceed €6,713.98 plus the annual amount received through the social pension. Law 488/2001 envisages that the increase to €516.89 should also be paid to the totally disabled, the deaf-mute and the totally blind. The personal earnings limit is the same (€6,713.98), and the age limit is 60 years.

231. With respect to tax allowances for dependent children, the amount deductible for each disabled child is €774.69.

232. The Finance Law for 2002 also envisages that 19 per cent of the costs incurred for interpretation services for the deaf-mute can be deducted. In application of article 80, paragraph 3, of Law 388/2000 (Finance Law 2001), with effect from 1 January 2002 deaf-mute workers and workers with disability of over 74 per cent can, at their own request, obtain recognition of a period of notional national insurance contributions amounting to two months for each year actually worked, up to a maximum of five years.

Activities and initiatives currently under way

233. The various initiatives being taken forward by the Government also include a toll-free phone service by the Ministry of Labour and Social Policies (tel. 840002244) providing advisory and other services for public and local bodies, associations, private social operators, families and individual members of the public.

234. With regard to the more strictly employment-related aspects and the protection of equal opportunities for the disabled, the following regulatory activities and initiatives are worthy of note:

Provisions and procedures

In implementation of Law 68/1999 containing “Provisions governing the right to work of the disabled” the following provisions were issued:

- Agreement between the Ministry of Labour and Social Policies, the Regions and the Autonomous Provinces of Trento and Bolzano, the Mountain Communities and Municipalities, for the definition of the conventions;
- Bill of July 2001 containing “Division between the Regions of financial resources of the fund for the right to work of the disabled, set up by article 13, paragraph 4, of Law 68/1999 - Year 2001”.

Circulars

- Note of 11 October 2001 concerning “Obligatory hirings. Law 68/1999 - Application for geographical compensation and partial exemption”;
- Note of 10 October 2001 concerning “Response to question on conventions - Law 68/1999, article 11.2”;
- Circular No. 77 of 6 August 2001 concerning “Obligatory hirings. Firms operating cleaning services and integrated services”;
- Note of 20 July 2001 concerning “Law 68/1999, No. 68, article 4 - “Private security institutes”;
- Circular No. 66 of 10 July 2001 concerning “Obligatory hirings. Operational guidance on health checks and the non-employability allowance”;
- Circular letter dated 28 May 2001 concerning “Law 113/1985 - Obligatory hirings of blind telephone exchange operators”;
- Note of 8 May 2001 concerning “Legislative Decree 468/1997, article 2 - Law 68/1999, article 6. Composition of commissions for placement of the disabled”;
- Note of 23 April 2001 concerning “Legislative Decree 468/1997, article 6.2 - Law 68/1999, article 6. Composition of commissions for placement of the disabled”;
- Note of 23 April 2001 concerning “Regulation No. 357/2000. Partial exemption. Replies to questions regarding interpretation”;
- Note of 3 April 2001 concerning “Law 68/1999 - article 5.3 - Partial exemptions - Employers employing from 15 to 35 employees”;
- Circular No. 23 of 16 February 2001 concerning “Provisions for the right to work of disabled persons (Law 68/1999) and related implementation provision (Presidential Decree 333/2000): aspects regarding penalties. Operational clarifications”;
- Circular letter dated 22 February 2001 concerning “Law 68/1999. Municipal Police. Calculation of reserve quota”.

Fund for the right to work of the disabled

235. Article 13, paragraph 4, of Law 68/1999 envisages the setting up of a fund for the right to work of the disabled. This amounts to 60 billion lire, to be shared out amongst the regions by 1 March of each year. The total number of disabled workers hired through targeted recruitment programmes and in relation to which employers have obtained entitlement to total or partial relief on social insurance contributions is 1,697.

Integration in employment

236. In implementation of article 19 of Law 104/1992, it should be noted that as at 31 December 2001 the number of disabled employees hired pursuant to the new legislation on targeted recruitment (Law 68/1999) was 40,908. In the interests of completeness, it should also be pointed out that annual surveys are carried out at the regional level of the data regarding the employment status of workers belonging to protected categories.

EU initiatives

237. The Government of Italy took part in a research project on policies to provide support for and to integrate disabled people of working age, promoted by the Organization for Economic and Social Cooperation, the objective of which was to promote a comparative study of the active policies for the disabled promoted by countries taking part in the project. At the close of the study a final document was drawn up, which will be presented in 2003, the International Year of Disabled Persons.

Statistical data

238. With particular reference to the changes now taking place and affecting disability and the disabled as a consequence of the entry into force of the new legislation on targeted recruitment, and taking into account the need to mark out in qualitative and quantitative terms the reference parameters regarding the employment situation of disabled workers, studies are being carried out to set up a section within the www.minwelfare.it web site that would enable electronic access to a set of statistical data concerning the areas of greatest interest connected with the above-mentioned legislation.

Observations and proposals

239. In the light of the new legislative framework in the field of targeted placement, and bearing in mind the provisions governing the administrative decentralization of the employment services and the considerable technological progress that has been made in the communications sector, the necessary amendments will be made to Law 113/1985, concerning the placement of blind telephone switchboard operators, in order to update the provisions and apply them more effectively to meet the needs of today's labour market. In this respect, the most significant factors emerging within the above-mentioned context, in which Law 113/1985 must continue to be applied, should be studied and analysed. These will be defined on an ongoing basis in conjunction with the most representative associations acting on behalf of the blind, and with the local institutional bodies. This review will have particular reference to:

- The redefinition of competencies in the question of enrolment in the national professional roll, and the local branches thereof, of blind switchboard operators;
- A review of the composition of the regional examining boards for switchboard operators, in view also of the recognition of new equivalent qualifications set out in the Ministerial Decree of 10 January 2000, published in the *Official Gazette* (No. 37 of 15 February 2000);

- A review of the criteria for the definition of recruitment obligations now that Telecom no longer holds a monopoly position in this sector and, as a result of the liberalization of the telephone market, is no longer the only telephone service operator.

240. In order to provide a more uniform and systematic approach in the provisions governing the obligatory placement of the blind, similar actions would also be timely with regard to Law 686/1961, governing the placement of blind practitioners of massage or massage/physiotherapy.

State of progress of the regional laws for the application of Law 68/1999 containing “provisions governing the right to work of the disabled”

241. The new reform regarding the right to work of the disabled not only sets out a legislative framework of reference that is innovative and diversified compared with the previous one but, considering also the provisions of Legislative Decree 469/1997 concerning administrative decentralization, also envisages actions by the regional administrations to set up new local institutional structures to manage targeted placement procedures. In this respect, this Department carries out constant monitoring activity (summarized in the attached table) on the state of progress of the legislative provisions which the regional and provincial institutional bodies are required to issue in application of Law 68/1999.

National and local resources

242. During the period 1995-1999, social spending grew by about one percentage point with respect to GDP, with a slight average percentage increase for pensions and a slightly higher increase for health. Spending on welfare, after remaining relatively unchanged over the past decade, saw a marked increase from 2000 to 2002. Within this category there were some important changes in the pattern of spending: against a decrease in money transfers, we have seen a rise in expenditure items that are more strictly assistance-related. These are destined to increase still more following the entry into force of the framework law on social assistance.

243. Since 1996, overall spending has been essentially stable with respect to GDP for each of the three sectors under consideration (health, social insurance, assistance) and is situated some points below the EU average. The lion's share is absorbed by social insurance, which accounts for 70 per cent of the entire category by effect of pension payments, which take up almost all of social insurance spending. This feature is the most evident anomaly in the Italian social protection system, which shows a clear imbalance towards pensions spending, to the detriment of spending on social assistance (help to families and the elderly, income support, housing policies, social inclusion policies). While relative spending on welfare has remained virtually unchanged over the five years under consideration, there have been some changes in the relative weightings of its component parts. This can be explained firstly by the increase in the size of the social allowance and pension for Italian resident citizens aged over 65 without any means of income, and secondly by the progressive entry into operation, starting from 1999, of a series of actions regarding the Fund for children and adolescents, the minimum inclusion allowance, the maternity allowance and the allowance for families with three dependent children, while we have also seen a reduction in the relative importance of money transfers in the form of war pensions and pensions for the civil disabled (in 1996 these amounted to 66 per cent of welfare spending). At the same time, we have seen the introduction of spending sub-heads that are more directly

focused on social assistance. In future this trend should increase even further as a result of the full entry into force of the parental leave provisions and the framework law for the realization of an integrated system of social actions and services.

244. Spending on assistance by local authorities, delivered in the form of services - mainly for children and the elderly - rather than money transfers, has remained more or less unchanged. Taking the absolute values, total spending on assistance was about 34,000 billion lire in 2000. About one fifth of the total took the form of transfers at the local level, although this figure is arrived at indirectly since ad hoc payments by municipal authorities that are often entered under other spending items and are difficult to quantify exactly also need to be taken into consideration.

245. The situation in terms of per capita spending shows a strong regional imbalance; studies show that the levels of per capita spending can be four times higher in some provinces in the north than in certain areas of southern Italy. This is largely due to the margins for manoeuvre in some regions of the north in the use of resources transferred from central Government, which are used under the form of additional services to particular categories of the socially disadvantaged (e.g. dependent elderly). And if we consider the ongoing trend in social spending, these imbalances show no signs of lessening; indeed, the trend in social spending has often been most unfavourable to the regions and provinces already lagging furthest behind.

Resources in the non-profit sector

246. To the transfers listed under the public accounts we need to add further substantial groups of money transfers and transfers in equivalent services. These mainly concern contributions by banking foundations, donations and services provided by the third sector.

247. The following data in this area are highly indicative:

- The total revenues of voluntary organizations rose from 1,306 billion lire in 1997 to 1,840 billion lire in 1999 (an increase of 40.9 per cent); there has been greater recourse to funding, whether exclusively or predominantly, from private sources with respect to public projects (almost 60 per cent of these organizations use this type of revenue, while only 8 per cent rely solely on public funds);
- Total donations on behalf of socially useful initiatives and voluntary organizations are estimated at 2,000 billion lire;
- Total transfers from banking foundations to finance socially useful activities, in particular service centres for the voluntary sector, are also rising.

248. The overall contribution made by the third sector should not be underestimated: a recent study estimated the total number of employees in this sector to be 750,000 (in 1998, 3.5 per cent of all employed persons, and 5.1 per cent of those employed in services) and turnover to be around 75,000 billion lire, or 2.7 per cent of GDP, again in 1998.

249. Taken together, these figures point to a new way of planning financial resources; it has become vitally important to carry out experiments involving “Community Foundation” mechanisms which envisage the allocation of resources originating from the private sector for negotiation at the local level by public and private operators acting in concert. The local dimension should be both the target area of the initiatives and the pool from which they draw. It is important at this point to mention the role played in Italy by “social firms”, which have acted as a lever through which the welfare system has been redesigned with a view to mobilizing operators, enhancing their skills and creating new initiatives.

250. The groups operating in the third sector can productively join forces with these firms to promote social programmes and define a new paradigm envisaging the development of ideas, technologies and investments over the longer term. The recent evolution of local and regional planning mechanisms provides a new, promising terrain for the development of functional autonomies in the social sector also. In the past few years a demand has emerged for greater decision-making autonomy resting on a comprehensive modernization of the system; the functional autonomies lie with bodies whose remit is to develop functions for which is envisaged the autonomous performance of a range of tasks and the assumption of new responsibilities regarding the public sphere (e.g. banking foundations, the new local health agencies, the new educational autonomies).

H. Article 12

Physical and mental health

251. In 1998 public per capita spending on health was highest in the region of Trentino Alto Adige, at 2,350,000 lire, and lowest in Puglia, with 1,712,000 lire. The total number of beds available in public hospitals and associated nursing homes was 33,453 in 1998. This figure can be broken down into 5.4 per thousand inhabitants in the regions of the north, 5.7 in the centre and 4.9 in southern Italy.

I. Article 13

Education

Right to education

252. At the end of the 1990s basic education had become a reality for almost the totality of the Italian population. As a matter of fact, about 95 per cent of young children at pre-primary school age today receive some type of education and care, and about 100 per cent of the 6- to 14-year-olds receive formal education in primary and lower secondary schools. This generalization of basic education is the main result of the education policy pursued during the past decades. During the late 1990s the policy on basic education had been focused on three main objectives, the most important of which was combating school failure, in particular the phenomenon of dropping out of schools.

253. As for young children aged 0 to 3 years, Law No. 285 of 28 August 1997 added to *Asili Nido* (nursery schools) new types of social-educational services which can be organized and provided by the families themselves as well as by associations and private groups. Such initiatives benefit from a public financial support in the framework of a special National Fund for Childhood. By 2000 almost all 3-5-year-old children received a pre-primary school education or were in care setting (the proportion was 95.1 per cent in 1998), and the dropout rate at primary and lower secondary school level should be almost completely brought under control. In 1999, the compulsory school age was extended to 15 years, i.e. for a nine-year period (Law No. 9 of 20 January 1999). At the same time a compulsory vocational training and apprenticeship attendance until the age of 18 was introduced for those who will not continue formal schooling after completing their compulsory education (Law No. 144 of 17 May 1999).

Improving the quality of education at all levels

254. This priority is pursued through a number of initiatives outlined below.

The reform of the school structure and curricula

255. The principle of the school autonomy has been stated by Law No. 59 of 5 March 1997, which gives legal status to every educational institution with didactic and organizational autonomy. This law has been put into effect with the regulations issued in March 1999. The main objective of the school autonomy is to allow for a greater flexibility and the adjustment of the school curricula to the actual needs of the community. In this framework the educational institutions interact with each other and with the local authorities and promote a closer link between the individual needs and potentials on the one hand and the national objectives of the educational system on the other.

256. A reform of the educational cycles approved in February 2000 by the former Parliament (a seven-year basic education cycle followed by a five-year secondary school cycle) should be drastically changed by the new Government formed after the June 2001 elections. The new reform project will retain the old structure of five years of primary school and three years of lower secondary school, reducing from five to four the upper secondary school, and introducing at the age 14 years a compulsory choice between normal and vocational education.

A new scheme of teacher training

257. A new system of pre-primary and primary school teacher training has been established and implemented from the school year 1998/99 in pursuance of the President of the Republic's Decree No. 471 of 31 July 1996 and the inter-ministerial decree of 10 March 1997. Pre-school and primary school teachers have to follow a specific four-year university course. The same legislation introduces a new principle also for secondary school teacher training, namely that future teachers must attend after obtaining their university degree in the discipline they wish to teach, a two-year specialization, postgraduate course at the end of which they are awarded a diploma that will make them eligible to participate in open competitions for a post of fully fledged teacher in public schools.

258. A national programme called *Centri Territoriali Permanenti* (Standing Territorial Centres), which was launched in 1998, is aimed at giving adult illiterates the opportunity to acquire basic education as well as to improve their basic knowledge, skills and competencies.

Investment in education

259. During the 1990s, the Italian education system had been deeply affected by a number of factors, among which the demographic and economic development had a considerable influence on the education policy.

260. The impact on the school system of the decrease in the birth rate became clear during the 1990s during the 90s with a conspicuous decrease in the young population, in particular at pre-primary, primary and lower secondary school age. This trend is not yet over since the fertility rate continued to decrease during the decade, reaching 1.19 in 1999. The decrease in the school population is significant at all levels of education, particularly in compulsory primary education (-8.3 per cent from the school year 1990/91 to 1997/98) and lower secondary school (-20.1 per cent for the same period). Parallel to the decrease in the school population the number of the schools, classes and teachers has been reduced remarkably. The number of schools decreased by 14.7 per cent from 1990 to 1998, while the number of classes decreased by 16 per cent and the number of teachers by 6.6 per cent. As for schools, classes and teachers the gradual decrease in their numbers is also connected with the current policy defined by the Ministerial Decree of 24 July 1998, which aims at “rationalizing” the school network by grouping small schools, allowing for a higher classroom/pupils ratio, and reducing the number of teachers accordingly.

261. The public expenditure on education has been changing its structure during the current decade following the above-mentioned changes observed in the school population. School construction, for instance, is one of the entries which virtually disappeared from the budget, replaced by restructuring and adjusting the existent buildings, renewing furniture and school equipment, providing ICT, enriching school libraries, etc. Finally a significant change is taking place in the proportion of the expenditure on teaching and non-teaching staff and that for other current expenditure at primary and secondary school level (94.6 per cent for staff in 1992 against 5.4 per cent for other current expenditure while in 1998 it was 89 per cent and 11 per cent, respectively). This means that more resources have been allocated for non-curricular activities like in-service training of teachers, experimentation, educational materials and equipment, etc.

262. As for textbooks, a Decree of the President of the Council of Ministers (27 August 1999) allocated 200 billion lire (about €100 million) for the school year 1999/2000 as a subsidy to poor families with an annual income of less than 30 million lire (about €15,000). This subsidy is aimed at helping poor families to buy textbooks for their children attending compulsory lower secondary school and the first year of upper secondary school (textbooks are normally provided free of charge for all children attending primary school).

Table 2
National budget - public expenditure on education
(Consolidated balance sheet 1990-1997)

Year	Public expenditure on education	National budget (billions of lire)	Expenditure as a percentage of GNP
1990	64 358 860	1 300 438 000	4.95
1994	78 650 613	1 621 445 000	4.85
1995	82 710 706	1 756 933 000	4.71
1996	90 148 554	1 896 022 000	4.75
1997	90 721 823	2 034 380 000	4.46
2000	63 015 741	-	-

Source: MPI - Ufficio SISTAN.

Right to education

263. The consolidated financial statements for 1998 and 1999 are not yet available, since the timescale required for the definitive recording of expenditure has not yet expired. The accounts for 2000 are not directly comparable with the data for the consolidated financial statements. One reason for this is a change in the way that the various items are calculated. However, the data show that spending on education is in absolute terms the highest item in the State budget, amounting to 8.72 per cent of the total and 46.7 per cent of the total central government budget (ministries), compared with 3.4 per cent and 18.22 per cent, respectively, for the Ministry of Defence, which comes next in quantitative terms.

264. Public spending on education also includes the resources allocated by the local authorities for education and training, as indicated in the following table.

Table 3
Public spending on education, 1993-1997
(in billions of lire)

Local administrations	1993	1994	1995	1996	1997
Regions and autonomous provinces	4 353.1	4 483.8	3 880.7	4 814.7	5 225.2
Provinces	3 162.1	3 298.1	3 223.9	3 251.3	3 789.7
Communes	12 618.0	13 024.4	13 045.2	13 268.0	15 071.8
Total	20 133.2	20 806.3	20 149.8	21 334.0	24 086.7

Source: Elaborazione MPI su Censis-Rapporto 1999.

Table 4
School population, by school level and sex

Schools		1990/91	1995/96	1997/98	1999/2000 (*)
Pre-primary schools	M/F	1 575 234	1 582 020	1 588 020	915 011
	F	788 832	757 931	765 426	441 035
	% F/M	48.8	47.9	48.2	48.2
Primary schools	M/F	3 069 767	2 816 128	2 820 919	2 570 064
	F	1 493 325	1 360 754	1 362 504	1 241 341
	% F/M	48.6	48.3	48.3	48.3
Secondary schools	M/F	2 261 569	1 901 208	1 809 059	1 686 408
	F	1 072 024	901 207	855 685	797 671
	% F/M	47.4	47.4	47.3	47.3
Higher secondary schools	M/F	2 856 328	2 693 328	2 597 449	2 419 409
	F	1 426 347	1 343 578	1 290 932	1 202 446
	% F/M	48.9	49.9	49.7	49.7
Totals	M/F	9 762 898	8 993 220	8 815 447	7 590 892
	F	4 760 528	4 363 470	4 274 547	3 682 493
	% F/M	48.8	48.5	48.5	48.5

The teaching of human rights in the Italian education system

Information and promotion

265. The initiatives undertaken by the Ministry of Education to inform students and teachers and raise their awareness of issues connected with the rights contained in the International Covenant on Economic, Social and Cultural Rights can be divided, for ease of analysis, into three levels. In 1997-2000 the Ministry carried out initiatives of the types outlined below.

Legislative

266. In this respect the following are worthy of note:

- Presidential Decree 249/1998 concerning the “Statute of secondary school pupils” which, with reference to the principles of the Italian Constitution and those of the Convention on the Rights of the Child, sets out the framework of social and cultural rights of young people. A particular emphasis is placed on the respect and enhancement of gender identity; freedom of expression, thought, conscience and religion; mutual respect for all persons, regardless of their age or condition, rejecting all forms of ideological, social or cultural barriers. Pupils have a right to take an active and responsible part in school life and to be informed of the decisions and rules governing it. The Statute reiterates the need to respect the cultural and religious

diversities of pupils and students and the community to which they belong. Schools promote and encourage initiatives to embrace and protect the language and culture of origin of their pupils and to foster the intercultural dimension of education;

- Article 44 of the provision (Presidential Decree 384/1999) implementing Law 40/1998 concerning immigration and the condition of foreigners in Italy sets out the regulations governing the right to education for all, Italians and foreigners alike, without limitations of an administrative nature (which means there is no obligatory requirement for a permit of stay or official certification of previous educational experience, etc.) or of a cultural or social nature. This provision also sets out the obligation to respect the linguistic and religious identity of pupils and to facilitate the integration process.

Operational-organizational

267. The Ministry of Education has put in place an extensive programme to provide teaching staff with information regarding the intercultural dimension of education, through various operational programmes. The principal ones include:

- General information on issues regarding the right to citizenship, linguistic and religious identity and cultural pluralism. This information is provided to all teaching staff in Italian schools through a national distance learning project run in collaboration with RAI-Radiotelevisione italiana, which is currently at the closing stages (see Circular No. 17 of 14 January 2000);
- The introduction of a specific national programme of refresher courses for teachers of arts and foreign language subjects in issues concerning cultural and linguistic mediation and the teaching of Italian as a foreign language (see national employment contract of teaching staff, article 19 of Ministerial Directive 210/1999) for all teachers;
- The publication - coinciding with the fiftieth anniversary of the Universal Declaration of Human Rights - of a special issue of the official review of the Ministry of Education ("*Annali della Pubblica Istruzione*", Nos. 5-6/1999) dedicated to the issue of rights and distributed to all Italian schools.

Didactic-cultural

268. It should be borne in mind that one of the curricular activities carried out by the Ministry of Education is the provision of information and training in human rights issues for all pupils at all levels and types of school, through the Civic Education Programme, which is an integral part of the teaching of history and related subjects. This programme makes specific reference to economic, social and cultural rights, by presenting information on the principal international agreements and conventions in this field.

269. The Ministry of Education also carries out intense institutional activity:
- Through the creation of a ministerial Committee for Inter-Cultural Education which has carried out study, information and advisory activities on all the legislative provisions regarding rights, and at the same time has put in place a wide range of actions for the dissemination within and outside the educational system of key human rights issues (right of citizenship, right to education for all; the study and promotion of agreements on religious, linguistic rights, etc);
 - Through the promotion and support, including financial, for transnational educational cooperation programmes (Mediterranean Programme, European programmes such as Socrates, Leonardo, Youth for Europe, etc.) intended to provide information on and promote the cultural rights not just of young people but of all persons belonging to minorities or in conditions of marginalization, poverty, etc.

270. The strategic role of innovation and the upgrading of education and training systems has also been recognized, not just as factor of development, economic growth and employment, but also as key means of combating the new forms of social exclusion. The Government, which considers the improvement of the quality, variety and integration of education and training facilities to be one of the key points of its political and administrative effort, has implemented a series of initiatives that have made it possible, inter alia, to comply with most of the commitments entered into with the Social Partners in the Pact of 22 December 1998.

The current reforms

Technical-vocational training

271. In Italy the training system for technical specialists has traditionally been based on two pillars: secondary schools specializing in technical subjects and the vocational training run by the regions. In 1999 an important reform was introduced to expand and diversify the second pillar: training for technical specialists of medium and high skill levels, through a system integrating education, training and work. This laid the foundations for the Technical Education and Training System, which aims to provide Italy with a vocational training network that is comparable with those of the other countries of Europe.

University education

272. A diversified “European” university education system has been drawn up that makes it possible to improve the effectiveness of the system, considerably reduce the dropout rate and develop intermediate skills that can be utilized in the labour market, thus reducing youth unemployment. Decree 509/1999 issued by the Ministry for the Universities and Scientific and Technological Research enabled a new system to be drawn up for the organization of university courses. The new system was planned to enter into full effect in the academic year 2001/2002. However, most universities opted to begin trials for the new system, especially in departments such as economics and engineering, with effect from the 2000/2001 academic year.

The priorities of the education and training system in combating exclusion

273. The policies designed to create guided pathways towards employment and to orient training provision with this aim in mind are part of a wider context of profound reforms that have created a series of intersections between the education, training and labour market systems.

274. The Government has set out the following priorities in this respect:

- Improvement of the level and quality of educational qualifications, in view of the close connection between these and the possibility of finding work;
- A reduction of the gap between the labour markets of the centre-north and those of southern Italy, since one of the main barriers to employment in the south is the backwardness and timelag affecting many regions there;
- Access to the job market for young people and those at a high risk of exclusion such as the disabled, immigrants and older people lacking in skills;
- An increase in the possibilities offered to citizens of all ages to access education and training;
- Preventive and remedial actions to tackle the problem of dropping out of education institutions;
- The reduction of social marginalization.

Education and training for non-Italian children and adults

275. Law 40/1998 envisages the promotion of training courses and Italian language courses for foreign children and adults, literacy courses for foreign adults, and opportunities for them to obtain the school leaving certificate covering the period of compulsory education. For immigrants the mere fact of learning Italian and taking part in multicultural education can already be considered a first important level of “training”.

The initiatives

276. The new education and training measures can be set within a framework of policies (intended to create a wider range of educational and training opportunities that are in keeping with the needs of the various life stages and accessible to all) that have been put in place through the involvement at various levels of the institutions and the social partners. They aim to enhance:

- New integrated training pathways for the periods following compulsory schooling and the diploma to provide people with professional and technical skills that can be applied in the production of goods and services of high technological and organizational complexity;

- The development of apprenticeships, considered to be an important channel for the enhancement of skills and employment opportunities. This initiative would also extend the field of application, the duration and the age group covered (in 2000, 73,000 apprentices entered training).

277. The National Operational Programme drawn up by the Education Ministry for 2000-2006 includes the following measures:

- Personalized diagnosis for incoming pupils and redefinition of cognitive maps in relation to individuals' specific experience and their family backgrounds and environment;
- Additional educational pathways external to schools (integrated school/training experience);
- Additional educational pathways external to schools (extracurricular experience, workshop activities, incentives for canteens, transport);
- Personalized counselling to provide guidance with education and training decisions and facilitate entry into active life, integrated school/training;
- Wide use of various forms of work experience;
- Awareness-raising and involvement of families in school life;
- Introduction of training credits;
- Development of support infrastructure.

Support infrastructure

278. The construction and enhancement of the support infrastructure are a precondition to develop greater social integration and support any initiative designed to reduce the educational dropout rate. It is therefore essential to reinforce the initiatives designed to create the appropriate infrastructure for the training of young people. These include “resource centres to reduce the dropout rate” (for example, scientific-technological guidance workshops, workshops for environmental analysis or the simulation of production processes, structures for linguistic or expressive studies) and “resource centres for social inclusion and integration in peripheral areas” (such as training workshops for crafts, information technologies and remote connection systems, “light” structures for recreation and socialization).

J. Article 15

Cultural life

279. Strictly speaking, cultural activities in Italy are the responsibility of the Ministry of Cultural and Environmental Assets and, in part, of local public structures (the cultural departments of the regional and local authorities). These, however, regard only a small part of the vast range of initiatives, actions and funding managed or coordinated by other areas of

central or local government, which are not necessarily identifiable as cultural activities since they are entered under different spending headings (the right to study; building and town planning initiatives; funding for the theatre, music, etc., linked to specific events; funding for studies and research projects; and the publication of books, periodicals, etc.).

280. The Ministry for Cultural and Environmental Assets has almost doubled the available resources over the last two years, with an increase from 2,600 billion lire in 1998 and 1999 to 4,800 billion in 2000. To these figures should be added the resources made available by the Cultural Resources Axis of the Development Plan for Southern Italy, co-funded 50 per cent by the ESF and 50 per cent by the National Revolving Fund, amounting to 5,200 billion lire over seven years.

281. The available data on spending by the Regions on cultural activities indicate a slightly downward trend until 1995, followed by an upturn in the last few years.

Table 5
Spending on cultural activities by the regions, 1993-1997
(in billions of lire)

1993	1994	1995	1996	1997
1 564	1 474.2	1 145.6	1 425.4	1 570.2

282. The most significant government initiatives in 1996-2000 include the radical overhaul of the museum management system, with an extension of opening hours (including night-time and holiday opening); the reorganization and modernization of storage, catering, information, support and booking facilities; and changes in the cost of entrance tickets with discounts for young and elderly people.

283. The following table contains data on museum attendance:

Table 6
Museum attendance

Year	Total number of visitors	% with reference to previous year	Paying visitors	% with reference to previous year
1990	25 737 239	-	8 881 242	-
1994	23 790 876	-	9 785 688	-
1995	24 717 807	3.90	10 587 348	8.19
1996	25 167 106	2.10	11 366 184	7.36
1997	25 709 397	5.99	12 003 158	5.60
1998	27 729 369	7.28	13 871 465	15.57

Source: Min-Beni Culturali e Ambientali, March 2000.

284. One significant indicator is the trend in household spending on recreational and cultural activities in recent years, reflected in the following table:

Table 7
Spending on recreational and cultural activities

Class of expenditure	1992	1995	1996	1997	1998	1999	% increase 1999/1992
Food	156 975	190 580	186 966	185 009	185 699	187 156	16.13
Dresses and shoes	83 786	101 301	102 206	102 306	104 636	106 269	21.16
Home energy/power	121 715	201 163	206 887	210 572	209 874	211 222	42.38
Furniture, etc.	79 394	97 769	101 828	102 436	104 790	105 910	25.04
Transports and communications	100 120	147 675	152 330	154 384	171 853	178 569	43.93
Health	56 328	30 076	33 496	33 681	34 897	34 965	-61.10
Leisure and culture	74 694	86 645	88 561	90 772	93 559	94 466	20.93
Hotels and public services	80 573	90 779	93 136	94 389	95 314	97 019	16.95
Other goods and services	64 343	77 842	81 126	78 628	78 976	82 845	22.33

Access to cultural activities by young people, the elderly and the disabled

285. The official figures at our disposal concern access to public museums and galleries. This indicates a constant increase in attendance by students of minority age and the over-60s, who are the principal beneficiaries of the free access provisions.

Table 8
**Number of non-paying visitors (young people, the elderly and the disabled)
to public museums and galleries, 1994-1998**

Year	% Previous year	Non-paying visitors
1994	-	15 761 654
1995	13.77	17 386 164
1996	9.56	18 440 408
1997	12.64	20 101 154
1998	0.64	22 022 650

Source: Min. Beni Culturali e Ambientali.

Notes

- ¹ In the Italian obligatory system, prior to the reforms, workers in the private sectors could be entitled to seniority pensions after 35 years of contribution, at any age. For categories of public sector, the number of years of contribution required was much lower.
- ² Budget law for 2002 has increased to €6,710 the yearly benefit of beneficiaries over 70 years of age.
- ³ With the State Budgetary Law 2000 (No. 388/2000) the additional provision has been increased by €12.91 per month for people under 75 years of age and by €20.66 for those aged 75 years and over.
- ⁴ An additional provision for the social allowance equivalent to that of social pension has been introduced by the State Budgetary Law 2000.
- ⁵ D.L. 237/98 specified that in selecting the municipalities the following factors must be taken into account: (a) poverty levels; (b) variance of economic, demographic and social conditions; (c) variety of existing social assistance measures in each municipality; (d) adequate territorial distribution of the municipalities taking part in the experiment; and (e) willingness of the municipality to participate.
- ⁶ The research centres are: *Istituto per la Ricerca sociale (IRS)* of Milan, *Centro Studi e Formazione sociale Fondazione Emanuela Zancan* of Padua and *Centro di ricerche e studi sui problemi del Lavoro, dell'Economia e dello Sviluppo (CLES)* of Rome.
- ⁷ During the nineties new policies for local development were created in Italy: the so-called *territorial pacts*. Such policy measures are aimed at the creation of a specific local policy network, built by social partners, local institutions and associations. The policy network is in charge of identifying a set of development goals (in particular, the creation of new jobs through the funding of innovative business initiatives) which are implemented within the frame of a *Patto territoriale* by one or more of the local public institutions (usually municipalities or provinces). The “bottom-up” approach underlying these policies is particularly innovative with respect to the former Italian local development policies.
- ⁸ *Piano Nazionale degli Interventi e dei Servizi Sociali 2001-2003*.
- ⁹ The Social Inclusion process, an application of the open method of coordination to the fight against poverty and social exclusion, consists of two parts. One is a multi-year action programme designed to encourage cooperation between member States to combat social exclusion. The other is a process involving the submission, every two years, of National Action Plans on the part of member States and their assessment by the Commission and the Social Protection Committee, which produces a joint report of the Council and the Commission. The five-year action programme started on 1 January 2002 and will last until 31 December 2006, with a budget of €75 million for the whole period. The first round of the process started in June 2001, when the first Naps/incl, setting out national strategies for the period 2001-2003, were presented. The first joint inclusion report was issued in December 2001. The whole

process is guided by the objectives in the fight against poverty and social exclusion approved by the European Council in Nice, in December 2000. These objectives are:

- (a) To facilitate participation in employment and access by all to the resources, rights, goods and services;
- (b) To prevent the risk of exclusion;
- (c) To help the most vulnerable;
- (d) To mobilize all the relevant bodies.

¹⁰ The Health Care Plan, for example, makes specific reference, in one of its objectives, to “strengthen the protection of weak individuals” and does so by introducing measures directed at categories of individuals typically at risk of being socially excluded: immigrants, drug addicts, individuals affected by mental illness, the elderly and individuals in the terminal phase of their life.

¹¹ Law 328/2000 establishes that the Government must prepare a National Plan of Social Interventions and Services every three years. The Plan determines, amongst other things, the priorities, project objectives and indicators that measure levels of social integration.

¹² Draft Joint Report on Social Inclusion (CEC 2001), p. 22.

¹³ The measure was actually introduced at the end of December 1998 (Law No. 448 of 23 December 1998), and started to be applied in 1999.
