

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITÉ EUROPÉEN DES DROITS SOCIAUX**



29 September 2004

**Collective Complaint No. 19/2003  
World Organisation against Torture (OMCT)  
v. Italy**

**Case Document No. 7**

**ADDITIONAL OBSERVATIONS FROM THE  
WORLD ORGANISATION AGAINST TORTURE (OMCT)  
ON THE MERITS**

**registered at the Secretariat on 27 September 2004**



**Collective complaint 19/2003:**  
**World Organisation against Torture v Italy**

**OMCT comments on Italy's additional observations – September 27 2004**

1. We would like to make brief comments on the additional observations on the merits submitted by the Italian Government and forwarded to OMCT on 7 September.
2. The Government suggests that the results of the survey which we annexed to our comments on its initial observations on the merits “have nothing to do with the technical and legal issues we are concerned with”. The survey was commissioned because of the lack of research into attitudes of Italian adults to the use of less severe forms of corporal punishment, and into their beliefs concerning the legality of such punishment. In our complaint we also quoted from the results of a 1998 research study involving 2,388 families living in the Tuscany region. The Government must surely agree that the only way of measuring progress towards the elimination of corporal punishment is through detailed interview studies with parents and children. The European Committee of Social Rights has emphasised that the aim and purpose of the Charter is to protect rights not merely theoretically but in fact.
3. The complaint is not based on, nor does it rely on, the results of research, but the quoted results do support the view that there is a need for further law reform and other educational measures to effectively prohibit all corporal punishment and any other forms of degrading punishment or treatment of children.
4. Some of the Government's criticisms of the survey and its methodology suggest that they may not have received, or reviewed, the full report which was annexed to our previous comments. This did give details of sampling and sampling tolerances, and also the text of the questions used in Italian. The Italian translation of the survey questions – which was annexed to our response - was undertaken with Italian advisers. As the questionnaire indicates, there was no possible confusion by the use of such words as “slapping”, “beating” and “forceful correction” as synonyms (translated into French in the Government's observations as “*donner une gifle*”, “*batter*” or “*corriger avec le force*”).
5. It appears that the Government is seeking to make a distinction between “the use of physical force for the ‘correction’ of a minor who has misbehaved” and the “use of violence”. Of course we accept the need for parents to use physical actions – reasonable force – to protect and restrain children. But this is quite distinct from “slapping” or “smacking” which would plainly be regarded as criminal assaults if the victim was an adult.
6. Finally, the Government's additional observations quote from a recent UNICEF “Innocenti Report Card”, published in September 2003. This publication emphasises very strongly indeed that comparisons of child maltreatment deaths between states are inevitably flawed, based on tiny numbers of deaths and on an

assumption that reporting and investigation of deaths are similarly rigorous in all countries.

7. We reiterate our view that without the removal of article 571 of the Criminal Code and an explicit prohibition of corporal punishment and of any other forms of degrading punishment or treatment of children in the Civil Code, covering parents and all others with care and control of a child, linked to widespread awareness-raising and public education, Italy is not providing effective protection and is not in compliance with article 17.