



European Committee of Social Rights
Comité européen des Droits sociaux

3 September 2019

**FOURTH REPORT
ON THE NON-ACCEPTED PROVISIONS OF THE
EUROPEAN SOCIAL CHARTER**

ITALY

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OPINION

With respect to the procedure provided by Article 22 of the 1961 Charter – examination of non-accepted provisions - the Committee of Ministers decided in December 2002 that "states having ratified the Revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and had "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned" (Decision of the Committee of Ministers of 11 December 2002).

Following this decision, it was agreed that the European Committee of Social Rights examines - in a meeting or by written procedure - the actual legal situation and the situation in practice in the countries concerned, with a view to securing a higher level of acceptance. This review would be done for the first time five years after the ratification of the revised European Social Charter, and every five years thereafter, to assess the situation on an ongoing basis and to encourage States to accept new provisions. Indeed, experience has shown that Governments tend to overlook that the selective acceptance of the provisions of the Charter should be a temporary phenomenon.

Italy accepted 97 of the 98 paragraphs of the Charter and the Additional Protocol providing for a system of collective complaints.

As Italy ratified the Revised Charter on 5 July 1999, the procedure provided for by Article 22 of the 1961 Charter was applied for the first time in 2004, for the second time in 2009 and for the third time in 2014. In all these cases, the European Committee of Social Rights decided to adopt the written procedure on the only non-accepted provision of the Charter - Article 25 (the right of workers to the protection of their claims in the event of the insolvency of their employer). Accordingly, in the three cases, the Committee asked the Italian authorities to produce a report on Article 25.

In 2004, the Committee was not provided with the requested report and in 2009, the Italian authorities submitted information in Italian. In 2014, the Italian authorities informed the Committee that there was no full alignment between the domestic legislation and the principles of the Charter in case of insolvency of the employer. Therefore, Italy was not able to accept the provision under consideration.

With a view to carrying out the procedure in 2019, the European Committee of Social Rights decided, at its 300th session, to invite Italy to provide written information on the only non-accepted provision, indicating in particular any progress achieved towards accepting Article 25 of the Charter and, if appropriate, the reasons for the delay in accepting this provision.

On 6 June 2019, the Italian authorities informed the Committee that the representatives of the Council of Europe and the competent authorities of the country met on 13 December 2016 to discuss the obstacles that prevent Italy from accepting Article 25 of the Charter. Following this meeting, the Directorate General of Labour and Industrial Relations of the Ministry of Labour and Social Policies took the necessary steps to clarify the situation regarding the operation of the Guarantee Fund. In conclusion, it was of the opinion that the problem of the alleged non-compliance of the national legislative framework - the reason for the non-acceptance of Article 25 of the Charter - could be overcome. In fact, according to data from the INPS (National Social Welfare Scheme), the average period of payment of funds to workers is in line with the 60-day period prescribed by Law No. 297 of 29 May 1982 and, consequently, with the deadline set by the case law of the European Committee of Social Rights. The Ministry will therefore continue to analyze the matter, hoping to initiate the ratification procedure of Article 25 of the Charter.

The Committee welcomes these developments and again encourages the Italian authorities to accept Article 25 of the Charter in the near future.

Since Italy is bound by the collective complaints procedure, the Committee also wishes to invite Italy to consider making the declaration provided for in Article 2 of the 1995 Additional Protocol in order to allow national non-governmental organisations to submit such complaints.

The next examination of the provision not accepted by Italy will take place in 2024.

APPENDIX I

— Italy and the European Social Charter —

<p>Signatures, ratifications and accepted provisions</p> <p>Italy ratified the 1961 European Social Charter on 22/10/1965 and the Revised Social Charter on 5/07/1999, accepting 97 out of 98 paragraphs.</p> <p>It ratified on 3/11/1997 the 1995 Additional Protocol providing for a system of collective complaints, but has not made yet a declaration enabling national NGOs to submit collective complaints.</p> <p>The Charter in domestic law</p> <p>Statutory ad hoc incorporation into domestic law based on Act No. 30/1999 (<i>Legge recante ratifica ed esecuzione della Carta Sociale europea, riveduta, con annesso, fatta a Strasburgo il 3 maggio 1996</i>).</p> <p>Table of accepted provisions</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr><td>1.1</td><td>1.2</td><td>1.3</td><td>1.4</td><td>2.1</td><td>2.2</td><td>2.3</td><td>2.4</td><td>2.5</td><td>2.6</td><td>2.7</td><td>3.1</td></tr> <tr><td>3.2</td><td>3.3</td><td>3.4</td><td>4.1</td><td>4.2</td><td>4.3</td><td>4.4</td><td>4.5</td><td>5</td><td>6.1</td><td>6.2</td><td>6.3</td></tr> <tr><td>6.4</td><td>7.1</td><td>7.2</td><td>7.3</td><td>7.4</td><td>7.5</td><td>7.6</td><td>7.7</td><td>7.8</td><td>7.9</td><td>7.10</td><td>8.1</td></tr> <tr><td>8.2</td><td>8.3</td><td>8.4</td><td>8.5</td><td>9</td><td>10.1</td><td>10.2</td><td>10.3</td><td>10.4</td><td>10.5</td><td>11.1</td><td>11.2</td></tr> <tr><td>11.3</td><td>12.1</td><td>12.2</td><td>12.3</td><td>12.4</td><td>13.1</td><td>13.2</td><td>13.3</td><td>13.4</td><td>14.1</td><td>14.2</td><td>15.1</td></tr> <tr><td>15.2</td><td>15.3</td><td>16</td><td>17.1</td><td>17.2</td><td>18.1</td><td>18.2</td><td>18.3</td><td>18.4</td><td>19.1</td><td>19.2</td><td>19.3</td></tr> <tr><td>19.4</td><td>19.5</td><td>19.6</td><td>19.7</td><td>19.8</td><td>19.9</td><td>19.10</td><td>19.11</td><td>19.12</td><td>20</td><td>21</td><td>22</td></tr> <tr><td>23</td><td>24</td><td>25</td><td>26.1</td><td>26.2</td><td>27.1</td><td>27.2</td><td>27.3</td><td>28</td><td>29</td><td>30</td><td>31.1</td></tr> <tr><td>31.2</td><td>31.3</td><td colspan="6"></td><td colspan="5">Grey = Accepted provisions</td></tr> </table>												1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	31.2	31.3							Grey = Accepted provisions				
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<p>Reports on non-accepted provisions</p> <p>The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted reports concerning Italy in 2004, in 2009 and in 2014. In this latest report, the Committee considered that Italy could accept Article 25.</p> <p>Further information on the reports on non-accepted provisions is available on the relevant webpage.</p>																																																																																																																								

Monitoring the implementation of the European Social Charter ¹

I. The collective complaints procedure ²

Collective complaints (under examination)

Amnesty International v. Italy (Complaint No. 178/2019)

The complaint was registered on 18 March 2019.

Associazione Medici Liberi v. Italy (Complaint No. 177/2019)

The complaint was registered on 7 March 2019.

Unione sindacale di base Settore pubblico impegno (USB) v. Italy (Complaint No. 170/2018)

The complaint was registered on 9 August 2018.

Nursing Up v. Italy (Complaint No. 169/2018)

The Committee declared the complaint admissible on 18 March 2019.

Sindacato autonomo Pensionati Or.S.A. v. Italy (Complaint No. 167/2018)

The Committee declared the complaint admissible on 22 January 2019.

Confederazione Generale Sindacale (CGS) - Federazione dei Lavoratori Pubblici e Funzioni pubbliche (FLP) v. Italy (Complaint No. 161/2018)

The Committee declared the complaint admissible on 11 September 2018.

Associazione Professionale e Sindacale (ANIEF) v. Italy (Complaint No. 159/2018)

The Committee declared the complaint admissible on 3 July 2018.

Confederazione Generale Italiana del Lavoro (CGIL) v. Italy (Complaint No. 158/2017)

The Committee declared the complaint admissible on 20 March 2018.

Unione sindacale di base –settore pubblico impiego (USB) v. Italy (Complaint No. 153/2017)

The Committee declared the complaint admissible on 23 January 2018.

Unione sindacale di base –settore pubblico impiego (USB) v. Italy (Complaint No. 152/2017)

The Committee declared the complaint admissible on 23 January 2018.

Unione Nazionale Dirigenti dello Stato (UNADIS) v. Italy (Complaint No. 147/2017)

The Committee declared the complaint admissible on 12 September 2017.

Associazione Professionale e Sindacale (ANIEF) v. Italy (Complaint No. 146/2017)

The Committee declared the complaint admissible on 12 September 2017.

Confederazione Generale Sindacale (CGS) v. Italy (Complaint No. 144/2017)

The Committee declared the complaint admissible on 12 September 2017.

UGL-CFS and SAPAF v. Italy (Complaint No. 143/2017)

¹ The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the procedures may be found on the HUDOC database and in the Digest of the case law of the Committee.

² See for details on the collective complaints procedure the relevant web page.

The Committee declared the complaint admissible on 13 September 2017.

Confederazione Generale Italiana del Lavoro (CGIL) v. Italy (Complaint No. 140/2016)
The Committee declared the complaint admissible on 10 May 2017.

University Women of Europe (UWE) v. Italy (Complaint No. 133/2016)
The Committee declared the complaint admissible on 4 July 2017.

Collective complaints (proceedings completed)

1. Complaints inadmissible or where the Committee has found no violation

a. Inadmissibility

Sindacato Autonomo Europeo Scuola ed Ecologia (SAESE) v. Italy (Complaint No. 166/2018)
The Committee declared the complaint inadmissible on 18 March 2019

Movimento per la libertà della psicanalisi – Associazione culturale v. Italy (Complaint No. 122/2016)
The Committee declared the complaint inadmissible on 24 March 2017

b. No violation

Unione Italiana del Lavoro U.I.L. Scuola – Sicilia v. Italy (Complaint No. 113/2014)
• No violation of Article 12 (right of all workers and their dependants to social security)
Decision on the merits of 24 January 2018
- Resolution CM/ResChS (2018) 5 on 4 July 2018 of the Committee of Ministers

Association for the Protection of all Children Ltd - APPROACH Ltd v. Italy (Complaint No. 94/2013)
• No violation of Article 17 (right of children to social, economic and legal protection).
Decision on the merits of 5 December 2014.

World Organisation against Torture (OMCT) v. Italy (Complaint No. 19/2003)
• No violation of Article 17 (right of children to social, economic and legal protection).
Decision on the merits of 7 December 2004.

European Federation of Employees in Public Services (EUROFEDOP) v. Italy (Complaint No. 4/1999)
• No violation of Article 5 (right to organise) and 6 (right to collective bargaining).
Decision on the merits of 4 December 2000.

2. Complaints where the Committee has found a violation which has been remedied

Centre on Housing Rights and Evictions (COHRE) v. Italy (Complaint No. 58/2009)
• Violation of Article E taken in conjunction with Article 19§8 (right of migrant workers and their families to protection and assistance – guarantees concerning deportation)
Decision on the merits of 25 June 2010.

Follow up:

- Resolution CM/ResChS(2010)8 on 21 October 2010 of the Committee of Ministers.
- Assessment of the European Committee of Social Rights on the follow-up (4 December 2015)
- 2nd Assessment of the European Committee of Social Rights on the follow-up (6 December 2018)

3. Complaints where the Committee has found a violation and where progress has been made but not yet examined by the Committee

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4. Complaints where the Committee has found a violation and where progress has been made but which has not yet been remedied

Centre on Housing Rights and Evictions (COHRE) v. Italy (Complaint No. 58/2009)

- Violation of Article E taken in conjunction with Article 16 (right of the family to social, legal and economic protection);
- Violation of Article E taken in conjunction with Article 19§1 (right of migrant workers and their families to protection and assistance – assistance and information on migration);
- Violation of Article E taken in conjunction with Article 19§4.c (right of migrant workers and their families to protection and assistance – equality regarding accommodation);
- Violation of Article E taken in conjunction with Article 30 (right to be protected against poverty and social exclusion);
- Violation of Article E taken in conjunction with Article 31§1 (right to housing – adequate housing);
- Violation of Article E taken in conjunction with Article 31§2 (right to housing – reduction of homelessness);
- Violation of Article E taken in conjunction with Article 31§3 (right to housing – affordable housing).

Decision on the merits of 25 June 2010.

Follow up:

- Resolution CM/ResChS(2010)8 on 21 October 2010 of the Committee of Ministers.
- Assessment of the European Committee of Social Rights on the follow-up (4 December 2015)
- 2nd Assessment of the European Committee of Social Rights on the follow-up (6 December 2018).

5. Complaints where the Committee has found a violation which has not yet been remedied

Associazione sindacale "La Voce dei Giusti" v. Italy (Complaint No. 105/2014)

- Violation of Article E (non-discrimination) taken in conjunction with Article 10§3 a) and b) (the right to vocational training)

Decision on the merits on 18 October 2016.

Follow up:

- Resolution Res/CM ChS (2017) 4 on 5 April 2017 of the Committee of Ministers.
- Assessment of the European Committee of Social Rights on the follow-up (6 December 2018).

Associazione Nazionale Giudici di Pace v. Italy (Complaint No. 102/2013)

- Violation of Article E (Non-discrimination) taken in conjunction with Article 12§1 (the right to social security)

Decision on the merits of 5 July 2016.

Follow up:

- Resolution Res/CM ChS (2017) 3 on 5 April 2017 of the Committee of Ministers.
- Assessment of the European Committee of Social Rights on the follow-up (6 December 2018).

Confederazione Generale Italiana del Lavoro (CGIL) v. Italy (Complaint No. 91/2013)

- Violation of Article 11 (the right to health);
- Violation of Article E read in conjunction with Article 11 of the Charter (the right to health);
- Violation of Article 1§2 of the Charter ; i) first ground
- Violation of Article 26§2 of the Charter

Decision on the merits of 12 October 2015.

Follow up:

- Resolution Res/CM ChS (2016)3 on 6 July 2016 of the Committee of Ministers.
- Assessment of the European Committee of Social Rights on the follow-up (6 December 2018).

International Planned Parenthood Federation – European Network (IPPF EN) v. Italy (Complaint No. 87/2012)

- Violation of Article 11 (the right to health)
- Violation of Article E taken in conjunction with Article 11 (the right to health)

Decision on the merits of 10 September 2013.

Follow up:

- Resolution Res/CM ChS (2014) 6 on 30 April 2014 of the Committee of Ministers.
- Assessment of the European Committee of Social Rights in the follow-up (6 December 2018).

European Roma Rights Centre (ERRC) v. Italy (Complaint No. 27/2004)

- Violation of Article E taken in conjunction with Article 31§1 (right to housing – adequate housing);
- Violation of Article E taken in conjunction with Article 31§2 (right to housing – reduction of homelessness);
- Violation of Article E taken in conjunction with Article 31§§1 and 3 (right to housing – adequate housing and affordable housing).

Decision on the merits of 7 December 2005.

Follow up:

- Resolution ResChS(2006)4 on 3 May 2006 of the Committee of Ministers.
- Assessment of the European Committee of Social Rights on the follow up (4 December 2015)
- 2nd Assessment of the European Committee of Social Rights on the follow-up (6 December 2018).

II. Reporting system³

Reports submitted by Italy

Between 1967 and 2019, Italy submitted 20 reports on the application of the 1961 Charter and 17 reports on the application of the Revised Charter.

The 17th report, submitted on 16/02/2018, concerns the follow-up given to the relevant decisions of the Committee in the framework of the collective complaints procedure.

The assessments of the Committee on the follow up to decisions in complaints were published in January 2019.

The 18th report, which was to be submitted by 31/10/2018, should concern the accepted provisions relating to Thematic group 4 "Enfants, familles, migrants", namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in January 2020.

³ Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years. Following a decision taken by the Committee of Ministers in April 2014, States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups. Detailed information on the Reporting System is available on the relevant webpage. The reports submitted by States Parties may be consulted in the relevant section.

Thematic Group 1 « Employment, training and equal opportunities » - Conclusions 2016

► *Article 151 – Right to work – Policy of full employment*

The employment policy efforts have not been adequate in combatting unemployment and promoting job creation.

► *Article 1851 – Right to engage in a gainful occupation in the territory of other Parties – Applying existing regulations in a spirit of liberality*

It has not been established that the existing regulations are applied in a spirit of liberality.

► *Article 1853 – Right to engage in a gainful occupation in the territory of other Parties – Liberalising regulations*

The regulations governing access to the labour market by foreign workers who are nationals of non-EEA States Parties to the Charter are too restrictive.

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

Employees undergoing a probational period of 6 months are not protected against dismissal.

Thematic Group 2 « Health, social security and social protection » - Conclusions 2017

► *Article 354 - Right to safe and healthy working conditions - Occupational health services*

It has not been established that there is a strategy to progressively provide access to occupational health services for all workers in all sectors of the economy.

► *Article 1253 - Right to social security - Development of the social security system*

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

► *Article 1254 - Right to social security - Social security of persons moving between States*

- Equality of treatment in respect of access to family benefits is not guaranteed to nationals of all other States Parties;
- The length of residence required to be entitled to social allowance (ten years), for foreign nationals who are not covered by the EU regulations or by an agreement entered into with Italy, is excessive.

► *Article 1351 - Right to social and medical assistance - Adequate assistance for every person in need*

The level of social assistance is not adequate.

► *Article 23 - Right of elderly persons to social protection*

The level of contributory and non-contributory old-age pensions is manifestly inadequate.

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

There is no adequate overall and coordinated approach to combating poverty and social exclusion.

Thematic Group 3 « Labour rights » - Conclusions 2014

According to the applicable rules, Conclusions 2018 only refer to the information submitted by the Italian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2014.

► *Articles 251 – Right to just conditions of work - Reasonable daily and weekly working hours*

The weekly working hours of workers on sea-going vessels may be up to 72 hours.

⁴ Further information on the situations of non-conformity is available on the [HUDOC database](#).

- ▶ *Articles 2§4 – Right to just conditions of work - Elimination of risks in dangerous or unhealthy occupations*
 - There is no adequate prevention policy regarding the risks in inherently dangerous or unhealthy occupations;
 - The right of workers exposed to residual occupational health risks to appropriate compensatory measures is not adequately guaranteed (Conclusions 2016).

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

Notice periods are not reasonable:

- in the food-processing and mechanical industries;
- in the textile industry for employees in the 7th and 8th categories with more than 15 years of service and those in the 2nd, 3rd and 4th categories with more than three years of service.

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

After all authorised deductions, the wages of workers with the lowest pay do not enable them to provide for themselves or their dependants.

Thematic Group 4 « Children, families, migrants » - Conclusions 2011

According to the applicable rules, Conclusions 2015 only refer to the information submitted by the Italian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

It has not been established that measures taken to improve access for Roma children to education are sufficient.

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

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

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

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

► *Article 19§6 - Right of migrant workers and their families to protection and assistance – Family reunion*
The requirement relating to the income is likely to hinder family reunion rather than facilitate it.

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

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

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

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

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

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

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

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

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

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

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

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

The Committee has been unable to assess compliance with the following rights and has invited the Italian Government to provide more information in the next report in respect of the following provisions:

Thematic Group 1 « Employment, training and equal opportunities »

- ▶ Article 1§2 - Conclusions 2016
- ▶ Article 1§3 - Conclusions 2016
- ▶ Article 1§4 - Conclusions 2016
- ▶ Article 10§3 - Conclusions 2016
- ▶ Article 10§4 - Conclusions 2016

Thematic Group 2 « Health, social security and social protection »

- ▶ Article 3§1 - Conclusions 2017
- ▶ Article 3§2 - Conclusions 2017
- ▶ Article 3§3 - Conclusions 2017
- ▶ Article 12§1 - Conclusions 2017
- ▶ Article 13§2 - Conclusions 2017
- ▶ Article 14§1 - Conclusions 2017

Thematic Group 3 « Labour rights »

- ▶ Article 2§2 - Conclusions 2014
- ▶ Article 4§1 - Conclusions 2014
- ▶ Article 4§3 - Conclusions 2014
- ▶ Article 6§3 - Conclusions 2014
- ▶ Article 6§4 - Conclusions 2016

According to the applicable rules, Conclusions 2018 only refer to the information submitted by the Italian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

Thematic Group 4 « Children, families, migrants »

- ▶ Article 7§5 - Conclusions 2011
- ▶ Article 17§1 - Conclusions 2011
- ▶ Article 27§1 - Conclusions 2011

According to the applicable rules, Conclusions 2015 only refer to the information submitted by the Italian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

III. Examples of progress achieved in the implementation of the rights under the Charter (non-exhaustive list)

Thematic Group 1 « Employment, training and equal opportunities »

- ▶ Prohibition of discrimination in employment on grounds of religion, personal convictions, disability, age and sexual orientation (Act No. 216/2003).
- ▶ Extension of the range of possible forms of discrimination covered by Article 44 of the Consolidated Immigration Act, by adding to the list discrimination on grounds of national origin, language or skin colour. Discrimination cases involving any of the prohibited grounds are now dealt with under urgent/fast-track procedure rather than under the ordinary procedure. (Legislative decree 150/2011).
- ▶ Introduction of the principle of equal treatment between men and women in the Constitution, Article 51 (Act No. 1/2003).
- ▶ Gender mainstreaming in the labour market (implementing Decree No. 276/2003 concerning Act No. 30/2003 - Biagi Law).
- ▶ Strengthening of measures to combat discrimination on the ground of sex (Legislative Decree No. 5 of 25 January 2010, transposing Directive 2006/54/EC and amending the Code of Equal Opportunities): in particular, the amendments introduced have reinforced the prohibition of discrimination, both direct and indirect, on any aspect or condition relating to pay for the same work or work to which equal value is attributed. Similarly, collective agreements are now expected to include specific measures to prevent discrimination on the ground of sex, particularly with regard to pay. Introduction, for all enterprises employing more than 100 employees, of the obligation to report every two years on the situation of gender in each profession regarding recruitment, training and promotion.
- ▶ Legal protection of persons with disabilities against discrimination, including in the field of education and training (Act No. 67/2006).
- ▶ Obligation for public and private employers to provide reasonable accommodation, in order to ensure equal treatment of persons with disabilities at work (Legislative Decree No. 76/2013). The right to reasonable accommodation also applies to employees with disabilities wishing to work from home or telework (Decree-Law No. 179 of 18 October 2012, amending Law No. 68/99).
- ▶ Seafarers and civil aviation personnel who desert their post or refuse to obey orders, in cases where there is no real threat to the safety of the vessel or aircraft, are no longer exposed to prison sentences (amendment of the Navigation Code, Articles 1091 and 1094, in 2013).
- ▶ Education and Training Reform Act (No. 53/2003).

Thematic Group 2 « Health, social security and social protection »

- ▶ Adoption of a National Waiting-List Plan (2010-2012) aimed at reducing waiting lists and guaranteeing suitable access for citizens to health services.

Thematic Group 3 « Labour rights »

- ▶ Regulation of working time in public and private sectors, as well as night work (Legislative Decree No. 66/2003).
- ▶ Extension to seafarers of certain rights concerning working hours and annual leave (Legislative Decree No. 108/2005).

- ▶ Recognition of the right to postpone annual leave in the event of illness (Constitutional Court, judgment No. 616/1987, plenary Court of Cassation, judgment No. 1947/1998).
- ▶ Setting-up into domestic law of a general framework for informing and consulting employees (Legislative Decree No. 25 of 6 February 2007, transposing Directive 2002/14/EC).
- ▶ Introduction of measures against sexual harassment (Legislative Decree No. 198/2006, as amended by Legislative Decree No. 5/2010, establishing a "Code of Equal Opportunities between Women and Men").

Thematic Group 4 « Children, families, migrants »

- ▶ Measures against violence in family relations (Acts No. 154/2001 and No. 304/2003).
- ▶ Provision for parental leave and extension of benefits for parents of disabled children (Act No. 53/2000).
- ▶ Granting of 5 months "maternity cheques" to female domestic employees not qualifying for maternity benefits (Act No. 448/1998).
- ▶ Status of Children Act (No. 149/2001).
- ▶ Compulsory education until the age of 15 (Act No. 30/2000, Section 1.3).
- ▶ Prohibition to dismiss domestic employees during the compulsory period of maternity leave (national collective agreement on domestic employment of 16 July 1996).
- ▶ Prohibition of night work by women between midnight and 6 am from confirmation of pregnancy until the child's first birthday. Female wage earners with a child under 3 years of age cannot be required to perform night work, nor may wage earners of either sex with a disabled dependant (Legislative Decree of 08/04/2003).
- ▶ Protection from hazardous forms of work of women who are pregnant, have recently given birth or are breastfeeding (Legislative Decrees No. 645/1996 and No. 25/1999).
- ▶ Mandatory medical examination of young workers prior to their employment and periodical examinations during the employment - minors may only be employed in hazardous work for the purpose of vocational training, under the supervision of a competent instructor and only for the time necessary (Legislative Decree No. 345/1999).

APPENDIX II

Declaration of the Committee of Ministers on the 50th anniversary of the European Social Charter

*(Adopted by the Committee of Ministers on 12 October 2011
at the 1123rd meeting of the Ministers' Deputies)*

The Committee of Ministers of the Council of Europe,

Considering the European Social Charter, opened for signature in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996 ("the Charter");

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated;

Stressing its attachment to human dignity and the protection of all human rights;

Emphasising that human rights must be enjoyed without discrimination;

Reiterating its determination to build cohesive societies by ensuring fair access to social rights, fighting exclusion and protecting vulnerable groups;

Underlining the particular relevance of social rights and their guarantee in times of economic difficulties, in particular for individuals belonging to vulnerable groups;

On the occasion of the 50th anniversary of the Charter,

1. Solemnly reaffirms the paramount role of the Charter in guaranteeing and promoting social rights on our continent;
2. Welcomes the great number of ratifications since the Second Summit of Heads of States and Governments where it was decided to promote and make full use of the Charter, and calls on all those member states that have not yet ratified the Revised European Social Charter to consider doing so;
3. Recognises the contribution of the collective complaints mechanism in furthering the implementation of social rights, and calls on those members states not having done so to consider accepting the system of collective complaints;
4. Expresses its resolve to secure the effectiveness of the Social Charter through an appropriate and efficient reporting system and, where applicable, the collective complaints procedure;
5. Welcomes the numerous examples of measures taken by States Parties to implement and respect the Charter, and calls on governments to take account, in an appropriate manner, of all the various observations made in the conclusions of the European Committee of Social Rights and in the reports of the Governmental Committee;

6. Affirms its determination to support States Parties in bringing their domestic situation into conformity with the Charter and to ensure the expertise and independence of the European Committee of Social Rights;

7. Invites member states and the relevant bodies of the Council of Europe to increase their effort to raise awareness of the Charter at national level amongst legal practitioners, academics and social partners as well as to inform the public at large of their rights.