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

6 September 2021

Case Document No. 2

Associazione Professionale e Sindacale (ANIEF) v. Italy
Complaint No. 200/2021

**OBSERVATIONS BY THE GOVERNMENT
ON ADMISSIBILITY**

Registered at the Secretariat on 3 August 2021



*Ufficio dell' Agente del Governo
davanti alla Corte europea dei diritti dell' uomo*

AVVOCATURA GENERALE DELLO STATO

European Committee of Social Rights (ECSR)

*Collective complaint n. 200/2021
Associazione Professionale e Sindacale (ANIEF) vs Italy*

**OBSERVATIONS OF THE ITALIAN GOVERNMENT
ON THE ADMISSIBILITY
OF COLLECTIVE COMPLAINT**

Ct 25088/21

Proc. Andrea Lipari -Proc. Adele Berti Suman



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I. Introduction

1. With the letter dated 22 June 2021, the Secretariat of the General Directorate of the European Social Charter requested the Italian Government to present its observations on the admissibility of the collective complaint n. 200/2021 (“the complaint”), submitted by Associazione Professionale e Sindacale (Anief) (“the complainant”).
2. In compliance with the Secretariat of the European Social Charter request, the present observations are limited to the admissibility of counterparty’s complaint.

II. Subject Matter of the Complaint.

3. According to the complainant association, the situation of school support for children with disabilities in Italy is in breach of several provisions of the European Social Charter. In particular, ANIEF contests the lack of the necessary teaching specialisation of most of the support teachers, the fact that families have to take legal action to obtain a support teacher for their disabled children, and the discontinuity of the students’ education, which is considered seriously detrimental to disabled students and their families.

III. Articles concerned.

4. The complainant association seeks a declaration of infringement of Articles 1(1) and (2) (right to work), Article 15 (right of persons with disabilities to independence, social integration and participation in the community), and Article E of the European Social Charter, social integration and participation in the life of the community), and Article E of Part Five of the Charter (non-discrimination), as well as Part One of the preamble to the Charter.

IV. Admissibility of the complaint

5. The complaint is clearly inadmissible.
6. The ANIEF's Statute provides that the Association's aims are "*to represent and protect, on a professional, trade union and cultural level, Italian school teachers of all levels and from*



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universities, academies and conservatories, in order to improve their professional, legal and economic conditions and social prestige" (art. 2, no. 1).

In the present case, the complaints raised by ANIEF in its complaint are not related to the category it represents.

7. According to the Complainant, the above-mentioned provisions of the European Social Charter have been violated by the lack of teachers specialized in support for disabled children. The Complainant claims that the Ministry of Instruction did not carry out any investigation on the real needs of school integration of disabled students.

The Complainant asserts that there was a proliferation of the appeals promoted by the families of disabled pupils to obtain specialized support teachers (cfr. in particular, complaint, point d). According to the claimant, that was due to the exponential growth of the school population of disabled students, and the lack of a preliminary activity that would allow adjusting the staff to the actual needs of school integration.

In addition, the Complainant grieves the discontinuity of the students' education (cfr. in particular, collective complaint, point e). They will not find, at the beginning of each school year, the support teacher who followed them the year before.

8. It is clear that the complainant's grievances do not concern the situation of the school employees, but that of the disabled students and their families.

The alleged difficulty in obtaining a support teacher on the part of the students, the necessity for legal proceedings, the discontinuity of students' education, is not about the teachers and the school staff

9. Therefore, the complainant Association, which represents the school workers, is not entitled to assert the grievances raised in the appeal under consideration, since it is aimed at protecting the position of disabled students and their families, a category which ANIEF does not represent.

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10. The above considerations lead to the conclusion that the counterparty complaint should be declared inadmissible.

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CONCLUSIONS

In light of the present observations, the Italian Government requests the Committee to dismiss the case by declaring the Complaint inadmissible, pursuant to Article 1 of the Additional Protocol of 1995 for a system of collective complaints, since the Complainant's lack of representativeness.

Rome, 2 August 2021

Drafted by

Andrea Lipari – Procuratore dello Stato

Adele Berti Suman – Procuratore dello Stato

The Agent of the Italian Government
Lorenzo D'Ascia – Avvocato dello Stato