

ITALY

Economic, social and cultural rights: violations vs. moratorium



Human rights in Italy are not enjoyed equally by all social groups. Immigrants suffer constant violations of basic rights and torture is not explicitly punishable by law. The country lacks a legislative framework to combat violence against women as well as strong measures to prevent child labour and exploitation. Social and community rights are also a concern, especially with the growing xenophobia reflected in the recent change of government. Globally, while pledging to support efforts to reduce poverty and inequality, Italy has not defined a strategy for promoting human rights.

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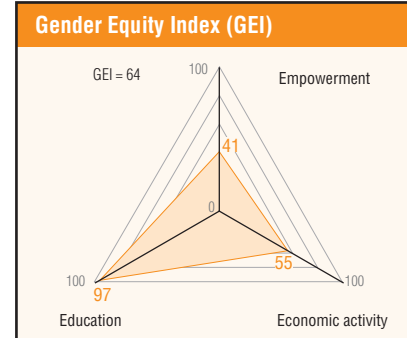
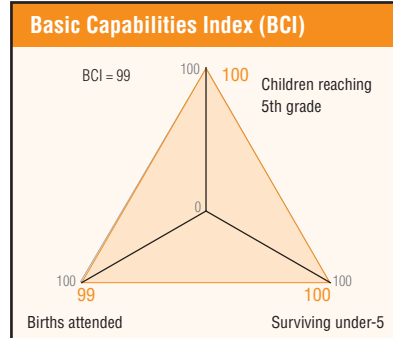
Provision of social services

The promotion of human and civil rights is linked to a great extent to public expenditures for basic services. In Italy, in comparison with European standards, much needs to be improved.

In 2004, Italy spent 26.1% of GDP in the provision of social protection and benefits to its citizens. Chart 1 shows that social protection expenditure goes mainly to provide old age and survivors' pensions (61.3%) and public health services (25.9%). While the latter is below the European average, the former is much higher. The high pension expenditure can be explained by the lower expenditure on unemployment benefits (2%) with respect to the EU average (6.5%), as unemployment compensation is based on early-retirement policies rather than unemployment benefits. The share of expenditure for families, home and social exclusion is 4.7%, also far below the European average. Compared with OECD data for other countries, the share of GDP spent on housing is minimal.

Poverty and the right not to be poor

The definition of poverty is usually confined to income levels. Although a wider definition is urgently required, even within the narrow income measure, the right not to be poor seems far from being fulfilled in Italy. According to the National Institute of Statistics, 2.6 million households are currently living below the poverty line, representing 13.1% of the population. The situation is particularly dramatic in the south, where the



incidence of poverty goes up to 22.6%, and where the average income for poor families is 20.8% below the poverty line. Moreover, an additional 8.1% of working poor and households are "at risk of poverty", as they are vulnerable to unexpected events, such as illness, dependency of a relative, instability of employment or increasing financial burdens (for instance, flexible interest rates on mortgages).

The risk of poverty for households is tied to the number of children. Having three children raises the risk of being poor to 27.8% (up to 42.7% in southern parts of the country). Being part of a household with five or more members increases the risk of sliding under the poverty line by 135%. While the Government currently provides incentives for households not to bear children, it lacks a national plan to fight poverty, a strategy defining aims and objectives as well as measurable targets, action priorities and required structures. To implement such a plan, it would be necessary to harmonize the different institutional levels and the action of different social actors, such as business, the non-profit sector, NGOs and trade unions.

Immigration and respect for human rights

Italy is the only European country without a consistent law on asylum rights. The latest legislative

reform on immigration, the "Bossi-Fini" law passed by the centre-right wing Government, is designed to deter migrant access to the country. Its provisions include limiting personal freedoms of asylum seekers, in total contrast with the Italian Constitution, in violation of the right to legal defence when refugee status is denied. Violations of human rights inside Centres for Temporary Residence (CPTs), instituted in 1998 by the then centre-left wing Government, are commonplace. CPTs are detention structures where foreigners without legal permits are detained with no access to legal assistance, deprived of personal freedom, and often lack of medical assistance. Deportation procedures with no right to legal defence are frequent and have been condemned by the European Court of Human Rights. The European Court's judgment in Saadi vs Italy in February 2008, reaffirmed that the ban on deporting people to countries where they are at risk of torture or ill-treatment is absolute and unconditional.

The attack on immigrants has increased and been particularly violent in the last two years, regardless of the political colour of government. It has been favoured by a number of "public security" acts by local authorities, especially targeting immigrants and poor people. The mayor of Milan ruled – against

CHART 1. Social Public Expenditure in Italy

	Public expenditure for education (% of GDP)	Expenditure for social protection (% of GDP)	Social expenditure functions				
			Old age, survivors	Disability	Health	Unemployment	Family, home, social exclusion
EU 27	4.74	27.3	45.9	8.1	28.3	6.5	11.3
Italy	5.17	26.1	61.3	6.1	25.9	2.0	4.7

Source: Eurostat

the Italian Constitution – that children of “illegal” immigrants should not be granted access to public schools. The mayor of Florence ordered that all beggars at street crossings be arrested and treated as criminals. Other towns, such as Cittadella near Padua, required proof of a minimum salary in order to grant residence to immigrants.

Children’s rights

Italy submitted its last report on the implementation of the Convention on the Rights of the Child and its Protocols in 2006. The UN Committee consequently issued a set of recommendations that concern the issues of exploitation, violence against children and the reform of child justice. Article 4 of the Convention requires signatories to adopt legislative and administrative measures and other kinds of measures necessary to improve children’s conditions.

The worst forms of child labour and exploitation in Italy mainly concern trafficking, prostitution and exploitation of children by organized crime. In 2007 the Ministry for Welfare launched a multi-stakeholder initiative on child labour that should produce a comprehensive framework of measures and policies as well as a Charter to be adopted and implemented by all involved stakeholders. Since the change of government in mid 2008, the process has been on hold; civil society is requesting the new government to resume the process and not to lose the progress achieved in 2007.

International development co-operation

Although Italy committed to prioritize the goals of poverty reduction, achieving gender equality and the Millennium Development Goals within its development assistance policies, the quality and quantity of its funding to support universal access to health, water and education are still below European and international standards. Italy is not fulfilling the 20/20 initiative – 20% of bilateral aid to improve global access to basic services by 2020 – having allocated only 8.2% to these goals from 2000 to 2006. In 2007, Italy cancelled its debt to the Global Fund to Fight AIDS, Tuberculosis and Malaria by paying its 2008 pledge in advance, and is part of the International Health Partnership to strengthen national health systems in beneficiary countries. However, its commitment to similar initiatives, such as the Education for All Fast Track Initiative, remains poor.

Italy’s position on international human rights

As one of the most economically advanced countries in the EU, Italy contributes significantly to multilateral institutions, including UN agencies as well as international financial institutions such as the World Bank and the International Monetary Fund. As Italy has its own representative on the boards of these institutions, it shares with them the responsi-

bility for failing to promote a concrete development agenda based on the respect and promotion of human rights.

Although human rights have been a core issue in the country’s culture and political history, the lack of a unique strategy for action inside the multilateral system and the fragmentation of (often conflicting) initiatives among ministries, lead to a lack of consistency between operational objectives and international commitments. For example, the respect and promotion of human rights is never mentioned as a central element for international development objectives and among strategic priorities for Italian participation in multilateral banks and funds. In the case of bilateral and UN support, the issues of support to human rights and the common good have started to surface in Italy in the last two years, yet there is still no strategic framework that can make Italy’s position coherent across these different institutions.

Death punishment moratorium

With regard to international human rights, however, Italian diplomacy resulted in an important victory in the United Nations. On 18 December 2007 the General Assembly voted with a vast majority (104 to 54, with 29 abstentions) in favour of a resolution presented by the Italian Government, which proclaims a global moratorium on the death penalty. The resolution calls for a general suspension (not abolition) of the death penalty throughout the world. Nonetheless, being a General Assembly resolution, it will not have a binding effect on UN member states. Therefore, states that currently retain the death penalty will not be forced by international law to stop carrying out executions; from now on they will only be under a strong *moral persuasion*.

Environmental emergencies

Italy has a poor waste management record, infringing EU directives, and recent cases in Naples and the province in which it is located have proven disastrous in terms of protecting the environment as well as public health. In April 2008, the European Court of Justice condemned Italy for the late and incorrect application of EU directives on preventing negative environmental impacts from waste dumps, including sites for dangerous waste – Enichem Manfredonia, near Foggia, being one of the most notorious.

The country’s rate of land and energy consumption has steadily grown during the last few years. Problems related to excessive consumerism and waste, as well as poor waste management exploded in 2007, revealing a corrupt system involving organized crime linked to local and national politicians. In some of the more densely populated parts of the country, citizens have been exposed to toxic waste for years, violating basic rights to a healthy environment. The relationship between the environment and human rights is well established at both the in-

ternational and regional European level, since the environment is essential to the enjoyment of basic human rights as provided in the Stockholm Declaration of 1972. At both these levels, the right to a healthy environment was later linked to the right to environmental quality and as a prerequisite for achieving “adequate conditions of life”.¹ ■

¹ While there are no legally binding provisions recognizing the right to a healthy environment in European Community law, that right has been acknowledged by the European Court of Human Rights in Strasbourg, and subsequently in a high level European Council declaration in 1990.