

Universal Periodic Review
(20th session, Oct–Nov 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Italy

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratification 06/10/1966	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	23/06/1978 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	30/10/2007 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	19/02/2007 Ratification			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The right to education is enshrined in the **Italian Constitution of 1948**. According to **Article 34**, “Schools are open to everyone” and “Primary education, given for at least eight years, is free and compulsory.” This article also states that “capable and deserving pupils, even if lacking financial resources, have the right to attain the highest levels of education. The Republic furthers the realization of this right by scholarships, allowances to families, and other benefits, to be assigned through competitive examinations.”¹

3. **Article 33** affirms the freedom of teaching art and science. It indicates that the Republic determines the general rules on education and establishes state schools for all branches and grades, and public bodies and private persons have the right to establish schools and education institutes, at no cost to the State. This Article also stipulates that “The law defining rights and obligations of those private schools requesting recognition has to guarantee full liberty to them and equal treatment with pupils of state schools” and “Institutions of higher learning, universities and academies, have the right to establish their own by-laws within the limits of State law.” According to **Article 38.3**, “disabled and handicapped persons are entitled to education and vocational training”.²

4. “The Constitutional Law No. 3 of 18 October 2001 modified the responsibilities of the state and the 20 regions in the field of education by stipulating that general education falls under the exclusive competence of the state as for the definition of general rules, essential levels of performance and fundamental principles of legislation to be applied at regional level, while vocational education and training falls under the responsibility of the regions, although the definition of essential levels of performance remain under the responsibility of the state.”³

Legislative Framework:

5. The basic legislative framework for education in Italy is made up of:

- The **Law No. 62 of 10 March 2000** contains provisions concerning the right to education and regulates the equality between public and private schools, particularly the *scuole*

¹ Report submitted by UNESCO to the 49th session of the Committee on the Elimination of Discrimination against Women, 2011, pp. 10-11, accessible at:

<http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.49.3.Add.2.pdf> (Accessed 25 November 2013)

² Report submitted by UNESCO to the 49th session of the Committee on the Elimination of Discrimination against Women, 2011, pp. 10-11, accessible at:

<http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.49.3.Add.2.pdf> (Accessed 25 November 2013)

³ World Data on Education, IBE, 7th Edition 2010/2011, p. 3, accessible at:

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Italy.pdf (Accessed 25 November 2013)

paritarie run by organizations (mainly denominational) or private citizens but officially recognized by the state (if the school applies for such a recognition and provided that certain requirements are met) and therefore authorized to award diplomas and certificates legally equivalent to those awarded by state schools.⁴

- The *Law no. 53 of 28 March 2003*⁵ reforming the education and training system. This law redefined and broadened the concept of compulsory schooling and compulsory training, introducing the ‘right-duty’ to education and training for at least 12 years from the age of 6 years. Following the implementation of this law, primary education was completely reformed with *Legislative Decree no. 59 of 19 February 2004*.⁶
- The *Presidential Decree (DPR) No. 89 of 20 March 2009* provides for the revision of the organization and the pedagogical process at pre-primary, primary and lower secondary levels starting from school year 2009/10⁷
- The *Law No. 169 of 20 October 2008*, converting into law the Decree No. 137 of 1 September 2008, has introduced new criteria for the assessment and progression of students at primary and secondary levels from school year 2008/09.⁸
- The *Law no. 296 of 27 December 2006 (Financial law 2007)* establishes the extension of compulsory education to ten years to be fulfilled by pupils either at school or through three-year vocational courses falling under the responsibility of the Regions, and extension to 16 years of age for access to the labour market.
- The *Law n° 240/10 of 30 December 2010 on the reform of the university system in Italy*⁹.

Policy Framework:

- **Policy aiming at reducing dropout, early school leaving rates and regional disparities**

6. The Southern regions of the country are supported by regional policies and benefit from additional financial resources, both on the European (Structural Funds) and national levels. The present National Operational Programme is based on the priorities of the *National Strategic Plan*

⁴ World Data on Education, IBE, 7th Edition 2010/2011, p. 6, accessible at:

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Italy.pdf (Accessed 25 November 2013)

⁵ <http://www.unesco.org/education/edurights/media/docs/379bca83017bf6298bad6c3db9eaeef133ea3c52.pdf>

⁶ Report submitted by UNESCO to the 49th session of the Committee on the Elimination of Discrimination against Women, 2011, p. 11, accessible at: <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.49.3.Add.2.pdf> (Accessed 25 November 2013)

⁷ World Data on Education, IBE, 7th Edition 2010/2011, p. 4, accessible at:

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Italy.pdf (Accessed 25 November 2013)

⁸ World Data on Education, IBE, 7th Edition 2010/2011, p. 5, accessible at:

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Italy.pdf (Accessed 25 November 2013)

⁹ <http://www.uniba.it/ateneo/fonti-normative/Legge%20240-10%20riforma%20universitaria.pdf> (Accessed 23 August 2013)

for 2007-2013 and considers education and training a top priority of the regional policy for 2007-2013.¹⁰

- **Pre-primary school**

7. “The (draft) National Guidelines for the curriculum of the pre-primary school and the first cycle of school education (i.e. primary and lower secondary) of 2012 indicate that the general objective of the educational process in the public school system is the achievement of the eight key competences for lifelong learning recommended by the European Parliament and the Council in December 2006, i.e.: communication in the mother tongue; communication in foreign languages; mathematical competence and basic competences in science and technology; digital competence; learning to learn; social and civic competences; sense of initiative and entrepreneurship; and cultural awareness and expression.”¹¹

- **Non-Italian students**

8. The rights of immigrant students are regulated by Presidential Decree n. 394/1999, Ministry Circular n.24/2006 and Ministry Circular n. 93/2006 [which state that]: “non-Italian minors are equalled to Italian minors. Foreign-born children under the age of 18 are admitted to all levels of compulsory schooling under the same conditions established for their Italian peers. Application may be made at any time during the school year.”¹²

9. “Italy has decided against creating special classes, and foreign pupils have always been included in the normal school programme.”¹³

Cooperation:

10. Italy is party to the 1960 UNESCO Convention against Discrimination in Education since 6 October 1966.

11. Italy reported to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- Sixth Consultation of Member States (covering the period 1994-1999)

¹⁰ Report submitted by UNESCO to the 49th session of the Committee on the Elimination of Discrimination against Women, 2011, p. 11, accessible at: <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.49.3.Add.2.pdf> (Accessed 25 October 2013)

¹¹ World Data on Education, IBE, 7th Edition 2010/2011, p. 2, accessible at: http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Italy.pdf (Accessed 25 November 2013)

¹² Italy National Report submitted for the 48th International Conference on Education, International Bureau of Education, 2008, p. 12, accessible at: http://www.ibe.unesco.org/National_Reports/ICE_2008/italy_NR08.pdf (Accessed 25 November 2013)

¹³ Italy National Report submitted for the 7th Consultation on the implementation of the 1960 Convention and the Recommendation against Discrimination in Education, p. 6

- Seventh Consultation of Member States (covering the period 2000-2005)

12. However, Italy did not report to UNESCO within the framework of the recent Eighth Consultation of Member States (2013) (covering the period 2006-2011).

13. Italy did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the Fourth Consultation of Member States (covering the period 2005-2008). However, Italy reported to UNESCO within the framework of the recent Fifth Consultation of Member States (2013) (covering the period 2009-2012).

14. Italy reported to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the First Consultation (1993). However, Italy did not report to UNESCO within the framework of the Second Consultation of Member States (2011).

15. Italy is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

Constitutional and Legislative Framework:

16. Freedom of expression is guaranteed under Article 21 of the Italian Constitution (1947), and the press may not be subjected to any authorisation or censorship.¹⁴

17. The Press Law (1948) regulates all press issues.¹⁵ Article 13 of the Press Law recognises defamation by means of the press as an offence, as requested by the offended person, and carries a penalty of imprisonment from one to six years and/or a monetary fine.

18. Furthermore, defamation is considered a crime under Article 594 of the Italian Penal Code, carrying a penalty up to one year in prison. When the offense is carried by the means of the press or by any other means of publicity, or in a public demonstration, the penalty is an imprisonment from six months to three years.

19. One of the main issues in Italy is a lack of media pluralism. Media ownership concentration amongst a small group of individuals has led to a lack of diversity and plurality in the country's media landscape.

Media Self-Regulation:

¹⁴ http://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf

¹⁵ http://www.mcreporter.info/normativa/l48_47.htm

20. Media self-regulation mechanisms exist in Italy through organizations such as the National Federation of the Italian Press (FNSI), an association between the regional associations of journalists.¹⁶

Safety of Journalists:

21. UNESCO recorded no killing of journalists in Italy between 2008 and 2012. Journalists work in a safe environment.

III. RECOMMENDATIONS

Recommendations made within the framework of the Working Group in 2010:¹⁷

22. The following recommendations will be examined by Italy, which will provide responses in due time, but no later than the fourteenth session of the Human Rights Council:

- 25. *To eliminate all forms of discrimination against the Roma community, religious minorities, and migrants, and ensure equal opportunities for the enjoyment of economic, social and cultural rights, including education, health and housing (Bangladesh);*
- 30. *To take necessary measures, including public campaigns and training of teachers and other teaching staff, to raise awareness of the value of intercultural integration and combat all forms of racism and xenophobia (Uruguay); to continue its good practices in human rights education, and enhance programmes on human rights education for the general public and public officials aimed at combating racism, discrimination and xenophobia (Philippines); to strengthen further its measures, including human rights education and training for public officials and at school, to promote tolerance, respect diversity, equality and combat discrimination (Viet Nam); to step up efforts to strengthen public education, awareness-raising programmes and skill training at all levels, particularly aimed at preventing negative attitudes and behaviours, and to promote tolerance and respect for diversity (Malaysia);*
- 31. *To provide obligatory human rights education and training to police, prison and detention staff and judiciary, and ensure their accountability for any human rights violations (Czech Republic);*
- 38. *To incorporate in its legislation the 1996 Supreme Court judgement that corporal punishment was not a legitimate method of discipline in the home, and criminalize corporal punishment in all cases, including in education (Spain);*
- 41. *To take necessary measures, including administrative measures, to facilitate access to education to children who are not of Italian origin (Uruguay);*

¹⁶ http://www.fnsi.it/FNSI_international/Pagine/C_pag_statuto.asp

¹⁷ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/121/86/PDF/G1012186.pdf?OpenElement>

- 43. *To increase its efforts and adopt a new national plan of action for children, ensuring specialized training for teachers and persons in the field of education of children with disabilities (Spain);*
- 57. *To strengthen efforts to integrate Roma and Sinti communities through positive action in the areas of education, employment, housing and social services (Australia); to continue contribute to the integration of the Roma and the Sinti into local communities, and to give them access to housing, work, education and professional training (Russian Federation); to continue efforts to tackle discrimination against Roma people in all sectors of society (Finland); to seek to ensure the effective participation of Roma people in the process of assuring their equal and non-discriminatory treatment (Finland); to ensure equal rights for members of the Roma and Sinti minorities, to ensure that all Roma and Sinti children are enrolled in school, and to make efforts to encourage regular school attendance by these children (Sweden); to adopt a comprehensive anti-discrimination law to ensure that the Roma enjoy equal access to employment, education and health care (United States);*
- 74. *To take appropriate measures to exempt public health and education officials of the obligation to report undocumented migrants seeking medical attention or educational services (Brazil);*
- 75. *To guarantee access to basic social services, including lodgings, hygiene, health and education, to all migrants and members of their families and, to that end, adhere immediately to the principles of the International Convention on the Rights of All Migrant Workers and Members of their Families, and consider its ratification in a favourable light (Mexico).*

Analysis:

23. Italy has elaborated a broad legislative framework, which in recent years has been reformed in order to achieve a strong compulsory educational system, which takes into account the specific needs of pupils and teachers. However, the Government has also adopted various laws that would lead to budget cuts – especially for the university system. In March 2011, more than 40,000 Italians, among which students and professors, went on the street to demonstrate and defend the right to free and public education of quality, as enshrined in the Constitution.

24. Little information on the right to education and education reforms is available. Indeed, Italy, which reported within the framework of previous Consultations, did not report for the Eighth Consultation on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education.

25. Note: Grand Chamber (final) judgment of the European Court of Human Rights on 18 March 2011, in the case of *Lautsi and Others v. Italy* held that the presence of crucifixes in State-

school classrooms in Italy does not violate Article 2 of Protocol No. 1 (right to education) to the European Convention on Human Rights.¹⁸

Specific Recommendations for the 2nd cycle of UPR on the right to education:

26. Italy should be strongly encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments, especially for the Convention against Discrimination in Education.

27. Italy could be encouraged to pursue its efforts to improve the quality of education and to provide increased opportunities for technical and vocational education and training.

28. Italy could be encouraged to intensify its efforts to improve the integration of foreigners and minority children in schools, especially children belonging to the Roma population.

29. Italy could be encouraged to take all necessary measures to make sure that schools are provided with adequate human, technical and financial resources to provide quality education for all children.

Freedom of opinion and expression

30. Italy is recommended to decriminalize defamation from the Press Law as well as the Penal Code and place it within the civil code. Imprisonment penalties should be removed so as to align the law with international standards on freedom of expression.

31. Italy is encouraged to foster media pluralism especially in regard to concentration of ownership of the media.

Freedom of scientific research and the right to benefit from scientific progress and its applications

32. With regard to contribution of science and technology to development, Italy is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.

¹⁸ Grand Chamber judgment in the case of *Lautsi and Others v. Italy* (application no. 30814/06), 18 March 2011, accessible at : [http://hudoc.echr.coe.int/sites/fra/pages/search.aspx#{\"itemid\":\[\"001-104040\"1\]}](http://hudoc.echr.coe.int/sites/fra/pages/search.aspx#{\) (Accessed on 12 July 2013)