

**Universal Periodic Review (34th session, October-November 2019)
Contribution of UNESCO**

**Italy
(Right to Education)**

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</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>
<i>Convention against Discrimination in Education 1960</i>	State Party (06/10/1966)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	23/06/1978 Ratification			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	30/10/2007 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	19/02/2007 Ratification			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **Italian Constitution of 1948, as amended through 2012**¹ does not explicitly enshrine the right to education. **Article 34** however provides that “Schools are open to everyone”, that “Primary education, given for at least eight years, is compulsory and free of tuition” and that “capable and deserving pupils, including those lacking financial resources, have the right to attain the highest levels of education” **Article 3** provides for the principles of equality before the law and non-discrimination. **Article 33** provides that entities and private persons have the right to establish schools and institutions of education, at no cost to the State and the Law ensures that these schools enjoy full liberty and offer their pupils and education and qualifications of the same standards as those afforded to pupils in state schools. **Article 38** states that “Disabled and handicapped persons are entitled to receive education and vocational training.”

2. **Law no. 53 of 28 March 2003** introduced the “right-duty” to education and training for at least 12 years from the age of 6.² **Decree no. 59 of 19 February 2004** reformed primary education. The **Ministerial Decree No. 139 of 22 August 2007** provided for the extension of the length of compulsory education.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. 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.³

4. The Press Law (1948) regulates all press issues.⁴ 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.

5. 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.

6. A new access to information law titled “Reorganization of the law relating to the right to civic access and disclosure requirements, transparency and dissemination of information by public authorities” was adopted in 2016.⁵

Implementation of Legislation:

¹ https://www.constituteproject.org/constitution/Italy_2012.pdf?lang=en

² Report submitted by UNESCO to the 49th session of the Committee on the Elimination of Discrimination against Women, 2011, p. 11.

³ http://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf

⁴ http://www.mcreporter.info/normativa/148_47.htm

⁵ https://www.rti-rating.org/wp-content/uploads/2018/12/Italy.FOI_2016.pdf

6. The Authority for Communications (AGCOM) regulates broadcasting related activities in Italy by issuing licenses to operators, promoting fair and accessible competition, resolving disputes, protecting copyrights, etc. The Authority is appointed by the Parliament and the President.⁶

Safety of Journalists:

7. UNESCO recorded no killing of journalists in Italy since 2008.

III. Review and specific recommendations

A. Education

8. Recommendations addressed to Italy during the last UPR cycle included: promote human rights education, combat discrimination based on gender and against the Roma, Sinti and Travel communities and migrant children.

New legislation

- **Act No. 107/2015** introduced a reform (**The Good School Reform**) of the national system of education and training whose primary goals include to:⁷
 - increase the educational level and students' competences to counter social, cultural and territorial inequalities;
 - prevent and cope with school drop-out;
 - promote the right to education and equal opportunities on training and vocational education of citizens.
- The **Jobs Act (2015)** modified the apprenticeship system. Apprenticeships leading to a professional certificate or a diploma will be integrated in regional vocational education and training systems and may give access to vocationally-oriented tertiary education.⁸

Free and compulsory education

- The Constitution guarantees the right to a **free compulsory education** independently from the nationality or social/legal conditions of parents. This concerns also foreign minors, regardless of their legal status. The educational path lasts for at least 10 years, being compulsory education addressed to minors aged 6-16.⁹
- No legal guarantees provide for free and compulsory preprimary education.

Policy framework

- The **National Operational Programme 2014-2020** outlines the objectives of the education system between 2014 and 2020.

⁶ <https://www.agcom.it/home>

⁷ Combined fifth and sixth periodic reports submitted by Italy under article 44 of the Convention, due in 2017, Committee on the Rights of the Child, 16 March 2018, CRC/C/ITA/5-6, para. 166.

⁸ OECD, Education Policy Outlook – Italy, February 2017, p. 9.

⁹ Combined fifth and sixth periodic reports submitted by Italy under article 44 of the Convention, due in 2017, op cit, para. 161.

- The **Italian Youth Guarantee Implementation Plan 2014-2020** was launched in 2014 and aims to provide quality offer of employment, education or training to young people who are not in employment or education.¹⁰
- The **National Plan for Digital Education**¹¹ was adopted by **Ministerial decree n. 851 of 2015**.
- Italy allocated 500 000 euros in 2015/16 for a **national action plan** to reduce **high early school-leaving rates** among foreign-born students (32.6% in 2014 and 31.3% in 2015).¹²
- The **National Guidelines for Vocational Orientation** were adopted in 2014.¹³

Access to quality education

- Italy reported on wider and more in-depth training opportunities and training improvement for students to lower dropouts.¹⁴

Gender equality

- **Act No. 107/2015** was passed in July 2015 and provides for the inclusion of education on gender equality in the national education and training system.
- Despite high enrolment rates of women at all levels of education, women remain concentrated in traditionally female dominated fields.¹⁵ Traditional stereotypes about women's role in society continue to undermine their educational prospects.¹⁶
- Girls of ethnic minorities face low levels of school attendance and high dropout rates.¹⁷

Inclusive education

- **Act No. 107/2015** stresses the need for “specific requirements for specialist teachers as well as the elaboration and adoption of indicators for self-assessment and school inclusion evaluation”¹⁸
- Discrimination persists against children with disabilities who face **limited access to education**,¹⁹ also due to the persistence of **physical barriers** in schools and the **absence of adequate training** of educational staff. The proportion of persons with disabilities among those who have not attended school is high while proportion of those who have obtained a high school diploma is low.²⁰

Minorities

- **Bill No. 3541/2016** was passed and provides for “a special protection of the linguistic and cultural heritage of Roma and Sinti Communities and aims at promoting their oral traditions,

¹⁰ OECD, Education Policy Outlook – Italy, February 2017, p. 10.

¹¹ http://www.istruzione.it/scuola_digitale/allegati/Materiali/pnsd-layout-30.10-WEB.pdf

¹² OECD, Education Policy Outlook – Italy, February 2017, p. 7.

¹³ Combined fifth and sixth periodic reports submitted by Italy under article 44 of the Convention, due in 2017, op cit, para. 161.

¹⁴ Ibid, para. 167.

¹⁵ Concluding observations on the seventh periodic report of Italy, Committee on the Elimination of Discrimination against Women, 24 July 2017, CEDAW/C/ITA/CO/7, para. 35.

¹⁶ Ibid, para. 25.

¹⁷ Ibid.

¹⁸ Combined fifth and sixth periodic reports submitted by Italy under article 44 of the Convention, due in 2017, op cit, para 134.

¹⁹ Concluding observations on the fifth periodic report of Italy, Committee on Economic, Social and Cultural Rights, 28 October 2015, E/C.12/ITA/CO/5, para. 20.

²⁰ Ibid.

children participation to cultural activities and religious practices, children use of their language, dissemination of culture, language, history, music, literature of Roma and Sinti Communities.”²¹

- The **National Strategy for the Inclusion of Roma, Sinti and Travelers** was adopted in 2012 with the aim to increase educational opportunities quantitatively and qualitatively.²²
- In 2014–2015 Roma, Sinti and Caminanti students increased (to 12.437), mainly in nurseries and junior high schools.²³
- The government carried out several actions including:²⁴
 - The **2016 project “La scuola al centro”**
 - The national project for the inclusion and integration of Roma, Sinti and Caminanti children.

Refugees, asylum seekers, migrant students

- The **dropout of migrant students is double** compared to that of Italian students. The need for special short-term special learning courses was reiterated in Act No. 107/2015.
- Additional actions include reception, linguistic and psychological assistance for unaccompanied minors; awareness raising projects on asylum seekers; and 2016 project “La scuola al centro”.²⁵

School environment

- Italy adopted the **2015 Guidelines for actions to counter bullying** and the **National Plan to counter bullying and cyber-bullying at school (2016–2017)**.²⁶
- A Registrar of School buildings was established by **agreement of 10 November 2016** to collect information on the conditions of school buildings. A triennial programme was adopted for 2015–2017 with an allocation of 3.7 billion euros to guarantee safety of school buildings.²⁷

Human rights education

- The Ministry of Education and Cittadinanzattiva signed in **2015 a MoU** aimed at promoting a culture of legality, security, well-being and citizenship in Italian schools.

Specific recommendations:

9. Italy should be encouraged to:
 1. Progressively introduce at least one year of pre-primary education, in accordance with international standards laid out in the Education 2030 Framework for Action.
 2. Further adopt comprehensive measures to promote access to education and reduce the significant number of school dropouts.

²¹ Combined fifth and sixth periodic reports submitted by Italy under article 44 of the Convention, op cit, para. 177.

²² Ibid, para. 191.

²³ Ibid, para. 171.

²⁴ Ibid.

²⁵ Ibid, para 170.

²⁶ Ibid, para. 91.

²⁷ Ibid, para. 163.

3. Continue promoting gender equality in education and eliminating stereotypes and patriarchal attitudes.
4. Set up comprehensive measures that are rights-based to develop a system of inclusive education and increase the proportion of children with disabilities who attend school and obtain a diploma.
5. Increase efforts to eliminate discrimination and exclusion of certain groups including minorities such as the Roma, Sinti and Caminanti, refugees, asylum seekers and migrants.
6. Adopt comprehensive measures to increase access to education of minorities, refugees, asylum seekers and migrant students and reduce the high number of school dropouts among migrant students.
7. Continue its efforts to ensure a safe learning environment for all.
8. Submit regularly national reports for the periodic consultations on UNESCO's education-related standard-setting instruments and notably the Convention against discrimination in education.
9. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.²⁸

B. Freedom of opinion and expression

10. The Government is recommended to decriminalize defamation from the Press Law as well as the Penal Code and place it within the civil code.

C. Cultural rights

11. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁹, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³⁰ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)³¹, Italy is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Italy is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

²⁸ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

²⁹ Periodic Report available at: <http://whc.unesco.org/archive/2015/whc15-39COM-10A-en.pdf>

³⁰ Periodic Report available at: <https://ich.unesco.org/en/state/italy-IT?info=periodic-reporting>

³¹ Periodic Report available at: <https://en.unesco.org/creativity/monitoring-reporting/periodic-reports/available-reports-31>

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

12. **Italy** submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). **Italy** reported that the guiding principles of the 1974 Recommendation, including the principles of respect for autonomy, freedom of research, non-discrimination, and respect for the human rights of researchers, are guaranteed by the Italian Constitution. Considering the high degree of autonomy of the Italian public research system, it autonomously undertook the European Commission's procedure to adopt the Human Resources Strategy for Researchers in the implementation of the European Charter and Code for Researchers, that are fully compliant with the 1974 Recommendation. Furthermore, Italy reported that public policies (including legislative measures) were elaborated to ensure the scientific researchers' right to publish research results in a transparent and timely manner, including establishing open access repositories by research institutions and universities. At the same time, Italy indicated that overall there was little progress made on the implementation of the 1974 Recommendation due to the insufficient financial, technical and human resources. In future, **Italy** is encouraged to report to UNESCO on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.