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ON CIVIL AND
POLITICAL RIGHTS**



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SUMMARY RECORD OF THE 257th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 October 1980, at 10.30 a.m.

Chairman: Mr. MAVROMIATIS

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The meeting was called to order at 10.45 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40
OF THE COVENANT (agenda item 4) (continued)

Italy (CCPR/C/6/Add.4)

1. At the invitation of the Chairman, Mr. Squillante (Italy) and Miss Cao Pinna (Italy) took places at the Committee table.

2. Mr. SQUILLANTE (Italy), introducing his country's report under article 40 of the Covenant (CCPR/C/6/Add.4), said that his Government attached great importance to human rights and had always striven to ensure their promotion and protection in the framework of the United Nations, the Council of Europe and the European Community. It had signed and ratified most of the international instruments in the field of human rights, including the United Nations Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination and the other conventions and agreements concluded within the United Nations and UNESCO, as well as the European Convention on Human Rights and its additional Protocols. It had sought to implement its commitments as fully as possible, particularly where international instruments made provision for certain optional clauses.

3. That international expression of his Government's will was reflected in the public administration of the State. As the international initiatives increased in number, the Government had concluded it was necessary to develop the departments concerned with the implementation of such international commitments. In 1978, the Minister for Foreign Affairs had set up the Interministerial Committee on Human Rights, which had specific competence and the special task of preparing the reports for submission to the international monitoring organizations. The text of the ministerial decree establishing the Interministerial Committee on Human Rights had been annexed to his country's report.

4. The report had been prepared in accordance with the guidelines laid down by the Human Rights Committee and his Government had tried to follow the structure of the Covenant closely in order to simplify consideration of the report.

5. Turning to the procedures whereby the Italian legal system was brought into line with conventional international law, he said that, when an international treaty was ratified or acceded to, the Italian Parliament passed an act which, on one hand, authorized the President of the Republic to ratify the treaty and, on the other, ordered the implementation of the international commitments within the Italian legal system. To that end, the text of the domestic act reproduced verbatim the text of the international treaty which was thus embodied in domestic law. The result of that procedure was that the legal provisions of the international treaty were introduced into the Italian legal system. Since a law thus drafted and adopted had the same standing as any other national law, anyone was entitled to request that it should be applied and the judge, for his part, could apply it directly.

6. The procedure was a particularly useful one in the field of human rights since the Human Rights Committee, or any other committee with similar competence, when it inquired as to the way in which Italian law assured the implementation of international agreements, found its answer in the fact that the actual rule of

international law could be applied in Italy. If, for instance, a person considered that existing Italian law was not able to put an international commitment into effect in a satisfactory manner, the fact that the commitment was drafted as a self-executing rule meant that he was able to request that the rule of international law be applied and thus overcome any difficulty, such as a gap in domestic legislation.

7. In conclusion, he congratulated the Committee on its work in the field of human rights and welcomed its choice of the method of dialogue, which ensured a close and effective co-operation in the consideration of reports.

8. Miss CAO PINNA (Italy) said that she would like to comment briefly on the procedures established by the Committee for the consideration of national reports on the implementation of the Covenant. The dialogue entered into between the Committee and the reporting State had developed a mutual understanding of the problems faced by the two sides. Her Government was aware of the problems of the other side from the Committee's annual report to the General Assembly, but the States parties also had their problems and the Italian report contained a number of concluding comments which it submitted to the Committee for its consideration.

9. Her Government welcomed the Committee's procedures for another reason: similar procedures were applied by the Committee on the Elimination of Racial Discrimination, were beginning to be applied for the national reports on the implementation of the Covenant on Economic, Social and Cultural Rights, and were likely to be applied in the case of the recently adopted Convention on the Elimination of Discrimination against Women as well as future conventions such as that on the abolition of torture and the convention dealing with the rights of the child. It appeared therefore that, in the absence of any effective international method of ensuring respect for human rights in all its Member States, the United Nations was developing, through the reporting system, a new method which at least enabled the international community to assess the world situation in the field of human rights.

10. While her Government welcomed that positive development, it was well aware that its effectiveness depended on all Member States ratifying the international conventions adopted by the United Nations. It therefore endorsed the strong appeal made by the Secretary-General in his introductory report to the General Assembly at its current session.

11. Her second point concerned the oral introduction of her Government's report. The scope of the Covenant was so broad and so complex that it was extremely hard to summarize. Any attempt to do so would involve a lengthy exercise of somewhat limited interest. On the other hand, if only certain articles of the Covenant were to be enlarged upon, the choice would be an arbitrary one, because all civil and political rights - indeed all human rights - were indivisible and interdependent and constituted an organic whole. Accordingly, after careful consideration as to the approach which might be most useful to the Committee, her delegation had decided to bring the report up to date by indicating the new developments which had occurred during the ten months since the report had been prepared.

12. Part I, section B, paragraph 3 (a) dealt with the popular referendum as a constitutional means of protecting human rights, while, later on in the report, there was some information on referendums relating to civil rights conducted in Italy in the 1970s. The instrument of the popular referendum was being increasingly used in Italy. Over the past ten months, a number of referendums had been proposed by the political parties, four of which related to civil rights in that they were designed to abolish the penalty of life imprisonment (ergastolo), to repeal certain articles of the Penal Code which were regarded as restrictive of the freedom of opinion, to repeal a governmental decree providing for urgent measures for the protection of the democratic order and public security and to repeal a number of penal measures connected with certain cases of the voluntary interruption of pregnancy. The Court of Cassation was currently checking the validity of the signatures submitted by the promoters of the referendum. Two other popular referendums had been proposed which were designed to repeal, either in whole or in part, the 1978 Law on the protection of Maternity and the Voluntary Interruption of Pregnancy, referred to in paragraph 29 of the report.

13. The last sentence of paragraph 6 of the Report referred to the wide dissemination of the International Covenant on Civil and Political Rights throughout Italy and the detailed studies of that and other human rights instruments that had been carried out by jurists and experts in the field of human rights. The two International Covenants, accompanied by commentaries, had been disseminated in 1980 on the initiative of the Presidency of the Council of Ministers by means of a publication entitled "The International Protection of Human Rights", the first chapter of which was devoted to the activities of the United Nations.

14. In connection with article 7 of the Covenant, paragraph 33 of the report mentioned that there were a number of cases pending before the judiciary involving the alleged illegal use of arms by public officials. Of the thirty cases in question, two had resulted in the acquittal of the officials concerned, while the rest were still pending. In connection with the same article, her Government had made a unilateral declaration of the right not to be subjected to torture or to other cruel, inhuman and degrading treatment.

15. Turning to article 9 of the Covenant, she noted that paragraphs 40 to 48 of the Report provided information on the right to liberty and security of the person, the guarantees available to anyone deprived of his liberty and the right to compensation in the case of unlawful arrest or detention. Special mention was made in paragraphs 41 and 42 of the frequent occurrence of acts of terrorism and political violence and of kidnapping for the purpose of extortion, terrorism and subversion of the democratic order. The report also provided information on laws enacted in 1975 and 1978 to meet the need for increasing safeguards in order to preserve the security of the community and to uphold the democratic institutions.

16. She wished to draw attention to the fact that a popular referendum designed to repeal certain provisions of the 1975 Law had been held in June 1978. Its outcome had reflected the horror of the Italian people at the escalation of terrorism. More than three-quarters of the electorate had voted against the measure and the 1975 Law had remained fully in force.

17. In view of the persistence of acts of terrorism, her Government had enacted Law No. 15 of 16 February 1980 providing, inter alia, for increased penalties for crimes intended to subvert the democratic order and specific penalties for those who promoted or directed associations having that aim. The Law also provided for the

denial of provisional liberty to persons accused of such crimes unless their state of health was particularly serious; established incentives for anyone who dissociated himself from acts of terrorism and collaborated with the police and judicial authorities in the assessment of evidence; and prescribed that officials and agents of the public security, in carrying out operations to prevent the commission of a crime, might detain for not more than 48 hours persons whose behaviour led to the suspicion that they might attempt to commit a crime falling within the scope of the new law. The last-mentioned faculty, whose application had immediately to be reported to the judiciary for validation, differed from the 1975 Law in that it might be used as a preventive measure. The Minister of the Interior was required to report to Parliament every two months on the preventive action taken.

18. Another preventive measure enabled officials and agents of public security, if duly authorized by the judicial authorities, to search houses and buildings when there was a well-founded suspicion that a wanted person or certain objects were hidden in them. Lastly, she wished to mention Law No. 1966 of 13 August 1980 concerning monetary contributions made by the State to certain categories of public officials wounded in the course of their duties and to citizens who had been victims of acts of terrorism.

19. Turning to paragraph 46 of the Report, she said that a second case had recently been referred to the European Court of Human Rights. Finally, paragraph 58 of the Report mentioned a draft bill introducing supplementary regulations governing the status of aliens. That bill had been submitted to Parliament in January 1980 and was under consideration.

20. Her delegation hoped that its original written report and supplementary oral report would be helpful to the Committee in discharging its important functions and it would welcome any comments that the Committee might wish to make.

21. Mr. GRAEFFRATH congratulated the Government of Italy on submitting a very interesting and complete report which also contained a number of useful suggestions. It had also given rise to many new questions, some of which had been answered in the very substantial oral introduction to the Report. He welcomed the initiative of setting up the Interministerial Committee on Human Rights, whose work might be of interest to other States parties. Indeed, the Committee might, at some stage, give thought to the possibility of drawing the attention of States parties to the methods used by other States parties to implement the Covenant.

22. Part I, section B of the Report provided information on the general principles applied in Italy in the area of human rights, as well as general information and policy statements which gave some idea of the special approach adopted by the Government of Italy to human rights. Two of the expressions used seemed to be of some importance. Paragraph 2 (a) referred to "economic pluralism" and he would like to know what was meant by that expression and how it affected human rights. The same paragraph also contained a reference to "equal social dignity" in relation to article 3 of the Constitution which, however, spoke of "equal social status" and he would like to know what was meant by "equal social status". Paragraph 11 of the report also referred to article 3 of the Constitution which contained a clause of a policy nature requiring the State "to remove the economic and social obstacles which in practice hinder the full development of the human person by limiting the equality and freedom of citizens". That aspect was of considerable importance for the Committee and he would like to know which economic and social obstacles limited the freedom of citizens in contemporary Italy.

23. Paragraph 4 reflected a somewhat narrow interpretation of the methods which were deemed to be sufficient to protect and ensure human rights, namely, that laws should not run counter to the protection of human rights and, secondly, that the protection of all human rights was ensured by the jurisdictional system through ordinary courts. It seemed to him that to ensure the enjoyment of human rights under the Covenant required more than legal and judicial protection and called for special activities by the State and its authorities.

24. Paragraph 5 stated that the Covenant had been incorporated into Italian domestic law and that any citizen might invoke its provisions. He wondered whether that was sufficient in itself. In the event of someone being denied the right to have his sentence reviewed by a higher tribunal, it would hardly suffice for him merely to invoke the Covenant in order to establish the review competence of the Supreme Court. Some legislation would probably be necessary to establish a court competence.

25. Paragraphs 16 to 18 of the Report, dealing with the equality of men and women before the law, demonstrated that, while incorporation of the Covenant was an important step, it did not cover all the problems involved. Practical and administrative measures would certainly be needed in the event that a law was in contradiction with the Covenant. It appeared, from article 136 of the Constitution, that such a law would continue in force until the Constitutional Court had published a decision declaring it unconstitutional and he wondered who would be able to initiate proceedings before the Constitutional Court in such cases. To take another example, article 23 of the Covenant provided for the equal right of men and women to marry and that article fell under the protection of the general prohibition on discrimination laid down in article 2 of the Covenant. Supposing that there was a law which made the marriage of law-enforcement officials dependent on a special permit (for instance, if they had not reached 25 years of age or completed at least four years of service), he wondered what would be the actual effect of the incorporation of the Covenant into Italian law and whether a person affected by such a law could, by invoking the Covenant, be allowed to marry. If such were not the case, he would like to know what kind of procedure the person would have to institute to get the regulation suspended.

26. Turning to specific articles in the Covenant, he noted the statement in paragraph 9 (a) of the report, in connection with article 1 of the Covenant, to the effect that Italy believed in the peaceful transition from South Africa's illegal occupation to Namibia's independence. It was not clear whether that meant that the Government of Italy was in favour of imposing sanctions against South Africa and of ending the illegal occupation of Namibia or what it meant insofar as support for the liberation movement in Namibia was concerned. Paragraph 9 (b) stated further that Italy was committed to working to overcome the South African policy of apartheid. He wondered whether that meant that the Government prohibited Italian companies from rendering economic, financial or any other assistance to the apartheid régime and whether it had prohibited private investment in and loans to South Africa.

27. Paragraph 10 of the report contained a policy statement regarding the right to self-determination of the Palestinian people which avoided using the words "people" and "self-determination". It was not clear from the language used whether the right of the Palestinian people to self-determination was recognized or not. In the same paragraph, the word "homeland", which smacked somewhat of the South African Bantustan policy, was used when what in fact was at stake was an independent Palestinian State. While he fully endorsed the statement that all countries in the area had the right to live "in peace within secure and recognized frontiers", he noted that, regrettably, the only people in the Middle East who had

never had an opportunity to do so were the Palestinians. The report expressed the hope that the objectives of the PLO might find the broad consensus to which it aspired and he wondered whether that meant that the Government of Italy recognized the PLO as the legitimate representative of the Palestinian people. He would not have raised those questions regarding article 1 of the Covenant had they not been introduced in the Report itself.

28. In connection with article 3, paragraph 16 of the report referred to the persistence of some de facto discrimination against women. He would be grateful if the Government could provide the Committee with further details regarding that discrimination and the measures being envisaged by the Government to counteract it.

29. On the subject of article 6, paragraph 28 of the report referred to the provisions of the Penal Code on crimes against the person. While he was grateful for the additional information that had been provided earlier in the meeting regarding the fight against terrorism and political murder, he considered that the right to life as laid down in the Covenant could not be restricted to the abolition of capital punishment and would like to have some more information about what the Government had done to reduce infant mortality and to establish an effective public health system. There also appeared to be no specific provision in the Penal Code prohibiting torture. It was unclear whether the Government considered that the existing provisions sufficed or whether it envisaged amending the Penal Code to that end.

30. With respect to article 8, he wondered what was meant by the expression "anti-social behaviour", in paragraph 37 of the Report, and how it was interpreted by the Italian courts. It would also be interesting to learn what assignment to a farm colony or a labour establishment, as referred to in paragraph 38, entailed, and how many persons there were in such colonies or establishments. The second sentence of paragraph 38 appeared to mean that a single judge could, without any ordinary court proceedings, assign a person who had not committed any crime to a farm colony simply on the "basis of the circumstances and aptitudes of the person in question". He wondered what the "delinquent tendencies" referred to in that paragraph were, how they were ascertained and by whom.

31. In regard to the right to be tried within a reasonable time, referred to in paragraph 45 of the report, it would be useful to know what was the average time for criminal proceedings in Italy. A normal period of pre-trial detention which could last for eight years, or even longer, if he had understood the report correctly, seemed unduly long. Custody pending trial meant custody before the person had been found guilty, and such extremely long periods of custody were difficult to justify under the Covenant.

32. In regard to article 14, he wondered whether the statement in paragraph 62 of the Report meant that the accused was considered innocent. The difference might be of some importance in connection, for instance, with the length of pre-trial detention.

33. In regard to article 20, repudiation of war was not, in his view, quite the same as the prohibition of war propaganda. It therefore seemed that there was no law corresponding to the obligation under article 20 of the Covenant.

34. Paragraph 100 of the report referred to the establishment of a minimum age for the employment of children. He would like to know if any information was available regarding the employment of children under 15, whether the exploitation of child labour had been abolished, and whether the situation was identical in different parts of Italy.

35. As to minorities, there was a brief reference to Albanians. He would like to know what their situation was, how many of them there were, whether they had schools conducted in their own language and whether it was accepted as an official language.

36. Mr. HANCA, having thanked the Government of Italy for a very full and clear report and the Italian representatives for a very valuable introduction, asked, in connection with paragraph 3(b) of article 2 of the Covenant, whether, in the event that a person applied or made a complaint to the administrative authorities regarding a question of civil or political rights and the authority in question did not respond within the stipulated period or did not respond at all, the author of the request or complaint would be entitled to apply to the courts to compel the authority to take action or whether he could only apply to a higher administrative authority.

37. In regard to article 4, he noted from paragraph 21 of the Report that a state of emergency could be declared under the terms of a law enacted in 1931. That law must surely be somewhat obsolete and he wondered whether it was fully in conformity with article 4 of the Covenant.

38. In regard to article 6, he noted that the second paragraph of article 32 of the Italian Constitution provided that no one could be forced to undergo any particular medical treatment, save as specified by the law. He would like some clarification on that point, since the constitutional provision did not seem to draw the necessary distinction between physical and mental ill health. It was also important to bear in mind the need to protect public health, particularly the health of young people, and he wondered whether there were any laws in Italy which prohibited the abnormal use of drugs for other than medical purposes.

39. In regard to article 14, he asked whether, in addition to the traditional civil and criminal courts, Italy also had, for example, administrative, financial, labour and social security tribunals and, if so, what their spheres of legal competence were.

40. In regard to article 16, he asked whether there were any reasons, other than the political reasons referred to in article 22 of the Constitution, for which a person could be deprived of his legal status, citizenship or name.

41. In regard to article 18, he asked how the law solved any difference that arose between parents regarding their freedom to ensure the religious and moral education of their children, to which reference was made in the first sentence of paragraph 78 of the report.

42. In regard to article 20, while he welcomed the fact that the Constitution repudiated war, he considered it necessary to prohibit by law any propaganda for war and any advocacy of national, racial or religious hatred.

43. In regard to article 22, he noted the use in reference to associations, in the French version of the second sentence of paragraph 88 of the report, of the word "occulte". He believed that what should have been used was the word "secret" in line with article 18 of the Constitution.

44. Paragraph 90 of the report referred to the "Workers' Statute", in which connection he would like to know whether, in the light of article 39 of the Constitution, the trade unions played any part in the settlement of disputes that

arose between management and labour and whether there were any legal provisions to that effect. He also wondered whether foreigners resident in Italy were entitled to form unions and, if so, on what conditions.

45. In regard to article 23, he asked whether, on marriage, a couple could choose to take the surname of either the husband or the wife, or could use both names and, if so, which of the two could decide, and whether a foreign woman who married an Italian acquired Italian nationality and also retained her own nationality. In that connection, he noted that the second paragraph of article 29 of the Constitution stated: "Marriage is based on the moral and legal equality of husband and wife, within the limits laid down by the laws for ensuring family unity". He asked for further information regarding those laws.

46. In regard to article 24, he noted that the last paragraph of article 30 of the Constitution stated: "The law lays down rules and limitations for ascertaining paternity". He presumed that that provision referred to voluntary recognition of paternity as opposed to recognition through legal proceedings taken against the father.

47. It was also unclear what the nationality of children was if one of the parents was not Italian and what the position was in the case of legitimation or adoption if the child was a foreigner. He wondered whether such a child acquired dual nationality.

48. In regard to article 25, he noted that paragraph 102 (b) of the report made reference to "persons of unsound mind". It was, however, necessary to distinguish between persons who were lucid, persons who were not, and persons who had alternating periods of lucidity and non-lucidity. Since the value of the votes of persons who had lost their power of reason was distinctly dubious, he would be grateful for some clarification in that connection.

49. In regard to article 26, he noted that the second paragraph of article 3 of the Constitution was particularly important in that it was based on the premise that political equality was impossible in the absence of adequate economic conditions for all. In that connection, the second paragraph of article 42 of the Constitution stated: "Private ownership is recognized and guaranteed by laws which prescribe the manner in which it may be acquired and enjoyed and its limitations, with the object of ensuring its social function and of rendering it accessible to all". He would like to know by what legal means such limitations were established.

50. Article 44 of the Constitution was also an extremely important one in that it dealt with agrarian matters which had been a central bone of contention since classical antiquity. It would be useful to know what laws had been promulgated to ensure the transformation of "large estates and the institution of productive units", as referred to in article 44 of the Constitution.

51. Article 46 of the Constitution was also important and he would like to know what results had been achieved as a result of the participation of workers in the management of companies.

52. In regard to article 27 of the Covenant, he asked whether there were any laws, administrative practices or customs which ensured that the minorities were represented in Parliament.

53. Sir Vincent EVANS, commenting on the introduction to the report, said that the Interministerial Committee on Human Rights, which included not only Government representatives but also representatives of private organizations and scholars, was an admirable mechanism, that had helped to produce one of the best reports the Committee had yet received. Drawing attention to the attributes of that Committee as described in article 1 (a) of the decree by the Minister for Foreign Affairs reproduced in the annex to the report, he said that he particularly welcomed the words "in the light also of the experience gained abroad" because it had always been his conviction that one of the most effective services the Committee could offer to the States parties was to provide a forum in which they could learn from each other's experiences; and the Interministerial Committee was an example which other States should consider following. He hoped that the Committee would draw attention to that institution when formulating its general comments under article 40 of the Covenant.

54. Equally commendable and worthy of emulation were the measures described in the last subparagraph of paragraph 6 of the report to ensure wide publicity for the Covenant, because the Covenant could be really effective only to the extent that it was made widely known. It should be the aim of the Committee to make the Covenant a vital part of international life. Italy's action was an extremely important step in that direction, and should be referred to in the Committee's general comments.

55. Turning to paragraph 5 of the report, which indicated that the Covenant had been incorporated into Italian domestic law and could therefore be invoked by any citizen not only in the courts of law but presumably also in their relations with the administrative authorities, he would like to know what the status of the Covenant was in the hierarchy of Italian legislation. If a provision of domestic law conflicted with a provision of the Covenant, he wondered which of them prevailed. It would also be useful to know whether the provisions of the Covenant were frequently invoked in practice, either before the courts or before administrative authorities, and he hoped that relevant examples could be given to the Committee.

56. Turning to part II of the report, he said that it was extremely important to ensure that individuals claiming that their human rights had been violated enjoyed the legal remedies provided for in article 2, paragraph 3 of the Covenant. In connection with the relevant sections of the report, he wanted to know whether the Constitutional Court of Italy had the power to judge whether the laws of the country were compatible with the Covenant and, if not, to declare them invalid. He also wondered whether the Council of State exercised jurisdiction over administrative laws affecting the individual in his relations with the administrative authorities. Since it was located in Rome, it was hardly in a position to adjudicate every dispute arising between an individual and the administrative authorities, and he wondered whether there were regional, provincial or local administrative courts below it and how the system worked in that respect.

57. He noted that on page 9 of the foreword to the Constitution, police courts were listed under civil rather than penal courts and he would like to know why. He also noted that article 102 of the Italian constitution stated that the law laid down the reasons and the manner in which private persons participated directly in the administration of justice. He would like to know what that meant and whether it referred to some system of juries, arbitrators, lay magistrates or assessors.

58. In connection with article 4 of the Covenant, he drew attention to paragraph 22 of the report concerning measures to combat kidnapping, terrorism, subversion and other political crimes. While the Committee was well aware of the serious situation which prevailed in Italy in that regard, it was nevertheless a fact that the relevant Italian measures, i.e. Law No. 152 of 22 May 1975 and Decree-Law No. 59 of 21 March 1978, were not emergency measures in the sense of article 4. He thought that, in the circumstances, further information indicating exactly what those measures were would be very helpful.

59. He was extremely pleased to note that the death penalty had been abolished in Italy in time of peace, but paragraph 26 of the report indicated that it could be applied in certain circumstances under the Military Code of War. He wondered whether the Government of Italy was prepared to reconsider those exceptions.

60. Referring to paragraph 49 of the report, relating to article 10 of the Covenant, he would like to know what procedures were available in Italy to investigate the case of a prisoner complaining of ill-treatment in prison, who conducted the investigation, and what the practical results were. In particular, it would be useful to learn whether a person independent of the prison authorities was authorized to inspect prisons, receive complaints and take action.

61. Turning to paragraph 37, relating to article 8 of the Covenant; he drew attention to the last sentence referring to persons required to work in penal establishments because their antisocial behaviour was particularly dangerous for the community. He viewed that provision with grave suspicion because "antisocial behaviour" was subject to such a wide range of interpretations. Indeed, in some countries, it was used to refer to anyone who criticized the régime. While he was sure that the existing Government of Italy would apply the provision with discretion, its abuse by future Governments was still possible and he would like to hear some comments regarding it.

62. Turning to paragraph 58, relating to article 13, he wondered whether it could be assumed that the provisions of the draft bill approved by the Council of Ministers for Consideration by Parliament were in conformity with that article.

63. In connection with paragraph 72, relating to article 17, he would like some more information regarding the exceptions that could be made to the inviolability of domicile and to the inviolability and secrecy of correspondence, and the circumstances in which telephonic interception might be authorized.

64. In connection with the paragraphs of the Report relating to articles 23 and 24 of the Covenant, which required that States parties take measures to ensure the protection of the family and the child, he noted that the employment of women outside the home had become quite common, and was in fact quite rightly encouraged in order to promote equality between men and women, although it did give rise to serious problems with regard to the raising of young children. Paragraph 18 of the Report indicated that the situation of the working mother was adequately protected by Law No. 1204 of 30 December 1971 and stated that the first Italian report on the International Covenant on Economic, Social and Cultural Rights would contain a more detailed analysis of the situation of working women. However, that situation was also relevant to articles 23 and 24 of the Covenant on Civil and Political Rights and he would like more information on the measures adopted in Italy to help working mothers raise their children.

65. Mr. SADI said that he had some doubts regarding the position of the Covenant in the Italian legal system, as described in paragraph 5 of the report. The third subparagraph of paragraph 5 stated that the Covenant had been ratified and unanimously approved by both branches of Parliament and had been thus incorporated into Italian domestic law. He would like to know what was meant by the expression "self-executing" and whether it referred to an article of the Constitution. The last subparagraph of paragraph 5 stated that, when there was a conflict between the provision of the Covenant and a provision of Italian domestic law, it could be assumed that the court would tend to apply the Covenant. Despite the verbal assurances to that effect given by the representative of Italy, he thought that further clarification was required.

66. He drew attention to the fourth subparagraph of paragraph 6 of the report, with its reference to the need for international vigilance and control in respect of human rights, a statement which deserved the highest praise. He firmly shared the conviction that national sovereignty could not be used as an excuse for States to do what they pleased in the matter of human rights.

67. In connection with paragraph 9 of the report, relating to article 1 and the right to self-determination, he wanted to know specifically whether Italy applied the United Nations economic and military sanctions against the apartheid régime in South Africa, and whether it supported not only an over-all settlement of the problem of the Palestinians in conformity with Security Council resolutions 242 and 348, but also self-determination for the Palestinians. Since support for self-determination must also take the form of material aid, certainly economic if not military, he wanted to know what Italy's position was with respect to the plans by UNDP to extend its aid to the Israeli-occupied territories.

68. In the last subparagraph of paragraph 11, relating to article 2 of the Covenant, he noted that the Italian Constitution stated that all citizens had equal social dignity and were equal before the law. Since the Covenant, referred to individuals and not to citizens, he was not certain that the provision in question was not in keeping with article 2.

69. In connection with article 4 of the Covenant, he drew attention to the first subparagraph of paragraph 19 of the Report and wondered whether the interpretation given there was applicable to the Italian Laws of 1975, 1978 and 1980, whether those laws had been promulgated under a proclamation of a public emergency in accordance with article 4 and, if so, whether that public emergency threatened the very life of the nation. While fully sympathizing with Italy's struggle to control terrorism, he felt that, in a democracy, methods other than the resort to a situation of public emergency were available. The resort to a situation of public emergency had been far too frequent, particularly in developing countries, and examples of restraint in that regard could be very useful.

70. He drew attention to paragraph 26, relating to article 6 and said that he deplored the use of "cowardice" as a justification for the death penalty, because it was a personal trait reflecting heredity or environment that was beyond the control of the individual. He also thought that the death penalty for violations of the basic duties of command might well be contrary to recent protocols to the Geneva Convention, according to which superior orders to commit crimes were not valid.

71. In paragraph 57 of the report, relating to article 13, he noted that the second subparagraph indicated that an alien could be expelled for an offence against the personality of the State. He would like to be informed of the nature of such an offence.

72. In connection with paragraph 83, relating to article 20, he said that a specific law against war propaganda was required and that Italy had, consequently, not complied with article 20.

73. Turning to paragraph 93, relating to article 23, he said that it was his understanding that, whereas a woman could become an Italian citizen by marrying an Italian man, a man could not become an Italian citizen by marrying an Italian woman. That was a case of blatant sex discrimination which should be abolished.

The meeting rose at 12.55 p.m.