UNITED
NATIONS

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Economic and Social Council

Distr.
GENERAL

E/1980/6/Add.31
21 April 1983

ORIGINAL: ENGLISH

First regular session of 1983
Item 4 of the provisional agenda*

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant, concerning rights covered by articles 10 to 12

ITALY

[17 February 1983]

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INTRODUCTION

The present report on social rights laid down by the United Nations in articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights has been prepared by the Interministerial Committee of Human Rights, instituted in 1978 by decree of the Minister for Foreign Affairs in order to fulfil in the best possible way the commitments undertaken by Italy with the ratification of international conventions on human rights. The decree instituting the Committee is reproduced as an annex to the previous report on economic rights (E/1978/8/Add.34).

The present report has been prepared with the contribution of the representatives of the ministries permanently forming part of the Committee (Foreign Affairs, Home Affairs, Justice, Education, Health, Labour and Social Security); representatives of other ministries invited to collaborate una tantum in relation to the matters to be dealt with (Budget and Economic Programming, Agriculture and Forests, Public Works); and representatives of the Central Institute of Statistics.

The report has been drawn up following, in its general outline, the layout recommended by the United Nations, and contains the necessary references to the previous report on economic rights when the matter was also dealt with in that report. The statistical data are partly incorporated in the text and partly reproduced in the annexes.

Article 10

PROTECTION OF THE FAMILY, OF MATERNITY, OF CHILDREN AND JUVENILES

Chapter I

PROTECTION OF THE FAMILY

A. The family in the Italian Constitution

1. Article 29, first clause, of the Constitution states that

> "the Republic recognizes the family as a natural association founded on marriage".

By the term "natural association", the Constitution does not intend to give a definition of the family, but to recognize its primitive nature, pre-existent to the formation of the State, its natural set-up and its sphere of autonomy with regard to the State. Furthermore, in explicitly recognizing the rights of the family, the Constitution placed limits upon the action of the State in the sense that a public intervention intended to safeguard the family must respect its essential and traditional characteristics.

2. Among these characteristics, there is, above all, the process of formation of the family through marriage, which is contracted with the free will and full consensus of the future husband and wife. The State therefore limits itself to controlling false pretences to the marriage and to prescribing the form of celebration of the marriage in accordance with which the Official of Civil Status, in the presence of two witnesses, receives from each of the two parties the "declaration" that they wish to take each other respectively as husband and wife (art. 107 of the Civil Code). In Italy, therefore, the right of the man and the woman to freely contract marriage and to form a family - as laid down by article 10, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights - is fully recognized and, as will be seen later, finds limits only in the minimum age required to contract marriage.

3. The Italian Constitution does not limit itself to recognizing the rights of the family as a natural association founded on marriage, but also establishes some fundamental principles concerning the reciprocal position of the husband and wife, their duties toward the offspring, even if born out of wedlock, the forms of social welfare of the family, of maternity, of infancy and youth, as well as the special protection of the working mother. The related Constitutional regulations are thus formulated, and leave to the legislator the task of defining their contents and limits:

(a) "Marriage is based on the moral and legal equality of husband and wife, with the limits laid down by the law ensuring family unity" (art. 29, second clause);

(b) "It is the duty and the right of the parents to support, instruct and educate the children, even those born out of wedlock; should the parents prove incapable, the law states the way in which these duties shall be fulfilled" (art. 30, first and second clauses);

(c) "The law ensures full legal and social protection for children born out of wedlock consistent with the rights of the members of the legitimate family" (art. 30, third paragraph);

(d) "The Republic facilitates, by means of economic and other provisions, the formation of the family and the fulfilment of the functions therewith with particular consideration for large families; it safeguards maternity, infancy and youth, promoting and encouraging institutions necessary for such purpose" (art. 31);

(e) "Female labour enjoys equal rights and the same wages for the same work as male labour. Conditions of work must make it possible for them to fulfil their essential family duties and provide for the adequate protection of mothers and children" (art. 37, clause 1).

4. In the course of the legislative and administrative implementation of the Constitutional regulations, there were also laid down ex novo two further principles and provisions of Law which have been recognized as being in conformity with the Constitution: these are the regulations in cases of dissolution of marriage and the guarantee of the right to conscious and responsible procreation.

5. An examination now follows of the present system of welfare of the family as a definite result of a series of reforms and innovations carried out during the course of the 1970s.

B. The new family rights

6. The implementation of the Constitutional principles shown in paragraph 3 required a thorough reform of the family rights in force at the time of the enactment of the Constitution for the purpose of eliminating institutions, traditions and prejudices no longer admissible in a modern society, such as the condition of inequality of the woman in marriage and that of the juridical and social inferiority of children born out of wedlock.

7. The process of preparation of the reform thus appeared particularly complex and was, in actual fact, very long and much debated. However, a positive conclusion was reached with the adoption of Law No. 151 of 19 May 1975, which was approved by Parliament almost unanimously. The adoption of the new family rights thus coincided with the period in which, all over the world, the pleas of women's equal rights movements found their highest expression in the proclamation of the United Nations Decade for Women.

8. The reform of the family rights was preceded by various sentences of the Constitutional Court which, in pronouncing the unconstitutionality of some regulations of the 1942 Civil Code and of other laws, had already partially given concrete meaning to the principles of parity of husband and wife, of the unity of the family and of the safeguard of children born out of wedlock.

9. In proceeding with the reform, the legislator was concerned, above all, with creating the presuppositions that the family be constituted, from the very outset,

on solid bases and thus be suitable to carry out its tasks. For this purpose, the minimum age to contract marriage was raised from 16 to 18 years, making it thus coincide with the attribution of adult to citizens who had reached their eighteenth year of age, as per Law No. 39 of 8 March 1975. Only in the case of serious reasons and with prior assessment by the judge of the psycho-physical capacity of the minor is marriage granted to persons who are only 16 years of age.

10. For the same purpose, the reform disciplined the false pretences to marriage, widening the case history already in existence and also envisaging the case of simulation, for which those who married pretending to want a marriage but in actual fact did not so want, can re-acquire their freedom against a declaration of nullity of the marriage bond.

11. The reform brought profound innovations to the regulations previously in force on the position of the husband and wife in marriage, to adjust them to the principle of juridical and moral equality of both laid down in article 29 of the Constitution. It ruled, in fact, that "with the marriage, the husband and wife acquire the same rights and assume the same duties", thus abolishing, even formally, the traditional figure of the pater familias and eliminating the anachronistic affirmation of the supremacy of the husband in the family. This fundamental regulation gave rise to the following more significant innovations:

(a) The decision concerning the family address and residence must take place with the mutual agreement of the couple, and the power to implement it lies with each of them; in case of disagreement, each party may request the intervention of the judge. Such intervention is intended as a means to reach a solution between husband and wife, in the respect of the autonomy and self-government of the family; should the judge not succeed in reaching such solution, he adopts that which he deems to be the more suitable for the requirements of the unity and life of the family;

(b) Both husband and wife have the obligation to concur in maintaining the family in proportion to the respective possibilities and according to the working capacity of each; thus, there is recognized the economic contribution which the woman gives to family life also when her activity is carried out only within the ambit of the family;

(c) In the absence of different matrimonial agreements, the system of "community property" rules, for which both parties have parity of rights in the ownership and administration of the assets purchased during the marriage and in the attribution of a proportional part of the patrimony in the case of legal separation or dissolution of marriage (which is dealt with in para. 15 below); furthermore, in the case of the decease of the husband, the woman acquires, together with the children, ownership of a part of the patrimony and no longer only the tenancy; lastly, the practice of the dowry was abolished;

(d) The natural and constitutional obligation of supporting, bringing up and educating the children is imposed upon both parents, taking account of the capacity, natural inclination and desires of the children;

(e) The wife retains her original surname, to which is added that of the husband.

12. The new family rights also have profound effects on the condition of children born out of wedlock, aligning the regulations of the Civil Code with the Constitutional principle already indicated in paragraph 3 above, according to which the Law assures them of every juridical and social safeguard compatible with the rights of the members of the legitimate family. In fact, the recognition of the natural child can be done by the father or mother even if already united in marriage with another person at the time of conception. Only incestuous children cannot be recognized by their parents, except in the case in which they were unaware of the bond of relationship or affinity existing between them.

13. Recognition involves, on the part of the parent, the assumption toward the natural child of all the duties and rights which he has toward the legitimate children and assures equality of status of the legitimate and natural children with regard to inheritance.

14. Also envisaged is the insertion of the natural child in the legitimate family which may be authorized by the judge on the basis of conditions intended to safeguard the rights of the members of the legitimate family and those of the other parent of the natural child who recognized him. With these regulations the necessary dignity of children born out of wedlock is guaranteed and, at the same time, the alteration of the natural family set-up is avoided, thus maintaining stability and harmony for the legitimate family.

15. Where stability and harmony are lacking in the family, the regulations concerning dissolution of marriage are applied, as laid down prior to the reform of the family rights by Law No. 898 of 1 December 1970, and thus already acquired as part of the new family rights.

16. On the basis of this law the dissolution of marriage is admitted in the case of legal separation uninterrupted for at least five years. It is thus recognized that spiritual and material communion between the married couple is an essential requisite in order that the family formed with the marriage may fulfil its function of fundamental nucleus of society. The dissolution of the marriage is also admitted at the request of one of the two parties when the other party has undergone certain penal sentences and in other specific circumstances as indicated in the above-mentioned Law No. 898.

17. The pronouncement of dissolution of the marriage must, in every case, be preceded by an attempt at reconciliation on the part of the judge. Should such attempt have no positive result, the judge pronounces the cessation of the civil effects of religious marriages transcribed in the registers of the population, or of non-religious marriages celebrated only before the Official of Civil Status.

18. The regulations concerning legal separation of the married couple and dissolution of marriage provide for the necessary protection of the children. The natural and constitutional obligation of each of the parties of supporting, bringing up and educating the offspring is laid down by the new family rights to an

extent proportional to the means of the two parties and to their professional work or house work, and remain even when one of the parties or both contract a second marriage.

19. Furthermore, the court that pronounces the legal separation of the couple or the dissolution of the marriage decides to which of the parents the children are to be entrusted, under the surveillance of the tutelary judge, and, in the case of serious reasons, may order that the offspring be placed with another person or, should this not be possible, in an educational institution. In any case, the parents retain the right and obligation to follow the education of the children.

C. Measures to facilitate formation of the family

20. As stated in paragraph 3, the first clause of article 31 of the Constitution states that the "Republic facilitates, by means of economic and other provisions, the formation of the family and the fulfilment of the functions therewith with particular consideration for large families".

21. This regulation - in the same way as other constitutional regulations inspired by principles of ethical and social justice, and in the same way as those laid down by article 10, paragraph 1, of the International Covenant, is of a programmatic nature, in the sense that it does not create a juridical pretence of the families to adopt particular measures, but leaves its concrete implementation to the action of the social policy of the State.

22. The present Italian arrangement prohibits the dismissal from work of the woman in case of her marriage (Law No. 7 of 9 January 1963). There are no other regulations intended to facilitate the formation of the family if by such regulations are meant directives of law which envisage the payment of specific indemnities or other provisions (such as, for example, first requirements allowances) on the occasion of marriage.

23. A measure of this type, namely, the marriage (and birth) insurance which was instituted in 1939 and took the form of the payment of a certain indemnity to workers of both sexes on the occasion of marriage (and of birth of children), was abolished by Law No. 860 of 26 August 1950, concerning the "physial and economic safeguard of the working mother" in favour of more fitting and efficacious measures of health and social assistance, which were further extended by Law No. 1204 of 30 December 1971. These measures will be dealt with later (chap. II) in reference to the welfare of maternity as per article 10, paragraph 2 of the International Covenant.

24. However, there is envisaged, in the case of marriage, a period of leave varying from 8 to 15 days according to the sectors of activity.

D. Measures to facilitate fulfilment of the family functions

1. Economic

25. It is necessary to state beforehand that the measures exclusively or prevalently intended to help the family in the performance of its functions do not exhaust the entire framework of the social protection of the family.

26. Generally speaking, in fact, it can be said that in a democratic country such as Italy, where, by reason of the regulations of the Constitution, it is the duty of the State to remove the obstacles of an economic and social nature which de facto limit the freedom and equality of status of citizens (art. 3), where labour is safeguarded in all its forms and applications (art. 35), where the trade union organization is free (art. 39), and where private economic initiative is free but cannot be exercised in conflict with the social interests (art. 41) - social policy and also, partly, economic policy were intended to ensure, according to the resources available and the aims of social justice, rising standards of living of the population, with particular attention to low-income families, to facilitate their tasks, especially if the family is large.

27. However, in the context of the economic and social policy of the country in recent years, it would not be an easy task to identify all the measures adopted by the State that have direct repercussions on the conditions of families, both in a positive manner during periods of sustained economic development, and in a negative manner during periods of recession or economic instability or inflation and budget difficulties, such as that through which Italy is passing at the present time and which, in its general outline, was described in the first Italian report on economic rights (see E/1978/8/Add.34, paras. 6-8).

28. An outline is given below of the economic measures which, in the present Italian organization and in the consequent administrative action, have the exclusive and prevalent aim of helping families in the performance of their functions.

(a) Family allowances

29. Article 36 of the Constitution states that "an employed person is entitled to wages in proportion to the quantity and quality of his work and in any case sufficient to provide him and his family a free and dignified existence".

30. According to the Constitutional regulation, which fully corresponds to that stated in article 7 of the International Covenant, the compensation of the worker must therefore respond to two inseparable requisites: that of "equity" with respect to the work carried out, and that of "sufficiency" with respect to the living requirements of the worker and his family.

31. The nature of the first requisite and the means for determination of a fair compensation through collective negotiation were illustrated in the first Italian report on economic rights as stated by the International Covenant (see E/1978/8/Add.34, paras. 27-35).

32. On the other hand, in this report it is of interest to bring out the system of family allowances which is intended to ensure not only the fulfilment of the second requisite of the sufficiency of the retribution of the worker, but also the particular commitment which involves the State, in accordance with article 31 of the Constitution, of helping in particular the large families.

33. In the Italian set-up, therefore, family allowances, apart from any doctrinal discussion about their nature of wages or social welfare, respond to the principles of fairness through their progression according to the composition of the family.

34. The system of family allowances is regulated mainly by a decree of the President of the Republic of 30 May 1955, which approved the contents of a single text of the preceding laws and which was modified by various laws of 1967, 1969, 1974 and 1977.

35. On the basis of the legislation in force, family allowances are paid alternatively to the husband and the wife who are dependent workers and who support other persons. Dependent workers are considered to be those workers of the private sector who carry out their activities at the dependency of others in the territory of the State, regardless of age, sex and nationality. Therefore, also included in the family allowance insurance system are foreign workers in the private sector, while excluded from it are the dependents of the State and public bodies, who are already similarly assisted by law, regulation or administrative act. Furthermore, family allowances were extended to direct farmers, profit-sharing farmers and farm workers.

36. Family allowances are paid for each member of the family supported by the worker. Considered as "supported members of the family" are wife (or husband), parents and other similar persons, which the law specifies in great detail, providing for a wide range of cases. Furthermore, the law presumes that the condition of being supported by the head of the family exists for the mere fact of cohabitation with the same.

37. The payment of family allowances ceases, in principle, for children and other persons on reaching the age of 18, but can be extended to 21 years if such persons are employed as apprentices or attend a high school for the entire duration of the course of studies, and up to 26 if they attend university.

38. Lastly, family allowances are also paid in cases of interruption and suspension of work dependent upon certain causes envisaged by the law, as well as to unemployed persons insured against unemployment.

39. The amount of the family allowance is fixed by law, varies according to the productive sectors and is differentiated according to whether the spouse and other persons supported by the worker are involved. The amount of the family allowances has been doubled since 1 October 1980.

40. Employers are responsible for the payment of family allowances by means of compulsory contributions to the extent of 6.5 per cent of the gross retribution paid to each dependent worker and with the assistance of the State. A smaller contribution is fixed for artisans, traders, co-operatives and consortia.

41. The management of family allowances is entrusted to the Istituto Nazionale della Previdenza Sociale, which handles them through a budget separate from the other insurance managements.

(b) Fiscal exemptions and tax deductions

42. The Italian fiscal system was substantially reformed in 1973 with the institution, for physical persons, of a single annual tax on total income (decree of the President of the Republic No. 597 of 20 September 1973) and was then further modified by Law No. 114 of 13 April 1977, according to which married couples have the possibility of presenting a joint declaration of their respective incomes.

43. The present fiscal system envisages the exemption from the presentation of the annual declaration of income of persons who in the previous year received, exclusive of dependent labour, incomes below a certain limit; the limit is, however, put rather low, taking account of the dynamics of price-rises and pay-rates in the present period characterized by a high inflation. At present, therefore, fiscal exemption does not assist low-income families to a great extent.

44. On the other hand, more consistent and expressly intended to help the family, especially if large, are tax deductions for the spouse, the children and other supported persons. In all three cases the deduction is allowed when the eventual income of the individual supported persons does not exceed a pre-established limit. For the supported children, the deduction is commensurate with their number and is allowed also for those not more than 26 years of age who are dedicated to study or are unpaid apprentices.

45. The problem of a wider economic welfare of the family has been brought out recently in relation to the negative factors mentioned above. The Government is therefore drawing up, also through consultations with trade union organizations, a bill regarding the fiscal system with the intent, among other things, of increasing the amount of tax deductions.

2. Social services

46. In addition to the measures of an economic nature aimed at helping the large families and those with low income, there are other measures which have the aim of helping all families in the performance of their tasks with respect to their children and in the choices of responsible procreation. Those measures take the shape of the provision of special social services, such as the nursery schools, kindergartens and family consulting centres.

47. Before examing those social services separately, it is necessary to give some prior information of a general nature on the regional organization of the Republic, which is decreed by an entire chapter of the Constitution (arts. 114-133) and was implemented in two separate and widely-spaced times.

48. Firstly, in a relatively short time after the enactment of the Constitution, the regional system was implemented in five regions to which the Constitution

attributes particular forms and conditions of autonomy, according to special statutes adopted with constitutional laws.

49. The regional system in the other 15 regions of the country was much more complex and the subject of a prolonged political debate. It involved, in fact, radical changes in the legislative and administrative competencies of the State which, for numerous matters, including social, health and hospital assistance, had to be transferred to the regions being instituted, which the Constitution envisages as autonomous bodies with their own legislative powers, administrative functions and financial autonomy.

50. The regional organization and the consequent new organization of public administration were laid down by Law No. 382 of 24 July 1975, which delegated to the Government the predisposition of the necessary provisions, which took place by Decree of the President of the Republic No. 616 of 24 July 1977.

51. On the basis of these legislative provisions, the regions also issue legislative regulations in the social services sector within the limits of fundamental principles conforming to the laws of the State; they take on the related administrative functions, with the exception of those of exclusively local interest; they exercise those functions normally by delegating them to the provinces and communes, which, according to the Constitution, are equally autonomous bodies, and to other local bodies, or by making use of their offices. In the case of social services equally involving all citizens, the administrative functions relative to the organization and supply of the various social services are assigned to the communes, single or associated.

52. With the implementation of the regional system, the State, in the field of social services, has retained only functions of direction and co-ordination of the activities of the regions and of the other autonomous local bodies. In this way, social welfare, as previously arranged (that is, by individual sectors and categories of citizens instead of by specific type of need) and carried out directly by the State and by numerous national public bodies created by the State, has ceased to exist, and an integrated system of "territorial" social services run by the local communities was initiated.

53. This process of reform of the social services sector is already in an advanced state in the field of services for family welfare, but still not yet fully implemented. This has induced the Ministry of Labour to institute a Commissione Nazionale per i problemi della famiglia (National Commission for Family Problems), composed of qualified experts chosen among university professors, research workers of study centres, members of Parliament and representatives of trade unions and women's rights movements. This Commission has various tasks of consultancy, study and formulation of proposals intended to define new State interventions which would guarantee a better arrangement of life and organization of the family in general and of the working categories in particular.

54. An examination is now made of the situation of the social services of family welfare, also giving an indication for each of them of the conclusions reached by the national commission established on the occasion of the International Year of the Child.

(a) Nursery schools

55. This important social service, which aims at ensuring assistance to families with children of tender age and, at the same time, the harmonious development of the child and its integration into society from the first years of life, was not widespread in Italy until the early 1970s. There did exist some nurseries, for children up to three years of age, but this number was quite inadequate for the size of the population in that age-group; and their territorial distribution was highly imbalanced besides.

56. In this situation, various factors helped to bring about in that period a pressing demand from the families, the women's equal rights movement and the trade union organizations for the State to intervene to develop the existing network of nursery schools to an extent adequate for requirements. Among those factors, all of which lead back to the rapid development of Italian society after the Second World War along the lines of a modern democratic society, the most important were: the growing number of mononuclear families with both parents engaged in working activity; the development of the industrialization of the country and the consequent process of urbanization; the growing inclination of the woman towards work outside the home.

57. A reply to the plea mentioned above was given, at the legislative level and within the framework of the regional organization dealt with in section 2 above by Law No. 1044 of 6 December 1971, on the five-year plan for the realization of 3,800 nursery schools with the assistance of the State.

58. At the time of its approval, this law seemed to be adequate to meet the pleas which had stimulated it, and to the requirement of an arrangement of the plan according to the most advanced principles of the action of the State in the social field. In fact, it lays down:

(a) The nature of the nursery school as a "social service of public interest within the framework of a family policy";

(b) The function of that service as a "temporary custody of children to ensure an adequate assistance to the family and also to facilitate the access of the woman to work";

(c) The guidelines to be followed in the implementation of the five-year plan on the part of the regions concerning: the location of the nursery and the working modalities to be established taking account of the requirements of the families; the participation of the families and of the social forces in their management; the supply of sufficient and suitable personnel to guarantee health and psycho-pedagogic assistance to the children; lastly, the technical, architectonic and organizational requisites to be established in such a way as to assure the harmonious development of the child;

(d) The financial means for the implementation of the programme through the institution of a "special fund" provided by a substantial State contribution (70 billion lire), by contributions from employers and by financial appropriations on the part of the regions and communes according to their budget availabilities.

59. The complexity and the extension of the programme to be carried out, the very recent institution of the regions (1970) at the time of the approval of the law and, above all, the increase in the building and running costs for the new nurseries, which took place in the five years of the plan, slowed its realization. At the end of the five-year period (1976), the plan had been implemented to only a modest extent as compared with the given objective of 3,800 new nursery schools; the total number of the nurseries had increased to a little more than 1,100 units, and their territorial distribution still remained imbalanced, even though to a lesser degree than was the case in the period preceding the start of the plan.

60. Thus the issue of a new law for the refinancing of the plan (Law No. 891 of 29 November 1977) became necessary in order to go ahead with the realization of the programme. At the present time, the number of functioning nursery schools is about 1,500 and that of those under construction about 2,000. It appears, therefore, that the five-year plan is headed towards its full implementation.

61. The national Commission instituted for the International Year of the Child, while deeming it advisable to carry out studies on alternative formulae for the care of children during the first year of life, such as a different organization of the working life of the parents, expressed its opinion, in its conclusive report, that in the present state of affairs, the nursery school responds to precise and widespread requirements and is thus a necessary institution which has not yet reached a sufficient level of diffusion, a territorial distribution corresponding to the requirements of the various areas of the country and an adequate level of formation and updating of personnel.

(b) Kindergartens

62. The origins of the kindergarten in Italy go back to the initiative of private, religious and lay institutions, whose aim is assistance to infancy. Many of them still continue to carry out educational activity for children from three to six years of age, and for this purpose they have restructured their schools according to the principles of the State kindergarten. Pursuant to the last paragraph of article 38 of the Constitution, in fact, "the freedom of private assistance is affirmed".

63. A decisive turn in this social sector occurred with the institution of the State kindergarten, which was envisaged by Law No. 444 of 18 March 1968.

64. The adoption of that Law was debated for a long time by reason of the fear that it might have a negative effect on the private kindergartens then in existence, but opinion prevailed in favour of a State intervention, by means of its own schools, for the following double purpose:

(a) To shape the infant school as an institution intended to develop the personality of the children in accordance with the latest criteria of pedagogics and psychology of infancy and to prepare them for attendance at elementary school, in this way offering an up-to-date model of reference also for the private schools;

(b) To improve the territorial distribution of the private schools initially in existence, which was considerably imbalanced by reason of the different spirit of orientation of the institutions operating in various areas of the country.

65. At the present time, therefore, the infant school sector is formed of State and non-State schools run by local bodies (regions and communes) or of private institutions.

66. The above-mentioned Law of 1968, the later Decree of the President of the Republic No. 647 of 10 September 1969 and other dispositions of law of 1972, 1974 and 1978 define in detail the characteristics, the aims and the organization of the State infant school, the orientations of the educational activity, the requisites of the personnel and the means of financing. In particular, present legislation lays down:

(a) The nature of the State infant school as an institution which proposes aims of education and of development of the personality of the infant, in order to stimulate the psychological independence of the child, to promote equality of opportunity and to create links between pre-school education and the compulsory school for the purpose of overcoming the difficulties that some children might encounter in the first year of compulsory schooling. The infant school also aims at preventing the appearance of future cases of illiteracy, educating both the children and the families to schooling. School enrolment is voluntary and attendance is free, as is the case in some private schools;

(b) School organization, according to which the school is normally composed of three sections corresponding to the different ages of the children, each of whom must have not less than 15 and not more than 30 children enrolled;

(c) Period and hours of activity, which are 10 months per year, 48 hours weekly with meals or 30 hours without;

(d) School activity, which includes religious education, affective, emotive, moral and social education of the child; games and constructive and practical activities; language education; free graphic, pictorial and plastic expression; musical and physical education; individualization and group activities;

(e) Provision of qualified personnel at three levels: inspecting personnel holding a degree in pedagogies; directive staff holding a diploma of supervision or a degree in pedagogics; teaching personnel holding a diploma of a teachers' training school or teachers' training institute (the former preparing kindergarten, and the latter, elementary-school teachers). For the three types of personnel, the law is very precise as far as the functions to be carried out are concerned, assuring however, "full didactic freedom in the ambit of educational orientations" envisaged by the law. The periodic updating of courses for teaching personnel is also envisaged by law. A social assistant and a school doctor collaborate with the school management for preventive hygiene. On the basis of the most recent law of those mentioned, namely, that of 1978, the managing and teaching personnel can be of either sex, whereas previously the teaching personnel was formed only of women. In school year 1980/81, male attendance in the state infant schools amounted to 133 units;

(f) Hours of teaching personnel, which is established in such a manner as not to exceed 36 hours weekly and, at the same time, to allow continuous contact with the parents. For this purpose, two teachers work in alternate turns for each section of a State infant school;

(g) Financing, which envisages that the charges for the construction, equipment, furnishing and games material are borne by the State, while provision of grounds for the school construction falls to the communes, together with maintenance, running and caretaker expenses. Meals are supplied by the commune with funds allocated by the region.

67. According to Law No. 517 of 1977, handicapped children were to be included in the infant schools. The implementation of this provision involved organizational and didactic problems, which were faced with the collaboration of specialized external social services, the introduction of specialized teachers and the use of modern didactic methods.

68. In the 1979/80 school year, 5,300 handicapped children were integrated into the state infant schools over a total of about 750,000 children attending those schools (0.7 per cent).

69. With the institution of the State infant school, the total number of schools, state and otherwise, during the school year 1980/81 reached the figure of about 30,000 units, attended by 1.84 million children, equal to 78 per cent of the population between three and six years of age. In the same year, the state schools represented 41 per cent of the total and were attended by 755,000 children; the private schools represented 59 per cent of the total and were attended by 1.08 million children.

70. Comparing these data with those of the two previous years (which, for brevity, are omitted), a progressive development of the state infant school and a gradual reduction in the attendance of private schools may be noted.

71. The intervention of the State, in addition to developing the total availability of infant schools as shown, appreciably but not completely rectified the pre-existent imbalance of the territorial distribution of the private infant schools. The action of the State, in fact, was concentrated in the areas where private enterprise had been less lively and where the communes, particularly the small ones, were unable to face the construction, furnishing and operating expenses.

72. In spite of this, the number of infant schools is still insufficient in the large developing areas of the south, where a little more than 750,000 children attended the infant schools, compared with 1 million children in northern and central Italy.

73. The national Commission for the International Year of the Child, in examining the problems of the infant school, was particularly concerned with the qualifications of teachers and their updating, and expressed the opinion that updating "cannot exhaust itself within the school structures, but must enrich itself with dialogue and comparison with the other structures and professional bodies operating in the infancy sector".

(c) Family consulting centres

74. The family consulting centre is a new and very recent form of aid to the family in the performance of its tasks, which draws its origin, on the one hand, from the growing attention which the State, inspired by the Constitution, has paid to the problems of the family in its irreplaceable function as the fundamental nucleus of society and, on the other, from greater awareness of the problems which the evolution of society today represents for the family.

75. Law No. 405 of 29 July 1975, which instituted the family consulting centres, has the character of a legge quadro 1/ which specifies the aims of the assistance service to families and to maternity, and leaves to the regions the task of issuing legislative regulations for the programming, working and control of the service in accordance with the principles laid down by the law itself.

76. The aims of the new service are specified by the law as follows:

(a) Psychological and social assistance to parents from the standpoint of educating them for responsible maternity and paternity and in the problems of minors;

(b) Provision of the means needed to achieve the freely chosen aims of couples and individuals in relation to responsible procreation, while observing the ethical convictions and physical integrity of the users of the service;

(c) Safeguard of the health of the woman and of the result of the conception;

(d) Suitable information for promotion or prevention of pregnancy by suggesting appropriate methods and pharmaceutical products in either case.

77. The legislative regulations which the regions are obliged to issue for the institution of the family consulting centres must conform to a series of principles which:

(a) Attribute to the communes primary responsibility for the institution of the service as an operative organism of the Local Health Units (instituted by a recent wide health reform to be dealt with in the part of this report relative to the right to physical and mental health (chap. VIII) as per article 12 of the International Covenant);

(b) Allow the institution of family consulting centres by non-profit-making public or private bodies having social, health and assistance objectives for which the Local Health Units (see above) are responsible;

(c) Envisage the connection between the public consulting centres and the local network of health and social organs and the use of their personnel for home and out-patient assistance, the suitable interventions and the supply of the necessary materials;

(d) Prescribe that the consultant and assistance personnel employed in the consulting centres should be in possession of specific qualifications in one of the following disciplines: medicine, psychology, pedagogics or social assistance;

(e) Establish the source of financing of the consulting centres by means of annual appropriations in the State budget (divided between the regions to the extent of 50 per cent in proportion to the resident population and 50 per cent in proportion to the infantile birth and death rates), which can be integrated by the regions, provinces and communes.

78. In addition to the functions shown in paragraph 76 above, the family consulting centres carry out other functions as envisaged by Law No. 194 of 22 May 1978 containing regulations for the "social safeguard of maternity and the voluntary interruption of pregnancy". Those regulations were dealt with in the first Italian report on the International Covenant on civil and political rights, in relation to article 6 of the Covenant concerning the right to life (see E/1978/8/Add.34, para. 29).

79. Thus the present report is limited to indicating the functions entrusted by this law to the family consulting centres in that field, as well as to the other socio-sanitary structures so empowered by the region.

80. It is above all a question of informing the woman in a state of pregnancy of the rights due to her on the basis of state and regional legislation, and of the social, health and assistance services effectively offered by the structures operating in the territory, as well as of the suitable modalities in order to observe the labour legislation for the safeguard of the pregnant woman.

81. In the second place, the consulting centres give assistance to help to overcome the causes which might induce the woman to interrupt the pregnancy within the first 90 days. In cases of a negative result, the consultants arrange to implement directly or to suggest proper interventions for the carrying out of abortion in centres as indicated by the law.

82. The law in question specifies that its implementation does not constitute a means of birth control, but a form of recognition of the social value of maternity and of the safeguard of life from its very beginning.

83. The institution of the family consulting centres is still too recent and in an experimental phase to make it possible to provide precise indications regarding the results so far achieved by this delicate State intervention in the private sphere of the family. It can be stated, however, according to the surveys carried out by the national Commission for the International Year of the Child that numerous regions have issued the envisaged regional laws which, albeit in the expected diversity of content, are all inspired by the aims of the national Legge quadro of 1975.

84. Further, according to a survey effected by a qualified research institute (CENSIS) at the request of the Ministry of Health, the new service of family consulting centres is still in a phase of research and experimentation and the

individual realities, formed by about 450 consulting centres effectively operating at the end of 1979, are highly differentiated.

85. Lastly, the main problem of the potentiation of the typical activity of the consulting centres is not that of creating a mini-health service, but that of putting the consulting centre in a position of being able to reach its aims through organic connections with other social and health services, as envisaged by the national Legge quadro.

Chapter II

PROTECTION OF MATERNITY

A. Maternal welfare in the Italian Constitution

86. As pointed out in paragraph 3 above, article 31 of the Constitution, of which the parts concerning family welfare have been examined in the previous chapter, establishes that the Republic protects maternity, infancy and youth and encourages the institutions necessary for this purpose; and article 37, concerning the working woman, establishes that working conditions must allow her to perform her family functions and assure her an adequate and particular protection.

87. Maternal welfare, just as that of the child and adolescent, is thus conceived by the Constitution as part of family welfare and a protection of a general character in the sense that all women facing the event of maternity have right to it.

B. Protection of choices of responsible procreation

88. A series of laws enacted in the 1970s gave concrete implementation to the above-mentioned Constitutional regulations, stating above all and ex novo the right to and protection of conscious and responsible procreation by the couple, which has already been dealt with above (paras. 74-85).

89. Here it can be added that the law for the reform of the services for the safeguard of health through the institution of the National Health Service (Law No. 833 of 23 December 1978), dealt with later (chap. VIII) in reference to article 12 of the International Covenant, includes explicitly among the objectives of the service the pursuance of responsible and informed procreation.

90. The voluntary interruption of pregnancy thus falls within the framework of both the specific Law No. 194 of 1978 and the general law, which instituted the National Health Service, with a maximum safeguard of maternity by reason of its social value and, at the same time, safeguarding the health of the woman and that of the result of conception.

C. Pre-natal and post-natal protection and assistance

91. In view of the fact that such assistance is mainly of a health nature, the general guidelines and the means of carrying them out by the territorial sectors of the National Health Service (Local Health Units) are laid down, as for all the other multiple tasks of the Service, through the National Health Plan, which, by rule, has a duration of three years and is drawn up by the Ministry of Health and approved by Parliament.

92. The health plan for the three-year period from 1980 to 1982 places among the absolute priorities of intervention the safeguard of pregnancy and infancy, and

envisages that all the existing structures in the national territory be used in a unitarian manner: pediatrics, family consulting centres, hospitals, hygiene centres etc.

(a) In so far as assistance to pregnancy and birth is concerned, the objectives are as follows: reduction of spontaneous abortions, prevention of undesired pregnancy; reduction of the child delivery death rate; reduction of the perinatal death rate (that is, death in the first week of life); reduction of congenital malformations and genetic diseases. The types of intervention, which the woman in a state of pregancy can request from the Local Health Unit include: health education, periodic and programmed control of the pregnancy, control of the socio-ambiental working conditions of the pregnant woman, rule implementation control for the protection of working mothers and the identification of risk pregnancies. In order to implement these interventions, the Local Health Unit must avail itself of these instruments: implementation of the rules regarding the institution of family consulting centres and of those regarding voluntary pregnancy interruption (dealt with in paras. 74-85); use of an individual health-recording card, which follows the course of the pregnancy and birth to identify the possible risks and arrange for epidemiologic examinations; hospitalization for delivery; rationalization and optimization of the obstetrics departments, also in relation to the minimum number of 500 births annually; hospitalization of risk births in specially equipped obstetric departments; knowledge of the substances with which the pregnant working woman is in contact;

(b) With regard to pre-natal and new-born assistance, the objectives are as follows: pre-natal death-rate reduction; rapid identification of subjects risking neuro-sensorial alterations; rapid identification of malformations; easier mother/child and couple/child relationships. The types of intervention which the woman can request from the Local Health Unit include: intensive neo-natal therapy; first neo-natal pediatric controls; reorganization of the obstetrics departments also in relation to the psycho-affective requirement of the couple and the new-born (presence, if requested, of the father or other trustworthy persons during the birth etc.). In order to implement these interventions, the Local Health Unit must avail itself of these instruments: creation of obstetrico-pediatric departments; supply of services of intensive neonatology in hospitals in which risk births take place; updating and re-qualification of personnel; use of a recording card on the progress of the birth and on the condition of the new-born child, to be sent by the hospital to the territorial service concerned with infancy and evolutive age. Before concluding the examination of the pre-natal and neo-natal protection and assistance, it must be specified that the quoted Law No. 194 of 1978 on social protection of maternity welfare and voluntary interruption of pregnancy provides that all expenses for examinations, treatment and convalescence necessary for the completion of the pregnancy and birth and for the interruption of pregnancy are to be borne by the public structures responsible for health assistance.

(c) The National Health Plan for the three-year period 1980 to 1982, which is still in progress, also indicates the objectives, interventions and instruments of assistance to infancy and to the age of evolution, a matter which will be dealt with below in relation to paragraph 3 of article 10 of the International Covenant.

D. Protection of the working mother

93. The present system of welfare of the working mother has introduced great innovations as compared with the previous forms of assistance from which a limited number of women benefited, and is the result of progressive legislative implementation of the Constitutional regulations (art. 37), intended to allow the female worker to carry out her family functions without a negative effect on her situation as a worker.

94. Three laws enacted in 1963, 1971 and 1977 together constitute, in fact, a complete system of protection of all working mothers in their double family and worker function. For purposes of clarity, those laws will be examined separately.

95. Law No. 7 of 9 January 1963 aimed at preventing the dismissal of the female worker by reason of marriage (which occurred with a certain frequency in the private sector) and expressly stated that such dismissal was null and void. Furthermore, the same law specifies that the presumption that the dismissal of the female worker during the period from the day of the request of marriage and a year from its celebration was decided for marriage reasons. However, the employer has the possibility of proving that the dismissal of the worker during that period was effected for just cause deriving from serious default on the part of the worker, for cessation of activity by the undertaking or for the conclusion of the services for which the worker was engaged.

96. On the basis of that same law, resignation presented by the female worker during the first year of marriage is considered null and void except the case in which it is confirmed, within one month, by the worker herself to the Labour Office.

97. Law No. 1204 of 30 December 1971 on the welfare of the working mother is considered, at the international level as among the most advanced laws. The forms of welfare stated by this law are the following:

(a) Prohibition of dismissal of the female worker from the beginning of the pregnancy period until the end of the compulsory absence period (indicated below in subparagraph (c)) as well as up to the child's first birthday. The worker dismissed during that period has the right to reinstatement of the working relationship against the mere presentation, within 90 days from the dismissal, of a certificate indicating, at the time of dismissal, the conditions of pregnancy, which would not permit such dismissal. Thus, as in the case of dismissal because of marriage, the prohibitions now being dealt with do not apply in cases of serious default on the part of the worker, cessation of the activity of the undertaking and conclusion of the services for which the worker was engaged;

(b) Working conditions: prohibition of assigning the worker to carrying or lifting of weights or to fatiguing, dangerous or insalubrious work during pregnancy and up to seven months after the birth. During that period, the worker must be assigned to other duties which, even if of a lower grade than the usual duties, cannot cause a reduced compensation;

(c) Compulsory abstention from work during the two months prior to the presumed date of birth and the three months following the birth. The first of the two periods of compulsory absence can be brought forward, upon instructions from the Labour Inspector, following medical ascertainment of serious complications of the pregnancy, for pre-existent abnormal forms aggravated by the state of pregnancy, for working or ambiental conditions which could prejudice the health of the woman or child, or for those workers who can be utilized only for work involving the lifting of weights or insalubrious, fatiguing and dangerous work. For the entire period of compulsory abstention, the worker has the right to a daily indemnity equal to 80 per cent of the normal compensation. The spontaneous or therapeutic interruption of the pregnancy, except procured interruption, in the first 180 days of pregnancy is considered as sickness for all intents and purposes. On the other hand, spontaneous or therapeutical interruption of the pregnancy after the 180th day is considered "birth";

(d) Optional leave from work of a maximum duration of six months after the period of compulsory leave after the birth and before the child's first birthday. During that period, the worker is paid a daily indemnity equal to 30 per cent of the normal compensation;

(e) Birth and hospital assistance;

(f) Absence because of the illness of the children under three years of age against presentation of a medical certificate. For such absences there are no limits of duration, but payment of compensation is not envisaged;

(g) Daily rest periods for the working mother on resumption of work, twice per day for a total duration of two hours, up to the child's first birthday.

98. The welfare system of the working mother described above is applied integrally to all female workers, dependents of private undertakings, State, regions, provinces, communes and other public bodies and co-operative companies, with the following exceptions:

(a) Public-sector dependents (with their own juridical statute) have the right, in the first month of eventual optional absence, to the entire compensation (instead of an indemnity equal fo 30 per cent of the compensation) and in the second month to the compensation reduced by one third;

(b) For home workers and for those engaged in domestic services (who, as stated above, do not benefit from the prohibition of dismissal for marriage reasons), social welfare is limited to compulsory leave before and after the birth and assistance at the birth.

99. Law No. 903 of 9 December 1977. This Law, which sets out the principle of equal treatment of working men and women has also introduced the following innovations to the law on the welfare of working mothers:

(a) It extends to the father, altrnatively to the mother, the right to optional absence from work for a maximum period of six months after the compulsory

absence of the mother before and after the birth, as well as to absences for sickness of children up to three years of age;

(b) It states the right and the obligation of the female worker (or alternatively the working father) who has adopted a child of not more than six years of age, or who had obtained it in pre-adoption trust, to an absence from work of a duration of three months from the moment of entry of the child into the family, and to the payment for such period of an indemnity equal to 80 per cent of the normal compensation; it has also stated the right to a successive optional absence of six months until the child reaches three years of age, against payment of an indemnity equal to 30 per cent of the normal pay.

100. The juridical statute of State and public body employees also envisages the possibility of another form of absence for personal or family reasons, which is not necessarily tied to events of maternity and for which there is no compensation. Such absence, called aspettativa 2/ can be permitted for a maximum of 18 months every five years of work and is generally envisaged also (albeit with different duration) by the collective contracts of the private sector for clerical staff.

101. The social welfare of mothers working autonomously or in the family undertaking takes the shape of assistance at pregnancy and birth, which generally takes place in hospital and, successively, of the normal health assistance, which is the right of all citizens, dealt with in reference to article 12 of the Pact. Female direct farmers, artisans and those carrying out commercial activities are granted an una tantum (one time only) allowance in the case of spontaneous or therapeutical birth.

102. In the case of the husband's death, the mother is often obliged to seek employment outside the home, even though enjoying social security benefits eventually accrued by the deceased husband. Those were described in the first Italian report on economic rights (E/1978/8/Add.34, paras. 88 (c) and 98 (d)).

103. In this case, the seeking of employment is facilitated by the specific measures on behalf of widows envisaged by Law No. 482 of 2 April 1968, concerning "compulsory engagements" within certain quotas, with the public administrations and private undertakings for certain categories of persons, including the widows of those who die in service or at work.

104. If the widow has children and is not in a position to support and educate them adequately, such tasks, which were previously carried out by the State and by public bodies instituted on an ad hoc basis for individual categories of orphans, have been attributed to the communies, which arrange, accordingly, by entrustment to suitable educational institutions. These measures, however, fall more properly among those pertaining to the welfare of children and juveniles and are therefore dealt with in greater detail in the following chapter.

Chapter III

PROTECTION OF CHILDREN AND JUVENILES

A. Premise

105. In the preceding chapters concerning family and maternity welfare, an examination was made, in large part, of the constitutional regulations, the laws and measures relative to the welfare of children up to three years of age and young children from three to six years of age. The present chapter, therefore, mainly deals with the welfare of children above six years of age, which coincides with the beginning of compulsory schooling, and of adolescents and juveniles until they come of age, which is fixed by law at the completion of 18 years.

106. This does not exclude, moreover, the fact that some regulations and measures which are now being examined, such as, for example, those on adoption and those on the welfare of children without families or whose parents are incapable of performing their tasks, may also be applicable to children under six years of age. Similarly, some regulations and measures examined above, such as, for example, those relative to the condition of natural children, are also applicable to children, adolescents and juveniles between 6 and 18 years of age.

107. The complexity of the matter which is now being examined and that of every national system of child and youth welfare are such as not to permit its handling fully in conformity with the layout recommended for the drawing up of the national reports on social rights laid down by the International Covenant. For those reasons, the characteristics proper to the Italian welfare system are taken into consideration.

B. Constitutional regulations

108. The Italian Constitution contains few regulations specifically concerning the welfare of children and juveniles but they are essential in that, after having stated the general principle of regard for the welfare of the young on the part of the State, they specify two particularly important periods: the period of education in the school and that of the beginning of work activity. In particular:

(a) Article 31, of a general and programmatic nature, states that the State protects infancy and youth;

(b) Article 34, of a preceptive nature, states that lower education, given for at least eight years, is compulsory and free; that the capable and deserving have the right to reach the highest levels of education; and that the State makes this right effective by means of scholarships, family allowances and other provisions attributed by competition;

(c) Article 37, also of a preceptive nature, states that the minimum age limit for paid work is set by law, that the State protects the work of minors with special regulations and guarantees them, for parity of work, the right to parity of pay.

109. Those Constitutional regulations do not exhaust the picture of the welfare of children and juveniles as defined by the constitution legislator. Other fundamental principles and regulations of a general nature, in fact, acquire particular importance with regard to children and juveniles between 6 and 18 years of age.

110. Above all, the fundamental principle, laid down by article 3 of the Constitution should be taken into consideration; namely, the equal dignity of all citizens, whatever may be their condition, including personal and social conditions, and the consequent task of the State to remove the obstacles of an economic and social nature which de facto hinder the full development of the human being.

111. Other aspects to be considered are (a) that of the duties and rights of parents to support, bring up and educate their children; (b) the performance of those tasks by the State in case of their incapacity; and (c) the juridical and social welfare of children born out of wedlock. These principles and regulations, laid down by article 30 of the Constitution, were examined in chapter I above, dealing with family welfare. It should be added that the new family rights (see paras. 6-19 above), which have given full implementation to that article of the Constitution, give the greatest importance to the interest of minors. For example, the recognition of the natural child is admitted only if it is in his interest and, in the case of separation or divorce, the entrusting of the children to one or the other parent is done taking into account the primary interest of each child.

112. Lastly, the responsibility is stated to safeguard the health of all citizens (art. 32), and this acquires particular importance at the age of physical and psychic development of the human being.

113. In actual fact, there are numerous constitutional regulations which complete the picture of the welfare of children and juveniles between 6 and 18 years of age, such as was conceived by the constitutional legislators. After the foregoing, an examination will be made of their implementation at the legislative and administrative level, with the exception of those concerning the protection of minors within the ambit of family welfare (see chap. I, sect. B above).

C. Protection of a general nature

1. Institutions and measures to ensure physical development

114. As in the other countries, the school in Italy is the most important of the public institutions, which at various levels of education, through teaching and the carrying out of practical activities, acts to integrate the role of the family and health institutions in assuring the healthy physical development of children and juveniles.

115. In this field, school includes two types of activities:

(a) The teaching of physical education as an integral part of educational activity which contributes to the process of growth and maturation of the personality of the pupil;

(b) The practice of sports activities intended to encourage a rational practice of sport in general, seconding the aptitudes and inclination of the pupils without, however, pursuing the aim of specialization in a particular sport and, even less, the identificaton and formation of sports champions.

116. In addition to the school activities there are: extra-school sport, which is organized by CONI (Italian National Olympic Committee) and in which the schools and the local bodies participate; and those activities organized by private bodies, partly self-financed and partly financed by CONI.

117. Physical education. The present didactic school programmes are laid down by Law No. 88 of 7 February 1978. The aims and the content of the teaching of physical education obviously vary according to the school grades:

(a) Kindergarten (3-6 years). Teaching takes the shape of the psycho-motor education of the child, which represents the basis of all the educational activity of such schools, and is carried out by the teacher in co-operation with the other disciplines;

(b) Elementary school (6-10 years). Physical education is considered, together with moral and civil education, as an apprenticeship to self-discipline and sociability; its daily teaching includes games and physical exercises, possibly in the open, and is carried out by the teacher of each class. Other activities of physical education can be assured by the local bodies;

(c) Secondary school (10-14 years). The programme prescribes two hours of teaching, spread over each week, and is integrated by practical exercises graduated according to the age and the abilities of the pupils;

(d) Teacher's training institute (magistrale istituto), in which elementary-school teachers are trained, and during the last two years of which there are three hours of teaching per week.

118. In all the grades of school indicated above, the teaching of physical education is compulsory; exemptions can be made only for pupils for whom there are medical reasons. Courses of differentiated physical education are envisaged for pupils affected by anomalies of the skeleton and muscular system, as well as for those with physical and sensory handicaps for whom the State or State-supervised institutions make provision.

119. There is no differentiation of programme according to sex or between the different classes of the same school. The actual choice of the activities to be carried out is left to the responsible evaluation of the teachers.

120. The degree of effective application of the legislative directives shown above in the various types of school is different. There is still a shortage of teaching in the kindergarten and elementary schools, where the teaching of physical education is carried out by the teachers who have graduated from the teacher's training schools and institutes, and which still feel the effects of out-of-date directives. On the other hand, the results in the secondary schools are more positive, where

physical education is given by specialized teachers trained in special "higher institutes of physical education", and engaged through public competition.

121. Gymnasiums and sports facilities. The school structures destined for the carrying out of practical exercise of physical education have not yet reached an adequate degree of development for the school programmes defined by the above-mentioned Law of 1978, and the number of elementary-school and secondary-school pupils which, during the year 1980-1981, reached the figure of about 10 million. Furthermore, the majority of the gymnasium and sports facilities in existence are concentrated in the more developed geographical areas of the country.

122. Various factors are involved in this situation: the difficulty of providing gymnasiums in old school buildings; the more accelerated rhythm of renewal of the didactic programmes compared with those of the professional updating of teachers; the changes that have taken place in competencies regarding the building of gymnasiums and sports facilities, which Law No. 412 of 5 August 1975 transferred from the State to the local bodies.

123. In more recent years, however, the situation has considerably improved, above all in the areas where the availability of gymnasiums was particularly lacking. Furthermore, the new policy with regard to the building of schools tends towards creating "multi-purpose" gymnasiums and sports facilities to be made available to several closely situated schools (art. 12 of Law No. 517 of 1977) and, during school hours, to all the community, with the aim of developing, in the common conscience, the social importance of sport. The implementation of this policy might also help to accelerate the professional formation of teaching personnel.

124. Sports activities. As stated above, school activity also includes sports education and the practice of sports activities. In this field, according to provisions issued by the Ministry of Education in 1969, school sport is articulated in three phases - initiation, preparation and comparison - which are emphasized differently in the various grades of school.

125. The school avoids any premature specialization. In fact the pupil, even though preferring to participate in those sports activities towards which he is more inclined, must participate in the majority of such activities carried out in the school.

126. The practice of sport is carried out in hours different from those envisaged for the teaching of physical education and can continue during the holidays, especially in the case of seasonal sports, under the guidance of the same teachers of physical education. Pupils are admitted to sports activities after a medical examination and are insured against accident.

127. At the beginning of each school year, the head of the school institute promotes the formation of sports groups. The Ministry of Education promotes school contests on a local or national level for the sports which are more widespread in the schools. The competitions of an agonistic nature involve the awarding of a symbolic prize to the best qualified pupils.

128. At the present time, the event involving the greatest number of juveniles between 8 and 19 years of age is represented by the "Youth Games", promoted and organized with the collaboration of CONI. During the most recent games, 3 million juveniles took part, 39 per cent of whom were girls.

129. The financing of the activity is borne by the State, and CONI contributes to the more important events. Financial contributions and services are given by the local bodies.

130. Italy is a member of the International School Sports Federation and participates actively in international sports events.

131. School sports activities. These activities are organized by CONI and by the schools and aim at creating a sporting mentality and custom among young people, in the families and in the communities. The local bodies collaborate in the formation of specific local commissions. CONI assures the technical organizational part, the local bodies provide the services, as required, for the running of the facilities and the Ministry of Education provides the teachers.

132. Some "Olympic Centres" operate within the ambit of extra-school activities for polysport activities reserved for children of compulsory school age (6-14 years). CONI lays down the directives and programmes and the local bodies handle the organization.

2. Institutions and measures to ensure educational and cultural development

133. Paragraph 108 has already quoted the text of the Constitutional regulation concerning compulsory and free education for at least eight years and the right of capable and worthy juveniles to reach the highest grades of education (art. 34). A brief examination is now made of the implementation of this preceptive regulation from the point of view of the respondence of the Italian school system to the requirements of child and juvenile education and cultural development. A more detailed examination of the question will be made in the report on cultural rights laid down by articles 13 to 15 of the International Covenant.

134. The fundamental characteristics of the Italian school system can be thus outlined in the terms of the Decrees of the President of the Republic Nos. 416 and 417 of 1974:

(a) Free public school, with the exception of the higher levels;

(b) Free distribution of books in the elementary school; possibility of subsidies also in the first and second grades of high school (Law No. 1859 of 31 December 1962);

(c) Equality of studies regardless of the social conditions of the pupils;

(d) Pluralism of the school institutions: alongside the State schools, to which the very great majority of pupils flow, private schools also operate, which are, however, obliged to respect the programmes and the organizational patterns of the State schools;

(e) Pre-determination of the school programmes inspired by the requirement of reaching a grade of culture and preparation adequate to the title conferred at the end of each school cycle and having legal value;

(f) Didactic and method freedom for the teachers for whom is also recognized the right to effect eventual experiments (under certain conditions), to carry out research and introduce innovations on the methodological and didactic levels.

135. An examination follows of the individual grades of school attended by young children and juveniles.

136. Kindergarten. The characteristics of this school, which accepts children from 3 to 6 years of age, were examined in the chapter regarding family welfare (see paras. 62-69).

137. Compulsory school: elementary (6-11) and middle (11-14 years). The compulsory nature of education in the elementary school goes back to the middle of the nineteenth century. The present set-up, established during the years 1955 and 1957, distinguishes two didactic cycles: the first of two years and the second of three years. Passage from one class to the successive class of each cycle takes place by scrutiny, no longer with a vote but with a "judgement". Each class must not exceed 25 pupils. Teaching is for 24 hours per week. The school year starts on 1 September and extends for 215 effective teaching days.

138. With Law No. 517 of 4 August 1977, the examination for the passage from the first to the second cycle was abolished. At the end of the entire elementary course, there is an examination. The diploma is valid for access to the middle school.

139. The same law specifies the following:

(a) The annual programming of the elementary courses by the college of teachers;

(b) The abolition of the school report and its substitution by an "evaluation" of the real capacities and possibilities of each pupil;

(c) The non-admission to the succeeding class only in exceptional cases and according to pre-established procedures and guarantees.

140. The programmes, common to all elementary schools, have a normative nature with regard to the level of education which the pupil must reach, while they have only an orientative nature in so far as the teaching method is concerned. However, requirements do exist of wider initiative of teachers' professional updating in relation, on the one hand, to the type of education they acquired in the teacher's

training institutions and, on the other, to the increased vivacity of the pupils and their consequent expectation of understanding the complex social phenomenology of the present time.

141. The activities of support and the full-time school are being tried on an experimental basis. Furthermore, an experiment is in progress - promoted by the Ministry of Education - the inclusion in school programmes of the teaching of foreign languages which, in the years from 1970 to 1980, was carried out in major cities and, in 1981, was extended to 470 classes in about half of the Italian provinces.

142. Middle School (first grade secondary school). This school, of three years' duration, was instituted by Law No. 1859 of 31 December 1962, which transformed all the pre-existent types of secondary and primary schools into a single type of school.

143. This thorough innovation acquired considerable social importance in that, on the one hand, it eliminated every element of inequality connected with a precocious choice of the educational direction, and, on the other, it encouraged the cultural homogeneity of all children between 11 and 14 years of age.

144. The orientative nature of the middle school is expressed through a wide range of disciplines (from musical, technological education to linguistics), all of which are compulsory. This makes it possible to bring to light the aptitudes of the individual pupils and to facilitate their orientation towards the successive school choices.

145. With the same aim, two successive laws of 1977 (Nos. 616 and 517) modified the programmes and established new criteria of evaluation of the individual pupil by means of a "personal card". On this card there is formulated periodically (every quarter or every four months) a "motivated judgement" for each subject and an evaluation of the overall level of maturation of the pupil. The personal card is then explained to the parents. With similar criteria, the final "judgement" is formulated, which permits promotion to the next class.

146. Law No. 645 of 9 August 1954 envisages for students with limited means the exemption from taxes and a considerable number of scholarships.

147. At the end of the middle school, the examination for the Licence has the value of a State examination and, if the student is successful, it permits access to all types of higher secondary schools.

148. The private schools, which provide compulsory education, are numerous in the large urban centres. The private elementary schools are more widespread in the centre and south of Italy, while the private middle schools are more concentrated in the north-western regions, which are characterized by a high level of industrialization.

149. After passing through the period of compulsory schooling, juveniles who intend to continue their studies with a view to taking up a profession, employment or

a trade, have access to the following types of upper secondary schools, technical schools and schools of professional education and artistic teaching:

(a) Upper secondary schools, which include the following types of schools:

(i) Classical high school, which draws its origins from the Italian cultural humanistic tradition; it is of five years' duration and it concludes with the State examination for the achievement of the "classic diploma", which gives access to all the university faculties;

(ii) Scientific high school, which has the aim of developing and deepening the education of juveniles who aspire to scientific university studies; it is of five years' duration and it concludes with a State examination for the achievement of the "scientific maturity", which also gives access to all university faculties;

(iii) The teacher's training institute (magisterio) is of four year's duration and has as its purpose the preparation of elementary school teachers; the diploma gives access only to the university faculty of literature and philosophy, to certain foreign languages and literature courses and to the higher institute of physical education. According to Law No. 910 of 11 December 1969, holders of diplomas of the teacher's training institute who attend an annual integrative course can have access to any university faculty;

(iv) The teacher's training school (magisterio), of three years' duration, which prepares kindergarten-school teachers.

To those institutions of higher secondary education are added the language schools, which are all private, but the final diploma of which - achieved by a State examination - permits access to graduate courses in foreign languages.

(b) Technical institutes of nine different types, which have the aim of preparing juveniles who intend to dedicate themselves to certain professions at a middle level in the fields of agriculture, industry, trade, tourism and navigation. The courses are of five years' duration and are completed by a State examination to achieve the related "diploma", which also gives access to the university faculties corresponding to the direction followed.

(c) Professional institutes, which have the task of providing for the short-term preparation of qualified workmen and executive personnel for the various economic sectors. The training is composed of six disciplines (agrarian, industrial, commercial, marine, hotel, feminine). The courses, with the acquisition of the diploma in specific qualifications, last three years. The five-year course to obtain the professional diploma then gives access to the various university faculties.

(d) Artistic teaching includes various types of schools aiming at improving and refining the natural artistic inclinations of the pupils.

150. This teaching sector includes the academy of fine arts, the five-year artistic lyceums, art institutes, music conservatories, the national academy of dramatic art and the national ballet academy.

151. It is generally recognized that the structure of the upper middle schools, as described above, is highly complex and rigid in that it is not easy to transfer from one type of school to another.

152. The choice of school depends upon various factors tied not only to the tendencies of the juveniles and their social origins, but also to the current labour market and to the types of institutes existing in the various areas. During the school year 1980/81, the distribution of pupils according to schools shows a clear predominance of technical education (45 per cent), followed by professional education (18 per cent), scientific (16 per cent) and, in smaller proportions, by the other types of schools.

153. While awaiting the reform of the upper-middle school, for some time under study, numerous initiatives of experimentation are in progress. It is generally required that the first two years of the upper-middle school should be articulated in common disciplines, trend discipline and elective discipline and activity, in order to postpone the choice of a definite trend and arrangements for all the directions chosen for a basic cultural and professional education, preparation for which permits both entry into the labour world and access to higher studies.

154. Law No. 845 of 1978 entrusted the competencies for the courses of professional education to the regions.

155. Furthermore, initiatives of some experimentation on the full-time school are in progress in various secondary schools of both first and second grades.

3. Psycho-social development

156. The family - of which we have already examined the principles and regulations relating to its formation and to the full equality and common responsibility of the parents in the education of the children - is considered by the Italian Constitution as the fundamental institution in which the normal moral and social development of children takes place. Indeed, within the framework of the constitutional regulations on "ethico-social relations", the primary importance of the family is emphasized. The social welfare of children without a family, or with parents incapable of educating them, is therefore specifically oriented as will be seen later - towards assuring them, wherever possible, of placement in a family where harmony and moral order reign, as conditions necessary for healthy psycho-social development.

157. In order of importance, after necessary health protection, the Constitution mentions schools of every order and grade and, in particular, the compulsory school, where through the teaching of civic education the pupil is prepared to recognize his duties as a member of the society.

158. The educational capabilities of the family and of the school, however, require increasingly, with the evolution of modern society, the assistance of the society if the education and character formation of the small child and the adolescent are to develop in an orderly way even in his life apart from family and school.

159. The National Commission for the International Children's Year has paid particular attention to the role of mass media as an instrument of ethico-social formation and character development and has acknowledged the lack of specific policy in this field. The Commission has therefore formulated the following proposals for the definition of this policy:

(a) Establishment of basic principles, taking into account the ideological and religious pluralism of Italian society;

(b) Identification of themes so far neglected by mass media for the youthful public;

(c) Attention to the particular requirements of children in regulations governing the various information sectors, with particular regard to publishing and closed circuit radio-television programmes, and to future regulation of the film production sector;

(d) Development of programmes for children on the public radio-television network;

(e) Sensitization and formation of parents, teachers and others active in the socio-cultural sphere to the problems and characteristics of mass media;

(f) Development of a cultural policy at the local level in the above-mentioned sectors.

160. In support of such a policy for the young in the field of mass media, the Commission has also noted that, with the new model of mononuclear family which is asserting itself, the children tend to develop precociously and thus find themselves more exposed to various types of aberration.

161. Among the most alarming aberrations since the 1970s is that of drug addiction among juveniles, including those under 18 years of age. Regulations for the control of drugs and for the prevention, treatment and rehabilitaion of drug addiction are specified by Law No. 685 of 22 December 1975 (called the "anti-drug law"), which commits the State, provincial and local governments, to take action.

162. On the prevention level (which is of particular interest in the context of this report) the Ministry of Education first of all, operates, both directly, by organizing courses for school personnel, and through its own peripheral organs (Provveditorati agli Studi) which, a short time after the Law was approved, instituted ad hoc provincial committees. Representatives of all the local organs that can help to limit the distribution of drugs and to rehabilitate young drug addicts also participate in these committees.

163. Of major importance in the struggle against illicit drug traffic are the functions of the Ministry of Internal Affairs (the Home Office), which has created an ad hoc office, known as the "Central Anti-drug Directorate", which operates through the public security organs. The command of the carabinieri and of the finance guards participate actively in the struggle against illicit traffic.

164. In spite of the regulations laid down by the Law of 1975 and its implementation both on the level of prevention of drug use and control of illicit traffic, drug addiction in the 1970s has constantly increased. Its expansion in the last three years, both qualitative (from the use of light drugs to heroin) and quantitative, leaves no short-term hope for its elimination or even of an appreciable reduction.

165. The size and character of the phenomenon escape overall assessment and, as in the case of many social phenomena, only research can provide elements for evaluating the situation at a given time. No results of recent research are available, however, with the exception of a study carried out in 1974 among 2,400 students of eight upper-middle schools at Rome, which gave the following results: students of 18 years of age who used drugs represented 1.6 per cent of those interviewed, and those of 16 years, 0.4 per cent. The less serious, but never the less dangerous cases, that is, those who had used drugs "only once" or "a few times" without reaching a stage of being accustomed or addicted to drugs, involved 3 per cent of the students interviewed.

166. More recent indicators can be deduced from the activities of the police operating in the suppression of illicit drug traffic: in 1980, 7,738 persons were denounced to the magistrates, 415 of whom (357 males and 58 females) were under the age of 18, and 4,470 (4,097 men and 643 women) were between 18 and 25 years of age.

167. In the same year, pursuant to the anti-drug law, which does not penalize the possession of small quantities of drugs but envisages cases of denouncement to the judicial authorities, 2,718 persons, 278 of whom (226 males and 32 females) were under the age of 18, and 2,004 (1,744 males and 260 females) were between 18 and 25 years of age, were denounced to the judge for the possession or purchase of modest quantities of drugs.

168. In addition, 3,721 consumers, 371 of whom (296 males and 75 females) were under 18, and 2,767 (2,352 males and 415 females) were between 18 and 25 years of age, were reported to the health and juridical organs for the non-therapeutic use of drugs or for refusal of treatment and assistance.

169. Lastly, still with reference to 1980, deaths from the use of drugs numbered 208, 9 of persons under 18 (5 males and 4 females), and 145 of persons between 18 and 25 years of age (128 males and 17 females).

4. Juridical protective institutions: adoption, special adoption, fosterage, guardianship and international adoption

170. Italian legislation envisages two different forms of adoption:

(a) Ordinary adoption, regulated by articles 291-314 of the Civil Code, having the essential aim of assuring a descendant to the childless;

(b) Special adoption, of recent institution by Law No. 431 of 5 June 1967, with the addition to the Civil Code of the new article 314, paragraphs 2-28, which has the aim of assuring the placement in a family of abandoned minors who have been declared adoptable by the juvenile court.

171. Differences in requirements, procedures and consequences in the relationship between adopters and adopted correspond to the widely different aims of these two forms of adoption.

172. Ordinary adoption. This traditional form of adoption is granted to persons who have no legitimate or legitimated descendants, who have reached 35 years of age and exceed by at least 18 years the age of the persons they intend to adopt. When exceptional circumstances so suggest, the court can authorize adoption if the adopter has reached at least 30 years of age, the age difference with respect to the adoptee remaining unchanged.

173. This type of adoption creates a bond of civil relationship which, in certain respects, recalls that of legitimate fosterage (adoptio naturam imitatur). In fact:

(a) The adopter acquires, toward the adopted minor, the exercise of parental authority and assumes the obligation of supporting and educating him, taking into account his capacities, natural inclinations and aspirations;

(b) The adoptee takes the surname of the adopter, adding it to his own, and is equal to the legitimate children in respect of the rights of succession to the adopter where legitimate succession exists. However, he retains his rights and duties toward the family of origin (such as, among other things, the rights of succession and alimony duties), save for the exceptions established by law.

174. The adoption does not create any civil relationship between the adopter and the family of the adoptee, save for exceptions laid down by law; it does not attribute to the adopter any right of succession on the assets of the adoptee.

175. In order for the adoption to take place, consent is required, not only of the adopter and the intended adoptee, but also of the parents of the latter and of the spouse of the adopter in a case where action is taken by only one of a couple. If the adopter has not reached adult status, consent is given by his legal representative.

176. The adoption process is carried out before the court of the district in which the adopter has his residence. If the adoptee is a minor, the juvenile court is competent (this will be dealt with in the section dealing with the protection of maladjusted or delinquent children and juveniles).

177. The adoption may be revoked for incorrect behaviour of the adopter or adoptee, or for moral reasons.

178. Special adoption. This type of adoption - which the same law of 1967 defines as "special" to distinguish it from traditional adoption illustrated above - is based on the assumption that the family generally represents the most favourable environment for the harmonious physical and psychic development of the child and that, therefore, the child has the right, wherever possible, to grow up in a family atmosphere. Special adoption is granted:

(a) To couples united in marriage for at least five years and between whom there does not exist personal or de facto separation, and who are physically and morally suited to educate the children they intend to adopt, and in a position to support them and assure them of a family environment. These conditions must be recognized by the court by means of an "opinion of comparison" between the various couples who aspire to adopt one or more children, and who have or do not have legitimate or legitimated children;

(b) Only with regard to children in a state of material or moral abandonment who are not above eight years of age and for whom the issue of a certificate of adoptability is requested by the public attorney, a public or private assistance institution or by any person interested in effecting such adoption. The state of material or moral abandonment by the parents is previously ascertained by the court. Those interested may propose opposition to the provision which declares the state of adoptability.

179. Special adoption takes place in two phases: in a first period, of one year's duration, the juvenile court may provide for the pre-adoption entrustment of the minor, controlling his placement in a family through its own social workers. After a year of entrustment, and upon evaluation of the conditions in which this has taken place, the court will decide on the demand for special adoption.

180. By effect of the special adoption, the adopted child acquires the status of legitimate child of the family of the adopters, of which it assumes and transmits the surname. The relationship between the adoptee and the family of origin ceases to exist, except for the marriage prohibition and the penal regulations based on kinship.

181. The provision authorizing the special adoption can be revoked for certain reasons expressly envisaged by the law (art. 395, Nos. 1, 2 and 6 of the Code of Civil Procedure).

182. The application of special adoption is not only the recognition of the right of the child to have a family, but also the beginning of a process of gradual reduction of the phenomenon, still widespread in Italy, of the so-called "institutionalization" of abandoned children, that is, their entrustment to assistance institutions during their infancy, which, no matter how adequate such institutions might be, do not reproduce the family environment.

183. On the other hand, the regulations governing special adoption, after an initial period of application, have showed themselves to be too restrictive in so far as the maximum age limit of adoptable children is concerned, and a movement has developed in the country intended, on the one hand, to promote the maximum possible application of special adoption and, on the other, to revise the regulations on ordinary adoption. Various bills have therefore been presented for the modification of the present legislation, the most recent of which, on government initiative, was presented to Parliament in 1981. This legislative provision is at present under examination and foresees:

(a) Different terms for the two types of adoption: to be precise, "adoption without legitimating effect" and, simply, "adoption";

(b) Modification of certain requirements so far demanded of adopters, especially regarding their age;

(c) Raising of the maximum age limit of the child to be adopted from 8 to 18 years for legitimating adoption, and the discontinuation of the need for consent of the minor who has already completed 16 years of age;

(d) Simplification of the procedure for ascertaining abandonment of the minor and establishing adoptability conditions.

184. The National Commission for the International Year of the Child has also emphasized the importance of making certain changes in the law on special adoptions for the purpose of making procedures more rapid and more respondent to the requirements of the protection of abandoned minors. At the same time, it has expressed the opinion that there must be created forms of assistance, above all of a preventive nature, that are integrative and not alternative to those which the mother and the family nucleus can provide, for the purpose of appealing to special adoption only when it is indispensable in the interest of the minor. In this light, the Commission has expressed the desire for a greater harmonization of Italian legislation with that of other countries, in the first instance other European countries, that are inspired by such criteria.

185. Fosterage. This is a form of protection of children that is, almost exclusively, proper to the Italian system (articles 404-441 of the Civil Code) and is intended to regulate the entrustment of orphans or abandoned minors to private individuals in those situations in which the conditions for special adoption do not exist. After having been entrusted with a minor for three years, the private individual may request the tutelary judge to permit fosterage of the minor, and where obtained the foster parent will acquire the powers and obligations of parental guardianship. He will consequently support and educate the fosterling.

186. Fosterage, therefore, ensures the welfare of the minor but, unlike special adoption, does not create bonds of kinship.

187. Guardianship. The Civil Code (articles 316 and 317) lays down that the guardianship of minor children will be exercised by both parents and that in the case of death or a serious impediment that makes it impossible for one of them to exercise such guardianship, it will be exercised by the other.

188. If both parents are dead or if for other reasons they cannot exercise guardianship by nature, there intervenes the juridical institution of guardianship by the judicial district which takes care of the interests of the minor. If the guardian is domiciled in or moves to another district, the guardianship will be transferred accordingly by court decree (art. 343 of the Civil Code).

189. The responsibility concerning guardianship lies with the tutelary judge (instituted at each magistrate's court). He appoints as guardian the person designated by the parent who last exercised guardianship. Where this is not possible, the choice of the guardian is usually made among the ascendants or closest relatives of the minor. The judge, prior to proceeding with the nomination of the guardian, will hear minors who have reached the age of 16 (arts. 344 and 348 of the Civil Code).

190. The guardianship of minors who in their place of domicile have no relatives known or capable of exercising the functions of guardian will be entrusted by the tutelary judge to an assistance body or to the institution where the minor is already living (art. 402). In turn, administration of the body or institution delegates one or more members to exercise guardianship. The National Commission instituted for the International Year of the Child has, however, expressed the opinion that in these cases it is necessary to adopt another system, eventually instituting organs that have specific tutelary functions.

191. The functions of the guardian are compulsory and gratuitous. The guardian represents the minor in all acts exceeding ordinary supervision and also administers his assets.

192. The minor has the same duties towards the guardian as are due the parents, but the powers of the guardian are restricted in view of the fact that his activities are subject to rigourous controls.

193. International adoption. The Italian system does not have specific rules relating to international adoption, with the exception of the acquisition of Italian citizenship by a minor who as a foreign citizen is adopted by an Italian couple, a case which is envisaged by an article of the Law of 1967 on special adoption.

194. The necessity of providing for the organic regulation of international adoption is thus felt in Italy, as in other countries, above all in those cases where the adoption of minors by foreigners is permitted.

195. In Italy, couples who aspire to adopt a foreign child have, in actual fact, two possibilities:

(a) To proceed with the adoption in the country of origin of the child and have the decree of adoption recognized in Italy by the magistrature;

(b) To appeal to the juvenile court and request to be permitted to adopt a child, subsequently completing the procedure after the arrival of the child by obtaining pre-adoptive entrustment and then the award of adoption.

196. As can be seen, the couple/child bond, which is a fundamental aspect of special adoption, does not occur in international adoption, which is instead based on a de facto situation which the juvenile court is, in actual fact, obliged to legitimatize.

197. In this regard, the National Commission for the International Year of the Child has expressed the hope that rules will be set up such as to satisfy the following requirements: correct information to be given to the citizen on the contents of adoption in order to prevent emotional situations brought about by dramatic international events, and to preclude that difficulties encountered in Italy in the adoption of children should be the sole reason for the adoption of the foreign child; assistance to be given by the juvenile court with specialized social services at an international level; rigorous controls with regard to the adoptability of the child; suitable procedures for the recognition in Italy of the foreign decrees which have permitted the adoption.

D. Protection of minors in particular conditions

1. Minors without family or with incapable parents

198. The fundamental reforms and innovations introduced into the internal system between the end of the 1960s and the course of the following decade - reform of family rights, introduction of special adoption, institution of the State kindergarten, implementation of the regional system and the assignment of new tasks and functions to local bodies - in addition to pursuing the aims of a general nature illustrated in the preceding chapters, also created the basis for a radical reform, already partly implemented but still under completion, for the care of minors without a family (orphans, abandoned children) or whose parents are incapable of supporting and educating them. In particular:

(a) The new family rights have permitted the recognition of children born out of wedlock on the part of the parents even if the parent was united in marriage with another person at the time of conception;

(b) Special adoption has made it possible to provide a normal family to minors without a family or whose family lacks the necessary material and moral requirements that would enable minor children to have harmonious physical and psycho-social development;

(c) The introduction of the State kindergarten and its development have reduced the cases where large, needy families have entrusted one or more children still of tender age to institutions for early childhood;

(d) The implementation of the regional set-up has assigned to the regions legislative and administrative functions and to the local bodies new tasks in the field of social services, including services in support of the family, such as nursery schools and family-consulting centres, which have also reduced the necessity of resorting to the traditional form of assistance of entrusting children to in-care homes.

199. These measures nationally have thus created the premises for a "child policy", the initial results of which can be outlined, albeit based on indirect and approximate data.

200. No data are available that would permit an evaluation of the extent to which the new family rights have changed the condition of children born out of wedlock, who are more exposed to being abandoned and to being entrusted to institutions for early infancy.

201. An evaluation of this kind would, in fact, require considering together the general birth rate, illegitimate births and the recognitions made by married persons after the introduction of the new family rights. Reference can therefore be made only to the following indirect data, which seem to show a considerable reduction in the number of children entrusted to institutions for early childhood.

202. According to a survey carried out in 1958 over the whole national territory, there were 97 of these institutions with 10,935 beds, and according to the processing of the official annual statistics carried out on the occasion of the International Year of the Child, the number of children assisted in these institutes fell between 1970 and 1976 from 4,560 to 2,690; those entrusted by these same institutes to trustee families (external upbringing) fell in the same period from 55,339 to 22,603.

203. On the other hand, a more recent and direct evaluation can be made of the effects of the introduction, in 1967, of special adoption as a specific protective measure: in fact, from that year up to 1980, 36,539 abandoned children, or those with incapable parents, were placed permanently with normal families. Furthermore, the high number of unfulfilled adoption requests and the expected modification of the present law on special adoption may encourage a further development of this form of complete protection, in harmony with the acquired principle of limiting resort to institutes to cases in which there is no other possible solution for providing for the upbringing, support and educational requirements of minors, orphans or those with incapable parents.

204. The institution of the State kindergarten - whose essentially educational aims also include protection for orphans or children with only one parent or with parents incapable of educating them - leads one to believe that it has helped to reduce the entrustment of such children to minors' institutes. In this connection, however, no direct or even approximate data are available, in that the statistics regarding children attending the State kindergartens are provided only according to sex.

205. Lastly, it is within the ambit of the implementation of the regional system and of the new tasks of the local bodies, in particular the communes (the general lines of which were illustrated in paras. 46-53), for the necessary conditions to be achieved not only for adequate development of the pre-existing social services (such as the family-consulting centres, which also have tasks of consultancy and assistance in the matter of responsible procreation), but also, and above all, for regional legislation or social welfare, for intervention programming and for social services co-ordination.

206. The National Commission instituted on the occasion of the International Year of the Child has responded positively to the fundamental innovations so far introduced in the social policy of the country, both for the general aims of social development that they pursue and for the progress they have brought about in the sector of the welfare of minors without a family or whose parents are incapable of providing for their support and education.

207. In actual fact, an overall evaluation of this progress can only be made if account is taken of the previous situation, the outstanding characteristics of which, with regard to the conditions of minors of school age, are outlined below.

208. The practice of placing children in institutions for minors, as in the case of children of large families in conditions of need, was very widespread and corresponded to the availability of a wide network of institutions for school-age minors, the origins of which go back to private institutions, in particular those of a religious nature, with direct State contributions to their financial requirements.

209. According to a 1958 national survey, the results of which were mentioned with regard to the institutions for early childhood, the number of institutions for school-age minors was 3,370 with 244,000 beds, and their capacity was generally fully utilized. According to the processing of annual statistics carried out on the occasion of the International Year of the Child, the number of children assisted decreased from 149,616 in 1970 to 108,995 in 1974 and to 61,521 in 1976.

210. In the light of these data and of those previously cited in illustrating the fundamental innovations made in the family welfare system, it can thus be deemed that the process of "de-institutionalization" of minors in conditions of need - which met with the favour of the National Commission for the International Year of the Child - has already acquired appreciable proportions and can be further developed, albeit within limits, through the envisaged modification of the law on special adoption, through reaching the expected target of 3,800 nursery schools and, in general and through the development and integration of social services on a territorial basis, the responsibility for which, as already stated, has been transferred from the State to the regional and local bodies.

211. The actual trend in seeking solutions other than entrusting needy minors to public assistance institutions must not be interpreted to mean that all the institutions then existing and still operating did not and do not adequately respond to the needs of the minors entrusted to them. In fact, although it is true that these minors were, and still are without the affection that only a family can give and are exposed to social segregation, it is equally true that the services provided by the institutions for minors were and are considerably differentiated according to the facilities of the individual institutions and their attitude towards the professional updating of personnel.

212. In fact, standards of care for minors entrusted to institutions did not and still do not exist. The same applies with regard to the services and personnel preparation then and now existing.

213. Prior to the implementation of the regional system, the general situation regarding minors' institutes was even more complex than that just described by reason of the existence of a large number of national public bodies responsible for the assistance of children (in particular the Opera Nazionale Maternità e Infanzia (ONMI) and of particular categories of orphans according to the professional condition of the deceased parent (war orphans, orphans of workers who died as a result of accidents at work, orphans of members of specific armed forces, orphans of teachers, etc.) or for particular forms of assistance in certain areas.

214. With the implementation of the regional set-up and the transfer to the communes of the responsibility for social services within the ambit of the communal territory or of consortia of small communes, the national bodies were suppressed during the years 1975-1978, thus overcoming considerable difficulties. Their functions, assets and personnel were generally transferred to the regions and communes.

215. Equally complex was, and partly still is, the distribution of the responsibilities at the ministerial level, characterized by the sharing of responsibilities for minors' welfare among various ministries. In particular:

(i) The Ministry of Internal Affairs provided for the payment of contributions to the minors' institutions in proportion to the number entrusted to each of them;

(ii) The Ministry of Labour exercised the supervision of the institutions for orphans of workers deceased as a result of accidents at work, the expenses of which were borne by contributions of the Previdenza Sociale (social security insurance);

(iii) The Ministry of Health was responsible for the supervision of early childhood institutions;

(iv) The Ministry of Justice was responsible in the matter of maladjusted or delinquent juveniles;

(v) Lastly, the Amministrazione Aiuti Internazionali (International Help Administration), at the termination of the administration of such assistance, which was partly assigned to the minors' institutions, had been integrated into the Ministry of Internal Affairs and carried out and still carries out studies and professional training activities for personnel for the institutions and other similar bodies.

216. With the implementation of the regional set-up, whose law at the time provided for the consequent modifications of the public administration organization, the minors' welfare system in question (as also in the case of other categories of minors in conditions of need) was thoroughly reformed and simplified, and the relevant functions were assigned to the regions and communes.

217. The complexity of the reform was such that the regions and communes necessarily had to give priority to carrying out the administrative functions assigned to them, to creating the new social services established by law (family-consulting centres and nursery schools) and to enacting a large number of regional laws for individual types of services.

218. On the other hand, the necessary regional laws of a general nature to be adopted are still under examination in the majority of the regions, which are provided, as far as possible, with standard criteria in order to give homogeneity to the different forms of minors' welfare, to encourage the territorial and functional readjustment of services, their expansion and qualification and the structure of the different welfare services relating to maternity, early infancy and growth years.

219. As has already been said, the National Commission instituted for the International Year of the Child showed its approval of the fundamental innovations so far introduced into the internal set-up in family welfare, in the system of minors' social welfare and in the wider system of social welfare in general, including health reform, which will be dealt with in Chapter VIII.

220. At the same time, however, the Commission did not fail to point out the existence of some shortcomings that will have to be removed in order to complete the reform cycle and that still keep minors' welfare in a situation of transition.

221. In particular, the Commission emphasized the necessity of going ahead in close periods of time with the definition of the responsibilities of a "State summit" (such as th preparation of the regulations of a general nature for the legislative and administrative activities of the regions and related co-ordination) and its integration into the internal set-up. This summit should be established with a legge-quadro, various texts of which have so far been studied, but which has not yet been approved.

222. The Commission further emphasized the necessity of revising the legislation in force on local finance in order that the communes may operate to an extent that is adequate for the importance of the functions for which they are now responsible.

2. Handicapped children and juveniles

223. In the course of the 1970s, a vast movement at the scientific, political and administrative levels developed in the country, aimed at achieving the integration into society of handicapped persons by eliminating the barriers which in various ways isolate such persons from the context of social life.

224. Within the framework of this general objective, the integration of children and juveniles into the school system assumed particular importance in that integration of handicapped persons into society from the early periods of their life was addressed.

225. In the chapter relative to family welfare, an indication has already been given of the measures taken to place three- to six-year-old handicapped children in the kindergarten.

226. An examination is now made of the welfare of handicapped children and juveniles between 6 and 18 years of age, which in more recent years has recorded rapid and considerable progress. Three phases can be distinguished in the history of the legislation concerning particular forms of education:

(a) An initial phase, extending up to the 1950s, of the education of handicapped children being in the hands of private institutions, the State providing only for the education of the blind and the deaf and dumb;

(b) A second phase, which started in the 1960s, of "special" classes and "differential" classes which were instituted by law in the middle schools, respectively, for handicapped pupils and those who showed difficulties in learning and adaptation;

(c) A third phase in which - by Law No. 517 of 4 August 1977 - the integration of handicapped children into ordinary classes was instituted.

227. This law is the result of a thorough study carried out by an ad hoc ministerial commission and of various decrees and administrative provisions which in the years 1975-1977 regulated particular organizational and curricular problems and those arising from the psychological, pedagogical and other specialist services connected with placing certain handicapped pupils in the ordinary schools.

228. On the basis of the law in question, the classes in which handicapped pupils are placed should have a maximum of 20 pupils, and the teachers should have particular specialized qualifications. Furthermore, the law stipulates that the fulfilment of the school obligation to deaf and dumb children should take place in special schools or in the ordinary elementary and middle schools in which the necessary specialist and support services are available.

229. The implementation of the law and administrative provisions indicated was obviously gradual, in view of the difficulties connected with the school integration of handicapped children, such as the existence of architectural barriers in schools, the inadequacy of schoolrooms, the insufficiency of the medico-pedagogical services, etc. Furthermore, these same legislative and administrative provisions have a programmatic nature and represent objectives whose implementation is not exhausted in bureaucratic procedural practice.

230. The results obtained within a few years are, however, considered satisfactory. In fact, according to surveys carried out by the Ministry of Education in the school year 1979/80, about 85,000 handicapped pupils were integrated in about one half of the kindergartens, elementary and middle schools.

231. The special schools continue to operate in order to make effective compulsory school attendance in cases in which placement in the normal schools is not possible (for example, blind children) and to promote orientation and training programmes for the handicapped with a view to their successive entry into the labour world.

232. The welfare of handicapped children and juveniles also includes provisions of a socio-economic nature. By Law No. 118 of 30 March 1971, an "escort allowance" was granted to the civil disabled and invalids under 18 years of age who are recognized as being unable to walk, and are attending compulsory school, training courses or medical centres.

233. Furthermore, this same law grants to civil disabled and invalids attending compulsory school or professional training courses financed by the State, free transport from home to school or centre and vice versa and access to school by providing special arrangements to overcome the architectural barriers that would otherwise prevent attendance.

234. Lastly, civil disabled and invalids belonging to families in difficult economic situations are exempted from university taxes.

235. With a recent law, No. 18 of 11 February 1980, with effect from 1982, a standard indemnity was granted to the civil disabled and invalids who are totally incapacitated, including those under 18 years of age, for the purpose of enabling them to remain in the ambit of the family and thus avoiding their entrustment to assistance institutions.

236. Alongside the school integration of handicapped children and juveniles, there is in progress, within the framework of health care, a programmatic action aiming, on the one hand, at preventing handicaps from occurring and, on the other, at attaining every possible form of rehabilitation for handicapped persons of all ages.

237. Law No. 833 of 28 December 1978, which instituted the National Health Service, which is articulated over the entire territory in Local Health Units (already mentioned in the preceding chapters and to be dealt with more fully in chapter VIII below, regarding the right to health, as per article 12 of the International Covenant), envisages in fact both interventions of a "preventive" character to be carried out within the framework of maternal protection and health care during growth years and health services for the functional and social rehabilitation of persons affected by physical, mental or sensory disability arising from any cause.

238. Furthermore, the "national health plan", which pursuant to the same law constitutes the three-year programmatic instrument for health care, envisages for the three-year period 1981-1983, priority interventions for the prevention of handicaps and the assistance of the handicapped. Among the numerous interventions recommended by the plan which together constitute a "strategy" intended to overcome the state of isolation of the handicapped, to make possible the provision of services and to improve the living standard of the more seriously handicapped, the following are of particular significance: a demographic and territorial survey of handicapped persons; the cultural updating of all those who in the ambit of their profession operate in contact with handicapped persons; the utilization and improvement of volunteer services; and the promotion of initiatives aiming at facilitating the autonomous access of the handicapped to welfare and information services.

239. During 1981 - the International Year of Disabled Persons - a National Committee was set up at the Ministry of Health, the work of which was brought to the notice of Parliament.

240. Following this initiative, a legge quadro project was presented to Parliament, which, among other things, envisaged the early diagnosis of handicaps.

3. Maladjusted and delinquent minors

(a) Prevention of maladjustment and delinquency of minors

241. At a United Nations seminar on the delinquency of minors, held in Italy in 1963, a distinction was made between three types of prevention of maladjustment and delinquency of minors:

(a) Primary prevention, including all measures of an economic and social nature intended to contribute towards the progressive raising of the standard of living of the population. These measures, in fact, also contribute indirectly to protecting those adolescents who are more exposed to forms of uneasiness, maladjustment and isolation;

(b) Secondary prevention, including measures specifically aiming at the rehabilitation of minors from forms of maladjustment, already evident, that might lead to delinquency;

(c) Tertiary prevention concerning the treatment and rehabilitation of delinquent minors.

242. The economic measures of primary prevention concerning employment and social security were illustrated in the first Italian report on economic rights. The social measures of a general character are illustrated in the present report on social rights. Thus, an illustration is given hereunder of the secondary and tertiary preventive measures taken for maladjusted and delinquent minors, starting with those of an institutional nature concerning the "juvenile courts" instituted in 1934 by Law No. 1404 of 20 July in each of the 26 court-of-appeal districts.

(b) Juvenile courts

243. The court is composed of a judge of the court of appeal, a court magistrate and two citizens (one man and one woman) who have reached 30 years of age and are chosen from among specialists in biology, psychiatry, criminal anthropology, pedagogics and psychology. By analogy, the specialized section of the court of appeal - which is competent for second-grade penal procedures against delinquent minors - functions with the participation of two citizens (one man and one woman) having the same requisites as for the juvenile court.

244. The law instituting these courts envisages, in so far as the re-educative action for maladjusted minors is concerned, the institution in each court-of-appeal district of a complex of social services denominated "juvenile re-education centres". These centres may include control institutions, re-education homes,

limited-freedom homes, institutions for minors in a state of preventive custody, reformatories and school-prisons.

245. The same law evisages research to be carried out on the personality of the minor and the penal hearing behind closed doors, with the presence in addition to the accused of the injured party, witnesses, the defence and the nearest relatives of the defendant, as well as representatives of committees and bodies for the assistance and care of minors whom the president of the court recognizes as of sure seriousness and competence.

(c) Pre-education for maladjusted juveniles

246. When the educational action of the parents is of a low standard and leads to the minor becoming maladjusted, the existing basic social services and, in particular, the juvenile re-education centres, instituted by the Ministry of Justice and transferred to the communes within the framework of the implementation of the regional set-up, as well as the juvenile institutes with re-educational aims, offer various possibilities for the rehabilitation of the maladjusted.

247. If the parents of the maladjusted juvenile do not turn spontaneously to the above-mentioned possibilities for rehabilitation, the necessity arises for the intervention of the juvenile court, to which the referral of minors, giving clear proof of irregular conduct or character, can be made by the Attorney of the Republic, by the office of the minors' social service, by the minor's parents, by the guardian and by educational organs.

248. After receiving such a communication, the juvenile court, by means of one of its components designated by the president for the purpose, carries out thorough inquiries into the personality of the minor and by decree provides for the entrusting of the minor to the "minors' social service", which has social workers at its disposal, or the placing of the minor in a re-educational home or in a psycho-medico-pedagogical institute.

249. The procedure is concluded in the council chamber of the court in the presence of the minor and the persons who exercise guardianship by nature or protection after hearing the public prosecutor and the defence.

250. The court's decision may limit or suppress the authority of the parents of the maladjusted minor by means of "assignment to the social service" and, in more serious cases, the removal of the minor from the family and recourse to "family assignment", or internment in a "re-education home", in particular:

(a) Assignment to the social service. Introduced for the first time into Italian legislation by Law No. 888 of 1956, it aims at achieving the social rehabilitation of the minor who is irregular in conduct or in character without taking recourse to internment in a re-education home. The minor remains with his family, continues to live in his surroundings and carries out his activities. A social worker will give him advice and teaching, will follow his attendance at school and the benefit derived therefrom and will watch over family relationships;

(b) Foster care. The minor is assigned to a family suitably chosen, to which an adequate allowance is paid for his support and education. This form of rehabilitation of maladjusted minors is, however, still not widespread;

(c) Internment in a re-education home. This takes place in cases of ascertained irregularity of conduct or character of a serious nature or in the case of serious family situations which are the cause of the state of maladjustment of the minor.

(d) Penal regulations concerning delinquent juveniles

251. Article 98 of the Penal Code establishes that the minor who at the moment he committed an act envisaged by the Penal Code had reached 14 years of age but not yet 18 is chargeable if he is in full possession of his faculties. The same article lays down that in any case in which the punishment is reduced and when the punishment of detention inflicted is less than five years, or if it is a question of pecuniary punishment, accessory punishments are not to be inflicted.

252. If it is a case of a more serious punishment, the sentence involves interdiction from public office for a period not exceeding five years.

253. Should the act committed by a minor be envisaged by the law as a crime and he be considered socially dangerous, the judge, taking special account of the seriousness of the act and of the moral conditions of the family in which the minor has lived, will order that he be detained in a reformatory or placed on bail. The detention in a reformatory is ordered for a period not less than three years if for such a crime the law establishes life imprisonment or imprisonment of at least three years and if it is not an unpremeditated crime.

The same provisions are applied to the minor who at the moment of the act considered a crime was already 14 but not yet 18 years old if he is recognized as not chargeable because he is not in full possession of his faculties.

(e) Criminal proceedings for crimes committed by minors

254. Such proceedings are within the competence of juvenile courts for the first grade and of the specialized section of the Court of Appeal for the second grade (art. 9 of the Law No. 1404 of 20 July 1934).

255. This principle is not applied when in the criminal proceedings there are adult co-defendants for the same crime; in this case, the minor, with regard to the crimes in question, is judged by a magistrate, the court or the court of assizes according to the rules of oridinary competence. Whoever the competent judge, however, the minor is subject to special rules.

256. Above all it must be ascertained that the minor at the moment of committing the act was in full possession of his faculties, and for this purpose he will undergo a medico-legal expert examination.

257. Furthermore, the minor, in the concurrence of certain conditions, can benefit from judicial pardon. In this connection, article 169 of the Penal Code establishes that if the law envisages for the crime committed by the minor a punishment restricting personal freedom not greater than two years maximum or a pecuniary punishment not greater than a certain maximum limit and the minor has no previous sentences for crime, the judge may abstain from remanding the minor to trial. In taking this decision, the judge must obviously evaluate the probability of the minor committing further misdemeanors.

258. Should, on the other hand, the trial take place, the judge, for the same reason, may abstain from pronouncing sentence and grant judicial pardon.

259. Also, the conditional suspension of the sentence inflicted upon the minor and his release on bail are regulated by less severe regulations than those applicable in the case of adults.

(f) Penal treatment of delinquent juveniles

260. The segregation of delinquent juveniles from delinquent adults, both in preventive custody and in the period of seclusion imposed on them, is a general regulation of the Italian penitentiary set-up. They complete these sentences in "school-prisons", which are penitentiary institutions organized not only for the moral rehabilitation of minors, but also for their professional preparation.

261. The new penitentiary set-up established by Law No. 354 of 1975 and the related regulation of execution approved by decree of the President of the Republic No. 431 of 29 April 1976 (which was illustrated in detail in the first Italian report on civil and political rights) envisage as a transitory regulation that the relevant provisions - also inspired by the "minimum regulations for the treatment of detained persons" approved by the United Nations in 1935 - shall be applied to those under 18 and, therefore, also to the school-prisons.

(g) Present and prospective problems

262. Italy, as other countries, has for some years been showing a tendency to limit the cases of penalization of socially maladjusted minors, who are often candidates for delinquency, and to make timely arrangements for their rehabilitation, not only through the action of the juvenile courts and the social services existing within their ambit, but also through an integral complex of social services performed at the local level: communes and consortia of small communes.

263. This movement has found a first concrete response within the ambit of the implementation of the regional system and the consequent assignment to the communes of the administrative competence for basic social services, the general lines of which were illustrated in paragraphs 46 to 53 and again mentioned in dealing with the measures for the protection of and assitance to minors without a family or with incapable parents. In fact, the juvenile re-education centres, which had been created by the Ministry of Justice in implementation of the law instituting juvenile courts, have been transferred to the communes.

264. Competence in penal matters, however, has obviously remained with the juvenile magistrature. Complex co-ordination problems have arisen between re-educative action, now the competence of the communes, and penal action, the competence of the juvenile courts. In order to deal with these problems and achieve an adequate and uniform reorganization of the social services in question, in 1978 there was instituted, in the Ministry of Justice, a "National commission for relations with the regions", composed of representatives of the regions, communes, magistrature and of the Ministry itself.

265. A further response to the above-mentioned movement in favour of the limitation of penalization of maladjusted minors who have committed a criminal action according to the penal law is expected in relation to the envisaged adoption of a new code of penal procedure, which cannot but reflect positively also on justice for minors. In the same way, a response is to be expected to come from the reform of the juvenile courts, which was foreshadowed by the National Commission for the International Year of the Child.

266. In fact, this Commission has formulated a series of recommendations on the matter of rehabilitation of maladjusted minors and of delinquent juveniles and has, in particular, recommended that the law instituting the juvenile courts should be reformed, specifying the innovations to be introduced, as follows:

(a) Modification of the territorial competence of such courts (court-of-appeal districts), where it is too large for an efficacious connection both with the existing social services in the communes and in the consortia of small communes and with the human reality of the persons involved;

(b) Revision of the distribution of competencies in civil matters between the juvenile courts and the other judicial authorities in favour of the former;

(c) Modification of the composition of the juvenile courts, which would facilitate the adoption of temporary and urgent provisions on the part of individual members;

(d) Reform of the penal procedure for minors in alignment with the new code of penal procedure;

(e) Revision of the penal regulations, with the possibility of applying alternative measures to detention and the suppression of security measures;

(f) Issue of a minors' penitentiary provision;

(g) Specialization and professional updating of the judges.

E. Protection of working minors

267. As already stated in paragraph 108, the Italian Constitution, in article 37, second and third clauses, lays down that "the law establishes the minimum age limit for paid work" and that "the Republic prescribes special measures for safeguarding juvenile labour and guarantees equal pay for equal work".

268. A series of regulations of the Civil Code, the Penal Code and successive laws - among which principally is Law No. 977 of 17 October 1967 on the "safeguard of the work of children and adolescents" - give implementation to these constitutional provisions for the protection of minors at the time when they start to work and during the course of work.

269. The relevant provisions are additional to those of a general nature intended to safeguard the health and dignity of all workers (see the first Italian report E/1978/8/Add.34, paras. 29-50, to which reference is made below) and concern: the minimum age for admittance to various types of work; the fulfilment of the school obligation; the raising of the minimum age when heavy, fatiguing and unhealthy work is involved; the obligation to provide working environments and conditions that ensure safety and health; and reduced working hours and a greater frequency of rest intervals. These requisites taken as a whole are summarized by the cited law of 1967: "The employment of children and adolescents is subordinate to the observation of satisfactory working conditions suitable to guarantee their health, physical development and morality".

270. Considering the complexity of the matter, mention here is limited to the provisions regarding the minimum age for the admission of minors to different types of activities, the most important regulations on working conditions imposed on employers and the sanctions envisaged in the case of non-observation of the regulations concerning work by minors.

1. Minimum age for work

271. It must be stated in advance that according to the legislation in force, "children" are considered those under 14 years of age (end of compulsory schooling), and "adolescents" those between 15 and 18 years of age.

272. The minimum age for work is fixed at 15 years. However, certain exceptions are envisaged for types of work that require a higher age limit or permit a lower age. In particular, an age over 15 is required in the following cases:

(a) Employment if forbidden to all under the age of 18 in the following types of activity: work on suspension bridges; work of any type involving explosives; painting work which involves the use of noxious substances; work in the conduits of steam generators; engine-room services in sea navigation; railway services; work in which there is exposure to ionizing radiations.

(b) Minors between 15 and 18 years of age are forbidden to undertake any type of underground work (pursuant to the terms of ILO Conventions Nos. 112, 123 and 124, ratified by Italy by Law No. 864 of 1970); the lifting of weights and their transport by handcarts; underground extractive works in mines and quarries; the retail distribution of alcoholic beverages; and the manoeuvring and haulage of small trucks;

(c) Persons under 16 if male and under 18 if female are forbidden to participate in dangerous, fatiguing and unhealthy work (by "dangerous" is meant

those works the carrying out of which might easily lead to work-related accidents; by "fatiguing", those in which the fatigue is greater than the limit of resistence by persons whose psycho-physical development is not yet complete; and by "unhealthy", those which are carried out in unhealthy environments or which involve the handling of noxious substances). A detailed indication of such works is contained in the decree of the President of the Republic No. 432 of 1976.

273. Other exceptions to the rule of the minimum age of 15 relate to certain types of work for which a lower minimum age is permitted. In particular, the minimum-age limit is reduced to 14 years for the following types of work, always provided that the child has fulfilled the school obligation:

(a) Agricultural work, in consideration of the fact that the employment of children generally takes place on small family farms;

(b) Family or domestic services, in consideration of the particular conditions in which the work is carried out (living in the home of the employer, a slacker bond of subordination of the worker etc.);

(c) Light work of a non-industrial nature (commerce, services), that is compatible with the requirements of the care of the health of the child.

274. A particular procedure is envisaged for the employment of children and adolescents of any age in the preparation of or representation in film production and theatrical production work: in fact, the written consent of the parent or guardian is required, together with the authorization of the Superintendent of Labour, on the conforming opinion of the Prefect.

2. Working conditions

275. The legislation in force prescribes a medical examination for working minors and periodical check-ups to ascertain their suitability for the type of working activity; the examination is required for both children and adolescents, and also for juveniles between 18 and 21 years of age when their work exposes them to toxic or infectious substances. Furthermore, it is forbidden for minors to be subjected to excessive efforts, and for this reason it is forbidden for weights and transport to exceed a certain limit.

276. Working hours must not exceed, for children, 7 hours daily and 35 hours weekly and, for adolescents, 8 hours daily and 40 hours weekly. Furthermore, it is forbidden to entrust to minors work for which the system of "chessboard" turns is used. Eventual derogations are possible only if authorized by the Superintendent of Labour.

277. It is also forbidden to employ minors in night work meaning by "night" a period of at least 12 consecutive hours which is extended to 14 hours if the minor still attends school.

278. The weekly rest period must be at least 24 hours. The employer is under obligation to permit intermediate rest periods which reduce the effort brought about by the continuity of the work.

279. The period of annual leave must be paid and must not be less than 30 days for persons under 16 and not less than 20 days for those who have reached 16 years of age.

3. Sanctions in the case of breaching of the regulations on work by minors

280. The breaching of provisions intended to protect working minors is considered a criminal act. Some such violations are also envisaged by the Penal Code which, for example, expressly provides for punishment in cases of employment of minors in hawking activities (art. 669).

281. Law No. 977 of 1967, already mentioned, lays down that the breaching of some of its regulations constitutes an infringement to be punished by pecuniary sanctions (fines) graduated according to the seriousness and duration of the infringement and varying according to the number of minors involved. These sanctions apply not only to the employer, but also to any person who being "invested with authority" or "charged with control over the minor" explicitly or implicitly gives his consent to the commencement of work by the minor in violation of the regulations laid down by law. In the first place it involves the parents or other persons who exercise guardianship over the minor and any other person who by law exercises obligations of control over the minor, as, for example, those to whom he has been entrusted by assistance institutes, or who exercise educational functions in colleges and similar institutions.

282. These regulations, in addition to making the safeguarding of working minors more efficient and strict, integrate article 731 of the Penal Code concerning the co-responsibility of the parents in the fulfilment of the obligation of minors' education.

283. Other penal sanctions against the employer are laid down by Law No. 25 of 19 January 1955 on apprenticeship and also for breaching of the regulations on social security and assistance for which particular laws are in force.

284. Other cases of illegality in the matter of work by minors are envisaged by the Code of Navigation (art. 1179, which prohibits the employment of minors) and in other special provisions which prohibit the work of persons under 18 or 20 years of age in certain heavy or dangerous work.

4. Illegal employment of minors

285. The legislation on labour described above is considered at the international level as among the most advanced, and the control over its appliaction is carried out over the whole of the national territory through constant surveillance action by the Superintendent of Labour, for a dual purpose:

(a) To control the effective application of the regulations intended to safeguard the health and work performance of regularly employed minors;

(b) To severely repress infractions of the regulations on the minimum ages prescribed for admission to the various types of work.

286. Good legislation and intensive surveillance action are not, however, sufficient to avoid the occurrence of cases of premature employment of children and adolescents, which in Italy is frequent in the developing areas of the south, but the occurrence of which is tending to decrease and is considerably lower than that indicated by the Antislavery Society in a report presented in 1980 to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

287. In fact, this report gives the figure of half a million children employed before reaching the minimum age required for admission to work, whereas according to the estimates made at different times by the Ministry of Labour, the Central Institute of Statistics and qualified research institutes, the number of such children, which in 1967 amounted to 300,000, were 130,000 in 1971, 114,000 in 1975 and 106,000 in 1976. Furthermore, the progressive decline of the phenomenon of illegal work by minors is confirmed by the statistics on school attendance, which for the age of compulsory schooling (6-14 years) reached the level of 98.2 per cent.

288. The population between 14 (end of compulsory school) and 15 years of age (minimum age for permission to work), in which the phenomenon of premature employment of children can arise, more easily than in other groups of the population, is very limited.

289. The factors which bring about this phenomenon are of an economic and socio-cultural nature. The economic factors include the existence of regional imbalances, the different levels of employment in the various areas, the ratio between investment and consumption and the pattern of the economic situation, which in unfavourable periods brings about an increase in the unemployment of adult workers and stimulates large families to seek employment also for their minor children.

290. Among the socio-cultural factors, the following can be included: the desire of families in the less developed areas of the country to have their children enter the world of labour as soon as possible, especially in periods when school is closed, during which work for minors in the sectors of commerce, tourism and work at home is more easily available. However, the illegal employment of minors, especially in the industrialized areas, does not appear in conjunction with a breach of the school obligation, since it concerns students, seasonal workers, children who participate in the work of their parents in their spare time and, less frequently, real and proper work on account of third parties.

291. In actual fact, the illegal employment of minors also exists in Italy, but to a limited extent, varying according to the area and tending to decrease. Similar conclusions were reached by the National Commission for the International Year of the Child.

292. In order to further reduce the size of the phenomenon in question, the competent authorities carry out an articulated and co-ordinated action. In particular: the school programmes and teaching methods are brought up to date with the aim of reducing forms of disinterest towards the school on the part of the pupils themselves and consequent isolation in the school environment; the local bodies are progressively carrying out new social services; the Ministry of Labour has placed under examination the restructuring of the employment system; the carrying out of a new survey on work by minors and the establishment of a special interministerial commission of which trade union and private association representatives also form part.

293. Furthermore, Parliament is examining the ratification of ILO Convention No. 138 concerning minimum age for admission to employment and, implicitly, the acceptance of the obligations deriving from Recommendation No. 145.

Article 11

RIGHT TO AN ADEQUATE STANDARD OF LIVING

Chapter IV

GENERAL INFORMATION ON THE STANDARD OF LIVING

294. The measurement of social well-being has always been difficult on both national and international levels. In fact, for conceptual and empirical reasons, it is often necessary to trust statistics which, albeit quantifying the results of measures intended to improve social well-being, do not provide sufficient elements to evaluate the changes taking place in the standard of well-being. Hence the measurement of the efficacy of government measures intended to improve the standard of living of the population is even more difficult.

295. The present report, therefore, limits itself to providing general indications on programmatic financial documents in which the Government lays down the annual expenditure limits for the various social sectors and the relative political choices of intervention, as well as on the evolution in the 1970s of the two main macro-economic variables (income and consumption), which can help to outline a broad picture of the social well-being of the Italian population.

296. Social measures are adopted by the Government in the context of annual and long-term economic-programmatic documents. In particular, at the time of the presentation to Parliament of the annual State budget and the financial law, indications are given for all sectors, including those of social intervention, such as health and social security, of the annual expenditure limits and the economic policy actions intended to attain, within the framework of the primary objective of development, an improvement of the living conditions of the population.

297. The above-mentioned financial documents are accompanied by annual programmatic documents: the provisional report and the medium-term plan, in which the Government, in addition to indicating the development forecasts and the economic policy lines chosen to achieve them, collects the sectoral plans of the individual administrations, which are of importance for the purpose of pursuing the proposed objectives. The specific measures which the Government will then adopt during the year must be compatible with the economic-financial outline given in those documents.

298. The gross national product (GNP) during the 1970s recorded rates of growth clearly below those of the previous decade which, in the second half of that decade, had reached an average annual increase of 6 per cent. In fact, between 1970 and 1971 the real GNP per inhabitant was 2.2 per cent, and in the last three years of the decade, 1977 to 1980, it rose to 3.5 per cent.

299. On the other hand, the average hourly wages increased more rapidly in the 1970s compared with the previous decade. This pattern, to a large extent, is attributed to the progressive extension of the forms of index-adjustment of wages reached through trade union agreements. In particular, in the first half of the 1970s, real wages per dependent worker increased by 5.6 per cent, and in the second half by 3.8 per cent, thus maintaining their purchasing power after the petroleum crisis.

300. For different reasons, but substantially leading back to the internal impact of the international economic crisis, the 1970s were characterized by a limiting of consumption compared with the growth level recorded in the previous decade when food consumption and that of certain durable goods, departing from low levels, had already reached limits of progressive saturation. However, in the period from 1978 to 1980, an appreciable recovery of family consumption occurred, especially for certain types of non-food consumption, such as:

(a) Clothing and footwear: an average annual increase of 1.3 per cent in the period from 1970 to 1977 and 5.7 per cent during the three years from 1978 to 1980;

(b) Furniture, furnishings and household services: 3.2 per cent and 5.4 per cent;

(c) Transport and communications: 3.2 per cent and 7.1 per cent.

301. These data indicate a changed attitude of consumers who, in the presence of constant high rates of inflation, are orientated more towards consumption than savings and direct their expenditure either towards goods which, more than others, maintain their value over time (automobiles, furnishings, television sets etc.) or towards higher quality consumer goods (especially in the clothing field).

302. A further indicative element of consumer development can be obtained from investment in the sector of collective non-saleable services. These are mainly works and infrastructures toally or partly financed by the State and whose use benefits the entire community, such as, for example, the machines and means of transport necessary for the collective services. Such investment increased in the period from 1977 to 1980, with an average annual growth of 3.3 per cent, due mainly to the appreciable recovery that took place in 1980 (over 7.4 per cent) after several years of stagnation.

Chapter V

RIGHT TO ADEQUATE NOURISHMENT

303. The Italian Constitution does not contain regulations which specifically envisage the right to adequate nourishment. However, some constitutional regulations refer to living conditions, considered as a whole. In particular:

(a) Article 36 lays down that the worker is entitled to remuneration which in any case is sufficient to ensure him and his family a free and a dignified existence;

(b) Article 38 lays down that every citizen unable to work and without a means of support has the right to maintenance and social assistance; it further states that workers have the right to be provided with and assured an adequate livelihood in case of accident, sickness, infirmity, old age or involuntary unemployment.

304. The Italian economic and social legislation in force does not contain regulations which specifically envisage the right to adequate alimentation. However, legislation relative to the implementation of the agrarian policy of the country is very complex and, together with social policy, in particular that concerning wages and pensions, is intended to create an availability of food-stuffs corresponding to internal requirements and access to the food market by low-income groups.

305. Generally speaking, the agricultural policy is intended to develop, in quantity and quality, the production of essential foodstuffs and reduce the incidence of alimentary product imports on the country's trade balance. This, in fact, is one of the primary objectives of the 1980-1983 medium-term plan.

306. After these preliminaries, and taking account of the layout recommended for dealing with the right to adequate alimentation, an illustration is given of the latest measures adopted, and the extent to which they seem significant for an indirect evaluation of the action intended to assure such a right, as a component of living conditions in general.

A. Improvement of existing agrarian systems and exploitation of natural resources

307. Concerning the improvement of existing agrarian systems of particular importance is the institution of the Cassa per la formazione della proprietà contadina (Fund for the formation of farm property), by legislative decree No. 121 of 5 March 1948. This fund, whose activity was also regulated by other successive laws, the latest of which was in 1965 (Law No. 590), grants loans with easy interest rates:

(a) For the purchase, on the part of farmers, either as individuals or associated in co-operatives, of land intended to form new farms efficacious from the technical-economic point of view;

(b) For the purchase of land intended to expand farms already in existence.

308. In the first case, the Fund also supplies the necessary technical assistance, both in the first phase of building the new farm and in the successive phase of land improvement. The interventions so far carried out by the Fund have permitted the creation of more than 14,000 family farms and a large number of co-operatives with the common working of the land. Furthermore, the interventions of the Fund in the co-operative sector have recently been reinforced by Law No. 487 of 23 July 1980.

309. Among the measures concerning the exploitation of natural resources are the interventions for the recovery of only partly used natural resources (Law No. 984 of 1977) and those for the utilization of uncultivated, abandoned or insufficiently cultivated lands (Law No. 440 of 1978). The former law represents the basis of the national agricultural plan, which for the period from 1981 to 1983 envisages an annual development rate of 2.5 to 3 per cent for saleable agricultural production.

B. Improvement of agricultural production

310. The National Agricultural Plan, which, as already stated in the previous paragraph, includes the orientation given by Law No. 984 of 1977, envisages an articulated series of interventions aimed at improving agricultural and livestock production, at stimulating the rationalization of farm running systems, and the diffusion of technical-scientific know-how between agriculture and agricultural product processing industries. Furthermore, the National Forestry Plan envisages the extension of woods in the light of crop protection.

311. The most significant interventions of the two plans, agriculture and forestry, concern the extension of irrigation to about 1 million hectares, the extension of the woods to about 600,000 hectares and a series of co-ordinated actions for livestock breeding for the purposes of increasing livestock production and reducing the Italian trade balance deficit in the meat sector.

312. Interventions are also foreseen to improve and increase the availability of water and fruit and vegetable growing for the fruit and vegetable crops most in demand on the home and foreign markets.

313. In accordance with the terms of Law No. 984 and consistent with the two national plans, agriculture and forestry, the regions, to which article 17 of the Constitution delegates competency for the issue of legislative regulations in the matter of agriculture and forestry, issued respective laws and prepared the "regional intervention plans" for which the State assures the necessary financial means.

314. The "Association of agricultural producers", which is governed by Law No. 674 of 20 October 1978, acquires particular importance within the framework of the measures aimed at improving agricultural production. The intention of this Law is to transform the producer, through forms of association, from merely an instrument of decisions adopted by the political power, into a worker or participant of the various choices programmed at the national level. For this purpose the producer associations are entrusted with tasks inherent to the regulation of production and commercialization of the products, and the associations which act as interpreters of the political power are articulated at various levels.

315. With regard to agrarian experimentation, the Ministry of Agriculture and Forests has started and financed six five-year research projects with the purpose of improving the utilization of low-fertility zones and those prone to drought in order to increase the production of certain crops and of certain productive sectors. Other research projects are being drawn up or are under study.

C. Diffusion of technical and scientific know-how

316. Italy participates in the International System of Information of Agricultural Science and Technology (AGRIS), in two ways: with the insertion into the system of information at the disposal of the Ministry of Agriculture and Forests, and with the publication and distribution, by the same Ministry, of the information received from AGRIS.

D. Measures to reduce crop damage

317. The fight against certain crop parasites was laid down in a compulsory manner by Law No. 987 of 18 June 1931, which is stll in force. The matter, however, is now also regulated by the regulations of the European Economic Community, which have been included in the internal system by a decree of the Ministry of Agriculture and Forests dated 11 July 1981.

318. The operative competency in this field, which in the past was assigned to that Ministry, has been transferred to the regions. However, the State may enact laws with respect to vegetables and vegetable products to render compulsory certain actions against plant and crop parasites.

319. A Fund of National Solidarity was instituted by Law No. 364 of 25 May 1970 for the assistance of farms hit by adverse weather conditions and natural calamities. By the same Law, provision was also made, in the form of mutual insurance, for the forming of consortia among farmers for defence against such adversities.

320. Lastly, with Law No. 319 of 10 May 1976, provisions were issued in relation to water resources, which establish, among other things, quality indices for river water, and the preparation, on the part of the regions, of water purification plans.

E. Soil conservation measures

321. These measures are of considerable importance in Italy by reason of the high degree of soil erosion, the characteristics of the geographical system, the high torrential nature of the waters, and the normal concentration of rainfall in short periods of the year.

322. The policy during the period prior to the Second World War was essentially directed towards the reclamation of marshy lands, and was therefore followed by a massive intervention in the still developing south of Italy, and in other depressed areas, for the improvement of the soil.

323. The technical solutions adopted were studied in the wider context of the orderliness of the territory and the economic and social development of the resident population. The action so far undertaken is still nowhere near the final objective, but will have further impetus in the measures adopted for the mountain communes (consisting of several communes of homogeneous zones in so far as their natural characteristics are concerned), in a recent bill concerning the defence of the soil and water control, and in the implementation of the national agricultural plan.

324. In the field of the protection of nature in relation to ecological defence, a bill concerning the five national parks and the 100 or so natural reserves at the disposal of Italy is of considerable importance.

F. Commercialization of agricultural products

325. With the implementation of the regional system, the functions of the State in the matter of wholesale trade in fruit and vegetables and meat and fish agricultural products were delegated to the regions, and the relative legislative regulations (Presidential Decree No. 616 of 1977) distinguish between wholesale markets at production and wholesale markets at consumption, and entrust the direction of the latter to the communes. Six regions have already issued their own laws.

326. The decentralization to the regions of the administrative functions previously carried out by the State has caused the implementation of one fundamental constitutional regulation (art. 117), and in its practical implementation, it aims at eliminating distortions and shortcomings in food product distribution. The connection between production and consumption is, in fact, characterized by:

(a) A high degree of supply structure fractioning which still persists in spite of the fact that a number of initiatives have been taken for the concentration of supply;

(b) The existence of profit-making positions which weigh heavily on producer to consumer distribution costs.

327. Therefore, the necessity of seeking new efficient and economic organizational formulae having a relationship between supply and demand is deeply felt. This necessity is the subject of a bill prepared by the Government for the reorganization of national legislation regarding trade. In fact, for the solution of the wholesale market problems, the bill pursues the main objective of reducing intermediation costs, through the revival of the wholesale market structures and the economic and decisional participation of private individuals in these same markets.

328. For the same purpose, there is a trend to stimulate the achievement of integrated commercial centres which would permit a reduction of operating costs and an integration of strictly productive activity in the commercial distribution of food products.

G. Price stabilization and support measures

329. The Italian legislation in force permits, by means of an administrative act, any goods or service to be put under particular control. It was conceived after the Second World War not as a State directive intervention in the economy, but as an instrument to encourage the passage from the wartime economy, where all prices were blocked, to one of free trade, and the prevention of monopolistic earnings or speculative profits, especially in the essential consumption sector.

330. This price control system (called "administered price") is still in force and responsible for it are the following ad hoc organs: the Interministerial Price Committee (CIP), which operates in the economic sectors and for the types of goods fixed from time to time by the Interministerial Committee for Economic Programming (CIPE), and the provincial price committees.

331. During the period from 1973 to 1974, an attempt was made to stop inflation by means of a price block of the main wide consumption goods, but with little result, because also in that period the petroleum crisis intervened, bringing about an increase in the rate of inflation. At the end of the block, which had been planned for one year, the price policy was brought back to its original tracks, and CIPE re-arranged the sectors subject to price controls, making a distinction between two groups of goods: goods subject to "administered prices" and goods subject to "particular surveillance". It also envisaged that the latter might pass to administered prices when the evolution of the situation so permitted.

H. Measures to ensure food hygiene

332. In Italy, a number of legislative and regulative rules control food hygiene. Law No. 283 of April 1962 is fundamental in this matter. This Law:

(a) Fixes the general characteristics to which foodstuffs must conform from the hygiene-health point of view;

(b) Envisages, in cases of infraction, the application of penal sanctions, including not only heavy fines but also imprisonment of up to one year;

(c) Controls the use of additives and colorants;

(d) Specifies the indications which must appear on the packings and labels;

(e) Prescribes rules on the suitability, from the health point of view, of personnel engaged in the production, handling and trading of food substances and products.

333. The same law also envisages a rigorous preventive control which imposes the obligation of sanitary authorizations for the running of production works, storage and trade of food products, and the carrying out of vigilance controls, which can even lead to the temporary or definitive closure of the premises and the taking of samples to be subjected to first-degree analysis in the provincial health and prophylaxis laboratories, revision analysis on the part of the Higher Institute of Health and denouncement to the judicial authorities.

334. With Presidential Decree No. 327 of 26 March 1980, a new regulation was issued in execution of the 1962 Law which made still more precise the rules covering hygiene-health safeguards, especially with respect to products for early infancy, dietectic products, food extracts, chemical additives, the use of mineral waters, non-alcoholic beverages, parasiticides for agriculture and their residues on foodstuffs.

Lastly, it is to be noted that the legislation in force also applies to products imported from abroad.

335. With the implementation of the regional system and the institution of the National Health Service (dealt with in the part regarding the right to health), the State retained competency to issue laws aimed at assuring uniform health conditions and guarantees for the entire national territory, while competency was assigned to the regions in respect of the basic principles laid down by the State laws, the issue of regulations for the co-ordination of the interventions was entrusted to the local health units.

336. The State administrative functions in this field are exercised by the Ministry of Health, which avails itself of a special Direction of the Higher Institute of Health for the hygiene of foodstuffs and nutrition, as a tecnico-scientific organ of the Higher Council of Health, as a consultative organ, and of special commissions. Furthermore, the Ministry of Health has at its disposal, for surveillance functions "anti-adulteration and health nuclei" made up of military of the Carabineri, which operates over the entire national territory. The extent to which this action is real and efficient can be seen from the following data: in 1979, 26,155 inspections were carried out and 18,641 infractions noted; 84 persons were arrested and 9,880 were prosecuted; 168 factories were closed; more than 340,000 quintals of food products and more than 4.5 million packings were confiscated; furthermore, machinery and equipment worth a total of 1 billion lire were also confiscated.

337. For substances of foreign origin, sea, air and frontier "health offices" and frontier, port, airport or internal customs "veterinary offices" operate under the direct authority of the Ministry of Health.

I. Nutrition education

338. State action in this field goes back to 1959, when by Law No. 199, the Ministry of Agriculture and Forests was entrusted with the task of arranging studies in matters of nutrition and the relative educational activity.

339. Successively, with the implementation of the regional system (Presidential Decree No. 616 of 1977), the matter of nutrition education was delegated to the regions, but interventions of national interest for the regulation of the agricultural market, the security of supplies, the organization of foreign trade and research and information on the national and international levels have remained the competency of the State.

340. Therefore, also by virtue of a successive Presidential Decree of 6 January 1978, the Ministry has continued to carry out the activity already in force on the national level in the matter of nutrition education. However, the full autonomy of the regions in the adoption of the most suitable measures on the local level remains unchanged. In the same way, the Ministry continues to carry out the functions assigned to it, prior to the implementation of the regional system, by Law No. 592 of 1971, in the field of promotional campaigns on the national level for the improvement of nutrition, and abroad for the encouragement of the commercialization of national agricultural food products. In addition, those activities were further regulated and financed by Law No. 984 of 1977, which confirmed the necessity for the disclosure at the national level of the characteristics, merits and quality of alimentary products, also from the point of view of their nutritive value.

341. The activities carried out by the Ministry of Agriculture and Forests in the field of nutrition education are described below.

342. For the carrying out of the activities in question, the Ministry avails itself of the National Institute of Nutrition (which has a public right juridical nature), which operates through six centres of research and study on nutrition, situated in the more representative areas of the country. These centres, which are run by the Institute, carry out the observation of phenomena connected with nourishment, particularly among the more vulnerable poorer classes of the population, based on annual programmes which are made known in advance to the regions in which these six centres are situated in order to avoid duplication of the surveys.

343. In addition, the Ministry:

(a) Prepared 20 information folders on the principles of sound nutrition, the principal foodstuffs and their best use for correct nourishment, also in relation to the relative costs. More than 6 million copies of those folders were distributed on a national level between 1961 and 1981. Furthermore, the informative activity for educational purposes includes the setting up of displays, organization of conventions, publication of articles in the periodical press and the launching of radio and television announcements;

(b) Promoted national campaigns in all the compulsory schools to increase milk and cheese consumption through a better knowledge of their merits and quality,

also in implementation of the regulations laid down in this field by the European Economic Community;

(c) Carried out a national campaign with the use of mass media for the re-launching of a diet based on products of the Mediterranean area, for the purpose of re-balancing the composition of consumption and of directing the population towards more correct, sounder and more economical nutrition than that generally encountered in the country and which shows an excessive caloric value and a qualitatively erroneous composition;

(d) Studied the possibility of carrying out actions to avoid and limit wastage.

344. The Ministry of Agriculture and Forests, with Law No. 592 of 1971, was also entrusted with the task of orienting the demand for wide-consumption food products towards those having a high nutritive potential and showing favourable purchasing conditions.

345. In implementation of this Law, the Ministry of Agriculture and Forests entrusted the National Nutrition Institute with the preparation of a three-year programme of nutrition education over the entire national territory. This programme started with a National Conference for Nutrition Education, held in 1975.

346. Within the ambit of this three-year programme, a number of meetings were held, in collaboration with the schools, between teachers of scientific subjects in the middle schools; two publications of scientific content were produced on the composition of foodstuffs and on recommended levels of consumption for Italians. Nationwide promotional campaigns were also carried out to orientate consumption toward foods produced in Italy, having equal nutritional content to other similar products that were imported (in particular, alternative meats to beef).

347. With the institution of the regional system the tasks entrusted to the Ministry of Agriculture in the field of nutrition education passed in 1977 to the regions. A complete picture of the activities carried out at the regional level is not yet available.

J. Measures concerning the nourishment of vulnerable population groups

348. After the period following the Second World War, during which a vast programme of nutrition assistance was carried out for children (in the schools and in the assistance institutions) and for indigent pregnant women, the level of food consumption of vulnerable population groups was, and still is, assured by means of general policies which together, and in their interaction, aim at assuring an adequate standard of living.

349. There is no lack of forms of partial collective feeding which, however, do not address problems of inadequate nutrition. This is the case of large undertakings, large national bodies and also some ministries, whose aim is to satisfy food requirements where working hours are around the clock. Here, it is a question of non-profit cafeterias, modestly priced.

350. More responsive to the purposes of the present report are the measures that envisage the supply of school meals in the various grades of schools (nursery, elementary, middle) in which there is in progress, by law, the experimenting of more complete integration of the pupils in the school than is possible in the ordinary schools.

351. In these integrated schools, full-time pupil attendance extends into the afternoon and supplying the school meal thus represents a necessity connected with the primary didactic and socializing aims of the schools themselves. The meal is either free or against payment on the basis of tariffs fixed by the commune and differentiated according to the income level of the pupil's family. The meal, therefore, is not of an assistance nature, as was the case in the period following the Second World War. The present system makes it possible, on the one hand, to face the operating cost of the cafeterias and, on the other, to stimulate the control and direct participation of the families in the regularity of their management. However, the pupils are not informed of this financial mechanism.

352. The cost of the service in excess of family participation is financed by the communes that run the service with their own personnel and equipment, or by means of contracts with private firms specializing in the preparation of pre-cooked foods. Milk distribution is assured directly by the communes and is generally made to the extent requested by the pupils. The dietetic tables are fixed by the communal health services and are normally based on an average consumption of 2,000 calories per day obtained in a balanced manner from the various nutritive components.

353. Diffusion of the integrated schools is different according to the type of school and the large geographical areas.

354. The experimentation of these schools started in 1971 in the elementary schools (Law No. 820 of 24 September 1971); it was then extended in 1977 to the secondary schools (Laws No. 517 and No. 348 of 1977) and in 1978 to the nursery schools (Law No. 463 of 9 August 1978). An overall evaluation of this experiment has not yet been made on a national level. However, the following data are available by way of indication:

(a) The integration of children in the nursery schools is almost general: the State and non-State nursery schools, in which meals are provided, represent, in fact, 82 per cent of the schools; the meal is free for 46 per cent of the attending children and semi-free or against payment for 32 per cent;

(b) In the elementary schools the statistics relating to the number of teachers in the integrated schools show a considerable increase of these schools;

(c) In the middle schools, in the school year 1979-1980, there was a reduction of 2.4 per cent in the number of integrated classes and 4 per cent in the number of pupils attending them.

355. School meals can also be organized in the non-integrated schools, on the initiative of the local school authorities who have after-school facilities

available. In the 1979-1980 school year, 35 per cent of the State middle schools had such facilities.

356. Various forms of assistance are also envisaged in the field of higher education at the university level, including, among other things, the distribution of meals. This is provided for, in every State and private university, by the Opera Universitaria, instituted in 1933 with the Single Text of higher education No. 1592. The "student homes" run by the Opera Universitaria provide board and lodging, and cultural and sports activities for about 15,000 students. In the school year 1981-1982 about 350,000 meals per day were provided in the university cafeterias, with a student contribution of about 500 lire (equal to about $US 0.30) for each meal, and about 200,000 bar refreshments, which include breakfast, with a contribution of 200 lire each.

357. The services provided by the Opera Universitaria are financed by the region in such a way that, according to their income ranges and level of continuity of studies, all university students may be assisted (Law No. 642 of 22 December 1979).

K. Participation in international co-operation

358. Italy has always participated with financial contributions and in kind in multinational food assistance programmes for developing countries and programmes for the development of agricultural production of those countries, carried out by the organization of the United Nations.

359. Italian participation in those programmes has appreciably increased in recent years, and continues to a large extent within the limitations of the financial means of the country which, like other European countries, faces serious economic problems, such as unemployment and inflation.

360. In 1981, the voluntary contributions of Italy to the World Food Programme (WFP) of the United Nations and FAO, to the United Nations High Commissioner for Refugees, to the fertilizer programme of FAO, to the special fund of FAO for crop losses, to the WFP-FAO International Emergency Food Reserve and to the Agronomic Institute amounted to 27 billion lire (equal to about 19 million dollars at the present rate of exchange). The largest Italian contribution to the multilateral programmes concerns the World Food Programme, which represents about 72 per cent of its total contributions (about 17 billion lire, equal to about 14 million dollars).

361. The contributions of Italy to UNICEF, which have been considerably increased, also fall within the framework of its multilateral food assistance programmes for developing countries.

362. With specific reference to the supply of corn, other cereals and by-products to the developing countries with the greatest shortage of these foodstuffs, Italy is participating in the drawing up of a new international agreement which should have the aim of guaranteeing world alimentary security with a system of stocks.

363. Italy has ratified the 1971 food assistance Convention within the ambit of

the international agreement on corn, has adhered to the successive extensions of the Convention and has recently ratified the new 1980-1981 Convention.

364. Within the ambit of the food assistance Convention, also signed by the European Economic Community (whose members annually donate bilateral assistance to the developing countries, on their own account) Italy supplied, between the 1971-1972 and 1980-1981 agricultural seasons, more than a million tons of cereals. For 1981, the Italian quota of community participation was about 100 billion lire, equal to about 80 million dollars. In many cases, Italy offers not only the foodstuffs but also transport to destination.

365. In particular, the bilateral help of Italy was intended for the following countries: Cape Verde, Ethiopia, Guinea-Bissau, Lebanon, Madagascar, Malta, Mozambique, Senegal, Somalia, United Republic of Tanzania and Zaire. Furthermore, other assistance in rice and flour for Ethiopia and Equatorial Guinea did not reach the intended destination because of the short-comings of the carriers.

366. In choosing the countries to which such bilateral assistance has been assured, Italy has taken into account the classification of certain countries as less developed and those with a high food shortage and low income.

367. Other bilateral assistance concerning the alimentary sector was granted in 1981 by Italy to certain African countries by the donation of trucks to transport the foodstuffs, and the appropriation of 12.6 billion lire (equal to about 11 million dollars at the present rate of exchange) for the agricultural-alimentary sector.

368. As is known, the International Development Strategy for the Third Development Decade places the eradication of hunger in the world among its objectives and recalls that this aim imposes concerted efforts, national policies and commitments on the part of Governments.

369. Inspired by this objective and by the sensitivity shown by public opinion and the Italian political forces, the Government first announced, on suitable occasions (at the Ottawa summit of the industrialized countries, at the United Nations Conference on the Least Developed Countries held at Paris, and at the FAO conference), and then held in Rome, from 26 to 29 April 1982, a meeting for the fight against world hunger, to be followed by a successive meeting at the ministerial level.

370. The meeting, which concluded with a report by the President, which was unanimously approved, was attended, at the General Director level, by 44 delegations representing 22 industrialized countries, 15 international organizations and 7 development banks and funds.

371. The meeting examined the following questions:

(a) Ordinary and emergency alimentary help;

(b) Food security;

(c) Agricultural-food strategies;

(d) Thematic actions: that is, interventions with regard to problems of a regional nature (such as, for example, formation of deserts, livestock sickness) or general (such as post-harvest losses, seed, fertilizers, stockpiling);

(e) Harmonization and co-ordination of help.

372. Considering the importance for the developing countries of the conclusions reached on the first theme examined during the meeting, some of the more important extracts of the report of the President of the meeting are reproduced below.

> "It has been agreed in particular that ordinary alimentary help cannot but be a temporary and transitional measure, to be implemented through a concerted action between countries, developed and developing, responding to the basic needs of the population within the framework of an harmonic development.
>
> "Alimentary help must be aimed at the development of the developing countries and, particularly, at stimulating the amount of local agricultural food production as a complement of programmes intended to achieve self-sufficiency at national and regional levels.
>
> "Participants have agreed that emergency alimentary help will, instead, represent a recurrent element in a world afflicted by calamities of various kinds. Three types of emergency have been identified: natural calamities, calamities caused by man, losses of harvests.
>
> "Within the framework of emergency help, the fundamental role of the World Food Programme has been confirmed.
>
> "The lasting validity has furthermore been confirmed by the International Urgency Food Reserve, to which it appears to be necessary to give continuity at the agreed levels."

373. As a result of the meeting, it was possible:

(a) To re-launch among the donor countries the very serious problem of hunger in the world in an international situation characterized by economic crisis and stagnation of help and development;

(b) To further encourage the participants to consider one of the two priority themes (food and energy) of the North-South problematics;

(c) To lay the foundation for concrete and co-ordinated actions of the donor countries intended to combat hunger in the geographical areas most severely hit by this evil.

374. In the final summary of the meeting of the World Food Council, which met from 20 to 24 June 1982, there was praise for the initiative of the Italian Government in mobilizing greater and more co-ordinated efforts among the donor countries in the fight against hunger in the world.

Chapter VI

RIGHT TO ADEQUATE CLOTHING

375. In Italy, there are no constitutional or legislative regulations which specifically recognize the right to adequate clothing. However, article 38 of the Constitution lays down that "every citizen unable to work and without a means of support has the right to maintenance and social assistance", that is, to the satisfaction of the basic requirements of life, among which is obviously included the possibility of having adequate clothing. Therefore, on the legislative and administrative levels, the most encompassing right to assistance is recognized through the social security system which, in the case of the citizen in the aforementioned conditions, includes "social pension". This system was amply illustrated in the report on economic, social and cultural rights (E/1978/8/Add.34).

376. A number of legislative regulations discipline the denominations, production and labelling of items of clothing in order to guarantee placing on the market original products, where the origin of the declared raw materials is known (textile fibres of vegetable or animal origin), and to protect the consumer against possible alterations or imitations.

377. In this field, Law No. 833 of 26 November 1969 and the successive implementation regulation approved by Presidential Decree No. 515 of 30 September 1976, is fundamental. Furthermore, with a decree of the Ministry of Industry of 21 January 1974, methods of analysis of textile products were laid down for the assessment of their composition. With this decree, Italy fell in with the directives issued in this matter by the European Economic Community.

378. In the clothing field, the situation of Italy is such that further legislative interventions are not required, neither in the production sector nor in that of distribution. The supply on the market is greater than demand for products of every type and quality, and sale takes place through a large number of fixed and mobile selling points. The "postal market" system is also used, making it possible to supply even peripheral areas where there is a shortage of selling points.

Chapter VII

RIGHT TO ADEQUATE HOUSING

A. Constitutional regulations

379. The Italian Constitution does not contain regulations specifically concerning the "right to adequate housing". However, this right, like that to adequate alimentation and clothing, is implicitly considered in certain constitutional regulations concerning the right to an adequate standard of living. In this connection, mention can be made of article 36, which contains a clear reference to the worker's right to a "free and dignified existence", article 38, which lays down the right of every citizen unable to work and without a means of support, to "maintenance and social assistance", and the right of the workers to be provided with and assured an adequate livelihood in case of accident, sickness, infirmity, old age or involuntary unemployment.

380. In addition to these constitutional articles concerning the right to an adequate standard of living in its general components (food, housing, clothing), article 42 can be considered particularly applicable to housing. According to this article, private property is recognized and guaranteed by the law, which lays down the methods of payment and enjoyment, as well as the limits, for the purpose of assuring its social function and in order to make it accessible to all. The same article states that private property can be expropriated in the cases envisaged by law, except indemnity, for reasons of general interest. Furthermore, article 47 makes explicit reference to housing in relation to access to ownership, through people's savings.

B. General information on the legislation

381. The Italian system contains a series of laws which envisage two types of State action:

(a) Direct and indirect intervention intended to facilitate housing construction;

(b) Control of rents.

382. Therefore, among its own social aims, the State has assumed responsibility for the carrying out of programmes and the issuance of regulations as a contribution towards the creation of sufficient available housing, with particular regard to low-income families, and for the protection of tenants against speculative demands.

383. Concerning the first point, housing construction, it is significant that the first State intervention in the field of residential building construction goes back to 1911, a year in which laws were issued and the necessary funds appropriated for the construction of housing. There then followed, in the period prior to the Second World War, a number of laws aimed at facilitating economic and popular building, which were subsequently unified into a single text with Law No. 1165 of 28 April 1938.

384. With respect to the second aspect, rent control, of importance is the fact that after the end of the War, which had inevitably created a stagnation of all private enterprise in the home-building field and a rise in the prices of durable goods, the State laid down a block of the duration of rent contracts and of the relative rents and the deferment of evictions for low-income families.

385. This provision, adopted as an emergency measure, was, however, repeatedly extended and remained in force for more than 30 years, creating considerable distortions on the building market, aggravated by the continuing shortage of housing accommodation accessible to families in the low- and middle-income classes. Furthermore, the extension of the block progressively stimulated private investment in deluxe building, thus helping to aggravate the already existing building sector crisis caused by, among other things, particularly in the 1970s, inflation and the consequent increases of production costs.

386. Lastly, it is to be noted that the Constitutional Court ruled that the continual protraction of the block was prejudicial to the right of ownership.

387. For all these reasons, with Law No. 392 of 1978, the block was replaced by a new control for renting of urban premises, which will be dealt with later.

388. The present State policies in the housing field are defined by the following principal laws, listed hereunder in chronological order:

(a) Law No. 865 of 22 October 1971, aimed at an essential rationalization of public intervention, which was brought to completion by the law as per (c) below;

(b) Law No. 392 of 27 July 1978 concerning the control of the renting of urban premises which, as stated above, put an end to the block on rent contracts;

(c) Law No. 457 of 5 August 1978, which instituted a 10-year plan of public interventions of various types: subsidized, facilitated and co-operative buildings;

(d) Law No. 25 of 15 February 1980 concerning extraordinary measures of highly urbanized zones;

(e) Law No. 94 of 25 March 1982 concerning the financing of the second four-year period of the 10-year plan.

389. Before giving a detailed illustration of the contents of these laws, a brief examination is made of the factors which, in the more recent periods, that is, the 1970s and the beginning of the 1980s, brought about a serious crisis in the home-building sector.

C. The home-building crisis and its causes

390. Because of the persistent crisis of the world economy in the 1970s, Italy was unable to escape from the strong inflationary process, which was evidenced in all the western countries, and consequently this phenomenon has not permitted a trend reversal in the falling cycle of home-building.

391. Therefore, since the 1970s, there has been a continuous reduction in building activity, which reached its peak at the end of the decade and in the beginning of the 1980s.

392. On the other hand, in the same period, two factors contributed to attenuate the housing crisis: the rising trend of State intervention (which between 1972 and 1979 rose from 17 per cent to 38 per cent of overall financing), and the trend towards the restructuring of old houses, stimulated by State intervention for the restoration of existing premises. These factors, however, did not solve the crisis that occurred in new housing construction which, for the private sector, fell by about 35 per cent between the beginning and the end of the decade.

393. The building sector crisis is due to various combined facts: private investment has been discouraged by growing building costs (which at the end of the decade increased by 23 per cent), by the high cost of financing and by the extension of the "block" on rent contracts (mentioned in section B above).

394. The housing shortage has also been accentuated by other factors: internal migration which led to the abandonment of a considerable amount of homes in certain geographical areas, the increase of building in the tourist areas, the use of economic resources for the building of second houses, the curb on mobility within the large metropolitan areas, the transfer of functions in the matter of building to the regions and communes, which in the initial period of activity had to face serious problems of organization and technical preparation, and lastly, the shortage of urbanized areas available for home-building.

395. The lack of housing is confirmed by the phenomenon of cohabitation, which for the first time after the Second World War, in the 1971-1981 decade, rose from 1.1 million familites in 1971 to 2.1 million in 1981.

396. These data are taken from the initial results of the 1981 housing census which made it possible to quantify the construction of new housing and to compare the total number of homes in existence with that of the family nuclei. In particular, the census showed that, in the 1971-1981 decade:

(a) About 4.5 million new homes were built;

(b) The new accommodation was also intended for holiday lodgings and for lodgings used only temporarily for study or work;

(c) An increase took place in the average size of available homes from 3.7 rooms per home in 1971 to 4.1 rooms in 1981;

(d) The crowding index (number of inhabitants per room) fell from 0.96 in 1971 to 0.79 in 1981;

(e) The family nuclei increased to a greater extent than did the population.

397. In actual fact, the results of the 1981 census show that in the past decade, although the housing availability increased appreciably, various factors (classification of the complex of existing housing, average size of new buildings and increase of the family nuclei) have contributed to the reversal of the cohabitation phenomenon which, instead of continuing to decrease, has almost doubled compared with 1971.

398. In short, the housing crisis in Italy is due to a number of factors which do not give hope for an early solution, and which require an increase of State intervention. This intervention showed a decisive turn in the closing years of the past decade through the adoption of the measures illustrated hereunder.

D. Equitable rent

399. As mentioned in section B above, Law No. 392 of 1978 on rent control of urban premises for housing purposes put an end to the prolonged block on rent contracts and proposed the conciliation of the opposing interests of owners and tenants by means of a new system based on objective economic and technical criteria.

400. The main innovations of this control regard the fixing of a minimum legal period for rent contracts, the fixing of a maximum rent (equitable rent) based on the characteristics of the accommodation and its location, the periodic up-dating of the rent in relation to the variations of a pre-set price index, and the institution of a special fund to assure economic help for the less affluent tenants. In particular:

(a) The minimum duration of contracts is fixed at four years and is tacitly renewable unless at least six months' notice is given prior to expiry;

(b) The equitable rent must not exceed 3.85 per cent of the income value of the accommodation, which is established by taking account of a series of technical elements (floor area, unit construction cost, type of building, demographic class of the commune, location, state of preservation and maintenance of the building);

(c) The periodic up-dating of the rent is carried out on the basis of the variations of the retail price index for working class families, calculated by the Central Institute of Statistics;

(d) The social fund allows the less affluent tenants to obtain an annual contribution from the communes of not more than 80 per cent of the rent, and within pre-established limits.

401. The law in question applies to all housing rents, with the exception of accommodation which has to satisfy requirements of provisional lodging and for that built entirely with State funds or with the help of the State, as well as houses located in communes with less than 5,000 inhabitants.

E. Effects of the law on equitable rent

402. The entry into force of the law and its application brought about certain phenomena which urged private entities and private research institutes to acquire, through survey, useful knowledge for their better understanding.

403. The results of these surveys showed that in addition to the lack of recovery of investment in the housing sector (which, however, did not represent the main objective of the law and which, in any case, can only be measured in the long term), it cannot be said for the moment that the hope of the legislator for a more rapid circulation of the asset "house" on the building market has been achieved, especially for housing that was not being offered during the long and much-debated period of the drawing up of the law.

404. The ratio between houses for sale and those for rent (90 per cent and 10 per cent respectively) has, in fact, remained unchanged and the number of houses for rent has remained absolutely insufficient in relation to the demographic size of the towns and the consequent high demand for housing. Furthermore, distortions have appeared on the market, such as, for example, the increased offer of housing "for offices" and commercial and professional activities that are not subject to the law on equitable rent.

405. Furthermore, if the ratio between housing owned and that rented is taken into consideration, it is found that in the 1970s the former increased from 56 to 59 per cent and the latter decreased from 44 to 41 per cent. This situation is still more marked in the metropolitan areas where housing for rent fell from 50 to 30 per cent of the total, and that in ownership reached the level of 75 per cent.

406. The present trend of the building market described above is not, however, to be entirely attributed to the law on equitable rent. In fact, it has more distant origins which can also be related to the previous "block" on rent contracts, but is above all tied to problems of a structural nature of the Italian economy and, in the first place, to the effects of the persistent inflation, the reduction of which represents one of the main objectives of the Government. A confirmation of the structural nature of the housing crisis in Italy is given by the results of reserach carried out in Western European countries where the presence of similar phenomena is well documented.

407. The advisability of the revision of the equitable rent law is already apparent. In a mixed situation of market economy and State intervention such as in Italy, the solution of the crisis cannot be sought solely or principally in direct or indirect State intervention in the home-building sector, but must also and above all be sought in a policy aiming at stimulating private enterprise. In particular, it is a question of assuring a higher yield for private savings from the investment in housing, of restoring conditions of security and guarantee of private property and of revising the mechanisms for the calculation of equitable rent. The achievement of such a policy is not an easy nor a short-term task, but, as will be seen later, it is among the priority objectives of the Government, within the framework of national economic planning.

F. Ten-year plan

408. Law No. 457 of 1978, entitled "Ten-year plan for housing construction" represents a fundamentally important phase of Italian building policy and affirms the legislator's commitment to outline a unitarian layout of the sector in a concrete manner through long-term programming and a continuity of financial contributions.

409. The basic objective of the plan is represented by the increase of public and State-directed building. This objective is motivated by the necessity of stimulating the recovery of investment in the building sector by means of forms of help to families not having the possibility of sustaining the cost of housing by themselves.

410. The distinctive characters of the law concern three essential questions: the institutional reorganization of the sector through an articulated distribution of competencies, the forms of family loan facilitation, and interventions intended to recover existing buildings. In this context, the present report is limited to the consideration of the forms of facilitation. An ample illustration of the other two questions, as well as, in general, all the aspects of Italian policy in the entire sector, is contained in a paper prepared by the Ministry of Public Works entitled "Present trends and policies in the field of housing, construction and planning in Italy", which was presented at the forty-first session of the committee instituted by the Economic Commission for Europe.

411. The forms of financial intervention laid down by the law in question are of two types: "subsidized building" and "facilitated building", as detailed below:

(a) Subsidized building: the State intervenes directly with the allocation of funds on capital account for the execution of building programmes on the part of the Istituti Autonomi Case Popolari ((IACP) Autonomous Popular Housing Institutes). These programmes concern both new constructions and the improvement of buildings already in existence.

(b) Facilitated building: the State intervenes indirectly with the granting of contributions for the payment of interest on bank loans for new constructions and for improvement of old housing. The facilitated loans, for which the law fixes a maximum amount, can be granted to building co-operatives, building undertakings, individual persons wishing to build their own homes, communes and IACP which intend to build housing for renting and, lastly, to undivided-ownership co-operatives.

412. One of the main innovations introduced by the law regards the mechanisms for the granting of the loans and rates of interst which are differentiated into three classes (4.5 per cent, 6.5 per cent and 9 per cent) according to the total family income. Another important innovation introduced by the law concerns the biennial adjustment of the interest rates in relation to variations in the cost of living.

413. The law also contains regulations concerning rural building intended to improve living conditions in rural areas.

414. The allocation of funds for the first four years of implementation of the 10-year plan (1978-1981) was provided for at the same time as the law itself. The existing "special fund" for the purchase and urbanization of land, fixed by Law No. 865 of 1971, has been increased.

6. Extraordinary measures for housing construction

415. The problem of serious housing shortage in the highly urbanized towns was the subject of a recent law which is not intended to lay down alternative measures to those already in force, in particular that envisaged by Law No. 457, but, at least partly, to face the most urgent requirements of the highly urbanized areas. Law No. 25 of 15 February 1980, envisages the following types of intervention and relative additional financing:

(a) The purchase of housing by the communes in towns with a population of more than 350,000 inhabitants. The housing is rented in accordance with the equitable rent system to evicted families who have no other living accommodation and whose income does not exceed a certain amount;

(b) An extraordinary public building programme: buildings of an economical type in the large metropolitan areas. The houses built remain the property of the communes and, as in the previous case, are rented on the basis of the equitable rent system and are assigned according to priority criteria fixed by the law;

(c) Facilitated loans to individual less affluent families who wish to purchase an economical-type home. This measure is also intended to facilitate the purchase of housing already built. The loans are granted at interest rates varying from 4.5 to 9 per cent according to the family's income and can even cover the entire cost of the home. The index-based redemption of the loans enables the purchaser to meet the payments on the basis of an acceptable ratio between payment and effective or figurative income of the home purchased.

416. It is calculated that this programme will facilitate the purchase of about 40,000 homes.

H. Housing in national economic programming (1981-1983)

417. The three-year housing plan within the framework of national economic programming pursues the objective of attenuating the following obstacles which lie in the way of an increase in the availability of housing: (a) the shortage of urbanized areas, (b) inflation, which causes limited availability and high cost of financing, and (c) limited operative capacity, at the level of planning and execution of the programmes.

418. In order to reach these objectives, the Government has proposed a new law to Parliament (No. 94 of 25 March 1982), which provides for the allocation, for purposes of investment in home-building, of about 14,000 billion lire (equal to about 10 million dollars). In particular, the following was laid down:

(a) The financing of the second four-year period of the 10-year plan for housing with new building programmes to be totally borne by the State, and the granting of contributions for the payment of loan interest in relation to the facilitated building programmes;

(b) The supply of considerable funds to communes in the metropolitan areas where there is a marked housing shortage for the building of new housing, for the purchase of run-down houses to be restored. The housing built is to be rented, in accordance with the equitable rent regulations, to evicted families, to newly formed families and to elderly persons over 60. Forty per cent of these funds have been reserved for communes in southern Italy;

(c) Appropriation of funds for a building experimentation programme in the same areas;

(d) Appropriation of funds for communes with a population exceeding 100,000 inhabitants or the provincial capital for the implementation of a programme of acquisition and urbanization of building areas for residential purposes;

(e) Lastly, to help less affluent citizens to purchase a home, funds were appropriated for the granting of contribtutions on capital account.

I. Measures envisaged on the fiscal level

419. The Government proposes to go ahead with a general revision of the fiscal régime of housing in force by means of:

(a) The reduction of taxes payable on property transfers, whose level is considerably above that of the other European Economic Community countries;

(b) The recovery of the reduced fiscal revenue with higher taxation than that in force, which is relatively moderate.

Article 12

RIGHT TO PHYSICAL AND MENTAL HEALTH

Chapter VIII

RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Introduction

420. The safeguard of the right to health was dealt with briefly in the first Italian report (see E/1978/8/Add.34 of 23 September 1981) on economic rights in the section concerning article 9 on the right to social security of the International Covenant on Economic, Social and Cultural Rights.

421. The comprehensive treatment of the question made in the present report on social rights, in reference to article 12 of the Covenant, is thus a partial repetition of the former, but by reason of its complete nature it avoids making reference to the Italian report on economic rights.

422. In view of the fact that health safeguards in Italy have undergone a radical reform, the treatment of the right to health moves away from the pattern recommended by article 12 of the Covenant; this is in order to give an organized form to the illustration of the new health system of the country.

B. Constitutional regulations

423. Article 32 of the Constitution lays down that "the Republic protects health as a fundamental right of the individual and as a community interest and assures free treatment for the indigent".

424. In spite of its concise formulation, this regulation is both comprehensive and precise: the safeguard of health, in its widest meaning of preventing the occurrence of the illness and of treatment and rehabilitation when it has occurred, is the task of the State; all citizens as such have the right to health care; it is in the interests of the community that this right be fully implemented; citizens who do not reach a certain income level have the right to be cared for at the expense of the State.

425. As will be seen below, this regulation was elaborated in a more organized and articulated form by the recent health reform.

C. Health system prior to the reform

426. The wide concept of the right to health to which article 32 of the Constitution refers, could not be achieved without major changes in the Italian health system which had developed over the years, without a prior general view of the health problems and with the primary aim of "treating illness". The system in force until 1970 was, in fact, centralized, mutualistic and sectorial. Its main characteristics were the following:

(a) The assignment by the State of a responsible role for health assistance to a vast number of national mutualistic bodies, generally organized on a basis of categories and operating over the entire national territory;

(b) The diversification of the assistance given according to the categories insured and the contributions paid;

(c) The separation of competencies in the matter of prevention, generally entrusted to the local bodies, from those in the matter of health assistance, entrusted to the mutualistic bodies;

(d) The financing of the system on the basis of contributions;

(e) The consequent existence of a large number of decision-making centres with a great lack of co-ordination, in that they were widely autonomous institutions, subject only to an action of supervision on the part of four different Ministries (Health, Labour, Home Affairs, Treasury).

427. In order to achieve the principles laid down by article 32 of the Constitution, a thorough reform of the health system was necessary, to be implemented in stages, considering the complexity of the problems to be faced.

428. This requirement, also stimulated by the cultural debate on health problems which had developed in the 1960s and the 1970s, could no longer be put off, considering the serious financial crisis in which the mutualistic bodies found themselves in the middle of the 1970s.

429. This crisis was faced with a series of legislative measures which preceded and made possible the beginning of the health reform with the institution of the "National Health Service", with Law No. 833 of 23 December 1978.

D. Preparatory phase of the health reform

430. The first phase, which may be considered as an anticipation of the reform, was carried out between 1974 and 1977, when the regional set-up laid down by the Constitution, and to which reference was frequently made in the previous parts of the present report, had already been implemented. The institution of the regions, endowed with legislative and administrative powers in a number of sectors, including health and hospital assistance, which, as already mentioned, was handled by various ministries, permitted the enacting of the following laws:

(a) Law No. 386 of 1974, which transferred responsibility in the hospital field, formerly vested in the Ministry of Health, to the regions;

(b) Law No. 349 of 1977, which led to the dissolution of the national mutualistic bodies and the adoption of single conventions for general medical and paediatric care for specialized care and for the distribution of pharmaceutical products;

(c) Presidential Decree No. 616 of 1977 which transferred the State's administrative responsibility for medical care to the communes.

The combination of these three provisions represented a transitional phase which was concluded in December 1978 with the adoption of Law No. 833 which established the National Health Service.

E. National Health Service: principles, objectives and means

431. The principles of the national health service are thus defined by the Law which takes up and further defines article 32 of the Constitution;

"The Republic protects health as a fundamental right of the individual and in the interests of the community through the national health service.

"The maintenance of physical and mental health must be in accordance with respect for human dignity and freedom.

"The national health service comprises all the functions, structures, services and activities for the promotion, maintenance and rehabilitation of the physical and mental health of the entire population without any distinction on individual or social grounds and in such a way as to ensure that all citizens receive equal treatment from the service.

"Responsibility for establishing the health service lies with the State, the regions and local territorial organs, which guarantee participation by all citizens.

"The national health service shall maintain links and co-ordination with all activities and actions by all other organs, centres, institutions and services which perform in the social sector activities having any bearing on the state of health of individuals or of the community.

"Volunteer associations may assist the official objectives of the national health service in the manner prescribed by this Law". (E/1978/8/Add.34, p. 47).

432. This article of the Law is sufficiently detailed as not to require further analysis. It rather appears the case to emphasize, from the human rights point of view, that the health reform:

(a) Recognizes for all citizens (and, as will be seen later, for foreigners who so request) a subjective right to the safeguard of health;

(b) Fully recognizes the fundamental principles of human dignity without any distinction of individual or social condition, affirmed on the international level by the United Nations Charter and by the Universal Declaration of Human Rights and, on the national level, by the Italian Constitution;

(c) It affirms equality of performance.

433. Another important principle is the comprehensiveness of health care in that the National Health Service is intended not only to meet the requirements of the citizen being treated in the case of sickness, but also his right to remain in good physical and mental condition through general preventive measures.

434. Furthermore, the contribution of voluntarism can be very important to the implementation of the National Health Service. Three regions have already issued their own laws in this connection and similar provisions are being taken in almost all the other regions. Lastly, in 1982, the Ministry of Labour instituted a National Commission for voluntarism problems to prepare a legge quadro on voluntarism.

435. The objectives of the National Health Service are specified as follows in the second article of the Law:

(a) Territorial inequalities in social and medical conditions in the country shall be eliminated;

(b) Industrial safety through the modernization and elimination of conditions which might harm the health of workers;

(c) Responsible and rational choice of procreation and protection of motherhood and children, including a reduction in pathology and infant mortality;

(d) Medical care during puberty through school-medical services in all public and private schools and the integration of handicapped children;

(e) Medical care for sports activities;

(f) Medical care for the aged, also aimed at avoiding their exclusion from society;

(g) Mental health care, particularly through prevention services and the inclusion of psychiatric care in general medical care;

(h) Identification and elimination of atmospheric, water and soil pollutants.

436. Again in this case, the Law is very precise and requires little comment. It can, however, be noted that the objectives cover the entire span of human life, and in so far as psychiatric care is concerned, the law fully accepts the trends which were becoming apparent in previous years with regard to the gradual superseding of the psychiatric and neuro-psychiatric hospitals.

437. The second article of the Law also specifies, as follows, the means through which the objectives of the National Health Service are to be pursued:

(a) The prevention of illness and accidents at home and at work;

(b) Diagnosis and treatment of contagious diseases;

(c) Rehabilitation of somatic and psychological invalids and disabled persons;

(d) Promotion and protection of good health and hygiene at work and in society at large;

(e) Food hygiene, medical care in the case of livestock breeding;

(f) Control of experiments in and production of pharmaceuticals, from the point of view of the effectiveness, safety and economy of the product;

(g) Continuing vocational training and scientific and cultural retraining of staff in the National Health Service.

438. In order to evaluate the principles of the health reform as defined by the Law instituting the National Health Service, the following are the main changes which this brought about as compared with the preceding system described in paragraphs 426 to 429.

(a) Passage from a system based on the offer of the services organized by a large number of bodies responsible for health care, to a health system organized on the "demand expressed by the population";

(b) Passage from a prevalently diagnostic-curative system to a system with considerable emphasis on prevention and social rehabilitation of the citizens, which proposes, above all, to improve the actual state of health by preventive measures;

(c) Passage from a system financed by insurance contributions received and spent by a number of decisional centres to a system financed from the State budget through the "National Health Fund", to be further discussed later, and with a single decisional centre in a predetermined, organized territorial ambit, called "Local Health Unit", which will be dealt with in the next paragraph;

(d) Passage from a system based on a number of autonomous bodies and on a consequent fractioning of competencies, to an institutionally unified system organized on three decisional and operative levels:

(i) Central level. Parliament, Government, Ministry of Health, responsible, among other things, for the preparation of the "National Health Plan" for three-year periods; "National Health Council", which was instituted ex novo by Law No. 833 and which is responsible, among other things, for the annual preparation of a report on the state of health of the country;

(ii) Regional level. The 20 regions of the country with legislative functions, in the respective territorial areas, on the organization and running of the local health units; functions of regional programming (regional health plans); functions of formation and up-dating of nursing and technical personnel; functions of stimulation of applied health research;

(iii) Local level. The communes operate at this level, and with democratic criteria, provide for the formation of the organs managing the local health units, and the local health units themselves, which together provide in actual fact for the promotion and safeguard of the health of the population.

439. The very organization of the National Health Service on these three levels and, in particular, the fundamental innovation of a single decisional centre, the local health unit, to which every citizen without distinction can apply to safeguard his health, shows how the health reform was conceived and is being progressively implemented in accordance with criteria of the maximum possible decentralization.

440. The Law instituting the National Health Service, in fact, has retained under the direct responsibility of the State:

(a) Health control at the ports, airports and frontier points;

(b) Control of health relationships with foreign countries;

(c) Control over the production and import of pharmaceuticals;

(d) The military health organization, the health services instituted for the armed forces, the police corps, the corps of wardens in the penitentiaries and for the fire brigade corps, as well as the services of the autonomous undertaking of the Italian State Railways relative to the technical sanitary assessment of the conditions of dependent personnel.

F. Local health unit

441. The organization of the National Health Service is conceived by the Law, and therefore it is already practically implemented, in accordance with a fundamental principle, that of territoriality of the service which ensures a unitarian administration of the protection of health through a capillary network of "local health units".

442. The territory of each region has been subdivided, by regional laws, into socio-sanitary zones and the same number of local health units with boundaries fixed according to the respective demographic entities of each zone. Normally, the territorial district of each unit is fixed on the basis of groups of population of between 50,000 and 200,000 inhabitants; in the areas with considerably denser or sparser populations, higher or lower limits may be permitted. There are 693 local health units that operate over the entire national territory.

443. The local health unit is formed of a combination of polyclinical services and health offices existing in its own territory and not by a single health complex providing all types of services.

444. The organization of the local health units is on a democratic basis. Its organs are: the general assembly, which comprises the communal council or councils (elective organs) according to whether they coincide with the territory of a single commune or more than one; the management committee, elected by the general assembly and which, in turn, elects its chairman.

445. The local health units provide for the prevention activities and the provision of treatment, rehabilitation and legal medicine, assuring uniform levels of services for the entire population.

446. Considering the importance, from the point of view of human rights, of the sytem of the supply of health interventions within the framework of the national health service, detailed hereunder are the contents and the modalities of the services themselves which have been laid down, while awaiting Parliament approval of the National Health Plan, by Law No. 33 of 29 February 1980. This Law extended health assistance to all citizens in respect of uniformity and equality.

G. Health services

447. The law assigns competency to the local health units to provide services of care, rehabilitation and pharmaceuticals, which are set forth in the following paragraphs.

448. Health care includes general medical, paediatric, specialized nursing, hospital and pharmaceutical services.

449. The general medical and paediatric services are provided in direct forms, at domicile or in surgery, without charge to the citizen making use of them. The assistance is given by the National Health Service personnel or by licensed private doctors through "single conventions" stipulated with the various medical categories.

450. Citizens have a free choice of doctors and are registered with each licensed doctor on lists which are periodically brought up to date. This regulation aims at setting up a permanent relationship of trust between citizen and doctor. This relationship may be terminated at the request of the citizen or the doctor; in the latter case, the request must be motivated. Each licensed doctor receives an annual payment for each citizen assisted. Each licensed doctor may not assist more than a given maximum number of citizens.

451. In order to face certain requirements on public holidays and during evening night hours, the local health units must arrange for doctors to serve on special duty.

452. Specialist services are normally provided in local health units to which the user belongs, or at private licensed dispensaries. Diagnostic and laboratory services are normally provided in structures of the local health unit or with licensed structures or in public hospitals.

453. Hospital services are normally given in public hospitals or in private licensed clinics existing within the regional territory in which the citizen resides. The services are gratuitous. Within the objective limits of the health service, the citizen is assured the right to the free choice of doctor and place of treatment.

(a) Rehabilitation services are aimed at the functional and social rehabilitation of subjects suffering from physical, mental or sensory handicaps, regardless of cause. The services are given by the local health units through their own services or through licensed services in the region or elsewhere. Prosthetic services are also guaranteed.

(b) Pharmaceutical services: By law, upon presentation of a prescription from the attending doctor, persons unde medical care may obtain from the pharmacists (who are all licensed) medical products included in a special nomenclature. The purchase of medicines is not completely free as generally the citizen is called upon to pay a proportion of the cost.

454. In the "single convention" stipulated with the pharmacists, emphasis is placed on their role as health centres and their collaboration in the programmes of preventive medicine, information and health education.

455. The above services are the right of all citizens resident in Italy, emigrated citizens returning temporarily to the country and their families.

456. For Italian citizens who are out of the country permanently or for long periods of time, who do not enjoy other forms of assistance, the Italian State, by means of agreements, conventions or other systems, assures the services under the conditions laid down for all citizens by the national health plan.

457. Foreigners residing in Italy may obtain all the health services upon request and fulfilling the obligation of participation in the cost. Foreigners temporarily present in the country may have access to emergency hospital treatment for sickness, accident and childbirth, in accordance with pre-established hospital charges.

H. Programming of the National Health Service

458. The Law instituting the National Health Service undertakes programming on the national and regional levels as a method of implementation of the reform in conformity with the objectives of the country's economic and social programming. The health programming instruments envisaged by the Law are the "National Health Plan" and the "Regional Health Plans".

(a) The National Health Plan, which normally has three years' duration, was laid down by the Government and approved by Parliament, and establishes the guidelines and orientation and modalities for the carrying out of the institutional activities of the National Heatlh Service. The first plan for the three-year period 1981-1983, already prepared by the Ministry of Health but not yet finalized by the Government, identifies, as strategic objectives:

(i) The safeguard of health in terms of unified and comprehensive intervention, based on prevention and on the basic health services;

(ii) The overcoming of territorial imbalances in the social-sanitary conditions, with particular regard to the still developing regions of the south, the extra-urban zones, mountain zones and city suburbs;

(iii) The increase of the productivity of the cost of health intended as efficiency of the services and efficacy of the employment of the resources.

459. The National Health Plan also indicates various action programmes among which of particular importance are the functional integration of social activities (representing one of the most important problems whose solution depends on the social services reform, for some time under study but not yet finalized), health education, the promotion of research of importance for health purposes and initiatives in the international field.

460. Furthermore, the plan envisages the achievement of certain objective projects which consist of special operative interventions, whose implementation requires the action of the entire health organization and that of the social services which can help to pursue the fixed objective. The achievement of this project involves considerable economic and socio-sanitary commitments and is therefore envisaged in the medium and long term.

461. The "objective projects" envisaged by the National Health Plan acquire particular importance in the context of the present report. In fact they regard the safeguard of conscious childbirth, the fight against infant mortality, the safeguard of health during puberty, the safeguard of the health of the aged and that of workers in the working environments.

462. Lastly, the National Health Plan quotes a series of special interventions to be considered as an orientation for the regions and the local health units, in the field of the prevention of handicaps, the assistance of the handicapped, prevention of drug addiction, assistance of drug addicts, the struggle against tumours and veterinary health.

463. From the financial point of view, the plan decides the amount of the National Health Fund destined for the financing of the National Health Service and fixes its distribution among the regions. The delay for the 1981-1983 period is hence not due to a shortage of programming according to the principles and objectives of the institution of the National Health Service, but to the economic crisis through which Italy is passing and which imposes drastic measures to reduce the State budget deficits.

(a) The Regional Health Plans, also normally envisaged for three-year periods coinciding with those of the national plan, must conform with the contents and the orientations of the national plan and refer to the objectives of the regional development programmes. While awaiting Parliament's approval of the National Health Plan, its text has already been made known to all the regions, and has,

in fact, represented a valid and qualifying point of reference for the legislative and administrative activities of the regions which have issued a series of implementation regulations for the orientations contained in the national plan, and have started positive operative interventions.

I. Initial evaluations of the results of the health reform

464. Owing to the short period of time that has elapsed since the enaction of the law instituting the National Health Service and the complexity of the processes put into effect in the first three years of implementation of the reform, it is not yet possible, from the human rights point of view, to formulate an evaluation of its results. From the point of view of the citizen having the right to the safeguard of health, a positive evaluation can be expressed, based on a comparison between the previous and the new system of health safeguard of the population.

465. In a recent international seminar on health economy, organized in Italy in September 1982 by the Centro Europeo di Studi Economici e Sociali ((CESES) European Centre of Economic and Social Studies), a comprehensive report was presented on Italy, also containing an analysis of the critical reflections so far formulated on the present state of the Italian health economy, with a contribution of new orientations regarding the various implementation strategies of the health reform, the objectives which it pursues remaining unchanged.

J. Other information on the Italian health situation

466. As already stated in paragraph 419, the illustration of the Italian health system given so far moves away from the plan for dealing with the matter recommended for the national reports on social rights. In view of the recent beginning of the Italian health reform, in fact, it seemed more responsive to the very aims of the report to present, in organized form, the principles upon which it is based, the objectives pursued and the means created to implemented it, rather than isolate the individual aspects of the right to health indicated in the recommended plan in the context of the reform.

467. On the other hand, if a few aspects are excluded, other parts of the present report, as was the case in the report on economic rights, contain information which also falls within the framework of the safeguard of health, which thus integrates and completes this part of the Italian report on the implementation in Italy of the regulations laid down by article 12 of the International Covenant.

468. In this context, an elaborated report on the state of health of the country, drawn up by the Ministry of Health, is in an advanced stage of preparation.

Notes

1/ Legge quadro is a law which establishes the fundamental points of a new institution.

2/ Aspettativa corresponds to "temporary suspension".

ANNEX

Statistical tables

1. Expenditure for social protection
2. Expenditure for social protection, 1980 (by destination and type)
3. Family consumption, 1980: by profession of family head
4. Nursery schools (0-3 years)
5. Kindergartens (3-6 years)
6. Special adoptions
7. Educational assistance institutions: minors assisted, by age classification, 31 December 1976
8. Homes, rooms, occupants

Table 1. Expenditure for social protection

(In billions of lire)

Destinations	1976	1977	1978	1979	1980
Health	10 188	12 122	14 420	18 408	21 402
Social security	22 118	26 259	33 046	39 037	49 778
Assistance	3 083	3 616	4 250	4 904	5 687
TOTAL	35 389	41 998	51 716	62 349	76 867
Percentage of GNP	22.6	22.1	23.3	23.1	22.2

Table 2. Expenditure for social protection, 1980: by destination and type

(In billions of lire)

Destination	Social Provision	Social Service	TOTAL
Sickness	6 599	9 732	16 331
Infirmity and disability	12 988	1 098	14 086
Working accidents and professional diseases	1 731	71	1 802
Maternity	515	---	515
Family	4 821	420	5 241
Old age	23 723	248	23 971
Ex-service	7 040	---	7 040
Professional orientation, employment and mobility	---	64	64
Other provisions	109	12	121
TOTAL	58 823	11 706	70 529
of which: in cash	51 837	---	51 837
in kind	6 986	---	6 987

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Table 3. Family consumption, 1980: profession of family head

(Percentages)

		Family head			
		Dependent			
		Official and clerical	Manual worker	Independent	TOTAL
1.	Foodstuffs				
	Bread and cereals	3.4	4.6	3.7	4.1
	Meat	9.4	11.5	9.7	10.6
	Fish	1.3	1.3	1.2	1.3
	Milk, cheese, eggs	3.9	4.5	3.6	4.3
	Oils and fats	1.6	1.9	1.7	1.8
	Potatoes, fruit, vegetables	4.5	5.1	4.1	4.8
	Sugar, coffee, tea, cocoa and others	2.0	2.4	2.0	2.2
	Beverages	2.3	3.0	2.6	2.7
2.	Tobacco	1.7	2.0	1.7	1.9
3.	Clothing and footwear	10.8	10.5	10.8	10.6
4.	Housing	12.1	9.6	10.8	10.7
5.	Fuels and electric power	4.0	4.3	4.4	4.2
6.	Furniture, furnishings, appliances	8.2	8.3	8.4	8.2
7.	Sanitary services and health expenditure	1.3	1.1	1.1	1.2
8.	Transport and communications	13.8	13.3	15.9	13.5
9.	Recreation, shows, education and culture	6.9	5.7	6.1	6.2
10.	Other goods and services	12.8	10.9	12.0	11.7
	Total foodstuffs and beverages	28.4	34.3	28.8	31.8
	Total non-food consumption	71.6	65.7	71.2	68.2
	Total consumption	100.-	100.-	100.-	100.-

Source: Annual survey by the Central Institute of Statistics on a sample of about 36,000 families.

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Table 4. Nursery schools (0-3 years)

Year	Nursery schools	Children
1976	1 080	71 726
1977	1 150	70 376
1978	1 268	70 271

Source: Data processed by the Italian Commission for the International Children's Year.

Table 5. Kindergartens (3-6 years)

School year	Schools	Sections	Pupils
1978 - 1979	30 414	69 611	1 916 674
1979 - 1980	29 959	68 050	1 852 425
1980 - 1981	29 866	68 600	1 840 555
of which:			
- State	12 740	29 547	755 420
- Private	17 126	39 053	1 085 135

Source: Italian Statistical Yearbook, 1980.

Table 6. Special Adoptions

Phases of special adoption procedure	1975	1976	1977	1978	1979
Pre-adoption entrustment	2 425	2 253	2 086	1 770	1 569
Special adoptions	2 681	2 330	2 985	1 981	1 720

Source: Data processed by the Italian Commission for the International Year of the Child.

Table 7. Educational assistance institutions: minors assisted by age classification, 31 December 1976

Condition of minors	Age		
	0-5 years	6-13 years	TOTAL
Normal	6 376	61 521	67 897
Physically handicapped	474	3 698	4 172
Mentally handicapped	214	5 180	5 394
Other categories	115	534	649
TOTAL	7 179	70 933	78 112
per 1 000 inhabitants	1.4	9.6	---

Table 8. Homes, rooms, occupants

Census	Homes	Rooms	Occupants
	A. According to census results		
1931	9 027 076	29 515 172	40 224 771
1951	10 756 121	34 163 105	45 781 013
1961	13 031 618	42 606 953	48 313 631
1971	15 301 424	55 519 836	51 157 779
	B. According to surveys on family consumption		
1976	15 560 840	62 377 935	55 288 125
1977	16 941 460	64 047 889	55 596 396
1978	17 360 556	65 400 304	56 028 991
