



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

15 May 2015

Case Doc No. 11

Confederazione Generale Italiana del Lavoro (CGIL) v. Italy
Complaint No. 91/2013

**GOVERNMENT'S INFORMATION
(Translation)**

Registered at the Secretariat on 11 May 2015

REPUBBLICA ITALIANA
MINISTERO AFFARI ESTERI E
DELLA COOPERAZIONE INTERNAZIONALE
L'AGENTE DEL GOVERNO

EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

Complaint No. 91/2013

Confederazione Generale Italiana del Lavoro (CGIL) v. Italy

FURTHER SUBMISSIONS BY THE ITALIAN
GOVERNMENT

Rome, 9 May 2015

REPUBBLICA ITALIANA
MINISTERO AFFARI ESTERI E
DELLA COOPERAZIONE INTERNAZIONALE
L'AGENTE DEL GOVERNO

1. Further to the letter from the Secretariat of 19 March 2015, the Italian Government (hereinafter “the Government”) would like to make the following additional submissions on the merits of the complaint lodged by the CGIL against Italy.

THE MERITS

2. The Government would like to reiterate its submissions of 29 May 2013 and 21 November 2013, in which it requested the European Committee of Social Rights (hereinafter “the Committee”) to declare the CGIL’s complaint unfounded because the situation in Italy is in conformity with Article 11 of the revised European Social Charter read alone or in conjunction with Article E, with all the other articles of the Charter mentioned in the complaint and, in particular, with Article G.
3. In this connection, the Government refers again to the Appendix of the revised European Social Charter, in which the following clarification is added:

Part V - Article E

“A differential treatment based on an objective and reasonable justification shall not be deemed discriminatory”;

and to Article 11, which reads as follows:

Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in cooperation with public or private organisations, to take appropriate measures designed *inter alia*:

- 1) to remove as far as possible the causes of ill-health;
 - 2) to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
 - 3) to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.
4. It must be inferred from these two articles that Italian law is not in breach of the European provisions cited when it strikes a proper and necessary balance between women’s right to life and health and the freedom of conscience of medical or paramedical personnel vis-à-vis voluntary termination of pregnancy.

REPUBBLICA ITALIANA

MINISTERO AFFARI ESTERI E
DELLA COOPERAZIONE INTERNAZIONALE
L'AGENTE DEL GOVERNO

5. It should also be added that Law No. 194/78 is also worded in accordance with Italian constitutional principles, as was asserted in Constitutional Court judgment No. 35 of 1997, which rejected an application for a referendum on the partial repeal of this law (including Article 9), because it considered that “a referendum cannot be held against an ordinary law comprising constitutionally compulsory content” such as the law in question, which relates to the principle of non-discrimination.
6. As to the measures currently being adopted in Italy on the subject at issue, the Government would inform the Committee that in June 2013 the Minister of Health convened a “Technical Panel for the full application of Law No. 194/78”, which comprises representatives of the Italian Regions and the National Health Institute and is charged with the specific task in Italy of monitoring abortion activities and the extent to which the right to conscientious objection is exercised by gynaecologists working in private and public facilities and family planning centres.
7. The monitoring carried out on voluntary termination services (punti IVG) and conscientious objection in Italy has revealed no conflicts between voluntary termination services and the services dealing with childbirth (punti nascita).
8. In this connection, the Government would ask the Committee to refer to pages 43 to 48 of the Report by the Ministry of Health on the implementation of the law on measures for the social protection of maternity and voluntary termination of pregnancy (Law No. 194/78) of 15 October 2014 (enclosed as an appendix).
9. We would like to inform the Committee that the Panel referred to above met on 14 January 2015 to continue its monitoring work, whose aim is to provide a degree of co-ordination and comparison at national level for the full application of Law No. 194/78. For this purpose, the Ministry of Health has financed a CCM project for a 12-month period, co-ordinated by the National Health Institute’s National Centre for Epidemiology and Public Health Monitoring and Promotion, which has also been given the task of organising a training course in October 2015 for regional officials in charge of monitoring and providing information about any critical situations arising in relation to voluntary termination of pregnancy and conscientious objection.

REPUBBLICA ITALIANA
MINISTERO AFFARI ESTERI E
DELLA COOPERAZIONE INTERNAZIONALE
L'AGENTE DEL GOVERNO

10. The Government is keeping track of every situation relating to the question put by the CGIL in the interest of the persons concerned, namely the women and doctors, but above all the unborn children, with a view to the continued protection of their rights.
11. However, the Government, being fully aware of the complexity of the question at issue, asks the Committee to be able to present its views at a hearing within the meaning of Article 7§4 of the Protocol and Rule 33 of the Rules of the Committee, in order to provide the Committee with any other information that may be useful for the examination of the complaint.
12. The Government would like to thank the Committee for the care it has taken in examining the submissions and information presented to it and looks forward to hearing the Committee's decision concerning the request for a hearing made in paragraph 11 above.

Rome, 9 May 2015.

The Government Agent
E. Spatafora