

**Italy, 13 January 2023**

Dear Special Rapporteur on the right to education,

In this document you can find the answers to your questionnaire written by *Unione degli Universitari*, the Italian Students' Union. We are also a member of ESU.

With the present document we also agree to the publication of these answers.

You can find the numbers of the questions we are answering.

I.

1. In Italy, Article 3 of the Constitution states:

"All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions.

It is the duty of the Republic to remove those obstacles of an economic and social nature which, by effectively limiting the freedom and equality of citizens, prevent the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country."

One might therefore think that even in the field of education, the text of the Constitution fully adheres to the Universal Declaration of Human Rights, but then in Article 34 it is said:

"Schooling shall be open to all.

Lower education, provided for at least eight years, shall be compulsory and free.

The able and deserving, even if deprived of means, have the right to attain the highest grades of education.

The Republic renders this right effective by means of scholarships, family allowances and other provisions, which shall be awarded by competitive examination."

And it is from the phrase 'the able and deserving' that many of the problems for the right to higher education in Italy start. In fact, starting from this article of the Constitution, the system for providing student grants provides that students without sufficient financial means to enable them to attend university can only receive a student grant if they obtain a certain number of university ECTSs within specific timeframes (which then vary according to the course of study and year). This system leads every year to many students not starting a university course, having to find a job to support their studies, or dropping out of university because they cannot meet the requirements for a student grant. Moreover, in particular in the Lombardy Region, some calls for applications for study grants specify the requirement of absolute first enrolment in order to be able to apply for a grant: this means that if a student had initially embarked on a certain academic course during which they realised that it was not the right course for them, by enrolling in another degree course in Lombardy they would be ineligible for a grant, despite meeting all the other requirements.

As a students' union, we therefore believe that on this point Italy is only partially respecting the universal right to education. If it respected it completely, higher education would not be a privilege only for those who can afford it.

2. In full compliance with the provisions of Article 117 of the Constitution, the State, by means of Legislative Decree no. 68/2012, regulates the Essential Levels of Services in the area of support for the Right to Education. The Essential Levels are specifically defined in the current Article 7 of this decree, implementing all the general provisions

within it. In our opinion, this formulation would need to be reformed in order to lead to a way of calculating the size of the individual grant that is as appropriate as possible to the cost of living in the different university cities. We believe a process should be implemented that customises the amounts as much as possible, providing services that are truly student-friendly and fully cover all their needs. In this sense, a first measure that must be taken is the total removal, within the first paragraph of Article 7, of the possibility of arriving at eligible non-bursary recipients, sanctioning how the State's task, in compliance with Articles 3 and 34 of the Constitution, must be to always and under all circumstances guarantee total coverage of student grants. Having sanctioned this fundamental principle, we also call for the updating and extension of the Essential Levels of Services, intervening, for example, on matters such as psychological support and free and granted healthcare for out-of-town students. The recent regulatory amendment obtained at the time of the 2022 Budget Law went in this direction, through which the ELS relating to teaching materials was amended to include not only paper materials but also a personal computer, every piece of equipment, functionality and electronic device, and an efficient, state-of-the-art data connection. A change that, on a theoretical level, has been fully implemented, but which, like all other Essential Levels of Services, needs to be implemented.

3. As mentioned earlier in our answers, we do not believe that the right to education is fully respected in terms of the requirements for accessing scholarships. Moreover, another problem can be found in identifying whether issues related to the right to education are the responsibility of the state or the regions, because Title V of the Constitution does not best define this responsibility and the legislation adopted as a result attributes part of the competence to the regions. Specifically, with regard to the composition of funding for study grants, Article 18 of Legislative Decree 68/2012 establishes how the resources allocated to cover study grants must come from three different items: the State Supplementary Fund, to be allocated in proportion to the financial needs of the regions; the revenue from the regional tax for the right to study, which is paid each year by students enrolled at the university; the regions' own resources, equal to at least 40% of the allocation of the State Supplementary Fund. This rule leads to many problems in obtaining full coverage of scholarships for all students who would be entitled to them according to the regulations. The amount of funds allocated by the state from the State Supplementary Fund is in fact insufficient, leaving thousands of students each year with the status of eligible students who do not receive a student grant. In fact, the regions can decide to allocate only 40% in accordance with the regulations and therefore leave it up to the various universities to decide on covering the scholarships for those who are not eligible, a task that they can only carry out if they have the financial resources to meet this expense and this does not always happen.
4. According to research that we, as *Unione degli Universitari*, conducted and published in 2021, the cost of higher education in Italy has progressively increased over the

years, from university fees to living in the city of study. Suffice it to say that from 2021 to 2022, the average cost of a rented room increased by 11%, according to data from Immobiliare.it. [We attach here the documents related to our research on the cost of higher education.](#)

5. In Italy, as students, we have the possibility to appeal if some of our rights enshrined in different laws are not respected in a clearly objective manner. This is often the case with regard to access to university when there is a numerus clausus system with a consequent test to decide who among the applicants will be selected to enroll in their chosen course of study. The closed-number system for access to university in Italy was introduced by law 264/1999. The first article of this law prescribes nationwide numerus clausus for certain study courses, such as Medicine and Surgery, Veterinary Medicine, Dentistry and Dental Prosthetics, Architecture and Primary Education Sciences. The second article establishes the possibility of introducing closed numbers at local level, and the requirements for its implementation, which mainly concern the use of laboratories. The effects of this system are: a shortage of specialised personnel in crucial areas, a problem of accessibility to the degree courses involved, and the emergence of private for-profit organisations to prepare for entrance tests, creating socio-economic discrimination between students who can afford to pay for these courses and those who cannot. With the help of our lawyer Michele Bonetti, as a student union we have appealed against the introduction of numerus clausus in some of our universities. By bringing to the court's attention the real reasons that had led to the introduction of numerus clausus, the judges always agreed with us. This was the case, for instance, with the Faculty of Humanities at the University of Milan in 2018. In our opinion, the closed-number system is in strong opposition to the third article of the Constitution and actually creates an economic and social obstacle to access to higher education, is a tool to continue underfunding universities, and creates a significant disproportion in the number of students who can access a course of a scientific nature compared to a course of a humanistic nature.

## II.

8. In our vision as a student union, the biggest challenge we face in implementing the right to education is to one day see a willingness on the part of politicians to bring about the change we as students have long been demanding. To change the majority vision that would see universities get funding based on their performance in every field and to prevent university courses from being set up solely by listening to business and not taking into account the real needs of the student community.

9. As students, we believe that the main problem that needs to be solved as soon as possible is to increase the amount of the State Supplementary Fund, so that at least all students who are eligible for a scholarship can embark on their university career. Next, we believe that the university funding system should be decoupled from their performance, but rather aimed at following the needs of the academic community as a whole, and in doing so,

much attention should certainly be paid to the issue of university buildings. Finally, the numerus clausus system must be overcome.