

WRITTEN QUESTION E-0110/08

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to the Commission

Subject: Discrimination against foreign children as regards access to nursery schools in the municipality of Milan

Contrary to what is stipulated in Presidential Decree 394/99, establishing a right of access for foreign children to the state education system, irrespective of their family's legal status, the municipality of Milan recently approved a circular introducing more restrictive criteria for admission to state nursery schools. Children who do not hold a valid residence permit are no longer authorised to attend. This goes against what was the normal practice until last year, namely to provisionally accept children without residence permits.

In view of the above, does the Commission not consider that the circular contravenes Article 24 of the Charter of Fundamental Rights of the European Union, specifically where it states that 'in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration', and that it is contrary to the spirit of the 1989 UN Convention on the Rights of the Child, which lays down the same principle, incorporating anti-discriminatory guarantees, inter alia with regard to national and racial origin?

- Does the Commission agree that the circular represents a violation of the right to education, as defined in Article 14 of the Charter of Fundamental Rights of the European Union and Article 28 of the UN Convention on the Rights of the Child?
- What action will the Commission take vis-à-vis the Italian authorities to ensure that Community law is complied with?