

# Rights of children in Italy

**Alternative Periodic Report  
to the  
United Nations Committee on the Rights of the Child  
80<sup>th</sup> Pre-Sessional Working Group Session of the CRC  
Review of Italy**

**Submitted  
February 2018**

**NGO Submission by**

**Associazione Comunità Papa Giovanni XXIII**

<http://en.apg23.org/en/>  
[international@apg23.org](mailto:international@apg23.org)

and

**Associazione Meter**

<http://www.associazionemeter.org>  
[segreteria@associazionemeter.org](mailto:segreteria@associazionemeter.org)

## TABLE OF CONTENTS

INTRODUCTION .....	4
ASSOCIAZIONE COMUNITÀ PAPA GIOVANNI XXIII .....	5
ASSOCIAZIONE METER .....	6
METHOD OF COLLECTING DATA .....	7
CLUSTER 3: GENERAL PRINCIPLES .....	9
Unborn children .....	9
The right to life, survival and development .....	9
CLUSTER 4: CIVIL RIGHTS AND FREEDOMS .....	12
Roma children .....	12
Registration and nationality .....	12
CLUSTER 5: FAMILY ENVIRONMENT AND ALTERNATIVE CARE .....	14
Children deprived of a family environment .....	14
Foster care and residential accommodations .....	14
Babies abandoned in hospital as the result of in vitro fertilization procedure .....	15
CLUSTER 6: DISABILITY, BASIC HEALTH AND WELFARE .....	17
Children with disabilities .....	17
CLUSTER 9: SPECIAL PROTECTION MEASURES .....	18
Roma Children .....	18
School .....	18
Cleaning of Roma Camps .....	19
Family environment .....	19
Sexual trafficking victims .....	20
Family reunification .....	20
Training those working with victims of human trafficking .....	21
Age determination .....	21
Reception .....	22
Respect for the view of the child .....	23
Access to information from a diversity of sources and protection from material harmful to a child's well-being .....	24
Health .....	25
School inclusion of migrant students .....	26
Monitoring and fighting prostitution .....	27

Unaccompanied minors migrants.....	28
Guardian.....	28
Psychological support .....	29
Reception .....	29
OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHT OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (OPSC).....	30
RECOMMENDATIONS .....	32

## INTRODUCTION

This joint alternative report aims to provide additional information to the UN Committee on the rights of the Child, in order to examine the fifth and sixth periodic reports of the Government of Italy. The main source of this report is based on the experience of Associazione Comunità Papa Giovanni XXIII and Associazione *Meter* in Italy. This alternative report seeks to assist the CRC Committee by providing information about the actual status of the rights of the children in Italy. The case studies cited in the report are not exhaustive. They are indicative of the patterns of violations of children's rights in Italy.

The report highlights the following clusters, as divided in the CRC guidelines<sup>1</sup>:

- *CLUSTER 3: GENERAL PRINCIPLES*
- *CLUSTER 4: CIVIL RIGHTS AND FREEDOMS*
- *CLUSTER 5: FAMILY ENVIRONMENT AND ALTERNATIVE CARE*
- *CLUSTER 6: DISABILITY, BASIC HEALTH AND WELFARE*
- *CLUSTER 9: SPECIAL PROTECTION MEASURES*
- *OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHT OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (OPSC)*

---

<sup>1</sup> CRC Treaty Specific Reporting Guidelines, Harmonized according to the common core document, CRC/C/58/Rev.2, 1<sup>st</sup> October 2010

## ASSOCIAZIONE COMUNITÀ PAPA GIOVANNI XXIII

The Associazione Comunità Papa Giovanni XXIII (APG23) is an International Catholic Association of Pontifical Right, accredited with Special Consultative Status to the Economic and Social Council (ECOSOC) since 2006.

The Association was founded in Italy in the early 60's by Fr. Oreste Benzi, an Italian Catholic Priest who died in 2007. The Association is present in 38 countries on five continents (Albania, Argentina, Australia, Bangladesh, Bolivarian Republic of Venezuela, Bolivia, Burundi, Brazil, Cameroon, Chile, China, Colombia, Croatia, France, Georgia, Germany, Greece, Haiti, India, Iraq, Israel, Italy, Kenya, Nepal, Netherlands, Palestine, Portugal, Romania, Russian Federation, San Marino, Sierra Leone, Spain, Sri Lanka, Switzerland, Republic of Tanzania, United Kingdom, United States of America and Zambia).

The Association runs 500 welcoming structures all over the world, of which 298 are family homes<sup>2</sup> where orphaned children, mentally and physically disabled, and others marginalized persons found a substitutive family. It runs also emergency shelters, fostering families, houses of fraternity, cooperatives and day-care centres, therapeutic communities for drug users, centres for alcoholics.

The Association carries out awareness raising campaigns, micro-credit programs, and it provides services for disabled people, Roma and Sinti, homeless, prisoners, migrants, elderly, people infected and affected by HIV/AIDS, mothers in trouble and women forced into prostitution. Furthermore, the Association has a nonviolent presence in both fronts in war zones to guarantee the respect of human rights and assist populations displaced by the war, and carries out activities aimed at combating the trafficking of human beings and assisting its victims.

The Associazione Comunità Papa Giovanni XXIII is committed to promoting the "society of Gratuitousness", a society that is based on the awareness that everything (heart, people, resources etc.) is a gift from God, a society that is based on the values of being, sharing and relating, where the least, the disabled, the marginalized set the pace of the human family's march.

At UNOG, APG23 advocates, at the moment, for the following priorities:

1. Rights of the Child (especially the right to have a family and the right to health)
2. Right to Health and Access to Treatment
3. International Solidarity and Human Rights
4. Implementation of the Right to Development
5. Extreme poverty and Economic, Social, Cultural Rights
6. Protection of the Family
7. Right to Peace
8. Migration
9. Human trafficking

---

<sup>2</sup> Family home is a residential educational community with dimensions, educational, functional and organizational characteristics of a family type. It is characterized by the stable and continuous cohabitation of parental figures who, sharing in a direct link with people in difficulty, tend together to live a relationship of a parental type. This family home sometimes supports the family of origin, other times it functions as a substitution

## ASSOCIAZIONE METER

*Meter* Association was initiated in Avola (SR) by Fr. Fortunato Di Noto's will, who between 1989 and 1991 started to get passionate to new technologies: wonderful and positive tools that have also allowed the spread of horrors and violence. What Fr. Fortunato found on the Web even then was a real holocaust perpetrated through the production and dissemination of child pornography or otherwise against minors. The discovery of the first child pornographic images and proclamations of cultural paedophilia pushed Fr. Di Noto and founding members, who still follow him, in what would become their mission: to fight against paedophilia and child abuse, protecting children and their innocence.

This is the basis of the Association's name: *Meter* is a word of Greek origin meaning "welcome, womb," and more broadly "protection and assistance." This name stems from the need to entrench and promote the culture of children's rights in ecclesial and lay environments.

Today the experience of *Meter* in the area of child protection, the fight against paedophilia and child pornography online, is a significant point of reference in Italy and is recognized worldwide as a leading authority (from China to Japan, from the USA to Europe) in the prevention of childhood discomfort and designing interventions aimed at a real help to the victims of sexual abuse. Speaking of the fight against paedophilia, *Meter* works closely with the CNCPO (National Center for Fighting Child Pornography Online of the Italian Postal Police) thanks to a memorandum of understanding with the Italian Postal Police and various Italian Courts.

*Meter* team has always distinguished itself for its operations in informing and training all educational sectors. There are too many "orphans with living parents", and Fr. Fortunato says, "that we have seen grow or live in this condition; as *Meter* we will make sure that the right to live in a peaceful family and society one day shall become a standard for all children and not a condition for the privileged few".

## METHOD OF COLLECTING DATA

The data collected to analyse the clusters taken into consideration in this report draw on the experience of APG23 in the following fields: children deprived of their family environment, Roma children, children who are victims of trafficking and prostitution, unaccompanied minor migrants, unborn children. The Association *Meter* has drawn its data on pornography from its report World Observatory for Contrast to Paedophilia.

**Children deprived of their family environment.** APG23 received 3,348 minors at their reception facilities during the period 2013-2017. The activities of APG23 go beyond that, supporting foster families in Italy and providing them with help and assistance. In particular, in the North of Italy there are six active self-help groups which help 60 foster families in foster care-related topics<sup>3</sup>. Furthermore, in the region of Veneto APG23 works with the association "La casa di Oreste" (The home of Oreste) which helps and supports foster families with training, reception and psychological support.

APG23 is currently part of the Forum of the Association of Families<sup>4</sup> and a member of the Round Table on Foster Care<sup>5</sup>. As member of the Round Table, APG23 works closely with the National Ombudsman for Children in specific working groups and with the coordinating body of the "Consulta delle Associazioni". APG23 is part of the National Childhood and Adolescence Platform of the Ministry of Labour and Social Policy; the association has been called upon to be a part of it because it is one of the main associations in Italy dealing with issues of minors. APG23 has collaborated with the Ministry of Labour and Social Policy, in particular in the round table on the preparation of the National Guidelines of reception in residential facilities.

**Roma children.** The Associazione Comunità Papa Giovanni XXIII has been working with the Roma and Sinti minorities in Italy for 20 years, especially in the regions of Emilia-Romagna, Veneto and Piemonte. From 2013 to 2017, 56 minors of Sinti and Roma origin have been placed in the reception facilities of APG23. Most of the work carried out by the association focuses on supporting families and the youth through the following activities: human promotion, after school activities, legal assistance, supporting parenthood, debates on the concept of legality and help on the correct use of access to the social and healthcare services. Furthermore, they receive minors, adults and whole families in their reception facilities; in particular, the project 'Buon Vicinato' ('Good Neighbourhood') focuses on the reception of families in need close to the houses of the members of the project, by using campers or caravans.

**Trafficking victims and prostitution.** APG23 works in almost every region of Italy with anti-trafficking street units aiming at monitoring prostitution and helping the girls who want to leave the streets.<sup>6</sup> From 2012 to 2017, APG23 got in touch with 51,300 victims of human trafficking, more than 50% from Nigeria. In the same period, APG23 has supported and helped 1068 women and 54 minors aged between 12 and 17. The young victims of human trafficking has been placed in family homes<sup>2</sup> managed by APG23, and a few in foster families. All the minors that have been received in our reception facilities have decided to follow psychotherapy. All the minors who are victims of human trafficking for sexual exploitation welcomed by APG23 are girls. According to Save the Children there are "15,8467 certain or presumed victims throughout the whole European Union. 76% of these are women and 15% children and teenagers. Of the total, 67%

---

<sup>3</sup> The six self-help groups are 2 in Cuneo, 2 in Turin, 1 in Verona and 1 in Rimini

<sup>4</sup> <http://www.forumfamiglie.org/>

<sup>5</sup> <http://www.tavolonazionaleaffido.it/>

<sup>6</sup> The regions where APG23 has worked in 2016 anti-trafficking street units are: Abruzzo, Calabria, Emilia Romagna, Lazio, Liguria, Umbria, Marche, Piedmont, Puglia, Tuscany, Sardinia and Veneto.

are victims of forced prostitution, mainly of Nigerian and Romanian origin. [...] The growth in trend is also confirmed by the volume of flows recorded in the early months of 2017: in May, 60,228 migrants arrived, including 6,156 women (2,800 Nigerian) and 8,312 unaccompanied minor migrants, with a growing number of young Nigerian girls.”<sup>7</sup>

**Unaccompanied minor migrants.** APG23 received 41 unaccompanied minor migrants in their reception facilities between 2015 and 2017<sup>8</sup>. They are offered a place to live, medical exams, support with bureaucratic procedures, schooling and social integration. Furthermore, APG23 works with the Diocese of Reggio Calabria in the operations of the disembarkation of migrants and works with other associations and local institutions with the aim of monitoring and helping unaccompanied minor migrants and the female victims of human trafficking. Since 2014, around 5000 unaccompanied minor migrants have arrived in the harbor of Reggio Calabria. Finally, APG23 takes part in the projects of humanitarian corridors which have been set up in Lebanon by civil society in collaboration with the Italian Government. In particular, APG23 helps with the selection of the families and in their reception and integration in Italy.

**Unborn children.** APG23 has helped 1039 pregnant women from 2010 to 2016. In 2016, 20 were minors. APG23 supports pregnant women in need by creating a trustworthy relationship with them. Furthermore, if asked by the parents, APG23 helps with the bureaucratic aspects of the burial of the fetus. Finally, APG23 has set up the telephone helpline 800-035036 for women who need help while pregnant or after an abortion. From 2011 to 2016, APG23 received 325 calls. Finally, APG23 works with public entities, clinics (family counselling) and pro-life associations.

**METER OS.MO.CO.P** (Osservatorio Mondiale Contrasto alla Pedofilia, World Observatory for Contrast to Paedophilia)

It is a highly specialized office in the research data on the Internet and the development of traffic flows for the fight against paedophilia and child pornography. Thanks to their long experience in almost thirty years of activity, *Meter* technicians have developed and made use of today highly sophisticated software for analysing the Net, completed by a purpose-built platform that collects reports on website containing stuff on sexual abuse of children. In this way you can collect rapidly a large amount of information and submit a complete complaint to the competent authorities.

Instruments implemented by *Meter* require continuous adjustments to reflect technological developments in order to give more data as to identify cyber paedophile and contain or resolve the issue annexed (production and dissemination of child pornography, setting up of web portals and so on).

OS.MO.CO.P. technicians, with constantly updated skills, conduct an online research to analyse photos and video broadcasting and the spreading over the Net of files containing sexual violence against minors. The team is completed by psychologists and psychotherapists who, thanks to their experience, help to recognize the dynamics and evolution of the psyche and emotions of those who use the network. This way, you can also take action to identify and prevent acts of cyber-bullying, sexting and online enticement.

---

<sup>7</sup> Save the Children, *Young Invisible Enslaved*, July 2017, p.5-6

<sup>8</sup> The reception facilities of APG23 for unaccompanied foreign children are two: one in the province of Rimini and one in the city of Reggio Calabria

## CLUSTER 3: GENERAL PRINCIPLES

### *Unborn children*

#### **THE RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT**

The preamble to the Convention on the Rights of the Child acknowledges that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."

#### ***Prenatal and pre-implantation eugenics selection***

APG23 notes that in the last amendment of the law concerning the Guaranteed Basic Healthcare Levels in Italy<sup>9</sup>, the only implementation regarding the protection of pregnancy was a greater availability of pre-natal diagnoses. These diagnoses have the almost exclusive purpose to identify genetic or phenotypic anomalies that can cause diseases or disabilities, generally defined as "malformations"<sup>10</sup>, a term considered discriminatory because it has never been used for similar situations in people already born.

APG23 notes that usually the aim of prenatal diagnosis is not therapeutic, but almost always these procedures are carried out with the aim of proposing the elimination of imperfect human fetuses, suggesting and organizing then the abortion in a very short time, without giving parents enough time to realize what they are experiencing and without offering them alternatives.

The article 6 of Law 194/1978 envisages the possibility of abortion even after the twelfth week of pregnancy, but only in case of serious danger to the physical or mental health of the mother. From our experience, it appears that such danger is never diagnosed in any way, but it is always taken for granted a priori. Contrarily to what is indicated by the article 5 of the law 194/1978<sup>11</sup> -which sets out the mandatory medical consideration and evaluation of the causes that would lead to the termination of pregnancy of the woman and to suspend for seven days the decision before proposing the abortion procedure- it has been noted that the abortion is proposed and immediately booked by the doctor when he reports the diagnosis, even before the parents have expressed their intentions.

Furthermore, APG23 has followed some cases where the procedure of abortion was booked even before having the final results of the diagnosis, without having therefore the certainty that the pregnancy could be a danger to the woman. From the contacts collected in these years, APG23 notes that women, who have asked for help to the association, decide to carry out an abortion mainly due to their personal economic hardship and most of the time they are pushed to proceed to abortion by the husband/partner or by the family of origin, even against their own will.<sup>12</sup>

#### **RECOMMENDATIONS:**

1. To increase the advertising of dedicated free helpline for pregnant women in order to promote an alternative to abortion.
2. In line with the UN Committee on the Rights of Persons with Disabilities, we suggest to put in place adequate procedures to reduce and avoid the recourse to abortion in case of prenatal diagnosis of disability.

<sup>9</sup> Prime Minister's Decree of 12 January 2017, *Basic healthcare levels' definition and update*, art. 1, comma 7, Legislative Decree n. 502, December 1992.

<sup>10</sup> The term "malformations" are found in the Law 194/1978, to articles 4 and 6.

<sup>11</sup> Law 194/1978 *Rules on social protection of motherhood and voluntary interruption of pregnancy*, 22 May 1978.

<sup>12</sup> Testimonies collected in the book by Andrea Mazzi, *Unwanted. Stories of ordinary discrimination against women and children in an abortionist society*, Sempre Editions, Rimini, 2017. Book written and produced by APG23.

3. To establish standardised procedures at the national level aimed at removing the causes that lead women to abortion, as stated in Article 5 of Law 194, allocating dedicated economic resources and establishing adequately trained human resources.
4. To provide adequate documentation every time there is an alleged serious danger for the mother's health and to underline the psychophysical risks of late abortion compared to the risk of giving birth to an unhealthy baby.
5. To prepare a tangible and prompt survey on the causes leading expectant mothers to ask for abortion, in order to create specific policies and action plans that aim at helping these women and to guarantee the children's right to life.
6. To put in place all necessary actions to promote anonymous childbirth as an extreme alternative to abortion.
7. To adopt specific legal and economic means in favour of pregnant women in a quandary by creating a special fund for difficult pregnancies.
8. To verify through a national survey the possible social existence of instigation, favouring and coercion of abortion, guaranteeing an independent, full and systematic monitoring to establish and develop actions that strongly oppose these practices.
9. To elaborate a national plan with uniform guidelines to promote and protect the right to life of the soon-to-be-born child, giving a specific and active role to civil society.

### *Neo-natal eugenics*

When an abortion occurs in the second trimester, especially between 18-20 weeks of pregnancy, the fetus often comes into the world alive. Generally, it is not assisted in any way and it is not even registered at the registration office as born alive, as it should be mandatory by law. Over 22 weeks there are growing hopes of being able to save his life and according to article 7 of the law 194/1978 the fetus must be assisted if born alive after the abortion procedure. This almost never happens in the case of voluntary abortion, leaving it to agonize until death or suppressing the infant directly to shorten the suffering, especially of those who see and would not want to see. Everything is attempted instead for spontaneous abortions, with a discriminatory attitude towards the newborn.

*“In the hospital of Rimini, they have solved the problem by making maneuvers to ensure the child's death, in case of late abortion. I do not go any further not to shock you.”<sup>13</sup>*

*“I had to take the aborted fetuses from the refrigerator within 4 hours after the abortion. Sometimes its heart was still beating. So, I went to the head physician to make him notice it. He answered: if it disgusts you, come back in a while. Then they changed the procedure. Now we pick them up 24 hours after the abortion.”<sup>14</sup>*

*A girl supported by APG23 had vaginal discharges. Once she made the ultrasound, the heart of the fetus was still beating. She asked to do everything possible to save him. However, they immediately gave her pills to expel the fetus, saying there was nothing to be done. The fetus was born alive, placed in a bowl and quickly taken away for histological examinations.<sup>15</sup>*

<sup>13</sup>Testimony of an anesthesiologist collected by APG23

<sup>14</sup>Testimony of a geneticist collected by APG23

<sup>15</sup> Testimony collected by APG23

**RECOMMENDATION:**

10. To avoid late abortions in medical facilities without neonatal intensive care. The abortion must be done only in III level medical facilities, where it is possible to protect the child's right to life.

***Abandoned human embryos***

The law 40/2004 allows assisted reproductive technology in Italy. After the ruling of the Constitutional Court n. 151/2009 that allows the production of more than three embryos, nowadays there is an exponential growth of frozen embryos. Even the Italian Government's Ministry of Health is no longer able to indicate the real number despite the creation of a special register.<sup>16</sup> The Law 40/2004 protects the life of embryos by preventing them from being destroyed but it does not offer them other possibilities if their biological parents are not willing to use the frozen embryos for future implantation.

**RECOMMENDATIONS:**

11. To monitor and report properly the number of cryopreserved embryos.
12. To promote a new law that allows the adoptability of abandoned embryos with the same criteria of post-natal adoption as an alternative to the production of new human embryos through in vitro fertilization.

---

<sup>16</sup> [http://www.quotidianosanita.it/governo-e-parlamento/articolo.php?approfondimento\\_id=10395](http://www.quotidianosanita.it/governo-e-parlamento/articolo.php?approfondimento_id=10395)

## CLUSTER 4: CIVIL RIGHTS AND FREEDOMS

### *Roma children*

#### **REGISTRATION AND NATIONALITY**

(see COs, §§28-29)

A large group of Roma people that came to Italy after the dismantling of Former Yugoslavia and that has lived in Italy for many years is still without citizenship and in many cases died without having one; this situation of statelessness will go on with their sons and the sons of their sons that were born and live in Italy.

The procedure to acquiring identity documents and citizenship is full of bureaucratic obstacles that are often impossible to overcome. It is extremely important to prepare administrative procedures, solutions and diplomatic acts that could eliminate the “factual statelessness”.

In volunteering experience among the Roma people, APG23 has encountered cases of children not registered at birth, both children of parents with regular permits and children of parents who were themselves stateless.

This situation of vulnerability and violation of a fundamental right of the child affects the rest of their existence, condemning them to an absolute marginalization from the Italian social context. The parents, not registering their children after the birth, intend not to give them a personal identity registration, trying to protect them, overtly, from any "intrusion" of the social service.

Although Italy has ratified the United Nations Convention on the reduction of statelessness of 1961 on 29<sup>th</sup> September 2015, there is no comprehensive discipline and there is lack of defined criteria to refer to. Procedures for the determination of statelessness status and legislations that guarantee a very advanced level of protection especially for minors are needed.

A more precise clarification was made only in procedural terms<sup>17</sup> for the identity verification: it was provided that the competence of the "Specialized sections on immigration, international protection and free movement of citizens of the European Union" also includes disputes regarding the assessment of the statelessness' status.

The Law n. 98/2013<sup>18</sup> meant to simplify the process of acquisition of citizenship for those who have reached the required age and who cannot prove the permanent residence in our country, in the previous 18 years, due to administrative difficulties not caused by them, but by the negligence of the parents or the officials responsible for registration at the registration office.

Nevertheless the *de facto* statelessness situation is still very widespread and even this law should not be considered enough to reduce cases of statelessness since the procedure is hampered by insurmountable bureaucratic issues. In October 2015, the Chamber of Deputies approved the reform of the citizenship law<sup>19</sup>, which extended citizenship to foreign minors who arrived in Italy before the age of 12 and who have attended school at least for five years. Unfortunately, the reform did not complete its legislative process in Parliament, due to the end of the legislature term.

#### **RECOMMENDATIONS:**

13. To reform the current law on citizenship taking measures to make it easier for statelessness Roma and Sinti people, who have lived in Italy for many years, to acquire citizenship, being particularly careful in identifying and removing barriers through specific agreements with Consulates and competent Embassies.

<sup>17</sup> With the Legislative Decree No.13, *Urgent provisions for the speeding up of proceedings in the field of international protection, as well as for the fight against illegal immigration*, February 2017; converted with amendments by Law n.46 of April 2017.

<sup>18</sup> Law 98/2013: *Conversion, with amendments, of the decree-law 21 June 2013, n. 69 Urgent provisions for the revival of the econom*),9 August 2013, art. 33,.

<sup>19</sup> Draft law No. 2092: *Amendments to the law of 5 February 1992, n. 91, and other provisions on citizenship*, 2015.

- 14.** Taking into account the Convention relating to the Status of Stateless Persons of 1954, we strongly advise adopting measures to reduce statelessness, in particular amongst Roma and Sinti children.
- 15.** We recommend a valuable resource for identifying the right solution to statelessness issues, in light of international principles: the "Handbook for Protection of Stateless Persons" adopted in June 2014 by the UNHCR. Paragraph 154 states that "protection shall be considered as available in another country when a stateless person: - is able to acquire or reacquire citizenship through a simple, rapid and non-discretionary procedure, which is therefore a mere formality". The recent legislation adopted by Costa Rica in the field of statelessness<sup>20</sup> should be also seen as a good example for everyone. The Italian government shall therefore adopt the principles enacted in the 2014 UNHCR Handbook and take into account the legislation adopted by Costa Rica.
- 16.** To treat legally the *de facto* stateless persons, as much as possible, as *de jure* stateless person, in order to enable them to acquire an effective nationality.

---

<sup>20</sup> <http://www.refworld.org/docid/5714e0f14.html>

## CLUSTER 5: FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### *Children deprived of a family environment*

#### **FOSTER CARE AND RESIDENTIAL ACCOMMODATIONS**

(see COs, §40a,b,c,e)

a) Italy has issued the Guidelines on foster care, nevertheless many of the recommendations therein contained, for example on the assignments of very young children or in particularly complex situations, have not yet been fully implemented by Regions or by those authorities managing territorial services. Moreover, the recommendations on the collaboration with private social organizations that should be "*active, intentional, continuous and planned*" are not implemented homogeneously.

For a greater protection of children's rights, the same guidelines on family foster care need to be integrated with the norms introduced by the Law 173/2015, regarding the affective continuity of minors outside the family and about hearing the foster family's opinion by the judge in all proceedings concerning minors under custody.

b) In 2015 the Ministry of Labour and Social Policies set up a permanent discussion table on the communities for minors that gathered representatives of the national, regional and municipal administrations (Ministry of Labour and Social Policies, Ministry of Justice, Conference of Regions and Autonomous Provinces, National Association of Italian Municipalities, Authorities for Children and Adolescents), experts in the sector and representatives from the main coordination bodies of communities for minors. This discussion table elaborated the "Guidelines for the reception of minors in residential services". However, since these are guidelines for the regions, they don't have any validity if they aren't fully complied by the regions. In addition, the guidelines defined the characteristics of the different types of residential accommodation but they were lacking a strong and precise choice for giving priority to those reception facilities that present the characteristics of a real family, where there is the constant and stable presence of a parental couple that favors the harmonious growth of minors.

The Guidelines for the alternative care for children,<sup>21</sup> that establish some fundamental guiding standards, reaffirm that "Facilities providing residential care should be organized around the rights and needs of the child," and that "Decisions regarding children in alternative care, including those in informal care, should have two regard for the importance of children at a stable home and of meeting their basic need for safe and continuous attachment to their caregivers with permanency generally being a key goal".

c) The systematic lack of clear and updated data on minors outside the family of origin continues to remain a serious problem. The difficulty in obtaining these data is also caused by the responsibility of some regions that adopt different nominative criteria to define and count foster care. For example, it is not clear if foster care to relatives or partial foster care or the so-called 'legal risk adoptive placements' are also counted. The complexity increases for the data on the minors hosted in reception facilities. Despite the presence of approved definitions by regions, each region has sometimes regulated similar types communities with different names, so there is still a persistent non-clarity of how many minors are placed in community facilities where there is a family or a resident couple or in a community with shifting operators. The confusion is particularly accentuated in the regions of central and southern Italy, where, for example, the term 'foster home' is also used for facilities that do not have family-like characteristics.

---

<sup>21</sup> United Nations General Assembly, *Guidelines for the alternative care for children*, A/RES/64/142, 2010

e) Today, the families who are available for family foster care risk too often to be left alone by public services after the placement of the child. A major role in the phase of choice and a support in every phase of the custody project is often assumed by the family associations of which the families are part. These associations support them with their own operators. Also, economic support, provided for by law 184/1983 and subsequent amendments<sup>22</sup>, is sometimes paid to families with difficulties and sometimes is wrongly linked to the income of the foster family. The 'Give future' campaign, of which APG23 is among the 12 promoting associations, also highlights the lack of activation of foster care in the regions of central and southern Italy.

#### **RECOMMENDATIONS:**

17. We recommend to the Conference of Regions to carry out a study on the implementation of the Guidelines for family custody: in particular, to provide that the regulations of local authorities refer to the Guidelines in all its recommendations.
18. We recommend to the Ministry of Justice to carry out a study about the placement of very young children (0 - 24 months) that should be done through foster care or in communities where there is a family and not in facilities with shifting operators.
19. We recommend the Ministry of Labour and Social Policies to monitor the real implementation of the Guidelines by regions, also by using the working group specifically set up for their processing.
20. We recommend the Ministry of Labour and Social Policies to spread and raise awareness on the guidelines, also in collaboration with regions and NGOs and to provide training courses for workers of social services and juvenile justice system, with particular reference to the implementation of the best interest of the child, also in the choice concerning the type of residential reception.
21. We recommend to the Ministry of Labour and Social Policies and to the Ministry of Justice to activate an updated and constant study on minors outside the family and on their placement.
22. We recommend to the Ministry of Labour and Social Policies and the Ministry of Justice to monitor constantly the situation of minors declared adoptable but not adopted, in order to know their placement and the actions that are going to be implemented to give them a family.
23. We recommend to carry out qualitative studies on the types of reception in non-family facilities.
24. We recommend to the State, regions and local authorities to allocate economic resources and to provide qualified professionals to promote and support the fostering care in all its phases.
25. We recommend to recognize the irreplaceable role of Family Associations in the support of families, also in the relationship with judicial authorities.

#### **BABIES ABANDONED IN HOSPITAL AS THE RESULT OF IN VITRO FERTILIZATION PROCEDURE**

APG23 notes that there are many cases of disabled children conceived through assisted fertilization that are abandoned in hospital. Despite the Law 40/2004<sup>23</sup> prohibits the anonymity of childbirth in the case of assisted reproductive technology, children are not recognized. There is no clear number of these children because there is no national register. Since

---

<sup>22</sup> Law 184/1983: *Right of the child to a family*, 4 May 1983. The last amendments were with the Law 173/2015, 19 October 2015.

<sup>23</sup> Law 40/2004: *Rules on medically assisted procreation*, 19 February 2004.

there isn't a detailed analysis of the situation, these children, especially if they have very serious disabilities, often remain hospitalised for the rest of their life and so they are deprived of the right to live in a family as recognized by the law 184/1983<sup>22</sup> and in the preamble to the Convention on the Rights of the Child.

*APG23 received in one its facilities a child conceived by in vitro fertilization procedure, born as a disable and not recognized by parents. In the relative ministerial report, it wasn't registered any birth of a disable child conceived in vitro in that hospital.*

**RECOMMENDATIONS:**

26. We demand a greater control on births and abandons concerning the in vitro fertilization procedure, with the establishment of a national registry.
27. We demand to monitor and divulge more carefully the risks associated with in vitro fertilization
28. We ask to give couples more information about risks related to in vitro fertilization procedure and to support them in the possibility of having children with pathologies or disabilities.

## CLUSTER 6: DISABILITY, BASIC HEALTH AND WELFARE

### *Children with disabilities*

(see COs, §46)

The latest data of the National Statistics Institute on the children declared adoptable who live in reception facilities cover the period from 2009 to 2015<sup>24</sup>. This fact shows a gap in the monitoring, transparency and access to data. Up to 2015 there were 871 children (disabled and non-disabled) declared adoptable who were hosted in social welfare and socio-sanitary facilities<sup>25</sup>.

According to a study implemented by the Ministry of Justice in 2008, 191 minors declared adoptable were hosted in the reception facilities<sup>26</sup>; the majority of these children presented a serious or very serious disability. The Ministry of Justice also declares that in 2017 there were 424 children and teenagers that even if they have been declared adoptable by the youth courts for a long time (more than 2 years), they were still living in a context without family's characteristics: educational or therapeutic communities, hospitals, health residences for adults, etc.<sup>27</sup>. The motivation behind this decision is that they are disabled children and no adoptive family has been found for them. However, the last letter from the Ministry of Justice<sup>27</sup> has cast a lot of doubts on the data collection. It is surprising to see that in Sicily, there are 59 minors declared adoptable by the Court of Catania, while in the near court of Messina there is no one. Also, the data of Genoa and Milan are strongly doubtful compared to the panorama of the courts in the neighboring regions. This fact indicates that perhaps there aren't common, shared and comparable criteria in preparing these lists. Furthermore, we cannot know what kind of problems or handicaps these children have, where they are located and since when, and which strategies have been undertaken to identify a reception family solution. Indeed, for 15 years there has not been any National Database which contained the data of the children and teenagers declared adoptable, also disabled, and of the families declared suitable for adoption.

#### **RECOMMENDATIONS:**

29. We recommend to the Ministry of Health and the Ministry of Labour and Social Policies to carry out a national census - in agreement with regions - of all the socio-sanitary facilities (for example therapeutic communities that accommodate children with neuropsychiatric disorders, residential care institutions, pediatric hospitals) that receive children with disabilities.
30. We recommend the Ministry of Justice to develop a qualitative-quantitative study on minors with disabilities declared adoptable but for which no adoptive family has been identified.
31. We recommend the Ministry of Justice to develop a National Database which contains the data of the children and teenagers declared adoptable, including disabled children, and of the families declared suitable for adoption.

<sup>24</sup> [http://dati.istat.it/Index.aspx?DataSetCode=DCIS\\_OSPITIPRESIDI1##](http://dati.istat.it/Index.aspx?DataSetCode=DCIS_OSPITIPRESIDI1##)

<sup>25</sup> [http://dati.istat.it/Index.aspx?DataSetCode=DCIS\\_OSPITIPRESIDI1##](http://dati.istat.it/Index.aspx?DataSetCode=DCIS_OSPITIPRESIDI1##)

<sup>26</sup> Ministry of Justice. Department for Juvenile Justice and community, Protocol n. 8769. Rome, 17.3.2008

<sup>27</sup> Ministry of Justice. Department for Juvenile Justice and community, Protocol n.63027. Rome, 21.12.2017

## CLUSTER 9: SPECIAL PROTECTION MEASURES

### *Roma Children*

(see COs, §§61f-79-80)

#### **SCHOOL**

According to the report “Foreign students in the Italian education system” released by the Italian Ministry of Education, University and Research in October 2014, there were 11,657 Roma, Sinti and Camminanti students in Italian schools in the academic year 2013/2014 (- 5.6% compared to the academic year 2007/2008). More than half of them was enrolled in primary school, whereas only 29.7% in middle school and slightly more than 1.5% in high school.<sup>28</sup>

The National Strategy for Roma and Sinti Inclusion deems as “relevant the relation with immigrant and Roma families, with special attention to three dimensions: the informed decision on the school in which enroll their children; their involvement in the welcoming phase of pupils in schools; their active and co-responsible participation into school initiatives and activities, into knowing and sharing the educational project and into an educational alliance to enhance the value of educational peculiarities”<sup>29</sup>. Cultural and linguistic mediators are recognized as an important resource for all kind of relations and in managing relationships. However, throughout our experience in supporting school attendance and supporting children’s school performances, we have noticed that contrary to what is set in the National Strategy, cultural mediators provided by schools to Roma, Sinti and Camminanti students often do not belong to their same ethnic group and do not receive a specific training. Instead, in the majority of the cases there are linguistic mediators chosen according to the country of origin of the children’s family. The main problem is that since the children were born in Italy and are second-generation immigrants, they do not speak the language of their parents and thus cultural mediators rarely carry out linguistic mediation activities. Moreover, trainings for cultural mediators are at the expense of local authorities which sometime do not invest enough in this item of expenditure.

On the other hand, due to lack of information, families do not know what is established by the National Strategy for Roma and Sinti Inclusion which deals extensively with tools for enhancing school attendance at all levels. Therefore, it is important to promote cultural mediation with families so as to facilitate their involvement in the studies of their children. Given our volunteering experiences in Roma, Sinti and Camminanti communities, we notice that these good practices are far from being requested by families or even proposed by local authorities.

#### **RECOMMENDATIONS:**

- 32.** To promote trainings for cultural mediators of Roma and Sinti ethnicity in order to ensure the active involvement of families in their children studies and better interaction with school, as established by the National Strategy.
- 33.** To make sure the educational project is shared with the families.
- 34.** To promote oral communication within school curricula as a privileged form of communication in order to enhance the value of storytelling and collective history as well as welcoming projects that do not last only the first weeks of school but are conceived as “Welcoming didactics” for the whole year.
- 35.** To promote linguistic laboratories to foster oral culture and the conservation of the Romanes language as a tool to enhance the value of the cultural identity.

<sup>28</sup> Ministry of Education, University and Research, *Foreign students in the Italian school system (2013-2014)*, October 2014. Available at: [http://www.istruzione.it/allegati/2014/Notiziario\\_Stranieri\\_13\\_14.pdf](http://www.istruzione.it/allegati/2014/Notiziario_Stranieri_13_14.pdf)

<sup>29</sup> National Anti-Discrimination Office, *National strategy for the inclusion of Roma, Sinti and Camminanti 2012/2020. Implementation of European Commission communication n.173/2011*, available at <http://www.unar.it/unar/portal/wp-content/uploads/2014/02/Strategia-Rom-e-Sinti.pdf>

36. To start a campaign to raise awareness and support the families in order to increase the participation of Roma, Sinti and Camminanti minors in children educational services. Pre-schooling courses can become tools for facilitating the later enrollment in schools and strengthening the relationship between families and school communities.

### **CLEANING OF ROMA CAMPS**

Over the years many forced evictions have taken place in Roma camps<sup>30</sup>, some of which have also been denounced by the Council of Europe.<sup>31</sup> Although authorized by the local authorities, these evictions often violate the right of the child not to “be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation”<sup>32</sup>. These actions deprive the child of its beloved belongings and of the familiar spaces that even if crumbling, they consider home.

### **RECOMMENDATIONS:**

37. To ensure alternative solutions to evictions.
38. To ensure the presence of properly trained cultural mediators for helping Roma children to conceive the eviction not as an interference for its own sake and to better understand what is happening. Forced evictions can be counterproductive to the extent that they can increase the resistance and resentment of the Roma population towards Italians.

### **FAMILY ENVIRONMENT**

Due to their nature, Roma families are based on social rules, principles and traditions that sometimes greatly differ from the ones of Italian families. Having considered this issue, we believe that, in particularly degrading situations, the respect for the universally recognized rights of the child tends to be easily disregarded. In these situations, it is crucial the prompt intervention of social services through monitoring and support activities. This kind of interventions can be carried out only thanks to an effective networking among local authorities and civil society organizations and associations, but unfortunately this is not always the case. In our experience we have noticed that sometimes the collaboration is limited to verbal exchanges between volunteers and local authorities, which goes to the detriment of minors, especially when the minor is in an irregular situation or does not have the registered residence in the municipality where they live. No real support is given also due to lack of resources that results from the decisions to cut on social expenses by local authorities with budget constraints. In addition, Roma, Sinti and Camminanti families tend to include many minors and since their family ties go beyond the typical family concept of the western Europe culture, aid and support can easily reach not only the family members *stricto sensu*, but also the wider family which comprises relatives. For example, many relatives with different degrees of kinship can live together in the same small dwelling. This entails difficulties in managing the

<sup>30</sup> P. Brogi, *Nomadi, raso al suolo Tor de' Cenci. Scontro Campidoglio-governo*, in «Corriere della Sera», 29 September 2012, available at [http://roma.corriere.it/roma/notizie/cronaca/12\\_settembre\\_28/tor-de-cenci-cancellato-campo-nomadi-2112023098792.shtml](http://roma.corriere.it/roma/notizie/cronaca/12_settembre_28/tor-de-cenci-cancellato-campo-nomadi-2112023098792.shtml)

<sup>31</sup> Commissioner for Human Rights, Letter of Nils Muižnieks to the President of Council of Ministers of the Italian Republic, 26 January 2016, Ref:CommHR/HB/sf 007-2016 available at: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2890531&SecMode=1&DocId=2359474&Usage=2>

<sup>32</sup> UN General Assembly, *Convention on the Rights of the Child*, , 20 November 1989, United Nations, Article 16.

resources aimed at aid programs and due to these obstacles, many Roma, Sinti and Camminanti minors live in borderline situations that increase their social vulnerability.

Moreover, given the close ties among different families of the same community, Roma children are sometimes entrusted to relatives without children for foster care. Some adult Roma have told us personal stories on this issue.

We have also been told about Roma children sold to other Roma, Sinti and Camminanti families in exchange for money for the purpose of “adoption”, understood as a social deed internal to the community in which local authorities are not involved. The sale of children is excused by the high number of offspring to raise and the situation of extreme distress in which the family of origin lives. On the other side, the couple who buy the kid usually does not have any child and not having children and especially boys, in Roma culture, is a reason of stigma.

#### **RECOMMENDATIONS:**

39. To implement the Framework Convention for the Protection of National Minorities of the Council of Europe.<sup>33</sup>
40. To implement the relevant recommendations given by the OSCE, Council of Europe and European Union institutions on the objectives and tools for the social inclusion of Roma and Sinti, especially in the areas of aid to large families, access to credit for the ownership of the dwelling, access to education – including higher education, access to healthcare and social services as well as welfare support – including job placement and professional trainings, promotion of different cultures.
41. To debate and approve of the draft laws C.3162 (2015)<sup>34</sup>, C.3541 (2016)<sup>35</sup> and S.770 (2013)<sup>36</sup> on the recognition of the Roma and Sinti linguistic and cultural minority as well as equal opportunities of this population, which have been assigned to the relevant Parliament committees but have not been debated yet.

### *Sexual trafficking victims*

#### **FAMILY REUNIFICATION**

The Italian Legislative Decree No. 142/2015<sup>37</sup>, which is a transposition of EU Reception Directive 2013/33/EU and EU Procedure Directive 2013/32/EU, in its article 19.7 on the reception of unaccompanied minor migrants recalls the best interest of the child in order to ensure the right of the child to family unity. In particular, it establishes that the actions toward tracing family members have to be undertaken in the best interest of the child and under the obligation of the utmost confidentiality. When it comes to minors who are victims of human trafficking, the family tracing procedure has to be undertaken promptly and consistently. This is true also when the victim is a preadolescent or adolescent who can benefit from voluntary return programs as long as the situation of their parents has been verified and it has been ascertained that none of their relatives is linked with exploiting criminal networks, otherwise it would put the minor in danger. In the majority of

---

<sup>33</sup>Council of Europe, *Framework Convention for the Protection of National Minorities*, 1 February 1995, available at: <http://www.refworld.org/docid/3ae6b36210.html>

<sup>34</sup> Draft law C.3162: *Amendments to the law of 15 December 1999, n. 482, and other provisions regarding the recognition of the historical linguistic minority speaking the Romani language*, Chamber of Deputies, 2015.

<sup>35</sup> Draft law C.3541: *Rules for the protection and equal opportunities of historical-linguistic minorities of Roma and Sinti*, Chamber of Deputies, 2016.

<sup>36</sup> Draft laws S.770: *Rules for the protection and equal opportunities of historical-linguistic minorities of Roma and Sinti*, Senate of the Republic, 2013.

<sup>37</sup> Legislative Decree 142/2015: *Implementation of Directive 2013/33/EU laying down rules on the reception of applicants for international protection, as well as Directive 2013/32/EU, laying down common procedures for the recognition and withdrawal of the status of international protection*, 18 August 2015.

the family tracing cases supported by APG23, we had to urge social workers and relevant authorities to fill in the form for family reunification of unaccompanied minor migrants to better ensure the safety of the child in their relationship with their parents or in assisted voluntary returns. We had to urge them to do so as social workers and officials of relevant authorities are not properly trained and do not know the procedures they have to carry out.

**RECOMMENDATIONS:**

**42.** To train social workers on family reunification procedures.

**TRAINING THOSE WORKING WITH VICTIMS OF HUMAN TRAFFICKING**

(see COs, §§18-19)

In many Italian regions, those working with minors who are victims of trafficking are not receiving the trainings provided for by the law. The reason behind this problem is that these trainings in the current context of migration flows are not part of the mandatory trainings offered by the employer (that can be an enterprise, cooperative, school etc.) during work hours because there not enough places and there is no communication at the local level.

**RECOMMENDATION:**

**43.** To carry out specific trainings on human trafficking for those working with victims of human trafficking and the managers of reception centers and family-homes<sup>2</sup> for unaccompanied minor migrants in order to ensure adequate defense and protection to minors identified as victims or potential victims of human trafficking, as established by UNHCR Guidelines on asylum seekers and by the National Action Plan against the trafficking and severe exploitation of human beings 2016-2018<sup>38</sup>, developed by the Department for Equal Opportunities.

**AGE DETERMINATION**

There are still gaps in determining the age of unaccompanied minor migrants and in the application of the principle that in case of doubt they shall be assumed to be minor. Indeed, adolescents who have not declared to be minor and there are doubts about their age or no age examination has been undertaken are frequently placed in reception centers together with adults, even when social workers point out they may well be minors. This happens because the competence over the issue passes from one public authority to another: from Police Headquarters, Prefecture – the authority in charge of asylum seekers’ reception – to Juvenile Courts and local social services. Frequently, the defense and protection procedures for victims of human trafficking, especially unaccompanied minors, envisaged by the National action plan against trafficking in human beings are not respected through the implementation of the identification Standard Operating Procedures.<sup>39</sup> These Operating Procedures require the existence of collaboration networks in many Italian regions which have not been properly established nor are permanent due to resources allocation issues between the Department of Civil Freedoms and the Department for Equal Opportunities. This happens

<sup>38</sup> Department for Equal Opportunities, *National Action Plan against trafficking and severe exploitation 2016-2018*, 26 February 2016, available at <http://www.pariopportunita.gov.it/media/2687/piano-nazionale-di-azione-contro-la-tratta-e-il-grave-sfruttamento-2016-2018.pdf>

<sup>39</sup> AGIRE, *Standard operating procedures JLS / 2007 / ISEC / 537 For the identification and first assistance of child victims and at risk of trafficking and serious exploitation*, December 2010, available at <http://www.pariopportunita.gov.it/media/2879/allegato-5-pos-minori.pdf>

especially to victims aged 16 and 17. Moreover, APG23 has observed that the police usually do not carry out a multidisciplinary identification when adolescent girls are held while working on the street as prostitutes.

*A.T., arrived in Italy when she was 16 and was placed in an accommodation center together with adults despite being a minor. She did not declared to be younger than 18 because she was forced by the exploiting network to provide a false identity, including a false date a birth. Nevertheless, given her physical appearance and the studies declared, doubts about her real age were to be obvious.<sup>40</sup>*

*C.E., 17 years old, was placed in an accommodation center for adults and then her exploiters got her out of the enter and forced her work as a prostitute.<sup>41</sup>*

#### **RECOMMENDATIONS:**

44. To monitor the implementation of the principle stating that in case of doubt the minor age shall be assumed in order to avoid that minors are placed in reception facilities for adults.
45. To implement the National Action Plan against the trafficking and severe exploitation of human beings 2016-2018 and the identification Standard Operating Procedures through a financial and operative collaboration between Department of Civil Freedoms and the Department for Equal Opportunities.

#### **RECEPTION**

According to the Italian law, unaccompanied minor migrants shall be accommodated in special facilities for minors only and shall not live together with adult migrants. However, coordinating networks of anti-trafficking organizations working in north Italy have pointed out that in emergency cases unaccompanied minor migrants who are victims of human trafficking are accommodated in hotels together with adults. This implies a high risk for children to remain trapped in the exploiting network as they are not constantly supervised by a professional worker. Indeed, some victims of human trafficking have reported to APG23 anti-trafficking street units that during the day they lived in hotels, without any control or protection by social workers during the night.

*Although U.T. was abused by a family member in Nigeria, tortured and raped in Libya during her journey to Europe, forced into prostitution in northern Italy and then forced to have an illegal abortion through abortion-inducing drugs by her exploiters while she was in the 6<sup>th</sup> month of pregnancy, when she was 15 she was placed in a family-home<sup>2</sup> for unaccompanied minor migrants where she was the only girl. Now she is undergoing psychiatric therapy and needs a positive family context with clear parental figures who can help her restore balance and harmony.<sup>42</sup>*

In 2017 the Italian government passed the law n. 47/2017<sup>43</sup> on the reception of unaccompanied minor migrants, which includes a provision on the creation of a “social folder” for each minor

<sup>40</sup> Testimony collected by APG23

<sup>41</sup> Testimony collected by APG23

<sup>42</sup> Testimony collected by APG23

<sup>43</sup> Law 47/2017: Provisions on measures to protect unaccompanied foreign minors, 7 April 2017.

containing all their family, migration and exploitation history in order for each social worker who is dealing with a particular case to get to know the child better and identify the best long term solution for them, including the most adequate reception facility. Yet, this provision is not fully implemented as 90% of minors who are victims of trafficking for sexual exploitation purposes do not have a corresponding individual education project nor a “social folder”.

In addition, the law 47/2017 promotes foster families as a reception method for unaccompanied minor migrants. Nonetheless, according to the law, this an optional measure which therefore depends on the discretionary decision of local authorities and must be undertaken without additional expenses. There also other gaps in its implementation. For example, when unaccompanied minors change residence, new guardians are not appointed promptly nor there is a prompt handover of competence from the territory of arrival or exploitation to the territory where they settle in and start the integration process. Frequently, families are not supported by the relevant institutions (regional authorities, courts, social services) in verifying that the handover of competence has taken place.

*After having spent two years in a community for minors in the region of arrival, B.A. (15 years old) left that region for fleeing sexual exploitation and was transferred to a foster family. In the new region the girl was not taken in charge by the territorial social services nor the relevant court appointed a new guardian. Moreover, the first region of reception decreed the handover of the competence to the new region and consequently no one was in charge of the case and of her protection. The foster family was left alone by the institutions and did not receive the public funding usually given by the local authorities for protection and integration projects for victims of human trafficking for sexual exploitation purposes.<sup>44</sup>*

#### **RECOMMENDATIONS:**

46. We recommend to all regions to examine constantly and thoroughly all accommodation centers for minors in their territory.
47. Since a family environment is preferable for the personal development of the child, enhance the implementation of the law 47/2017’s provision on foster families and ensure that local authorities actively participate in supporting the project and the handover of responsibilities, also by means of economic aids.

#### **RESPECT FOR THE VIEW OF THE CHILD**

In its report, the Italian government affirms that “unaccompanied foreign minors seeking for asylum could act only through their legal guardian: so far, the participation of minors is guaranteed during this public process.”<sup>45</sup> Nevertheless, the participation of a cultural mediator that facilitates the communication between the minor and those working in international protection and integration is not always guaranteed. In cases of human trafficking there shall be specialized social workers and cultural and linguistic mediators trained on the issue who can thus detect victims of exploitation as foreseen by the *National Action Plan against the trafficking and severe exploitation of human beings 2016-2018* and the *Guidelines for the Territorial Commission* – the authority in charge of examining asylum applications – on the Identification of victims of human trafficking among

<sup>44</sup> Testimony collected by APG23

<sup>45</sup> Italian Ministry of Foreign Affairs, *Fifth and sixth periodic report of Italy submitted under article 44 of the Convention on the rights of the child, CRC/C/ITA/5-6*, June 2017

asylum seekers issued in December 2016 by the *National Commission on the Right to Asylum and UNHCR*<sup>46</sup>. Nevertheless, this often doesn't happen.

*When I.E. was between 15 and 16 years old, she was supported by the social workers of the emergency community for minors where she was living. They were the only ones mediating between the minor and the guardian when the child did not understand what she was asked. For almost two years, the girl was not aware of the medical examinations she was undergoing, of the meaning and implications of reporting her exploiters to the police and the consequent rights, of the applying for a permit to stay, and of the implications of tracing her family.*<sup>47</sup>

*T.A., 13 years old, was found by the APG23 anti-trafficking street unit and after a set of questions on her age, migration history, debts with her exploiter, she could not keep on lying as requested by her exploiter and confessed that she was a victim of human trafficking and that she was even enslaved by her exploiter.*<sup>48</sup>

Finally, asylum seekers are not properly prepared and informed for filing the asylum application and conducting the interview for the refugee status determination process. Frequently, those offering legal aid to minors age between 14 and 17 and supporting them through the various procedures are linked to the exploiters. This is a consequence of a reception system designed to be quick and less expensive as possible, but which does not protect potential victims and minors properly.

**RECOMMENDATION:**

**48.** To ensure and monitor the participation of mediators and specialized professionals in human trafficking cases in order to help the communication between the minor and the guardian as well as to support them in the asylum procedure and in the integration process.

**ACCESS TO INFORMATION FROM A DIVERSITY OF SOURCES AND PROTECTION FROM MATERIAL HARMFUL TO A CHILD'S WELL-BEING**

In its report, the Italian government declares that it has launched many "projects for raising minors' awareness and improve their knowledge on how to use internet and avoid getting involved in dangerous and illegal activities, such as gambling, child pornography, infringement of copyright, identity theft and falsification, violation of privacy, discrimination, hate crimes and cyber-bullying".<sup>49</sup> APG23 has noticed that these projects are not carried out in the alphabetization and basic education courses for unaccompanied minor migrants who nonetheless need to receive information and be aware of dangerous phenomena such as sexting and grooming which can lead to the revictimization of adolescent victims of human trafficking. Nowadays, social networks and WhatsApp are making more and more easy to lure victims. If sufficient resources are not made available for schools and for the social integration process carried out by social workers,

<sup>46</sup> UNHCR, *Identification of victims of trafficking between applicants for international protection and referral procedures*, August 2017, available at <https://www.unhcr.it/wp-content/uploads/2017/09/Vittime-di-tratta-Linee-guida-compresso.pdf>

<sup>47</sup> Testimony collected by APG23

<sup>48</sup> Testimony collected by APG23

<sup>49</sup> Italian Ministry of Foreign Affairs, *Fifth and sixth periodic report of Italy submitted under article 44 of the Convention on the rights of the child*, CRC/C/ITA/5-6, June 2017

revictimization through these means can happen even when an adequate protection process has been undertaken. There are not yet prevention projects involving filters or adults monitoring on the use of new technologies.

*Once V.B. left the reception community, she returned in the sexual exploitation network after being lured online by some clients who abused her when she was still under 18.<sup>50</sup>*

**RECOMMENDATION:**

- 49.** To start a new collaboration between Police and social services for minors within the framework of individual education projects for unaccompanied minors.

**HEALTH**

***Survival and development.***

The National Health Care System (SSN) ensures healthcare assistance for all foreign citizens, even for those without a Permit to Stay and healthcare is guaranteed especially in the following cases: pregnancy and maternity care; care of minors; vaccination; international prophylaxis services; prophylaxis, diagnosis and care of infectious diseases. The children of foreigners without a Permit to Stay can also benefit from basic pediatric assistance as foreseen by the agreement between the regions and Italian government of 20 December 2012 and as highlighted by the Guaranteed Basic Healthcare Levels. APG23 observes that the Local Health Unit of certain municipalities have refused to provide access to the first level health services or to pediatric assistance for migrants, obliging them to go to the Emergency Room even if there wasn't any emergency. The healthcare card is consequently important to get access to the healthcare.

*A.E., a Nigerian mother, received in a family-home<sup>2</sup> of APG23 in the South of Italy, is a human trafficking victim and she is waiting for the response of her asylum application. She couldn't go neither to the pediatrician nor to get a vaccination for her newborn child because of the lack of documentation. In fact, she was asked by the medical staff for her social security number and place of residence.<sup>51</sup>*

**RECOMMENDATIONS:**

- 50.** We ask the regions to monitor the implementation of the healthcare legislation.  
**51.** We ask the regions to implement refresher course for the medical staff on the legislation for the access of migrant to the healthcare system.

***Mental Health***

Italy states that in the context of the protection of the mental health of children and adolescents, the National Action Plan for Mental Health recommends early and timely interventions for mental disorders for adolescents and young people (aged between 15 and 21) through the development of experimental projects which involve the creation of teams dedicated to prevention and early care<sup>52</sup>. APG23 highlights that ethnopsychiatry or psychotherapy programs are not free, or they are often not activated by social services and territorial neuropsychiatry because adolescence is a period of

<sup>50</sup> Testimony collected by APG23

<sup>51</sup> Testimony collected by APG23

<sup>52</sup> From the Italian official translation of the *Fifth and sixth periodic report of Italy submitted under article 44 of the Convention on the rights of the child*, p.60. Available at: [http://www.garanteinfanzia.it/wp-content/uploads/846\\_v\\_vi\\_rapporto\\_onu\\_.pdf](http://www.garanteinfanzia.it/wp-content/uploads/846_v_vi_rapporto_onu_.pdf)

life in which it is not possible to arrive at a clear diagnosis. Therefore, despite numerous attempts to search for specialists in the field, for the 90% of the minors who are victims of human trafficking accepted in the reception facilities of APG23, it has been necessary to rely on specialists within our association to provide psychological and psychiatric assistance.

**RECOMMENDATIONS:**

- 52. To include ethnopsychiatry or psychotherapy programs in the national healthcare system.
- 53. To provide access to the psychological support for minors who are victims of human trafficking.

***Reproductive health of adolescents and measures to promote a healthy lifestyle***

APG23 highlights that some municipalities in Italy have broadened the implementation scope of the harm reduction principle beyond the contexts of prostitution and prevention of infectious diseases to include also assisted paths for voluntary termination of pregnancy financed by the municipalities through memoranda of understanding with anti-trafficking organizations and anti-trafficking street unit for supporting and accompanying the girls to hospitals. However, sometimes girls are not victims of unwanted pregnancy (for example when the father is an unknown client), but the father is a co-national or boyfriend and the pregnancy may result in occasions of ransom and escape by the victims of human trafficking from the racket. Moreover, the termination of the pregnancy may create a new trauma.

*S.R., an 18 years old Romanian girl, got pregnant by a client and APG23 supported her during the pregnancy, she accepted the proposal of delivering anonymously and setting up the child for adoption, thus avoiding the trauma caused by voluntary termination of pregnancy.<sup>53</sup>*

**RECOMMENDATIONS:**

- 54. To provide specific training on human trafficking in clinics and for specialized professionals on how to approach victims of human trafficking.

**SCHOOL INCLUSION OF MIGRANT STUDENTS**

(see COs, §61f)

APG23 highlights the difficulties in school inclusion of victims of human trafficking aged 12 to 14 as their need of special protection and gradual inclusion in the Italian education system as well as in the classroom is not taken into account. This problem stems from the fact that teachers are not trained on human trafficking and that supporting educators, such as cultural mediators or special needs teachers, are provided only by some schools and such an arrangement can only be activated at the beginning of the academic year, leading to the risk of losing a year of school. Although the Italian law does not require any residence permit or any other registry office certificate for accessing any kind and level of education<sup>54</sup>, APG23 has observed that this provision is not always respected and not having a residence permit or a permit to stay hinders the enrolment of victims of human trafficking aged 16 to 18 to education programs planned by the European funds for vocational training and Territorial Adult Education Centers.

<sup>53</sup> Testimony collected by APG23

<sup>54</sup> Decree of the President of the Italian Republic 394/1999: *Regulation laying down rules for the implementation of the Consolidation Act of the provisions concerning immigration regulations and rules on the condition of foreigners, pursuant to Article 1, paragraph 6, of Legislative Decree 25 July 1998, n. 286, 31 August 1999, Article 45.*

As far as social inclusion is concerned, once minors who are victims of human trafficking have reached the age of majority, they cannot undertake trainings for achieving work and housing self-reliance – as established in Legislative Decree No. 286/98 art. 18<sup>55</sup>. Indeed, they can only undertake 3-month internships which does not constitute a commitment to future employment as the budget is provided by the Department for Equal Opportunities. Minors who are victims of human trafficking are not considered as a vulnerable category and there are no projects for protected and assisted job placement for them, so they often do not possess nor acquire sufficient skills for successfully completing their integration process. APG23 ensures continuing reception and support for a longer period than that envisaged by the law (from 12 to 18, 24 months), even without receiving public funding for the last part of the project in which the victims are helped to achieve self-reliance. Our method is based on the assumption that minors who are victims of human trafficking are integral part of the fostering family and not just users to be dismissed when they turn 18 and 6 months (as it happens in the majority of the reception projects for unaccompanied minor migrants).

#### **RECOMMENDATIONS:**

55. To implement the 2014 “Reception and integration guidelines for foreign pupils”<sup>56</sup> in all middle and high school institutions on the national territory. It would be highly desirable that the coordinating teacher for inclusion and cultural mediators have competence also on the gradual integration of minor migrants, especially those victims of trafficking and unaccompanied minors.
56. To monitor the implementation of the art. 45 of Decree No 394/1999<sup>45</sup> of the President of the Republic for access to education and professional training.
57. To encourage the launch of training programs for ensuring work and housing self-reliance of victims of trafficking in order to avoid that they fall again in the trap of prostitution and racket networks.

#### **MONITORING AND FIGHTING PROSTITUTION**

APG23 welcomes the awareness raising initiatives and the implementation of protection measures for victims of human trafficking. We also acknowledge that since 2011 a computerised system for collecting data on human trafficking is active. However, this system does not ensure that victims on all national territory are adequately monitored as given the way the system was conceived, only certain organizations can access the database and therefore not all minors who are victims of human trafficking are registered as such. The result is not only a gap in the data collected, but also the impossibility for the victims to have access to the necessary services and to undertake an adequate integration process.

Moreover, many girls cannot access to the anti-trafficking free helpline as the telephone service providers used by foreigners (Lycamobile, for example) do not allow phone calls to free helpline.

APG23 points out that notwithstanding the European Union Directive 36/2011/EU on preventing and combating trafficking in human beings and protecting its victims<sup>57</sup> has been transposed into the Italian legislation and it has been issued the National Action Plan against the trafficking and severe exploitation of human beings 2016-2018, Italy has yet to act on the demand side as established in the 2014 European Parliament Resolution Honeyball<sup>58</sup>. No awareness-raising program for clients

---

<sup>55</sup> Decree Law 286/1998: *Consolidated text of the provisions concerning the regulation of immigration and rules on the condition of the foreigner*), 25 July 1998.

<sup>56</sup> Italian Ministry of Education, University and Research, *Guidelines for the reception and integration of foreign students*, Ministerial Circular No.24, February 2014

<sup>57</sup>European Parliament and Council, *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*, 5 April 2011.

has been designed and the only existing initiatives are those promoted by APG23 and the trade union Cisl on the draft law C.3890<sup>59</sup> for sanctioning and rehabilitation of clients, who are consciously or not financing the phenomenon. Moreover, no specific information campaign has been carried out on the crime deriving from having sexual intercourses with minors upon payment. APG23 highlights that the Italian legislation does not encourage minors who are victims of human trafficking to declare to clients and police their real age and therefore most of the time they declare that they have reached the age of majority.

#### **RECOMMENDATIONS:**

- 58.** To ensure that the computerized system for collecting data on human trafficking is accessible not only to anti-trafficking organizations but also to those working in the field of unaccompanied minor migrant's reception.
- 59.** To ensure more accessibility to the anti-trafficking free helpline by taking into account the telephone service providers that victims of trafficking tend or are forced to use.
- 60.** We recommend the Italian parliament to pass a law punishing clients from a perspective of rehabilitation and re-education as required by the European Parliament Resolution Honeyball on sexual exploitation and prostitution and its impact on gender equality.
- 61.** To devise mechanisms that encourage minors who are victims of human trafficking to declare their real age.

### *Unaccompanied minors migrants*

#### **GUARDIAN**

APG23 has observed that standards set for the guardians appointed to unaccompanied minor migrants are insufficient, especially with regard to their training and their real involvement in the minor's protection. The fact that the guardians are not entitled to any compensation favors the presence of motivated people, but at the same time it compels people to bear any expenses which limit the role of the guardian. APG23 also notices that some guardians do not fulfil their responsibilities /do not perform their tasks because they cannot afford bureaucratic costs and transportation. This is to the detriment of the protection of the rights of the minors because his/her guardian cannot fulfil his/her responsibilities. Furthermore, the number of guardians is insufficient, especially in the regions where most of the migrant arrivals take place (Calabria and Sicily) where the number of unaccompanied minor migrants is higher.

#### **RECOMMENDATIONS:**

- 62.** To provide a reimbursement for the expenses incurred by the guardian to be able to fulfil their responsibilities.
- 63.** To implement the training of those who are enrolled on the register of guardians for unaccompanied minor migrants.

<sup>58</sup> European Parliament Committee on Women's Rights and Gender Equality, *Report on sexual exploitation and prostitution and its impact on gender equality* (2013/2103(INI)), February 2014

<sup>59</sup> Draft Law C. 3890: *Amendment to article 3 of the law of 20 February 1958, No. 75, concerning the introduction of sanctions for those who make use of the sexual services of individuals who exercise prostitution*, Chamber of Deputies, 2016

## **PSYCHOLOGICAL SUPPORT**

APG23 believes that there is a need to strengthen the psychological support of minors, especially in the regions where most of the migrant arrivals take place. There is an increasing need of this psychological support because of the traumatic experiences and torture or abuse children may have experienced during their journey to Italy and in Libya. This support does not always take in place, and when it does, it happens a long time after their arrival. In particular, APG23 recognizes the necessity of implementing activities of ethnopsychiatry to support unaccompanied minor migrants, since these activities can protect the mental health of the minor in a more global way, taking into account their migratory background too.

### **RECOMMENDATION:**

- 64.** Put into place activities of ethnopsychiatry from the national public system in all Italian regions, especially in the southern regions where there is a high inward flow of unaccompanied minor migrants.

## **RECEPTION**

APG23 notices a gap in relation to the management of unaccompanied minor migrants and their redistribution at a national level. Currently, article 403 of the Italian Civil Code foresees that the youth courts and the social services have to take care of the protection and integration of unaccompanied minor migrants who arrive at Italian ports. APG23 is present in the city of Reggio Calabria, where from 2014 until now more than 5000 unaccompanied minor migrants have arrived. The city has not been ready to welcome such a large number of minors and this had consequences on the protection of the rights of the unaccompanied minor migrant. In these years it has not been possible to put into place the secondary reception of the unaccompanied minor migrants at the national level because of the diversity of regional laws which dictate the issues related to the reception of the unaccompanied minor migrants in authorized reception facilities, and which have different costs depending on the region. This cost is normally higher than the funding made available by the National Fund for Asylum Policies and the difference has to be covered by the municipality where the arrival of the migrants happens. APG23 notices that this difference in the cost for the reception among the regions has been one of the main cause of the impossibility of the redistribution of the unaccompanied minor migrants. APG23 thinks it is of fundamental importance that the Italian Government establishes a national redistribution plan of the unaccompanied minor migrants after their arrival in Italy in a way that would ease the burden on the harbor cities where most of the arrivals take place. The national redistribution plan can be established thanks to the law 47/2017<sup>60</sup> which has foreseen a nationwide list of guardians for unaccompanied minor migrants.

### **RECOMMENDATIONS:**

- 65.** To establish a more homogenous cost among the regions for the reception of unaccompanied minor migrants in authorized reception facilities.
- 66.** To establish a fair national redistribution plan for unaccompanied minor migrants who have landed in Italy after being rescued at sea.

---

<sup>60</sup> Law 47/2017: *Provisions on measures to protect unaccompanied foreign minors*, 7 April 2017.

## OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHT OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (OPSC)

The paedophilia and child pornography market is a complicated world that uses even more Internet. This means that it is very difficult to circumscribe the phenomenon under the national borders.

In 2016, the paedophilia and child pornography market did not stop. The URLs (web address monitored and reported) are 9,379, a slight decrease compared to the 9,872 of 2015. The Italian references in the deep web are increased: 95 against 70. The decline of the reports does not imply a victory against paedophilia, but its camouflage. Paedophiles have left the social network (155 reports between Twitter, Facebook, YouTube and so on against the 3,414 we reported in 2015), but they have chosen the most sophisticated ways to hide. We have identified, namely counted one by one, 1,946,898 photos, an increase compared to 1,180,909 in 2015. The video recording has exploded. We have counted 76,200 in 2015, now they are 203,047.

If we look at the data, the nations that Associazione *Meter* has considered in 2016 have been 42 (43 in 2015). Paedophiles have chosen to hide themselves and their rich market (paedophilia and child pornography didn't suffer the present financial crisis or economic recession) by using the Deep Web, hidden face of the Internet. If you look at the domains, Italy is the second EU state with more domains, with 15 in 2016.

The Deep Web (the hidden part of the Internet) is the free space in which criminal associations from around the world expand their trades. This phenomenon has moved exponentially in this uncontrollable free zones and that makes it difficult for the immediate intervention of the police all over the world. For this reason *Meter*, to avoid seeing frustrated their reporting work, has shifted its focus on researching and cataloguing of online archives that exist in the Deep Web.

The big news in 2016 is that paedophiles have learned to leave fewer traces than in the past. This is possible thanks to services like Dropfile, which allows a temporary exchange of files. Paedophiles share a virtual chat and decide to make pictures and videos available for a limited lapse of time (maximum 24 hours). Then all the stuff is deleted, leaving no traces. In this way the "window" within which the authorities can intervene shrinks.

Reports about social networks have been 3,414 in 2015, now only 30. Paedophiles now like cloud computing services, particularly iCloud, the popular service offered by Apple. Total reports are 314 against 80 (2015 Report edition). Has the emergency ceased? No: it is just a sign of the surfacing of Deep Web. The podium of the reports in 2015 saw Bitly, V Kontakte and Linkbugs with 3,068, 107 and 80 references; 2016 sees YouTube, Facebook and Twitter with 73, 70 and 9 references. But this does not mean that we can celebrate: the risk now is the Deep Web.

The main system used in the "deep web" is The Onion Router (TOR), a communication network based on the principle of autonomy of its members and the use of encryption: in this way it is difficult to obtain the IP address of every user. In fact, the onion symbol indicates the layers covering this community. Born to create and offer greater security, TOR is now mostly used for illegal activities such as paedophilia.

*On November 2016, Meter reported to the Italian Postal Police a ".onion" address containing child pornography. This portal contained 82,046 child pornographic videos and 476,914 users have downloaded this material reported. On March 10, 2017 we checked again this portal and found 109,535 videos. In four months 27,489 videos have been uploaded and 685,590 users have downloaded them. This reveals that in just over four months, the TOR system allowed a sudden and uncontrolled exchange of files.*

The Deep Web is a submerged area of the Internet very difficult to detect and explore, so the police forces of all States should cooperate to coordinate themselves, avoiding the loss and waste of vital

information for the immediate contrast of the web criminals related to child pornography and the immediate release of the children involved in this repulsive market of unprecedented violence.

To date, in spite of requests and appeals, *Meter* has not received proper attention from the international police forces in front of the need to collaborate on a battlefield that only *Meter* can carry on by using the skills acquired in the field. Monitoring on online paedophilia work remains a subject also ignored by the political forces that have no interest in putting on the agenda and at the forefront this important fight against paedophilia and crime organizations linked to it. All that we cannot do is certainly at the expense of small victims: people often remains silent as they wait and watch more children involved in this atrocity, because the web gives no respite nor stops. *Meter* expects that those who bear active supervisory responsibilities shall not remain silent about what happens daily on the web. Moreover, *Meter* waits the same sensitivity from ordinary citizens, because children are the future for all of us.

Laws are not uniform and child abuse needs to be treated in the same way by all legislators. Furthermore, we need to make all the police forces all around the world more efficient in tackling the Deep Web issues. It is useless and absurd to say: "Look, since you are not from our country, you cannot write us an email reporting a Deep Web address or a web paedophile portal, report it to your police in your country and they will pass the report to us". The Net has no boundaries and we have to be fast in dealing with children abuse and online paedophilia.

Associazione *Meter* must also point out that the children victims of abuse are younger and younger. The victims from 0 to 3 years are increasing and violence is complete and total. Infants account for a very high percentage: there is an online portal with pictures and videos of abused babies only that offers a multilingual chat room (also for Italians). Let the data speak for themselves: in 0-3 years old victims range photos are 9,909, videos account for 2,928 files; 4-13 years old victims we reported 1,936,989 photos, 200,119 videos.

The portraits reported are of children used as slaves of a past and a present abuse. Very often *Meter* find the so-called repeated material, pictures or videos shot years ago which continue to be traded: but we also find fresh shots of babies became children which continue to be abused by the same paedophile. Therefore, as *Meter* Charity repeatedly reported and argue, there must be a criminal conspiracy that exploits babies and children sold, used and abused during a lifetime span.

Furthermore, even more children are contacting in the social network to which they have access even if there is a limit of age. Children can elude this restriction because the social network, as *Facebook*, has not a system of control of identity.

#### **RECOMMENDATIONS:**

- 67.** Italy should be promotor of a European law to combat child pornography which would coordinate the work of the national police in identifying and convicting of the responsible of the criminal offence.
- 68.** Italy should create a law to oblige social networks to control the identity and age of the profile created to guarantee the access after 18.
- 69.** Italy should create a law to allow the identification of the victims of paedophilia.

## RECOMMENDATIONS

APG23 and *Meter* urges the States:

1. To increase the advertising of dedicated free helpline for pregnant women in order to promote an alternative to abortion.
2. In line with the UN Committee on the Rights of Persons with Disabilities, we suggest to put in place adequate procedures to reduce and avoid the recourse to abortion in case of prenatal diagnosis of disability.
3. To establish standardised procedures at the national level aimed at removing the causes that lead women to abortion, as stated in Article 5 of Law 194, allocating dedicated economic resources and establishing adequately trained human resources.
4. To provide adequate documentation every time there is an alleged serious danger for the mother's health and to underline the psychophysical risks of late abortion compared to the risk of giving birth to an unhealthy baby.
5. To prepare a tangible and prompt survey on the causes leading expectant mothers to ask for abortion, in order to create specific policies and action plans that aim at helping these women and to guarantee the children's right to life.
6. To put in place all necessary actions to promote anonymous childbirth as an extreme alternative to abortion.
7. To adopt specific legal and economic means in favour of pregnant women in a quandary by creating a special fund for difficult pregnancies.
8. To verify through a national survey the possible social existence of instigation, favouring and coercion of abortion, guaranteeing an independent, full and systematic monitoring to establish and develop actions that strongly oppose these practices.
9. To elaborate a national plan with uniform guidelines to promote and protect the right to life of the soon-to-be-born child, giving a specific and active role to civil society.
10. To avoid late abortions in medical facilities without neonatal intensive care. The abortion must be done only in III level medical facilities, where it is possible to protect the child's right to life.
11. To monitor and report properly the number of cryopreserved embryos.
12. To promote a new law that allows the adoptability of abandoned embryos with the same criteria of post-natal adoption as an alternative to the production of new human embryos through in vitro fertilization.
13. To reform the current law on citizenship taking measures to make it easier for statelessness Roma and Sinti people, who have lived in Italy for many years, to acquire citizenship, being particularly careful in identifying and removing barriers through specific agreements with Consulates and competent Embassies.
14. Taking into account the Convention relating to the Status of Stateless Persons of 1954, we strongly advise adopting measures to reduce statelessness, in particular amongst Roma and Sinti children.
15. We recommend a valuable resource for identifying the right solution to statelessness issues, in light of international principles: the "Handbook for Protection of Stateless Persons" adopted in June 2014 by the UNHCR. Paragraph 154 states that "protection shall be considered as available in another country when a stateless person: - is able to acquire or reacquire citizenship through a simple, rapid and non-discretionary procedure, which is therefore a mere formality". The recent legislation adopted by Costa Rica in the field of statelessness<sup>61</sup> should be also seen as a good example for everyone. The Italian government

---

<sup>61</sup> <http://www.refworld.org/docid/5714e0f14.html>

shall therefore adopt the principles enacted in the 2014 UNHCR Handbook and take into account the legislation adopted by Costa Rica.

16. To treat legally the *de facto* stateless persons, as much as possible, as *de jure* stateless person, in order to enable them to acquire an effective nationality.
17. We recommend to the Conference of Regions to carry out a study on the implementation of the Guidelines for family custody: in particular, to provide that the regulations of local authorities refer to the Guidelines in all its recommendations.
18. We recommend to the Ministry of Justice to carry out a study about the placement of very young children (0 - 24 months) that should be done through foster care or in communities where there is a family and not in facilities with shifting operators.
19. We recommend the Ministry of Labour and Social Policies to monitor the real implementation of the Guidelines by regions, also by using the working group specifically set up for their processing.
20. We recommend the Ministry of Labour and Social Policies to spread and raise awareness on the guidelines, also in collaboration with regions and NGOs and to provide training courses for workers of social services and juvenile justice system, with particular reference to the implementation of the best interest of the child, also in the choice concerning the type of residential reception.
21. We recommend to the Ministry of Labour and Social Policies and to the Ministry of Justice to activate an updated and constant study on minors outside the family and on their placement.
22. We recommend to the Ministry of Labour and Social Policies and the Ministry of Justice to monitor constantly the situation of minors declared adoptable but not adopted, in order to know their placement and the actions that are going to be implemented to give them a family.
23. We recommend to carry out qualitative studies on the types of reception in non-family facilities.
24. We recommend to the State, regions and local authorities to allocate economic resources and to provide qualified professionals to promote and support the fostering care in all its phases.
25. We recommend to recognize the irreplaceable role of Family Associations in the support of families, also in the relationship with judicial authorities.
26. We demand a greater control on births and abandons concerning the in vitro fertilization procedure, with the establishment of a national registry.
27. We demand to monitor and divulge more carefully the risks associated with in vitro fertilization.
28. We ask to give couples more information about risks related to in vitro fertilization procedure and to support them in the possibility of having children with pathologies or disabilities.
29. We recommend to the Ministry of Health and the Ministry of Labour and Social Policies to carry out a national census - in agreement with regions - of all the socio- sanitary facilities (for example therapeutic communities that accommodate children with neuropsychiatric disorders, residential care institutions, pediatric hospitals) that receive children with disabilities.
30. We recommend the Ministry of Justice to develop a qualitative-quantitative study on minors with disabilities declared adoptable but for which no adoptive family has been identified.
31. We recommend the Ministry of Justice to develop a National Database which contains the data of the children and teenagers declared adoptable, including disabled children, and of the families declared suitable for adoption.
32. To promote trainings for cultural mediators of Roma and Sinti ethnicity in order to ensure the active involvement of families in their children studies and better interaction with school, as established by the National Strategy.

33. To make sure the educational project is shared with the families.
34. To promote oral communication within school curricula as a privileged form of communication in order to enhance the value of storytelling and collective history as well as welcoming projects that do not last only the first weeks of school but are conceived as “Welcoming didactics” for the whole year.
35. To promote linguistic laboratories to foster oral culture and the conservation of the Romanes language as a tool to enhance the value of the cultural identity.
36. To start a campaign to raise awareness and support the families in order to increase the participation of Roma, Sinti and Camminanti minors in children educational services. Pre-schooling courses can become tools for facilitating the later enrollment in schools and strengthening the relationship between families and school communities.
37. To ensure alternative solutions to evictions.
38. To ensure the presence of properly trained cultural mediators for helping Roma children to conceive the eviction not as an interference for its own sake and to better understand what is happening. Forced evictions can be counterproductive to the extent that they can increase the resistance and resentment of the Roma population towards Italians.
39. To implement the Framework Convention for the Protection of National Minorities of the Council of Europe.<sup>62</sup>
40. To implement the relevant recommendations given by the OSCE, Council of Europe and European Union institutions on the objectives and tools for the social inclusion of Roma and Sinti, especially in the areas of aid to large families, access to credit for the ownership of the dwelling, access to education – including higher education, access to healthcare and social services as well as welfare support – including job placement and professional trainings, promotion of different cultures.
41. To debate and approve of the draft laws C.3162 (2015)<sup>63</sup>, C.3541 (2016)<sup>64</sup> and S.770 (2013)<sup>65</sup> on the recognition of the Roma and Sinti linguistic and cultural minority as well as equal opportunities of this population, which have been assigned to the relevant Parliament committees but have not been debated yet.
42. To train social workers on family reunification procedures.
43. To carry out specific trainings on human trafficking for those working with victims of human trafficking and the managers of reception centers and family-homes<sup>2</sup> for unaccompanied minor migrants in order to ensure adequate defense and protection to minors identified as victims or potential victims of human trafficking, as established by UNHCR Guidelines on asylum seekers and by the National Action Plan against the trafficking and severe exploitation of human beings 2016-2018<sup>66</sup>, developed by the Department for Equal Opportunities.
44. To monitor the implementation of the principle stating that in case of doubt the minor age shall be assumed in order to avoid that minors are placed in reception facilities for adults.
45. To implement the National Action Plan against the trafficking and severe exploitation of human beings 2016-2018 and the identification Standard Operating Procedures through a

---

<sup>62</sup>Council of Europe, *Framework Convention for the Protection of National Minorities*, 1 February 1995, available at: <http://www.refworld.org/docid/3ae6b36210.html>

<sup>63</sup> Draft law C.3162: *Amendments to the law of 15 December 1999, n. 482, and other provisions regarding the recognition of the historical linguistic minority speaking the Romani language*, Chamber of Deputies, 2015

<sup>64</sup> Draft law C.3541: *Rules for the protection and equal opportunities of historical-linguistic minorities of Roma and Sinti*, Chamber of Deputies, 2016

<sup>65</sup> Draft laws S.770: *Rules for the protection and equal opportunities of historical-linguistic minorities of Roma and Sinti*, Senate of the Republic, 2013

<sup>66</sup> Department for Equal Opportunities, *National Action Plan against trafficking and severe exploitation 2016-2018*, 26 February 2016, available at <http://www.pariopportunita.gov.it/media/2687/piano-nazionale-di-azione-contro-la-tratta-e-il-grave-sfruttamento-2016-2018.pdf>

financial and operative collaboration between Department of Civil Freedoms and the Department for Equal Opportunities.

46. We recommend to all regions to examine constantly and thoroughly all accommodation centers for minors in their territory.
47. Since a family environment is preferable for the personal development of the child, enhance the implementation of the law 47/2017's provision on foster families and ensure that local authorities actively participate in supporting the project and the handover of responsibilities, also by means of economic aids.
48. To ensure and monitor the participation of mediators and specialized professionals in human trafficking cases in order to help the communication between the minor and the guardian as well as to support them in the asylum procedure and in the integration process.
49. To start a new collaboration between Police and social services for minors within the framework of individual education projects for unaccompanied minors.
50. We ask the regions to monitor the implementation of the healthcare legislation.
51. We ask the regions to implement refresher course for the medical staff on the legislation for the access of migrant to the healthcare system.
52. To include ethnopsychiatry or psychotherapy programs in the national healthcare system.
53. To provide access to the psychological support for minors who are victims of human trafficking.
54. To provide specific training on human trafficking in clinics and for specialized professionals on how to approach victims of human trafficking.
55. To implement the 2014 "Reception and integration guidelines for foreign pupils"<sup>67</sup> in all middle and high school institutions on the national territory. It would be highly desirable that the coordinating teacher for inclusion and cultural mediators have competence also on the gradual integration of minor migrants, especially those victims of trafficking and unaccompanied minors.
56. To monitor the implementation of the art. 45 of Decree No 394/1999<sup>45</sup> of the President of the Republic for access to education and professional training.
57. To encourage the launch of training programs for ensuring work and housing self-reliance of victims of trafficking in order to avoid that they fall again in the trap of prostitution and racket networks.
58. To ensure that the computerized system for collecting data on human trafficking is accessible not only to anti-trafficking organizations but also to those working in the field of unaccompanied minor migrant's reception.
59. To ensure more accessibility to the anti-trafficking free helpline by taking into account the telephone service providers that victims of trafficking tend or are forced to use.
60. We recommend the Italian parliament to pass a law punishing clients from a perspective of rehabilitation and re-education as required by the European Parliament Resolution Honeyball on sexual exploitation and prostitution and its impact on gender equality.
61. To devise mechanisms that encourage minors who are victims of human trafficking to declare their real age.
62. To provide a reimbursement for the expenses incurred by the guardian to be able to fulfil their responsibilities.
63. To implement the training of those who are enrolled on the register of guardians for unaccompanied minor migrants.
64. Put into place activities of ethnopsychiatry from the national public system in all Italian regions, especially in the southern regions where there is a high inward flow of unaccompanied minor migrants.

---

<sup>67</sup> Italian Ministry of Education, University and Research, *Guidelines for the reception and integration of foreign students*, Ministerial Circular No.24, February 2014

- 65.** To establish a more homogenous cost among the regions for the reception of unaccompanied minor migrants in authorized reception facilities.
- 66.** To establish a fair national redistribution plan for unaccompanied minor migrants who have landed in Italy after being rescued at sea.
- 67.** Italy should be promotor of a European law to combat child pornography which would coordinate the work of the national police in identifying and convicting of the responsible of the criminal offence.
- 68.** Italy should create a law to oblige social networks to control the identity and age of the profile created to guarantee the access after 18.
- 69.** Italy should create a law to allow the identification of the victims of paedophilia.