

# The rights of children and adolescents in Italy

## **3<sup>RD</sup> SUPPLEMENTARY REPORT**

on the implementation of  
the Convention on the Rights  
of the Child in Italy  
**February 2018**



Gruppo di Lavoro  
per la Convenzione  
sui Diritti dell'Infanzia  
e dell'Adolescenza






## MEMBERS OF THE CRC GROUP

**A Roma, Insieme** – Leda Colombini  
**ABA ONLUS** - Fondazione Fabiola De Clercq  
**ABIO** - Fondazione ABIO Italia Onlus  
**ACP** – Associazione Culturale Pediatri  
**FONDAZIONE ACRA**  
**AGBE** – Associazione Genitori Bambini Empatici  
**Agedo** - Associazione di genitori, parenti e amici di omosessuali  
**AGESCI** – Associazione Guide e Scouts Cattolici Italiani  
**Agevolando**  
**AIAF** – Associazione Italiana degli Avvocati per la Famiglia e per i Minori  
**Ai.Bi.** - Associazione Amici dei Bambini  
**AISMI** - Associazione Italiana Salute Mentale Infantile  
**ALAMA** - Associazione Laziale Asma e Malattie Allergiche  
**Ali per giocare** - Associazione Italiana dei Ludobus e delle Ludoteche  
**Alpim** - Associazione Ligure per i minori  
**Anfaa** - Associazione Nazionale Famiglie Adottive e Affidatarie  
**Anffas Onlus** – Associazione Nazionale Famiglie di Persone con Disabilità Intellettiva e/o Relazionale  
**ANPE** – Associazione Nazionale dei Pedagogisti  
**ANPEF** Associazione Nazionale dei Pedagogisti Familiari  
**Antigone Onlus** - Associazione per i diritti e le garanzie nel sistema penale  
**A.P.M.A.R.** – Associazione Persone con Malattie Reumatiche Onlus  
**Arché** – Fondazione Arché Onlus  
**Archivio Disarmo** - Istituto di Ricerche Internazionali  
**ARCIRAGAZZI**  
**ASGI**  
**Associazione Antonia Vita - Carrabiolo**  
**Associazione Bambinisenzasbarre Onlus**  
**Batya** - Associazione per l'accoglienza, l'affidamento e l'adozione  
**CamMiNo**- Camera nazionale avvocati per la persona, le relazioni familiari e i minorenni  
**CAM** - Centro Ausiliario per i problemi Minorili  
**CARE** - Coordinamento delle Associazioni familiari adottive e affidatarie in Rete  
**Caritas Italiana**  
**CbM** - Centro per il bambino maltrattato  
**Cooperativa Cecilia Onlus**  
**Centro per la Salute del Bambino Onlus**  
**Centro Studi e Ricerche IDOS**  
**Cesvi Fondazione Onlus**  
**CIAl** - Centro Italiano Aiuti all'Infanzia  
**CISMAI** - Coordinamento Italiano dei Servizi contro il Maltrattamento e l'Abuso all'Infanzia  
**Cittadinanzattiva**  
**CNCA** - Coordinamento Nazionale Comunità di Accoglienza  
**Comitato Giù le Mani dai Bambini Onlus**  
**Coordinamento Genitori Democratici Onlus**  
**CR.EA. "Crescere Educare Agire"** - Società Sportiva Dilettantistica  
**CSI** - Centro Sportivo Italiano

**CTM** – Cooperazione nei Territori del Mondo  
**Dedalus Cooperativa Sociale**  
**ECPAT Italia** End Child Prostitution, Pornography and Trafficking  
**Cooperativa Sociale E.D.I. Onlus**  
**Associazione Figli Sottratti**  
**FederASMA e ALLERGIE Onlus** – Federazione Italiana Pazienti  
**FISH Onlus** – Federazione Italiana per il Superamento dell'Handicap  
**Fondazione Roberto Franceschi Onlus**  
**G2- Seconde Generazioni**  
**Geordie** - Associazione Onlus  
**Giovanna d'Arco Onlus**  
**Fondazione Giuseppe Di Vittorio**  
**G.R.D.** - Genitori Ragazzi Down BOLOGNA ONLUS  
**Gruppo Nazionale Nidi e Infanzia**  
**HelPeople Foundation Onlus**  
**IBFAN Italia** – Associazione  
**International Adoption**  
**IPDM** - Istituto per la Prevenzione del Disagio Minorile  
**IRFMN** - Istituto di Ricerche Farmacologiche Mario Negri  
**L'abilità** - Associazione Onlus  
**L'Accoglienza** - società cooperativa sociale- Onlus  
**L'Albero della Vita Onlus**  
**L'Altro diritto**  
**La gabbianella e altri animali**  
**La Gabbianella Coordinamento per il Sostegno a distanza Onlus**  
**La Rosa Roja- A.RO.RO**  
**LLL – La Leche League Italia Onlus**  
**M.A.I.S.** - Movimento per l'Autosviluppo l'interscambio e la Solidarietà  
**MAMI** - Movimento Allattamento Materno Italiano Onlus  
**Fondazione Mission Bambini Onlus**  
**On the Road** - Associazione Onlus  
**Osservazione** - ricerca azione per i diritti di rom e sinti  
**OVCI la Nostra Famiglia**  
**Fondazione PAIDEIA**  
**Pollicino e Centro Crisi Genitori Onlus**  
**Associazione Progetto Famiglia Onlus**  
**Save the Children Italia**  
**Saveria Antiochia Omicron** – Associazione Onlus  
**SIMM** - Società Italiana di Medicina delle Migrazioni  
**SINPIA** - Società Italiana di Neuropsichiatria dell'Infanzia e dell'Adolescenza  
**SIP** - Società Italiana di Pediatria  
**SOS Villaggi dei Bambini Onlus**  
**Terre des Hommes Italia Onlus**  
**UISP** - Unione Italiana Sport Per tutti  
**UNCM** - Unione Nazionale Camere Minorili  
**UNICEF Italia**  
**Valeria Associazione Onlus**  
**VIS** - Volontariato Internazionale per lo Sviluppo  
**WeWorld**  
**Fondazione "E. Zancan" Onlus**  
**Associazione 21 Luglio**



The **Italian NGO Group for the Convention on the Rights of the Child (CRC Group)** is a network composed of 96 NGOs dealing with the promotion and protection of children's rights in Italy, coordinated by Save the Children Italy.

The CRC Group was established in December 2000 with the main aim of drafting a Supplementary Report on the implementation of the CRC, to be submitted to the UN Committee on the Rights of the Child.

The Italian NGO Group for the CRC is committed to monitoring the implementation in Italy of the CRC, its Optional Protocols and the recommendations addressed to Italy in the Concluding Observations.

As part of the monitoring process, the CRC Group decided to produce every year a Follow-Up Report on the monitoring of CRC in Italy. The CRC Group has so far published nine *Follow-Up Reports* and three *Supplementary Reports*.

More information available at [www.gruppocrc.net](http://www.gruppocrc.net)



## 4 INDEX

### CHAPTER I – GENERAL MEASURES FOR THE IMPLEMENTATION OF THE CRC IN ITALY

1. Social policies for children . . . . .	6
2. The allocation of resources for children in Italy . . . . .	6
3. The focus on children in international cooperation. . . . .	7
4. Children living in poverty. . . . .	8
5. National Action Plan for Children . . . . .	9
6. Children’s ombudsman . . . . .	10
7. Coordination at an institutional level and between institutions and NGOs . . . . .	10
8. Data collection . . . . .	11
9. Italian legislation . . . . .	12

### CHAPTER II – GENERAL PRINCIPLES OF THE CRC

1. Art. 2 CRC: the principle of non-discrimination. . . . .	14
2. Art. 3 CRC: best interests of the child . . . . .	14
3. Art. 12, paragraph 1, CRC: participation of children. . . . .	14
4. Art. 12, paragraph 2, CRC: the hearing of children in judicial and administrative proceedings. . . . .	15

### CHAPTER III – CIVIL RIGHTS AND FREEDOMS

1. Birth registration and citizenship . . . . .	17
2. The right of adopted children to have access to information on their birth family . . . . .	17
3. The right of children to freedom of thought, conscience and religion . . . . .	18
4. Freedom of association . . . . .	18
5. Children, media and new technologies . . . . .	18

### CHAPTER IV – VIOLENCE AGAINST CHILDREN

1. Maltreatment of children . . . . .	20
2. Sexual exploitation and abuse . . . . .	20
3. Measures aimed at banning and abolishing traditional practices harmful for the health of children: female genital mutilation. . . . .	21
4. The right of children not to be subjected to cruel, inhuman or degrading treatment: physical and humiliating punishment. . . . .	22

### CHAPTER V – FAMILY ENVIRONMENT AND ALTERNATIVE CARE

1. Family environment and parenting support . . . . .	23
2. Family reunification and kafala . . . . .	23
3. Children deprived of a family environment . . . . .	24
a) Foster care . . . . .	24
b) Host communities for children . . . . .	24
4. National and intercountry adoptions . . . . .	25
5. International child abduction . . . . .	26
6. Measures to protect the children of incarcerated parents and young children residing with their mothers in prison . . . . .	27



## **CHAPTER VI – HEALTH, DISABILITY AND BASIC SERVICES**

1. Informed consent . . . . .	28
2. Prevention and prevention services . . . . .	28
3. The environment and child health . . . . .	30
4. Breastfeeding . . . . .	30
5. Health and health care services, above all in the field of primary medical care . . . . .	30
6. Mental health . . . . .	31
7. Children and psychoactive substance abuse and dependence . . . . .	32
8. Children, health and disability . . . . .	33
9. Access to health care services for foreign children . . . . .	34

## **CHAPTER VII – EDUCATION, PLAY AND CULTURAL ACTIVITIES**

1. Early childhood education and care . . . . .	36
2. The right to education of children with disabilities . . . . .	36
3. The right to education of foreign children . . . . .	36
4. The administration of drugs and health care at school . . . . .	38
5. Early leaving from education and training . . . . .	38
6. The right to safety in schools . . . . .	39
7. Violence at school . . . . .	40
8. Human rights education . . . . .	40
9. The right to play and culture . . . . .	40
10. Sport, movement and education . . . . .	41

## **CHAPTER VIII – SPECIAL PROTECTION MEASURES**

1. Unaccompanied migrant minors: the right to protection and assistance . . . . .	42
2. Children belonging to ethnic minorities: Roma and Sinti children . . . . .	43
3. Children held in detention or subjected to alternative measures . . . . .	44
4. Economic exploitation: child labour in Italy . . . . .	45

## **CHAPTER IX – IMPLEMENTATION OF THE OPTIONAL PROTOCOL TO THE CRC ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

1. Child sex tourism . . . . .	46
2. Child pornography . . . . .	46
3. The sexual exploitation of children in Italy . . . . .	47

## **CHAPTER X – THE IMPLEMENTATION IN ITALY OF THE OPTIONAL PROTOCOL TO THE CRC ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT** . . . . .

49

## **CHAPTER XI – THE THIRD OPTIONAL PROTOCOL TO THE CRC** . . . . .

51

# Chapter I

## GENERAL MEASURES FOR THE IMPLEMENTATION OF THE CRC IN ITALY

### 1. SOCIAL POLICIES FOR CHILDREN

*CRC/C/ITA/CO/3-4 paragraphs 8 and 9*

Children's rights policies were not a priority on the political agenda and **the overall lack of a strategic vision** is becoming increasingly evident. The National Ombudsman for Children published a report in 2015 also criticising the **complexity and inefficiency of the current system of governance**.<sup>1</sup>

The implementation of the CRC differs across the country. Moreover, there is still no system of coordination at a regional level as regards policies for children. The **“Essential Levels in the Provision relating to civil and social rights”** (LEPs) – a constitutional requirement – have never been defined.<sup>2</sup> All that exists is an initial proposal for the LEPs drawn up by the Ombudsman together with a number of NGOs, while the **IV National Action Plan for Children** merely repeats the need for the LEPs to be approved. The recent reform of the educational system removed the words “essential levels” replacing them with “standard requirements” (Law 2016/89, par. 181).

One positive development has been the recent introduction of measures at a national level to combat poverty, starting with families with children under 18 years of age. Nevertheless, large sums continue to be allocated for one-off measures rather than for structural measures. The **Stability Law**, with its associated measures, continues to be the main policy tool used, with all the limitations this entails.

With regard, in particular, to the Action Plan for the Prevention of Institutionalisation (**PIPI**),

while recognising that this is an important project to foster parenting skills and prevent the institutionalisation of children, it must be highlighted that, on the basis of ministerial data, it was only implemented in 147 Municipalities between 2010-2017, involving just 2,692 children and 2,336 families.<sup>3</sup> The number of people benefitting from this programme is, therefore, tiny compared to the number of children potentially involved.

**The CRC Group, therefore, recommends that:**

- 1. The Government** identify somebody to oversee policies and actions in favour of children, and immediately define the **Essential Levels in the Provision relating to civil and social rights”** (LEPs), ensuring that sufficient economic and structural resources are made available;
- 2. The Regions** monitor and make available for public scrutiny Regional expenditure, supported by resources from the National Fund for Social Policies and aggregated into micro-objectives for each service to facilitate the identification of expenditure;

### 2. The allocation of resources for children in Italy

*CRC/C/ITA/CO/3-4, paragraph 15*

Excluding an attempt made by the National Ombudsman for Children,<sup>4</sup> there is no analysis of the funding and expenditure headings of the State

<sup>1</sup> Autorità Garante per l'Infanzia e l'Adolescenza, *Disordiniamoci!*, November 2015, p. 17.

<sup>2</sup> Art. 117, paragraph m, Titolo V, of the Italian Constitution.

<sup>3</sup> Communication sent to the CRC Group by Division III of the Directorate General responsible for social planning and combating poverty at the Ministry of Labour and Social Policies.

<sup>4</sup> The analysis, *Disordiniamoci!*, was based on the period 2012-2015.



Budget regarding the resources allocated for children. Similarly, there is a total absence of any kind of analysis of resources available at a regional level. Moreover, a survey on the social interventions and services provided by Municipalities<sup>5</sup> reveal that differences in per capita social spending of Municipalities are widening as a result of the massive cuts in the financial resources allocated by the State. The share of social spending allocated for families with children by Municipalities has remained unchanged during the last 10 years at 38.5%.

**The tendency continues to be allocating large sums of public money to families in the form of “bonuses”.** These include the **Premio alla nascita** (an € 800 payment made to mothers when they give birth, irrespective of their level of income), which costs the State € 392 million per year, and the **Bonus Bebè**, a means tested monthly allowance for babies up to 3 years of age. Introduced in 2015, it will cost € 1,012 million per year in 2017 and 2018. The scheme was recently extended costing an additional € 185 million in 2018.

The cost of the **nursery school bonus** (estimated at € 250 million for 2018) and the **renewed funding of the nursery-school voucher scheme** (€ 50 million for 2018) are together greater than the funding earmarked for the National fund for the integrated system of education “0-6 years”. **The culture bonus** for 18-year-olds (a card for cultural purchases worth up to € 500) was renewed in the 2017 and 2018 Budget Laws, with a ceiling of € 290 million per year. During 2017, 30% of the resources allocated had not been used as many potential beneficiaries did not activate their cards and

more than € 100 million was instead used for local government spending.

**The CRC Group, therefore, recommends that:**

- 1. The Government** ensure the harmonisation of resources for families with children under 18 and for children, investing in structural measures, and pay greater attention to the likely effects on under 18-year-olds when programming its economic and fiscal policies;

### **3. The focus on children in international cooperation**

*CRC/C/ITA/3-4, paragraph 23*

There have been two important developments since 2011: the entry into force of **Law 125/2014 on cooperation**<sup>6</sup> and the creation in 2016 of the **Italian Agency for Cooperation and Development (AICS)**.<sup>7</sup> Unfortunately, there are no explicit references to children in either. The target of 0.7% of GDP by 2015, indicated by the UN Committee, has not been achieved,<sup>8</sup> with Italian Official Development Assistance amounting to just 0.22% of GDP in 2015, below the average for donor nations.

An analysis of the **2016-2018 three-year development cooperation planning and policy document** of the Ministry for Foreign Affairs and International Cooperation (MAECI) reveals that a specific approach towards children has been abandoned and replaced by a more general approach towards children and young people: “With Resolution 166 in 2010, the MAE-

<sup>6</sup> 29 August 2014.

<sup>7</sup> Art. 17, Law 125/2015.

<sup>8</sup> From the *Annual report on the implementation of development cooperation policy in 2015* and Art. 12, Law 125/2014.

<sup>5</sup> Istat, with 2015 the most recent data available, <http://www.istat.it/it/archivio/207979>





8 CI pledged to adopt the HRBA (Human Rights Based Approach) in its development policies and strategies, and the HRBP (Human Rights Based Programming) in the drafting and assessing of its programmes and projects.” The portal <http://openaid.esteri.it>, which was renewed in 2015, provides information on the resources spent on cooperation, but not on what has been done or on how much money has been spent specifically on children.

In 2016 the AICS allocated € 468,812,884 for cooperation activities, with € 30,451, 872.44 (6.5%) used to finance initiatives regarding children.

YEAR	TOTAL DGCS FUNDING (M€)	TOTAL FOR CHILDHOOD (M€)	% OF TOTAL
2010	326	42	13%
2011	179	36	20%
2012	86	39	45%
2013	227	34	15%
2014	232	55	24%
2015	335	28	8.5%
2016	468	30	6.5%

**The CRC Group, therefore, recommends that:**

- 1. The Government** check to ensure the 2012 tool “*Guidelines on Children*” is being applied and also update it by including the CRBA (Child Rights Based Approach) and CRBP (Child Rights Based Programming); update the 2010 tool “*Guidelines on Interim and Ex Post Evaluations*” immediately integrating this in the AICS’s 2017-2020 evaluation programme; and also create a section “Focus on children” on the portal <http://openaid.esteri.it>.

## 4. Children living in poverty

In 2016 there were 1,292,000 children (12.5% of the reference population) living in conditions of **absolute poverty**. The situation has gradually worsened over the last few years, with almost 250,000 more poor children in just three years.

### Children in absolute poverty (2014-2016)<sup>9</sup>

	a.v.	%
<b>2014</b>	1,045,000	10%
<b>2015</b>	1,131,000	10.9%
<b>2016</b>	1,292,000	12.5%

**The more children there are in a family, the more likely it is that the family suffers economic hardship.** Indeed, the highest percentages are recorded for families comprising 5 or more members (17.2%), when a couple have 3 or more children (14.7%) and when these children are under 18 (26.8%).

While **relative poverty** is estimated to be at the same level as in the previous year, it is estimated to be worse regarding children: 20.2% of under 18’s were in a state of relative poverty in 2015 compared to 22.3% (2,297,000 children) in 2016. Here, too, the situation has worsened over the last few years, with over 300,000 additional poor children in three years:

### Children in relative poverty (2014-2016)<sup>10</sup>

	a.v.	%
<b>2014</b>	1,986,000	19%
<b>2015</b>	2,110,000	20.2%
<b>2016</b>	2,297,000	22.3%

<sup>9</sup> Data from ISTAT.

<sup>10</sup> Data from ISTAT.





In terms of geographical distribution, there are twice as many poor families with children in percentage terms in southern Italy than in northern Italy (26.9% in the South and 12.8% in the North).

It must, however, be acknowledged that the Government is attempting to address the situation by introducing a “National plan to combat poverty” and specific measures to tackle child poverty. Nevertheless, by the time the measures have been taken, the number of poor children has grown.

The most relevant development has undoubtedly been **Law 33/2017**, which contains a series of measures aimed at combating poverty. A positive aspect regarding the introduction of the national measure to combat poverty and social exclusion (the minimum income scheme **Reddito di inclusione – REI**) is that precedence has been given to families with children, or with someone who is severely disabled or pregnant women.<sup>11</sup>

Nevertheless, **one in two children in a state of poverty will not be covered by this measure.**<sup>12</sup>

For children, living in poverty means not only material poverty, but also educational poverty, which is perpetuated across generations. Italy has one of the lowest levels of social mobility in Europe: only 8% of Italians aged 25-34 whose parents did not complete their upper secondary education manage to obtain a university degree (the OECD average is 22%). The intention to introduce a fund to combat the educational poverty of children is clearly welcomed, but it is still too early to assess exactly what impact the fund will have.

#### The CRC Group, therefore, recommends that:

1. **The Government** draw up and approve, as soon as possible, the envisaged “National plan for the combating of poverty and social exclusion”, placing special emphasis on child poverty, taking into consideration the European Commission’s recommendation *Investing in Children*; and include, in the monitoring of **the minimum income scheme (REI)**, an impact assessment on the effects of these measures on the child population, with specific reference to the activation of services;

## 5. National Action Plan for Children

*CRC/C/ITA/CO/3-4, paragraph 11*

The *IV National Action Plan for the protection and development of children*, finally approved on 31 August 2016, contained important improvements, including the participation of the Regions in the initial planning stage, which meant the plan was immediately supported by a majority of the Regions at the State-Regions Conference.<sup>13</sup>

There remain, however, a number of critical elements in the *IV National Action Plan*, including: the time taken to approve the plan (over a year); the fact that the necessary resources have only been allocated for the implementation of certain actions in the plan; and the failure to identify who is responsible for promoting individual actions.

<sup>11</sup> Legislative Decree 147/2017.

<sup>12</sup> These estimates were made by Alleanza Contro La Povertà: [http://www.redditoinclusione.it/wp-content/uploads/2017/09/Documento\\_su\\_Legge\\_Bilancio.pdf](http://www.redditoinclusione.it/wp-content/uploads/2017/09/Documento_su_Legge_Bilancio.pdf)

<sup>13</sup> The only Regions to reject the National Action Plan were Lombardy, Veneto and Liguria, as they did not approve the reference in the Plan to the need for changes in the legislation on obtaining citizenship and birthright citizenship as a means of integration.



**The CRC Group, therefore, recommends that:**

- 1. The Government** quickly provide the necessary funding for all the actions contained in National Action Plan for Children.

## 6. Children's ombudsman

*CRC/C/ITA/CO/3-4, paragraph 2*

The second National Ombudsman for Children was appointed on 3 March 2016. She maintained and developed the **National council of associations and organisations for the protection and promotion of the rights of children and young people**,<sup>14</sup> as a permanent consultation mechanism, in addition to the **National conference for the safeguarding of children's rights**,<sup>15</sup> comprising all the regional ombudsman for children and chaired by the National Ombudsman for Children, which over the last few years has increasingly become a mechanism for coordinating policies. There are currently 17 regional ombudsman for children. Moreover, in some of the bigger cities a metropolitan ombudsman has also been introduced, but only as a *pro bono* figure.

There are considerable differences in terms of both the role and powers of the ombudsman **in regional legislation regarding the creation of this figure**. For example, in some Regions the ombudsman is, in practice, not economically independent.<sup>16</sup> Moreover, the criteria used to select the ombudsman vary from Region to Region, while, more importantly, there are enormous differences in the way this pub-

lic authority is organised. A further **problem** has been that in many Regions the ombudsman is now no longer exclusively responsible for children's rights.

**In addition**, the National Ombudsman for Children can only give her/his opinion on the Government Report, which is attached to the Report itself,<sup>17</sup> and cannot submit her/his own independent report directly to the UN Committee.

It should also be highlighted that Italy still does not have an **independent national human rights institution**.

**The CRC Group, therefore, recommends that:**

- 1. The Abruzzo and Valle d'Aosta Regions** rapidly pass a regional law for the creation of a regional ombudsman for children and **the Liguria and Tuscany Regions** appoint their regional ombudsman for children.
- 2. The Regions** endeavour to harmonise their different regional laws.

## 7. Coordination at an institutional level and between institutions and NGOs

*CRC/C/ITA/CO/3-4, paragraph 9, sub-paragraph a*

A recent publication of the National Ombudsman for Children highlighted the lack of an institutional figure responsible for clearly shaping a vision of where we should be headed in terms of protecting children's rights and, above all, the strategies needed to follow such a vision.<sup>18</sup> It was highlighted that the situation has

<sup>14</sup> Decree of the Children's Ombudsman on 10 November 2016.

<sup>15</sup> Cf. Art. 3, paragraphs 6 and 7 of Law 112/2011; Prime Ministerial Decree 168/2012.

<sup>16</sup> For example, Sicily.

<sup>17</sup> Art. 3, paragraph 1, sub-paragraph i, of Law 112/2011.

<sup>18</sup> Autorità Garante per l'Infanzia e l'Adolescenza, *Disordiniamo!*, November 2015.



been made even more complicated by the fact that, following constitutional reform, the Regions are now responsible for social policies, including those for children, while Municipalities are responsible for providing local services. It should also be pointed out that, **at a regional level, childhood Observatories** are only functioning effectively in **seven Regions**: Campania, Emilia-Romagna, Lombardy, the Marche, Piedmont, Tuscany and Umbria.

**The CRC Group, therefore, recommends that:**

1. **The Government** create a single competent and authoritative body to overcome the current fragmentation of responsibility between different Ministries;
2. **The Regions** set up a working group to coordinate their different policies for children;

## 8. Data collection

*CRC/C/ITA/CO/3-4, paragraph 17*

There are a number of shortcomings in the **Italian system of data collection regarding children**. First and foremost, there is a serious lack of complete and comparable information on **under 18's living outside of their family of origin**. The Italian data collection system is currently unable to provide up-to-date information on their number or how they have been dealt with. Indeed, the **Social Services Information System (SISS)** mentioned in the Government Report is not yet fully operational, while the **S.In.Ba** data collection system (national information system on the treatment and protection of children and their families) will hopefully be-

come operational this year.<sup>19</sup> The available data on children living **in communities** come from different sources (Ministry of Labour and Social Policies, ISTAT and the National Ombudsman for Children), collected using different criteria. They also refer to different periods of time, making it impossible to compare data.

It must yet again be highlighted that **the national database of children available for adoption and couples wishing to adopt is still not fully operational** despite this being a legal requirement.<sup>20</sup>

The Government's Commission for International Adoptions (**CAI**) **has still not published the data on international adoptions in Italy** for 2016.

Finally, there is still no **national system to monitor and collect data on violence against children**. The national survey on the **maltreatment of children** carried out by the National Ombudsman for Children in collaboration with two associations in 2014 could be the starting point for such a system.

**The CRC Group, therefore, recommends that:**

1. **The Government** ensure a national system is in place for the collection of data on children that is constantly up-to-date on all relevant phenomena regarding children;
2. **The Government** implement the S.In.Ba. data collection system throughout Italy and ensure the national database of children available for adoption and couples wishing to adopt is fully operational.

<sup>19</sup> The following Regions initially took part on a voluntary basis: Campania, Basilicata, Emilia-Romagna, Liguria, the Marche, Molise, Piedmont, Puglia, Sardinia, Tuscany, Umbria and the Veneto.

<sup>20</sup> Art. 40, Reform Law 149/2001.



## 9. Italian legislation

The Government Report lists a series of laws passed between 2011-2016, without commenting on them specifically.

These include **Law 172/2012** for the **ratification and implementation of the Lanzarote Convention** on the “Protection of Children against Sexual Exploitation and Sexual Abuse.” While a positive development, despite precise indications (Art. 16, paragraph 3, of the Convention), the law does not allow minors under investigation for sexual offences to receive suitable psychological support in order to address their sexual behavioural problems, should they so wish.

**Law 119/2013** introduced a new common aggravating circumstance<sup>21</sup> in the case of nonculpable crimes against the person where a minor is either the victim or witnesses an offence. Even though jurisprudence has for some time recognised that committing acts of violence against other members of the family in the presence of a minor is a form of **maltreatment**,<sup>22</sup> the decision to consider this a common aggravating circumstance would appear to have been a missed opportunity to provide a precise legal definition of witnessing violence. Another inadequacy is the failure to include provisions for coordination between the public prosecutor’s office in general jurisdiction courts and the public prosecutor’s office in juvenile courts in cases of violence, maltreatment and harassment occurring within the family involving minors, also as witnesses. Furthermore, there is no reference to the need for foster care in

cases of violence. Finally, there is no mention of the right of **minors to receive separate legal representation** should there be a conflict of interests with their parents – their legal guardians – in cases of domestic or gender violence perpetrated by one or both parents, or where the parents have colluded with someone who has committed a crime or have failed to take action.

**Legislative decree 212/2015**, transposing Directive 2012/29/EU regarding minimum standards on the rights, support and protection of victims of crime, represents a further improvement in protecting victims from the danger of secondary victimisation. It also appears another missed opportunity to introduce restorative justice and mediation programmes, together with the relative procedures, at each stage of the legal process.

As regards **juvenile civil law**, there have undoubtedly been important reforms over the last few years, first and foremost, the elimination of the distinction between legitimate and illegitimate children with **Law 219/2012** and **Law 154/2013**. There was considerable concern, however, over the possibility of recognising incestuous children, introduced by Art. 1, paragraph 3, of Law 219/2012.

There has been a failure since 2011 to produce clear guidelines for **the reform of the juvenile justice system** to allocate jurisdiction between juvenile courts and general jurisdiction courts, and to create a single procedure for all civil matters regarding the family and minors.

<sup>21</sup> Art. 61, paragraph 11, sub-paragraph 5, of the Italian Criminal Code.

<sup>22</sup> Cass. Pen. Sez. 5, judgement no. 41142 of 22 October 2010.





**The CRC Group, therefore, recommends that:**

- 1. Parliament** urgently pass legislation on the juvenile detention system, and carry out a general reform of detention and the alternative sanctions for persons committing offences while minors;
- 2. Parliament** implement a reform of the juvenile justice system with the introduction of a truly specialised judiciary with exclusive functions and also jurisdiction in civil, criminal and administrative juvenile law, guaranteeing all parties the right to a fair trial, as well as a greater territorial distribution.

# Chapter II

## GENERAL PRINCIPLES OF THE CRC

### 1. Art. 2 CRC: the principle of non-discrimination

Children of foreign origin are still greatly discriminated against, even when born and brought up in Italy, as current legislation makes it difficult for them to obtain citizenship. Other children who are victims of discrimination include unaccompanied foreign minors, children belonging to ethnic, linguistic and religious minorities (such as the Roma, Sinti and Camminanti), children with disabilities and/or in hospital, and children with a minority sexual orientation or gender identity, or who are presumed to be so by the reference population. Many others are also discriminated against because of the part of Italy they come from, owing to the differences in the standard of living and opportunities that exist between different Regions.

#### The CRC Group, therefore, recommends that:

1. The **Government** promote an awareness-raising campaign and specific programmes to educate people about equal opportunities and respect for sexual orientation and gender identity.

### 2. Art. 3 CRC: best interests of the child

The concept of the “best interests of the child” has slowly entered the legal culture and operational practices. Nevertheless, it is often mentioned as a rather randomly established a priori principle in support of decisions and measures taken rather than as the result of a multidisci-

plinary decision-making process “defining” the concept more precisely, case by case. That would require the introduction of measures to implement this principle, involving different rights and the relative duty bearers, as called for in General Comment no. 14.

#### The CRC Group, therefore, recommends that:

1. The **National Ombudsman for Children** translate and bring to people’s attention GC no. 14 and develop all the guidelines there wherein;
2. The **Government** promote the necessary reforms to ensure a child-friendly justice system, concentrating jurisdiction in both civil and criminal matters regarding juveniles in the hands of a truly specialised judge; ensure speedy procedures, full access to justice for minors and their right to be independently represented and defended.

### 3. Art. 12, paragraph 1, CRC: participation of children

There are a number of structural shortcomings that prevent the development of administrative procedures and practices enabling the representation of children in organisations and fora. Communal Children’s Councils (CCR), often cited as the main experience of participation of children, are involved in Child-Friendly Cities (nowadays an idea of marginal importance in Italy), but these Councils are often extemporaneous and without regular funding. Despite important experimentations in this field in Italy during the last 20 years,



much of the expertise acquired is disappearing for lack of support, coordination, continuity, guidelines, public attention and funding.<sup>23</sup> There is also a lack of continuity in the different fora at national and international level.<sup>24</sup> There are important opportunities at school to participate with regard to teaching and learning, but also to become better acquainted with the local area, as demonstrated by the CCR and the Student Councils.

**The CRC Group, therefore, recommends that:**

1. The **Government** include participation as part of the Essential Levels (LEPs), fully implement the IV National Action Plan for Children and, in general, introduce a national strategy – agreed upon together with both the regional authorities and local administrations – for the participation of children and to hear their views, also making use of international monitoring tools, such as CPAT.<sup>25</sup>

#### **4. Art. 12, paragraph 2, CRC: the hearing of children in judicial and administrative proceedings**

Legislative Decree 154/2013 regulates the right of minors to be heard in civil proceedings in which decisions are taken regarding measures that will affect them. Lawmakers overlooked a number of important aspects when estab-

lishing how minors are to be heard, however, and everyday practice also reveals that procedures still vary widely from courtroom to courtroom. In criminal procedures, Law 172 /2012 introduced a number of changes regarding the hearing of a minor, whether as a victim or witness,<sup>26</sup> because of their vulnerability, while Law 119/2013 made it compulsory for protected hearings in cases of maltreatment of family or household members. Legislative Decree 212/2015 contained further improvements regarding victims of crime, ensuring more extensive forms of protection during the proceedings for particularly vulnerable victims to prevent secondary victimisation, with different forms of protection available to them when testifying. Finally, it must unfortunately be highlighted that the Ministry of Justice's recommendation regarding the introduction of specific training courses for guardians ad item and the drawing up of national guidelines for the guardians/lawyers of minors has still not been implemented. Moreover, the register of people authorised to provide minors with assistance pursuant to Art. 609, paragraph 10, has still not been created. As a result of the lack of precise indications regarding the hearing of a minor in both civil and criminal proceedings, there are numerous protocols and guidelines influenced by whoever drafted them, resulting in quite different procedures.

**The CRC Group, therefore, recommends that:**

1. The **Government** set up a group of experts to draw up national guidelines on the hearing of minors in judicial

<sup>23</sup> A 30% reduction in funding since 2011.

<sup>24</sup> Students from the CCR of Arenzano (GE) at the "Conference on the Future of Citizenship and Human Rights Education in Europe, Learning to Live Together: A Shared Commitment to Democracy", organised by the CoE: <https://goo.gl/kQPQJr> e <https://goo.gl/wja1Rp>.

<sup>25</sup> Child Participation Assessment Tool, cf. [www.coe.int/en/web/children/child-participation-assessment-tool](http://www.coe.int/en/web/children/child-participation-assessment-tool)

<sup>26</sup> The point of reference is Art. 3 of the Lanzarote Convention.



proceedings; ensure that, where minors are the victims of abuse and/or maltreatment, they are heard as early as possible, in other words immediately after an offence has been reported, to make the hearing less stressful and also to gather the evidence as accurately as possible, thereby reducing the number of interviews necessary;

2. The **Government** introduce very precise criteria for appointing the experts used by investigators when questioning minors pursuant to Art. 5 of Law 172/2012 (ratifying the Lanzarote Convention), together with precise indications as to the role and functions of this figure; that the Government, with regard to supplementary or corrective decrees issued pursuant to Art. 2, paragraph 4, of Law 219/2012, introduce comprehensive regulations, applicable in all courts, establishing standard procedures for the hearing of minors.



# Chapter III

## CIVIL RIGHTS AND FREEDOMS

### 1. Birth registration and citizenship

Children of foreign origin can only acquire Italian citizenship by expressly applying for citizenship within one year of their 18th birthday provided they were born in Italy and have been legally resident in the country without interruption until their 18th birthday. Following the introduction of the crime of illegally entering and staying in the country,<sup>27</sup> all public officials and people working for the State must now report any irregular migrants, as a result of which foreign parents staying irregularly in the country do not register their children at the local registry office.

#### The CRC Group, therefore, recommends that:

1. **Parliament** re-submit and finally approve Draft Law S. 2092 – “Modification to law 5 February 1992 no. 91 and other provisions regarding citizenship” – which already passed the first reading in the Chamber of Deputies in 2015; approve legislation to guarantee the right of all children born in Italy to have their birth registered, irrespective of the legal status of their parents.

### 2. The right of adopted children to have access to information on their birth family

In Italy, pregnant women have a right to give birth in hospital and decide whether to legally recognise their child. When a child is not legally

recognised, the child is registered as “*child of a woman who does not give her permission to be named*”, with this information passed on to the offices of the public prosecutor at the local juvenile court, so that the child can be declared adoptable. When the adoption is declared, after one year of pre-adoptive foster care the foster parents become the child’s legal parents and the child is given their surname. All ties with the birth family end. A total of 6,511 children were not legally recognised at birth and declared adoptable between 2000-2015, with a downward trend.<sup>28</sup> Since 2001 adopted children have been legally entitled to know the identity of their biological parents upon reaching the age of 25. Children who are not legally recognised at birth are not legally entitled to access these data despite two important judgments of the Italian Constitutional Court (178/2013) and the Italian High Court (1946/2016).

#### The CRC Group, therefore, recommends that:

1. **Parliament** adopt a law requiring Regions to set up one or more specialised services to provide pregnant mothers, irrespective of their residence status and citizenship, with the necessary services and support so that they can wittingly decide, free from any social and/or family pressures, whether to legally recognise their child;
2. **Regions** take the necessary steps to collect non-identifying medical records of mothers giving birth, establishing the procedures to make these records accessible.

<sup>27</sup> Under Law 94/2009 together with Arts. 361-362 of the Criminal Code.

<sup>28</sup> Source: Department of Juvenile and Community Justice.



### 3. The right of children to freedom of thought, conscience and religion

With regard to the teaching of Catholic religion in schools (IRC), the Government Report refers to Law 107/2015 when stating that “*the effective right to attend school without any direct or indirect form of discrimination based on gender, language, race, religion or other status [...] is ensured in all schools.*” The Ministry of Education’s note 2852/2016 affirms that school administrators must offer alternative educational activities for students who do not want IRC. The note fails, however, to specify the kind of alternative teaching activities. The Ministry must, therefore, actively promote and monitor the provision of valid alternative activities to IRC and ensure that these alternative activities are sufficiently publicised. Moreover, it is necessary to broaden the scope of Art. 316 of the Civil Code to offer children protection – or mediation – in case they disagree with choices made by their parents that could affect their freedom of thought or religion.

### 4. Freedom of association

Freedom of association is formally recognised by the Constitution (Art. 18) also for persons under 18 years of age, but there are legal and civil limitations to its enjoyment. While legal capacity – the possibility of having rights and duties – is acquired upon birth, the “capacity to act” – that is to fully exercise these civil rights and independently enter into legal agreements – is only acquired upon reaching the age of majority. Until now, therefore, children may join an association, but they cannot create, represent, run or administer one. The

recent reform of the legislation regarding associations ignored the proposals submitted to give children freedom of association.

#### The CRC Group, therefore, recommends that:

1. The **Government** promote the necessary tools to enable children to create Child Led Organisations and/or be admitted as full members of associations.

### 5. Children, media and new technologies

Article 17 of the CRC has basically been interpreted in terms of protecting children from harmful material that may come from the mass media. Any approach to the right of a child to be protected from dangers they may encounter on the Internet must be multidisciplinary. There is an urgent need to introduce media education in Italian schools as a cross-disciplinary subject. The National Plan for Digital Schools (PNSD)<sup>29</sup> presented in 2015 is undoubtedly important as it recognises that the digital competence of students is not something restricted to the IT syllabus, but involves the ability of children to make independent and responsible choices. Nevertheless, resources for the implementation of this Plan are allocated through competitions aimed at individual schools, with the risk, therefore, that these resources will not be distributed equally across the country. The CRC Group, therefore, recommends that the Government fully implement the Plan, ensuring sufficient funding for all the actions planned, helping schools to obtain funding and making fully operational the groups of experts

<sup>29</sup> As part of the implementation measures of Law 107/2015.



responsible for drawing up the necessary guidelines; ensure the entire Plan is monitored and assessed; speedily approve the new Media and Minors Code and introduce suitable awareness campaigns and training activities for families, in line with the right of access to the Internet, and the right to education and information on the Internet.

# Chapter IV

## VIOLENCE AGAINST CHILDREN

### 1. Maltreatment of children

*CRC/C/ITA/CO/3-4 paragraph 44*

With regard to the lack of a precise definition of “violence against children”, even though the Government has responded by introducing specific offences and aggravating circumstances, the introduction of a specific legal definition is, nevertheless, considered necessary.

The Government Report mentions positive initiatives that have been taken at a local level, but a **national strategy to combat and prevent violence against children** is still lacking.

As regards the **collecting of data**, a study carried out by the National Ombudsman for Children<sup>30</sup> could provide the starting point for the creation of the national system of monitoring as there is still **no national system to monitor and collect data on violence**.

It is also necessary to provide a specific legal definition of **witnessed violence**. Moreover, there is a need to urgently invest in protection, recovery and rehabilitation services. Similarly, specific attention must be paid – as a health problem – to the increasingly frequent **conflictual separations**, in which a couple’s children are inevitably involved.

It is essential, therefore, to invest in **systematic prevention, awareness and information campaigns** to improve the assistance provided to children who are victims of violence and to discover such abuse. The initiatives aimed at health workers and teachers need to be implemented nationally, but they currently appear to be just

local initiatives.

**The CRC Group, therefore, recommends that:**

- 1. The Government** create a centralised system to monitor and collect and analyse data on violence against children;
- 2. The Government** provide training for health workers, social service workers, teachers and legal professionals who can potentially come into contact with victims of abuse and neglect;
- 3. Parliament** draw up a specific legal definition of violence against children.

### 2. Sexual exploitation and abuse

The **National Plan to Prevent and Combat the Sexual Abuse and Exploitation of Children 2015-2017** lists a series of interventions that would improve the situation were they to be implemented.

The **Observatory to combat paedophilia and child pornography** was reinstated in 2016 and it is hoped that the Observatory will be proactive in pursuing its goals, as required by law.

It is necessary, however, to highlight the lack of any prevention or awareness campaigns at a national level, while at a local level there have been a number of interesting initiatives (for example, the project REVAMP,<sup>31</sup> involving the screening of children for abuse).

Prevention must be promoted, above all, in “privileged observation” points for children, primarily schools, but also accident and emergency departments and paediatricians, as well as organisations and bodies, including from the third sector,

<sup>30</sup> “National survey on the maltreatment of children in Italy. Results and Outlook”, 2015.

<sup>31</sup> <http://www.ccm-network.it/progetto.jsp?id=node/1897&idP=740>





that are in direct contact with children for recreational, educational and sporting activities. As regards **sexual abuse**, it is necessary to highlight the importance of **primary prevention**, which involves, above all, affective and sexual education. Secondary prevention initiatives are also important, as is the re-education of people who have committed sexual offences against children, including offenders who are themselves minors, for an effective rehabilitation approach aimed at preventing these people from becoming repeat offenders. Finally, it is necessary to highlight an important shortcoming in the **initiatives to protect particularly vulnerable groups**, such as children with disabilities (recent studies show they are 3.8 times more likely to be the victims of abuse).<sup>32</sup>

**The CRC Group, therefore, recommends that:**

- 1. The Government and Regions** ensure the implementation of the National Plan to Prevent and Combat the Sexual Abuse and Exploitation of Children, also at a local level;
- 2. The Government** guarantee specialist, multidimensional treatment and rehabilitation programmes for the victims of sexual abuse and exploitation, but also for sexual offenders so as to reduce the risk of them re-offending;

### 3. Measures aimed at banning and abolishing traditional practices harmful for the health of children: female genital mutilation

An estimate made by one of the associations in the CRC Group<sup>33</sup> revealed that, in 2011, 7,727 girls were at risk of female genital mutilation (FGM), 70% of whom were aged 3-10. The last figures provided by the Government are contained in a joint agreement between the State and Regions for the promotion of actions against FGM.<sup>34</sup> The document, dated 6 December 2012, states that an estimated 48,915 females under 18 years of age from countries in which FGM is practised were resident in Italy on 1 January 2012.

This agreement has been **the national and regional working strategy** in the fight against FGM, with 13 **Regions**<sup>35</sup> taking part in the strategy, developing their own projects.<sup>36</sup> Between 2011-2016 a significant amount of money was invested by national institutions and the Regions were fairly proactive in using this funding in the fight against FGM. Not all of the projects have been completed, however, so it is not possible to draw any conclusions about the initiative.

<sup>33</sup> The estimate was provided by Fondazione L'Albero della Vita in 2011 for the publication *The Right to Be Girls*.

<sup>34</sup> <http://www.pariopportunita.gov.it/mutilazioni-genitali-e-matrimoni-forzati/intesa-per-la-promozione-di-interventi-contro-le-mutilazioni-genitali-femminili/>

<sup>35</sup> Update provided by the DPO to the CRC Group in March 2015.

<sup>36</sup> For a total of 3 million.



**The CRC Group, therefore, recommends that:**

1. **The Government** carry out a detailed evaluation of the regional projects that were part of this joint agreement;
2. **The Government**, as regards the forthcoming national databank on gender violence, introduce a special focus on girls under 18 years of age who have either undergone or are at risk of undergoing FGM.

#### **4. The right of children not to be subjected to cruel, inhuman or degrading treatment: physical and humiliating punishment**

*CRC/C/ITA/CO/3-4 paragraphs 34 and 35*

Italy is not among the list of countries that have banned physical and humiliating punishment in all settings, including the home, as there is no explicit ban on the use of physical and humiliating punishment in the home in Italian law.<sup>37</sup>

Despite the recommendation of the UN Committee and the recommendation in the **Universal Periodic Review**<sup>38</sup> to reform legislation and specifically prohibit corporal punishment,<sup>39</sup> the Government's failure to adopt the UPR's recommendation and several statements it has issued on the matter would appear to indicate that the Government feels there is no need to introduce specific legislation as corporal pun-

ishment is already forbidden by existing legislation.

As regards the second recommendation, it should be highlighted that there have been no awareness campaigns on dialogue and the use of non-violent educational methods or promotion of positive parenting.

**The CRC Group, therefore, recommends that:**

1. **Parliament** introduce a reform that explicitly bans corporal punishment and other humiliating and degrading punishments of children, including in the home;
2. **The Government** promote an awareness campaign in favour of positive parenting and against corporal and humiliating punishments as a means of education.

<sup>37</sup> <http://www.endcorporalpunishment.org/progress/prohibiting-states/>

<sup>38</sup> Cr. <http://www.upr-info.org/en> and <http://www.upr-info.org/database/>

<sup>39</sup> Italian High Court – judgments 4904 of 18 March 1996 and 45859 of 23 November 2012.

# Chapter V

## FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### 1. Family environment and parenting support

*CRC/C/ITA/CO/3-4, 31 paragraph 37*

There are numerous **ways** in which parents can be supported and this can be seen across the country. A major problem, however, is that support is very often provided to families whose socio-cultural level is already quite high. Moreover, there are enormous regional differences regarding the provision of services. The **IV National Action Plan for Children** includes actions to support parenting, but these are only recommended and no funding is provided.

**The CRC Group, therefore, recommends that:**

- 1.The Government** carry out a national census of the various Family Centres and services for families offered by Regions to discover precisely what is being done and create a databank of these resources and opportunities;
- 2.The Government** implement actions to strengthen and improve the Family Advice Bureaus (*consultori familiari*), ensuring there is sufficient staff to provide suitable levels of services (pursuant to Law 34/96 regarding the regional distribution of these bureaux) in order to guarantee parenting support and support during family crisis situations;

### 2. Family reunification and kafala

*CRC/C/ITA/CO/3-4, 31, paragraph 40*

Family reunification has been the main reason given by foreigners when applying for long-stay visas in Italy since 2011.<sup>40</sup> Over the last few years both **Parliament** and jurisprudence **have supported family reunification**.

In 2016, 48,543 children from Morocco, 16,878 from Egypt, 8,916 from Tunisia and 1,915 from Algeria arrived in Italy for reasons of family reunification. Given the numbers, it is likely that some of the children applying for long-stay permits did so on the basis of foreign “**kafala**” provisions. No data is available, however, on the number of children in kafala in Italy or what their situation is. Over the years, we have also witnessed the **phenomenon of reunification of adolescent children with mothers or parents from whom they became separated at an early age**. After, with considerable difficulty, forming an attachment relationship with another primary caregiver and starting to create their own network of social relationships, they find themselves having to leave all this behind and start afresh in Italy in a different environment. Sometimes family conflicts become so severe that they result in what is virtually transgressive behaviour.

<sup>40</sup> Cf. audition of the president of ISTAT (Italian National Institute of Statistics) before the Parliamentary Committee of Inquiry on the reception, identification and expulsion system, the detention conditions of migrants and the amount of public money spent (Rome, 9 November 2016).



**The CRC Group, therefore, recommends that:**

- 1. The Government** collect and make public the disaggregated data on children in kafala in Italy, subdividing the data according to whether the reunification was with Italian or foreign citizens.

### 3. Children deprived of a family environment

*CRC/C/ITA/CO/3-4 paragraph 40*

The Italian system still reveals a number of important shortcomings and there is no data collection system to provide the necessary information on the number of children residing outside of their family of origin, in foster care or in a community, or on the care they have been provided with. The data currently available come from three surveys: Ministry of Labour and Social Policies (31 December 2014), ISTAT (31 December 2013) and Ombudsman for Children Rights (31 December 2014). There are also important **differences in the time frames and criteria used to collect data** in different **Regions**.

#### a) Foster care

**National guidelines for foster care** were issued in November 2012 to improve the quality and number of foster care placements, using as a starting point the good practices and positive experiences of Regions and local authorities. The problem is the poor implementation of these guidelines, which are applied in piecemeal fashion, as confirmed by the data of individual Regions.

Previous CRC Reports have revealed the need

for **juvenile judges** to expressly include in the court order authorising foster care specific details, including the Local Service responsible for providing foster care (which must also produce a six-monthly report), how long the foster care is expected to last, the conditions regarding a child's contact with family members, and the extension to the foster care family of the benefits pursuant to Art. 80 of Law 184/1983 (and subsequent modifications), including a suitable reimbursement of expenses.

**The CRC Group, therefore, recommends that:**

- 1. The Government** verify, also by means of the six-monthly reports of the Social Services, the implementation of the foster care placements ordered and the assistance programmes for the original nuclear family, and also ensure the correct implementation of Law 173/2015 relating to the right of a child in foster care to maintain an affective relationship with foster parents even after the end of foster care.

#### b) Host communities for children

The *Guidelines on out-of-home care for children* were approved at a Conference of the Regions in December 2017. As Regions have exclusive responsibility for this matter,<sup>41</sup> these guidelines cannot be "binding". **It is, therefore, recommended that the Ministry of Labour and Social Policies and the State-Regions Conference promote activities to inform people about, support and monitor the implementation of these guidelines in every Region.**

There is need for **absolute certainty** about the

<sup>41</sup> Following the outcome of the referendum on 4 December 2016.



number of children **aged 0-6 who are alone in host communities**, which is possible by specifying whether one or both parents are there with the child.

It is, therefore, necessary to **recommend, yet again, the implementation of effective controls and monitoring of all children placed in out-of-home care facilities by the courts<sup>42</sup> throughout the country, also by the relevant Administrative Authorities** to ensure that the necessary authorisation and/or accreditation standards are being met.<sup>43</sup>

**The CRC Group, therefore, recommends that:**

- 1. The Government** promote actions to support and monitor the implementation of the Guidelines in every Region;
- 2. The Government** provide the Public Prosecutor at juvenile courts with sufficient resources to implement the necessary actions to check and monitor the situation of children placed in out-of-home care facilities throughout the country;
- 3. The Government** rapidly extend the S.In.Ba monitoring system to all Regions so as to have standardised data on all children living outside of their original family.

<sup>42</sup> Pursuant to Law 149/01, Art. 9, paragraph 3. There is no data on how these checks are carried out by the relevant Public Prosecutor, nor on how effective they are. There are merely random pieces of information referring to specific public prosecutors for minors (such as information from the Milan juvenile court and the public prosecutor there).

<sup>43</sup> Standards still differ from Region to Region as the “Guidelines for the hosting of children in out-of-home care facilities” have not been effectively implemented.

## 4. National and intercountry adoptions

*CRC/C/ITA/CO/3-4 paragraph 42*

There are still numerous problems regarding national adoptions – the time taken to inform courts of the presumed state of adoptability of minors; the length of the procedures to establish that a child is adoptable; the absence of any reasonable time limits regarding the handling of applications for national adoptions; and the fact that the national databank of adoptable children and couples available for adoption is still not fully operational.<sup>44</sup> There are still cases of children who, though adoptable, have not been adopted (385 at the end of 2016).<sup>45</sup>

It is necessary to highlight that the **support to which adoptive families are legally entitled** in more difficult cases,<sup>46</sup> even after adoption,<sup>47</sup> **is still not being provided.**

**A worrying situation is the growing percentage of children adopted in Italy from countries that have not ratified the Hague Convention** (60.1% in 2015), even though the figure is not as high as in certain other countries. Moreover, Italy does not even have a bilateral agreement with some of these countries – Ukraine, from which 42 children arrived in 2015; Ethiopia, from which 97 children arrived in 2015; and the Democratic Republic of the Congo, from which 155 children arrived in Italy in 2016 after a long delay.

<sup>44</sup> Created by law in 2001.

<sup>45</sup> The CRC Group was informed of this in a letter from the Department of Juvenile Justice dated 21 July 2017.

<sup>46</sup> Art. 6, paragraph 8, of Law 184/1983 provides support for families caring for disabled children and/or children over the age of 12.

<sup>47</sup> Law 184/1983 only provides adoptive families with psycho-social support during the year of pre-adoption and foster care and during the first year of international adoptions.





26 There continue to be a **large number of** Accredited Bodies for intercountry adoptions, with 62 enrolled in the specific register, one of which is a government agency. **The periodic random checks** that the Commission for Intercountry Adoptions (CAI)<sup>48</sup> is supposed to carry out on all these organisations within a two-year period,<sup>49</sup> or following specific complaints, have apparently never been carried out. **During the last three years – until May 2017 – the CAI had not carried out the specific tasks and functions it is required to perform pursuant to Presidential Decree 108/2007.** A new vice president of the CAI was appointed on 9 May 2017. There is no **follow-up on the well-being of adopted children**, following national and intercountry procedures, nor is there any up-to-date data on adoption crises or “failures”, with the exception of a few regional surveys. As regards **the outcome of intercountry adoptions**, it should be pointed out that, in the meantime, monitoring could be carried out by examining the follow-ups kept by the CAI.<sup>50</sup>

**The CRC Group, therefore, recommends that:**

- 1. Regions** broaden their post-adoption support for families and implement the actions in support of “difficult” adoptions pursuant to Art. 6 of Law 184/1983, in addition to promoting and supporting the implementation of the *Guidelines on the right to education of adopted children*;
- 2. The Government** arrange for bilateral agreements to be signed with coun-

tries that have not ratified the Hague Convention; carry out periodic checks on the Accredited Bodies for Intercountry Adoption; review the costs of adoption; and carry out post-adoption monitoring.

## 5. International child abduction

An analysis of the **national data published by the Ministry of Justice** reveals that between 2008-2015 there was a fluctuating trend in the number of cases of passive abductions, while the number of cases of active international parental kidnappings appear to be growing,<sup>51</sup> with the number of cases reported between 2013-2015 up from 138 to 156.<sup>52</sup> There appears to be a **need to redefine the crime of abducting and keeping a child abroad**, envisaging a reduction in the punishment or even excluding prosecution when the child is returned by the abductor within a short space of time.

The need remains for **the Central Authority of the Ministry of Justice** to create a Point for international family mediation that guarantees access to a list of specialised mediators. An **Inter-Ministerial Task Force** on International Child Abduction was created in 2009.

<sup>48</sup> In Italy the CAI (under the Presidency of the Council of Ministers) is responsible for international adoptions.

<sup>49</sup> Art. 15, paragraph 1, Presidential Decree 108/2007.

<sup>50</sup> Cf. 2005 *Guidelines for Licensed Agencies*, note 7, chapter 2, paragraph b.

<sup>51</sup> Ministry of Justice – Department of Juvenile and Community Justice, *Statistical analysis of the activities of the Central Italian Authority pursuant to the 1980 Hague Convention on the civil aspects of international child abduction – 2015*, 15 March 2016. These data refer exclusively to international abductions from and to countries that have ratified the 1980 Hague Convention and in which the Central Authorities were involved.

<sup>52</sup> The data provided by the Ministry of Foreign Affairs ([http://www.esteri.it/mae/it/sala\\_stampa/pubblicazioni/annuario\\_statistico/riepilogo\\_annuario.html](http://www.esteri.it/mae/it/sala_stampa/pubblicazioni/annuario_statistico/riepilogo_annuario.html)) reveal that the number of cases is growing each year – from 58 in 2011 to 84 in 2015.



**The CRC Group, therefore, recommends that:**

1. **Parliament** formally redefine the crime of international child abduction, which currently comes under Art. 574 bis of the Criminal Code;
2. **The Government** bolster the Inter-Ministerial Task Force on International Child Abduction, giving it the powers and status of an authentic institutional body;
3. **The Government** improve border controls to prevent children from being abducted, even where there exists a court order forbidding them to leave the country and the withdrawal of consent has been communicated by the Questure and Consulates.

## 6. Measures to protect the children of incarcerated parents and young children residing with their mothers in prison

*CRC/C/ITA/CO/3-4, 31, paragraph 56*

**Law 62/2011** establishes that custodial sentences should not be imposed on mothers with children up to 6 years of age (except under exceptional circumstances), but this has not prevented young children from being present in prison nurseries, despite the existence of alternative measures, such as *protected family homes*. At worst, mothers should be incarcerated in an ICAM (Attenuated Custody Institute for Mothers).

**Law 103/2017** could turn out to be a reform of historic importance as the implementing decrees could contain innovative measures regarding parents and children.

### Children residing with incarcerated mothers

On 27 June 2017, there were 30 children and 28 mothers (mostly foreigners) in nursery units (15 in 2017) and 27 children and 20 mothers in 4 ICAM (Milan, Venice, Turin and Lauro).

2016 witnessed the introduction of women with young children being held in **protected family homes** (of which there are currently two – in Rome and Milan) **as an alternative measure to custodial sentences**. There is an obstacle of a financial nature to the creation of new protected family homes as the cost of these homes must be fully borne by local authorities.

### Children's visits to parents in prison

Data provided by the Department of Prison Administration (DAP) reveal that far greater attention is now being paid to ensure that children are given sufficient visiting time, with the spaces in which the visits take place now much larger and better equipped.

Between 2015-16 the regional prison administrations were encouraged to start **training programmes for prison staff** related to the presence of children in prisons. Only 17% of prison facilities currently have a **code of conduct** that staff must follow during prison visits by children.

**The CRC Group, therefore, recommends that:**

1. **The Government** plan the closure of nursery units in prisons; allocate part of the resources earmarked for the ICAM (eliminating the relevant article in the Prison Regulations) to local authorities for the creation of protected family homes; ensure that, even where children are resident in ICAM, they are always guaranteed the right to attend an outside nursery.

# Chapter VI

## HEALTH, DISABILITY AND BASIC SERVICES

### 1. Informed consent

In Italy there is still no precise legislation to indicate the basic principles and correct ways of informing children about treatment they may require and how they can express their consent/dissent.

**The CRC Group, therefore, recommends that:**

1. **The Government** draw up guidelines for health matters to enable children to express their opinion as regards health choices affecting them.

### 2. Prevention and prevention services

*CRC/C/ITA/CO/3-4, paragraph 48, sub-paragraphs a), b), c) and d)*

#### PREGNANCY

There are no available data on the food habits of women before and during pregnancy.

The **Guidelines for the promotion and improvement of the quality, safety and appropriateness of health care interventions during pregnancy and for a reduction in Cesarean births**, adopted in the State-Regions Agreement in December 2010, contain ten actions whose implementation has been monitored by the Ministry of Health. The latest report<sup>53</sup> revealed that much still needs to be done for the agreement to be fully implemented. **An updated analysis is available for every Region.**

The report highlighted **the enormous differences**

**between Regions.** For example, despite the indications provided in the 2000 Ministerial Decree “Maternal and Child Health Project” (POMI),<sup>54</sup> inviting the Regions to organise emergency transport systems for both pregnant women (STAM) and newborn children (STEN), only 16 out of 21 Regions had set up a complete STAM service. Lombardy, Trento, Friuli Venezia Giulia, Campania and Sardinia only had a service for the maternity clinics rather than a complete service. According to the 2014 “Certificate of Delivery Assistance” report (**Cedap – Certificato di assistenza al parto**), the percentage of women who go for their **first visit** after the first trimester of pregnancy is higher among foreign women (11.5%) and Italian women with a low level of education (10.6%).

#### BIRTH

There is an unresolved issue regarding the requirements for the quality and appropriateness of the services provided in **Maternity Centres**. Cedap data for 2014 reveal that **133 out of 513 (i.e. 26%) of the centres have fewer than 500 births per year**, the safety threshold for both pregnant women and their children according to the WHO. Some Regions, such as Lombardy (70), Campania (66) and Sicily (56), have **a very high number of maternity centres**, but what is most striking is the **number of maternity centres with less than 500 births per year**. The data reveal that one in four of these centres should be closed down or made safer (exemptions exist for maternity centres with less than 500 births per year in isolated areas).

<sup>53</sup> Report published in 2015 on monitoring up to 31 December 2014: “Implementation of the actions contained in the Agreement of 16 December 2010”.

<sup>54</sup> Ministerial Decree, 24 April 2000, POMI – “Adozione del Progetto Obiettivo Materno-Infantile relativo al Piano Sanitario Nazionale per il triennio 1998-2000”.



The percentage of Cesarean births is still very high: **35% in 2014** (36.7% in 2011), with enormous regional differences. Campania ranks first in mainland Italy (60.5%), while Tuscany has the lowest number of Cesarean births (21.7%).

### POSTNATAL CARE

The “Essential Levels of Services” (LEA) identify the **home visits** carried out by trained carers as an important factor of protection, above all when provided for specific categories (such as “fragile” families). Despite this, local health authorities have invested very little in these community health workers.

### NEWBORN SCREENING

Article 6 of Framework Law 104/1992 introduced newborn screening in Italy for three diseases: congenital hypothyroidism, cystic fibrosis and phenylketonuria.<sup>55</sup>

**Extensive screening (SNE)** makes it possible to identify the presence at birth of a large number of hereditary metabolic diseases in addition to the three diseases for which screening is compulsory.<sup>1</sup> So far, SNE has only been employed systematically in a few parts of Italy. It is estimated that in 2013 around one third of newborn babies underwent extensive screening. The 2014 Stability Law<sup>56</sup> allocated € 5 million and the 2015 Stability Law an additional € 5 million. In 2016 SNE was officially included in the new Essential Levels of Services (LEA), with sufficient funding to make extensive screening compulsory throughout the country.

55 This compulsory screening is regulated by Prime Ministerial Decree 9 July 1999, Ministry of Health, 2017.

56 Law 147/2013.

### VACCINATIONS

**Between 2011-2016 the percentage of two-year-old babies who had been given compulsory vaccinations fell in Italy** from 96.1% to 93.3%, while vaccinations for measles, mumps and rubella fell from 90% to around 87%, with this downward trend registered in all Regions.<sup>57</sup> These percentages are well below the 95% safety threshold recommended by the World Health Organisation to protect members of a given population from contracting certain diseases and interrupting the circulation of pathogens (herd immunity).

The Ministry of Health released a **circular dated 16 August 2017** with the first guidelines on how to implement Law 119/2017, making it compulsory for children aged 0-16 attending school to be vaccinated against the following diseases: diphtheria, tetanus, whooping cough, polio, hepatitis B, *Haemophilus influenzae* type b, measles, mumps, rubella and chickenpox.

Parents have very little freedom of choice as regards vaccinations as nursery schools cannot accept children who have not been vaccinated against a specific list of diseases.

An effort should now be made to **shift from a culture of compulsory vaccinations to a culture of awareness**, promoting general information and awareness campaigns.

**The CRC Group, therefore, recommends that:**

- 1. The Government** ensure the full implementation of all the actions contained in the National Prevention Plan for children aged 0-14;
- 2. All Regions** offer the full emergency

57 Ministry of Health data at: [http://www.salute.gov.it/portale/documentazione/p6\\_2\\_8\\_3\\_1.jsp?lingua=italiano&id=20](http://www.salute.gov.it/portale/documentazione/p6_2_8_3_1.jsp?lingua=italiano&id=20).



transport service for pregnant women (STAM) and newborn children (STEN), and order the reorganisation and reduction of regional maternity centres.

### 3. The environment and child health.

**The number of vehicles in Italy is continuing to rise**, growing by 21% between 2000-2015, with currently 614 vehicles per 1000 inhabitants.<sup>58</sup> Almost 80% of public spaces in cities is taken up by roads or parking spaces, with very little space left for pedestrians and cyclists.<sup>59</sup>

The air pollution caused by traffic also explains the **air pollution inside buildings. The presence of pollutants inside** homes, classrooms and other school buildings is not just the result of outdoor pollution, however – it is also due to structural features of school buildings and the presence of potential sources of pollution, such as furnishings, building materials and substances used in cleaning and maintenance work.<sup>60</sup> The exposure to harmful chemical substances, in particular to substances used in farming, remains a concern.<sup>61</sup>

#### The CRC Group, therefore, recommends that:

- 1. The Government** increase its efforts to reduce private transport and promote safe walking environments for children; monitor the application of the Guidelines for the protection and promotion of health in the surrounding environments;

### 4. Breastfeeding

*CRC/C/ITA/CO/3-4, paragraph 50*

The Government still needs to do more to ensure exclusive breastfeeding during the first six months through awareness raising campaigns and training. It also needs to strengthen the monitoring of marketing regulations relating to food for infants and also feeding bottles and teats, periodically monitoring legislation and checking for any violations of the International Code of Marketing of Breast-milk Substitutes.<sup>62</sup> The 2014-18 National Prevention Plan **requires all Regions to monitor the data on feeding at birth and at 6 months.** Despite the fact that every Region has adopted a Regional Prevention Plan (PRP), their implementation has been very uneven.<sup>63</sup>

#### The CRC Group, therefore, recommends that:

- 1. The Government** fully implement the national guidelines on the protection, promotion and support of breastfeeding, including monitoring the rates of breastfeeding nationally;
- 2. The Government** be more vigilant as regards the contents of programmes about the feeding of infants and ensure these programmes comply with Ministerial guidelines.

### 5. Health and health care services, above all in the field of primary medical care

*CRC/C/ITA/CO/3-4, paragraph 48, sub-*

58 ACI - the Italian Automobile Club, *Annuario statistico 2016*.

59 European Environment Agency, *SIGNALS 2016 – Towards clean and smart mobility*: <https://www.eea.europa.eu/signals/signals-2016>.

60 SEARCH, *School Environment and Respiratory Health of Children*: <http://search.rec.org/search1/index.html>.

61 ISPRA, *Rapporto nazionale pesticidi nelle acque*, 2016.

62 [http://www.who.int/nutrition/publications/code\\_english.pdf](http://www.who.int/nutrition/publications/code_english.pdf)

63 <http://www.funzionepubblica.gov.it/articolo/dipartimento/03-02-2017/direttiva-del-ministro-la-semplificazione-e-la-pubblica>





paragraphs a), b), and c)

There are still enormous regional differences in both access to and the quality of health care services in Italy. The infant mortality rate fell from 3.3‰ in 2011 to 3.1‰ in 2014, but with distinct regional differences (higher in southern Italy, with Calabria the highest at 4.7‰). “Regional health migration” is still an important phenomenon, passing from 8.5% in 2011 to 8.3% in 2015, which is partially explained by the presence of centres of excellence in certain Regions, but is also due to the poor organisation of health care services in other Regions. In general, there is a large movement from southern Italy, above all Calabria and Campania, towards central and northern Italy.

**Family paediatricians** are the main point of reference. **Health care districts** and their health care structures, such as **family centres** and **vaccination centres**, are the other main points of reference for primary care and are present throughout Italy, although the way in which the services are run varies greatly from one part of the country to another.

### THE NEW LEA FOR CHILDHOOD SERVICES

The definition of the new LEA, which were finally updated after 16 years, requires the creation of a **special Commission**,<sup>64</sup> which every year will have to submit recommendations for changes to the National Health Services. This hopefully means that it will no longer take so long to redefine the services provided in line with the population’s needs.

**The CRC Group, therefore, recommends that:**

- 1. The Government** periodically check that health care services provided throughout the country are in line with the new LEA in order to prevent regional disparities in the access to and quality of the services; and periodically readjust the LEA.

## 6. Mental health

*CRC/C/ITA/CO/3-4, paragraph 52*

The continuing **absence of a comprehensive system to monitor the mental health of children** and the state of the services and initiatives offered in this field are a major concern, making it impossible to describe, monitor and adequately plan any interventions.

Although appropriate regulations have been introduced, the necessary funding has not been allocated and regional operational guidelines have not been drawn up. As a result, there are still some Regions<sup>65</sup> in which there are no local mental health services and/or there is a severe shortage of trained staff.

Between 2011-2016, the number of children treated for neuropsychiatric disorders increased by 40-45%, with an average annual growth rate of 7%.<sup>66</sup> This included both neurodevelopmental and psychiatric disorders. Between 6-8% of the child population now make use of child neuropsychiatric services (NPIA),<sup>67</sup> but in some Regions the figure is below 4%. Even in the best situations only 1 in 2 children managed to access the services and 1 in 3 to receive the

<sup>65</sup> Including Calabria, Campania, Liguria, Puglia and Sardinia.

<sup>66</sup> Data provided by the regional information systems of Piedmont, Emilia-Romagna, Lombardy, Tuscany and the Veneto.

<sup>67</sup> *Ibid.*

<sup>64</sup> Created by Ministerial Decree on 19 January 2017 and operational since 10 May 2017.



32 treatment they require.<sup>68</sup> Families are, therefore, forced to seek treatment either privately or far from home, with important emotional, practical and economic consequences.

Psychopathological disorders and full-blown psychiatric pathologies tend to be the most neglected,<sup>69</sup> both in terms of early diagnosis and the handling of acute psychiatric disorders during adolescence, when the clinical outlook is particularly critical.<sup>70</sup>

Of the 325 NPIA beds currently available, only 79 are for acute psychiatric disorders. This means that only one third of child patients are placed in a children's neuropsychiatric unit, while all the others are hospitalised in inappropriate settings, above all in adult psychiatric wards.<sup>71</sup>

The number of places available in residential treatment centres is also totally inadequate (around 600 beds nationally, with an annual increase of around 10% in the number of patients hosted) and these centres have a shortage of above all semi-residential structures, which are fundamental for the intensive care necessary during pre-and post-acute psychiatric disorders during adolescence.

68 Chiarotti, F. – Ambrosio, V. – Cordella, D. – Venerosi, A. (2017), "Offerta sanitaria e sociosanitaria per bambini e adolescenti con disturbi dello spettro autistico in Italia", in *Rapporti ISTISAN*, 17/16, pag. 16-55, [http://www.iss.it/binary/publ/cont/17\\_16\\_web.pdf](http://www.iss.it/binary/publ/cont/17_16_web.pdf); "Lo stato dei servizi di Neuropsichiatria dell'Infanzia e Adolescenza 2016": [http://www.sinpia.eu/appello\\_NPIA.pdf](http://www.sinpia.eu/appello_NPIA.pdf).

69 1 in 2 children with a learning disorder managed to access NPIA services compared to 1 in 4 with psychiatric disorders (see the regional reports mentioned).

70 "Lo stato dei servizi di Neuropsichiatria dell'Infanzia e Adolescenza 2016": [http://www.sinpia.eu/appello\\_NPIA.pdf](http://www.sinpia.eu/appello_NPIA.pdf).

71 In 2015, 20% of preadolescents and adolescents hospitalised nationally with a psychiatric diagnosis were hospitalised in adult psychiatric units, with the number growing by 45% between 2004-2015 (Ministry of Health data).

#### The CRC Group, therefore, recommends that:

1. **The Government** ensure, through adequate funding, the presence throughout the country of a standardised, integrated system of child and adolescent neuropsychiatric services that functions efficiently together with paediatricians and other professional figures;
2. **The Government** set up a suitable monitoring system for children's and adolescent's mental health, the state of the mental health services, and the diagnosis and treatment of neuropsychiatric disorders among children aged 0-18.

## 7. Children and psychoactive substance abuse and dependence

*CRC/C/ITA/CO/3-4, paragraph 54*

### Illegal psychoactive substances

Many adolescents and young people underestimate the dangers of the substances they consume. ISTAT hospital discharge data relating to primary and/or secondary diagnosis of drug-related disorders, reveal that there has been a large increase in the number of children – up to 15 years of age +37.5% and 15-17 +65% (overall +58%). The percentage increase in minors between 2013-2015 was 24%.<sup>72</sup>

It is clear that prevention is needed, but it is difficult to get all the different actors involved to work together and adopt a global approach.

72 2017 annual report to Parliament on drug addiction in Italy.



## TOBACCO

There has been a **drop in the number of smokers aged 15-24** since 2009 (**down from 19.9% to 16.2%**). There has been a worrying increase, however, in **the number of women who smoke and the age at which they start**: 12.2% before 15 years, 41.5% between 15-17 and 28.9% between 18-20. The **number of cigarettes very young people smoke a day** has also increased (from 10-15 to more than 20).

## INTERNET DEPENDENCE

Internet dependence can now be considered a true pathology – the “Internet Addiction Disorder”. The most worrying element is the vertiginous fall in the average age of users of chat rooms and social networks, who are mainly adolescents and children aged 10-12. This is because this dependence is mainly acquired using **a smartphone**. Cybersex addiction, net-gambling, e-commerce and online shopping have become widespread and difficult to contain. It is clear, therefore, that there is a need for an active collaboration between all those involved – families, schools, institutions and government. There is a growing tendency, particularly among adolescents, to be constantly online. The problem is not just the time spent surfing the Internet, but, more importantly, the tendency for online relationships to become more important than real-life relationships, trapping children in a social withdrawal with serious consequences.

**The CRC Group, therefore, recommends that:**

- 1. The Government** promote information campaigns on the harm caused by psychotropic substances, smoking and Internet addiction, and introduce specific educational support aimed at adolescents;
- 2. The Government** fully implement the memorandum of understanding “*For the safeguarding of the right to health, education and inclusion*”, in particular the section “Prevention of addiction to controlled substances and behavioural addictions”;

## 8. Children, health and disability

*CRC/C/ITA/CO/3-4, paragraph 46*

**Italy lacks an inclusive vision of children with disabilities.**<sup>73</sup> The approach adopted continues to be based on specific health and social care measures related to the type of disability.<sup>74</sup>

The **first Two-year Programme of Action for the promotion of the rights and the integration of persons with disabilities** mentioned in the Government Report has not produced any tangible results.<sup>75</sup>

**The action taken so far to raise awareness has been totally inadequate**, with little or nothing achieved. Moreover, there have been no national campaigns to combat gender discrimination or abuse and violence against persons

<sup>73</sup> CRC/C/GC/9, § 5.

<sup>74</sup> CRC/C/ITA/CO/3-4, 45.

<sup>75</sup> See the Handylex analysis [http://www.handylex.org/gun/programma\\_azione\\_disabilita\\_2013\\_2015\\_il\\_punto.shtml](http://www.handylex.org/gun/programma_azione_disabilita_2013_2015_il_punto.shtml), which received the backing of the National Observatory on the condition of persons with disabilities in October 2016.



34 with disabilities.

Health, disability and basic services

Italy is also considerably behind as regards **the collection of data. The only reliable data on children with disabilities continues to be the data collected when children are enrolled at school.** There is no information on the incidence of disabilities, the causes of perinatal disabilities or other clinical events that can result in a disability. Moreover, there is no information on the geographical distribution of children with disabilities, their demographic data or the socio-economic indicators of the population aged 0-5.<sup>76</sup> **The official statistics** on the number of people with disabilities aged 6 and over living with their families, presented to the CRPD Committee,<sup>77</sup> are out of date (2004) and do not include institutionalised children or those with intellectual and psycho-social disabilities.

There is also a lack of data regarding **children with disabilities who are being cared for outside of the family.**

It is not possible to extrapolate any data regarding the pairing of disability and poverty among children with disabilities from the data on child poverty. With regard to health and disability, **nothing has been done to overcome the disparities in the quality of care between Regions** to ensure that the appropriate Essential Levels of Services (LEA) are provided. This results in a migration from south to north to find health and social care services that ensure an early diagnosis and response in terms of treatment, support and programmes to assist children in their life project and the transition from childhood to adult life. This phenomenon

is well-known<sup>78</sup> and has repeatedly been denounced,<sup>79</sup> though never monitored.

Leave and other benefits provided to parents by Law 104/92 highlight yet again the idea that the family is responsible for children with disabilities and does not offer any services to enable mother caregivers to also have a job.

**The CRC Group, therefore, recommends that:**

- 1. The Government** introduce without further delay a system to collect data and statistics that includes children with disabilities aged 0-5; force the Regions that have not yet done so to define and approve the Essential Levels of Services in order to reduce the differences in care provided by the Regions; and implement everything contained in the Two-Year Action Programme regarding children with disabilities.

## 9. Access to health care services for foreign children

*CRC/C/ITA/CO/3-4, paragraph 48, sub-paragraph e)*

In Italy, where there is now a stable immigrant population, most **migrant children** live in northern Italy<sup>80</sup> and have **a health profile** that is greatly conditioned by their specific migration story, their social integration and their interaction with the health care services in terms of access and efficiency.

**Health care for pregnant women and newborns** is still an area of great concern. Despite a grad-

76 <http://www.camera.it/temi/2015/02/25/OCD177-979.pdf>.

77 CRPD/C/ITA/1.

78 [https://www.salute.gov.it/imgs/C\\_17\\_pubblicazioni\\_999\\_allegato.pdf](https://www.salute.gov.it/imgs/C_17_pubblicazioni_999_allegato.pdf) pag.14-15.

79 <http://www.rifday.it/2017/03/08/migrazione-sanitaria-anno-750-mila-ricoveri-regione/>.

80 ISTAT 2017.



ual fall in the number of voluntary terminations of pregnancy,<sup>81</sup> there is a greater risk of stillbirths and preterm births, and higher rates of both fetal macrosomia and very low birth-weights among immigrant women compared to Italian women.<sup>82</sup> The data concerning hospital admissions of foreign children reveal similar diseases to Italian children, which are mainly related to social disadvantage. Moreover, hospital admissions of foreign children with undocumented parents have a higher average weight than those of both Italian children and foreign children who are regularly resident, which highlights the need for care by a **Family Paediatrician** (Pdf) also for the first group.<sup>83</sup> The **2012 State-Regions Agreement**<sup>84</sup> has only been implemented by some Regions, but an important step forward has been the publication of the **new Essential Levels of Services (LEA)**,<sup>85</sup> where it is stated that “*foreign children in the national territory who have not entered the country regularly and are not regularly resident are enrolled with the National Health Service and are entitled to the same health care as Italian citizens,*” including being registered with a family paediatrician. The Decree excludes, however, children of European parents not registered with the National Health Service in situations of fragility (ENI). Upon turning seven, **the exemption from national**

**health contributions** is removed not only for undocumented foreign children enrolled with the National Health Service, but also for ENI, unaccompanied foreign minors and, two months after submitting their application,<sup>86</sup> foreign children, both accompanied and unaccompanied, applying for international protection. Not being exempted from prescription and other medical charges encourages these children not to register with the National Health Service, thereby increasing their use of A&E services instead of the normal health care services.

**The CRC Group, therefore, recommends that:**

- 1. The Government** define in practical terms a way in which the new LEA can be fully available throughout the country for foreign children enrolled in the National Health System, irrespective of their administrative status; extend this opportunity to EU children with an ENI code and create a single exemption code for children in situations of fragility.

81 Report of the Minister of Health on the implementation of Law 194/78 containing regulations regarding the social protection of maternity and voluntary termination of pregnancy. Definitive data 2014-2015.

82 Regione Emilia-Romagna: “La nascita in Emilia-Romagna”, 13° Rapporto sui dati del Certificato di Assistenza al Parto (Cedap), Anno 2015. Report ISTAT “Natalità e fecondità della popolazione residente”, del 28/11/2016.

83 Carletti, P. – De Giacomi, G.V. (2014), “Cosa sappiamo sui costi dell’assistenza sanitaria agli immigrati?”, in *Quotidiano Sanità*, 6 March.

84 Rep. Atti n. 255/CSR, G.U. n. 32 del 07/02/2013 – Suppl. Ordinario n. 9.

85 Nuovi Livelli Essenziali di Assistenza (LEA) in Gazzetta Ufficiale n. 65 (Suppl. Ordinario n. 15):

86 Legislative Decree 142/2015.



# Chapter VII

## EDUCATION, PLAY AND CULTURAL ACTIVITIES

### 1. Early childhood education and care

Early childhood education and care for children before compulsory school age is split into two segments – for children 0-3 years old and children 3-6 years old – and is characterised by enormous differences. With 93.2% of 4-year-olds participating in early childhood education, the EU target of 95% is close to being achieved, but the target of 33% of under 3-year-olds is only approached in Central and Northern Italy (the North-West 27.4%, the North-East 28.4% and the Centre 29.2%), with Southern Italy a long way off (the South 10.1% and the Islands 14.5%). Legislative Decree 65/2017 is aimed at providing similar standards throughout the country, joining together the two segments and upgrading the entire early childhood education and care system by requiring university qualifications and continuing professional education for all educators and teachers, the creation of local pedagogical coordination structures and the drafting of pedagogical guidelines for the entire system. For the implementation of the decree, € 209 million was allocated for 2017, € 224 million for 2018 and € 239 million per year as of 2019. It will be necessary to monitor the implementation of this law to assess its impact.

The CRC Group, therefore, recommends that:

1. The **Government** urgently create a steering body at the Ministry of Education and introduce procedures of collaboration with the Regions and local government;
2. **Regions** adapt their regulations by establishing similar structural, organisational and qualitative standards for education and care services for children under 3 throughout the country and promote local pedagogical coordination structures.

### 2. The right to education of children with disabilities

The number of students with disabilities has continued to grow since 2011 (+ 2.97%). Although the number of support teachers has increased accordingly,<sup>87</sup> this has not been matched by an improvement in the quality of the education provided. Indeed, in 2015-2016 almost 8% of families with students with disabilities appealed to the judicial authority.<sup>88</sup> Decree 66/2017 implementing the School Reform Law 107/2016 requires only one year of specialisation to become a support teacher in nursery, kindergarten and primary schools, while university credits on disability have not been increased for ordinary teachers. The basic levels of performance in early childhood education and care services for children with disabilities have not been defined. A series of problems remain unsolved: the regional differences in the assigning of support teachers; the early school leaving of

<sup>87</sup> Data provided by MIUR.

<sup>88</sup> ISTAT, *L'integrazione degli alunni con disabilità nelle scuole primarie e secondarie di primo grado, 2016* <https://www.istat.it/it/archivio/194622>



students with disabilities (2.7 % of students at primary school and 2.2% at secondary school); the lack of educational continuity;<sup>89</sup> low rates of participation in extracurricular activities; and accessibility problems, as only 50% of school buildings are equipped with accessible inside and outside routes, and only 3% with other special facilities.<sup>90</sup> In many Regions, special assistance and transport is no longer provided after the elimination of the Provinces.<sup>91</sup> There are also gender inequalities among students with disabilities, as 68.8% of students with disabilities are males, compared to 51.7% of males in the total school population. Foreign students with disabilities are increasing<sup>92</sup> and are faced by a lack of trained school staff, a shortage of cultural mediators specialised in disability issues and poor access to information for families.<sup>93</sup>

**The CRC Group, therefore, recommends that:**

- 1. The Government** ensure a sufficient number of specialised teachers in all schools, identify the necessary mechanisms to ensure educational continuity for students with disabilities, including by reviewing the criteria for access to support teachers, gender equality, participation in extracurricular activity, as well as access to early childhood education and care services, educational

89 According to the ISTAT report, “The integration of students with disabilities in primary and lower secondary schools, 2016”, in 2015/2016 16% of students with disabilities at primary school and 19% at lower secondary school changed their support teacher during the school year, while 42% and 36% respectively had changed their support teacher during the previous school year.

90 MIUR, National Register of School Buildings, August 2015.

91 Law 56/2014.

92 MIUR, statistical service.

93 Caldin R., Dainese R., L'incontro tra disabilità e migrazione a scuola in A.Canevaro, L. d'Alonzo, D. Ianes e R. Caldin, L'integrazione scolastica nella percezione degli insegnanti, Trento, Erickson, 2011, pp. 89-114.

pathways alternating school and work, modernise school buildings, ensuring the accessibility of schools, furniture and furnishings, teaching material and buildings, through the announced programme to make school buildings safe, paying attention also to indoor pollution, and to adopt measures that meet the complex needs of migrant children with disabilities.

### 3. The right to education of foreign children

A variety of regulations, guidelines, laws and resources have been introduced during the last few years to guarantee the right to education of foreign children, who totalled 814,851 during the 2015/2016 school year (9.2% of the student population).<sup>94</sup> From the data on these students' school careers, there are clearly problems as to their integration. While around 10.5% of Italian students are behind with their studies, the figure is 32.9% for foreign students.

**The CRC Group, therefore, recommends that:**

- 1. Parliament and the Government** increase funding for the education of foreign children and adopt permanent strategies and tools that can be employed in all schools throughout the country. Moreover, the level of schooling of children from Roma, Sinti

94 Data on foreign students during the 2015/2016 school year from MIUR, “Gli alunni stranieri nel sistema scolastico italiano – a.s. 2015/2016”, in *Statistica e Studi*, March 2017: <http://www.miur.gov.it>; Demaio, G. (2016), “La formazione scolastica e universitaria degli studenti con cittadinanza straniera in Italia”, in Centro Studi e Ricerche IDOS together with Confronti, *Dossier Statistico Immigrazione 2016*, Edizioni IDOS, Rome, pp. 203-210.



and Camminanti ethnic minorities is still a worrying phenomenon, with just 23,360 students enrolled at school during the 2015/2016 school year. It is, therefore, essential to recommend that the Government improve and monitor the implementation of the “National Strategy for the Inclusion of the Roma, Sinti and Camminanti 2012-2020” to boost the enrolment and scholastic success of these children.

#### 4. The administration of drugs and health care at school

It is still difficult to guarantee the administration of drugs during the school timetable throughout Italy, especially if trained staff are required in the case of an allergy, anaphylaxis or asthma attacks, given that allergic and respiratory diseases are now the main chronic condition in Italy among children aged 0-19.<sup>95</sup> A technical document was produced by the MIUR’s Joint National Committee for chronic diseases and the administration of drugs at school (CNP),<sup>96</sup> but following the numerous opinions expressed and amendments presented by various institutions and civil society, nobody knows what is happening with this document despite numerous requests for clarification.

<sup>95</sup> ISTAT, Health statistics/state of health/age group: 0-14=6.8%; 15-17=11.7%; 18-19=13.4%.

<sup>96</sup> This Joint National Committee was set up in 2012.

**The CRC Group, therefore, recommends that:**

1. **The Government** render the CNP operational once more and allow it to complete its mandate;
2. The **Government** and **Parliament** pass a national consolidated law containing the necessary guarantees regarding health prevention, continuity of care and the handling of emergencies at school.

#### 5. Early leaving from education and training

14.7% of 18-24-year-old Italians only have a lower secondary school qualification (2015 data) and are, therefore, early school leavers, as defined by the European Union.<sup>97</sup> Although there have been signs of improvement recently, the Italian educational system continues to lose large numbers of young people, especially between lower and upper secondary school, as the highest rates of leavers are recorded at 14-15 years of age. This situation is partly the result of public policies that have not been particularly efficient, but also of the lack of a National Register capable of integrating and making available – adopting an open data approach – up-to-date information on the exact situation of people of compulsory school age at school, in vocational training and in apprenticeships. The Government Report highlights

<sup>97</sup> This rate has been calculated using the European Union Early School Leavers indicator, which is the proportion of 18-24-year-olds who have obtained at most an ISCED 2 qualification (lower secondary school) and who are not engaged in any educational or training activities, out of the total 18-24-year-old population (source: ForzeLavoro ISTAT). The Early School Leavers indicator measures the phenomenon in relation to the past – not the current situation – and, therefore, “after the damage has been done”.



the recent attempt to improve cooperation between schools and the workplace, for example, by making it compulsory to alternate between school and work (Law 107/2015) and by making it possible to obtain an upper secondary school diploma through an apprenticeship (instead of just a professional qualification).<sup>98</sup> The first results of the monitoring of the implementation of study programmes alternating school and work<sup>99</sup> is that this is not happening enough and that there are difficulties in offering students worthwhile work experiences.

**The CRC Group, therefore, recommends that:**

1. **The Government** urgently complete the integration of the national student register and the regional registers to identify “in real time” children of compulsory school age who are not at school, not in vocational training and not in an apprenticeship;
2. **The Ministries of Education and Labour** (MIUR and MLPS) work together to provide coordinated policies and integrated interventions that will enable this dual approach to learning<sup>100</sup> to function efficiently and truly improve student competencies.

## 6. The right to safety in schools

The right to safety in schools has witnessed

<sup>98</sup> Legislative Decree 81/2015, implementing the so-called Jobs Act.

<sup>99</sup> During the first year of implementation of the reform (2015/2016 school year), FDV monitored the approaches introduced in 205 schools in 87 Provinces throughout Italy, collecting information relating to school programmes alternating school and work involving 34,000 students aged 16. The material is available in Italian at the link: <http://www.fondazionedivittorio.it/it/monitoraggio-delle-esperienze-alternanza-scuola-lavoro-nelle-scuole-italiane>.

<sup>100</sup> Reference is made exclusively to the vocational training model alternating school and work. Cf. <http://www.sistemaduale.anpal.gov.it/Pagine/default.aspx>

an unprecedented commitment on the part of the Government since 2014, above all in terms of Government funding.<sup>101</sup> Between 2014-2017, more than € 4.7 billion was paid out to local authorities for work on school buildings, with 5,659 building projects already completed and a further 7,235 currently underway. The situation regarding the safety of Italian schools is still, nevertheless, dramatic.<sup>102</sup> 15% of schools are structurally damaged, maintenance is totally inadequate in 1 in 6 schools and only 5% are in an excellent state of repair. 81% of school managers have asked for maintenance work to be carried out on their schools, with nothing being done in 1 in 4 cases; and 1 in 4 schools have asked for structural work to be carried out, but in 1 in 3 cases this has not been done. A “sentinel” event (i.e. something that has highlighted the poor state of school buildings in Italy) is the numerous episodes of ceilings that have collapsed (112 between 2014-2016).

**The CRC Group, therefore, recommends that:**

1. **The Government** speed up its work on the register of school buildings and ensure citizens have access to the register; that Municipalities undertake to ensure that all Municipalities first insert and then constantly update the data in this register, supporting those bodies responsible for the upkeep of schools that are in difficulty due to the large number of school buildings and/or because of a lack of human and technical resources.

<sup>101</sup> Source: [http://www.istruzione.it/edilizia\\_scolastica/index.shtml?pk\\_vid=095aea86ed443d251498486077a62ca6](http://www.istruzione.it/edilizia_scolastica/index.shtml?pk_vid=095aea86ed443d251498486077a62ca6).

<sup>102</sup> Source: Cittadinanzattiva, *XIV Rapporto “Sicurezza, qualità, accessibilità a scuola”*, Franco Angeli, 2016.



## 7. Violence at school

Bullying and cyber bullying are the two main phenomena nowadays as regards violence at school. Research on these phenomena<sup>103</sup> reveals that the school setting (and relationships that are formed there) is the setting in which bullying primarily occurs, but it is also the setting in which action can be taken to prevent the phenomenon. In a survey carried out in January 2017,<sup>104</sup> 1 in 10 children interviewed reported that they had been a victim of cyber bullying and 21% of these had friends who had also been victims. The average age at which children start using a smartphone is constantly falling and is now around 11 years 6 months. Two positive developments have been the publication by MIUR of the *Guidelines on action to combat bullying and cyber bullying*<sup>105</sup> in the *National Plan for the prevention of bullying and cyber bullying at school 2016/2017*<sup>106</sup> and the passing of Law 71/2017 “Measures for the prevention and combating of the phenomenon of cyber bullying to protect minors.”<sup>107</sup>

103 IPSOS – Save the Children – Safer Internet Day Study, *Il consenso in ambiente digitale: percezione e consapevolezza tra gli adulti e tra gli adolescenti*, 2017 The material is available in Italian at the link: <https://www.savethechildren.it/blog-notizie/ragazzi-e-adulti-sempre-pi%C3%B9-connessi-ma-meno-consapevoli-delle-azioni-online>.

104 *Ibidem*.

105 Presented 13 April 2015, <http://hubmiur.pubblica.istruzione.it/web/ministero/focus130415>.

106 Source: [http://www.istruzione.it/allegati/2016/Piano\\_azioni\\_definitivo.pdf](http://www.istruzione.it/allegati/2016/Piano_azioni_definitivo.pdf).

107 Source: <http://www.gazzettaufficiale.it/eli/id/2017/06/03/17G00085/sg>.

**The CRC Group, therefore, recommends that:**

- 1. The Government** create a body to coordinate the various actions and different parties involved, and introduce an evaluation system capable of judging the efficacy of the interventions, which is of particular importance given the short time span for funding of the actions (2017-2019); and, pursuant to Law 71/2017, create an integrated Action Plan to combat and prevent cyber bullying.

## 8. Human rights education

Human rights education is of fundamental importance also in relation to education on respect for the law, given the existence of several regions with high crime rates related to organised crime. Human rights education is not yet compulsory in school curricula, however.

**The CRC Group, therefore, recommends that:**

- 1. The Government** make human rights education compulsory in the new national guidelines for school curricula at every level in all schools, specifying the contents.

## 9. The right to play and culture

Italy lacks a true “culture” on and of play, in addition to which there is a lack of sufficient public funding for projects developed by third-sector organisations that base their activities on the promotion and practice of play.





**The CRC Group, therefore, recommends that:**

- 1. The Government** translate and disseminate GC no. 17, start monitoring opportunities for play and add the good practices of play to the ISTAT indicators.

to organise sports activities for young children/adolescents with medical conditions.

## 10. Sport, movement and education

There is a general lack of a culture of corporeality in the sports system, which is still closely linked to models focusing primarily on performance. More specifically, there is a lack of training among teachers, scant promotion of the culture of play and the right to sport for all children, an effective discrimination against children with disabilities, children of foreign origin and children with certain medical conditions, and an extra financial burden on families.<sup>108</sup>

**The CRC Group, therefore, recommends that:**

- 1. The Government** appoint teachers with a degree in sports sciences, making them part of the permanent members of staff from primary school upwards, encourage collaboration with local sports associations, increase the number of hours of physical activity, and encourage teachers at all levels in all schools to obtain qualifications regarding physical education and active lifestyles, as well as learning how

<sup>108</sup> The Balduzzi Decree (<http://www.gazzettaufficiale.it/eli/id/2013/07/20/13A06313/sg>) mentions the need for students to have a medical certificate issued by a qualified sports doctor to be able to practise a sport at school, even when played solely for fun and as a form of exercise. The certificate must be paid for privately.

# Chapter VIII

## SPECIAL PROTECTION MEASURES

### 1. Unaccompanied migrant minors: the right to protection and assistance

Between 1 January 2011 and 31 December 2017 **103,274 minors** arrived in Italy by sea, 78,451 of whom (76%) were unaccompanied. In absolute terms, there was a six-fold increase in the number of unaccompanied minors (UAMs) arriving. In terms of **nationality**, there was an increase in the number of minors from Eritrea, Gambia and Egypt, with a large increase in the number of UAMs, including girls, from Nigeria.<sup>109</sup>

There were 17,373 UAMs present in reception facilities in 2016, while a further 6,561 UAMs had disappeared. These are mainly Egyptians, but there are also many Somalis and Eritreans, the so-called “**minors in transit**”, on their way to other European countries. It should be highlighted that the procedures for both their **relocation**<sup>110</sup> and family reunification under the Dublin III Regulation<sup>111</sup> are still too long and complicated, with the result that as of 31 December 2017 only 99 UAMs had been relocated from Italy to other EU Member States since the introduction of the procedures.<sup>112</sup>

The passing of Law 47/2017 was undoubtedly a positive development. There are still practical concerns, however, regarding in particular the serious shortage of places in the reception system.

Faced by more than 17,000 UAMs in December 2016, there were just 2,000 available places in Government initial reception centres and SPRAR centres.<sup>113</sup> This shortage of available places means that responsibility for providing assistance to these minors is borne by the Municipalities and Prefectures where they are located. This mechanism also gives rise to a disproportionate **concentration of reception facilities in the Regions in which these minors land**.<sup>114</sup>

An important new element introduced by Law 47/2017 was the standardisation of the **identification and age assessment processes for UAMs, involving a multidisciplinary approach**. Unfortunately, however, these regulations are frequently disregarded.

This new law also contains a provision for the creation of a **national database** to store children’s “social care records”. Moreover, it states that each juvenile court must have a **list of “volunteer guardians”** available to act on behalf of UAMs to ensure they have a suitably trained adult figure of reference.

A key element restricting the transfer of UAMs from their point of arrival to residential communities in different parts of the country is **the lack of coordination and supervision at a national level** capable of providing the Prefectures in the Municipalities where the UAMs land with up-to-date information on the availability of places outside the SPRAR system and government first reception centres.

109 Source: Ministry of the Interior.

110 People in clear need of international protection belonging to nationalities that have obtained a rate of recognition of international protection equal to or greater than 75% according to Eurostat data can be relocated from Italy, Greece and Hungary to other Member States.

111 EU Regulation 604/2013.

112 Data from the Ministry of the Interior, *Cruscotto statistico giornaliero*, updated to 1 December 2017. [http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto\\_statistico\\_giornaliero\\_31-12-2017.pdf](http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31-12-2017.pdf)

113 Parliamentary committee of inquiry on the reception system, *Relazione sul sistema di protezione e di accoglienza dei minori stranieri non accompagnati in Italia*, op. cit., pp. 51-52.

114 Directorate General of the Ministry of Labour and Social Policies responsible for immigration, *Report mensile minori stranieri non accompagnati (MSNA) in Italia* (data as at 31 December 2017).



**The CRC Group, therefore, recommends that:**

- 1. The Government** ascertain Law 47/2017 is fully implemented to ensure the protection of UAMs and guarantee their rights are respected throughout their stay in Italy, as well as promoting their social inclusion;
- 2. The Government** streamline the procedures for the reunification of UAMs in transit through Italy with their families who are residing in other Member States pursuant to the Dublin Regulation and ensure the Regulation is applied correctly;

## 2. Children belonging to ethnic minorities: Roma and Sinti children

According to the fact-finding report on the situation of the Roma, Sinti and Camminanti populations in Italy, **60% are under 18 years of age**.<sup>115</sup>

Five years after the adoption of the **National Strategy for the Inclusion of the Roma, Sinti and Camminanti (SNIR)**,<sup>116</sup> there is growing agreement about the need to urgently implement truly inclusive policies and, above all, finally end the so-called “Nomad camp” approach. There remain, however, many unanswered questions as to how this can be achieved.

There continue to be **forced evictions** of Roma communities from the informal camps in which

they live.<sup>117</sup> Children continue to suffer the most evident consequences of these forced evictions, above all in terms of the impact on their education and social inclusion.<sup>118</sup>

It was not possible to obtain data on the enrolment and attendance of Roma and Sinti children for the 2015-2016 school year (unlike the previous school year). However, the 2014-2015 ISMU report<sup>119</sup> states that 12,437 Roma children were enrolled at school. Given that the Roma and Sinti populations are estimated to total between 120,000 and 180,000 and that more than half are children,<sup>120</sup> the ISMU data on school enrolments merely quantifies the number of Roma children living in formal and informal camps.<sup>121</sup>

**The CRC Group, therefore, recommends that:**

- 1. The Government** demand a speedy and effective implementation of the National Strategy of Inclusion, through the introduction of effective measures at a local level, in particular by promoting the housing desegregation of Roma and Sinti communities, and immediately end forced evictions throughout the country;
- 2. The Government** ban the use of different ethnic-based assessment criteria, promoting inclusive policies also by improving the training given to school teachers and other school staff;

115 Cf. the Italian Senate’s special committee for the protection and promotion of human rights, *Rapporto Conclusivo dell’indagine sulla condizione di Rom, Sinti e Caminanti in Italia*, 9 February 2011, pp. 19 and 45.

116 Cf. SNIR: [http://ec.europa.eu/justice/discrimination/files/roma\\_italy\\_strategy\\_it.pdf](http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_it.pdf).

117 Cf. Associazione 21 luglio, *Rapporto Annuale 2016*, pp. 30-36.

118 See also: CESCR, *Osservazioni Conclusive sul quinto Rapporto Periodico dell’Italia*, October 2015.

119 MIUR, *Gli alunni stranieri nel sistema scolastico italiano*, October 2015.

120 Cf. the Italian Senate’s special committee for the protection and promotion of human rights, *Rapporto Conclusivo dell’indagine sulla condizione di Rom, Sinti e Caminanti in Italia*, *op. cit.*, pp. 19 and 45.

121 According to Associazione 21 luglio, there are 28,000 Roma and Sinti people living in emergency housing in Italy. See: *Rapporto Annuale 2016*.



### 3. Children held in detention or subjected to alternative measures

A number of important changes have been made to the Juvenile Justice System since 2011, but it is still too early to assess their effects.

The entry into force of the Ministry of Justice's regulations on the reorganisation and reduction in the number of administrative offices and staff employed (Prime Ministerial Decree 84/2015) has resulted in the creation of the new **Department of Juvenile and Community Justice**, which replaced the Department of Juvenile Justice. There is a risk, however, that greater attention will be focused on community justice than juvenile justice.

**Law 117/2014** extended the competency of juvenile justice services to include persons up to 25 years of age who committed a crime while juveniles. This reform has had a considerable impact on the juvenile justice system. Suffice to mention that 9,068 of the people the children's social service office assumed responsibility for in 2017 (up to 15 May) were young adults, while the number of minors was 6,847.<sup>122</sup> Moreover, young adults currently account for more than half of the detainees in juvenile prisons (IPM).<sup>123</sup> This change (and we totally agree with the principles on which it is based) needs to be handled very carefully. In many of the IPM, for example, it is not possible to separate adult detainees from minors, creating problems linked to the different char-

acteristics of the two groups.<sup>124</sup>

**There is still no specific code of regulations for juvenile prisons.**

One positive development was the creation in 2015 of the **National Ombudsman for the rights of persons detained in prisons or deprived of their liberty**.<sup>125</sup> This authority needs to be strengthened, also through close cooperation with the ombudsman already introduced at a local level.

Among the continuing critical elements is the failure to systematically monitor the existence, type and seriousness of psychiatric disorders among children being detained or subjected to restrictive measures, which is on top of the many unresolved issues within the mental health services for children. The situation is made worse still by a lack of specific training and a specific organisational structure for juvenile justice services.

#### The CRC Group, therefore, recommends that:

1. **The Government** approve a specific code of regulations for juvenile prisons, also on the basis of the indications provided by the States General for the Execution of Criminal Sentences (Table 5);
2. **The Government** pay careful attention in implementing the "Ministry of Justice's Regulation for the organisation and reduction in the number of administrative offices and administrative staff", above all as regards the need for specialisation within the juvenile

122 Cf. Ministry of Justice data: [https://www.giustizia.it/resources/cms/documents/dgmc\\_quindicinale\\_15maggio2017.pdf](https://www.giustizia.it/resources/cms/documents/dgmc_quindicinale_15maggio2017.pdf).

123 There were a total of 288 adult detainees in the IPM as of 15 May 2017 out of a total of 474 detainees.

124 This can result in a breach of Articles 37 and 40 of the CRC. See on this point the 2017 annual report of the national ombudsman for detainees, p. 48.

125 Ministerial Decree 36/2015. See also the 2017 annual report to Parliament.



sector, while ensuring sufficient human and financial resources;

3. **The Government** monitor the situation of “young male adults” and “young female adults” detained in IPM in the care of children’s social services.

#### 4. Economic exploitation: child labour in Italy

Child labour is not a priority on the Government’s political agenda, but the economic exploitation of children is a phenomenon that needs to be studied, monitored and combated. The most recent of the scarce data available on this phenomenon, provided by the Department of Equal Opportunities,<sup>126</sup> reveal that in 2016 5.41% of child victims of trafficking and exploitation in protection programmes were victims of exploitative child labour.<sup>127</sup>

**A survey** promoted in 2013 by two associations belonging to the CRC Group<sup>128</sup> estimated that 340,000 children aged 7-15 had work experience (almost 7% of this age group), with this work experience concentrated among 14-15-year-olds, namely among those people passing from lower secondary school to upper secondary school education. The survey identified jobs with continuity of employment carried out by under 16-year-olds in activities definable as “at

risk of exploitation”, often occurring within the family environment.

**The CRC Group, therefore, recommends that:**

1. **The Government** take decisive action to combat exploitative child labour by increasing workplace inspections;

<sup>126</sup> See the computerised system for the collection of information on trafficking (SIRIT) and projects under Art. 13 of Law 228/2003 and Art. 18 of Legislative Decree 286/98 of the Department of Equal Opportunities. For more detailed information, see *Piccoli schiavi invisibili. I minori stranieri vittime di tratta e sfruttamento in Italia*, July 2017, Save the Children, p. 7.

<sup>127</sup> According to the national Labour Inspectorate services, there has been a gradual increase in the number of cases of exploitative child labour, involving both Italian and foreign children, with the number of recorded cases increasing from 172 in 2014 to 236 in 2016. Cf. *Rapporto annuale dell’attività di vigilanza in materia di lavoro e legislazione sociale 2014 e 2015*.

<sup>128</sup> Fondazione Di Vittorio of the CGIL and Save the Children.



# Chapter IX

## IMPLEMENTATION OF THE OPTIONAL PROTOCOL TO THE CRC ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

### 1. Child sex tourism

NGO workers continue to record **influxes of Italian visitors to destinations recognised as being “at risk”**<sup>129</sup> in that they are often destinations for sexual tourism involving children of both sexes. The main problem here, as has been noted in previous years, is the lack of international coordination. The only checks regarding the implementation of **Art. 17 of Law 38/2006** are carried out by Non-Governmental Organisations and associations from the tourism sector.<sup>130</sup> Moreover, the **Italian Agency for Cooperation Development** no longer provides funding to combat child sex tourism.

**The CRC Group, therefore, recommends that:**

- 1. The Ministry of Foreign Affairs** ensure greater cooperation between Italy and the main countries of destination by signing Memoranda of Understanding to facilitate investigations through the application of the principle of extraterritoriality contained in Law 269/1998.

### 2. Child pornography

During the last few years, several legislative improvements have been made regarding the sexual abuse of children, one of the most important be-

ing **Law 172/2012** (which introduced the crime of grooming and a definition of child pornography). The *Observatory for the combating of paedophilia and child pornography* was entrusted with **monitoring the sexual abuse and exploitation of children**. According to the Department of Equal Opportunities (DPO)<sup>131</sup> **this databank** has been operational since October 2014. **Yet, no report has so far been published on this data.** Such a report would make it easier to understand whether the current data collection system provides the necessary information to fully describe the phenomenon or whether changes need to be made in the way different administrative bodies, above all at the Ministries of the Interior and Justice, collect their data.

The **National Plan for the Prevention and Combating of the Sexual Abuse and Exploitation of Children (PNPASS) 2015-2017** was published in 2016 and it is hoped that the plan will be fully implemented.

As regards **the combating of child pornography**, data of the National Centre to Combat Child Pornography Online (CNCPO) highlight how in 2016 more than half the people arrested and/or reported to the police were accused of possessing and distributing child pornography (51%). The consumption of child pornography often precedes sexual abuse of children, making the combating of child pornography a top priority.

Other CNCPO data reveal that since 2012 (when Law 172/2012 came into force) 36% of those arrested and/or reported to the police for offences

<sup>129</sup> Not just Thailand, but also new destinations, such as Kenya, Cape Verde and Eastern Europe.

<sup>130</sup> Art. 17 of Law 38/2006 makes it compulsory for tour operators to place the warning, in both catalogues and documentation for clients, that: “Italian law punishes crimes regarding child prostitution and child pornography with imprisonment, even when the crimes are committed abroad.”

<sup>131</sup> See the ninth CRC Report.



under this law were accused of **online grooming**, with a total of 322 child victims. Moreover, the number of incidents reported to the police is constantly growing.

Parliament recently introduced legislation<sup>132</sup> regarding “gender equality education” (and only indirectly “competencies relating to relational education”) at school, highlighting that school staff must receive training on these topics. Given the previous legislative void, this constitutes an important step forward. It must be added, however, that such an initiative needs to be part of a much broader educational framework of reference.

**The CRC Group, therefore, recommends that:**

- 1. The Government** draft a report analysing the data in its possession to provide a snapshot of the sexual abuse of children, including online;
- 2. The Government** render fully operational all the actions contained in the *National Plan for the Prevention and Combating of the Sexual Abuse and Exploitation of Children (PNPASS) 2015-2017*, monitoring its implementation;
- 3. The Government** introduce sexuality and relational education as a curricular subject, starting in primary school, with the aim of improving the emotional and relational competencies of children of both sexes.

### 3. The sexual exploitation of children in Italy

*CRC/C/ITA/CO/3-4, paragraph 75*

The sexualisation of the body of young girls in the mass media and advertising is still very widespread.<sup>133</sup>

There is no official data on the sexual exploitation of children. According to surveys carried out by the Department of Equal Opportunities, 1,172 **victims of trafficking** were placed under protection in 2016, including **111 children**, 84% of whom were girls. **50.45% of the children were victims of sexual exploitation**, 0.9% forced marriages, 3.6% forced begging and 5.41% exploitative labour, while 9.91% were used in illegal activities, such as drug dealing. More than half of the victims of trafficking were Nigerians (59.5% of the total and 67% of the children).<sup>134</sup>

In Italy, unaccompanied foreign minors are particularly exposed to sexual exploitation upon leaving reception facilities, as put forward by Europol<sup>135</sup> and confirmed by several journalistic investigations.<sup>136</sup>

Legislative Decree 4 March 2014 no. 24 transposed Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, albeit with a delay of almost one year and a number of shortcom-

<sup>133</sup> 30 years CEDAW – Work in progress, Shadow Report 2016-2017.

<sup>134</sup> Save the Children, *Piccoli schiavi invisibili. I minori stranieri vittime di tratta e sfruttamento in Italia*, 2017.

<sup>135</sup> Holly Yan and Radina Gigova, “10,000 unaccompanied migrant children may be missing, Europol says”, *CNN*, 2 February 2016: <http://edition.cnn.com/2016/02/01/world/europe-missing-migrant-children/index.html>; “Migrant crisis: more than 10,000 children ‘missing’”, *BBC News*, 31 January 2016: <http://www.bbc.com/news/world-europe-35453589>; “10,000 kids missing in EU as criminals ‘exploit’ migrant flow – Europol chief of staff”, *RT*, 31 January 2016: <https://www.rt.com/news/330746-children-eu-missing-refugees/>.

<sup>136</sup> Floriana Bulfon, “Noi, i ragazzi dello zoo di Roma”, *L’Espresso*, 17 February 2016: <http://espresso.repubblica.it/plus/articoli/2016/02/17/news/noi-i-ragazzi-dello-zoo-di-roma-1.250764>.



48 ings.<sup>137</sup> However, Article 2 does not include specific reference to the fact that where a child is concerned, no kind of consent can ever be considered valid.

Implementation of the optional protocol to the CRC

In general, there is still a lack of any kind of systematic planning, at either national or local level, of **strategies to prevent the sexual abuse and exploitation of children**. One positive development was the adoption of the first **National Action Plan against trafficking in persons** on 26 February 2016.

**Child prostitution**, involving both Italian and foreign children from a variety of social and economic backgrounds, is part of the same social process as the normalisation of the commercial exploitation of bodies and sexuality. In particular, **Italian teenage girls** involved in more or less organised prostitution are presented in the media as unscrupulous, money-grubbing teenagers, totally devoid of any kind of values. In this way, their status as victims of a crime is diminished. This was highlighted when only one of the girls involved in a number of high-profile criminal proceedings regarding child prostitution in Rome in 2014 was sent to an anti-violence centre – no form of support was even suggested for the other girls involved.

The stigmatisation and prejudice are even greater when Roma or foreign girls, especially from Eastern Europe or Nigeria, are involved.

**The CRC Group, therefore, recommends that:**

- 1. The Government** ensure the programme of identification, assistance and social integration (*Programma Unico*) approved in 2016, together with the relevant helpline and local operational units, is able to fully assist all child victims of trafficking and exploitation.
- 2. The Government** coordinate a national in-depth fact-finding study, providing both quantitative and qualitative data, to reveal the true extent of child trafficking and exploitation.

137 Nicodemi Francesca, "Osservazioni al decreto legislativo 4 marzo 2014 n. 24 di attuazione della direttiva 2011/36UE relativa alla prevenzione e la repressione della tratta di esseri umani e la protezione delle vittime e che sostituisce la decisione quadro del Consiglio 2002/629/GAI."

# Chapter X

## THE IMPLEMENTATION IN ITALY OF THE OPTIONAL PROTOCOL TO THE CRC ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

*CRC/C/ITA/CO/3-4, paragraph 72*

Italy was correct to vote in favour of Resolution 2286 (2016),<sup>138</sup> adopted by the UN Security Council on 3 May 2016, which forbids the military use of schools, hospitals and other medical structures. At the same time, however, Italy continues to provide military aid (see the Council of Ministers' deliberation on Italian participation in international missions approved on 14 January 2017 and confirmed by Parliament with a specific resolution)<sup>139</sup> to countries such as Afghanistan<sup>139</sup> and Somalia, which, according to the *Annual Report of the Secretary-General on children and armed conflict*,<sup>140</sup> have carried out attacks on such structures.

Italy has provided funding of € 120 million to the Afghan security forces, which include the Afghan National police, despite the fact that the latter have been on the Secretary-General's list of bodies that recruit and use children in armed conflicts for more than five years. Italy is also present in Somalia as part of the EUTM Somalia mission (*European Union Training Mission to contribute to the training of Somali security forces*), aimed at helping develop and strengthen the Somali National Armed Forces (SNAF), which have also been on the Secretary-General's list of bodies that recruit and use children in armed conflicts for more than five years.

As for the sale of arms, despite the fact that it

is forbidden by law (Law 185/1990) to export arms to countries in conflict, some of the countries that make up the coalition fighting in Yemen were among the main clients of the Italian defence industry in 2016: Saudi Arabia, with the sale of weapons worth € 427 million; the United Arab Emirates, worth € 59 million; Qatar, worth € 341 million; and Kuwait, with which a contract has been signed for 28 Eurofighter Typhoon fighter jets, worth around € 7.3 billion – the Italian defence industry's most important contract in the last few years.<sup>141</sup>

The Government, in reply to observations of the Committee regarding the export ban and the fact that it is a crime to sell small calibre weapons, made reference to Legislative Decree 105/2012, which modified Law 185/1990 (New regulations on military goods controls regarding so-called heavy weapons in relation to their export, import and transit). It should be pointed out, however, as regards the export of small arms and light weapons (handguns, rifles, ammunition etc.) that these are mainly considered “civil arms” and, as such, excluded from the field of application of Law 185/1990, where the criteria are much stricter, coming instead under Law 110/1975.

Human rights are not taught as a separate course in military schools.

<sup>138</sup> Resolution 2286 adopted by the Security Council in 2016.

<sup>139</sup> [http://www.camera.it/leg17/465?tema=deliberazione\\_del\\_consiglio\\_dei\\_ministri\\_del\\_14\\_gennaio\\_2017#m](http://www.camera.it/leg17/465?tema=deliberazione_del_consiglio_dei_ministri_del_14_gennaio_2017#m).

<sup>140</sup> Annual Report of the Secretary-General on children and armed conflict, 20 April 2016 (A/70/836/2016/360).

<sup>141</sup> Valentina Leoni – Luca Tartaglia, “Le esportazioni italiane di materiali di armamento nel 2016. Relazione del Governo ex legge 185/90”, in *Sistema Informativo a Schede (SIS)*, periodico mensile dell'IRIAD, 2385-2984, June 2017.



**The CRC Group, therefore, recommends that:**

- 1. The Government** be more consistent in its actions regarding its foreign policy commitments to combat the use of child soldiers and, in particular, the sale of arms to countries in which children are used as soldiers;
- 2. Parliament** pass stricter, more binding legislation on the export of arms and arms deals (Law 185/1990), paying particular attention to the banning of exports to countries that recruit and use child soldiers.



# Chapter XI

## THE THIRD OPTIONAL PROTOCOL TO THE CRC

The Third Optional Protocol to the CRC was transposed into Italian law by Law 199/2015, which came into force on 18 December 2015.<sup>142</sup>

It is positive to note that on 1 December 2016 Italy declared that it recognised the competence of the Committee on the Rights of the Child in accordance with Article 12 of the Protocol, thereby allowing the Committee to receive and consider communications from other State parties regarding violations of children’s rights by Italy. There has been no communication, however, regarding Article 13, which establishes the inquiry procedure for “grave or systematic violations”.

Moreover, so far little has been done to disseminate the Third Protocol and make it widely known in accordance with Article 17 of the Protocol, with only a few, isolated initiatives promoted by Italian associations.

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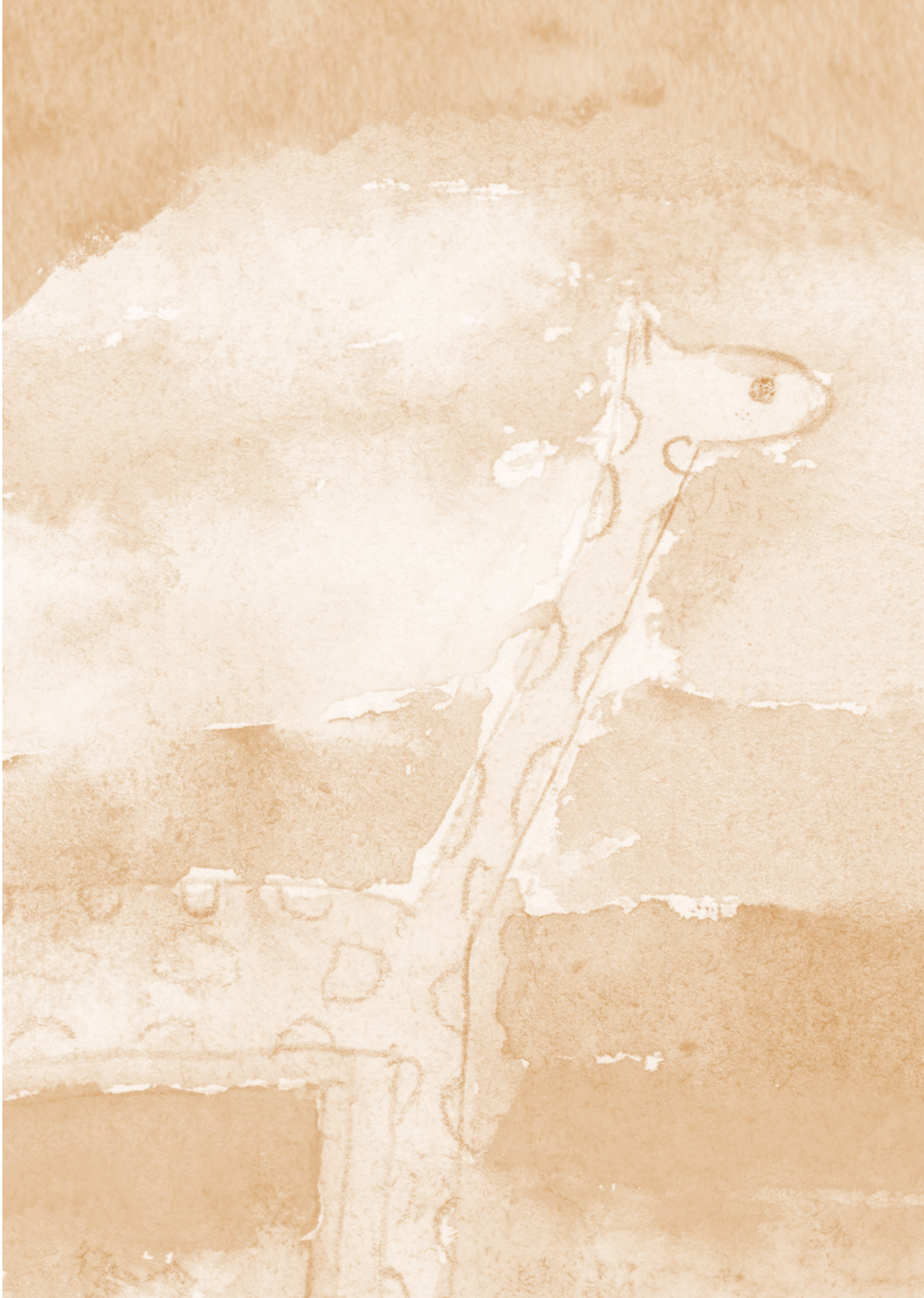
<sup>142</sup> Law 199/2015.

## Publications of the CRC Group:

- I diritti dell'infanzia e dell'adolescenza in Italia, la prospettiva del Terzo settore. Rapporto Supplementare alle Nazioni Unite del Gruppo CRC, novembre 2001;
- *The Rights of Children in Italy, perspectives in the third sector – Supplementary Report to the United Nations*, ottobre 2002, disponibile anche su [www.crin.org](http://www.crin.org);
- Monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, Guida pratica per il Terzo settore, dicembre 2004;
- I diritti dell'infanzia e dell'adolescenza in Italia, 1° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, anno 2004-2005, maggio 2005;
- *Supplementary Report on the implementation of the Optional Protocols on the CRC in Italy*, maggio 2005, disponibile anche su [www.crin.org](http://www.crin.org);
- I diritti dell'infanzia e dell'adolescenza in Italia, 2° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, anno 2005-2006, maggio 2006;
- I diritti dell'infanzia e dell'adolescenza in Italia, 3° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, anno 2006-2007, maggio 2007;
- I diritti dell'infanzia e dell'adolescenza in Italia, 4° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, anno 2007-2008, maggio 2008;
- I diritti dell'infanzia e dell'adolescenza in Italia, 2° Rapporto Supplementare alle Nazioni Unite sul monitoraggio Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, 20 novembre 2009;
- *Children's rights in Italy, 2nd Supplementary Report to the Implementation on the Convention on the Rights of the Child*, Settembre 2010;
- *Outcome Document, 6th Regional Meeting of NGOs Children's Rights Coalitions in Europe, Florence, 20<sup>th</sup> – 22<sup>nd</sup> October 2010*;
- Schede di aggiornamento 2° Rapporto Supplementare alle Nazioni Unite sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, maggio 2011;
- Guida pratica al monitoraggio della Convenzione sui diritti dell'Infanzia e dell'Adolescenza, 2° Edizione, novembre 2011.
- I diritti dell'infanzia e dell'adolescenza in Italia, 5° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, anno 2011-2012, maggio 2012.
- I diritti dell'infanzia e dell'adolescenza in Italia, 6° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, anno 2012-2013, maggio 2013.
- I diritti dell'infanzia e dell'adolescenza in Italia, 7° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, anno 2013-2014, maggio 2014.
- I diritti dell'infanzia e dell'adolescenza in Italia, 8° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, anno 2014-2015, maggio 2015.
- I diritti dell'infanzia e dell'adolescenza in Italia, 9° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, anno 2015-2016, maggio 2016.
- I diritti dell'infanzia e dell'adolescenza in Italia, 3° Rapporto Supplementare alle Nazioni Unite sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia, 20 Novembre 2017

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Gruppo di Lavoro  
per la Convenzione  
sui Diritti dell'Infanzia  
e dell'Adolescenza