



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

This document has been produced by the CRC Group to accompany the Replies of Italy to the list of issues identified in relation to the combined fifth and sixth periodic reports (CRC/C/ITA/Q/5-6/Add.1) in order to highlight, reiterate or update what was already stated in the 3rd Supplementary Report on the implementation of the Convention on the Rights of the Child in Italy¹, to which reference should be made for further details.

Part I

Question 1

It should be noted that the **National Plan of Actions** and Intervention for the Protection of the Rights and Development of Children and Adolescents does not include the necessary resources for its implementation. Moreover, no results have yet been published as regards the monitoring of the Plan. In addition, **SINBA** (Information System for Childhood, Adolescence and Family) has not been activated in every Region.

Question 2

Despite repeated recommendations from all Treaty Bodies and in both UPRs, Italy has still not established a **national human rights institution**, remaining the only European State without such a mechanism.

Question 3

As highlighted in the final report of the Italian Parliament's "Jo Cox Committee on hate, intolerance, xenophobia and racism"² adopted in July 2017, there is evidence of high levels of prejudice and misinformation in Italy, with widespread forms of **intolerance and discrimination** based on grounds such as ethnic origin, religion, sexual orientation and gender identity. The report reveals a "pyramid of hate" in which stereotypes and misrepresentation constitute the elements that lead first to discrimination, then hate speech, before escalating into hate crimes.

Children with a different sexual orientation suffer gender-based discrimination, with instances of homophobia and hate speech quite common. A strong, positive cultural action against discrimination based on sexual orientation and gender identity is still necessary in both society at large and at school. The "National plan for education for respect" and the Memorandum of Understanding between the Ministry of Health and the Ministry of Education "For the protection of the Right to Health, Education and Inclusion", which introduced affectivity and sexuality as a curricular subject, has yet to be implemented.

Children living in families with lesbian, gay, bisexual are not legally recognized. Law 76/2016, which legally recognized civil unions between same-sex couples, does not deal with the issues of children born into such civil unions or children who become part of these unions.

Very recently, a group of 13 UN experts wrote to the Italian Government, voicing concern at the public discourse fuelled by politicians embracing "racist and xenophobic anti-immigrant and anti-foreigner rhetoric" and highlighting how "this climate of intolerance could not be separated from the

¹ http://www.gruppocrc.net/wp-content/uploads/2017/12/rapporto_crc_3_inglese-1.pdf

² The committee, made up of one Member of Parliament representing each political group, together with independent experts and representatives of international governmental and non-governmental organizations, was chaired by the former Speaker of the Italian Chamber of Deputies Laura Boldrini. Deputy Secretary General Gabriella Battaini Dragoni and a member of the secretariats of both ECRI and the Parliamentary Assembly represented the Council of Europe within the committee.

escalation in Italy in hate incidents against groups and individuals, including children, based on their actual or perceived ethnicity, skin colour, race and/or immigration status”³.

Question 4

According to available estimates, there are between 3,000 and 15,000 **stateless** persons living in Italy⁴. This estimate includes children who were born and raised in Italy, but have been unable to acquire Italian citizenship. According to the National Statistics Institute (ISTAT), on 1 January 2018 only 732 of these people were formally recognized as being stateless⁵. The largest group of stateless persons can be found among Roma communities, who originate from former Yugoslavia, but have been living in Italy for decades. Stateless children born in Italy to stateless parents, especially among the Roma population, still encounter a number of difficulties in obtaining Italian nationality at birth. In practice, Italian nationality is only granted at birth when the parents have already been formally recognized as being stateless. Otherwise, the child remains stateless. Moreover, some Roma families, especially those living in authorized or spontaneous camps, do not know that their children can be naturalized when they turn 18 if they were born in Italy or are unaware of the legal requirements for obtaining Italian citizenship, such as conserving all the relevant documentation to prove the children’s continuous residency in Italy. Many of the stateless persons who could not obtain formal recognition of this status, including many who were born and raised in Italy, are currently residing in Italy with a residence permit on humanitarian grounds.

Question 5

The Government’s replies contain various pieces of information indicating that there is neither any monitoring, nor a coordinated action as regards **violence against children**. Moreover, it would be useful to have an analysis of the phenomenon and for available data to be published, including that concerning helplines.

We confirm that Italy has still not passed legislation explicitly prohibiting all forms of **corporal punishment** in whatever setting, including the home, despite the 1996 Supreme Court ruling banning corporal punishment. Many children in Italy still suffer corporal punishment as the violent punishment of children is still socially and culturally accepted. We regret to note that there have been no awareness campaigns regarding the use of non-violent educational methods or to promote positive parenting, despite the past Concluding observation.

Question 6

The Government’s replies fail to mention that the databank called for by the law creating the **Observatory to Counter Paedophilia and Child Pornography** has never been fully functional, nor have any data or studies on the phenomenon been made public.

The National Plan for the Prevention and Fight against Abuse and Sexual Exploitation of Children was published in 2016, after which the Observatory approved a plan for the implementation of some of the measures identified as being most urgent, envisaging funding as described in the synoptic document on the selected activities to implement the plan (DPO 0009983 P-4.25.3. 01/12/2017). These implementation activities were suspended, however, without any official reason being given.

Question 7

³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23908&LangID=E>

⁴ Estimates by the NGOs *Comunità di Sant’Egidio* (15,000) and *Associazione 21 luglio* (3,000). See also the report by the Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate: “*Rapporto conclusivo dell’indagine sulla condizione di Rom, Sinti e Caminanti in Italia, XVI Legislatura, Senato della Repubblica, Commissione straordinaria per la tutela e la promozione dei diritti umani,*” p. 23

⁵ See ISTAT, available at: www.dat.istat.it

The survey on out-of-home children mentioned in the Replies of Italy is still characterized by a number of important shortcomings. The data, which refer to the situation up to 31.12.2014, are, in any case, only sample data and do not, therefore, describe the real situation. Moreover, there are still differences as regards the timescales and criteria used by the different Regions when collecting the data, which means that the data is not truly comparable. This means that it is impossible to have a clear picture of the situation, which is essential in order to ensure that suitable solutions are provided. Furthermore, there is no compatibility or uniformity with the data obtained from other sources, such as Italian Authority for Children and Adolescents, ISTAT and the Ministry of Justice, because of the different ways in which the data are collected and the different periods they refer to.

Question 8

Social inclusion income (*Reddito di inclusione*) is a measure aimed at combating poverty. Beneficiaries must meet a number of requirements as regards income, citizenship, residency. Until 1 July 2018, it also included family requirements (the presence in the nuclear family of a child, disabled person, pregnant woman or unemployed person over 55). Since 1 July 2018, following the abolition of the family requirement, the measure has become universal. This shift is reflected in the new distribution of the beneficiaries of the inclusion income in terms of the number of members of family. Since July 2018 the most frequent household has become that comprising one person (previously it was three persons), accounting for 41% of the distribution. The most worrying aspect in relation to children in a situation of poverty, however, are the difficulties linked to the activation of personalized approaches. The contribution of personalized services and approaches to help families escape from social exclusion has been a very important factor in relation to child poverty, which requires a multidisciplinary approach. It is, therefore, of considerable concern that the change from Social inclusion income (REI) to Citizenship income (*Reddito di Cittadinanza* – the new measure planned by the current Government) will result in the abandoning of this multidisciplinary approach. This new measure in the fight against poverty focuses mainly on the employment dimension, linking it to job centres.

Question 9

With regard to **vaccination coverage rates**, following the low rates of both compulsory and recommended vaccinations recorded throughout the country in 2013, a new National Vaccination Plan was approved in January 2017 to meet the target of 95% vaccination coverage set by WHO guidelines. In addition, on 31 July 2017 the Italian Parliament passed a new law increasing the number of mandatory vaccinations from 4 to 10 for children up to 16 years old. Continued monitoring is needed to assess the medium to long-term effects of the law. The reasons for which parents adhere to or reject vaccination practices, however, need to be closely studied in order to improve vaccination rates in Italy and plan suitable awareness campaigns.

Draft Law S.770, currently being examined by the Italian Senate, is a matter of concern as this law would foster "the promotion of voluntary adherence to the vaccinations included in the National Vaccination Plan through awareness programs," with a complete overhaul of current legislation regulating vaccinations, including the removal of vaccination obligation introduced by Law 119/2017.

QUESTION 10

With regard to **early childhood education**, there are still enormous differences between Regions in terms of both the availability and quality of early childhood education for under-3-year-olds. While in Central and Northern Italy ECEC provision is available for 27%-30% of under-3-year-olds, in Southern Italy and the Islands it is only available for 10%-14% of them.

Although Decree Law 65/2017 entitles all children under the age of 6 to early education and provided funding to help develop and improve the system, it failed to establish the essential levels of early childhood education that had to be guaranteed for under-3-year-olds. The access procedures and fees

for educational services for under-3-year-olds are regulated at a Regional and local level, with non-citizen young children the victims of discrimination in certain areas.

While it is true that “the Italian education system is organized at State level,” there are still, nevertheless, **enormous differences between different parts of the country**. 66% of primary school classes are not full-time in Italy, and almost 50% of the students do not have access to a school canteen. In certain Regions, however, these percentages are significantly higher than the national average. In Sicily, for example, these percentages are respectively 91.84% and 81%.⁶ The provision of meals when combined with full-time school helps greatly to prevent the phenomenon of early school leaving and combat poverty, as recognized in the IV National Childhood Plan. It is, therefore, worrying to observe that some local councils are banning access to school canteens for the children of parents who have unpaid taxes and children of foreign origin, where, as in the well-reported case of Lodi, the needs of local administrations, including their finances, take precedent over the protecting of children’s rights.

With regard to Decree Law 63/2017 mentioned by the Government in its replies, a great deal still remains to be done to ensure **the right to an education for all** based on a system providing essential levels of the services. Take, for example, subsidies for school textbooks. The forthcoming national conference on the right to study called for by the Decree implementing Decree Law 63/2017 could be an important occasion to foster dialogue between local administrations, the Regions and representatives of the school world and help create a national standard.

Moreover, it is essential to begin monitoring the contributions that Regions make to support the right to study, as well as starting the drafting of the three-year report on the right to study.

Furthermore, the Government makes no reference to access to quality education, which includes promoting the objectives of peace, citizenship and security, and equality. Indeed, little attention has been paid to these objectives in schools, especially more recently. The Government is, therefore, invited to implement the multiyear **Action Plan for Global Citizenship Education** as quickly as possible.

Question 12

The Government fails to make any reference in its reply to either the fact that more than one year after **Law 47/2017** was passed the Government has still not issued the necessary Decree to implement the law, even though the law itself requires this, or to the repercussions that the recent measures (administrative and legislative) introduced by the Ministry of the Interior regarding the reception of persons applying for asylum or international and humanitarian protection and the arbitrary occupation of property may have on minors, above all those who are most vulnerable (not forgetting those about to reach the age of majority, who suddenly find themselves deprived of all the assistance to which they were previously entitled, undermining everything achieved thanks to these social inclusion measures).

The reference is above all to the recent **Decree Law 113/2018 (Decree Law on Immigration and Security)**, which came into force on 5 October and was converted into law, after a number of changes had been made, on 28 November. This law radically changes the current protection system for asylum seekers and refugees (the SPRAR system), which is now only available to people who have already been granted international protection and for all unaccompanied children (UAC), with important

⁶ Elaboration by Save the Children Italia of the Ministry of Education's Statistical Office data from the annual survey carried out on all Italian schools.

consequences for the minors themselves when they reach the age of majority, but also for nuclear families with children.⁷

As highlighted in the letter addressed to the Italian Government on the 21 November by 13 UN Human Rights Experts,⁸ the above-mentioned Decree Law – in particular provisions such as the abolition of humanitarian protection status and the exclusion of asylum seekers from access to the SPRAR – undermines “international human rights principles, and will certainly lead to violations of international human rights law.”

Indeed, immediately after the conversion of Decree 113/2018 into law, Italian press agencies reported that Prefects all over Italy were interpreting the new regulations in a very restrictive manner, describing how people who had been granted humanitarian protection, including pregnant women and/or mothers with children, were being forced not only to leave SPRAR facilities, but also initial reception centres.

While national legislation includes a systematic reference to the need for the principle of the best interests of the child to be respected, there is a lack of a harmonized best interests procedure that has several consequences on the lives of children and on the suitability of the protection with which they are provided. Despite the progressive provisions of Law 47/2017 as regards the protection of unaccompanied children, their implementation remains limited, especially as regards adequate reception facilities, integration, timely transfers and age assessment practices. The Italian reception system for children varies enormously from place to place and there are also currently considerable differences in the age assessment practices used in different parts of the country, though they frequently make use of invasive, medical methods, including wrist x-rays as a result of a highly discretionary approach taken by various administrative authorities. The regulating Decree referred to in Law 47/2017 and standardized procedures and protocols to guide age assessment have yet to be implemented.

Although voluntary guardianship was formalized by Law 47/2017, there are still a number of problems regarding the system. In particular, it can take from a few weeks to several months to appoint a guardian; proxy is still widely used, especially when public guardianship is adopted; the number of voluntary guardians is still too small to meet current needs and temporary guardianships are very frequent. In addition, while Law 47/2017 states that in order to become a volunteer guardian a person must have received suitable training, there are no legal provisions regulating mandatory training requirements or follow-up refresher courses for guardians once appointed.

Furthermore, the child reception system pursuant to the provisions of Legislative Decree 142/2015, including the minimum standards to be met, is still far from being fully implemented. There are a number of cases of unaccompanied children being hosted in adult centers or at emergency facilities, while the general provision not to place children in hotspots has not always been respected as a result of the lack of available places in first-line child reception centers. In addition, the pace at which the improvements to the reception system are being carried out is slow and uneven, particularly as regards the first-line reception system. The Dublin family reunification scheme and relocation mechanism have failed to meet the needs and expectations of UAC and their implementation has in any case been slow and inadequate. Art. 10 of Law 47 explicitly provides for a residence permit to be issued to unaccompanied children, for whom push-back and expulsion are forbidden. Nevertheless, the procedures used vary greatly from place to place, and may be both lengthy and complicated. In some cases children encounter difficulties in obtaining a residence permit because they do not have national identification documents. As a result, some opt to apply for international protection in order to regularize their status. This is not always in their best interests, however, and even in the best-case scenario it can delay their access to a more appropriate process of integration.

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http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2018-10-04&atto.codiceRedazionale=18G00140&elenco30giorni=tru

⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23908&LangID=E>

Part III

Data, statistics and other information, if available

As highlighted in the 3rd Supplementary Report, **there are a number of shortcomings in the Italian system of data collection regarding children**⁹. We strongly recommended to create a centralised system to monitor, collect, and analyse data on violence against children. As well we highlighted that there are no data on children with disabilities under 6 years old. In its replies, however, the Italian Government still does not provide any data on, among other things: b) children living in families with lesbian, gay, bisexual, transgender or intersex parents; (c) children living in adoptive families; and (e) children living in kafalah.

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⁹ Section 8, Data Collection, p. 13