

**Country session: Italy**

**Date of session: 14<sup>th</sup> and 15<sup>th</sup> January 2019**

**Background information**

OHCHR press release

**Webcast:** [First part](#) and [second part](#)

**Audio file:** (pending)

**Reporting**

**Reporting methodology**

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

**State report:**

Common core document	
<a href="#">Initial submission</a>	8 <sup>th</sup> June 2016
<a href="#">Annex I</a>	
<a href="#">Annex II</a>	

CRC	
No. of report	5 <sup>th</sup> to 6 <sup>th</sup>
Due date	4 April 2017
Submission	5 July 2017

<a href="#">Written replies</a>	
Due date	12 October 2018
Submission	11 October 2018

**Public reports from children's rights defenders**

<a href="#">Alternative reports</a>	
<b>NGOs</b>	<ul style="list-style-type: none"> <li>• Associazione Comunità Papa Giovanni XXIII</li> <li>• CCHR</li> <li>• Global Initiative to End all Corporal Punishment of Children</li> <li>• Stop IGM</li> <li>• The Italian NGO Group for the CRC</li> <li>• The Rights of Children and Adolescents in Italy</li> <li>• Child Soldiers International</li> <li>• National Secular Society</li> <li>• ECPAT International</li> </ul>

	<ul style="list-style-type: none"> <li>• IBFAN</li> <li>• Italian Disability Forum</li> <li>• Associazione 21 Luglio Onlus</li> <li>• Gruppo CRC</li> <li>• Italian Independent Authority for Children and Adolescents</li> <li>• Rete l'abuso</li> </ul>
<b>NHRIs Ombudsman</b>	<ul style="list-style-type: none"> <li>• Italian Independent Authority for Children and Adolescents</li> </ul>

### State delegation

The large delegation was headed by H.E. Manlio Di Stefano, under-secretary of state for foreign affairs, and supported by directors, executives, public officials, experts from the presidency of the council of ministers, the ministries of interior, of justice, of education, university & research, of health, of labour & social policy and of foreign affairs & international cooperation.

### Committee's Task Force members

Name & Last Name	Country
<b>Olga Khazova (Coordinator)</b>	<b>Russian Federation</b>
<b>Cephas Lumina</b>	<b>Togo</b>
<b>Hynd Ayoubi Idrissi</b>	<b>Morocco</b>
<b>Jorge Cardona</b>	<b>Spain</b>

### Dialogue description

i. Character of the dialogue

The atmosphere of the dialogue was open and constructive.

ii. General assessment made by the Committee

The Committee commended Italy for its adoption of OPIC as well as for its efforts to tackle the challenge of migration flows, with the adoption of good practices and legislation, and the continued progress in the protection of children's rights. In particular, they expressed concern with the issues of migrant children, asylum seekers, access to justice, the healthcare and education systems and regional disparities. They highlighted that the policy currently implemented by Italy has led to deaths of children in the Mediterranean, that organisations tackling the issue cannot be criminalised and that all States in Europe must act in solidarity.

iii. Main issues discussed:

- **General Measures of Implementation:** The Committee asked how the CRC and optional protocols are implemented, if the State party has a strategic vision and mechanisms to coordinate all the action plans and when the data collection system would be implemented nationally. They raised concerns about the impact of austerity measures of children's rights, asked if this had been assessed by the government and how they are planning to safeguard public expenditure. Concern was also raised about regional disparities in the allocation of resources and spending, and the social support system, and the Committee asked about mechanisms to enforce the laws

on corruption. As there is no independent NHRI, the Committee asked if the regional ombudspersons can receive complains from children through an accessible and confidential mechanism. Finally, they asked what is being done to boost children's knowledge of the CRC, in particular vulnerable groups. The State party responded that to reduce the negative impact of austerity measures, they have focused on supporting families to combat poverty, by providing welfare services and financial and social support, and that the budget for family activities has been increase. Furthermore, they explained changes in the structure of policy making, particularly the decentralisation which has led to an increased need for coordination. Their strategic vision is focused on the synergy and coordination of action plans with input from civil society, including children. The Ombudsperson for children, they noted, is an independent observer to safeguard the implementation of these policies.

- **Definition of the Child:** The Committee asked what conditions allowed for marriage at 16 and if the State party would consider removing this exception. The State party responded that marriage is allowed at 18 and exceptions are made for 16 year olds when authorisation is granted by a magistrate.
- **Best Interest of the Child:** The Committee asked the State party if they have guidelines for the application of the best interest principle which are applicable across all regions, whether General Comment 14 has been translated into Italian and whether children are aware of it. The State party responded that their jurisprudence lays out the principle of best interest, which must guide the work of judges' and all those who work with children.
- **Right to be Heard:** The Committee asked what the age of conscience is, if the views of children below the age of 12 are considered in court proceedings and whether children were involved in the elaboration of the State report. The State party responded that the views of children under the age of 12 are considered if the child is determined to be of sufficient maturity, and that they are increasingly listened to. Furthermore, the State party said that the National Authority for Children and Adolescents is required by law to create spaces for children's opinions to be heard and that children were involved in the evaluation and monitoring of the National Plan for Children.
- **Non-discrimination Principle:** The Committee enquired after the results of strategies intended to eliminate discrimination. They raised concern about discrimination faced by Roma, Sinti and Caminanti traveller people and particularly asked about the status of children born out of wedlock and in civil unions. The State party responded that there is no distinction in the rights of children born out of wedlock and that the concept of 'legitimacy' has been repealed in the law.
- **Right to life, survival and development:** The Committee noted an upward trend in child poverty and asked if there is a comprehensive strategy to reverse this, including tackling the disparities between North and South. They also asked if psycho-social support is provided to pregnant women and new parents to prevent abandonment and infanticide. The State party responded that there are family health and planning clinics which support pregnancies (all such medical services are provided equally to illegal migrants), measures are in place to prevent abandonment or infanticide, €3,000,000 have been invested in perinatal support and secret birth is provided for by law. The State party outlined various measures in place to tackle poverty as well as to decrease disparities between the North and the South, including the provision of a basic income, a focus on support measures for particularly vulnerable families and balancing spending between prevention and welfare support.
- **Civil rights and Freedoms:** The Committee asked what is in place to guarantee the freedom of religion, thought and conscience if children do not agree with their parents. They also noted shortcomings in identifying stateless people and enquired after measures to tackle this phenomenon. The Committee flagged with concern that human rights defenders working in migration, particularly in the Mediterranean, are increasingly criminalised – what is the State party doing to counter their on-going defamation? The State party responded that if parents' decisions run counter to their children's rights and there is a clash of interests, a special authority may be appointed to intervene, resolve the conflict and ensure the safeguarding of children's rights, including freedom of conscience.
- **Birth registration:** How, the Committee asked, does the State party guarantee that children born to – in particular irregular – migrant parents are registered at birth. The State party responded that irregular migrants have the right to register births – process for which a certificate of 'birth assistance' is required and is granted to all migrant women as well as a six-month residency permit.
- **Violence against Children:** The Committee was concerned that the legal definition of violence is limited and unclear, particularly with regards to corporal punishment. What measures are in place to change public acceptance of corporal punishment and raise awareness? They asked if a comprehensive strategy to tackle violence has been developed, with the participation of children, and if there is a centralised system to gather

statistics on the issue. With regards to sexual abuse, the Committee asked about the National Plan 2015-2017, health care services for victims and cases of abuse committed by catholic priests, flagging the lack of prosecution and priests' impunity. The State party outlined awareness raising campaigns to combat violence, including activities with children to increase awareness of their rights. They explained that parents have the right to take 'educational measures' but that corporal punishment crosses that line and can be prosecuted. With regards to abuse committed by priests, the State party noted that priests have no obligation to report such cases.

- **Health:** The Committee noted the sub-standard state of hospitals, asking if the State is ensuring the quality and accessibility of the right to health. The issue of breastfeeding, its decrease and disparities between the North and the South were noted. They also raised the issue of intersex children, surgical interventions and healthcare, asking what the protocol is. With regards to mental health, they asked what services are available – expressing concern that there is no comprehensive mechanism providing oversight – and how children with behavioural issues are dealt with. The State party responded that the right to health is enshrined in the constitution and that this ensures access to healthcare for non-nationals including illegal migrants. They also explained that gender assignment surgery is regulated by law, laid out the criteria for such surgery and highlighted that birth certificates are being updated to include the gender 'indeterminate'. The State party elaborated on various strategies which are in place to support breastfeeding. With regards mental health, they acknowledged the shortcomings in the services and said that recommendations that came from a technical roundtable will hopefully be implemented across regions to improve coordination and the services themselves.
- **Vaccinations:** The Committee flagged with concern the decreasing immunisation rates, due to anti-vaccination campaigns by high profile figures, as well as the use of fake certificates. The State party responded that new vaccination guidelines and a 2017 law state the free, compulsory vaccinations for minors under the age of 16 and that they aim to carry out information campaigns with wide target populations. They said that those who issue false certificates are prosecuted and that they currently struggle with a lack of digitalised data.
- **Education:** The Committee raised with great concern the lack of safety in schools, in particular due to the lack of sound infrastructure and the lack of action to fix such problems. They asked the State party about measures to tackle school dropouts. The State party responded that learning outcomes are assessed yearly to avoid school failure and explained in detail a project which is in place to support the continued schooling of Roma, Sinti and Caminanti traveller children (which also includes social support for healthcare and housing). They noted the obligatory teacher training courses and standards that were established to ensure the quality of teaching staff. They outlined different measures to combat school failure and dropout, including supporting at-risk children. With regards infrastructure, they noted changes in the system and budget allocations to ensure such structural issues can be tackled more efficiently and are resolved.
- **Family environment and alternative care:** The Committee expressed concern that the best interest of the child principle is not always observed in matters relating to custody. They asked how foster care is organised, if children can return to, or maintain a link to their parents and if there is data on the number of children in alternative care. The State party responded that the best interest of the child is taken into account in all decisions concerning their custody, that children have a right to maintain a relationship with their family of origin and that fostering guidelines are in place throughout the country to ensure quality standards and support for the most vulnerable families. They also gave various statistics relating to children in alternative care.
- **Children with disabilities:** The Committee asked about inclusive education, classroom segregation and regional disparities in resources. They also enquired after measures to eradicate institutionalisation and to make the justice system, the ombudsperson and helplines accessible. The State party responded that individual educational plans are developed for each child with a disability in order to ensure full participation and adequate support. Children and parents play a role in these decisions as they have a "nothing about us without us" policy and consultation with children is provided for by law. Whilst a few educational institutions remain, upon request of families, children with disabilities are part of mainstream classes and an inclusion plan is mandatory in each school. There are no institutions and non-adopted children with disabilities live in families or the community.
- **Business and children's rights:** The Committee asked the State party if there are legally binding instruments for businesses to respect children's rights and procedures to allow access to justice and remedies for children. The State party responded that a voluntary plan for businesses is in place, was revised recently with civil society input and is internationally considered to be a particularly good plan for vulnerable groups.

- **Special measures:** The Committee commended the State party's legislation on the rights of unaccompanied children but asked why this is not fully implemented. They raised concern about mediocre conditions in migration centres, including allegations of abuse, violence, excessive use of force and mistreatment. They also mentioned allegations of migrant boats being deviated away from Italy. They enquired after measures to identify unaccompanied minors who have been victims of armed groups. The State party responded that the law ensures foreign children have the same rights and access to services as Italian children. They also laid out various decrees including one relating to age-determination and another ensuring standards which must be adopted by reception centres – which, they noted, meet the European minimum standards. They explained a monitoring project which is in place to ensure first reception centre comply with standards and provide the necessary services, and responded that allegation of violence during identification proceedings are not substantiated. They noted guidance and psycho-socio support services at landing ports and outlined early detection of vulnerable groups.
- **OPSC:** The Committee raised concern about increased trafficking of women and girls, particularly from Nigeria, and asked about structures of care for trafficking victims. Furthermore, is the State party raising awareness of child exploitation in tourism and of the perception of children victims of sexual trafficking, they asked. The State party responded that they are committed to combatting trafficking and that victims are identified and assisted.

## Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need for urgent measures concerning the following five areas:

- **Allocation of resources:** The Committee recommends the State party to conduct, with the participation of children, a comprehensive assessment of the impact of austerity measures on the realisation of children's rights and devise a strategy to address such impact to ensure children's rights are not further adversely affected. The Committee further urges the State party to allocate adequate resources to the implementation of policies directed at children – particularly from disadvantaged communities – and establish appropriate mechanisms through which civil society can participate in all stages of the budget process. The State party is recommended to regularly assess the impact on children of budgetary allocations, to ensure these are effective, efficient, sustainable and non-discriminatory, as well as to use a child-rights approach, which includes indicators and a system to track allocations, which can be further used for assessment. The Committee notes that budgetary lines should be defined – bearing in mind special needs of different groups of children – and protected in situations of crisis. Finally, they recommend to strengthen institutional capacities to deal with corruption and ensure that funds allocated to the realisation of children's rights at all governance levels are fully and efficiently spent.
- **Non-discrimination:** The Committee recommends the State party ensures protection from discrimination by taking urgent measures to address disparities between regions in the enjoyment of basic rights and by strengthening measures to combat negative attitudes among State representatives and the public as well as other preventive activities against discrimination. If necessary, the State should take affirmative action for the benefit of children, particularly children in marginalised and disadvantaged situations.
- **Education:** The Committee recommends the State party to accelerate the integration of the national student register and regional registers to identify all children of compulsory school age who are not in education, develop quality vocational training to enhance children's skills, implement a human-rights based approach to the entire education system that is inclusive towards children of all backgrounds and effectively implement the national strategy for the inclusion of the Roma, Sinti and Caminanti traveller. The State party is recommended to accelerate the creation of a register of school buildings – with systematic renovations to dilapidated ones – which citizens have access to and ensure that school environments are welcoming and safe. With regards (cyber-)bullying, the State party should strengthen awareness-raising, apply the National Plan for the Prevention of Bullying and Cyber-bullying at School and adopt an integrated plan of action. Finally, the State party should create a coordinating body at the Ministry of Education for collaboration with the regions and local governments and introduce uniform standards for early childhood care and education.
- **Asylum-seeking and refugee children:** The Committee urges the State party to implement specific safeguards so that children are exempt from the measures in Law No. 132/2018, facilitate access to the asylum system for children in need of international protection and process cases involving unaccompanied and separated children

in a positive, humane and expeditious manner in order to identify durable solutions. The State should establish appropriate reception and protection mechanisms for these children by ensuring adequate reception capacities on a needs-based approach and tailored to respond to the changing trend of arrivals. They are recommended to implement a uniform protocol for age determination – including access to appeal mechanisms – that is respectful of children’s rights and used only in cases of serious doubt and to ensure that unaccompanied and separated children are appointed a competent guardian in a timely manner. An immediate transfer out of regional processing centres to permanent and sustainable resettlement should be prioritised, ensuring a lawful stay, reasonable access to employment and other opportunities should be ensured, and the current data system for these children should be improved.

- **Children in situations of migration:** The Committee urges the State party to uphold the best interest of the child at all times, as a primary consideration in all situations concerning children in a context of international migration. They are urged to make available to migrant children, in their language, relevant information, including on human rights, legal guidance, appropriate protection and assistance, options for regular migration and possibilities for return. The State party should strengthen measures to reduce the statelessness of migrant children, develop practices for admission and stay of appropriate duration, including access to education, and facilitate access to procedures for family reunification. The Committee recommends the State party to review relevant policies and practices to ensure they do not amplify the vulnerabilities of migrant children, including by applying a human-rights based approach and taking into consideration gender, disability and age, to establish comprehensive policies and partnerships that provide the necessary support. Migrant children should have access to an individual assessment with clear and transparent criteria, child protection authorities should be promptly informed and assigned to participate in case assessment and border officials should be trained on the rights of the child. It is recommended to strengthen gender-responsive and child-sensitive referral mechanisms, ensure the prompt identification of, potential referral to relevant authorities of and appointment of legal guardians to migrant children upon arrival. The State party is recommended to strengthen the provision of inclusive and equitable education, in all its forms, and to consider signing the Global Compact for Safe, Orderly and Regular Migration.

### Sustainable Development Goals

In its Concluding Observations the Committee referred to the following targets:

- 3.4 on reducing by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being;
- 3.8 on achieving universal health coverage;
- 4.A on building and upgrading education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all;
- 5.1 and 5.2 on ending all forms of discrimination and violence against all women and girls everywhere;
- 10.3 on ensuring equal opportunity and reducing inequalities of outcome;
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children;
- 16.9 on providing legal identity for all, including birth registration.

### Next State report

CRC	
No. of report	7 <sup>th</sup>
Due date	4 October 2023

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