Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Italy - 7th Session - 2010
9th February, 10am to 1pm

National Report

24. National Observatory on childhood and adolescence: established in 1997, it promotes co-ordination among central, regional and local authorities, associations and NGOs working on this subject and works in plenary session or by working groups. The Observatory prepares every two years a National Plan of Action for the protection of children's rights as well as the draft scheme of the periodic report on the implementation of the International Convention on the Rights of the Child.

25. National Centre for Documentation and Analysis on Childhood and Adolescence: established in 1997, it supports the work of the National Observatory on childhood and adolescence.

28. Commission for the prevention and the fight against female genital mutilations: established in 2006 to prevent female genital mutilation as a violation of the right to personal integrity and to health of women and girl children.

29. Observatory for the fight against paedophilia and child pornography: established in 2006 with the task to acquire and monitor data and information to prevent and repress children abuse and sexual exploitation at national and international level.

61. Another relevant phenomenon in Italy concerns unaccompanied foreign children. Consolidated Act on Immigration (Arts. 19, 32 and 33) prohibits their expulsion, provides for the establishment of a Committee for foreign children and defines the requirements for the release of a residence permit. The Committee, among its main tasks, assesses the status of unaccompanied foreign children, searches for their relatives in the Country of origin, adopts measures of assisted repatriation, whenever favorable conditions are in place, and supports the reunification with families through programs of reinsertion in Countries of origin. According to the legislation in force, unaccompanied foreign children when they reach the age of 18 have the right to obtain a residence permit if they can prove they have resided in Italy for at least three years and have participated in integration programs for at least two years. In July 2009 the Committee reported the presence of about 7,000 unaccompanied foreign children in Italy, of whom only 23 per cent were identified through identity documents. In order to establish a national decentralized network to take into care and to integrate unaccompanied foreign children, a National Program for the protection of unaccompanied foreign children was started in 2008 in cooperation with the National Association of Italian Municipalities (ANCI), with a € 10 million financing from the Fund for the social inclusion of migrants.

68. As other European countries, Italy is deeply concerned at the trafficking of human beings, which should be considered as one of the most shameful crimes of our times, putting women, children and young people at particular risk. It remains one of the most serious challenges to be addressed. Italy’s commitment in this field, including new forms of slavery, was confirmed inter alia by the ratification of the UN Convention against transnational organized crime and its related Protocols in 2006.

105. Specific attention is paid to the Italian Juvenile Justice system, in order to address children’s needs. It is a priority to ensure better and more appropriate living conditions and to intensify social reintegration, rehabilitation and reparation. A bill has been recently introduced to further diversify and customize the responses of the judicial system in relation to the type of crime and to children’s conditions, thus increasing the chances of total rehabilitation and social reintegration of children conflicting with law.

110. According to Arts. 3, 30, 33 and 34 of the Constitution, social inclusion and integration are fundamental principles of Italy’s public educational system. Several measures have been introduced to guarantee the right to education as well as to ensure effective school attendance and to respond to individual and collective needs, including students with disabilities or special needs, vulnerable groups, migrants and Roma children. Adequate financial resources have been allocated at the local and national levels, above all in areas where the high rate of school dropping-out has been recorded. Free compulsory school is envisaged for the primary and secondary school. In
2007 such obligation has been extended up to the age of 18. Textbooks are free in the primary school and in other school cycles specific measures are envisaged to grant scholarships to children belonging to disadvantage families.

134. As far as the rights of children involved in armed conflicts are concerned, Italy has been extremely active, during its term as a member of the Security Council, in ensuring that this issue is constantly and effectively addressed within the relevant working group. Moreover, Italy has recently (June 2009) organized an international conference in Rome, aimed at raising awareness on the issue also in our country: SG’s Representative for children and armed conflict and representatives of a network of former child soldiers (created under the auspices of the Italian Government in the fall of 2008) have taken part in the event.

UN Compilation

7. CRC noted the establishment of Offices of Public Defender of Childhood in four regions and the efforts to establish a national public defender for children, but remained concerned that there was no central independent mechanism to monitor the implementation of the Convention.33

12. In 2005, Italy adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.38 It has adopted a number of initiatives in this regard.39

17. In 2008, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Independent Expert on minority issues, and the Special Rapporteur on the human rights of migrants expressed serious concern about the proposed fingerprinting of all Roma individuals, including children, to identify undocumented persons living in Italy. By exclusively targeting the Roma minority, this proposal was classified as unambiguously discriminatory. The special procedures noted with dismay the aggressive and discriminatory rhetoric used by political leaders, including Cabinet members, when referring to the Roma community. By explicitly associating the Roma to criminality, and by calling for the immediate dismantling of Roma camps, these officials had created an overall environment of hostility, antagonism and stigmatization of the Roma community among the general public. This climate had served to mobilize extremist groups, which launched a series of attacks against Roma camps and individuals.64

28. CRC was deeply concerned in 2003 at the high number of child victims of trafficking, mainly from Eastern European countries, especially Romania, who were at particular risk of being sexually exploited and used for the purpose of begging.98 The ILO Committee of Experts took note of the growing number of minors victims of trafficking from 2000 to 2006.99 In 2007, while welcoming measures undertaken to combat trafficking, CAT recommended strengthening efforts to combat trafficking in women and children and taking effective measures to prosecute and punish trafficking in persons.100

31. Noting that only a very small number of the minors charged with offences end up in juvenile prisons, the Working Group on Arbitrary Detention recommended that the Government continue providing the necessary means for the juvenile justice system to function in accordance with the principles enshrined in the juvenile justice legislation.108

32. However, the Working Group was informed that the difference in treatment between Italians and foreigners was so marked that some observers spoke of a “two tier justice system” - focussed on education and rehabilitation in the case of delinquent Italian minors and on social defence and repression (and thus, incarceration) in the case of foreign minors. Statistics showed that while foreign minors constituted about one quarter of the minors registered by the prosecution service, they were more than half the population of juvenile prisons.109 It recommended the adoption of measures to increase the access to alternatives to imprisonment for immigrants in conflict with the law, both in the adult and in the juvenile justice systems.110 Concern had also expressed in 2003 by CRC about the discrimination against children of foreign origin and Roma children within the juvenile justice system.111

42. In 2003, CRC was concerned at the high dropout rate in upper secondary education and the variations in educational outcomes for children according to their cultural and socio-economic background, and other factors such as gender, disability and ethnic origin.132 While welcoming the initiatives taken to ensure the integration and effective schooling of Roma children and to combat school failure and dropout, CERD remained concerned in 2008 about the low rate of school attendance by Roma children. It recommended strengthening efforts in this area and addressing the causes of dropout, including any cases of early marriage.133

43. CRC welcomed the widespread inclusion of children with disabilities into the mainstream schools.134

50. CRC appreciated the fact that the legislation concerning compulsory recruitment into the armed forces had been amended in 2001 to reflect the provisions of OP-CRC-AC.148

51. CRC welcomed Italy’s international and bilateral technical cooperation activities and financial assistance aimed at preventing the involvement of children in armed conflict and assisting recovery of child victims of armed conflict and of child combatants.149

Stakeholder Compilation

29. The Global Initiative to End All Corporal Punishment of Children (GIECPC) reported that corporal punishment was unlawful in schools, the penal system and alternative care settings. However, a 1996 Supreme Court judgment which ruled that corporal punishment was not a legitimate method of discipline in home has not been enshrined in legislation. GIECPC recommended that Italy introduce legislation clearly prohibiting all corporal punishment in childrearing.77

46. CoE ECRI recommended that Italy increase its efforts to provide non-Italian school pupils with the additional support necessary for them to enjoy genuinely equal opportunities in education.115

47. CoE ECRI recommended that Italy ensure that all Roma and Sinti children are enrolled in school and to strengthen efforts, in
collaboration with the communities concerned, to favour regular school attendance by these children. 116

48. Noting the inadequate training of teachers and other relevant personnel involved in the education of children with disabilities, GLCDIA recommended that Italy introduce specialized educational approaches, starting from curricular teachers and all the other relevant personnel. 117

Final Report and Conclusions - To follow