



Convention on the Rights of the Child

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Summary record of the 1642nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 20 September 2011, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties

Combined third and fourth periodic reports of Italy (CRC/C/ITA/3-4 and Corr.1, CRC/C/ITA/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Italy took places at the Committee table.*
2. **Mr. Giovanardi** (Italy) said that his Government's firm commitment to protecting children's rights at national and international levels was reflected in the recent revision of the legal system to prohibit all forms of discrimination, including discrimination against children born out of wedlock. It worked closely with civil society to eradicate discriminatory attitudes, violence and abuse against children and to increase the participation of children in all sectors of society. Legislation had been adopted in July 2011 to create the National Office of the Ombudsman for Children and Adolescents, which would play an advisory role in drafting legislation on children's rights violations, disseminate information and good practice, and promote research into relevant issues.
3. The global financial crisis had not deterred Italy from its commitment to the advancement of human rights. It had recently been re-elected to the Human Rights Council, had completed the follow-up actions to the recommendations made in connection with the universal periodic review and had become party to several key international human rights instruments. Moreover, it was in the process of establishing an independent national human rights commission in compliance with the Paris Principles.
4. A large allocation from the Fund for Family Policies was being devoted to the development of early childhood socio-educational services, with priority being given to reducing child poverty. A key proposal in that connection focused on the introduction of means testing as a way of improving access to such services. Other recent developments included the launch of "Italia 2020", a strategic plan of action designed to help parents strike a better work-life balance by supporting persons in the greatest need and promoting entry into the labour market.
5. An efficient system existed to follow up on each intercountry adoption at every stage. Independent intercountry adoptions were prohibited. The right to education for all children living in Italy was a fundamental principle enshrined in its Constitution. Measures had been adopted to ensure full and free access to school for all, including children with disabilities and of foreign nationality, without compromising the quality of education. Steps were also being taken to improve the school system as a means of combating early school learning.
6. The deinstitutionalization of children and adolescents was a complex challenge that involved the efforts of both families and local services. Measures had been adopted in 2010 to avoid removing a child from the family unit where possible and to ensure that separation, if necessary, would be for as short a time as possible and that family reunion was given priority.
7. Italy remained firmly committed to combating human trafficking, which mainly affected women and children. Despite budgetary constraints, the national protection system for victims of trafficking and exploitation had been continued for the 2011–2012 biennium, with an annual allocation of €10 million. Moreover, the country's first national action plan against human trafficking was to be created that would cater for the specific needs of trafficked and exploited children.
8. Measures to deal with children within the juvenile criminal system were currently under consideration, as was the possibility of amending the Criminal Code to provide for

alternative sanctions for children under 18. Legislation had recently been adopted to protect the relationship between mothers in prison and their children.

9. Italy had experienced a nearly 250 per cent increase in immigration in the past decade. In the light of the tragic drowning of many migrants attempting to cross the Mediterranean Sea, Italy had been at the forefront of efforts to save lives and was working to combat the organized crime rings that exploited migrants. A system for the protection of asylum-seekers and refugees, including children, had been established which also facilitated access to social services. Italy had launched a wide range of projects nationwide with the aid of the European Integration Fund and the National Fund on Migration Policies. Those projects included social integration schemes offering, for example, Italian language courses for foreign children and adolescents.

10. A range of measures had been adopted to assist unaccompanied minors by facilitating their identification, searching for family members, providing care and health services and protecting their right to family unity while supporting assisted repatriation. Arrangements for the independent monitoring of unaccompanied minors put the best interests of the child at the core of the monitoring process. The juvenile courts had the power to authorize the entry into Italy of an unaccompanied minor's relative and to allow such relatives to stay for a period exceeding what was allowed under the usual legal provisions. Furthermore, an amendment was under consideration that would allow residency permits to be granted to unaccompanied migrant children once they had reached the age of 18 so that they could study and work in Italy.

11. The stigmatization of minority groups had always been a matter of concern, and recent cases of violence against Roma communities had been condemned by all political parties and had been the subject of judicial inquiries. Special attention had been paid to the situation in unauthorized camps, and steps were being taken to offer housing, education, vocational training and work to facilitate real integration into society, particularly for women and children from such communities.

12. Steps had recently been taken to pass and amend legislation to combat all forms of violence against children, protect children's physical and psychological integrity, and bring persons committing sex crimes against children to justice in conformity with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

13. With regard to the implementation of the Optional Protocol on the involvement of children in armed conflict, Italian citizens must be at least 18 years old in order to enrol in military service. A bill currently under consideration would impose a penalty of imprisonment of from 4 to 12 years for the recruitment of children under 15 into the armed forces to participate in peacekeeping activities, with the penalty being increased by one half again if children under 18 were involved in military operations.

14. The aforementioned initiatives attested to the commitment of the Italian Government to promoting and protecting children's rights, and he looked forward to an open and fruitful exchange of views with the Committee that would contribute to the advancement of children's rights.

15. **The Chairperson** said that he welcomed the new legislative measures being undertaken by Italy, especially the guarantee that all children would enjoy equal rights irrespective of their birth status and the future development of a national human rights institution, and invited the Committee to consider the State party's combined third and fourth periodic reports.

16. **Mr. Guráň** (Country Rapporteur) said that he wondered why there had been a delay in implementing an action plan on children's rights, which Italy had been postponing since

2004, even though it was required to do so under the Convention on the Rights of the Child. He was concerned at the ongoing lack of vertical and horizontal coordination of policies, programmes and legislation on children's rights and would appreciate clarification as to which single Government entity had overall responsibility for ensuring continuity in the implementation of the Convention and avoiding duplication of effort. Given that decentralization was the norm in Italy, as it was made up of 20 generally autonomous regions, he would like to know whether steps had been taken to set clearly defined minimum standards in relation to children's rights, especially with respect to essential social services, in order to counter increasingly serious regional disparities, particularly between the northern and southern parts of the country.

17. He welcomed the new bill on the establishment of the National Office of the Ombudsman for Children and Adolescents, in line with the Committee's previous recommendation, but would appreciate further information on its specific mandate, staffing and the procedure in place for lodging complaints. He wished to know why there were offices of the Ombudsman in some regions but not in others, even though all the regions had approved the bill. What role would the National Office of the Ombudsman play in coordinating the regional offices to ensure full compliance with the Paris Principles?

18. Finally, he would like to know what measures had been adopted to improve poverty reduction programmes, given the marked increase in child poverty, primarily among children born outside of Italy.

19. **Ms. Wijemanne** (Country Rapporteur) asked how effective the Office of the Ombudsman for Children and Adolescents was and what measures it was taking to provide services for poor children, undocumented child migrants and unaccompanied children. Although the system for compiling data and monitoring the status of children and adolescents was comprehensive, she wished to know whether it provided the information needed in order to identify the critical issues confronting children. She asked for further information on perceived shortcomings in the education services made available to disabled children and on the high dropout rate, particularly at the secondary level. Was the current financial situation leading to shortfalls in support systems for women, especially single mothers, in areas such as access to childcare?

20. **Ms. Sandberg**, noting that the 2011–2013 National Plan of Action for Children did not make specific provision for the participation of children in policy decision-making, asked how the State party intended to involve children more fully in the monitoring of that plan and the design of future plans. She wondered whether the structure of the country's children's councils would be reinforced at both the national and regional levels in order to align their activities. She wished to know about possible approaches to training teachers and school staff to make the participation of children a more generalized practice. She was concerned that the general rule of hearing the views of children in court cases only from the age of 12 onward might become a de facto age limit and asked whether there had been cases in which the views of children below the age of 12 had been heard in, for example, divorce or separation proceedings. If not, she wished to know if there were plans to amend that rule. Did children have the right to be heard in administrative proceedings, such as child protection cases and disciplinary actions taken by schools?

21. **Ms. Aidoo**, acknowledging Italy's commitment to children's rights, said that she wished to know what measures the State party had in place to sustain awareness and the application of children's rights and the Convention among children, families (in particular families in vulnerable situations) and officials at all levels. In view of the Committee's long-standing recommendations regarding the training of officials, she asked if the State party had plans to implement a systematic, national human rights training programme for officials and professionals working with children, including teachers, judges, lawyers, legal guardians and law enforcement personnel.

22. **Mr. Koompraphant**, citing recent legislation promulgated by the State party, asked which agency, if any, was tasked with coordinating the multiplicity of regulations and providing related services. He also wished to know what the legal liability was of parents who neglected or abused their children.

23. **Ms. Maurás Pérez** asked whether provisions for the protection of children's rights and a mechanism for prosecuting businesses that violated children's rights were included in the two bills on corporate social responsibility currently before the Chamber of Deputies. She enquired if the State party would support the movement within the European Union to stop importing Uzbek cotton made using forced child labour so as to ensure that its domestic legislation and the Convention were respected. Regarding a recommendation by the Committee on the Elimination of Discrimination against Women that the media, in particular advertising media, should put an end to gender stereotyping, she wished to know how the State party was ensuring the proper regulation of advertising and marketing directed at children.

24. **Ms. Nores de García** said that, given the State party's status as a high-income country and its high development index, she felt that the Committee could be more insistent in its appeals to the delegation. She asked how the Government would ensure that child benefits would be maintained despite the financial crisis, especially as regards education. Further explanations would be appreciated as to why the Ombudsman was active in only some of the country's regions. She asked what policies the Government planned to implement to ensure that existing legislation banning corporal punishment would be fully enforced. Pointing out that Roma who had been relocated to new camps for migrants did not have the same access to job opportunities as they did in the cities, she asked how the Government intended to address that situation.

25. **Mr. Pollar** asked to what degree the rights set forth in article 15 were extended to persons under the age of 18 and wished to know if the State party had any best practices to share in that field. Were data available on child-led organizations in Italy, such as student councils and youth parliaments, and on the size of their membership? How was the right to privacy protected in the case of children from religious minorities? Were they required to state their religion in the schools, even if they considered it to be a private matter? What measures were in place to protect the privacy of children who received health or legal counselling, children in alternative care, children whose liberty was restricted, and children in the juvenile justice system?

26. **Ms. Varmah**, referring to the differences between the rights of legitimate, legitimized and biological children under Italian law, asked why the bill mentioned in paragraph 186 of the State party's report (CRC/C/ITA/3-4), which would have removed those disparities, had fallen by the wayside. She was concerned about the reasons why birth mothers were permitted to choose whether or not to recognize their newborn children, and she would like to know what was being done to avoid separating a child from its mother.

27. **Ms. Al-Asmar** asked why no mention was made in the report of any cases of child marriage, which was often indicative of other issues, such as a failure to register births. She wondered whether the State party was concerned that Act No. 94, which required all public officials to report undocumented immigrants, could cause such persons and their children to lose access to services. She also wished to know what the State party was doing to ensure safety and sanitation in Roma camps.

28. **Ms. Lee** said that she wished to know why the additional data provided in the annexes to the report primarily covered only the years up to 2005, whereas the report covered the period up to 2008. She asked what the budget was for health services and, given the State party's lowered rating in the Transparency International 2010 Corruption

Perception Index and the financial crisis, how the Government planned to maintain its budget allocations for child services.

29. **Mr. Kotrane** said that he would welcome information concerning the adoption of a law providing for equal treatment of children born in or out of wedlock and wondered if it also covered adopted children and, if so, whether it gave such children the right to have genetic testing done and to know the identity of their biological parents. He would appreciate information on the status of the juvenile justice reform bill. Given Italy's relatively new position as a country of immigration rather than emigration, he asked whether the Government was considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He also asked what measures were being taken to ensure that children were aware of their rights under the Convention.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

30. **Mr. Giovanardi** (Italy) said that there had been no delay in the implementation of the National Plan of Action for Children. When the current Government had taken office at the end of 2008, the national monitoring centre for children and adolescents had drafted the plan, which then had to be approved by several entities, including the Council of Ministers and the former Bicameral Commission for Childhood. In addition, the new Constitution called for increased coordination between the local, regional and central levels of government, which contributed further to the somewhat lengthy approval process.

31. Italy was facing difficult economic times. Nonetheless, the Government had allocated over €5 billion for unemployment benefits in order to ensure that all families continued to receive an income. In the future, the amount of resources available for efforts to protect children's rights would depend on developments in the European and global economies.

32. **Mr. Mari** (Italy) said that the reorganization required by the 2001 constitutional reform had given the central Government exclusive responsibility for civil and family issues. Regional authorities were in charge of social services. National standards and guidelines had been established to ensure that people living in all the country's regions received the same level of service. The Constitution provided for special funding for less affluent regions in the south of the country to ensure that public services met the national standards. Local authorities were responsible for providing front-line services to all citizens and other people living in the country. The national monitoring centres for children and adolescents and for the family ensured that actions taken by the different agencies involved in service delivery were coordinated.

33. **The Chairperson** said that, despite the excellent level of coordination that existed in theory, the fact was that, in practice, families and children continued to receive significantly different levels of education and health services in the State party, depending on where they lived. The Committee would welcome the delegation's comments on that issue.

34. **Mr. Giovanardi** (Italy) said that there was a wide variety of cultural norms and traditions throughout the country. For example, in many parts of the south, families preferred to look after their children at home until they began school, which resulted in a low demand for childcare services. The technical assistance mechanisms available in the south were designed to help balance out the provision of services nationwide.

35. **Ms. Velletti** (Italy) said that the establishment of the National Office of the Ombudsman for Children and Adolescents had met with unanimous approval from the Chamber of Deputies and the Senate. The Office was fully compliant with the Paris Principles. The Ombudsman was selected by the speakers of the Chamber of Deputies and

the Senate, which assured the independence of that appointment. The Office would be allocated an annual budget of €1.5 million as of 2012 and would enjoy full budgetary autonomy. Its 10 staff members would be selected by the Ombudsman from among the entire staff of the civil service. The Office's mandate included protecting children's rights, disseminating information on the provisions of the Convention and ensuring coordination among all stakeholders working in the field of children's rights. Eight of Italy's 20 regions already had functioning ombudsmen's offices and a further 10 were currently being set up. They were all required to meet the same criteria for independence as the National Office of the Ombudsman. An annual regional ombudsmen's conference, to be chaired by the national Ombudsman, would ensure coordination between the regions.

36. **The Chairperson** asked whether the national and regional ombudsmen could receive complaints, investigate them and take decisions on compensation for victims.

37. **Ms. Velletti** (Italy) said that a dedicated toll-free telephone line had been introduced so that all members of the public would be able to bring complaints before the Ombudsman. The Office would have the authority to inspect childcare facilities to ascertain whether allegations of violations of children's rights were justified. It had a duty to notify the juvenile courts of complaints of violations of children's rights as soon as they were received. The Ombudsman was therefore instrumental in launching judicial protection procedures, particularly in cases concerning parental authority. The Office would make recommendations to political bodies concerning standards and provisions for the protection of children. It would also disseminate examples of good practice at local level throughout the country.

38. **Ms. Matone** (Italy) said that, in judicial proceedings directly affecting them, the views of children aged 12 or under were heard by the regular judge or by a special judge who had training in working with children. Strict rules were in place to safeguard children who were involved in judicial proceedings. Very young children were never questioned directly by judges, and all children were questioned only once. While those safeguards were not laid down in any specific regulation, there were protocols, directives and jurisprudence in place which ensured that children's rights were scrupulously protected in that regard. The right of children to be heard was upheld in all such cases.

39. **Ms. Velletti** (Italy) said that, in the summer of 2011, all magistrates had received a week's training on working with children. Good practices had also been shared, with one example being the use of special rooms with one-way mirrors to allow children to be heard without being present in the courtroom.

40. **Ms. Matone** (Italy) said that teachers were trained in identifying child abuse and social workers were present in schools to help prevent abuse. All teachers had a duty to report any suspected cases of child abuse.

41. **Mr. Giovanardi** (Italy) said that, in addition to the consideration given to children's views in judicial proceedings, steps had been taken to ensure that children and young people could make their voices heard and participate in other areas. For example, many school and university students participated in student councils.

42. **Mr. Moretti** (Italy) said that 8 per cent of children aged between 14 and 18 were members of youth organizations and 10 per cent belonged to other groups. Some 12 per cent of children participated in volunteer activities. Research was being done to assess the extent to which children's opinions were taken into account when they were removed from their family environment and cared for in foster homes or residential facilities. Preliminary findings should be available by the end of 2011.

43. **Ms. Ruggiero** (Italy) said that a pamphlet drafted by the Ministry of Labour and Social Policy provided children aged 11 to 14 with information about the importance of

their rights. It was based on the provisions of the Convention and included information on peers, the family, school, society, institutions, children's participation, the environment and quality of life. The pamphlet emphasized that children were entitled to be informed of their rights and to participate in decision-making in areas that affected them. It had been disseminated in junior high schools and was available on the Internet.

44. **Mr. Brasioli** (Italy) said that, on 21 November 2011, the national celebrations of the twentieth anniversary of Italy's ratification of the Convention would be held and broadcast on television. The bill to give equal status to children born out of wedlock was currently before the Senate. The bill emphasized both the rights of the children and the responsibilities of their parents and other family members.

45. **Ms. Velletti** (Italy) said that Italian legislation afforded children born outside wedlock equal rights to those of children born in wedlock, with the notable exception, at the current time, of inheritance rights. Children who had been born out of wedlock did inherit, but were below other relatives of the parent in the order of inheritance. That would change when the bill that was currently before the Senate was passed. After its passage, the sole case in which there would be any distinction between children born to married or unmarried parents would be in the recognition of children by their parents. In cases where the parents were married, there were provisions to ensure that fathers automatically recognized their children. If the parents were not married, certain procedural steps had to be taken for that purpose.

46. **The Chairperson** asked whether the provisions of the bill adhered to the Committee's recent recommendations on children's right to know their parentage and asked for more information on the situation of children whose mothers had abandoned them at birth.

47. **Ms. Matone** (Italy) said that there were a number of bills before Parliament on the right of natural children who had been abandoned at birth to know who their parents were. That right was not respected under current adoption practices, since children who were adopted relinquished any link to their past, and their birth mothers had the right not to be named. The mother's right to anonymity indeed conflicted with the child's right to know who his or her natural parents were, and the matter was under discussion in Parliament.

48. The early marriage of boys and girls was prohibited by law. Children were allowed to marry at the age of 16 only if they had the authorization of a juvenile court. It was the court's duty to determine whether the couple had the maturity required for marriage and to ensure that they were not being pressured to marry in cases, for example, where the girl was pregnant. Although it was common in some communities, including the Roma community, the marriage of children below 16 years of age was a punishable offence under the law.

49. **Ms. Wijemanne** asked what criteria were used by judges to decide whether a girl could marry at 16 years of age.

50. **Ms. Al-Asmar** asked who was punished in cases of underage marriage.

51. **Ms. Matone** (Italy) said that marriage at the age of 16 was authorized by a collegiate court comprising four judges: two official judges and two specialized judges. The decision was taken by listening to what the young people had to say, drawing up a comprehensive report and establishing, if the girl in question was pregnant, whether the couple would receive support from their parents. Italy no longer encouraged early marriage in cases of pregnancy; whether or not there was an unborn child to be considered, the interests of the individuals involved were paramount and each case was considered on its own merits.

52. **Mr. Guráň** asked, in view of the very elevated rate of intercountry adoption in Italy, what plans there were to put a stop to corruption in that connection. There were over 60

private agencies in Italy that handled intercountry adoptions. Did the State party intend to establish or strengthen public agencies to oversee them? Given the uneven progress across the country in closing residential facilities for children and supporting foster care arrangements, more information on the situation regarding residential care would be appreciated.

53. **Ms. Wijemanne** asked whether there was an active policy against institutionalization and for the development of community-based systems for providing children with care. It would be interesting to have further information on what systems were in place to protect the rights of children in foster care and other alternative care arrangements.

54. **Ms. Herczog** said that she would like to know what plans were in place to meet the Europe 2020 targets for the provision of high-quality day care and after-school services for all children in Italy. She asked how the State party was ensuring children's access to leisure, sports and cultural activities, as well as making sure that disadvantaged children had equal access to those services. What methods were Italy's family guidance centres using to help improve parenting skills? Given the difficulty of balancing work with family and private life, how were young people being prepared for parenthood?

55. It would be interesting to know whether the State party intended to consider prohibiting corporal punishment in all forms. She asked whether there was any monitoring or follow-up on the well-being of children who had been adopted. It would also be useful to learn why, despite de-institutionalization efforts, the number of children in alternative care facilities was increasing and whether the State party intended to professionalize foster care and provide training in order to encourage more people to come forward as foster carers. She would also like to know how children were prepared for leaving alternative care facilities.

56. **Ms. Varmah** asked what information was available on adolescent health and on the increased use of psychotropic drugs to improve school performance and combat depression. What measures were in place to prevent suicide among adolescents and to combat the use of drugs that could have negative side effects for adolescents? She would be interested to discover whether the information and prevention campaign focusing on anorexia, bulimia and psychogenic obesity in adolescents that had been launched in 2006 had been continued and, if so, whether it reached all adolescents in Italy. She would appreciate information on whether sex education had been introduced in the schools, how substance abuse among adolescents was being tackled, and what steps were being taken to address adolescent and childhood obesity.

57. **Ms. Lee** asked exactly how much the budget allocation for child health was, whether the Monitoring Centre for the Fight against Paedophilia and Child Pornography was already active, and whether Italy exported small and light weapons to regions where children were directly involved in armed conflict.

58. She would like to have further information on children with disabilities under the age of 5, on whether or not the State party's definition of disability was in line with the Convention on the Rights of Persons with Disabilities, and on the detention of unaccompanied children in Lampedusa for more than 20 days, despite the fact that, by law, the period of detention was limited to 48 hours.

59. **Mr. Madi** said that he was interested in recent legislation which prevented unaccompanied children from receiving a residence permit upon reaching the age of 18 if they had not participated in an integration programme for at least two years or been in the country for a minimum of three years. Since the majority of unaccompanied children entering Italy did so after the age of 16, many were deprived of any prospect of legal residence as adults. That situation discouraged them from approaching State institutions

and the child protection system and made them more vulnerable to exploitation and the violation of their rights. He would be grateful if the State party would inform the Committee how long it was expected to take to amend that legislation. Repatriation orders for unaccompanied foreign children were issued by the Foreign Children Committee; since that committee was not a judicial body, children were deprived of appropriate legal assistance regarding their repatriation. He was concerned that the State party assessed the age of unaccompanied children solely on the basis of a wrist X-ray. That could lead to incorrect decisions regarding expulsion or to the detention in adult institutions of children whose age had not been determined accurately. He would also like to have information on the approach taken towards children who had come to Italy from Africa, given the terrible conflicts occurring in that region of the world.

60. **Mr. Cardona Llorens** asked whether the statistics on disabilities provided in the State party's report referred solely to physical disabilities. Italy had been implementing a pioneering, inclusive education policy for over 30 years, but he wondered whether the State party was concerned by the situation of children with mental disabilities, who were exempt from exams, often did not receive any diploma and had a higher school dropout rate than to other children. The Committee was concerned about the possibility of disproportionate cuts in the education budget for mentally disabled students due to the current economic and financial crisis. There had been cases in which parents had been obliged to take legal steps to ensure that an appropriate number of teachers were provided for disabled children, for example. Could the State party reassure the Committee on that matter? He would also like to know how many of the children involved in the 2009 research project focusing on children had had mental or sensory disabilities and whether simple language was used in the surveys in order to help those children participate fully.

61. **Mr. Pollar**, referring to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, asked whether there were specific measures in place to identify children who had been used in armed conflicts. Despite the information detailed in the State party's report, it was unclear whether there was a legal definition of what constituted "taking direct part" in hostilities. Given that Italy had been operating under the United Nations Mandate in Libya, he wondered what steps had been taken to ensure that Italian soldiers abided by article 38 of the Convention. He also would like to know what measures had been adopted in fulfilment of the State party's duty to protect children affected by armed conflict.

The meeting rose at 1 p.m.