

VOLONTARIATO INTERNAZIONALE  
PER LO SVILUPPO



Insieme, per un mondo possibile

## SUBMISSION OF INFORMATION

To the UNITED NATIONS

IN CONNECTION WITH THE CONSIDERATION OF

**ITALY**

**Universal Periodic Review**

**34<sup>th</sup> Session**

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Organismo Non Governativo - Onlus • Promosso dal CNOS - Centro Nazionale Opere Salesiane  
Accreditato presso ECOSOC con Special Consultive Status • Associato al DBN - Don Bosco Network

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VIS, *Volontariato Internazionale per lo Sviluppo*, an NGO established in Italy in 1986, is present throughout the world in more than 40 countries with projects of international cooperation. **“Together, for a possible world”** is the motto, highlighting the intention of networking in Italy, in Europe and in the rest of the world to upgrade the life condition of vulnerable children and young people and their communities. Education and vocational training are some of the means applied for fighting extreme poverty root causes. Inspired by Don Giovanni Bosco and his educational system, VIS applies the human rights-based approach to all interventions. In 1988 the Italian Foreign Ministry recognised VIS eligibility for the realization of development cooperation projects while, in 2009, the United Nations Economic and Social Council (ECOSOC) recognised VIS the *Special Consultative Status*. Since 2005 VIS is member of the *Fundamental Rights Platform* (FRP) of the European Fundamental Rights Agency (FRA) and since 2017 participates in the EU Platform of Civil Society Against Trafficking in Human Beings. With the reform introduced with Law 125 in 2014, VIS is today an NGO inscribed in the list of the civil society organizations (CSOs) at the Italian Agency for the Development Cooperation and in the Registry Office for the Onlus at the DR Lazio of the Revenue Agency. VIS has been one of the first Italian NGOs to have a permanent Human Rights and Advocacy Office, participating in the systematic monitoring of human rights promotion and protection in Italy carried out at individual level and participating in various networks including the Comitato per la promozione e protezione dei diritti umani and the Working Group for the CRC, preparing various Submission of Information and Monitoring Reports presented both to the Italian Government and to the United Nations human rights machineries. At the UN it has contributed with Supplementary Reports or Submission of Information to:

- International NGO Coalition for the approval of the “Optional Protocol” to CESCR (since November 2003);
- Elaboration of Supplementary Report to the IV Governmental Report presented by Italy on the implementation of CESCR and delegation to Geneva for session (8-26 November 2004);
- Elaboration of a submission of information to CCPR before the adoption of the list of issues (2005);
- Systematic monitoring process of human rights in Italy, within the legal framework of ICESCR and ICCPR, started in 2005 with final output First Monitoring Report launched in Rome in June 2007 entitled “NGOs Monitoring Report of the Concluding Observations of CESCR (26 November 2004) and CCPR (2 November 2005) to the Italian Government.”;
- Three Joint Submissions of Information with CRC Working Group on ICERD specific components based on List of Issues 72<sup>nd</sup> Session in consideration of 14<sup>th</sup> - 15<sup>th</sup> Periodic Reports of Italy, and delegation to Geneva for session (18 February-7 March 2008);
- Participation to the 7<sup>th</sup> – 8<sup>th</sup> Session of the United Nations Human Rights Council, Geneva, 7-28 March 2008 and 2-18 June 2008.
- Participation, Geneva, UN Human Rights Council 7<sup>th</sup> Session of the UPR Working Group on the Universal Periodic Review – Italy (8-19 February 2010).
- Participation and Oral Statement in Plenary, Geneva, UN Human Rights Council for Universal Periodic Review – Italy (June 2010).
- Joint elaboration with CRC Working Group of Submission of Information on specific components of the ICERD based on the List of Issues presented by the Italian Government at the CERD 80<sup>th</sup> Session considering XVI - XVII reports presented by Italy;

- Participation, Interactive dialogue in Plenary and Lunch Time Briefing on specific ICERD components based on List of Issues, CERD 80<sup>th</sup> Session considering XVI - XVII reports presented by Italy (13 February-9 March 2012).
- International Conference “Centrality of the Human Being and Protection of Fundamental Rights in the contemporary World”, co-organization with Italian Foreign Ministry, OHCHR, CERD and Universities of Rome, Rome, 12<sup>th</sup> December 2012
- 2011-2014 – Preparation of *Rapporto L’Italia ad un anno dalle raccomandazioni del Consiglio ONU per i diritti umani*. First, Second and Third Reports of the NGOs and Associations of the CPPDU in preparation of the UPR session considering Italy.
- Launching of the 4<sup>th</sup> Consolidated Monitoring Report to the Follow Up to the recommendations to Italy of the UPR 2010, Rome, December 2014;
- Participation to interactive dialogue for UPR Working Group pre-session and Session at the UN Human Rights Council during the revision of Italy, Geneva, 2014.
- Participation to CERD Meeting in Geneva with CSOs, 25 November 2016
- Preparation of a consolidated Submission of Information to CERD considering Italy, of 65 pages comprising the reports of 11 Italian NGOs and participation to CERD session considering Italy, December 2016.
- Participation to the 37<sup>th</sup> Session of the Human Rights Council, Geneva, March 2018 and side-event on Circular Migration co-organized with Comitato per la Promozione e Protezione dei Diritti Umani, IMADR, and Don Bosco 2000, 2018.
- Translation into Italian of CERD booklet for CSOs, together with IMADR and VIS, published on CERD website, 2018.

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# SUBMISSION OF INFORMATION

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**Recommendations:** *As per UPR of Italy, "2nd Cycle – 20<sup>th</sup> Session, A/HRC/28/4/Add.1*

## 1. GLOBAL CITIZENSHIP EDUCATION - RECOMMENDATIONS 145.52

2. Based on the international standards on education for global citizenship<sup>1</sup>, Italy has tried to comply with the United Nations and the Council of Europe recommendations<sup>2</sup> calling for the introduction in school curricula of global citizenship education and human rights. However, at present, human rights education, integral part of global citizenship education, is not compulsory in the Italian educational programmes and is left to the free initiative of individual teachers or aware principals. In 2010 a ministerial circular<sup>3</sup> gave indications for the implementation of Law no. 169 of 2008 concerning the teaching of "Citizenship and Constitution". However, lacking the training of the teachers on this subject, most of the hours devoted to these topics were used for other lessons. In time, in the absence of a control from the Ministry over these hours, this subject gradually disappeared from the educational offer. In this context, the National Operational Program " Per la scuola – competenza e ambienti per l'apprendimento (For the school - competence and learning environments)" for the period 2014-2020 must be recalled, in which efforts have been put to promote a specific program for Global Citizenship Education and the paragraph dedicated to Education for global citizenship, as reported to date in the three-year programming document and address of the MAECI<sup>4</sup> the for Italian cooperation (2017-2019), is in the process of being approved.

3. Looking at the University educational system<sup>5</sup>, the situation changes. Here different institutions and programmes are engaged in human rights education and training. There are 39 universities with more than 100 courses, I and II level Masters and Doctorate courses. As per the human rights training of educators working with children, of public officials, of health workers and of all those who work in the education/training field, the initiative is left to the awareness of individuals and associations dealing with this, without any structured investment, even if *ad hoc* tools for self-training begin to be available, also in Italian. In addition to this, the geographical distribution of initiatives for global citizenship education and human rights also presents situations with a very high level of activities compared to others where such a mentality is still lacking. In some regions, in fact, regional<sup>6</sup> laws have been enacted in the field of human rights promotion, culture of peace and solidarity. These allow the implementation of human rights education projects in schools of all orders and levels, highlighting the willingness of regional legislators to apply international guidelines. In the field of the promotion of human rights education at regional level reference should also be made to the commitment made in 2016 by the Italian regions that have approved on 4 February 2016, in the Conferenza delle Regioni e delle Provincie Autonome, a document on global citizenship education.

4. Today the initiatives undertaken by the Ministry can be traced back to single MoUs between the Ministry of Education, University and Research (MIUR) and other institutions engaged in training and education. However, these individual initiatives are rather bland measures in the field of human rights education and global citizenship in Italy. It is not clear what contribution will be able to give to human rights education activities the MIUR Decree "Criteri e parametri per l'assegnazione diretta alle istituzioni scolastiche nonché per la determinazione delle misure nazionali relative la missione Istruzione Scolastica, a valere sul Fondo per il funzionamento delle istituzioni scolastiche" of 01.09.2016 n.663<sup>7</sup>. In 2018 an important progress was

achieved with the drafting of the **Strategia Italiana per l'educazione alla cittadinanza globale**<sup>8</sup> as a tool for drafting of a multi-year Action Plan to promote Global Citizenship Education in the field of formal and informal education. However, to date the Action Plan has not yet been elaborated.

5. Moreover, going further in analysing the indicators proposed by the HRE 2020 coalition in the document "Human rights education indicator framework" in 2015 it is easy to understand how the Italian situation is still far from implementing the observations of the UN Committee: there is no national plan for human rights education, there are no laws or policies aimed at realizing human rights education in the formal educational system as the objectives and contents of the single programs to be implemented in the school system have not yet been defined. There are no guidelines on how to integrate human rights education with the subjects taught in the school nor on how to teach it.

### **VIS RECOMMENDATIONS**

- *Italy should include Global Citizenship education and the specific Human Rights Education in the new national guidelines for school programs of each order and grade;*
- *Italy should promote the establishment of new partnerships among all stakeholders (institutions, professional organizations and voluntary organizations, NGOs and the Third Sector Associations, research institutes, police forces and the Army) so that Global Citizenship education is included in the permanent training of school, and Public Administration staff as a whole;*
- *Italy should to set up an inter-ministerial table including International Cooperation, MIUR and MAECI, together with NGOs and other national actors dealing with Global Citizenship education, for curricula review including initial and permanent training in an intercultural and rights-based perspective.*

### **6. MIGRANT CHILDREN - RECOMMENDATIONS 145.54, 174-176, 179-180**

As of 31 December 2018, there were 10,787 unaccompanied foreign minors in Italy<sup>9</sup>.

In 2017 Italy adopted an important law, n. 47/2017, containing "Provisions concerning protection measures of foreign unaccompanied minors", affirming that "unaccompanied foreign minors are rights holders concerning children's protection and enjoy equal treatment with minors of Italian or European citizenship". However, the implementation of the decree drafts for the effective application of this law are still under discussion.

The effective application of this law is even more important today after the abolition of humanitarian protection<sup>10</sup> especially in view of reaching the age of majority of the minor.

Moreover, according to Law n. 47/2017 it is necessary for every minor to have a volunteer guardian, who is an important figure for the enjoyment of the rights of the child.

5,501 Italian citizens have given their consent to become guardians, but those appointed by the Juvenile Courts are much less<sup>1112</sup>.

Finally, the work of legal guardians is very complex because the framework within which they operate is articulated and fragmented, so they need to be constantly supported.

## **VIS RECOMMENDATIONS**

- *Italy should give effective application to the Law 47/2017, reinforcing the figure of the volunteer legal guardian, accelerating also the time in assigning the appointment, and reinforcing also the accompanying measures towards the age of majority.*

## **7.NHRI – RECOMMENDATIONS 145. 26—48**

Italy since 2007 has repeatedly expressed its will to establish an independent NHRI, but today remains one of the two European States still lacking one ([www.nhri.net](http://www.nhri.net)), and still not fulfilling Paris Principles and the Resolution 48/134 endorsed by the UN General Assembly on December 20, 1993, in addition the Resolution of the Council of Europe (97)11, of September 30, 1997 notwithstanding two voluntary pledges in connection with Italy's membership to the UN Human Rights Council and innumerable pertaining recommendations by each UN Treaty bodies that have examined the Italian context in the last recent years among which CRC/C/15/Add198 of March 18, 2003; CESCR/ ITA/ 04 of November 26, 2004; CCPR/C/ITA/CO/05 of November 2, 2005, CEDAW, 2005 A/60/38 (SUPP); CAT/C/ITA/CO/4 of May 18, 2007, CERD/C/ITA/CO/15 of March 7, 2008, CERD/C/ITA/CO/16-18 of 9 March 2012 and finally by the 1<sup>st</sup> and 2<sup>nd</sup> UPRs<sup>13</sup> who have all highlighted this deficiency. CERD in 2008 applied also special *follow up* procedure on this matter, requesting the Italian Government to provide information about advancements and implementation made within the year following the 2008 CERD Concluding Observations; such information was never made public. Today after all these years we are still in the same situation! There have been many attempts on behalf of the various Governments, but each time the same dynamics came up: if one Chamber approved the draft law the other Chamber would block the legislative *iter* until the Legislature would end up and again the procedure had to be re-started.

Hence, with reference to the political will of the Government to undertake the process to the NHRI establishment, even in presence of important formal declarations and attempts on behalf of the various previous and present Governments, up to now no real and concrete action has been implemented in such direction. This can be also evinced by the fact that during the last candidature to the HRC, just entered by Italy for the 3<sup>rd</sup> time, no pledge was even made in this direction.

With reference to the reason for which Italy has an urgent need for a NHRI independent and effective:

- Risk for proliferation and fragmentation of sectorial and local mechanisms;
- Lack for a coherent, integrated and effective strategy for human rights promotion and protection including a permanent preventive approach;
- Added value and advantage deriving from the experience and best practices of other countries.

After a very long process, which has taken up many years of struggle, Italy has appointed first a National Ombudsperson for Children and more recently a National Ombudsperson for the persons deprived of liberty. Even if the establishment of specialized human rights mechanisms contributes however to the promotion and protection of human rights, nevertheless, there is a risk that their creation will postpone *sine die* or even put aside the establishment of an independent NHRI plenipotentiary and with broad mandate. Based on the present situation, it would be necessary to establish an independent NHRI foreseeing a strong interaction and sharing with the already existing National Ombudspersons.

## VIS RECOMMENDATIONS

- *Italy should implement its voluntary pledges and implement a transparent, participatory and inclusive process including civil society to establish a NHRI in line with Paris Principles.*
- *Italy should make any effort to establish a NHRI to be accredited with Status A at the HRC.*
- *The Italian Government should avail itself of the Technical Advice of the National Institutions Unit of the OHCHR in complying with the requirements contained in the UN Resolution 48/134, 20 December 1993, in creating a NHRI independent and effective.*

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<sup>1</sup> General Comment n. 13; United Nations Declaration on Human Rights Education and Training, World Programme for Human Rights Education; Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education; Council of Europe Strategy for the Rights of the Child.

<sup>2</sup> CESCR/ITA/04 of 26 November 2004, n. 13, 29, 31 and Recommendation CM/Rec (2010)7 of the Committee of Ministers of the Council of Europe to member states; Concluding Observations of UN Human Rights Council 2011.

<sup>3</sup> Ministerial circular n. 86 of 27 October 2010.

<sup>4</sup> Ministero degli Affari Esteri e della Cooperazione Internazionale (Ministry for Foreign Affairs and International Cooperation)

<sup>5</sup> See <http://unipd-centrodirittiumani.it/it/schede/Leducazione-ai-diritti-umani-in-Italia-a-livello-scolastico-ed-universitario/317>

<sup>6</sup> <http://www.flcgil.it/attualita/sindacato/le-regioni-per-la-pace.flc>

<sup>7</sup> Criteria and parameters for assigning directly to the educational institutions and the determination of national measure related to the School Education mission, to apply to the Fund for the functioning of educational institutions

<http://www.istruzione.it/arricchimento-offerta-formativa/allegati/2016/DM%20663%20DEL%201-9-2016.pdf>

<sup>8</sup> Italian Strategy for global citizenship education, <file:///C:/Users/ecolo/Documents/VIS/lavoro%20vis%202017-2018/corsi%20online/educare%20alla%20cittadinanza%20globale/Strategia-ECG.pdf>

<sup>9</sup> MONTHLY REPORT FOR NON-ACCOMPANIED FOREIGN MINORS (MSNA) IN ITALY Data as of 31 December 2018, Ministry of Labor and Social Policies ([www.lavoro.gov.it](http://www.lavoro.gov.it)).

<sup>10</sup> Decree Law 113/2018 on Immigration and Security - converted into Law 132/2018 in December 2018

<sup>11</sup> <https://www.corriere.it/dataroom-milena-gabanelli/migranti-italia-10787-minori-non-accompagnati-dove-sono/a364c264-20ca-11e9-926b-daa18cae285e-va.shtml>

<sup>12</sup> Note of the Italian Authority for Children and Adolescents / Head of Cabinet Ministry of Justice 5 May 2018

<sup>13</sup> 23 specific recommendations UPR 2014.