

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

## UPR Submission on Children's Rights in Italy

### Contribution to the Universal Periodic Review Mechanism 20<sup>th</sup> Session of the Working Group of the Universal Periodic Review (UPR) UPR Submission by the Italian Working Group for the Convention on the Rights of the Child (Gruppo CRC)

Edited by:  
Gruppo CRC  
c/o Save the Children Italia Onlus,  
Via Volturmo 58, 00185 Rome  
E-mail: [info@gruppocrc.net](mailto:info@gruppocrc.net)  
Website: [www.gruppocrc.net](http://www.gruppocrc.net)

#### **Brief presentation**

The Italian Working Group for the Convention on the Rights of the Child (Gruppo CRC<sup>1</sup>) was set up in December 2000 with the main aim of drafting a supplementary report to the CRC to be submitted to the UN Committee on the Rights of the Child. In order to promote the effective implementation of the CRC in Italy the Gruppo CRC created an independent, permanent, up-to-date monitoring system on the implementation of the CRC, with the full approval of all its members.

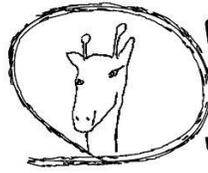
This **submission** will provide:

- A. An overview of the general situation and legal framework of children's rights in Italy;
- B. A more detailed account of the specific aspects of children's rights. This section will examine the current situation regarding the implementation of a number of recommendations made by UN member states during Italy's 2010 UPR in relation to the above-mentioned sub-topics.
- C. Recommendations to the Italian Government on how to improve the situation of children's rights in Italy.

The submission builds on the Sixth Alternative Report to the UN Committee on the rights of the child, monitoring the application of the UN Convention on the Rights of the Child in Italy (6<sup>th</sup> CRC Report), prepared and approved by the 82 associations that make up the Network.

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<sup>1</sup>[www.gruppocrc.net](http://www.gruppocrc.net)



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## I. Background and Framework

### International Competence

#### UPR Recommendations 4, 6 and 8

##### ❖ **Optional Protocol to the Convention against Torture**

At the time of writing, Italy had still not ratified the Optional Protocol to the Convention against Torture (CAT), failing to fulfil its obligations, also as a member of the United Nations Human Rights Council.

##### ❖ **Third Optional Protocol to the CRC**

Italy has still not ratified the Third Optional Protocol to the CRC (adopted by the General Assembly with resolution A/RES/66/138), which enables children to bring complaints about violations of their rights recognised by the Convention to the UN Committee on the Rights of the Child, despite the fact that Italy became one of the first signatories of the Third Optional Protocol to the CRC on 28 February 2012.

##### ➤ **The Gruppo CRC recommends that:**

1. The Government ratifies the new Optional Protocol to the CRC on a communications procedure.

### National Legislative Framework

##### ❖ **Physical and Humiliating Punishment**

#### UPR Recommendation 38

In Italy, corporal punishment is banned at school<sup>2</sup> and in the prison system<sup>3</sup>, but it is not explicitly banned at home, even though in 1996 the Supreme Court of Cassation ruled, with the so-called Cambria decision<sup>4</sup>, that the use of corporal or psychological violence for educational purposes was illegal, a ruling that was supported by subsequent decisions of the Supreme Court of Cassation. In 2009, the Supreme Court of Cassation specified that “*abuse of means of correction [...] can be committed by exaggerating in the use of a lawful means*” and in 2012<sup>5</sup> the Supreme Court of Cassation highlighted that “*such behaviour [...] is unrelated to any correctional goal which sees violence as incompatible with both the safeguarding of the dignity of minors and the need to achieve the balanced development of a minor's personality*”.

The introduction of the explicit banning of corporal punishment in national legislation would serve as a strong deterrent to such behaviour. The ban has also been called for by the UN Committee on the Rights of the Child (Concluding Observations in 2003 and 2011)

##### ➤ **The Gruppo CRC recommends that:**

1. The Government introduces the necessary legislative reforms to explicitly ban all forms of corporal punishment and other humiliating and degrading forms of behaviour towards children, also in the home.

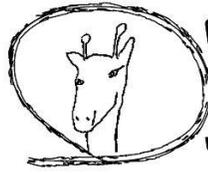
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<sup>2</sup> School Regulations, 1928.

<sup>3</sup> Law No. 354/1975 - Prison System Regulations.

<sup>4</sup> Supreme Court of Cassation—Sixth Criminal Section – decision No. 4904/1996.

<sup>5</sup> Decision No. 45859, 23/11/2012.



## ❖ Right to Citizenship

### UPR Recommendation 40

With regard to **the granting of citizenship** to foreign minors who were born in Italy or arrived in Italy when they were children, the guiding principle underlying the current legislation on citizenship (Law No. 91/1992) is the *jus sanguinis*. The law states that children born in Italy to foreign parents may become Italian nationals if they have been legally resident, without interruption<sup>6</sup>, until reaching the age of majority and officially declare, within one year of reaching the age of majority, that they wish to obtain Italian citizenship (Art. 4, para. 2). Not being aware of this time limit, they frequently fail to submit the request in time and thereby lose their chance to have this right recognised.

The excessive rigidity of this measure, which has only partially been mitigated by two subsequent Circulars from the Ministry of the Interior in 2002 and 2007, in practice excludes many second-generation children, born and brought up in Italy, from obtaining citizenship because they have not been legally and uninterruptedly resident in the country.

Moreover, Law No. 91/1992 does not contemplate the possibility for children of foreign parents arriving in Italy at a young age to obtain citizenship. After reaching the age of majority, the only way these children can obtain citizenship is through the normal channels established for adults (10 years of residence or marriage).

Another example of the inconsistency of Law No. 91/1992 concerns the possibility for foreign children to “follow” the citizenship of a foreign parent who becomes an Italian citizen.

A final problem concerns the impossibility for children with any kind of pathology limiting their mental capacities of taking the oath required in order for citizenship to be granted. In such cases, foreigners are considered to be incapable of taking the oath and, therefore, of obtaining Italian citizenship as they are considered incapable of manifesting their intention autonomously.

### ➤ The Gruppo CRC recommends that:

1. The Government introduces changes to Law No. 91/1992 in order to make it easier for foreign children who were born in Italy or arrived in the country at a very young age to obtain Italian citizenship.

## II. Institutions and Human Rights Infrastructure

### ❖ National Children's Ombudsman

#### UPR Recommendation 15 – *Implemented*

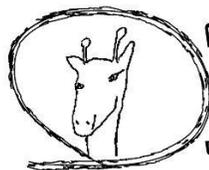
In 2011 a law for the creation of a **National Ombudsman**<sup>7</sup> was approved and in November of the same year the first National Children's Ombudsman was appointed<sup>8</sup>. Hence, for Italy, 2012 was the first year

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<sup>6</sup> The implementing regulation of Law No. 91/1992 (Decree of the President of the Republic 572/1993) states that a child can only be considered "legally resident" if s/he has held a residence permit since birth and her/his birth was recorded in the civil register. Legal opinion and case law are critical of this notion and have shifted attention from the respecting of these two conditions to whether the child has in fact resided on Italian soil.

<sup>7</sup> Law No. 112/2011 "*Istituzione dell'autorità garante per l'infanzia e l'adolescenza*".

<sup>8</sup> Appointed jointly by the speakers of the two Houses of Parliament on 30 November 2011, the former President of UNICEF in Italy, Vincenzo Spadafora, became the first National Children's Ombudsman.



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with such a figure. However, it is important to highlight that the regulation making the Ombudsman fully operative was only approved in September 2012<sup>9</sup>.

In terms of the **regional ombudsmen for children's rights**, only 2 Regions (Val D'Aosta and Abruzzo) out of 20 have yet to approve the necessary legislation to introduce this figure. Nevertheless, it is important to note that the legislation differs considerably from region to region in regard to term of office, powers and resources, creating further differences in terms of access to rights. **Eight regional ombudsmen are currently operational**, although it should be noted that two of these ombudsmen are not exclusively responsible for defending children's rights.

### National Policies in Favour of Children

#### ❖ National Action Plan for Children

##### **UPR Recommendation 42**

The National Action Plan for Children is the tool by means of which Italy fulfils its commitments to implement the CRC and its Optional Protocols. Although it is a bi-annual instrument established by Law in 1997, only four National Action Plans were approved since then, the last one on 21 January 2011.

At present the situation is very serious. In fact, the last National Action Plan was not funded, which means there are major difficulties concerning its implementation. Moreover there are challenges in assuring continuity and coherence in social policies regarding children.

#### ➤ The Gruppo CRC recommends that:

1. The Government convenes the new National Observatory on Childhood and Adolescence without further delay and ensures that there is sufficient funding for the activities contained in the new National Action Plan.

### **III. Cooperation with Human Rights Mechanisms**

Italy is cooperating with numerous human rights **mechanisms** related to children's rights. In addition to the UPR process, the Italian Government has also presented three Periodic Reports (1995, 2000 and Third-Forth Periodic Report in January 2009) to the UN Committee on the Rights of the Child.

In 2008 and 2012, Italy submitted State party reports to the **Committee on the Elimination of All Forms of Racial Discrimination (CERD)**.

### **IV. Implementation of International Human Rights Obligations**

#### Non-discrimination

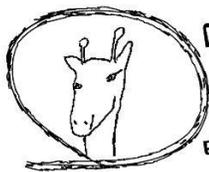
#### ❖ Children from Ethnic Minorities (Roma, Sinti and Camminanti)

##### **UPR Recommendation 57**

It is estimated that there are 130,000-170,000 Roma, Sinti and Camminanti in Italy, accounting for 0.25% of the Italian population, one of the lowest percentages in Europe<sup>10</sup>. Many are **children**<sup>11</sup>. **Many Roma**

<sup>9</sup> Published in the Gazzetta Ufficiale 228 on 29 September 2012. See [www.gruppocrc.net/Garanti-per-l-infanzia-e-l](http://www.gruppocrc.net/Garanti-per-l-infanzia-e-l)

<sup>10</sup>Cf. Council of Europe, *Roma and Travellers, Number of Roma and Travellers in Europe*, July 2008.



children, although born and brought up in Italy (and this is the situation of at least 15,000 of them)<sup>12</sup>, are not Italian citizens<sup>13</sup>. At the same time, however, precisely because they were born and brought up in Italy, they find it extremely difficult to obtain citizenship in the country of origin of their parents.

The precarious nature of their **living conditions** and their physical and social exclusion mean that Roma and Sinti children are prevented from fully enjoying their rights, including the right to an education and health care. Even today Roma communities are **evicted** and forcibly removed from the "illegal" camps in which they live<sup>14</sup>. In the majority of cases, they are not provided with any alternative housing when evicted<sup>15</sup>.

Very few Roma and Sinti children **have received a school education**, especially the non-Italian children. According to a recent estimate, at least 20,000 Roma children under 12, mainly Romanians did not attend school during the years of compulsory education. It is also estimated that "those Roma and Sinti children who do go to school are generally at least three years behind in terms of their level of education"<sup>16</sup>. This also depends on difficulties related to the distance of the "camps" from schools, the "special" school bus services for Roma children which, in order to serve all the camps, often gets the children to school very late and pick them up very early to take them home, and the discrimination of which Roma and Sinti children are victims at school<sup>17</sup>.

Economic hardship and social exclusion make it easier for Roma and Sinti children to become involved in **illegal activities**, but it is equally true that children of Roma origin are overrepresented in the Juvenile Justice System<sup>18</sup>.

➤ **The Gruppo CRC recommends that:**

1. The Government cooperates to put an end to the "nomad camps" by introducing a housing policy aimed at the social inclusion of Roma;
2. The Government resolves, together with the Prefectures, Provincial Police Headquarters and Diplomatic Representations, the question of children who become "effectively stateless" when they reach the age of majority by granting them Italian citizenship or at least making it easier for them to remain legally on Italian soil.

## Education

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<sup>11</sup> According to the estimates of Opera Nomadi, 60% are under 18, 30% of whom are under 5 anni, 47% aged 6-14 and 23% aged 15-18. The percentage of Roma and Sinti children under 16 (45%) is three times higher than the national average (15%). Cf. the report of the special Senate committee for the promoting and safeguarding of human rights, *Rapporto Conclusivo dell'indagine sulla condizione di rom, sinti e camminanti in Italia*, 9 February 2011, pp. 17-18 and p. 45.

<sup>12</sup> *Ibid*, p. 23.

<sup>13</sup> One of the biggest obstacles they encounter is proving that they have been legally resident uninterruptedly, because, for example, the public administration refuses to allow people who put their caravans on its property or who live in illegal camps to be included in the population registers.

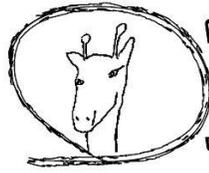
<sup>14</sup> In the city of Rome alone, between 31 July 2009 and the end of March 2013, 515 informal camps were closed down at an estimated cost of €7 million. Cf. Associazione 21 luglio, *Rapporto divulgativo sul piano degli sgomberi del Comune di Roma*, 24 August 2012.

<sup>15</sup> The Committee for the Elimination of Racial Discrimination "deplored the targeted evictions of Roma and Sinti communities which have taken place since 2008 in the context of the nomad emergency decree" noting that "following the forced evictions several Roma and Sinti families have been rendered homeless". CERD, Concluding Observations, Italy, 9 March 2012.

<sup>16</sup> Special Committee for the Promoting of Human Rights, *Rapporto Conclusivo dell'indagine sulla condizione di rom, sinti e camminanti in Italia*, op. cit., p. 61.

<sup>17</sup> For the situation of Roma children in Rome cf. Associazione 21, *Rom(a) Underground, Libro bianco sulla condizione dell'infanzia rom a Roma*.

<sup>18</sup> L. Basilio, *Dal campo al carcere: la ghettizzazione dei minori rom e sinti in Italia*, in G. Campesi, L. Re, G. Torrente, eds., *Dietro le sbarre e oltre. Due ricerche sul carcere in Italia*, Harmattan Italia, Turin, 2009.



## ❖ The Right to an Education of Foreign Children

### UPR Recommendation 41

The children of immigrants, young children from minority groups, especially Roma, Sinti and Caminanti, face significant challenges as regards school attendance and completion (at least until the age for compulsory education) and performance. Their limited knowledge of Italian is just one of the factors involved. Other factors include a frequent shortage of teaching staff, a lack of financial resources and specific professional figures, and the living and housing conditions of their families.

In the last school year monitored by the Ministry of Education and Research (2011-2012), **there were 755,939 non-Italian pupils enrolled at school in Italy**, accounting for **8.4%** of the total (8,960,166). 35.5% of non-Italian pupils were in school (type of school with the highest percentage of non-Italian pupils), 22% in middle school, 21.8% in high school and 20.7% in nursery school.

While, overall, there was an increase of around 45,000 non-Italian pupils over the previous school year, in more than 7 cases out of 10 the increase was due to **second-generation children, namely children of foreign nationality, but born in Italy**.

Action needs to be taken at various levels: the planning of systemic measures for the inclusion of foreign pupils and pupils from minority groups; the provision of adequate, stable funding to implement these measures; the creation of structures to welcome and assist children recently arrived from abroad; the guaranteeing of equal opportunities in the access to higher education; the elimination of the confusion between children and pupils of foreign nationality and second-generation children and pupils; the introduction of financial support mechanisms for poorer families; and the introduction of measures to prevent foreign and second-generation children from dropping out of school.

#### ➤ The Gruppo CRC recommends that:

1. The Government refrains from introducing further cuts to spending on education and guarantee all the necessary resources – human, technical and financial – for the integration at school of foreign children and children from minority groups.

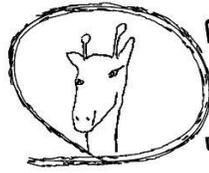
## ❖ The Right to an Education of Children with Disabilities

### UPR Recommendation 43

Important developments with regard to people with disabilities include the setting up of the **Observatory on the Condition of Persons with Disabilities**, created by Law No. 18/2009<sup>19</sup>, and the drafting of the first report on the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD), submitted by Italy to the United Nations in November 2012, and the two-year Action Programme for the promotion of the rights and the integration of persons with disabilities, approved by the Observatory in February 2013.

There are still problems regarding the assigning of **support teachers**; about 9% of the families have sought recourse to the courts to obtain an increase in the number of hours provided, while many pupils have had their support teacher changed during the school year or when moving up into the next year. There is uneven distribution of **support teachers over the country**, with children with disabilities in southern Italy being at a greater disadvantage compared to other regions and **the number of support**

<sup>19</sup> The law ratifying the UN Convention on the Rights of Persons with Disabilities.



teachers has been blocked for three years in 90.550 units. But the Ministry of Education's data show that the number of support teachers has been superior during these years, with about 7.000, 11.000 and 20.000 teachers, because it has been necessary a further support for pupils with acute disabilities.

The **training of staff** remains a very critical issue. Indeed, despite the fact that new criteria have been identified for the specialisation in support activities<sup>20</sup>, there are still not enough initiatives aimed at ensuring that teachers receive suitable training (especially teachers who are already working).

The data concerning the **participation of pupils with disabilities in extracurricular activity** continues to be very discouraging. In addition, other challenges are yet to be addressed. These include the failure to respect the **maximum number of pupils per class** (as established by Presidential Decree No. 81/2009) and the lack of any kind of **monitoring of this issue; shortcomings** in terms of the use of **Individualised Education Plans** and **Functional Diagnoses**, as required by Law, and in the involvement of families and staff; difficulties in using technological appliances; and, in general, the significant **gap between what the law prescribes and what happens in practice** at different levels.

➤ **The Gruppo CRC recommends that:**

1. The Government guarantees the regular functioning of the National Observatory for the Integration of Students with Disabilities;
2. The Government introduces mechanisms to monitor, also through the collection of qualitative data and promotion measures, the inclusion of pupils with disabilities, starting with the drawing up and systematic use of Individualised Education Plans.

## Protection

### ❖ **Unaccompanied Foreign Minors Seeking Asylum**

#### **UPR Recommendation 44**

On 31<sup>st</sup> January 2014 a total of 7,824 unaccompanied foreign minors (UMFs) had been reported to the Ministry of Employment and Social Policies' Directorate General for Immigration. Most of the UMFs reported were boys (7,300) aged between 16 (1,962) and 17 (4,238), and were placed in facilities for children (5,952). The majority of the UMFs present was from Egypt (1312), Bangladesh (991), Albania (890) and Afghanistan (371), the latter being the country of origin of the highest number of UMFs whose whereabouts were unknown (391). There are no exact figures for the so-called "**minors in transit**", i.e. those foreign children (mainly Afghan) who pass through Italy on their way to other European countries without coming into contact with the authorities.

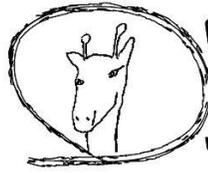
**Even though the number of UMFs arriving or staying in Italy has fallen, no changes were made in 2012 to the reception system for unaccompanied foreign minors.**

Not all the facilities to which unaccompanied foreign minors are taken upon arrival or when they are discovered on Italian soil<sup>21</sup> are equipped to host them, especially for long periods<sup>22</sup>.

<sup>20</sup> Ministerial Decree, 30 September 2011.

<sup>21</sup> Police stations or, if they arrive by sea, Centres for Relief and Initial Reception – where such centres exist.

<sup>22</sup>Cf. Save the Children, "*Minori in arrivo via mare – Rapporto di monitoraggio delle comunità per minori in Sicilia, Puglia e Calabria*", December 2012.



The island of Lampedusa, in particular, continues to be an “unsafe port” and the Centre for Relief and Initial Reception can only accommodate 250 people, with 50 places reserved for women and children together.

It is of particular concern to note in relation to the **age verification process** the failure to formally adopt at a national level the so-called Ascone Protocol<sup>23</sup>, but also the increasingly systematic and widespread use of wrist x-rays for this purpose. As regards the appointing of a legal guardian, and the lack of specific training provided to them, there is concern over the delay in naming a guardian, with serious consequences on the ability of UFM's to exercise their rights, especially if they have requested international protection, as well as<sup>24</sup>.

➤ **The Gruppo CRC recommends that:**

1. The Government creates a national system for the reception and protection of unaccompanied foreign minors, financed by a specific multi-year fund, which makes full use of all the reception facilities in the country, and has a mechanism to monitor the standards of these reception facilities and prevent municipalities from using facilities that are inadequate;
2. The Government adopts standard procedures to verify a person's age at a national level, using multidisciplinary methods of investigation, and identify those structures that are equipped to carry out the necessary medical examinations. Such tests should only be carried out when there are valid grounds for doubting a person's age and only when it is not possible to determine a person's age in any other way.

## Sexual Exploitation

### ❖ Prostitution

#### **UPR Recommendations 83 and 86**

#### **Child prostitution is not a single-faceted phenomenon and is often connected to other issues.**

Child prostitution is usually connected to human trafficking and sexual exploitation. Although the phenomenon is not very well-structured or crystallised, in Italy there are many cases of child prostitution involving boys. According to the operators interviewed, male prostitution is particularly prevalent in the Roma communities<sup>25</sup>. Another element to bear in mind when dealing with child prostitution is the “**multi-faceted nature of the problem**”, i.e. many children display a series of problems connected to one another. For instance, it is not uncommon for girls who take drugs (even though they are not necessarily drug addicts) to also sell their bodies.

**This phenomenon, being so diversified and complex, must be tackled through a holistic and flexible approach.**

➤ **The Gruppo CRC recommends that:**

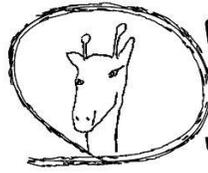
1. The Government includes, within the programmes of Social Protection, specific measures for child-victims of trafficking for the purposes of sexual exploitation. It must also provide professional development training for its staff and allocate greater resources to monitor the phenomenon.

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<sup>23</sup> See [www.giustizia.it/giustizia/it/mg\\_16\\_1.wp?previousPage=mg\\_16&contentId=NEW54576](http://www.giustizia.it/giustizia/it/mg_16_1.wp?previousPage=mg_16&contentId=NEW54576).

<sup>24</sup> Even though there is no specific legislation on this matter, Guardianship Courts tend to appoint as the guardians of UFM's the mayors of the municipalities in which the UFM's are discovered. Professionals, therefore, complain about the lack of specific “registers” and/or “lists” of guardians and their lack of specific training.

<sup>25</sup> Source: estimate of the Association On the Road, based on the observations of the street help-centres and the association's own staff.



## ❖ Children in conflict with the Law

### UPR Recommendation 39

The law on the juvenile prison system is yet to be developed and adopted, despite several calls from the UN Committee on the Rights of the Child, the Council of Europe<sup>26</sup> and the Italian Constitutional Court<sup>27</sup>. No steps have been taken to create a National Observatory on the Condition of Detained Minors involving the institutional actors, NGOs and research centres. A positive development, however, is the effort being made by the Department of Juvenile Justice (DGM) to make available on its website an increasing amount of statistical data and analyses<sup>28</sup>.

**There is a lack of "holistic" approach** to the question of juvenile crime, even though the institutions themselves are fully aware that only by adopting such an approach will it be possible to tackle "the aspects of multiple discrimination" that affect children who enter the criminal justice system, "*which include their young age, the legal status of being the perpetrator of a crime, the risk of psychological and social problems*"<sup>29</sup>. To these factors must be added the highly selective social nature of the juvenile criminal system and the de facto discrimination that foreign children, the children of foreigners, and Roma and Sinti children face. Indeed, these groups are overrepresented in the juvenile criminal justice system, in particular in the Juvenile Penal Institutions.

When the police receives a report about a crime being committed by **foreign children**, it is far more likely that this will lead to criminal action being taken than in the case of reports about crimes being committed by Italian minors<sup>30</sup>. Foreign children are also convicted more often than Italian children, spend longer in pre-trial detention, and are less likely to benefit from alternative measures to detention, judicial pardons or parole<sup>31</sup>, even though at least in terms of parole the situation appears to have improved over the last few years. Although Art. 18, para. 6, of Legislative Decree No. 286/98, which allows the "regularisation" of their legal position upon reaching the age of majority, is yet to be fully implemented, some juvenile courts have started to refer to this article in their judgments.

Moreover, there has also been an experimental application of the use of **penal mediation**.

While it is a positive development to see that children, including foreign children, are increasingly being placed in **residential care**, this is still very limited and the resources allocated to this are scarce.

The issue of dealing with psychiatrically disturbed children appears to have been particularly neglected.

### ➤ The Gruppo CRC recommends that:

1. The Government adopts a law on the juvenile prison system that is consistent with the function that our legal system attributes to custodial sentences in the juvenile justice system;
2. The Government allocates greater financial and trained human resources for the juvenile criminal justice system, the social services and the communities;

<sup>26</sup> Committee of Ministers, REC (2003) 20, II, 5.

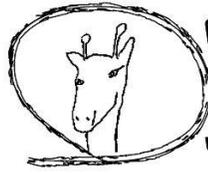
<sup>27</sup> Constitutional Court, decisions 125/1992, 109/1997, 403/1997, 450/1998 and 436/1999.

<sup>28</sup> See [www.giustiziaminorile.it/](http://www.giustiziaminorile.it/).

<sup>29</sup> Third two-year National Action Plan for the safeguarding of the rights and development of children, adopted by Presidential Decree on 21 January 2011, p. 111.

<sup>30</sup> M.S. Totaro, T. Pagliaroli, "*I minori stranieri devianti: il quadro generale*", in I. Mastropasqua, T. Pagliaroli, M.S. Totaro, (eds.), "*INUMERI pensati – Minori stranieri e Giustizia minorile in Italia*", Dipartimento della Giustizia Minorile, Ufficio del capo del Dipartimento, Rome, 2008, p. 79, table 1.

<sup>31</sup> M.S. Totaro, T. Pagliaroli, "*L'analisi statistica delle misure applicate*", *ibid.*, p. 174, table 5.



## ❖ Violence, Mistreatment and Abuse

### UPR Recommendation 37

There is still no national child protection system in Italy that includes the monitoring of cases of mistreatment and data provided by the judicial system on this phenomenon is limited. During the period 2006-2010 the number of reports of sexual violence against children rose by 6% and those of sexual acts with children by 25%<sup>32</sup>. According to the data of the Ministry of the Interior's Statistical Office, based on the reporting of crimes, **in 2011 10,985 children were victims of sexual violence, exploited for prostitution, beaten or threatened.** This figure is undoubtedly an underestimate, given that the number of cases reported is usually less than 10% of those that actually occur. We do not have data on the number of children involved, nor on other types of violence, such as physical mistreatment, psychological mistreatment and witnessing violence. With the current negative economic situation, the social services are increasingly engaged in employing emergency strategies to protect child victims of serious neglect and/or mistreatment, following the dismantling of the services to assist and protect children. As a result, the **primary and secondary prevention services**, while still present at a local level, remain, in the absence of a national plan, difficult to assess as regards their outcome and are difficult to replicate nationally.

As far as the **treatment and rehabilitation of the victims** are concerned, the assistance and psychotherapeutic treatment provided are rightly included among the general health services provided by the National Health System (Government Decree, 14 February 2001).

Yet it is still fairly common to find that in cases of offences committed within the family, children victims of these offences are not suitably represented in court through the appointment of a guardian..

Moreover, there is a need to support and implement projects to create awareness among **younger generations regarding the issue of children witnessing violence.** Witnessing violence is a very difficult phenomenon to quantify as victims do not normally consider themselves as such. There is a perception that violent behaviour is “legitimate” or at least tolerable<sup>33</sup>.

With regard to the **training of staff on matters of mistreatment and sexual abuse** relating to the recognising, reporting and treatment of cases, the approach continues to be haphazard and there have been drastic cuts in the financial resources over the last few years.

Finally, the **involvement and recruitment of children in criminal organisations, often Mafia organisations is also a major issue of concern in Italy.** Here, too, excluding a few isolated, praiseworthy initiatives, there are unfortunately no organised strategies to combat this phenomenon. Any such strategies require the involvement of many different institutions and action to be taken at numerous different levels.

#### ➤ The Gruppo CRC recommends that:

1. The Government creates a nationwide database to monitor the mistreatment of children in Italy;
2. The Government transposes as early as possible European Directive 2011/92/EU of 13 December 2011 on combating sexual abuse and sexual exploitation of children and child pornography, and introduces together with the necessary funding, specific strategies and measures for the creation and improvement of services to prevent and protect children from violence and sexual exploitation, guaranteeing throughout the country the right to speedy, high-level treatment for as long as is necessary, depending on the seriousness of the problem.

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<sup>32</sup> ISTAT, 2012.