



VIS

**Volontariato Internazionale
per lo Sviluppo**

HUMAN RIGHTS IN ITALY

GENEVA, OCTOBER 11, 2019

UPR Info Pre-sessions

Situation in Italy – UPR 2019

VIS – Volontariato Internazionale per lo Sviluppo : Italian NGO working in development cooperation & international solidarity, within the Salesian Family of Don Bosco. An educational agency with special ECOSOC Status since 2009, accredited by ECHO, member of FRA Fundamental Rights Platform and the EU Civil Society anti-trafficking in Human Rights. Has participated in UPR 1 & UPR 2, besides most Treaty Bodies appointments considering Italy.

Focus of presentation:

- **Child Rights**
- **Child Rights – Migrants, Refugees, Asylum seekers**
- **Child Rights - Right to Education**

Situation in Italy – Child Rights

F31 Children: definition; general principles; protection - B31 Equality & non-discrimination
- REC. 145.54; 61; 91-93; 126-128; 174-176; 179-180

- Evidence of high levels of prejudice and misinformation in Italy, with widespread forms of **intolerance and discrimination** based on ethnic origin, religion, sexual orientation and gender identity.
- Children of foreign origin are still greatly discriminated, even when born & brought up in Italy, as current legislation makes it difficult for them to obtain citizenship.
- Other children victims of discrimination: unaccompanied foreign minors, children belonging to ethnic, linguistic and religious minorities.
- Many more because of the part of Italy they come from, owing to the differences in standard of living and opportunities existing among Regions.

Situation in Italy – Child Rights

G4 Migrants, G5 Refugees & asylum seekers – REC. 145.54; 61; 91-93; 126-128; 174-176; 179-180

- Italy has made further progress in the attempt to make the national legislative framework on the reception & protection of migrant children compliant with International standards, in particular through the adoption in April 2017 of Law 47/2017 containing “*Provisions concerning protection measures of foreign unaccompanied minors*” and affirming that “*unaccompanied foreign minors are holders of the rights concerning children’s protection and enjoy equal treatment with minors of Italian or European citizenship*”.
- **Law 47/2017 was undoubtedly a positive development.** It has established a new guardianship system for unaccompanied children, producing significant improvements in speeding up the registration of asylum claims of unaccompanied children, shortening UAM’s stay in Italian hotspots and reducing the risk of experiencing violence.
- ***Nevertheless, after more than 2 years from its entry into force, the drafts of the implementing decrees for the effective application of Law 47 are still under discussion.***

Situation in Italy – Child Rights

G4 Migrants, G5 Refugees & asylum seekers – REC. 145.54; 61; 91-93; 126-128; 174-176; 179-180

- In 2018 the Ministry of the Interior introduced a series of administrative & legislative measures on the reception of persons applying for asylum or international & humanitarian protection putting at risk Law 47/2017 achievements: Decree 113/2018 on Immigration and Security - converted into Law 132/2018 in December 2018 - abolished the “humanitarian protection” measure replacing it with temporary forms of protection (called “special protection”).
- Special concern exists about several provisions affecting children turning 18 and unaccompanied children. Especially UAMs turning 18, are at risk of not being granted extended protection, hence, falling out of the formal reception system.
- In August 2019 the Parliament approved the DL “*Urgent provisions regarding public order and safety*” (D.L.53/2019). Concerns about its articles 1 & 2, assigning new faculties to the Ministry of the Interior: the faculty to “*limit or prohibit the entry, transit or parking of ships in territorial sea [...], for reasons of order and public security*”, which could, in the absence of a specific indication concerning them, violate the rights of migrants and refugees, provided for by the CRC.

Recommendations – Child Rights

(SDG 10)

- *Promote an awareness campaign in favour of positive parenting and against corporal & humiliating punishments as a means of education.*
- *Ensure that Law 47/2017 is fully implemented in order to grant the protection of UAMs and guarantee their rights are respected throughout their stay in Italy, as well as promoting their social inclusion.*
- *Ensure that specific safeguards are explicitly provided for children to be exempted from measures foreseen by Decree no. 113.*
- *Introduce and properly regulate best interest procedures by law and/or implementing regulations, ensuring that the best interests of the child are a primary consideration in every decision or action pertaining to her/him.*

Situation in Italy – Child Rights

E51 Right to education – General , REC. 145. 156

- The Italian education system has been characterized by a constant rise of non-Italian students. At the end of 2016/2017 school year, according to MIUR data (2018), 826.091 students came from an immigrant background: about 9.4% of the total.
- EUROSTAT latest data: in 2017 the share of early leavers from education and training (aged 18-24) in Italy was estimated at 14%.
- Early school leaving was much more significant among foreign citizens than Italians (33.1% against 12.1%) and territorial differences in early school leavers were very pronounced (18.5% in Southern Italy; 10.7% in Central Italy; 11.3% in Northern Italy), not showing signs of shrinking. Although in recent years early childhood education enrolment increased, early dropouts remain a problem with a growing proportion of young Roma not in education, employment or training (NEET).

Recommendations – Right to education

(SDGs 4 and 10)

- *Italy should implement policies counteracting early school leaving, focusing on foreign and Roma children.*

THANK YOU FOR YOUR ATTENTION !