



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 44 of the Convention

Third periodic report of States parties due in 2003

**Italy**<sup>\*,\*\*</sup>

[30 January 2009]

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\* According to information submitted to States parties concerning the processing of reports, the present document has not been edited before being sent to the United Nations translation services.

\*\* Annexes are circulated in the original language only.

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Note

Changes in the names of Ministries and Departments are caused by their different organizations in the various terms that followed each other in the time frame which is the object of the present report.

## I. Introduction

1. As a States party to the Convention on the Rights of the Child, which it ratified through Law 176 of 27 May 1991, as well as to its two Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, implemented by Law 46 of 11 March 2002, Italy recognizes the status of the child as entitled to rights as an individual and within the family and social community in which he lives, grows and matures.
2. Our country has therefore undertaken to ensure the full respect of the rights to which children are entitled. In accordance with articles 4 and 19 of the Convention, each State party is required to adopt: “all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the [...] Convention” and in particular “all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement”.
3. This undertaking has been reinforced through participation in other international legal instruments for the prevention and suppression of violence against children.
4. These include ILO Conventions 138 on the Minimum Age for Admission to Employment and 182 on Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratified on 28 January 1981 and 7 June 2000 respectively.
5. Italy’s role in taking forward the drafting and signing, in Palermo on 12 December 2000, of the United Nations Convention against Transnational Organized Crime and its Protocols on Trafficking in Persons, Especially Women and Children, and on Smuggling of Migrants by Land, Air and Sea, was particularly significant.
6. In this respect, the ratification through Law 77 of 20 March 2003 of the European Convention on the Exercise of Children’s Rights, signed by Italy on the day of its approval by the Council of Europe, is also worthy of mention. Furthermore Italy signed the Convention on Contact concerning Children and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, respectively on 15 May, 2003 and 7 November 2007.
7. This commitment was reiterated through Italy’s participation in the Special Session of the United Nations Assembly dedicated to children, which took place in New York in May 2002 and the implementation of the final Declaration and Programme of Action commitments by elaborating and introducing on March 2007 the “Plus 5” review Italian National Progress Report as international commitment assumed by our country at the end of the United Nations special session.
8. The present report will therefore examine the main legislative, administrative and judicial instruments through which our country has implemented the Optional Protocol, the activities undertaken to provide information on and disseminate the content of the Convention as well as the two Optional Protocols, and the several bilateral and multilateral international cooperation initiatives undertaken by Italy in this context. Moreover, a specific attention is devoted to planning and ongoing measures to be implemented in future

years, while keeping clearly in view the need to give this information in accordance with the Guidelines provided by the Committee on the Rights of the Child.

9. For the compilation of the Italian Government's Third and Fourth Consolidated Report on the Implementation of the Convention on the Rights of the Child and related Optional Protocols, the Inter-ministerial Committee on Human Rights (CIDU), which operates in the Ministry of Foreign Affairs (MFA) and whose remit is to draw up and present to the United Nations the Government's reports on the implementation in Italy of the main Conventions on the protection of human rights, set up a special Working Group to coordinate the input from the following Departments: the Prime Minister's Office – in particular the Department for Family Policies and for Equal Opportunities, the Ministry of the Interior, the Ministry of Justice, the Ministry of Defence, the Ministry of Labour, Health and Social Policies, the Ministry of Education, the National Statistics Institute (ISTAT), the Carabinieri Corps, the Italian UNICEF Committee, and other Administrations.

10. According to article 1, paragraph 6 of Presidential Decree 103 of May, 14th 2007, the National Observatory for Childhood and Adolescence, supported by the Italian National Childhood and Adolescence Documentation and Analysis Centre, drafted the report in conformity with article 44 of the Convention. The draft report is transmitted and elaborated in its final version by the Government.

11. In this work the Italian National Childhood and Adolescence Documentation and Analysis Centre has vested a central role, collecting all the materials from central and local administration as a member of the National Observatory and the Inter-ministerial Committee of Human Rights.

12. During the last three years, in particular in 2007 and 2008, the Working Group also promoted several meetings with representatives of the NGOs which work in this field, to promote and protect children rights at the national level.

## **II. General measures of implementation (arts. 4; 42; and 44, para. 6)**

### **A. Legislation**

#### **Committee recommendation No. 7 on the review of national and regional laws and their conformity with international human rights standards**

##### **The national context**

13. At national level, the reform of the Title V of the Italian Constitution by Constitutional Law No. 3 of 18 October 2001 and its subsequent implementation regulations, amended article 117 and radically renewed the system of competences and the division of functions between the Central Government and the autonomous Provinces/Regions.

14. In the implementation of this reform, three sectors of legislative power were identified:

- A first domain of exclusive State legislative power, in a mandatory series of matters, among which the one regarding the “determination of basic performance levels regarding civil and social rights that must be ensured throughout the nation” that will be described below

- A second domain of so called “combined” legislation, in which the legislative power is assigned to the Regions, except for the determination of fundamental principles of national interest, reserved to State legislation
- A third residual domain, in which Regions have exclusive power for all the matters which are not openly indicated among those that exclusively belong to the State or those which are part of the combined competence

15. With respect to this new division, also the domains and the matters that concern childhood and adolescence appear to have been redefined, and have been assigned to the State and regional competence domains, respectively. With respect to this, it is particularly worth underlining:

- The simultaneous presence of matters that significantly concern childhood and adolescence which have been assigned exclusively to the Regions, among which the issue of social services for the underage, alongside others (health protection, education, school) which are assigned to the domains of combined competence.
- The central character of the guarantee, guidance and orientation function of the State which is expressed on the one hand in the exclusive function of the “determination of basic performance levels regarding civil and social rights that must be ensured throughout the nation”<sup>1</sup> and on the other hand in the definition of basic principles in matters of combined legislation assigned to the Regions; with respect to this, it is clear that the “determination of basic performance levels regarding civil and social rights that must be ensured throughout the nation”, assigned to the State, has fundamental significance with respect to, specifically, policies for childhood and adolescence. In order for these policies to really achieve the objectives posed by the Convention on the Rights of the Child, they have to be, on the one hand, homogeneously implemented throughout the nation, and on the other hand supported by appropriate public funds and be consistent with levels and tools for general social protection. Based on all this, the reservation to the exclusive legislative power of the State becomes somehow a situation that cannot be cancelled, also considering that these are not “minimum levels” (a statement that might imply minimal levels, of mere survival) but rather “essential” levels, certainly higher than minimal levels and with respect to which only the State, and only within a general framework of social policies and in the light of the overall funds available and of the relevant priorities, can effectively issue laws. Essential levels defined (and funded) by the State can be further improved by the Regions and by the Local Authorities within the framework of their autonomy (also financial), and within the framework of their regulatory and planning powers.
- The full recognition of the concept of subsidiarity, both in its “vertical” meaning, according to which the ownership and the exercise of the administrative functions regarding services for the people are transferred to the institutional level closest to citizens, that is, local authorities (Municipalities), and in its “horizontal” meaning, enhances the participation and involvement of citizens, organizations and associations and private businesses in planning, implementing and carrying out actions and services.

16. For clarity of information it is necessary to specify that the State has not yet defined the essential levels for the provision of social services (LIVEAS) that would have to be established together with the Conference State-Regions, also including local bodies besides

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<sup>1</sup> See Programmatic indications and prospects for reform for activities after 2007.

the competent Ministries. This situation has determined different programs, management of resources and competences, creating a diversification of regional policies for childhood and adolescence.

17. To complete the previous report, with the coming into force in 2000 of the Framework Law on social services (Law 328/2000), Law 285/1997 has become a structural element in social actions for the individuals. Law 328/2000 established the setting up of the National Fund for Social Policies, which includes the National Fund for Children (former Law 285/1997). This resulted in the creation of an “Undefined Fund” in which independent funds are envisaged for the so-called 15 Beneficiary Cities, exclusively earmarked for services for children and adolescents.

18. In any case, Law 328/2000 provides that actions for children must aim both to support children in difficult situations and to promote the rights of childhood and adolescence (art. 22, para. 2, subpara. c) in the framework of the system of essential levels for the provision of social services (*liveas*). Besides, it is envisaged that actions as per article 22, paragraph 2, subparagraph. (c) must however be carried out in compliance with the aims defined by Law 285/1997 and therefore aimed to ensure the well-being of its recipients.

19. In conclusion, the combination of the reform of Title V of the Constitution (Constitutional Law 3/2001) and the adoption of Law 328/2000 has led to the introduction of the National Social Fund and to the adoption of concrete policies by means of the State-Regions consultation.

20. The new law regulations have therefore originated a rather articulate and complex landscape, which is still changing and has positive elements and criticalities.<sup>2</sup>

21. Since the submission of the previous report (2001) and following the 2003 remarks of the Committee on the Rights of the Child, the Italian Government has issued a significant system of regulatory provisions which on the one hand have revised and adapted previous provisions, and on the other hand have contributed to widening the current regulatory system to the benefit of children and adolescents.

22. The objective of this action was to complete the harmonization process of Italian legislation with the principles of the Convention on the Rights of the Child and other international standards, as was requested by the 2002–2004 National Plan of Action.

23. This process characterized the time from 2000 to 2007 and contributed to bringing national regulations closer to the situation and well-being of children and adolescents, assigning to the national regulatory system an increasingly child-centric character.

24. Some of the fields of childhood and adolescence policies where this growing attention can be noted are those regarding:

1. Family, intrafamily relations, children outside the family and deinstitutionalization;
2. Sexual abuse, online child pornography and related developments;
3. Migrant foreign children;
4. Juvenile justice.

25. Moreover greater awareness and ownership on the side of the Regions is noticed, with respect to this organizational and law-making autonomy. This is currently contributing

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<sup>2</sup> Article 117, paragraph 2, subparagraph (m) of the Italian Constitution.



to the development of regional regulations in line with national regulation (for an example of this see the regional legal annex).

26. In June 2006, according to an analysis carried out in Italy, 13 Regions referred in their own Statute to the protection and/or promotion of the rights of children and adolescents, while the Latium Region openly mentioned the Convention on the Rights of the Child. Furthermore, at the end of 2007, according to a study carried out by the Italian National Childhood and Adolescence Documentation and Analysis Centre, 15 regional administrations had approved a Regional Law which set up a Regional Observatory on childhood and adolescence policies or a similar facility, thus implementing what envisaged by Law 451/1997 (which was largely submitted in the 2000 report). The dissemination of Observatories dedicated to childhood and adolescence in Italy indicates an increase in the focus on children and adolescents, as does the proliferation of regional regulations on this matter.

## B. Resources

### **Committee recommendation No. 9 on the allocation of use of resources across the State party as well as for the activities carried out by the Foreign Ministry's international development aid and cooperation**

27. In Italy, money is mainly spent for childhood and adolescence in three areas: welfare expenditure, health care expenditure, expenditure for education and training. In these three fields, the last data available date back to 2005.

28. The overall amount spent for children and families as measured by the Eurostat<sup>3</sup> Espress system, amounted to €15 billion in 2005, 4.4 per cent of the overall social expenditure which is now equal to 1.1 per cent of GDP.

29. Such amount, however, is not accurate enough to identify the commitment present in the Government budget for family responsibilities and the rights of children, since on the one hand it also includes expenditure items to the benefit of families and not necessarily specific for children (contributions by the Municipalities to start work, etc.) and, on the other hand, it does not take into consideration rather more significant items that regard families with children such as *tax expenditures* (deductions which, with respect to personal tax, are granted to taxpayers' with children) and the expenditure for education, which is not mentioned by social protection Espress accounts.

30. In 2005, expenditure for family responsibilities could be estimated as amounting to €8,805 million, 5,477 of which for child allowances and 1,117 million for other money transfers (an allowance for families with at least three children, maternity allowances, etc.). The latter were mainly distributed by INPS (the Italian Social Security Institute). A modest role was still played by services: €1,679 million (for nurseries, day centres, school support service centres, etc.) was provided for by the Municipalities. It should also be noted that the expenditure for family allowances has significantly increased in the two most recent years and reached €6,427 million in 2007. If also taking account of personal income tax allowances for dependants, estimated in 2005 at approximately €12 billion, the expenditure for the family and children sector amounts to nearly €21 billion, equal to 1.47 per cent of GDP.

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<sup>3</sup> Eurostat, *Social Protection in the European Union*, Issue No. 46/2008, Statistics in Focus, Brussels 2008.

31. Inside this expenditure heading, it may be worth emphasizing the part for maintaining education services for early childhood (nurseries, and supplementary services for children aged 0–3). The expenditure allocated to these functions by the Municipalities, again in 2005, was estimated at €898 million (0.063 per cent of GDP).<sup>4</sup>

32. The picture can then be completed with current public expenditure on education, which amounted to approx. €62.7 billion (4.4 per cent of GDP) in 2005, 93 per cent of which can be attributed to children's services.<sup>5</sup>

33. As to the expenditure for health-care services, also not considered in the first figure on the social expenditure for childhood and families, in 2005 it amounted for the whole of society to 6.3 per cent of GDP (€89.6 billion), in average with the other European countries. It can be assumed that health-care expenditure for services for children and adolescents has a slightly lower weight than their percentage on the population, which is 17 per cent. Expenditure allocated to children can be estimated for 2005 in absolute terms at €10–12 billion.

34. On the whole, the level of public expenditure for children and adolescents can be estimated around 6.2–6.4 per cent of GDP. In the aggregate amount, the item that appeared to be affected by the greatest shortcomings is early childhood, where a strengthening of commitment appears to be necessary, and especially a regional new balance of actions, especially privileging the supply of services (nurseries and other supplementary services), which also gives the opportunity to achieve significant social integration objectives at a time characterized by significant migratory flows. Just with reference to part of the funding trends described above, it is worth noting that the 2007 Budget Law includes a series of measures aimed at increasing social equity and the protection of disadvantaged social groups. Among them, of particular significance is the setting up of some new provisions for funding actions on social and family solidarity and the increase in resources assigned to already existing provisions.

35. As to resources allocated to the benefit of children within the framework of international cooperation for development, the Ministry of Foreign Affairs has carried out a series of initiatives in agreement with the Guidelines of Italian Cooperation on Children. These programmes have been implemented in collaboration with the recipient governments and through a multisectoral integrated strategy, based on the following elements: support of central and decentralized institutions; strengthening of the network of locally active social organizations; promotion of community participation; strengthening of youth organizations of young recipients that are called to take part in identifying and implementing basic services and information, awareness raising and monitoring of actions to their benefit.

36. Initiatives are aimed at removing the fundamental causes of serious events such as poverty, wild urbanization developments, the break-down of the family and community fabric, the event of social disaffection and street children, transnational trafficking in human beings and specifically in young girls, adolescents and children, exploitation of child labour in its worst forms, the market of illegal international adoptions, commercial sexual exploitation also in tourism and child pornography via the Internet, the use of child soldiers in armed conflicts, migration of unaccompanied children between the various regions and nations.

<sup>4</sup> ISTAT (National Statistics Institute), *Census on Social Actions and Services of Municipalities*, Rome, June 2008.

<sup>5</sup> ISTAT (National Statistics Institute), *Expenditure in Public Administrations for II Level Functions, Years 2000–2006*, Rome, February 2008.

37. For these development cooperation projects for childhood, €18,356,317.54 were allocated in 2006, €11,792,748.68 of which for projects in Africa. These funds were primarily allocated to projects regarding the issues of trafficking, sexual exploitation and child labour, to which resources for €5,456,679.8663 were allocated. €17,849,369 were allocated in 2007, with a shift of part of resources from Africa to the Middle East, which received €5,523,564. Besides, most resources (€5,867,023) were allocated to social projects.

38. As to the field of decentralized cooperation, that is to say, cooperation projects pursued by the Regions, 15 Regions in 2006 and 9 Regions in 2007 stated that they would take action for the benefit of children.

## C. Coordination

**Committee recommendation No. 11 to strengthen effective coordination within and between government agencies in the implementation of policies for the promotion and protection of the child, closer and more active cooperation with NGOs, participation of children in the activities of the National Observatory**

39. With respect to the coordination of policies for childhood promotion and protection, it is worth starting by pointing out that the transfer from the State to the Regions of the full competence for the regulation of the system of social services — started with the Constitutional Reform of Title V in 2001 — has implied the promotion of greater local coordination aimed at ensuring an integrated system of social services throughout Italy.

40. At national level, there remains in the first place the system of constitutional guarantees and of the objectives of “substantial” quality that the Constitution has defined; these objectives are binding for the various local authorities involved in the management of the system of social services. Second, the State keeps the competence to define the essential levels of services that must be ensured uniformly throughout Italy. Third, the State still has the possibility to act ex post, as a replacement, to make the use of the essential levels effective. In this organizational model, the forms of convergence in law-making and planning between the Regions become valuable, through modes of self-coordination, and also through the use of the method of open coordination and the implementation of framework institutional agreements.

41. Coordination tools have already been widely mentioned in the previous report, specifically the Permanent Conference for the relations between the State, the Regions and the Autonomous Provinces of Trento and Bolzano, and the Joint Conference, which is the joint venue of the State-Regions Conference and of the State-Cities and Local Autonomies Conference.

42. Another fundamental coordination body is still functioning, that is the Italian National Observatory on Children and Adolescents.<sup>6</sup>

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<sup>6</sup> Here follow the main activities carried out in the timeframe of reference.

In 2002 working groups were established on the following issues: children in difficult situations; children and media; support to parents; foster care; time outside the family; regional policies; child labour.

In 2003 the establishment of theme sessions was envisaged, to analyse the following issues: children who cannot be taken before Court; child labour; establishment of the Ombudsman for Children; closing down of institutes.

In addition to this, the following working groups were established:

43. During the 15th parliamentary term (2006–2008), it was reorganized through Presidential Decree 103 of 14 May 2007. The Observatory has begun drafting the new National Plan of Action for the Rights of Children.

#### **Other institutions and coordination activities**

44. The following are other national coordination institutions, set up in the timeframe under examination on specific issues that have generated actions for the knowledge, coordination, promotion and protection of the rights of childhood:

- The National Observatory on the Family, regulated by Ministerial Decree No. 242 of 30 October 2007
- The Inter-ministerial Coordinating Committee for Government Action against Trafficking in Human Beings, to face the various aspects of this event (sexual exploitation, labour exploitation, cooperation with the countries of origin of the victims, trafficking in children), coordinated by the Department for Rights and Equal Opportunities of the Prime Minister's Office
- The Inter-ministerial Coordinating Committee for the Fight against Paedophilia (CICLOPE)
- The Observatory on Prostitution and the Crimes Connected to it, of the Ministry of the Interior, set up by Ministerial Decree on 18 January 2007
- The Observatory on Youth Problems Connected to Addictions, established at the Ministry of Social Solidarity, by the 2007 Budget Law No. 296 of 27 December 2006
- The National Observatory for the Integration of Foreign Pupils, established by Ministerial Decree on 6 December 2006
- The Observatory for the Fight against Paedophilia and Child Pornography (Law No. 38 of 6 February 2006, Ministerial Decree No. 240 of 30 October 2007), with the task of acquiring and monitoring data and information regarding activities

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- Closing down of institutes
  - Establishment of the Ombudsman for Children
  - Biennial report on the situation of children and adolescents in Italy
  - Ratification of the European Strasbourg Convention on the Exercise of Children's Rights

The working group on the closing down of institutes worked to prepare a draft "Plan" for the closing down of institutes, focusing on care for children and adolescents and their need for filial and educational relationships that make this deinstitutionalization actually feasible.

The Group on the establishment of the Ombudsman for Children approved a final document in which the features of the ombudsman were defined, both in national and regional terms, with respect to role and functions, appointment and term, office organization, resources, requirements, incompatibility, revocation, relationship with associations, child participation, coordination between national and regional authorities.

The task of the Group on the biennial report on the situation of children and adolescents in Italy was to provide the National Documentation and Analysis Centre for Children and Adolescents with the list of contents to draft the report, defining the areas that need further analysis.

The group on the follow-up to the Ratification of the European Strasbourg Convention on the Exercise of Children's Rights worked on the integration and enlargement of the field of application of the Convention, by defining a series of substantial and interpretative tools aimed at making legal protection of boys and girls feasible.

carried out by all public administrations for the prevention and repression of sexual abuse and exploitation of children

- The coordination table between government and social partners for the fight against the exploitation of child labour
- Regional and provincial Observatories on bullying, upon initiative by the education authorities competent at the various local levels

45. For a detailed analysis of the activities of these institutions, see specific sections of the analysis.

46. A connection level inspired to the principles of the Open Method of Coordination was started during 2007 with the 15 Beneficiary Cities<sup>7</sup> of the National Fund for Children established by Law 285/1997. A coordination table was set up at the Ministry of Labour, Health and Social Policies, also upon request by the Beneficiary Cities, with the aim to exchange opinions on possible relaunch and implementation of the law.

47. The adoption of the open method of coordination provides, in a way which is absolutely respectful of the new constitutional provisions regarding competence allocation, a new framework of cooperation between Beneficiary Cities for the convergence of the childhood policies of each Municipality. The aim is to achieve common objectives, allowing for a constant comparison system in fields which are within the exclusive competence of the local institutions.

48. Another situation of exchange, integration and coordination between national and regional institutions, was represented by Law 149/2001 (amendment of Law 184/1983 for the section on foster care and domestic adoption), when in article 39 it envisaged that the Government send periodic reports to Parliament on the implementation of regulations, by means of a monitoring action to be carried out in consultation and in collaboration with the Ministry for Social Solidarity, the Ministry of Justice and the Regions.

49. The monitoring activity led to the first report on the implementation of Law 149/2001, presented to Parliament in early 2006 and based on the examination and analysis of information and statistical data resulting from the close synergy between Ministries and Regions. The project for the second Report is characterized by a method that is even more anchored to the issue of the integration between national and regional level, whose point of reference is the establishment of an inter-institutional working table, with the participation of representatives from the Ministries for Welfare and Justice, the Regions, the Interregional Centre for IT, Geographical and Statistical Systems (CISIS), and the Italian National Childhood and Adolescence Documentation and Analysis Centre.

50. Many organizations belonging to the third sector, i.e. voluntary associations, social cooperatives, foundations, not-for-profit organizations and NGOs, are actively present in nearly all the above mentioned coordination institutions, and in the first place in the National Observatory on Children, also by means of forms of coordinated representation. It is worth underlining that, in Italy, NGOs are mainly defined as those third sector organizations that are active in the field of development cooperation (this expression has therefore a smaller meaning than "Third Sector").

51. Lastly, on various occasions, forms of direct involvement of children and adolescents in the works of the Observatory were organized, in order to draft the relevant Plan of Action.

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<sup>7</sup> Milan, Turin, Venice, Genoa, Bologna, Florence, Rome, Naples, Bari, Brindisi, Taranto, Reggio Calabria, Catania, Palermo, Cagliari.

52. Among others, it is worth mentioning the experience of the Children's and Adolescents' Forum, promoted and funded by the Government and supported by the PIDIDA (For the Rights of Childhood and Adolescence) Participation Group.

53. This group of 60 children and adolescents, aged between 9 and 18, drafted the "Guidelines of Children and Adolescents for the National Plan for Children", which were given to the Government in Florence in November 2006.

54. The Forum is the start of a path that has led young participants to drafting actual proposals and debate on the following issues:

- I MEET
- I HAVE FUN
- I LIVE

55. As far as the results of Group's meetings see the reference note, which are the starting point of the long way in which children and adolescents, by means of the PIDIDA.<sup>8</sup>

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<sup>8</sup> "I meet" – Working group on the theme of relations, friendships, ...

The Working Group focused on the relational aspects of children's and adolescents' daily life. Experience and the personal life of the members have been analysed, regarding ordinary and/or extraordinary meetings that have occurred to them. General features that "meetings" have (and/or should have) have emerged from these experiences. In general, the absolutely central character of the meeting in everyday life and its educational power has been recognised. The theme of the meeting brings with itself ideas, images, potential and fears ... The following rhyme and acrostic provide a significant example of what "lies behind" (and can lie) any meeting.

The Group's activity, recognizing the complexity and the significance of meeting and being together, summarized its work in the end in the following open questions, to give as an analysis to all those who will be working on drafting the National Plan for Children.

"I have fun" – Working group on the issue of leisure, fun, game, the pleasures in life ...

Starting from one's own daily experience, children and adolescents exchanged views on the modes, the spaces and the times of their enjoyment. Working in sub-groups, they managed to check common problems to even highly different geographical contexts, defining some possible solutions.

In particular, with respect to problems, the following aspects were taken into consideration:

- The lack or wrong use of public spaces and structures to play and have fun
- The decay which is often typical of these spaces
- The difficult access to culture, fun and art for children and adolescent because of economic reasons
- The use of public funds which is not always oriented to children's and adolescent's needs
- The lack of real attention, from the Institutions, regarding the needs and perspectives of children and adolescents

At a second work stage, the group drafted a series of open questions, that were then submitted during the plenary meeting:

- The creation and reuse of spaces FOR children based on a plan decided BY user children
- The provision of economic allowances directed to adolescents to provide an easier access to pleasure and culture
- A guarantee of higher safety for the places where children go more frequently
- A higher efficiency and reliability of public services

56. Within the framework of the activity of the Working Group on participation of the National Observatory on Children and Adolescents (active from November 2007 to April 2008 during the 15th Government term) a schedule of hearings was planned with subjects that, for various reasons, could describe local experiences of projects and actions to foster the social participation of children and adolescents.

57. The hearing schedule prepared by the group, aimed at drafting the chapter on participation of the new Government Plan of Action, envisaged various forms of hearing of different stakeholders and the involvement of delegations of children and adolescents active in various experiences (school, associations, local authorities, etc.) with various participation modes.

## D. National Plan of Action

### **Committee recommendation No. 13 on the elaboration and adoption of the National Plan of Action, ensuring the harmonization with the plan for the implementation of the UNGASS outcome document, in the light of achieved results**

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- The establishment of a national Authority which can check the application of the UN Convention for the Rights of the Child also in various local situations, a facility that should receive the significant contribution of these children
  - The making use of tools to better understand and have give transparency with respect to the choices on the economic resources aimed at initiatives for children (regarding school and municipality accounts)

“I live” – Working group on the issue of the environment, the city, your surroundings.

The working group “I live” also carried out a wide and large analysis of the state of our cities and of the places where children and adolescents live. Besides reporting a general lack of attention, in these places, especially for small children, it was underlined that cities — but also the areas dedicated to children and adolescents (who should not only be “guests” but full-fledged citizens...) — are not really child-friendly.

Pollution, lack of access, limitation of free and aggregation areas, difficult mobility, no opening of places “for” children “to” children (for example schools), turn the contexts where the young and the smallest children live into places with little participation, little welcome or even rather dangerous or segregating ... In the “game” of the group work, various “ideal programmes” were conceived for “ideal mayors”, in order to favour the promotion of rights also in the contexts where children and adolescents live every day.

Here is an example of “ideal programme” by this working group that introduces some open issues:

- Act on space, by strengthening, improving, maintaining the whole city, its streets, squares (pollution, mobility, free areas to stay, come together and play); this also applies to smaller contexts such as villages and/or neighbourhoods, where the real “everyday life” of children and adolescents takes place
- Promote better energy rationalization
- Having children and adolescents involved in the design of their times and spaces, respecting their identities
- Absolute focus on school, a place for participation, a place of potential listening (which is lacking today) as well as of education
- Promote more safety, also by means of the qualified presence of the police or other brigades (firemen, for example ...) serving for the life of the community

These in brief are some of the issues raised by the Working Groups that are submitted as suggestions and food for thought for the new draft of the next National Plan for Children.

58. With reference to the Committee recommendations regarding the adoption of the National Plan of Action, in the timeframe of reference, two National Plans of Action were approved under article 2 of Law 451 of 23 December 1997: the 2000–2002 Plan and the 2002–2004 Plan. A new Plan of Action is currently being drafted.<sup>9</sup>

#### **2000–2002 Plan of Action**

59. The Plan included the strategic lines that the Government had followed to develop a suitable policy for children and adolescents and the concrete undertakings to be fulfilled, described in the form of actions. Actions were described aimed at improving the living conditions of all children and adolescents, at protecting child victims of abuse and sexual exploitation, at fighting child labour exploitation, at favouring an educational relationship with the world of social communication. Particular attention was devoted to actions for the protection and integration of foreign children, including support for children experiencing difficulties in other world countries, and at the implementation of laws regarding international adoptions.

60. The plan also included the indication of a plan of targeted actions for the May 2000–June 2001 period, according to which some initiatives would have been prioritized, while the Government fully undertook to actually and entirely implement all the actions listed in the multi-year plan. The objectives that the Government intended to pursue with specific energy between May 2000 and June 2001 were connected to the full implementation of laws approved from 1997 to 2000 with respect to children's policies.

#### **2002–2004 Plan of Action**

61. The Plan reaffirmed the central character of the higher interest of younger citizens and the unbreakable relationship that links the child and the adolescent with his/her family for the purpose of conceiving children's policies also by implementing a more effective system of family policies.

62. The Plan, starting from the analysis of the context and from the implementation of the previous Plan, highlighted strategies, priorities and tools to define system actions and guidelines to be implemented locally.<sup>10</sup>

<sup>9</sup> Art. 2 of Law 451 establishes the procedure to draft and adopt the plan: the plan is drafted by the National Observatory on Children; an opinion is acquired from the Parliamentary Commission on Children; the plan is deliberated by the Council of Ministers, upon proposal by the Ministry for Social Solidarity; the approval decree is issued by the President of the Republic.

<sup>10</sup> The main actions and interventions have had the following objectives:

- To complete regulations on support to motherhood and fatherhood, with particular reference to adoptive and foster families
- To request regional legislative actions regarding social policies for the family
- To request that local authorities draft local plans fully in compliance with the principle of horizontal subsidiarity
- To implement, by means of adequate initiatives, the European Convention on the Exercise of Children's Rights signed in Strasbourg on 25 January 1996
- To complete the harmonization of Italian law to the principles of the UN Convention
- To implement the Italian information system on the condition of children and adolescents and complete the information system on child labour of ISTAT — Ministry of Labour and Social Policy — ILO
- To monitor and assess social expenditure and the quality of services for families and children



### 2008–2010 Plan of Action

63. The new Plan of Action for children and Adolescents is being drafted.<sup>11</sup>

64. With specific reference to the implementation of the WFFC Declaration (A World fit for children), since 2002 the Observatory has defined a series of performances to be fulfilled, among which the 2002–2004 National Plan of Action and Intervention for the protection of the rights and the development of children, the Plan of Interventions to close down children placement structures by 2006 and, currently being drafted, the new National Plan of Action, in agreement with the commitments undertaken by Italy during the United Nations General Assembly Special Session on Children (UNGASS) of May 2002.

65. All Plans of Action envisaged monitoring their implementation status, carried out by the Ministry of Labour and Social Policy, with the support of the Italian National Childhood and Adolescence Documentation and Analysis Centre. In particular, for each single project envisaged by the plan, actions and initiatives carried out were identified, as well as the concerned bodies.

66. Periodically, every year since 1999, the National Centre has prepared for the competent Ministry (Welfare or Social Solidarity) draft reports on the implementation status of Law 285/1997 that the competent Ministry has then presented to Parliament. In 2005, again by the Italian National Childhood and Adolescence Documentation and Analysis Centre, a draft report to Parliament on the implementation of Law 149/2001 was prepared and presented by the Ministries of Justice and Social Solidarity. The reports are publicly available and they can be read on the website [www.minori.it](http://www.minori.it).

67. Another law that features a reporting activity by the Italian National Childhood and Adolescence Documentation and Analysis Centre is the implementation of Law 269/1998 regarding the fight against sexual exploitation of children and paedophilia. Three draft reports to Parliament were prepared on the implementation status of the law by the competent Ministry (Department for Equal Opportunities).

68. Since 2001, the Commission for Intercountry Adoption has been monitoring the implementation of Law 476/1998, regarding the ratification of the Hague Convention on

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- To promote the establishment in each region of a personal registry of all children outside their families
  - To promote innovative programmes aimed at finding children and adolescents who have left school or have been excluded from it
  - To put in place, within the framework of the relationship between the State and the Regions, adequate tools to rearrange sources and resources dedicated to the promotion of the rights of children and adolescents
  - To immediately start forms of data collection that accurately define the picture of the issue of intrafamily assisted violence
  - To protect world children by means of cooperation, monitoring, study and programme promotion projects
  - To implement “children-made” TV programmes
  - To prepare appropriate legislative and financial tools to close down children placement structures by 2006
  - To devote particular attention to health protection
  - To raise public awareness on the issue of the exploitation of children and adolescents for begging, by defining specific tools to fight this event and to foster return to society

<sup>11</sup> For further analysis, see section X.

Intercountry Adoption, producing half-year reports on the development of intercountry adoptions in Italy. In addition to this, the Commission carried out periodic studies and surveys with the objective to check the implementation of the law and analyse critical areas. In this regard, studies tried to shed light on the paths of the so called “difficult adoptions”, on the size of this phenomenon, its dynamics and modes of action to face the cases of adoption failure (Troubled Paths in Intercountry Adoptions, 2003), and on how adopted foreign children are received in school (School Reception of Adopted Foreign Children, 2003). These documents can be read on the Commission website under the “bibliografia” (literature) section ([www.commissioneadozioni.it](http://www.commissioneadozioni.it)).

## E. Independent monitoring structures

### **Committee recommendation No. 15 on the establishment of a national independent Ombudsman for children, to perform its functions in the light of appropriate linkages between other national and regional institutions**

69. On 1 August 2008 the Council of Ministers adopted, upon a proposal from the Ministry for Equal Opportunities, with the participation of the Undersecretary for Family Policies, the bill for the establishment of the National Ombudsman for Children and Adolescents.<sup>12</sup>

70. Fifteen Regions have adopted a Regional Law that establishes the Ombudsman.<sup>13</sup> In two of them the Ombudsman was already active at the time of the Second Report of the Italian Government: the Region of Veneto, which, in advance with respect to international orientations, had established it already in 1988 (Regional Law 42 of 9 August 1988), and the Region of Friuli Venezia Giulia (Regional Law 49 of 24 June 1993).<sup>14</sup> In the period of reference of this report, the following Regions established and activated the Ombudsman: Marche (Regional Law 18 of 15 October 2002),<sup>15</sup> Latium (Regional Law 38 of 28 October 2002), Molise (Regional Law 32 of 2/10/2006) and Campania (Regional Law 17 of 24 July 2006). Six Regions have issued a law to establish the Ombudsman and have implemented, at different stages, the relevant law, appointing the Children’s Ombudsman and implementing its structure.

71. The projects which Ombudsmen have carried out in each Region show some common elements, which is worth briefly recalling to understand the meaning of their activity. These projects mainly refer to the advocacy and promotion of the rights of children, the implementation of specific action projects, regarding education or research,

<sup>12</sup> For further analysis, see section X.

<sup>13</sup> Abruzzo, Basilicata, Calabria, Campania, Emilia-Romagna, Friuli-Venezia Giulia, Latium, Liguria, Marche, Molise, Piedmont, Apulia, Autonomous Province of Trento, Umbria, Veneto.

<sup>14</sup> As to the Region of Friuli Venezia Giulia, it is necessary to mention that through Regional Law No. 9 of 14 August 2008, *Balancing of the Annual Budget 2008 and of the Multi-annual Budget 2008–2010 in Pursuance of Article 34 of Regional Law No. 21 of 8 August 2007* (Official Bulletin of the Region of Friuli Venezia Giulia No. 18 of 22 August 2008) the Office of the Ombudsman for Children of the Region of Friuli Venezia Giulia was cancelled, and its institutional representative stopped his activity, whose functions are temporarily carried out by the President of the Regional Council starting from the date when the law comes into force.

<sup>15</sup> As to the Marche Region, it is necessary to mention that through Regional Law No. 23 of 28 July 2008, *Authority for the Promotion and Respect of the Rights of Adults and Children – Regional Ombudsman* (Official Bulletin of the Marche Region No. 75 of 7 August 2008), a regional Ombudsman has been established, which combines the functions of ombudsman, ombudsman for children and ombudsman for people in jail. This reorganization of the function of the Regional Ombudsman led to the cancellation of the Regional Ombudsman for Children and Adolescents.

and the promotion of inter-sectoral integration of local policies, also by creating networks between institutions.

## F. Data collection

**Committee recommendation No. 17 on the mechanism for collecting and analysing systematically disaggregated data on all persons under 18 for all areas covered by the Convention, and using these indicators and data effectively in formulating and evaluating policies and programmes for the implementation and monitoring of the Convention**

72. Data on children and adolescents are collected from various sources by several players which, for different reasons, are competent on this issue. Among these players, the most significant are certainly ISTAT (Italian Statistics Institute), the Ministries (Ministry of the Interior; Ministry of Labour, Health and Social Policies; Ministry of Education, University and Research; Ministry of Justice), the Regions and the Autonomous Provinces by means of the Centres and Observatories on children and adolescents, as well as through CISIS (Interregional Centre for IT, Geographical and Statistical Systems), the Italian National Childhood and Adolescence Documentation and Analysis Centre. The official statistical production finally strengthened attention on the child, at least partially interrupting its traditional statistical lack of visibility and its being relegated to strictly demographic and familiar phenomena.

73. ISTAT is the main producer of basic data on childhood and adolescence, resulting from ad hoc surveys or from the establishment of information systems and databases, some of which specifically dealing with children and adolescents — a recent example is the analysis carried out by means of multipurpose surveys in 2005 and 2007 with a module dedicated to the world of childhood and adolescence — and others (the majority) where useful information can be found regarding Italian child population.

74. Alongside ISTAT surveys, in recent years Ministries have established their own spaces of action on specific themes regarding children and adolescents. The main experiences of Ministries are in the monitoring field: for instance, the Ministry of the Interior, on violence against children and children who are being searched in Italy; the Ministry of Labour, Health and Social Policies, on drug addiction, surveillance on child labour and work authorizations issued in the entertainment industry, entrances of unaccompanied foreign children; the Ministry of Education, University and Research, on pupils and students enrolled at each and every level of public and private schools; the Ministry of Justice, on measures in favour of children and on trafficking in children.

75. By means of Centres and Observatories on children and adolescents, the Autonomous Provinces and Regions have then developed original and accurate databases in the fields of support and protection of children, building on the direct observation of children and adolescents who are involved in the detected events. Reference is especially made to the experience accrued by Emilia-Romagna, to the articulated project of Piedmont, to Tuscany, with its accurate — while still under development — statistical information system on children, and to Veneto, which has, through the Regional Observatory for children and adolescents, its own database on various aspects of children's life. More in general, thanks to the activity of CISIS on some of the main child-related topics, such as hospitality in residential services and the social expenditure of individual and associated Municipalities, the autonomous Regions and Provinces have formalized a set of common information which is collected on a yearly basis.

76. In this varied landscape, the Italian National Childhood and Adolescence Documentation and Analysis Centre has constantly identified and systematized data coming

from the above mentioned official statistical sources on childhood and adolescence, in an attempt to make a picture as exhaustive and as coordinated as possible of data available nationally and regionally. This activity has been publicized over the years in the Books of the Italian National Childhood and Adolescence Documentation and Analysis Centre and in its website.

#### **Disabled or invalid children and adolescents**

77. Information on disability is provided by the Statistical Information System on Disability ([www.disabilitaincifre.it](http://www.disabilitaincifre.it)) promoted by the Ministry of Labour, Health and Social Policies and implemented by ISTAT.<sup>16</sup>

78. The picture made through the Statistical Information System on Disability will be enriched by two specific surveys included in the 2008–2010 National Statistical Plan aimed at subjects with six or more years of disability:

- The first survey envisages nationwide analyses regarding school and work integration, social participation, support and informal help to the disabled.
- The second survey envisages a further survey on pupils with disabilities attending public and private primary and middle schools. Questionnaires will determine the main features of the school (number of enrolled pupils, number of pupils with disability, remedial teachers made available, etc.) and some information on the health conditions of pupils with disability.

#### **Roma, Sinti and Caminanti children and adolescents<sup>17</sup>**

79. At the moment in Italy no national census of the Roma population has been carried out, but there are local authorities that hold data regarding their areas. It is however worth

<sup>16</sup> According to data from the most recent Survey on Health Conditions and the Use of Healthcare Services (year 2005), it is estimated that in Italy there are approximately 145,000 children and adolescents aged up to 17 with a disability or an invalidity of the senses (blindness, deafness, deaf-mutism), of movement (invalidity due to insufficient motor skills) or of the mind (invalidity due to mental disorder, brain disease or behavioural disorders), who live with at least one parent. The amount of population aged up to 17 with these problems, is equal to 14.5 per thousand, without any significant gender difference. Families with at least one child with problems of disability or invalidity are estimated as being 130,245, equal to 1.2 per cent of families with at least one disabled person. Around 90 per cent of them have only one disabled or invalid child in the family, the others have maximum three. In 76 per cent of cases, families with children with disability or invalidity consist of 4 members or more, as against 62 per cent of families with children without disability or invalidity. They also state they have more economic difficulties: 44 per cent of families with at least one disabled or invalid child stated that they have poor or insufficient economic resources available, as against 31.3 per cent of the other families with children without disability. As to the working situation of parents, while on the whole in 43.2 per cent of cases both father and mother work, this percentage goes down to 34.1 per cent in those households with a disabled or invalid child or adolescent, clearly for the higher burden of care and support provided by parents.

<sup>17</sup> The Roma population can be at first broken down into “historical” Roma, who are sedentary and have Italian citizenship, and immigrant Roma, mainly coming from Eastern Europe. In Italy, the most numerous group of “historical” Roma, economically active and socially integrated, are the Roma in Abruzzo, with extended families branched in various regions, especially in Central and Southern Italy. The first big migration of Roma to Italy in the last century occurred in the 1970s from Yugoslavia, while the second wave dates back to the 1990s, with approximately 30–35 thousand people from Bosnia, Kosovo, Rumania, Albania and Poland, most of whom turn out to be Rumanian Roma. The migration of this latter group peaked in the early 20th century, with the cancellation of the visa obligation, climaxing in 2005–2006 when the development stabilized.

mentioning that the civil protection order signed on 30 May 2008<sup>18</sup> envisages an imminent and progressive census of Italian Roma, Rumanian Roma, non-EU Roma and non-EU citizens belonging to other nations, whose objective is also the protection of children in order to remove them from their illegal alien status and improve their situation.

80. According to Opera Nomadi, within Roma, Sinti and Caminanti populations, 70–80 per cent of individuals are aged under 25, and of them, more than 50 per cent are aged under 18. The same opinion is shared by the Comunità di Sant'Egidio: until the moment when Rumanian Roma arrived in Italy, children amounted to 50 per cent, then this percentage has slightly decreased. As an indication, the number of Roma, Sinti and Caminanti children is of approximately 70,000. A certainly significant number of children who need attention and sufficiently healthy growing conditions.

### **Children and adolescents belonging to migrant families**

81. The constantly increasing presence of foreigners is the real and most obvious change in the otherwise rather static scenario of Italian society. The increase recorded in recent years, particularly intense in 2003 and 2004, is first and foremost attributable to regularization laws (Law 189 of 30 July 2002 and Law 222 of 9 October 2002) that gave the opportunity to many foreigners already illegally living in Italy to amend their position. Actually, the strong incoming migratory flow — by far higher than outward flows — made it possible to the population living in Italy to continue to grow, in years marked by a negative natural population balance (the difference between births and deaths).

82. At 1 January 2007 there were 2,938,922 resident foreigners (source: ISTAT), and now, following a constantly growing trend, they account for 5 per cent of the population residing in Italy. Within the increase in resident foreign population, the most rapidly growing element is undoubtedly represented by children, though in the years of regularization a slight decrease was recorded in the percentage of children on the overall number of foreign population, since the regularization process concerned adults more than children. With respect to the size of this population segment, some remarks must be made, in order to highlight some specific monitoring issues:

- Visitor's permits only refer to people aged over 14, therefore they underestimate the presence of foreign children. People aged under 14 are recorded on the permit released to one or both parents.
- Registrations at the register of births, marriages and deaths only refer to resident children, including children who are no longer present but have not yet been removed from the register, and without considering regular children waiting to be registered.

83. Theoretically speaking, the presumably non negligible amount of irregular individuals must be added, as they are not registered, because of their very nature, by any monitoring activity or statistical survey. In consideration of all this, the increase in resident foreign children population is obvious and has meant a fivefold increase over a five year period, increasing from 128,000 individuals in 2001 to 666,293 individuals counted in January 2007. In percentage terms, they account for 22.6 per cent of the overall foreign population, which means that one foreigner every five individuals regularly registered at the register of births, marriages and deaths is underage. The growth in the number of children is not only fed by family reunifications, according to which children come to Italy from their countries of origin after a period of stay of one or both parents in our country, but also and especially by the number of children born from foreigners in Italy, so much that around 60

<sup>18</sup> [http://www.interno.it/mininterno/site/it/sezioni/sala\\_stampa/speciali/censimento\\_nomadi/index.html](http://www.interno.it/mininterno/site/it/sezioni/sala_stampa/speciali/censimento_nomadi/index.html).

per cent of the increase in the number of foreign children which occurred over the last year can be attributed to new births. It can be easily foreseen that in future years foreign births will have a more significant weight and increase on the overall number of births, not only because of the growing incoming migration flows but also for the higher fertility rate of foreigners compared to Italians. It is estimated that the average fertility rate of foreigners in Italy is 2.4 children per woman — with even very significant differences between the various communities, for example Egyptians and Moroccans (4 children per woman), Peruvians and Philippines (1.4 children per woman) — versus a fertility rate in Italy of just 1.32 children per woman.

84. The information that has just been described will be enriched by specific surveys, some of which, while not targeted on children but to the whole foreign population, are part of the 2008–2010 National Statistical Plan and deal with the following:

1. Processing of the analysis of the economic situation of foreigners, years 2004–2005;
2. Multi-purpose survey on social integration of immigrant citizens, with the purpose to further analyse relevant social aspects such as work conditions, training programmes and the quality of life of foreign citizens;
3. Survey on income and living conditions of migrant families;
4. Experimental survey on consumptions by immigrant households, households with temporary and part-time workers;
5. Project survey to “Enlarge the EU-SILC sample, living conditions and income for immigrant families”.

85. Every year, and since school year 1997/98, the Ministry for Education, University and Research publishes specific data on the number of foreigners in Italian schools.

#### **Unaccompanied foreign children**

86. A quantification of unaccompanied foreign children can turn out to be rather difficult, mainly because these are transitory individuals who come, pass and stay illegally on the domestic territory. Each unaccompanied foreign child found in Italy must be referred to the Foreign Children Committee, competent to assess the child’s interest and to take the decisions necessary for his/her protection.

87. National data result, therefore, from the database of the Foreign Children Committee, among whose tasks there are information collection and analysis. In recent years, the Committee has received many thousands of referrals, coming not only from public prosecutors’ offices for children, from prefectures, but also from local authorities or other institutions, filing them into two different archives: the first contains the files regarding those cases for which the Committee can decide, the second contains the files regarding all other mentioned children (“cases under competence” also include information regarding unaccompanied foreign children who meet all requisites for the Committee to issue a decision regarding them, either no repatriation or assisted repatriation).

88. At 30 September 2007, according to the Foreign Children Committee, there were on the whole 6,554 unaccompanied foreign children in Italy, 4,833 of whom out of its province and 1,721 of whom within the province of the Committee. In most cases these are male children (75 per cent of the total), generally aged between 15 and 17 years (65 per cent of the total), mainly coming from Morocco (23 per cent), Albania (18 per cent), Palestine (14 per cent), Egypt (8 per cent), Afghanistan (6 per cent), Iraq (5.5 per cent), Serbia and Montenegro (4 per cent), mainly found in Sicily (32 per cent) and Lombardy (16 per cent).

89. From 2000 to 2007, 825 unaccompanied foreign children were repatriated. The Foreign Children Committee has provided data regarding the yearly breakdown (see table below).

<i>Year</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>Total</i>
Assisted repatriations	22	142	199	218	126	108	8	1	<b>825</b>

### **Child victims of violence**

90. Events regarding violence and sexual exploitation of children are without doubt among the most difficult to measure and interpret. Law 66/1996 “Rules against sexual abuse”, Law 269/1998 “Provisions against the Exploitation of Prostitution, Pornography, and Sexual Tourism to the Detriment of Children: The New Forms of Slavery” and Law 39 of 6 February 2006, “Provisions Concerning the Fight Against the Sexual Exploitation of Children and Child Pornography Also Via Internet” certainly contributed not only to increase citizens’ attention, awareness and readiness to report, the prevention and fight of crimes against children, but also the strengthening of data collection systems on these events. It is hard to say, thus, how many of the changes occurred over the last 10 years in the number of reports of child abuse can be attributed to a change in these situations and how many depend on the changes made to national rules and regulations, population awareness and data collection systems.

91. A further element of uncertainty when representing this event is the fact that available data cannot represent the whole universe, since they exclusively refer to reports made to judicial authorities, while sector surveys, accompanied by an increasingly aware interpretation and detection of this event, lead to think that the unknown element has different features and is of a greater size than the element we know.

92. After this necessary introduction, it is worth noting that the main information sources on sexual abuse and exploitation against children are the criminal judicial statistics of ISTAT and the statistics of the Ministry of the Interior. In particular, the latter Ministry, by means of the investigations carried out by the Postal and Telecommunications Police in fighting child pornography online, provides further data on the dangers that children may meet in their relationship with the Internet.

93. Among the specific analyses on this issue, it is worth mentioning the survey carried out by the Italian National Childhood and Adolescence Documentation and Analysis Centre, the first survey regarding cases of abuse suffered during childhood, based on interviews to a representative sample of Italian women aged 18–60.

94. Still with respect to abuse, the Prime Minister’s Office – Department for Equal Opportunities, making use of the Italian National Childhood and Adolescence Documentation and Analysis Centre, is committed to designing the Database of the Observatory for the Fight against Paedophilia and Child Pornography (under Law 38/2006) by fostering the technical feasibility for the integration and harmonization of information present in source databases of various central administrations, such as: Ministry of the Interior (Joint Database; National Centre for Combating Child Pornography on the Internet, CETS Database); Ministry of Justice (Re.Ge Database, Sigma Database, Information System of the Judicial Register, Information Systems of the Courts of Appeal and of the Court of Cassation).

95. The same Italian National Childhood and Adolescence Documentation and Analysis Centre also promoted the experimentation of the national monitoring system of children

reported to and/or cared for by the local services because of situations of neglect, maltreatment and/or sexual abuse, called Abuse Register.<sup>19</sup>

### **Children and adolescents belonging to economically and socially disadvantaged households**

96. During the years 2000–2007 significant data were collected and studied regarding children belonging to economically and socially disadvantaged households. The most significant data can be summarized by the two macrocategories of poverty and social exclusion, on the one hand, and of children outside the family on the other hand.

97. With respect to the first category, it is worth mentioning that in the National Statistical Plan, alongside the final definition of the structure of the EU-SILC survey on income and living conditions, the study of an ad hoc module was envisaged for the definition of deprivation indicators on children.

98. On the basis of the annual survey on consumptions (year 2006) by ISTAT, the last survey available to date, it is worth mentioning that on the whole there are 1,728,000 individuals aged under 18 who live in families in a situation of relative poverty. Among them, around one third (30.9 per cent) is aged under 6 and 61.7 per cent are aged under 11 (15.5 per cent are aged between 11 and 13 while the remaining 23 per cent is aged 14 or more). 72 per cent of poor children live in the South, where “just” 40 per cent of all children live; conversely, in the North, where 42 per cent of children live, there are 16.5 per cent of poor children. Children living in poverty live, in most cases, with their parents and at least one sibling (in 45 per cent of cases just one sibling and in 29 per cent two or more); 6.7 per cent live with just one parent (in 82.5 per cent of cases with at least one sibling) and another 10 per cent live in a family of a different type (in 72 per cent of cases another child is present).

99. With respect to the macroarea of children who live outside the family, ISTAT carried out, in collaboration with CISIS (Interregional Centre for IT, Geographical and Statistical Systems), a survey on social and welfare residential facilities that provided information on children without protection included in these services.

100. Over the same years, the Italian National Childhood and Adolescence Documentation and Analysis Centre carried out surveys on the same issue having as its purpose: (a) the extension of knowledge to all children outside the family, that is by including in the survey not only children in residential services but also children and adolescents fostered out to individuals, families and relatives; (b) the availability of the most up-to-date data — currently at 31/12/2005 — in order to guide policies on a strongly dynamic event such as children outside the family; (c) monitoring the application of provision 149/01 which envisages the deinstitutionalization and the preferential placement of children and adolescents, who are temporarily without a suitable family environment, in foster care to individuals, families and relatives. Data from the last monitoring activity (January 2008) on the application of provision 149/01 basically recorded the progress of the deinstitutionalization process with the conversion of children’s institutes in other types of reception centres. In 2008 the Centre promoted, in collaboration with the autonomous

<sup>19</sup> The experimentation was carried out in 2005–2006 and regarded 18 areas belonging to 5 Italian Regions: Carnia, Trieste and Gemona in Friuli, Andria, Bari, Brindisi, Foggia, Lecce and Putignano in Apulia, Formia, Gaeta and Priverno in Latium, Castrovillari, Locri and Palmi in Calabria and Campobasso, Isernia and Termoli in Molise. The main purpose of the project is to create an information system able to provide innovative elements in terms of qualitative information on the issue of maltreatment and abuse and provide to local services a valuable management tool to support their operations.



Regions and Provinces, a new survey on children and adolescents outside the family, with the purpose to provide a picture as updated as possible on this development, based on a common and shared language and on a minimum set of data common to all the regions, in order to provide useful support to planning policies on this issue.

101. The use of quantitative data and information is getting more and more widespread when planning and defining intervention measures. The main effort of the main producers of data currently involved (ISTAT, Ministries, Regions, Italian National Childhood and Adolescence Documentation and Analysis Centre) is to cover all the areas of interest of the world of childhood and adolescence, trying to ensure:

- The quality of data and information collected
- Continuous information over time, by transforming, wherever possible, ad hoc surveys in constant flows of statistics, also by activating information systems that ensure longer information life
- Timely information, that is, the availability of data which are as updated as possible with respect to the moment when policies must be designed, in order not to act on the present situation based on outdated information, especially in strongly dynamic areas of the children's daily life

102. These objectives, in particular, have been achieved in some situations of excellence such as, for example, monitoring foreign children authorized to enter Italy for foster care purposes carried out by the Commission for Intercountry adoptions, thanks to which in Italy there are updated data that can be substantially consulted in real time with respect to the entry of children in foster care.

103. As far as the coherence of the data collection process by the various institutions, both at the national and regional levels, a first coordination level is ensured within the framework of the definition of the National Statistical Plan by the activity carried out within quality circles, proactive bodies used by ISTAT to prepare the National Statistical Programme (PSN), consisting of subjects coming from various institutions.

104. These are permanent working groups and are a place for systematic debate between producers and users of statistical information, within which framework the planning process of the statistical activity is strongly rationalized, in the various sectors of the PSN.

105. In particular, in the "Technical Report on the preparation of the National Statistical Programme for the 2008–2010 three-year period" are collected all sectoral planning documents which have been prepared within the framework of the quality circles and used by the Central Secretariat Office of the National Statistics System of ISTAT for the preparation of the National Statistical Plan (PSN) for the 2008–2010 three-year period. As to those sections which refer to surveys regarding childhood and adolescence, the document provides a significant overview of the subjects and of the statistical activities that will be developed. 68 system subjects will take part in the 2008–2010 PSN: besides ISTAT, 18 central administrations and autonomous State-owned companies, 16 public bodies, 3 bodies and institutions of statistical information, 6 private subjects that carry out statistical activities having relevant public interest and, through prototype works, regions Emilia-Romagna, Latium, Liguria, Lombardy, Marches, Piedmont, Tuscany, Sicily and Veneto, the Autonomous Provinces of Bolzano and Trento, the Provinces of Belluno, Bologna, Pesaro-Urbino, Reggio Calabria, Rimini and Rovigo, the Municipalities of Brescia, Florence, Livorno, Messina, Milan, Rome and Verona.

106. A second, extremely significant reference to the coordination of data collection activities comes from Law 451/97 that envisaged "appropriate coordination measures of local collection actions and processing of all data regarding the situation of children and adolescents in the Region".

107. With respect to this, it is worth noting that, though their organizations are extremely varied, Regions and autonomous Provinces keep a technical table of interregional coordination where, as in the case of the survey on children outside the family, for example, carried out in collaboration with the Italian National Childhood and Adolescence Documentation and Analysis Centre, they can exchange opinions also with respect to the issues of monitoring and collecting data regarding childhood and adolescence.

108. More in general, with respect to the coordination of regional activities, of fundamental importance is the contribution of CISIS, an association of Regions and Autonomous Provinces established in order to ensure effective coordination of information, geographical and statistical tools, as well as to ensure the best connection between the Regions, the State and the local authorities.

109. CISIS is currently working to define a common glossary for the various Regions on social and welfare services for children and adolescents.

110. Precisely for achieving a greater consistency, homogeneity and integration of data produced by the various institutional sources and an accurate mapping of flows and their features, the Italian National Childhood and Adolescence Documentation and Analysis Centre is committed to an activity of examination of institutional information systems (Ministries, Regions, Government agencies) as well as non-institutional (third sector, research institutions) that deal for various reasons with childhood and adolescence.

## G. Training/dissemination of the Convention

### **Committee recommendation No. 19 on dissemination of information on the Convention and development of systematic and ongoing training programmes**

111. In general, activities for the promotion and dissemination of the Convention are carried out by the competent Administrations and mainly by third sector associations – often thanks to public funds, and by the UNICEF national section and local committees. Also regional Ombudsmen have carried out various initiatives to promote the Convention.

112. Convention dissemination activities have been carried out also by other central administrations. For example, on the website of the State Police<sup>20</sup> there is an online interactive path designed specifically for children and adolescents that gives the opportunity to get to know the content of the Convention on the Rights of the Child.

113. As to training on the rights of children, specifically aimed at professional positions working with children, particular significance was taken by the initiatives promoted by Law 285/1997. In particular, in the period of reference of this report, 8 workshops have been organized, taking 4 areas into consideration (law-making and planning; administration; information flows; adolescence) with the participation of 450 experts from 17 Regions.<sup>21</sup> In addition to this, with the implementation of Law 285/1997, the object of many projects was the training and dissemination of the Convention to the general population, with positive results as is shown in many documents published and gathered by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

<sup>20</sup> <http://www.poliziadistato.it/pds/giovanissimi/main.htm>.

<sup>21</sup> The outcomes of the training activity were documented and published in 2005 in the series “Questioni e Documenti” (Issues and documents) of the National Documentation and Analysis Centre for Children and Adolescents (No. 35: Interregional national training beyond Law 285/97. Identity and changes).

114. Among training programmes promoted at national level in agreement with the Regions, it is worth mentioning those promoted by the Commission for Intercountry Adoption (CAI),<sup>22</sup> in collaboration with the Istituto degli Innocenti, Florence. Among these, after a first series of national training classes carried out in 2001 and 2002 dedicated to face the complex foster care procedure after Law 476/1998 came into force, ratifying the Hague International Convention, between 2003 and 2004 a training and exchange programme was carried out between Italian foster care experts and experts from other European countries. The outcomes have been documented in a publication issued in 2005 in the “Studies and research” series of CAI under the title *The worker beyond the border. International Foster Care paths in the countries of origin. Eastern Europe*. On 20 November, every year in various Italian cities, upon initiative of the two-chamber Commission for Children, of the Government, of local authorities and charities, the anniversary of the signing of the Convention is celebrated, thus generating moments for reflection, study, debate and awareness-raising that place at the centre the issue of promotion and respect for the rights of children.<sup>23</sup>

115. A review of training programmes, workshops and information activities on childhood and adolescence in Italy (organized by universities, local institutions, private individuals and charities) is present in the website of the Italian National Childhood and Adolescence Documentation and Analysis Centre, that gathers and organizes information received by the Secretariat of the Centre on training programmes and study and awareness-raising projects since the year 2000 ([http://www.minori.it/eventi%20e%20corsi/intro\\_eventi.htm](http://www.minori.it/eventi%20e%20corsi/intro_eventi.htm)).

### III. Definition of the child (art. 1)<sup>24</sup>

116. The issue of the identification of the child in the Italian legal system has been accurately described in the previous report submitted by Italy. Therefore, the information provided in this paragraph integrates and updates the information previously provided.

#### Right of the child to education

117. Law 296 of 27 December 2006, Provisions Concerning the Drawing Up of the Annual and Multi-annual State Budgets (Budget 2007) established the increase of mandatory education until 16 years of age. In particular, under paragraph 622, education given for at least 10 years is mandatory and aimed at achieving a high school diploma or a professional qualification of at least three years of duration before 18 years of age.

<sup>22</sup> Italian acronym of “Commissione per le adozioni internazionali”.

<sup>23</sup> Among the various initiatives carried out recently, the following are worth a mention:

- In 2007, upon initiative of the Ministry for Social Solidarity, a series of viewings of the movie by Pasquale Scimeca *Rosso Malpelo*, inspired by the short story with the same name by Giovanni Verga, with a free-of-charge viewing for junior high and high school children in the 15 reserve cities of the fund of Law 285/1997. Using as a pretext the situation of poverty and social exclusion of children obliged to work in the sulphur mines of Sicily in the last century, the theme of the movie is the current exploitation of child and adolescent labour in the third world
- In 2007, upon initiative of the Municipality of Genoa, *Diritti e parole. Diritti dell'infanzia e comunicazione (Rights and Words. Children's rights and communication)*, with a programme of events throughout November, called the “month of the rights”, with free-of-charge laboratories, workshops, conferences

<sup>24</sup> See Programmatic indications and prospects for reform for activities after 2007.

### **Admission to work or employment, including dangerous jobs, part-time work, full-time work and apprenticeship**

118. The raising of mandatory education to 16 years of age by means of Law 296/2006 implied an increase in the age to enter employment, which as a consequence, went from 15 to 16 years. However, specific provisions were included to regulate particular cases. For example, with Ministerial Decree 218 of 27 April 2006, Rules Governing the Use of Children under 14 in Television Programmes, the use of children aged under 14 in radio and television programmes was regulated, within the framework of an employment relationship or outside of it, by using their images or voices.

119. Still with respect to employment, Legislative Decree 77 of 15 April 2005, Defining General Regulations on Work-linked Training in Pursuance of article. 4 of Law No. 53 of 28 March 2003, regulates the combination of school and work, whereby this “combination” is construed as a mode of implementing high school classes, in *licei* and in vocational colleges, to ensure that young people, besides basic knowledge, also acquire skills they can use in the labour market. Students aged 15<sup>25</sup> can request that they carry out their whole training from 15 to 18 years of age or part of it, by alternating periods of study and work, under the responsibility of the school or training institution.

120. Also with respect to apprenticeship, Law 296/2006 confirmed the possibility to have access to it only starting from the age of 16. The Italian legislator also envisaged various measures to protect the position of the underage apprentice: as an example, it should be recalled that Ministerial Decree 152 of 16 May 2001 defined the contents of training activities for apprentices.

### **Driving authorization**

121. Legislative Decree 9 of 15 January 2002, Supplementary and correcting provisions of the new Highway Code, under article 1, paragraph 1, of Law 85 of 22 March 2001, amending article 116 of the Highway Code (that had been issued by Legislative Decree 285 of 30 April 1992) confirmed that a person underage can ride a motorbike from the age of 14, however introducing the obligation for the person underage to achieve “the certificate of eligibility to drive, issued by the competent office of the Department of Transport, following a specific programme with a final test”.<sup>26</sup>

### **Purchase of alcohol**

122. Law 296 of 27 December 2006, Provisions Concerning the Drawing Up of the Annual and Multi-annual State Budgets (Budget 2007), at paragraph 90 devoted to measures against alcohol consumption by children, amending article 689 of the criminal

<sup>25</sup> Without prejudice to the possibility to perform this right-duty by means of an apprenticeship contact under art. 48 of Legislative Decree 276 of 10 September 2003.

<sup>26</sup> These regulatory provisions have been recalled in the directive issued by the Ministry of Education, University and Research on 15 March 2007, whose object is “Guidelines regarding education on road safety”. They characterize to sectors of priority action: the start, funding, coordination and monitoring of activities carried out by the schools to achieve the Driving Eligibility Certificate (CIG – acronym in Italian of Certificato di Idoneità alla Guida) and the organization, at the various local levels, of training and information activities regarding road education. A national conference was held on these issues to socialize the experiences accrued in the various local contexts and to study possible future solutions. To date, 321,443 students have been involved in the relevant training activities, who participated in 14,005 programmes organized by 6862 schools. 121,002 students managed to receive the CIG.

code, established a general prohibition to sell alcoholic beverages to children under 18, with the possibility of arrest for infringements.

123. The amendment makes the provisions of Law 125/2001 more severe, already aimed at protecting the right of people, and in particular of children and adolescent, to a family, social and working life protected from the consequences connected to the abuse of alcoholic beverages and spirits and as a consequence bans the advertising of alcoholic beverages and spirits that: “a) are broadcast in programmes for children and in the 15 minutes before and after such programmes; b) attributes therapeutic efficacy or indications which are not openly recognised by the Ministry of Health; c) represents children consuming alcohol or gives a positive representation of the consumption of alcoholic beverages or spirits”. It also prohibits “direct or indirect advertising of alcoholic beverages and spirits in places mainly attended by children aged under 18 years”. The same prohibition is extended to radio and television advertising of spirits in the time bracket between 16.00 and 19.00 and to the advertising of these beverages on newspaper and magazines for children and in cinema theatres on the occasion of movie shows mainly devoted to children.

#### **Fight against tobacco consumption**

124. As to the fight against tobacco consumption, the current regulation regarding the sale and supply of tobacco is article 16 of Law 75 of 18 March 2008, *Ratification and Execution of the World Health Organization (WHO) Framework Convention on Tobacco Control, Signed in Geneva on 21 May 2003*, which prohibits tobacco products from being sold to persons that have not reached the age envisaged in domestic law or established by national law or the age of 18.

125. In Italy the limit to sell tobacco products to children is established at 16 years of age by Royal Decree 2316 of 24 December 1934. Consolidated text of laws on protection and assistance to motherhood and childhood, whose article 25 envisages that those who sell or supply tobacco to children aged under 16 are punished with an administrative penalty. It should be remembered that in Italy children and adults are forbidden from smoking in public places; furthermore, if it is not possible to prove in any way the fact of being of the necessary age, the persons authorized to publicly sell processed tobacco products must refuse to sell them.

## **IV. General principles (arts. 2, 3, 6 and 12)**

### **A. Non-discrimination**

**Committee recommendation No. 21 on awareness-raising/preventive measures, evaluation of existing disparities in the enjoyment by children of their rights to undertake the necessary steps to prevent and eliminate discrimination through proactive measures, in particular the disparities based on wealth and the condition of children belonging to the most vulnerable groups**

126. In order to fight racism, racial discrimination, xenophobia and intolerance, it should be underlined that, implementing European Directive 2000/43/EC, the National Office Against Racial Discrimination (active since 2004 and known by the acronym of UNAR), was established by article 7 of Legislative Decree 215 of 9 July 2003 within the framework of the Department for Rights and Equal Opportunities. Its task is to promote the values of quality and fair treatment between people, regardless of their ethnic and racial origin. In addition to *pro bono* legal counselling to the victims of racial discrimination and the promotion of positive actions, UNAR carried out a series of information and awareness-

raising campaigns, choosing the school as its privileged field, with the main objective to mainly address children and those who are in charge of their education (teachers, professors, etc.).<sup>27</sup>

127. An useful example to evaluate existing disparities in the enjoyment by children of their rights involves the integration of foreign children at school. Italy has envisaged the full inclusion of foreign pupils in the education system and their total equality with Italian pupils, adjusting laws to the principles established by the Convention on the Rights of the Child. The right of access of foreign children at school, already envisaged in the law on migration (art. 36 of Law 40 of 6 March 1998) and in the “Consolidated text of provisions regarding the regulation of migration and provisions on the condition of foreigners” (arts. 31 and 38 of Legislative Decree 286 of 25 July 1998), was fully confirmed by Law 189 of 30 July 2002: the principle was recognized according to which all foreign children on Italian territory, regardless of their legal position — children of foreigners with visitor’s permit or children of parents without a permit or unaccompanied foreign children — have a right to education.<sup>28</sup>

128. As far as appropriate penal sanctions against any act of racism, racial discrimination, xenophobia and related intolerance, the Italian legal framework contains a wide range of criminal, civil and administrative provisions aimed at fighting racism. As to the criminal field, particular significance is taken by Law 205/93, as amended by Law 85/2006, that establishes that the purpose of racial discrimination is a special aggravating circumstance that implies the increase of the penalty of up to its half for all crimes committed for discrimination purposes, or ethnical, national, racial or religious hatred, or for the purpose of facilitating the activity of organizations, associations, movements or groups that have the same purposes among their objectives.

129. As to the elimination of interregional disparities, see section II (A).

<sup>27</sup> Among the various projects, it should be recalled that in school year 2004/2005 a prize competition was organized for all primary and high schools, with the objective to have students involved on the theme of *comparison of cultures at school* and with the purpose to favour the enhancement of educational experiences in the field of intercultural education, specifically focused on the fight against any form of ethnic and race discrimination. Besides the competition, UNAR, during the Week of action against racism, distributed in all schools a DVD on the new regulation against discrimination, on the tools for protection available to the victims of racism and on the establishment of UNAR. In the subsequent academic year 2005/2006, UNAR and the General Director for the Student of the Ministry of Education held a new competition, “Gulp! Comics against Racism. Competition of graphic proposals from the school”, addressed to primary and high schools and aimed at preparing educational proposals and creative tools to foster a comparison between cultures at school. The competition was organized within the framework of the European Project “United in diversity” co-funded by the European Commission, in close collaboration with the already mentioned General Directorate for the Student of the Ministry of Education. Materials gathered during the two competitions were combined in a book called *DiversaMente* (Unlike), which is currently a tool for intercultural teaching. More recently it should be mentioned, again care of UNAR of the Department for Rights and Equal Opportunities of the Prime Minister’s Office and the General Directorate for the Student of the Ministry of Education, the competition “Breaking Stereotypes”, organized for academic year 2007/2008 on the issue of intercultural communication at school with the objective to highlight any project of mutual knowledge which, starting from refusing stereotypes, favours the cancellation of bias. The prize competition was addressed to university students, high school students, cinema and documentary school students.

<sup>28</sup> Therefore recently a claim was accepted against circular letter 20 of 17 December 2007 of the Municipality of Milan – Department of Childhood Services, that obliged extra-EU foreigners to submit, together with the usual documents, a copy of the visitor’s permit as a necessary document for their children to attend preschool.

130. As to actions and the allocation of resources for the support of social services for children belonging to the most vulnerable social classes, see section IX.

131. As to the situation of foreign children in detention, see section IX (B) devoted to special protection measures.

132. As far as specific information be included in the next periodic report on measures and programmes relevant to the Convention undertaken by the State party as a follow-up to the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, taking into account the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education), it must be reminded that UNAR, in collaboration with the Ministry of Education has organized over the years four prize competitions for schools of all levels, with the objective to favour the enhancement of educational experiences, projects and products made by teachers and students in the field of intercultural education, specifically focused on the fight against any form of discrimination based on ethnicity and race.<sup>29</sup>

133. In parallel with the competitions, UNAR has organized various events with the direct involvement of schools of whole cities. In particular, during the annual *Week of action against racism*, UNAR organized meeting with the schools and, starting from movies or shows or exhibitions, managed to trigger discussions and reflections among the students who participated in these events.

134. This way, over the years, UNAR reached the schools in dozens of cities throughout Italy and distributed explanatory DVDs with information and news on the new provisions against discrimination, on the tools of protection available to the victims of racism and on

<sup>29</sup> The first competition was called "*Comparing cultures at school*" and its purpose was to enhance sensitivity, originality, ability of intercultural exchange and dialogue through the language of drawing, cinema and video, theatre and writing, but also of drafting projects, leaving students freedom of language, since they could express themselves through texts, drawings, theatre shows, audiovisuals and short movies.

The following year, the competition call, named "*Gulp: comics against racism*" utilized communication tools closer to children and easier for them to understand; the idea was to stimulate students to find slogans, comics and valuable logos for an effective campaign against racism. After the two competitions, the materials gathered, whether they had received prizes or not, were put together in a book called "*DiversaMente*" (Unlike) which is a tool to use within the framework of intercultural teaching. The book was created to meet the need to utilize all the proposals submitted by the students, giving space to the power of the image, the graphical summary, the design idea and to symbolic languages close to children, understandable, with high emotional impact, able to also unknowingly evoke the messages that they convey. In the same way and with the same objective, the third competition hinged on the theme of "*The intercultural family*", to enhance and promote design experiences for the benefit of better communication and interaction between the families of Italian and foreign students, with the intention to highlight throughout Italy any initiative aiming at mutual dialogue and knowledge, also outside the school to favour processes of social inclusion between Italian, foreign, Roma, Sinti families and other ethnical and language minorities. Last, in 2007, UNAR organized the competition "*Breaking stereotypes*" to stimulate students to conceive and produce short movies on the theme of non discrimination. The competition organized in collaboration with Walt Disney Italia and the magazine "Topolino" is part of the same strategy, with which a prize competition was launched under the title "*Your banner against racism*". All the children were invited to invent a slogan against racism, draw it on sheeting to exhibit on the balcony of one's home and send the relevant photo to the magazine. Besides stimulating the intelligence and sensitivity of children towards conceiving slogans, the choice of prizes follows the logic of sharing the toy with a friend: this is why the prizes were only toys to be played in two (tandem, table football, chess, table tennis).

the establishment of UNAR, or containing short movies and documentaries, as well as books and texts of analysis. It should also be lastly mentioned that, for the last four years, UNAR has sponsored the city race that is held annually during the Rome Marathon, with the slogan *Vinciamo ogni discriminazione* (Beat any discrimination). Every year around 4,000 children and adolescents race the roads of Rome wearing the yellow anti-racist shirts of the Office and entertaining the audience in some squares along the Marathon path with shows and events under the insignia of multiethnicity.

## B. Best interests of the child

**Committee recommendation No. 24 on the general principle of the best interests of the child is appropriately integrated into all legislation and budgets, as well as judicial and administrative decisions and into projects, programmes and services which have an impact on children**

135. As already anticipated in the previous report, the principle of the interest of the child to be privileged over other interests, while not appearing in our Constitution, is increasingly present in European and national regulatory provisions. There are various provisions in which a privileged position is assigned to the interest of the child with respect to any other interest involved in decision-making processes that concern the child as an individual and as a social group.

136. As to national laws, open reference to the interest of the child is present in the provisions regarding separated parents and shared custody (Law 54 of 8 February 2006) in which, while amending article 155 of the Italian Civil Code regarding measures about children, it is envisaged that in the case of parents separating, the child has the right to maintain a balanced and continuous relationship with each of them and to retain significant relationships with the grandparents and the relatives of each parent's family. Therefore, the judge has to take the most appropriate decisions regarding offspring by exclusively referring to their moral and material interest.

137. Still with reference to the implementation of the principle that mandates that the best interest of the child is always taken into account also in the light of his/her opinion, if he/she is of such an age as to understand the meaning of specific decisions, the regulation has been deeply renovated regarding adoption and foster care (Law 149 of 28 March 2001, reforming Law 184 of 4 May 1983). Its background is the right of the child to be educated in "his/her own family", construed as an intangible right. However, if the original family is (temporarily or permanently) ineligible, the right of the child comes into play of being included in another household, under the form of foster care or adoption, in application of various tools envisaged by law: foster care to families, individual persons or couples, placement in family-type communities, full adoption or simple adoption or "in particular cases". The interest of the child becomes real in the right to have balanced growth and education and receive affection and family care. Therefore, there are various clear references to the interest of the child with respect to various possible solutions (arts. 4, 10, 14, 19, etc.).

138. Further reference to the principle of the best interest of the child can be found with respect to the hospitality of people seeking asylum in Legislative Decree 140 of 30 May 2005 regarding the implementation of Directive 2003/9/EC, which establishes minimum rules regarding the hospitality of people seeking asylum in EU member States.<sup>30</sup> Article 8,

<sup>30</sup> With respect to immigration, open references to the primary interest of the child can be found in Presidential Decree of 13 May 2005, *Approval of the Policy Paper Concerning Policies on*



regarding the hospitality of persons with particular needs, in its first paragraph defines as such “vulnerable persons, such as children, the disabled, the elderly, pregnant women, single parents with young children, persons for whom it has been ascertained that they were subject to torture, rape or other serious forms of mental, physical or sexual abuse. In particular, this provision at paragraph four envisages that hospitality to unaccompanied children is given, under the decision taken by a Juvenile Court, by the local authority. Besides, paragraph 5 states that the Ministry of the Interior stipulates conventions, on the basis of the funds available of the National Fund for Asylum Policies and Services, after hearing the Children Committee, for the implementation of programmes aimed at finding the relatives of unaccompanied children”. Here it is openly stated that “The implementation of these programmes must be carried out in compliance with the best interest of the children and with the obligation to absolute confidentiality, in order to protect the safety of the person requesting asylum.”

139. As to case law regarding the principle stated in article 3 of the Convention on the Rights of the Child, it should be underlined that, during the period of reference of this Report, the various court levels have shown increased attention to the principle of the best interest of the child.

140. In particular, it is worth mentioning the attention that the Constitutional Court has assigned to this principle in the event of adoption<sup>31</sup> and with respect to criminal matters.<sup>32</sup>

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*Immigration and Foreign Nationals on the Italian Territory for the Three Year Period 2004–2006*, publ. on the Official Gazette 169 of 22 July 2005, Ordinary Supplement, and in Ministerial Decree of 17 December 2007, *Guidelines for Professional Staff Dealing with Migrant Communities Coming from Countries where Female Genital Mutilation is Practiced for the Purpose of Carrying out Prevention, Assistance and Rehabilitation Activities Aimed at Women and Girls Already Subjected to this Practice*.

<sup>31</sup> By means of Judgment No. 192 of 14 June 2001, recalling statements of the same Court previously made (Judgment No. 281 of 1994 and Judgment No. 197 of 1986), it was established that at the stage regarding the assessment of the requirements of the aspiring adoptive parents, positions of subjective law of parties juxtaposing each other are not highlighted at all, since these are preliminary assessments, preparatory to the possible subsequent decision of pre-adoption foster care, to be taken in the specific interest of the child.

<sup>32</sup> In the criminal field it is worth recalling that by means of Judgment No. 149 of 9 May 2003, the Constitutional Court stated that art. 27, para. 4, of Presidential Decree 448 of 1988 (*Approval of provisions on the criminal trial against underage defendants*) is constitutionally illegitimate, in the part in which it envisages that the order of release because of irrelevance of the fact can only be stated in the preliminary hearing, in the immediate trial and in the direct trial. A release therefore becomes possible during the debate because the fact is irrelevant. The Court highlighted that the protection of the primary interest of the child cannot mechanically be equal to his immediate release from trial, but it requires that the release — “as quick as possible” — from the trial circuit does not go to the detriment of the need to “ensure to the child the most complete defence opportunities connected with evidence making during the debate”. The objective of a quick release of the child from the trial circuit does not rule out that the decision must be however taken which is most favourable to him/her, putting him/her in a situation as to obtain, where preconditions exist, the most appropriate release formulation to the nature of the fact reported and to the subjective profiles of his behaviour. The rejected rule, according to the Court’s opinion, did not fulfil these needs. If factual elements and circumstances appropriate to show the faintness of the fact and the occasional character of the behaviour only come out during the debate, or if the defendant could not benefit from release because of irrelevance of the fact during the preliminary hearing, the only other option to the giving of a sentence would be the release during the debate because a court pardon is given. This solution is clearly less favourable to the child than the release because the fact is not relevant, which the Court deemed to allow also during the debate.

141. Recently, with Judgement No. 385 of 14 October 2005, referring to what had been stated in the motives of a previous judgment, the Constitutional Court stated again that, as can be seen from the *ratio* under national regulatory measures to support motherhood, “the institutions established to protect motherhood, in particular maternity leaves and days off, no longer have, as it was in the past, the main and exclusive objective to protect the woman”, but are destined to the protection of the primary interest of the child “who must be protected not only for that which affects the most properly physiological needs, but also with reference to relations and affective needs that are linked with the development of his personality”.

142. As was already underlined in the previous report, the criterion of the best interest of the child is the foundation of the social policies and of the measures taken by local authorities that have functions related to childhood and adolescence support and promotion.

143. In the Government Plan of Action for 2000/200<sup>33</sup> the interest of the child, besides being the focus of the measures identified in it, is strongly underlined with reference to unaccompanied foreign children requesting asylum. With reference to the Government Plan of Action for 2002/2004,<sup>34</sup> it began by underlining that the general principle affecting all the actions of the new Plan is the fundamental rule of the best interest of the child, as is stated in the Convention on the Rights of the Child. All undertakings stipulated by Italy are also recalled in the final document of the Special Session of the United Nations General Assembly dedicated to Children, held in New York on 8–10 May 2002, and it is underlined that action lines are based on two points of this document: part 15, where the family is recognized as the basic unit of society and, as such, it should be strengthened and it is entitled to receive comprehensive protection and support; and part 29, according to which the framework for actions concerning children, including adolescents, is given by the general principles of the best interests of the child, non discrimination, participation, survival and development.

144. Therefore, in the 2002–2004 Plan all the measures prepared aim at the full respect of this principle.

### C. Life, survival and development

145. For the answers to the questions 20, 21, paragraph (c), 22 and 23 of the guidelines of the Committee on the Rights of the Child of 2005, see section VII, devoted to health and health-care services: it appears appropriate that the issues regarding health and the right to life, development and survival be analysed together because these issues are closely related.

### D. Respect for the views of the child

#### **Committee recommendation No. 26 on the right of children to be heard in courts and administrative proceedings**

146. During the period of reference of this report (2000–2007), as to regulations on hearing children, non-negligible developments can be identified. Initially, the novelty and scope of article 12 of the Convention was not immediately perceived and understood in its

<sup>33</sup> Presidential Decree of 13 June 2000, *Approval of the National Plan of Action and Intervention to Safeguard the Rights and the Development of Subjects in Developmental Age for the Two-year Period 2000–2001*.

<sup>34</sup> Presidential Decree of 2 July 2003, *Approval of the National Plan of Action and Interventions to Safeguard the Rights and the Development of Subjects in Developmental Age*.

entirety in the national context. It was believed that the provision needed implementation rules that would regulate its punctual implementation in the various trial proceedings. In other words, it was believed that article 12 would not be immediately executive, until Judgment 1/2002 of the Constitutional Court (reject interpretation) attributed to the statements in article 12 of the Convention a self-executing nature, on the basis of that established by Law 176/1991 for the ratification and execution of the Convention on the Rights of the Child. In doing so, the content of article 12 was declared as immediately applicable and as a consequence no implementation legislative measure is necessary.

147. For greater clarity, a distinction should be made between, in this respect, civil and criminal context.

### **The civil context**

148. Until the 1990s, the child was heard only in the cases mandatorily envisaged by law and in quite advanced age brackets (16, 14, 12 years of age with the exception of 10 years of age requested by article 371 of the Civil Code in order to give the probate judge the opportunity to decide with respect to the placement and education of the child within the framework of its protection). Following the ratification of the Convention on the Rights of the Child, an innovation process started in this respect. In particular, with respect to the civil context, as was underlined in the introduction, a significant contribution to the application of article 12 was provided by Judgment 30/1/2002 of the Constitutional Court. In the case under examination, the issue of unconstitutionality was raised about article 336 second and third paragraph of the Civil Code and articles 737, 738 and 739 of the Criminal Code. This is a judgment through which the Court, since the judge had not experimented an “adjusting” interpretation of the relevant provision and because this is an interpretation issue which belongs to the powers of the judge, stated the issues of constitutional legitimacy of article 336 paragraph 3 of the Civil Code as unacceptable, where it does not envisage that a temporary decision taken in the case of urgent need without hearing parents and the child who is at least 12 must have a maximum duration established by law and must be, in compliance with the service-of-process rule, confirmed, modified or cancelled within a mandatory deadline of 30 days and that, if there is not actual urgent need, the decision is automatically void, with reference to articles 3 paragraph 1, 24 paragraph 2, and 111 paragraphs 1 and 2 of the Constitution.

149. The Court provided a significant interpretation of the text of article 12 of the Convention stating that this provision is part of the national legal system and, as a consequence, it supplements where appropriate article 336 paragraph 2 of the Civil Code, making the child become a “party” in technical sense of the trial, implying the need for an adversarial proceeding against him, after appointing where necessary a special curator as is envisaged by article 78 of the Criminal Code.

150. As to the civil field, it must be stated that the modes of hearing a child are defined by Italian law in two areas, that is (1) the procedures to decide on the adoption and on foster care by the Juvenile Court under Law 476/1998 and Law 149/2001, and (2) the procedures for personal separation of parents under article 155 *sexies* of the Civil Code as elaborated by Law 54/2006 on shared custody.

151. As to the former case, the text of article 12 of the Convention on the Rights of the Child was first applied by Law 149/2001 on adoption and child custody (Amendments to Law 184 of 4 May 1983, on the “Regulation of child adoption and custody”, as well as to Title VIII of the first section of the Civil Code), by means of which the obligation to appoint a child counsel was introduced in adoption procedures (under article 8 of Law 149/2001) and in those limiting or cancelling parental authority (under article 37 of Law 149/2001), within the competence of the Juvenile Court. Law 149 also established a series of innovative elements. On the one hand, it envisaged the presence of the child counsel in

each proceeding regarding authority issues and not only in the case of conflict of interest between the parents, thus better protecting the position of the child from negative behaviours of the parents against their children. On the other hand, it introduced the mandatory character of the technical defence of the child and the appointment of a lawyer, regardless of the ability of understanding of the child, contributing to a more punctual compliance with the right to a fair trial as established by article 111 of the Italian Constitution.

152. For the Italian legal system, Law 149/2001 represents the sign of a change in concept and culture. We can say that the analysis of the provisions of Law 149/2001 and of the judgment of the Constitutional Court shows that the child in trials for cancellation or limitation of parental authority not only has the right to be heard, but must be considered as a technical party to the proceeding, with the attribution, as a consequence, of the right to be protected by a lawyer. Law 149 introduced strong innovations in the Italian system raising many application critical issues that need further adjustments. In particular, article 37 amended articles 330, 333 and 336 of the Civil code, regarding authority on children. Because of such article, the judge can decide that the child is removed from the family house, but also the removal of the parent or partner who maltreats or abuses the child. In terms of procedure, the significant innovation should also be noted according to which “parents and children must be assisted by a counsel, also paid by the State, in the cases envisaged by law” (art. 336 last paragraph of the Civil Code). The coming into force of this provision was delayed various times, while waiting for a desirable detailed regulation to be issued, until 30 June 2007, when the last postponement expired. No implementation regulation has been issued thereafter that would regulate the modes of appointment of the counsel in these proceedings and the establishment of a register of reference. The immediate applicability of the provision under examination was then debated and the issue was positively solved by the prevalent judiciary praxis and doctrine. Protocols have therefore been drafted in the various judicial offices which, while waiting for some action from the legislator, regulate the modes of appointment of counsels and special curators of children.

153. Still with reference to the civil proceeding, as stated above, there is a second field where there are specific provisions regarding the hearing of the child, i.e. separation procedures under article 155 *sexies* of the Civil Code as drafted by Law 54/2006 on shared custody.

154. Law 54/2006, *Provisions on parental separation and shared custody of children*, introduced a hearing of the child in parental separation and divorce cases and in the trials for the custody of natural children. This regulation indifferently utilizes the words “hearing” and “listening”, which are equal in legal terms. The child however must be considered as a party in the trial but the doctrine believes that he is an “anomalous” party, because he has not acquired yet the same legal position of the adult that is a party to a trial. It must be pointed out that in this case the judge has not discretion on the decision regarding hearing the child but, in the full implementation of article. 12 of the Convention on the Rights of the Child, only with respect to times (before or after the president’s decisions) and to the modes (direct, indirect, etc.). The law makes a difference based on the age of the child (12 years, though it is possible to hear also a younger child, if he is able to understand), but has the added value of recognizing a qualified interest with respect to the parental separation trial just in consideration of the consequences that the decisions taken during the trial will have on him.

155. Again with respect to child hearing in civil proceedings, another fundamental moment is worth a mention which has characterized recent years: the adoption of Law 77 of

20 March 2003, with which Italy ratified the European Convention on the exercise of the rights of the child of 25 January 1996.<sup>35</sup> Law 77/2003 provides that when the child has achieved adequate maturity he has, in proceedings regarding him/her, the right to receive adequate and relevant information, to be consulted and to express his/her opinion and to be informed with respect to the possible consequences that his/her opinion might imply in practice and of the possible consequences of any decision (arts. 3 and 6 of the 1996 Convention). In any case, the 1996 Convention obliges the judge to take decisions by considering the interest of the child; therefore, if it is necessary to get more information, the judge has the opportunity to consult the child, considering his/her maturity and that envisaged by national law and with the most appropriate modes. These statements must be duly considered for the purposes of deciding. The initial choice of the legislator to allow limited implementation of the text of the Strasbourg Convention has been widely superseded by the coming into force of the above mentioned law on shared custody.

### **The criminal context**

156. The regulation of child hearing within the framework of the criminal trial is more complex, where it is envisaged that the child (defendant, investigated or victim) is given written information and that the judge verbally describes to the defendant the meaning of the trial that concerns him (art. 1 provisions on criminal procedures for minors).

157. In particular, as to hearing a child victim or witness to crimes, experience has shown that child hearing poses many questions of content and procedure. Testimony, as evidence in the criminal trial, has a fundamental significance to take a decision regarding the liability of the defendant and the judge has been given a wide margin of assessment of the level of reliability of the child who is a victim or a witness, a level that can depend on many factors, such as the role of the witness, the fact of having directly seen the fact, relationships with the defendant, a possible involvement in the event. When the trial is on crimes of sexual abuse committed to the detriment of a child, the testimony of the injured person plays a central role, which however must be subject to rigorous and in depth filter from the judge, especially where other evidence is missing, trying to fulfil also protection needs with respect to the young age of the attacked person and, often, of the connections that unite him with the author of the violence.

158. In recent years, legislation has given operators a whole series of tools to optimize evidence acquisition procedures on children abuse, whose substantial regulation was deeply innovated by Law 66 of 15 February 1996 reforming “sexual” crimes — which also

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<sup>35</sup> One can quote, for example, the judgment (Court of Cassation, civil section I, order 16 April 2007 No. 9094) with which, recalling Art. 6 of L. 77/2003 of the authorization for the ratification of the Strasbourg Convention of 25 January 1996 providing for the exercise of the rights of the child, has made clear how the judicial authority, in proceedings regarding the interests of the child, has the duty, if they have “sufficient discernment in the same way as the internal right, “to consult them personally and may exclude such examination only where it is manifestly in contrast with the higher good of the child itself”.

In the case law regarding the family and children the increased recognition for children is stressed above all, when they have reached an age in which they are able to express their views and, subsequently, to make decisions in a mature way, in a sphere of freedom for the exercise of personal rights, such as affective, procreative, political and religious choices. The consideration and respect of the will expressed by the child has assumed a central role in giving effectiveness to their fundamental rights, of course when this is in the presence of a sufficient evaluative capacity and discernment, acquired gradually, as are gradual and progressive changes in the educational and developmental methodologies, appropriate to the various ages of the child, and modulated according to the needs dictated by the various evolutionary phases.

redefined rules taking to jail with respect to sexual violence against children (articles 609 *bis* and following of the Criminal Code) — as well as by the regulation on sexual exploitation of children envisaged by Law 269/1998, already examined in the previous report.

159. In particular, with reference to the tools of child witness examination and interlocutory witness exam, supplementing what had already been reported in previous report, an interesting decision of the Court of Justice of the European Community is worth a mention.<sup>36</sup> According to this Judgment (which had been requested by the Italian judicial authorities), “Articles 2, 3 and 8(4) of Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings [...] must be interpreted as allowing the competent national court to authorize young children, who claim to have been victims of maltreatment, to give their testimony in accordance with arrangements allowing those children to be guaranteed an appropriate level of protection, for example outside the trial and before it takes place”. Then the Judgment establishes that the national judge is obliged to take all the rules of the internal system into consideration and to interpret them, as far as possible, in the light of the letter and purpose of the Framework Decision.

160. With respect to the specific rules, article 392 of the Criminal Code establishes that during preliminary investigations the interlocutory witness exam can be utilized to take the testimony of a child aged under 16, also outside the assumption of paragraph 1 of article 392 of the Criminal Code. The purpose of this provision is to prevent the child-victim or witness from being obliged to testify during trial (which can take place also long time after the crime had been committed, a factor that might prevent him from starting a process of adequate and immediate psychological rehabilitation).

161. The examination of the child, during the interlocutory witness exam, can be carried out in the form of the so-called protected hearing, that is under such modes as to avoid the trial from scaring him. In particular, article 398 of the Criminal Code gives the judge the option to hear a child aged under 16 that has been a victim of crimes of sexual abuse and exploitation, slavery and trafficking by deciding on the place, time and adequate procedures with respect to the needs of the child. For this purpose, the hearing can also take place at the child’s home or in ad hoc places. The article also envisages that the child hearing, during the interlocutory witness exam, must be fully documented with sound or audio-visual recording systems and, in the event recording tools or technical staff are not available, the forms of technical expertise or technical consultancy are adopted.

162. Another fulfilment, envisaged by the Criminal Code, (art. 609 *decies*), is that pertaining to the Prosecutor’s office, which is the immediate notice to the Juvenile Court in the case a trial is made for one of the above mentioned crimes committed against a child. The same above-mentioned provision envisages that affective and psychological assistance is ensured to the child through the presence of the parents or other persons as indicated by the child, as well as assistance of children services of the Justice Administration or the Services established by the local authorities.

163. The interlocutory witness exam is then accepted (also in the light of Judgment 114 of 2001 of the Constitutional Court), for the hypotheses of sexual violence and also for other alleged crimes, of particular delicacy and complexity, such as those punished by article 572 of the Criminal Code (family maltreatments), article 571 of the Criminal Code (abuse of corrective or discipline measures), by article 573 of the Criminal Code (consensual abduction of children), by article 574 of the Criminal Code (abduction of

<sup>36</sup> Grand Chamber, Judgment 16 June 2005 Case C-105/03 published in *Guida al Diritto* (Guide to Law) 26 of 2 July 2005, p. 67 and following.

unsound persons) and by article 591 of the Criminal Code (abandonment of children or unsound persons).

164. Besides, always to protect the personality of the child and for the purpose to respect the right to have a “fair trial”, as is established by article 111 of the Italian Constitution, Constitutional Law 63/2001, *Amendments to the Criminal Code and to the Code of Criminal Procedure on Evidence Taking and Assessment in Pursuance of Constitutional Law Reforming article 111 of the Constitution*, has somehow taken into consideration the implementation of the constitutional principle in the case of criminal trial versus a person accused of sexual violence against a child. It has established in article 3 that the exam of a witness aged under 16, who has already made statements during the interlocutory witness exam or during the debate with the person against whom such statements will be utilized, is only admitted if it concerns other facts or circumstances that those object of the previous statements, that is if the judge or each of the parties deems it necessary on the basis of specific trial needs.

165. As to the modes of interviewing children during the debate, the rule of reference is article 498 of the Code of Criminal Procedure that envisages, as a general rule, that the judge leads the exam upon request and claim submitted by the parties, with the possible help of a relative of the child or an expert in child psychology. However, if the president believes that the direct exam of the child cannot harm his peace, after hearing the parties can state with an order that the child exam is carried out as usual. The same provision also envisages that, if the party requests so, or if the president deems it necessary, the exam is made in the forms of protected hearing envisaged for the interlocutory witness exam (art. 398 of the Code of Criminal Procedure), thus extending to all proceedings where a child witness must be heard the possibility of adopting protected modes. Furthermore, when proceeding for the crimes of slavery, trafficking, sexual exploitation or sexual violence, if the party or the counsel requests so, the examination of the child, victim of the crime is made by using a mirror glass together with an intercom. Another form of child protection is represented by the appointment of the special curator. Article 338 of the Code of Criminal Procedure envisages that if the injured person is aged under 14, the term to submit the claim starts from the day when the appointment was communicated to the special curator. The judge for preliminary investigations makes the appointment in the place of the injured person upon request by the Public Prosecutor. The appointment can be promoted also by the bodies in charge of the care, education, custody and assistance of children. This ensures appropriate trial representation from the beginning of the preliminary investigations, which is even more useful when the abuse was committed by the parents. The conflict of interest that is created mandates the appointment of a special curator. International Conventions state that he should be chosen from competent and prepared persons. The establishment of a list of particularly prepared lawyers for this task is therefore to be wished for.

166. Italy has started a path that is progressively designing a new type of trial regarding child-related issues, with more participation and more people and consequently richer in information and elements of knowledge to assess and to be used as a base for decisions.

## **V. Civil rights and freedoms (arts. 7, 8, 13–17 and 37 (a))**

167. Integrating with the previous report, we bring to your attention that in the period between 2000 and 2007, in the wake of new laws, there were some important regulatory interventions, with the corresponding implementations, aimed at giving greater scope to the instruments of protection for civil rights and freedoms, recognized and guaranteed by the Constitution to every person from birth as inviolable human rights, in accordance with a vision focusing on the equal dignity of each individual, taken both as an individual, as well as in the social setting in which their personality develops (articles 2 and 3 Const.). One can

say that the Italian legal system is living through a phase of deep renewal directed towards the recognition of minors and their guaranteed rights, as for every person, established by the Constitution. In particular with the regulatory reforms for adoption brought into act by Law 386/1998 and by Law 149/2001, the right of the child to a personal identity in the new adoptive family received attention with regards to the knowledge of their history prior to the adoption and their views about the whole decision to adopt.

## **A. Name and citizenship**

### **Birth registration**

168. As for the immediate registration of the child at the time of birth, the Regulation for the revision and simplification of the civil status system approved by Presidential Decree 396/2000, requires a birth registration within three days — at the hospital — or 10 — at the town hall — from the birth date and foresees the possibility, where this is not the case, of a late notification (arts. 29, 30 and 31).

169. The phenomenon of non registration of birth can be said to be of little relevance and occurs mostly in the case of children born outside the hospital or nursing home, especially for illegal foreign mothers who subsequently do not report the birth for fear of being discovered by the authorities and therefore subject to expulsion or because they are concerned that their child might be removed due to their economic and housing conditions which does not allow them to take care of the child adequately. Where a case of non declaration is verified, immediate action is taken.<sup>37</sup> In the case of children abandoned at birth, the obligation to give aid to the abandoned child falls on anyone who may find it. They should, as foreseen by article. 38 of Presidential Decree 396/2000 – entrust it to a family-type community (no longer an institute, as from 31 December 2006 each new entrance of a child in an Institute is prohibited) or a health structure. The director of the centre in turn must immediately notify the civil State official of the place where the child was found, who will then proceed to registration, informing the tutelary judge and the court for minors for the allotting of the respective tasks to the competent authorities (opening of the procedures for guardianship and adoption).

170. Italian law allows the mother and/or the father — married or not — to decide not to recognize the child, dictating the precautionary rules to ensure that this choice is free and not conditioned by precarious economic situations or transient emotional states related to childbirth. To this end parents must be properly informed of the possibilities of aid which may be made available and of their right to a period of time to change their mind. Where the decision of the parents not to recognise the child appears convincing, there follows the same procedure dictated for the birth registration of abandoned children, noting on the birth certificate that the child is of a woman who does not wish to be named. It is quite different however when the problem arises from children whose birth was not registered in the State where they were born, and who subsequently migrated to Italy with both or one parent or alone. These children often do not even know their own date and place of birth. In these cases the child has the name with which he has been called in the family but not a registered name and its non-existent birth certificate may not be issued in Italy. They are de facto stateless children due to the fact that they have not been registered and it is difficult for them to return to the country where they were born.

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<sup>37</sup> The law provides that, on receiving information, the State official informs the public prosecutor of the Republic for the purpose of advancing the judgement on rectification (as set out in art. 32 of Presidential Decree 396/2000) and then issue the birth registration on the basis of the judicial decree.



171. Assuming the case where a birth, brought about by assisted-reproduction techniques, has taken place through the use of heterologous fertilization, despite the fact that this practice is prohibited (art. 4 Law 40/2004), the law has provided, to protect the child, that it is registered as the child of the woman who gave birth and her spouse (or cohabiting partner who has acknowledged), thereby assuring the child a definite identity. In substance, a solution prevails which anchors parenthood to the procreative choice, made by the couple, and not to the biological bond, while remaining, between the child and the third donor of gametes; the identity of the child is anchored definitively to the name of those who have desired and wanted a child. Consequently it is not possible to deny paternity, either for the spouse of the woman who has been subjected to this practice, or by the co-habiting partner who has agreed on the basis of “conclusive acts”. In addition, the donor of gametes, always in the case of heterologous fertilization effected in violation of the legal ban, does not acquire any “legal parental rights to the child and may not be subject to any laws or obligations”.

172. Relative to the condition of the mother of a child born due to the use of the techniques in question, whether this is a homologated fertilization or (although, in violation of the Law) heterologous fertilization, the Law 40/2004 provides that the mother, after consciously wanting the child, may not request to be unnamed, contrary to what may occur in “biological” parentage (in the application of article. 30, c. 1 of Presidential Decree 396/2000).<sup>38</sup>

#### **The right to name and surname**

173. On the birth certificate (art. 29 of Presidential Decree 396/2000) must be designated “the place, year, month, day and time of birth, personal details, citizenship, the residence of the legitimate parents as well as those who declare biological parentage and of those who have expressed by public act their consent to be appointed, the sex of the child and the name given to him/her”. At the time of birth registration the declarant gives the name to the child, but should they not the right of the child to a name is equally assured as in this case the public official may proceed. As a rule, in addition, the public official chooses the name, together with the surname, when it concerns a child who has not been recognized by its parents.<sup>39</sup>

<sup>38</sup> Regarding administrative procedures, the declaration of birth may be made to the State official by one of the parents, by one of their solicitors, the doctor, obstetrician or any other person who was present at the birth, respecting the possible will of the mother not to be named (Art. 30 Presidential Decree 396/2000). The declaration of birth may also contain the contextual recognition of the biological child on the part of one or both parents. For completing the birth registration, the declaration must be accompanied by a statement of the birth in which the particulars of the lying-in woman are listed, and of the day and time of birth, the municipality, the hospital, nursing home or any other place in which it has taken place, and the sex of the child. In the case in which the mother has not been assisted by health care professionals, the declarant, if he/she is not able to produce a childbirth certificate, must make a substitute declaration. In the case of a late declaration of birth (Art. 31), over 10 days from the actual birth, the declarant must indicate the reasons for the delay. In order to avoid false statements, the State official shall complete the certificate late informing the relevant public prosecutor’s office. If, however, the declarant does not produce the necessary documentation (of art. 30, cc 2 and 3 Presidential Decree 396/2000), or does not indicate the reasons for the delay, the declaration of birth may be received only by virtue of decree given with the procedure of rectification. For this purpose, the State official must inform the Public Prosecutor as soon as possible to proceed with the relative juridical procedures.

<sup>39</sup> To protect the dignity of the Child and its right to be clearly identified, there are limits imposed on the attribution of name, prohibiting ridiculous or shameful names, a surname as a name or that the child is called with the same name as the father or a living brother or sister. In the case of children not

174. With reference to the surname, the provisions applicable to children are different when referring to children born in marriage (also called legitimate), for legitimized children (such as biological children who are acknowledged as legitimate children following a judicial declaration, marriage between the parents or by a statement from the parents through a private act *inter vivos* or *mortis causa*), for biological children, for children born with the assisted-procreation techniques and for adopted children. The legitimate children take the surname of the father. Also legitimized children, as for legitimate children, take the surname of the father after the legitimization, if the legitimacy occurs when they are still under age (art. 33, para. 2, Presidential Decree 396/2000). For biological children the situation is more complex (art. 262 Civil Code). If they are recognized jointly by both parents at the time of the registration of birth, they take the father's surname; the same applies if it is the father who recognizes them first. If they are recognized only by the mother, they assume her surname. Finally if, subsequent to the maternal recognition, when they are still under age, the father recognizes them or if this is done so in the wake of a legal judgment, the Juvenile Court shall deliberate as to whether they have to keep the name of the mother, replace the name of the mother with that of the father, or keep the name of the mother before or after that of the father (art. 262 para. 3 Civil Code content integrated by the Constitutional Court).<sup>40</sup>

175. With reference to children (of couples, heterosexual, married or otherwise) born after recourse to the medically assisted-reproduction techniques, Law 40/2004 provides (art. 8), they have the same status as those born by biological union between parents, that is, respectively, the state of legitimate children. Also if they are children of a married couple, children that have been officially recognized or children of unmarried partners, with the consequent application of rules for attribution of the surname provided for respectively for legitimate and biological children.

176. Finally in full adoption the child takes the surname of the adoptive father replacing its own (art. 27, para. 1, Law 184/1983), while simple adoption, which occurs in special cases, the child takes the name of the adopter in front of his/her own (art. 55 Law 184/1983 and art. 299 Civil Code).<sup>41</sup>

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recognized by parents, one cannot impose names or surnames which make the biological origin clear, or names of historic importance or belonging to families particularly known in the area where the birth registration is made (Art. 34 Presidential Decree 396/2000). If, in violation of such prohibitions, the declarant insists on trying to give a specific name to the child, the State official, after having warned him/her of the prohibitions and receiving his/her declaration, completes the birth registration, but shall immediately inform the Public Prosecutor should the case require an act of rectification.

<sup>40</sup> Constitutional Court, Judgment No. 297 of 23 July 1996.

<sup>41</sup> This general framework of the criteria for the allocation of the surname has been reviewed in recent years by case law which on some points has been made more flexible. The new guidelines are based on the consideration of the triple function of the surname: it is recognized as a sign of personal identity (each person knows they have that surname), of family identity (the surname recalls the family which a person belongs to) and of social identity (in the context in which a person lives he/she is recognized and called by that surname). In this perspective the child's right to retain their surname has increased, where this has now become an element of personal and social identity even when it should change in relation to family identity (for example, the refusal of paternity). Secondly, one moves more towards choices of surname that meet the real interest of the child. For example, the Court of Cassation, with a judgment of 2006, has given prominence to the reasons underlying the attribution of the surname in the case of a child recognised by the mother at the time of birth and by the father many years later, when the child was already preadolescent. In that interval of time the child had not only matured its own "personal and Social identity" with the surname given by the mother, and with which it was known in school and in social relations, but had also reached the "Capacity of discernment" so as to be aware of belonging to the family group of the mother. From

### The right to citizenship

177. Article 7 of the Convention on the Rights of the Child asks that, as an immediate effect of the birth registration, each child has the right to acquire a nationality, and therefore cannot be considered a stateless person. As referred to in the previous report, the Italian legislation for acquiring citizenship, dictated by Law 91/1992, which has not undergone substantial changes, responds to this request. One points out, however, some appropriate specifications for the acquisition of automatic citizenship for foreign child adopted by Italian citizens. This occurs whatever the type of adoption and whenever it occurred (art. 3 Law 91/1992), and therefore for the adopted child the right to citizenship is fully implemented. Since, moreover, in mind of article 34, paragraph 3, of the Law 184/1983 (as amended by Law 476/1998) the acquisition of Italian citizenship by adopted foreign minors is realized with the transcription in the registers of the State of origin of the adoption. The Ministry of the Interior has stated with a circular<sup>42</sup> that the transcription of the adoption does not give Italian nationality, but it is the condition to bring it into effect, after its transcription, the foreign national can request citizenship “with retrospective effect” from the date of the registration, namely from the date of adoption.<sup>43</sup>

## B. Preservation of identity

### **Committee recommendation No. 28 on the child’s right to know his or her parents’ identity and the condition of children born out of wedlock and his/her relationship with his/her parents**

here comes the conclusion that it would have been a sure source of “disturbance and discomfort assuming the paternal surname were replaced or added to the maternal”. The Court of Cassation has not failed to point out that in interpreting the laws in this field (Art. 262 Civil Code) one must “take into account a rise in the system and in social custom of a tendency to put into question the rule of automatic allocation of the patronymic surname”. The conclusion was that, “For children born out of wedlock and not immediately recognized by the father or in any event at the same time as the mother”, not only is to be considered “excluded by law the automatic imposition of the paternal surname” (Art. 262 CC), but the surname already acquired by the child must be recognized, even if it does not conform to filial ties, an autonomous protection safeguards the distinctive sign of personal identity until then possessed by the child in the environment in which he/she lives. Consequently, in a connoted evaluation with wide discretion, one must choose “the most convenient way of identifying the child, with regard to the development of his/her personality, in the context of the social relations in which he/she is to be inserted:” more than a reference to the parents. In such situations a family right appropriate to constitutional values and which puts at the centre the protection of the right of the child according to the Court of Cassation must exclude that the child, due to paternal recognition, lose the maternal surname, not only in consideration of precise reasons (such as the bad reputation of the Father), such that suggest it could cause injury to the child, but also where the “matronymic surname has risen to become the autonomous distinctive sign of the child’s personal identity”, especially when the underage is in “a pre-adolescent or adolescent stage of his/her life, [when] he/she could have already acquired a definitive and well-formed identity”.

<sup>42</sup> Ministry of the Interior, circular K. 28.4 of 13 November 2000.

<sup>43</sup> This is the application of the principle, contained in the new rules governing marital status, as reformed by Presidential Decree 369/2000, according to which the effect of registration or of the “transcription of an act in the registers, only has the function of conferring legal certainty and publicity to the facts registered, never giving rise to a legal status which comes exclusively from the acts or by the facts to which the law confers constituent effectiveness to a juridical report. Therefore, at the time of entry into Italy, the foreign adopted child is entered in the registers as living with the adoptive parents and with citizenship of its country of origin, but the Italian citizenship that will be attributed only after the order of transcription will have retroactive effect from the date of the adoption.

178. Article 7 of the Convention on the Rights of the Child affirms, as a result of the birth registration, the right of every child, as far as possible, to know their parents and to be cared for by them, and, as a development of this principle, article 8 of the Convention commits States parties to respect the right of the child to preserve their identity, including their nationality, name and family relations without any interference. This right receives full recognition in article 30 of the Italian Constitution of 1948, which says that it is the duty and the right of parents to maintain, raise and educate their children, even those born outside marriage, and that only in the event of unfitness on the part of the parents does the law allow release from these tasks. This was confirmed in an even better way on the occasion of the reform, which occurred with Law 149/2001, of Law 184/1983 on adoption which now has the title *right of the child to a family*, which says in article 1: “The child has the right to grow up and be educated in the context of the family. The conditions of poverty of the parents or those exercising parental responsibility must not be an obstacle to exercising the right of the child to his/her own family. To this end, in favour of the family, various aid and support packages are available.”

179. The right of the child to preserve their identity can be read, however, above all as the right of the child to know the identity of their biological parents in those situations where they have been adopted by other people or when the biological parents have not recognized them. Welcoming the call of the Committee, Italy, with Law 149/2001, has taken steps to regulate (in the new article 28 of Law 184/1983) access to information on the adoption and on the biological parents.

180. It is now expected that the child should always be informed of his condition as an adopted child. The law has assigned the duty of informing to the adoptive parents, leaving them free to decide the best way and manner, in relation to the psycho-emotive conditions and the maturity of the child.

181. The adoptee is also recognized the right of access to information about the identity of his/her biological parents, with limits and conditions determined in consideration of the delicacy of the possible consequences on the psyche of the adoptee and his/her relations with the adoptive parents, as well as the condition of a child who has not been recognized. In summary: (a) the adoptee is never allowed access to information in the case where he/she has not been recognized and the biological parent has decided to remain unnamed; (b) In all other cases the adoptee who has reached 25 years of age has the possibility of accessing information concerning his/her origin and the identity of his/her biological parents; (c) the adoptee who has reached 18 years of age but not yet 25 years may obtain such information only if there are serious and proven reasons relating to his/her psychophysical health.

182. The choice to delay giving the adoptee information on their origins until 25 years of age aims, in conditions of delayed adolescence, to prevent the traumas of advance knowledge of situations linked to identity for those who might not have yet reached full psychophysical maturity.

183. In turn the policy option not to allow the adoptee access to the information identifying the biological mother who has refused to be recognized came from the consideration that the prospect of being sought after by the child could encourage some mothers to avoid childbirth in conditions protected by a hospital and, therefore, to a illegal abandonment of the newborn. The guarantee of anonymity should however help the mother, who may ask for a short time to reflect better, to be aided and assisted to decide freely to recognize the child, being psychologically calmer when she knows that she will not be sought after. In any case giving the information to the adoptee would always be difficult or impossible as the name of the biological mother is not on the birth certificate.

184. In line with this choice the Italian legislator has decided not to create mechanisms for unrecognized children to trace their mothers and also mechanisms for verifying over

time the will of the Mother not to disclose her identity (this legislative choice has been declared legitimate even by the Constitutional Court).<sup>44</sup> Furthermore it has been decided not to retain documents relative to the birth with the name of the mother who does not wish to recognize her child. It did not seem, moreover, as in most cases always follows immediate adoption (art. 11 Law 184/1983), that one harms the identity of the child with regards to the biological mother that they have never known. This solution is consistent with that adopted for assisted heterologous insemination, in which equally one knows with certainty the identity of a parent (the donor of gametes or ovums) but where it is not recorded or recognized as a component of the child's identity. In both situations a loving family is preferred as the child's one and only and, therefore, as the family with whom they root their identity from the beginning of life.

185. The right of children to preserve their own identity with reference to the knowledge of the first parents that have recognized them also involves some experimenting, by some courts, in the practice of so-called mild adoption or, in other words, the practice of forms of open adoption, according to adoptive models that were once less used (see section VI (F)).

186. As far as the ratification of the European Convention on the legal status of children born outside of marriage, the past Government submitted a bill (No. 2514, now lapsed at the end of the XV legislature) on "delegation to the Government for the revision of the rules in the field of filiation" for the introduction of a new regulation for filiation contained in the civil code in order to eliminate the disparities in treatment between legitimate, legitimized and biological, children, and to ensure the balancing in general of the rights of children born out of wedlock to those born inside it.

## C. Freedom of expression

### **The right to express one's own opinion and to be heard and taken into consideration**

187. Article 12 of the Convention on the Rights of the Child had a strong impact in Italy by making central the right of the child to be heard in the family, school and in judicial procedures that concern him/her.

188. As for listening in the family, their need was derived from the view (art. 157 Civil Code) that marriage requires from both spouses the obligation to maintain, instruct and educate their offspring, taking into account the capacity, the natural inclination and aspirations of the child.

189. Also with regard to listening at school it is understood that it is a teacher's duty and, in this respect, it has been proposed to affirm more explicitly the rights of students in the charter for rights and duties for male and female students.

190. Finally, with reference to listening in judicial and administrative procedures, see section IV (D).

191. In the wake of this one should register the choice made by article 4 of Decree No. 211 of 24 June 2003 (implementing directive 2001/20/EC on the application of good clinical practices in the carrying out of clinical trials on medicines for clinical use), with reference to the clinical trial on children, which requires that the consensus from the legal representative of the child reflect the will of the latter, which presupposes a duty to listen to them.

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<sup>44</sup> Constitutional Court, Judgment No. 425 of 2005.

**The right to seek receive and divulge information of every kind**

192. The right of the child not only to be listened to, but, in a fuller sense, to seek, receive and disseminate information of every kind, is general. The search for information is free, for adults as well as for children.

193. The practical exercise of the right to information, has revealed no case in which foreign children present in Italy have been forbidden to read some book or newspaper or to view a show or to receive some type of information linked to the history, the political events and culture of their country. Finally, regarding the dissemination of information, it should be recalled that, in accordance with article 21 of the Constitution, all, and thus also children, Italian or foreign ones, have the right to freely express their thoughts, written and by any other means, within the limit of good manners.

**D. Freedom of thought, conscience and religion****Committee recommendation No. 30 on not compulsory Catholic religious instruction****The issue of teaching religion at school**

194. With the revision of the agreement between the State and the Catholic Church it has been established that the attendance at lessons on the Catholic religion — prescribed as one hour per week, in primary, middle and high school, from teachers designated by the Catholic Church — is optional, as has been expressly confirmed, already in 1989, also by the Constitutional Court.<sup>45</sup> The possibility to choose to use them or not is given to the parents in representation of the under 14 child and directly to the student at that age and over.

195. For the pupils of middle and high school who do not avail themselves of religious teaching three possibilities exist: follow an alternative subject, have one hour of individual study or leave the school in advance or return later, when religious teaching is in the first hour or in the last hour at school.

196. However, the fact that the teaching of the Catholic religion is present “within compulsory school hours” of Italian public schools has raised some fears in certain situations. In fact, the option of not attending is certainly easier when students who do not want to follow the teaching in question have already reached an age when they do not have to be monitored and can remain within the establishment or start later or leave earlier, depending on the time of the lesson. When the child finds him/herself in the first cycle of education (namely attending preschool or primary school), in the age group, respectively, between 3 and 5 years and between 5 and 10 years, leaving the class and having something alternative to do can create greater problems. In a circular (22 April 2008, n. 45) from the Ministry of Education, with indications for the career path for school children and for the first cycle of education relative to instruction in the Catholic religion, it is stated that “the teaching of the Catholic religion is governed by agreements in force. The goals for the development of skills and learning objectives will be defined together with ecclesiastical authority, as agreed”.

197. And in fact, the Minister of Education has considered acceptable the proposal made by the President of the Italian Episcopal Conference on the revision of the current indications for teaching the Catholic religion, in order to harmonize the position of this discipline in the new curriculum of preschools and primary schools.

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<sup>45</sup> Constitutional Court, 11 April 1989, No. 203.

198. In the case of children attending preschools and primary schools, a solution has been found that makes it possible to meet the needs of religious minorities. This is to exclude any imposition which constitutes direct and indirect forms of proselytism (of any religious faith) and does not affect the rights of other faiths different from the Catholic one, allowing, where possible, the presence of ministers of those faiths.

199. The relation between religion and the educational system is more specific in the private school system, where the inherent exercise of freedom of religion for children is balanced with the educational choices of their parents, according to criteria for finding an appropriate point of balance, determinable by only taking into account the specificity of the individual cases, in the light of the age and degree of maturity of the child. Because the frequency of these types of schools, called "Equal", presupposes a choice by parents and the child if in the age of discernment, there are no particular problems as regards the law in question, provided that the training path does not conflict with the fundamental principles of Italian law (therefore without charges of fundamentalist attitudes, etc.). Instead, in the context of public schools, which are accessed for free and open to all with no distinction to citizenship, language or religion, it is an indispensable requirement for the teaching of the Catholic religion that it does not conflict with the freedom of conscience of the parents, nor with that of pupils, in accordance with constitutional provisions.

#### **The limits of the child's autonomy and freedom with regard to parents**

200. Another issue that calls into play the right of the child to freedom of thought, conscience and religion is that relating to their level of autonomy and self-determination with respect to the wishes and the imposition of parents.

201. Children are not the absolute arbitrators of their own lives, prone during their development to compare themselves with their parents. The parents have a duty to take care of them, to play an educational role in their integration into social life, according to a gradual path of development, along which they accompany the child constantly. The educational task of parents, as the law has for some time affirmed, cannot use coercive means (physical violence or psychological pressures), and has limits of rights over the freedom of the child. The legislation and case-law have found a difficult balance between the educational responsibility of parents and the inclinations of the child.

202. In some typical cases the law recognizes the child full self-determination unconditioned by parental representation and by a decision of the judge: they must give express consent to their adoption if they are older than 14 years (art. 25 Law on adoption); they may conclude a contract of employment for the work that they can do in relation to their age (art. 2, para. 2 Civil Code); they have the right to request diagnostic tests, even in the laboratory, and treatment if the symptoms which emergence are of a sexually transmitted disease (art. 4 Law 25 July 1956, n. 837 on the reform of the legislation for the prophylaxis for venereal diseases, articles 9 and 14 of the relative regulation issued with Presidential Decree 27 October 1962, n. 2056) and may personally request check-ups from the heads of local health departments, as well as therapeutic interventions and rehabilitation when using drugs of a non-therapeutic nature (art. 120 Presidential Decree 9 October 1990, No. 309); they can request the administering, on medical prescription, of the necessary means for the freedom of choice regarding responsible procreation (art. 2 Law 27 May 1978, No. 194 on interrupting pregnancies).

203. Beyond these limited cases, the law comes to a similar conclusion regarding the will of the child, providing in such a way that the parents, teachers, social workers, health workers, judges and all those involved with the child consider his/her opinions and from these same derive guidance for a decision. In particular the consideration of the views of the child as potentially important and decisive, even if not corresponding to the will or to the wishes of the parents, refers to the exercise of very personal rights relating to choices of

religion, politics, social, health, associations, cultural, study and work, to freedom of expression and opinion in the family and outside, and also to some extent to life styles; less to paternal questions.

204. The opinion of the children should be assessed in relation to their level of reasoning. For example let us say that the subject under consideration is a therapeutic treatment considered by health experts essential but refused by the child and/or by the parents, we might find the basis for the child's refusal to be quite weak (such as the fear of suffering after an operation) or acceptable under the profile of benefits (the possibility of alternative actions, the high probability that the treatment is not effective).

205. As a second criterion, when considering the minor's opinion the age and maturity of the child must be considered. This refers to the Convention on Human Rights and Biomedicine of Oviedo, 1997, ratified with Law 28 March 2001, n. 145, of which article 6, paragraph 1, in the limited field of health care but with a statement that may have a more comprehensive bearing. It contains an explicit provision concerning the child's opinion: "the opinion of the child is taken into account as an ever more critical factor, in the light of their age and the degree of maturity". It is thus said that, when the minor is mature and approaching that age, his/her opinion may in some cases be decisive in making the decisions that concern him/her, even judicial, also against the wishes of the parents. In any case it considers that a medical treatment or a extra-family adoption, when the child is approaching the age of majority, may be refused by the child: in this case one certainly cannot use force, perhaps with the intervention of judicial officials.

206. A third criterion is that of the nature of the rights under consideration. Especially when it concerns very personal rights, political choices and religious inclinations to special inclinations towards a school or an occupation, the opinion of the child must be decisive even if contrary to the will of the parents. For a long time, in law it has been an orientation that does not consider justified and acceptable prohibitions or orders, by parents, in contrast with personal choices about the future made by a child who, by age and maturity, has demonstrated that they have achieved the necessary capacity to decide. Each action taken by parents that prevents them from making decisions and to the realization of their own project of life must be considered prejudicial.

207. The range of situations in which a conflict may emerge between the educational programme of the parents and the wishes of the children are many, too many to be listed. Among the concrete cases that have been presented, as regards religious choices, it is clear that if the parents have the right to educate the child in a determined belief, there is also the right of the child to develop freely as a citizen following his/her own religious inclinations which may conflict with the wishes of the parents. Therefore, the educational choices of the parents inspired by religious values (for example, attending faith schools, participating in rites and events linked to a certain belief) are to be considered compatible with the objective of ensuring the child a balanced growth, aimed at his/her integration in the social context in which he/she lives, only if such places him/her in a position of exercising his/her rights with autonomy and freedom.

208. The question of autonomy and freedom of children in the religious choice is also a source of conflict between parents with regard to educational options. In the case of a foreign parent who removed the child from the place of family residence to take him/her, against the will of the other parent, to the country of origin in order to make him/her follow an educational path closely linked to the rules and principles of a specific culture, influenced by the values of a clearly religious nature, the Court of Cassation<sup>46</sup> has

<sup>46</sup> Cassation, section VI criminal, order No. 14102 of 4 April 2007.



considered that there was a violation of the right of the child to be raised and educated in their own family, injured by a very grave unilateral imposition. As the Court underlined, the legal safeguards to promote the sharing by the parents of educational projects, such as those responsible for the protection of the right of the child to receive an upbringing inspired by the principles of freedom, are very important, if relating to “fundamental aspects regarding the existence of the child: the country in which he/she is brought to live, the language to learn (or to forget), the basic values in which he/she will be educated and the individual and public freedoms which he/she can enjoy”.

209. Also inadmissible are the educational choices of parents which are based on sex, ethnicity, language or religion of the child, or which are harmful to his/her cultural identity or do not give due emphasis to the choices of the child tied to his/her religious or cultural options, if he/she has come of age and to a level of maturity so as to ensure his/her full self-determination. Protecting the condition of the child on this subject, pluralism is encouraged, made both by preventing and hindering the rise and the persistence of attitudes aimed at univocal reference models (cultural, social, political and religious) and allowing space for different models compared with those traditional or dominant ones.

210. There are sometimes presented, and under discussion in the Italian courts, events in which one must define borders, the crossing of which could be considered damaging for the freedom of the child, with respect, for example, to the choice of wearing or not certain types of clothing, carrying certain religious symbols or submitting to practices that may affect the body; which occurs in the case of girls being subject to non-therapeutic medical procedures, in accordance with millennial tribal practices even today still rooted in some ethnic groups. These may leave clear marks, both physical and mental, as in the case of adolescents, who, to reach an ideal aesthetic model, subject themselves to plastic surgery. For further details on these issues, see sections IV and VI. In these instances one must consider the specific characteristics of each individual case, in order to find a valid point of balance that will prohibit any form of coercion on the child (coercion to be considered present even if the child manifests consent, particularly when it has been established that this consensus is not full and conscious).

### **The limits of autonomy and freedom of the child with regards to institutions**

211. Beyond cases of intrafamily conflicts (between parents and children), one may have other situations in which the contrast is, so to speak, external, that is between the family educational model, especially if inspired by fundamentalist views which deny dignity to those who do not belong to a circle of faithful, and the constitutional values, which are undoubtedly expressions of pluralism even in the religious sphere.

212. In this case the evaluation of the lawfulness of the choice is quite separate from the fact that there is or not a desired agreement between the child and the parents, given that a subject in childhood and adolescence is often more susceptible than an adult, and is not always able to understand the scope of the future consequences from adhering to a fundamentalist position. The risk of exposing the child to real exclusion from the social reality in which they live is also presented when the child follows the peculiar “directives” given by the parents (for example, to preclude or restrict school education, knowledge of the Italian language and culture, preparation for following a profession) and if so by this there is an apparent sharing of intentions. Therefore, their interests must be protected even when the choices of parents are shared by the child but in conflict with the essential rules accepted by Italian law, grounded in constitutional values of equality, pluralism, democracy and respect for the equal dignity and freedom of every person.

213. In particular cases there is the problem of ensuring effective preventative action, to stop behaviour which might be considered at times, by members of the family nucleus, harmful to the health, both physical and mental, of those most vulnerable in the family, and,

therefore, particularly to children. It is this aspiration which is behind Law No. 7 of 9 January 2006, laying down *Provisions Concerning the Prevention and Prohibition of the Practice of Female Genital Mutilation*, directed at giving greater protection not only to girls but also to women from the risk of suffering similar practices. While stiffer penalties are emerging in this sector (art. 6), increased by a third if the person undergoing mutilation is under age, the new law provides encouragement in various ways from information campaigns and educational initiatives, the collection of data and the activation of measures to encourage the reporting (also anonymous) of risk situations. In this connection it should be noted that in 2005 and in 2006, the Department for Equal Opportunities promoted and supported the creation of an information campaign and deterrence on the practice of female genital mutilation.<sup>47</sup>

214. A sector with many sensitive issues with regard to the right of the child to conscious self-determination is that of choices inherent in sexual identity, cases where change of gender is requested, which is possible in Italy under Law 164/1982. Judicial authorization is required and as it is a matter of discretion linked to each individual case, results may differ.<sup>48</sup>

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<sup>47</sup> Under the campaign a booklet in nine different languages was realized, distributed all over the national territory to the authoritative bodies, centres and the community most affected by this phenomenon; subsequently, published in the major Italian newspapers and periodicals advertising the entry into force of Law No. 7/2006 and the opportunities it offers. This message was then further spread by displaying notices on the main public land transport as well as train and underground stations.

In addition, the said department implementing the provisions of art. 3, paragraph 2, Law No. 7 of 2006, provided in 2007 the financing for projects directed at the prevention of the practice of female genital mutilation, reserved for the regions, local and administrative bodies of the national health service, as well as bodies of the third sector having among its objectives the protection of the health or rights of migrants.

These projects could include the following activities:

- (a) Research-action projects, aimed at studying the phenomenon on a territorial basis, in order to propose rules for more effective intervention;
- (b) Information and awareness campaigns;
- (c) Training and updating courses.

The total sum of €4,000,000 was allocated for such projects. This initiative is the first of its kind that has been undertaken at the level of central administration. After evaluating those projects received, 21 were financed, 7 for each of the three macroareas referred to above.

<sup>48</sup> So, for example, in a case where a juvenile judge authorized a child to proceed to rectification of sex with the result that the gender was different from that resulting on the birth certificate; considering the parents prejudicial opposition, partially limited the exercise of their power by appointing a special childcarer to the child.

In another more recent case, the judicial authority rejected the request for authorization considering it desirable that the child postpone an irreversible choice until when he had reached the age of consent. It was considered that for the personal nature of the choice, such as to have an definitive affect on the person, inherent in his bodily and mental dimension, it was not possible to delegate it to a third party, a special carer, as a representative of the child and that, therefore, only with the age of consent could one proceed with the evaluation of the request for authorization, despite therefore that the moment was postponed in which to make a possible evaluation, in apparent violation of the right of the child to self-determination, the aim was to give space to his will, personally manifested, without producing an inevitable conflict between the position of the parents and that of a subject (the carer) called in to represent the interests of the child.

## **E. Freedom of association and peaceful assembly**

215. As already related in the previous report, the exercise of the rights of association and peaceful assembly do not undergo special restrictions in the case of children. These are rights accorded to every citizen, regardless of age, except for where necessary precautions are required due to the need to assure safety in consideration of the places where one can manifest such forms of freedom, and save for those sanctions laid down by legislators (to create criminal associations with political aims through organizations of a military nature). For meetings, forewarnings or authorizations are not required, should these be conducted in private places or places open to the general public, while for meetings that take place in public places the organisers must give notice to the authorities who may be legitimately entitled to prohibit them, though only for proven reasons of security or public safety (art. 17 Const.). The ordinary law does not operate restrictions regarding the recognition and the exercise of such rights, irrespective of whether those people involved have or do not have Italian citizenship.<sup>49</sup>

216. As a supplement to the previous report with reference to public meetings, we must mention the approval of a law aimed to prevent violence in the course of sporting events, in which minors are also often involved, either as authors or as victims. The Decree No. 8 of 8 February 2007, converted by Law. 41 of 4 April 2007, has set out limitations for access to sporting venues for safety reasons, extended expressly to “children below 18 but who are 14 or over”. The ban, of a maximum duration of three years, regards people who have been “reported or sentenced during the last five years, even when cases were not concluded” for having taken drugs or for having engaged in violence during sporting events. They may be required “to appear in person one or more times” at the provincial headquarters of the police or the police station responsible for the area indicated by the order. These appearances may be at certain times of the day in which there are sporting events that they are forbidden to participate at.

217. At the same time, this new legislation has provided a measure of incentive for children to participate in an orderly and peaceful manner at sporting events.<sup>50</sup>

## **F. Protection from arbitrary or legal interference**

218. The private life of the child receives a high level of protection from any interference detrimental to the sphere of confidentiality. Interference that is not justified by reasons of law or which is care related. The protection is evident in a particular way for the different areas of privacy (personal, family, emotional), of the areas in which the child lives (home, education, health) and the possible ways in which the interference may occur (paper records, computer databases, dissemination of news through the media, photographic

<sup>49</sup> Among those laws that reserve a specific attention to children one can mention the discipline of the “right to assembly”, namely the right to meetings on school premises which are not owned or available directly to the participants. Similar to those provisions in the case of assemblies in places of work for companies or offices employing more than 15 employees, also those spaces in secondary schools may be used for the purposes of the right to assembly by student associations, whose components are, in principle, under 18 years old, and by the parents of the students (Art. 12 Legislative Decree 297/1994 and Presidential Decree 249/1998).

<sup>50</sup> Social organizers “are held responsible to issue”, even in derogation to the numerical limit set by law, free entrance tickets for of Children under 14 accompanied by a parent or a relative until the fourth degree, by a maximum of one child per person, for a number of events not less than half of those organized in the year. The adult must ensure supervise the child for the duration of the sporting event.

reproduction, transmission of images via television, on the Internet, with video-telephones or instruments of electronic communication, etc.).

219. However, interference in the private life of a child who is under care, protection from risks of danger and to health, is considered lawful. This covers, for example, the checks made by parents (or those who have equal power) as to whether the child is exposed to risks or is carrying out activities harmful to his/her physical well being, not making contact with individual or potentially negative environments for his/her good development, attending school or follow training courses. As regards parents reading the child's correspondence or diary, this may be lawful when certain aspects are in the balance (for example, protection of the psychophysical well being and confidentiality of the child), and the need for protection prevails.

220. As already said in the previous report, the child's right to privacy with respect to external interference from their family is protected, above all, by criminal law, which is aimed at protecting each individual from harm to their private life. So are the provisions protecting correspondence (arts. 616 and 618 Criminal Code), residence (art. 614 Criminal Code), images (art. 615 *bis* Criminal Code), and data relating to the personal sphere of the individual and the confidentiality in the area of informatics (art. 617-*bis* Criminal Code).

221. Technological innovations have extended the possibility of children being exposed to particularly invasive forms of interference in their sphere of confidentiality, through the diffusion, without consent, of films, photographs and sound recordings on the Internet or through cell phones and video cell phones. Even if consent were given, their age might still make a case for the illegality of the interference. In any of these situations the violation of privacy is sufficiently serious to be considered a crime (as in situations covered by the new rules in the field of child pornography via the Internet referred to in Law No. 38 of 6 February 2006).

222. The protection, a preventive and inhibitory type, occurs through the use of different instruments. The Law No. 675 of 1996, on the protection of personal data, has put into place, for the first time, a wide form of protection against the possible interference in private life, respecting the treatment of personal data, including "sensitive data", activities to reveal the racial and ethnic background; philosophical, religious or other convictions; membership of parties, trade unions, associations; the state of health and the sexual life of the person. The following code with respect to the protection of personal data, issued with legislative decree No. 196 of 30 June 2003, has given the appropriate "fine tuning", with other provisions, among which some relating specifically to the privacy of minors. Thus, for example, the code in respect to the protection of personal data, in article 50, extends a ban which was previously limited to images of minors involved in criminal procedures (art. 13 provisions on criminal procedures involving minors), prohibited divulging images or news allowing the identification of any child involved, "in whatever way", in any judicial procedure, "also non criminal". The system already provided other more specific rules to protect the confidentiality of minors in court cases: personal details and images of minors are prohibited until they have reached the age of consent when they are witnesses or persons hurt or damaged by a crime, unless there is an authorization from the Juvenile Court or the consent of the child who is over 16 years (arts. 114, para. 6, and 115- Criminal Code); and the disclosure of personal details and images of the offended person is punished, whether they are at the age of minority or majority, when the following acts are involved: sexual violence, such as prostitution and child pornography, child sex tourism to the detriment of minors, corruption of minors and sexual acts committed with minors (art. 734-1a Criminal Code).

223. Great importance is given to the protection of the confidentiality of children following a Code of Ethics, which the guarantor for the protection of personal data must promote (arts. 133 and 134 code for the protection of personal data). The Code of Ethics on

the treatment of personal data in the exercise of journalistic activity, adopted in application of L 31 December 1996, No. 675, drawn up by the National Council of the Order of Journalists and adopted by the provision of the guarantor of 29 July 1998, was “incorporated” in the annexes inside the code with respect to the protection of personal data, while being devoid of legislative force. With this the journalists have fulfilled their obligation (art. 7, para. 3. 1 and 2) of not publishing the name of children involved in news items and not providing information that may enable their identification, not only in the presence of crime but in all other cases, in order to protect the personality of children. It also states (art. 7, para. 3), that the child’s right to confidentiality must always be considered as primary compared with the right of criticism and reporting. If, however, for reasons of overriding public interest and without violating the limits of the law, the journalist decides to disseminate news or images regarding children, he should shoulder the responsibility of assessing whether the publication is really in the objective interest of the Child, according to the principles and the limits established by the “Charter of Treviso”.<sup>51</sup>

224. Other provisions uphold the confidentiality of an adopted minor. It is prohibited for anyone who is aware by reason of their office to provide any information necessary for tracing an adopted child or related to the adoption of a child (art. 73 Law 184/1983). Furthermore, any attestation of civil status relating to an adoptee must submit only his/her new surname and be devoid of references to fatherhood and maternity (art. 28, para. 3. 2 and 3 Law 184/1983).

## **G. Access to appropriate information**

225. In the debate on the condition of infancy and adolescence the theme of the right of children to have access to appropriate information has held a central position in Italy over the past decade. Also many studies in the context of teaching, sociology, medicine and legality have paid great attention to the way in which the means of mass communication deal with facts and problems relating to children and adolescents (i.e. the report on “media and children”).

226. From this double perspective; protection of children in the field of information has therefore developed in two directions:

- (a) Promoting quality programmes, education regarding images and a conscious use of the media;
- (b) Protecting children from the negative influence and interference of the means of mass communication in their private lives.

### **Against television as a “bad teacher”**

227. With the growth of the image and entertainment culture through radio, TV, Internet, video games and videophones, a main priority appears to be to protect the young from transmissions and content of poor quality and the models and negative values proposed. For television as a “bad teacher”, one imputes the dissemination of programmes and advertising

<sup>51</sup> The last consists in a protocol of self-regulation for Italian Journalists, signed on 5 October 1990 by the order of journalists, by the National Federation of the Italian press and by the association Telefono Azzurro, studied in depth and integrated in 1995, with the intent of regulating relations between information and the child. In 2005 the National order of journalists advanced a revision of the Charter of Treviso, which led to the definition of a new charter, entering into force in 2007, which reaffirms how TV, printing, advertising and the Internet play an important role in the communication and education of children but may also become “a misleading instrument, misguiding and pernicious”.

messages deemed unsuitable for the young age of the recipients, as anti-educational, violent, vulgar, superficial or otherwise harmful to the development of personality. All the more serious as television exposure time for young Italians has grown exponentially, with children often left alone with the small screen, without the support of adults and without significant cultural alternatives. To combat these negative effects there have been many legislative and administrative interventions and it is appropriate to list the fields and content, to evaluate the effectiveness and to recognize the limits within which they have occurred. Subsequent to Law 6 August 1990, n. 223, and the Law July 31, 1997, n. 249, which was the Communications Regulatory Authority (AGCOM), having the task of supervising and imposing penalties of a pecuniary type up to the suspension of concessions in those cases of serious abuse — as already covered in the previous report — the Decision No. 538 /01/csp of 26 July 2001 of AGCOM has approved the regulation on radio and television advertising and teleshopping containing some specific indications about television programmes intended for children. In response to it the authority for the guarantee of communications has established that the codes of advertising self-regulation apply to all broadcasters, applying a single sign recognizable in programs dedicated to children.

228. A regulation (art. 51) of Law 39/2002 of the implementation of Community Directive 200/31/EC has added that teleshopping may not have content and forwarding messages such as to cause moral or physical damage to the development of children, nor rely on their inexperience or credulity to induce them to conclude contracts of sale or rental for products or services.

229. The service contract between the Ministry of Communications and RAI-Radiotelevisione Italiana S.p.a. for the period 2003–2005, signed on 23 January 2003, has provided in turn specific television programming aimed at minors (art. 6). The most significant act in question was, however, the minors and TV self-regulatory code signed on 29 November 2002 by public television companies and private broadcasters and from members of the associations which signed up. The code deals with the protection of the rights and mental and moral integrity of minors, with particular attention and reference to the weak age range (0–14 years). It therefore regulates the minors use of television by providing in television programming a so-called band “for all” (from 7.00 to 22.30) and the so-called “protected” band of “television for children” (from 16.00 to 19.00); also, there are different levels of protection for advertising in place in the different hourly bands, in particular that from 16.00 to 19.00.

230. At the beginning of 2003 a Committee was formed for the application of the TV and minors Self-regulation Code which works in collaboration with the authorities and has the power to require the termination of broadcasts in the event of violations, processing ex officio or on the recommendation of users and associations. At the end of 2003, the Committee had had 355 valid reports of violations and promoted ex officio various actions, with 90 cases. At the End of 2005, in the three-year report of the Committee for TV and minors self-regulation Code, the following 132 violations were found: 59 for Mediaset, 38 for RAI, 12 for La7 and 23 for local television.<sup>52</sup> Despite the concrete follow up for some cases, the application of sanctions has emerged as the weak element of the system according to the Committee.

231. The TV and children Self-regulation Code was fully implemented by Law 112 of 3 May 2004 laying down *rules of principle in organizing the broadcasting system and the*

<sup>52</sup> Report of the Committee for the implementation of the TV and Children Code, Rome, 13 January 2006.

*RAI – Radio Televisione Italiana SpA – as well as a governmental proxy for a unified code for radio and television.*

#### **For the secure use of the Internet**

232. The Internet too, with access to the “universal library” and the unlimited possibility of exchange and expression, especially in the recent layout of web, social networking, imposed new measures to protect minors against the “risk” of the Internet. In particular there are new requirements for the protection of minors relative to the privacy of personal data and the dangers of scams, relationships and dangerous encounters, and the viewing of pornographic sites or at least those not suitable to the needs of the development of those subjects.<sup>53</sup> At the same time, it has been made clear that there is a need to discourage illegal and incorrect behaviour by the minors themselves.

233. Against the snares that the network may reserve for younger users, the children and the internet self-regulatory code was proposed and signed on 19 November 2003 by the Minister of Communications and by the Minister for Technological Innovation with the most representative associations of providers. According to the principle of co-regulation, the industry has committed itself to adopt and to be ruled by them, and a body under public control shall ensure respect for the same rules in a sort of “regulated self-regulation”. The providers of access to the Internet who join up to the code shall undertake to manage data which is important for the protection of minors and to combat child pornography online by collaborating with the competent authorities, in particular with the postal service police. Thus there has been introduced the identification mark and guarantee (internet@minori.it) for suitable web pages of information on the use of a secure Internet, the differentiated navigation services, the classification of the contents, systems for the detection of the age of the user while respecting the rules regarding the retention of personal data, the safekeeping of passwords for accessing services, anonymity protection even if the access suppliers who have signed up to the code must be informed of the real personal identity of the subject who is granted the benefit of anonymity.

234. The supervision of the correct application of the code is entrusted to a committee of guarantors with powers of surveillance and reporting, composed of 11 members appointed from among the provider associations, the relevant Ministries and the associations for the protection of children. The penalties provided for are: a warning, censure, the revocation of authorization to use the mark “Internet and children” and, lastly, the publication of the reasons for the measures taken.

#### **Promotion of quality programmes and activities for image education and a conscious use of media**

235. The concern for defending children and protecting them from inappropriate intrusions goes with the need to encourage a positive use of the means of communication. The dissemination of technology with their immense versatility has indeed created new cognitive scenarios and experiences; and interactivity has opened, especially for young people, huge areas of expression for relations and participation. But children and adolescents cannot tackle these new territories alone, regardless of how they are protected by laws and systems of control. They should be guaranteed adequate training, with the help of adult points of reference, so that they can develop new and appropriate knowledge and skills.

<sup>53</sup> For more in depth information on the fight against child pornography on the Internet see section XI.

236. Departing from this requirement, attention in Italy is paid to ensuring specific training for young people with regards to the use of media. In play is a decisive game for the progress of the rights of children also with regards to overcoming the digital divide, namely exclusion from access and active use of the media for children who are economically and culturally disadvantaged.<sup>54</sup> Against this digital divide in 2007 the Ministry for Communications created the site “Ti6connesso”, with the collaboration of the Italian charity Save the Children Onlus and Microsoft. The site proposes information and content, multimedia too, for children, so as to help them understand and interact better with the internet world. It furthermore provides instruments for parental control, which can be downloaded free of charge. It is also meant for parents and teachers, providing information to assist and guide children towards a sure and safe navigation.

237. Access for all children to appropriate information has found a good response in the field of books and of public libraries. Publishing has increased the offer for children and, across the country, the network of specialized libraries has expanded, also through mobile initiatives such as the “bibliobus”. Between the many good practices one may add that activated by the Ministry for Cultural Activities: *A suitcase of books that travels with you*, a small library travelling on a school bus across provinces (in 2000 about 50,000 children were involved). Moreover, there were many campaigns and projects to stimulate the habit of reading in the younger generations, including a project ‘born to read’ for parents with small children. Among the activities promoted by the Ministry of Education is highlighted the *Amico Libro* (Book Friend) an agreement between the Ministry, local and Italian publishing associations, which distributes to all the schools a resource of €1,000 aimed at buying books. *Amico Libro* is still in place, and has been combined with the project *Scuola aperta* (Open School), the opening of schools in the afternoon, in order to facilitate access to laboratories and libraries. The effectiveness of these measures is found by the data for attendance at libraries and centres for reading, from social surveys as well as from observations of the market.

### Privacy protection and representation of children

238. For the development of the system of report between the media and children there has followed predominantly a guidance for co-regulation aimed at introducing mechanisms to give a sense of responsibility to communication operators and surveillance of the institutions oriented towards the effective protection of children. Thus, the application of specific codes of self-regulation and conduct have been applied and the establishment and co-determination of the appropriate committees for their application and guarantee.

239. Under these actions, in addition to the Treviso Charter for the sector of Press and Information broadcasting, updated in 2006 (for which paragraph 4.6 makes reference), there is also the TV and Children Code of Self-regulation (2002) and the corresponding TV and Children Committee (2003) and the Internet and Children Code of Self-regulation with the relevant guarantor committee for the Internet and Children (2003).

240. At the beginning of 2000, 13 self-regulatory codes existed in Italy, which were considered insufficient by the Ministry for Communications. Noting the situation, in 2007, the Government has been directed towards the drafting of a single “media and minors” code, the draft of which was drawn up by the Ministry for Communications with the support of the sector and of the bodies and associations concerned with the improvement of the childhood and adolescent condition. In the same direction, the Presidential Decree No.

<sup>54</sup> ISTAT, *Come cambia la vita dei bambini. Indagine statistica multiscopo sulle famiglie* (How the life of children is changing. Multi-purpose statistical survey on families), Rome, November 2005; *L'eccezionale quotidiano*, Florence 2005, Istituto degli Innocenti, pages 41–42.



72 of 14 May 2007 has reorganized bodies operating at the Ministry of Communications and transformed the TV and Children Committee into “the Committee for the application of the Media and Children Code of Self-regulation”.

241. The protection of children with regards to the negative impact of the media sees among its primary objectives the absolute guarantee of anonymity in relating the facts in which the children are involved in any way. A similar need for protection is recognised for children and adolescents present in TV shows or advertising, against all forms of exploitation or involvement not suited to their age. In the overt interest of the media or inappropriate involvement of children, which has become a “means” of communication for capturing the attention of the public and arousing emotions, a real abuse has been identified.

242. Of particular interest appears the laboratory on child and adolescent communication, active since 2004, established by the Veneto Region, which proposed itself as a “place” of communication, knowledge and exchange between the various actors involved in the relationship between the media and children (public institutions, schools, the service operators, journalists etc.). The laboratory operates through a committee made up of the Veneto region’s Public Tutor for minors and Corecom (Regional Committee of control for telecommunications), with the scientific support of the Interdepartmental Centre for research and services on the rights of the person and population and the Department of Sociology at the University of Padua. The laboratory engages in research activities and monitoring, through the Site “informaminori”, helping information operators to avoid using predictable formulas in relating events involving children.

## **H. The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment**

**Committee recommendation No. 32 on the crime of torture or other cruel, inhuman or degrading treatment or punishment into criminal law, on setting up child-sensitive mechanisms for receiving complaints against law enforcement officials regarding ill-treatment as well as systematic training for police and carabinieri forces, as well as professionals at detention centres**

243. The Committee expresses particular attention with regard to possible cases of ill-treatment on minors by public officials, and particularly abuses on foreign and Roma children. Indeed, in line with its previous recommendations, the Committee has called on Italy to incorporate the crime of torture or other cruel, inhuman and degrading treatment, into criminal law; to establish children oriented mechanisms, in order to receive complaints against public officials regarding such treatments during the arrest, interrogation, judicial custody and within prisons, and to provide systematic training on children’s right to the staff working in detention centres and law enforcement personnel. In this connection, concerning the request to introduce children oriented mechanisms, in order to receive complaints against public officials for abuse during arrest, interrogation, judicial custody and within prisons, as of today every child detained can ask to speak to the juvenile supervisory judge to report any fact of which may have been a victim, and that cases of ill-treatment or abuse of children by government officials are rare and repressed under the Criminal Code. A factual response to the recommendations is the ongoing reform of the juvenile prison, taking place in the framework of a trend of strengthening those aspects of the Juvenile Justice System that safeguards the child even with regard to the bodies in charge of children care, also through the systematic training on the human rights of minors of civilian personnel and the Penitentiary Police operating in the Juvenile Justice Services, as well as the Police and the Carabinieri. Such training, furthermore, has already been activated, although not in a systematic way, for the Police and the Carabinieri, while

juvenile penitentiary staff attends special training and refresher courses organized by the Department of Juvenile Justice at the Ministry of Justice, which take place in the three schools of staff training operating in Italy. In fact, due to the central focus that the Juvenile Justice system addresses to the specific needs of minors, with a priority to ensure their better and more appropriate living conditions, and to intensify the re-socializing, rehabilitation and reparative aim of the sentence, the Department of Juvenile Justice has prepared a draft bill which, if approved, would further diversify and customize the responses of the justice system in relation to the type of crime and the characteristics of the minor, thus increasing the chances of a quick exit from the criminal circuit and strengthening the process of re-socialization.<sup>55</sup>

<sup>55</sup> The text provides for, in the implementation of fines with respect to people under 18 and young adults for crimes at a minority age, is insured, primarily, an educational approach heavily oriented to the recovery of the culture of legality. It also highlighted that such implementation must: comply with the principles and the rights recognised by the Constitution, conventions and by international recommendations; be marked by fairness, without distinction of gender, ethnic origin, nationality, culture, language, religion, political opinion, personal and social conditions; ensuring the processes of socialization through educational and social relationships; Initiate processes of maturation and responsibility about the socially negative consequences of their actions; make courses suitable for education about the law and to adjust to the physical and cultural conditions, taking into account the personal resources, family and social, and history and of the maturing psychophysical and moral needs of the child;

to be actuated by the contributions of operators, the family and of the external Community suitably coordinated between themselves; ensure the child the right to physical and mental health; maintain and promote the relationships with people with which there is a family and emotional link, when not prohibited by the judicial authority; organize the monitoring of the personalized rehabilitative process on the part of a teacher as a reference; orient the educational interventions with regard to foreign and Italian children to intercultural models to encourage the processes of multicultural socialization; respond to the needs which arise from cultural diversity, where the child is foreign or belonging to ethnic minorities, even with the intervention of the cultural Ombudsman; providing detailed rules aimed at safeguarding, initiating and strengthening the processes of maturation and socialization of the individual child and providing methods for developing relations with the outside for cultural activities, free time, study, vocational training, guidance and job placement. Furthermore, the new management of the prison must look more specifically towards the prison construction, the presence of educational staff, the opening of the prison to the outside, detailed rules for entry and resignation, and prison mediation. As for the prison construction, one proposes to establish progressively prisons of a smaller size, with the form of Community housing, organized into small units (no more than 10 seats), which allow for personalized relations and family lifestyles with the children hosted. The teachers must become more and more responsible and be players in the everyday. This means that the whole day of the children must be planned in its activities and managed in the various parts; each child must also have an educator as a reference point, someone close, to listen, to inform, to plan his future with him, to guide him to the recovery of the culture of legality and accompany him in case of summoning before the judicial authorities. Finally, the new children's prison system should provide a prison that is "semi-open". In regulating the modalities for relations with the outside and the release of detained children for cultural activities, free time, study, vocational training, guidance and job placement. It is this opening in a controlled and progressive form that can activate in children the processes of maturation and responsibility for the purpose of awareness of the socially negative consequences of their actions, the acquisition of new social skills and the successful integration and reintegration into the Community.

Other aspects worthy of attention are the methods of admission and release from detention centres. The reception of children must be more and more oriented to listening and psychological assistance, as well as the collection of information and the acquisition of socio-

## VI. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2; 19–21, 25, 27, para. 4; and 39)<sup>56</sup>

### A. Parental support

244. The concept of parental support has a variety of meanings. It may be financial support and services due to the families, as it may refer to all those support measures, also of an educational nature, designed to facilitate the proper exercise of the parental role.

#### Economic support

245. In the period examined the policies of the various governments that have taken power have all made new economic resources available to poor families, using the instrument both of tax benefits as well as monetary transfers.

246. The most significant intervention was introduced with the 2007 Budget Law, in the framework of a broader intervention on the taxation of persons' income (IRPEF), which has allotted resources estimated at three billion euro per year in favour of families with children with medium low income. Family income support has been remodelled in relation to the tax rate, as well as by transforming the tax deductions for family dependants.<sup>57</sup> The deductions for children are structured according to age (above or below three years of age) and number, and decrease with the increase of the total income of the taxpayer. For example, in the case of a taxpayer with two children the tax deduction is equal to €1,600 for minimum incomes, decreasing linearly compared to the total income of the individual taxpayer, cancelling out at around €111,000.

247. On the expenditure side, it must be pointed out a major intervention with regards to family benefits for employees and para-subordinate workers; these benefits also decrease in relation to family income. The reform, in addition to raising the measure of benefits, has reformed the mechanism of calculation for these people, by adopting a criterion which eliminates irrational reductions in child allowances that previously could occur also for small increases in family income (the so-called poverty trap).<sup>58</sup>

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family knowledge – usable in the definition of projects for treatment and for criminal proceedings. Even for the release it is essential to strengthen the integrated system in collaboration with the services of the local authorities to prepare programmes geared to putting the child back in the family context, social and territorial competence, building and implementing concrete and useful projects for reintegration into the family, housing, work or study. It seems particularly important, finally, the proposal to introduce, as an alternative new measure to imprisonment, prison mediation: the supervising magistrate could order the advance release or a reduction in sentence when there has been a mediation-repair activity and it has been successful. The activation of reparatory processes towards the victim and towards society that have as a prize and outcome, the advancement of the end of the prison sentence could change the quality of the detention itself.

<sup>56</sup> See Programmatic indications and prospects for reform for activities after 2007.

<sup>57</sup> The deduction consists of a reduction of the taxable amount: the benefit to the taxpayer is therefore given by the deduction multiplied by the marginal receivable rate. The tax allowance on the other hand is a reduction of the gross tax. *Ceteris paribus*, the transition from the instrument of the deductions to that of tax allowances, in a progressive tax characterized by increasing marginal rates, tends to encourage taxpayers with low incomes.

<sup>58</sup> For example a tax allowance of personal income tax of 19 per cent is provided for by the documented expenditure incurred by parents for the payment for day nurseries, for an overall amount not exceeding €632 per annum for each child (the maximum amount of the tax allowance is, therefore,

248. The child allowance, combined with the deduction, reached for lower incomes (€14,000) the annual €2,400 for children younger than three and €2,300 for those between 3 and 18 years. The tax deduction also affected the self-employed, who have received on average €100 for each child. Intervention has represented the first piece of a wider reform of support for family income, whose benefits were intended to be gradually increased and extended. A particularly significant reform would be to make family allowances universal, currently reserved for the single category of employees and para- subordinate workers.

249. With the 2008 Budget Law a tax deduction of €1,200 was introduced in favour of all numerous families, with at least four children.<sup>59</sup> This is a structural intervention that has already come into effect since 2007 and is added to the other tax benefits related to the size of the family. While it is an intervention restricted to a subset of very limited families, the deduction can be applied to, in the form of reimbursement, even by taxpayers whose income is too low to file a tax declaration and who thus may not benefit fully from the deductions allocated to taxable earnings. The extension of this principle would be an important progress in the redistributive capacity of interventions in support of families, made through the instrument of personal taxes on income (the so-called principle of negative tax).

250. The same 2008 Budget Law also lays down the increase in support for families with at least one invalid and the families in which a parent is deceased; 30 million euro has been earmarked for this, reaching an increase in the amount of not less than 10 per cent.

251. As regards in particular numerous families, the 2007 Budget Law establishes that the Fund for Family Policies can be used, moreover, for the testing of initiatives for reducing the costs of services for families with a number of children equal to or more than four. In order to implement this, special agreements were concluded with the Regions, as a result of which State financing was provided. The agreements provide for experimental initiatives for reducing costs incurred by families with four or more children, including children in adoption, addressed to the services providing electricity, gas, water and refuse collection, as well as initiatives for the containment of costs incurred by the families themselves for the enjoyment or access to other goods or services in the local area. Finally, the Ministerial Decree of 28 December 2007, which has provided a new system of social protection which will ensure a saving of 20 per cent on electricity bills for domestic customers in economically disadvantaged circumstances. The value of the “bonus” will be differentiated according to the size of the family unit.

252. Concern for the low birth rate, due in part to inadequate income, particularly that of younger couples, has motivated the introduction of the one-off measure “birth grant”, made active in 2003 for every second child or over (Law 326/2003) and financed again for those born in 2005 (extended to all births) with Law 266/2005 (2006 Budget Law).<sup>60</sup>

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€120.08), and the tax allowances for family dependants and for income from work is calculated on total income, to net property income used for the principal main habitation and the related stay (L. 244/2007).

<sup>59</sup> In the presence of at least four children a further allowance of €1,200 is granted, broken down into 50 per cent between the parents. In the case of parents separated or divorced the deduction is in proportion to custody awarded by the judge. In the case of one spouse fiscally dependant on another the deduction is due to the latter for the total amount. In the case of disability a credit is recognized of the amount equivalent to the share of the allowance that has not found capacity (L. 244/2007).

<sup>60</sup> In agreement with the provisions of the 2006 Budget Law, the so-called “birth grant”, consisting of a one-off cheque of €1,000, is due to every child that is born or was adopted in 2005, but also to every second child or following child who was born in 2006, and every child that was adopted in 2006. The cheque can be cashed by any person who exercises parental responsibility, provided that he/she is a

### The policies for the reconciliation of work and family life

253. The policies for reconciling work and family life provide tools that, making the work sphere compatible with the family, allow each individual to live in the best way the multiple roles that he/she plays within a complex society.

254. In this context article 9 of Law 8 March 2000, n. 53, as implemented by Legislative Decree 26 March 2001, n. 151, Consolidated Text on the Legal Provisions on the Protection and Support of Motherhood and Fatherhood in Pursuance of article 15 of Law No. 53 of 8 March 2000, envisages the allocation of contributions, of which at least 50 per cent for enterprises with up to 50 employees. This is in favour of those companies which try to initiate positive action for flexibility, and the self employed or company owners who wish to develop projects to reconcile family life and work. The aim of this instrument is to facilitate the reconciliation of time for family life and work through the financing of projects which introduce new forms of organization and management of work time or services able to qualify the company as family friendly.

255. In recent years projects for positive action have been promoted for the testing of forms of flexible working time, part-time, teleworking, replacement, training and assistance for a return to work after periods for family-related care needs. Applying article 9 of Law 53/2000, figures are given relating to projects submitted and funded in 2007.

#### Year 2007

<i>Deadline</i>	<i>Total projects presented</i>	<i>Total projects approved</i>	<i>% Approval</i>	<i>Finance requested</i>	<i>Finance granted</i>
7 February	90	50	55.56	€6 846 708.44	€3 052 326.69
7 June	76	46	60.53	€6 290 216.39	€1 597 024.38
7 October	66	46	69.70	€8 258 822.81	€4 055 166.20
<b>Total</b>	<b>232</b>	<b>142</b>	<b>61.21</b>	<b>€21 395 747.64</b>	<b>€8 704 517.27</b>

*Source:* Prime Minister's Office – Department for Family Policies.

### The social and educational services for early childhood

256. The development of socio-educational services for early childhood, or for nurseries and integrated services, is a Government priority, creating an essential component of the development and implementation of policies aimed at reconciling family and professional life and encouraging the participation of women in the labour market.

257. Through the 2007 Budget Law an extraordinary plan of intervention for the development of the territorial system of socio-educational services for early childhood was launched, with the dual objective of reaching within 2010 the objective of 33 per cent territorial coverage, fixed by the European Council in Lisbon in 2000. Also part of this was the plan to lessen the imbalances between the different areas of the country. The National Plan is part of a context that is differentiated by coverage for the supply of services for infants. The national territory is divided into three areas, North, Central, Southern and islands, the Service covers 15, 7 per cent for regions in the North, 15, 5 per cent for the four regions in the Centre and 4, 4 per cent for the eight regions in the South, including the islands.

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community citizen residing in Italy, and has a total annual income (family nucleus) not exceeding €50,000; in particular, for children born in 2005 the reference income is that of 2004, while for those born in 2006 is that of 2005.

258. The plan is developed over a three-year period 2007–2009, and shall be implemented by the regions and autonomous provinces in response to a separate agreement, of 26 September 2007, between the Government, the regions and the autonomous areas in which essential levels are established together with the criteria and modalities of implementation. This agreement is aimed at creating an “integrated, extended, qualified and differentiated” network throughout the territory of nurseries, ancillary services and innovative services in work places, to promote the welfare and the development of children, the support of the educational role of parents and the reconciliation of working time and care.

259. For the triennium 2007–2009, 604 million euro have been initially allocated, of which 340 from the State and 264 from the Regions and local bodies, the latter contributing to the Plan for not less than 30 per cent of the resources allocated by the State. With the 2007 Budget Law a project has therefore been launched to extend services for children and for the family which has no precedent in Italy: 340 million, of which 250 million distributed among all the Regions (Lisbon objective), and 90 million exclusively allocated to the 11 Regions with a covering rate lower than the national average (objective regional adjustment). These are all the Regions of the South, in addition to Veneto, Friuli and Latium.<sup>61</sup>

*The extraordinary plan of intervention for the development over the territorial system of social and educational services for infants and the national strategic framework 2007–2013*

260. It is important to highlight that in the implementation of the plan a synergy has been realized with the strategy of NSF 2007–2013, which develops and describes the unified regional policy, with a view to overcoming and removing the excesses of economic and social imbalances in the country.

261. The NSF 2007–2013 sets four objectives for the Regions of the South, with reference to a limited number of services deemed essential.

262. The NSF also establishes a reward mechanism to encourage the Regions of the South to achieve quantifiable objectives (targets) by 2013, equal for all. In particular, the objective of increasing health services for people has been identified, distinguishing the two specific objectives relating to the services of care for children and for the elderly population in the conviction that increased frequency and quality of performance contribute to lighten the weight on the family and encourage the participation of women in the labour market.

263. The resources allotted to help the overall achievement of the four objectives is €750 million, which will be allocated to those Regions of the South which by 2013 have reached

<sup>61</sup> In particular, €250 million of State resources were shared among all Regions using the following criteria: demographic rate 0–3 years, 50 per cent, employed women, 20 per cent, unemployed women, 15 per cent and service coverage, 15 per cent. In addition, 90 million were allocated in proportion to the difference between the national average coverage until 2004 and the coverage calculated for each region in proportion to population criterion relative to the population 0–36 months.

The Regions of the Centre and North contribute to the plan with a co-financing of 30 per cent, equal to about a further 53 million euro. To these resources are added 211 million that the Regions of the South, within the national strategic framework (NSF), undertake to allocate to the development of socio-educational structures, for attaining the objectives and targets required by NSF. The quantification of co-financing for the South has been calculated and fixed according to the objectives set by NSF, and is therefore greater for Regions whose current figures are distant from the target set. In particular, an increase of 25 per cent was calculated for the distance from the point of departure and 12 per cent fixed for the bonus mechanism.

the target set for the objective. A share of the premium will be assigned already in 2009 on the basis of improvement on the starting point for each Region.

264. The target set for services for children is subdivided into two indicators: the percentage of municipalities which have activated services for children, which in 2013 must reach 35 per cent, and the percentage of children aged 0–3, which have benefited from the services for infants (of which at least 70 per cent in nurseries), which in 2013 must reach 12 per cent for all the regions of the South.

265. Finally it should be recalled that, with reference to the objectives of the NSF service, as part of the Action Project for systems and technical assistance 2007–2013, 2 million euro have been allocated to the Department for Family Policies and the Ministry of Labour, Health and Social Policies in order to achieve the objectives of the increase of services for infants.

### Spring sections

266. Another important item of news in the services sector for infants is constituted by the financing, for the school year 2007/08, of an experimental educational service, supplementary to nurseries (0–3 years) and preschool (3–5 years), addressed to children from 2 to 3 years old. The total budget for this initiative amounts to 35 million euro. On the basis of the projects submitted, 1,362 “Spring sections” have been financed, of which 517 in the North, 207 in the Centre, 442 in the South and 196 in the Islands.

267. It is important to point out that Government intervention has had a “catalytic” effect, for which many Regions have decided to provide their own resources to finance all the projects allowed. Furthermore, large public investment in the field also encourages private investment in service offers, the quality of which can always be guaranteed by strict procedures for accreditation, in the care of the local administrations.

### *Integration of State resources for the nursery plan and the 2008 Budget Law*

268. With the Decree No. 159 of 1 October 2007, on urgent economic-financial measures for development and social equity, converted by Law 222/2007, the Government has allocated more than 25 million euro to increase the plan for extraordinary socio-educational services, to which there have been added a further 25 million euro from a remodelling of the Fund for the Family 2007. In addition, the 2008 Budget Law adds to the resources already allocated by the 2007 Budget Law, equal to 340 million for the three years, 66.4 million euro in the current year, of which 10 are for the financing of “Spring sections” for 2008.

269. Therefore, to date, the resources that were dedicated overall to the development of the sector of socio-educational services for infants have come to more than 747 million: 446.4 million of State resources to finance the extraordinary three-year plan, 281 million of regional resources for co-finance of the plan, and a further 20 million of State resources for the financing of the spring sections.

### Resources allocated to services for early childhood

	<i>Nursery plan</i>	<i>Resources</i>
State funds	Financial Bill 2007	300 000 000
	Family Fund 2007	40 000 000
	Integrated Nursery Fund 2007	25 000 000
	Integrated Family Fund 2007	25 000 000

<i>Nursery plan</i>		<i>Resources</i>
Financial Bill 2008		56 462 000
<b>Total State funds</b>		<b>446 462 000</b>
Regional funds	Regions of the North Co-financing 2007	53 008 952
	Regions of the North Co-financing 2008	16 598 350
	Regions of the South Co-financing 2007	211 550 940
<b>Total regional funds</b>		<b>281 158 242</b>
<b>Nursery plan total</b>		<b>727 620 242</b>

*Source:* Prime Minister's Office – Department for Family Policies.

## B. Parental responsibilities

### Family upbringing and parental responsibilities

270. Family upbringing is directed at promoting a more mature culture of parenthood and as one of the contexts of support for parental experience.

271. Among the experiences already acquired in this context are to be remembered those promoted by family centres, childhood-adolescence-family centres as well as networks of family solidarity, the councils and local alliances for families, created in almost all the regions of Italy from the early financing provided for in the Law 285/1997 or on specific regional rules.

272. The Law 285/1997 has allowed the financing, among others, of projects designed to support parental responsibilities, in particular by the provision of a vital minimum in favour of children in need placed in families or entrusted to one of the parents (art. 4); activities of information and support for the choices of maternity and paternity, by facilitating access to assistance services for the family and to motherhood, and action to support the child and components of the family in order to achieve effective action for the prevention of crises and psychosocial risk; family mediation services and advice for families and children in order to overcome relational difficulties. With reference to the period 2001–2004, of a total of 2,818 projects submitted, more than 500 are reported as supporting parenthood.

273. In the context of the preparation of a new national action plan, as already noted, must be recalled the activity of the working group that has examined the issue of relations between the generations and the educational relationship.

274. Whereas regarding the legal responsibility of parents this report refers back to the previous one, it is important to consider here the relations between school and families. Law 59/1997 confers legal status to schools of every order with consequent financial, organizational, research and development autonomy. As can be seen by article 139, Decree n. 112 of 31 March 1998, recognition is given to the local authorities, of important functions relating to: the establishment and the abolition of educational institutes, the organization of the use of the school buildings, the management of the process of integration of disabled children, the organization of initiatives of adult education and health education. In this context the Educational Plan becomes an important element of school autonomy where each school must draw up in a consistent way “the general and educational objectives for the different types and topics of education” in such a way as to consider the “requirements of the cultural, social and economic context of the territory”. Autonomy gives to individual school units a specific identity and a relative decision-



making capacity. The plan is drawn up by the College of teachers, which use general guidelines defined by the school district council or the institute, taking into account the information submitted by any parents associations and, in secondary schools, by students. It also appears significant that the headmaster is recognized as having the task of activating the “necessary contacts with the different institutional realities (cultural, social and economic) operating in the territory”. The school opens up therefore, more and more, to relationships with the families and the local community.

275. The fundamental role of the family is recognised as important in the Ministry of Education, University and Research documents, which prefigures a school as a “Community”. Recently, the prospect is echoed by the same Ministry, which in the *Guidelines on curricula of preschools and primary schools*, published in July 2007, notes quite plainly that “the school will pursue the objective of constantly building an educational alliance with the parents”.<sup>62</sup>

### **Family guidance centres**

276. Among the activities covered by the National Fund for family policies — introduced by the 2007 Budget Law — specific attention was given to the reorganization of family guidance centres, created by Law 405/1975, to foster development towards real centres for the family, taking into account the notable experience in recent years in Italy.

277. In this light, thanks also to specific agreements with the Regions, the multidisciplinary nature of the activities has been promoted with respect to the families, with regard to educational issues, legal, psychological and the promotion of health, through the performance of duties of continuing education and family mediation. The promotion of social support in favour of the parents in the stages preceding and subsequent to childbirth and within the paths of growth and training of the children, the promotion and dissemination of interventions of listening and support, also through the development of initiatives of solidarity and mutual help, as well as operative integration with other services, such as family centres.<sup>63</sup>

278. The family guidance centres can do a lot to help young people to acquire knowledge to enable them to live the experience of a couple in an understanding way.

<sup>62</sup> The Ministry of Education, University and Research, *Guidelines on curricula of pre-schools and primary schools*, Rome September 2007, pp. 18–19.

<sup>63</sup> The centres for health and social services came into being as the first challenge to health integration. The experience of many Municipalities and local administrations allowed the development of a relationship between the centres (place of socio-health integration) and the family centres (place of reference for families), with the goal of reviving integration between the various professions that take care of families.

One needs these facilities to be open to new experiences, in a position to help couples to know how to handle and continually enrich interpersonal relationships. This is precisely why centres are desirable to act preventively beforehand and not only afterwards to resolve problems.

In this respect one also highlights the opportunity to go beyond the traditional transmissive character of the initiatives of training parents to be able to have real experiences of apprenticeship.

279. With reference to specific “young people’s spaces” in centres, the Ministry of Labour, Health and Social Policies carried out a review in all the Regions.<sup>64</sup> The database, updated to December 2007, is published at [www.ministerosalute.it](http://www.ministerosalute.it).

280. The “young people’s spaces” carries out its activities through the teams of different professionals, in different times and places from those of adults, and in close liaison with the world of school.

281. Work in schools, carried out by personnel with appropriate and specific skills, is the way to bring attention to and accredit the service for young people. There are many situations in which are provided meetings and talks about health education and affectivity with the involvement of teachers and possibly of parents (so that they are able to ask questions and receive answers) and young people can be invited to the centres to talk about personal issues.

282. Some of the more frequently treated aspects of the age of adolescent concern the sexual sphere, conflict with parents and the prevention of unwanted pregnancies.

<sup>64</sup> Number of family guidance centres by Region (2007):

<i>Regions and autonomous provinces</i>	<i>Family guidance centres</i>	<i>With “Young People’s Spaces”</i>
Piedmont	179	41
Aosta Valley	20	1
Lombardy	151	42
Province of Bolzano	14	6
Province of Trento	21	2
Veneto	124	46
Friuli Venezia Giulia	1	0
Liguria	97	16
Emilia-Romagna	204	30
Tuscany	240	47
Umbria	77	9
Marche	71	11
Latium	164	46
Abruzzo	75	11
Molise	7	2
Campania	170	42
Apulia	162	36
Basilicata	35	19
Calabria	72	35
Sicily	192	93
Sardinia	80	15
<b>Total</b>	<b>2 186</b>	<b>553</b>

### C. Separation from parents<sup>65</sup>

283. On maintaining relations between parents and children, Law No. 54 of 8 February 2006 has recently intervened with *Provisions on the Separation of Parents and Shared Custody of Children*. The new Law implements a turning point in the culture of custody as a result of separation and divorce, reaffirming the principle according to which all children (legitimate and biological) have the right to preserve a continuing and balanced relationship with both parents, even in cases of disintegration of the family unit. The law establishes the duty for greater control on the education, health and leisure activities of the children, to be part of both parents, duty which inevitably translates into spending more time with their children, beyond the outcomes of married union. It is also affirmed at the same time the fundamental right of grandparents, and of close family, to have continuous contact with their grandchildren, a right not covered by the previous law which left it at the discretion of the parental custodian.

284. The law provides a regulatory framework which is strongly protective towards the weaker spouse, where he/she finds a full upholding of the principle of “biparenthood” as recognized by natural rights. Particular cases of separation of the child from their family are also due to their detention. The Italian legislation provides for a series of actions for the protection of parental relationships, particularly when the detention regards the mother. Amendments have been made in this sense to Law No.354/75 “prison system rules”, with the introduction of home detention for pregnant women and mothers (but also fathers) of children of less than 10 years of age (4 law 165/98).

285. The Italian Law No. 40/2001 extends the application of the law (special home detention) also to subjects with sentences of over 4 years, in addition to the possibility of release from prison, during the day, to take care of their children. When these rules are not applicable, the children of the detainees may remain with the mother until reaching three years of age as the relationship with the mother in the first years of life is considered crucial to a balanced growth.

286. For greater understanding of the phenomenon, the statistical appendix contains data drawn up from 1993 to 2007 – the situation as to 30 June 2008 for the Regions of detention.

287. It must be also noted that the Ministry of Justice, in cooperation with local authorities and the third sector, poses agreements and measures to ensure the equality of treatment for women held and/or subject to measures of the judicial authority, specifically with respect to efforts to ensure that children up until three years of age with mothers in detention (contained in the cited law No. 354/75) may have access to prisons, access to social and educational services in general (in particular to nurseries), ensuring transport services also through the use of organizations from the third sector.

288. All the legislation in force provides, moreover, the possibility for the mother detainee to take advantage of a series of benefits for a quick release from prison facilities. In relation to what has been expressed and in consideration of the commitments expressed during the Conference State–Regions, the Ministry of Justice is strongly committed to urging the Regions and local administrations to ensure access to socio-health and socio-educational services for mother detainees also through the realization of structures of a family character to allow for this type of use.

289. Finally, the Law implementing the penitentiary order (Presidential Decree 230/2000) provides that particular attention be paid to the relationship with the family. For this reason

<sup>65</sup> For data see statistical annex.

it is possible to increase the number of the monthly planned talks and allow them to take place, if there are particular needs, in specific locations.

## **D. Family reunification**

290. During the period of reference for the report (2000–2007), the most important innovations in the field of immigration and family reunification are essentially two.

291. The first, in chronological order, regards the provisions in the field of immigration introduced by Law 189/2002 (known as the Bossi-Fini law). In synthesis, with the introduction of Law 189/2002 reunification was only possible in the following cases:

- (a) Spouse (not legally separated);
- (b) Dependent children;
- (c) Children who have come of age who are dependent due to total invalidity and who thus cannot support themselves;
- (d) Parents who do not have other children in the country of origin or provenance;
- (e) Parents over 65 with other children who are unable to provide for them due to documented serious health grounds.

292. The second concerns the implementation through the Legislative Decree No. 5 of 8 January 2007 of the European Directive 2003/86/EC on the right to family reunification, which amends the requirements for the request for family reunification. The main amendments made by decree concern the decision ordering expulsion, keeping in mind the nature and reality of family ties of the applicants and predisposing to enlargement of the possibilities of reunification. Article 29 of the decree under examination, dedicated exclusively to family reunification, provides that the foreigner may request family reunion for the following family members:

- (a) Spouse;
- (b) Children, also of the spouse or born out of wedlock, not married on the condition that the other parent, whoever, has given his/her consent;
- (c) Children of age, who cannot provide for their essential needs by reason of their health;
- (d) Parents who do not have adequate family support in the country of origin or provenance.

293. As regards the requirements of the parent to exercise the right to family reunification, it is expected that, in the case of a child who is under 14 years of age of one of the parents, the consent of the house holder in which the child will actually live is sufficient, for the reunification of two or more children under 14 years of age, in any case, a minimum income not less than twice the annual amount of social support is required.

294. Furthermore, the foreign citizen who requires reunification must demonstrate the availability:

- (a) Of a lodging within the minimum parameters provided for by regional law for public residential accommodation, or in the case of a child under 14 years of age accompanied by one of the parents, the consent of the house holder in which the child will actually come to dwell;

(b) An annual income resulting from legitimate sources not less than the annual social support amount (€5,061.68) if the reunification of a single family member is requested, to double the annual amount if the reunification of two or three family members is requested, to three times the annual amount if the reunification of four or more family members is requested. For the purpose of determining income one also takes into account the annual earnings of co-habiting and dependent family members living in the country.

## **E. Maintenance costs for the child**

295. Law 54/2006, containing *Provisions on the Separation of Parents and Shared Custody of Children*, provides, with reference to costs for the maintenance of children, how both parents are obliged to maintain the children in proportion to the respective income. The Court shall establish, if necessary, the payment of a periodic benefit in order to implement the principle of proportionality of costs, an amount that will have to take into account the needs of the child, the standard of living enjoyed before the separation, the time spent with each parent, the economic resources of both and the economic cost of domestic duties and of care that have been undertaken by each parent. The maintenance cheque will continue to be automatically adjusted to the ISTAT indices. The court may also require the periodic payment of a cheque in favour of children who are of age but not yet economically independent to which, if severely disabled, shall apply the provisions in favour of the child. In case of defaults and violation of the maintenance obligation, the court may intervene in order to settle disputes, adopting appropriate measures. In the case of serious acts that cause detriment to the child, the court may intervene on the agreements, warning the defaulting parent, requiring compensation for damages in respect of the child, from one parent or another. Finally, it may order the defaulting parent to pay a penalty that ranges from a minimum of €75 to a maximum of €5,000.

## **F. Children deprived of a family environment<sup>66</sup>**

**Committee recommendation No. 34 on the implementation of Law 184/83, the improvement of social assistance and support to families, the development of alternative forms to institutionalization, regular inspections of institutions by independent bodies, the establishment of effective mechanisms for receiving and addressing complaints from children in care, monitoring standards of care and periodically reviewing of placement.**

### **The regulatory framework of reference**

296. With reference to the measures for prevention and family support (e.g. parental education, the creation of centres and the use of Community programmes), see information given in para. 5.1.

297. As regards the preparation of alternative measures to institutionalization, the Italian situation has been characterised, on one side, by profound changes in the institutional conditions, organizational and technical-professional for listening, caring and protecting the person and his/her socio-family context, whilst on the other side, by the recognition of a system of shared responsibility that involves all the public together with associations and organizations of the private individual and citizens. This is a process based on the concepts of integration, subsidiarity and *empowerment*, oriented overall to the promotion of positive

<sup>66</sup> For data see statistical annex.

opportunities, to the removal of inequalities and the search for full and effective realization of the rights of the child.

298. This course of reorganization began with the adoption of the Law No. 149 of 28 March 2001, “Amendments to Law No. 184 of 4 May 1983 Concerning “Rules Governing Child Adoption and Fostering”, and to Title VIII of Book 1 of the Italian Civil Code”, with which the 31 December 2006 was fixed as the closure date for the shelter institutes for children and adolescents (art. 4). This has made significant and substantial additions — as already mentioned in the debate in the previous report — to Law 184/1983 created to regulate the placement and adoption of children. In this sense due attention was given to the problem, legislating for regulating the matter, with the aim of protecting the psychological well-being of the child, considered ultimately and expressly as deserving protection. The end result is to ensure the right of the child to a family, that of origin or a replacement one (foster or adoptive), should the biological parents not be in a position to take charge of his/her psychological well-being and harmonious upbringing.

299. Law 149/2001 affirms (art. 1, para. 1) the right of the child to be raised and educated in its family and stresses explicitly (art. 1, para. 2) that the poverty of the parents cannot constitute an obstacle to the right of the child to live with their family, by providing support and aid to the said nucleus.<sup>67</sup> Furthermore, in line with the recommendations of the Committee, it foresees that recourse to alternatives is necessary only when one finds oneself, even if only temporarily, “without a suitable family environment, despite the support and help available” (art. 2, para. 1), giving priority to the custody of a family, preferably with children, or to a single person, able to afford maintenance, instruction, education and the affective relationships which he/she needs (art. 2, para. 1). In the case in which this is not possible, it agrees to the placement of the child in a family community or, failing that, in an institute of assistance with headquarters, preferably, in the place as close to that in which the family nucleus of origin is (art. 2, para. 2). This solution is available only in the case in which the child is older than 6 years, while, for those who are younger than six years, the law — in line with international provisions — provides only for the placement in the family community, except in emergency cases (art. 2, para. 3).

300. The national regulatory approach is in full harmony with the provisions established by the UN Convention, given that a central position is recognized to the role of the family for the child and to the importance of adopting all the measures necessary to ensure that this, even in difficult situations, can effectively bring about its function. Moreover, there are the subsidiary organizations of assistance, through the provision of the appeal for placement in institutions only as a final resort, that is as a possible solution only as a result of negative results from the assistance of the family support unit and the impossibility of placement, placement in family homes and other support systems of a family nature.

301. Law 149/2001 represents a regulatory reform and a consistent social development, which seeks to promote placement with families, family type communities, and the promotion of foster care as a viable alternative to an institute, but not as the only way. In this respect the same article. 4 of the law provides for replacing the admission to an institute by placement in a family within 31 December 2006 and, where this is not possible, through the placement in a family-type community characterized by organization and interpersonal relationships similar to those of a family. Here there is also a major piece of conjunction between the international provisions and the Italian legislative approach in recalling the

<sup>67</sup> The law, however, even if in line with the provisions laid down by Law 328/2000, is the source of debate where the giving of support by the State to the families in difficulty is influenced by the availability of financial resources.

possibility of resorting to a variety of services offered, but with a characteristic basic essential: the connotation of the family dimension.

### **The implementation process**

302. With the objective of the implementation of the principles contained in Law 149/2001, as already highlighted, in 2003 within the observatory for childhood and adolescence a permanent monitoring group was formed to start, in agreement with the regions, in view of their local peculiarities, programmes and alternative support activities. Hence the specific “Plan of Action” to make possible the closure of institutes for children by 2006. The plan had identified a multiplicity of alternative support instruments among which the promotion of family care, daytime or residential, and the so-called mild adoption, the enlargement of the family-type community and the development of innovative experiences of hospitality.

303. The use of these instruments has diversified geographically: in some geographical areas there was a wider use of extra-family foster care while in others a greater use of residential facilities or adoption for children was highlighted.

304. The path of closure of the institutes, as provided for by Law 149/01, has been formally almost completed. The constant monitoring of children outside the family, which has made it possible to check the level of achievement of the objectives laid down with regards to the protection of the right of children to a family and progress in the process of deinstitutionalization, was exercised by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

### **The national situation: quantitative elements**

305. It is necessary to specify that the data and information collected comes from the monitoring that the various local bodies have put in place in the last few years and that there are no common data collection criteria among the various Regions, as would be desirable. However, if the quality of information provided is very diverse according to the region, the research of the Italian National Childhood and Adolescence Documentation and Analysis Centre has the merit of having provided uniform and comparable data for the whole national territory and to have given to some Regions a valid instrument for its detection since. In fact, in many cases the data were extracted from existing information systems, in others the instrument of detection proposed for the research has been adopted within the territory, with appropriate modifications.

### **Foster care**

306. Until 31 December 2005 – more than five years after the first research of the Italian National Childhood and Adolescence Documentation and Analysis Centre, made on 30 June 1999, the number of placements into families rose to 12,551, with an increase of little more than 30 per cent in the period under consideration. In fact, the number of placements into families as of 31 December 2005 for Sicily is underestimated due to missing statistics, in so much as they were not supplied, which would lead, taking account of the survey of 1999, to the number of placements in progress being above 13 thousand.

307. Comparing the 12,551 placements into families established for the resident population of reference, one gets an average of about 12.6 children in placement every 10,000 resident children, the incidence varying considerably from Region to Region. Higher values of a national average value occur in the regions of the North and Centre: Liguria (31), Tuscany (27), Aosta Valley (24), Piedmont (21) and Emilia-Romagna (20); values significantly below the average national are found in Basilicata (less than one child

in foster care for every 10,000 resident children, which only includes judicial custody), and in Sardinia (3) (with reference to 2002), Campania (6), Calabria and Abruzzo (9).

308. The difference between the areas of the Centre-North and South is even more pronounced if we consider the territorial subdivisions: the North-West has the highest value of the ratio between placements and the resident juvenile population (20 children in foster care for every 10,000 resident children), followed by the Centre (18), certainly influenced by a very high value for Tuscany, the North-East (14) and finally the South (10). The figure for the islands is significantly poor, referring only to Sardinia with regard to 2002.

309. As for the number of foreign children in family foster care it should be emphasized that it was not possible to define it exactly as the data has been collected for only 11 Regions. In the Regions that have responded, the foreign component is approximately 22 per cent of children in foster care: so it is very important considering that in 1999, for the same regions that gave data in 2005, the percentage was just 6.6 per cent.

310. In 1999 family foster care was in equal measure for children under 11 years old (51.4 per cent) and children older than 11 (48.6 per cent). In the course of 2005, the trend of change has led to the prevalence of children placed who are above 12 years old, 52 per cent of the total.

311. Elements of relative stability in the phenomenon over time concern on the one hand the division between consensual and judicial placements with a prevalence for the latter which is still, on average, 70 per cent of all placements, and on the other hand the division between intrafamily and extra-family foster care, with the perfect balance of around 50 per cent for each of the two ways. With respect to the permanence of children and adolescents in family foster care it must be noted that according to the records of 2005, albeit the information is available for only half of the cases counted, 60 per cent of the placements last for over two years.

### **Residential services**

312. As of 31 December 2005 residential services in charge of children care in Italy were 2,226, with a total presence of 11,543 children. Also in this case, the specific data on children must be considered underestimated because it does not take into account children taken into care by the Sicilian services (as it is not reported by the Region), extremely important if one considers that Sicily alone counts, as of 2005, 216 residential services in charge of children care, equal to approximately 10 per cent of the national total. Comparing the 11,543 children Italian residential services placed to the resident population of reference, one obtains an average of about 11.6 children placed for every 10,000 resident children, an incidence which varies considerably from Region to Region. The highest figures are those of the autonomous province of Trento (36), Liguria (22), Piedmont (18) and Umbria (17).

313. Also among the children who were admitted to the services, as well as for family foster care, there prevail rather significantly those aged between 12 and 17 years, which represent 58 per cent of the total of children who were admitted to the residential services.

314. By adding up the data on family foster care (to families or relatives) and those on children admitted to residential communities as of 31 December 2005, it results that, at that date, 24,094 children in Italy were living outside their families of origin. This amount, as mentioned above, must be revised upwards, considering the lack of Sicilian data and the incomplete information declared by some Regions with regard to the data proposed. Nevertheless, comparing this value to the reference population, we have on average 24 children for every 10,000 resident children living outside the family in Italy. The regions with the highest values are Liguria (54), the Province of Trento (47) and Tuscany (42), followed by Piedmont and Aosta Valley. Conversely, three Regions of the South are



distinguished for particularly low values, below the average national value: Campania (17 children who live outside of their own family of origin for every 10,000 resident children), Basilicata (11) and Sardinia (8).

315. To complement and integrate this statistical data collected in collaboration with the Regions and Autonomous Provinces, regarding children inserted into families and residential services, the Italian National Childhood and Adolescence Documentation and Analysis Centre has undertaken a further and specific monitoring and analysis concerning the process of the closure of institutes for children provided by Law 149/2001. In particular, it has collected and analysed the data of the institutes for children who were active as of 30 June 2003, of those that were closed and those that were transformed into another type of residential service.

316. As of 31 January 2008 14 institutions were active, of which 9 in Sicily alone with a total of 48 children received (against the 215 institutes resulting active up to 30 June 2003 with 2,663 children). As this data is extremely positive, there remains the problem of verifying the closure of these institutes to avert a simply formal conversion of the same into smaller structures and not a transformation in an organizational, relational and methodological way.

### **New forms of foster care**

317. Assistance to multiproblematic families must be ensured within the boundary of the local community, in the human and sociocultural environment from which the person comes. At the local level there is a multifaceted situation, characterized by various interventions, as follows: (1) in some areas it is worth noting the novelty of the pattern to be implemented; (2) in other areas it is worth noting the impact of the above interventions on the territory itself; (3) in few others it is worth noting the introduction of high normative and regulatory standards besides the relating implementation by the relevant institutions. In the greater part of community-based experiences, it seems however to be as the primary objective the search for institutional agreements, for cooperation and coordination among the different parties involved, geared to the synergies of action that may result more efficient. Over time the importance of the family resource has increased, both the family of origin of the child and the adoptive one. In this sense there is an increase in the use of the networks of mutual aid between families, especially with a view to an adequate support to parenthood, used both in respect to preventing distance from the family unit, as well as, at a later stage, promoting reintegration. In parallel, the role of local services responsible for child placement has extended to processes concerning the selection, training and assigning of foster families and the development and monitoring of placement projects. In recent years users have changed a lot, from the demographic, economic and cultural point of view, and the always new problems have required integration and cooperation between the various services to give life to network projects. To these ends new forms of intervention have developed, such as the so-called “homocultural foster care”, sine die foster care and open adoption.

318. The so-called “homocultural foster care” allows foreign families which have experienced a positive path of integration in our country to offer themselves as a precious resource for families of the same culture which are going through, for various reasons, a period of difficulty.<sup>68</sup> These families know in part the expectations and life of a migrant, the impact of migration on the balance of a couple and the questions relating to family reunification of the children and their integration; but they also know the Italian culture

<sup>68</sup> *First Report on the Activities of the National Coordinating Table on Foster Care Services*, Province of Potenza, December 2007.

well and have been able to build for themselves and their children a way of life which preserves their roots and which together enhances the present. For this reason, they might be better than others in giving support and in providing a resource that facilitates the integration of a foreign child and his/her family. "Homocultural foster care" concerns families of fellow citizens of the foreign child where the judicial or administrative authorities or the parents directly rely on another family from their State, relatives or not, who come or find themselves in Italy with the child. This type of placement is often made for the purpose of migration, so that the child can build and realize its future in Italy, while in some minority cases it occurs for temporary reasons of care or study. The child is therefore placed "in a family far from its own, de facto or legally, exercising on him at different levels and different ways parental powers".

319. If until some time ago one had recourse to this type of integration only in the case where the child was already placed with a host family, today we are witnessing a greater dissemination of "homocultural foster care". Many obstacles have been overcome or can be overcome: a large part of foreign nationals present in Italy have legally settled and the idea has been accepted that from the foreign families one must not demand the same minimum economic and housing level as the Italian foster families. The task of approaching and involving willing families may usefully be done by cultural mediators, so as to simplify the work of the services operators.

320. In addition to reducing the costs for the placement, with "homocultural foster care" discomfort and abnormality appear to decrease slowly but considerably. Furthermore, in social and cultural terms, this type of placement offers interesting opportunities for exchange and enrichment for society and the start of a concrete collaboration between two countries.<sup>69</sup>

321. With *sine die* foster care, one means placement projects whose duration is not necessarily defined by the placement order, in which the return to the family is not provided for, or in which the project changes over time until the return of the child to the family is no longer permitted. This type of placement has the following characteristics:

(a) Useful: when the non-adoptability of the child has been assessed. In fact it allows the child to not lose track of his/her family origin, enabling him/her to know the merits and drawbacks, using the best of what he/she may be given; it allows him/her to maintain an acceptable relationship with at least one of the two parents; it is also an alternative to institutionalization;

(b) A real and declared need: when the family of origin will never be able to take on all the parental responsibilities or only in a limited way, so a "co-existence" with the child cannot be considered. Therefore there is a positive assessment that, in his/her interest, that the child maintain a link and regular contact with the family of origin; it shows that it is

<sup>69</sup> To give a concrete example of how it is possible to realize this, we must mention the town of Parma. In 2007, of 101 unaccompanied foreign children in the city, 76 found a family. These results have been made possible thanks to the project "unaccompanied foreign children", set up in 2000 – one of the first in Italy. The project has already led to over 230 homocultural fostering placements from a total of 398. The focus is on adolescents between 15 and 17 years, almost always male, who arrive in Italy without parents, but with their support, aware that their status as underage can favour them in the process of adjustment.

The unaccompanied foreign children present in Parma are called "economic migrants": in fact almost all arrive from Albania, Morocco, Tunisia and Moldova through organized crime, but are not victims of trafficking. They come to Italy to work rather than elsewhere because they already have a relative, friend or just someone they know who the summer before returned to their country boasting about the wonders of Italy.

impossible to cut the link with the family of origin; there is a diagnosed need to recognize oneself as the child of present biological parents;

(c) An inevitable fact: when it is not possible to proceed with the adoption; continuing postponements occur in the decision concerning adoptability; the family of origin is highly compromised; services are inadequate for therapeutic processes. In such situations placement *sine die* allow for an alternative to institutionalization; compensating for failed adoptions; limiting family and institutional shortcomings.

322. A programme and accurate monitoring, which assesses the resources and needs of all the protagonists in the placement, as well as a constant updating to the competent authorities, constitute a prerequisite so that those authorities take into account a placement project for an indefinite period. Furthermore, it is essential that *sine die* foster care is made explicit by the operators to the family of origin, with the child, and with the foster family. The operations of the service must be carefully reviewed so that the *sine die* foster care corresponds to a real need, in the interests of the child, and not as the consequence of little attention or difficulty in supporting the family of origin or due to the uncertainty or indecision of the operators.

323. Finally, a tested innovative method in recent years is open adoption, which favours on one side the upkeep of ties with the family of origin and on the other the creation of new bonds of support for the child and the family of origin, thus responding to the fundamental principles of the Convention on the Rights of the Child, first of all being that of the best interest of the child.

324. In the context of this recognition of the central right of the child to family, one notes, in addition to the conditions of children in total abandonment, 'grey' areas of progressive abandonment or semi-abandonment (often the parents are educationally unable, although providing the child with an emotional bond). Also for these children one should affirm the right to family with the opening, when necessary, to new forms of access to hospitality.

325. To give a response to their particular situation a part of Juvenile Judges has supported the use of adoption models, less practiced before, such as legitimized open adoptions when for the child it is good to maintain personal relations with the family of origin (often with grandparents or aunts and uncles), the use of adoption in special cases to give stability to family foster care for an indefinite period without breaking the ties with the family of origin, the gentle passage of the child from foster parents to adoptive parents with continual relations between the two families.

### **Regional and national campaigns on foster care**

326. In the implementation of the move towards closing institutes for children provided for by Law 149/2001, on national territory a strong need is felt to realize public information and awareness campaigns, to promote family care in the context of community development.

327. Alongside the promotion of a culture of family foster care and childcare, through the involvement of operators and citizens, the experimentation of shared good practices between local and regional realities for the creation of effective policies for the promotion of children's rights aims to develop initiatives directed at childhood and adolescence. All this according to Law 149/2001, which is specific for protection in difficult and high-risk situations, such as abuse or sexual exploitation, abandonment, ill treatment and violence against children.<sup>70</sup>

<sup>70</sup> The following are some of the information and awareness campaigns for family foster care and the

328. Other initiatives have been realized such as the production of videos, ads, brochures, posters and the organization of readings to contribute to knowledge, awareness and information about foster care carried out on a national level and have been gathered together on a CD-ROM and distributed at the national conference “Foster care: building bonds. Reality, experiences and future scenarios”, held in Turin on 21–22 February 2008.

### **The institute of the kafala**

329. The kafala and adoption are respectively, in countries with Islamic culture and in those with European culture, the main instruments of social policy aimed at the protection of children who are found in the broadest sense in a state of abandonment. The two institutes have, however, substantial differences: the adoption allows the child without a family context to be placed in a new adoptive family in the same position as a biological child; the kafala, whilst representing “a commitment to take responsibility for the protection, education and maintenance of an abandoned child in the same way in which a parent would for their child”,<sup>71</sup> does not contain any legal constraint of filiation nor succession rights for the child adopted by kafala in respect of his/her kafil.

330. This institution, although not therefore configurable in terms of legal adoption – of adoption that gives the child the legal status of a legitimate child – guarantees however the child all the subjective rights connected to this status (maintenance, instruction and education), except for the right to filiation, such as the acquisition of the surname and succession. In other words, unlike the European and American concept of adoption, the kafala does not automatically bond the living of the person subject to kafala with those that offer it. It is a bond of protection or guardianship, which translates into a financial, moral and physical protection, or in more types of protection together.

331. The Moroccan Law, as one of many other countries in which Islamic inspired laws are in force (Tunisia excluded), has chosen this concept stressing in the kafala the aspect of commercial transaction: the law restricts the scope of the involvement towards physical needs (food, clothing, health care) and moral and emotional needs (education and love), but refuses to extend it to name and lineage.

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different forms in which it can be done on the basis of the needs of families and children in difficult situations:

- National campaign *Affidare*, providing information on family foster care, Ministry of Labour and Social Policy, National Observatory on Children, National documentation and analysis centre for children and adolescents, 2004.
- Campaign *Affidiamoci. Il territorio e le sue potenzialità per la promozione dell'affidamento familiare* (Let's trust. The territory and its potential for promoting family foster care). Municipality of Albano Laziale, 2005.
- Campaign *Una famiglia per amico: campagna di sensibilizzazione sull'affidamento familiare* (A family for a friend: awareness campaign for family foster care). Municipality of Lugo di Romagna, 2006–2007.
- Campaign *Mi presti la tua famiglia? La mia è un po' in difficoltà* (Will you lend me your family? Mine is in a bit of difficulty), Municipality of Torino. Department for Social Services and Relations with Healthcare Authorities, Casa dell'affidamento, 2007.
- Campaign *Accogli una stella. L'affidamento un gesto familiare*. (Host a star. Foster care: a family gesture), by the charity Famiglia per tutti Onlus, Municipality of Bari, 2007.

<sup>71</sup> Definition provided by article 2 of the Decree of the Kingdom of Morocco No. 02-1-172 of 13 June 2002 concerning promulgation of Law No. 15-01 on the kafala for abandoned children.

332. At an international level there are two explicit acknowledgements of this Institute: that of article 20 of the International Convention on the Rights of the Child of 1989 and that of the 1996 Hague Convention on the protection of children, a document which covers in its context the placement of the child in a foster family or an institute, or his/her placement with kafala or with a similar institute.<sup>72</sup>

333. These recognitions on the part of international instruments operating in the field have been reflected in Italian case-law to the point of dividing it into two fronts. On one side, one maintains that since there is international recognition of the social, cultural and legal dignity of the kafala, this cannot in itself be deemed contrary to the public international system, taken as a collection of rules protecting the national legal system from foreign regulations which violate its fundamental principles.<sup>73</sup> On the opposite side, authoritative provisions are not lacking in this respect which reaffirm the opposition of the kafala Institute to Italian legal principles.<sup>74</sup>

334. However, among these provisions we would like to stress that the Court of Civil Cassation, on 4 November 2005, No. 21395 declared that the kafala “cannot be assimilated either to adoption, or to placement in view of adoption, but as a placement aimed at protecting the child, clearly outside the types of “adoptive” proceedings provided for by the Italian system”.

335. Therefore, despite the absence of a pacifying case-law on the point, it should be stated that one mainly finds oneself dealing with the question of kafala in those cases in which one speaks of “transient legal relations of a paraparental type” in which, for example, placement by means of kafala should be seen mainly as “homocultural foster care” where a public judicial or the administrative authority of the State of origin entrusts a child to a family with kafala provisions.

336. For the moment, the Italian regulations, always commented on by national case-law, are open to two scenarios of procedure:

- The measure of the kafala provides for placement in view of adoption. If in that circumstance the adopters, one of these or the adoptee, are foreign nationals resident in Italy, article 40 of the Law No. 218 of 31 May 1995 for the reform of the Italian system of private international law provides for the intervention of Italian jurisdiction for possible completion of the adoption.<sup>75</sup>
- The measure of the kafala does not provide for placement in view of adoption: being provisions of voluntary jurisdiction for the protection of the child in a state of abandonment, these must be recognised automatically in Italy by the bodies of public administration.<sup>76</sup>

<sup>72</sup> Article 30 of the Hague Convention in matters of parental responsibility and measures for the protection of children. Open for signature on 19 October 1996, it has not yet been ratified by Italy.

<sup>73</sup> This is the approach adopted by the Court of Appeals of Turin on 16 August 2004 (court order considered free from defects by the Court of Cassation, 4 November 2005, No. 21395, published in *Famiglia e Diritto*, 2006 p. 243).

<sup>74</sup> Juvenile Court of Turin, 23 January 2004, Court of Reggio Emilia, 9 February 2005 and State Attorney-General, Opinion of the Advisory Committee of 19 January 2006 No. 7032, under review by the State Attorney-General, No. 1, p. 247.

<sup>75</sup> Court of Civil Cassation, 18 March 2006, No. 2079.

<sup>76</sup> Even on the basis of such automatic recognition of the measure of kafala, there are contrasting opinions on the part of the case law. The prevailing opinion which provides that foundation of this is revived in art. 42 of the Law No. 218/1995 (Civil Cassation, 4 November 2005, 21395, Juvenile Court of Reggio Calabria, judgment of 10 October 2006), while the minority maintains that the

337. For information concerning actions preventing family troubles and the removal of the child from the family of origin, see the paragraph in this section dedicated to interventions in support of parenthood.

338. As far as regular inspections of institutions by independent bodies and the establishment of effective mechanisms for receiving and addressing complaints from children in care, monitor standards of care and, in the light of article 25 of the Convention, establish regular periodic review of placement, firstly, according to article 9 of Law 149/2001, the public prosecutor at the Juvenile Court, who transmits records to the same court with informative reports, every six months carries out or has made inspections in institutes of public or private assistance. He/she may carry out extraordinary inspections at any time.

339. As noted, under article 104 of the Constitution, the judiciary constitutes an autonomous and independent order distinct from any other power. This ensures perfect adherence to the recommendation of the Committee. Law 328/2000 established two specific aspects concerning the point in question, where — article 6, paragraph 2, subparagraph c — it gives Municipalities the task to supervise social services and residential structures and — article 11 — it instituted the authorization to the functioning and accreditation as the instruments to regulate and control the structures of hospitality. Finally, Law 328/200 reserved to the State — article 9 — the function concerning the fixing of the minimum structural and organizational requirements for the authorization of residential services and facilities.

340. The first of the two instruments — authorization to operation — is the basic prerequisite for opening the service, while the second — accreditation — is the additional quality requirement needed for the residential service to receive public funding and conclude agreements with public bodies.

341. In implementation of the said article 11 of Law 328/2000, the Ministerial Decree n. 308 of 21 May 2001<sup>77</sup> has specified the minimum structural and organizational requirements that the structures must possess for the purposes of issuing authorization for the operation by the Municipalities, while providing that the Regions adopt their own specific provisions to regulate the matter, with respect to the functions attributed in the wake of the reform of Title V of the Constitution.

342. As regards in particular shelters for children outside the family of origin, Law 149/2001 has laid out — article 2, paragraph 2 — the phasing out of the placement in institutes by 31 December 2006, by recourse to placement in a family and, where this is not possible, through the insertion of a child in a family-type community, characterized by organization and interpersonal relationships similar to those of a family. Law 149/2001 determines with precision — article 4, paragraph 3 — the modalities and times of vigilance and monitoring on the condition of children outside the family context: the local social services which are assigned the responsibility of the assistance programme for the child and supervision during the period of placement, has an obligation to keep the probate judge or the Juvenile Court informed, depending on whether it concerns respectively a measure of a consensual type (arranged by the local service itself and made enforceable by the probate judge) or of a judicial type (arranged by the Juvenile Court). The local social service which

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Foundation of automatic recognition should be drawn from the combination of provisions contained in articles 64, 65 and 66 of Law 218/1995 (State Attorney-General, Advisory Committee, opinion No. 7032 of 19 January 2006).

<sup>77</sup> *Regulations concerning “structural and organizational minimum requirements for the authorization to the operation of residential and semi-residential services and facilities, in pursuance of Article 11 of Law No. 328 of 8 November 2000”.*

is assigned the responsibility for the assistance programme and surveillance during the period of placement, must report without delay to the probate judge or the Juvenile Court of the place where the child is hosted (according to the type of measure), any event of particular importance and is required to submit every six months a report on progress of the assistance programme, on its further duration and on developments in conditions of difficulty of the core family of origin. In addition, the probate judge, according to article 337 para. 3, is required to ensure observance of the conditions that the Court has established for the exercise of parental responsibility.

343. As regards placement in an institute, this is generally monitored by a multidisciplinary team, formed by employees of the same institute with the obligation of monitoring the condition of the child and his/her progress. From an analysis made by the Italian National Childhood and Adolescence Documentation and Analysis Centre on national legislation concerning deinstitutionalization, there also emerges that different Regions give an important role to the duties of supervision and control of local bodies, to be achieved in close cooperation with Juvenile Courts and with the public health services.<sup>78</sup>

344. As noted above, Regions are expected to adopt their own specific legislation for regulating authorization and accreditation of residential structures for children, in respect to the functions assigned to them by the reform of Title V of the Constitution. In compliance with national regulations, many Regions have issued their legislation and/or regulations aimed specifically at the definition of criteria for authorization and accreditation of these services. The regional and provincial regulations allow in fact the implementation of a differentiated system of hospitality in the framework of regional programming.<sup>79</sup>

<sup>78</sup> The objective of this monitoring function is twofold: on the one hand it seeks to ascertain the suitability of residential services to organizational, structural and functional requirements determined by the legislation, by the regional social and welfare plans and by national laws; on the other, to check the conditions of guests and the adequacy of services, in quantitative and qualitative terms, in respect to the rights of users and in particular in order to promote the quality of life and the physical and mental well-being of people using the services or being hosted in the structures.

<sup>79</sup> In particular, the areas subject to specific study on the part of the Regions are represented among others by:

- The structural borders demarcating family-type communities by institutions now closed and, also, the borders between the family-type community and family foster care
- The difference, within the family-type communities of the two types of family home or community family (presence of adults/resident family) and of the educational community
- The development of other types of services of hospitality: a community of prompt hospitality, therapeutic, educational, for mother and child, the community for accompanying people towards autonomy, public community that hosts juveniles with a “criminal” background, etc.)
- What must be the structural characteristics, which refer to the model of a family home allowing general accessibility for children to interior spaces and where any reference to the hotel structures must be ruled out
- The maximum levels of guests of the communities in general and those diversified for the specific community and the distribution of children for different age groups
- The minimum levels and the qualifications of staff diversified according to specific Communities (for example, for foreign adolescents who go to work during the day a house to start finding their autonomy may be enough, together with the light presence of educational staff and perhaps a cultural mediator)
- The procedures for authorization and the function of surveillance
- Standard organization which provides for the presence of highly qualified figures

## G. Adoption<sup>80</sup>

### **Committee recommendation No. 36 on the necessity to harmonize proceedings and costs of domestic adoption among authorized agencies and to conclude bilateral agreements with (sending) countries that have not ratified the aforementioned Hague Convention**

345. Following the issuing of the Prime Ministerial directive of 4 April 2003, regarding the definition of uniform parameters for the assessment of adoption costs, the Commission on Intercountry Adoption, in collaboration with the authorized agencies, has carried out an extensive analysis of the present and prospective costs of the services provided to couples in Italy and abroad.

346. The Commission has identified a set of parameters to calculate the minimum and maximum applicable costs in order for the adoption proceedings to fully respect the principles of the Convention and the legal provisions concerning its ratification. In identifying such parameters, the Commission has highlighted the existence of high quality services which couples may request when they choose the authorized agency.

347. As regards the conclusion of bilateral agreements with sending countries, the Commission on adoption has recently concluded a bilateral agreement with the People's Republic of China (published on the Official Gazette No. 109 of 10 May 2008). In previous years, the Commission had also signed agreements with Belarus (3 meeting minutes and 2 protocols), Lithuania (minutes), Bolivia (bilateral agreement), the Slovak Republic (Memorandum of Understanding) and Vietnam (bilateral agreement), the only sending country which has not ratified the Hague Convention to this day. Finally, the Commission is currently concluding an agreement with the Russian Federation.

348. With respect to general regulations on the institution of adoption, it must be underlined that Law 149/2001 introduced considerable modifications to the previous legislative framework. This law contains several provisions for the protection of children with family troubles which are based on practical and legal assumptions that are completely different from previous ones.

349. In accordance with the reformed regulations, only married couples are currently eligible for full adoption, whereas singles are excluded from it (except in the cases referred to in article 44). The spouses must have been married for at least three years or, considering both the period before and after their marriage, they must have cohabited stably and continuously for at least three years. The aim of this provision is to guarantee the child a stable family, whereas adoption is precluded to cohabitants, given that in their case there is no guarantee of a stable relationship.

350. Article 6 of the law on adoption introduces maximum (45 years) and minimum (18 years) limits to the age difference between the adopter and the adoptee.

351. The following are some other relevant developments concerning adoption:

- The public prosecutors of juvenile courts have been given back a more relevant role, as they are mandated to collect useful information to assess whether a child living in Italy is in a situation of abandonment and to lodge a petition to declare

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- The obligations of annual mandatory updates for operators
  - The structures for the release of children from the Communities and moving towards autonomy

<sup>80</sup> See statistical annex for data.



that child adoptable (art. 9, para. 2, Law 184/1983). Therefore, given that the juvenile court can no longer open adoptability procedures of its own initiative, it reacquires its more natural role as an impartial third party (art. 111 para. 2 Constitution).

- Procedures for the declaration of the status of adoptability have been reformed in such a way to involve more people and to collect more information, with the aim to reach more equitable decisions. In fact, the participation of some subjects is now mandatory, thus limiting the judge's omnipotence: besides the child, there are his/her parents and relatives up to the fourth degree of kinship; the counsel of the child, parents and relatives (art. 10 para. 2 Law 184/1983); the guardian who acts as the legal representative of the child when his/her parents are absent, deceased or deprived (either temporarily or indefinitely) of parental rights, or, alternatively, the special curator representing the child's needs, given the conflict of interests between the child and his/her parents which is inevitable and explicit in these procedures; the person to whom the child has been entrusted or the representative of the family-type community where the child is living (art. 15 para. 2 Law 184/1983).
- Legal guarantees have been extended, as the child's parents — and, in their absence, the relatives who have maintained a significant relationship with the child — must be notified of the opening of adoptability procedures. They must also be invited to choose their counsel and informed that if they do not, the court will appoint one for them. Together with their counsel, they will also have the right to take part in all court proceedings, to file preliminary motions and to see and get a copy of records (art. 10 para. 2 Law 184/1983).
- Given the need to expedite court proceedings in order to give the abandoned child a new family as soon as possible, the preliminary phase of adoptability procedures has been abolished. This phase led to the issuing of an order, which gave the possibility to file an appeal against the juvenile court.

352. Two other modifications involved domestic and intercountry adoption:

(a) In general, adoptability and adoption procedures have been reformed in such a way to give children more opportunities to express their opinions (at least when the child is capable to do so), thus putting the focus of the decision on the adoptee. This was made by:

- Making it mandatory to listen to the child's opinions, thus requiring professionals and judges to learn how to relate to children
- Lowering the minimum age at which a child must be heard
- Focusing not only on the child's troubles, but also on his/her inclinations, choices and opinions
- Making it mandatory to take the child's opinion into consideration before taking a decision

353. These provisions affect above all domestic adoption, but, to a lesser extent, also intercountry adoption. In fact, on 1 July 2007 new provisions came into force, such as article 45 para. 2 Law 184/1983 on the need to hear children also in some cases of intercountry adoption, and article 35 para. 4 Law 184/1983. The latter establishes that any foreign child under the age of 12 who has arrived to Italy for the purpose of adoption must be heard, "provided that this does not alter his/her psychological and emotional equilibrium, based on the evaluation of the psychologist appointed by the court":

(b) The social rights of adoptive parents, which are closely related to the ones of the child, have been extended by equalizing adoptive and biological children (with respect to maternal leave, parental leave and time off). In addition, article 54 of the Budget Law 2007<sup>81</sup> further extended these rights:

- As to maternal leave: female workers who adopt a child are entitled to a 5-month period of leave — thus equal to the period of mandatory abstention from work for mothers — instead of only 3 months (the period of abstention after birth). In the case of intercountry adoption, the mother can ask for leave also before the child's arrival to Italy, when the couple has to spend time abroad to meet the child and conclude adoption proceedings.
- As to parental leave: the adoptive or foster parents can ask for parental leave within eight years since the arrival of the adopted or foster child in the family (previously within eight years); furthermore, leave must be granted independently from the age of the child, until he/she turns 18 (the limit was previously set at 12 years of age).

354. With respect to intercountry adoption, in recent years the role and functions of the Commission for Intercountry Adoption have been considerably strengthened, based on the provisions of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.

#### **Post-adoption services**

355. In recent years there has been a significant development of post-adoption support services. This is in part due to increased awareness that adoption does not merely consist in the child's arrival, but in his/her full integration in the new family nucleus. Thus, it is in this phase that more or less serious difficulties may arise.

356. With respect to the subjects involved in the provision of such services, it must be underlined that a more prominent role has been given to the school system, the third sector (authorized bodies and associations of adoptive families) and the health care system. In fact, there is an increased awareness of the need to create an integrated network of support services in favour of the adoptive family and of the adopted child. A number of diversified projects and interventions have been activated in this field, such as: the setting up of regional working groups for the promotion of support services for adoptive families; the drawing up of regional protocols for the elaboration of instruments and methodologies aimed at improving family support and the reception of adopted children; the organization of meetings between families and field workers; the creation of self-help groups and the provision of psychological and pedagogical support through the experimentation of pilot projects; the involvement of schools through information and awareness campaigns; initiatives to share best practices on how to promote the integration of adopted children at school; the setting up of services for adopted children with a specific focus on prevention; the promotion of information and awareness campaigns targeted at the health care sector and at paediatricians.

357. The analysis of the services and initiatives activated across the national territory clearly shows that collaboration and networking among the various institutions have been considerably strengthened.

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<sup>81</sup> Article 54 of the Budget Law 2007 modifies articles 26 and 31 of the Consolidated Text on the Legal Provisions on the Protection and Support of Motherhood and Fatherhood, Legislative Decree No. 151 of 26 March 2001.

### **School reception**

358. Given the growing number of incoming foreign children, the school system has recently had to elaborate adequate educational approaches and initiatives. School can undeniably play a fundamental role and it should be involved in the process for the full integration of the adopted foreign child in the social environment. The school is also the place where signs of troubles and difficulties experienced by the child may emerge. Furthermore, the school system can also act as an educational and pedagogical mediator, by promoting contacts and relations between teachers and parents. The services and initiatives aimed at facilitating school reception and integration of adopted children have thus multiplied. In most cases, the school system is involved through the collaboration between the welfare worker and the teacher concerned, in order to address a specific case. However, in recent years, several forms of collaboration between the school system and the local welfare services have been promoted and developed. This has been achieved mostly through the setting up of educational and awareness campaigns targeted at teachers and focusing on the school integration of adopted children.

### **Adoption support services for children with mental and/or physical disabilities**

359. Many couples are willing to adopt children with minor mental and/or physical disabilities, which, with adequate treatment, may be partially or totally cured. Considering this attitude of many aspiring adoptive parents, it is appropriate to promote and develop support services both for the families and the children. Such services should complement the broader system of initiatives in favour of the disabled and they should address the specific needs of adoptive families. Clearly, adopted children with disabilities require specific care. In these cases, families and professionals have indeed to deal not only with health-related issues, but also with the trauma of abandonment experienced by the child, which usually has a relevant impact on his/her mental and/or physical disorders.

## **H. Illegal transfers and returns**

360. In expectation of a further increase in mixed couples and in their possible break-ups, it is clearly necessary to adopt measures to guarantee the child the right – established by the Convention on the Rights of the Child – to maintain personal relations with both parents, even if they are separated and live in different States. Today, the right of the child to maintain personal relations and direct contact with both parents on a regular basis (even after their separation and divorce) is considered inalienable, and it must be safeguarded in all possible ways. With the Law No. 64 of 15 January 1994, Italy ratified and adopted the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. This Convention is aimed both at securing the prompt return of wrongfully removed children and at recognizing or restoring the right to access of the parent who does not have custody of the child.

361. Family disputes over custody of underage children have also been the object of a Regulation of the European Union (No. 2201/2003) — which is thus directly binding for Italy — concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility. Italy identified the Department for Juvenile Justice as the central authority in this field. Italy has more recently made another step forward to protect the right of the child to maintain relations with both parents, even if they live in different States. Indeed, on 1 April 2003 Italy signed the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children.

## I. Violence, abuse and neglect<sup>82, 83</sup>

**Committee recommendation No. 38 on the realization of studies and awareness-raising campaigns on the topic, on the amendment of the legislation for a special protection against all forms of violence against children, on the evaluation of the work of existing structures and related training, on the modalities of investigation through a child-sensitive inquiry and judicial procedure**

362. In Italy, the available national statistics on violence against children mainly concern the cases reported to the criminal and civil judicial authorities. In fact, there are no specific national statistics on the child victims of violence; ill treatment and abuse who are assisted by the community-based social and health-care services or who have been reported to juvenile courts to take civil protection measures. Thematic data are collected through specific, ad hoc studies, as well as by Regions through their own surveys or information systems registering children assisted by the social services. According to the Interregional Centre for IT, Geographical and Statistical Systems (CISIS), in September 2006 seven Regions were experimenting, at a regional or at a local level, a computerized social record, i.e. an electronic instrument to collect and elaborate data about individuals — both adults and children — assisted by the social services (Emilia Romagna, Friuli Venezia Giulia, Liguria, Piedmont, autonomous Province of Bolzano, Tuscany). Another five Regions declared that they were planning to launch this type of experimentation (Latium, Marches, Sicily, Umbria, Aosta Valley). Besides this general instrument, which makes it possible to map the number and characteristics of individuals (also underage) in trouble who benefit from support and protection services, some Regions are experimenting specific records for the collection of data on children and adolescents who are victims of sexual abuse and ill-treatment (such as in Piedmont and Veneto).

363. With respect to the official judicial statistics available at a national level, the information on ill treatment, sexual abuse and exploitation come from the elaboration of data flows, often made in collaboration with the National Statistics Institute (ISTAT). Such data come from databases managed by different institutions: the Ministry of Justice and, in particular, its General Directorate for Information Systems, which manages the Information System for the management of Criminal Records (Re.Ge.), the Information System of Juvenile Civil Proceedings (SICAM) and *Re.Ge. Minori* (Re.Ge. Children, which is currently being integrated in the SIGMA Information System on Juvenile Justice); the Ministry of the Interior and, in particular, the Central Criminal Police Department — Joint Information System Service, which manages data coming from the SDI Information System of the Joint Database; the Central Department of the traffic, railway, communication Police and of the special units of the State Police, which manages data coming from the National Centre for Combating Child Pornography on the Internet (CNCPO); the Central Anti-Crime Department — Analysis Unit of the Central Operations Service, which manages information coming from the specialist units of the State Police listed in article 17 para. 5–6 of Law 269/1998; and the National Anti-Mafia Unit.

364. The available information meets the demand for quantitative data, as it provides details on the number of offences by type and by subjects reporting them. However, such data are not accompanied by specific in-depth analysis of the characteristics of the victims and of the perpetrators.

365. As regards sex crimes against children and adolescents, the Ministry of the Interior has also collected more detailed information on a selection of data coming from some local

<sup>82</sup> See also in-depth analyses in sections IX and XI.

<sup>83</sup> See statistical annex for data.

offices. These offices transmit to the Central Operations Service of the Central Anti-Crime Department of the State Police some information on the characteristics of the victims (age, gender, citizenship, etc.) and of the reported individuals (citizenship, arrested or not, type of relation with the victim, etc.).

366. An important step forward for the cognizance and monitoring of cases of sexual abuse and exploitation was made with the approval of Law 38/2006. This law provided for the setting up of a specific database within the Observatory for the Fight against Paedophilia and Child Pornography.<sup>84</sup>

367. To gain a better understanding of the conditions of risk and violence involving children and adolescents, Italy can also count on the data collected through the Emergency Phone Number for Children 114. This service was introduced by the Inter-ministerial Decree of 14 October 2002 and, following a public selection, it is currently managed by the charitable association “S.O.S. Telefono Azzurro onlus”. This helpline gives access to counselling to children and adolescents in trouble, to relatives and to social workers. From 1 January 2006 (when the service was extended to the whole national territory after a phase of experimentation and gradual extension) to 24 October 2007, the Emergency Phone Number for Children 114 intervened in 2,824 cases, with an average of 128 cases per month. Phone calls concern not only Italian, but also foreign children: almost one in four of the children reported to the helpline are indeed foreign (25.2 per cent as against 74.8 per cent Italian).

368. In the period under consideration, the Italian National Childhood and Adolescence Documentation and Analysis Centre was involved in two major research projects. The aim of these initiatives was to improve knowledge of child abuse, as well as to implement the National Plan of Action for Children 2002–2004:<sup>85</sup>

- *Experimental project for the creation of a national system for the monitoring of child victims of neglect, ill-treatment and/or sexual abuse reported to and/or assisted by the community-based services.* The objectives of the project were to experiment joint methodologies for the reporting of cases of suspected or substantiated child maltreatment and sexual abuse and to collect comparable data. The experimentation was carried out in the years 2005 and 2006 and it involved 18 community-based services of five different Regions in the North, Centre and South of Italy.<sup>86</sup>

<sup>84</sup> For more details see section XI, concerning the Optional Protocol on the sale of children, child prostitution and child pornography.

<sup>85</sup> The National Plan of Action 2002–2004 listed among its priorities: “the identification of systems for the constant and homogenous assessment of incidence (number of cases per year) of child abuse in all its forms; the carrying out of a systematic “retrospective” research on the victims of child abuse; the prompt activation of several forms of data collection, in order to better understand the issue of witnessing of intrafamily violence and to quantify it”.

<sup>86</sup> The forms of child abuse analysed in the experimental research were the following:

- Sexual abuse
- Physical abuse
- Emotional abuse
- Neglect/pathological care
- Witnessing of violence

The research focused on children and adolescents reported to and/or assisted by the community-based services in light of their exposure to psychological and social risks or based on suspicions of them being victims of maltreatment, sexual abuse or exploitation.

- *Retrospective sample survey “Percorsi di vita: dall’infanzia all’età adulta” (Life paths: from childhood to adult age) on education, work, emotional and family ties, health and violence.* This survey was carried out on a sample of 2,320 women and it made it possible to estimate the prevalence of ill-treatment and sexual abuse among Italian women aged 19–60.<sup>87</sup>

369. Another noteworthy study is the research/action promoted by the Department for Equal Opportunities called “*La strada dei diritti*” (Rights road). This initiative is part of the National Plan of Action developed by Italy on the occasion of the European Year of Equal Opportunities for All, in collaboration with the not-for-profit organization Save the Children onlus.<sup>88</sup>

370. Another notable initiative was the *Multi-Purpose Survey on Women’s Safety*, resulting from an agreement between the National Statistics Institute – which carried it out – and the Department for Equal Opportunities – which financed it with the funds of the “Safety” and “System Actions” Operational Programmes of the European Social Fund.<sup>89</sup>

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The project helped gain a better understanding of the phenomenon and it confirmed some previous data obtained through surveys carried out on small clinical samples. Furthermore, fieldwork with the local administrations and services made it possible to review the various organizational structures of services and to understand their impact on the reporting of the phenomenon and on case management.

<sup>87</sup> The survey shows that 18.1 per cent of the women in the sample experienced both sexual abuse and ill-treatment, whereas approximately 38 per cent experienced some medium or serious form of ill-treatment. Furthermore, 5.9 per cent of Italian women are estimated to have suffered some form of sexual abuse, with or without physical contact, under age 18. The results of the survey confirm that family is the context where the most complex forms of child maltreatment arise. These forms of ill-treatment exacerbate the “normal” suffering of individuals, pushing it well beyond the somewhat ordinary pain thresholds which one develops with growth and by inevitably experiencing painful events (breaking off of emotional ties, loss of relatives or friends, etc.).

<sup>88</sup> This Action consisted in the elaboration of an intervention model to help and integrate street children who are exploited and/or involved in illegal activities – including foreign and Roma children. The Action led to the adoption of effective measures for the fight against the marginalization and social exclusion of these children. Interventions have been based on a socio-statistical analysis, which, building on the best national and international experiences, provided qualitative and quantitative data on the involvement and exploitation of children in illegal activities. Furthermore, a feasibility study has been carried out for the experimentation of the intervention model at a local level and in pilot areas. These areas have been identified in Milan and in Rome among the ones which, in Italy, are considered most at risk because of the high rates of child exploitation, juvenile delinquency or forced begging.

<sup>89</sup> The sample included 25,000 women aged 16–70 from the whole national territory. Interviews were made in October 2006 on the phone. The survey measured three different kinds of violence against women: physical, sexual and emotional abuse, perpetrated both within the family (by a partner or former partner) or outside (by a stranger, an acquaintance, a friend, a colleague, a family friend, a relative, etc.). According to estimates, 6,743,000 women aged 16–70 have been victims of physical or sexual abuse (31.9 per cent of the age group under study). In nearly all cases the abuse has not been reported to the judicial authorities.

Women also experience several forms of violence. One third of victims suffer both physical and sexual abuse. Most victims had to endure several episodes of abuse. 1,400,000 women declared they were victims of sexual abuse below the age of 16, equal to 6.6 per cent of women aged 16–70. Younger women, aged 16–24, suffered sexual abuse below the age of 16 less often than the others and, in their case, the percentage of relatives (16 per cent) among perpetrators is lower. In general, there are several different authors of violence and, for the most part, they are known by the victim. Only in 24.8 per cent of cases the abuse was perpetrated by a stranger. A quarter of women reported an acquaintance (24.7 per cent), another quarter a relative (23.8 per cent), 9.7 per cent a family friend, 5.3 per cent a friend of theirs. Among relatives, the most frequent perpetrators were the women’s

371. Finally, several documentation initiatives and seminars have been promoted with the aim to encourage workers from different sectors and regions to exchange their experiences, as well as to improve knowledge of the phenomenon and of practices adopted to tackle it.<sup>90</sup>

372. Based on criminal investigations of cases of child sexual abuse, it can be stated that there has been an increase in abuse perpetrated by underage individuals (even younger than 14) against other children.

373. In the period from 1998 to 2004, there has been a significant increase in the number of underage individuals involved in sexual abuse, in sexual intercourse with children and in the other crimes provided for in Law 269/98. In 2004, 888 underage individuals were reported for these crimes, as against 578 in 1998, thus marking a 53 per cent increase.

374. Another particularly relevant change for prevention, treatment and repression purposes is the growing incidence of underage individuals among the persons reported for child pornography. Indeed, their incidence rose from 6.5 per cent in 2003 to 10 per cent in 2004.

375. For juveniles guilty of sexual abuse, and in general for all criminally responsible children, except in the most serious cases with a high risk of recidivism and elevated social dangerousness, article 28 of the Presidential Decree No. 448 of 22 September 1988 (*Adoption of provisions on criminal proceedings against underage defendants*) introduced the so-called “testing procedure”. The article also introduced a number of objectives to be pursued concerning the best interest of the child, his/her educational needs and, even if guilty of a crime, his/her protection. Based on article 28, the judge can order the stay of proceedings for a maximum of three years: during this period, the child is treated by the children’s services of the Juvenile Court, in collaboration with the local social services.

376. The children’s services of the Juvenile Court are the direct addressees of the orders issued by the judge, whereas the local social services, with their expertise in the educational

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uncles. Silence was the most common reaction to abuse, as 53 per cent of women stated that they had told nobody about it.

<sup>90</sup> Among the most recent information and documentation initiatives, the following are the ones which were directly organized by the Government or through the National Centre:

- National Seminar on “The prevention of distress among children and adolescents: services and policies on how to promote and protect their rights, listen to them, and networking” (Florence, 2002)
- Review of projects concerning the prevention and treatment of child abuse and ill-treatment, funded for three years through Law 285/1997 (2002)
- Seminar on “Awareness raising and exchange of experiences for the fight against paedophilia”, promoted by the Ministry for Equal Opportunities during the Italian Presidency of the European Union (second semester 2003)
- Manual on best practices for the prevention of distress in children and adolescents (2004)
- Local training initiatives for the monitoring of child abuse and ill-treatment (2004–2006)
- European Seminar on national systems for the monitoring of child abuse, organized by ChildONEurope (2006)
- National Seminar on the collection of data concerning children assisted by the community-based services for ill-treatment or abuse (2007)
- National Seminar for the exchange of experiences and proposals among experts of different sectors, which was part of the initiatives taken by Italy in the framework of the Pilot Project of the Council of Europe “Children and Violence” (2007)

field, have to check the validity and adequacy of programmes. The social worker appointed by the juvenile judge must respect the guidelines of the Office of Social Services for Children.

377. Article 6 of the Presidential Decree No. 448/1988 assigns the children's services of the Juvenile Courts the role of collaborators of the judge "at any stage and degree of the proceedings". Their task is to assist the work of the judicial authorities by providing treatment and support to the child and by giving useful information on his/her personality and living conditions (article 9 Code of Criminal Procedure for Minors). Some centres, which had a long expertise in the treatment and support of children ill treated, neglected or sexually abused by their relatives or acquaintances, have recently begun to deal also with children guilty of sexual abuse. Initially, this happened in relation to cases of intrafamily abuse, such as violence perpetrated by a brother against a younger sister. Then, these centres gradually broadened the range of cases they dealt with.

#### **Awareness-raising activities**

378. The development of awareness-raising campaigns targeted at children and adolescents has been included among the best practices in the National Plan for the Prevention of and Fight against Paedophilia (2002). As reported in the section dedicated to the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography, the Observatory for the Fight against Paedophilia and Child Pornography has a sum at its disposal, which is used to fund information and educational campaigns for the prevention of all forms of sexual abuse against children.

379. At a local level, in 2000, following a circular letter of the then Ministries of the Interior and for Social Affairs, the Provincial Committees of the public administration (now Permanent Conferences) began to take specific initiatives to raise public awareness of child abuse and to create local networks for the fight against these types of abuse. Some of these initiatives consisted in workshops, information and awareness campaigns targeted at children and adolescents. Other notable initiatives were the organization of training courses for workers in the field, the opening of information desks or of specialized counselling centres, and the promotion of communication campaigns. Thanks to the review carried out for the drawing up of the Report to Parliament on the implementation of Law 269/1998 (which traditionally focuses also on other forms of violence against children and adolescents), it was highlighted that almost all the initiatives promoted by the Provincial Committees or by other local inter-institutional coordinating structures followed an integrated and coordinated approach. Indeed, the aim of their initiatives was to take preventive actions by promoting cooperation between different professional sectors, between public and private services, between the institutions and citizens' associations, and, in line with the principle of participation, between adults and children.

380. Most of the awareness campaigns on child abuse based on the active participation of children and adolescents were carried out by associations and NGOs (e.g. UNICEF – Italia, Save the Children, ECPAT), thanks also to the contribution of the central administrations, of the Regions or of the local bodies. At a local level, many initiatives have been financed with the autonomous funds of schools and with the sums allocated by Law 285/1997 *Provisions for the promotion of rights and opportunities for children and adolescents*.

381. Primary prevention of child abuse, in particular of sexual abuse, has been promoted through information and educational projects targeted at children and adolescents. These are slowly being integrated in the activities of all schools. The contents and methodologies of the projects developed across Italy vary considerably, as highlighted by the periodic reviews carried out by the Ministry of Education to meet its obligations as a member of the Inter-ministerial Committee for the Fight against Paedophilia.



382. The Government promoted the booklet *Uscita di sicurezza* (Emergency exit), a text targeted at adolescents, written by a working group of boys and girls aged 15–20 in collaboration with the Italian National Childhood and Adolescence Documentation and Analysis Centre.

383. The booklet contains considerations and suggestions on how to recognize situations of violence and abuse which may occur among peers, within the family, with friends or strangers. The texts are accompanied by useful information and indications on what to do and where to seek help.

384. Several initiatives are organized in the school setting. In this case, the most common formats are training and information courses for teachers and, in some cases, parents too, as well as specific activities and workshops for children. Projects involving children only begin after school workers have been adequately trained on how to deal with possible revelations by children. If already at risk, children may indeed be urged to seek help thanks to the activities in which they are involved.<sup>91</sup>

385. Several NGOs invest in information and education to involve young people in cooperation and development aid and to spread principles of respect and solidarity. Their initiatives are supported by the Ministry of Foreign Affairs, which promotes campaigns against sexual exploitation and sex tourism. The initiatives carried out in schools focus on social and emotional education, children's rights and communication. The methodologies adopted during these initiatives have been elaborated specifically for children and adolescents: they not only include researches on issues such as child exploitation, but also theatrical performances and creative workshops, journals "by the young for the young", multimedia and interactive courses, role games.

### Evaluation of interventions

386. Given the gradual development of services and the spreading of several initiatives, Italy is now focusing on the issue of their evaluation. In fact, it is essential to assess the quality and effectiveness of procedures and practices through the definition of guidelines, the creation of a network of services and the promotion of awareness and information initiatives.

387. At a central level, the National Observatory on Children and Adolescents, the Inter-ministerial Committee for the Fight against Paedophilia (CICLOPE) and the Observatory against Paedophilia and Child Pornography monitor the actions taken by the public administration, also in collaboration with civil society.

<sup>91</sup> Some examples. Since 1998, the Health and Preventive Medicine Institute of the University of Milan has collaborated with community-based agencies in order to spread preventive measures suitable for children aged 8–10 in primary schools. The projects have been promoted in the city of Milan and in the Province of Vercelli and they have been based on teaching and educational guides specifically designed for parents and teachers. The project "*Le parole non dette*" (Unspoken words) originated from these experiences and it has since then spread to other areas. This is a primary prevention project involving children, families and schools, whose aim is to help children recognize risk situations, appropriately defend themselves and understand that their body has value and dignity.

In Piedmont several training courses were held from 2005 to 2007 in the framework of the regional programme for information and education on child abuse and ill treatment. One of the most notable educational programmes directly involving children is the Project "*Impariamo a dire no*" (Let's learn to say no), whose objective is to help children recognize abuse, seek help and overcome the fears and the sense of guilt which normally force them to suffer in silence.

An emerging issue on which more documentation is needed, as well as research and study, is the development of primary prevention strategies for children with disabilities.

388. Another important tool for the monitoring of actions for the prevention and fight against sexual abuse and exploitation of children is the periodic Report to Parliament on the implementation of Law 269/1998. Article 17 of this Law establishes that the Report must be drafted by the Prime Minister's Office, through the Ministry in charge of coordinating and monitoring the activities of the Public Administration. Another important review is the one provided for in Law 285/1997, concerning welfare policies in favour of children and adolescents. Besides the two periodic reports, several surveys and studies have been carried out to assess the impact and quality of services for the prevention of violence against children and for their protection.

389. As stated above, in 2001 and 2002 the Italian National Childhood and Adolescence Documentation and Analysis Centre carried out a review of the projects funded through Law 285/1997, concerning services against sexual abuse and ill-treatment.

390. A growing number of studies assess services, projects and the processes adopted in them, by analyzing good-quality elements in their methods and organization. These studies identify significant factors and indicators through specific instruments which have been elaborated ad hoc to detect their presence and to make objective and comparable evaluations.

391. Some guidelines help define the parameters and criteria based on which interventions should be evaluated. Some Regions (e.g. Veneto) have also identified objective parameters to determine how to allocate resources.<sup>92</sup>

392. The Regions and the local authorities have developed a broad range of initiatives to combat violence against children which are based on primary, secondary and tertiary prevention. Such initiatives can be grouped in four main categories:

- Information and awareness campaigns targeted at parents, children and adolescents, and basic and specialist training of professionals
- The creation of counselling services for the detection, diagnosis, evaluation and treatment of cases
- The development of reception services (childcare communities, family homes, shelters for ill-treated women with children, networks of foster families, etc.)
- The promotion of networks and coordination between the judicial authorities, the social and health care services, schools and associations, and the creation of

<sup>92</sup> A notable example is the evaluation of the project "Protecting children – helping families" of the consortium of the social services of Biella (Piedmont). The evaluation identified some key factors: sharing of information within the team of experts, integration of different professional figures, networking among public bodies, tailoring of programmes to users' needs, definition of time lines, investing professionals with more responsibilities. The researchers have elaborated indicators for the various factors and have carried out self-interviews and interviews with external stakeholders (judges and administrators).

In the case of the Reception Centres of the Province of Brescia (Lombardy), peer evaluation has been used. A group of workers from several centres identified the main characteristics of a good-quality service and the appropriate instruments for the collection of data. Part of the evaluation was carried out by a group of educators who visited the other centres involved in the project and who collected data on quality indicators. These indicators have then become the basis for the accreditation system set up by the Province and by the Municipality of Brescia for the re-allocation of resources to child reception services.

professional teams specialized in the diagnosis and treatment of cases of sexual abuse and maltreatment<sup>93</sup>

393. In general, the Regions and the local authorities elaborate long-term plans and follow a multidisciplinary approach involving a wide range of professions, institutions, NGOs and associations. The services tend to operate following a cross-sector approach to prevention which helps integrate and develop knowledge and expertise acquired in time. Welfare policies, thanks to the instrument of the Area Plan and to the increased awareness of the importance of a multisector approach, promote the collaboration of the local health authorities, municipalities, provinces, judicial authorities, regional education authorities, associations and cooperatives. Since 1999, the various Italian regions have set up inter-institutional working groups for the elaboration of guidelines on the coordination of actions against child abuse. In almost a decade, the Regions of Veneto (1999, 2005, 2008), Emilia-Romagna (1999), Latium (1999), Piedmont (2000), Tuscany (2002), Liguria (2004), Lombardy (2005), Campania (2005), Molise (2006), Abruzzo (2007) have regulated the organizational models of local teams of experts and of specialist centres, the integrated operations procedures and local intervention networks with the active participation of courts, hospitals and health services, residential services and specialist services. Professional organizations and public-private coordinating structures also gave strong impetus to the codification of measures for the protection of abused children through the adoption of intervention protocols and guidelines. These protocols and guidelines have been later adopted by the Regions and by the community-based services as well.<sup>94</sup>

394. As to quality assessment and monitoring, it is important to underline that Italy was one of the first States to join the three-year programme promoted by the Council of Europe "Building a Europe for and with Children". In particular, Italy took part in the experimentation of the activities listed in the Action "Children and Violence". States participating in this initiative were required to set up a monitoring process, based on the constant review of the legislative, social, educational, health care and civil society sectors, with the aim to identify best practices and experiences to be taken as an example at a European level. Italy's final report was the result of a review and of an open discussion with a large focus group of experts, who were invited to participate in a national seminar

<sup>93</sup> The objectives of such initiatives are the following:

1. To promote a culture based on the right of the child to be heard, on non-violence and on respect for gender differences in relations between adults and children.
2. To combat risk factors within families and society.
3. To increase resources for the protection of children and of family nuclei exposed to violence.
4. To improve the knowledge and skills of professionals for prevention and early detection.
5. To develop specific skills in the diagnostic and therapeutic fields.
6. To support the relationship between the child and the non-abusing parent.
7. To build an integrated working methodology, in particular between the public bodies and the third sector.
8. To create a structured and flexible network of social services and for the assistance to children and families.

<sup>94</sup> E.g. the documents adopted by CISMAL, which coordinates 60 specialist centres managed by Municipalities, local health authorities and private organizations and which represents ISPCAN (International Society for Prevention of Child Abuse and Neglect) in Italy: "Joint Declaration on child sexual abuse (2001)", "Minimum requisites for services against child abuse and ill-treatment (2001)" and "Minimum requisites in cases of witnessing of violence against mothers (2005)". Furthermore, the Italian Society of Child and Adolescent Neuropsychiatry (SINPIA) has recently adopted the "Guidelines on child abuse (2007)".

(Florence, October 2007). The States' reports will provide the basis for the elaboration of European Guidelines on how to build integrated strategies against violence. Italy is a member of the Editorial Group in charge of drawing up these Guidelines.

395. The Seminar was an opportunity to make an updated and realistic overview of developments and problems in the work done so far in this field. Administrators, professionals of welfare services and academic experts came together to discuss the various models and practices adopted within the Italian strategy for the prevention and fight against child abuse.

### **Training of personnel**

396. The main target of training activities is represented by workers in the social, health care, judicial and educational sectors. The Regions and the local bodies regularly promote training and refresher courses, which are integrated by similar private initiatives organized by associations and specialist centres.

397. The Superior Council of Judges has also promoted seminars about the need to listen carefully to child victims of crimes and about legal proceedings for sex crimes and domestic violence against children and adolescents.

398. The Guidelines for Training on Child Abuse and Ill treatment approved on 6 April 2001 during a joint meeting of the National Observatory on Children and Adolescents and of the Coordinating Committee for the Protection of Children from Sexual Abuse and Ill-Treatment (art. 17 Law 269/1998), provide guidance on how to organize the different levels of training. These guidelines are targeted in particular at the public administration.<sup>95</sup>

399. As far as the legislation in force, in the period under study, Italy ratified the following international acts concerning the protection of children's rights:

- Law No. 148 of 25 May 2000, *Ratification and Execution of Convention No. 182 of the International Labour Organization (ILO) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*.
- Law No. 46 of 11 March 2002, *Ratification and Execution of the Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and Involvement of Children in Armed Conflicts, Signed in New York on 6 September 2000*.
- Law No. 77 of 20 March 2003, *Ratification and Execution of the European Convention on the Exercise of Children's Rights Signed in Strasbourg on 25 January 1996*.
- Law No. 146 of 16 March 2006, *Ratification and Execution of the United Nations Convention and Protocols Against Transnational Organized Crime Adopted by the General Assembly on 15 November 2000 and 31 May 2001*.

<sup>95</sup> The main macrotypologies of training activities are the following:

1. Information, awareness raising and basic training of professionals.
2. Multi- or mono-professional specialist training.
3. Training for the introduction of new professional figures. In this field it is important to mention the positive example of the Emilia-Romagna Region, which organized training courses for Legal Experts in the protection of children and their families. This new professional figure has been introduced in all the Provinces of the Region, with the task to assist social and health care workers in the cases of child abuse and to guarantee the rights of children who are involved as victims in legal proceedings.

- Law No. 48 of 18 March 2008, *Ratification and Execution of the Convention of the Council of Europe on Cybercrime, Signed in Budapest on 23 November 2001 and Relevant Regulations on the Adaptation of the National Legal System*. With this law, Italy adopted the Convention of the Council of Europe on Cybercrime, the first international agreement concerning crimes committed through the Internet or other IT networks. The aim of the Convention is to implement common policies in all the Member States, through the adoption of appropriate legislation for a coordinated fight against cybercrime.

400. In November 2007, Italy signed the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse.

401. Italian legislation bans all forms of violence through an integrated, accurate, complex and particularly strict system of provisions. In fact, as established in article 17 of the Revised European Social Charter, Italian regulations explicitly provide for the protection of children and adolescents from all forms of neglect, violence or exploitation.

**Provisions concerning violations to family obligations, abuse of corrective measures, ill treatment, abandonment of children**

402. These forms of violence against children are sanctioned by the original provisions of the Italian Criminal Code, articles 571, 572 and 593. For these types of crimes, prosecutors have the power to act on their own motion. In the Italian civil law system, child victims of physical, emotional or sexual abuse are protected through an integrated system of rules which establish serious sanctions for parents if their conduct is detrimental to their children. Several measures can be taken, including the removal of the child from the family home for precautionary reasons (art. 333 Civil Code). If a parent violates or neglects his/her duties or abuses his/her powers to the detriment of the child, he/she can be deprived of parental authority. In particularly urgent cases, the court can take temporary measures (also of its own motion) in the best interest of the child (art. 336, last paragraph, Civil Code).

**Sex crimes**

403. The provisions concerning sex crimes and the sexual exploitation of children have been reformed and innovated with several laws. The most recent one is the Law No. 38 of 6 February 2006, *Provisions Concerning the Fight Against the Sexual Exploitation of Children and Child Pornography Also Via Internet*. This law introduced several new crimes, as well as new rules concerning pornography on the Internet. In fact, Law 38/2006 implements the provisions contained in the Framework Decision 2004/68/JHA (Justice and Home Affairs) of the EU Council, concerning the fight against sexual exploitation of children and child pornography.

404. In conclusion, and to integrate sections IV and V, it is important to mention the new law against female genital mutilation. By means of Law No. 7 of 9 January 2006, *Provisions Concerning the Prevention and Prohibition of the Practice of Female Genital Mutilation*, the Italian legislator introduced measures needed to prevent, fight against and restrain all practices of female genital mutilation, which represent a violation of the fundamental right of women and girls to the integrity of their body and to health. First and foremost, Law 7/2006 envisages measures for the repression of the phenomenon, since it introduces in the Criminal Code article 583-bis which punishes with a prison sentence from 4 to 12 years anyone causing female genital mutilation without therapeutic purposes.<sup>96</sup> This

<sup>96</sup> Practices of female genital mutilation are defined as clitoridectomy, excision or infibulation, as well as any other practice that causes similar effects.

rule also punishes with a prison sentence from three to seven years anyone who, in order to maim sexual functions, causes injury to female genital organs other than those mentioned in the first paragraph without therapeutic purposes, thus causing a physical or mental disease. The sanction is increased by one third when these practices are committed against a child or if the crime is committed for lucrative purposes. Under the principle of extraterritoriality, these provisions also apply when the crime is committed abroad by an Italian citizen or by a foreigner residing in Italy, or against an Italian citizen or a foreign citizen residing in Italy. In this case, the offender is punished upon request of the Minister of Justice. Article 583 ter finally envisages an ancillary sanction for the health-care professional who commits any of the crimes envisaged by article 583 bis, i.e. the disqualification from profession for 3 to 10 years.

405. The new regulation also envisages the promotion of prevention activities, such as:

- Information campaigns for immigrants from countries where the practices listed in article 583 bis of the Criminal Code are common. Information is given to immigrants when they receive their visa at the Italian consulate and when they arrive at the Italian border. These campaigns are aimed at disseminating knowledge of the fundamental human rights — of women and girls in particular — and of the existing prohibition of all forms of genital mutilation in Italy.
- Awareness campaigns with the participation of voluntary associations, not-for-profit organizations and health-care facilities, which are targeted at the communities of immigrants coming from countries where female genital mutilations are carried out. These campaigns are aimed at promoting the social and cultural integration of immigrants, as well as at ensuring respect of the fundamental human rights of women and girls in particular.
- Specific training programmes for teachers in primary and middle schools, also with the support of experts in cultural mediation, to help them prevent female genital mutilation, with the involvement of the parents of immigrant girls and boys. The objective of these programmes is to disseminate knowledge of the rights of women and girls in schools.
- Training and information activities targeted at foreign populations (within the framework of development cooperation programmes conducted by the Ministry of Foreign Affairs in countries where female genital mutilation is still common), in agreement with the Governments concerned.

406. As regards the involvement of children in judicial procedures, and in particular the issue of listening to them, see the detailed analysis in section IV.

407. As regards the issue of the representation of the child's interests and rights, see section V.

408. With respect to the protection of privacy, in particular to the prohibition to ask certain specific questions during witness examination, it is worth noting that article 472 of the Code of Criminal Procedure prohibits any question about the child's private and sex life unless it is indispensable to establish facts.

409. Article 497, paragraph II of the Code of Criminal Procedure, referring to cross-examination during trial (but this can also apply to the case when the examination is done during the interlocutory witness exam), exempts children younger than 14 from the statement of undertaking to tell the truth (which now replaces oath for deposition). The reason was defined as the inability of a young child to perceive the negative value of false testimony and it is linked to the principles regarding criminal responsibility (children younger than 14 cannot be held criminally accountable).

410. The protection is also complemented by the code provisions aimed at protecting the right to confidentiality.<sup>97</sup>

411. In many Italian towns, the local authorities have promoted constant networking among all the different professional figures who work with children or who have specific tasks and functions in judicial procedures.

412. This collaboration between the local authorities, the judicial authorities and the police has often led to the adoption of protocols, some of which provide technical details on the roles, functions and duties of each institution.<sup>98</sup>

## **VII. Health and essential services (arts. 6, 18, para. 3; 23, 24, 26, and 27, paras 1–3)<sup>99</sup>**

### **A. Survival and development**

#### **Child and infant mortality**

413. The constant improvement in the quality of health care services in Italy has led to a decrease in child and infant mortality.

414. In the early 2000s, mortality rates have continued to fall as in the Nineties. This is due to the decrease in all the main causes of death: from 1991 to 2003, the four main causes

<sup>97</sup> Thus, according to art. 472, the judge can decide that the examination of the child takes place “behind closed doors”, with the subsequent prohibition of recording or of any audio-visual broadcasting and with the prohibition to publish identity data and photos of the witness until he/she has become of age. This form of protection was also complemented by envisaging that, in the case of crimes of sexual abuse, sexual exploitation, slavery and trafficking, the procedure always takes place behind closed doors when the offended party is a child and by introducing a special provision aimed at punishing anyone who discloses identification data or the photograph of a victim of sexual abuse without his/her consent. Furthermore, new crimes have been envisaged with the aim to protect the identity and the image of the child, by prohibiting their dissemination and by establishing criminal sanctions against those who do not comply with these regulations.

<sup>98</sup> The protocols concerning the cooperation of judicial authorities mainly focus on the following aspects:

- The recognition of the need to exchange crime reports, in order to coordinate investigations and to act in connection with the civil procedures taken for the protection of the child, as specifically established in Law 66/1996 and Law 269/1998.
- The removal of the child from the family nucleus and the adoption of preventive remedies for offenders: these measures should normally be taken after discussion by the concerned judicial authorities, in order to avoid possible negative effects for the child.
- Hearing of the child victim of sexual abuse, especially when he/she is very young, should occur with the support of qualified psychologists and in a protected manner, for instance outside the court or judicial headquarters and by using a one-way mirror (as established in Law 66/1996 and Law 269/1998).
- With respect to psychodiagnosis, medical tests and the evaluation of the child’s capability to testify, the judicial authorities must collaborate in order to avoid overlapping and repetitions which may have iatrogenic effects and further victimize the child.
- Protection of the victim’s identity by envisaging procedures which prevent identification of the child victim of sexual abuse following the publication of records and proceedings.

<sup>99</sup> See Programmatic indications and prospects for reform for activities after 2007.

of death among individuals aged 0–14 (morbid conditions of perinatal origin, traumatism and poisoning, congenital malformations, tumours) registered the most significant decreases — given also their higher numbers — in proportional terms.

415. Overall, in absolute terms, the number of deaths among individuals aged 0–14 fell from 6,469 in 1991 to 3,165 in 2003, thus marking a decrease of more than 51 per cent.

416. The halving of deaths among children younger than 14 has also led to a similar reduction in the specific mortality rate every 100,000 inhabitants aged 0–14, which fell from 71.8 per cent in 1991 to 38.6 per cent del 2003.

417. The reduction in mortality involved all the age groups, in particular children up to one year of age (so that Italy now has an infant mortality rate which is perfectly in line with the European average) and, to a lesser extent — albeit still significant with a 40 per cent-drop of cases — children aged 1–4 and 5–14. In addition, the reduction has been higher among males — at slightly less than 40 per cent — than among females, also in consideration of the fact that the initial mortality levels were higher for males. The significant reduction in child mortality was registered in all the Italian regions, but it reached maximum levels in the south.

418. However, differences between Northern and Southern regions persist as to perinatal mortality. This type of mortality is closely connected to the efficiency of the health care sector and it can be rightly considered as an indicator of the efficiency of the health care system in providing care both to women during pregnancy and to newborns in their first days of life.

419. The most recent estimates made available by the National Statistics Institute (ISTAT) date back to 2006 and they only give indications about big groups of causes and about the 1–14 age group. According to these estimates, from 2003 to 2006, the mortality rate among children aged 1–14 decreased both for males and for females: from 1.50 to 1.30 every 10,000 inhabitants for males, and from 1.19 to 1.09 for females. Statistics also show that infant mortality has decreased in time, even if it has remained more or less constant since 2003, with values close to 37 out of 10,000.

### **Infectious diseases**

420. In Italy, many children's infectious diseases are now preventable thanks to the availability of safe and effective vaccines.

421. The epidemiological data concerning new cases of infectious diseases among Italian children are provided by the Ministry of Health and they are based on the reports sent by the competent local health authorities.

422. Before interpreting the data concerning reports of infectious diseases, it is important to make a preliminary consideration and to stress the need to be very cautious. In fact, the available statistics tend to underestimate the phenomenon, given that, despite the existence of a legal obligation, in practice the reports are not always sent out to the Ministry.

423. Based on the available data about child population, and in particular about the group of paediatric age 0–14, a few considerations can be made:

- Almost all of the main infectious diseases decreased from 1995 to 2007



- In 2007, there were about 75 reports of cases of meningococcal meningitis among children aged 0–14 and 44 among individuals aged 15–24; the 2007 statistics seem to confirm the downward trend which began in 2006: in fact, in 2005 the number of reports was almost double
- On the other hand, in 2007 there was a slight increase in cases of pneumococcal meningitis as against 2006, whereas the cases of Hib remained more or less stable
- For two infectious diseases in particular, there was a major downfall in the number of reports from 1995 to 2006, especially in the 0–14 age group: measles and rubella; this is probably due to the increased availability of vaccines (from 2005 to 2006 the number of cases fell by 50 per cent)
- As to pertussis, in this age group there are still 700 cases per year, whereas in the past decade their number was fivefold
- The percentage incidence of reports concerning children aged 0–14 on the overall number of reports is null for such diseases as blenorrhagia, syphilis, tetanus and tularemia
- The percentage incidence of reports of diphtheria and poliomyelitis is null in the whole Italian population

424. The downward trend recorded in recent years is certainly due to the carrying out of effective mass vaccination campaigns and to routine vaccination of newborns against tetanus, diphtheria, poliomyelitis, pertussis, hepatitis B, measles, mumps, rubella, and infections due to *Haemophilus influenzae* type b (*Hib*). These vaccines — all free of charge — are indeed included in the list given to every newborn's parents, which indicates the recommended number of shots and the time schedule.

425. Early childhood vaccinations represent an opportunity to provide children with early protection from preventable diseases which affect more frequently and more seriously small children.

426. It is worth noting that in 2003 Italy launched the National Plan for the Elimination of Measles and Congenital Rubella (PNEMORC). In line with the objectives of the WHO European Region, this Plan promotes the use of the MMR vaccine with the aim to eliminate measles as well as congenital rubella, but also to keep mumps under control, thus significantly reducing its complications.

427. Finally, 2008 marked the beginning of the national campaign for HPV vaccination among girls in the period between their 11th and their 12th birthday. The aim is to prevent infections due to types 16 and 18, which account for about 70 per cent of cancers of the uterine cervix. In this case, it will be possible to assess the impact of the campaign on public health only in a few decades. However, the results of researches carried out before the authorization of the vaccine identify it as an innovative and effective public health measure.

### **The cases of paediatric AIDS**

428. In the last 13 years there has been a gradual decrease in the number of cases of paediatric AIDS. In fact, after the peak of 84 new cases recorded in 1995, in 2007 there was only one case. The strong reduction in cases of paediatric AIDS is certainly due to the positive effects of prevention policies, to the implementation of guidelines concerning some health care treatments, such as antiretroviral treatment for pregnant women, and, more in general, to the increased awareness by the population at risk of the problems related to this disease.

429. Out of 59,106 cases of AIDS reported in Italy until 31 December 2007, 765 (1.3 per cent) were recorded in the paediatric population, i.e. in patients who were younger than 13, or who were older than 12 at the time of diagnosis but who had been infected by vertical transmission.

#### **Suicides and attempted suicides among children<sup>100</sup>**

430. From 2000 to 2004, the average number of suicides among children stabilized at lower levels than the ones recorded in the previous decade. In fact, from 2000 to 2004, the annual average of ascertained children's suicides was 35, as against an annual average of 47 ascertained suicides in the Nineties, with a peak of 74 suicides in 1994. In relative terms, suicide rates among individuals aged 14–17 — the age at which 90 per cent of children's suicides occur — gradually and significantly decreased from 2.5 suicides every 100,000 residents in 1994 to 1.1 in 2004.

431. A similar downward trend was registered for attempted suicides. From 2000 to 2004 the average number of attempted suicides per year was 99, whereas in the previous decade the annual average was 124. Therefore, the rate of attempted suicides by individuals aged 14–17 decreased from slightly more than 5 cases every 100,000 residents of the same age in the early Nineties to 3.6 in 2004.

432. Finally, at the European level, Italy has the lowest suicide rates among children aged 5–14 and among young individuals aged 15–24. In the latter age group, the Italian rate is equal to 2.9 suicides every 100,000 residents of the same age, as against rates which are above 15 suicides every 100,000 residents of the same age in Estonia, Finland, Ireland and Latvia.

#### **Traffic accident mortality among children**

433. In recent years, Italy has registered a significant decrease in traffic accident mortality, thanks also to the coming into force of Law 151/2003, which introduced the point system as well as new rules in the highway code (use of safety belts, reduction of speed limits, prohibition to use a cell phone while driving, use of the helmet, etc.).

434. In this framework of general reduction of the phenomenon, also the data concerning children have shown a significant and encouraging improvement: 721 cases in 1975, 300 in 1985, 174 in 1995, 97 in 2005. If we consider the population of reference, in 2005 traffic accident mortality among children younger than 14 was equal to 1.2 every 100,000 children of the same age. With respect to children aged 15–17, even if the decrease in the number of deaths is just as significant, the mortality rate is still much higher, as it is equal to 11.4 victims of road accidents every 100,000 residents of the same age.

<sup>100</sup> The data presented in this paragraph derive from the judicial criminal statistics of the National Statistics Institute (ISTAT) and they refer to the suicides and attempted suicides ascertained by the State Police and by the Carabinieri police. This specification is very important, as there is another source of information — always elaborated by ISTAT — concerning “death causes”, which is based on the death reports drawn up by the Municipal offices. In fact, the two sources are conflicting, due to fundamental differences in criteria and methodologies. The choice to use judicial criminal statistics is mainly due to the possibility to integrate the analysis with data on attempted suicides.

435. Therefore, it is clear that when children turn 14, risk factors increase in parallel with the growing number of children riding light motorcycles or scooters.<sup>101</sup>

## **B. Children with disabilities<sup>102</sup>**

436. According to the latest ISTAT's sample survey on health conditions and provision of health-care services, in 2005 there were approximately 145,000 children under age 17 who lived with at least one parent and who had impairments or permanent disabilities.<sup>103</sup>

437. On 30 March 2007, in the United Nations headquarters of New York, the Italian Government signed the Convention on the Rights of Persons with Disabilities, which had been approved by the General Assembly on 13 December 2006. Italy has since then initiated the process of ratification and adaptation of its domestic legislation.

438. The basic principles of the Convention do not recognize "new" rights of persons with disabilities. The Convention is actually intended to ensure that, based on the regulations of the States parties, persons with disabilities can enjoy the same rights as any other citizen, thus fully implementing the principle of equal opportunities for everybody. The purpose of the Convention (which is made up of a Preamble and 50 articles) is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. The Convention defines as persons with disabilities all those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. The Convention is integrated by an Optional Protocol (made up of 18 articles) which was also signed by Italy.

439. Finally, use of the WHO's ICF (International Classification of Functioning, Disability and Health) has been promoted to assess disabilities, with the aim to provide adequate access to benefits and support services, such as in schools. In particular, a new Protocol on the school integration of children with disabilities has been adopted, which strengthens collaboration and networking of the health-care services, schools and social services through specific agreements.

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<sup>101</sup> See statistical annex for data.

<sup>102</sup> See also sections II and VIII.

<sup>103</sup> Cases of impairment among children aged 6–17 have been detected through a series of questions on their ability to perform ADLs (Activities of Daily Living), whereas cases of permanent disability (motor disability, mental disability, blindness, deafness, deaf-mutism) have been detected in the whole population under age 17.

## C. Health and health-care services<sup>104</sup>

### <sup>104</sup> Other activities carried out in the 2000–2007 period

In the fields of communication and promotion, in the period of reference of this report, the Ministry of Health carried out several information campaigns on AIDS, vaccinations, nutrition, smoking and lifestyles. Some of the most important ones are the following:

- For the year 2008 the Ministry is preparing the Ninth Information and Prevention Campaign against AIDS, which is aimed at avoiding risk behaviours, at encouraging people at risk to have an HIV test, at spreading a message of solidarity for the people affected by HIV/AIDS, and at promoting the toll-free number providing counselling on AIDS.
- The extraordinary campaign for the vaccination against measles, mumps and rubella. The campaign laid down some guidelines to help Regions carry out local campaigns and it was aimed at strengthening national efforts in favour of local initiatives.
- The campaign for child health and for the prevention of accidents in the home in the age of development: this campaign led to the publication of the booklet “*Quando nasce un bambino*” (When a child is born), which gives new parents indications on how to care for and protect the health and safety of their child in his/her first year of life. The goal of the campaign was indeed to give information and suggestions to parents, especially mothers, about weaning and about the psychological and physical development of children in their first year of life. The campaign was also aimed at giving parents and care givers indications about the basic prevention and food safety standards to be adopted in the later stages of the child’s development.
- The campaign for the promotion of healthy eating habits and of physical activity, to foster a healthy lifestyle.

Furthermore, in order to address the issue of the sudden infant death syndrome (SIDS), the Law No. 31, *Regulations Concerning the Confirmation of a Diagnosis of Sudden Infant Death Syndrome (SIDS) and of Unexpected Death of the Foetus*, was issued on 2 February 2006. The law envisages the promotion of prevention and awareness campaigns in order to guarantee appropriate citizens’ information, as well as the carrying out of multidisciplinary research programmes and the adoption of guidelines for the prevention of this pathology.

Among the initiatives aimed at helping parents protect their child’s health since conception and since the first days of life, the Ministry of Health, in collaboration with the Region of Veneto, UNICEF and the Italian Federation of Paediatricians, carried out the campaign “*Genitori più*”. The campaign promotes 7 actions, which all stress the need for families to have a proactive role. Three of these actions help prevent SIDS risks: putting the baby on his/her back, not smoking, breastfeeding. On 21 December 2007, the Minister of Health issued a Decree which defined the criteria that Regions had to follow to identify and authorize the centres of reference for the diagnosis of SIDS and for unexpected fetal death. The Decree also contained provisions for the allocation of funds to the Regions themselves.

The booklet “*La salute e la sicurezza del neonato, una guida utile per le famiglie immigrate*” (Health and safety of the newborn: a guide for immigrant families) has almost been completed. The booklet, which is addressed to foreign mothers, has been translated in the languages of the 10 main immigrant groups in Italy and it represents the multicultural adaptation of the booklet “*Quando nasce un bambino*”.

Italy is one of the first European countries to have adopted a national strategy of vaccination against HPV, the virus which can cause female genital infections and, in the long term, cervical cancer, a disease which causes approximately 1,000 deaths every year.

According to the currently available scientific evidence, HPV vaccination is safe, well-tolerated and capable to prevent in nearly all cases the onset of a persistent infection due to the two viral strains which currently account for 70 per cent of cases of cervical cancer.

Use of the vaccine integrates but does not replace periodic screening through Pap test, which is

### **Committee recommendation No. 40 on the access to health services to all children and parents**

440. The National Health Service has significantly expanded its activities in favour of mothers and children, which now include not only disease prevention and treatment, but also more general care for the child-family unit and the promotion of child development in the various stages of life. This was possible thanks to the considerable improvement of basic health services, such as paediatric services, as well as to new scientific discoveries concerning child development.

441. The National Health Care Plan for 2006–2008 is affected by the relevant changes introduced in the political and institutional framework by the gradual devolution of powers from the central State to the Regions. In the welfare sector, the basic principle guiding devolution has been the one of subsidiarity, i.e. the involvement of all the institutional and social stakeholders in the management of citizens' services. As reported in the official presentation of the new National Health Care Plan, the role of the State in the health care field is evolving: while in the past its main function was to directly organize and provide services, the State now has to guarantee the equity of services across the national territory. The National Health Care Plan, while considering the existing national differences, puts forward a set of guidelines on how to reduce health risks and promote qualitative and quantitative equity in the provision of health care services.

442. Given the new role of the State in this field, the State-Regions Conference set up a monitoring desk on the Essential Levels of Health Care, as had been previously established in an agreement on 8 August 2001. The tasks of this desk are to monitor and control the actual implementation of the Essential Levels of Health Care and to check whether the estimated costs respect budgetary expenditure. In this framework, the National Health Care Plan lays down the objectives to achieve in order to guarantee the Constitutional right to health, as well as the other social and civil rights to be fulfilled in the health care sector. Furthermore, the Plan also gives indications on how to reach the European health targets and it promotes coordination with the EU programmes.

443. With respect to children, the chapter "Newborn, child and adolescent health" of the Plan focuses on the practical implementation of the project in favour of mothers and children laid down in the National Health Care Plan for 1998–2000, which dedicated a specific section to health care and promotion in the age of development (childhood and adolescence). In order to guarantee the unity, efficiency and consistency of measures in

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currently recommended for women aged 25–64 and which has led to a drastic reduction in deaths, thanks to the early diagnosis of precancerous lesions and cancers.

The vaccination campaign was officially launched with the signing of an agreement by the State, the Regions and the Public Administrations on 20 December 2007, concerning the "Strategy for the provision of the vaccine against HPV infections in Italy". The campaign consists in the active and free of charge provision of the vaccine to girls in the period between their 11th and their 12th birthday (starting with the ones who were born in 1997) across the whole Italian territory. The campaign will thus lead to the gradual immunization of the young adult population that is exposed to the risk of infection.

Forty million Euro has been earmarked for the promotion of the national campaign for cervical cancer vaccination. The funds come from the budget of the Ministry of Health and they represent an additional contribution to the resources already allocated to the regional health care funds.

In 2008, the Regions worked towards the inclusion of the HPV vaccine in the list and schedule of vaccinations given to every newborn and they informed all the girls in the target age group about the vaccination. Furthermore, families will also have the opportunity to receive all the information about the vaccine and the vaccination at the offices of their local health districts.

favour of mothers and children — given the different, albeit homogenous and complementary subjects involved — the project envisages the creation of an integrated system of services to the individual, focusing in particular on health promotion, assistance to pregnant mothers and provision of care in the age of development.

444. The National Health Care Plan focuses on some fundamental aspects of children's health (e.g. infant mortality and congenital diseases), analyzing past achievements and problems yet to overcome. In particular, prenatal care is a fundamental objective for prevention purposes, and it should be achieved through an interdisciplinary approach by involving general practitioners, paediatricians, schools, leisure centres and the media.

445. The main strategic objectives to guarantee the health of newborns, children and adolescents are the following:

- To improve care in the perinatal period and to humanize birth by promoting early breastfeeding and rooming-in, taking as well into account the other standards set by the WHO and by UNICEF for the "Baby-Friendly Hospitals"; to reduce inequalities existing among the Italian Regions, with the aim to decrease neonatal mortality primarily in the Regions where it is higher; to optimize the number of paediatric and maternity wards, to group pregnancies at risk and to ensure emergency transportation services for newborns and expectant women at risk.
- To promote information campaigns targeted at pregnant and lying-in women, also through childbirth preparation courses and counselling services, in order to prevent crib deaths, to promote breastfeeding, appropriate child transportation in cars, vaccinations and reading out.
- To educate the young about health promotion, physical activity, appropriate behaviours and eating habits, prevention of sexually transmitted diseases (including HIV), drug addiction, alcoholism and responsible reproduction; campaigns should be carried out in collaboration with schools and counselling services (in particular the ones for adolescents) to prevent and fight against child abuse, ill-treatment and exploitation, and to prevent road and home accidents.
- To prevent andrological and gynaecological diseases in the age of development.
- To monitor and reduce overweight and obesity in young generations, through measures which should involve not only families, but also schools, cities as well as the media and the surveillance bodies in charge of spreading healthy eating habits (such as eating more fruits and vegetables) and of fighting against misleading advertising campaigns.
- To reorganize Paediatric Emergency Services.
- To reduce inappropriate hospitalizations in the paediatric age.
- To improve care for patients with congenital malformations.
- To elaborate appropriate protocols for the diagnosis, treatment and rehabilitation of congenital, hereditary and rare diseases and to better organize regional and interregional centres of reference and welfare services.
- To improve care for children and adolescents with chronic diseases by promoting networking of specialist centres, hospitals, local welfare services, schools, patients' associations and not-for-profit organizations.
- To monitor and fight against doping, which seems to be more and more common among young amateurs, through the involvement of families, schools, sports organizations and the National Health Service. The participation of all these parties is indeed fundamental to know the real extent of the phenomenon, to

develop an effective plan for the prevention of and fight against doping and to take appropriate actions.

- To reorganize the counselling services which operate in hospitals and in the community already before conception, in order to actively promote initiatives aimed at reducing risks during pregnancy.

446. With respect to the more specific issue of mental disorders, several measures have been taken in favour of children, such as:

- The issuing of the “National Guidelines on Mental Health” (approved by the Conference of State, Regions and Local Bodies on 20 March 2008), which provide indications for the reorganization of child and adolescent care.
- A project for the activation, within mental health departments, of community-based pilot services for the early identification and treatment of psychoses.
- A project to assess the effectiveness of psychological and educational interventions within the family on the clinical conditions and disabilities of patients affected by major depression, on family charges and on the risk of mental disorders in underage children.
- A training project for professionals working with mothers and children on how to early detect psychological, social and depression risk factors which negatively influence parental skills and child development; the project also envisages pilot preventive measures concerning parents at risk.
- A project for the promotion of mental health in schools, by teaching how to set oneself realistic objectives, how to face and solve problems, how to communicate more effectively, how to develop self-discipline, how to improve negotiating and cooperating skills, how to better control impulses and how to take the emotional reactions of others into consideration.
- A project for the spreading of best practices in the treatment of eating disorders, with the aim to elaborate a Memorandum based on scientific evidence and to update and/or redefine the existing Guidelines. Another project is aimed at preventing risk behaviours through education, information and awareness campaigns in four settings: schools, sports, media and diet industry.

447. In 2006 the Ministry for Equal Opportunities, in collaboration with the Commission for Equal Opportunities, carried out information and awareness campaign on the problem of child abandonment by mothers who have relational, economic, isolation or marginalization issues.

448. In the same year, the Ministry for Equal Opportunities, in collaboration with the Ministry of Health, promoted an information and prevention campaign on anorexia, bulimia and psychogenic obesity. These diseases are often underestimated, but they have a serious impact on the mental and physical health of a significant percentage of adolescents.<sup>105</sup>

**Committee recommendation No. 42 on the measures to strengthen mental health and counselling, on undertaking studies on the causes and backgrounds of psychological disorders among adolescents, on the promotion of campaigns of information and preventive measures concerning teenage pregnancies**

<sup>105</sup> This campaign led to the preparation of a booklet, whose aim was to spread the most up-to-date knowledge on the symptoms and dynamics of eating disorders. This information can indeed help recognize such disorders, tackle them with the support of experts and, most importantly, reduce the amount of time between the onset of the initial symptoms and the beginning of treatment.

### **Child brides, child mothers, and recourse to abortion**

449. The number of child brides decreased significantly in a relatively short time, as it passed from 1,562 in 1993 to 282 in 2005. In relative terms, there is slightly more than one child bride every 1,000 officiated weddings. In practice, hardly anyone gets married below the age of 18 years: this is all the more so for male children, given that in 2005 there were only 6 such cases. Besides the very limited extent of the phenomenon, it is worth noting that it is concentrated in few regions: besides Apulia, with 23 child brides in 2005, Campania accounted for more than half of child brides in 2005 (149). Child mothers also contribute very little to birth rate, with only 0.4 per cent of live births registered in Italy in 2003. Apart from the limited extent of the phenomenon in Italy, it must be noted that most of the babies of child mothers are born out of wedlock.

450. An important aspect to focus on is the distribution of births by mother's age, as the statistics clearly show that reproduction occurs at an increasingly older age. This phenomenon, which began in the Seventies, has contributed to the strong reduction in birth rate registered from the late Seventies to the early Nineties. In 2006, mothers living in Italy were on average 31 years old when they had a baby, so they were approximately one year older than they were in 1995 (29.8).

451. Only 11 per cent of newborns have a mother younger than 25. This percentage exceeds 15 per cent for mothers living in Sicily and Sardinia, whereas it is always lower than or equal to 10 per cent in all the Regions of the North and of the Centre of Italy.

452. On the other hand, the average national percentage of newborns whose mother is older than 34 shifted from 25.4 per cent in 2004 to 27.7 per cent in 2006. The highest proportions are recorded in Sardinia, Latium and Liguria, where more than one newborn out of three have a mother who is older than 34.

453. One of the most relevant changes is the constant decrease in births to women under age 18 (equal to 0.4 per cent in 2006) on the one hand, and the increase in births to women over age 40 on the other. Since 1995, the former has decreased by 24 per cent (from 3,142 births to women under age 18 in 1995 to 2,372 in 2006), whereas the percentage of births to women over age 40 passed from 2.4 per cent of the total number of births in 1995 (with 12,383 newborns) to 5 per cent in 2006 (for a total of 27,938 newborns). In Sardinia, in particular, the percentage of births to women over age 40 reached 7.5 per cent.<sup>106</sup>

454. The issue of voluntary termination of pregnancy by underage women is different and more complex. In the past 10 years, the number of abortions has stabilized around 3,600–3,700 cases per year, thus marking a sharp decrease of more than 50 per cent as against the previous decade. The reduction in the number of abortions by underage women has been proportionally stronger than the one recorded in the Italian population of women of childbearing age, so that the former now represent slightly less than 3 per cent of the overall number of abortions.

455. The risk of abortion for underage Italians is approximately one third of the one for women of childbearing age: the abortion rate — i.e. the number of abortions per year by women aged 14–17 every 1,000 women of the same age — is equal to 3.3, as against 8.9 for women aged 14–49. The comparison with the other European countries also shows that Italian young women tend to have recourse to abortion quite rarely. Italy has indeed one of the lowest abortion rates among underage women in Europe. In particular, with slightly less than 6 abortions by women aged 14–19 every 1,000 women of the same age, Italy is far

<sup>106</sup> See statistical annex for data.



from other countries, mostly in Northern and Eastern Europe, where the incidence of abortion is much higher.

456. Sex education has now been included in the health education curricula of high schools. In particular, in collaboration with the Ministry of Health, schools carried out the “*Missione Salute*” campaign, targeted at students in the first two years of high school, to their families and teachers. In the framework of this campaign, the Ministry handed out six booklets on nutrition, addictions, doping, blood and organ donation, first aid and prevention of AIDS and sex education. Professors received a special booklet containing suggestions and teaching tips. Overall, 1,141,263 copies were handed out to students and 76,000 to teachers.

457. The implementation of the project was preceded by information and educational campaigns mainly targeted at school directors, high school teachers and parents.

458. The World Health Organization and many international experts have long stressed the importance to put sexual and reproductive health at the centre of broader programmes for the promotion of health.

459. With respect to sexuality and reproduction, the main problems emerge at certain stages of growth, in particular during the passage from childhood to adolescence, and when preparing for life as a couple and planning to have a child – an event which has major consequences on couples and on their sexuality.

460. Other key issues are safe sex and the preservation of fertility and of the reproductive system.

461. Furthermore, an effective sex education can help promote responsible contraception and management of risks or of urgency remedies.

462. These issues require the adoption of new methodologies and the acquisition of new technical skills, such as:

- (a) Sexual negotiation, i.e. how to evaluate and solve conflicts through conversation and negotiating techniques;
- (b) Problem-solving skills, to be acquired through increased awareness and better resources;
- (c) Strengthening of self-esteem and of gender awareness;
- (d) Adults’ capability to face emergencies with a constructive, not only punitive, approach;
- (e) Working with couples by providing public services capable to meet demand early and quickly, whereas most of the sex counselling services are now private.

463. In order to address these issues, it is important to organize training initiatives for the professionals dealing with them, especially in family guidance centres, with the aim to elaborate new and effective measures.

464. The methodologies which can be adopted have all been approved at an international and at a European level. The health services in charge of sex education are the family guidance centres.<sup>107</sup>

465. The settings in which to intervene are the following:

- (a) The youth services within the family guidance centres;

<sup>107</sup> See section VI (B) – “Family guidance centres”.

(b) The schools – possibly all of them, or, in case of lack of personnel, for the age group which is considered most important. In this setting, teachers and parents must be involved as well and empowered to receive questions and to address them.

466. The collaboration and interaction between a school and a family guidance centre may begin with the administration of the HPV vaccine to 12-year-old girls. This type of collaboration can help raise girls' awareness about health protection, but also about problems they will encounter in the future with their sexuality and maternity.

#### **Use of contraception**

467. The results of the survey on fertility carried out in Italy in 1995 show that, in the sample under study (formed by women aged 15–49), 21 per cent of women made use of hormonal contraception, 7 per cent used an IUD, 14 per cent made recourse to coitus interruptus, 5 per cent made use of natural methods and 14 per cent used the condom.

468. According to the 2000 CENSIS (Social Investments Study Centre) report on the sexual habits of Italians, the most common contraceptive methods are coitus interruptus (31.6 per cent) and the condom (28.4 per cent), followed by “the Pill” (20.9 per cent), the natural methods (4.2 per cent), the intrauterine devices (3.2 per cent) and the diaphragm (1.3 per cent), whereas 10.4 per cent of couples used “no method” at all.

469. According to a survey carried out in 2003 in five European countries on a sample of women aged 15–49, the prevalence of the use of hormonal contraception is equal to 19 per cent in Italy and in Spain, 27 per cent in Great Britain, 34 per cent in Germany and 45 per cent in France.

#### **The diffusion of the combined oral contraceptive pill**

470. The diffusion of estroprogestinics (hormonal contraception) in Italy can be calculated based on the sales of pharmaceutical products. The indicator is the ratio of sold packages to the overall number of women of childbearing age. Italy ranks among the last countries in Europe for the diffusion of the combined oral contraceptive pill, even if its use is slightly growing.

471. However, it is important to highlight the existence of regional and macroregional differences. Based on sales statistics, in 2002 the diffusion of the combined oral contraceptive pill was equal to 23.6 per cent in Northern Italy, 20 per cent in Central Italy and 13.3 per cent in Southern Italy. A non-negligible percentage of all prescriptions of estroprogestinics (approximately 20 per cent) is estimated to have only therapeutic purposes.

#### **The diffusion of the IUD (coil)**

472. In Italy the intrauterine device is now used by 3–5 per cent of women of childbearing age, thus marking a 40 per cent-drop as against the Nineties.

### **D. Social security, childcare services and structures**

473. See the paragraphs concerning access to the health services, measures for the promotion of breastfeeding and health education in schools.

## E. Living standards

474. In November 2006, the EU Social Protection Committee (SPC) set up the EU Task-Force on Child Poverty and Child Well-Being, which in January 2008 issued the first report on child poverty in the 27 EU member States.

475. The document consists of three parts: an evaluative review of child poverty and social exclusion in the EU; policy monitoring and assessment of child poverty and well-being in EU member States; conclusions and practical recommendations aimed at better monitoring and assessing child poverty and well-being at EU and country levels. The first part of the report highlights that the intensity of poverty, i.e. the poor's distance from the poverty threshold, is the same for children and adults at the EU level. However, this varies considerably from one country to the other and in Italy the intensity of poverty is significantly higher for children than for the overall population. In this respect, Italy is one of the countries which spend less and which thus have high poverty risk rates.

476. It is also based on this document that the Government has promoted the measures of income support and for the reconciliation of work and family life described in section VI (A).

### Actions for the fight against poverty

477. In Italy, the general strategies for the fight against child poverty and social exclusion are included in the National Plan of Action for Children and Adolescents and in the National Plan of Action against Poverty and Social Exclusion.<sup>108</sup>

478. At the European level, in the framework of the revision of the Lisbon Strategy, the EU member States decided to improve and simplify the process for the coordination of their welfare policies – pensions, social inclusion and fight against poverty, health care, in particular long-term care for the elderly. The main aims were to promote more effective networking in the sectors listed above and to ensure better integration of welfare policies with macroeconomic, microeconomic and employment policies. The National Plans of Action against Poverty and Social Exclusion are a fundamental tool to define strategies and actions at a national level, to elaborate new coordination methods for the initiatives of the various institutions, and to promote the active participation of the third sector in the definition and implementation of social inclusion policies.

479. The National Plans of Action are presented to the European Commission, which then draws up a “Joint Report”. This report describes the general trends emerging at the EU level in the field of poverty and social exclusion, as well as the priorities set by the Member States, but it also contains recommendations on the areas in which to intervene.

480. Italy's National Plan of Action against Poverty for 2006–2008<sup>109</sup> sets a list of priorities which have been identified on the basis of the 2005 Report of the National Commission of Inquiry into Social Exclusion<sup>110</sup> and of the indications of the European Commission.

481. The National Commission of Inquiry has identified some critical aspects, such as the absence of a system of social rights defined through minimum levels of care, as well as the need for more uniform services across the nation.

<sup>108</sup> See sections II, VI and X.

<sup>109</sup> Ministry of Labour and Social Security, Ministry of Social Solidarity, Ministry of Health, *National Report on Social Security and Social Inclusion Strategies*, November 2006.

<sup>110</sup> *Report of the Commission of Inquiry into Social Exclusion for 2005*, presented in September 2006.

482. The European Commission has stressed the need to increase the participation of women, young people and more vulnerable groups in the labour market, as well as to improve coordination of policies at a national level in order to reduce regional disparities.

483. With respect to child poverty, the National Commission of Inquiry has stated that it is increasing because of the growing poverty of families with underage children. Poverty is also increasing among the young, and the Government has identified this issue as a priority both at a national and at a local level. In general terms, the new National Plan of Action calls for the integration of income support measures with services for the promotion of lifelong learning and with policies in favour of employment and of labour market integration.

484. The main priorities of the new National Plan of Action are: to fight against poverty (focusing in particular on child poverty), to close the gap between Northern and Southern Italy, to increase participation in the labour market, to promote access to rights, services and goods and to strengthen efforts for the social inclusion of marginalized groups (focusing in particular on unaccompanied foreign children and on the issue of school drop out). In the plan, the Government undertakes to reduce poverty and to reach the European average by 2010. To this purpose, the Government is implementing a fiscal reform, increasing family income support, reviewing housing policies, strengthening the role of the third sector and renewing its efforts for the fight against extreme poverty.

485. For details on the specific measures of income support and support to families with underage children (in particular to large families), see section VI.

486. Finally, it is worth mentioning that Italy took part in several European initiatives, among which the setting up by the EU Social Protection Committee (SPC) of the EU Task-Force on Child Poverty and Child Well-Being, in November 2006. In January 2008, the Task Force issued the first report on child poverty in the 27 EU member States.<sup>111</sup>

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<sup>111</sup> **Other activities undertaken by the Government from 2000–2007**

***Education in preschool (3–5 years)***

This section contains information about preschool since, in Italy, this is an important part of the national education system.

Law No. 53 of 28 March 2003 (*Delegation of Powers to the Government to Define General Regulations on Education and Minimum Service Levels Concerning Education and Vocational Training*) introduced an important new element. The law, in affirming the educational and promotional nature of preschool, states that “boys and girls who turn 3 before 30 April during the school year in question can enrol [in preschool] gradually and on a trial basis. This must, though, be done in line with the ratios governing new staff and organizational methods”.

This option, which aims to offer a solution for those families that cannot find a place for their child in nurseries, was the subject of lively debate. The resolution was found by giving Municipalities the right to assess — bindingly — the suitability of the setting and the facilities. In reality, the number of children that have been enrolled early in preschool is quite limited. This is one of the reasons why the “Spring sections” were then introduced, but this is covered in section VI.

Preschool was then subject to a process to reform the educational content with Legislative Decree No. 59 of 19 February 2004: *Defining General Regulations Concerning Pre-School, Primary and Lower Secondary Education in Pursuance of Article 1 of Law No. 53 of 28 March 2003*, published in the Official Gazette No. 51 on 2 March 2004. On the basis of this regulation, the Ministry issued the National Indications for Personalized Plans of Educational Activities in Pre-Schools. This outlined the “minimum service levels that all preschools in the national education system must provide to ensure the personal, social and civil right to quality education and training”.

This document placed special emphasis on the importance of the role of parents, stating that “preschool is a place where families meet, get involved and cooperate, it is a place of educational

## VIII. Educational, cultural and leisure activities (arts. 28, 29 and 31)

**Committee recommendation No. 44 on the drop-out rate in upper secondary education, the inequalities in educational achievement between girls and boys and among children from different social, economic or cultural groups, the setting up of adequate mechanisms and structures with input from children to prevent bullying and other forms of violence in schools, the respect of children's rights to express their views concerning their education**

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commitment for the community and a specific professional resource to ensure, for those who attend such schools, the maximum possible promotion of all personal abilities, promotion that is seen as a subjective right of every child".

These indications back the introduction of an individual portfolio for each child. Such portfolios are an important tool in recognizing the specific nature of each child and making the most of each child's individual background. The creation of such documentation has also proved to be a positive way to improve the documentary abilities of teachers and to further increase the professionalism of this category of teachers.

These portfolios have also become an important part of the move from preschool to primary school. This aspect is, correctly, highlighted by the Instructions themselves, with the notion that "specific attention must be given by teachers to periods when their pupils move from one context to another, whether this be from the home or nursery to preschool or from preschool to primary school. The principle of educational continuity necessitates that such changes are carefully monitored and that the teachers, both from the year before and the year ahead, collaborate in the exchange of information, in planning and assessing the educational and didactic activities with families, with the staff that looked after the children in nursery and with the colleagues at primary school, starting with the class teacher for the first year of primary school".

It is also worth noting that the Instructions clearly recognize — and this is a pleasing new element — the role of nursery. At various places in the text, it is referred to with a view to possible agreements with Local governing bodies and schools to manage sections to link nurseries and preschools. This was clearly a key development and was picked up by the next Government with the creation of the so-called "Spring sections", which is part of a larger idea to create an integrated system of services for early and late childhood.

Even more recently, Ministerial Decree No. 6 of 31 July 2007 approved *the Curriculum Instructions for Pre-School and the First Cycle of Education*, seeking to adopt curricula for, among others, preschools. This recognized the educational worth of preschool, encouraging attention to be placed on the overall context in which such schools operate.

In terms of structures, it is worth noting that, in the 2007/2008 school year, the number of preschool sections stood at 42,116, which was an increase of 122 on the previous year. This increase responded to the needs of families. Families could also benefit from the creation of the "Spring sections" for children aged 24 to 36 months.

The demand for such schools is greater in large cities, where waiting lists are not unheard of, but in general private schools and Municipalities cater for all requests. The goal of the various Governments that have held power in recent times has been to generalize, which has already happened in many areas in central and Northern Italy. This is not the case in various Southern regions, where the number of enrolments has even dropped, partly due to cultural reasons but also for economic ones.

In any case, the total number of children at preschool in 2007/2008 was 961,872, which is 12.4 per cent of the entire school population. In total, there are 84,886 teachers. As noted, there are 42,116 sections, each having an average of 22.8 children, although there are regional differences, with Tuscany being at 24.8, Lombardy at 24.7, Calabria at 19.7 and Sardinia and Basilicata at 20.2.

## **A. Teaching and vocational training**

487. Between 2000 and 2007, several fundamental principles were reaffirmed, signalling important lines of change in our country, as previously outlined in the modifications to Law 9/1999.

488. There is first of all a propensity, in this as in other public sectors, towards a decentralization of competences that were previously the exclusive preserve of central government. This has led to a gradual handing over of competences relative to realizing the right to study to regional bodies (Regions, Provinces, and Municipalities). During the same period, the project previously outlined in Law 59/1997 relating to the autonomy of educational establishments and the relative implementing measure (Presidential Decree No. 275 of 8 March 1999) has also been consolidated.

489. There is not as yet, therefore, a standardized nation-wide framework of measures for bolstering education. However, within the ambit of various principles set out at central level, it is revealed as being differentiated and powerful, responding to needs and capacities closely bound up with the local territory.

490. The funding sources for the new projects being implemented by the educational establishments have themselves become diversified, and now include third sector resources, European funds and funds made available by establishments such as local foundations. This has led to a completely new method, for the Italian educational system, of implementing and managing the programming of educational activities, encouraging Italy to fall into line with the European model of valorising the responsibilities incumbent upon those bodies set to benefit from these financial resources, which will involve submitting procedures and results to a valorisation and monitoring plan. Equally, this has also given rise to various distortive effects, given that alongside experimental measures, which by their very nature are subject to contingent planning, bound up with the availability of funds, there are some activities that, after their initial inception, require the setting up of systems that are hard to put into action where uncertainty over funding exists.

491. A third and crucial point, which applies to the positions of the various governments in office between 2000 and 2007, is the raising of the compulsory school and training age to 18. This has been achieved in a variety of different ways (as will be explained further on), according to their various different political orientations; one mutual objective has, however, become manifest, which is that of reducing the immediate and exclusive numbers of adolescents in this particular age group leaving school to enter the world of work.

492. Measures to combat early school leaving implemented by the Ministry of Education, in a continuity of past approach, have become focused on promoting:

- The systematic involvement of all the key actors through the development of agreements and partnerships at a national, regional and local level
- The recognition and validation of non-formal and informal learning
- The development of lifelong readily accessible policies and guidance systems
- The development of differentiated teaching courses and open learning environments
- The integral use of information and communication technologies (ICT) throughout the education and training system
- The devotion of special attention to educational activities for disadvantaged and at-risk groups

493. These objectives are closely tied in with European policies and, in particular, with the OECD Recommendations of 17 April 2007 on Early School Leaving and Equity of Education.

494. For a full understanding of the figures and data on early school leaving, the two relevant analysis dimensions should be touched upon again briefly.

495. The first dimension is the one that refers to the number of dropouts flagged up during the school year, i.e. the actual dropouts that take place during the course of a single school year. To this should be added the number of repeaters, those who have been moved up conditionally, setbacks accumulated over the years and moves to different types of schools, which nevertheless constitute wastage.

496. The second is more akin to the European “early school leaver” indicator, established as a result of the “work force” survey carried out by the National Statistics Institute (ISTAT). This indicator refers to the number of young people between the ages of 18 and 24 who have only completed middle school and who are no longer in the education and training loop.

497. In a European context, Italy began to note improvements as far back as 2000. Despite the fact that 20.8 per cent of children had left after middle school and were not attending any sort of training course in 2006, the data for 2007 show a slight improvement, narrowing the gap between Italy and the other European countries. The situation is critical, however, in some regions, particularly in Campania (28.8 per cent), Sicily (26 per cent) and Apulia (23.9 per cent).

498. The situation in Southern Italy is particularly critical, despite the fact that this part of the country is the focus of various initiatives, such as projects for at-risk areas and areas with strong migratory flows, underpinned by the financial resources (€53,000,000 per annum) set out in article 9 of the National Contract for the Education Sector 2006–2009, and the projects financed with funds from the Structural Fund, aimed at preventing and salvaging early school leaving, within the ambit of the National Operational Programme dedicated to schools in Southern Italy. The new European Structural Fund Planning for the period 2007–2013 continues to focus on this issue. In fact, the National Strategic Framework for regional development policies 2007–2013 sees education as a priority for unitary regional policies and it identifies “increasing student skills and the learning capacity of the population” as a measurable target for the Regions of the Convergence Objective (Calabria, Campania, Apulia, Sicily).

499. According to national observations, the extent of the dropout phenomenon is, rather, assessed on the basis of the number of students who have not formalized their truncated school careers in any way. Furthermore, the 2007 Budget Law introduced “obligatory schooling” up to the age of 16, dischargeable both in the educational system and in the integrated three-year courses launched on an experimental basis by the Regions in conformity with State agreements, which culminate in Level 1 vocational qualifications. Given that there is now a multiplicity of courses, offering both education and training, an exhaustive analysis of early school leaving could only be achieved by collating all the sources of information, i.e. the Ministry of Education and Regions, as provided for under Legislative Decree No. 76/2005.

500. The latest data, made available by the Ministry Survey of all State and non-State schools, which refer to the academic year 2006/07, show that the number of dropouts was equal to 2,791 (equal to 0.1 per cent) in middle school and 44,664 (equal to 1.6 per cent) in high school. As in the past, wastage in high schools generally occurred in the first year of study. Early school leaving — in high schools in particular — is prevalent not just in the Southern Italian regions (as previously mentioned) which are characterized by situations of economic and social disadvantage, but also in those parts of the country renowned for

stronger economic/production systems, where the labour market exerts a powerful pull. Campania and Sicily are the regions in which the dropout problem is most obvious, followed by Apulia and Lombardy.<sup>112</sup>

501. In order to move on from the ad hoc approach that has traditionally characterized measures targeted at this particular objective, the Inter-directional Group for the Prevention and Combat of Early School Leaving (G.L.I.D.)<sup>113</sup> was set up on 11 March 2008 by Departmental Decree No. 19.

502. The remit of this Group is to direct, coordinate, monitor and evaluate interventions targeted at early school leaving. They started by attempting to do away with the ad hoc and additional strategies and to set up an “integrated system” of coordination at national level between the Governing Boards with experience in this field, in order to create an education strategy that brought all the various parties involved together in a united and integrated vision of interventions that would be to the advantage of students and their personal and social growth.<sup>114</sup>

503. The following are some of the measures specifically targeted at early school leaving.

504. First and foremost there is the provision of ad hoc funds for areas seen as being at risk of early school leaving: this measure, regulated by article 9 of the National Contract for the Education Sector, has been in force since 1999 and is renewed every three years. Resources are channelled towards the implementation of projects in areas selected at central government level, which assigns the funds to the Regional Education Units which then allocate them to the various schools, while the measures themselves are set up by each individual regional system through agreements with the unions. The fund has earmarked an overall allocation of €53,195,060 a year.

505. In addition, other funds are channelled towards Southern Italy in particular, where the early school-leaving rate is higher. The national education operating programme, *La scuola per lo sviluppo* (School for Development), which was set up between 2000 and 2006, marked out specific areas for action to curb early school leaving (Measure No. 3 “The Prevention of Early School Leaving”, financed by the European Social Fund, and Measure No. 4 “Infrastructures for School Inclusion and Social Integration”), financed by the European Regional Development Fund. Altogether 4,965 projects were set up for an overall commitment of expenditure of €187,099,929.49. 140 centres for the prevention of

<sup>112</sup> Source: Statistics Office “*La dispersione scolastica – i dati*” (School drop-out – the data), May 2008.

<sup>113</sup> Acronym in Italian of Gruppo Interdirezionale per la prevenzione e il contrasto della dispersione scolastica.

<sup>114</sup> In particular, G.L.I.D. is progressing the following:

- Re-establishing the National Observatory on Early School Leaving with a view to defining an organic and united strategy for preventing and combating educational and training failures.
- Monitoring all measures currently in force through dedicated awareness, assessment and verification of their results.
- Training courses geared to and aimed at teaching staff focusing on the characteristics of effective and student-friendly teaching methods, and workshop-based teaching in particular.
- Checking out the possibility, based on several ongoing regional experiments, of trialling a sort of early school leavers’ register which would record how many children are completely out of any sort of training loop, despite their obligation to compulsory schooling. This trial would require the Regional Educational Units (REUs) and Local Authorities to act together within the various areas: regions, provinces and municipalities.



early school leaving, established according to the provisions of Measure No. 4, are currently in operation. The overall cost came to €31,350,310.52.

506. Other measures targeted at Southern Italy for 2007–2013 include the National Operational Programmes *Competenze per lo sviluppo* (Development Skills), financed by the European Social Fund and *Ambienti per l'apprendimento* (Learning Environments), financed by the European Regional Development Fund.

507. These programmes are the result of ongoing, intensive work by the Ministry of Finance, the Ministry of Labour and the other central authorities, Regions, social partners and third sector representatives, coordinated by the Ministry for Economic Development. This teamwork was also focused on specific agreements, currently under definition, with the Regions and central authorities with a view to optimizing planning and avoiding any fund overlap.

508. The targets on which the programmes focus are raising and increasing the distribution of skills and learning capacities of young adults and to make school a more attractive proposition.

509. These objectives give priority to interventions on all those factors that, directly or indirectly, have a bearing on the quality and accessibility of the system, such as afternoon school, teacher training, the use of innovative methods, setting up workshops in schools.

510. One of the measures intended to combat early school leaving as a consequence of illness is the provision of education in hospitals, which over the last few years has become a branch of the education system, and the home education service which recognizes the right/duty to education for children who are unwell, even at home, with a view to making their return to their schools of provenance easier.

511. In an endeavour to make organization and teaching more flexible, while responding to the needs of children who take part in competitive winter sports, an agreement has been set up with the Italian National Olympic Committee (Law 166/1002) for the implementation of the three-year pilot project Ski-college, which takes in nine secondary schools in the Alpine and Apennine regions.

512. Important experiments such as the promotion of “street” activities, regulated by the Agreement Protocol between the Ministry of Education and the Ministry for Social Solidarity were implemented in 2000. This project, known as *La scuola in strada e nelle zone a rischio* (Street Education and Education in Risky Areas), makes explicit reference to local authority planning underpinned by funds as provided for under Law 285/1997, concerning the promotion of child and adolescent rights. Worthy of note are the “street teacher” programmes implemented in the cities of Naples, Padua and Trento.

513. The aforementioned Law 285/1997 on guidance and education support has, in fact, enabled respectively 187 and 117 projects to be set up during the first two three-year programmes (1997–1999 and 2000–2002). The areas of intervention concerned both the setting up of counselling, information and sensitisation networks for children, families and teachers, teaching support and mentoring, and training and work-related guidance. Many of the projects (most of them during the second triennial) made explicit reference to containing truancy, a target that is also being pursued through accompaniment towards workplace insertion for adolescents with troubled school careers. From the third triennial of Programme 285 onwards, it has become impossible to monitor these interventions separately from the organic whole of local policies geared to children and adolescents, which are financed by a single national fund. Nevertheless, several experiments are still ongoing, and some have been adopted.

514. Ministerial planning also includes the setting up of a registration and records system for the ongoing monitoring of early school leaving, in order to pinpoint difficult situations

that may arise throughout the territory. Pursuant to article 3, paragraph 4 of Legislative Decree 76/2005, a pertinent agreement between the Ministry of Education, University and Research and the Ministry of Labour and Social Policy, is being set up, as a united convention, for collating the various different registers (residents, those enrolled in schools, vocational training and in apprenticeships) into the National Registration System for Students.<sup>115</sup>

515. In matters concerning the prevention of early school leaving, the Ministry of Education works in tandem with other ministries and institutions — not all of them governmental — that are members of the Coordinating Panel for the Prevention of Exploitation of Child Labour,<sup>116</sup> which is responsible for defining joint measures which also apply to early school leaving and the quality of training on offer.

516. Conscious that effective guidance is a prerequisite where attempting to curb early school leaving is concerned, the Government has committed appropriate funding for the training of provincial and regional guidance officers. Recent legislative measures have also decreed that guidance activities should become an integral part of the vocational programmes offered by the various different educational establishments.

517. With regard to the measures that have had a positive outcome thus far, Italy is seeking greater synergy with the regional production and business associations that have always been interested in effective guidance provisions.

518. The annual collection of data on early school leaving reveals quite significant differences between the various Regions. The General Directorate is pledged to monitoring the funds that have been contractually assigned to at-risk areas for projects for later implementation by the schools.

519. With regard to vocational training, throughout the period under consideration (2000–2007), this has been central to the debate on education, particularly in regard to the splitting of competences between State and Regions and the upgrading of the three-year vocational training courses, together with the five-year training courses offered by the technical and vocational institutions.

520. The school reforms under the Government that held power from 2001 to 2006, provided for a sort of transformation of all high schools into *licei* (i.e. more “academic” high schools), which had the effect of turning technical high schools into technological *licei* with specific remits. These reforms, which advocated regional competency for vocational

<sup>115</sup> It is worth bearing in mind that various experiments have already been carried out by the regional authorities in the different areas. One such example is the Emilia-Romagna Region, which set up an online register service in 2006, which collates the data from the compulsory education, vocational training and apprenticeship data banks with the register of residents. The aim of the project is to prevent early school leaving, identifying the choices and school careers of children between the ages of 14 and 17, by monitoring their situations at three different points during the year, and thus identify those who are missing. The next step will be to set up provincial job centres that will make contact with the children concerned.

Various experiments have also been set up with a view to creating compulsory education register watchdogs, at provincial and regional levels. One such initiative was carried out in the Abruzzo Region in 2006–2006 and implemented by the Province of L’Aquila, as part of a joint programme with the Province of Genoa, for setting up a “Regional Watchdog for Monitoring the Success of Education Services”, with particular reference to mapping unhappiness at school”. In this case too, the identified indicators of successful schooling (in relation to results, falling behind, dropping out and running away) are compared with data relating to birth rate, school network, class composition and pupils and others, in an endeavour to trace patterns in pupils’ school careers.

<sup>116</sup> For an in-depth discussion of this point, see section IX-(C).

training, strongly underlined the practical/work experience component for all students, increasing opportunities for work-experience and on-the-job training, and for participation in linked work and education courses.

521. The crux of the question concerns the validity at national (and European) level of the qualifications earned on completion of the vocational training courses run at regional level, which fulfil the duty and right to education and training. One attempt to regulate this was provided by Legislative Decree No. 226 of 2005, which disciplines the essential levels of service that the Regions are required to guarantee in the matter of education and vocational training. The Decree has, however, remained suspended and the experimental two-year integrated courses, taught jointly by teachers from vocational training centres and further education colleges (most of which are technical), that can be accessed once compulsory schooling has been completed (which up to 2006 was after the first cycle of education), are continuing *pro tem*. This is all based on the 2003 Framework Agreement signed at the Joint State-Regions, State-Cities and Local Bodies Conference.

522. Law No. 40 of 2007, article 13 dealt with the distinction between *licei*, technical high schools and vocational colleges. With regard to integrated two-year courses, it is envisaged that these will continue to be run during the first few years of education reform, during which time frequenting these courses will enable pupils to complete their compulsory education (raised as previously mentioned to 16 years of age).

523. During this transition period, at this present time (Oct. 2008), the duty to compulsory education can also be lawfully discharged by attending three-year vocational training courses run by the Regions, as provided for under a specific Agreement Protocol drawn up in 2003 at the State-Regions Conference.<sup>117</sup>

524. Guidance has always been central to government thinking. An organic initiative in this direction was implemented in 2004 with the drawing up of a National Guidance Plan, which aimed to strengthen national networks of the various different subjects involved in this sphere (schools, families, local authorities, the employment and business world, the voluntary sector and associations) with the ultimate aim of providing support for people in making effective decisions about their lives.

525. Alongside this, the National Guidance Committee has worked towards the definition of guidance guidelines and shared methodological, organizational and operational stances for developing integrated national guidance activities and staff training. Both projects included a guidance-training plan for referents and mentors at regional level, with a view to enabling teachers to carry out their duties from a progressive standpoint of continuous exchange with the regional networks.

<sup>117</sup> The difficulty in regulating this matter with joint and easily implemented legislation, especially where this involves bodies other than the State alone (Regions), is a reflection of the steadily emerging problem: that is to say the consistent drop in enrolments, not just in regional vocational training centres, but also in technical high schools and vocational colleges. This can be ascribed both to the uncertainty that legislative changes have helped to fuel on the future of these sorts of establishments, an uncertainty associated with the objective difficulty inherent in the fact that these are strictly governed by Constitutional Law No. 3 of 18 October 2001, which substantially revised the allocation of competences in the matter of teaching between the State and the Regions. The Ministry of Education, University and Research also promoted technical and vocational courses with the creation of an information booklet aimed at students contemplating enrolment in higher education during the academic year 2008–2009 and their families, describing the work and further education opportunities guaranteed by these avenues of study.

526. Guidance relating to choice of schools is now provided by the establishments themselves with Open Days, specifically geared to meeting families and potential future pupils, held during the period from November to December each year.

527. Alongside these largely informational initiatives, regional planning still has a crucial role to play in regard to the 285 funds set up in 1997. This has focused on accompanying children through the important choices they have to make in regard to the available study, employment and training opportunities, with the provision of many interventions. One of the major successes in this regard have been the *Informagiovani* youth information services, which have become widespread and established throughout the national territory.

528. The annexed information provides details of all funding for school building and safety at school.

529. When considering the issue of school performance, the importance of taking into account on one hand the learning of the subjects covered by the curricula and on the other the question of unhappiness at school has been recognized for some time.

530. In Italy, the former can be gauged quantitatively and qualitatively from the results of the PISA Studies, which reveal that Italian pupils in the second school cycle do not exactly figure high up in the European tables. Although this information is certainly food for thought, it should however be borne in mind that this particular approach tends to penalize children who are unused to taking closed, multiple-choice tests – such as the Italian students.

531. Another major contributory factor that impacts on achievement is the extent of “education debts”. With regard to this point, it has become clear over the last few years that not a few children are “dragging” education debts along throughout their study cycle, with the consequent risk that the gaps in their education may never actually be filled. Measures aimed at redressing education debts applied to 26.8 per cent of students with deferred adjudications as at the end of June 2008. 6 per cent of these students were not admitted to the next class up, despite the remedial courses run by schools, leading to a 2 per cent rise in the number of students who failed to move up. 59.4 per cent of Italian students were eligible for admission to the next class up in June 2008. This figure rose to 83.8 per cent in the wake of the remedial courses provided for under Ministerial Decree No. 80 of 3 October 2007 and Ministerial Order No. 92 of 5 November 2007. Pursuant to the aforementioned Decree, remedial measures were also implemented during the course of the school year at such times as educational lacunae were spotted.

532. A further key driver in Italian schools concerns the regional differences in pupils’ performance. The differing social capital available to children in the various Regions impacts on their learning abilities, thus giving rise to inequalities that reflect the different levels of social, cultural and economic development in the Northern, Central and Southern parts of the country. In this regard, interventions such as those described in relation to at-risk areas also aim to tackle this geographical disparity, targeting the most difficult areas in particular.

533. The Government has devoted particular attention to the issue of unhappiness at school, with the accent on one of the many dimensions that this concept involves. Apart from failure to learn and the quality of learning, unhappiness of a relational nature also exists. This sometimes directly impacts upon the other two aforementioned aspects, while in other cases, while not necessarily compromising them, it can have negative psychological effects and affect a child’s ability to face up to the demands of the outside world, which are increasingly bound up with relational skills. This is why the Three-Year National Student Welfare Plan (2007–2010) has been set up, with the aim to prevent unhappiness and promote the overall welfare of the individual. One of the main pillars of

the programme is that “being at ease with oneself and with others can also lead to greater opportunities in education, work and life choices”.

534. This is a pedagogical perspective which sees the person as central and the means by which teaching becomes education: this question has been widely debated since 2000 up to the present day, and it is closely bound up with a vision of school as also being a place for learning civil and social coexistence.

535. From 2000 onwards, one of the key issues has been that of the scholastic integration of foreign children, whose presence in schools is increasing, and which now constitutes a structural strand of the Italian teaching system.

#### **Foreign children at school<sup>118</sup>**

536. The presence of foreign children in Italian schools has risen over the last two years. They accounted for 0.8 per cent of the school population in 1997/1998, rising to 5.6 per cent in 2006/2007.

537. Whereas there were slightly over 70,000 non-Italian citizens in our schools in 1997/98, 10 years on there are now more than half a million, which means that the growth rate is seven-fold. In 2003/2004 in particular, there was a further acceleration in the powerful and steady increase in the foreign population, which was confirmed in the following years and which still continues, with a likelihood of perceptible increases over the medium term. This means that, while there was an almost insignificant national average incidence of 0.8 per cent in 1997/1998, equal to one foreigner for every 125 Italian pupils, this went up to 5.6 per cent in 2006/2007, roughly equal to one foreigner for every 18 Italian pupils. This incidence has been calculated as the national average, but it has affected other values over the national territory, evidence of another aspect of the migratory phenomenon in Italy: the uneven distribution of foreigners throughout the land.

538. The issue of the presence of nomadic pupils in Italian schools is extremely topical. They accounted for 12,342 units, rising 4.3 per cent in the academic year 2007/08 over the previous academic year. These data derive from a partnership between the Ministry and Opera Nomadi, with whom an Agreement Protocol was sealed in 2005. Over half of the nomad pupils attend primary school, whereas only 2.5 per cent enrol in upper secondary school. The Region with the greatest number of nomad students is Latium, with 2,331. Aosta Valley is the complete opposite, with no record of the presence of any nomad pupils.

539. In 1997 there were 42.7 per cent Europeans as against 57.3 per cent non-Europeans, 10 years later they account for almost 50 per cent (49.5 per cent), establishing themselves as the majority group, albeit within a large and varied multicultural migrant heterogeneity. Of these, the Romanian situation stands out quite clearly.

540. With regard to the various school sectors, primary schools contain the greatest influx of foreign students, with 7.7 per cent of the pupils being non-Italian citizens. The highest incidence of all foreign pupils (7.1 per cent) is in the State sector, with one foreign pupil in every 14. The incidence in middle schools is slightly higher (7.3 per cent), while there is a 6.7 per cent incidence in infant schools.

541. These three average incidences, which are relatively high compared with the incidence in high schools (4.3 per cent) — confirming yet again the concentration of foreigners in the early sectors of the education system — corroborate the “youthful” nature and the spread of the migratory phenomenon.

<sup>118</sup> See statistical annex for data.

542. There is also a perceptible difference between the various geographical areas: in the North the greatest foreign incidence is in primary schools (possibly a symptom of younger, second generation immigration), while in Central and Southern Italy, there is a greater incidence in middle schools (probably a symptom of an older, first generation immigration).

543. It is interesting to note that, compared with the general national average which indicates a foreign presence rate equal to 5.6 per cent, during the first year of primary school in the North East, the average incidence rate is more than double (11.7 per cent), confirming the foreign presence in that particular geographical area. *evince*

544. In high schools too, the distribution of foreign presences by class year and by region follow the above-mentioned trend, but it is clear that in Southern regions, the greatest incidence is in vocational and technical schools, while in Central regions there is a greater incidence in upper secondary schools specializing in classics, science, teacher training and art (the *licei*).

545. The figures for the Northern area are probably attributable to the fact that the area's production and financial world is more attractive, encouraging foreign students to take up training/education opportunities likely to lead to immediate employment. On the other hand, the figures for the Central belt, where the situation is largely stable, the presence of foreign students in the different sectors of secondary education reflect a broader range of secondary-school teaching, in conformity with the findings for the overall school population.

546. It has been the enrolment trend in high schools that has actually confirmed the fact that, during the 10-year period under consideration, the migratory process has gone from being a cyclical trend to an intrinsic and consolidating factor.

547. Overall, in terms of absolute data, the numbers of foreign pupils, which rose from 85,522 in 1998 to 574,133 in 2007, increased almost six-fold. However, compared with this almost universal trend in schools of all levels, high schools again proved the exception, with the absolute number of foreign students rising twelve-fold (from 8,910 in 1998 to 102,829 in 2007).

548. In all scholastic sectors the increase in the relative percentage incidence, i.e. as compared with the overall scholastic population, was continuous and steady in each year of the decade under consideration. In infant schools, the incidence rose from 1.3 per cent to 6.7 per cent, with a four-fold increase in the initial value; in primary schools too, which had the highest average incidence of all the various school sectors (7.7 per cent), there was a four-fold increase in the initial value by the end of the 10-year period, while in middle schools, the percentage incidence was even higher (four and a half times the initial value). In high schools, the increased incidence, again compared with the total scholastic population, was almost 10 times higher (from 0.4 per cent in 1998 to 3.8 per cent in 2007).

549. In terms of overall quantity, the foreign scholastic population enrolled in schools of all types and levels for the year 2007/08, is approaching the enrolment levels of the Italian population, even though it is fair to say that several thousands of foreign children are still not taking advantage of the education on offer.

550. The survey of foreign children enrolled in high schools by school type reveals the differing weight of their presence in the various types of schools. In vocational colleges they actually account for 8.7 per cent of the total number of students, whereas they make up 4.8 per cent of the total in technical high schools. Their presence in high schools specializing in classics and science is lower, with an incidence of 1.4 per cent and 1.9 per cent respectively over the total numbers enrolled.

551. As regards the scholastic success rate, measured here simply in terms of passes and fails, in primary schools those pupils of non-Italian citizenship fail to gain admission in 3.6 per cent of cases, as against 1 per cent of Italians. In middle schools, where the failure rate of Italian pupils is contained at an almost physiological rate (2.7 per cent of the total), the failure rate for foreign pupils is nearly 10 per cent (more than three times that of the Italians), which constitutes not just solid and significant evidence of the existing gap, but also a worrying symptom of a widespread level of failure that cannot fail to rebound on subsequent school careers.

552. The sizeable gap between the success rates of Italians and foreigners that is noticeable even during the first cycle of education calls for structural prevention and bolstering measures, not least because it tends to get even wider in later years.

553. Leaving aside the various different types and orientations of high schools, the overall situation shows that the fail rate of foreign students is double that of Italians (28 per cent non admissions for the former, 13.6 per cent for the latter), making the final gap between them 14.4 percentage points. This disparity further and worryingly puts the accent on the wastage in schools during the first teaching cycle.

554. It is the vocational colleges that achieve the worst results, with a pass rate equal to only slightly over two students for every three tested. In schools of this kind, the difference in final success is over 9 percentage points.

555. The *licei* have the highest rates of admission of non-Italian pupils to the next class up (80.3 per cent) compared with other educational establishments. However, it is in these types of high school that there is the lowest success rate compared with Italian students (12.3 per cent). The smallest percentage gap between Italians and foreigners in admissions to the next class up is seen in art colleges and secondary schools specializing in art (“only” 8.9 per cent).

556. Specific, focused training has been introduced for teachers in schools with a high percentage of foreign students. More specifically, first and second level training modules have been created for teaching Italian as a second language to foreign students and for placing greater value on students’ mother tongues. The training programme, entitled “Italian L2. Language of contact, language of culture”, was coordinated by the General Directorate for Staff in collaboration with the Regional Education Authorities and universities. The programme involved 1,000 teachers from all the regions. At present, the programme is running in the regions that have the highest concentrations of foreign students — Lombardy, Piedmont, Veneto, Emilia-Romagna, Tuscany and Latium — and it is being managed, autonomously, by the relevant Regional Education Authorities.

557. There is also a training programme in the pipelines for teachers that have Roma pupils in class. It is being organized in conjunction with the Regional Education Authorities and the various associations that represent the Roma and Sinti communities. The programme is part of the larger National Plan for the Schooling of Roma and Sinti Children.

558. At the same time there is a training programme in place for school directors. It has a dual focus, helping to build management skills both within the school (staff organization, systems for welcoming and promoting inclusion, language laboratories and teacher facilitators) and outside (relations with other institutions, associations, intercultural mediators, the private sector and volunteer associations).

559. Training seminars for directors of schools with high percentages of foreign pupils have been held in Rimini (May 2007), Turin (Nov. 2007) and Milan (April 2008, with special attention given to training newly-appointed directors).

560. There is a plan in place to continue this training of directors in Veneto, working in collaboration with the Regional Education Authority.

561. Among other activities aiming at promoting the foreign pupils integration, the First Intercultural Commission created in the late 1990s must be here recalled. The Ministry of Education picked up on this, opening the Office for the Integration of Foreign Pupils at the General Directorate for Students in June 2004. This office is charged with supporting, improving and coordinating efforts to welcome and integrate foreign pupils. It is supported by a specially created working group made up of teachers, school directors, ministry officials and representatives from scientific institutions, universities and associations. This allows ongoing exchange and the chance to highlight what is happening and what is needed in the country.

562. Plenty of attention has been given to ensuring the right to education and training for everybody, including children without valid permits of stay. Emphasis has been placed on getting such children in the correct classes for their ages.

563. In December 2006, under the previous government, the National Observatory for the Integration of Foreign Pupils was created. The observatory is made up of a technical committee and a scientific committee, which consist of teachers of various subjects and experts in cultural mediation. This observatory has, through fieldwork, uncovered how foreign children and adolescents are really integrating in Italian schools. In October 2007, it produced a summary of the guiding principles for this process (*The Italian path to the intercultural school and the integration of foreign students*). There are four basic elements that schools, with support from the government, must base their actions on: the realization that the rights of children are universal, which could be reformulated as the right of every child to education and equal opportunities, guidance and educational achievement; one school, meaning the avoidance of differentiated classes; developing relationships to help people fulfil themselves; including an intercultural element in all school subjects.

564. Specific action has also been taken in three areas, with the government's intention being to continue along these lines: training teachers of Italian as a second language, organizing Italian courses, training teachers that work with children from the Gypsy communities.

565. In addition, the Ministerial Circular No. 96 of 14 November 2007 changed how the fund, pursuant to Article 9 of the National Contract for the Education Sector (referred to in the previous point), is split for at-risk areas and areas with substantial migratory flows.

566. Article 1, paragraph 1267 of Law No. 296 of 27 December 2006 (2007 Budget Law) sets out the creation, at the Ministry for Social Solidarity, of a fund, known as the "Fund for the Social Inclusion of Immigrants", that is designed to favour the social inclusion of migrants and their families. This fund was allocated €50,000,000.00 a year for 2007, 2008 and 2009. The following paragraph of the law, namely 1268, sets out that the Ministry for Social Solidarity, in conjunction with the Ministry for Rights and Equal Opportunities, is responsible for the measures needed to access the fund. A directive signed by the competent ministries on 3/8/2007 implemented these provisions and outlined the key areas for action, the main goals, the types of activities eligible for financing, the subjects that can benefit from the financing and can propose ideas, and the allocation of the financial resources.

567. This fund for social inclusion placed plenty of emphasis on young immigrants, promoting activities that helped them be more included in schools and receive guidance and/or seeking ways to improve the relationships between the families and educational establishments. This was the background for the promotion of a series of different types of



action, all developed and carried out in close collaboration with the Ministry for Public Education, that were, necessarily, based on a partnership with a single school or a network of schools.<sup>119</sup>

568. The social inclusion fund has access to a total of €2,556,000.00 (including €941,551.93 for actions to aid the Roma). In 2007, 30 projects (including 5 for Roma students) were financed across the country, out of a total of 76 proposals, (including 7 for Roma students). The proposal came from the third sector, with total spending amounting to €2,555,565.76 (including €941,551.93 for actions in favour of Roma students).

### **Students with disabilities**

569. In the late 1970s, the Italian Government adopted an inclusive model for schooling, thus paving the way, in terms of legislation, for the integration of students with disabilities. 2007 marked the 30th anniversary of Law No. 517 of 4 August 1977, which is the benchmark law for the integration in schools of pupils with disabilities. In celebration of this event, various sensitisation initiatives were launched across the country.<sup>120</sup>

570. The National Observatory for the Integration of People with Disabilities has been in operation since 1996. It is made up of a technical committee and a scientific committee, which consists of university lecturers from various fields and a range of experts, as well as a consulting body that brings together the major Italian associations for disabled people. The observatory acts both as a consultation body and as a 'meeting point' between the various requests from across the country and the administration.

<sup>119</sup> (a) Actions designed to welcome/assist foreign students, especially recent immigrants, potentially using cultural mediators, to aid the process of insertion and guidance at school. The expression "recent immigrants" refers to students who enrolled in schools as of the 2006/7 school year;

(b) Actions focused on teaching Italian as a second language to foreign students, especially recent immigrants;

(c) Actions that involve immigrant parents and families in the school activities and guidance of foreign students — especially recent immigrants — so as to favour intercultural dialogue between Italian and foreign students and their respective families;

(d) Sensitization actions designed to combat discrimination, bullying and racism as well as to build respect for diversity and intercultural dialogue between Italian and foreign families.

<sup>120</sup> Law No. 517/1977 'emancipated' pupils with disabilities from special classrooms and guaranteed them the right to study with a remedial teacher specializing in focused educational strategies. Agreements with municipalities and provincial councils guarantee that pupils with disabilities can benefit from the right to study by providing transport from home to school and by ensuring that schools have specific staff that are not teachers, in the sense of the remedial staff, but that assist such pupils by accompanying them and by helping them with health and hygiene issues.

The adoption of educational integration led to a series of complex and varied regulations that ultimately resulted in a framework law, namely Law No. 104 of 5 February 1992. This governed methods for certification and educational integration, making it possible to personalize educational programmes on the basis of the functional deficit of the pupil.

The increased role of remedial teachers led to Law No. 440 of 18 December 1997, which made available funds to improve the curricula for, among others, pupils with disabilities. Numerous projects were implemented by educational establishments, sometimes individually and sometimes in networks, using the resources of this fund. Such projects focused on developing the capacities of pupils with disabilities. They can be during school hours or outside of them and they greatly increase the amount of teaching that a pupil receives from a remedial teacher. In some cases, it is possible to focus on specific educational and rehabilitative goals with disabled pupils only through appropriately targeted activities, often using a workshop format. This fund can also be used for training specialized staff, who are a key pillar for guaranteeing the quality of educational integration. Indeed, teaching pupils with disabilities requires specific skills based on continually developing knowledge.

571. Actions to aid pupils with disabilities focus on two fronts: on the one side, to increase the opportunities for autonomous learning and, on the other, to spread a culture of inclusion in schools that recognizes and respects diversity.

#### **Various national projects focus on these goals**

572. The New Technologies and Disabilities Project was begun in 2005 to promote learning and autonomy in school tasks through the use of IT. This is a complex project that has led to, among other aspects, the creation of over 90 Territorial Support Centres. These are technology centres, based at schools and evenly distributed across the country, that have both the hardware and the staff with the necessary skills to enable technology to be used to aid pupils with disabilities. The project also makes available significant electronic resources for remedial teachers: software, best practices, educational courses for specific disabilities, online consulting for technological support. It also involved a call for bids to create innovative software, which would then be distributed for free, thus creating a research opportunity in a field that had previously seen limited private investment.

573. The 'I Care' project, begun in 2007, arose from the observation that, in terms of legislation and organization, the integration process had reached its end, but that much remained to be done in terms of relationships and emotional responses. Indeed, until the educational community — pupils, teachers and administrative staff — has 'internalized' respect for diversity and changed its emotional behaviour to be based on the principle of inclusion, the integration of pupils with disabilities will remain an unresolved issue. This project is based on both research and action. It seeks to encourage reflection about the practices, relations, organization and teaching involved in relations with pupils with disabilities.

574. The E-inclusion project encouraged the dissemination of new technologies in Southern Italy, providing schools with hardware for activities designed to promote the educational integration of pupils with disabilities.

575. In addition, under the last government, around 30 thousand teachers were taken on to provide support for children with handicaps and/or learning disabilities.

576. In Italy, emphasis is placed on integrating disabled children into normal classes and providing teachers with specific remedial skills for disabled children. This also has a legal framework in Law No. 517/1977 and is based on the rationale that the remedial teacher can assist the teaching done by the ordinary subject teachers. As was highlighted in the tables above in this document, during the 2007/08 school year the number of differently-abled children that were integrated into Italian schools stood at 174,547, in State schools, and 14,166, in private schools, amounting to 188,713. In State schools alone, there are 90,889 remedial teachers, resulting in a national ratio of teachers to differently-abled pupils of 1.92.

#### **Action in the sphere of juvenile justice**

577. Education is not only a constitutionally guaranteed right, but also a fundamental principle in how children are treated (art. 15 of Law No. 354/75) and, more generally, how the juvenile justice system acts when dealing with children and young adults. The principles governing educational activities for underage offenders are, first of all, tied to the right/duty to study. This is in line with Decree Law No. 76/2005 and Law No. 296/2006, which sets out that education be mandatory for at least 10 years and, as such, the minimum age for working be increased from 15 to 16 years. Children subject to criminal proceedings are, first and foremost, a question of social — rather than criminal — deviance, with dropping out of school being one of the most visible and symptomatic aspects of the exclusion from this fundamental right. In addition, two of the key principles in applying the

provisions governing juvenile criminal proceedings are the promotion of education and giving children a sense of responsibility. This entails creating educational ‘projects’ for every underage offender that contain behavioural requirements, schooling commitments and other training activities. It is also necessary for the child to fully embrace and be accountable for the implementation of the project. In practical terms, creating appropriate projects requires the competent bodies in various sectors — Justice and Education, Vocational Training, Employment and Social Policies — to give their input about the activities and actions to be included in a project. Furthermore, the contents of such projects always focus on education, socialization and training. The Department of Juvenile Justice’s General Directorate for the Implementation of Judicial Provisions signed an Agreement Protocol with the Ministry of Education, outlining the commitments for the development of an integrated educational and vocational training system for juvenile offenders. This includes provisions for integrated educational and training programmes to continue even once the young offender has completed his/her sentence.

578. On 5 February 2006, a specific ministerial directive was adopted, entitled “General guidelines and national actions to prevent and fight bullying”. This resulted in the implementation of some key initiatives:

- A promotional campaign that used different methods depending on the type of school.
- The setting up of a toll-free number, at the ministry, where bullying can be reported and schools and families can receive counselling on how to act.
- The creation of regional observatories, via the allocation of funds for the Regional Education Authorities, that are designed to work closely with local entities to put in place initiatives and to develop and improve best practices and skills in the region. These observatories also ensure that bullying is uncovered and monitored on an ongoing basis, that there are ties between the various institutions involved in educating students about lawfulness and that the actions undertaken by various bodies can be assessed. They also oversee and encourage the promotion and monitoring of information and refresher courses designed for various members of the educational community.
- The creation of a website, [www.smontailbullo.it](http://www.smontailbullo.it). This is a meeting point, a place where the information from the observatories and toll-free operators can be disseminated and a bulletin board for the various campaigns underway in schools.
- The promotion of initiatives that educate children about the correct use of the Internet and new technologies. Particular attention is placed on actions that help students become critical, competent users of the new means of communication and entertainment and that teach them about the importance of respect for one’s own privacy and that of others.
- A promotional campaign was also launched to sensitize parents about the choice of video games and the PEGI ratings, that is, the self-regulatory codes used across Europe by the makers of video games.
- Various information initiatives were studied, in collaboration with the Ministry of Communications and the “TV e minori” (TV and children) committee, regarding the “Internet e minori” (Internet and children) self-regulation code and discussions were held with TV broadcasters and major film and TV production companies in an effort to try and contain the phenomenon of TV violence.
- The recommendations from the Commission led to the creation of a TV ad — “Against the herd we form a group” — now shown on MTV.

579. The Ministry for Public Education has drawn up two framework acts, for all autonomous educational establishments, on the use of mobile phones at school (Ministerial Circular prot. No. 30/DEP/Sec. of 15 March 2007) and on various aspects linked to current privacy laws (Ministerial Directive No. 104 of 30 November 2007).

580. The Italian Government recently launched a campaign entitled “*Smonta il bullo*” (*Dismantling the bully*) that involved setting up, starting in 2007, a website where cases of bullying can be reported and local initiatives, undertaken by educational establishments to make people aware of the issue, can be publicized. Backing was also given to the formation of provincial and regional observatories for bullying, on the initiative of the competent educational offices at the various territorial levels. In some cases, the issue was broadened to cover the issue of unease at school.

581. This takes a broader perspective that is more positive — rather than simply being against a specific problem — and is part of the Ministry’s actions with regard to how adolescents and children experience the school environment. The various measures undertaken to reduce unease at school — and thus promote ease — including the focus on *wellbeing*, are all linked and have an influence on preventing violence between peers.

582. Presidential Decree No. 235 of 21 November 2007, which came into force on 2 January 2008, amended articles 4 and 5 of Presidential Decree No. 249 of 24 June 1998 (Charter of Male and Female Pupils).

583. These amendments give the schools greater and more far-reaching powers in dealing with the worst cases of violence and bullying. Using the proportionality principle, where the severity of the punishment is linked to the severity of the offence, new and more severe disciplinary measures can be put in place to deal with reprehensible, negative social behaviour. More specifically:

- Students who commit, at school, potential criminal offences that violate human dignity and respect or endanger people can be suspended for more than 15 days
- Students who commit acts noted in the paragraph above on more than one occasion, or commit particularly serious acts of violence or simply acts that cause real social alarm can be suspended until the end of lessons
- For the worst cases, it is possible to preclude students from the final assessment of marks or from taking the final State exam

584. Such punishments can only be imposed once the school has checked that concrete and specific evidence exists of the student’s wrongdoing.

585. Students who commit less serious offences are dealt with according to the regulations of the specific educational establishment in question. In such cases, the previous regulations remain in force: suspension from school for no more than 15 days, reparative educational punishments that involve social or cultural activities, and, in general, are beneficial to the educational community. The latter type of punishments are also intended to be part of the punishments for the more serious cases listed above. Such reparative punishments might include cleaning classrooms or doing minor maintenance work, doing volunteer work for the school or taking specific training courses of social or cultural relevance and doing assignments (written work or art) that force the student to reconsider his/her actions.

586. Amendments have also been made to how punishments are applied to ensure, on the one hand, that student’s have the right to defence, and, on the other, that the process is sufficiently quick and streamlined.

587. The “Co-responsible Education Pact” is another new idea that has been introduced. It is between the school, families and pupils, ensuring that parents are fully involved in the

process. This creates a clearer definition of the rights and responsibilities of parents towards the school and is an instrument that makes parents answer directly for their child's behaviour when the child violates the school's rules or the student's Charter.

588. Finally, schools are now obliged, within the first two weeks of classes, to implement appropriate initiatives to welcome new students and to present the school curriculum, the school's rules and the aforementioned co-responsibility pact.

589. Bullying and the various forms of violence and the use of force are also being tackled by promoting education about lawfulness.

590. In October 2006, the Ministry of Education, University and Research implemented the first National Plan for Education about Lawfulness and the Fight against the Mafia. The first step was to create, at the Ministry, the National Committee for Schools and Lawfulness, chaired by the Minister. It is made up of people from various fields linked to this issue (the chief of the State Police, the national antimafia prosecutor, the heads of the Carabinieri and of the Financial Police, various representatives of associations, teachers and children). The plan's goals will be achieved through educational initiatives and real-life testimonies as well as through the creation of contact and collaboration networks that pool positive experiences and institutions in the areas hardest hit by crime and the mafia.

591. Staying on the issue of lawfulness, various research centres across the country are examining and documenting the issue to provide support for educational and preventive initiatives launched by schools and local communities.<sup>121</sup>

592. Lawfulness is linked to the issue of education about living together in society, which looks at the school as a place where a pupil learns about being a citizen in a global society that sees diversity as a resource and a chance for critical — but not hostile — comparison. These two paths are centred around respect for social rules and living together with others (whether they be foreigners, disabled people or so on) and around understanding the

<sup>121</sup> Below there are some — but by no means exhaustive — examples:

- Centro studi per l'educazione alla legalità (Research centre for education about lawfulness) at the Catholic University in Brescia, instituted in 2002. In 2005, the centre undertook a survey, at primary and both stages of secondary school (State and private) in Brescia, to investigate what educational initiatives and projects had been carried out on this theme from 2000–2005.
- Centro di documentazione Cultura della legalità democratica, (Culture of democratic lawfulness documentation centre). Created in October 1994, it is now governed by Tuscan Regional Law No. 11 of 10 March 1999: "Measures in favour of schools, Tuscan universities and civil society to contribute, through education about lawfulness and the development of a civil democratic conscience, to the fight against organized and widespread crime and against the various hidden powers". This centre is a public structure where information and documents can be collected, produced and disseminated. It is open to teachers, students, cultural and volunteer associations, researchers, institutes and individual citizens. The documentation includes the R.Ed.Le. – Rete e banca dati di Educazione alla legalità (R.Ed.Le.; Network and Database for Learning about Lawfulness) archive, which brings together different experiences linked to education about lawfulness from all over Italy. This project is in collaboration with Libera. Associazioni nomi e numeri contro le mafie (Libera. Associations, names and numbers against mafias), which was created on 25 March 1995 to help get civil society involved in the battle against the various forms of mafia and to promote lawfulness and justice. At present, it coordinates 1,300 associations, groups, schools and other grassroots entities that are working to build political/cultural and organizational synergies that help the spread of a culture of lawfulness.

phenomenon of violence. Decree Law No. 137/2008 on “Citizenship and Constitution” sets out a framework initiative related to these issues.

593. In addition, education to health, which falls under Presidential Decree No. 309/90, has been implemented, in practical terms over the years, in numerous activities involving pupils, teachers and parents.<sup>122</sup>

594. Moreover, the Ministry is involved in training key people (regional and provincial) about health, placing attention on diet, smoking, alcohol and addiction.

595. As far as children’s rights to express their views and have them given due weight in all matters concerning their education, including school discipline, it is important to note that the process of decentralizing and giving greater autonomy to the school system has meant that there have been numerous different experiences and paths taken that cannot be reduced to a single national plan.

596. Legislation between 2000 and 2007 has emphasized the centrality of the pupil as a person, around which the school’s pedagogical and extra-curricula activities rotate.

597. Nationally, perhaps the most representative initiative has been the creation (through Ministerial Decree No. 79/2002) of the National Forum of Student Associations.<sup>123</sup> This shows the Ministry’s intent to encourage dialogue and debate between the Ministry and student associations. The Forum, now governed by Presidential Decree No. 301/2005, is designed to increase the participation and importance of student associations by giving them a means of expression and representation that is autonomous and complementary to the institutional one. It also ensures dialogue and debate with the student world.

598. The aforementioned Youth Union Centres, which are also seen as complementary bodies to the primary educational agencies (school, family and third sector), aid the processes of growth, personal development, reorientation, inter-generational dialogue and responsible participation. Moreover, these help to build awareness and planning and decision-making skills as well as aiding the process of entering the working world and being part of society. The target group for this project is youths aged 13 to 18.

<sup>122</sup> Health prevention and promotion initiatives are important, fundamental parts of schooling, potentially involving inter-institutional collaboration. In practice, this has resulted in various actions with other institutional partners and a number of systematic actions in conjunction with Local governing bodies, local health-care agencies and public and private associations, with the cooperation of parents.

Overall, the actions taken by the Ministry of Education, University and Research (MIUR) have focused on overcoming a culture of emergencies and promoting what could be termed a culture of prevention. In this sense, the cultural and material conditions needed to build a positive environment for pupils right from the beginning of their formal education have been implemented. This is designed to help develop their ability to plan, to take direct action, to assess, to explore and to reflect.

The Ministry of Education in collaboration with other relevant ministries and various local bodies has backed a three-year plan to encourage the wellbeing of students — partly through the use of the site — through a series of 10 actions that place special emphasis on all forms of addiction. One aim is to create experimental courses; research and operational programmes that can help disseminate a culture of health, improve the quality of life in the school system and prevent all forms of addiction. [www.benesserestudente.it](http://www.benesserestudente.it).

<sup>123</sup> It is made up of representatives of student associations or confederations of student associations for high schools (State or private). It meets on the request of the Ministry or two of the associations or, at least, once every two months during the school year.

At present, the following associations are members: Alternativa Studentesca, Confederazione degli Studenti, Gioventù Studentesca, Lista per la libertà della scuola, Movimento Studenti di Azione Cattolica, Movimento Studenti Cattolici, Unione degli Studenti, Studenti.Net. Studenti Democratici and Rete degli Studenti have been admitted under certain restrictions.

599. In line with the Convention on the Rights of the Child, Presidential Decrees No. 249/1998 and No. 567/1996 helped to create the Charter of Male and Female Pupils<sup>124</sup> and the Student Provincial Consultation Bodies.

600. Finally, the National Conference of the Presidents of the Provincial Consultation Bodies was created, initially to allow the consultation bodies to compare activities nationally and to improve the exchange of information about actions carried out on a local level.

601. In response to a request that came up on numerous occasions at this National Conference, there is a fully functioning website, which is part of the Ministry's "Studentonline" site, for these provincial consultation bodies.

602. Over the years, the Junior town councils have become an increasingly rooted phenomenon, often coming into being thanks to central Government support through Law No. 285/1997 and with the backing of the individual Municipalities. In most cases these bodies are part of projects that involve primary schools and have a dual goal. On the one hand, these initiatives are designed to teach children about the principles of democracy and active citizenship; on the other, they encourage children to participate and be protagonists, becoming involved in the strategies for change in their communities. Involvement in such activities has a major influence on the pupils and schools involved (last two years of elementary school plus middle school), encouraging listening to children and the ability of children to develop and express their own opinions.

## **B. Scope of teaching, with reference to the quality of teaching**

603. The guidelines entitled *For a quality school* that are part of the reform that came into being with Law No. 53/2003 outline the bases of the education system, placing the student-person at the centre, seeing learning as a lifelong process and focusing on contact between the worlds of school and work.

604. Decree Law No. 226/2005, to implement these reforms, talks about educating people about civil life, about the educational, cultural and professional growth of young people through the development of knowledge, leadership, personal and interpersonal skills, about learning how to use new technologies and about learning new languages.

605. In terms of quality, it also opens up the way for schools to get quality certification (UNI EN ISO 9001:2000). This process involves assessing the curriculum and the processes used to plan and actually implement the services offered by the institute.

606. As noted, the most recent school reform has reiterated many of the principles put forward in the past, but it has also introduced new elements to strengthen these principles. Once again, explicit importance is placed on seeing the pupil as a person at the centre of all teaching activities. There are also new instructions for how curricula are drawn up, basing them on skills needed for living together in society and the eight key competences for

<sup>124</sup> This charter contains the rights and duties of young people at school and guarantees the right to the freedom to learn, potentially through additional educational options. The consultation body, changed in 2007 with Presidential Decree No. 268, has the power to formulate proposals and express its opinion to Territorial Educational Authorities and to interact with Local governing bodies as regards potential complementary or additional teaching initiatives.

It guarantees the right to active participation, promoting *peer education*. This issue has been picked up on various occasions over the years in a number of experimental programmes across the country (see examples above).

lifelong learning, which were issued by the EU (Recommendation of the European Parliament and of the Council of 18 December 2006).

607. The goal is to ensure that every boy and girl, by the time they are 16 (i.e. at the end of compulsory schooling), has at least the minimum skills and knowledge required for personal development and to become an active citizen who is integrated into society and the working world. This educational basis will also form the foundations for further learning and studies.

608. The key abilities of a citizen, in the Italian system, are centred on four key strategic and cultural bases (languages, mathematics, science/technology, history/social) and on cross-cutting competences (including learning to learn, knowing how to problem solve, communicate and collaborate). In carrying out programmes, importance is placed on the inter-disciplinary nature of subjects.

609. During the initial trial phase, which lasts until 2009 and has been allocated €36 million, schools are being given a chance to learn and assess the new instructions. The Ministry will then listen to suggestions, assess best practices and work to disseminate and promote these aspects. This will be done through a specifically created coordination and consultation group. From 2009/2010, the curriculum instructions will come into effect permanently following harmonization with the national instructions attached to Legislative Decree No. 59/2004.

### C. Cultural, artistic and recreational activities

610. The implementation of Law No. 285/1997 has resulted in numerous projects and initiatives being financed across the country in the three years it has been in force. The actions are designed to:

- Encourage a culture of play and actual play, largely through initiatives for young children that involve both the building of structured, safe, secure areas for monitored socialization — recreational centres, toy-and-game centres, playbuses — and unstructured areas, like squares for entertainment, gardens and public spaces
- Encourage and reassess the leadership and autonomy of children and adolescents, through the creation of social and educational centres that have the spaces, tools and skills needed for children and adolescents to express themselves
- Increase the amount of space in urban areas for children, by organizing specific events for children and by encouraging children to become involved in other activities that are designed to ‘take back’ town streets and squares
- Make the most of free time in summer, which is when children have the most time for seaside and mountain breaks and summer camps

611. In terms of key national initiatives, there has been, since 2005, the celebration of World Play Day on 28 May, which is promoted in Italy by *Associazione nazionale Città in gioco – GioNa* (National Association for the City at Play). This association, created in 2002, brings together over 20 local administrations (Municipalities, Provinces and Mountain communities) from across Italy that have placed the right to play – in all forms – at the heart of their policies. The philosophy and spirit of this association is outlined in their Manifesto, which can be downloaded from [www.ludens.it](http://www.ludens.it).

612. From 2000 to 2007, there were annual national meetings for the playbuses and toy-and-game centres. In 2005, in Turin, this traditional meeting took on an international dimension with the *Time TO* convention, hosting the 34th International Playbus Congress



and the 8th National Meeting of Playbuses and Toy-and-Game Centres. Nearly 1,000 people, from across Italy and the world, took part.

613. Camina has played a key role in promoting and supporting initiatives by Local governing bodies aimed at encouraging a culture of play, free time and the rights of children to be fully involved. Camina was created in July 1999 on the basis of a pilot project by the National Association of Italian Municipalities (ANCI).

614. In terms of activities designed to increase the use of cultural and artistic assets, potentially through school activities, it is worth noting the efforts to increase access to the State's museums and artistic and cultural assets. Entrance to the State's museums, monuments, galleries and archaeology sites is free for all EU nationals under 18 and over 65. Moreover, all citizens, regardless of age, enjoy free access to the State's libraries and archives.

615. In the last decade, among the various initiatives undertaken, sometimes under the auspices of Law No. 285/1997, one of the most notable is the opening of the so-called "Musei dei bambini" (Children's Museums). These are museums that are designed to help children gain knowledge and skills linked to the demands of childhood.

616. Some of these structures are part of a broader range of socio-educational services that are designed to increase the use of cultural and artistic assets and to carry out activities that bring people together and encourage socialization. An example of this is the *Bottega dei ragazzi* (Children's Workshop) created by the Istituto degli Innocenti in Florence. This gives children a chance to play with and learn about art, familiarize themselves with new technologies for learning and, at the same time, learn about the history of children and the rights of childhood.

617. Other cases have gone the route of *edutainment*, which brings together culture and education with entertainment and shows.<sup>125</sup>

<sup>125</sup> Examples of this include the Aquarium in Genoa, managed by Costa Edutainment SpA, and the Museo dei Bambini (Children's Museum) in Udine that is run by *Modidi*.

The following are other examples of what are more specifically "Children's Museums":

- Museo dei bambini in Milan (*MUBA*), specializing in creating interactive and game courses. Since February 2007, it has housed the European association of children's museums, namely "Hands On! Europe". It was also part of "La città in tasca" (City in your pocket) project, which encourages children to explore cities with their own eyes and then to create 'guidebooks'. These are then shared and exchanged with children from other cities.
- Museo dei bambini in Rome (*Explora*): initially financed through Law No. 285/1997, it is like a small, child-sized town where children can come into contact with daily events and occurrences and where they can look at, touch and try everything. The display area is divided into four sections (me, society, the environment, communication), each with various displays.
- Museo d'arte per bambini in Siena: this has a collection of artworks that take childhood as the subject or works that are, intentionally, designed for children. This collection is arranged by subject, allowing one to get an idea of how a subject has been depicted over the ages. The museum also holds various events, shows and temporary exhibitions for children as well as programmes to uncover art and research into art history and teaching. The museum also has a collection of *Dada* magazines, which is a quarterly art magazine for children.
- Città dei bambini e dei ragazzi in Genoa: this is an educational and play centre for children aged 2 to 14; it is a public structure but privately run that draws inspiration from Paris' Cité des Sciences et de l'Industrie.

618. Since 1998, the Ministry for Cultural Heritage and Activities has been home to the Centre for educational services in the museum and the territory. The centre, created with the aim to build a national educational system for the cultural heritage through the coordination of territorial educational services, now offers a range of educational initiatives for various agencies and different sections of the public. On a different track, from 2000 to 2007, the centre, both directly and indirectly, was involved in initiatives for children and schools.

619. In terms of national initiatives, especially with regard to initiatives that link cultural promotion with health education, it is worth noting a project, created autonomously, called *Nati per leggere* (Born to read), which emphasizes that children not only have the right to be protected from diseases and violence but also from a lack of opportunities for emotional and cognitive development.<sup>126</sup>

620. Finally, in terms of financing for sports and recreational activities, it is worth highlighting that, starting in 2007 with the Budget Law (Law No. 296/2006, Article 1, para. 319) has allowed parents to deduct up to 19 per cent of the costs involved in the annual fees for enrolling children in sports associations, gyms and pools. This deduction is for children aged 5 to 18, up to a maximum of €210.

621. In addition, the 2008 Budget Law (Law No. 244/2007) created a fund, managed by the Prime Minister's Office, for the so-called "sport of citizenship", which can be used to encourage the right to sport. In 2008, it has access to a total of €30 million, €35 million in 2009 and €40 million in 2010.

## **IX. Special protection measures (arts. 22, 30, 32–36, 37 (b)–(d) and 38–40)**

- *Officina dei piccoli* in Naples: this is an area designed for and with the help of babies and children, from 0 to 10. It is housed in the "Città della scienza" science museum and children were involved in the design phase, helping to come up with objects that can be handled, multimedia items and other support structures. It also offers various learning opportunities, with laboratory workshops and guided tours for individuals and school groups.
- *Museo dei ragazzi* in Florence: this brings together the various options available for school groups in Florence's museums.

<sup>126</sup> Since 1999, the project has encouraged reading aloud to babies and children aged 6 months to 6 years. Recent scientific research has shown that reading aloud, on an ongoing basis, to preschool children has a positive influence both in terms of relationships (it is a chance for a relationship between a parent and a child) and in terms of mental development (children learn to understand language and read earlier and better). In addition, children become familiar with a habit of reading, which carries on as the children grow, thanks to early imprinting. *Born to read* is backed by an alliance between libraries and paediatricians through the following associations:

- *Associazione culturale pediatri* – ACP (cultural association of pediatricians), which brings together 3,000 Italian paediatricians solely for cultural goals
- *Associazione italiana biblioteche* (Italian Association of Libraries), which brings together over 4,000 librarians, libraries, documentation centres and info services active in different spheres of this profession
- *Centro per la salute del bambino* – ONLUS, (Centre for Children's Health), which, in line with its charter, focuses on training, research and solidarity

The project covers the entire country, with about 220 local projects run by librarians, paediatricians and public bodies. It is estimated that about 15 per cent of the Italian population aged 0-6 has had some contact with the project.

## A. Children in emergency situations<sup>127</sup>

### <sup>127</sup> Other activities carried out during the period 2000–2007

The Ministry of the Interior's Decree of 8 October 2007 allowed for the setting up within the Department for Civil Liberties and Immigration of the Central Coordination Unit for the protection of unaccompanied EU children and for the implementation of the bilateral agreement between Romania and Italy on the question of unaccompanied Romanian children. The task of this body is to guarantee the rights of these children on Italian soil, ensure the bilateral agreement is implemented and assess the projects for the reception and repatriation procedures. The agreement between the Italian and Romanian Governments on cooperation for the protection of children present who are unaccompanied or in difficulty on Italian soil was signed on 9 June 2008. Article 5 (Implementation of the Agreement) entrusts the Central Coordination Unit with the responsibility for putting this agreement into practice. The mechanisms to protect unaccompanied children have also been improved as a result of the previously mentioned Directive of 3 August 2007 concerning the Fund for the social inclusion of immigrants. This has been achieved by coordinating the activities of the Committee for Foreign Children, the institutions involved, such as the local authorities which take the children into care, and the Inter-ministerial Commission for the implementation of article 18 of the Consolidated Text on immigration, and by financing projects for the setting up of first-reception centres for this group of children.

Various local authorities have introduced procedures for the rehabilitation and reintegration of unaccompanied foreign children caught up in the juvenile justice system. Some of the most innovative initiatives are linked to the transnational project "Equal PALMS – Job-training for unaccompanied foreign children". This project involves both national and transnational partnerships and has been made possible thanks to funds from Stage II of the Community Initiative Equal. Five Italian cities — Rome (which heads the project), Milan, Turin, Bologna and Ancona — are taking part in the project together with four other European cities — Barcelona, Prague, Vienna and Wuppertal — to tackle the terrible situation of foreign children without parents or relatives. These children are often the victims of trafficking and are used for begging, thefts, drug dealing and prostitution. The PALMS project is an initiative that aims to try out new models and find efficient solutions to guarantee social, educational and employment inclusion in either the host country or, after assisted repatriation (if requested by the children), in the home country, whenever the family, social and political conditions make this possible. The project was implemented at different levels during the three-year period 2005–2007:

- Personalized integration
- Social integration/inclusion, through sporting, recreational and relational activities
- Proposals for the streamlining and unification of the procedures concerning the legal representation of children and the procedures for the issuing of a residence permit for children and for its renewal when they reach 18 years of age

Another important regional experience is that of the Veneto Region, which started a regional pilot project, Azimut, to prevent juvenile delinquency and combat juvenile crime. The project, which began in 2004 as a project in victim-offender mediation with juveniles, subsequently focused on the specific category of unaccompanied foreign children. The programme, the idea for which began in the Community of San Benedetto – Opera don Calabria of Verona, involves numerous regional bodies from both the public and private sector. The project is headed and financed by the Department for Social Policies of the Veneto Region. The public participation comprises representatives of the welfare services (Municipalities, ULSS — Local Health Authority, USSM — Office of the Social Services for Children, health agencies), the Prefectures, the provincial police headquarters and the police. These bodies work closely together with the associations from the third sector (NGOs, care homes, networks of foster families) responsible for running the first-reception centres and the reception accommodation centres. During the process of integration, the various bodies representing the school system (CSA – Centre for Administrative Services, high schools and CFP – Centre for Vocational Training) are also involved. With regard to the job training schemes, an important role is

played by the provincial employment office, job centres, other employment agencies and social co-operatives).

***The principal legislation in favour of unaccompanied foreign children seeking asylum***

During the period in question, considerable progress was made with regard to the delicate issue of unaccompanied children seeking asylum as a result of a series of regulations that were passed to implement the most recent directives of the European Union on this issue.

These include:

- **Presidential Decree 303/2004**, which contains the regulations governing the procedures for the recognition of refugee status, states that whenever an asylum request comes from an unaccompanied child, the body receiving the request must immediately interrupt the procedure and inform the Juvenile Court of the request as it is this court which is responsible for taking all decisions concerning provisions under Articles 343 and following paragraphs, in addition to those concerning the where the child is to be placed. This body also informs the Committee for Foreign Children. The legal guardian confirms the asylum request and immediately contacts the relevant provincial police headquarter to reactivate the procedure. While waiting for the legal guardian to be appointed, the municipal authorities of the area in which the child finds her/himself are responsible for assisting and taking care of the child. Under no circumstances may unaccompanied children be held in identification centres or temporary holding centres. With regard to the hearing for an unaccompanied foreign child, seeking asylum, the decree states that it should be decided on by the regional Commission in the presence of the person who has the legal authority to represent the child. The hearing must in any case take place in the presence of a parent or the legal guardian. There may even be no hearing if the Commission decides that it has collected sufficient information for a positive outcome.
- **Legislative Decree 140/2005**, on the implementation of Directive 2003/9/EC, provides for certain minimum regulations concerning the reception of asylum seekers in Member States. The local authorities are responsible for **unaccompanied** children, carrying out the decision taken by the Juvenile Court. As part of the services of the protection system for asylum seekers and refugees, the relevant local authorities can organize specific reception programmes for unaccompanied children who are seeking asylum or are refugees. These services receive financing from the national fund for asylum policies and services. The Ministry of the Interior signs specific agreements with the International Organization for Migration (IOM), namely the Italian Red Cross, for the implementation of programmes aimed at tracing the relatives of unaccompanied children, in line with the available resources of the national fund for asylum policies and services and after consulting the Committee for Children. This is done in the best interests of the child and must be carried out in complete confidentiality in order to safeguard the safety of the asylum-seeker.
- **Legislative Decree 251/2007** on the implementation of Directive 2004/83/EC, establishes among other things that children who have refugee or complementary protection status must have the same access to any type or level of schooling as an Italian citizen. Moreover, unaccompanied children requesting international protection are placed by the competent judicial authorities in the care of a legally resident adult relative, whenever one can be found on Italian soil. Where this is not possible, the Court decides in accordance with article. 2, paragraphs 1 and 2, of Law 184/1983 and subsequent amendments. Any decisions taken shall be in the best interests of the child and every care must be taken not to separate the child from any brothers or sisters who may be present on Italian soil. Moreover, the child should be moved about as little as possible within Italy.
- **Legislative Decree 25/2008** on the implementation of Directive 2005/85/CE, provides for a series of guarantees for unaccompanied children. One such guarantee is that anyone who has expressed the desire to ask for international protection be provided with the necessary

### Unaccompanied children

**Committee recommendation No. 46 on the establishment of enough special reception centres for unaccompanied minors and related stay, assistance and respect of their rights, providing for harmonized procedures and ensuring that assisted repatriation is envisaged when it is in the best interests of the child and that a follow-up is guaranteed for those children**

622. The central body responsible for deciding whether or not unaccompanied foreign children may remain in Italy is the Committee for Foreign Children. Two types of measures may be adopted: the dismissal of the case, which means authorizing all those activities aimed at integrating children into society on Italian soil; and assisted repatriation, aimed at family reunion in the country of origin. With regard to the first type of measures, it is left to the local authorities to manage and monitor the assistance given. This means that the assistance provided varies, as it must take into account, the resources of each child and those of the local authorities.

623. In Italy, unaccompanied children are almost always placed in reception communities, with only a few local authorities (such as Parma, Modena, Genoa and Bologna) opting to place the children in families belonging to the same ethnic group, trying out what is called “homocultural foster care”.

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assistance to present the application, such as the assistance of a legal guardian at every stage of the procedure. If there are any doubts as to the age of the unaccompanied child he/she may, at any stage during the procedure and after the child or her/his legal representative has given permission, undergo non-invasive medical examinations in order to establish her/his age. If these examinations are inconclusive, the provisions of Art. 19 shall apply. The child must be informed about the possibility of her/his age being established by means of a medical examination, about the type of examination and its consequences with regard to the outcome of the application. The child’s refusal to undergo a medical examination does not prevent the application from being accepted, nor for a decision to be taken. The child shall be interviewed in accordance with article 13, c. 3, after being provided with sufficient information on the significance and eventual consequences of this interview.

- **A Directive of 3 March 2007**, issued by the Minister of the Interior, in agreement with the Minister of Justice, reminds the institutions of their duty to take charge of unaccompanied foreign children who seek asylum. One of the new provisions contained in this directive is that any child arriving at the Italian border shall be informed about the possibility of seeking asylum. The child shall be guaranteed the assistance of a cultural mediator or an interpreter who speaks her/his language of origin or a language s/he knows and, if expressly requested, he/she shall immediately be placed in the relevant structure. This procedure enhances the protection and safeguarding of children’s rights. The children, even while waiting to make their official application for asylum with the assistance of the legal guardian that will be assigned to them, have easier access to a tried and tested national system that offers a whole series of specific structures and services for the reception, protection and integration of unaccompanied foreign children. Until now, the places reserved for unaccompanied children have only been partially filled up as a result of the small numbers of children who have been adequately informed about the possibility of applying for asylum and assisted in all the different stages of the procedure. This directive is intended to avoid the danger that these children just disappear. It is also intended to inform them adequately about their rights, include them in a procedure which is organized and protected, reduce the time taken to officially apply for asylum and make it easier for this application to be approved.

624. One of the Committee's tasks is that of collecting and analyzing the data, as highlighted in section II.

625. Mention should also be made of the activities of cultural mediators, a figure introduced into the Juvenile Justice Services with the Circular No. 6 of 23 March 2002 "Guidelines for cultural mediators in juvenile services". The task of cultural mediators is to facilitate communication with foreigners caught up in the justice system, as provided for by the Consolidated Text Legislative Decree 286/1998, as an example of active multicultural policies (see paragraph 628). This circular, besides including direct forms of mediation with the aim of facilitating psychological and educational assistance for foreign children, also establishes that cultural mediators must also work with the juvenile services of the Juvenile Justice Department. Their task is to engage in activities that make it possible to learn about and respect different cultures, to improve the dialogue between staff and foreign children, to help teaching staff in schools and vocational training institutions to draw up programmes that are calibrated to the specific needs of foreign children, to facilitate religious assistance and to favour their acceptance and peaceful coexistence.

626. With regard to the reception communities, it can be said that they have gradually changed in terms of both their organization and their personnel, partially as a result of the fact that the people entering these communities have changed over the last 15 years. Instead of Italian children, they are now mainly foreign children, most of whom are unaccompanied. An example of one of the changes that have taken place is the introduction of the new figure of the cultural mediator. Moreover, in addition to a general school education, there is now also vocational training and job training schemes, besides the essential Italian lessons.

627. The number of communities has increased and they have become more specialized with regard to the new type of person attending them (such as those for the victims of trafficking and exploitation), thanks also to the financing provided each year by the Central Government in accordance with the Consolidated Text 286/98 and subsequent amendments.

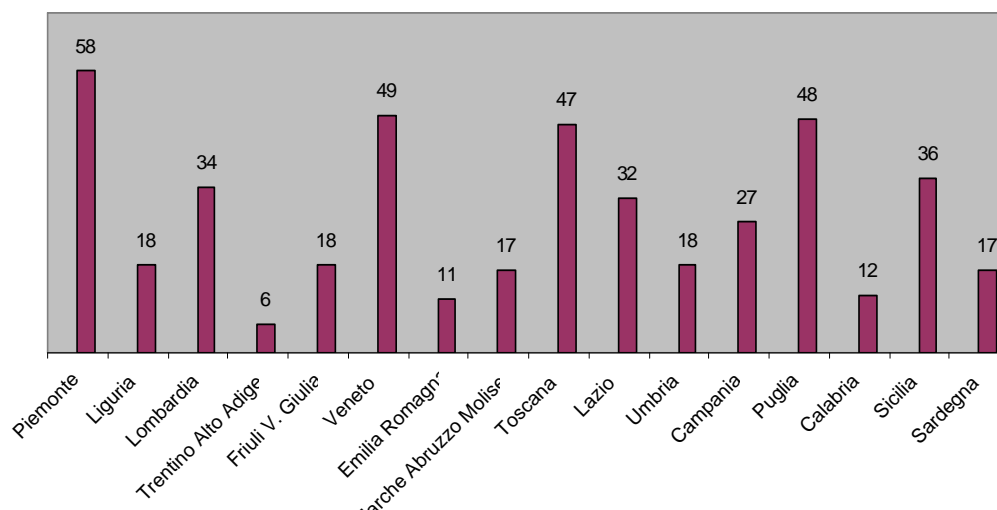
628. With regard to children victims of trafficking, the Government, in application of article 18 Consolidated Text published 7 calls between 2000 and 2006 for the presentation of applications from qualified bodies for government co-financing of programmes of social protection in favour of the victims of sexual exploitation. On the basis of past experience and in order to deal with the changes regarding this phenomenon, since Call No. 7 (published in 2006) the assistance that can be provided has been broadened to include other types of exploitation. This broadening of scope was made necessary not just to adapt the legal tools to the new social needs and "urgencies", but also to implement what is contained in Law 228/2003. This law provides for assistance to victims of the crimes of being reduced to or kept in slavery or servitude and of trafficking for sexual exploitation, forced labour, begging or organ transplants. On the initiative of the Ministry for Rights and Equal Opportunities, based on the requests of the Inter-ministerial Commission, the legislation on this matter was therefore modified with the introduction of the new para. 6 bis of article 18 Legislative Decree 286/1998 (Decree No. 300 of 28 December 2006) in order to allow "citizens of Member States of the European Union who find themselves in a situation of serious and actual danger" to take part in the programmes contained in article 18.<sup>128</sup>

629. So far 533 programmes have been co-financed throughout the Italian territory (the evaluation procedures for the projects presented in response to Call No. 8 of 20 February

<sup>128</sup> This measure was necessary to enable Romanian and Bulgarian citizens, both male and female, to take part in the social protection projects since they are usually the first and most numerous victims of trafficking. This regulation was introduced in Call No. 8 (published in 2007) for the presentation of projects in this field.

2007 were only recently completed and resulted in the co-financing of 42 projects). According to the data at the Department's disposal, between March 2000 and April/May 2007 around 13,517 victims of sexual exploitation, 938 of whom were under 18 years of age, were involved in and assisted by the programmes ex article 18.<sup>129</sup>

#### Regional distribution of social protection programmes



Source: Department of Rights and Equal Opportunities (2006).

630. With regard to the number of children, the yearly distribution was as follows: 75 in the first year, 80 in the second, 70 in the third, 118 in the fourth, 139 in the fifth, 266 in the sixth and 190 in the seventh.

631. These figures show that although far fewer children are subjected to sexual exploitation than adults, their number has been growing. This trend is the opposite to that for adults, whose number has dropped each year.

632. As for the geographical areas of origin of these children, around 2/3 are from Eastern Europe (the Balkans and Black Sea countries), while the second most numerous group is from Africa, mainly Nigeria.

633. With regard to Eastern Europe, there has recently been a considerable increase in the number of children arriving from Romania and they now far outnumber those arriving from Moldavia and Albania, who were among the most numerous in 2000-2001.

634. There was a drop in the number of children who took part in the Seventh Annual Programme, which ended in May/June 2007, the number falling from 266 to 190.

635. This data, although extremely reliable, only describes one part of this phenomenon, namely the exploited people and the children who come into contact with the social protection services and police forces, and who decide to join the programmes of social assistance and integration. This data, for the reasons outlined above, therefore mainly

<sup>129</sup> This data was provided by the Technical Office of the Inter-ministerial Commission for the implementation of article 18 TU. It was worked out from the final reports presented by the local authorities and local associations involved in the programmes ex article 18 for Calls 1-6. The projects relating to Call 7, which began in May-June 2006, were only recently completed.

concerns the victims of sexual exploitation, as no data is available yet for the victims of other types of exploitation.

636. In the specific case of the exploitation of child victims of trafficking for prostitution, there is a very real danger that these programmes may fail because of the objective difficulties presented by this phenomenon. The situation is made even more difficult by the fact that this type of exploitation is much easier for organized criminals, as has been highlighted by the operators mentioned above. This is because it is easier for prostitution rackets to intimidate and force children to do what they want because of the children's reduced ability to defend themselves. It is also much easier for organized criminals to move children around within the same city or region.

637. Because of the difficulties involved in collecting data and information concerning the trafficking and exploitation of people, especially children, the DDPO<sup>130</sup> (Department for Rights and Equal Opportunities) recently introduced a series of initiatives aimed at "pooling" the resources and activities that have been developed by the various bodies that deal with these issues.

638. This must include certain partnership initiatives carried out by Italy in projects as part of the Community Initiative Equal. One specific example is the project concerning the Observatory on Trafficking, run by a network of NGOs, and the related transnational action "*Headway*".

639. One project in which the DDPO is involved is a national and European system for the monitoring of the phenomenon of trafficking and the action taken to deal with it, together with a transnational database of all the organizations involved in tackling the problem. This idea has now been put into practice. The aim is to improve the tools and best practices of those bodies tackling the problem to provide trafficked people with assistance, social integration and access to employment, in full respect of equal opportunities and their human rights.

640. The project intends to create new knowledge and monitoring tools and systems for the different forms of exploitation linked to trafficking. The idea is also to create the right tools to link all the different types and levels of bodies involved in protecting trafficked people and combating the problem, so as to be able to influence the policies and actions taken in this field. In the macro area in question, a whole series of activities aimed at creating greater public awareness about the problem of trafficking deserve mention.

641. With regard to the specific issue of the trafficking and exploitation of children, there is an initiative resulting from the collaboration that occurred during the final stage of the two-year project "Development of a child's rights methodology to identify and support child victims of trafficking", co-financed by the European Commission through the AGIS programme and promoted by Save the Children Italy.

642. As part of this project, a protocol was designed to identify and support child victims of trafficking in order to develop and share an innovative tool capable of helping all stakeholders identify child victims of trafficking and exploitation.

643. With regard to the right to health care, foreign children who hold a residence permit ex article 34 of the Consolidated Text 286/98 and the Ministry of Health's Circular of 24 March 2000, are automatically registered with the National Health Service and are therefore fully entitled to all the services it offers. Foreign children who do not hold a residence permit have in any case the right, ex article 35, para. 3 of the Consolidated Text 286/98, to

<sup>130</sup> Acronym in Italian of Dipartimento per i Diritti e le Pari Opportunità.



urgent or essential surgery and hospital care, even of a continuous nature, due to illness or injury, as well as access to preventive medicine programmes.

644. With regard to the right to education, all foreign children, even if they do not hold a residence permit, must receive schooling and have the right to be enrolled in a school. This right involves every type and level of scholastic institution. The enrolment of foreign children takes place in exactly the same way as that of Italian children, and enrolment can be done at any time during the school year. Foreign children without documents proving their age are provisionally enrolled, and may in any case receive the certificate for completing their course of study in every type and level of school (art. 45 Presidential Decree 394/99).

645. With regard to other activities, in addition to “homocultural foster care”, mention should also be made of what has been done in certain parts of the country with regard to the selection, training and activation of voluntary guardians, i.e. people with specific skills for looking after children, to follow unaccompanied foreign children, especially those who have been placed in reception communities, assist them in the most important everyday procedures, such as health care, education, vocational training and job preparation, and in obtaining all the necessary documents. This is something that has already been successfully tried out by both the regional Ombudsmen for Children (Veneto, Friuli Venezia Giulia and Marche) and certain local authorities (Florence).

646. In Italy, unlike other European States, there is no single procedure for obtaining asylum that automatically occurs when an unaccompanied foreign child is discovered and identified on Italian soil. The procedure to obtain political asylum only begins when the child officially requests asylum or when, during the first contact with the child, this is deemed necessary.

647. In all other cases, the procedure followed is that of the Committee for Foreign Children outlined above. The way in which children are then dealt with, however, varies from place to place. It should also be pointed out that certain Juvenile Courts, the competent authority for these matters before the Committee for Foreign Children was created, continue to issue the local authorities with orders to place the children in reception communities or “homocultural foster care”.

648. In 2006 and 2007, the Committee for Foreign Children did not issue any orders for assisted repatriation. It should be remembered that foreign children can only be expelled from the country for reasons of public order or the security of the State (and in these cases the expulsion order is issued by the Juvenile Courts), with the exception of the right of a child to follow a parent or guardian who has been expelled in accordance with Consolidated Text 286/98, article 19 and article 31, paragraph 4. Assisted repatriation differs from expulsion in that this is a measure that can only be used if, following enquiries in the country of origin of the child and an assessment of her/his specific situation, the Committee for Foreign Children decide that this is in the best interests of the child and guarantees her/his right to the unity of the family.

649. Under current legislation, assisted repatriation is a matter of decision for the Committee for Foreign Children and is carried out by accompanying the child until it is handed over to the family or relevant authorities in the country of origin. After repatriation, the child is offered a project for reintegration (into scholastic life, working life etc). Finally, unlike expulsion, repatriation does not result in a 10 year ban on a person returning to the country.

### Children involved in armed conflicts, including their physical and psychological rehabilitation and their social reintegration

650. It was deemed necessary to deal with the topics in question together with the information concerning the application of the Optional Protocol on the involvement of children in armed conflicts. Refer, therefore, to part of the report, which deals with developments concerning the Optional Protocol on children in armed conflicts.

## B. Children in the legal system<sup>131</sup>

### <sup>131</sup> Further activities carried out by the Government during the period 2000–2007

On 31 March 2003, the Minister of Justice issued a decree setting up within the Juvenile Justice Department the **European Centre for Studies on Youth Alienation** in Nisida. The aim of the centre is to develop, together with other Member States of the European Union, policies and operations to combat juvenile delinquency. The Centre has published *Numeri pensati. Minori stranieri e giustizia minorile in Italia* (“Considered Numbers. Foreign Children and Juvenile Justice in Italy”) (Publications of the European Juvenile Delinquency Observatory, Juvenile Justice Department, No. 1, 2007). This publication is about foreign children who become caught up in juvenile justice, with an analysis that links the statistics to an interpretation of the phenomenon.

Until 2005, the Department also published a yearly summary of all the training, professional, sporting, recreational and theatrical activities carried out in the juvenile penal institutions.

Finally, the Juvenile Justice Department has signed several **Agreement Protocols** with both the Regions and public and third-sector bodies. These protocols are a strategic tool in developing collaboration between the State, the Regions and local bodies. They define the areas in which each institutional body should operate in line with their respective competencies and with precise responsibilities so as to have a coordinated policy in all fields of action. In order to achieve this, the Justice Department has promoted numerous initiatives to implement and encourage the operational integration between the various organs of the Justice Department and Regional and local services. These agreements commit the various services providers in a given area to work together towards the same goal, even though they belong to different organizational structures, by developing a network so as to be better able to plan what action should be taken.

The State-Region agreements are concerned with:

- **Diversified measures** for children who have had court orders imposed upon them or are in a socially-deprived area; the providing of health assistance in juvenile penal institutions, the treatment of children with drug or alcohol dependence, infective diseases (HIV, AIDS), or psychiatric problems; education, vocational training and job training; cultural, recreational and sporting activities; the right to manifest one’s religious beliefs; relations with the outside world through voluntary workers and families
- **Integrated initiatives** by the Region, local bodies and outside communities to support the action aimed at the rehabilitation and social re-inclusion of detainees involved in activities on parole
- Joint **training initiatives** aimed at prison staff working with both adults and children, staff from local bodies and voluntary organizations in all those areas in which there is collaboration
- **Specific action** for women prisoners and for foreign adults and children

Between 2000 and 2007, the Department signed new protocols with seven Regions (Basilicata, Calabria, Campania, Marche, Sardinia, Umbria, Veneto), in addition to those signed during the 1990s with another eight Regions (Abruzzo, Emilia-Romagna, Latium, Liguria, Lombardy, Piedmont, the autonomous Province of Trento, Tuscany).

For example, in 2003 300 out of the 853 prison guards (i.e. 35.2 per cent of the total) and 848 members of the administrative staff out of 1,422 (i.e. 50.5 per cent of the total) took part in the training activities.

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The aims of this training are:

- To ensure a suitable level of specialization among staff interested in keeping abreast of changes and in retraining
- To ensure the suitability of the contents of the training for the different roles and levels of staff
- To improve the ability to act with regard to the new needs of offenders
- To develop organizational methods that are better suited to the complexity of the social phenomena and the problems of children
- To achieve the necessary interaction with public and private training bodies and specialized agencies in order to create much broader “planning networks”

The Schools, which from an operational point of view are part of Office II of the General Direction of Staff and Training of the Juvenile Justice Department, carry out the following activities:

- Plan, organize and check training activities
- Provide “initial” training for newly hired staff to make sure they are aware of the rules and procedures in their field of work
- Provide lifelong learning aimed at enhancing professional skills by improving or reviewing working methods and evaluation processes
- Teach innovative methods and techniques in specific areas related to the staff’s field of work
- Study, research and check methods and programmes in such a way as to create research and experimentation centres, integrated with other local training resources in an inter-institutional, interdisciplinary and inter-professional approach

Moreover, the three training Schools for staff from the Juvenile Justice Department organize training courses for everyone working in Juvenile Penal Institutes: entertainers, social assistants, chaplains, educators, teachers, instructors, prison guards and psychologists. Finally, in addition to the Protocols with the Regions and local bodies, the Department has also signed agreement protocols with the third sector and other public subjects.

In this field there are the following Protocols:

- With the Ministry of Transport and Infrastructure and the Ministry of Education, Universities and Research to educate about legality and create greater awareness of the rules of peaceful coexistence in order to obtain the license
- With the Ministry of Transport and Infrastructure (Port Authorities and Coast Guards) for technical and professional training, and social and employment inclusion in the fisheries and maritime transport sectors
- With the National Department for Anti-Drugs Policies (Programme Agreement) for the promotion of health and the prevention of drug addiction and addictive disorders
- With the National Union of Social Workers to prevent children from getting into trouble and protecting them when they are, provide integrated training, and monitor the procedures and processes of the USSM
- With the National Association of Italian Pedagogists (ANPE) to promote and protect the rights of teenagers, and to implement socio-educational and rehabilitation programmes, involving experimentation, studies and research, using both national and European funding
- With the Italian Red Cross for socially useful activities; the renewal of the agreement in 2006 also included nursing activities, first-aid courses, studies and research to promote greater awareness among communities of the issue of juvenile delinquency
- With the Association Auxilia for social inclusion, research and study activities on juvenile delinquency, the publication of the activities of the Juvenile Services in the Association’s journal Social News

**Committee recommendation No. 53 on necessary measures, including through awareness-raising campaigns and adequate training of the personnel involved, periodic visits to prevent and eliminate discrimination against children of foreign origin and Roma children**

651. It appears that there are no discriminatory profiles between Italian children and non-Italian children (Roma and foreign children in trouble with the law). Indeed, on the basis of an analysis of the data collected by the Statistical Office of the Department of Juvenile Justice, which covers the period 2001–2006, overall there was a drop in the number of children entering First Reception Centres,<sup>132</sup> which is where foreign children stay while they wait for their arrest to be confirmed. The fall was sharpest in the most recent period in terms of both the number of people entering Juvenile Penal Institutions (or Penal Institutes for Minors) and the average number of days they spent there.<sup>133</sup> There is a high percentage

- With the Association *Uomo e società* (“Man and Society”) for the participation of children in the Giuseppe Sciacca prize and the awarding of a least one study grant for children
- With the children’s helpline *Telefono Azzurro* (“Blue Phone”) to listen to children and the problems of children who have either committed or been the victims of sexual crimes
- With groups from the lay Catholic voluntary association *Gruppi di volontariato vincenziano* in projects for children caught up in the juvenile justice system, for assistance to families and cultural mediation
- With the *Unione Vela Solidale* (“Friendly Sail Union”) for both sporting and employment activities

<sup>132</sup> **Table – Admissions to First Reception Centres 2001–2006**

<i>Year</i>	<i>Total</i>	<i>No. of foreigners</i>	<i>% of foreigners</i>
2001	<b>3 685</b>	1 974	54
2002	<b>3 513</b>	1 952	56
2003	<b>3 522</b>	1 990	57
2004	<b>3 866</b>	2 279	59
2005	<b>3 655</b>	2 115	58
2006	<b>3 505</b>	2 025	58

<sup>133</sup> **Table – Average daily presence and admissions in I.P.M. (Juvenile Penal Institutions) for children 2001–2006**

**Totals and number of foreigners**

<i>Year</i>	<i>Total</i>	<i>No. of foreigners</i>	<i>% of foreigners</i>
Average daily presence			
2001	<b>487.0</b>	231.0	47
2002	<b>470.5</b>	232.3	49
2003	<b>475.3</b>	234.3	49
2004	<b>497.3</b>	271.7	55
2005	<b>476.8</b>	258.5	54
2006	<b>417.6</b>	226.6	54

of under 14-year-olds without documents, who are not immediately identified on the basis of their age, among the foreigners, but not among the Italians.

652. There was an increase in the number of foreign children stopped by the judicial authorities and taken into care by the USSM (Office of the Social Services for Children) between 2001 and 2006, revealing a growing trend on the part of the judicial authorities to use the integrated system of services of the Juvenile Justice System.<sup>134</sup> In particular, there was a 70 per cent increase in the number of Roma children who had committed a crime and were placed in a “probation” institution (*ex* Article 28, of the Presidential Decree 448/88) while for foreign children of other nationalities the increase was 112 per cent.

653. Analysing the statistical *trends* for the period from 2001 to 2006, there appears to be no discriminatory treatment by judges from the juvenile courts, nor by the Juvenile Justice Services. Indeed, foreign children were placed in Juvenile Penal Institutions, First Reception Centres or Communities because they generally did not have any documents proving their identity and/or did not have any reliable family members (“unaccompanied” foreigners). In the period considered, while there was an increase in the number of foreign

<i>Year</i>	<i>Total</i>	<i>No. of foreigners</i>	<i>% of foreigners</i>
Admissions			
2001	<b>1 644</b>	946	58
2002	<b>1 476</b>	846	57
2003	<b>1 581</b>	895	57
2004	<b>1 594</b>	965	61
2005	<b>1 489</b>	886	60
2006	<b>1 362</b>	781	57

<sup>134</sup> **Table – Subjects stopped by the judicial authorities and taken into care by the U.S.S.M. between 2001 and 2006**

**Totals and number of foreigners**

<i>Year</i>	<i>Total</i>	<i>No. of foreigners</i>	<i>% of foreigners</i>
Subjects stopped			
2001	<b>22 270</b>	5 756	26
2002	<b>21 851</b>	6 362	29
2003	<b>21 951</b>	6 717	31
2004	<b>23 000</b>	7 659	33
2005	<b>21 642</b>	7 181	33
2006	<b>19 920</b>	6 486	33
<i>Year</i>	<i>Total</i>	<i>No. of foreigners</i>	<i>% of foreigners</i>
Subjects taken into care			
2001	<b>13 953</b>	2 903	21
2002	<b>14 044</b>	3 233	23
2003	<b>14 096</b>	3 276	23
2004	<b>13 892</b>	3 391	24
2005	<b>13 901</b>	3 472	25
2006	<b>13 066</b>	3 096	24

children reported to the Public Prosecutor's Offices (from 8,720 to 11,860, an increase of 36 per cent)<sup>135</sup> and in the admissions to First Reception Centres (from 1,974 to 2,115, an increase of 7 per cent). While there was a fall in the number of non-Italians entering Juvenile Penal Institutions (from 946 to 886, a drop of 6 per cent), there was an increase in the number who were placed in communities (from 535 to 958, an increase of 79 per cent) and an increase in the number of children "taken into care" by the USSM (from 2,903 to 3,472, an increase of 20 per cent).<sup>136</sup>

654. Legally speaking, the task of monitoring what happens to non-EU foreign children and of coordinating the activities of the local administrations involved has been entrusted to the Committee for Foreign Children, in accordance with article 33 of the Legislative Decree No. 286 of 1998. A corresponding body was recently set up within the Ministry of the Interior for unaccompanied children from new Member States, with the participation of various Ministries, including the Ministry of Justice.

655. In particular, in order to protect unaccompanied Romanian children or Romanian children "in difficulty", the Central Coordination Unit was set up by Ministerial Decree on 8 October 2007 within the Ministry of the Interior following Romania's entry into the European Union on 1 January 2007. After that date, Romanian citizens were able to move freely throughout the European Union and had to be treated differently from non-EU foreigners with regard to the relevant legislation concerning the reception system and the guaranteeing of rights. The Romanian Government took part within an international framework to provide suitable protection for unaccompanied children and jointly manage this phenomenon. There were numerous meetings and discussions between Italy and Romania to try and reduce the migratory pressure of children on Italy, and guarantee their social and civil reintegration in Romania or their integration in Italian society. As part of this framework of action, there is the intergovernmental agreement signed by Italy and Romania in June. The agreement is aimed at creating a system of collaboration between the two States in order to allow a faster, more efficient protective action in those cases in which adults who are legally entitled to take care of these children cannot be found. The aim is to guarantee the assisted repatriation of the children through collaboration and the exchange of information between the Italian and Romanian bodies responsible for these matters. The main goal is to ensure that all the necessary measures are taken to protect these children and enable their social reintegration.

656. With regard to juvenile penal institutions, the *magistratura di sorveglianza*, a totally independent body for the Constitution, has, among its many tasks, that of ensuring that a sentence is carried out according to the principles of humanity and re-education and, in the specific case of children, is in line with the principles of the Convention. Undoubtedly, the inclusion of the figure of the cultural mediator alongside that of an educator and the other judicial and penitential figures in the Initial Reception Centres and the Juvenile Penal Institutions helps to discover any eventual reports of mistreatment or abuse.

657. The training of the staff working in the Juvenile Justice System is organized by the Ministry of Justice. The Ministry of Justice decides on the general guidelines for training policy and is responsible for coordinating the scientific, technical and organizational aspects of the activities of the three training schools for staff: Roma — Casal del Marmo (Central Italy), Mantova — Castiglione delle Stiviere (Northern Italy) and Messina (Southern Italy).

<sup>135</sup> Source ISTAT (National Statistics Institute).

<sup>136</sup> Source Statistical Office of the Department of Juvenile Justice.

658. The training is highly specialized as it is aimed at promoting operational strategies whose goal is to achieve greater efficiency in the activities involving children and the way work is organized. Special attention is paid to the links that exist with the National School for Public Administration, encouraging the participation of staff in initiatives promoted by the School. The collaboration of teaching staff from the School is also sought in the activities promoted by the Juvenile Justice Department and also merely for giving advice.<sup>137</sup>

659. With regard to career juvenile judges and juvenile public prosecutors, it should be pointed out that the *Consiglio superiore della magistratura* (CSM – Italian Supreme Council of the Judiciary) also organizes training sessions on juvenile issues, which may also be attended by “lay”. Lay juvenile judges are experts on juvenile issues, such as child psychologists or psychiatrists, and take part in the trials and in the sentencing by the juvenile judicial authorities. These judges, who are always part of a panel, are appointed for three years and may be appointed for a maximum of a further two three-year terms. In 2007 alone, there were two training sessions in which a large number of career juvenile judges and public prosecutors took part (one was related to the topic of mediation and the other to the topic of immigration).

660. Finally, every three years new lay juvenile judges are appointed by the CSM and the various juvenile courts organize training sessions for these newly-appointed judges, which are also open to the career judges. There are also online training courses for newly

<sup>137</sup> For example, in 2003 300 out of the 853 prison guards (i.e. 35.2 per cent of the total) and 848 members of the administrative staff out of 1,422 (i.e. 50.5 per cent of the total) took part in the training activities.

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- To ensure a suitable level of specialization among staff interested in keeping abreast of changes and in retraining
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Moreover, the three training Schools for staff from the Juvenile Justice Department organize training courses for everyone working in Juvenile Penal Institutes: entertainers, social assistants, chaplains, educators, teachers, instructors, prison guards and psychologists.

appointed lay juvenile judges, organized by the Italian Juvenile and Family Judges Association (aimmf, website [www.minoriefamiglia.it](http://www.minoriefamiglia.it)).

#### **Unaccompanied foreign children caught up in the penal system**

661. With regard to the issue of unaccompanied children caught up in the penal system, there is above all the problem of the identity of the child and therefore all the related problems involved in trying to create a feasible project for the child in question. In particular, reference is often made to the juvenile court orders placing children in communities as these are a valid way of achieving inclusion for children who come from socially deprived areas or families. This ensures that very few children receive custodial sentences.

662. There remains the problem however of children voluntarily abandoning these communities, especially among gypsy girls and children of Romanian nationality.

663. The task of overseeing the stay of foreign children and to coordinate the activities of the administration involved has been entrusted to the Committee for Foreign Children in accordance with article 33 of the Legislative Decree 286/1998.

664. The cost of the social assistance for those released from the initial reception centres or juvenile penal institutions, in certain areas, in accordance with article 41 of Law 286/1998 and article 2 of Law 328/2000, is met by the municipality in which the parents who are legally responsible for the child reside (whether the child is an Italian citizen or a foreign citizen registered on her/his parents' resident permit).

### **C. Children in situations of exploitation, including their physical and psychological rehabilitation and their social reintegration**

#### **Economic exploitation**

##### **Committee recommendation No. 48 on a comprehensive strategy containing specific and well-targeted goals aimed at preventing and eliminating child labour**

665. The problem of child labour in Italy was tackled during the period 2000–2007 by taking measures in two different directions: promoting employment and action against exploitation.

666. With regard to the former, there is the promotion of legal employment with safeguards and rights as a teenage experience that can help the growth and education of a person. This is what lies behind the attempt to bring the schooling teenagers receive closer to the world of work. Activities aimed at guiding young people in their choice of studies and eventually helping them to enter the job market, especially in the case of teenagers who have had a difficult school career or who suffer from different forms of social exclusion, can help them not just not to drop out of the educational process at an early age, but also to prepare them for a more responsible, aware approach to employment.

667. Annual data on injuries suffered in the workplace monitored by INAIL (8,474 children between 15 and 17 years of age in 2006, a drop of almost 1,000 cases since 2004, amounting to 4.8 per cent of the total population of the same age – source INAIL) reveal fairly high rates for children. The Ministry of Labour also recorded fairly high rates of children being hired in an irregular way. The latest data published by the Ministry in 2006 showed 1,713 children who had been hired illegally compared with 2,301 who had been hired legally. The most common irregularity was the failure to send the children for the regular medical examinations required by law (see the tables in the statistical appendices). This kind of irregularity among young people under 18 years of age can also be prevented



by getting young people to become better aware of their rights and providing them with the necessary institutional network that helps them not just with careers guidance and technical training, but also with regard to their rights.

668. The checks carried out by the Ministry of Labour and Social Security with regard to the employment of children in 2006 involved a total of 6,448 companies and 19,630 employees. The children employed by these companies accounted for 6.14 per cent of the labour force, with non-EU children making up 2 per cent.

669. The checks concerning the employment of children tend to find out whether:

- The children employed may legally be hired with regard to their age – only children who have completed their compulsory education (currently 10 years) can be hired. The Ministry of Labour issued operational instructions concerning the “minimum age for employment”, which with the Budget Law 296/2007 was raised to 16.
- The legislation intended to favour the complete development of children, with regard to not just their education but also their psychological and physical development, is observed.

670. In particular, when implementing the agreement reached by the Government, Trade Unions and Employers’ Associations on 23 July 1993, Parliament intervened to redefine the way apprenticeships were regulated, introducing operational procedures with regard to the right-duty to provide education and training with the involvement of trade unions and employers. Parliament also introduced legislation to safeguard children with, in addition to their regular compulsory medical examinations, a ban on children working at night, working in unhealthy or dangerous conditions, or serving alcohol.

671. In the companies inspected in 2006, there was at least one infringement with regard to these safeguards for 50 per cent of the children employed.

672. The most common infringement was the failure to carry out the regular medical examinations (about 50 per cent of the infringements) and the failure to respect working hours, rest periods and holidays (12 per cent of the infringements). In 4.6 per cent of the cases the infringement concerned the minimum age for hiring children, and in just 1 per cent of the cases did the children carry out tasks that they were not allowed to do.

673. Finally, in 29 per cent of the cases (other infringements) the infringements concerned the failure to respect regulations concerning employee paperwork (failure to inform the job centre, failure to keep employee records up-to-date, failure to provide wage packets and failure to pay employee contributions).

674. With regard to the economic sectors, the companies employing children operated primarily in commerce and the craft industry, with very few children employed in industry or agriculture, and usually then only by small companies. Experience has shown that more than 40 per cent of children are employed by small companies, with an average of 4–5 employees. It is estimated that more than 23–25 per cent of companies working in commerce employ children.

675. This was also confirmed by the inspections, where on average the firms had 4 employees. Only in Trentino Alto Adige – Bolzano, Friuli Giulia and Basilicata was the average number of employees greater than 15. The situation in Sicily, in which 57 per cent of the companies inspected were located, is rather different. These were micro firms with one employee for every two firms.

676. It should be pointed out that the percentage of children out of the total workforce increased moving from north to south, passing from 12 per cent in the North to 20 per cent in the regions of central Italy and arriving at 26 per cent in southern Italy and the islands,

with some regions recording more than 30 per cent: Sardinia (39 per cent), Umbria (34 per cent) Liguria (35 per cent) and Val D'Aosta (31 per cent). With regard to the percentage of children with irregularities, the trend was the other way round with the minimum in the regions of central Italy (36 per cent) and the maximum in the north of Italy (52 per cent).

677. With regard to authorizations to work in the entertainment field, the 1603 authorizations issued in 2006 involved 11,783 children. More than 60 per cent of the authorizations (56 per cent of the children involved) were in Latium. Unfortunately, there is no data on the average age of the children, on the sectors in which they worked or on the length of their employment.

678. From this point of view, the reforms introduced by the Government in education and training since 2000 have been aimed at reducing the social exclusion of teenagers in two parallel ways. One is the broadening of the opportunities offered to remain within or in any case in contact with schools and other training agencies, which is seen as a guarantee of protection for subjects who are in some ways still unprepared for the outside world. The other is the acknowledgement of the value of practical working experience, which is promoted by offering students of all schools, and not just those traditionally considered as being vocational schools, the possibility of being involved in job placement schemes.

679. These two principles are referred to in both Law 53/2003 and Law 296/2006. Both these laws, albeit with slight differences, stressed the importance of education for young people at least until 18 years of age. They also allow for the training to be carried out, after 16 years of age, while working. In order to safeguard the right to education and training for children, their contracts contain specific references to this right.

680. One crucial issue is vocational training, which in Italy is the responsibility of the Regions and which for years has been at the centre of fierce debate about the need to create a certain homogeneity between the Regions with regard to the subject matter and curricula of existing vocational training centres. The raising of the school leaving age to 16 should postpone access to vocational training to this age. However, legislation concerning this aspect is currently being blocked.<sup>138</sup>

681. The second area is the economic exploitation of children who have still not reached working age. The Government has recently been trying to resume some policies that should have been introduced during the last few years and to bring this matter to the centre of national attention. First of all, in 2006, the minimum age at which someone can work was raised to 16 (before it was 15) and the school leaving age was also raised to 16, both with Law 296/2006. This legislation is in line with what was established by the ILO Convention No. 138 of 1973, which fixes the minimum age at 15, but does not ban — indeed encourages — greater attention from the signatory States to improve the safeguards for people under 18 years of age and link access to the labour market to the school leaving age.

682. To continue the work carried out in previous years, in 2006 the Government also reintroduced negotiations between the Government, Trade Unions and Employers to combat child labour, negotiations that first took place in 1998. During the various meetings, the Ministries which had supported these negotiations (namely the Ministry for Social Solidarity and the Ministry of Labour and Social Security) took note of the comments and demands coming from the other Ministries and institutional bodies, including the employer associations and trade unions, and certain representatives of civil society, namely the NGOs which for years have taken an interest in the topic. This brought new competencies to these negotiations thanks to the presence of other experts on the topic. This resulted into the first re-writing of the Charter of Commitments, which was signed in 1998 to promote the rights

<sup>138</sup> See section VIII for a more detailed description.

of children and teenagers, and eliminate the exploitation of child labour. A number of priorities were added to the new draft, including the undertaking to set up local series of negotiations on the same topic; the paying of greater attention towards particularly vulnerable categories of children who are particularly exposed to the dangers of exploitation, such as poor, foreign children, the victims of trafficking, children who have been sentenced in the juvenile courts, especially when they are non-EU unaccompanied children or unaccompanied children from one of the new Member States, abandoned children, Roma children, or the disabled; the need for action to bring the submerged economy into the open; the undertaking to improve links with local administrations to prevent a waste of school resources; the promotion of projects for social inclusion, paying particular attention to the phenomenon of begging; the boosting of the role of schools; the promoting of the best practices of corporate social responsibility; and information and support for families.

683. During the period mentioned, the Ministry of Labour and Social Policy introduced, in a global strategy, a series of actions that fall within the integrated programme against the exploitation of child labour. These were incorporated into the activities promoted together with the Italian National Childhood and Adolescence Documentation and Analysis Centre.

684. In 2004 the Centre published its Book No. 30 entitled *Bambini e adolescenti che lavorano: un panorama dall'Italia all'Europa* ("Children and adolescents who work: a panorama from Italy to Europe"). This publication focuses on the acquisition of data and information relating to what is happening at a European level on this issue and contains the first results of a study carried out by ISTAT on child labour. This study was completed in 2002, with the presentation of the data collected during the International Day on Child Labour on 12 June. On Child Labour Day, all the relevant Ministries organize seminars and conferences in Rome together with the ILO. The ISTAT study, which was already presented in the previous report, does not just provide an estimate as to the dimension of the phenomenon of child labour in Italy, it also outlines its causes.

685. Since 2005, the website Children and Work, promoted by the Ministry for Social Policies and managed by the Italian National Childhood and Adolescence Documentation and Analysis Centre, has been fully operational and is constantly updated. This platform contains all the most important information and news concerning children and work, both national and international. Moreover, it also provides information on the major events occurring in Italy, but also taking a look at what happens in Europe and the rest of the world. It also contains the legislation on this topic and the most up-to-date data. A variety of people use this web page, from experts in the field to employers, and also teenagers and students who just want to find out about this topic.

686. In 2006, the Italian National Childhood and Adolescence Documentation and Analysis Centre published the translation in Italian of the ILO text *Combating Child Labour, A Handbook for Labour Inspectors*. It was distributed at national level, especially among the regional and provincial offices of the labour inspectors, for whom these guidelines were intended. This initiative is part of a broader attempt to support the work of the labour inspectors, whose number has been increased during the last few years in order to provide a better service.

687. In 2007, the Centre published its Book No. 45 entitled *Experiences and Best Practices Beyond Law 285/1997*. This was the result of a survey carried out in 2006 on the planning of policies for childhood and adolescence at a local level. This survey, which was divided up into five areas, including child labour, made it possible to identify the level of awareness among local administrators with regard to this problem and also made it possible to identify some useful experiences on how young people suffering from different forms of social and family deprivation can be helped into the job market.

688. In 2007, an awareness campaign was also begun in relation to the exploitation of child labour with the promoting of the film *Rosso Malpelo*, produced by the Italian director Pasquale Scimeca. The Ministry for Social Solidarity helped finance the distribution of the film, promoting its viewing among numerous schools in the 15 Metropolitan Areas. The schools were then encouraged to hold meetings and debates with the students from any classes interested, allocating €100,000 for this purpose.

689. With regard to the undertakings made to the International Labour Organization, Italy ratified the ILO Convention No. 182 of 1999 on the worst forms of child labour 2000 with Law 148.

690. Since 1996, the Italian Government has been one of the main supporters of this programme. In particular, the Ministry of Foreign Affairs finances technical cooperation projects to combat child labour in various parts of the world through the Italian Office for Development Cooperation. The Italian Government's contribution to the ILO from 1991 to 2007 amounted to almost US \$14,000,000 for child labour activities alone.

**Contribution of the Italian Government to the ILO for activities concerning child labour 1992–2007 (US dollars)<sup>139</sup>**

<i>Donor</i>	<i>1991–1994</i>	<i>2005</i>	<i>2006</i>	<i>2007*</i>	<i>Total</i>
Italy	10 223 653	1 643 952	555 002	1 339 832	<b>13 762 439</b>

*Source:* IPEC action against child labour 2006–2007: Progress and future priorities, ILO, Geneva, 2008.

\* These figures are provisional and may be revised.

691. Since 2007 Italy has also been one of the main financiers of “Understanding Children’s Work” UCW),<sup>140</sup> a joint ILO/IPEC, UNICEF and World Bank research project aimed at improving our knowledge and understanding of child labour, thereby contributing to the drawing up of policies to combat this phenomenon and strengthening cooperation between the three institutions.

692. Moreover, Italy provides financial support for the “Programme for a global campaign against child labour”, which includes courses for journalists, staff from cooperation projects, and trade unions and employer associations, in collaboration with the ILO’s international training office in Turin.

693. The Ministry of Labour and Social Policy took part in the ILO campaign for the training of school operators against the exploitation of child labour with the publication of teaching material promoted by the project scream (an international IPEC programme against child labour). The main goal of scream is to support the rights of children through education, art and the media. Many local administrations have joined the scream campaign, promoting specific projects with schools. An important example comes from the Province of Pisa, which has set up a website on child labour.<sup>141</sup> The aim of this site, which has been recognised by the Ministry of Education, University and Research, is to swap experiences with different schools in the world and increase people’s knowledge about this phenomenon.

694. The exploitation of children has also been discussed by the business community in relation to the certification of corporate social responsibility, thanks also to government

<sup>139</sup> <http://www.oit.org/public/italian/region/eurpro/rome/info/presskit/080612/download/03.pdf>.

<sup>140</sup> <http://www.ucw-project.org/>.

<sup>141</sup> <http://www.scream.pisa.it:8080/scream>.

initiatives. The Italian Multi-Stakeholder Forum for Corporate Social Responsibility (CSR Forum), which operated until 2005, was replaced by the Inter-Ministerial Table on Corporate Social Responsibility.

695. One of the problems connected to the problem of child labour in Italy is the question of foreign children who start working before they are legally allowed to and/or are exploited. This specific target group was only partially dealt with in the ISTAT study. In particular, unaccompanied foreign children are a group at high risk of being exploited, especially if they have no contact with the local social services and therefore live an extremely marginalized existence (see section IX (A)). This topic is being examined by the relevant Ministries, which have repeated the Government's intention to carry out a more up-to-date fact-finding study on the phenomenon of child labour.

696. Another phenomenon connected with foreign children is that of child beggars, which involves both unaccompanied foreign children and Italian children, usually of Roma or nomadic origin.

697. Many of the initiatives taken in Italy only refer to individual areas and at the moment there is no central planning. One example of local action (which has already been brought to the attention of the Committee on the Rights of the child within the Optional Protocol on trafficking and child prostitution) is the centre to combat child begging which was opened in 2003 by the Municipality of Rome.

698. From a legislative point of view, there are a number of provisions aimed at safeguarding the rights of children who work, such as the Legislative Decree of 18 August 2000, No. 262, *Provisions Complementing and Amending Legislative Decree No. 345 of 4 August 1999 Concerning the Protection of Young People in the Workplace in Pursuance of article 1, paragraph 4, of Law No. 128 of 24 April 1998*. This legislation governs the regular medical examinations and places limits on the work that children can do, with certain exceptions regarding practical working activities carried out as part of vocational training courses. The decree followed Circular No. 1/2000 of 5 January 2000, providing the implementation guidelines for Legislative Decree 345 of 4 August 1999, which implemented the Community directive on the safeguarding of the rights of young people at work.

699. The new legislation extends the provisions for child labour to every kind of work contract, including therefore apprenticeships, training and work contracts etc, eliminating the exemptions and exclusions that previously existed with regard to certain age groups and sectors. Some jobs which previously children were allowed to do are now forbidden. Odd jobs or short-term jobs carried out in the home or in family run businesses have been excluded from this legislation. It should be stressed that these jobs must not be "done on a regular basis", and they must be done by people "who are not included in the organization of the family or the family business" in order to be excluded from the provisions.

700. The age limit for the hiring of children is determined by taking into consideration two requirements: their being at least 15 years of age (this was raised to 16 in 2007) and the successful completion of their compulsory schooling.

701. With regard to the exemptions from the ban on dangerous activities listed in the appendices to the law, which was introduced only for activities with a teaching purpose or part of vocational training, this exemption is also extended to apprenticeships.

702. As far as activities of a cultural, artistic or sporting nature or in advertising and entertainment are concerned, a distinction is made between "the participation of children" and their actual employment, although this distinction led to certain misunderstandings. As a result Ministerial Decree No. 218 of 27 April 2006, *Regulation Concerning Rules Governing the Use of Children under 14 in Television Programmes*, was introduced to

provide further indications to safeguard children, whether or not they are employed with a contract for the activities they carry out.

703. As for commitments in the field of international cooperation, article 50 of Law 235 of 2002, concerning partnership agreements with non-European countries, provides financial aid and assistance in the field of employment legislation, with a specific reference to the elimination of the most serious forms of child exploitation.

#### **Substance abuse**

704. In order to provide a more complete description of the phenomenon, the data concerning psychoactive substance abuse (heroin, cocaine, cannabis and other illegal substances) and the consumption of alcohol are provided separately.

#### **Psychotropic substance abuse**

705. The data provided comes from the Council of Europe's ESPAD Project, in which Italy is represented by the CNR – Institute of Clinical Physiology Epidemiological Section of Pisa (the National Research Council).

706. The data is based on periodic sample surveys among school goers. The present data refers to 2006.

#### **Consumption of heroin**

707. There has been a drop (during the last 12 months) with regard to the percentage of students who take heroin, especially among males. However, there are no significant changes in the overall levels of consumption compared to the previous survey (2005).

708. With regard to male students, there was a significant drop in the number of users between 2000 and 2003 (2.9 per cent in 2000, 2.5 per cent in 2001, 1.9 per cent in 2003), followed by a period of a certain stability between 2003 and 2006 (1.8 per cent). The trend is clearer among the lower age groups: for 15-year-olds there was a drop from 2.5 per cent in 2000 to 1.5 per cent in 2003; while for 16-year-olds the drop was from 3.2 per cent in 2000 to 1.7 per cent in 2006. There is less of a change among females, with consumption remaining more or less unchanged between 2000 (2 per cent) and 2004 (1.7 per cent), and then falling significantly in 2005 (1.5 per cent) and 2006 (1.3 per cent). Analysing the distribution of the consumption of heroin over the last 12 months between the various age groups, it can be noted how the highest levels of consumption are almost exclusively among male students aged 16–18 and female students aged 16–17.

709. Of the students who stated that they had taken heroin in 2006, namely 1.6 per cent of those interviewed, 66 per cent said they had only taken the drug occasionally (1–5 times), 18 per cent had taken it 6–19 times and the remaining 16 per cent had taken it more than 20 times.

#### **Consumption of cocaine**

710. The years in which the highest levels of consumption of cocaine were recorded were 2004 (4 per cent) and 2006 (3.9 per cent).

711. The distribution of consumption within the different age and gender groups remained more or less unchanged over the years, namely the levels of consumption increase with age.

712. With regard to male students, there was a significant increase in the number of consumers until 2002 (2000 4 per cent, 2002 4.9 per cent). This percentage remained more

or less stable in 2003 (4.8 per cent) and then fell until 2005 (4.4 per cent), before recording a further increase in 2006 (4.8 per cent).

713. There was also a drop in consumption among 15–19 year old female students in 2002 (2000 2.7 per cent, 2001 3.2 per cent, 2002 2.5 per cent), with the level remaining more or less unchanged in 2003 (2.4 per cent), before increasing once more in 2004 (3.2 per cent), only to fall again in 2005 (2.6 per cent). There was a further increase among female consumers in 2006 (3 per cent), almost equalling the record high of 2001.

714. The age group with the highest levels of consumption for both sexes was that of the 19-year-olds in every year of the survey, with the highest level reached in 2004 (males 10 per cent; females 5.8 per cent).

715. The age trend with regard to the consumption of cocaine is very different from that for heroin. Cocaine is clearly not just a passing phase young people go through, but is a very definite choice. The demand has not yet stabilized, increasing proportionately with age. Sixty-three per cent of the consumers of cocaine stated that they took it less than five times in 2006, while 25 per cent said they had taken it 6–20 times and 12 per cent more than 20 times.

### **Consumption of cannabis**

716. As has already been observed with regard to the consumption of cocaine, the consumption of cannabis (over the last 12 months) also increased with the age of the students and this is true in every year in which the study has been carried out. Analysing the data, there was a general increase in the number of consumers from 2000 to 2002, rising from 25 per cent in 2000 to 27.2 per cent in 2002. The level then fell in 2003 to 25.5 per cent and to 23.8 per cent in 2005. However, it rose again in 2006 to 24.5 per cent. The highest levels of consumption among male students were in 2002 (32 per cent) and 2003 (30 per cent), and among female students in 2001 (24 per cent) and 2002 (23.3 per cent).

717. The age trend with regard to the consumption of cannabis is similar to that for alcohol. Here, too, it seems that the number of consumers reaches its peak at around 18–19 years of age, with a division then that is likely to remain stable over time: 2/5 of males and 3/10 females will continue to consume cannabis, though with a very varied pattern of consumption, and 3/5 of males and 7/10 females will remain non-consumers.

718. With regard to the students who stated that they had taken cannabis (one or more times during the last 12 months), almost half (49 per cent) stated that they had consumed it less than five times, 25 per cent more frequently (6–19 times), and 26 per cent more than 20 times.

### **Consumption of other illegal substances**

719. As far as the consumption of other substances is concerned – hallucinogens (LSD, magic mushrooms and ketamine) and synthetic stimulants (ecstasy, other amphetamines and GHB) – this trend was first observed in 2003. In the case of the consumption of hallucinogens, the increase among male students is proportional to their age, while this increase is not so marked among the female students.

720. The years in which the highest rate of consumption of these substances was recorded were 2004 and 2006 (both 2.4 per cent): in 2004 female students recorded their highest rate (1.7 per cent) in all age groups except the 16 year olds, while in 2006 it was the male students who recorded their highest rate of consumption (3.3 per cent), due above all to the increase in consumption among 17 year olds (up from 2.6 per cent to 3.6 per cent).

### Other forms of exploitation

721. Another form of exploitation of children is undoubtedly their use in begging activities. This phenomenon seems to be on the increase, partly because of the earnings that it brings in for the families of the children, but above all because of the involvement of organized crime. In addition to Roma children, children of Albanian or Romanian origin have also been involved in begging for some years now. Sometimes the children are handed over to criminal organizations by their own families and it groups then arrange for them to enter Italy. Since this phenomenon is very difficult to identify, very little is known about the actual numbers involved. Among the few official figures available are police reports in 2005 (official data of the Ministry of the Interior). 455 reports were made to the Italian police about children being used in begging activities. At a regional level, one in five reports (20 per cent) were made in Lombardy (90 reports), followed by Apulia (77 reports and 4 arrests), Sicily (48 reports) and Latium (42 reports and 2 arrests).

722. According to the data supplied by the Ministry of the Interior (Department of Public Security), the use of children in begging activities or at least the cases known about and reported to the police is on the decline. In 2004, there were 540 reports and 494 people reported (the number of people reported is not available for 2005), and in 2003, there were 570 reports and 518 people reported. In other words, the number of reports made to the police fell by 20.2 per cent during the period 2003–2005.

723. New tools to combat the exploitation of children for begging activities were provided by Law No. 228 of 11 August 2003, *Measures against the trafficking of people*, which amended the crime prescribed by Article 600 of the Criminal Code. This is now defined as “the placing or holding of persons in slavery or servitude”. The action taken at both the national and local level is aimed not just at repressing this crime, but above all at preventing it by promoting initiatives to prevent people from dropping out of school and to encourage the integration of children and their families who are socially marginalized. Greater attention was paid to this problem by the Supreme Court of Cassation, which, with its ruling of 11 November 2005, laid down that preventive custody may be used in the case of people who exploit children as beggars by sending them out to ask for money.

724. When Law 228/2003 came into force, a new directive was sent out on 29 December 2003 to the Chiefs of Police, updating the directive of 14 February 2003. This circular highlighted the need for the police to work together with the different institutions involved (juvenile courts, local bodies etc) within the Provincial Committees for Public Order and Security in order to determine the operational profiles for the police and the profiles linked to the social rehabilitation of these children, including the procedures for assisted repatriation, where this is possible. The Carabinieri General Headquarters, in the light of the provisions contained in Law 228/2003, sent directives to the Provincial Commands, instructing them to organize special services to combat the abandoning, exploitation and abuse of children. It also instructed them to provide periodic reports on the success of these services.

725. Another step towards integrating the various activities to combat and prevent this phenomenon, and provide assistance came from the “Pact for Security” signed by the Ministry of the Interior and the National Association of Italian Municipalities (ANCI) on 20 March 2007. This document provides the general framework of reference for similar initiatives to be taken at a local level and is a step forward compared to the State’s integrated policies with the various levels of local administrations for urban renewal and redevelopment projects to ease social malaise, and prevent and combat crime. The main protagonists with regard to the action taken are the municipalities and their local services. There is also a network of local authorities called the “Network of municipalities against the exploitation of child labour and begging”. At a national level, mention should be made of the decision by the Equal Opportunities Commission of ANCI to create a body to



coordinate the action of the local authorities against trafficking at a national level. The aim is to support the important role played by local authorities in helping the victims of trafficking to free themselves from their exploitation. Trafficking is a phenomenon on the increase and now includes the most terrible forms of exploitation, from exploitation in the workplace to the various illegal activities and begging, and even the trafficking of organs.

726. A best practice in the fight against the exploitation of children for begging is the Centre in Rome for action against child begging, but there are also other initiatives. The municipality of Turin, for example, with its Area Social Services Plan has strengthened its initiatives to prevent and combat this phenomenon by establishing closer links with voluntary and third sector associations. It has also improved contacts with the other municipal services (education, youth services, services for problem areas etc), the ASL local health-care services, the prosecution services and the police. This has made it possible to begin a more global form of control of the phenomenon and also to intervene more effectively in individual cases. It has also made it possible to carry out a considerable number of activities and projects aimed at risk prevention, the rehabilitation of children in difficult situations, and the social and cultural inclusion of problem children.

727. In numerous Italian cities specific inter-institutional committees have been set up to coordinate activities, while elsewhere the topic has been included within the more general topic of the fight against the trafficking of human beings. The aim of these committees, which bring together people from the school, social, health and police sectors, is to coordinate the activities to help and protect children and adolescents who have been the victims of trafficking. Their task is also to monitor the phenomenon and provide training opportunities and refresher courses for staff. At a local level, in Rome, a special helpline was set up to help stop the exploitation of children for begging, and an information and prevention campaign was also carried out in the Roma camps and places frequented by foreigners. This was made possible thanks to the daily collaboration of the NAE<sup>142</sup> (the Municipal Police Unit for the disadvantaged people), staff from the school department, local social services and the network of associations.

### **Sexual exploitation and trafficking**

**Committee recommendation No. 50 on measures to prevent and combat trafficking in children for sexual purposes, in accordance with the Declaration and Agenda for Action, and the Global Commitment adopted at the 1996 and 2001 World Congresses against Sexual Exploitation, also through cooperation**

728. With regard to the analysis of the initiatives taken by the Italian Government to coordinate action at a central level, collect data and promote measures of prevention and protection, see the part of the report concerning the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography.

### **Children belonging to minorities**

**Committee recommendation No. 55 on the development, in cooperation with Roma NGOs, comprehensive proactive policies and programmes to prevent Roma children social exclusion and discrimination**

729. During the last few years, central and local government (the Regions and local authorities) have introduced legislation, policies and actions aimed at preventing social exclusion of, and discrimination against Roma, Sinti and Caminanti children. As was already mentioned in section II, there are no precise figures for the number of Roma

<sup>142</sup> Acronym in Italian of Nucleo Assistenza Emarginati.

children in Italy. It should be remembered that their situation varies enormously: some were born in Italy to parents with Italian citizenship, some were born in Italy to parents who do not have Italian citizenship, some were born in Italy with parents who are legally resident, some arrived in Italy accompanied by relatives but not their parents, and some arrived in Italy unaccompanied by either their parents or any other relative. Then there is the important distinction to be made between itinerant and sedentary Roma.

730. Monitoring of the Roma community was begun at a national level in 2006 (updated at the end of 2007) with the collaboration of the Prefectures, with particular reference to problems at a local level and how, if at all, these problems were resolved. This survey revealed the difficulty in obtaining official data, especially in metropolitan areas, because of this community's tendency to move around frequently.

731. As a result, the National Observatory for Children and Adolescents placed amongst its priorities the situation of Roma children and informed the previous Government of the lines of action they believed needed to be included in the Government's next Plan of Action.

### **Right to one's identity**

732. Italy protects minorities through the ratification of the Framework Convention on the Protection of National Minorities, signed in Strasbourg on 1 February 1995, and through the legal recognition of historical linguistic minorities with Law No. 482 of 15 December 1999 (and Law No. 38 of 23 February 2001, containing specific provisions regarding the protection of the Slovene minority in Friuli Venezia Giulia).

733. With a decree on 13 October 2006, the Ministry of the Interior highlighted the cultural importance of the Roma communities, making the following proposals:

- The search for safer, more dignified "micro" areas
- The construction of a pleasant habitat
- A broader system of care and assistance for children, and appropriate measures for their inclusion in schools
- The involvement of small and medium-sized enterprises in an experimental job-training scheme
- Promotional activities aimed at improving people's knowledge of the Roma culture as a means of developing tolerance

734. The Cabinet also approved on 24 April 2007, the bill for the ratification and implementation of the European Charter of Minority and Regional Languages done in Strasbourg on November 1992.

735. The Ministry of the Interior issued a decree to identify local authorities willing to create the necessary infrastructure and facilities to host Roma communities.<sup>143</sup> In this way they were able to draw up a list of the local authorities interested (51 Provinces and 130 Municipalities), as well as the sums for the loans that had been or were to be contracted to create the necessary infrastructure and facilities to host Roma communities.

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<sup>143</sup> Ministerial Decree of the Ministry of the Interior of 7 April 1989, subsequently amended by Ministerial Decree of 23 October 1989, to identify local authorities willing to create the necessary infrastructure and facilities to host Roma communities.

736. The Ministry set out in a circular the aims and programmes for 2007 with regard to the UNRRA – Reserve Fund.<sup>144</sup> These goals included the priorities and criteria for the awarding of funds for the following types of action: projects which, in pursuing the goals of social cohesion, include action aimed at improving the inclusion of immigrants in the social context, and projects which provide support for extremely poor people and the weakest groups in society, which include foreigners and nomads.

737. The Ministry of the Interior issued a decree adopting the “Charter of the values of citizenship and integration”.<sup>145</sup> This Charter is based very closely on the Italian Constitution and European and international Charters on human rights. Its main purpose is to help the Ministry plan the action it intends to take, but it is also a useful tool for all those involved in immigration, religious communities, Italian citizens and above all young people, to improve their knowledge about the problems of immigration and religious freedom.

738. The Ministry of the Interior also issued a circular aimed at monitoring episodes of intolerance, racism, xenophobia and anti-Semitism.<sup>146</sup> It invites Prefects to continue and intensify their collaboration, informing the Ministry of any new episodes that can be attributed to these phenomena. It is extremely important to know the places where feelings of resentment, anger and protest are widespread and threaten to boil over into episodes of open conflict. As one of its tasks is that of drawing up strategies of prevention, the Committee behind this initiative (the Committee against Discrimination and Anti-Semitism, Department for Civil Freedoms and Immigration, Ministry of the Interior) is involved wherever there are situations of inequality of treatment for whatever reason.

739. An excellent opportunity to compare best practices in Italy and abroad was provided by the European Conference on Roma, organized by the Ministry of the Interior in collaboration with the Ministry for Social Solidarity on 22–23 January 2008. The conference was organized on the eve of International Holocaust Remembrance Day to highlight the need not to forget the extermination of the Roma (Porrajmos) during the Second World War. During the conference there was considerable discussion about examples of “education as one of the key elements to peaceful coexistence”, “the home as support for a possible integration” and “the safeguarding of rights and respect for the rules”.

#### **Right to a residence permit**

740. The aim of Italian and European institutions is to create the conditions for full social inclusion in every country, combining the recognition of rights with respect for the rules.

741. Given the examples of intolerance, it was deemed necessary, even with regard to constitutionally guaranteed rights, to take a stance on the need to respect different cultural identities, while at the same time asking the minorities present in Italy for a serious undertaking to observe the rules of peaceful coexistence.

742. Current legislation makes no distinction between the treatment of citizens from third countries on the basis of their ethnic origin. As a result, the issuing of a residence permit to members of the Roma community or to people from countries that are not members of European Union depends on their meeting the requirements for immigrants in accordance

<sup>144</sup> Circular No. 11/07 of the Ministry of the Interior of 26 March 2007, issued in accordance with article 8 of the Prime Ministerial Decree 20 October 1994 No. 755, entitled *Directive of the Minister containing the aims and programmes for 2007 with regard to the UNRRA-Reserve Fund*.

<sup>145</sup> Ministry of the Interior Decree of 23 April 2007 concerning the adoption of the “Charter of the values of citizenship and integration”.

<sup>146</sup> Circular No. 16 of the Ministry of the Interior of 14 June 2007 containing *Monitoring of episodes of intolerance, racism, xenophobia and anti-Semitism*.

with Legislative Decree No. 286 of 25 July 1998 (*Discipline Regulating Immigration and Rules on the Status of Foreigners*). This law is based on the principle of the integration of foreign citizens into society and on the recognition of their right to health care and education. Foreign Roma who are legally resident in the country enjoy all the rights to which immigrants are entitled in the current legislation, which is based on the principle of the integration of foreign citizens. Foreign citizens who have illegally entered the country or do not have a valid residence permit still have a right to urgent or essential surgery and hospital care, even of a continuous nature, due to illness or injury, as well as the right to compulsory education for their children.

743. As far as legal guarantees of EU Roma are concerned, the members of their communities who are citizens of the European Union enjoy the freedom of movement in accordance with Directive 2004/38/CE of 29 April 2004 and Legislative Decree No. 30 of 6 February 2007.

### **Right to citizenship**

744. With regard to the possibility of foreign members of the Roma community who have been resident in Italy for several years obtaining Italian citizenship, it should be noted that the Ministry of the Interior, with Circular No. 22 of 7 November 2007, offered more favourable interpretive criteria than Article 4, c. 2 of Law 91/1992,<sup>147</sup> with regard to the possibility of foreign citizens born in Italy acquiring Italian citizenship. This is to protect the children of immigrants from the danger that they suffer as a result of their parents' failure to register their births or have their names added to their parents' residence permit or that their parents delay doing so. The application is presented in the Municipality in which they are resident, where the relevant office will check to see whether they are legally resident and for how long they have been resident.

745. To be legally resident one must have a valid residence permit and be registered with the Municipality of residence. This circular stated that should there be a delay in the child's name being added to the parents' residence permit or its birth being registered, this must not prevent the child from acquiring citizenship so long as suitable documentation is provided (school certificates, medical certificates etc) to show that the child has been on Italian soil in those periods.

### **Right to health**

746. There are three types of problems relating to the health of the Roma communities on Italian soil: one is of a socio-environmental nature, one is of a health nature and one is of a cultural nature concerning their extraneity and the difficulties they have in gaining access to health care.

747. With regards to the right to health of Roma children, the National health plan for 2006–2008 devoted special attention to the particular problems of the Roma populations. They live in unhealthy socio-environmental conditions and the improving of these conditions must be a priority. There is no official, scientifically significant and systematic data on the health conditions of the Roma and this is a critical element. It derives, on the one hand, from the difficulty in studying a people whose existence is to a certain extent characterised by its mobility and a lack of official documents, and, on the other hand, from the impossibility of having data that can be cross checked in relation to their community as a whole as this is considered by the law on privacy to be "sensitive" data and irrelevant

<sup>147</sup> "Foreigners who were born in Italy and have been resident there without interruption until their 18th birthday become Italian citizens so long as they declare that they wish to obtain Italian citizenship within a year of that date."

from an administrative point of view (the administration consider any service provided as something individual, which has nothing to do with a person's ethnic or social background).

748. First-hand reports from health workers and research focusing on certain local situations make it possible to state, however, that the health conditions of Roma children are far worse than those of the majority of the population. This is also shown by indicators such as their low birth weight, shorter life expectancy, higher infant mortality rate, higher incidence of chronic diseases, and higher incidence of infective diseases such as bronchitis, intestinal infections and tonsillitis among children. Further studies need to be carried out to confirm a possible increase in congenital abnormalities and hereditary diseases. Moreover, very few children are vaccinated and there is a greater possibility, especially among the younger generations, of their being exposed to diseases, which in the past were unknown to them, such as HIV/AIDS and other sexually transmitted diseases. Two new phenomena within the Roma communities are abortions, with the same women sometimes aborting more than once, and an increase in drug addiction.

749. Moreover, the clear separation between the Roma and their host communities (a result of the physical distance between the places in which they live and the city centres), the linguistic and cultural difficulties the Roma have in communicating with health workers, the prejudices and discrimination they are often victims of and, at times, their own self-exclusion, bring about their isolation and cause problems in gaining access to information. This results in a poor use of social and health-care services.

750. The right to health is, therefore, one of the aspects that has been tackled within the integrated projects aimed at generally improving the living conditions of the Roma. These improvements range from eliminating or modernising their camps to educating their children and providing them with job training. Several Regions, such as Tuscany and Campania, have been working in this direction, as have certain local health authorities (ASL) in various parts of the country. They have been trying to see how they can provide assistance and health care directly to the Roma populations who live in the area for which they are responsible.

751. The protection of one's health is one of the principles of the Italian Constitution.<sup>148</sup> As a result, everyone has a right to health care in Italy, albeit with certain differences. Roma populations with Italian citizenship have exactly the same rights as the rest of the population, while for foreign citizens the situation varies, depending on whether or not they are legally entitled to be in the country, as was laid down by Legislative Decree 286/1998. If they are legally entitled to be in the country, they have the same rights as Italians, including being registered with the National Health System; if they are not legally entitled to be in the country, they have a right to essential and urgent treatment, with special attention paid to pregnant women and children.

752. While from a legislative point of view, everything necessary has been done to suitably guarantee the health of the Roma population, in practice there are some difficulties. During the last few years, the health-care services have been organizing themselves, on the one hand, to promote certain forms of behaviour with regard to hygiene and health, and, on the other hand, to create the necessary conditions for a relationship of trust between the Roma communities and the local health-care services.

753. With regard to vaccinations, the Ministry of Health has issued specific circulars, depending on the age of the children, to check foreign vaccination certificates to see exactly what they were for in order to protect both the health of the children and the community.

<sup>148</sup> "The Republic protects individual health as a basic right and in the public interest; it provides free medical care to the poor" (art. 32 Italian Constitution).

Regional and local authorities, the social services and health workers have introduced a series of strategies with the help of cultural mediators and voluntary associations to provide all sections of the population with vaccinations. Moreover, the Ministry has been promoting the National Prevention Plan, which provides specific funds not just for the prevention of heart disease, tumours and accidents, but also for vaccinations, indicating specific strategies to reach the at-risk groups.

754. In 2002, a vaccination campaign was carried out in all the temporary camps in the city of Rome by the Group Immigration and Health (GrIS) — Gypsy Area of Latium (a group comprising staff from the public and third sectors and volunteers that has been operating in Rome for 10 years) in an initiative entitled “Health Without Exclusion”. Since then the various members of the group (in addition to the local health authorities — (ASL), there is the Health Area of Caritas Rome, Opera Nomadi, the Community of Sant’Egidio, arci — Italian Cultural and Recreational Association and the Community of Capodarco) have continued to work with the Roma communities, showing them how to use local health-care services correctly and providing them with health education, in addition to offering training to social and health workers.

755. Another critical aspect is the sexual and reproductive health of the women. Attention is now being turned back to family planning clinics in order to offer Roma women a structure they can turn to get help and advice, and where during pregnancy and childbirth, they can already start looking after the health of the children. Roma women normally only go to hospital when it is time to give birth, without going for the various checkups during pregnancy as required by Italian law. Moreover, access to the family planning clinics should help these women tackle the problem of marriage and above all the problem of having children at an early age, with its consequences on the health of the young mothers and their children. The difficulty is in creating a contact between the communities that live in a given area and the local health-care services<sup>149</sup>. The Ministry of Health is currently working on two cooperation agreements to carry out experimental projects aimed at furthering epidemiological knowledge and improving the access of Roma communities to the health-care services, especially children.

756. As this section of the population makes very little use of the health-care services, another project has been authorized aimed at experimenting with and promoting a model based on an active offer of services for these communities, which are at high risk of social exclusion. In particular, the aim is to produce information material using the right communication techniques to make it accessible to them. This material will contain both topics on health education, with particular reference to looking after children (nutrition, personal and environmental hygiene), and information on the health services. It will then be distributed in those Italian cities in which there is a large concentration of Roma. An important aspect of this project is that this health booklet will be distributed by health workers, perhaps accompanied by volunteers who can act as cultural mediators between the health workers and the Roma communities. The indirect aim of this project, therefore, is to improve the awareness of the health workers and train them to have the cultural knowledge and tools necessary to reach these communities.

757. Article 1 c. 827 of Law No. 269 of 27 December 2006 approved the financing of the National Institute for the Promotion of Health of Migrant Populations and the Prevention of

<sup>149</sup> One training experience for women on these issues was organized by the ASL-Na1 and held in the Roma camps themselves, where they discussed the problems of young people. This established a relationship, which continued after this experience, with the women visiting the ASL surgeries. ASL-Na2 developed special procedures for mothers with problems in the family planning clinics, creating a link between these people and the hospital in which they gave birth.

Diseases of Poverty. One of the goals of this Institute is to give scientific dignity to the work being carried out in favour of migrant and marginalized populations, and to offer people in great need a form of health care that also tackles the social and economic determinants of disease.

### **Right to education**

758. According to a survey carried out by Opera Nomadi on the education of Roma children in Italy during the 2003/04 school year, a total 12,480 Roma pupils attended school, divided up as follows: 1,585 in preschools, 6,918 in primary schools, 3,577 in middle schools and 400 in high schools. This list is not complete, however, as only the schools in which Opera Nomadi has a local section were contacted.

759. Since the 2007/08 school year, the records collected by the Ministry of Education, Universities and Research regarding enrolment and school attendance will also contain a census on children belonging to the Roma community in order to have, by the beginning of the 2008/09 school year, a clearer picture of the situation.

760. There is a need, here too, to carry out a detailed study of the situation in order to have a clearer picture of the situation. Such a study must involve all the institutions and bodies which for whatever reason deal with Roma children. That is why a request was made to link all the data banks of the various Ministries and municipalities to create a single monitoring system within the relevant technical committee that deals with immigration at the Ministry of the Interior (ex Art. 2 *bis* Consolidated Text).

761. The Italian policies of integration are organized in a rather complex way with many different levels. At the same time, the school system is also managed at different levels. During the last few years, greater attention has been paid to school integration and this has led to changes in the legislation and also in the administering of the Italian school system.<sup>150</sup> In particular, the most recent programmes make specific reference to the action against discrimination and prejudice, with the fight against Antiziganism. This fight can be won through intercultural education, which also means getting to know the history of the Roma people.

762. To complete the picture, there is a Protocol Agreement between the Ministry of Education, University and Research and Opera Nomadi, with a joint working group set up between the two bodies in November 2007. The Protocol Agreement contains many interesting proposals, such as those listed below:

- The promotion of initiatives to tackle the problems of school dropouts, truancy and the failure to keep up with the studies
- The training of teaching staff and school operators to make school more productive
- The training of linguistic and cultural mediators, in collaboration with regional educational services and local authorities

763. The Ministry of Education, University and Research has also begun a training programme for teachers on these issues aimed at improving research into methodological and didactic questions.

<sup>150</sup> For more detailed information on this point, see section VIII.

## **X. Programmatic indications and prospects for reform**

764. The previous sections refer to the actions carried out in Italy up until 31 December 2007 for the implementation of the Convention on the Rights of the Child. The following pages illustrate the subsequent actions implemented and also the further plans for implementation indicating the specific sections of the report to which they refer.

### **A. General measures of implementation (arts. 4, 42 and 44, para. 6)**

#### **Plan of Action for 2008–2010**

765. The new 2008–2010 Plan of Action for childhood is at present being drafted.

766. In the month of October 2007 the National Observatory on Children and Adolescents approved a document containing the methodological indications for the preparation, application, monitoring and evaluation of the Plan of Action.

767. This document prioritized the following aspects:

- Coordination (among the different institutions and the other social players involved)
- Consultation (among the members of the Observatory)
- Concerted action (such as harmonising policies, services and actions)
- Joint planning (for each type of action, planning must be participatory, shared and transparent)
- Joint management/shared responsibility (at both central and local level)
- Participatory monitoring (evaluation of the results of actions contained in the Plan of Action for children and adolescents is not an optional activity, but is part of the plan itself)

768. In order to draw up the Plan, working groups were set up in seven thematic areas: the right to participate and the right to an environment on a children's scale, the intergenerational pact, the fight against poverty, children towards an intercultural society, Roma, Sinti and Caminanti children, the rights protection and guarantee system, the integrated services network.

769. The working groups were required to produce a programmatic policy document, and also a summary of the specific actions planned, with the instruments that may be used and the indicators for evaluation/monitoring (of the context, resources, process and results).

#### **Independent monitoring structures**

770. On 1st August 2008 the Council of Ministers, following a proposal from the Minister for Equal opportunities, passed a bill which established the figure of the National Ombudsman for Children and Adolescents.

771. A monocratic body, appointed jointly by the two presidents of the Chamber of Deputies and the Senate, the ombudsman will be chosen among people of "proven professionalism and experience in the fields of child's discomfort and of family and educational problems" and will have a four-year tenure, renewable for one more term of office.

772. The Ombudsman is required to carry out, with complete independence of judgement and evaluation, tasks promoting the implementation of the Convention on the Rights of the



Child and of the other international instruments concerning the promotion and protection of the rights of children and adolescents, as well as the full application of the relative European and national legislation, in particular with the tasks of making proposals, providing consultation, information and listening to children.

773. In particular, the tasks include the possibility of proposing the adoption of initiatives and even legislation, to ensure the full promotion and protection of the rights of the child.

774. Among the advisory tasks we point out: the opinion on the National Action Plan for actions to Government regulations regarding children and adolescents, on the report which the Government periodically presents to the Committee on the Rights of the Child.

775. Among the information tasks we stress the campaigns to create awareness and spread information about the rights of children and adolescents and the annual report to be presented before the Parliament.

776. Finally, among the listening tasks, the Ombudsman is required to guarantee suitable forms of consultation and collaboration among the subjects involved in the protection of children and adolescents, including children, family associations, with particular reference to those in the foster care and adoption sector, and also all the non-governmental organizations working in the area of protection and promotion of children's rights.

777. The measure which is being adopted also establishes that in carrying out his duties, the Ombudsman will use all the data and information from the national Observatory on the Family, the National Observatory on Children and Adolescents and also the Observatory for the Fight against Paedophilia and Child Pornography.

778. Moreover the Ombudsman, complying with the competences attributed by the Constitution to the regions, must guarantee suitable forms of cooperation with the regional ombudsmen and he will have the power to notify, officially or following notifications or claims, situations of difficulty or risk of violation of children's rights to the competent judicial Authority.

779. In carrying out his activity, the Ombudsman may ask the public administrations for relevant information for child protection and may request access to data banks or public archives.

780. The Ombudsman may also request the competent authorities, in the forms and according to the agreed methods, to access the public institutions where children are present, and also to visit the juvenile penal institutions, after receiving authorization from the surveillance magistrate for children or from the judge in the proceedings.

### **Roma, Sinti and Caminanti children and adolescents**

781. Managing the presence of the Roma community has been complicated by the increase in the population over an extremely short time and also owing to the structured system of sharing responsibilities between the central government and local governments with regard to social inclusion policies.

782. According to the latest estimates provided by the Opera Nomadi in May 2008, there are about 160,000 Roma, Sinti and Caminanti living in Italy; about 70,000 of them are Italian citizens, while the rest are largely citizens from the Balkans, in particular Romanians, whose numbers are constantly increasing and have now reached about 60,000. Only approximately 30 per cent of these groups can still be considered to be nomadic.

783. Situations of environmental deterioration, illegal practices and episodes of intolerance and violence have induced the Italian Government to adopt urgent measures with the aim of uniting legality and solidarity, such as for example the appointment of the prefects of Rome, Milan and Naples as deputy Commissioners (Prime Minister's

ordinances of 30 May 2008) in order to implement, as quickly as possible, the necessary forms of collaboration with the Regions, with other public institutions and with the Italian Red Cross.

784. To make the Commissioners' actions homogeneous and to give indications about how to make a census of the settlements, the people and family units, and also to identify persons who are unable to prove their identity, in compliance with the national and international laws for the safeguard of privacy, guidelines were issued by the Ministry of the Interior on 22 July 2008. An inspection of the numbers present on Italian territory in the authorized camps and in the illegal settlements<sup>151</sup> — in full compliance with the fundamental rights and laws which safeguard personal dignity and privacy, and in compliance with the EU directives and the Italian law in force (public safety laws Consolidation Act) — is carried out, for people over 14 years of age, by taking finger prints in cases where identity documents are missing and when there are no other means of identification. For children under 14 years but over 6 years of age, finger prints may be obtained only for the purpose of issuing a residence permit when requested by those who have parental authority over them (art. 4 ter of EU Regulation n. 380 of 18 April 2008 establishes that it is compulsory to obtain fingerprints from the age of 6 years), or, in case of necessity, contacting the competent Public Prosecutor at the Juvenile Court through the Investigative Police. Below this age group, fingerprints can be obtained, upon agreement between the Public Prosecutor and the Juvenile Court, only in exceptional cases of children who are in a state of neglect or who may have been the victims of a crime, considering that the children's first right is to have an identity, in order to prevent them from falling into the criminal circuits which use this uncertainty to set up illegal trafficking and serious forms of exploitation.

785. The census is made with the maximum transparency, bearing in mind all the contributions from the various institutions such as the magistracy, in particular the Juvenile Court, from organisations like the Italian Red Cross which helps in the census-taking operations and from UNICEF. Besides, the people involved are informed of their rights and in some cases, an inspection of their documents has revealed that they possess the regular right to remain or even that they can obtain Italian citizenship.

786. The European Commission has considered that the measures adopted by the deputy commissioners are not discriminatory and are in line with European legislation.

787. Observing that the guidelines have been adopted in conformity with the indications expressed by the national Authority on the protection of personal details and by the European directives, the Commission appreciates the collaboration of the Italian Authorities with the Red Cross and UNICEF and has asked to be informed of the results of the census.

788. Awaiting completion of the census, there has been a continuation of the commitment taken at all levels of government responsibility (central government, regions and above all municipalities) to strengthen the social integration processes of the Roma populations.

789. The Ministry of Labour, Health and Social Policies, also with the aim of providing actions to accompany the actions for the protection of public safety, has begun initiatives aimed at improving the living conditions of the Roma communities and promoting their integration.

790. In particular through the Fund for Migratory Policies, which has allocated 2.4 million euro to actions in favour of the Roma people, agreements have been signed with

<sup>151</sup> Because of the different origin (Italian, EU and extra EU citizens, Roma, migrants without documents), the census is not based on ethnic criteria.

major cities such as Naples, Rome and Reggio Calabria — in whose suburbs the presence of Roma minorities is most conspicuous — and through the Fund for the Social Inclusion of Immigrants,<sup>152</sup> with an allocation of over 3.5 million euro, initiatives in favour of social inclusion have been funded, concerning the different aspects of social life and bearing in mind the needs expressed by the local communities.

791. As in the past, the resources of the EU Structural Funds are also a valid support for the implementation of inclusion policies in favour of the Roma people. In the context of the new programme for 2007–2013 measures intended for the Roma, Sinti and Caminanti are included both in the national security Programme, with the particular aim of combating situations of deviance and spreading the culture of legality also through forms of rehabilitation and reuse of public spaces, and in the Regional Plans, also through support for training and return to work.

792. Among the priorities, particular attention is dedicated to the housing marginalization phenomenon, which sometimes hinders a real integration process. Therefore over 2.6 million euro have been allocated to starting a collaboration with the local Administrations of several cities (Rome, Padua, Turin and Milan), whose suburbs have high levels of Roma minorities.

793. A specific commitment has been reserved also for spreading cultural mediation, which is crucial for furthering relations between the immigrant and the society which receives him, and above all for promoting integration in schools.

794. School participation of pupils<sup>153</sup> belonging to the Roma, Sinti and Caminanti communities is certainly one of the principal Italian policy objectives. For this purpose, resources amounting to around 1 million euro have been allocated for actions promoted in Rome, Bologna, Naples, Florence and Milan, namely:

- Welcome/assistance for Roma, Sinti and Caminanti pupils also using cultural mediators, to assist their positive integration and guidance into the school system, thus countering school abandonment and preventing dispersion
- Involving the Roma, Sinti and Caminanti parents and families in school activities and in the scholastic guidance of the pupils
- Actions to create awareness with the aim of combating discriminatory phenomena, and also of respecting diversity and for intercultural dialogue

795. Furthermore, the Ministry of Education, the University and Research, has a plan underway to promote school attendance of children, accompanied by actions in cooperation with the local Authorities, to identify areas where housing can be built for those who have the right to reside in Italy.

796. The Italian Government intends to reinforce and improve the quality of the actions, also by involving the Roma communities, in relation to the analysis of the problems and the decisions to be taken.

797. To bring about an effective inclusion process, considerable financial resources are needed: many resources have been provided by the local Authorities which will continue in this direction. A monitoring activity is also being conducted with all the other State Administrations to locate EU to be allocated to social inclusion actions in favour of the

<sup>152</sup> Year 2007 – €3.578.444,43.

<sup>153</sup> Five projects have been selected and financed, for a total amount of €941.551,93, introduced by bodies and private associations in partnership with a single school or nets of schools.

Roma communities, bearing in mind the good practice already adopted locally by certain municipalities.

## **B. Definition of the child (art. 1)**

### **Recognition of the opinions of an unaccompanied foreign child in the procedure concerning his/her right to a future**

798. Legislative decree No. 25 of 28 January 2008, implementing directive 2005/85/EC which contains minimum standards for the procedure applied in the Member States for the recognition and repeal of the status of refugee, in article 19 establishes as a guarantee for unaccompanied foreign children that:

- The unaccompanied child who has expressed the wish to request international protection should be given the necessary assistance to present the application; the child is provided with the assistance of a guardian at every stage of the procedure for the examination of the application, as established in article 26 c. 5<sup>154</sup> of the decree
- The unaccompanied child, if there are doubts with regard to his age, at any stage of the procedure, and subject to the consent of his legal representative, may be submitted to non-invasive medical-health examinations in order to ascertain his age; after the examinations, if it is not possible to exactly determine the child's age, the lowest age is presumed, with the consequent treatment
- The child must be given the necessary information concerning the possibility that his age may be determined by a medical examination, and concerning the type of examination and its consequences for the purpose of the application; however the child's refusal to undergo a medical examination is not an impediment against accepting his application, nor against taking a decision

799. Still as a guarantee of the child's rights, Legislative decree n. 25 of 28 January 2008 recognises the child's right to be heard using the method of a personal interview in the presence of his guardian (art. 13, c. 3); he is guaranteed adequate information about the meaning and the eventual consequences of the personal interview.

## **C. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2; 19–21, 25, 27, para. 4; and 39)**

### **Parental Support – financial support**

#### **Actions in favour of families in situations of economic difficulty are a priority in the social inclusion strategy for 2008–2010**

800. This is translated into actions which aim to compensate the principal factors of imbalance which affect Italian families' material living conditions, both because of the particular economic situation (the growing condition of economic difficulty of a segment of

<sup>154</sup> Article 26.5: When the question is introduced by an unaccompanied child, the authority suspends the procedure, gives immediate communication to the juvenile court and to the judge for the opening of the protection and the nomination of the tutor in compliance with articles 343 ss. cc, and informs the Foreign Children Committee within the Ministry for Social Solidarity. The judge in next forty-eight hours to the communication of the Questore provides for the nomination of the tutor. The tutor gets in contact immediately with Police headquarters for the confirmation of the question, with the aim to support the procedure and the adoption of measures concerning the acceptance of the child".

families due to the increased cost of consumer goods, concentrated in two main areas: housing and the food sector), and owing to factors which traditionally contribute to the risk of impoverishment (single mothers, large families or where there is a disability or lack of self-sufficiency).

801. The Government has moreover implemented actions aimed at reducing the impact of the factors on the segments of the population in greatest difficulty:

- The housing plan provided for in Law No. 133 of 6 August 2008, converting Decree Law No. 112 of 2008 responds to the need to guarantee the essential housing requirement throughout the national territory, increasing the real estate availability by offering public residential building and introducing measures to regenerate the existing housing and implementing integrated urban requalification measures. These actions will need to bear in mind the different situations throughout the territory and are primarily intended to provide housing for low-income families (including single parent or single income family units), young, low-income couples, elderly people in disadvantaged economic and social conditions, students living away from home, people subject to eviction orders with notice to quit, regular immigrants on a low income.
- Distribution of a purchase card (the so-called “*social card*” introduced by article 81, subparagraphs 32 et seq., of law No. 133/2008 cit.) which on the one hand enables families to use a prepaid card intended for the purchase of food or to pay domestic utility bills, and on the other, to benefit from advantageous purchase conditions which the Government intends to negotiate with the large distribution chains and food production plants. The aim is to assign to over 1.2 million beneficiaries — including children under the age of three years — a “*social card*” of approximately 500 euro, to be spent in stores for the purchase of staple commodities. After the first experiment (last quarter of 2008) it will be possible, already in 2009, to make an evaluation of the efficacy of this measure, to consider possible improvements and developments, in particular to ascertain the possibility for this same circuit to be used to promote access to further services in connection with national support measures (gas and electricity tariffs).
- Special guarantee fund for first-time home buyers (regulated by article 13, subparagraph 3 bis, of law No. 133/2008 cit.) — which will function according to decrees that are to be issued — and which may allow access to subsidized funding for young couples and single parents with children who are first-time home buyers, giving priority to people who are not permanently employed. The fund’s endowment is 4 million euro for 2008 and 10 million for the following years. The definition of liability for this measure is under completion, but will be followed by the logic of a means test to allocate the benefit to particularly disadvantaged segments of the population, with particular reference to elderly people and children in early infancy.

802. Other measures of family income support, introduced by Law 126/2008 are those relative to the abolition of the municipal tax on first homes — ICI — an important measure considering that in Italy the percentage of first-time home owners is more than 75 per cent — and to the restructuring of loans and tax cuts on overtime. Special attention will be paid to reinforcing the local services network, intended for families and including services for people who are not self-sufficient and services in support of families with children.

#### **Parental support – parental responsibility**

803. Another priority action is aimed at creating shared, participatory paths, integrating various institutional subjects and the private social sector, which harmoniously contribute

to the construction of a project benefiting children and their family units. The general aims of the plan entail actions of cooperation and joint responsibility between public and private subjects and unitary policies and services for children and adolescents, in order to enhance, reinforce and/or create resources and services for the protection of children and in particular, to respect the child's right to grow up within his own family.

804. Difficult financial conditions can never make the institutions decide to remove the child from his/her own "affectively capable" family environment. When exceptionally and in the child's prime interest, he is separated from his family, the child must however be inserted in a family environment suitable for the harmonious and full development of his personality. The public institutions are obliged to adopt the measures necessary for the family to carry out its role and to commit itself to assuring the child of the protection and care necessary for his well being, in consideration of the rights and duties of the parents, guardians or other persons who are legally responsible for the child. For a targeted action to prevent difficulties in families with problems and to ensure responsibility which is not bureaucratic but professional and efficacious, with services closer to the territory and to the community, the objective is to reinforce three fundamental aspects of the services:

- Prevention: development of all the initiatives in support of the family in its multiple functions of care and education, so that in the face of problems and difficulties it will find competent and coordinated points of reference within the community.
- Protection: counteracting various situations of difficulty, to be tackled in different ways in order to guarantee adequate economic conditions, social integration, security.
- Emergency: cases connected with situations of neglect and violence that demand rapid "social first aid" intervention. Supporting this activity, the Ministry of Labour, Health and Social Policies, in partnership with the Regions and the National Committee for Foster Care Services, intends to strengthen the widespread exchange of experiences and best practice on family foster care, to train social workers and boost the development of foster care services throughout the national territory, creating awareness in civil society through a national awareness campaign ("Foster care and Solidarity") which, as well as providing quality action, entails a significant reduction in the cost of social intervention, as well as developing real subsidiarity. The expected result is the promotion of regional networks, which will ensure continuity in the exchange of good practices and accompany the activity of the social workers and the foster care services. It is considered to be essential to set up a series of initiatives aimed at training social workers so that they will be adequately prepared for the interest and willingness of families ready to receive a child into foster care. Besides exchanging the best practices that have been developed and tested, the project contains a calendar of national, regional and local initiatives, structured so that each region may become better acquainted with its own situation and begin new initiatives in this context. On the other hand, workshops will be organized to enable the social workers involved to immediately make full use of the knowledge they have acquired, so as to better activate and direct their activity, in order to achieve the maximum efficacy and efficiency of their work.

### **Violence and abuse**

805. An important step towards improving child protection within the family from behaviour apt to threaten the child's safety and mental and physical well-being is a bill recently passed by the Ministry for Equal Opportunities, namely a bill containing "measures against stalking" passed by the Council of Ministers on 18.06.08, and

transmitted to Parliament for examination and adoption (Ac 1440). The aim of this bill is to give a concrete response in the fight against violence, perpetrated especially against women in the form of “*stalking*”, a phenomenon which is constantly increasing and in relation to which the law is unable to provide effective protective measures and sanctions. This phenomenon consists of conduct involving insistent harassment, frequently perpetrated by ex husbands, ex cohabitants or ex fiancés, which often precedes acts of sexual violence, and results in the onset of reactions of anxiety and fear in their victims.

806. The parliamentary bill under examination aims to present a new crime description, that of “*stalking*”, consisting in creating reiterated threats or harassment with actions that arouse in the victim a lasting state of anxiety or fear or a well-founded concern for her own safety or that of the person with whom she has a bond of affection, or that oblige her to alter her decisions or living habits.

807. The limits of the statutory punishment have been adjusted to the seriousness of the crime (a prison sentence from six months to four years), envisaging an increase of one third to half if the crime has been committed against a child, in which case the offence is subjected to ex officio prosecution. Moreover, the victim of stalking, according to the lawsuit protocol, is given the possibility of asking the chief-of-police (*questore*) to caution the perpetrator of such acts, so as to further protect her in the period between the stalking behaviour and the presentation of the lawsuit, also for the purpose of preventively dissuading the culprit from committing further acts.

808. For this crime there is the possibility of using telephone interception or wire tapping, the possibility of imposing, in the course of the investigation, a new, coercive cautionary order consisting in forbidding the offender from approaching the places frequented by the injured party or the relatives or cohabitants, or to communicate with them in any way.

809. Stalking behaviour will be included among the crimes for which it is possible to take a pretrial investigation: if there are children among the persons wishing to acquire evidence, the judge establishes the place, the time and the method with which the pretrial investigation will take place when the needs of the persons make it necessary or desirable. To this end the hearing may take place at a venue other than the court, the judge making use of specialized care facilities, where these exist, or if they are lacking, ordering that the hearing take place at the home of the person who wishes to acquire evidence.

810. Another bill recently passed by the Minister of Equal Opportunities, apt to further strengthen penal protection of children against sexual violence, is the bill containing “Measures against sexual violence” passed by the Council of Ministers on 18 June 2008, and then transmitted to Parliament for examination and adoption (Ac 1424), with which to review the discipline of aggravating circumstances in this crime in connection with children; on the one hand, in relation to the aggravating circumstance for the case in which the guilty party is an ascendant, or even an adoptive parent or guardian, separating this figure from the condition of a child under the age of 16 and extending it to all children under the age of 18; on the other hand introducing a new aggravating circumstance, which occurs when the fact has been committed against a person who has not reached the age of 18 years by a person to whom, for purposes of care, education, schooling, supervision or custody, the child is given in foster care or with whom the child lives. In this way the intention is to punish sexual violence against a child more severely when perpetrated by persons who take advantage of the relationship of trust that is established in the context of care, fostering or cohabitation. A further aggravating circumstance contemplated by the parliamentary bill worth noting is when the fact is committed against a pregnant woman.

811. Finally in relation to child prostitution we point out that the Council of Ministers on 11 September 2008 passed a bill drafted by the Minister for Equal Opportunities, together with the Ministers of the Interior and of Justice, containing “Measures against prostitution”,

where there is a reformulation of article 600-bis of the criminal code, considering the obligations undertaken with the Convention of the Council of Europe for the protection of children against sexual exploitation and sexual abuse, signed in Lanzarote on 25 October 2007, in particular: better outlining the conduct of exploiting child prostitution, explicitly extended also to the activity of recruitment, management, organisation, control of child prostitution and profiting from the same in any way; explaining that the advantage in exchange for which the child may be induced to perform sexual acts may also be of a non-economic nature, and that it is a criminal act even if it is only promised; reviewing the regime of the aggravating circumstances, which is determined in a more penalising light for the guilty party.

**D. Health and essential services (arts. 6, 18, para. 3; 23, 24, 26, and 27, paras. 1–3)**

**Penitentiary health reform**

812. The recent Prime Minister's Decree (DPCM 1 April 2008, published in the Official Journal on 30 May) has transferred all the responsibilities for health, general and specialized medicine, as well as the relative labour relations and the consequent economic and auxiliary resources, pertaining to the medical, paramedical personnel and to psychologists, from the Ministry of Justice to the National Health Service. The decree marks the conclusion of the reform, begun with legislative decree n.230 of 1999, and in the guidelines and in the organisation of the transition phase, outlines a new organizational model.

813. An inter-institutional discussion panel has been set up, comprising health department representatives from the Regions and representatives from the Justice and Health Ministries, for the purpose of encouraging a gradual sharing of knowledge, procedures and agreements, on the basis of the problems that are emerging. This organism is dealing with the complex passages of the reform, which involves including the professional figures of the Juvenile Justice system in the National and Regional Health Systems, by replicating treatment models in the direction of a gradual and conscious adaptation of the regional health service, based on the constitutional principle of *loyal cooperation*, between the two institutional systems involved: the Justice system, which maintains the responsibilities for security and treatment, and the Regions, which now take direct responsibility for the protection of health, with equal dignity, autonomy and mutual exchanges, in view of the prime objective of guaranteeing the overall stability of the Penitentiary System, and with this the real and concrete protection of the right to health of inmates and children in the penal system.

814. Article 7 of the Prime Ministerial Decree establishes a Permanent Inter-institutional Discussion Panel, acting as a national control room; it also establishes the drafting of a Protocol, which will outline the tasks, commitments and procedures that will be further developed in the Protocols of Understanding at the regional level (between the Region and the Juvenile Justice Centres), coordinated by special Inter-institutional Observatories, where it will be possible to set up other methods of operation and sharing of competences and responsibilities.

815. It has been proposed, as soon as the methods of cooperation between the Regions and the single Juvenile Justice Centres have been settled, that a discussion panel be opened with the Magistracy, to draw more attention to the placement in therapeutic communities ordered by the competent Jurisdictional Authority for children who have entered the penal system, for whom placement in therapeutic communities has been ordered because they have psychological problems or because they are drug addicts or drug abusers, particularly



in relation to the certification of “appropriate for health” issued by the Public Health Service.

## **XI. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

816. The Italian strategy for the prevention of, and the protection of children from, violence and sexual exploitation has developed over the years on the basis of three guiding principles which can be summarized as follows:

- (a) Adoption of effective childhood policies to develop more general policies aimed at improving the social and political conditions of the entire Italian community;
- (b) Commitment towards violence prevention and protection measures for children cannot be shown only when there are emergencies but has to be continuous and part of medium and long term strategies;
- (c) Protection of child victims of violence and violence prevention cannot depend only on sound laws; legislation, in fact, needs to be accompanied by administrative measures aimed at creating resources, tools and services to meet children’s needs and take their interests into account.

### **A. General measures of implementation**

#### **Coordination and evaluation of the implementation of the Optional Protocol**

**Committee recommendation No. 8 on the coordination, both at central and local levels, in all areas covered by the Optional Protocol, included its mechanisms for the periodic evaluation of the implementation of the Optional Protocol**

817. Law No. 30 of 6 February 2006 (*Provisions Concerning the Fight Against the Sexual Exploitation of Children and Child Pornography Also Via Internet*) introduced two new institutions: the Observatory for the Fight against Paedophilia and Child Pornography, set up within the Italian Prime Minister’s Office, and the Italian National Centre for Combating Child Pornography on the Internet, set up within the Postal and Communication Police Service of the Ministry of the Interior.

818. The Observatory for the Fight against Paedophilia and Child Pornography monitors the activities carried out in this field by every Public Administration and analyses this problem in order to develop strategies aimed at preventing and fighting sexual abuse and exploitation of children as well as supporting victims. Some of the tasks carried out by the Observatory include:

- Gathering national and international data and information on activities to prevent and combat sexual abuse and exploitation of children, and on strategies to fight these problems (as developed and implemented by other countries too).
- Analyzing, studying and processing data provided by Public Administrations.
- Promoting studies and research on this issue.
- Providing information on activities through its institutional internet website, and disseminating targeted publications.
- Drawing up an end-of-the-year technical/scientific report on activities that is also used to draw up the annual report to Parliament presented by the Italian Prime

Minister in accordance with article 7, paragraph 1 of Law No. 269 of 3 August 1998.

- Developing the National Plan for the Prevention of and Fight against Sexual Abuse and Exploitation of Children, which has to be approved by the Inter-ministerial Committee for the Coordination of the Fight against Paedophilia (CICLOPE). The Plan is an integral part of the National Plan for Children and Adolescents drawn up by the National Observatory on Children and Adolescents under article 1, paragraph 2 of Presidential Decree No. 103 of 14 May 2007.
- Gathering data on monitoring and evaluation activities by coordinating means and types of data collection and ensuring data consistency.
- Participating through its members in the activities carried out by European and international bodies in charge of protecting children and fighting sexual abuse and exploitation of children.

819. In 2007 the Observatory on Prostitution and Related Crimes (Ministerial Decree of 18 January 2007) was set up within the Ministry of the Interior. The aim of the Observatory is to support actions taken by central Administrations to prevent and combat trafficking in human beings and prostitution, including child prostitution. The Observatory acts as an inter-ministerial coordinating body among central Administrations that are more directly involved in these issues. Members of non-governmental organizations working in the field of support and protection of victims of sexual exploitation cooperate with the Observatory. The officials of the Observatory for the Fight against Paedophilia and Child Pornography cooperate with this body. This shows the will to keep a logical and functional liaison with an organization specialized in children's issues. The Observatory on Prostitution has reviewed local initiatives by directly involving all Italian Prefectures. Data collected have confirmed a high level of expertise in local coordination. Moreover, applying rules, fighting exploitation and identifying alternatives for victims who would like to "leave this scene" lead to tangible results if there is synergy between the various bodies and people who work in the fields of reception, assistance, cultural mediation and social integration. Activities carried out in some of the major Italian cities affected by these issues (Turin, Milan, Venice, Bologna, Florence, Rome, Naples, Bari and Catania) have been closely reviewed. A general increase in street prostitution involving underage boys and girls has been noted in these cities.

820. Since 2000, measures to prevent and combat sale of children, child prostitution and child pornography have been monitored in order to draw up the periodic report to Parliament on the implementation of Law 269/98 as requested by its article 17, paragraph 1. The report is a useful tool to review measures taken, steps forward, as well as delays and inconsistencies, not only in relation to the fight against the various forms of child sexual exploitation outlined in Laws 269/98 and 38/2006, but also in relation to the fight against all forms of violence linked to sexual exploitation that are part of children's experiences.<sup>155</sup>

<sup>155</sup> A review of measures taken by central Administrations, Regions, and a sample of 15 large metropolitan cities identified by Law No. 285/97 (the Beneficiary Cities) is part of the work done to draw up the report. Collected information and in-depth analysis also relate to the work carried out by the NGOs and the most representative associations in this sector and are based on ad hoc research on specific issues. In particular, the draft report is prepared by carrying out an analysis based on:

- Collection of statistical data
- Survey cards used to review initiatives launched by ministries, coordinating committees, national and local authorities, and NGOs

## National Plan of Action

### Committee recommendation No. 10 on the finalization of the national plan of action for children, covering all areas of the Optional Protocol

821. When planning activities concerning children and adolescents, the main tool is the National Plan of Action and Intervention to Safeguard the Rights and the Development of Subjects in Developmental Age, drawn up by the National Observatory on Children and Adolescents. The Plan is also used for planning the prevention of, and fight against, sexual abuse and exploitation of children. The Observatory is responsible for the fight against paedophilia and child pornography.<sup>156</sup>

822. The work on trafficking in human beings promoted by the Department for Equal Opportunities is closely related to the activities performed by the two Observatories. In 2007 and 2008, in fact, the following organizations were created: the Coordinating Committee for Government Activities against Trafficking in Human Beings (Setting up Decree of 21 March 2007 and registered on 5 July 2007), the Inter-ministerial Commission for the Support of Victims of Trafficking, Violence and Serious Exploitation (Ministerial Decree of 30 October 2007) and the Observatory on Trafficking in Human Beings (Setting up Decree of 3 December 2007).

823. The Coordinating Committee for Government Action against Trafficking in Human Beings — as defined by the Setting up Decree of the temporary minister — is responsible for analyzing the many facets of this problem to identify how it changes and the way that each facet can develop over time. Particular attention is being given to the following areas: Forced labour and begging on behalf of third parties; Trafficking in women and children for sexual exploitation purposes; Activities carried out by transnational networks and setting up of transnational networks; Human and social rights of victims; Information, awareness-raising and mass media.

824. The Inter-ministerial Commission for the Support of Victims of Trafficking, Violence and Serious Exploitation, with representatives from central and regional Administrations and local authorities, carries out guidance, assessment, control and resource planning activities in relation to social integration programmes under article 18 of Legislative Decree 286/98. This body is the result of a reorganization of the Inter-ministerial Commission for the Implementation of article 18 of the Consolidated Text on Immigration (as established in the Presidential Decree No. 102 of 14 May which re-regulated its composition and organization).

825. The Observatory on Trafficking in Human Beings is in charge of collecting and analyzing data, monitoring this problem and the measures taken to combat it, as well as supporting the activities of the Commission and Committee and providing documentation.

826. The data collection function performed by the above mentioned Coordinating Committee has led to some preliminary work on the development of a National Anti-Trafficking Plan.

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- Interviews to privileged witnesses
  - In-depth analysis of emerging issues
  - Cultural focus on the role of the media in disseminating information and raising public awareness
  - Review of specific issues, e.g. implementation of rules on closed court hearings of child victims of sexual offences, characteristics of services provided by specialized units, etc.

<sup>156</sup> See section II (D).

### Dissemination and training

#### **Committee recommendation No. 12 on measures to disseminate the provisions of the Optional Protocol also through awareness-raising campaigns and training among all relevant professionals**

827. As far as institutional information is concerned, in 2006 the Technical and Scientific Committee of the Observatory for the Fight against Paedophilia and Child Pornography published a book titled *L'Osservatorio per il contrasto della pedofilia e della pornografia minorile: una finestra sul mondo dell'infanzia perduta* (Observatory for the Fight against Paedophilia and Child Pornography: a Window on the World of Lost Childhood). The book analyses and discusses the international and European regulatory framework on sexual abuse of children and compares action plans implemented in Italy, Spain, United Kingdom and Germany to fight abuse and sexual exploitation of children.

828. On 18 June 2007, a specific Agreement Protocol was signed between the Italian Police and the Italian charity *Telefono Azzurro* to enhance cooperation in the field of prevention of, and fight against, online child pornography. In particular, the agreement (signed by the Central Director of Road, Rail, Communication Police Forces and Special Units of the State Police, the Director of the Postal and Communication Police Service, and the Chairman of *Telefono Azzurro*) provides for cooperation on information and awareness campaigns, training courses for professionals in this sector, and a database for all reports of websites and Internet services containing child pornography, or other illegal or inappropriate content for children, collected by *Telefono Azzurro* through its "Hot114" hotline. On 11 January 2008, the Department for Juvenile Justice of the Ministry of Justice signed an Agreement Protocol with *Telefono Azzurro*. This means that both parties are committed to dealing with difficult circumstances in which underage boys and girls find themselves by listening to and assessing the needs of those who have been authors or victims of crimes punishable with imprisonment or of abuse and violence. The agreement also provides for information and awareness-raising initiatives aimed at facilitating primary, secondary and tertiary prevention activities as well as activities to rehabilitate and reintegrate underage boys and girls into society.

829. For years, the Italian Committee of UNICEF — recognized by the Ministry of Education as a body accredited to train school staff in accordance with Ministerial Decree 177/2000 and Directive 90/2003, renewed with a Decree of 8 June 2005, in accordance with the Agreement protocol for education to development and promotion of the rights of the child in Italian schools dated 31 July 2000 (currently being updated) — has been advocating programmes on education to development and dissemination of the Convention and of its Optional Protocols by providing teachers and schoolchildren with free teaching, informational and audiovisual materials. The aim is to include issues related to the rights and conditions of children and adolescents around the world in school curricula.

830. Within the framework of the promotion of children's rights, Save the Children Italia has also been accredited by the Ministry of Education to train school staff.

831. Some of the new professionals who are involved in promoting information and monitoring the rights and living conditions of children and adolescents include the Regional Ombudsmen or Guardians for children.

832. It is useful to recall that some of the tasks assigned to regional ombudsmen relate to the prevention of child abuse and maltreatment.

833. *Telefono Azzurro* cooperates with the Postal Police to implement both awareness-raising programmes among users and training programmes on the fight against child pornography. An example of this is the EDEN Project, whose purpose is to teach children and young people how to surf the Internet. The project is sponsored by the Postal Police

Service, the National Research Council (CNR), *Telefono Azzurro* and Save the Children within the framework of the “Safer Internet” programme financed by the European Commission. The aim of the EDEN project is to promote direct involvement of children and adolescents in the development and implementation of projects on sexual abuse and exploitation. The project consists in creating a website for schools where children, under their teachers’ supervision, can publish multimedia content on “safe web surfing”. This content is prepared by the children themselves and is then shared with other network users.

834. Together with the Minister for the Reform and Innovation of the Public Administration, the Minister of Communications approved the Ministerial Decree of 8 January 2007,<sup>157</sup> which identifies technical requirements for filtering tools which Internet providers have to use to prevent access to websites reported by the National Centre for Combating Child Pornography (which was set up by article 14 bis of Law 269/1998, as amended by Law 38/2006). Finally, the plan to safeguard children, which was implemented after signing the above decree, provided for an awareness campaign promoted by the Ministry of Communications in conjunction with the Department for Information and Publishing of the Prime Minister’s Office. The campaign was aimed at parents with children aged 9 to 14. The creative concept at its basis was the following: “The best way to help your child to avoid misusing technologies is to know them”. The campaign was shown on the main national TV and radio channels, newspapers and magazines and main Internet portals in June-July 2007 and, again, in September 2007. In particular, a 30-second TV ad was produced aimed at parents and children on the need to share online navigation. In friendly and ironic tones, the ad urges parents to become interested in the world of computers.

835. The Ministry of Communications also takes part in the Stop-It project with Save the Children, the NGO that had been identified as a partner of the Ministry on policies to safeguard children. The Stop-It project is a website enabling users to report online child pornography (websites, web pages, free space on portals, etc.) as well as use of the net to disseminate and distribute child pornography (chatrooms, newsgroups, spamming, file-sharing programmes, etc.). To this end, it is worth highlighting that in February 2005 the Ministry of Communications’ Internet and Children Guarantee Committee drew up and disseminated the “Guidelines for NGOs’ Monitoring Activities of Child Pornography Websites”, which were targeted at organizations involved in the fight against child pornography on the net. According to the guidelines, organizations receiving reports must send them on to the Postal Police, which has been tasked with checking the websites and the materials they show.

836. Still on the subject of child pornography, the Ministry of Communications has financed the creation of a website ([www.tiseiconnesso.it](http://www.tiseiconnesso.it)) mainly aimed at children, but with a section for parents and another one for teachers. The purpose of the website is to inform them on necessary precautions to be taken when using new technologies (internet and mobile phones). The website provides valuable food for thought as well as necessary information on how to surf the Internet safely. This information is not only based on technical tools to protect computers but, in particular, on users’ awareness of the ways and reasons why they employ these new technologies.

837. The websites of the State Police and of the Carabinieri police have information areas for children and adolescents, which, by using fairy tales and comics, try and make them aware of the most important social issues.

<sup>157</sup> Published in the Official Gazette No. 23 of 29 January 2007.

838. As to information, it is worth mentioning the work that the State Police and the Carabinieri police carry out with children and adolescents when they visit schools to discuss issues on sexual abuse and exploitation of children. This work has intensified thanks to police forces' membership of many local coordination tables enabling the representatives of the various bodies and organizations to get to know each other and, therefore, promote joint activities.

839. Over the last few years, the Department for Juvenile Justice of the Ministry of Justice, together with the Department of Public Security of the Central Anti-Crime Department, has organized various refresher courses for the staff of the provincial police headquarters and of the Juvenile Justice services. The courses deal with issues concerning unaccompanied foreign children, children who are victims and perpetrators of sex crimes, international abduction, and child exploitation by organized crime. The aim of this initiative is to establish inter-institutional links and encourage the creation of new local working tables on issues of common interests for the two Administrations to ensure greater protection of the rights of the child.

840. To this end, it is important to recall two of the most important programmes currently being implemented at the national level by the top levels of the police forces in collaboration with other bodies:

- The AViCRi (Attention for Victim of Crime) training programme for police forces. This programme is being carried out by the Department of State Police, together with the General Command of the Carabinieri and the Financial Police. Other European police forces, the Latium Regional Government and various charities are taking part in this project, whose purpose is to train police officers on how to approach and deal with victims of crime to avoid new trauma. This work is based on guidelines contained in some EU sources of law.
- The IOM Project, financed through the AGIS/EC Programme ("Creation of a Network and Development of Joint Training Activities for Police Officers, NGOs and International Organizations on the Fight against Trafficking in Human Beings into EU member States from Candidate Countries and New Neighbouring Countries") is one of the projects aimed at protecting and assisting victims of trafficking in human beings. The Department for Public Safety, together with the General Command of the Carabinieri and the Financial Police, has been participating in this project since 2004. In total, there are 12 countries involved in the project and they include existing EU member States, new Members and candidate countries. During the first phase of the project, two "Manuals" were drawn up for trainers and students. Good practices to identify and treat victims of trafficking were outlined in the manuals. The purpose of the second phase was to train police officers and NGOs staff working in this field. This phase was carried out on the basis of European geographical areas. Officers of flying squads, Carabinieri and the Financial Police as well as NGOs staff were trained.

841. From 2003 to 2005, the Department for Juvenile Justice of the Ministry of Justice, in conjunction with the Faculty of Psychology of the University of Turin, carried out a national survey on all the cases of underage sex offenders which were dealt with by the Social Services for Children or the Juvenile Prisons from 2000 to 2003. To gain a better understanding of this problem, psychological, social and environmental aspects related to underage sex offenders were studied.

842. In-house training activities for staff of central Administrations more directly involved in the fight against this problem is ongoing. More specifically, the Department of

State Police has promoted training and refresher courses on violence against children and, in particular, on sexual abuse and exploitation.<sup>158</sup>

843. As regards specific action plans on violence against children and, in particular, sexual abuse and exploitation, the Ministry of Education, in cooperation with the Ministry of Communications, the Ministry of Labour and Social Policy and the Ministry for Equal Opportunities, has launched an information campaign to disseminate knowledge of the 114 Service among teachers, schoolchildren and parents, within the *Campagna Emergenza Infanzia 114* (Childhood Emergency Campaign 114) assigned to *Telefono Azzurro*. The objective is to raise awareness among teachers and children so that they report emergency or dangerous situations in which children and adolescents can find themselves. These situations are then handled by the Emergency Phone Number for Children 114 in conjunction with local organizations, as if they were a network. The service to report illegal content in media (internet, press, television, radio) that is inappropriate for children and teenagers is being given the same importance and level of awareness. This service can be accessed through <http://www.114.it/>. Users can access it anonymously if they so wish.

844. Since 2005, the Department for Equal Opportunities has worked on the implementation of the “*Tratta NO!*” Project (Say NO to Trafficking!), financed by the Equal programme and aimed at increasing both awareness and communication on issues around trafficking in human beings, particularly for sexual exploitation purposes. “*Tratta NO! Un altro punto di vista*” (Say NO to Trafficking! A Different Point of View) is a project of social information presenting a different point of view on this issue. Its premise is that this is one of the most lucrative forms of illegal trafficking and that it is something that concerns every country in the world. However, information is scant and there are many stereotypes and prejudices around victims, women, men and children, even when they manage to leave exploitation behind. *Tratta NO!* wants to use this social brand to promote social inclusion as well as inclusion in the workplace by using an integrated and systemic information system able to: a) inform and increase knowledge on these issues in life and work contexts; b) supply ways of interpreting this problem; c) clarify grey areas and ambiguities that are typical of this issue. The project revolves around the promotion of an information and awareness campaign called “*Tratta NO! ...ORA LO SAI.*” (Say NO to Trafficking!...NOW YOU KNOW.), which was launched in 2006. The campaign promotes — among other things — the National Anti-Trafficking Freephone Number 800 290 290 (set up by the Department for Equal Opportunities) through TV and radio ads and publications. Within the framework of this project, the cooperation between the Department for Equal Opportunities and the Italian Association of the Council of European Municipalities and Regions (AICCRE) has led to a joint Appeal addressed to the entire Council of European Municipalities and Regions (CCRE). The aim of the appeal was to enhance the role of promotion and coordination of social policies adopted by local

<sup>158</sup> The *Scuola di Polizia Giudiziaria e Amministrativa* (School of Judicial and Administrative Police) of Brescia has held seven training courses for 195 State Police officers working for the Specialized Sections of the Flying Squads and involved in combating crimes against and committed by underage boys and girls;

- In February 2006, a refresher course on child sexual abuse for staff of the Children’s Offices of the Provincial Police Headquarters and the staff of the Social Services of the Juvenile Justice was organized in cooperation with the Department for Juvenile Justice of the Ministry of Justice
- In November 2006 the Central Anti-Crime Department of the State Police organized a study day on “Paedophilia and other Sex Offences” with University professors, doctors, magistrates and State Police officers specialized in these issues

authorities in the prevention of, and fight against, trafficking in human beings. This is why the Guidelines on Treatment of Information on Trafficking in Human Beings, presented at a press conference held on 17 July 2007, were drawn up. The guidelines aimed at reaching an agreement between the media (the National Council of Journalists, the National Federation of Italian Press and the Social Secretariat of RAI) and the institutions in order to develop correct and documented information on this issue, devoid of easy sensationalism and trite stereotypes, that can explain and get people to understand what trafficking in human beings is about and how to recognize it.

845. Within the framework of the European Programme Equal, a Development Partnership between the Department for Equal Opportunities and a network of NGOs has been created. The name given to this partnership is Observatory on Trafficking. The memorandum that was signed to launch this cooperation provides for the creation of an observatory, the monitoring of protection and social inclusion measures for victims, and advisory activities for organizations and NGOs interested in developing activities in this field. The project has led to the creation of a specialized website — the Italian portal on trafficking in human beings — that acts as an information service to improve tools and practices used to learn about, analyse and act on this issue.

846. As far as Prefectures' involvement is concerned, the Department for Civil Liberties and Immigration promotes measures to be taken by Prefects in Italian provinces. One of the ways Prefects deal with sexual abuse and exploitation of children is through coordinating policies and actions of administrations dealing with children's welfare. Close cooperation and integration — not only between welfare services, but also between these services and the political, judicial, administrative and training institutions that have to protect children — are of fundamental importance. The Provincial Committee for Public Administration headed by the Prefect is the tool used to include existing players working in the field. The aims of this Committee, which is supported by a smaller technical group, are:

- To promote protocols between all administrations to define common actions
- To ensure implementation of training activities suggested by the Coordinating Committee provided for by Law 269/98 in agreement with the National Observatory on Children and Adolescents and the Italian National Childhood and Adolescence Documentation and Analysis Centre
- To carry out information activities in school and other educational establishments
- To monitor the various forms of child abuse to assist data collection by the Italian National Centre
- To promote, in conjunction with local authorities, any useful initiative aimed at disseminating knowledge on the rights of the child and improving true exercise of such rights

847. The Central Anti-Crime Department has also drawn up many proposals and reached agreements and signed Agreement Protocols in this field such as:

- The Circular Letter for the Heads of Provincial Police Headquarters No. 225A/A/13-2005 of 26 September 2005, containing directives for the Children's Offices of the Anti-Crime Divisions of the Provincial Police Headquarters on gathering reports of sex offences to be sent to the Central Operational Service
- The Circular Letter for the Heads of Provincial Police Headquarters No. 225A/P1-MAS-2006-1348-34577 of 9 June 2006 on sharing out competences between the Sections specialized in crimes against children of the Flying Squads responsible for investigations and the Children's Offices of the Anti-Crime Divisions of the



Provincial Police Headquarters responsible for prevention activities as well as monitoring these issues in their areas

- The Circular Letter for the Heads of Provincial Police Headquarters No. 225A/Z-MAS-2006-13483 of 3 July 2006 containing directives on monitoring “missing children”

848. It is also worth highlighting the fact that, in order to implement the directives issued by the Department for Public Safety, the Provincial Police Headquarters have signed Agreement Protocols with public and private institutions which, at local level and in various capacities, deal with these issues.

849. In this context, the following activities need to be mentioned:

*National Anti-Trafficking Freephone Number*

850. This is a fundamental tool to enable adults and children victims of trafficking to contact those who can help them. This service, set up by the Department for Equal Opportunities and officially launched at the end of July 2000, includes a national centre (with about 20 operators who work 24 hours a day, 7 days a week) and 14 local centres (with 80/90 operators who work approx. 6 hours per shift). Local authorities (mainly Provinces and Municipalities except for the Regions of Emilia-Romagna and Apulia) own these local centres. For their operational requirements, the authorities use not-for-profit organizations and professionals.

*Self-regulation Code of Conduct “Internet and Children”*

851. In 2005, this initiative, launched by the Internet@minori Commission in conjunction with the Technical Committee for the Responsible Use of the Internet (set up within the Department of Innovations and Technologies of the Prime Minister’s Office with Prime Ministerial Decree of 12 July 2002), led to a Code of Conduct subscribed by companies operating in this sector. The Code is the main tool to protect children online and, for the first time, urges the sector to commit to adopting some rules. A public supervisory body will monitor compliance to these rules. The Code is accompanied by the Charter of the Rights of the Child When Online that was approved during the sessions held on 3 February 2004 by the National Users Council of the Communications Regulatory Authority.

*Code of Conduct for Offering Premium Rate Services and Protecting Children*

852. This Code was promoted by the Ministry of Communications and signed on 16 February 2005 by the following mobile phone operators: Tim, Tre, Vodafone and Wind. It is a self-regulating Code governing the right to information and freedom of expression, and ensures full respect for the safeguarding and protection of children.

853. Italian authorities are currently planning awareness campaigns for the general public to provide information on sexual exploitation and abuse of children and possible prevention measures. These activities will be financed with provisions included in a special expenditure heading for the fight against paedophilia. In accordance with the Ministerial Decree on allocation of funds of 15 April 2008 of the Ministry for Family Policies, this heading provides for funds to finance informational and educational initiatives promoted by the Observatory for the Fight against Paedophilia and Child Pornography with the aim to prevent any form of sexual abuse of children. Following change of responsibilities, the management of this fund has been assigned to the Minister for Equal Opportunities.

**Data collection****Committee recommendation No. 14 on the establishment of a systematized quantitative and qualitative data collection, to be used to assess progress and to design programmes and policies to further implement the Optional Protocol**

854. Law 38/2006 authorized the creation of a database by the Observatory for the Fight against Paedophilia and Child Pornography to collect any useful information to analyse sexual abuse, exploitation of children and measures taken. The Italian National Childhood and Adolescence Documentation and Analysis Centre has been identified as a technical/scientific support tool for the Observatory against Paedophilia. The decision to have a database is due to the need to overcome the current fragmented nature of available information by trying and integrate it in a more coordinated information system.

855. To this end, it is important to note that, thanks to CICLOPE and ad-hoc agreements between the most interested administrations, actual implementation of the database project has already started. In particular, data held by some administrations seem to be fundamental. In order to collect any useful information to monitor this issue, it seems that data supplied by the Offices of the Ministries of the Interior and Justice — which will be the source databases — are fundamental and irreplaceable. Thanks to this agreement, both Ministries have committed themselves to taking the necessary steps to design, create and manage the database which will become a reliable source of information thanks to complete and comparable data. All interested ministries assisted in this project and ensured high-level support from a technical and institutional coordination point of view. This was achieved thanks to the involvement of experts from the SDI Joint Information System (SDI) of the Ministry of the Interior and from the Information System for the Management of Criminal Records (ReGe) of the Ministry of Justice, under the supervision of the National IT Centre for Public Administration (CNIPA) of the Ministry for Reforms and Innovations in the Public Administration, and the Department for Human Resources and IT Services of the Prime Minister's Office.

856. In the initial phase, the feasibility study for the database provides for the integration of the SDI database, with information on offences reported by the five police forces (State Police, Prison Police, State Forest Guards, Carabinieri police and the Financial Police), with the database for Criminal Records which contains the main information on trials. The SDI database is managed by the SDI Service of the Department for Public Safety of the Ministry of the Interior.

857. The purpose of the database is to organize and integrate thematically all the information included in the Administrations' databases and to encourage improvements to existing information systems.

858. Major new aspects of working methods and data produced by the database are as follows:

- Focus on victims and not just on offences and offenders
- Integrate existing databases using the principle of cooperation between central Administrations
- Integrate information from police report to final sentence with information on application of children safeguard tools in judicial proceedings and data on protection measures decided upon by the judicial authorities responsible for children

859. The added value provided by the database can be summarized in two fundamental aspects: a) to shift focus from the sentence and the offender to the victim; and b) to make

the best possible use of existing information systems through integration and specialization of flows.

860. Information flows will come from other source databases, in particular quantitative and qualitative data are expected from the information system handled by National Centre for Combating Child Pornography on the Internet of the Postal Police, through the “Child Exploitation Tracking Systems” (CETS) software, a tracking system against child pornography used by other countries to support their investigations. Apart from facilitating investigations, CETS enables logical organization of an important set of variable factors whose analysis can give indications to be used to profile offenders and victims, and understand soliciting and interactions on the Internet.

861. In Italy the system is used by the Postal Police which investigates child pornography offences on the Internet. Over a decade, this activity has strengthened the fight against these problems because increasingly new investigation tools have been used. It is worth pointing out that websites with child pornography content are often closed and reopened in a very short time, often in the same day, just to evade controls by the Police Forces. It is therefore clear how important it is to have detailed controls, very fast IT tools and, above all, highly skilled staff.

862. Control and prevention activities can be quantified by the number of websites monitored by the Postal and Communications Police. In the 10 years from 1998 to 2007, more than 260,000 websites were monitored. This led to 3,676 people on conditional release and 182 people under investigations and subject to restrictive measures. A total of 3,449 searches were carried out and 164 websites were blocked in Italy.

863. In 2002, the Computer Crime Analysis Unit was created within the Postal and Communications Police Service. The unit, led by a psychologist from the State Police, is made up of technical and investigative personnel who are experts in psychology, sociology, criminology and law. Its function is to assist investigators from the Postal and Communications Police during their enquiries into hi-tech crimes by devising new investigation techniques and preparing psychological and behavioural profiles of offenders.

864. The main activities carried out by the Unit are as follows:

- Researching and studying computer crime in conjunction with universities, businesses and institutions
- Testing new investigation techniques in relation to computer crime
- Drawing up prevention measures as well as training courses on IT security and computer crime in cooperation with schools, universities and businesses
- Disseminating information and findings of scientific research
- Providing psychological support to investigators dealing with computer crime (sexual abuse and exploitation of children)

865. The Department for Juvenile Justice of the Ministry of Justice is responsible for two aspects of the serious issue of sexual abuse: treatment of underage sex offenders and support to underage victims. This twofold role of ministry professionals is not easy to manage because not only are they dealing with sexual violence, a very delicate issue, but offenders and victims have to be safeguarded. Moreover, underage offenders and victims have completely different characteristics and both require that the staff of the Juvenile Justice services be specifically trained. As far as sex victims are concerned, the activities carried out by the Juvenile Services of the judicial system is based on article 11 of Law No.

66/96 of 15 — Rules against Sexual Violence — that introduces article 609-decies of the Criminal Code.<sup>159</sup>

### **Budget allocation**

#### **Committee recommendation No. 16 on the allocation of financial resources for the comprehensive implementation of the Optional Protocol**

866. Funds for the prevention of, and fight against the issues dealt with by the Optional Protocol are shared among various central Administrations. Regional and local Administrations are responsible for some of these funds.

867. As far as sector-related resources are concerned, during the period of time under consideration some considerable appropriations were made.

868. In 2006, with respect to trafficking in human beings, the Department for Equal Opportunities launched the Initial Support Programmes for Victims of Crimes Outlined in Articles 600 and 601 of the Criminal Code (victims of slavery and trafficking in human beings), introduced by Law 228/2003 and governed by Presidential Decree No. 237 of 19 September 2005. The programmes are aimed at provisionally ensuring adequate housing, food and health care to the victims.

869. The first Call for Tenders for State co-financing to be granted to individuals and organizations qualified to carry out the above-mentioned support initiatives provided for total funding of €2,500,000. This call for tenders led to the Department co-financing 26 projects. In August 2007, the Department issued a second Call for Tenders to grant a further €2,500,000 State co-financing to individuals and organizations qualified to carry out the

<sup>159</sup> In order to steer its services towards supporting underage sex victims, on 1 June 2001, the Department for Juvenile Justice issued a circular letter to all Centres for Juvenile Justice (CGMs) with guidelines on the application of article 609 decies of the Criminal Code. The circular letter outlined some guidelines to prevent sex offences and deal with underage victims of sexual offences so that the services could adopt sound measures to ensure efficient protection of children. As well as carrying out integrated and multidisciplinary training activities and developing joint operational strategies, CGMs were asked to support and encourage staff of the Social Services Offices for Children (USSM) to achieve the following objectives:

- Identification of ways to ensure underage boys and girls are given the support provided for by paragraph 3 of article 11 when cases are reported by liaising with ordinary prosecutors and prosecutors dealing with children
- Definition, by involving the judiciary and liaising with local authorities' services, of timing, phases and modalities of both support activities in favour of abused children and general prevention activities
- Development of psychological techniques to support victims during judicial proceedings and, in particular, during special evidentiary hearings and closed court hearings
- Development by the psycho-socio-pedagogical team of measures to be adopted when working with underage victims of sexual offences
- Review of the family context and relationships in relation to other children who can be potential victims of the same offender
- Identification, within the local area, of services and centres for the prevention and treatment of sexual abuse and exploitation of children, and liaising with them to carry out joint activities

USSM have also been urged to take action when they suspect that sexual abuse and exploitation are taking place. Since 2002, the Department for Juvenile Justice, in order to establish the extent of this problem, the involvement of the services and actions to be taken, has been monitoring actions taken as well as inter-institutional coordination on sexual abuse on a yearly basis.

above mentioned support initiatives (Official Gazette No. 185 of 10 August 2007). The Department thus co-financed 23 projects.

870. A third Call to grant the same amount of money was published in the Official Gazette of 5 August 2008. Altogether, €7,500,000 was granted for these projects.

871. In the period under consideration, the Department carried out activities aimed at financing Support and Social Integration Programmes under article 18 of the Consolidated Text on Immigration. The purpose of these programmes is to give victims of trafficking in human beings the opportunity to leave exploitation networks and start working to enjoy normal living conditions and integrating in the Italian social fabric. From 2000 to 2008, the Department for Equal Opportunities, in accordance with article 18 of Legislative Decree 286/98 (paragraph 1), published 9 Calls for Tenders in the Official Gazette of the Italian Republic asking to submit projects in this field, and co-financed 533 of them. All projects were national in scope. In particular, projects must provide for the following minimum number of phases: Initial contact (street-level units, desks and other low threshold services); Housing; Protection (health care, psychological and legal support, and various advisory services); Activities to obtain a residence permit under article 18; Training (language, IT, etc. and vocational training); Activities to achieve social and work integration (work experience grants, apprenticeships, etc.).

872. The number of people who took part in the projects up to June 2007 was 13,517, 938 of them underage. In February 2007, the 8<sup>th</sup> Call for Tenders was published. The Call invited qualified individuals and organizations to submit projects related to the above-mentioned programmes. State co-financing amounting to €4,000,000 was granted. In February 2008, the 9<sup>th</sup> Call for Tenders was published and €4,400,000 was made available. Altogether, from 2000 to 2008, 9 Calls for Tenders were published for projects aimed at ensuring support and protection of victims of trafficking in human beings and sexual exploitation. Data on the last two Calls for Tenders are still not available. The total amount of funds that was granted for the Calls for Tenders in question is €43,153,228.

<i>Year</i>	<i>Funds</i>	<i>Calls</i>
2008	4 400 000	9
2007	4 000 000	8
2007	3 861 400	7
2006	4 272 000	6
2004	4 131 700	5
2003	4 537 971	4
2002	4 876 142	3
2001	4 569 896	2
2000	8 504 119	1
<b>Total</b>	<b>43 153 228</b>	

873. Article 20 of Law No. 38 of 6 February, which introduced paragraph 1-bis into article 17 of Law No. 269 of 3 August 1998, authorized expenses amounting to €1,500,000 for 2006, €750,000 for 2007 and €750,000 for 2008 to set up and start the activities of the Observatory for the Fight against Paedophilia and Child Pornography and the database as outlined in the same paragraph. As the feasibility study for the database has yet to be completed, the above sums have not been used.

874. As things stand now, other activities related to the fight against sexual offences against children are financed under a special heading amounting to €5,165,568.

875. In 2008, €2,000,000 was added to this fund to finance informational and educational activities aimed at preventing any form of sexual abuse towards children promoted by the Observatory for the Fight against Paedophilia and Child Pornography.

876. The above sums of money are available within the Department for Equal Opportunities and included in special budget headings.

#### **Independent monitoring mechanism**

#### **Committee recommendation No. 17 on the establishment of an independent national institution competent for the protection of the rights of the child**

877. See sections II and X.

### **B. Prevention of the sale of children, child prostitution and child pornography**

#### **Committee recommendation No. 23 on the situation of vulnerable groups of children who are at risk of being abused and exploited, with the aim to promote the sharing of good practices**

878. The circular letter issued by the Ministry of the Interior on 9 July 2007 calling for the application of the “pro-child” principle when there are doubts on whether foreign children are under age was an important signal showing focus on unaccompanied foreign children. Migrant children can in fact undergo a pulse-taking test to establish their age. The margin of error of this test, however, is up to two years. As there is a risk of taking measures that can seriously harm the rights of these children such as, when they are wrongly thought to be of age, expulsion, refusal of entry or detention in a Temporary Detention Centre, the circular letter introduced the presumption that the children are under age if the outcome of the test is uncertain. This way, immediate measures to protect and safeguard children under age are taken, thus reducing the risk that they end up in a child exploitation network. As part of the initiatives and activities carried out by the Ministry of Interior to fight abuse, exploitation and trafficking of children, the Ministry, as far back as 2003, issued a series of circular letters, including circular No. 123/A3-3/130/3/52/2003 of 14 February 2003 on the use of children, including foreign children, for begging. This circular letter reaffirms the advisability to further cooperate with other Police forces, Municipal Police forces and social services to develop more adequate measures to stem this problem. Finally, on 29 December 2003, a further circular letter was sent to the Public Security Provincial Authorities to ask proper enforcement of new provisions contained in Law No. 288 of 11 August 2003 on exploitation of children for begging. In particular, the circular contains guidelines for proper and coordinated prevention of, and fight against, this problem, closely related to children’s involvement in illegal activities carried out by criminal groups that are mainly of foreign origin.

879. At international level, the Department for Equal Opportunities has committed to various initiatives, including prevention initiatives. For instance, over the last two years, three transnational projects were initiated aimed at: (a) analyzing quasi-slavery work in conjunction with the International Labour Organization; (b) setting up intervention networks in the Balkan countries in conjunction with the International Centre for Migration Policy Development in Vienna; and (c) exchanging good social work practices with Romania, in particular with the Anti-Trafficking Agency of the Romanian Ministry of the Interior. More details on these projects can be found in the next section.

880. Signed by the Ministry of the Interior and ANCI (National Association of Italian Municipalities) on 20 March 2007, the “Pact for Security” is part of the efforts to integrate

the fight against this issue with prevention and support activities. (See initiatives outlined in section IX(C) of the present report on children in situations of exploitation).<sup>160</sup>

881. Specific inter-institutional coordination tables have been created in many Italian cities. In other cases, this problem is part of the more general fight against trafficking in human beings. The purpose of these bodies, which bring together school, social, health and law enforcement professionals, is to coordinate support and protection activities of underage victims, monitor this problem and offer professionals training and refresher courses.

882. As part of the priorities of the new National Plan for Children and Adolescents, the National Observatory is working on actions aimed at supporting the rights of Roma, Sinti and Caminanti children. It is now clear that it is necessary, at national and local levels, to initiate social inclusion processes, carry out work on coexistence and compliance with the rules, with particular attention to access to education, housing and health services, to provide effective solutions to increasingly complex social problems or the new alarming problems of discrimination and sexual and economic exploitation that see Roma, Sinti and Caminanti children as victims.<sup>161</sup>

### **C. Prohibition of the sale of children, child pornography and child prostitution**

#### **Committee recommendation No. 19 on the full implementation of legislation and procedures relevant for the Optional Protocol, starting from a legal definition of child pornography in the national legislation**

883. As far as child pornography offences are concerned, Law 38/2006 brought about a real acceleration that led to Italian legislation being fully aligned to the Framework Decision 2004/68/JHA of the Council of Ministers of the European Union of 22 December 2003, concerning the fight against sexual exploitation of children and child pornography. According to this law, in fact, whoever:

- Uses children under 18 years of age for pornographic performances or to produce pornographic material, or induces children under 18 years of age to take part in pornographic performances (the “inducement” circumstances were introduced by Law No. 38)
- Distributes, advertises, disseminates or offers (“dissemination” and “offer” are notions introduced by Law 38) pornographic material produced using children under 18 years of age or disseminates information aimed at soliciting or sexually exploiting children under 18 years of age
- Holds pornographic material prepared using children under 18 years of age will be punished

884. Law No. 38 replaces the term “exploitation” with “use”. This is clearly meant to expand the circumstances and include those cases in which offenders do not intend to derive a financial gain or otherwise from their criminal behaviour (generic rather than specific intent).

<sup>160</sup> See paragraph 723–727.

<sup>161</sup> See section IX for further information.

885. These circumstances hold true for “virtual” pornographic material too, i.e., material made up of “images created with graphic techniques that are partially or totally associated with real life situations whose quality of display portrays as real situations that are not”.

886. Sexual offences committed against children are punishable even when committed abroad by an Italian citizen, or against an Italian citizen, or by a foreign citizen in conjunction with an Italian citizen (principle of extraterritoriality).

887. Another important innovation introduced by Law No. 38 is the fact that it has done away with alternating between prison sentences and fines for child prostitution, and for transferring, offering and holding child pornographic material.

888. As to additional punishment for individuals who have committed these crimes (even when committed in foreign countries), article 600 *septies* provides for seizure of assets constituting the profit or the price of the offence or seizure of assets available to the offender to the value corresponding to the profit in case of: a) sentence or acknowledgment of guilt for reduction to slavery or keeping enslaved or in bondage (art. 600 of the Criminal Code); b) child prostitution (art. 600 *bis* of the Criminal Code); c) child pornography (art. 600 *ter* of the Criminal Code); d) possession of pornographic material (art. 600 *quater* of the Criminal Code); e) possession of virtual pornography (art. 600 *quater bis* of the Criminal Code); f) tourism initiatives aimed at exploiting child prostitution (art. 600 *quinquies* of the Criminal Code); g) trafficking in human beings (art. 601 of the Criminal Code); and h) purchase and transfer of slaves (art. 602 of the Criminal Code). Closure of premises used for activities whose purpose has been proved to be that of committing any of the offences outlined in this section is enforced in any case. Moreover, the licence to trade or the concession or the authorization for radio and TV channels is withdrawn. Furthermore, commissioning these offences entails, in any case, disqualification from holding any jobs in any school of any type and level as well as any office or service in public or private institutions or organizations mainly attended by children.

889. From a procedural point of view, another important provision is contained in article 11 of Law 38 on the enforcement of the sentence on request by the parties (art 444 of the Criminal Code). Plea bargaining, in fact, is not available for the following offences:

- Using children under 18 years of age for pornographic performances or to produce pornographic material
- Inducing children under 18 years of age to take part in pornographic performances
- Trading in pornographic material made with children under 18 years of age
- Distributing, divulging, disseminating or advertising the above material or information to solicit or sexually exploit children under 18 years of age
- Holding large quantities of the above material
- Producing or trading “virtual” pornographic material

890. To appreciate the importance of this decision, it is essential to recall that, according to the Criminal Code, plea bargaining is not available only for crimes such as criminal conspiracy, mafia-type criminal conspiracy, reducing to slavery, trafficking in human beings, kidnapping people or crimes with terrorist purposes.

891. Finally, Italian law provides for apprehension *flagrante delicto* in the following cases:

- Inducing to prostitution an individual under 18 years of age or aiding and abetting or exploiting prostitution of an individual under 18 years of age



- Using individuals under 18 years of age for pornographic performances or to produce pornographic material, i.e. inducement of individuals under 18 years of age to take part in pornographic performances (Law No. 38 has extended this to include virtual child pornographic material)
- Organizing or promoting trips aimed at enjoying prostitution activities involving children or including these activities

892. Furthermore, the prosecutor has to inform the juvenile court of these offences, so that measures to protect the children can be taken immediately. Children are always guaranteed support from social services of which the judicial authorities must avail themselves (art 609 *decies* of the Criminal Code).

893. Law No. 38 has also partially changed article 600 *bis* on child prostitution. This regulates offences such as inducement, aiding and abetting, i.e. exploitation of child prostitution. Law No. 38 has also raised the limit of protection (second paragraph of article 600 *bis*) by laying down that whoever carries out sexual activities with children from 14 to 18 years of age is to be punished. The previous limit was 16 years.

894. It is worth recalling the complex work carried out by the National Centre for Combating Child Pornography on the Internet. The Centre is responsible for gathering all reports — including those from foreign police forces and public and private organizations fighting child pornography — of websites showing materials on sexual use of children by making use of the Internet and other communications networks, and reports of managers and any beneficiaries of related payments. Judicial police agents and officers are duty-bound to make these reports. Notwithstanding initiatives and decisions by the judicial authorities, if there is a positive match, the websites and the names of the website managers and beneficiaries of payments are included in a list that is constantly kept up to date. The Centre also passes on basic information and statistics on child pornography on the Internet to the Department for Family Policies of the Prime Minister's Office.

895. Notwithstanding other laws and regulations in this field, suppliers of services through electronic communication networks have to report to the Centre, as soon as possible after becoming aware of it, any company or individual disseminating, distributing or trading in, including electronically, child pornography material. On request by the Centre, they also have to communicate as soon as possible any information on agreements with these companies or individuals.

896. To prevent access to websites reported by the Centre, Internet providers have to use filtering tools and related technological solutions that are in line with requirements set by law after consultation with the most representative associations of Internet providers. A deadline has been set for Internet providers to avail themselves of filtering tools.

897. The Centre reports beneficiaries of payments made to market materials on sexual use of children on the Internet and other communications networks to the Italian Exchange Office. This, in turn, passes this information on to banks, electronic money institutions, Poste Italiane Spa (the Italian Post Office) and financial brokers offering payment services. Banks, electronic money institutions, Poste Italiane Spa and financial brokers offering payment services report to Italian Exchange Office any information on dealings and transactions related to the marketing of material on sexual use of children. As regards the creation of a blacklist of child pornography websites (as per Law 38/2006), the Centre, following the Decree of the Minister of Communications of 2 January 2007, is expected to send this blacklist to Internet Service Providers (ISPs) so that they can stop navigation in these sites within agreed deadlines. The procedure whereby (under Law 38/2006) the Centre can ask Italian banks, for investigative purposes and through the Italian Exchange Office, information on financial transactions related to the purchase of child pornography material is still being drawn up.

898. With Law No. 146 of 16 March 2006, *Ratification and Execution of the United Nations Convention and Protocols Against Transnational Organized Crime Adopted by the General Assembly on 15 November 2000 and 31 May 2001*, Italy ratified these two protocols whose purpose is to prevent, suppress and punish trafficking in human beings, particularly in women and children, and combat trafficking in migrants respectively.

899. Moreover, with Law No. 48 of 18 March 2008, *Ratification and Execution of the Convention of the Council of Europe on Cybercrime, Signed in Budapest on 23 November 2001*, and Relevant Regulations on the Adaptation of the National Legal System, Italy adopted an important international instrument in the fight against cybercrime. This outlines many criminal behaviours, including the creation and dissemination of child pornography on the Internet.

900. As far as the definition of pornography is concerned, when drafting Law No. 269 of 3 August 1998 “*Provisions against the Exploitation of Prostitution, Pornography, and Sexual Tourism to the Detriment of Minors: The New Forms of Slavery*” and Law No. 38 of 6 February 2006 “*Provisions Concerning the Fight Against the Sexual Exploitation of Children and Child Pornography Also Via Internet*”, the legislator decided not to include a definition of child pornography. Instead, more flexible reference to the offences was chosen so that, over time, it could be expanded. International guidelines now require a different choice with a view to harmonize legislation in the various States. For this reason, within the framework of the ratification text of the Lanzarote Convention, the legislative offices of the Ministries involved in this process and, in particular, the Legislative Office of the Department for Equal Opportunities, have suggested the introduction of a specific definition of child pornography in article 600-ter of the Italian Code. This is because there is a definition in the text of the Convention and that, at international level, the absence of this definition in the Italian Criminal Code has often been criticized. Obviously, if this is the case, following approval by the Council of Ministers, Parliament will have to decide whether to include this definition in the Italian Criminal Code.

## D. Protection of the rights of child victims

### **Committee recommendation No. 21 on the specific definition of protection services and related appropriate assistance to child victims, also providing specific earmarked budgets**

901. In this context, it is important to state that in 2001, following the adoption of Prime Ministerial Decree of 14 February 2001, *Guidelines and Coordination on Social and Health Benefits*, health care and social integration measures for victims of sexual abuse and exploitation were included in the essential levels of health care. The Prime Ministerial Decree, in fact, States that, under Law No. 66 of 15 February 1996 and Law No. 269 of 3 August 1998, the Italian National Health Service is wholly responsible for prevention, support and psychotherapeutic intervention on underage victims of sexual abuse and exploitation. Moreover, with Prime Ministerial Decree of 29 November 2001, *Definition of the Essential Levels of Care*, the Italian State provided an initial definition of health care and social integration.

902. The financing plan to relaunch family guidance centres (see section VI above) — confirmed for 2008 — aims at strengthening organizations responsible for providing these services. The definition of essential levels of social benefits (LIVEAS), assigned to the State by Law 328/2000, is still an open issue. However, on the initiative of the Ministry of Welfare, in 2005 social policies were reviewed in order to define essential levels of benefits (LEP) and build an information system for services. For further information on this, please see section II.

903. As far as services are concerned, a share of resources to be allocated by the National Fund for Social Policies (FNPS) is still for childhood policies to be carried out by the beneficiary cities. The municipalities identified by the old Law 285/97 as beneficiary cities are still important pilot centres for testing and launching services to prevent and combat violence. The recent creation of a coordination table between ministries and the 15 beneficiary cities under Law 285 has to be considered a positive signal. The purpose of the table is to facilitate discussions on possible relaunching of Law 28 August 1997 by strengthening and/or revising Law No. 285 that provided for the creation of services. There are two particularly important issues in relation to old and new children problems: inclusion and poverty — child poverty, foreign children, unaccompanied foreign children, Roma, Sinti and Caminanti (Sicilian nomads) — and new forms of placement, i.e. family and community fostering.

904. Over the years, the coordination work carried out within the framework of a long series of social protection projects for victims of trafficking for sexual exploitation financed through the Calls for tender previously described has enabled the development of very good cultural and professional skills among operators. These operators, either independently or within coordination bodies created by the government, have promoted exchanges of experiences and transfer of know-how as shown by the partnership to develop the previously described Observatory on Trafficking that led to the setting up of the formal Observatory within the Ministry.

905. An advanced regulatory framework (as evidenced by the residence permit for social protection that is not linked to the obligation on the part of victims to testify; this is to protect them or their families against the risk of retaliations or threats by exploiters) and a high degree of expertise by professionals, together with constant exchange of experiences at European level thanks to NGOs and Italian associations bidding to obtain EU funds, have enabled the establishment of Italian practices in the field as best practices at European level by defining essential quality and performance criteria:

1. Services close to marginalized areas (e.g. mobile units).
2. Free phone number on trafficking (information, advice and telephone support 24 hours a day).
3. Drop-in centres providing basic information, guidance, health, legal, social, relational and psychological advice, as well as referral to local or other services offered by the Associations.
4. Support and social integration programmes under article 18 of Legislative Decree 286/98 (for migrant children, women and men victims of violence and exploitation of trafficking in human beings).
5. Literacy and professional guidance courses, vocational training in companies, and support when starting a job.

906. Over the last four years, almost every Italian Region has passed, either as legislative acts or deliberations, some kind of rules on expenditure, guidance or governance to promote, safeguard and implement the rights of children who are exposed to risky situations or are victims of violence and exploitation. These rules have led to operational models and guidelines, Agreement Protocols as well as training and awareness-raising initiatives.

907. Local administrations and charities have carried out many projects in cooperation with local police forces. The projects show a general commitment to dealing with the numerous facets of exploitation using all available resources. Italian Regions have drawn up and passed laws on many different areas such as:

- Social support – organize support services to families and children, support parents and young couples, provide financial assistance to mothers, income support and allowances against the risk of poverty and social exclusion
- Health care – establish and characterize child benefits, organize services
- Protection of the most vulnerable individuals – approve rules to protect migrant, Roma, disabled and hospitalized children

908. It is worth highlighting the fact that in Italy there is an extensive network of associations, NGOs and cooperatives, often grouped in national coordinating bodies, which are recognized as interlocutors of central and decentralized administrations (e.g. National Network of Reception Centres for Children, Third Sector Forum, National Network of Centres and Services dealing with Child Maltreatment, the Forum of Family Associations, etc.). The private sector cooperates with and assists the public sector in delivering basic benefits and second level activities. At the same time, organizations can independently set up reception centres and carry out specific projects. This has enabled to feed from the bottom up a process of identification and sharing of quality standards and specialized activities in close cooperation with public services and local authorities that are often part of these national networks. In turn, this process has led to excellent work being carried out throughout Italy, including Southern regions. Italy has come a long way and it now has to systematise and organize mature and shared knowledge and experiences.

## E. International assistance and cooperation

### Prevention

**Committee recommendation No. 25 on international inter-ministerial cooperation through specifically tailored and well organized meetings and set specific, time bound commitments and objectives combined with proper and regular evaluation of the results**

909. Italian inter-ministerial cooperation takes place within international organizations for the cooperation of police forces (e.g. Interpol); supranational institutional organizations (officials of the Observatory for the Fight against Paedophilia and Child Pornography are members of the Expert Group against Sexual Exploitation set up by the Council of Europe — the PC-ES — and have been actively involved in drawing up the Council of Europe’s Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse); inter-governmental tables on specific issues (e.g. *l’Europe de l’Enfance*); or through joint projects carried out independently or as part of international or European plans of action (e.g. Agis or Daphne). The following are some initiatives in the field of cooperation in the fight against crime.

910. The Carabinieri police has taken part in projects on sexual abuse and exploitation of children carried out within the framework of European programmes, international cooperation programmes or as part of other policies or financing lines. The most recent initiatives are:

- The Carabinieri, within the framework of the EU ISEC Programme “Prevention and Fight against Crime”, has become a privileged partner of the European Commission on, among others, the “Criminal Behaviours in Child Pornography and Sexual Violence” project
- They have decided to take part in the “Transnational and Intersectorial Action to Fight Trafficking in Human Beings and, in Particular, Children – EU ISEC Programme (Prevention and Fight against Crime), Victim Identification and Support” launched by the Department for Equal Opportunities within the

framework of the “Prevention and Fight against Crime” Programme adopted by the Council of the European Union through its decision No. 2007/125/JHA

- They participate in the Technical Inter-Forces Working Group for the Coordination of Safeguard Measures for Victims of Serious Crimes as part of the cooperation with the Central Criminal Police Department and the Faculty of Psychology of the “Sapienza” University in Rome, within the framework of the EU Programme “Daphne II”, to prevent and combat violence against children, young people and women and to protect victims and groups at risk
- Together with the Spanish Guardia Civil and in partnership with the Department for Equal Opportunities of the Prime Minister’s Office and the General Inspectorate of the Ministry of Justice, the Carabinieri were assigned the “Phare Turkey” Project to assist the Turkish Gendarmerie on the implementation of European standards on the protection of human rights, with particular focus on the protection of child victims, submitted within the framework of the EU Programme that bears the same name

911. In 2006, as part of its measures to fight trafficking of children for sexual exploitation purposes, the Italian Government launched an initiative through the Ministry of Foreign Affairs, the Prime Minister’s Office and the Observatory for the Fight against Paedophilia and Child Pornography, and in synergy with the Governments of Central America and UNICEF. This initiative consists in organizing training courses for social workers, psychologists, forensic pathologists, lawyers and Police Forces of Central America. Its purpose is to provide participants with the highest possible number of tools and experiences related to the fight and monitoring of sexual exploitation of children. Italian experiences and legislation on this issue are acknowledged as some of the most up to date and valuable at international level. The project, piloted with the Police Forces of Panama and Guatemala, will soon be extended to include many Central American countries, particularly those that are countries of origin for trafficking of children.<sup>162</sup>

912. As far as the activities of the Ministry of Foreign Affairs are concerned, the Italian Cooperation to Development finances many projects on sexual exploitation of children in the most affected areas. The following projects are still ongoing:<sup>163</sup>

- Preventing and eliminating exploitation of child labour, with particular attention to contemporary intolerable forms of slavery (Honduras, Guatemala, Nicaragua, India, Senegal)
- Preventing and eradicating systematic commercial sexual exploitation including trafficking and sex tourism involving children (Salvador, Honduras, Guatemala, Panama, Belize, Mexico, Dominican Republic, Indonesia, Philippines, Vietnam, Laos, Cambodia, Nigeria, Afghanistan)

<sup>162</sup> The second phase of the project involved San Salvador, Nicaragua, Honduras and Guatemala where experts of the Italian Ministry of Foreign Affairs, the Observatory, the Carabinieri and ECPAT Italy prepared the final phase of the working plan with UNICEF. This programme is part of pilot projects and will be presented in Italy at the preparatory seminars of the III World Congress Against Sexual Exploitation of Children and Adolescents (Rio de Janeiro, Brazil, 25–28 November 2008) where it will be used as an example of good practice. Moreover, the experts of the Observatory, as leaders of the Italian delegation during the negotiations of the text of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, opened to signature in Lanzarote in October 2007 (the Lanzarote Convention), proposed a rule whereby each State Party will have to commit to including, where necessary, prevention, and fight against, sexual abuse and exploitation of children in support programmes for third States.

<sup>163</sup> *Source:* Ministry of Foreign Affairs, General Directorate for Cooperation to Development (Dgcs).

- Strengthening the legal structures of these countries to establish a juvenile justice system and strengthening civil and criminal legislation in favour of children that complies with the Convention on the Rights of the Child (Angola, Mozambique, Afghanistan and Bosnia-Herzegovina)
- Promoting respect for the rights of children and satisfying their needs against all forms of discrimination and exploitation (Ethiopia, Bolivia, Albania, Egypt)
- Children and adolescents in conflict and post-conflict situations (Bosnia-Herzegovina, Sierra Leone, some West African and Sub-Saharan countries, Colombia)
- Social inclusion and deinstitutionalization (Bosnia-Herzegovina, Serbia and Salvador)

913. The priorities guiding Italian Cooperation activities are as follows:

- Reducing the number of children living in conditions of extreme poverty
- Promoting respect for the rights of children and satisfying their needs against all forms of discrimination and exploitation
- Protecting the human and civil rights of children in conflicts or post-conflict situations, with particular regard to children on their own, orphans, wounded and disabled children, and children belonging to ethnic minorities
- Promoting primary education, through access to both formal and informal methods, the right to study and the improvement of the social status of children
- Promoting campaigns in countries with the highest mortality rate for newborns, mothers and children, with particular attention to adolescent mothers
- Preventing and eliminating exploitation of child labour, with particular attention to current intolerable forms of slavery
- Preventing and eradicating the systematic commercial sexual exploitation
- Providing psychological and physical protection to children against all forms of violence, dependence, constraint and torture, including harmful “traditional practices”
- Preventing and opposing aberrational practices such as trade in boys and girls, ethnic rape, sale and traffic of organs and use of child-soldiers
- Improving the quality of life, particularly in urban and environmental terms, within the framework of sustainable development<sup>164</sup>

914. At an international level, the Postal Police Service is member of many working tables within which investigation strategies and technological systems to be applied to investigations are shared. In particular, experts in this field are members of Europol’s permanent operational desk “AWF Twins” and COSPOL, the European working group where more general common action plans are shared. Italy is also finalizing membership to the “Virtual Global Task Force”, the association of Police Forces that includes Australia, Canada, the United Kingdom and the United States. The objective of this association is to protect small users of the Internet through prevention of, and fight against, child pornography offences.

<sup>164</sup> Source: Ministry of Foreign Affairs, General Directorate for Cooperation to Development (Dgcs).

915. International cooperation has been valuable thanks to intervention strategies adopted on the basis of recent legislative decisions that have enabled a rapid exchange of information for transnational investigations in this area with the creation of the National Centre for Combating Child Pornography on the Internet.

916. As regards children who are separated from their families, see section VI.

917. Italy, represented by the Department for Equal Opportunities, takes part in the Transnational Referral System (TRM) project, a cooperation agreement among various countries dealing with transfer of and assistance to victims of trafficking. Italy is working on this project in partnership with Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Macedonia, Moldova, Montenegro, Romania, Serbia, and Kosovo. The overall purpose of the System, in fact, is to create or consolidate international cooperation on measures to fight crime and support victims. The TRM project has highlighted the fact that cooperation and coordination among South-East European countries (countries of origin of the victims of trafficking) and destination countries (North-East European countries including Italy) are the foundation for an efficient transnational referral system.

918. The Department for Equal Opportunities has also promoted the FREED project (Transnational and inter-sectorial action to combat trafficking in human beings for labour exploitation. Identification and support to victims).<sup>165</sup>

919. Within the framework of international cooperation, previously established cooperation with the Council of Europe has intensified. This aims at organizing and holding regional seminars in the various European countries to raise awareness on this issue among the European public, stimulate dialogue among Governments, local authorities, non-governmental organizations and the entire civil society, disseminate and expand knowledge, and promote signature and ratification of the Warsaw Convention of 16 May 2005 on the trafficking in human beings that was concluded within the Council of Europe. Italy made an important contribution to the preparatory work on this Convention and provided its positive experience on support to victims of this crime.

### **Protection of victims**

#### **Committee recommendation No. 27 on measures, including long-term public information and awareness-raising campaigns, on the growing phenomenon of sex tourism**

920. Italian law punishes “Tourism initiatives aimed at exploiting child prostitution” (art. 600 *quinquies* of the Criminal Code) when committed by “anyone organizing or promoting trips aimed at enjoying prostitution activities involving children or including these activities”.

<sup>165</sup> The main purpose of this transnational project is to create coordination and intervention networks involving police forces (in particular the Carabinieri with their units specialized in protection of labour), labour inspectorates, trade unions, prosecutors, non-governmental organizations and local authorities in order to strengthen capabilities in terms of intervention, identification of this type of crime, fight against labour exploitation and protection of victims. The intention is to hold, when necessary, training seminars and seminars for the exchange of experience for the various professionals dealing with this crime. One of the purposes of this would be to develop shared criteria for the identification of victims as well as more targeted protection and social reintegration activities. This work could lead to develop best practices, share them and draw up guidelines on actions to disseminate to all professionals in this field. The project is transnational in nature and involvement of the International Labour Organization, the International Association for Labour Inspection, and other institutions in this area in the following partner countries – Romania, Belgium, Portugal and Poland is expected.

921. Law No. 38 has reiterated and made permanent the obligation by tour operators to include in their advertising materials a statement to the effect that offences related to child prostitution and child pornography are punishable under Italian law even when they are committed abroad. Furthermore, sexual offences against children are punishable even when committed abroad by an Italian citizen, or against an Italian citizen, or by a foreign citizen in conjunction with an Italian citizen (principle of extraterritoriality).

922. As part of international and decentralized cooperation initiatives, the Ministry of Foreign Affairs has promoted some information initiatives on sex tourism both on its own and in conjunction with NGOs and local authorities. Awareness campaigns have been launched at regional level within the framework of decentralized cooperation projects. Among others, the work carried out in the Emilia-Romagna Region with the “*Agenzia Amica*” (Friendly Agency) project is worth highlighting. This initiative was launched under Regional Law No. 7 of 31 March 2003 on *Regulations of Manufacturing, Organization and Sales Activities of Trips, Stays and Tourism Services*. These are a series of rules governing regional travel and tourism agencies’ activities to ensure clients a high organizational and safety level of services and compliance with “ethical tourism”.

923. As far back as 2003, an awareness campaign on sexual abuse and exploitation of children and sex tourism was carried out in Tuscany. Young students from high schools were invited to send their drawings, three of which were selected and became, thanks to the sponsorship of the Regional Government of Tuscany, three posters distributed in schools, social centres, travel agencies and airports both in Italy and abroad.

924. In 2004, a wide network of associations and local authorities, including the Emilia-Romagna and Veneto Regional Governments, promoted an information and cooperation campaign, particularly with Brazil, called “STOP SEXUAL TOURISM”. The campaign aimed at promoting a “healthier”, more ethical and responsible local tourism, and carrying out aid projects in conjunction with local institutions.

925. More attention is being focussed on this issue. As far back as 2000, in fact, representatives of the major tourism associations approved a Code of Conduct whose purpose was to report the seriousness and large extent of this problem.<sup>166</sup>

926. In particular, tour operators and travel agencies committed themselves to:

- Informing and updating tourism staff in Italy and destination countries on sexual exploitation of children
- Informing clients — in addition to what is being required by Law 269/1998 — of the commitment made by the tourism industry to the fight against the sexual exploitation of children in tourism by pointing out to them the adoption of the Code of Conduct
- Including in agreements with suppliers in destination countries clauses requesting that:

<sup>166</sup> The associations that were initially involved were the following: Assotour/Assotrasvi (belonging to the Confederation of Italian Industries); ATOI (belonging to the Confederation of Italian Industries); Assoviaggi (belonging to the Confederation of Italian Service Establishments); PATA (PacificAsia Travel Association – Italian Chapter); Italian VISIT USA Committee (airlines/hotels/rent-a-car/tour ops. & travel agents/U.S. Tourism Convention Centers); FIAVET (Federation of Travel Agents & Tour Operations); SIGMA Travel System (Computer Reservations Systems of GALILEO); Virgin Express Italia; Interline International Club (association of airline & tour ops./travel agt. employees); ECPAT Italia.



- Contacts between tourists and potential sexual exploiters of children and/or direct contacts between tourists and children whose purpose is sexual exploitation must not be facilitated in any manner whatsoever
- Whenever possible, no contact/meeting between tourists and exploiters and/or children for the purposes of sexual exploitation should take place in accommodations
- Including in contracts between tour operators and hotels that children are not allowed in bedrooms when the purpose of letting them in is sexual exploitation, stating that the agreement with the hotel will not be renewed if sexual exploitation has taken place in the hotel itself
- Including in each contract with foreign counterparts (suppliers, tour operators, hotels, etc.) an English translation of the Code of Conduct and its addendum
- Doing away with communication materials — either printed or on video or the Internet — which might refer or allude to behaviours that are not in line with ECPAT's mission or the fundamental principles of the Code of Conduct
- Including in all forms of communication used to promote tourism products the following sentence: "our company has adopted the Code of Conduct against sexual exploitation of children in tourism"
- Informing industry staff of the Code of Conduct which will be included in existing collective and individual employment agreements
- Including the Code of Conduct in any new employment agreement

927. In 2005 the Bilateral Italian Tourist Board and ECPAT, a non-governmental organization, signed the "Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism". As well as sharing objectives and values at the basis of the fight against commercial sexual exploitation of children, adoption of the Code is an important commitment for tour operators, travel agents, airline companies and airports. This commitment was further strengthened by No. 38 of 6 February 2006 "*Provisions Concerning the Fight Against the Sexual Exploitation of Children and Child Pornography Also Via Internet*" that made permanent the obligation for tour operators organizing group or individual trips to foreign countries to clearly show in their advertising materials, programmes, travel documents for users, general catalogues and catalogues on individual destinations, that, under Italian law, offences related to child prostitution and pornography, even when committed abroad, are punishable.

928. The activities that have been carried out have brought the problem of the role of Italy in feeding sexual tourism to the attention of the general public. They have also led tour operators to pay greater attention to their business activities.

929. Most meaningful experiences that have had positive effects have included those managing to combine information in Italy and development and judicial cooperation with countries of destination of sexual tourists from Italy.

930. One example of this cooperation is the joint project between the Prime Minister's Office, the Ministry of Foreign Affairs and UNICEF outlined in paragraph 911 above. The main focus of this project is prevention of sexual exploitation and, in particular, sexual tourism involving children in those countries that are known as "sex destinations" such as Honduras.

## Law enforcement

### Committee recommendation No. 29 on the strengthening of bilateral, regional and multilateral cooperation

931. Italy, through its police forces, is involved in the international fight against these crimes and is member of various investigative and coordinating bodies.

932. At international level, the Central Operational Service of the Central Anti-Crime Department of the State Police works on prevention, victim support and suppression of crimes in conjunction with other States and/or international or European investigative, coordinating or guidance organizations. In particular, the Department:

- Is involved in international cooperation through Europol and Interpol
- Takes part in a seminar organized by the European Police College (CEPOL) on child abuse through representatives of the Department of Public Security
- Takes part in a seminar on analysis of data on child abuse organized by the international intergovernmental network “ChildONEurope” through representatives of the Department of Public Security
- Takes part in the activities on trafficking in human beings carried out by the Organization for Security and Co-operation in Europe (OSCE)

933. As far as the fight against trafficking and sexual exploitation is concerned, the Department of Public Security has joined an IOM project financed by the EU 2003 and 2005 AGIS Programme for the “Creation of a network and development of joint training activities for police officers, NGOs and international organizations on the fight against trafficking in human beings into EU member States from candidate countries and new neighbouring countries following enlargement”. In this framework, various seminars with representatives of the Italian, French and Albanian police forces were held. Other specialized seminars were held on criteria and ways to identify victims, protect witnesses and cooperate with other Police Forces and non-governmental organizations.

934. The Carabinieri are heavily involved at European and international level too. For instance, they take part in international cooperation activities promoted by the International Criminal Police Organization — ICPO — Interpol by, in particular, seconding their officers to the Service for International Police Cooperation that is part of the Central Criminal Police Department of the Department of Public Security.

935. An agreement has been recently reached between Italy and Romania to develop operational cooperation to fight organized crime in both countries, trafficking in human beings, illegal immigration, exploitation of prostitution and serious robberies. Since 2006, Romanian police officers have been working on these problems at the investigative services of the police and Carabinieri in Rome, Milan, Turin and Bologna.

936. However, there are many other bilateral agreements on organized criminal groups involved in sexual exploitation and trafficking. They are particularly effective tools in terms of prevention and investigation into and fight against these crimes.<sup>167</sup> Italy also supports the Policy Paper titled “Visible Evidence – Forgotten Children” on identification of victims of child pornography promoted in 2006 by Save the Children. This document focuses on the

<sup>167</sup> Among others, it is worth recalling agreements reached in this period of time with Albania, Algeria, Austria, Bosnia Herzegovina, China, Cyprus, Egypt, Greece, Libya, Malta, the Netherlands, the Federal Yugoslav Republic, the Moldova Republic, Nigeria, Slovakia, and Spain. Multilateral agreements on these issues have been reached too.

fact that very few children who are exploited to produce pornographic images are being identified, although these images are unquestionable proof of abuse.

937. The Italian Government has given its support to the following recommendations included in this Policy Paper:

1. Ensure political commitment and priority to identification of victims.
2. Ensure well coordinated international and national policies on victim identification through improved Inter-agency cooperation.
3. Allocate resources and staff for victim identification.
4. Ensure clear mandates, structures and ownership of investigations.
5. Ensure focus on child protection and improve support services for children.
6. Provide training for child protection professionals on victim identification and the consequences of being abused for the production of child abuse images.
7. Update statistics and ensure that academic research is undertaken on the extent and consequences of Internet-related sexual abuse of children.

938. The Italian Government has given its support to this document through its participation in the national working table with representatives of the Observatory for the Fight against Paedophilia and Child Pornography and the National Centre for Combating Child Pornography on the Internet. The task of the working table is to collect all reports, including those from foreign police forces and public and private organizations fighting against child pornography. The Government has also shown its support to this document by suggesting that specific commitments be made by State Parties during the negotiations on the text of the Lanzarote Convention. In fact, following intense negotiations among the various States and on request of representatives of the Observatory, the Convention contains a commitment to create units or investigative services to identify victims of child pornography, particularly by analyzing pornographic materials such as photographs and audio-visual recordings broadcast or made available through the use of IT and communication technologies.

### **Financial support and other forms of assistance**

#### **Committee recommendation No. 30 on the implementation of the Guidelines on Italian Cooperation on the Issue of Children, also including the allocation of funds**

939. During the period of time taken into account by this report, more measures were taken within the framework of Italian international cooperation in order to implement the Guidelines on Italian Cooperation on Children. The following initiatives on exploitation of prostitution, child pornography and sale of children are worth highlighting.

940. The Italian Cooperation — in accordance with the Plans of Action of the International Conferences of Stockholm (1996) and Yokohama (2001), and the Optional Protocol of the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography — has financed some important initiatives in various Countries of the world, initiatives that were implemented in different contexts and according to different modalities in collaboration with the Agencies of the United Nations, specialized international organisations, NGOs, Italian Regions and Local Authorities. At present the Italian Cooperation is intervening through bilateral and multi-bilateral programmes in the Dominican Republic, and in eight Countries of Central America and the Caribbean, in six Countries of South-East Asia and in Nigeria.

941. The contribution that Development Cooperation can make to prevent and combat the phenomenon of CSEC can be quite relevant. To analyse and confront the fundamental

causes of underdevelopment is the primary task of international Co-operation, because by doing so one can tackle the problem using the tools of social analysis and social work.

942. The CSEC through tourism looms as particularly alarming, because it often involves also tourists from democratically “*advanced*” Countries, where the respect of the rights of the child should be common practice. To fight this phenomenon, a broad synergy is required among the institutions of the countries where such tourism originates and those where it finds its destinations (Ministries of the Interior, of Social Affairs, Interpol, National Anti-Organized Crime Directorates, Parliaments etc.), the EU, the Agencies of the United Nations, and international organisations such as ECPAT International which are especially engaged with this specific issue, along with other NGOs and local and international associations. At the same time it is extremely important to promote the involvement of the whole of civil society.

943. In order to contribute to the objectives of the World Congress III Against Sexual Exploitation of Children and Adolescents, the Italian Cooperation jointly with UNICEF Innocenti Research Centre in Florence, has financed and contributed to a Preparatory Conference titled “*International Cooperation for Preventing and Responding to Sexual Exploitation of Children and Adolescents: the Role of International Actors and Donors*”. The output of the PREPCOM will consist in a report, including strategic inputs for the World Congress, and recommendations specific to donors and other international actors to prevent and respond to sexual exploitation of children and adolescents.

## F. Follow-up and dissemination

### Follow-up

#### **Committee recommendation No. 31 on follow-up measure on the implementation of the Committee recommendations**

944. The Prime Ministerial Decree of 13 April 2007 created the Committee of Ministers for Policies and Strategic Guidance on the Protection of Human Rights. The creation of this coordinating group meets the requirement to ensure efficient strategic guidance and coordination in this area. The Committee is chaired by the Prime Minister, who can delegate functions to the Minister of Rights and Equal Opportunities. Other members of the Committee are the Minister for Equal Opportunities, the Minister of Foreign Affairs, the Defence Minister, the Minister of Justice, the Minister of the Interior, the Minister of Public Education, the Minister of Employment and Social Security, the Minister of Social Solidarity, the Minister for European Policies, the Minister for Family Policies and the Undersecretary of State to the Prime Minister’s Office – Secretary to the Council of Ministers.

945. The President of the Inter-ministerial Committee on Human Rights (CIDU), part of the Ministry of Foreign Affairs, takes part in the Committee meetings. Heads of other bodies carrying out and/or coordinating institutional activities on human rights can be invited to the meetings.

946. The Committee adopts guidelines and policies on the protection of human rights. It also coordinates and guides the activities of the CIDU and other bodies carrying out and/or coordinating institutional activities on human rights in order to ensure their alignment to the guidelines set by the Government.

## Dissemination

### **Committee recommendation No. 32 on measures to disseminate reports as well as Committee observations and recommendations**

947. The translation of the Final Observations adopted by the Committee on the Rights of the Child during its 1157<sup>th</sup> session held on 2 June 2006 and addressed to Italy following the initial Reports submitted by our country in 2004 under article 8 of the Option Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and under article 12, comma 1, of the Option Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography was carried out by the CIDU and published in 2007 by the Italian Committee of UNICEF, member of the CIDU. This enabled dissemination to the Italian public of a very important and useful document on the actual implementation of the rights of the child in our country.

948. As far as measures taken in Italy are concerned, the Ministry of Foreign Affairs, through the General Department of Cooperation to Development, in line with its mandate, and in conjunction with Regional Governments, local authorities and NGOs, is committed to promoting and supporting educational initiatives on development and intercultural issues as means to increase awareness of the Convention on the Rights of the Child, the conditions of children in cooperation countries and migrant children. Italian children are involved in projects supported by Italian cooperation through funds for educational programmes on development whose purpose is to communicate, inform and raise awareness on different cultures and living conditions of children in the world.

949. The Ministry has also promoted initiatives aimed at promoting children's direct participation in developing and implementing projects against sexual abuse and exploitation. All projects for children sponsored by Italian Cooperation are multidisciplinary and integrated and also promote communication and information activities which see children as active players.

950. The main communication, cultural and sports activities are: workshops on photography, photo competitions and exhibitions; theatre workshops and travelling theatres; documentaries, docufilms and travelling cinemas (CinemArena); sports activities, painting, graphic design, comic strip art, graphic arts, murals, animation stories, picture stories, illustrated and photo books, etc.; communication programmes in developing countries in order to communicate the rights of the child; educational programmes carried out in Italy on development to communicate, inform and raise awareness among the Italian public on the different cultures and living conditions of children at risk and being sexually exploited in the world; organization of conferences and congresses in developing countries and in Italy.

## **XII. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

### **A. General measures of implementation**

#### **Coordination and evaluation of the implementation of the Optional Protocol**

#### **Committee recommendation No. 7 on appropriate and effective coordination and regular evaluation of the implementation of the Option Protocol**

951. See section II(C) of the present report for general coordination activities of national measures for children.

## National Plan of Action

### **Committee recommendation No. 9 on the attention to the issue of protection of children affected by armed conflict in the national plan of action**

952. Please see section II(D) of the present report for the National Plan of Action for children.

## Legislation

### **Committee recommendation No. 11 on the inclusion in the legislation of a definition of the concept of “direct participation” of persons under the age of 18 years in armed conflict**

953. Provided that Law No. 2 of 2001 defines the age of 18 as the limit to volunteer enlistment in the military conscription service (later interrupted in Italy since 1° January 2005), current legislation does not allow direct employment of the minors in armed conflicts. This is because the minimum age limit of 17, that has been set to take part in competitions to be recruited in the armed forces as warrant officer (except for the Corps of the Carabinieri) or as officers (including the Corps of the Carabinieri), does not allow to use anyone interested in joining before they have completed training courses that last two years for warrant officers and five years for officers. Therefore, by the end of these training courses, these personnel, who must hold a secondary education diploma,<sup>168</sup> will be older than 18.

954. To join the initial careers of the Armed Forces, the age limit is 18 (art. 4, Law 226/2004) whereas for the Carabinieri, this limit is over 18 because, as a general rule, only Armed Forces volunteers are admitted to the initial careers (art. 16, Law 226/2004). From 2001 to 2008 no person under 18 years of age was recruited by the Armed Forces.

955. Therefore, current provisions of law already prevent minors from participating directly to hostilities, in accordance with article 1 of the Optional Protocol.

### **Committee recommendation No. 12 on the explicit prohibition by law of the recruitment of children under the age of 15 years into armed forces/groups and their direct participation in hostilities, the establishment of the extraterritorial jurisdiction for these crimes, of the explicit prohibition concerning military personnel to undertake any act that violates the rights enshrined in the Optional Protocol, regardless of any military order to that effect**

956. Under article 8 of the Statute of the International Criminal Court ratified by Italy with Law 232/1999, enlisting children under the age of 15 in the Armed Forces is a war crime.

957. According to national law, enlisting children under the age of 15 has been a breach of the law for some time because:

- Minimum age to enlist volunteers in the Armed Forces is 18 (art. 4, Law 226/2004)
- Minimum age to enlist in initial careers in the Carabinieri is above 18 because only Armed Forces volunteers can join (art. 16, Law 226/2004)

<sup>168</sup> According to the national educational route, secondary education diplomas can be obtained 13 years after starting school (five years of primary school, three of middle school and 5 years of high school). School starts at six years of age. Therefore, these diplomas are obtained between 18 and 19 years of age and only in exceptional cases before coming of age.

- Minimum age to take part in competitions to become warrant officers in the Armed Forces and the Carabinieri is 17 and 18 years respectively (art. 11, Legislative Decree 196/1995, art. 14, Legislative Decree 198/1995 and article 1, Ministerial Decree 188/1999)
- Minimum age to take part in competitions to become officers of the Armed Forces (including the Carabinieri) is 17, whereas appointments cannot be made before 18 years of age (articles 3 and 4, Legislative Decree 490/1997)

958. In any event, minors may be enlisted as volunteers only with the written consent of parents, legal guardians or other legally responsible for the children. Consent can be withdrawn at any time.

959. Any enlistment in the Armed Forces or the Carabinieri is under the responsibility of special bodies within the Ministry of Defence (General Department for Military Personnel and Carabinieri General Headquarters). Furthermore, various legislative provisions provide for the prosecution of armed groups other than the Armed Forces who enlists minors. To this end, in fact, article 600 of the Criminal Codes provides for 8 to 20 years' imprisonment for anyone reducing or keeping individuals in a condition of continuous subjection forcing them to carry out working activities or activities entailing exploitation. This article lays down that reducing or maintaining in a state of subjection occurs when it is done through violence, threat, deceit, abuse of authority or when taking advantage of a situation of physical or mental inferiority or a situation of need, or by promising or offering those who have authority over these individuals sums of money or other advantages. The above mentioned sentence is increased by one third to one half if the actions in question are taken against individual younger than 18. This provision of law is also applied when the crime is committed abroad by an Italian citizen or against an Italian citizen or by a foreign citizen in conjunction with an Italian citizen (art. 604 of the Criminal Code).

960. If the recruitment is performed by armed groups with the purpose of terrorism, articles 270-bis, 270-quater and 270-quinquies of the Criminal Code apply. These articles provide for up to 15 years' imprisonment for: a) anyone creating, promoting, organizing, heading or financing associations whose aim is to commit acts of violence for the purposes of terrorism ("purposes of terrorism" also applies when the acts of violence are carried out against a foreign country or an international institution or body) or subversion of the democratic order; b) anyone recruiting one or more individuals to commit acts of violence or sabotaging essential public services for the purposes of terrorism even when committed against a foreign country or an international institution or body; and c) anyone training or providing information on how to prepare or use explosive materials, firearms or other weapons, harmful or hazardous chemical or bacteriological substances, as well as any other technique or method to commit acts of violence or sabotage essential public services for the purposes of terrorism even when committed against a foreign country or an international institution or body.

961. Further instruments used to determine sentences and establish effective cooperation with other States were introduced in Italy following the ratification of the UN Convention and Protocols against Transnational Organized Crime which had been adopted by the General Assembly on 15 November 2000 and 31 May 2001. The law that ratified the Convention and the Protocols was Law No. 146 of 16 March 2006. Apart from providing a definition of transnational crime, the law also regulates undercover operations carried out by Police forces in the fight against serious crimes. These crimes can also be punished under article 605 of the Criminal Code (kidnapping) with up to 8 years' imprisonment when anyone deprives someone of his/her personal freedom.

962. Notwithstanding what has been stated in relation to the previous point a), military personnel involved in international missions receive specific training on the tasks they have

to perform, the legal aspects of the missions, rules of engagement and, above all, regulations on human rights and international humanitarian law and consequences of their breaches. In addition, it is important to consider that the United Nations Committee for Human Rights, in its concluding observations on the Italian Government's report (discussed in Geneva on 20 and 21 October 2005) favourably regarded the applicability of the International Covenant on Civil and Political Rights to military personnel engaged in international missions.

963. Moreover, illegal practices related to recruitment and involvement of children in hostilities as well as other breaches of the Protocol relating to the involvement of children in armed conflicts are punishable under article 185-bis of the Military Criminal Code of War. This article lays down that: "Unless the fact entails a more serious crime, a military person who, for reasons that are not unrelated to war, commits acts of torture or inflicts other forms of inhuman treatment, illegal transfers, or other acts that are banned by international conventions, including biological experiments or medical treatments unjustified by health conditions causing harm to prisoners of war or civilians or other persons protected by these international conventions, is punished by imprisonment from two to five years".

964. Main provisions on offences committed abroad are contained in article 7 (Offences Committed Abroad), article 9 (Common Offences Committed by Italian Citizens Abroad) and article 10 (Common Offences Committed by Foreign Citizens Abroad) of the Criminal Code. These articles:

- Provide for punishing, according to Italian law, an Italian or foreign citizen who commits, in a foreign country, offences against the Italian State or other offences for which special provisions of law or international conventions lay down that Italian criminal law has to be applied.
- Allow prosecution of Italian citizens who commit, in a foreign country, offences punishable under Italian law with a life imprisonment or no less than three years' imprisonment on condition that they are on the territory of the State. If the offence is committed against the European Communities, a foreign State or a foreign citizen, prosecution is possible on request by the Minister of Justice on condition that their extradition has been denied, or has not been accepted by the Government of the State where they have committed the offence.
- Allow prosecution of foreign citizens who commit a crime, in a foreign country, against the Italian State or an Italian citizen punishable under Italian law with a life imprisonment or no less than a year's imprisonment, if they are on the territory and a request has been made by the Minister of Justice, or a suit has been brought against them or a request to prosecute has been made by the offended party. If the offence is committed against the European Communities, a foreign State or a foreign citizen, prosecution under Italian law is possible on request by the Minister of Justice on condition that they are on the territory of the State, the offence is such that it warrants a life sentence or imprisonment for no less than three years and their extradition has been denied, or has not been accepted by the Government of the State where they have committed the offence or the State they belong to.

965. Article 4 of Law 382/1978 interdicts to military personnel to carry out an order given by a superior whenever it is direct against the State institutions or is a clear crime and obliges him/her to report this to his superiors as soon as possible. Therefore, an order given by a superior entailing an offence that breaches the Optional Protocol must be disregarded.



## Recruitment of children

### Voluntary recruitment

#### **Committee recommendation No. 14 on the possibility of increasing the minimum age for voluntary recruitment to 18 years**

966. Even though the possibility of recruiting some members of the Armed Forces aged 17 does not create problems in terms of direct use of minors in armed conflicts, as has already been extensively clarified, the Ministry of Defence, within the context of a wider review of Armed Forces' personnel, is looking at the possibility of setting at 18 the minimum age for voluntary recruitment, notwithstanding the clarifications *contained in paragraphs 953–955* above

### Role of military schools

#### **Committee recommendation No. 16 on information concerning the status of children attending military schools, measures it has taken to ensure that voluntary recruitment into national armed forces under the age of 18 is “genuinely voluntary”, disaggregated data on persons under the age of 18 enrolled in military schools, the compliance of the curricula in military schools with the Convention**

967. As far as the status of children attending military schools — Nunziatella, Teuliè, Morosini and Dohuet — they have to comply with disciplinary rules set for State high schools. At 16 years of age, they enter into a special term of service, whose sole purpose is to attend the course of study they have chosen. From that moment on, they have to comply with the duties laid down by the principles and rules of military discipline. Parents or guardians of minors and students of age can withdraw them or themselves from school at any time during the school year. Students study the same subjects as those taught in the last three years of the *liceo classico* or *liceo scientifico* (upper secondary schools specializing in classics or science) in line with the directives of the Ministry of Education, University and Research.

968. Access to the Nunziatella, Teuliè, Morosini and Dohuet Military Schools is through public competitions based on tests that are held on a yearly basis by the General Department for Military Personnel of the Ministry of Defence. Candidates, whose aptitude is assessed by a special commission with a series of tests, fill and sign a request that has to be accompanied by a declaration of consent prepared by the individual exercising parental authority over them or their guardian. As has already been clarified, consent to voluntary recruitment (before mentioned special term of service) and attendance at military schools can be withdrawn at any time.

969. Furthermore, special attention is paid to communication between teachers and families through meetings, telephone conversations or emails. When parents are visiting the schools, extra meetings with teachers and Commanders in their capacity as school directors can be arranged.

970. As regards the “genuinely voluntary” recruitment into national armed forces under the age of 18, see paragraph 966 above.

971. About disaggregated data on persons under the age of 18 enrolled in military schools, please find below data related to each military school:

#### **(a) Nunziatella and Teuliè**

- Students from 15 to 17 years of age: 169

- Regions of origin: Centre 17 per cent (Abruzzo 6; Latium 17; Marches 1; Tuscany 2; Umbria 2), North 15 per cent (Emilia 2; Friuli V.G. 2; Liguria 2; Lombardy 5; Piedmont 10; Veneto 5;) and South 68 per cent (Basilicata 3; Calabria 7; Campania 61; Molise 6; Apulia 26; Sicily 12)

**(b) Morosini**

- Students from 15 to 17 years of age: 97
- Regions of origin: Centre 29 per cent (Abruzzo: 2; Latium: 9; Marches: 2; Tuscany: 4; Umbria: 2;), North 25 per cent (Emilia: 1; Friuli V.G.: 2; Liguria: 1; Lombardy: 7; Piedmont: 4; Veneto: 9;) and South 46 per cent. (Basilicata: 2; Calabria: 6; Campania: 6; Molise: 1; Apulia: 21; Sicily: 9)

**(c) Dohuet**

- Students from 15 to 17 years of age: 70
- Regions of origin: Centre 49 per cent (Abruzzo: 1; Latium: 20; Marches: 3; Tuscany: 9; Umbria: 1), North 18 per cent (Liguria: 2; Lombardy: 2; Veneto: 5; Piedmont: 2; Trentino: 2) and South 33 per cent (Basilicata: 2; Campania: 8; Apulia: 8; Sicily: 4; Sardinia: 1)

972. Subjects taught at these military schools are totally in line with articles 28 and 29 of the Convention on the Rights of the Child. Particular attention is paid to article 29, letter (a) (the development of the child's personality, talents and mental and physical abilities to their fullest potential); letter (b) (the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations); letter (c) (the development of respect for the child's parents, his/her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he/she may originate, and for civilizations different from his/her own); and letter (d) (the preparation of the child for responsible life in a free society, in a spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and people). This total alignment can be seen in the specific training plans of these schools, which clearly state that:

- In terms of cognitive and relational objectives, the school and all its members are committed to being a teaching community that pays attention to students' training starting from their human identity
- One of the priorities within educational and relational objectives is to consciously develop in students the willingness to cooperate and offer solidarity as well as sense of honour and discipline
- Teaching activities on the European Constitution (history, problems and prospects) as well as educational trips of particular teaching and moral value, such as the one to Lourdes, are planned
- Projects aimed at disseminating knowledge of basic notions of constitutional law are carried out; in this context, special attention is paid to human rights and humanitarian law
- Conveying values that are consistent with the principles of the Italian Constitution is one of the main objectives
- Teaching activities focus on the development of students as individuals, their abilities and their relational, expressive, decision-making and communication skills

- Cultural and training objectives of schools are also pursued through tangible and visible objectives, more specifically by becoming aware of the rights and duties of each member of the community, school and society, while respecting one's own freedom and that of others in social and democratic life, and by educating on solidarity and tolerance
- Teaching is characterized by identification of objectives to ensure the human and civic training of students in compliance with constitutional provisions

973. For teachers, both article 2 (recognition and guarantee of the inviolable rights of the individual as such or in Social groups where his/her personality is expressed and need to fulfil binding duties of political, economic and social solidarity), and article 34 (the right to study) of the Constitution are actual and binding values to defining one's own educational path.

## **B. Measures adopted with regard to disarmament, demobilization and social reintegration**

**Committee recommendation No. 20 on identification of asylum-seeking, refugee and migrant children in Italy who may have been affected by armed conflict, and related culturally sensitive, multidisciplinary assistance, on systematically data collection on refugee, asylum-seeking and migrant children who may have been involved in hostilities in their home country and related authorities' training**

**Committee recommendation No. 21 on the treatment of unaccompanied and separated children outside their country of origin**

974. Please see section IX(C) of the present report.

## **C. International assistance and cooperation**

**Committee recommendation No. 18 on the opportunity to review its domestic legislation with a view to prohibiting trade of small arms and light weapons with countries where persons who have not attained the age of 18 take a direct part in hostilities either as members of the armed forces or armed groups that are distinct from the armed forces of the State – including in the Criminal Code provisions criminalising the trade of small arms and light weapons with countries where persons below the age of 18 take part in hostilities, and to inform about results**

975. Law 185/1990 introduced strict measures on export, import and transit controls of armaments (nuclear, biological and chemical weapons, automatic firearms, bombs, mines, rockets, tanks, powders, explosives, trucks, ships, helicopters, electronic systems for military purposes, specially manufactured military equipment). In particular, article 1 lays down, inter alia, that operations in question must be in line with Italy's foreign and defence policies and must be regulated according to the principles of the Constitution, which rejects war as a means to resolve international controversies (art. 11, Constitution). Export and transit of armaments are forbidden to countries in armed conflicts (in contrast with the principles of article 51 of the United Nations Charter), towards countries whose politics are against the principles of article 11 of the Constitution, towards countries against which total or partial embargoes of war supplies has been declared by the United Nations or the European Union, towards countries whose governments are responsible for serious violations of international conventions on human rights as established by competent bodies of the United Nations, the European Union or the Council of Europe.

976. The same law lays down modalities to acquire information on respect for human rights from, inter alia, organizations recognized by the UN and the European Union and non-governmental organizations recognized under article 28 of Law 49/1987 (Regulations on Cooperation with Developing Countries). Article 5 of above-mentioned Law 185/1990 provides for the Prime Minister to submit a yearly written report to Parliament on operations that were authorized and carried out the previous year, including operations within the framework of inter-governmental agreements. For the activities they are responsible for under this law, the Ministers for Foreign Affairs, of the Interior, Defence, Economy & Finance, Industry & Foreign Trade, have to report to the Prime Minister. From 2007, the Report by the Prime Minister has been published on the Italian Government's website: <http://www.governo.it/Presidenza/UCPMA/relazione2006.html>. In 2007, the Prime Minister's Office organized various meetings on export of armaments with NGOs belonging to the *Rete Disarmo* (Disarmament Network). Breaches of the law on export, import and transit of armaments are heavily punished by the law itself with penalties varying in seriousness.

#### **D. Follow-up and dissemination**

##### **Committee recommendations No. 22–23 on the measures to disseminate reports as well as Committee observations and recommendations**

977. Please see section II(G) of the present report.

## Statistical annex

### Annex to the general guidelines regarding the form and contents of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention

#### I. General measures of implementation

<i>(a) Judges</i>	2006
Magistrates in Juvenile Courts	195
Magistrates in Public Prosecutor's Offices of Juvenile Courts	107
Honorary Judges	600

*Source:* Ministry of Justice.

<i>(c) Teachers with an open-ended contract (State schools)</i>	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Preschools	76 000	80 000	78 000	76 000	75 000	79 316
Primary schools	242 000	247 000	242 000	236 000	234 000	238 728
Middle schools	167 000	174 000	171 000	167 000	164 000	164 962
High schools	214 000	234 000	231 000	226 000	225 000	227 528

*Source:* Ministry of Education.

<i>(d) Paediatricians</i>	<i>2005</i>	
	<i>Absolute value</i>	<i>Per 1,000 resident children</i>
Paediatricians	7 459	0.97

*Source:* Ministry of Health – Health care Information System.

#### II. Definition of child

##### Child population by sex – years 2000–2007

<i>Years</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2000	5 187 324	4 903 481	10 090 805
2001	5 070 697	4 808 277	9 878 974
2002	5 046 577	4 785 574	9 832 151
2003	5 054 170	4 788 556	9 842 726
2004	5 082 505	4 809 647	9 892 152
2005	5 128 292	4 850 713	9 979 005
2006	5 160 857	4 880 884	10 041 741
2007	5 186 523	4 901 618	10 088 141

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**Child population by age group – years 2000–2007**

Years	Age				Total	% 0–17-year-olds on total population	Old-age rate
	0–4	5–9	10–14	15–17			
2000	2 683 051	2 769 342	2 851 511	1 786 901	<b>10 090 805</b>	17.5	124.5
2001	2 626 848	2 710 677	2 784 133	1 757 316	<b>9 878 974</b>	17.1	127.1
2002	2 616 503	2 677 421	2 814 950	1 723 277	<b>9 832 151</b>	17.3	131.4
2003	2 644 633	2 651 655	2 850 510	1 695 928	<b>9 842 726</b>	17.2	133.5
2004	2 688 039	2 657 598	2 844 712	1 701 803	<b>9 892 152</b>	17.1	135.9
2005	2 733 436	2 686 329	2 835 947	1 723 293	<b>9 979 005</b>	17.1	137.8
2006	2 745 849	2 721 743	2 816 344	1 757 805	<b>10 041 741</b>	17.1	139.9
2007	2 775 802	2 747 151	2 798 993	1 766 271	<b>10 088 217</b>	17.1	141.7

Source: Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

*(c) Teachers with an open-ended contract (State schools)*

	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Preschools	76 000	80 000	78 000	76 000	75 000	79 316
Primary schools	242 000	247 000	242 000	236 000	234 000	238 728
Middle schools	167 000	174 000	171 000	167 000	164 000	164 962
High schools	214 000	234 000	231 000	226 000	225 000	227 528

Source: Ministry of Education.

<i>(d) Paediatricians</i>	2005	
	Absolute value	Per 1,000 resident children
Paediatricians	7 459	0.97

Source: Ministry of Health – Healthcare Information System.

**II. Definition of child****Child population by sex – years 2000–2007**

Years	Male	Female	Total
2000	5 187 324	4 903 481	<b>10 090 805</b>
2001	5 070 697	4 808 277	<b>9 878 974</b>
2002	5 046 577	4 785 574	<b>9 832 151</b>
2003	5 054 170	4 788 556	<b>9 842 726</b>
2004	5 082 505	4 809 647	<b>9 892 152</b>
2005	5 128 292	4 850 713	<b>9 979 005</b>
2006	5 160 857	4 880 884	<b>10 041 741</b>
2007	5 186 523	4 901 618	<b>10 088 141</b>

Source: Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**Child population by age group – years 2000–2007**

Years	Age				Total	% 0–17-year-olds on total population	Old-age rate
	0–4	5–9	10–14	15–17			
2000	2 683 051	2 769 342	2 851 511	1 786 901	<b>10 090 805</b>	17.5	124.5
2001	2 626 848	2 710 677	2 784 133	1 757 316	<b>9 878 974</b>	17.1	127.1
2002	2 616 503	2 677 421	2 814 950	1 723 277	<b>9 832 151</b>	17.3	131.4
2003	2 644 633	2 651 655	2 850 510	1 695 928	<b>9 842 726</b>	17.2	133.5
2004	2 688 039	2 657 598	2 844 712	1 701 803	<b>9 892 152</b>	17.1	135.9
2005	2 733 436	2 686 329	2 835 947	1 723 293	<b>9 979 005</b>	17.1	137.8
2006	2 745 849	2 721 743	2 816 344	1 757 805	<b>10 041 741</b>	17.1	139.9
2007	2 775 802	2 747 151	2 798 993	1 766 271	<b>10 088 217</b>	17.1	141.7

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**Resident children by region – year 2007**

	Total of resident children	% 0–17-year-olds on total population	Old-age rate
Piedmont	<b>652 915</b>	15.0	181.2
Aosta Valley	<b>19 837</b>	15.9	152.6
Lombardy	<b>1 565 022</b>	16.4	143.1
Trentino-Alto Adige	<b>191 265</b>	19.2	111.4
Veneto	<b>796 295</b>	16.7	138.9
Friuli Venezia Giulia	<b>176 154</b>	14.5	188.5
Liguria	<b>216 340</b>	13.5	239.1
Emilia-Romagna	<b>633 972</b>	15.0	180.1
Tuscany	<b>535 338</b>	14.7	190.5
Umbria	<b>132 444</b>	15.2	185.9
Marches	<b>243 948</b>	15.9	172.1
Latium	<b>922 282</b>	16.8	139.7
Abruzzo	<b>213 473</b>	16.3	161.3
Molise	<b>52 194</b>	16.3	167.9
Campania	<b>1 229 487</b>	21.2	89.9
Apulia	<b>776 967</b>	19.1	113.3
Basilicata	<b>104 867</b>	17.7	141.0
Calabria	<b>374 542</b>	18.7	123.1
Sicily	<b>988 935</b>	19.7	114.0
Sardinia	<b>261 940</b>	15.8	142.0
<i>Italy</i>	<b>10 088 217</b>	17.1	141.7

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**Foreign resident children<sup>a</sup> by sex and region**

<i>Years regions</i>	<i>Foreign resident children</i>			<i>% of Foreign resident children on total resident foreigners</i>	<i>Foreign resident children per 1,000 resident children</i>
	<i>Male</i>	<i>Female</i>	<i>Total</i>		
2003	181 385	172 161	<b>353 546</b>	22.8	35.9
2004	213 564	199 729	<b>413 293</b>	20.8	41.8
2005	261 363	241 671	<b>503 034</b>	20.9	50.4
2006	305 888	281 625	<b>587 513</b>	22	58.5
2007	346 997	319 296	<b>666 293</b>	22.7	66
<b>2007 – By region</b>					
Piedmont	30 254	28 585	<b>58 839</b>	23.3	90.1
Aosta Valley	642	574	<b>1 216</b>	22	61.3
Lombardy	91 382	84 144	<b>175 526</b>	24.1	112.2
Trentino-Alto Adige	7 555	6 873	<b>14 428</b>	23.4	75.4
Veneto	45 042	41 414	<b>86 456</b>	24.7	108.6
Friuli Venezia Giulia	7 996	7 376	<b>15 372</b>	21.2	87.3
Liguria	8 718	8 022	<b>16 740</b>	20.7	77.4
Emilia-Romagna	39 552	36 089	<b>75 641</b>	23.8	119.3
Tuscany	26 463	24 380	<b>50 843</b>	21.7	95.0
Umbria	7 651	6 949	<b>14 600</b>	22.9	110.2
Marches	12 666	11 406	<b>24 072</b>	24.2	98.7
Latium	35 160	31 818	<b>66 978</b>	20.3	72.6
Abruzzo	5 240	4 923	<b>10 163</b>	21.2	47.6
Molise	447	436	<b>883</b>	18.3	16.9
Campania	7 893	7 241	<b>15 134</b>	15.4	12.3
Apulia	5 653	5 445	<b>11 098</b>	21.7	14.3
Basilicata	707	598	<b>1 305</b>	19.4	12.4
Calabria	3 251	3 107	<b>6 358</b>	18.1	17.0
Sicily	8 955	8 316	<b>17 271</b>	22.1	17.5
Sardinia	1 770	1 600	<b>3 370</b>	17.3	12.9
<i>Italy</i>	346 997	319 296	<b>666 293</b>	22.7	66.0

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

<sup>a</sup> Data on 01/01.

### III. General principles

#### (5c) Deaths of children aged 0–14 by sex – years 2000–2004

<i>Years</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Of which due to AIDS</i>
2000	1 977	1 627	<b>3 604</b>	0
2001	2 037	1 576	<b>3 613</b>	0
2002	2 040	1 486	<b>3 526</b>	0



<i>Years</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Of which due to AIDS</i>
2003	1 736	1 429	<b>3 165</b>	0
2004	1 745	1 396	<b>3 141</b>	0
2005	n.d.	n.d.	<b>3 070</b>	0

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**(5d) Deaths of children aged 0–17 in road accidents by sex – years 2000–2005**

<i>Years</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2000	207	101	<b>308</b>
2001	239	108	<b>347</b>
2002	267	107	<b>374</b>
2003	243	77	<b>320</b>
2004	228	83	<b>311</b>
2005	218	92	<b>310</b>

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**(5e) Deaths of children aged 0–14 due to lesions intentionally caused by others – years 2000–2003**

<i>Years</i>	<i>Total</i>
2000	<b>13</b>
2001	<b>11</b>
2002	<b>15</b>
2003	<b>19</b>

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**(5f) Suicides of children by sex – years 2000–2004**

<i>Years</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2000	21	13	<b>34</b>
2001	27	8	<b>35</b>
2002	26	9	<b>35</b>
2003	25	14	<b>39</b>
2004	18	13	<b>31</b>

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**(5f) Suicides of children by age group – years 2000–2004**

<i>Years</i>	<i>Age</i>		<i>Total</i>
	<i>0–13</i>	<i>14–17</i>	
2000	5	29	<b>34</b>
2001	8	27	<b>35</b>
2002	0	35	<b>35</b>
2003	3	36	<b>39</b>
2004	4	27	<b>31</b>

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**(5f) Suicides of children by region – year 2004**

<i>Regions</i>	<i>Total</i>
Piedmont	<b>2</b>
Aosta Valley	<b>0</b>
Lombardy	<b>8</b>
Trentino-Alto Adige	<b>1</b>
Veneto	<b>4</b>
Friuli Venezia Giulia	<b>0</b>
Liguria	<b>1</b>
Emilia-Romagna	<b>2</b>
Tuscany	<b>1</b>
Umbria	<b>0</b>
Marches	<b>3</b>
Latium	<b>1</b>
Abruzzo	<b>0</b>
Molise	<b>0</b>
Campania	<b>1</b>
Apulia	<b>2</b>
Basilicata	<b>0</b>
Calabria	<b>0</b>
Sicily	<b>4</b>
Sardinia	<b>1</b>
<i>Italy</i>	<b>31</b>

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

## IV. Civil rights and freedoms

### Live births – years 2000–2007

<i>Years</i>	<i>Live births<sup>a</sup></i>	<i>Birth rate</i>
2000	543 039	9.4
2001	535 282	9.3
2002	538 198	9.4
2003	544 063	9.5
2004	562 599	9.7
2005	554 022	9.5
2006	560 010	9.5
2007	561 747 <sup>b</sup>	9.5

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

<sup>a</sup> Registration must be done within 3 days if in hospital, within 10 days if at the Municipal register of births, marriages and deaths.

<sup>b</sup> Estimate.

## V. Family environment and alternative care

### Family support

#### (11b) Nurseries by region and autonomous province

<i>Regions</i>	<i>Period of reference</i>	<i>Nurseries</i>
Piedmont	01/07/05	351
Aosta Valley	31/12/04	11
Lombardy	31/12/03	724
Province of Bolzano	31/12/04	34
Province of Trento	31/12/04	51
Veneto	30/04/05	890
Friuli Venezia Giulia	30/10/04	122
Liguria	31/12/04	126
Emilia-Romagna	31/12/03	683
Tuscany	31/12/04	417
Umbria	31/12/04	69
Marches <sup>a</sup>	31/12/03	142
Latium <sup>b</sup>	31/12/03	314
Abruzzo	30/04/05	156
Molise	31/12/05	8
Campania	30/09/00	102
Apulia <sup>a</sup>	28/10/05	47
Basilicata	30/04/05	27
Calabria	31/12/03	105

<i>Regions</i>	<i>Period of reference</i>	<i>Nurseries</i>
Sicily	01/01/02	430
Sardinia	03/08/05	76
<b>Total</b>		<b>4 885</b>

*Source:* Italian National Childhood and Adolescence Documentation and Analysis Centre.

<sup>a</sup> The last available data only refer to the nurseries authorized according to new regulations in force.

<sup>b</sup> Data on 31/12/2003 do not include private nurseries existing in the Municipality of Rome.

**(11b) Maximum number of places and % of child reception in nurseries by region and autonomous province**

<i>Regions</i>	<i>Period of reference</i>	<i>Max. number of places</i>	<i>% of child reception</i>
Piedmont	01/07/05	14 000	13.1
Aosta Valley	31/12/04	415	12.3
Lombardy	31/12/03	33 784	12.9
Province of Bolzano	31/12/04	928	5.8
Province of Trento	31/12/04	2 075	13.8
Veneto	30/04/05	26 058	19.9
Friuli Venezia Giulia	30/10/04	3 130	10.7
Liguria	31/12/04	4 183	12.1
Emilia-Romagna	31/12/03	25 518	23.9
Tuscany	31/12/04	13 784	15.7
Umbria	31/12/04	2 504	11.8
Marches <sup>a</sup>	31/12/03	4 447	11.6
Latium	31/12/03	13 699	9.5
Abruzzo	30/09/00	1 340	4.1
Molise <sup>b</sup>	31/12/05	262	3.4
Campania	30/09/00	4 603	2.3
Apulia <sup>a</sup>	28/10/05	1 311	1.0
Basilicata	30/04/05	838	5.2
Calabria	30/09/00	1 167	2.0
Sicily <sup>c</sup>	01/01/02	7 374	4.6
Sardinia	03/08/05	2 107	5.3
<b>Total</b>		<b>163 527</b>	<b>9.9</b>

*Source:* Italian National Childhood and Adolescence Documentation and Analysis Centre.

<sup>a</sup> The last available data only refer to the nurseries authorized according to new regulations in force.

<sup>b</sup> Partial data.

<sup>c</sup> The data refers to children enrolled.

### Children without parental care

#### (12a) Children in status of adoptability,<sup>a</sup> Italy – years 2000–2006

<i>Parents</i>	<i>Years</i>						
	2000	2001	2002	2003	2004	2005	2006
Known	810	769	551	634	654	733	753
Unknown	362	327	378	446	410	425	501
<b>Total</b>	<b>1 172</b>	<b>1 096</b>	<b>929</b>	<b>1 080</b>	<b>1 064</b>	<b>1 158</b>	<b>1 254</b>

*Source:* Elaboration of data of the Ministry of Justice by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

<sup>a</sup> The status of adoptability is declared once the state of abandonment of the child has been ascertained.

#### (12b) Separations and divorces and foster children. Italy – years 1991–2005

<i>Years</i>	<i>Separations</i>				<i>Divorces</i>			
	<i>Of which with foster children</i>			<i>Foster children</i>	<i>Of which with foster children</i>			<i>Foster children</i>
	<i>Total</i>	<i>A.V.</i>	<i>%</i>		<i>Total</i>	<i>A.V.</i>	<i>%</i>	
1991	<b>44 920</b>	24 369	54.3	34 667	<b>27 350</b>	9 427	34.5	11 955
1992	<b>45 754</b>	23 794	52	33 242	<b>25 997</b>	9 988	38.4	12 588
1993	<b>48 198</b>	24 323	50.5	33 695	<b>23 863</b>	8 755	36.7	11 013
1994	<b>51 445</b>	25 636	49.8	35 992	<b>27 510</b>	8 916	32.4	11 104
1995	<b>52 323</b>	27 290	52.2	38 779	<b>27 038</b>	9 637	35.6	12 219
1996	<b>57 538</b>	29 448	51.2	41 597	<b>32 717</b>	11 178	34.2	14 017
1997	<b>60 281</b>	30 725	51	43 310	<b>33 342</b>	11 823	35.5	14 876
1998	<b>62 737</b>	32 638	52	46 548	<b>33 510</b>	11 826	35.3	14 877
1999	<b>64 915</b>	33 419	51.5	47 705	<b>34 341</b>	12 213	35.6	15 342
2000	<b>71 969</b>	35 173	48.9	51 229	<b>37 573</b>	13 631	36.3	17 334
2001	<b>75 890</b>	39 551	52.1	57 215	<b>40 051</b>	14 651	36.6	18 490
2002	<b>79 642</b>	41 176	51.7	59 480	<b>41 835</b>	15 288	36.5	19 356
2003	<b>81 744</b>	42 689	52.2	62 050	<b>43 856</b>	16 172	36.9	20 627
2004	<b>83 179</b>	44 035	52.9	64 292	<b>45 097</b>	16 596	36.8	21 175
2005	<b>82 291</b>	43 419	52.8	63 912	<b>47 036</b>	17 148	36.5	21 996

*Source:* ISTAT.

#### (12b) Decisions taken by Juvenile Courts on the issue of foster care – years 2001–2005

<i>Years</i>	<i>Placement in foster family</i>	<i>Placement in a residential community or institute</i>	<i>Total foster placement</i>	<i>% of placements in foster family</i>
2001	671	1 526	<b>2 197</b>	30.5
2002	819	958	<b>1 777</b>	46.1
2003	866	727	<b>1 593</b>	54.4

<i>Years</i>	<i>Placement in foster family</i>	<i>Placement in a residential community or institute</i>	<i>Total foster placement</i>	<i>% of placements in foster family</i>
2004	789	1 169	<b>1 958</b>	40.3
2005	969	1 013	<b>1 982</b>	48.9

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**(12b) Decisions taken by Juvenile Courts on the issue of removal from family – years 2000–2005**

<i>Years</i>	<i>Removals from family</i>
2000	3 806
2001	1 796
2002	1 560
2003	1 295
2004	928
2005	592

*Source:* Elaboration of ISTAT data by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**(12b) Mothers in jail with children younger than 3 and nurseries in prisons – 30 June 2008**

<i>Region of detention</i>	<i>Operative nurseries</i>	<i>Non-operative nurseries</i>	<i>Nurseries under preparation</i>	<i>Mothers in jail with children in an institute</i>	<i>Children younger than 3 in an institute</i>	<i>Pregnant women in jail</i>
Piedmont	1	0	0	4	4	0
Aosta Valley	0	0	0	0	0	0
Lombardy	2	0	0	14	14	11
Trentino-Alto Adige	0	0	0	0	0	0
Veneto	1	0	0	6	6	1
Friuli V. Giulia	0	0	0	0	0	0
Liguria	1	0	0	1	1	1
Emilia-Romagna	0	0	0	0	0	1
Tuscany	1	0	0	1	1	2
Umbria	0	0	0	0	0	0
Marches	0	0	0	0	0	0
Latium	1	0	0	19	19	13
Abruzzo	1	0	0	2	2	0
Molise	0	0	0	0	0	0
Campania	1	0	0	4	4	0
Apulia	1	1	0	1	1	4
Basilicata	0	0	0	0	0	0
Calabria	2	0	0	5	5	2
Sicily	1	0	0	0	0	1

<i>Region of detention</i>	<i>Operative nurseries</i>	<i>Non-operative nurseries</i>	<i>Nurseries under preparation</i>	<i>Mothers in jail with children in an institute</i>	<i>Children younger than 3 in an institute</i>	<i>Pregnant women in jail</i>
Sardinia	3	0	0	1	1	0
Italy	16	1	0	58	58	36

Source: Ministry of Justice.

<i>Date of Survey</i>	<i>Operative nurseries</i>	<i>Non-operative nurseries</i>	<i>Nurseries under preparation</i>	<i>Mothers in jail with children in an institute</i>	<i>Children younger than 3 in an institute</i>	<i>Pregnant women in jail</i>
30/06/1993	18	7	3	59	61	N.A.
31/12/1993	17	6	4	55	57	N.A.
30/06/1994	13	9	4	62	62	N.A.
31/12/1994	18	5	3	32	35	N.A.
30/06/1995	16	7	2	46	47	N.A.
31/12/1995	16	5	1	31	31	N.A.
30/06/1996	15	6	1	42	45	N.A.
31/12/1996	16	6	0	44	46	N.A.
30/06/1997	17	6	2	47	49	N.A.
31/12/1997	17	3	2	51	52	8
30/06/1998	15	3	1	44	49	7
31/12/1998	14	4	0	41	42	4
30/06/1999	17	4	0	66	70	21
31/12/1999	14	1	0	58	60	13
30/06/2000	13	0	0	56	58	15
31/12/2000	15	0	2	70	78	33
30/06/2001	17	2	2	79	83	21
31/12/2001	18	3	1	61	63	15
30/06/2002	16	2	1	57	60	28
31/12/2002	15	1	1	56	60	16
30/06/2003	15	2	1	43	47	8
31/12/2003	15	2	1	53	56	25
30/06/2004	15	2	2	69	71	17
31/12/2004	15	2	1	56	60	24
30/06/2005	14	3	2	44	45	38
31/12/2005	15	2	1	64	64	31
30/06/2006	15	2	0	59	63	15
31/12/2006	14	2	1	48	51	17
30/06/2007	16	2	0	43	45	22
31/12/2007	18	1	1	68	70	23

Source: Ministry of Justice.

**(12c) Residential services and children in care by Region and Autonomous province – 31/12/2005**

<i>Regions and autonomous provinces</i>	<i>Residential services</i>	<i>Children placed in residential services</i>	<i>Children placed in residential services per 10,000 resident children</i>
Piedmont	174	1 165	18.2
Aosta Valley	2	21	10.9
Lombardy	275	1 652	10.9
Province of Bolzano	33	118	12.2
Province of Trento	58	327	36.3
Veneto	261	934	12.1
Friuli Venezia Giulia	30	213	12.5
Liguria	52	466	22.3
Emilia-Romagna	190	640	10.6
Tuscany	111	790	15.2
Umbria	35	311	13.0
Marches	50	230	17.9
Latium	187	1 000 <sup>(a)</sup>	11.3
Abruzzo	27	265	12.3
Molise	13	96	17.7
Campania	170	1 360	10.8
Apulia	170	1 175 <sup>(b)</sup>	14.7
Basilicata	19	119	10.9
Calabria	89	516	13.2
Sicily	216	n.a.	n.c.
Sardinia	64	145	5.4
<b>Total</b>	<b>2 226</b>	<b>11 543</b>	<b>11.6</b>

Source: Italian National Childhood and Adolescence Documentation and Analysis Centre.

n.d. = Data not available; n.c. = Non calculable.

<sup>(a)</sup> Data refer to 30/11/2006, and the number of children in care is an estimate.

<sup>(b)</sup> Data refer to 31/12/2006.

**(12d) Institutes for children by Region and Autonomous province. Situation on 30/06/03 and on 31/01/08**

<i>Regions and autonomous provinces</i>	<i>Institutes active on 30/06/03</i>	<i>Institutes closed from 30/06/03 to 31/01/08</i>	<i>Institutes transformed from 30/06/03 to 31/01/08</i>	<i>Institutes active on 31/01/08</i>	<i>Of which awaiting for transformation</i>	<i>Children placed in an institute on 31/01/08</i>
Piedmont	0	0	0	0	0	0
Aosta Valley	0	0	0	0	0	0
Lombardy	8	0	8	0	0	0
Province of Bolzano	0	0	0	0	0	0
Province of Trento	0	0	0	0	0	0
Veneto	10	0	10	0	0	0



<i>Regions and autonomous provinces</i>	<i>Institutes active on 30/06/03</i>	<i>Institutes closed from 30/06/03 to 31/01/08</i>	<i>Institutes transformed from 30/06/03 to 31/01/08</i>	<i>Institutes active on 31/01/08</i>	<i>Of which awaiting for transformation</i>	<i>Children placed in an institute on 31/01/08</i>
Friuli Venezia Giulia	1	0	1	0	0	0
Liguria	0	0	0	0	0	0
Emilia-Romagna	0	0	0	0	0	0
Tuscany	0	0	0	0	0	0
Umbria	4	0	4	0	0	0
Marches	4	1	3	0	0	0
Latium	15	3	12	0	0	0
Abruzzo	6	0	6	0	0	0
Molise	0	0	0	0	0	0
Campania	28	2	26	0	0	0
Apulia	35	3	30	2	2	14
Basilicata	6	0	5	1	1	10
Calabria	30	0	28	2	2	7
Sicily <sup>(a)</sup>	63	3	51	9	5	17
Sardinia	5	0	5	0	0	0
<b>Total<sup>(b)</sup></b>	<b>215</b>	<b>12</b>	<b>189</b>	<b>14</b>	<b>10</b>	<b>48</b>

Source: Italian National Childhood and Adolescence Documentation and Analysis Centre.

<sup>(a)</sup> One institute which was still active on 31/01/08 did not provide data on the number of children in care.

<sup>(b)</sup> Among the 14 institutes active on 31/01/2008, 5 host no children, of which 4 in Sicily and 1 in Calabria.

**(12d) Children in family foster care by Region and Autonomous province –31/12/2005**

<i>Regions and autonomous provinces</i>	<i>Children in family foster care</i>	<i>Children in foster care per 10,000 resident children</i>
Piedmont	1 352	21.1
Aosta Valley	46	23.9
Lombardy	2 505	16.6
Province of Bolzano	188	19.4
Province of Trento	101	11.2
Veneto	722	9.4
Friuli Venezia Giulia	165	9.7
Liguria	660	31.5
Emilia-Romagna	1 187 <sup>(a)</sup>	19.7
Tuscany	1 420	27.4
Umbria	265	11.1
Marches	194	15.1
Latium	918 <sup>(b)</sup>	10.4
Abruzzo	189	8.8

<i>Regions and autonomous provinces</i>	<i>Children in family foster care</i>	<i>Children in foster care per 10,000 resident children</i>
Molise	82	15.2
Campania	776	6.2
Apulia	1 340	16.8
Basilicata	8 <sup>(c)</sup>	0.7
Calabria	354	9.1
Sicily	n.a.	n.c.
Sardinia	79 <sup>(d)</sup>	2.9
<b>Total</b>	<b>12 551</b>	<b>12.6</b>

*Source:* Italian National Childhood and Adolescence Documentation and Analysis Centre.

n.d. = Data not available; n.c. = Non calculable.

<sup>(a)</sup> Data refer to 31/12/2003.

<sup>(b)</sup> Data do not include judicial foster placements of the Municipality of Rome.

<sup>(c)</sup> Data refer solely to judicial foster placements.

<sup>(d)</sup> Data refer to 31/12/2002.

**(12f) Decrees of domestic adoption – years 2000–2006**

<i>Years</i>	<i>Adoption decrees</i>
2000	1 716
2001	1 945
2002	1 786
2003	1 575
2004	1 645
2005	1 788
2006	1 571

*Source:* Elaboration of data of the Ministry of Justice by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**(12f) Adoptive couples and adopted children in intercountry adoption, Italy – years 2000–2008**

	Years									Total
	2000 <sup>(a)</sup>	2001	2002	2003	2004	2005	2006	2007	2008 <sup>(b)</sup>	
Couples	313	1 570	1 900	2 319	2 812	2 286	2 534	2 684	1 323	17 741
Children	346	1 797	2 225	2 772	3 402	2 874	3 188	3 420	1 647	21 671

*Source:* Elaboration of data of the Ministry of Justice by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

<sup>(a)</sup> From 16/11/2000 to 31/12/2000.

<sup>(b)</sup> From 01/01/2008 to 30/06/2008.

**(12f) Children who have been authorized to come to Italy by age group, sex and year of arrival of the child – 31/12/2007**

Age groups	Years								Total	%
	2000 <sup>(a)</sup>	2001	2002	2003	2004	2005	2006	2007		
Male and female										
<1	37	136	178	193	146	162	298	336	1 486	7.4
1–4	184	915	953	1 360	1 707	1 345	1 372	1 358	9 194	45.9
5–9	98	575	805	879	1 175	1 149	1 243	1 442	7 366	36.8
10 and older	27	171	289	340	374	218	275	284	1 978	9.9
Total	346	1 797	2 225	2 772	3 402	2 874	3 188	3 420	20 024	100.0
% female on total										
<1	35.1	48.5	50.0	55.4	38.4	37.7	47.7	47.3	46.6	-
1–4	37.0	38.7	37.7	38.9	37.4	39.2	41.5	38.7	38.8	-
5–9	43.9	49.4	42.6	46.2	41.4	40.8	43.1	42.0	43.1	-
10 and older	77.8	59.6	56.1	59.1	54.8	52.3	56.0	48.9	55.5	-
Total	41.9	44.9	42.8	44.8	40.7	40.7	43.9	41.8	42.6	-

Source: Commission for Intercountry Adoption.

<sup>(a)</sup> From 16/11/2000 to 31/12/2000.

**(12f) Children who have been authorized to come to Italy by sex, country of origin and average age at the moment of their arrival – year 2007**

Country of origin	Sex		Total	% on total	Average age of children
	Female	Male			
Russian Federation	169	323	<b>492</b>	14.39	4.34
Colombia	196	184	<b>380</b>	11.11	5.71
Ukraine	123	251	<b>374</b>	10.94	6.41
Brazil	135	191	<b>326</b>	9.53	7.33
Vietnam	135	128	<b>263</b>	7.69	1.64
Ethiopia	116	140	<b>256</b>	7.49	4.98
Poland	78	122	<b>200</b>	5.85	7.93
Cambodia	48	115	<b>163</b>	4.77	3.07
India	75	67	<b>142</b>	4.15	4.90
Peru	42	48	<b>90</b>	2.63	3.99
Hungary	24	58	<b>82</b>	2.40	7.40
Lithuania	33	44	<b>77</b>	2.25	7.58
Nepal	35	35	<b>70</b>	2.05	4.11
Chile	30	30	<b>60</b>	1.75	7.24
Bolivia	31	24	<b>55</b>	1.61	4.35
Latvia	20	17	<b>37</b>	1.08	5.59
Bulgaria	13	19	<b>32</b>	0.94	4.82

<i>Country of origin</i>	<i>Sex</i>		<i>Total</i>	<i>% on total</i>	<i>Average age of children</i>
	<i>Female</i>	<i>Male</i>			
Moldova	17	15	<b>32</b>	0.94	6.50
Slovakia	11	18	<b>29</b>	0.85	4.79
Philippines	2	24	<b>26</b>	0.76	5.60
Burkina Faso	7	18	<b>25</b>	0.73	2.81
Armenia	6	18	<b>24</b>	0.70	3.62
Costa Rica	13	11	<b>24</b>	0.70	6.42
Mexico	9	10	<b>19</b>	0.56	6.17
Dem. Rep. of Congo	4	13	<b>17</b>	0.50	2.37
Guatemala	3	11	<b>14</b>	0.41	4.77
Belarus	8	4	<b>12</b>	0.35	12.47
Kazakhstan	3	9	<b>12</b>	0.35	3.54
Mali	5	7	<b>12</b>	0.35	1.61
Sri Lanka	6	2	<b>8</b>	0.23	1.36
Thailand	5	3	<b>8</b>	0.23	3.22
Nigeria	7	-	<b>7</b>	0.20	1.92
Albania	3	2	<b>5</b>	0.15	2.45
Czech Republic	1	4	<b>5</b>	0.15	5.50
Ecuador	1	3	<b>4</b>	0.12	4.32
El Salvador	2	2	<b>4</b>	0.12	5.04
Ivory Coast	1	2	<b>3</b>	0.09	4.55
Gambia	2	1	<b>3</b>	0.09	5.75
Macedonia	2	1	<b>3</b>	0.09	2.89
Senegal	1	2	<b>3</b>	0.09	0.45
Togo	1	2	<b>3</b>	0.09	3.34
Bosnia-Herzegovina	-	2	<b>2</b>	0.06	8.34
Chad	-	2	<b>2</b>	0.06	5.39
Haiti	1	1	<b>2</b>	0.06	8.65
Kosovo	2	-	<b>2</b>	0.06	2.69
Kyrgyzstan	2	-	<b>2</b>	0.06	0.74
Madagascar	-	2	<b>2</b>	0.06	3.81
Tunisia	-	2	<b>2</b>	0.06	0.90
Croatia	-	1	<b>1</b>	0.03	9.32
Israel	-	1	<b>1</b>	0.03	0.71
Mongolia	-	1	<b>1</b>	0.03	3.03
Dominican Rep.	-	1	<b>1</b>	0.03	0.98
Tanzania	1	-	<b>1</b>	0.03	5.91
<b>Total 53 countries</b>	<b>1 429</b>	<b>1 991</b>	<b>3 420</b>	<b>100.00</b>	<b>5.25</b>

*Source:* Commission for Intercountry Adoption.

**Illegal transfers and non-return****(a) Child victims under article 601 Criminal Code (Trafficking in human beings)**

<i>Years</i>	<i>No. children</i>
2004	4
2005	10
2006	9

*Source:* Elaboration of data of the Local Anti-Mafia Investigation Department by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**(a) Child victims under article 602 Criminal Code (Sale and alienation of slaves)**

<i>Years</i>	<i>No. children</i>
2004	0
2005	2
2006	1

*Source:* Elaboration of data of the Local Anti-Mafia Investigation Department by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

**Abuse and neglect**

**(15a) Child victims of the crimes of sexual abuse introduced by Law 66/96 by citizenship (art. 609 bis, ter, quater, quinquies and octies Criminal Code). Italy – years 2003–2005**

<i>Citizenship</i>	<i>2003</i>			<i>2004</i>			<i>2005</i>		
	<i>Victims</i>	<i>In % on total</i>	<i>In % on foreigners</i>	<i>Victims</i>	<i>In % on total</i>	<i>In % on foreigners</i>	<i>Victims</i>	<i>In % on total</i>	<i>In % on foreigners</i>
Italian	677	90.4	-	654	83.6	-	607	86.8	-
Foreign	64	8.5	100.0	79	10.1	100.0	89	12.7	100.0
of whom:									
Albanian	11	1.5	17.2	0	0.0	0.0	2	0.3	2.2
Former-Yugoslavia	1	0.1	1.6	4	0.5	5.1	2	0.3	2.2
Moroccan	6	0.8	9.4	8	1.0	10.1	7	1.0	7.9
Romanian	20	2.7	31.3	22	2.8	27.8	19	2.7	21.3
Other	26	3.5	40.6	45	5.8	57.0	59	8.4	66.3
Unknown	8	1.1	12.5	49	6.3	62.0	3	0.4	3.4
<b>Total</b>	<b>749</b>	<b>100.0</b>	<b>-</b>	<b>782</b>	<b>100.0</b>	<b>-</b>	<b>699</b>	<b>100.0</b>	<b>-</b>

*Source:* Elaboration of data of the Ministry of the Interior – Central Anti-Crime Department of the State Police by the Italian National Childhood and Adolescence Documentation and Analysis Centre.

*N.B.* Data are not exhaustive because the Central Anti-Crime Department of the State Police reports data coming from some of the most significant reports which local offices have sent to the Central Operational Service.

**(15b) Persons reported to the judicial authorities for crimes introduced by Law 66/96 (art. 609 bis, ter, quater, quinquies and octies Criminal Code).  
Italy – years 2003–2005**

<i>Types of crime</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Sexual abuse (art. 609 bis and ter C.C.)	564	597	509
Sexual intercourse with children (art. 609 quater C.C.)	44	59	99
Corruption of children (art. 609 quinquies C.C.)	18	35	25
Gang rape (art. 609 octies C.C.)	40	42	59
<b>Total</b>	<b>666</b>	<b>733</b>	<b>692</b>

*Source:* Elaboration of data of the Ministry of the Interior – Central Anti-Crime Department of the State Police by the National documentation and analysis centre for children and adolescents.

*N.B.* Data are not exhaustive because the Central Anti-Crime Department of the State Police reports data coming from some of the most significant reports which local offices have sent to the Central Operational Service.

**(15b) Persons reported to the judicial authorities for crimes introduced by Law 66/96 (art. 609 bis, ter, quater, quinquies and octies Criminal Code) by intra-specific author-victim relationship.  
Italy – years 2003–2005**

<i>Intra-specific relationship</i>	<i>2003</i>				<i>2004</i>				<i>2005</i>			
	<i>Persons reported</i>	<i>% on tot. of type of relationship</i>	<i>% on tot. intra-spec. rel.</i>	<i>% on total abuse</i>	<i>Persons reported</i>	<i>% on tot. of type of relationship</i>	<i>% on tot. intra-spec. rel.</i>	<i>% on total abuse</i>	<i>Persons reported</i>	<i>% on tot. of type of relationship</i>	<i>% on tot. intra-spec. rel.</i>	<i>% on total abuse</i>
Family of whom:	566	100.0	93.5	85.0	574	100.0	94.7	78.3	488	100.0	90.7	70.5
Acquaintance	334	59.0	55.1	50.2	322	56.1	53.1	43.9	230	47.1	42.8	33.2
Brother-in-law	1	0.2	0.2	0.2	-	-	-	-	2	0.4	0.4	0.3
Parent's cohabitant	32	5.7	5.3	4.8	41	7.1	6.8	5.6	33	6.8	6.1	4.8
Cousin	4	0.7	0.7	0.6	7	1.2	1.2	1.0	2	0.4	0.4	0.3
Brother	12	2.1	2.0	1.8	6	1.0	1.0	0.8	11	2.3	2.0	1.6
Parent	118	20.8	19.5	17.7	142	24.7	23.4	19.4	140	28.7	26.0	20.2
Grandparent	22	3.9	3.6	3.3	22	3.8	3.6	3.0	26	5.3	4.8	3.8
Partner	5	0.9	0.8	0.8	1	0.2	0.2	0.1	5	1.0	0.9	0.7
Father-in-law	0	0.0	0.0	0.0	0	0.0	0.0	0.0	4	0.8	0.7	0.6
Guardian/Curator	-	-	-	-	1	0.2	0.2	0.1	1	0.2	0.2	0.1
Uncle	38	6.7	6.3	5.7	32	5.6	5.3	4.4	34	7.0	6.3	4.9
School of whom:	24	100.0	4.0	3.6	9	100.0	1.5	1.2	28	311.1	5.2	4.0
Teacher	15	62.5	2.5	2.3	4	44.4	0.7	0.5	18	64.3	3.3	2.6
School employee	9	37.5	1.5	1.4	5	55.6	0.8	0.6	10	35.7	1.9	1.4
Social of whom:	15	100.0	2.5	2.3	23	100.0	3.8	3.1	22	95.7	4.1	3.2
Sports trainer	3	20.0	0.5	0.5	6	26.1	1.0	0.8	5	22.7	0.9	0.7
Baby sitter	1	6.7	0.2	0.2	3	13.0	0.5	0.4	2	9.1	0.4	0.3
Employer	2	13.3	0.3	0.3	1	4.3	0.2	0.1	3	13.6	0.6	0.4
Employee of sports centre	1	6.7	0.2	0.2	3	13.0	0.5	0.4	0	0.0	0.0	0.0

<i>Intra-specific relationship</i>	2003				2004				2005			
	<i>Persons reported</i>	<i>% on tot. of type of relationship</i>	<i>% on tot. intra-spec. rel.</i>	<i>% on total abuse</i>	<i>Persons reported</i>	<i>% on tot. of type of relationship</i>	<i>% on tot. intra-spec. rel.</i>	<i>% on total abuse</i>	<i>Persons reported</i>	<i>% on tot. of type of relationship</i>	<i>% on tot. intra-spec. rel.</i>	<i>% on total abuse</i>
Employee of children's institute	3	20.0	0.5	0.5	6	26.1	1.0	0.8	5	22.7	0.9	0.7
GP	5	33.3	0.8	0.8	1	4.3	0.2	0.1	4	18.2	0.7	0.6
Priest-Religious	-	-	-	-	3	13.0	0.5	0.4	3	13.6	0.6	0.4

*Source:* Elaboration of data of the Ministry of the Interior – Central Anti-Crime Department of the State Police by the National documentation and analysis centre for children and adolescents.

*N.B.* Data are not exhaustive because the Central Anti-Crime Department of the State Police reports data coming from some of the most significant reports which local offices have sent to the Central Operational Service.



## VI. Health and essential services

### Children with disabilities

#### (16a) Families with at least one child aged 6–17 with disabilities – year 2005

	A.V.	%
Families	130 245	1.2 <sup>a</sup>
Children and adolescents with disabilities	145 000	1.4 <sup>b</sup>

Source: ISTAT.

<sup>a</sup> Per 100 families with children.

<sup>b</sup> Per 100 children and adolescents.

#### (16c) Pupils with disabilities by school level<sup>a</sup> – school years 2000/01–2006/07

School years	A.V.	Incidence % on total pupils
<i>Preschool</i>		
2000/01	12 948	0.9
2001/02	13 540	0.9
2002/03	15 044	1.6
2003/04	15 713	1.0
2004/05	14 876	0.9
2005/06	17 481	1.1
2006/07	18 656	1.1
2007/08 <sup>b</sup>	18 934	1.1
<i>Primary school</i>		
2000/01	54 513	2.0
2001/02	57 251	2.1
2002/03	62 795	2.5
2003/04	63 744	2.3
2004/05	66 315	2.4
2005/06	67 755	2.4
2006/07	71 383	2.5
<i>Middle school</i>		
2000/01	43 740	2.5
2001/02	46 298	2.6
2002/03	48 429	2.8
2003/04	49 648	2.8
2004/05	51 334	2.9
2005/06	55 244	3.1
2006/07	56 747	3.3

<i>School years</i>	<i>A. V.</i>	<i>Incidence % on total pupils</i>
<i>High school</i>		
2000/01	21 455	0.9
2001/02	21 559	1.0
2002/03	29 741	1.2
2003/04	32 054	1.2
2004/05	35 279	1.3
2005/06	37 740	1.4
2006/07	40 783	1.5

*Source:* Ministry of Education, University and Research.

<sup>a</sup> Not including pupils of special or special-type schools.

<sup>b</sup> Provisional data.

### Health and health-care services

#### (17a) Deaths of children aged 0 by sex – years 2000–2004

<i>Years</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2000	1 325	1 104	<b>2 429</b>
2001	1 347	1 085	<b>2 482</b>
2002	1 320	1 017	<b>2 337</b>
2003	1 146	988	<b>2 134</b>
2004	1 189	979	<b>2 168</b>
2005	1 169	939	<b>2 108</b>

*Source:* Elaboration of ISTAT data by the National documentation and analysis centre for children and adolescents.

#### (17a) Deaths of children aged 0–14 by region – year 2005

<i>Regions</i>	<i>Total</i>
Piedmont	<b>167</b>
Aosta Valley	<b>2</b>
Lombardy	<b>466</b>
Trentino-Alto Adige	<b>41</b>
Veneto	<b>201</b>
Friuli Venezia Giulia	<b>52</b>
Liguria	<b>75</b>
Emilia-Romagna	<b>211</b>
Tuscany	<b>119</b>
Umbria	<b>37</b>
Marches	<b>72</b>
Latium	<b>383</b>
Abruzzo	<b>48</b>
Molise	<b>6</b>

<i>Regions</i>	<i>Total</i>
Campania	<b>385</b>
Apulia	<b>236</b>
Basilicata	<b>20</b>
Calabria	<b>107</b>
Sicily	<b>390</b>
Sardinia	<b>52</b>
Italy	<b>3 070</b>

*Source:* Elaboration of ISTAT data by the National documentation and analysis centre for children and adolescents.

**(17a) Child mortality rates and mortality rates for children aged 0–4 per 100,000 children of the same age – years 2000–2004**

<i>Year</i>	<i>Child mortality rate</i>	<i>Mortality rate for children aged 0–4</i>
2000	4.5	107.9
2001	4.7	111.8
2002	4.1	104.8
2003	3.9	93.9
2004	3.7	93.1
2005	3.8	89.6

*Source:* Elaboration of ISTAT data by the National documentation and analysis centre for children and adolescents.

**(17b) Percentage of children born underweight – years 2000–2004**

<i>Years</i>	<i>% born underweight</i>
2000	6.7
2001	6.5
2002	6.5
2003	6.7
2004	6.7

*Source:* ECO-HEALTH OECD 2007.

**(17d) Percentage of children with at least one problem in housing conditions<sup>a</sup> – year 2005**

Italy	25.8
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*Source:* EUROSTAT – Eu-Silc survey.

<sup>a</sup> One or more of three problems:

Leaking roof, damp walls, floors, foundations, or rot in the window frames, accommodation too dark.

No bath or shower.

No indoor flushing toilet for sole use of the household.

**(17e) Percentage of children vaccinated against diphtheria, tetanus and pertussis – years 2000–2005**

<i>Years</i>	<i>% vaccinated</i>
2000	87.3
2001	93.4
2002	94.2
2003	95.8
2004	94.0
2005	94.7

*Source:* ECO-HEALTH OECD 2007.

**(17f) Mortality rates of women due to complications related to pregnancy, childbirth and puerperium per 100,000 women aged 15–49 – years 2000–2003**

<i>Years</i>	<i>Rates</i>
2000	0.1
2001	0.1
2002	0.1
2003	0.2

*Source:* Elaboration of ISTAT data by the National documentation and analysis centre for children and adolescents.

**(17j) Percentage of breastfeeding mothers and average duration of breastfeeding – year 2005**

	<i>% breastfeeding mothers</i>	<i>Average duration (in months)</i>
Italy	81.1	7.3

*Source:* ISTAT.

**(18a) Cases of paediatric AIDS by year of diagnosis – years 2000–2005**

<i>Years</i>	<i>A.V.</i>	<i>Per 100 000 0–14-year-olds</i>
2000	11	0.14
2001	9	0.11
2002	14	0.17
2003	8	0.10
2004	4	0.05
2005	3	0.04

*Source:* Elaboration of data of the National Health Institute (ISS) by the National documentation and analysis centre for children and adolescents.

**(19a) Births by mother's age group, region and geographical distribution – year 2006**

<i>Regions and autonomous provinces</i>	<i>Mother's age group</i>								<i>Total</i>
	<i>&lt;18</i>	<i>18–19</i>	<i>20–24</i>	<i>25–29</i>	<i>30–34</i>	<i>35–39</i>	<i>40–44</i>	<i>45 and older</i>	
Piedmont	79	370	3 210	8 792	14 484	9 019	1 821	76	<b>37 851</b>
Aosta Valley	1	13	108	288	474	288	75	3	<b>1 250</b>
Lombardy	225	922	7 686	21 274	36 762	23 476	4 626	185	<b>95 156</b>
Province of Bolzano	20	60	485	1 329	2 013	1 226	267	9	<b>5 409</b>
Province of Trento	12	71	452	1 232	1 922	1 209	285	10	<b>5 193</b>
Trentino-Alto Adige	32	131	937	2 560	3 932	2 437	554	19	<b>10 602</b>
Veneto	101	423	3 773	10 618	18 242	11 488	2 335	75	<b>47 055</b>
Friuli Venezia Giulia	24	80	799	2 269	4 014	2 575	579	15	<b>10 355</b>
Liguria	25	124	810	2 337	4 734	3 309	775	32	<b>12 146</b>
Emilia-Romagna	93	408	3 518	9 043	14 756	9 486	2 037	94	<b>39 435</b>
Tuscany	70	299	2 540	6 639	12 155	8 084	1 731	77	<b>31 595</b>
Umbria	14	86	739	1 919	2 923	1 770	354	17	<b>7 822</b>
Marches	32	144	1 185	3 341	5 256	3 122	648	29	<b>13 757</b>
Latium	108	406	3 442	11 089	20 334	14 245	3 144	145	<b>52 913</b>
Abruzzo	27	108	870	2 612	4 289	2 586	563	32	<b>11 087</b>
Molise	7	28	197	617	928	550	125	9	<b>2 461</b>
Campania	494	1 142	7 691	18 663	21 304	10 662	2 205	118	<b>62 279</b>
Apulia	270	675	4 056	10 488	13 634	7 138	1 442	61	<b>37 764</b>
Basilicata	10	56	396	1 318	1 867	1 092	218	1	<b>4 958</b>
Calabria	82	275	2 266	5 296	6 249	3 328	790	42	<b>18 328</b>
Sicily(a)	610	1 317	6 628	13 996	16 601	8 871	1 827	90	<b>49 940</b>
Sardinia	55	180	1 020	2 632	4 789	3 588	953	39	<b>13 256</b>
North-West	330	1 430	11 810	32 690	56 452	36 093	7 302	296	<b>146 403</b>
North-East	252	1 042	9 030	24 493	40 941	25 983	5 502	204	<b>107 447</b>
Centre	224	938	7 919	23 006	40 666	27 194	5 871	269	<b>106 087</b>
South	891	2 286	15 490	39 012	48 256	25 337	5 342	263	<b>136 877</b>
Islands	666	1 497	7 654	16 637	21 388	12 449	2 776	129	<b>63 196</b>
<i>Italy</i>	<i>2 372</i>	<i>7 207</i>	<i>51 961</i>	<i>135 922</i>	<i>207 649</i>	<i>126 961</i>	<i>26 774</i>	<i>1 164</i>	<b>560 010</b>

**(19a) Live births, voluntary terminations of pregnancy and discharges from health-care facilities for spontaneous abortion of underage women – year 2004**

Live births to underage women per 100 live births	0.5
Voluntary terminations of pregnancy by underage women per 100 voluntary terminations of pregnancy	3.0
Discharges from health-care facilities for spontaneous abortion of underage women per 100 discharges for spontaneous abortion	0.7

*Source:* Elaboration of ISTAT data by the National documentation and analysis centre for children and adolescents.

**(19a) Children discharged from health-care facilities suffering from mental disorders – years 2001–2004**

<i>Years</i>	<i>A.V.</i>	<i>In % of total HDR<sup>a</sup> with these disorders</i>
2001	35 341	10.3
2002	36 102	10.7
2003	37 200	11.3
2004	40 064	12.3

*Source:* Elaboration of ISTAT data by the National documentation and analysis centre for children and adolescents.

<sup>a</sup> Hospital discharge records.

**(19a) Binge drinking in children by age group – year 2007**

<i>Age group</i>	<i>Per 100 children of the same age</i>
11–15	1.9
16–17	11.4
<b>Total</b>	<b>4.7</b>

*Source:* ISTAT.

**(19a) New children reported ex. Art. 75 Presidential Decree 309/90<sup>a</sup> with one or more reports – year 2005**

	<i>With one report</i>	<i>With more reports</i>
New children reported	1 206	30
Children already reported	65	2

*Source:* Elaboration of data of the Ministry of the Interior by the National documentation and analysis centre for children and adolescents.

<sup>a</sup> Consolidated Text of Regulations Concerning the Use of Drugs and Psychotropic Substances.

**VII. Education, cultural and leisure activities****(20) Education and vocational training****(20a) Literacy rates – years 2005–2007**

	<i>Years</i>		
	<i>2005</i>	<i>2006</i>	<i>2007</i>
15–24 years old	99.9	99.9	99.9
Adults	98.8	98.8	98.9

*Source:* UNESCO.

**(20b) School attendance rates (State and non-State schools) – school years 2000/01–2005/06**

	<i>Years</i>					
	<i>2000/01</i>	<i>2001/02</i>	<i>2002/03</i>	<i>2003/04</i>	<i>2004/05</i>	<i>2005/06</i>
Primary school	103.2	101.9	102.3	105.6	103.5	103.8
Middle school	104.8	106.1	105.1	104.7	104.7	103.1
High school	86.3	89.8	91.7	91.9	92.2	92.4

*Source:* ISTAT.

**(20b) Pupils with non-Italian citizenship – school years 1997/98–2007/08**

<i>School years</i>	<i>Pupils with non-Italian citizenship</i>	<i>Incidence of pupils with non-Italian citizenship on total pupils</i>
1997/98 <sup>a</sup>	70 657	0.8
1998/99 <sup>b</sup>	85 522	1.1
1999/00	119 679	1.5
2000/01	147 406	1.8
2001/02	181 767	2.3
2002/03	232 766	3.0
2003/04	282 683	3.5
2004/05	361 576	4.2
2005/06	424 683	4.8
2006/07	501 445	5.6
2007/08	574 133	6.4

*Source:* Ministry of Education, University and Research.

<sup>a</sup> For the school year 1997/98 the data regarding high school are an estimate, which was calculated by considering a percentage variation similar to the one recorded between the two previous school years.

<sup>b</sup> For the school year 1998/99 data do not include non-State high schools.

**(20b) Pupils with non-Italian citizenship by school type – school year 2006/07**

<i>School</i>	<i>State schools</i>	<i>Non-State schools</i>
Preschool	6.1	5.2
Primary school	7.1	3.2
Middle school	6.7	3.7
High school	3.9	2.3
<b>Total</b>	<b>5.8</b>	<b>4.2</b>

*Source:* Ministry of Education, University and Research.

**(20c) School dropouts per 100 enrolled pupils – school years 2003/04–2006/07**

<i>School</i>	<i>School years</i>			
	2003/04	2004/05	2005/06	2006/07
Middle school	0.19	0.20	0.16	0.16
High school	1.56	1.58	1.46	1.64

*Source:* Ministry of Education.

**(20c) Percentage of 18- to 24-year-olds who only completed middle school and who do not take part in further training (early school leavers) – years 2006 and 2007**

<i>School</i>	<i>Years</i>	
	2006	2007
Percentage of 18- to 24-year-olds	25.3	20.8

*Source:* Ministry of Education.

**(20d) Average number of pupils/students per teacher (State schools and non-State schools) – school years 2000/01–2005/06**

	<i>Years</i>					
	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Primary school	9.8	9.6	9.5	n.d.	9.5	9.5
Middle school	8.5	8.5	8.5	n.d.	8.4	8.4
High school	8.3	8.3	8.3	n.d.	8.7	8.8

*Source:* Elaboration of ISTAT data by the National documentation and analysis centre for children and adolescents.

**(20f) Percentage of children attending preschool (State schools and non-State schools). School years 2000/01–2005/06**

	<i>Years</i>					
	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Percentage of children	101.3	101.8	103.6	104.4	101.6	102.1

*Source:* Elaboration of ISTAT data by the National documentation and analysis centre for children and adolescents.

**VIII. Special protection measures****(21) Refugee children****(21a) Unaccompanied foreign children by competence of the Committee for Foreign Children**

	<i>Cases within competence</i>	<i>Cases outside competence</i>	<i>Total</i>
31/03/2006	2 015	4 343	<b>6 358</b>



	<i>Cases within competence</i>	<i>Cases outside competence</i>	<i>Total</i>
30/09/2007	1 721	4 833	<b>6 554</b>
31/12/2007	1 917	5 631	<b>7 548</b>

*Source:* Committee for Foreign Children.

#### Unaccompanied foreign children by region of reception – 31/12/2007

<i>Regions</i>	<i>Total</i>	
	<i>A.V.</i>	<i>%</i>
Piedmont	619	8.2
Aosta Valley	18	0.2
Lombardy	1 077	14.3
Trentino-Alto Adige	165	2.2
Veneto	355	4.7
Friuli Venezia Giulia	334	4.4
Liguria	91	1.2
Emilia-Romagna	643	8.5
Tuscany	368	4.9
Umbria	21	0.3
Marches	299	4.0
Latium	371	4.9
Abruzzo	55	0.7
Molise	7	0.1
Campania	62	0.8
Apulia	314	4.2
Basilicata	8	0.1
Calabria	124	1.6
Sicily	2 599	34.4
Sardinia	18	0.2
Italy	7 548	100.0

*Source:* Committee for Foreign Children.

#### Unaccompanied foreign children by age group and competence of the Committee for Foreign Children – 31/12/2007

<i>Age group</i>	<i>Cases within competence</i>	<i>Cases outside competence</i>	<i>Total</i>	<i>In % on total</i>
0–6	9	55	<b>64</b>	1.0
7–14	188	669	<b>857</b>	13.1
15	170	756	<b>926</b>	14.1
16	448	1 473	<b>1 921</b>	29.3
17	1 102	2 678	<b>3 780</b>	57.7
<b>Total</b>	<b>1 917</b>	<b>5 631</b>	<b>7 548</b>	<b>100.0</b>

*Source:* Committee for Foreign Children.

**Unaccompanied foreign children by sex and competence of the Committee for Foreign Children – 31/12/2007**

<i>Sex</i>	<i>Cases within competence</i>	<i>Cases outside competence</i>	<i>Total</i>	<i>In % on total</i>
Male	1 736	5 200	<b>6 936</b>	91.9
Female	181	431	<b>612</b>	8.1
<b>Total</b>	<b>1 917</b>	<b>5 631</b>	<b>7 548</b>	<b>100.0</b>

*Source:* Committee for Foreign Children.

**(23) Juvenile justice administration**
**(23c) Children reported to the Public Prosecutor's Offices of Juvenile Courts – years 2000–2005**

<i>Years</i>	<i>Reported</i>
2000	38 963
2001	39 785
2002	40 588
2003	41 212
2004	41 529
2005	40 364

*Source:* ISTAT.

**(23d) Children convicted – years 2000–2005**

<i>Years</i>	<i>Convicted</i>
2000	3 614
2001	4 208
2002	3 506
2003	3 127
2004	2 699
2005	2 865

*Source:* ISTAT.

**(23d) Decisions concerning the “testing procedure” ex art. 28 Presidential Decree 448/88 in 2005 and number of subjects involved in this measure**

	<i>A.V.</i>
Decisions ex art. 28	2 127
Subjects involved in this measure	1 972

*Source:* Ministry of Justice.

**(23e) Convicted children who had previous convictions – years 2001–2004**

<i>Years</i>	<i>Children with previous convictions</i>
2001	2 830
2002	2 440
2003	2 031
2004	1 509

*Source:* ISTAT.

**(24) Children and adolescents deprived of liberty****(24b) Juvenile penal institutions – April 2008**

Juvenile penal institutions	17
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*Source:* Ministry of Justice.

**(24c) Arrivals and children present in juvenile penal institutions – years 2001–2007**

	<i>Italian</i>	<i>Foreign</i>	<i>Total</i>
2007			
Arrivals	645	692	<b>1 337</b>
Children present	215	231	<b>446</b>
2006			
Arrivals	581	781	<b>1 362</b>
Children present	149	194	<b>343</b>
2005			
Arrivals	603	886	<b>1 489</b>
Children present	191	246	<b>437</b>
2004			
Arrivals	629	965	<b>1 564</b>
Children present	204	258	<b>461</b>
2003			
Arrivals	686	895	<b>1 581</b>
Children present	201	241	<b>442</b>
2002			
Arrivals	630	846	<b>1 046</b>
Children present	238	232	<b>470</b>
2001			
Arrivals	698	946	<b>1 644</b>
Children present	237	231	<b>468</b>

*Source:* Ministry of Justice.

## (25) Economic exploitation and child labour

## (25a) Inspected companies which employ at least one child, total and underage employees, violations by region – year 2006

Regions	Inspected companies		Employees of the inspected companies of whom underage						Violations						
			Regular			Irregular									
	A.V.	In % of total	Total	Total	Of whom non-EU	Total	In % of total	Of whom non-EU	Minimum hiring age	Banned jobs <sup>a</sup>	Periodic medical visits	Working hours, rests, holidays	Other violations	Total	In % of total
Piedmont	384	6.0	<b>4 296</b>	<b>54</b>	27	<b>162</b>	9.5	14	3	0	132	11	37	<b>183</b>	7.7
Aosta Valley	41	0.6	<b>135</b>	<b>34</b>	0	<b>15</b>	0.9	0	0	0	4	7	17	<b>28</b>	1.2
Lombardy	319	4.9	<b>2 203</b>	<b>365</b>	9	<b>143</b>	8.3	54	11	4	101	39	181	<b>336</b>	14.1
Trentino-Alto Adige <sup>b</sup>	18	0	<b>684</b>	<b>0</b>	0	<b>23</b>	0	0	2	2	13	11	0	<b>28</b>	0
Veneto	58	0.9	<b>386</b>	<b>246</b>	5	<b>42</b>	2.5	14	6	0	25	10	22	<b>63</b>	2.6
Friuli Venezia Giulia	26	0.4	<b>577</b>	<b>24</b>	2	<b>19</b>	1.1	3	2	10	19	4	23	<b>58</b>	2.4
Liguria	160	2.5	<b>737</b>	<b>120</b>	21	<b>114</b>	6.7	23	18	0	103	15	41	<b>177</b>	7.4
Emilia-Romagna	140	2.2	<b>1 026</b>	<b>521</b>	36	<b>81</b>	4.7	13	5	1	69	28	21	<b>124</b>	5.2
Tuscany	234	3.6	<b>1 850</b>	<b>190</b>	8	<b>136</b>	7.9	23	5	1	101	41	33	<b>181</b>	7.6
Umbria	15	0.2	<b>53</b>	<b>9</b>	1	<b>5</b>	0.3	0	0	0	5	0	1	<b>6</b>	0.3
Marches	82	1.3	<b>619</b>	<b>105</b>	6	<b>67</b>	3.9	39	2	0	33	6	31	<b>72</b>	3.0
Latium	97	1.5	<b>306</b>	<b>31</b>	3	<b>0</b>	0.0	0	6	0	72	12	12	<b>102</b>	4.3
Abruzzo	105	1.6	<b>764</b>	<b>81</b>	19	<b>57</b>	3.3	13	4	0	40	16	26	<b>86</b>	3.6
Molise	26	0.4	<b>158</b>	<b>11</b>	0	<b>13</b>	0.8	0	0	0	7	0	5	<b>12</b>	0.5
Campania	409	6.3	<b>998</b>	<b>89</b>	0	<b>178</b>	10.4	13	12	0	113	3	47	<b>175</b>	7.3
Apulia	26	0.4	<b>389</b>	<b>150</b>	8	<b>34</b>	2.0	6	3	0	12	5	7	<b>27</b>	1.1
Basilicata	259	4.0	<b>1 359</b>	<b>0</b>	0	<b>175</b>	10.2	29	11	0	165	48	21	<b>245</b>	10.3

Regions	Employees of the inspected companies of whom underage														
	Inspected companies			Regular					Irregular						
									Violations						
	A.V.	In % of total	Total	Total	Of whom non-EU	Total	In % of total	Of whom non-EU	Minimum hiring age	Banned jobs <sup>a</sup>	Periodic medical visits	Working hours, rests, holidays	Other violations	Total	In % of total
Calabria	156	2.4	833	47	0	130	7.6	4	6	0	73	12	17	108	4.5
Sicily	3 715	57.6	1 603	126	1	207	12.1	14	8	2	91	11	122	234	98
Sardinia	178	2.8	654	100	5	112	6.5	1	8	7	64	27	39	145	6.1
<b>Total</b>	<b>6 448</b>	<b>100.0</b>	<b>19 630</b>	<b>2 301</b>	<b>151</b>	<b>1 713</b>	<b>100.0</b>	<b>263</b>	<b>112</b>	<b>27</b>	<b>1 242</b>	<b>306</b>	<b>703</b>	<b>2 390</b>	<b>100.0</b>

Source: Ministry of Labour and Social Policy.

<sup>a</sup> Article 6 Law 977/67 as amended by Legislative Decree 345/99 and following amendments.

<sup>b</sup> Data not available.

**(25a) Inspected companies which employ at least one child, total and underage employees, violations by region – year 2004**

Regions	Employees of the inspected companies of whom underage														
	Inspected companies			Regular					Irregular						
									Violations						
	A.V.	In % of total	Total	Total	Of whom non-EU	Total	In % of total	Of whom non-EU	Minimum hiring age	Banned jobs <sup>a</sup>	Periodic medical visits	Working hours, rests, holidays	Other violations	Total	In % of total
Piedmont	50	1.1	162	54	0	2	0.1	0	0	0	1	1	0	2	0.1
Aosta Valley	218	4.6	1 409	69	16	68	3.7	12	7	0	54	28	45	134	4.9
Lombardy	575	12.2	7 672	420	113	325	17.5	36	20	6	211	74	300	611	22.2
Trentino-Alto Adige <sup>b</sup>	13	0.3	149	4	0	8	0.4	1	3	3	2	8	10	26	0.9
Veneto	130	2.7	1 675	87	9	59	3.2	18	2	8	47	17	40	114	4.1
Friuli Venezia Giulia	46	1.0	252	19	1	22	1.2	2	0	0	20	3	3	26	0.9

Regions	Employees of the inspected companies of whom underage														
	Inspected companies			Regular					Irregular						
									Violations						
	A.V.	In % of total	Total	Total	Of whom non-EU	Total	In % of total	Of whom non-EU	Minimum hiring age	Banned jobs <sup>a</sup>	Periodic medical visits	Working hours, rests, holidays	Other violations	Total	In % of total
Liguria	224	4.7	<b>1 230</b>	<b>173</b>	4	<b>117</b>	6.3	11	8	0	47	23	50	<b>128</b>	4.6
Emilia-Romagna	242	5.1	<b>1 507</b>	<b>226</b>	37	<b>132</b>	7.1	21	4	1	104	43	49	<b>201</b>	7.3
Tuscany	536	11.3	<b>2 702</b>	<b>397</b>	30	<b>121</b>	6.5	14	22	10	88	42	79	<b>241</b>	8.7
Umbria	14	0.3	<b>145</b>	<b>10</b>	3	<b>6</b>	0.3	2	1	0	6	0	1	<b>8</b>	0.3
Marches	207	4.4	<b>2 206</b>	<b>174</b>	32	<b>106</b>	5.7	14	0	3	85	49	18	<b>155</b>	5.6
Latium	208	4.4	<b>782</b>	<b>234</b>	0	<b>51</b>	2.8	0	1	1	34	8	10	<b>54</b>	2.0
Abruzzo	527	11.1	<b>1 365</b>	<b>246</b>	16	<b>77</b>	4.2	7	3	0	37	20	23	<b>83</b>	3.0
Molise	62	1.3	<b>224</b>	<b>56</b>	0	<b>9</b>	0.5	1	0	0	4	1	4	<b>9</b>	0.3
Campania	705	14.9	<b>1 574</b>	<b>223</b>	3	<b>343</b>	18.5	7	37	0	209	26	108	<b>380</b>	13.8
Apulia	203	4.3	<b>1 238</b>	<b>222</b>	3	<b>236</b>	12.7	20	47	0	149	67	66	<b>329</b>	11.9
Basilicata	78	1.6	<b>133</b>	<b>62</b>	1	<b>30</b>	1.6	3	6	1	16	10	10	<b>43</b>	1.6
Calabria	163	3.4	<b>759</b>	<b>135</b>	0	<b>62</b>	3.3	3	5	0	32	8	37	<b>82</b>	3.0
Sicily	338	7.1	<b>566</b>	<b>98</b>	0	<b>38</b>	2.0	0	6	0	57	13	0	<b>76</b>	2.8
Sardinia	191	4.0	<b>552</b>	<b>168</b>	0	<b>42</b>	2.3	0	2	9	30	6	8	<b>55</b>	2.0
<b>Total</b>	<b>4 730</b>	<b>100.0</b>	<b>26 302</b>	<b>3 077</b>	<b>268</b>	<b>1 854</b>	<b>100.0</b>	<b>172</b>	<b>174</b>	<b>42</b>	<b>1 233</b>	<b>447</b>	<b>861</b>	<b>2 757</b>	<b>100.0</b>

Source: Ministry of Labour and Social Policy.

<sup>a</sup> Article 6 Law 977/67 as amended by Legislative Decree 345/99 and following amendments.

<sup>b</sup> Data refer only to the Province of Trento.

**(26) Drugs and substance abuse****(26a) Deaths due to substance abuse by age group**

<i>Age group</i>	<i>Year 2003</i>	<i>Year 2005</i>
<15	0	0
15–19	15	12

*Source:* Ministry of Social Solidarity – Department of Social and Welfare Policies.

**(26b) Subjects already being cared for by the community-based services (Ser.T.) by age group**

<i>Age group</i>	<i>Year 2003</i>	<i>Year 2005</i>
<15	49	85
15–19	1 822	1 639

*Source:* Ministry of Social Solidarity – Department of Social and Welfare Policies.

**(26b) New subjects being cared for by the community-based services (Ser.T.) by age group**

<i>Age group</i>	<i>Year 2003</i>	<i>Year 2005</i>
<15	151	125
15–19	2 724	2 647

*Source:* Ministry of Social Solidarity – Department of Social and Welfare Policies.

**(27) Sexual exploitation, abuse and trafficking****(27a) Sex-related crimes reported to the Public Prosecutor's Offices of Juvenile Courts by type of crime and age of the child. Italy – year 2006**

<i>Type of crime</i>	<i>Age of the child</i>					<i>Total</i>
	<i>&lt;14</i>	<i>14</i>	<i>15</i>	<i>16</i>	<i>17</i>	
Sexual abuse	251	182	157	140	169	<b>899</b>
Sexual intercourse with children	36	21	19	14	17	<b>107</b>
Corruption of children	2	4	2	3	-	<b>11</b>
Child pornography, child prostitution, etc.	5	14	19	27	22	<b>87</b>
<b>Total</b>	<b>294</b>	<b>221</b>	<b>197</b>	<b>184</b>	<b>208</b>	<b>1 104</b>

*Source:* Ministry of Justice – Department of Juvenile Justice.

**(27c) Some types of reported crimes for which the judicial authorities initiated criminal proceedings. Italy – years 2000–2005**

<i>Offences</i>	<i>Years</i>					
	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Child prostitution	136	198	173	190	201	208
Child pornography	406	1 767	1 370	758	726	735

<i>Offences</i>	<i>Years</i>					
	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Possessing pornographic material obtained through the exploitation of children	97	154	425	394	537	568
Tourism aimed at child exploitation and prostitution	1	4	4	2	3	-
Trafficking and sale of child slaves for the purpose of prostitution	-	4	1	4	6	3
Alienation and sale of child slaves for the purpose of prostitution and organ taking	-	-	-	1	2	3
Sexual intercourse with children	499	720	784	735	748	735

*Source:* ISTAT.

**(27c) Investigations on paedophilia on the Internet – years 2000–2007**

	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>First six months 2007</i>	<i>Total</i>
Persons under investigation subject to restrictive measures	35	25	29	9	21	21	18	16	<b>174</b>
Persons reported on conditional release	255	210	552	712	769	471	370	193	<b>3 532</b>
Searches	164	238	606	725	525	550	360	162	<b>3 330</b>
Monitored websites	15 125	24 325	23 940	50 964	25 446	59 044	38 372	12 254	<b>249 470</b>
Closed websites in Italy	23	2	22	58	26	1	2	10	<b>144</b>

*Source:* Ministry of the Interior – Department of Public Security.