

ITALY

CRC A/51/41 (1996)

24. Concluding Observations

660. The Committee considered the initial report of Italy (CRC/C/8/Add.18) at its 235th to 238th meetings (CRC/C/SR.235-238), on 31 October and 1 November 1995, and adopted, at its 259th meeting, on 17 November 1995, the following concluding observations.

(a) Introduction

661. The Committee expresses its appreciation to the State party for engaging, through a high-level and multidisciplinary delegation, in an open and fruitful dialogue with the Committee. It welcomes the written information submitted by the delegation of Italy in reply to the questions included in its list of issues, as well as statistical data provided in the course of the discussion. While noting with satisfaction that such supplementary information enabled the Committee to engage in a constructive dialogue with the State party, the Committee regrets that its guidelines for the preparation of State parties' reports have not been followed by the Government and that a certain number of issues addressed in the written list of issues have been left unanswered.

(b) Positive factors

662. The Committee welcomes the legislative and administrative measures taken by the Government of Italy since the entry into force of the Convention on the Rights of the Child in 1991 to promote and protect the rights of the child. It appreciates that the Convention is self-executing in Italy and as such can be, and in fact has been, applied directly by the Italian courts, and that Italy applies the principle of the primacy of international human rights standards over national legislation in case of conflict of law. The Committee also welcomes the preliminary steps taken in view of the ratification of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

663. The Committee welcomes the setting up of various institutions and mechanisms for the protection and monitoring of the rights of the child in Italy, including in particular the Special Committee on Child Issues established within the Parliament; the Department of the Family and Social Affairs created within the Prime Minister's Office; the National Centre for the Protection of Children, entrusted with the collection of data concerning children; and the National Observatory for the Problems of Minors, which analyses data collected by the National Centre and prepares annual reports for the Parliament.

664. The Committee notes with satisfaction the progress achieved in the field of child health and welfare, including in particular the noticeable decrease in perinatal mortality.

(c) Principal subjects of concern

665. The Committee is concerned at the lack of an overall integrated mechanism to monitor the activities designed to promote and protect the rights of the child. It stresses that coordination between the various governmental entities involved, as well as between national, regional and municipal levels, is insufficient and that there is a need for a comprehensive network for the collection of data covering all areas of the Convention and taking into account all groups of children within Italy, which is essential for the implementation of targeted programmes on the rights of the child and the evaluation of the effectiveness of legislative and administrative measures.

666. The Committee is concerned about the insufficient measures taken to ensure that the principles and provisions of the Convention are widely known to children and adults alike and to provide adequate training on the principles and provisions of the Convention to the various professional groups involved with children.

667. As regards the implementation of article 4 of the Convention, the Committee is concerned about the inadequacy of measures taken to ensure the implementation of economic, social and cultural rights to the maximum extent of available resources. It appears to the Committee that insufficient expenditure is allocated to the social sector both within the State party and within the context of international development assistance. The Committee is also concerned over the lag in the civil participation of citizens in issues relating to children.

668. The Committee is also concerned that the basic principles of the Convention, namely the provisions of its articles 2, 3 and 12, have not always been adequately reflected in national legislation and policy-making.

669. The Committee is also concerned about persisting and significant economic and social disparities between the northern and southern parts of the country, which bear a negative impact on the situation of children.

670. With regard to article 2 of the Convention relating to non-discrimination, the Committee is concerned that sufficient measures have not been taken to assess and provide for the needs of children from vulnerable and disadvantaged groups, such as children from poor families and from single-parent households, children of foreign and Roma origin and children born out of wedlock. The Committee is concerned that children belonging to these disadvantaged groups seem more likely to be stigmatized in public perception, to drop out of school, to be employed in clandestine work or even in illegal activities, including being instrumentalized in organized criminal activities.

671. The Committee is preoccupied by the existence of child abuse, including physical and sexual abuse and violence within the family, and the insufficient protection afforded by the Penal Code in this regard, as well as the lack of adequate measures for the psycho-social recovery of child victims of such abuses.

(d) Suggestions and recommendations

672. The Committee recommends that a national permanent mechanism be developed for the purpose of coordinating and monitoring the implementation of the Convention, including between governmental departments and between central, regional and municipal authorities. It is also suggested that the Government consider ensuring closer and more active cooperation with non-governmental organizations working for the rights of the child. Such measures could contribute to promoting an ongoing dialogue with the civil society and public scrutiny of governmental action in the field of the promotion and protection of children's rights.

673. The Committee recommends the systematic collection of data on children and research on child-related issues, including changes in the family structure, with a view to ensuring adequate policy-making in the field of children's rights.

674. The Committee wishes to encourage the State party to develop further a systematic approach to making the principles and provisions of the Convention widely known to children and adults alike, thus increasing public awareness of and civil participation in promoting children's rights. In the spirit of the United Nations Decade for Human Rights Education, the Committee further encourages the Government to give consideration to the incorporation of the rights of the child in the school curricula. Similarly, training about the Convention should be incorporated into the curricula of professionals working with or for children, including teachers, social workers, law enforcement officials, judicial personnel and personnel of the Italian contingents of the United Nations peace-keeping forces.

675. The State party should pursue its efforts with a view to fully reflecting in its legislation and practice the provisions and principles of the Convention, in particular the principles of non-discrimination, the best interests of the child and the right of the child to express freely his or her views. In this regard, the Committee recommends that existing legislation be modified to ensure fully equal treatment between children born in and out of wedlock.

676. Further measures should also be taken to prevent a rise in discriminatory attitudes and prejudices towards particularly vulnerable children such as children living in poverty, children from the southern region, Roma children and foreign children. The Government should consider adopting a more active stand and coherent policy with respect to the treatment of these children and to create an environment favourable to their fullest possible integration into Italian society. Comprehensive measures should be provided for responsible parenthood and for support to needy families, in order to assist them in their child-rearing responsibilities in the light of articles 18 and 27 of the Convention, thus limiting family disruption, reducing the numbers of institutionalized children and limiting the recourse to institutionalization to a measure of last resort.

677. The Committee encourages the Government of Italy to pay particular attention to the full implementation of article 4 of the Convention in the light of the general principles of the Convention, in particular the best interests of the child. The Committee also stresses the need for a judicious distribution of the resources at the central, regional and municipal levels with a view to overcoming persisting economic and social disparities, and to pay particular attention to the most disadvantaged groups in society, including single-parent families.

678. It is also suggested that the State party should use the principles of the Convention as a framework for strengthening international development assistance in order to assess the possibility of giving more emphasis to the social priorities for children.

679. The Committee also suggests that the clear prevention and prohibition of torture or other cruel, inhuman or degrading treatment or punishment, as well as a ban on corporal punishment within the family, be reflected in the national legislation.

680. The Committee recommends that measures including assistance to disadvantaged families be undertaken to prevent the illegal use of children in the labour force and to prevent juvenile delinquency and the instrumentalization of children in criminal activities. In this connection, it is also suggested that an adequate adjustment of the contents of school curricula so as to incorporate vocational education, in the light of article 28 of the Convention, might contribute to reducing the drop-out rate and prevent the entry of children into the illegal labour market or even their involvement in criminal activities.

681. The Committee recommends that the initial report and written replies submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be disseminated as widely as possible within the country, and transmitted to Parliament for further debate and follow-up. In this regard, the Committee also invites the State party to transmit to it the annual reports that the National Observatory for the Problems of Minors will submit to Parliament, and would like to suggest that such annual reports, as well as the plan of action with specific targets and time-frame for the next five years, should take into consideration the priority areas identified by the Committee in its consideration of the initial report of Italy, as reflected in the relevant summary records.

CRC CRC/C/124 (2003)

142. The Committee considered the second periodic report of Italy (CRC/C/70/Add.13), submitted on 21 March 2000, at its 840th and 841st meetings (see CRC/C/SR. 840 and 841), held on 16 January 2003, and at its 862nd meeting (CRC/C/SR.862), held on 31 January 2003, adopted the following concluding observations.

A. Introduction

143. The Committee welcomes the submission of the second periodic report with its annexes which follow the reporting guidelines of the Committee. The Committee welcomes the self-critical character of the report and the participatory process leading to its preparation. It also notes the timely submission of the written replies to its list of issues (CRC/C/Q/ITA/2), which permitted a clearer understanding of the situation of children in the State party. The Committee also notes the positive dialogue it had with the delegation of the State party and acknowledges that the presence of a high-level and large delegation directly involved in the implementation of the Convention permitted a better understanding of the rights of the child in the State party.

B. Follow-up measures undertaken and progress achieved by the State party

144. The Committee welcomes:

(a) The ratification of the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography;

(b) The establishment of a special Parliamentary Commission on Children and of a National Observatory on Children and Adolescents (Law 451/97);

(c) The establishment of the National Documentation and Analysis Centre for Children and Adolescents, which has gathered an impressive amount of data and research on children made available on its web site;

(d) The adoption of Law 285/97 containing provisions on the promotion of rights and opportunities for children and adolescents, which set up a National Fund for Children and Adolescents;

(e) The Adoption of Law 269/98 against the exploitation of prostitution, pornography and sexual tourism to the detriment of children;

(f) The campaign against female genital mutilation;

(g) The widespread inclusion of children with disabilities into the mainstream schools;

(h) The ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(i) The ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

C. Principal subjects of concern and recommendations

Previous concluding observations

145. The Committee regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.41) after its consideration of the State party's initial report (CRC/C/8/Add.18) have been insufficiently addressed, particularly those contained in paragraphs 13 and 15 to 22, regarding coordination in the implementation of the Convention, non-discrimination and ill-treatment of children. Those concerns and recommendations are reiterated in the present document.

146. The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented and the list of concerns contained in the present concluding observations.

1. General measures of implementation

Legislation

147. The Committee notes that a number of substantive pieces of legislation have been adopted and that reference to the Convention is made in some of them. In addition, the Committee welcomes the information provided by the State party on draft laws under consideration, including with respect to juvenile justice and education.

148. The Committee recommends that the State party continue to rigorously review the legislation and ensure that national and regional laws are rights-based and conform with international human rights standards, including the Convention, and effectively implemented.

Resources

149. The Committee welcomes the adoption of the Guidelines of the Italian Cooperation on Children and Adolescent Issues offering a vision of the development of the younger generations as an area of investment. Nevertheless, the Committee remains concerned that the Convention is not implemented to the "maximum extent of ... available resources", as stipulated by article 4 of the Convention.

150. The Committee recommends that the State party continue to increase, as far as possible, resources allocated to children and their family and undertake an analysis of all sectoral and total budgets across the State party and in the regions in order to analyse the proportion spent on

children, identify priorities and allocate resources to the “maximum extent of ... available resources”. The Committee also recommends that the State party apply this principle in the activities carried out by the Foreign Ministry’s international development aid and cooperation.

Coordination

151. The Committee welcomes the establishment of the National Observatory on Children and Adolescents (Law 451/97) which coordinates the policies and programmes with regard to children at the national, regional and local levels. In addition, the Committee notes with appreciation that this National Observatory is in charge of drafting a National Plan of Action for Children every two years to set priorities and coordinate all actions regarding children. The Committee further notes the regular meetings of the State-Regions Conference (Conferenza Stato-Regioni) aimed at coordinating activities between the State and the regions and at monitoring the implementation of policies at the regional and national levels. The Committee is concerned that this coordination is not sufficient and that some specific issues are coordinated outside this National Observatory. The Committee is also concerned at the lack of structured coordination with NGOs.

152. The Committee recommends that the State party:

(a) Strengthen effective coordination, in particular by the National Observatory and the State-Regions Conference, within and between government agencies at the national, regional and local levels in the implementation of policies for the promotion and protection of the child, as it previously recommended (CRC/C/15/Add.41, para. 13);

(b) Ensure closer and more active cooperation with NGOs working for the rights of the child, especially at the local level;

(c) Encourage the participation of children in the activities of the National Observatory.

National Plan of Action

153. The Committee notes that the new National Plan of Action for children is going to be discussed by the parliament and that the State party considers the possibility of formulating another plan for the implementation of the World Fit for Children outcome document of the United Nations special session of the General Assembly on children. The Committee is concerned at the possible discrepancies between the two aforementioned plans.

154. The Committee recommends that the State party:

(a) Expedite the consideration of the National Plan of Action with a view to its adoption;

(b) Ensure the harmonization between the National Plan of Action and the plan for the implementation of the outcome document of the special session of the General Assembly;

(c) Effectively monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

Independent monitoring structures

155. The Committee notes the establishment of Offices of Public Defender of Childhood in four regions and the efforts to establish a national public defender for children (including in particular the bills pending in parliament), but remains concerned that there is no central independent mechanism to monitor the implementation of the Convention which is empowered to receive and address individual complaints of children at the regional and national levels.

156. The Committee recommends that the State party complete its efforts to establish a national independent ombudsman for children, if possible, as part of a national independent human rights institution (see the Committee's general comment No. 2 on the role of independent human rights institutions), and in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the "Paris Principles") (General Assembly resolution 48/134, annex), to monitor and evaluate progress in the implementation of the Convention. It should be accessible to children, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner, and equipped with the means to address them effectively. The Committee further recommends that appropriate linkages between the national and regional institutions be developed.

Data collection

157. The Committee notes with appreciation the efforts undertaken to improve data collection, notably through the establishment of the National Documentation and Analysis Centre for Children and Adolescents. However, the Committee remains concerned at the insufficient data in some areas covered by the Convention. The Committee is also concerned that data are still obtained on the basis of a family-centred approach rather than an approach in which the child is considered as an autonomous human being. The Committee is further concerned at the lack of coherence between the various bodies in charge of data collection, and in the various regions.

158. In line with its previous recommendations (ibid., para. 14), the Committee reiterates its recommendations that the State party:

(a) Strengthen its mechanism for collecting and analysing systematically disaggregated data on all persons under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups, including children with disabilities, Roma children, children belonging to migrant families, unaccompanied children, child victims of violence and children from economically and socially disadvantaged households;

(b) Use these indicators and data effectively in formulating and evaluating policies and programmes for the implementation and monitoring of the Convention;

(c) Ensure the coherence of the data collection process by the various institutions, both at the national and regional levels.

Training/dissemination of the Convention

159. The Committee notes with appreciation the efforts to disseminate the Convention, notably through the National Documentation and Analysis Centre for Children and Adolescents, and in particular the inclusion of the rights of the child into civic education. However, the Committee remains concerned that the activities relating to dissemination, awareness-raising and training of professionals are not always undertaken in a systematic and targeted manner.

160. The Committee recommends that the State party:

(a) Strengthen and continue its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of Government, including initiatives to reach vulnerable groups;

(b) Develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel).

2. General principles

Non-discrimination

161. The Committee notes the establishment of several observatories on discrimination in the State party as well as the provisions on discrimination contained in Law 40/98 (Regulations on Immigration and Rules on the Conditions of the Foreigner). Nonetheless, the Committee is concerned at racist incidents involving minorities, the use of hate speech in public presentations, and the disparities in the enjoyment of economic and social rights, particularly in the fields of health, social welfare, education and housing, experienced by poor children, Roma children, non-Italian children, including unaccompanied minors, and disabled children.

162. In accordance with article 2 and other related articles of the Convention and in line with its previous recommendations (*ibid.*, paras. 17 and 18), the Committee recommends that the State party:

(a) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes, and implement the recommendations of the Committee on the Elimination of Racial Discrimination (A/56/18, paras. 298 and 320);

(b) Strengthen its efforts to incriminate and take appropriate penal sanctions against any act of racism, racial discrimination, xenophobia and related intolerance;

(c) Carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake, on the basis of this evaluation, the necessary steps to prevent and eliminate discrimination through proactive measures;

(d) Ensure that the devolution process will enhance the elimination of disparities between children based on the wealth of the region to which they belong;

(e) Continue to prioritize and target resources and social services to children belonging to the most vulnerable groups;

(f) Study promptly the situation of foreign children in detention, ensure their full rights without discrimination, especially to education, and ensure their right to integration into society.

163. The Committee requests that 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).

Best interests of the child

164. The Committee welcomes the adoption by the Constitutional Court of the best interests of the child as a constitutional principle, but remains concerned that the general principle of the best interests of the child (art. 3) is not fully applied and duly integrated in the implementation of the policies and programmes of the State party.

165. The Committee recommends that the State party take all appropriate measures to ensure that 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.

Respect for the views of the child

166. The Committee is concerned that the general principle, as laid down in article 12 of the Convention, is not fully applied in practice. In this regard, the Committee is concerned that the right of children to be heard is insufficiently guaranteed in proceedings affecting them, in particular in cases of the separation of parents, divorce, adoption or foster care, or within education.

167. The Committee recommends that:

(a) Legislation governing procedure in courts and administrative proceedings ensure that a child capable of forming his or her own views has the right to express those views and that they are given due weight;

(b) Particular emphasis be placed on the right of every child to participate in the family, at school, within other institutions and bodies and in society at large, with special attention to

vulnerable groups;

(c) Awareness-raising among the public at large, as well as education and training of professionals on the implementation of this principle, be reinforced.

3. Civil and political rights

The right to an identity

168. The Committee is concerned that adopted children cannot know the identity of their natural parents even after having reached majority and when this is proved to be in their best interests. The Committee is further concerned that children born out of wedlock legally do not have a mother or a father unless they are recognized by their mothers and/or fathers.

169. In the light of article 7 of the Convention, the Committee recommends that the State party:

(a) Ensure, as far as possible, respect for the child's right to know his or her parents' identity should he/she be an adopted child or a child born out of wedlock who has not been recognized by either of his or her parents;

(b) Urgently review and amend legislation in order to ensure that children born out of wedlock legally have from birth a mother (in accordance with the European Court on Human Rights decision *Marckx v. Belgium* and the rule *mater semper certa est*) and encourage recognition of these children by their fathers (as a way to prevent "easy" abandonment of children);

(c) Ratify the European Convention on the Legal Status of Children Born out of Wedlock.
Freedom of thought

170. The Committee is concerned that, as mentioned in the State party's report (para. 147), children, especially in elementary schools, may suffer from marginalization if they abstain from religious instruction, which mainly covers the Catholic religion. In addition, the Committee is concerned that parents, notably those of foreign origin, are not always aware that religious instruction is not compulsory.

171. In the light of articles 2, 14 and 29 of the Convention, the Committee recommends that the State party make sure that parents, in particular of foreign origin, when they are filling out the relevant forms are aware that Catholic religious instruction is not compulsory.

Torture and ill-treatment

172. The Committee is deeply concerned about allegations of instances of ill-treatment by law

enforcement officers against children and at the prevalence of abuse, in particular against foreign and Roma children.

173. In line with its previous recommendations (ibid., para. 20), the Committee recommends that the State party:

(a) Incorporate the crime of torture or other cruel, inhuman or degrading treatment or punishment into criminal law;

(b) Set up child-sensitive mechanisms for receiving complaints against law enforcement officials regarding ill-treatment during arrest, questioning and police custody and within detention centres;

(c) Systematically train the police and carabinieri forces, as well as professionals at detention centres, on the human rights of children.

4. Family environment and alternative care

Children deprived of a family environment

174. The Committee notes with concern that Law 184/83 (as amended by Law 149/2001) regarding adoption and foster care has not been widely implemented throughout the State party and that there are still more children placed in institutions than in foster care. The Committee also expresses its concern at the high number of children who are placed in institutions for social protection purposes and sometimes together with juvenile offenders. In addition, the Committee is concerned that, according to a 1998 study of the National Documentation and Analysis Centre for Children and Adolescents, the period of stay in institutions can be very long, contact with the family is not always guaranteed and that 19.5 per cent of these institutions do not have proper authorizations.

175. In the light of article 20 of the Convention, the Committee recommends that the State party:

(a) Take all necessary measures to ensure the implementation of Law 184/83;

(b) As a preventive measure, improve social assistance and support to families to help them with their child-rearing responsibilities, including through education and counselling of parents and community-based programmes;

(c) Take effective measures to develop alternative forms to institutionalization, such as foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a measure of last resort;

(d) Ensure regular inspections of institutions by independent bodies;

(e) Establish 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.

Adoption

176. The Committee welcomes the State party's ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption, but remains concerned at the different proceedings and costs of domestic adoption, depending on the authorized agency involved.

177. In the light of article 21 of the Convention, the Committee recommends that the State party take the necessary measures:

(a) To harmonize proceedings and costs of domestic adoption among authorized agencies throughout the State party;

(b) To conclude bilateral agreements with (sending) countries that have not ratified the aforementioned Hague Convention.

Violence, abuse and neglect

178. The Committee welcomes the establishment of a national commission for the coordination of action regarding maltreatment, abuse and sexual exploitation of children and the adoption of a global strategy. In addition, the Committee welcomes the enactment of Act 66/96 on sexual violence and Act 154/2001 on domestic violence, but remains concerned at the lack of comprehensive data and information on child abuse and/or neglect. Moreover, the Committee is concerned at the age-limit set in the legislation regarding violence against children, as children above 14 or 16 years (depending on the relations with the perpetrator) do not enjoy the same protection.

179. In the light of article 19 of the Convention, the Committee recommends that the State party:

(a) Undertake studies on violence, ill-treatment and abuse against children, especially those from vulnerable groups, including sexual abuse, particularly within the family and at schools, in order to assess the extent, scope and nature of such practices;

(b) Develop awareness-raising campaigns with the involvement of children in order to prevent and combat child abuse;

(c) Amend its legislation regarding the existing age-limit set for special protection against all forms of violence against children;

(d) Evaluate the work of existing structures and provide training to professionals involved in these types of cases;

(e) Investigate effectively cases of domestic violence and ill-treatment and abuse of

children, including sexual abuse, within the family through a child-sensitive inquiry and judicial procedure, in order to ensure better protection for child victims, including their right to privacy.

5. Basic health and welfare

Basic health

180. The Committee welcomes the adoption of the Charter of the Rights of the Child in Hospital and takes note of the dramatic decrease in the number of deaths of children resulting from road traffic accidents and in the number of children infected by HIV/AIDS. However, the Committee is concerned at the reluctance of children belonging to vulnerable groups to use health services.

181. The Committee recommends that the State party take proactive measures to facilitate access to health services to all children and to encourage parents to seek health services that are available for all children.

Adolescent health

182. The Committee is concerned at the high prevalence of psychological disorders among adolescents (especially eating disorders) and the relatively high incidence of abortions among adolescents, notably those of foreign origin.

183. The Committee recommends that the State party:

(a) Take all necessary measures to strengthen its mental health and counselling services, ensuring that they are accessible and sensitive to adolescents, and undertake studies on the causes and backgrounds of psychological disorders among adolescents;

(b) Take further necessary measures to reduce the rate of teenage pregnancies through, inter alia, making health education, including sex education, part of the school curricula and strengthening the campaign of information on the use of contraceptives.

6. Education

184. The Committee welcomes the adoption of Act 9/99, which extends the duration of compulsory education from 8 to 10 years, and the various programmes to improve teacher training, but remains concerned at the high rate of drop-out in upper secondary education, the variations in educational outcomes for children according to their cultural and socio-economic background and to other factors such as gender (more girls than boys obtain a secondary education diploma), disability and ethnic origin. In addition, the Committee is concerned at the prevalence of bullying in schools and at the lack of consideration of the views of children within education.

185. The Committee recommends that the State party:

(a) Strengthen its efforts to curb the drop-out rate in upper secondary education;

(b) Take all necessary measures to eliminate the inequalities in educational achievement between girls and boys and among children from different social, economic or cultural groups and to guarantee quality education to all children;

(c) Take measures to set up adequate mechanisms and structures with the participation of children to prevent bullying and other forms of violence in schools and include children in the development and implementation of these strategies;

(d) Ensure that legislation throughout the State party reflects article 12 of the Convention and respects children's rights to express their views and have them given due weight in all matters concerning their education, including school discipline.

7. Special protection measures

Unaccompanied minors

186. The Committee welcomes the establishment of the Committee for the Protection of Foreign Children and the specific reference made to the Convention in Law 40/98 on immigration regarding access to health. However, the Committee remains concerned at the lack of adequate structures to receive unaccompanied minors; the lack of harmonization of the procedure dealing with unaccompanied minors in the various regions; the new provision under Act 189/2002 which permits the detention of undocumented immigrants; the implementation of Decree 113/99 which leads to an increase in repatriations without adequate follow-up; and the change which occurred in 2000 regarding residence permits for minors.

187. In accordance with the principles and provisions of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

(a) Strengthen efforts to establish enough special reception centres for unaccompanied minors, with special attention to those who have been victims of trafficking and/or sexual exploitation;

(b) Ensure that the stay in these centres is for the shortest time possible and that access to education and health is guaranteed during and after the stay in a reception centre;

(c) Adopt, as soon as possible, a harmonized procedure in the best interests of the child to deal with unaccompanied minors throughout the State party;

(d) Ensure 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.

Economic exploitation

188. The Committee notes the recent report of the National Statistics Institute regarding child labour in the State party and expresses its concern at the high prevalence of this phenomenon in the State party.

189. The Committee recommends that the State party develop, on the basis of the recent study, a comprehensive strategy containing specific and well-targeted goals aimed at preventing and eliminating child labour through, inter alia, awareness-raising activities and detection of the factors involved.

Sexual exploitation and trafficking

190. The Committee welcomes the adoption of Act 269/98 against the exploitation of prostitution, pornography, and sexual tourism targeting children and the establishment of an Inter-Ministerial Committee for the Coordination of the Government Action Against Child Abuse and Trafficking in Minors and Women for Sexual Purposes. Nevertheless, the Committee remains concerned at the numbers of children who are trafficked for sexual purposes in the State party.

191. The Committee recommends that the State party:

(a) Strengthen its efforts 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 Commercial Sexual Exploitation of Children;

(b) Monitor the implementation of Act 269/68, especially as it addresses the issue of the “demand side” of sexual exploitation;

(c) Ensure that adequate resources, both human and financial, are allocated to policies and programmes in this area.

Administration of juvenile justice

192. The Committee notes that a reform of the juvenile justice system is pending. It is concerned at the existing discrimination against children of foreign origin and Roma children within the juvenile justice system; the lack of independent structures to monitor the conditions of detention of children; and at the inadequate training of the personnel involved in the juvenile justice system.

193. The Committee recommends that the State party, within its reform of the juvenile justice system, fully integrate the provisions and principles of the Convention, in particular articles 37, 40, and 39, and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

194. In particular, the Committee recommends that the State party:

(a) Take all necessary measures, including through awareness-raising campaigns and adequate training of the personnel involved, to prevent and eliminate discrimination against children of foreign origin and Roma children;

(b) Allow periodic visits to the reception centres and penal institutes for minors by impartial and independent bodies and ensure that every child deprived of his or her liberty has access to an independent, child-sensitive and accessible complaint procedure;

(c) Provide training on children's rights to those responsible for administering juvenile justice.

Children belonging to minority groups

195. While noting the efforts undertaken by the State party to improve the situation of Roma children, the Committee remains concerned at their difficult social situation and their insufficient access to education and health services. In addition, the Committee is deeply concerned at instances of discrimination against this group of children, sometimes from the personnel of the State party themselves.

196. The Committee recommends that the State party develop, in cooperation with Roma NGOs, comprehensive proactive policies and programmes to prevent social exclusion and discrimination and to allow Roma children to enjoy fully their rights, including access to education and health care.

8. Dissemination of the report

197. Finally, the Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the periodic report submitted by the State party be made widely available to the public at large and that consideration be given to the publication of the report, along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned NGOs.

9. Next report

198. In the light of the recommendation on reporting periodicity adopted by the Committee at its twenty-ninth session (see *CRC/C/114*), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. As an

exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 4 October 2008, the date on which the fourth periodic report is due. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.