



**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 8 (1) OF THE OPTIONAL  
PROTOCOL TO THE CONVENTION ON THE RIGHTS OF  
THE CHILD ON THE INVOLVEMENT OF CHILDREN IN  
ARMED CONFLICT**

**Initial reports of States parties due in 2004**

**ITALY\***

[14 July 2004]

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\* This document has not been edited before being submitted for translation.

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## **Introduction**

1. Italy signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 6 September 2000. The status of work toward its ratification by our country has been concluded with Law No. 46/02 of 11 March 2002 (published in *Official Bulletin* No. 77 of 2 April 2002).
2. In this sense Italy respects the international law of conflict in relation to prisoners' status and all the kinds of conflicts specified in the four Geneva Conventions of 1949 and related Protocols of 1977 on international humanitarian law and, consequently, the Convention on the Rights of the Child, whose article 38 provides protection for children and prohibits the involvement of children in armed conflicts. This is the first report presented by Italy concerning the national implementation of the Optional Protocol.
3. It develops all the items and aspects connected with the national legislation and regulation about the enrolment of children in military schools and the prohibition on active and direct participation in hostilities, according to the meaning attributed to this term in the Protocol.
4. The date of reference used by Italy when determining whether a person is within an age-limit is calculated from the date of birth.

### **THE ITALIAN LEGISLATION IN FORCE FOR THE PROTECTION OF CHILDREN IN THE IMPLEMENTATION OF THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

5. Above all it must be specified that Italy's position in conformity with international legal instruments concerning the involvement of armed forces in hostilities and the commission of acts considered as a violation of those legal instruments is based on new article 185 bis of the Penal Military Code (Law No. 6 of 31 January 2002). Article 185 bis covers "Other offences against persons protected by international conventions" - unless the act constitutes a more serious crime, the soldier who, for reasons related to the war, commits torture, other inhuman acts, illegal transfer of people, or other acts forbidden by international conventions, including biological experiments or medical treatments which are not justified by the health situation, on prisoners of war or on other people protected by international conventions, is sanctioned with from one to five years of military imprisonment. This article is also implemented in peacekeeping operations.
6. Concerning the specific aspects of possible involvement (within the meaning of "direct participation in hostilities") of a person younger than 18 years, we must analyse all the articles in order to indicate and examine the Italian legislation in force in this field.

### **Article 1**

7. "The members of the armed forces" of Italy do not include people who are younger than 18 years. Law No. 191 of 31 May 1975 (published in the *Official Bulletin* No. 154 of 13 June 1975) prohibits the recruitment of youngsters who have not attained the age of 18 years in the Italian Army, and this includes recruitment or enrolment in military schools.

8. As regards the nature of measures taken by Italy in order to ensure that members of the Italian armed forces who have not attained the age of 18 years do not take a direct part in hostilities, Law No. 2 of 8 January 2001 has abrogated article 3 of Law No. 191 of 31 May 1975: its article 2 provides for the prohibition of youngsters who have not attained the age of 18 years to be part of the armed forces, even if enrolled and attending a military school.

9. This means that the wording “not take a direct part in hostilities” is interpreted as follows: it permits engagement in activities like transportation, supply and medical activities whether or not these activities are conducted in the regions where fighting is taking place.

10. So it could be said that Law No. 2 of 8 January 2001 also prohibits the involvement of children who are younger than 18 years in activities conducted in regions where fighting is taking place.

### **Article 2**

11. By Law No. 2 of 8 January 2001 persons who have not attained the age of 18 years cannot be compulsorily recruited in the Italian Army, even in extraordinary cases as formulated in the previous Law No. 191 of 31 May 1975, article 3.

### **Article 3**

#### **Paragraph 1**

12. Italy enhances its legislation on voluntary recruitment into the national armed forces for children younger than 18 years in accordance with article 38, paragraph 3, of the Convention on the Rights of the Child.

13. In fact, voluntary recruitment consists in the admission to a military school, where students receive an education in traditional classical and scientific subjects (literature, history, geography, mathematics, etc.), in military history, and in sports and physical training. This kind of education is not a professional one, but is preliminary to the specialization in a military academy.

14. According to Legislative Decree No. 464 of 28 November 1997 (about the structural reform of the armed forces), and Presidential Decree No. 249 of 24 June 1998 (regulations for the statute of secondary schools), the minimum age for the admission to military schools is set out each year for children who are between 15 and 17 years old.

15. Students attend the school as ordinary students. Only when they become 16 years old must they contract a special voluntary recruitment of three years, in order to complete their scholastic course. Otherwise, they will be dismissed from the military school.

16. They come from all Italian regions and they have various social origins. According to the Ministerial Decree of 9 May 2003, in application of Law No. 380 of 20 October 1999, article 1, paragraph 6, even if this law has provided for the institution of military service for

women, military schools do not yet provide for the admission of female students. There is a working group inside the Ministry of Defence which is evaluating the possibility of extending admission to military schools to female students.

17. For more information about military schools, see article 3, paragraph 5.

### **Paragraph 3**

18. For more information about such questions, because of the inclusion of voluntary recruitment in military schools, see the next paragraph.

### **Paragraph 5**

19. In Italy there are schools operated by or under the control of the Italian Armed Forces:

- Military School “Nunziatella”, Naples;
- Military School “Teuliè”, Milan;
- Naval Military School “Francesco Morosini”, Venice.

The minimum age of admission to these schools is 15 years.

20. We can point out that students of these schools are not members of the armed forces and they do not have a military status if compared to that of a soldier in the Italian Army. In the case of a mobilization or of an armed conflict, a genuine military need or any other emergency situation, their status is always the same: they cannot take a “direct part” in the hostilities.

### **Admission procedure**

#### *Military Schools “Nunziatella” and “Teuliè”*

21. The procedure for admission to these schools is by annual public announcement. The prerequisites for participation in the 2004 public announcement are:

- A date of birth between 31 December 1987 and 31 December 1989;
- The correct physical, psychological and vocational attitude;
- Proper moral and civil behaviour;
- Academic prerequisites (such as no repetition of the same academic year).

22. In order to verify the age of candidates, all the applications must be signed by candidates and their parents (both, or the one with parental authority, or the legal guardian). This means that the parents or the legal guardian has responsibility for the information declared in the application. If they do not sign the application will be refused.

23. The competition consists of five exams: (a) a preliminary exam of general education; (b) an exam of physical education; (c) a medical examination; (d) an aptitude test; (e) an oral exam of general education.

24. The candidates must show an identity paper or other documents of the same value. The candidates who pass the exam must present these documents: (a) identity paper, indicating name, surname and date of birth; (b) school report, with the authorization of their school director, which permits the transfer to the military school; (c) medical certificate; (d) document signed by both parents, by the one who has parental authority, or by the legal guardian; (e) document signed only by those candidates who are 16 years old, by which they contract a special voluntary recruitment of three years, in order to complete their scholastic course.

*Naval Military School "Morosini"*

25. The procedure for the admission to Naval Military School "Morosini" is regulated by annual public announcement. The prerequisites for the participation to the 2004 public announcement are:

- A date of birth between 31 December 1987 and 31 December 1989;
- Proper moral and civil behaviour;
- Academic prerequisites (such as no repetition of the same academic year).

26. The physical, psychological and vocational attitudes of candidates are also taken into account.

27. As already said for the "Nunziatella" and "Teuliè" Military Schools, in order to verify the age of candidates all the applications must be signed by the candidates and their parents (both, or the one who has parental authority, or the legal guardian). This means that the parents or the legal guardian has responsibility for the information declared in the application. If they do not sign the application will be refused. The competition consists of three exams: (a) a preliminary exam of general education; (b) a medical examination; (c) an aptitude test.

28. The candidates who pass the exam must present these documents: (a) school report, with the authorization of their school director, which permits the transfer to the military school; (b) medical certificate (general and concerning ability for rough sports; (c) document signed by both parents, by the one who has parental authority, or by the legal guardian; (d) document signed only by those candidates who are 16 years old, by which they contract a special voluntary recruitment of three years, in order to complete their scholastic course.

## Medical examination

### *Military Schools “Nunziatella” and “Teulié”*

29. In the competition for admission to these schools, the medical examination has a specific relevance. All the candidates who pass the physical education exam will be tested by a special commission, in order to verify their psychophysical aptitude as students of the respective military school. The candidates must present a general certificate, produced by a public or private health unit.

30. This medical examination consists of a general visit and of some specific visits, with the students' authorization (for example, for radiology examinations) and with the consent of their parents or legal guardians.

31. At the end of the exam, the commission will produce and communicate a written evaluation to each candidate, declaring whether he is qualified to be admitted in the school. The decision must be motivated.

32. In order to be admitted, candidates should:

(a) Be free from defects and illnesses that the law in force considers incompatible with the enrolment for compulsory military service;

(b) Be free from defects and illnesses for which the directives concerning the health profile of people who apply for military service have established a coefficient of 3 or 4 in the examination of physical and functional features;

(c) Be free from illnesses or injuries which are difficult to recover from or prevent getting qualifications required;

(d) Be free from speech impediments, even slight ones;

(e) Bear the following specific requirements:

- Visual activity equal or higher to 16/10, with neither of the eyes lower than 7/10, attainable with a correction of up to 3 dioptries;
- Normal visual range and eye motility;
- Normal chromatic sense;
- Dioptrics means integrity;
- Hearing a voice from a distance of not less than 8 m from one of the ears, and 7 m from the other.

33. Applicants suffering from the above-mentioned defects or illnesses will be considered “not able” and excluded from the admittance.

34. Results reported in the health tests are to be considered final. Therefore, applicants judged “not able” cannot undergo further examinations.

35. Applicants judged “not able” can appeal against the decision by sending a registered letter to the General Directorate for personnel at the Army National Selection and Recruitment Centre of Folign. The letter should include the documentation, issued by a structure working under the health service, that could oppose the previous determination, and has to be sent no more than 10 days after the test. These terms are peremptory, and the appeal has to be faxed in advance. In any case, applicants will be informed about the outcome of their appeal.

36. In the case of a successful appeal, the final determination on the physical fitness of the applicants will be issued by the commission after considering the applicants’ documentation or, if necessary, the results of new health tests.

37. The commission’s decision on the appeal is to be considered final, and applicants will be immediately informed. Applicants considered “not able” will therefore be excluded from admittance.

*Naval Military School “Morosini”*

38. In the competition for admission to the “Morosini” Naval Military School all the candidates must pass the physical education exam. For these tests there are two commissions, charged with verifying candidates’ physical aptitude to become students of this school.

39. The medical examination consists of a general visit and of some specific visits.

40. In order to be considered able, applicants must:

(a) Be free of defects or illnesses that, under the provisions in force, make the applicant unfit for military service or could do so in the future;

(b) Be free of speech impediments, even slight ones;

(c) Be free of drug-addiction;

(d) Be free of illnesses or injuries that require long-term recovery;

(e) Fulfil the following specific requirements:

- *Physical data*: height not lower than 1.56 m;
- *Visual organs*: sight of both eyes not lower than 10/10, after correction with lenses. Reflection faults not higher than:
  - 3 dioptries for short-sightedness, hypermetropia, mixed and compound short-sighted or hypermetropic astigmatism, spherical and astigmatism anisometry (given the presence of the binocular vision);

- 2 dioptres for simple hypermetropic and short-sighted astigmatism;
  - 1.5 dioptres for the cylindrical component of compound astigmatisms;
- Normal chromatic sense;
- *Hearing organs* have also to be tested.

41. The commission, after the psychophysical tests, will decide on the admittance to the school of all applicants, who will immediately receive the communication in writing.

42. For those applicants who have been recognized by the psychophysical tests as suffering from illnesses or acute injuries that are both recent and of presumably short duration and which are likely to have a positive evolution permitting a quick recovery, the commission, instead of making any final determination, will fix a new date to test the eventual recovery of the physical fitness.

43. Results reported in the health tests are to be considered final. Therefore, applicants judged “not able” cannot undergo further examinations.

44. Applicants judged “not able” can appeal against the decision by sending a registered letter to the General Directorate for personnel - I Department, I Division of officers recruitment, I Section. The letter should include the documentation, issued by a structure working under the health service, that could oppose the previous determination, and has to be sent within 10 days of that test. These terms are peremptory, and the appeal has to be faxed in advance. In any case, applicants will be informed about the outcome of their appeal by the Headquarters of the “Francesco Morosini” Military Navy School.

45. In the case of a successful appeal, the final determination on the physical fitness of the applicants will be issued by the commission, after considering the applicants’ documentation or, if necessary, the results of new health tests.

46. The physical fitness, as resulting from the psychophysical tests, will not give any additional points in the pass-list. Cadets turning 16 years old will undergo a medical examination, according to the requirements included in article 9 of the Inter-ministerial Decree No. 302, in order to be declared fit for the three years’ voluntary enlistment (as established by article 8 of the above-mentioned Decree). The applicants declared unfit, but for whom the fitness can presumably be quickly reached, can be kept on probation, on request of the Navy School Commandant, and given the ministerial authorization. Otherwise, applicants can complete the school year before leaving the school.

### **Academic education**

47. Academic education is of three years.

48. According to articles 28 and 29 of the Convention on the Rights of the Child, we have to consider that, even if the above-mentioned schools are operated by or are under the control of the

armed forces, their academic curriculum aims at teaching basic military knowledge and skills. They comply with the requirement of articles 28 and 29 as long as their primary purpose is education and are not aimed at engaging students in duties at military units.

*Military Schools “Nunziatella” and “Teulié”*

49. For the “Nunziatella” and “Teulié” Military School the number of students for each year is 160:

Classical Studies: 1 class - 32 students;

Scientific Studies: 2 classes - 48 students;

Classical Studies: 1 class - 20 students;

Scientific Studies: 2 classes - 40 students;

Scientific Studies - European course: 3 classes - 20 students.

50. In 2003 in the “Nunziatella” Military School there were 206 students (79 in Classical Studies and 127 in Scientific Studies), divided as follows:

Classical Studies:

1 class: Section A: 16 students; Section B: 16 students;

2 classes: Section A: 7 students; Section B: 12 students;

3 classes: Section A: 14 students; Section B: 14 students.

Scientific Studies:

3 classes: Section A: 16 students; Section B: 16 students;

3 classes: 16 students;

4 classes: Section A: 14 students; Section B: 12 students;

4 classes: 15 students;

5 classes: Section A: 19 students; Section B: 19 students.

51. The students receive an ordinary education. The following is the academic programme of the “Nunziatella” Military School; it is the same for the “Teulié” Military School (except for physical education activities):

**“Liceo classico”: option foreign languages**

Subjects	Year I	Year II	Year III
	Weekly hours	Weekly hours	Weekly hours
Italian literature	4	4	4
Latin literature	4	4	4
Greek literature	3	3	3
Foreign literature	3	3	3
History	3	3	3
Philosophy	3	3	3
Natural sciences, chemistry and geography	4	3	2
Mathematics	3	2	2
Physics	-	2	3
Art history	1	1	2
Religion	1	1	1
Physical training	2	2	2

**“Liceo scientifico”**

Subjects	Year I	Year II	Year III
	Weekly hours	Weekly hours	Weekly hours
Italian literature	4	3	4
Latin literature	4	4	3
Foreign literature	3	3	4
History	2	2	3
Philosophy	2	3	3
Natural sciences, chemistry and geography	3	3	2
Mathematics	3	3	3
Physics	2	3	3
Art history and design	2	2	2
Religion	1	1	1
Physical training	2	2	2

52. Both the “Liceo classico” and “Liceo scientifico” of the “Nunziatella” Military School aim at the best possible training of all students, taking into account individual inclination.

53. The fundamental principle of the “Liceo scientifico” is the merging of the traditional education and innovative research. The main target is the teaching of practical skills that could be immediately used in an operational context, including the use of a specific technical knowledge in order to pass the university admission tests. This scientific training is carried out giving at the same time due attention to the humanistic tradition, enriching it with the contribution of the scientific innovation.

54. On the other hand, the “Liceo classico” aims at updating its humanistic training with the study of contemporary events and changes. In particular, the teaching of Greek and Latin literatures has been integrated with the teaching of a modern foreign literature. The use of a scientific method is fundamental for the teaching of the humanistic culture; in this context, special attention has been given to the learning of multimedia languages and systems. Moreover, the check and the marking are an integral part of the teaching and learning process:

**(a) The check**

55. The check is closely linked with the teaching and learning process in a permanent and interactive way. Among different tests and examinations, some have been in successful use for a long time; others have been recently introduced with the same positive results.

56. The various tests and examinations are periodic and distributed all along the school year in the following way:

- Starting tests, aimed at checking students’ initial knowledge;
- Intermediate tests, to verify, without marking, the learning process;
- Final examinations, aimed at marking the students at the end of any teaching unit.

57. Among the different kinds of examinations, the most common are:

- ✓ text interpretation and translation;
- ✓ problem solving;
- ✓ questionnaire answering;
- ✓ project elaboration;
- ✓ laboratory reports;
- ✓ experimental tests;
- ✓ written tests (including for those subjects whose examination has been traditionally oral);
- ✓ oral examinations, in both Italian and foreign languages;
- ✓ other tests, e.g. for physical training and design.

58. Last year, new kinds of tests were added to the above-mentioned ones, in order to conform to the newly introduced regulations concerning *esame di Stato*, which also include the participation of Class Councils in the planning, the realization and the marking of test simulations.

**(b) The marking**

59. The final marking takes into account both the mere results of the tests and the individual learning process of any student, considered in the context of his class and of the type of school. Fundamental targets for any students are: knowledge and skills as checked by the examinations, the capacity to organize homework and participation in class activity.

60. All these elements make up a part of a system that attributes to any student “educational credits” or “educational debts”, according to the parameters set by the Minister of Public Education and taking into account experiences and courses organized outside the school (if supported by adequate documentary evidence). The choice of the marking guidelines is made, whenever possible, by the teachers in collaboration with the Class Council, with the aim of giving the most accurate evaluation. All subjects contribute to the personal and cultural education of the students, and in particular to the acquisition of the knowledge that the Class Council considers necessary to enter the next higher class.

61. According to the law in force, students showing some gaps in their knowledge that are limited to a few subjects and do not compromise the whole learning process can enter the next class. These gaps have to be reported as “educational debts” and have to be recovered the following year, according to the established criteria. When these gaps are so important that they could prejudice the whole learning process, and especially when they all concern the same disciplinary field, students are not allowed to enter the next class.

62. Class Councils give marks to the students at the end of every three- or four-month period (according to what is established by the teachers’ council). If marks are given every four months, families of students will be informed about the learning process every two months.

63. **Physical training** merges two different features of the “Nunziatella” School: the national ministerial programmes and the particular activities required by the military training. In this perspective, the basic targets (the awareness of his own body and a coordinated physical development) are integrated with specific operational targets (physiological strengthening, speed and endurance improvement, better coordination of motor, dynamic and positional capacities). The sport activities, moreover, aim at the development of physical abilities, such as coordination and adroitness, and moral inclinations, such as perseverance, courage, tenacity, self-control, cooperation, a group-oriented mind and loyalty.

64. Therefore, sports activities contribute to the gradual formation of the students, respecting their age and development phases. The sports the students practise are those close to military tradition, such as fencing, riding, judo, swimming, sailing, rowing and skiing, and either individual or team sports significant for their education, such as athletics and volleyball.

65. With reference to the “Teulié” Military School, the sports practice offers the following options: athletics, judos, karate and personal defence, swimming and rowing, riding, fencing, volleyball and basketball, tennis.

66. The military activity confers on all students a **basic military formation**, independently from their future choices.

67. The training is planned to supply a valid military education corresponding to the type of school, aimed at avoiding an excessive specialization which could appear superfluous for students oriented towards university and premature for those who wish to attend the Academy in the future.

68. The military activity includes the development of the following subjects:

- Training to fight;
- Rules;
- Topography;
- Nuclear/Biological/Chemical (NBC) training;
- Formal education;
- Weapons and shooting.

69. At the end of every school year a summer weapons training of two weeks is provided. Also at “Teuliè” the students receive a military education, based on theoretical and practical lessons, which aims at training individual fighting and ends in summer camps in the Army’s training areas.

70. The programme includes:

- Formal education;
- Training to fight;
- Weapons training;
- Personal defence;
- Health education.

This last activity is realized with the help of the staff of the Red Cross.

*Naval Military School “Morosini”*

71. For the “Morosini” Naval Military School the number of students for the year 2004 is 75:

Classical studies: 1 class - 25 students

Scientific studies: 3 classes - 50 students.

72. Actually at “Morosini” there are 225 students in 25 classes.
73. The school’s didactic activity is outlined on the basis of traditional school courses, which includes in the “liceo classico” the use of computers and the teaching of mathematics, according to the National Computer Plan. Moreover, the Plan outlines the same subjects scheduled for the “liceo scientifico”, if both schools share the same experimentation plans, and strengthens the study of mathematics and physics, relating them to the use of the computer.
74. The school’s educational activities are carried out through military, sports and naval training and embarkation on aero-naval and submarine units. The school’s timetable is established by the School General Staff, according to the instructions outlined by the Military Navy Rules.
75. For the identification of the post-diploma openings, the school shares the prerogative of every high school and, being a naval military school, opens the way to the military life.
76. Therefore, the school intends to characterize its educational profile by guaranteeing the students’ human and civil formation according to the constitutional rules. The mention of the constitutional rules does not want to be either rhetorical or ritual: actually, the teachers find above all in article 2 of the Constitution (“The Italian Republic recognizes and guarantees the inviolable rights of the person either considered as an individual or in a social aggregation where his/her personality is developed, and requires the fulfilment of duties of political, economic and social solidarity”) and article 34 (“right to education”), a real and binding value for the definition of its educational programming.
77. The focal point of educational activities is the teacher’s plan of annual work, where he/she plans his/her action according to the targets of his/her subject and defines the ways and times of the topics to be developed. The plan is also tied to the Institute Project, to the Teachers’ and Institute Board’s general indications and to the disciplinary fields meetings, which define the minimum educational targets common to all matters and teachers, thus considering the individual freedom of teaching.
78. Therefore, the planning phases can be summarized as follows: meetings of the teachers of the same disciplinary field, Board of Teachers, Class Council, personal annual plan of work.
79. The Institute’s educational and didactic targets, those peculiar to any subject and those common to the curricular subjects can be reconsidered every year within each of the organs appointed for that aim.
80. Therefore, the following documents specify the aspects of the didactic activity:
1. Educational planning, elaborated by the Board of Teachers.
  2. Didactic programming, elaborated by Class Councils.

3. Annual Didactic Plan, elaborated by every single teacher, with the detailed disciplinary aims.
4. Didactic Plan of Development, elaborated by the Department of the Navy Schools.

### **Academic personnel**

81. The personnel is academic or military. The “Nunziatella” and “Teuliè” Military Schools make use, for the school activities, of the work of teachers coming from the Ministry of Public Education. The school management and all training and military activities are the competence of the Ministry of Defence.

82. The teaching will be organized around subjects which answer to precise specific and general targets, if possible considering the interests shown by students. Tests will be periodically made, especially at the conclusion of the teaching of important subjects, and the evaluation will be made on the basis of the targets set. The programmes are made taking into account, whenever possible, students’ interest, and try to stimulate their taste for knowledge. The choice of methodologies will also try to stimulate students’ active participation and to develop their capacity to organize the knowledge progressively acquired.

83. Teachers will be able to make use, if deemed opportune, of the following methods:

- Frontal lesson, to provide all the class the essential contents of every discipline;
- Active method of the research, which stimulates the pupils useful for finding materials for the development and the widening of the themes of study;
- Driven discussion and collective correction of exercises, including homeworks;
- Individual learning;
- Laboratory lessons, used to stimulate the capacity to work together in an operational context.

84. In the development of the didactic activity, teachers will be able to use the following tools:

- Text books;
- Material, provided both by teachers and students;
- Films, slides and videotapes;
- CD-ROM;
- Computer;
- Notes from lessons.

85. Naval Military School “Morosini”: the teaching of any subject will develop around issues related to both specific and general targets, taking into account, whenever possible, the interests shown by the students.

86. At the end of the teaching of significant subjects, especially when divided in teaching units, tests will be periodically made, in order to check the reaching of the targets established.

87. Programs are made trying to meet, as much as possible, students’ interest and expectations. Methodologies are also chosen in order to stimulate students’ active participation, to develop their organisational skills and to consolidate the knowledge progressively acquired. Teachers will be able to make use of the following methods:

- Frontal lesson, to provide all the class with the essential contents of every discipline;
- Active method of research, which stimulates students to find useful material for the development and the widening of the subject under study;
- Guided discussion and collective correction of exercises;
- Individual work;
- Laboratory lessons, used to stimulate the capacity to work together in a positive context where all individuals can find their space and are granted respect.

88. In the development of didactic activities, teachers are able to use the following tools:

- Text books;
- Material provided both by teachers and students;
- Filmed, slides and videotapes;
- CD-ROM;
- Computer;
- Notes from lessons.

### **Evaluation**

89. The evaluation can be either “formative” (“*formativa*”) or “collegiate” (“*sommativa*”). In the first case, marks are given by teachers to every single test, in order to measure the knowledge progressively acquired; in the second case, marks are given by the Class Council on individual teachers’ proposal. Teachers can use different tools and methods to evaluate students, choosing among oral examination, students’ personal contributions, written and graphic tests, and other methods.

90. The Teachers' Council, in order to avoid unjustified differences in the evaluation process, has invited Class Councils to follow these guidelines:

- Every final deliberation, either positive (pass) or negative (failed), must only have educational or formative purposes;
- Evaluation should take into account students' human, cultural and civil growth and development;
- Every teacher has to take full responsibility of the information given to the Class Council and of all decisions consequently adopted;
- The collegiate character of the final decisions adopted does not mean that the responsibility to evaluate has to be assigned to others, but rather that that no member of the Class Council can arrogate to him/herself the right to evaluate students in the name of all teachers, maybe thinking that his/her subject is more important than others. The Class Council will evaluate every single student on the basis of the targets set by teachers' annual plans of work, also considering:
  - all the educational process, as evaluated with the different types of oral and written examinations;
  - student's interest and commitment;
  - the possibility, in case of negative results, of a successful recovery and useful attendance of the next school year;
  - the general class context.

91. In the case of a negative result, the Class Council will draft a detailed judgement. The final judgement has to be decided considering the result of all tests, but also students' behaviour during the year, as determined by school attendance, participation and commitment.

92. At the end of the assignment of term's marks, the Council, on the basis of the parameters set by the Ministry of Education, will give the "formative credit", according to the criteria established by the Council itself.

93. Besides, the following refresher courses are established for the teaching staff:

- Data processing and use of net resources;
- Multimedia course on the new "*Esame di Stato*";
- Updating on the "Autonomia";
- Intensive English courses.

### **Events and conferences for promoting recruitment in the Army.**

94. Here there are two examples of the incentives used in military schools for encouraging volunteers to join the ranks.

95. In Military School “Nunziatella”, there is a project concerning “the increase of success chances”. The project is aimed to those “Second company” cadets who are not engaged in recovery courses. The course, activated from November to December and from February to April, aims to provide cadets with the training necessary to pass the selection tests for academies; in particular, it aims at improving cadets solving capacities of those probability and logic questions that are usually proposed in those tests. At Naval Military School “Morosini”, there is a specific “service of formative and informative orientation”: teachers will help students to identify the most congenial type of studies for the Academy, the university and their professional future. Third course students will also visit Livorno Naval Academy and will meet experts who will show them the characteristics of several university and other courses and of other courses to start other careers, including related possibilities of insertion in the job market.

### **Article 4**

96. Since the Protocol is aimed at protecting children from scourge of armed conflict, it is clear that “armed groups that are distinct from the armed force of a State” mean organized and heavily armed groups that can wage armed conflicts against armed forces of States. For this reason these groups can recruit or use persons younger than 18 years in hostilities in any circumstances.

### **Article 6**

97. The effective implementation and enforcement of the provisions of this Protocol was made by the adoption of Law No. 46 of 11 March 2002. By this Law the Optional Protocol is considered as national law and it is applied before domestic jurisdiction.

98. The monitoring mechanism consists of all governmental bodies involved in the implementation of international legal instruments for human rights protection, in this case for children protection.

99. The means to disseminate the Optional Protocol at national level are a priority target for Italy.

100. One first example was the **international workshop “Filling Knowledge Gaps: A Research Agenda on the Impact of Armed Conflict on Children”**: it took place from 2 to 4 July 2001 in Florence at the “Istituto degli Innocenti”. It was organized as part of the preparation process for the UNGASS for Children by the Italian National Childhood and Adolescence Documentation and Analysis Centre in Florence. The workshop was inspired by an initiative of the Office of the Special Representative of the United Nations Secretary-General for Children and Armed Conflict and made it possible for the Social Science Research Council, UNICEF, the United Nations University for Peace, the United Nations Institute for Social Research and Development, Save the Children Alliance and World Vision, to provide valuable inputs.

101. The Italian Ministry of Labour and Social Policies was the main sponsor of this initiative. The Italian Ministry of Foreign Affairs, Directorate-General for Development Cooperation made a contribution to this important initiative.

102. As the realisation of the tragic consequences of warfare on children gradually became more visible to the eyes of world opinion, many important actions were undertaken to deal constructively with the plight of children in the context of violent conflict. As well as the work of governments and communities to prevent conflict from affecting children, protect children during conflict, and re-integrate them into society after conflict, these actions would all be greatly enhanced by having a deeper knowledge of the issues, a clearer analysis of the causes and effects, and more effective measures to deal with them successfully.

103. For these reasons, the Office of the Special Representative began a series of consultations to establish a broad research agenda and network on children and armed conflict whose work would directly benefit the range of organisations and agencies working with children in conflict.

104. The workshop focused on mapping existing knowledge on children and armed conflict, devising new avenues and perspectives for further research, and dealing with the methodological and practical aspects of the research programme. Particular attention was paid to the need to combine research on policy-making and practice.

105. One of the conclusions of the workshop was the decision to start a programme of research on the impact of armed conflict on children, aimed primarily at informing and strengthening policymaking and action on behalf of war-affected children. This will provide an opportunity to set up a network of research institutions and scholars. This network has now a Secretariat located at the Social Science Research Council in New York.

106. The international experts attending the Florence workshop, taking into account the experiences of International Co-operation, NGOs, Higher Studies Centres and the “Stop Using Child Soldiers” Coalition proposed to consider the establishment of an International “Task-Force on Children involved in Armed Conflict”. This Task Force actually supports the activities of the Office of Mr. Olara Otunnu - the Special Representative of the Secretary-General of the United Nations for children involved in armed conflicts - contributing to fill the gaps in our knowledge of the impact that armed conflicts have on children.

107. Another recent example to disseminate the Optional Protocol at national level and to raise the attention of public opinion on this item has been **5th European Human Rights Forum on “Children protection under international law”**. It has taken place from 10 to 11 December 2003 in Rome at the Caserma of Carabinieri “Salvo d’Acquisto”. It was organized by the Ministry of Foreign Affairs in the context of the Italian European Presidency. The item “Children and Armed Conflict” was discussed by one of the 3 Working Groups, with specific reference to the new EU Guidelines on Children and Armed Conflict that were adopted by the General Affairs and External Relations Council on 8 December 2003, and are among the main targets of Ireland Presidency, as reiterated in the Statement of 21 January 2004 by the same Presidency, on behalf of the European Union, to the UN Security Council on Children in Armed Conflict. These Guidelines were cited also in UN Security Council Resolution No. 1539 of 22 April 2004 as an important regional initiative in this field.

**(a) Aim of the Working Group**

108. Working Group III had the task to discuss the new EU Guidelines on Children and Armed Conflict that were adopted by the General Affairs and External Relations Council on 8 December.

109. Using the new EU Guidelines as a starting point for discussion, the Working Group on Children and Armed Conflict will consider how the EU and other relevant stakeholders can best tailor advocacy, policy, programmatic and research responses to effectively address the real requirements of children affected by armed conflict. The main aim of the Working Group is to discuss ways and means to effectively implement the new EU Guidelines. In particular, the following questions could be addressed:

How can situations where EU actions are called upon be objectively identified?

How can the issue of children and armed conflict be further mainstreamed throughout all relevant EU policies and actions?

How can the EU further co-ordinate its actions with the UN and other international and regional intergovernmental organisations, NGOs as well as corporate actors in this area?

How can the Guidelines be used to create a better environment for compliance to international norms and standards by non-state actors'?

How can follow-up be appropriately guaranteed?

110. In addition, the Working Group would put the Guidelines in a broader framework and discuss initiatives to further advance the international agenda in terms of advocacy, human rights-based programming for children and research on the impact of armed conflict on children. The focus of the Working Group will be concrete, practical and action-oriented. On the basis of the Working Group discussions a set of suggestions and recommendations will be drawn up, directed to EU institutions and other relevant stakeholders, including Governments and non-State actors, the UN, NGOs and academic institutions.

**(b) General comments**

111. In Session I the new EU Guidelines were introduced. It was highlighted that the Guidelines are the very first EU policy strategy on children and that they thus constitute a decisive step towards the mainstreaming of children's rights throughout the EU policy agenda. The following observations concerning the content of the Guidelines were made:

- They recognise the need for all EU institutions, mechanisms, bodies and programming components to ensure a priority attention to the plight of war-affected children;
- They call for the effective monitoring of the (impact of policies and actions on children, so that children's rights are safeguarded in all circumstances, including in pre and post conflict phases;

- They introduce a process of internal capacity building and training on children's rights, within which action-oriented research can be pursued to inform and sustain implementation;
- They call on child rights violations to be duly considered and effectively addressed, and impunity seriously fought.

112. In addition, a brief overview was given of the process that led to the elaboration and adoption of these Guidelines. In this regard, it was pointed out that civil society had been closely involved in the debate on the Guidelines from the beginning. The document was written on basis of the brainstorming sessions at the UNICEF Innocenti Research Centre in March and September. COHOM also had a further exchange of views with both the UN Special Representative on Children and Armed Conflict and UNICEF. It was also stressed that all relevant EU actors had been consulted during the elaboration of the Guidelines and that the language used in the document reflects the various existing instruments and activities in the framework of Community assistance and in the CFSP and ESDP fields.

113. After this general introduction to the new Guidelines a number of general comments were made. Amongst others, the following elements related to the overall implementation of the Guidelines were stressed:

- The implementation of the Guidelines should be taken up with a clear sense of urgency;
- The implementation of the Guidelines must reflect the key principles of non-discrimination, the best interest of the child and child participation;
- The implementation of the Guidelines requires a long-term and comprehensive approach that takes into account the full cycle of conflict phases (i.e. conflict prevention, early warning, conflict preparedness, conflict management, peace mediation and post-conflict reconstruction);
- The implementation of the Guidelines necessitates capacity building and the further development of partnerships between the EU, civil society, the UN and other relevant actors;
- The implementation of the Guidelines calls for systematic training of relevant actors and action-oriented research;
- The implementation of the Guidelines should be accompanied by adequate attention for children's rights within the EU.

**(c) Monitoring and reporting**

114. In session II the Working Group discussed the issue of monitoring and reporting. A wide range of different elements was considered ranging from periodicity to prioritisation and piloting. First, some concern was expressed that the reporting requirements contained in the Guidelines

may be too generic. It would seem necessary to establish “a minimum care content” for the reports that are to be drafted. At the same time it was pointed out that the Guidelines do list particular violations and abuses against children that periodic reports should address.

115. Second, the importance of including all phases of conflict in the reporting exercise was emphasised and the need for at least some level of child participation in the reporting exercise was also reiterated. Moreover, it was argued that reporting should be a transparent and whenever possible a public process.

116. As to the content of reports, they could include not only general issues, but also list information on precise cases. In this regard, it was argued that annual reports would not be sufficiently action-oriented and that reports need to trigger action immediately. Regular review would in any case be required once every 3 or 4 months so as to examine specific emergency situations. Civil society should alert COHOM and Heads of Mission in third countries to such emergency situations and make recommendations for specific action.

117. The idea of piloting was also considered in this context. It was suggested to start with those countries that are on the EU early warning list or in those countries where the EU has a Special Representative. However, it was also pointed out that the identification of pilot cases can create serious difficulties, as the negative experience in the context of the EU Guidelines on Torture shows.

118. Also with regard to the new Guidelines it will therefore be important to act throughout the year in the framework of the political dialogue with third countries. In this regard the need for openness about the agenda of political dialogue meetings was stressed as this would allow for a more concrete and consistent contribution of NGOs to the preparation of these meetings.

#### **(d) Implementation and follow-up**

119. In session III the question of implementation and follow-up was dealt with. Given that COHOM has a full agenda but only a limited capacity, the Working Group expressed a strong willingness to consolidate the partnership between the EU and civil society in order to assist COHOM in its task. Various options were considered. First, it was suggested to make greater use of existing European training and research networks, such as the European Network for a Research Agenda on Children and Armed Conflict and the European Inter-University Centre for Human Rights and Democratisation. Second, a group of experts could be established to assist COHOM, while a task force could also be set up within EU institutions. Third, a pre-focal point format was proposed, consisting of a maximum of three member States, possibly the Troika, which would take the initiative in suggesting EU action.

120. Finally, the need for a focal point was once more stressed. In relation to the establishment of a focal point some concerns were expressed as to the acceptability of such a figure to other working groups and the risk of proliferation. However, it was also argued that children’s rights are universally accepted and that the issue of children and armed conflict, unlike torture and the death penalty, is not overly sensitive. Moreover, it concerns a comprehensive issue that relates to the work of a large number of EU actors. The issue thus lends itself much better to the creation of a focal point.

**(e) Recommendations and proposals**

121. On the basis of the previous deliberations a list of specific recommendations and proposals were discussed during the final session of the Working Group. In particular, it was proposed to:

1. Warmly welcome the adoption by the EU General Affairs Council of the Guidelines on Children and Armed Conflict;
2. Recognise the significance of these Guidelines as an important advancement of EU practice in the field of human rights and as capable of making an important contribution globally for the promotion and the protection of the rights of the child;
3. Emphasise that urgent steps must be taken towards their implementation in the context of the two-year “test-phase” of the Guidelines;
4. Continue the partnership between the EU, civil society, the UN and other actors, which was critical to the successful adoption of the Guidelines and will need to be pursued with a view to their implementation.

122. During the discussions the following recommendations and proposals were put forward:

**(f) General considerations**

1. Stress the imperative need for immediate, effective and sustained dissemination of the Guidelines throughout the EU and its Member States and among all actual and potentially relevant partners;
2. Acknowledge that all implementation actions should reflect the requirement that efforts for children affected by armed conflict are necessarily long term and that all initiatives undertaken should strive to be sustainable;
3. Reaffirm that implementation of the Guidelines should be pursued with a view to ensuring the effective realisation of the human rights of the child including to ensure that all actions are based on the principles of the best interests of the child, non-discrimination and participation of the child in decision-making;
4. Acknowledge that implementation of the Guidelines can successfully build upon existing initiatives and expertise available within the EU, UN, regional organisations and civil society;
5. Draw attention to the extensive requirements for EU to build its capacity to implement the Guidelines, including in terms of the need for sustainable training for all relevant actors, including CFSP, ESDP and Community personnel, and for action-oriented research;

**(g) Monitoring and reporting**

1. Propose that specific and action-oriented monitoring be developed as a standard tool under the Guidelines, in the first instance through a priority setting process, including in close co-ordination with current EU Special Representatives, as well as based on the EU early-warning list;
2. Recognise the need for the immediate development of systematic monitoring, reporting methodologies and associated training materials, and their dissemination to all relevant parts of the EU system as well as to relevant partners, including civil society, Member States and media;
3. Note that the monitoring and reporting programme should take account of existing international initiatives, including those in the UN context, such as in the framework of the UN Security Council and the Commission on Human Rights as well as programs in the field and that it should address all relevant phases, including pre-conflict, conflict and post-conflict;
4. Emphasize that reporting should be a transparent and whenever possible a public process and that it should address both ongoing urgent situations and ad hoc developments as they arise;
5. Reaffirm the value of facilitating the participation of children in the process of monitoring and reporting whereby their voices are heard and can influence the design and implementation of action to implement the Guidelines;
6. Note that effective monitoring and reporting with partners, for instance with UN Treaty Bodies and Special Mechanisms as well as with NGOs will be greatly enhanced if the EU specifically invites and encourages their participation;
7. Calls on UN agencies, UN Special Mechanisms Treaty Bodies and NGOs to periodically provide information to COHOM and EU field missions on situations where the rights of war-affected children are under threat, alert to urgent situations which call for EU action, and propose recommendations for action;
8. Recall that monitoring and reporting will also require to address the impact on children of EU actions in the field and that appropriate indicators should urgently be developed and disseminated;

**(h) Implementation and follow-up**

1. Emphasize that the list of EU tools contained in the Guidelines is a non-exhaustive one and that ongoing efforts are required to develop innovative and effective responses to particular situations including the engagement with other international and regional bodies and NGOs, as well as taking account of the need for imaginative responses to situations involving non-state actors;

2. Recall the importance of EU Crisis Management actions taking full account of the system wide implications of the responsibility which falls to them to address issues of children affected by armed conflict and recalling the need for them, at the planning and operational stages, to interact closely with the international and local child rights protection communities and to learn from the experience of UN peacekeeping;
3. Welcome the statement of a EU Commission representative that the Commission will, as a matter of urgency, undertake an audit of existing Community actions related to the Guidelines and related child rights training activities will be augmented;
4. Emphasize the importance of the role of PSC as one of the driving forces in the implementation of the Guidelines;
5. Recognise that COHOM oversees implementation of the Guidelines and that it requires ongoing capacity and resource support, including through the identification of a special Task Force from within its members and a Group of Experts to support the implementation of the Guidelines;
6. Underline the importance of establishing a focal point, such as a Special Representative on Children and Armed Conflict, to ensure the full implementation of the Guidelines with the necessary authority and visibility to provide leadership within the EU and to engage with other actors to enhance protection of the rights of children affected by armed conflict and advance implementation of the Guidelines;
7. Note the central importance for implementation of the Guidelines of the leadership provided by the EU Presidencies, as well as of the potential for specific activities of Member States in support of the Guidelines;
8. Recognise the value for implementation of all aspects of the Guidelines of further developing partnerships with NGOs, UN and independent human rights and child rights institutions and in this context enhancing specific liaison structures and co-operation mechanisms;
9. Emphasize the importance of EU missions in the field, in co-operation with the Presidency, undertaking specific dissemination efforts regarding the Guidelines far local child protection communities;
10. Recall the importance of all EU visiting missions in the field, including of the Commission, Presidency and the High Representative, meeting as a standard practice with civil society representatives;
11. Request the Presidency on mission to facilitate civil society engagement with the activities of the regional working groups in the context of implementation of the Guidelines;

12. Observe the ongoing need for sustainable training and action-oriented research to inform all aspects of implementation of the Guidelines and note in this regard the significance of the European Network for a Research Agenda on Children and Armed Conflict as well as of the European Inter-University Centre for Human Rights and Democratization and its constituent institutions;

13. Welcome the suggestion that there be a further brainstorming meeting in early 2004, following those which took place at UNICEF IRC Florence in 2003, to assist the EU and its partners in clarifying next steps for implementation of these Guidelines including through enhancing civil society engagement.

123. Another example to disseminate the contents of Optional Protocol at national level has been the creation of the **Italian Coalition to Stop the Use of Child Soldiers (CSC)**, founded in 1999 as one of the national networks of the International Coalition which unites national, regional and international organisations and networks in Africa, Asia, Europe, Latin America and the Middle East. Its founding organizations are Amnesty International, BICE – Italia and Jesuit Refugee Service – Centro Astalli, Società degli Amici (Quaccheri), Telefono Azzurro, Terre des Hommes e UNICEF Italia.

124. As CSC network, the Italian Coalition works to ban the recruitment and use of child soldiers, while encouraging sustainable networks to promote demobilization and reintegration of former child soldiers. This action includes: an active engagement with influential international actors, such as the UN Security Council, the Human Security Network, and the Committee on the Rights of the Child, research reports and briefings and detailing military recruitment laws about the use of child soldiers in conflict, thematic research on child soldiering and sexual exploitation, displacement, gender, juvenile justice and reintegration, information-sharing on effective disarmament, demobilization and reintegration strategies for former child soldiers.

125. As declared by the International Coalition, Italy is a country which permits the enrolment of children younger than 18 years in Italian Army, together with other 49 countries, while 32 countries dispose for children involvement in armed conflicts (Afghanistan, Algeria, Kosovo, Democratic Republic of Congo, Ethiopia, Israel, Myanmar, Sierra Leone and Uganda).

126. As country partner Italy supports some UNICEF campaigns, such as that one named **“Child-Friendly City Initiative”**: it started in 2003 based on the idea of city partnerships and which was successfully realized in countries such as New Zealand, Slovenia and Spain through UNICEF National Committees.

#### **Article 7**

127. As regards Italy’s contribution to international bilateral and multilateral cooperation for the implementation of the Optional Protocol, here some information will be provided about Italian technical and financial assistance in this field.

128. Emergency relief is now more effectively interlinked with post conflict rehabilitation in the logic of a synergistic intervention to ensure both promptness and long-term impact. Said strategy descends mainly from the implementation of the ILO Convention No. 182 and related recommendation No. 190 which commit all the signing Governments to take urgent steps to combat all the worst forms of child labour in terms of cruelty and ferocity, such as the recruitment of children for use in armed conflicts.

129. For this purpose in 2002 a Special Desk for Women, Minors and the Handicapped was established in Directorate General for Development Co-operation of the Ministry of Foreign Affairs. This Special Desk is responsible for ensuring consistency between the different departments of the Development Co-operation such as the Emergency Desk, the Central Technical Unit and the various Geographical Desks. It began working by promoting the **“Special initiative of the Italian Co-operation in favour of children and adolescents involved in armed conflicts and victims of war”** which targets children in distress and employs a double intervention track. The total expenditure was of 15.5. million euro.

130. The above-mentioned initiative has had a priority target: that one to meet the urgent needs of a number of countries in conflict or post-conflict, as Guinea Conakry, Colombia, Sierra Leone, Sri Lanka, Sudan, Lebanon, Uganda, Mozambique, Cambodia, Bosnia, Eritrea.

131. The main objectives were to prevent the involvement of children in armed conflicts, and to support their rehabilitation. Prevention, rehabilitation and education have been the key means adopted, with a specific focus on the physical and psychological rehabilitation of children and adolescents who have suffered violence and are traumatized.

132. The programme has been implemented through appropriate UN Agencies - UNICEF and UNDP above all - administered directly by DGCS. The UN Agencies have actively involved the NGOs in the local environment where the intervention was to take place, together with the agencies and associations that support children and adolescents affected by armed conflicts.

133. This initiative was also designed to contribute to and support the global campaign launched by the Special Representative of the UN Secretary-General, Olara Otunnu, to institute an autonomous network to collect data on child abuse in conflicts and promote a meaningful exchange of information and experience.

134. As regards co-operation projects in the field of children protection against involvement in armed conflicts, there are two initiatives. The first is a project of decentralized co-operation sponsored by UNICEF in Nicaragua: it is a multilateral programme involving the Italian Regions and Italian NGOs for the **“Protection of children’s rights in Nicaragua / Fight against poverty and the worse forms of child exploitation”**. The total expenditure is of 1.5 million euro. The program is focussed on the prevention and fight against the worse forms of child exploitation, labour, abuse and sexual exploitation. The program, which is set up by local and Italian NGOs that operate in Nicaragua, develops decentralized co-operation in the context of regional strategies for poverty-reduction and a general process of decentralization. A key feature of the whole project is also the rehabilitation and re-engagement of vulnerable minors following a traumatic and lengthy civil war. This project will soon be implemented.

135. The second is a project of decentralised co-operation in Bosnia: it is a bilateral programme co-financed by Directorate General for Development Co-operation and two Italian Regions (Marche and Emilia Romagna) for the “***Protection and reinstatement of minors with physical and psychological handicaps***”. The total budget is of 2.8 million euro. The programme fits into the wider context of the fight against social exclusion and marginalisation and, in particular, into the protection and reinstatement into society of disabled minors and the promotion of research into a Bosnian way of integrating different social services for handicapped individuals. Beginning with an investigation to identify families with disabled children, the initiative is intended to aid access to educational services and psychological care and rehabilitation for those children traumatised and made victims of the violence during the armed conflict, as well as highlighting their needs and living conditions.

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