



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Written replies by the Government of Italy to the list of issues (CRC/C/ITA/Q/3-4) in connection with the consideration of the third and fourth periodic reports of Italy (CRC/C/ITA/3-4)

Introduction

1. In order to respond to the List of Issues under reference (CRC/C/ITA/Q/3-4) relating to the Third and Fourth combined periodic report of Italy to CRC (CRC/C/ITA/3-4) an ad hoc Working Group was established at the Inter-ministerial Committee for Human Rights (acronym hereinafter CIDU), within the Italian Ministry of Foreign Affairs, being composed of representatives from all the Ministries and Institutions concerned.
2. Over the last few years, Italy submitted, in compliance with international obligations and commitments, various Reports and Documents. In this regard, it is worthy of mention that Italy was considered by the UN UPR Working Group on February 9th, 2010 (See UN Docs. A/HRC/WG.6/7/ITA71-A/HRC/14/4).

Part I

In this section, the State party is requested to submit its responses to the following questions within 30 pages.

1. **Please provide information on the incorporation of the Convention into domestic legislation and on the status of the Convention in the domestic legal system. In addition, please inform the Committee on the mechanisms in place to ensure that legislation adopted at the regional level is in full compliance with the Convention and other international human rights treaties ratified by the State party.**
3. Hereunder, by way of example, we would like to point out, divided on the basis of subject areas defined by the UN Convention of the Rights of the Child, the chief primary

and secondary legislation, including general administrative acts that have been adopted at a national level.¹

<i>References to the Convention</i>	<i>References to legislation</i>
General implementation measures [Articles 4, 42 and 44(6)]	<p><i>Primary legislation</i></p> <p>Law No 41 of 4 May 2009, establishing the national day for combating paedophilia and child pornography, published in OG No 101 of 4 May 2009.</p> <p>Law No 112 of 3 August 2009, modifying the definition and competences of the parliamentary committee for children, under Article 1 of Law 451 of 23 December 1997, published in OG No 186 of 12 August 2009.</p> <p>Law No 166 of 20 November 2009, converting into law, with amendments, Law Decree No 135 of 25 September 2009, laying down urgent provisions for implementing EU obligations and enforcing decisions by the ECJ, published in OG No. 274 – ordinary supplement No. 215 of 24 November 2009.</p> <p>Legislative Decree No 44 of 15 March 2010, implementing Directive 2007/65/EC regarding the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, published in OG No 73 of 29 March 2010.</p> <p>Legislative Decree No 66 of 15 March 2010, on the military organisation code, published in OG No 106 – ordinary supplement No 84 of 8 May 2010 (see Article 596 of the Fund for the organisation and functioning of social and educational services for small children intended for minors in bodies and divisions of the Ministry of Defence).</p> <p>Presidential Decree No 21 of January 2011, on the third biannual national plan of actions and interventions for safeguarding the rights and development of children, published in OG No 106 of 9 May 2011.</p> <p>Legislative Decree No 54 of 11 April 2011, implementing Directive 2009/48/EC on Toy Safety, published in OG No 96 of 27 April 2011.</p> <p>Law No 112 of 12 July 2011, establishing a body for safeguarding children and adolescents, published in OG No 166 of 19 July 2011.</p> <p><i>Secondary legislation</i></p> <p>Ministerial Decree No 3 of 2009, allocating the fund for family policies – 2009, published in OG No 100 of 2 May 2009.</p> <p>Ministerial Decree of 25 February 2009, supplement to</p>

¹ The selected legislation has been ordered chronologically.

*References to the Convention**References to legislation*

the Decree of 15 April 2008, establishing a national multi-sectoral committee for breast-feeding, published in OG No 110 of 14 May 2009.

Presidency of the Council of Ministers Decree No 43 of 10 March 2009, regulating the establishment and functioning of a new national family Observatory, published in OG No 104 of 7 May 2009.

Ministerial Decree of 29 April 2009, establishing which bodies are entitled to state benefits within the meaning of Article 2(1-bis) of Law Decree No 137 of 1 September 2008, converted after amendments by Law No 169 of 30 October 2008, for financing school buildings' maintenance and compliance with safety regulations of school institutions i.e. sport facilities and equipment, as well as the system for the allocation of these benefits, published in OG No 102 of 5 May 2009.

Ministerial Decree of 8 May 2009, on the allocation of the National Fund for Policies and Services in Nursery Schools, published in OG No 132 of 10 June 2009.

Presidency of the Council of Ministers Decree of 17 July 2009, on the reimbursement of expenses sustained by adoptive parents when carrying out procedures for international adoptions, published in OG No 211 of 11 September 2009.

Presidency of the Council of Ministers Decree of 3 August 2009, on the approval of the statistical national programme for the 2008–2010 three-year period, published in OG No. 238 – ordinary supplement of 13 October 2009.

Presidency of the Council of Ministers Decree of 10 September 2009, regulating the implementation and management of the guarantee fund (credit fund for new-born babies), published in OG No 250 of 27 October 2009.

Ministerial Decree of 25 November 2009, allocating the national fund for social policies – 2009, published in OG No 42 of 20 February 2010.

Directive Decision of 22 June 2010, establishing a committee for preventing and repressing illegal gambling, safe gambling and the protection of minors, published in OG No 155 of 6 July 2010.

Ministerial Decree of 4 October 2010, allocating financial resources coming from the 2010 national fund for social policies, published in OG No 8 of 12 January 2011.

Provision No 103/CU of 7 October 2010, on the Agreement between the Ministry of Education, University and Research, Economy and Finance, Labour and Social Policies and Family Policies, on the basis of the framework Agreement for providing

References to the Convention

References to legislation

education to 2–3 year-old children, aimed to improve connections between nursery and primary schools and help develop local social and educational services for the 0–6 age-group. The Agreement complies with Article 9(2)(c) of Legislative Decree No 281 of 28 August 1997 (Act No 103/CU of 7 October 2010).

Provision No 109/CU of 7 October 2010, on the Agreement pursuant to Article 8(6) of Law No 131 of 5 June 2003 between the Prime Minister’s Under-Secretary of State for families and Regions, the Autonomous Provinces of Trento and Bolzano, the Provinces, Municipalities and Mountain Communities, with regard to the allocation of quotas from the fund for family policies to social and educational services for small children and for other measures for families (Act No 109/CU).

Ministerial Decree of 18 October 2010, on allocating financial resources from the 2010 national fund for adolescents, under Article 19(2) of Law Decree No 223 of 4 July 2006 converted after amendments into Law No 248 of 4 August 2006, published in OG No 301 of 27 December 2010.

Presidency of the Council of Ministers Decree of 26 November 2010, extending, within the meaning of Article 68 of Law Decree No 112 of 25 June 2008, the duration of the national Observatory on children and adolescents and the national centre for child analysis, published in OG No 36 of 14 February 2011.

Ministerial Decree No 254 of 21 December 2010, Regulation with amendments to Decree No 240 of 30 October 2007, on the composition and duties of the Observatory for combating paedophilia and child pornography, published in OG No 26 of 2 February 2011.

Family environment and alternative assistance

[Articles 5, 9–11, 18(1); 19–21, 25, 27(4) and 39]

Primary legislation

Law No 2 of 28 January 2009, converting into law, with amendments, Law Decree No 185 of 29 November, laying down urgent measures for families, work, occupation and enterprise and for re-planning an anti-crisis national framework strategy, published in OG No. 22 – ordinary supplement of 28 January 2009.

Law No 62 of 21 April 2011, amending the Code of Criminal Procedure and Law No 354 of 26 July 1975 and other provisions safeguarding the relation between incarcerated mothers and their minor children, published in OG No 103 of 5 May 2011.

Law No 183 of 4 November 2010, on Government Delegations regarding hard work, the reorganisation of bodies, holidays, leaves and permits, unemployment benefits and services, work incentives, apprenticeships, female jobs alongside measures against undeclared

*References to the Convention**References to legislation*

<i>References to the Convention</i>	<i>References to legislation</i>
	work and provisions regarding state jobs and work controversies, published in OG No. 262 – ordinary supplement of 9 November 2010.
Health and basic services [Articles 6,18(3), 23, 24, 26 and 27(1)(3)]	<p><i>Primary legislation</i></p> <p>Law No 18 of 3 March 2009, on the signing and implementation of the Convention on the Rights of Persons with Disabilities, with an Optional Protocol, held in New York on 13 December 2006 and establishing a national Observatory on disabled persons” conditions, published in OG No 61 of 14 March 2009.</p> <p>Legislative Decree No 54 of 11 April 2011, implementing Directive 2009/48/EC on Toy Safety, published in OG No 96 of 27 April 2011.</p> <p><i>Secondary legislation</i></p> <p>Agreement of 29 October 2009 at the Unified Conference between the State, Regions and Autonomous Provinces of Trento and Bolzano, within the meaning of Article 6(1) of Legislative Decree No 191 of 6 November 2007, laying down “the minimum organisational, structural and technical requirements for cord blood banking”, published in OG No. 288 – ordinary supplement of 11 December 2009.</p> <p>Unified Conference Agreement of 26 November 2009, within the meaning of Article 9 of Legislative Decree No 281 of 28 August 1997, on the document proposed by the standing consulting committee on penitentiary healthcare, laying down the “Guidelines for assisting minors under judicial authority” published in OG No 2 of 4 January 2010.</p> <p>Unified Conference Agreement No 48/CU of 18 May 2011, under Article 9 of Legislative Decree No 281 of 28 August 1997, on the document proposed by the standing consulting committee on penitentiary healthcare regarding filing systems for adult prisoners, minors and young adults who are drug and/or alcohol addicts, supplementing the Agreement signed at the Unified Conference at the session of 8 July 2010 (Act No 59/CU), published in OG No 132 of 9 June 2011.</p>
Educational, cultural and entertainment activities [Articles 28, 29 and 31]	<p><i>Primary legislation</i></p> <p>Law No 1 of 9 January 2009 converting into law, with modifications, Law Decree No 180 of 10 November 2008, laying down urgent provisions regarding the right to education, enhancing merit and quality in universities and research environments, published in OG No 6 of 9 January 2009.</p> <p>Presidential Decree No 81 of 20 March 2009, regulating the school network reorganisation and the rational and effective use of school staff, under Article 64(4) of Law Decree No 112 of 25 June 2008,</p>

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converted, with amendments, by Law No 133 of 6 August 2008, published in OG No 151 of 2 July 2009.

Presidential Decree No 122 of 22 June 2009, Coordinating Regulation on standards for marking student work and further measures thereof, under Article 2 and 3 of Law Decree No 137 of 1 September 2008, converted, with amendments, by Law No 169 of 30 October 2008, published in OG No 191 of 19 August 2009.

Law No 167 of 24 November 2009, converting into law, with amendments, Law Decree No 134 of 25 September 2009, laying down urgent provisions for guaranteeing continuous school and educational services in 2009–2010, published in OG No 274 of 24 November 2009.

Law No 170 of 8 October 2010, laying down new standards on specific learning disorders at school, published in OG No 244 of 18 October 2010.

Law No 183 of 4 November 2010, on Government Delegations regarding hard work, the reorganisation of bodies, holidays, leaves and permits, unemployment benefits and services, work incentives, apprenticeships, female jobs alongside measures against undeclared work and provisions regarding state jobs and work controversies, published in OG No. 262 – ordinary supplement of 9 November 2010.

Secondary legislation

Provision No 53/CU of 29 October 2009, on the Agreement between the government, the Regions and Autonomous Provinces of Trento and Bolzano, the Provinces, Municipalities and Mountain Communities, for providing education to 2-3 year-old children, aimed to improve connections between nursery and primary schools and help develop local social and educational services for the 0–6 age-group. The Agreement complies with Article 9(2)(c) of Legislative Decree No 281 of 28 August 199. (Act No 103/CU of 29 October 2009).

Ministerial Decree No 249 of 10 September 2010, regulating the “definition of requirements and initial training procedures for nursery, primary and secondary teachers of first and second level, within the meaning of Article 2(416) of Law No 244 of 24 December 2007” published in OG No. 24 – ordinary supplement of 31 January 2011.

Special protection measures

[Articles 22, 30, 32–36, 37 (b)(c)(d), 38, 39 and 40]

Primary legislation

Law No 38 of 23 April 2009, converting into law, with amendments, Law Decree No 11 of 23 February 2009, laying down urgent measures regarding public safety and combating sexual violence as well as persecutory

*References to the Convention**References to legislation*

acts, published in OG No 95 of 24 April 2009.

Law No 94 of 15 July 2009, on provisions for public safety, published OG No. 170 – ordinary supplement of 24 July 2009.

Law No 108 of 2 July 2010, ratifying and implementing the Council of Europe Convention on Action against Trafficking in Human Beings, held in Warsaw on 16 May 2005, as well as amendments for transposing national legislation, published in OG No 163 of 15 July 2010.

Law Decree No 89 of 23 June 2011, on urgent provisions for completing the implementation of Directive 2004/38/EC on the free movement of EU citizens and for transposing Directive 2008/115/EC for returning illegally staying third-country nationals, published in OG No 144 of 23 June 2011.

Secondary legislation

Ministry of the Interior, Circular No 19 of 7 August 2009, Law No 94 of 15 July 2009, laying down the “Provisions on public safety”, including personal and civil status data.

Civil Protection Department, Circular of 17 May 2011 – Procedures for placing foreign minors without parents and the Decree by the Commissioner-delegate for North-African Emergency of 18 May 2011, nominating the executing body.

4. Hereunder, by way of example, we would like to point out, divided on the basis of subject areas defined by the UN Convention of the Rights of the Child, the chief primary legislation adopted at a regional level.²

*References to the Convention**References to legislation*

General implementing measures *Primary legislation*

[Articles 4, 42 and 44(6)]

Autonomous Province of Trento, Presidential Law No 1 of 11 February 2009, amending the provincial law on ombudsmen and their duties regarding children and adolescents, published in Trentino-Alto Adige’s Official Regional Bulletin No 9 of 24 February 2009.

Region of Lombardy, Regional Law No 6 of 30 March 2009, establishing the Guarantor for safeguarding children and adolescents and his Office, published in ordinary supplement No 1 to Lombardy’s Official Regional Bulletin No 13 of 30 March 2009.

Region of Liguria, Regional Law No 6 of 9 April 2009, on the promotion of policies for minors and young

² The selected legislation has been ordered chronologically and not in regional alphabetical order.

*References to the Convention**References to legislation*

people, published in Liguria's Official Regional Bulletin No 6 of 15 April 2009, Part I.

Autonomous Province of Bolzano, Regional Law No 3 of 26 June 2009, establishing the Guarantor for safeguarding children and adolescents, published in Trentino – Alto Adige's Official Regional Bulletin No 28 of 7 July 2009.

Region of Basilicata, Regional Law No 18 of 29 June 2009, establishing the regional Guarantor for safeguarding children and adolescents, published in Basilicata's Official Regional Bulletin No 29 of 3 July 2009.

Region of Umbria, Regional Law No 18 of 29 July 2009 establishing the regional Guarantor for safeguarding children and adolescents, published in Umbria's Official Regional Bulletin No 35 of 5 August 2009.

Region of Tuscany, Regional Law No 69 of 19 November 2009, regulating the nomination of a Guarantor for persons under measures that restrict their personal freedom, published in Tuscany's Official Bulletin No 49 of 25 November 2009.

Region of Piedmont Regional Law No 31 of 9 December 2009 establishing the regional Guarantor for safeguarding children and adolescents, published in Piedmont's Official Regional Bulletin No 50 of 17 December 2009.

Region of Piedmont, Regional Law No 28 of 2 December 2009, establishing the regional Guarantor for persons under measures that restrict their personal freedom, published in Supplement No 2 to Piedmont's Official Regional Bulletin No 48 of 7 December 2009.

Region of Tuscany, Regional Law No 82 of 28 December 2009, on accreditation of facilities and services for persons in an integrated social system, published in Tuscany's Official Regional Bulletin No 56 of 31 December 2009, Part I.

Region of Tuscany, Regional Law No 26 of 1 March 2010, establishing a Guarantor for safeguarding children and adolescents, published in Tuscany's Official Bulletin No 14 of 9 March 2010, Part I.

Region of Friuli-Venezia Giulia, Regional Law No 7 of 24 March 2010, amending Regional Law No 20/2005 (integrated educational system for services to small children) and regional Law No 11/2006 (Regional actions in support of families and parents, regulating the functions of the Guarantor for safeguarding children and adolescents, supplementing and amending Regional Law No 15/1984 (contributions to facilitate the good functioning of private nursery schools) and other measures regarding social policies and for requesting

*References to the Convention**References to legislation*

subsidies, published in ordinary supplement No 11 of 28 May 2010 to Friuli-Venezia Giulia's Official Bulletin No 21 of 26 May 2010.

Region of Tuscany, Regional Law No 49 of 20 September 2010, amending Regional Law No 82 of 28 December 2009 on the accreditation of facilities and services for persons in an integrated social system, published in Tuscany's Official Regional Bulletin No 39 of 20 September 2010.

Region of Umbria, Regional Law No 8 of 22 December 2010, Regulation on the implementation of Regional Law No 18 of 29 July 2009 (establishing a regional Guarantor for safeguarding children and adolescents), published in ordinary supplement No 1 to Umbria's Official Regional Bulletin No 61 of 29 December 2010.

Region of Sardinia, Regional Law No 8 of 7 February 2011, establishing a Guarantor for safeguarding children and adolescents, published in Sardinia's Official Bulletin No 5 of 18 February 2011.

General principles

Primary legislation

[Articles 2, 3, 6 and 12]

Region of Liguria, Regional Law No 4 of 6 March 2009, amending Regional Law No 7 of 20 February 2007 (standards for welcoming and socially integrating immigrant foreign citizens), published in Liguria's Official Regional Bulletin No 5 of 18 March 2009, Part I.

Region of Piedmont, Regional Law No 8 of 18 March 2009, implementing equal gender opportunity policies, published in Piedmont's Official Regional Bulletin No 12 of 26 March 2009.

Region of Tuscany, Regional Law No 16 of 2 April 2009, on gender citizenship, published in Tuscany's Official Regional Bulletin No 11 of 6 April 2009, Part I.

Region of Marche, Regional Law No 13 of 26 May 2009, provisions for promoting the rights and integration of foreign immigrant citizens, published in Marche's Official Regional Bulletin No 53 of 4 June 2009.

Region of Tuscany, Regional Law No 29 of 9 June 2009, standards for welcoming and actively integrating and safeguarding foreign citizens in Tuscany, published in Tuscany's Official Regional Bulletin No 19 of 15 June 2009, Part I.

Region of Basilicata, Regional Law No 18 of 12 June 2009, welcoming asylum seekers and the social, economic and cultural development of local Communities, published in Special Supplement No 1 of 19 June 2009 to Official Regional Bulletin No 11 of 16 June 2009.

References to the Convention

References to legislation

Region of Liguria, Regional Law No 52 of 10 November 2009, regulating against discrimination based on sexual orientation or gender identity, published in Liguria's Official Regional Bulletin No 20 of 11 November 2009, Part I.

Region of Marche, Regional Law No 28 of 30 November 2009, amending Regional Law No 13 of 26 May 2009, "provisions for promoting the rights and integration of foreign immigrant citizens", published in Marche's Official Regional Bulletin No 116 of 10 December 2009.

Region of Puglia, Regional Law No 32 of 4 December 2009, standards for welcoming and socially integrating immigrants in Puglia, published in Official Regional Bulletin No 196 of 7 December 2009.

Region of Campania, Regional Law No 6 of 8 February 2010, standards for the social, economic and cultural inclusion of foreigners living in Campania, published in Campania's Official Regional Bulletin No 16 of 19 February 2010.

Autonomous Province of Trento, Provincial Law No 6 of 9 March 2010, actions for preventing gender violence and safeguarding female victims, published in Official Regional Bulletin No 11 of 16 March 2011.

Region of Marche, Regional Law No 8 of 11 February 2010, Provisions against discrimination based on sexual orientation or gender identity, published in Marche's Official Regional Bulletin No 17 of 18 February 2010.

Region of Tuscany, Regional Law No 4 of 10 February 2011, amending Regional Law No 16 of 2 April 2009, (gender citizenship), published in Tuscany's Official Regional Bulletin No 16 of 16 February 2011, Part I.

Region of Campania, Regional Law No 2 of 11 February 2011, measures to contrast and prevent gender violence, published in Campania's Official Regional Bulletin No 11 of 14 February 2011.

Family environment and alternative assistance

[Articles 5, 9–11, 18(1) and 2; 19–21, 25, 27(4) and 39]

Primary legislation

Region of Friuli-Venezia Giulia, Regional Law No 3 of 12 February 2009, Amendments to Article 9-bis of Regional Law No 11 of 7 July 2006, (regional actions in support of families and parents), regarding actions to support minors financially, published in Friuli-Venezia Giulia's Official Regional Bulletin No 7 of 18 February 2009.

Region of Tuscany, Regional Law No 70 of 19 November 2009, Actions in support of adoptive couples when carrying out procedures for international adoptions, published in Official Regional Bulletin No 49 of 25 November 2009.

Region of Piedmont, Regional Law No 37 of 30

*References to the Convention**References to legislation*

December 2009, Regulations for supporting separated or divorced parents in difficulty, published in Piedmont's Official Regional Bulletin No 1 of 7 January 2010.

Region of Umbria, Regional Law No 13 of 16 February 2010, regulating services and actions in support of families, published in Official Regional Bulletin No 9 of 24 February 2010.

Region of Friuli-Venezia Giulia, Regional Law No 7 of 24 May 2010, amending Regional Law No 20/2005 (integrated educational system of services for small children) and Regional Law No 11/2006 (regional actions in support of families and parents), regulations on the functions of the Guarantor for safeguarding children and adolescents, supplements and amendments to Regional Law No 15/1984 (contributions to facilitate the good functioning of private nursery schools) and other provisions regarding social policies and for requesting subsidies.

Region of Valle d'Aosta, Regional Law No 34 of 25 October 2010, approval of the 2011–2013 regional scheme for social health and welfare, published in Valle d'Aosta's Official Regional Bulletin No 45 of 2 November 2010.

Autonomous Province of Trento, Provincial Law No 1 of 2 March 2011, integrated system for structural policies for promoting family welfare and birth, published in Trentino-Alto Adige's Official Regional Bulletin No 10 of 8 March 2011.

*Health and basic services**Primary legislation*

[Articles 6,18(3), 23, 24, 26 and 27(1)(2)(3)]

Region of Lazio Regional Law No 10 of 6 April 2009, provisions on food quality and awareness in catering for minors, published in Lazio's Official Regional Bulletin No 14 of 14 April 2009.

Region of Trentino Alto-Adige, Regional Law No 19 of 3 August 2010, protecting minors from alcoholic beverage consumption, published in Trentino-Alto Adige's Official Regional Bulletin No 32 of 10 August 2010.

*Educational, cultural and entertainment activities**Primary legislation*

[Articles 28, 29 and 31]

Region of Veneto, Regional Law No 8 of 19 March 2009, regional actions to promote and support young people's music, published in Veneto's Official Regional Bulletin No 25 of 24 March 2009.

Region of Friuli-Venezia Giulia, Regional Law No 10 of 21 May 2009, teaching foreign EU languages at school in Friuli Venezia Giulia, published in Friuli-Venezia Giulia's Official Regional Bulletin No 21 of 27 May 2009.

*References to the Convention**References to legislation*

Region of Friuli-Venezia Giulia, Regional Law No 25 of 23 October 2009, on safety standards and regulations on camp-sites and educational holidays in Friuli-Venezia Giulia, published in Friuli-Venezia Giulia's Official Regional Bulletin No 41 of 7 November 2009.

Autonomous Province of Trento, Provincial Law No 10 of 26 October 2009, amending the provincial law on schools: actions in support of temporarily disadvantaged students published in ordinary supplement No 5 to Trentino-Alto Adige's Official Regional Bulletin No 44 of 27 October 2009.

Region of Tuscany, Regional Law No 63 of 5 November 2009, amending Regional Law No 32 of 26 July 2002 (Single Text by the Region of Tuscany regarding education, training, vocation, professional training and jobs) regarding compulsory education and services for children, published in Tuscany's Official Regional Bulletin No 45 of 11 November 2009, Part I.

Region of Puglia, Law No 31 of 4 December 2009, regional standards for pursuing the right to education and training, published in Puglia's Official Regional Bulletin No 196 of 7 December 2009.

Region of Tuscany, Regional Law No 84 of 28 December 2009, standards for educational holidays in Tuscany, published in Tuscany's Official Regional Bulletin No 56 of 31 December 2009, Part I.

Region of Molise, Regional Law No 1 of 8 January 2010, actions in support of persons with learning disabilities, published in Molise's Official Regional Bulletin No 1 of 16 January 2010.

Region of Molise, Regional Law No 1 of 8 January 2010, implementing Regulation for Regional Law No 3 of 19 February on subject matter: "Regulation for traineeships", published in Molise's Official Regional Bulletin No 1 of 16 January 2010.

Region of Liguria, Regional Law No 3 of 15 February 2010, actions in support of persons affected by dyslexia and other learning disabilities, published in Liguria's Official Regional Bulletin No 2 of 17 February 2010.

Region of Lombardy, Regional Law No 4 of 2 February 2010, Provisions in support of persons with learning disabilities, published in ordinary supplement No 2 of 4 February 2010 to Lombardy's Official Regional Bulletin No 5 of 1 February 2010.

Region of Veneto, Regional Law No 16 of 4 March 2010, Actions in support of persons with learning disabilities, and provisions regarding the regional health service, published in Veneto's Official Regional Bulletin No 21 of 9 March 2010.

Region of Friuli-Venezia Giulia, Regional Law No 7 of

*References to the Convention**References to legislation*

24 May 2010, Amending Regional Law No 20/2005 (Integrated Educational System for Services to Small Children), and Regional Law No 11/2006 (regional actions in support of families and parents), regulating the functions of the Guarantor for safeguarding children and adolescents, supplements and amendments to Regional Law No 15/1984 (contributions to facilitate the good functioning of private nursery schools) and other provisions with regard to social policies and for requesting subsidies, published in ordinary supplement No 11 of 28 May 2010 to Friuli-Venezia Giulia's Official Regional Bulletin No 21 of 26 May 2010.

Region of Umbria, Regional Law No 9 of 22 December 2010, Amendments and supplements to Regional Regulation No 13 of 20 December 2006 (implementing Regulation for Regional Law No 30 of 22 December 2005 on educational services for small children) published in ordinary supplement No 1 to Umbria's Official Regional Bulletin No 61 of 29 December 2010.

Region of Veneto, Regional Law No 2 of 7 January 2011, amending Regional Law No 23 of 3 April 1980 "Contributions for the good functioning of private nursery schools", published in Veneto's Official Regional Bulletin No 3 of 11 January 2011.

Region of Lombardy, Regional Law No 2 of 14 February 2011, actions for teaching to be law-abiding citizens, published in the ordinary supplement to Lombardy's Official Regional Bulletin No 7 of 18 February 2011.

Special protection measures

[Articles 22, 30, 32–36, 37 (b)(c)(d), 38, 39 and 40]

Primary legislation

Autonomous Province of Trento, Regional Law No 12 of 29 October 2009, measures to facilitate the integration of Sinti and Roma people residing in the Province of Trento, published in Trentino-Alto Adige's Official Regional Bulletin No 46 of 10 November 2009.

Piedmont, Regional Law No 16 of 29 May 2009, establishing anti-violence centres with housing services, published in Piedmont's Official Regional Bulletin No 22 of 4 June 2009.

2. **Please inform the Committee on the government entity responsible for the overall coordination of policies, programmes and legislation on children's rights among all levels of government. Please also provide information on steps taken to strengthen: (i) the National Observatory on Childhood and Adolescence; (ii) the inter-ministerial coordination mechanisms; and (iii) the coordination mechanisms on child rights in the framework of the Conference of State-Regions. Please also explain the role of the Ministry of Youth in coordination efforts as well as the role and leverage of the Parliamentary Commission on Childhood and Adolescence.**

5. Considering the measures adopted to reinforce the National Observatory for Childhood and Adolescence, it should be noted that in August 2010, the previous members of the Observatory and of the Technical and Scientific Committee completed their three-year work.

6. Even if Law Decree No. 233 of July 4, 2006 and following modifications and Law Decree No. 112 of June 25, 2008, and following modifications provided a reduction of total costs for public institutions to support corporate agencies and other even monocratic agencies, however denominated, the Decree of the Presidency of the Council of Ministers of November 26, 2010 confirmed the value of the National Observatory for Childhood and Adolescence and the National Documentation and Analysis Centre for Children and Adolescents provided an extension for two years.

7. At each expiry date, after evaluation of the utility, there is a mechanism of two years renewal. Consequently, with the Decree of the Presidency of Council of Ministers with the Ministry of Labour and Social Policies of May 31, 2011, some new members of the Observatory for Childhood and Adolescence and also the President, the scientific activities Coordinator and some new members of the Technical and Scientific Committee of the National Documentation and Analysis Centre for Childhood and Adolescence were designated. These appointments will be the same until November 26, 2012.

8. Considering the activity of inter-ministerial coordination, this is institutionally guaranteed by the Presidency of the Council of Ministers and, in specific cases, by the Ministries which are delegated. The inter-ministerial coordination for human rights is also assigned to the Inter-ministerial Committee for Human Rights (CIDU). Referring to the coordination between state and regional level, the existence of the Conference of Presidents of Regions should be reported; it is organized in specific Commissions (i.e. the Commission for Social Policies) involving the Assessors who are competent to plan the decisions with the central government. These committees are supported by inter-regional Committees which examine the documentation, work with the central government and prepare the discussion in the Commission.

9. The definition of the agreements which are examined and discussed in the Commission takes place during the Conference of State-Regions or, sometimes the local institutions, in the Unified Conference. The so-called Conference of State-Regions and the Unified Conference are official contexts to define the understandings and agreements between the state level and regional and local levels and they are not open to a general discussion. The Observatory for Childhood performs this function.

10. Concerning the role of the Ministry for Youth, these are its functions. In particular, except the powers of the law attributed to other Ministers, the Minister of Youth is delegated especially to promote and to coordinate governmental actions to ensure the implementation of policies for young people (15–25) in all areas, including the economic, fiscal, labour, human and social development, upbringing, education, and culture spheres, through the coordination of programmes funded by the European Union; to promote and to coordinate governmental actions on international youth exchanges; to promote and to coordinate the functions in terms of countering and treating delinquency and youth problems in all areas, including economic, fiscal, labour, human and social development, upbringing, education, and culture.

11. Finally, Law No. 112/2009 (published in the Official Gazette of August 12, 2009) changed the name and powers of the Bicameral Commission for Childhood, which has become the Parliamentary Commission for Childhood and Adolescence, improving the skills and the powers of this commission. Indeed, the Commission is called to express a “compulsory opinion in order to adopt the national plan of action and interventions to protect the rights and the development of children” (Art. 1, paragraph 2). Moreover,

according to paragraph 2 of Art. 2, the new agency “in the exercise of its powers of consultation, acquires data, facilitates the exchange of information and promotes good synergies with the agencies and institutions for the promotion and protection of childhood and adolescence operating in Italy and abroad, and with the associations, the non-governmental organizations and the other stakeholders working in the sphere of protection and promotion of the rights of children and of foster care and adoption”.

12. In the specific framework of the wide tasks assigned to the Minister for Equal Opportunities in the field of the promotion of human rights, equal opportunities and equal treatment as well as the prevention and removal of all forms and causes of discrimination as regards the planning and the coordination of all the policy initiatives, including the legislative ones, there are specific tasks concerning the child protection. In particular the Minister for Equal Opportunities has the mandate of coordinating, also at international level, all government policies related to all kind of protection of girl children. The Minister is also in charge of the coordination of the activities carried out by all the public authorities, concerning the prevention, assistance — including legal assistance — and protection of children from sexual exploitation and abuse as well as from child pornography.

13. As regards the inter-ministerial coordination, in December 2009, the Minister for Equal Opportunities has reconstituted the Interministerial Committee for the Coordination of the Fight against Paedophilia (CicLo.Pe.). The Committee, chaired by the Minister for Equal Opportunities, is composed by the representatives of the following administrations dealing with the issue of preventing and contrasting sexual abuse and sexual exploitation of children: the Ministry of Justice, Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Economic Development, the Ministry of Labour and Social Policies, the Ministry of Education, University and Research, the Department of Equal Opportunities, the Department for Public Administration and Innovation, the Department for Relations with Parliament, the Department of Youth, the Department of Tourism, the Department of Family Policies, the Department for European Policies and the Department of Regional Affairs (where also operates the Permanent Conference for Relations between State, Regions and autonomous Provinces of Trento and Bolzano).

14. The Committee is a qualified forum where the issue of sex crimes against minors can be discussed by the institutional bodies involved, taking into the due account the two main elements of the prevention of this crime — through the analysis of possible initiatives aimed at raising public awareness on the phenomenon and of specific training — and the repression — by discussing the actions carried out by the Law Enforcement to fight the crime, even when it is committed through the use of new technologies. The Committee has already identified some important and synergic ideas to be realized, such as a training program for schools aimed at providing children the adequate tools to recognize and to defend themselves against potential risks of sexual abuse, even in the field of the new technologies used. Moreover, the Committee is strongly contributing to the development of the Observatory database, whose implementation will depend on the joint effort of some concerned Administrations such as, in particular, the Ministry of the Interior and the Ministry of Justice, which manage the existing main databases.

3. Please provide information on steps taken to eliminate the disparities in the implementation of the Convention between the northern and southern regions of the State party. In this regard, please provide the Committee with updated information on progress made towards defining the essential levels of social services (LIVEAS) and the essential levels of health care (LEA).

15. Firstly it is appropriate to consider the second part of the question. Regarding the progress achieved in defining the basic level of social and health services (LIVEAS – LEA) it should be noted that, on the one hand, the management of the complexity of social

policies makes it necessary to integrate three different levels of government (central , regional, local) considering governance as an extended participation of subjects and social movements (Art. 118), stating the principle of subsidiarity horizontally, on the other hand, the basic level of benefits cannot ignore the implementation of fiscal federalism under Art. 119 of the Basic Law, which was given the impulse of Executive order No. 42/09 and subsequent Decrees.

16. In particular it should be noted that Articles 8 and 11 of this Law introduced the concept of standard costs, that means the costs corresponding to the standard for basic levels of social and health services, which include all the costs of local governments, in particular, facilities and services for the right to health, the right to receive care and education that have to be determined by law. Services will be provided under conditions of efficiency and appropriateness in the national territory and they will be funded by taxation, by payment of Irpef and VAT and also by the equalization fund shares to be established supporting those regions with lower fiscal capacity per capita. This system will make it possible to reach a new determination the basic levels, as explicitly mentioned in Art. 1, paragraph 2 of Decree No. 216 of November 26, 2010, implementing the Law, considering, however, that it is a complex process which requires a modular, gradual and flexible approach.

17. In this context it should be noted that, after the agreement between the Government, the Regions and the Autonomous Regions in December 2010, Legislative Decree No. 68/2011 was issued “Measures of autonomy of income of the ordinary statute regions and provinces and also the determination of costs and standard needs in the health sector” which in Art. 13, as far as the basic levels of services and service targets, establishes that, until the determination of the basic levels by law, reference points are based on various macro-areas of intervention for which costs and standard needs are defined and also monitoring methods and an evaluation of the effectiveness and appropriateness of the services provided, service levels which have characteristics of generality and permanence and the relative needs, respecting the constraints of public finance.

18. Concerning the measures to eliminate the gap between the Regions of Northern and Southern Italy we must remember the National Strategic Framework for Regional Policy 2007–2013 (QSN) approved by the decision of the European Commission No. C (2007) 3329 of July 13, 2007, which establishes a competitive mechanism linked to the achievement by the eight Regions of southern Italy (Abruzzo, Molise, Sardinia, Campania, Apulia, Basilicata, Calabria and Sicily), of verifiable results in terms of community services in essential areas for the improvement of the quality of life and equality of opportunity for citizens and the convenience to invest in business. Among the four aims for the eight Regions of southern Italy, there is the aim of increasing the education levels of students and of all people, the aim of increasing social and health services for children and the elderly (especially taking off the load of family responsibilities for women which contribute to discourage women from entering the labour market). The total amount of the premium only for the purposes of personal care (crèches and home health care – ADI) is 750 million Euros. In particular, regarding the aims of the crèches, the following goals were established:

- To increase the percentage of municipalities with facilities for children from 21% to 35%
- To raise the percentage of children who use the service from 4% to 12%

19. Considering the development of early childhood education services, the QSN contains the system and technical assistance Project, which aimed specifically at supporting the eight Southern Regions in the realization of the regional Plans, firstly throughout the full employment of the Special Plan’s public resources for the development of early

childhood education services, and secondly making these Regions progressively closer to those of the Centre-North of Italy. It is common knowledge that the Southern Regions do have a serious lack of services and, for this reason, they have been provided, in the framework of the Special Plan, with more resources, especially in terms of co-funding.

20. With the aim of supporting the full and efficient employment of public resources, the Ministry of Labour and Social Policies and the Department of Family Policies have realized over these last three years the “system and technical assistance Project for the fulfilment of childhood services’ standards”, which is realized through different activities, on the basis of the Regions’ needs, and which is supposed to be fully developed by 2013. Its specific objectives are:

- Supporting Regions in the preparation of the necessary documentation for having access to the Plan’s resources (deliberations, regulations, announcements, notices).
- Supporting the updating and the adjustment of the regional law concerning early childhood services. It has been very important to involve the local bodies and the other entities in charge of the realization of the interventions region-wide.
- Creating a professional community of public sector workers, able to develop services based on the respect and the concrete acknowledge of the child identity, subjectivity and potentials, while maintaining the high quality of the services provided, even with the support of other subjects, as the third sector organizations.
- It was agreed to give priority to five typologies of actions:
 - Organization of training and technical focus sessions on specific items, directly concerned with the process of achievement of standards related to childhood services and related to the policies’ and services’ management at a regional and local level. Coordinated and centralized basic training has been highly technical, in order to strengthen the professional competences of civil servants and technical staff of the regional Administrations.
 - *In loco* and remote technical assistance through an information front office, together with the creation of a website. In the framework of the technical assistance *in loco*, particular attention was given to all those actions (for instance: promotion of new organizational models, development of monitoring activities through the realization of information systems gathering information fast and effectively, and so on). Furthermore, it was useful for placing side by side the regional reference persons, and for strengthening technical/professional competences of the local authorities’ representatives and of the services workers, through meetings with experts and activities of the information front office.
 - For each Region, reporting services have been realized, as well as legal and documentation recognition, preparation of planning and monitoring instruments.
 - Documentation, identification of innovative experiences considered “good practices” as models and drafting of handbooks and planning and monitoring guides.
 - Realization of exchanges between regions in order to promote knowledge of experiences.

21. The Project had surely an important impact, since it promoted processes of reform and legislative adjustment within all Regions, and it promoted a larger expense capacity and allocation of the resources as well as supporting the creation of new places in crèches. Starting from the data provided by ISTAT (the National Statistics Institute) concerning the

school year 2009/2010, available on their website, it is evident that the total number of places available has effectively increased. It follows that, at a national level, 231,341 children join crèches and integrated services, both public and private, while in 2004 — that is the data available when the Plan started — they were about 188,300. Therefore, the increase in absolute value concerning children accepted is more than 43,000 children, which is a very positive result, showing, as a positive effect of the Plan, an important growth in the supply of public services.

22. The Southern Regions had a diversified development. Based on ISTAT data, it should be noted that Calabria is the Region that had the strongest percentage increase, followed by Molise, while Sardinia reached a value of child placements in crèches equal to the national average, more than 13%. Abruzzo has also exceeded 10%. The aim to be achieved with the 2007 agreement is a minimum cover for the entire national territory of 6% on a regional basis. This result is not yet been reached in some Southern Regions, but considering that many Regions are still using the resources provided by the Plan, the effects in terms of an increase in services will continue to be realized in the future months and years and they will be recorded in future surveys.

Table 1

Users of the network of educational services for early childhood

Southern Regions and the Islands – 2004–2009

<i>Regions</i>	<i>Users of crèche and supplementary services in 2004</i>	<i>Users of crèche and supplementary services in 2009</i>	<i>Percentage variation for 2009–2004</i>
Abruzzo	2 198	3 453	57.1
Molise	246	395	60.06
Campania	3 349	4 967	48.3
Apulia	5 937	5 663	-4.6
Basilicata	815	1 124	37.9
Calabria	1 156	1 882	62.8
Sicily	9 196	7 714	-16.1
Sardinia	3 962	5 275	33.1
Italy	185 389	231 341	24.8

Source: ISTAT, Actions and services in single and associated municipalities.

23. Regarding the percentage of municipalities covered by the service (crèche and integrative service) in the Southern Regions, there has been an increase from 38.4% in 2004 to 56.2% in 2009, which is an increase in the territorial distribution of services, which are now present in over half of Italian municipalities. The following table describes in summary the progress for each of the eight Regions of the South, the items related to the aims of the service:

Indicators of services' objectives – Update

(Updated to 31 December 2009)

	<i>Indicator S.04 – Percentage of municipalities providing childhood services</i>							<i>Indicator S.05 – Percentage of 0–3 year-old children who have enjoyed childhood services</i>						
	<i>Value</i>						<i>Objective</i>	<i>Value</i>						<i>Objective</i>
	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2013</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2013</i>
Abruzzo	23.6	26.2	26.9	32.5	52.1	67.5	35.0	6.7	7.2	7.2	8.6	9.8	10.0	12.0

	<i>Indicator S.04 – Percentage of municipalities providing childhood services</i>							<i>Indicator S.05 – Percentage of 0–3 year-old children who have enjoyed childhood services</i>						
	<i>Value</i>						<i>Objective</i>	<i>Value</i>						<i>Objective</i>
	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2013</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2013</i>
Abruzzo	23.6	26.2	26.9	32.5	52.1	67.5	35.0	6.7	7.2	7.2	8.6	9.8	10.0	12.0
Basilicata	16.8	32.82	31.30	25.19	21.37	27.5	35.0	5.10	5.56	5.42	6.87	6.77	7.8	12.0
Calabria	6.6	7.8	8.1	14.2	15.6	18.1	35.0	2.1	2.3	2.4	2.0	2.7	3.5	12.0
Campania	30.5	39.2	39.0	38.7	50.5	39.6	35.0	1.7	2.1	1.8	2.2	2.8	2.4	12.0
Molise	2.2	2.9	2.2	6.6	7.4	9.6	35.0	3.2	3.9	4.8	4.8	4.8	5.4	12.0
Apulia	24.0	27.5	27.5	36.4	44.2	36.4	35.0	5.0	5.3	4.4	4.6	4.9	5.0	12.0
Sardinia	14.9	17.2	17.5	20.7	20.4	36.9	35.0	10.0	9.1	8.7	9.4	10.0	13.2	12.0
Sicily	33.1	33.3	33.8	34.4	34.6	33.8	35.0	6.0	6.4	6.3	5.5	6.0	5.2	12.0

24. In March 2010, the Department of Family Policies signed with the Development and Economic Cohesion Department of the Ministry of Economic Development an Agreement aiming to share experiences, knowledge, methodologies, organizational and innovative management systems assuring effective family policies within the territories of the Convergence Objective (Campania, Calabria, Apulia e Sicily). The Agreement establishes the start up of twinning with Administrations working in the national and EU territory aiming to strengthen the capacities and knowledge of the Regions adhering to the Convergence Objective, through the transfer of good practices concerning conciliation between professional life and time dedicated to family care, early childhood socio-education services, in-home integrated assistance and innovative services addressed to families. The twinning activities are funded by the resources of the AGIRE POR 2007–2013 Project, which is co-funded by the ERDF in the framework of the National Operational Programme “Governance and Technical Assistance” for the years 2007–2013: under the General Directorate for Community Unitary Regional Policy of the Department for Development and Economic Cohesion.

25. The Department promotes therefore the start up of twinning with “offering” Administrations, working on a nation- and EU-wide basis, having realized significant and repeatable experiences, and with “beneficiary” Administrations, working in the Convergence Objective areas concerned. The Department supports the Administrations concerned in the presentation of the twinning Proposal, by identifying the specific territory’s needs and by searching and identifying the possible offering Administrations.

- 4. Please provide information to the Committee on measures taken to reduce the high rate of child poverty in the State party, in particular steps taken to address: (i) structural factors such as female unemployment; (ii) the availability of affordable childcare; and (iii) poverty in families with three or more children in the southern regions. Please indicate how the new National Plan of Action against Poverty and Social Exclusion referred to in paragraph 484 in the State party report has contributed towards such effort.**

26. In the framework of the initiatives against gender unemployment and especially the promotion of female employment, which is a strategic factor to reduce the poverty of children, it is important to underline that, even for 2010, the Department of Family Policies assigned a large quota of the Fund for family policies to continue to support the special Plan for the development of early childhood socio-educational services, approved with the Government Budget for 2007. On 7 October 2010, the Unified Conference defined a new agreement, assigning 100 million Euros to the Regions for them to give priority to

continuing the development of early childhood services and to other actions addressed to families.

27. The most relevant change, defined by the agreement, is that Regions funds can be used for the creation of new places, for covering the managements costs of the places already available and for the qualitative improvement of the supply. Concerning financial support to Local Authorities and, mainly families, this is a fundamental starting point, especially for the poorest families, which have been given the possibility of a secure place for their child/children's care and education and, for the parents, the possibility of professional research and integration in the labour market. The first outcomes of the special Plan are shown in the following tables:

Table 1- Early childhood education services Users and Places

(Comparative table between 2004 ISTAT data, 2006 ISTAT data, Regions' and Autonomous Provincial Administrations' program objectives and monitoring data up to 30/06/2009)

Regions and Autonomous Provincial Administrations	Crèches' places and integrated serv. up to 2004 source Istat) (2)	Users crèches' places and integrated serv. up to 2006 source: Istat)	Users crèches' places and integrated serv. up to 2009 (source: Regions/Prov. Program objectives) (3)	Services' places up to 30/06/2009 (source: Regions' and Autonomous Provincial Administrations' monitoring data)						
							Cap			
				crèches	integrated services	total (1)	(1)-(2)		(1)-(3)	
				v.a.	variance %	v.a.	variance %			
Piemonte ^{(a)(d)}	14.731	16.540	22.300	20.198	2.916	23.114	8.383	56,9	814	3,7
Valle d'Aosta	1.936	902	n.a.	646	334	980	-956	-49,4	n.c.	n.c.
Lombardia ^(g)	41.108	41.118	46.873	51.539	2.455	53.994	12.886	31,3	7.121	15,2
Provincia di Bolzano	1.841	1662	n.a.	1.160	764	1.924	83	4,5	n.c.	n.c.
Provincia di Trento ^{(b)(d)}	2.019	2.317	2.600	2.357	n.a.	2.357	338	16,7	-243	-9,3
Veneto ^{(a)(c)(f)}	14.416	17.547	21.635	21.471	2.735	24.206	9.790	67,9	2.571	11,9
Friuli Venezia Giulia	2.775	3746	n.a.	4.883	1.075	5.958	3.183	114,7	n.c.	n.c.
Liguria ^{(a)(e)}	5.558	5.878	7.539	6.059	1.288	7.347	1.789	32,2	-192	-2,5
Emilia Romagna ^(g)	29.856	31.757	37.800	31.718	3.255	34.973	5.117	17,1	-2.827	-7,5
Toscana ^{(a)(e)}	21.450	20.685	30.000	22.454	4.880	27.334	5.884	27,4	-2.666	-8,9
Umbria ^(e)	2.948	3.181	6.047	6.135	384	6.519	3.571	121,1	472	7,8
Marche ^{(a)(e)}	6.099	6.034	9.000	7.702	1.886	9.588	3.489	57,2	588	6,5
Lazio ^(g)	13.793	17.024	24.491	23.206	2.443	25.649	11.856	86,0	1.158	4,7
Abruzzo ^(h)	2.198	2.402	4.196	3.315	1.212	4.527	2.329	106,0	331	7,9
Molise	246	361	573	1.014	0	1.014	768	312,2	441	77,0
Campania	3.349	3428	n.a.	n.a.	n.a.	n.c.	n.c.	n.c.	n.c.	n.c.
Puglia ^{(a)(e)}	5.937	5.111	8.037	7.515	n.a.	7.515	1.578	26,6	-522	-6,5
Basilicata	815	822	1.665	1.521	n.a.	1.521	706	86,6	-144	-8,6
Calabria ^(d)	1.156	1.314	5.584	3.378	n.a.	3.378	2.222	192,2	-2.206	-39,5
Sicilia ^{(e)(i)}	9.196	9.546	16.354	7.156	n.a.	7.156	-2.040	-22	-9.198	-56
Sardegna	3.962	3.428	4.362	n.a.	n.a.	n.c.	n.c.	n.c.	n.c.	n.c.

(a) The three-year objective refers to the number of places

(b) The three-year objective refers to the number of places within crèches

(c) The three-year objective refers to the users of crèches

(d) The places within services are up to 30/05/2009

(e) The places within services are up to 31/12/2008

(f) The places within integrated services refer to 363 Municipalities (62% of the total number)

(g) The places within services refer to the educational year 2007/2008

(h) he places within services include the public services

(i) The crèches' places include public and municipality crèches

n.a.=not available

n.c.=not computable

Table 2 - Early childhood education services Placement Rates

(Comparative table between 2004 ISTAT data, 2006 ISTAT data, Regions' and Autonomous Provincial Administrations' program objectives up to 2009)

Regions and Autonomous Provincial Administrations	places and integrated serv. every 100 0-2 children up to 2004 (source: Istat)	places and integrated serv. every 100 0-2 children up to 2006 (source: Istat)	Users crèches' places and integrated serv. every 100 0-2 children up to 2009 (source: Regions/Prov. Program objectives)	Educational services' places every 0-2 children up to 30/06/2009 (source: Regions' and Autonomous Provincial Administrations' monitoring data)		
				crèches	integrated services	total
Piemonte ^{(a)(d)}	13,3	14,9	19,1	17,3	2,5	19,8
Valle d'Aosta	56,5	25,8	n.c.	17,1	8,8	25,9
Lombardia ^(a)	15,2	15,0	16,1	17,7	0,8	18,6
Provincia di Bolzano	11,6	10,3	n.c.	7,1	4,7	11,8
Provincia di Trento ^{(b)(e)}	13,0	14,8	16,3	14,8	n.c.	14,8
Veneto ^{(a)(c)(f)}	10,7	12,7	15,0	14,9	1,9	16,8
Friuli Venezia Giulia	9,4	12,4	n.c.	15,4	3,4	18,8
Liguria ^{(a)(e)}	15,7	16,5	20,4	16,4	3,5	19,9
Emilia Romagna ^(g)	27,1	28,1	30,7	26,6	2,7	29,3
Toscana ^{(a)(e)}	23,6	22,4	30,5	22,8	5,0	27,8
Umbria ^(e)	13,3	14,2	24,9	25,3	1,6	26,8
Marche ^{(a)(e)}	15,5	15,1	21,0	18,0	4,4	22,4
Lazio ^(e)	9,1	11,2	14,9	14,1	1,5	15,6
Abruzzo ^(h)	6,7	7,2	12,2	9,6	3,5	13,2
Molise	3,2	4,8	7,8	13,7	0,0	13,7
Campania	1,7	1,8	n.c.	n.c.	n.c.	n.c.
Puglia ^{(a)(e)}	5,0	4,4	7,1	6,6	n.c.	6,6
Basilicata	5,1	5,4	11,4	10,4	n.c.	10,4
Calabria ^(c)	2,1	2,4	10,3	6,2	n.c.	6,2
Sicilia ^{(e)(i)}	6,0	6,3	11,1	4,8	n.c.	4,8
Sardegna	10,0	8,6	10,9	n.c.	n.c.	n.c.

(a) The three-year objective refers to the number of places

(b) The three-year objective refers to the number of places within crèches

(c) The three-year objective refers to the users of crèches

(d) The places within services are up to 30/05/2009

(e) The places within services are up to 31/12/2008

(f) The places within integrated services refer to 363 Municipalities (62% of the total number)

(g) The places within services refer to the educational year 2007/2008

(h) The places within services include the public services

(i) The crèches' places include public and municipality crèches

n.c.= not computable

28. It is also important to describe some measures in favour of children and their families, implemented or to be adopted, for the prevention and reduction of poverty.

Reconciling living time and working time: projects funded under Art. 9 of Law No. 53 of 8 March 2000

29. An important instrument in support of reconciling family life and professional life is Art. 9 of Law No. 53 of March 8, 2000, recently amended by Art. 38 of Law No. 69 of June 18, 2009 to meet the growing needs expressed by both employed and independent workers. From 2007 to 2009, the years in which the measure was managed by the Department of Family Policies, 421 projects were funded, for a total of 24,924,331.84 Euros. As for the results achieved so far, there has been a gradual increase in the number of projects presented and approved. This indicates, firstly, a growing awareness and sensitivity towards the subject of reconciliation which is more and more crucial both for the well-being of families and to guarantee increased business productivity.

Table
Historical series

Years 2001–2009	Projects presented	Approved projects	% success
2001	34	13	38.24%
2002	86	39	45.35%
2003	94	47	50.00%
2004	128	67	52.34%

<i>Years 2001–2009</i>	<i>Projects presented</i>	<i>Approved projects</i>	<i>% success</i>
2005	157	52	33.12%
2006	205	99	48.29%
2007*	232	142	61.21%
2008*	288	225	78.00%
2009* Common deadline (February)	75	54	72.00%
Total	1 299	738	56.81%

* Years are referred to the management of the Department of Family Policies. The data related to 2009 refers only to the deadline of February (the other ones were not activated due to the normative change intervened to Art. 9 of Law No. 53/2000).

30. A detailed analysis of the data referring to the 2007–2009 period reveals interesting facts about the effects of the measure. First of all, considering the number of individuals who have benefited from the reconciliation projects, there is an evident “multiplier effect” whereby, compared with the 421 projects funded, the final recipients of the actions are as many as 7,796. The figures also show that the majority of the beneficiaries of this type of project (82.6%) are women. This depends on the fact that family care work is still based on a traditional model where women are in the front line.

31. In May 2011, after a radical review of the procedure underlying the presentation and evaluation of the requests for funding, now supported by an automated procedure, the new funding announcement has been launched, making 15 million Euros available for this year (subdivided into two tranches of 7.5 million Euros each). The main innovations introduced are a considerable enlargement of the range of recipients, the incentive for forms of networking that increase the role of all the actors present in the community, the improvement of systems for evaluating performance and results that do not penalize the subjects who benefit from reconciliation instruments, and renewed attention towards the needs for care of individuals other than children, such as disabled, non self-sufficient, or seriously infirm persons. The Regions and local authorities have had an important role in introducing this innovation. Their contribution is decisive for the implementation of reconciliation policies in the community.

Interventions for families

32. On June 23, 2011 the national Observatory on the Family passed the draft of the First National Plan for the Family which includes, among the various measures, the gradual introduction of the so-called family factor, i.e. a no tax area determined on the basis of the number of family members and the revision of the income indicator for access to services based on the same criterion. The plan has been passed once by the Council of Ministers and, after agreement with the Unified Conference, will be approved by the Government.

33. On June 30, 2011 the Council of Ministers passed the bill delegating the Government to introduce fiscal and social security reform, which establishes among other things: that there must be a review of indicators of equivalent economic situations, paying particular attention to the composition of the family nucleus; the taxable income base requires the identification, according to the poverty threshold, of a minimum level of personal income excluded from tax and concentrating tax reduction regimes essentially on the birth rate, labour, young people.

34. For 2010 we also wish to mention the call for financial contribution to projects addressed to families by the Department of Family Policies. Part of the funds have been dedicated to the projects aiming to fight against family poverty and social exclusion. Each

selected project has been funded with about 180,000 Euros. The projects were presented by private subjects working mainly in the field of family policies.

“Italia 2020” Action programme for women’s inclusion in the labour market

35. “Italia 2020” is a strategic Plan of action for the conciliation between professional life and time dedicated to family care for the promotion of equal opportunities in access to labour. Italy has chosen to concentrate efforts in two directions: primarily to support people who live in conditions of greatest need and to increase social inclusion, promoting entry into the labour market.

36. Measures to counter poverty and social exclusion will therefore be concentrated on the poorest population — in a state of absolute poverty — which in 2009 numbered 3 million individuals (5.2%), almost half of whom live in Southern Italy (8.5%) and on the active population excluded from the labour market. This objective will be pursued by means of financial transfers or equivalent measures (social cards, etc.), also by involving social intermediaries in the management of instruments to counter poverty and with active policies to promote levels of employment among young people and women, who in many cases are the *second earner*. It is believed that in the Italian context the best way to reduce poverty is to promote employment and adjust spending in favour of population targets where there are the highest levels of poverty. Six lines of action have been identified, for which 40 million Euros have been allocated, thus distributed:

- 10 million Euros to promote family crèches through the experience of the so-called “tagesmutter” (daily mothers), women welcoming children for a fee in their homes, that is an initiative already successfully set up in several Northern Regions
- 10 million Euros for the creation of registers of specifically trained Italian and non-Italian carers and babysitters
- 12 million Euros for vouchers dedicated to buying care services in centres such as day care centres and summer camps
- 6 million Euros to support social companies operating in favour of conciliation in disadvantaged contexts
- 4 million Euros to promote women distance working
- 4 million Euros for refresher training courses addressed to women workers wanting to get back into the working world after a period of interruption

The three-year Plan for Labour freeing labour to release jobs

37. The Plan of action was elaborated by the Ministry of Labour and Social Policies with the aim of building the basis for an exchange, in order to formulate shared proposals for labour market reform. Starting from this, the aim of the Three-year Plan for Labour — in agreement with the values and the vision of the White Paper on the future of the social model — is to contribute to promoting economic growth and more higher quality employment, paying particular attention to:

- Labour productivity, through the mutual adjustment of workers’ and companies’ needs in proximity bargaining, the bilateral form of addressing and management of labour services, the increase of salaries related to results and company profits
- People’s employability, through the development of the skills requested by the labour market, with particular reference to young people and women
- Coming out of the informal economy and effective action against irregular labour

38. The Plan describes the actions undertaken to preserve the employment base and social cohesion; they belong to three main lines of action:

- Releasing labour from fiscal, bureaucratic and formalistic oppression
- Releasing labour from collective and individual conflict
- Releasing labour from insecurity

39. The second part of the Plan, on the contrary, aims to define the priorities to follow so that the recovery can be fast and effective, following three main lines of action:

- Releasing labour from illegality and danger
- Releasing labour from regulatory centralism
- Releasing labour from incompetence

Family allowances for family units with three or more children under 18 years of age

40. In implementing Art. 65 of Law No. 448/1998, family units comprising resident Italian or EU citizens or foreign citizens with refugee status and receiving supplementary protection who have at least three under-age children and who have limited economic resources defined on the basis of their economic situation index (ISE), still have the possibility of requesting from the local authority in their place of residence, a monthly allowance issued by the INPS (National Institute for Social Security).

Charge Card

41. Italy has a Charge Card programme introduced by Executive Order No. 112/2008 to provide support for less affluent people for the purchase of food, pharmaceutical and para-pharmaceutical products and for the payment of domestic electricity and gas bills. The Charge Card is an ordinary electronic payment card, similar to those already in circulation and widely used in this country. The main difference is that with the Charge Card, expenditures are immediately debited, within the limits established by the programme, not to the Card holder, but directly to the State and the Regions and to the Local Authorities which have provided specific contributions through the Programme. The Charge Card is granted to elderly people aged 65 years or more and to children under three years of age (in this case the Card Holder is the parent) who have a valid ISEE, of less than 6,322.64 Euros and fulfill the other necessary requirements.

42. Moreover, following the adoption of Law No. 10/2011 (Art. 2, paragraphs 46–48), “to encourage distribution of the Charge Card among the neediest segments of the population”, an experimental “new Charge Card will be distributed through non-profit associations engaged in countering extreme poverty”. In the hypothesis of implementing legislation that is under preparation, the authorities engage to issue the Card to persons in situations of greatest need, identified on the basis of their economic conditions and family characteristics which tend to give priority, among other things, to families in difficulty with under-age children (large families, single-parent families, with disabled children, etc.).

43. Finally, as concerns this point, we have to take in account the recent provisions issued in June 2010 by the Italian Government, that is Plan titled “Integration and Safety. Identity and Meeting” (Integrazione nella sicurezza-Identità e incontro). This Plan summarizes the strategy that the Government intends to pursue with regard to the immigrants “integration policies, combining integration and security. In this framework, the Action “Labour and Professional Training” (Lavoro e Qualificazione Professionale), provides the target “Qualification of interventions in the field of domestic work and people care” (Qualificazione degli interventi nel settore del lavoro domestico e dell’assistenza alla

persona), funded by the Fund for Migration Policies (Fondo per le Politiche Migratorie) for a total amount of 7 million Euros. The program provides specific gender-focused activities:

- Implementation of a national program on human services, in partnership with Regions, for the deployment of cross demand/supply to the workers and their families, with the involvement of authorized operators
- Opening of at least 1,200 branches dedicated to “crossover supply/demand”, for the promotion of accessory work, for the assistance of local authorities
- Activation of training programs, co-financed by the Regions, for domestic workers and their careers
- Assistance during the job application of care-workers

44. Concerning the last specific question, the 2006–2008 National Action Plan for social inclusion has carried out the following specific actions for children and their families:

(a) Support for the costs of children. The 2007 Government Budget introduced a first increase in family allowances based on family income and the number of children. The action was further aided by the 2008 Governmental Budget which introduced an allowance of 1,200 Euros for families with at least four children;

(b) Bonus for insolvent people: these individuals, as well as benefiting from the allowance of 1,200 Euros mentioned in the previous paragraph, since they were in minimum wage conditions, received a one-off benefit on their 2006 income, a bonus of 150 Euros for the head of the family and for any dependent family member;

(c) Services for early childhood: as established by the NAP 2006–2008, special attention was paid to developing care provision and social and educational services for early childhood (0–2 years). The 2007 Governmental Budget introduced an organic and far-reaching project: 340 million Euros, of which 250 million among all the Regions and 90 million as an equalizer to the eleven Regions which have a level of cover lower than the national average. These are all the Southern Regions with the addition of the Regions of Veneto, Friuli and Lazio. The central and northern Regions contribute to a 30% joint financing plan, approximately equal to a further 53 million Euros. The resources provided will enable the level of cover of the demand for integrated social and education services for early childhood to be brought up to 13% as a national average (according to the ISTAT data, it is at present 11.4%) and to not less than 6% within each Region. In this way it will be possible to create more than 50,000 new jobs in the integrated system of social and educational services for early childhood in addition to the current 188 thousand jobs;

(d) “Primavera sections” – for 2–3 year old children: implementing the 2007 Governmental Budget, the Government has stipulated an agreement with the Regions and local authorities, following which, for the academic years 2007–2008 and 2008–2009, funding has been provided for 1,362 “primavera sections”, an experimental educational service in addition to the existing crèches (0–3 years) and nursery schools (3–5 years) intended for children aged from two to three years, for which a state contribution of 35 million Euros per year has been allocated;

(e) Plan for families: in this context, following an agreement signed in September 2007, between the Ministry for Family Policies and the Unified Conference, programming and experimentation with initiatives and actions were decided upon: to decrease the tariffs for services for families with four or more children; reduce the charges for the electricity supply, for solid urban waste collection, as well as initiatives to limit the costs charged for the use of or access to other goods and services at the local level;

(f) To enhance the health and welfare vocation in the family guidance network, paying special attention to the dimensions of social, relational and psychological well-being

of families, ensuring multidisciplinary actions (educational, legal and health promotion problems), through family mediation to promote support for couples, for parenthood and child education. The project promotes listening points for families, in particular those where there are fragile individuals, identifying families who provide foster care or care for adopted children; the qualification of the care work of social workers, through training activities, so as to guarantee suitable skills in order to provide help for individuals who are totally or partially non self-sufficient (in the case of foreign workers the training process must also involve learning the Italian language and civic education). To this end around 100 million Euros were spent in 2007 and in 2008 agreements were signed with 16 Regions (Lazio, Liguria, Sardinia, Sicily, Tuscany, Umbria, Veneto, Autonomous Province of Trento, Emilia Romagna, Friuli, Lombardy, Marches, Molise, Piedmont, Apulia, Basilicata). Planning is still underway in other regions;

(g) Housing difficulty: in order to limit this phenomenon for particular social categories that are subject to eviction orders due to the expiry of the lease:

- Tenants with a gross annual income of less than 27,000 Euros
- Who are, or who have family members, over 65 years of age, terminally ill or with 66% disability
- Who do not own another suitable dwelling

45. The National Strategic Report for 2008–2010, in tackling the subject of child and adolescent poverty in Italy, recognizes that the rights of childhood, in whatever way present in our country, must be guaranteed throughout the national territory. Poverty is the main cause of the discrimination afflicting children and adolescents, in that it tends to create inequality in the exercise of economic and social rights (in particular in the sectors of health, social care, education and living conditions).

46. Priority action is dedicated to one of the principal instruments for the reinforcement of the processes in support of the child and his family unit, to be implemented/or re-qualified by means of services which integrate the function of parenthood and which take charge of the problems presented by the child and by his family. The creation of shared paths, with the participation and integration of the various institutional figures and those from the private social sector, which contribute harmoniously to the building of a project in favour of the child and his family unit, involves pursuing a work methodology able to create efficient and effective services.

47. The general objectives that the plan proposes include actions of cooperation and co-responsibility between the public and private sector and pursue the uniformity of the policies and services for childhood and adolescence, to enhance, increase and/or create resources and services for the protection of children and in particular to respect the child right to grow up in his own family. Conditions of economic difficulty can never give rise, on the part of the institutions, to the decision to remove the child from his own “affectively capable” family environment. When exceptionally and in his prime interest the child is separated from his family, he/she must however be placed in a family environment suitable for the harmonious and complete development of his/her personality. The public institutions are required to adopt the necessary measures for the family to be able to perform its role and undertake to ensure the child the protection and care necessary for his well-being, in consideration of the rights and duties of parents, guardians or other persons who have legal responsibility for the child.

48. For an action that aims to prevent difficulties in problematic families and to ensure provision of care, not bureaucratic but professional and efficacious, with services closer to the local area and the community, the aim of the national plan is to reinforce the services with regard to three fundamental aspects:

(a) **Prevention:** development of all the initiatives in support of the family in its multiple functions of care and upbringing, so that in the face of problems and difficulties it will find competent and coordinated points of reference within the community;

(b) **Protection:** countering different situations of hardship, to be tackled in different ways with the aim of guaranteeing sufficient economic conditions, social integration and security;

(c) **Emergency:** cases linked with situations of abandonment and violence which demand rapid “social first aid” intervention.

49. Supporting this activity, the Ministry of Labour and Social Policies, in partnership with the Regions and the national committee for foster care services, has in recent years promoted a general exchange of experience and good practice in relation to family foster care, to train social workers and give an impetus to the development of foster care services throughout the national territory, creating awareness in civil society by means of a national promotion campaign that, as well as guaranteeing quality action, involves a significant cost reduction for social initiatives, moreover developing real subsidiarity.

50. The expected result is the promotion of regional organizations, which ensure continuity in the exchange of good practices and accompany the activity of social workers and foster care services. It is considered essential to create a series of initiatives aimed at training care workers so that they will be adequately prepared in the face of the interest and availability of families who are ready to foster a child. As well as exchanging developed and tested examples of good practice, the project favoured the completion in 2009–2010 of national, regional and local promotional initiatives, structured so as to encourage exchanges between regions about their own situations, starting up new initiatives in this context. The organization of workshops has enabled the care workers involved to make full, immediate use of the knowledge they have gained, so as to better start up and direct their activity and thus guarantee the maximum efficacy and efficiency of their own work.

5. Please inform the Committee on the National Plan of Action for Children recently adopted by the State party and how this Plan will be funded.

51. The National Observatory on childhood and adolescence has drafted the proposal of the third National Plan of Action and intervention for the protection of rights and development of subjects in developmental age 2010–2011.³

52. A joint working methodology has accompanied all the elaboration phases of the Plan. Its drafting, coordinated by the Technical-scientific Committee of the National Documentation and Analysis Centre for childhood and adolescence, has been characterized by a far-reaching and detailed consultation among all the members of the national Observatory. The Plan approved by the council of Ministers, the Parliamentary Committee for childhood and adolescence and agreed with the Regions and Local Authorities in a Unified Conference, that is the result of the exchange between the Central State Institutions, Regions, Local Authorities, social formations and all the other actors involved in promoting children’s and adolescents’ well-being, was adopted by Presidential Decree on January 21, 2011 and published in Official Gazette No. 106 of May 5, 2011.

53. The Plan of Action is developed along four main lines of actions, that are:

³ Adopted by Decree of the President of the Republic of 21 January 2011, published in the O.J. No. 106 of May 5, 2011.

- Strengthening the integrated services system and tackling social exclusion which is the “container” for a system of intervention that gives continuity to the actions of prevention, care and recovery.
- Strengthening the protection of rights is the area of intervention focusing on (mainly) legal protection and safeguard.
- Promoting participation for building an inter-generational pact. This is the area of intervention that received the project contributions of the working Groups of the National Observatory focusing on growing citizens as protagonists.
- Promoting the integration of migrant people is the line of action which collected the proposals concerning foreign children and Roma children.

54. For each one of these areas, the main problems, general objectives and specific actions to be accomplished were identified. For each line, specific actions follow, and they can be summarized in three main categories:

(a) Legislative actions, which involve mainly Central Administrations in the drafting stage, in close agreement with the Regions;

(b) Administrative general and/or planning actions, under the Central Administrations, in close agreement with the Regions and where appropriate, with Local Authorities – or exclusively under the Regions;

(c) Administrative operational actions, such as decentralized experimentation projects and common guidelines.

55. Every action has to be realized following the principle of subsidiarity, both vertical and horizontal, in order to assure a proximity action, fully corresponding to emerging needs. In this sense, the initiative of the intermediate bodies in answering needs has to be recognized and supported. In the implementation of the Plan, attention will be paid particularly to guaranteeing interactions with the Parliamentary Committee on childhood and adolescence and with the bodies promoting and collaborating with the programme and implementation of the scheduled actions.

56. The monitoring activity and the evaluation of the outcomes of the actions established by the Plan of Action will be defined by the new National Observatory on childhood and adolescence.

Intervention lines and specific actions

(a) Strengthening the integrated services system and tackling social exclusion

The actions

1. Strengthening the integrated early childhood services system.
2. Project of systematic actions and technical assistance actions to Southern Regions.
3. Supporting parenthood: the “home crèches” experimentation.
4. Spread of pre-schools.
5. Promoting attendance of children from fragile families: in services for 0–3 year-olds, in preschools, in 0–6 year olds’ education services.
6. Actions dedicated to children with disabilities.
7. Common guidelines for social services, with particular reference to those related to childhood and adolescence.

8. Support for parenthood in fragile families and expectation of separation from the family.
9. Promotion of family foster care and strengthening of the dedicated services.
10. Preparation of the residential structures caring for children.
11. Creation of a national information system on out-of-home children.
12. Measures to supporting national and inter-country adoption.
13. Measures in favour of adolescents.
14. Support for school attendance and educational success against social exclusion.
15. Intervention in favour of adolescents against criminality.
16. Childhood abuse and maltreatment prevention and care.
17. Actions protecting minors who are victims of child trafficking.

(b) *Strengthening the protection of rights*

The actions

1. Reform of the Juvenile Court and of the civil proceedings concerning people, families and minors.
2. Reform of the Juvenile criminal system.
3. Promoting a penitentiary system for minors and young adults.
4. National Ombudsman for childhood and adolescence.
5. Mediation.
6. System of protection for minors and protection from abuse and maltreatment.
7. Promotion of a system protecting minors with disabilities and learning difficulties.
8. Consolidated Act on childhood and adolescence.
9. Adjustment of law related to family foster care.
10. National guidelines against paedophilia and child pornography.
11. Guidelines for the training of legal guardians.

(c) *Promoting participation for building an inter-generational pact*

The actions

1. Actions for improving the quality of childbirth.
2. Promotion and updating of Law No. 53/2000 (“*Provisions for support for motherhood and fatherhood, the right to receive care and education and the coordination of cities’ timing*”) and of Legislative Decree No. 151/2001 (“*Consolidated act of the legislation on protection and support for motherhood and fatherhood*”).
3. Building and supporting the relationships between generations.
4. Promotion of listening to the child.

(d) *Promoting inter-culture*

The actions

1. Family re-union of foreigners.
2. Support, education accompaniment and integration in the labour market for minors under penal procedure, including Roma, Sinti, Caminanti and immigrant children.
3. Prevention of minors school drop-out, including Roma, Sinti, Caminanti and migrant children and implementation of social inclusion actions.
4. Protection of the right to health for Roma, Sinti and Caminanti children and adolescents.
5. Promotion of teachers and of principles of intercultural training.
6. Strengthening second generations role.
7. Management of information, data collection and inter-institutional networks for interculturality.

Italian cooperation

57. The initiatives of the Italian Cooperation to be realized in the countries that are beneficiaries of the APS (Public Help for Development) concern a series of bilateral and multilateral programmes specifically addressed to children, realized by Agencies of the United Nations, International Organizations and specialized NGOs, Regions and Local Authorities, as well as the participatory involvement of civic society within each country. The aims of each programme is to contribute to the promotion of children civil and economic rights, in order to support and strengthen an action of cultural change, fighting against every form of inequality and discrimination among human beings right from birth.

58. The initiatives aim to remove causes of serious and complex injuries to children, such as: general conditions of extreme poverty, processes of wild urbanization, disintegration of family and social community structure, the phenomenon of social exclusion and street children, child labour exploitation in its worst forms, transnational trafficking, in particular trafficking in women under 18, adolescents and children, the market of illegal inter-country adoption, sexual and commercial exploitation — even for tourism — internet paedo-pornography, the involvement of child soldiers in armed conflicts, migration of unaccompanied children, both at inter-regional and transnational level.

Funding the plan

59. Concerning the question of the funding of the planned actions the response must be organized according to the action to be financed.

60. First of all it should be stated that all national legislative actions must receive financial cover when Parliament approves them, as established by the Italian Basic Law. The acts to be passed at the regional and local level and the acts of the Central Administrations under the legislation in force are subject to the further constraint of observing the discipline on financial planning. The Regions, the autonomous regions of Trento and Bolzano and the local authorities must determine their annual and multiannual budgets in keeping with the policy objectives resulting from the annual economic and finance document for planning public finance objectives.

61. As regards the actions established by the Central Administrations, with the aforementioned constraint and the programmatic nature of the document, they will be implemented using the ordinary resources allocated for the current year for the functioning

of the Administrations in the relevant budget chapters and with the resources from ad hoc Funds (National Fund for social policies, Fund for childhood, Fund for Family Policies, etc.). At the time of financial planning, each state or regional administration will make an assessment of the actions to which financial resources shall be allocated for that year.

6. Please provide information to the Committee on progress made towards the establishment of a National Ombudsperson for Childhood and Adolescence, including the adoption by Parliament of the Bill on the establishment of such a body (Garante nazionale per l'infanzia e l'adolescenza). Please also provide information on the number of Children's Ombudspersons currently operating at the regional level and their respective mandates (including to receive individual complaints from children), composition and resources. Please indicate progress made towards the establishment of a national human rights institution in full compliance with the Paris Principles relating to the Status of National Institutions.

62. By Law No. 112 of July 12, 2011, the Ombudsman for Childhood and Adolescence has been recently established.

63. The law defines the new Authority of the Ombudsman as a monocratic organ, appointed jointly by the Presidents of the Chamber of Deputies and the Senate and chosen among people of evident independence, undisputed morality and specific and proven personality in the field of children rights, as well as in the field of family and education issues concerned with promotion and protection of people under 18. His/her mandate, that can be renewed only once, lasts 4 years, during which the person appointed cannot practise any profession interfering with the functions and tasks to which he/she has been assigned, without losing the mandate. Like all "Authorities", the Ombudsman for childhood and adolescence operates following the functions and tasks assigned to him/her organizing autonomously his/her activity, he/she is independent from an administrative point of view and has no hierarchical subordination bonds; for this purpose, the law states also the Bureau of the Ombudsman for childhood and adolescence, that responds directly to the Ombudsperson and which is composed of a maximum of 10 people.

64. The law assigns to him/her both general and more specific functions. Therefore, various responsibilities are assigned to the Ombudsperson, among others, expressing his/her opinion on the Plan of action and intervention for the protection of rights and the development of people in developmental age, expressing opinions to other administrations and institutions, listening to minors, as well as by collaborating with other international and European institutions in promoting the implementation of international conventions and the European law in force. Furthermore, the Ombudsman will have to diffuse the knowledge of children's rights in order to achieve the effective recognition of children as individuals entitled of rights. The Ombudsman shall also disseminate information concerning practices or memoranda of understanding developed by central, regional and local authorities, professional bodies or by the Administrations in charge of carrying out social welfare activities related to children rights. He/she may also disseminate good practices in this field tested abroad. The Ombudsman will encourage the development of a culture of mediation and of any other useful practice to prevent or to resolve, through agreements, situations of conflicts involving minors, by stimulating the training of operators in this field.

65. The National Ombudsman also promotes, at the national level, studies and surveys on childhood and adolescence issues, with data and information gathered by the Observatories in charge of studying and monitoring the condition of children and adolescents (in particular, the National Documentation and Analysis Centre for childhood and adolescence, the National Observatory on the Family, the National Observatory on childhood and adolescence and the Observatory against paedophilia and child pornography); he/she may also request to administrations and to public and private bodies

the necessary information to protect children — in compliance with the privacy protection — as well as to visit public and private institutions where hosting children; he/she also collects reports concerned with children's rights violations and reports directly to the competent authorities about situations of danger or abandonment by considering *ex officio* any situations that seem to constitute a violation of children's rights (or there is a serious risk of it), when the Bureau gains knowledge of it. In these cases, once all the relevant information and evaluations have been obtained, the Bureau can inform the Prosecutor at the Juvenile Court and the competent Ordinary Prosecutor (if the mentioned abuse has criminal relevance or about which the competent Prosecutor's Office could take some initiatives).

66. The Ombudsman can give advice addressed to the Government about Governmental bills, bills currently under the examinations of the Chambers and about Governmental legislation about childhood and adolescence rights protection. The Ombudsman can have access to data and information by asking the competent Administrations, as well as making visits and inspections — following the modalities agreed with the same Administrations — to public and private structures hosting minors.

67. Anybody can report violations about children's rights or situations of risk to the Ombudsman, even using the public free phone numbers.

68. Finally, The Ombudsman is also supposed to collaborate with the Regional Ombudsman for childhood or similar institutions set up by the Regions, having the same requirements of independence, autonomy and exclusive competence in childhood and adolescence issues, as well as the international Ombudsman networks, in order to adopt common lines of intervention and to promote them at the international level. Along these lines, the aforementioned law states that the Ombudsman chairs the National Conference for the guarantee of the rights of childhood and adolescence, which is composed of the Regional Ombudspersons for childhood, aiming to collaborate and promote the adoption of common lines of action, useful for the sharing of data and information, and to be the link between the different Italian Regions, which have very different legal provisions concerning these issues. The following Regions already have a law institutionalizing the Ombudsman:

- Veneto (Regional Law No. 42 of 9 August 1988)
- Lazio (Regional Law No. 38 of 28 October 28)
- Marches (Regional Law No. 23 of 28 July 2008, amending Regional Law No. 18/2002)
- Molise (Regional Law No. 32 of 2 October 2006)
- Campania (Regional Law No. 17 of 24 July 2006)
- Apulia (Regional Law No. 19 of 10 July 2006, art. 30)
- Calabria (Regional Law No. 28 of 12 November 2004)
- Emilia Romagna (Regional Law No. 9 of 17 February 2005)
- Liguria (Regional Law No. 9 of 16 March 2007)
- Autonomous Provincial Administration of Trento (Provincial Law No. 1 of 11 February 2009)
- Lombardy (Regional Law No. 6 of 30 March 2009)
- Autonomous Provincial Administration of Bolzano (Provincial Law No. 3 of 26 June 2009)

- Basilicata (Regional Law No. 18 of 29 June 2009)
- Umbria (Regional Law No. 18 of 29 July 2009)
- Piedmont (Regional Law N. 31 of 9 December 2009)
- Tuscany (Regional Law No. 26 of 1 March 2010)
- Friuli Venezia Giulia (Regional Law No. 9 of 14 August 2008, amending Regional Law No. 49/1993)
- Sardinia (Regional Law No. 8 of 7 February 2011)

69. Six Ombudspersons have been effectively appointed: Region of Veneto; Region of Lazio; Region of Campania; Region of Molise; Region of Marche, Region of Calabria, Region of Friuli Venezia Giulia, Autonomous Provincial Administration of Bolzano.

70. Concerning the national institution for human rights, in conformity with the Paris principles, on July 20, 2011 the Senate passed Bill No. 2720, "Institution of the national commission for the promotion and protection of human rights". The measure is now being examined by the chamber of Deputies. The responsibilities that will be given to the Commission include the tasks of formulating opinions, recommendations and proposals to the Government on all matters concerning respect for human rights by which Italy is inspired according to the principles contained in the Basic Law and in the international conventions to which it adheres. Moreover, the Commission can contribute to checking the effective implementation of the human rights conventions ratified by Italy. It collaborates in exchanging information and spreading best practice with the international organizations responsible for protecting human rights; it assesses reports of violations or limitations of human rights from those involved or from associations which represent them, in order to subsequently forward them to the competent offices of the public administration, if a report has not already been sent to the judicial authority.

- 7. With reference to paragraphs 109 and 110 of the State party report, please provide information on steps taken to ensure greater capacity, consistency and uniformity in data collection on children's rights at and across regional and central levels. Please indicate measures taken to ensure effective data collection on children in Sicily, in particular on children in foster care, residential services and in institutional care, since such data is missing in the report.**

Reference to paragraph 109

71. First of all, it is important to note that the *Nomenclature* (classifier), approved in the Unified Conference held on October 29, 2009, was proposed as instrument for mapping the actions of social services, through the description and definition of all the headings inferred confronting and connecting the classifications expected for the actions of the social services in the Regions.

72. The *Nomenclature* (classifier) aims to provide a common language that can be used by organizers (programmers) and operators and also has the aim of facilitating the identification of the essential levels of social welfare while it making possible to compare standard headings in different regional welfare systems. It will also constitute the reference basis for the Glossary used in the "Survey on Actions and Social Services of single and associated Municipalities".

73. The range of services and actions included in the classifier refers to the performances and social goals provided by the single and associated Municipalities, as provided for by Law No. 328/2000. The law is divided into three main categories consistent with those given by the European classification SESPROS:

- Actions and Services: these include the activities concerning the preparation of actions and social services achieved on the territory or at home through the work of the social sector personnel.
- Monetary Transfers: these include both the economic contributions supplied directly to the users and the contributions supplied to other subjects in order to provide services with reductions on prescription charges, on tariffs or on fees for some particular categories of users. This category also includes the integration (or the overall payment) of the fees for residential or partially residential services.
- Residential Centres, partially residential or daytime Centres and structures: this category includes the activities and services provided in the daytime centres and in the residential or partially residential centres.

74. The definition of the characteristics of the users of social services was pursued starting from the indications included in Law No. 328/2000. Part of the “minors” area are the actions and services for minors aiming both to adequately support the family of origin and to identify, if necessary, alternatives to it in collaboration with the Judiciary Authority.

Reference to paragraph 110

75. In the last three years the Government, with the collaboration of the National Centre for the documentation and analysis of childhood and adolescence, has promoted a number of surveys and actions aiming to guarantee a better capacity, consistency and uniformity in the collection of the data on children’s and teenagers’ rights, both at the regional and central level.

76. As regards early childhood, a study has been just concluded on the feasibility of information flows and the first application of a minimum set of information data on educational services for children. This study is an original and precious opportunity for work and inter-regional discussion but it also makes it possible to verify the convergent interest in building up the conditions for the collection and periodical ordinary update of the data on educational services for early childhood. This initiative has set in motion a number of processes of change that primarily touched the Regions already active in information systems on the sector. The research underlies the necessity for the Regions to improve such systems and at the same time, an explicit interest also on their part to develop the work of knowledge of the services network on the territory, identified as the condition for the development and monitoring of the policies.

77. The last interesting aspect regards the manifested interest showed by ISTAT in inserting in the national statistical system an ordinary survey on the system of the provision of educational services for early childhood: this initiative represents a very significant achievement and a prospect to positively encourage in the light of the study and the verification made up to now. The priority aim for the future is not only to keep up the attention and the activities on the issue but also to verify the interest of the Regions without adequate information services to pursue their first implementation of an information system.

78. A further investigation on crèches was recently released, based on a sample, on the subject of management costs, tariff system and access criteria. The survey on management costs of crèches is intended to:

- Promote a rational management of the available resources, even with a view to allowing the greater development and spread of services
- Define and fund — in the light of the process of federalist reform — essential levels of presence of services on the entire national territory

- Reflect and check the costs for families and the criteria with which the access to the services is regulated

The research design has involved sampling, with a stratification of the Regions and Autonomous Provinces in which, for each of them, the Municipalities to be visited were extracted on the basis of the presence of crèches. Within the Municipalities, all the services present in the small-medium towns were interviewed, along with a limited but significant number of crèches in the larger Municipalities, selected randomly on the basis of municipal lists.

79. The sample size is around 1,000 crèches, divided on average into 200/300 crèches for each of the five hypothesized macro-areas (North-West, North-East, Centre, South, Islands). Such a size guaranteed the significance of the estimates at the national level and for each single macro-area with a limited margin of error. The collected data allowed the definition of a clear and detailed picture of the present situation while underlining differences and similarities in the structure of management costs and of tariffs among the different Regions. The aim of the work has been not only to underline and to evaluate the costs of the educational service for early childhood but also to understand which essential actions can be undertaken in order to make these services financially sustainable for local authorities and accessible for families, especially for the poorest ones.

80. Together with this survey on early childhood, a focus and data collection study has been carried out at the national level on the children's and adolescents' conditions and inequalities in their well-being. The aim of this work is to offer a whole picture of the new generations in our Country, following a declared vision. This work was not really a new research or survey on children, but it is the effort to make possible and available, in just one instrument, all the principal institutional statistics on children and adolescents already available in Italy and, starting from here, to develop new argumentations aiming to point out significant information gaps. The fields taken into consideration for the re-organization of the data identified, collected and elaborated, do not reflect the traditional statistical fields, but they reflect some principles of structure inspired by the UN Convention on the Rights of the Child. This document was used as guiding principle for the re-organization of the data identified, sometimes with difficulty, in the whole official statistical production.

81. This is work in progress, composed partially of experimentation aiming to contribute to answering some questions that are only apparently easy: how are Italian children doing, compared with children from other European Countries; how do their conditions of well-being change, depending on the Region they live in; how did their conditions of life and their daily life change in the last few years; did their conditions of well-being get better or worse, compared with the recent past? These are questions that we have been able to address only partially because institutional data do not analyze several important aspects of children's lives and because not all the various aspects of life are measurable or can be reduced to quantitative information. Nevertheless, we think that the work done so far can considerably contribute to building up the basis needed in order to strengthen a work perspective going in this direction.

82. The picture emerging from the work done is complex and detailed. Recently, one of the aspects that best describes the numeric connections between generations is the continuous decrease of children and adolescents in the composition of the population, because of the increased life expectancy, and therefore the weight of the older generations. Other important changes are the diversification of family structures and the increase in family and individual poverty. Compared with other European Countries, the critical points are much more significant than the relevant performances (concerning, for example, school inclusion). While giving a synthetic evaluation of these critical elements, it could be affirmed that Italian children's and adolescents' conditions, compared with others, show three main characteristics in the course of time: the marginality of the national welfare

spending dedicated to children and their families; the stressing of some aspects of both objective and subjective malaise at school; Italy's internal inequalities in well-being opportunities, mainly related to material well-being.

83. Another important research activity has been about children's participation (Law No. 285, Art. 7), that is a fundamental element for the full implementation of policies for childhood and adolescence. The survey aimed to investigate children's and adolescents' perception of their own rights, in particular their right to participation. The sample survey was carried out in focus groups within some of the schools already involved in the quantitative survey, with the aim of focusing some of the different aspects that emerged from the research and better focusing the context in which it was conducted. The outcomes of the survey show an effort of schools and Municipalities in promoting the right to participation of children. However, it seems that children's and adolescents' participation is not fully recognized by adults, who do not really take into consideration their proposals and contributions to the participatory activity. It is important to underline the importance of having given voice to more or less 22,000 children and adolescents coming from all the Italian Regions: this is quite unusual in the framework of social research. The empirical outcomes, while giving a comprehensive picture, provide relevant and precious information and elements for reflection for all those working in this field.

84. To overcome the lack of information concerning the number of children removed from home in some Regions, ten years after the census survey edited by the National Documentation and Analysis Centre for Childhood and Adolescence and after Law No. 149/2001 came into force, the Ministry of Labour and Social Policies promoted specific exploratory actions aiming to update the information about out-of-home children and adolescents, placed in family foster care and in the residential services. The goal to achieve was to compare in the course of time the phenomenon of children out-of-home and to acquire knowledge for the best development of an information system on care and protection of children and their families (S.In.BA), an instrument promoted by the Ministry of Labour and Social Policies with the collaboration of the Regions and Autonomous Provincial Authorities.

85. The research actions undertaken are along two main lines, the first one quantitative and the second qualitative. A sample survey with regional representation — both for receiving children in residential services and foster care — is currently ongoing. It will fill the information gap about Sicilian residential services: it will make possible the comparison between regions of the data referred to years 1998/1999 and the current survey, as well as the evaluation of the Italian phenomena analyzed. The quantitative survey, scheduled to be carried out in Autumn 2011, aims to investigate the services' characteristics and their impact on adults involved as professionals, as well as on children who are/should be the protagonists of the protection actions. Putting the child and his rights at the centre means identifying ways and valid instruments to implement the UN Convention of the Rights of the Child principles (Art. 12) but also the Strasbourg Convention principles about listening to the child, also concerning the institutional monitoring activity: these are two international acts that require adults to take seriously the children's opinion, experience and points of view. The survey activity aims therefore to stimulate the story telling of experiences, of good stories, emotions, expectations, fears and perspectives of boys and girls, giving them the possibility to express their own point of view.

S.In.Ba project

86. As stated before, with the aim of promoting an effective interaction between different national, regional and local welfare levels and systems and with the aim of gathering, comparing and sharing data, the Ministry of Labour and Social Policies and the Region of Campania subscribed an agreement for the creation of a national information system on care and protection of children and their families (S.In.Ba). This initiative

contributes to the constitution of the information system on social services (SISS), already provided for by Law No. 328/2000, and aims to support children rights protection policies, as stated by CRC. The final objective is to establish a unitary information system and to have individual information (in the full respect of privacy) about the services provided to children in trouble and to their families, in order to:

- (a) Identify and define the social demand;
- (b) Monitor the system for providing services/actions;
- (c) Evaluate the outcomes and the effectiveness of actions;
- (d) Set up useful instruments for planning actions.

87. The project started in June 2010 and will be completed in June 2012. The partners of the Project, which join the activity on a voluntary and experimental basis, are:

- The Region of Campania, that is the Body charged with the coordination of the national project
- Regions and Autonomous Provincial Administrations, namely Basilicata, Emilia Romagna, Liguria, Marche, Molise, Piedmont, Apulia, Sardinia, Tuscany, Umbria and Veneto
- The National Documentation and Analysis Centre for Childhood and adolescence is a member of the Coordination Committee, together with ANCI (National Association of Italian Municipalities), ISTAT and CISIS (Inter-regional Centre for information, geographical and statistical systems)

88. Since the Project also aims to integrate the systems in order to build the network, both horizontally and vertically, some other partners of the national and local welfare system will be involved, namely:

- Local Social districts
- Juvenile Courts
- Universities and Research Centres
- Third sector organizations

89. In 2010 the Region of Sicily, in the framework of the research activities promoted by the Special Plan on the development of education services, started data collection on education services, as well as a careful exploration of out-of-home children. The National Documentation and Analysis Centre for Childhood and adolescence has conducted reconnaissance on information systems concerned with data collection on minors placed in foster care and in foster families. With regard to the public sector, the Reference persons of Regions and Autonomous Provincial Administrations, of ISTAT and of ANCI were involved, as well as significant actors from the private sector, such as CNCM, CNCA, Cismai, Anfaa, Associazione comunità Papa Giovanni XXIII, Save the Children, and Caritas: the National Coordination of foster care services, which collects both public and private experiences, was involved as well.

90. The survey aimed to investigate the existence and the spread of data collection systems, the frequency of this collection, the subjects managing the operative phases, the owners of the elementary data, the support recording them, the typology of data, the forms of spread and promotion of the results, the links between the different data collection systems, the possibility — if existing — of following the minor's path within the placement. Fifteen Regions and the two Autonomous Provincial Administrations declare they have a data collection system able to guarantee continuity in the course of time, which demonstrated their commitment and attention in documenting the phenomenon.

Table

Regions and Autonomous Provincial Administrations following the data collection on foster care

<i>Typology of data collection</i>	<i>Regions and Autonomous Provincial Administrations</i>
No collection	Abruzzo, Calabria, Sardinia
Ad hoc gathering, una tantum	Liguria
Periodic	Basilicata, Bolzano, Campania, Friuli-Venezia Giulia, Lombardy, Marches, Molise, Emilia-Romagna, Lazio, Piedmont, Apulia, Sicily, Tuscany, Trento, Umbria, Valle d' Aosta, Veneto

91. The monitoring experiences promoted by Regions and Autonomous Provincial Administrations with regard to the placement of children and adolescents in residential services are mainly periodic. As was verified about foster care, the data collected on residential services show therefore a specific attention of each regional Administration in guaranteeing informative continuity in the course of time.

Table

Regions and Autonomous Provincial Administrations following the data collection on residential services

<i>Typology of data collection</i>	<i>Regions and Autonomous Provincial Administrations</i>
No collection	Abruzzo, Calabria, Sardinia, Sicily
Periodic	Basilicata, Bolzano, Campania, Emilia-Romagna, Friuli-Venezia Giulia, Lazio, Liguria, Lombardy, Marches, Molise, Piedmont, Apulia, Tuscany, Trento, Umbria, Valle d' Aosta, Veneto

92. With regard to the private sector, it seems that there is no monitoring activity or systems on periodical collection of data referring to dimensions and characteristics of minors placed in residential structures. Concerning this, it has to be clarified that some organizations do draft reports, studies and analysis on dimensions and issues more related to qualitative aspects of the welcoming activity, such as the National Coordination of Communities for Minors (CNCM), the National Coordination of Welcoming Communities (CNCA) and the Associazione Comunità Papa Giovanni XXIII.

93. Moreover the Ministry of Labour and Social Policies, in collaboration with the Department of Family Policies and with the ISTAT, is preparing an experimental project for the creation and implementation of a national computerized system for the purpose of gaining access to information about services provided by single public or private health and educational bodies for early childhood, present in the community. Once it is active, this would: (a) *monitor* the system for the provision of services and actions; (b) have instruments for planning the actions; and (c) *assess the results* and the efficacy of the actions.

8. Please provide information on steps taken to: (i) put in place sector-specific analysis of public spending on children; and (ii) address regional disparities relating to the allocation of resources for children, in particular in the fields of social services and education. Please also comment on reports of budgetary cuts for the Fund for Family Policies, the Fund for Youth Policies and the Special Plan of Action for the development of regional socio-educational services of the 2009, 2010 and 2011 budgets.

94. With regard to the sector analyses on public spending for childhood we point out that the activity of monitoring and evaluation are one of the main areas where the policies of the Ministry of Labour and Social Policies are being reinforced.

95. With the reform of Title V of the Basic Law, the responsibilities for the direct management of the social services are entrusted exclusively to the Regions for the production of regulations and to the local authorities for the actual management of the services. Though the social services system is moving towards a “federal” type of organization, at the head of the Ministry there remain responsibilities for the definition of standards for the fulfillment of social rights (through the system of the essential levels of the services) and a function for monitoring and evaluating social policies.

96. The challenges where the Ministry has set up the monitoring and evaluation activity can be identified in two main areas:

- The first is the establishment of information systems on the social services with specific attention also to services for childhood and adolescence
- The second is a monitoring activity on the social spending of single and associated municipalities by means of a census carried out in collaboration with the ISTAT, the State General Accounting Department and CISIS (Interregional committee for information technology, geographic and statistical systems)

97. Further examination of these aspects is important for a more detailed and circumstantial analysis of public spending on childhood: the periodic report on the state of implementation of Law No. 285/1997 for the year 2009 in the 15 Beneficiary cities was published and it is available at www.minori.it. The 2010 Report will be published soon.

98. One of the relevant points examined in the report concerns the identification of planning models for childhood and adolescence policies adopted by the Fund Beneficiary cities, an analysis of social spending reserved for child policies in the communities under consideration and the incidence of Fund 285. The aim of this examination was to support the evaluation analysis of the use of Fund 285 in the light of the more general decisions on municipal spending in the social sector.

99. ISTAT has been charged to conduct a rapid survey on the expenditure in the early childhood education and care services (ECEC), and on their users. The main purpose is to draw an updated and complete picture of the supply of public ECEC services — crèches and similar “integrative” social and educational services — open to 0–3 year olds (up to the 36th month). In the school year 2009–2010 the level of potential users in all the ECEC services (crèches and “integrative” services) has been 13.6%. That speaks for an increase of 2.2% since the school year 2003/2004 taken as the starting point, as shown by the monitoring of the Special Plan set up in 2007.

100. As for the sector analysis on public spending in the child policies, we refer the reader to the survey on costs, fees and access criteria carried out in the framework of the Special Plan for the development of early childhood education and care services (see paragraph 7). With regard to the cuts in available resources, a twofold aspect requires consideration: the general economic situation that imposes a reduction in public spending and the process of implementation of federalism. With the concrete implementation of tax

imposition by all levels of government, the overall funding of social policies no longer depends primarily on the central administration, but also and above all on the income and spending policies of the regions and local authorities. We should stress however that for the Special Plan for health and educational services for early childhood it is inappropriate to speak of cuts and suspension of funding. It is a time limited programme (2007–2009), which the Government has decided to fund also for 2010.

101. Finally, as regards the measures adopted in order to face the disparities deriving from the allocation of resources for childhood, with reference to the development and the funding allocated for the health and educational services for childhood, we point out that, as well as the state and regional resources allocated in the three year period from 2007–2009 by the Special Plan for the development of the integrated network of health and educational services for early childhood, equal to 727 million Euros, a further 100 million have been allocated to the Regions for 2010, through the Department of Family Policies, in order to implement, first of all, the provision of services for early childhood, together with other initiatives for families. At the same time, we point out that in the last three years, experimentation began with the “Primavera” Sections, crèches combined with nursery schools (2–3 years) funded on the national territory. For the school year 2010–2011 there are 1,600 authorized sections, with a total of 25,000 children aged between 2 and 3 years.

9. With reference to paragraph 170 of the State party’s report on the right of Italian mothers or fathers not to recognize the child, please provide information on how the State party guarantees the rights of all children in Italy to an identity and, as far as possible, to know his/her parents.

102. As regards the question at issue, considering that Italian law contemplates the faculty and not the obligation for the mother and father to recognize their child either jointly or separately (Art. 250 of the civil code); we point out that following the reform of family law (Law No. 184/1983) the new system has sanctioned “the right to the state of son/daughter” through the generalization of recourse to the institute of judicial ascertainment of the affiliation.

103. The right to the state of affiliation has cancelled the conception according to which the juridical relationship of affiliation depends on the parent’s will. The act of recognition is rather the spontaneous act of ascertaining affiliation that makes judicial ascertainment superfluous. The relationship of affiliation is constituted at birth and recognition is the act with which the relationship of affiliation is made legally certain. Thus the subject of Art. 250 of the civil code loses its meaning. According to this article the parent is not obliged to recognize his/her child since the law gives priority to the right of the child to be recognized, giving him/her the instruments for a judicial declaration of fatherhood and motherhood (Art. 269 ff. of the civil code).

104. Legal recognition is a judgment that produces all the effects of recognition. Very different is the case of so-called anonymous birth, which is a departure from the discipline examined previously. In this case, what is considered to be the prime interest by the Italian legal system (Art. 2 of the Basic Law), and by the UN Convention of the Rights of the Child, is the protection of the right to life and prevention of the traumatic abandonment of the newborn child.

105. To this end, to prevent the phenomenon of traumatic abandonment of newborn children, many Regions and in particular several Italian cities have launched information campaigns, reinforcing services to protect women in difficulty and advising the more specialized hospitals to enable anonymous childbirth. Timely and adequate information for the pregnant woman and tangible social, economic and psychological intervention in her aid, guarantee the expectant mother and her unborn child right to health, protected childbirth in the hospital and the possibility for the woman to exercise a free, conscious and

responsible choice as to whether or not to recognize his/her baby. The hospital where the birth takes place must therefore ensure for the mother and the newborn baby the full implementation of the aforementioned rights, through its social, health care and educational and administrative workers, with their specific professions and interacting with the other institutions responsible for this protection.

106. As we all know, the Italian legal system guarantees the right to conscious and responsible procreation and the protection of maternity. Whoever is born is recognized by our law as a “person” to whom legal capacity is attributed, i.e. the ownership of rights, firstly as for every human being the inviolable rights of the person, the right to identification, a name, citizenship, the certainty of a status of affiliation, to education and growing up within the family.

107. The unrecognized newborn child must be guaranteed specific actions, following precise legal obligations, to assure him/her due protection, in implementing his/her fundamental rights. The declaration of birth made within the maximum time limit of 10 days after birth, enables the birth certificate to be drawn up, and therefore acquisition of a personal identity, a name and citizenship. If the mother wishes to remain anonymous the declaration of birth is made by the doctor and obstetrician – *“The declaration of birth is made by one of the parents, by a special representative, or by the doctor or midwife or by another person who was present at the birth, respecting the mother’s possible decision not to be named”* (Presidential Decree No. 396/2000, Art. 30, paragraph 1). The immediate report to the public prosecutor’s office at the Juvenile Court about the situation of abandonment of the unrecognized newborn child enables a procedure to be started for adoptability and the prompt identification of a suitable adoptive couple. The newborn baby is thus guaranteed the right to grow up and be educated within a family and acquires the status of a legitimate child of the parents who have adopted him/her. In the report and in every further communication with the legal authority, any reference identifying the mother must be omitted. Therefore the right to remain a secret mother prevails over every other consideration or request, and this must be a further element of security for every woman who decides, with the help of the competent service, to give birth anonymously.

108. Concerning the adoptee’s right to know the identity of his natural parents, Law No. 149/2001 establishes such a possibility. Art. 24 establishes that the adoptee, on reaching 25 years of age, may obtain information concerning his origins and the identity of his natural parents: the Juvenile Court to which the request must be made, authorizes access to the information requested by adoptees, only after a hearing with the persons who it deems appropriate to hear and acquiring all the information of a social and psychological nature, in order to ascertain that access to this information will not disturb the psychophysical balance of the petitioners. This article envisages moreover that if there are serious and proven reasons affecting the adoptee’s psychophysical health, he may obtain the same information on reaching majority. As stated above, access to such information is not allowed if the adoptee was not recognized by his natural mother at birth and if one of the biological parents expressly declared their wish to remain anonymous. In any case, if there are serious and proven reasons, information concerning the natural parents may be supplied by the adoptive parents even before the child comes of age, if authorized by the Juvenile Court. The general reason for this regulation, the intention of which was to maintain a certain degree of secrecy about the identity of the natural parents, covers many aspects: on the one hand the right to anonymity that in many cases the natural parent asks to maintain — sometimes as a condition for consenting to the adoption — on the other hand the need to prevent the adopted child, especially when he is still small or adolescent, from nourishing fantasies or inappropriate expectations about his natural parent, when, if frustrated, (for example the discovery that he was abandoned or that a parent was involved in illegal activities, etc.) could have a negative influence on the child upbringing and general balance.

- 10. Please provide information on steps taken to ensure in law and practice the right of all children under the jurisdiction of the State party to be registered at birth. In this regard, please clarify how the State party has resolved the inconsistency between provisions of Law No. 94/2009 requiring non-Italians to show their residence permit in order to obtain civil records and the circular of August 2009 on birth certificates and recognition of the child. Please also clarify legislative and administrative measures taken to ensure that children who are, or would otherwise be, stateless are provided with Italian citizenship.**

109. Within the Italian legislative framework following the entry into force of Law No. 94/2009 and related Circulars, the documents which prove the regularity of residence are the following: residence permit; EC residence permit for long term residents; residence card for a family member of an EC citizen. In case of short term residence, which does not exceed three months, the regularity of residence of the person who is going to get married can be proved by the Schengen stamp put by the Border Authority on the travel document or by a copy of the so-called "statement of presence" made to the Head of the local Police Headquarters within eight days after entry or by a copy of the statement made according to art. 109 of the Royal Decree no. 773 dated 1931 to the managers of hotels or other reception facilities.

110. In order to be allowed to get married, the foreigner who is waiting for the residence permit for subordinate work to be issued must produce:

- The residence contract signed at the Single Desk for Immigration
- The application for the residence permit which was submitted to the Single Desk for Immigration
- The receipt issued by the post office proving that the application for the residence permit was submitted

111. In order to be allowed to get married, the foreigner who is waiting for the residence permit for family reunification to be issued must produce:

- The entry visa
- An uncertified copy of the authorization issued by the Single Desk for Immigration
- The receipt issued by the post office proving that the application for the residence permit was submitted

112. With regard to actions concerning statements of birth as well as of legal recognition of filiation (birth register, civil status register), documents related to residence must not be produced since it is a case of statements which have been made, also with a view to the minor's protection, in the public interest of the certainty of de facto situations. The civil status deed has a different nature which cannot be compared to the measures mentioned in Art. 6 of Legislative Decree No. 286/1998. The municipality can perform its responsibilities with regard to health matters through the control of health and sanitary conditions of buildings in case of requests for registration and personal data changes. It is clear that the foreigner's registration continues to be valid during the stage of renewal of the residence permit. An ad hoc national register of people who have no fixed abode has been established within the Ministry of Interior.

11. Please provide information on the system in place to regulate and monitor international adoption in conformity with article 21 of the Convention. In particular, please comment on reports of different costs for adoption and how the State party ensures that adoption is not exploited for financial gain. Please also inform the Committee about the criteria and standards in place for the accreditation of adoption agencies.

113. Law No. 487/1998 amended and improved Law No. 184/1983 that regulated the institutes for foster care and national and inter-country adoption. By Law No. 487/98, in fact, the principles of the Hague Convention were fully incorporated into the Italian legislation. Later regulatory measures (Law No. 149/2001 and Legislative Decree No. 108/2007) improved and in some places modified Law No. 184/83, while the Central Italian Authority (International Commission for Adoption) adopted in 2008 a specific act (Law No. 13/2008 of October 28, 2008), which specifies the criteria of authorization for the institutions' activities.

114. It is important to underline that Italy has prohibited individual and private adoptions and it has allowed only adoptions realized with the participation of authorized institutions under the Central Authority supervision. This supervision is regulated by Arts. 15 and 16 as provided for in the Legislative Decree No. 108/2007, which allow the application of disciplinary sanctions of increasing severity (complaint, requirements, suspension and revocation of authorization).

115. Adoptions are monitored by a complex and efficient computer system, which allows the Central Authority to follow each single case of inter-country adoption in all its stages, including post-adoption. The Italian Central Authority is always careful about costs of adoption and in 2003 it developed uniform tables (divided into all specific cost items) jointly with the authorized institutions which have to apply the Directive of the President of Council of Ministers of April 4, 2003. Studies are being conducted to test some current parameters set up in 2003 and revalued in 2006.

116. Yearly the authorized institutions have to send to the Central Authority the budget and a report of their activities. The institutions also have to send to the Central Authority, after completing each adoption process, a report of the costs borne by the parents, both in Italy and abroad. These actions allow an immediate check on the comparison between applied costs and the tables of costs. Sometimes there are checks on single cases. A further check is possible when there are refunds of the costs of inter-country adoptions. These are yearly payments allowed by Decree of the Presidency of the Council of Ministers, funding a specific reserve. These decrees establish the requirements, forms and documents to be submitted to prove the costs. Similarly, the current legislation, which allows the deduction of some taxes on costs for inter-country adoptions, requires proof of the costs with documents, certified by authorized institutions.

12. Please provide information on the completion of the deinstitutionalization of children deprived of a family environment in accordance with Law No. 149 of 28 March 2001. In this respect, please indicate steps taken to ensure independent monitoring of and registration of children in alternative "residential services"/"strutture di accoglienza", such as family-type communities and institutions, and the development of national minimum standards and criteria for such services.

117. Before starting to examine the actions in support of the de-institutionalisation process, it seems appropriate to point out that during 2010 the Ministry of Labour and Social Policies funded an experimental project for the prevention of institutionalisation denominated P.I.P.P.I. — **Action Plan for the Prevention of Institutionalisation** — which had the aim of implementing multidisciplinary, integrated actions intended for a

limited number of family units with children aged between 0–16 with a serious risk of separation from their families.

118. The programme involves the local services which have the function of providing protection and care for children and adolescents. It involves target multiple-problem families, which are negligent in the care and upbringing of their children and considered by the services to be at risk of separation from their under-age children, in order to identify, experiment, monitor, evaluate and codify an intensive, continuous and flexible, but at the same time structured approach to taking charge of the family nucleus, and able to significantly reduce the risks of removing the child or adolescent or to ensure that the separation, when necessary, is an action that is extremely limited in time, facilitating family reunification processes.

119. Concerning the issue of de-institutionalization of children, Law No. 149/2001 states that, when it is not possible for the child to grow up within its family of origin, and where , therefore, it is necessary to temporarily remove the child from his family , the measures to be taken have to consider firstly the possibility of welcoming the child within a foster family: the choice of placing the child in a residential structure, possibly a residential family structure has to be considered only as second option. On the basis of the same principles, the law states modalities and timing for the de-institutionalization process (by 31 December 2006), that means the closure of that particular type of residential services for children named “Institutes for minors”: these are characterized as residential welfare socio-educational structures of huge dimensions, welcoming a large number of minors and providing mainly educational and recreational services and protection assistance; they are a minority in comparison with the other typologies of residential services existing in Italy.

120. The National Centre followed during the years the closure process of the “Institutes for minors”, promoting monitoring actions about the phenomenon nationwide. On the basis of the first data available, it emerged that the closure/conversion process of these Institutes had already started before Law No. 149/2001 came into force: up to 31 December 1999, 475 Institutes for minors were open in Italy, welcoming about 10,626 minors, one year later (up to 31 December 2000) there were 359, welcoming 7,575 minors.

121. Starting from the numbers related to the phenomenon and with the aim of monitoring the law’s objectives, the National Centre carried out in 2004 a specific census survey at the national level, providing details and integrating the Institutes for minors’ registry mailing list provided by ISTAT, containing the information and updates from the Regions and Autonomous Provincial Administrations. This research activity revealed that the de-institutionalization process received a strong impulse from the law’s mandate, achieving further reductions in the number of Institutes and of minors welcomed (215 structures and 2,663 minors up to 30 June 2003).

122. Two relevant elements of interest will be pointed out here, the first one is quite well-known, the second one is not. The first element is about the territory distribution of the Institutes for minors, mainly centred in the Southern Regions and the Islands: Campania (28), Calabria (30), Apulia (35), Sicily (63). On the contrary, the second element refers to the relatively small number of minors welcomed in those structures especially in the Regions where they are more widespread: 8.6 minors are welcomed in Calabria, 8.2 in Sicily and so on out of a national average of 12.2.

123. Subsequently the 215 Institutes for minors still open have been contacted on several occasions by the National Centre, in order to have a faster and more updated monitoring of their closure and/or transformation. This was done in order to draft a picture of the state of the art up to November 2006, near the deadline fixed by the law, and after which it has been done with the aim of verifying the fulfilment of the process of those structures which did not respect the deadline: the contacts were made on the May 31, 2007, January 31, 2008

and March 31, 2009. The outcomes of the interviews are reported, in terms of structures and minors welcomed, in the table below, and they report a de-institutionalization process almost completed, at least from a formal point of view. In conclusion, some final remarks can be summarized:

- The long process of de-institutionalization appeared to be characterized by a progressive and steady tendency towards the reduction of the Institutes for minors across the national territory in the course of time, and this tendency started already before Law No. 149/2001 came into force, but at the same time this law stimulated and gave an impulse to it
- The phenomenon is still concentrated mainly in the Southern areas of the country and in the Islands
- There has been a strong reduction in the welcoming capacity of these structures, perhaps an effective emptying of them while waiting for the process of conversion to be accomplished

124. Having said that, it has still to be verified how these conversions are effective and are not hiding welcoming structures almost identical to the previous Institutes (for example, more than one institute in the same building, that is a pretended division of spaces as well as more communities providing the same activities in the same place), as has been underlined in many reports and on several occasions: if, in other words, these structures give effective implementation to the child right to grow up in an environment appropriate to his/her psycho-physical and relational development.

Table

Institutes for minors and welcomed minors – Italy

	<i>Structures</i>	<i>Minors</i>
31 December 1999 ^(a)	475	10 626
31 December 2000 ^(a)	359	7 575
30 June 2003 ^(b)	215	2 633
30 November 2006 ^(b)	52	355
31 May 2007 ^(b)	20	137
31 January 2008 ^(b)	14	48
31 March 2009 ^(b)	3	15

Source: ^(a) ISTAT.

^(b) National Documentation and Analysis Centre for Childhood and Adolescence.

125. More generally, concerning out-of-home children, the Ministry of Labour and Social Policies has promoted an annual monitoring activity for the gathering of a minimum amount of information concerning children and adolescents in foster care (to single persons, families and relatives) or placed in residential services, in close collaboration with Regions and Autonomous Provincial Administrations, with the support of the National Documentation and Analysis Centre for Childhood and Adolescence. Due to the different regional legislations, the homogeneity of the gathered data was assured by using a common glossary for the definitions of foster care to single persons, families and relatives, as well as for residential services: the starting point was the classification identified by the “Inter-regional Nomenclature of Social Interventions and Services”, settling minimum regional and national standards.

126. As we have already stated, in 2011 a qualitative and quantitative investigation is underway on children and adolescents outside their family of origin in Italy, promoted by the Ministry of Labour and Social Policies in collaboration with the Florence Institute of Innocenti. This research springs from the need to update the knowledge framework about the phenomenon of children and adolescents taken in by residential educational and welfare establishments and placed in foster care with families and continuing the census carried out by the National Centre for Childhood and Adolescence Documentation and Analysis in the two year period 1998–1999. The inquiry represents a regional representation of the sample so that it can be compared with the data collected in 1998/1999 and the evaluation of the development of the phenomena under consideration in Italy. Moreover, in order to check how far the objectives have been reached with regard to protecting the child right to a family, a selected committee has been established, involving the Ministry of Labour and Social Policies, the Ministry of Justice and of the Regions for the drafting of the periodical report to Parliament on the state of implementation of the actions foreseen by Law No. 149/2001.

127. Finally, concerning the means of inspection, the creation of effective mechanisms for receiving and forwarding appeals from the children receiving care, for monitoring the care provision parameters and for the periodical and regular review of placements in an institution, we again confirm what was already reported in the third-fourth report to the UN: in conformity with Art. 9 of Law No. 149/2001 the Public Prosecutor at the Juvenile Court sends the proceedings to the same Court with an informative report, every six months and he carries out or requests inspections in the public and private welfare institutions. As we all know, in accordance with Art. 104 of the Basic Law, the magistracy is an autonomous body, independent of any other power and in particular, of the executive (the Government). This guarantees perfect compliance with the recommendations of the UN Committee. In any case, the institution of the ombudsman, with powers of inspection and vigilance that are meaningful in this field, is a further positive development in increasing the number of independent institutions that guarantee the implementation of the rights of childhood and adolescence.

128. Concerning the unaccompanied minors, public officials, public service providers and other entities, especially health and care services, have the duty to report the unaccompanied minors to the Committee for Foreign Minors (Comitato per i Minori Stranieri – CMS) by filling in all the parts of the survey prepared by the CMS. The presence of children should also be reported to the Public Prosecutor at the Juvenile Court. The correct procedure is based on the following steps:

- Identification of the minor
- Taking charge of the minor (placement, residence, custody, protection)
- Identification of family members of children (Family Investigations – Family Tracing)

129. The CMS works to identify the families of the children, even in their countries of origin or third countries, thanks to the cooperation with the appropriate international bodies. According to information obtained, the CMS may adopt, in order to protect the right to family unity, the measure of assisted repatriation. Concerning the independent monitoring of unaccompanied minors it is appropriate to take into account that the “Executing Body” instituted according to Art. 5 of the Order of the Presidency of the Council of Ministers No. 3933/2011 for the Welfare of Unaccompanied Foreign Minors in conformity with the UN Convention on the Rights of the Child, has placed at the centre of all the procedures relating to the child, the “greater interest” of the child, establishing the municipalities as key subjects of the hosting procedures.

- 13. Please provide information on the impact of Law No. 169/2008, in particular the reduction in the ratio teachers/pupils and the cuts in funding for the public education system, on the right of the child to quality education. Please also indicate steps taken to address and reduce the high drop-out rates of students in secondary school, including implementation of a registration and record system to monitor early school leaving, as indicated in paragraph 514 of the State party report. What steps have been taken to ensure inclusive education for children with disabilities, including by ensuring sufficient number of specialized teachers and funding?**

130. With reference to the impact of Law No. 169/2008 as far as the reduction in the ratio teachers/pupils and the cuts in the public education system, it can be said that for the school year 2011–2012 the criteria for that ratio are the following:

- Total number of pupils
- Presence of pupils with disabilities
- Presence of pupils with foreign nationality
- Geomorphologic features of the school contexts
- Socio-economical conditions of the school population

Therefore, a different ratio teachers/pupils has been established in order to be closer to European standards. There will be no reductions or consequences of the previous reductions on the functioning of school institutions, as well as no consequences on the quality and quantity of the school service for next year.

131. As for what concerns the criteria in the formation and composition of classes, these criteria are the same of last year, the same criteria fixed in the Presidential Decree No. 81/2009 that takes into account the mandatory contextualization with respect to the number of pupils and specific situation of the area in which the schools are. Anyway, Regional Educative Authorities are performing a monitoring analysis to check whether it is necessary to adjust or modify these limits in some cases, because of requirements, mainly due to school buildings.

132. In the school year 2007/08, full time classes that were 33,224 (that is to say about 24.15 per cent on the total number of classes) have increased in number in the following years, passing to 34,317 (25.03 per cent); in the school year 2008/09 and in the school year 2009/10 the number of full time classes has been 36,493 (26.95 per cent), in 2010/11 full time classes are 37,407 (27.95 per cent), and they will even increase in the school year 2011/12, thus becoming 38,120 (that is to say 28.93 per cent on the total number of classes).

133. As it concerns specialized teachers for pupils with disabilities no reduction has been carried out on the amount of this kind of teachers. On the contrary, on the base of a sentence of the Supreme Court No. 80/2010, specialized teachers have increased of 4,440 in the school year 2010/11 (in this way the total staff of specialized teachers passes from about 90,000 teachers to 94,400). For the school year 2011/12, the number of permanent specialized teachers has been reconfirmed, the posts being more than 63,400, as a result of an increase of about 15,000 teachers in the last three school years. In other words the number of these teachers is the same of last year, the only difference consists in the fact that they are allocated to the school, as a whole, or to a net of schools to have major flexibility with respect to the type of disability and with the scope of promoting a more diffused culture of integration with fellow teachers and colleagues.

134. As for children with disabilities on July 20, 2011 the Minister for Education, University and Research signed the Decree implementing Law No. 170/2010 to recognize specific learning disorders, such as dyslexia, dysorthography, dysgraphia and dyscalculia.

The Law safeguards the rights of children with these disabilities, by the means of a focus on new teaching forms, on adequate evaluation methods and modalities and also on a specific training courses for teachers. The Ministry is carefully dealing with such an issue and is promoting, through ad hoc Guidelines, the formative success for pupils and students with learning disorders, while supporting their families too. Compensative tools and instruments and dispensatory measures have been preset, in order to facilitate learning and studying (vocal synthesis tools, recorders, software, etc.) Dispensatory measures deal with the possibility of being assessed in a different way, with different exam tests, whether children's disorders affect writing or orthography and so on. In some cases computers are allowed with Word programme or with oral software. These devices are meant for every kind of learner from Primary school to University. Families will be contacted and met more frequently by the school staff, as well informed of all the steps of their children. Families will share knowledge about all educative activities. Training for Head-teachers and teachers, for this specific target, have started on a national scale and one year Master Courses will be held in Universities. The amount of 2 million Euros has been allocated for these actions. As a side accompaniment fundamental measure, 96 Support Local Centres (Centri Territoriali di Supporto) for dyslexia have been created, as a resource structure for teachers, for counselling, training, updating and monitoring data. Three ITC teachers will work in each one of these Centres to advice and support the usage of hardware and software specific devices. The sum of one million Euros has been allocated for these aim.

135. As for what concerns early school leaving, it is foreseen a monitoring action for the Plan about "Student Registration" to contrast that problem, a specific Note was adopted on May 9, 2011 by which 12.5 billion Euros have been foreseen to relaunch and potentiate the development of Southern Italy, mainly for research and school system, by the means of a South Plan (*Piano Sud*) – adopted by the Ministry of Education, University and Research. The contents of this Note can be summarized as follows in relation to the main scope to improve the school system:

- Building of a model school in every Province of Southern Italy: a vanguard school building from an architectonic point of view, with attention to energy saving criteria. The school building will also be endowed with innovative didactic instruments, tools and devices.
- Modernization of school buildings, first the I and II cycle school buildings, by the means of completing their didactic laboratories and ITC structures, too.
- Allotment of scholarships to clever students.
- Melioration of the quality of didactics, through new mechanisms of evaluation of institutions and teachers that have started in an experimental way, in collaboration with Invalsi and Ansas.
- Programme of inclusion in the market labour by the means of apprenticeship formalized activities in education and training in VET for young students after 14 years or after the accomplishment of the first cycle of compulsory education.

136. Finally, as for what regards inclusion, on January 12, 2011 the Seventh Commission of the Parliament approved a document concerning all the survey to ascertain and assess issues related to the acceptance, in the Italian school system, of pupils with non Italian citizenship. On the basis of this survey the Commission gave disposal to carry out a deep and documented reflection on the presence of migrant students or of students that are children of migrants; these students are a relevant reality in the Italian school system, especially in some Regions. Even though the percentage of pupils with non Italian citizenship, who were esteemed to be about 630,000 in December 2009, does not represent a high percentage compared to other European countries, the increase in number of pupils — 70,000 children every year — has had a major impact in the last five years, being

concentrated in some schools and areas. The commissioned survey has had the purpose of counting migrant pupils, of getting to know eventual or actual challenges related to them and also of planning possible actions for the integration, for the social cohesion and for the education of future citizens, the aspects that the schools are assigned and asked and to cope with, at first glance.

137. Thus, it can be said that the presence of foreign pupils is now a structural occurrence in the Italian school system, as a matter of fact these pupils are 7 per cent on the total number of students, being about 629,360, out of a total of 8,945,978 school population. Also the number of foreign children that were born in Italy has increased, in 2008–2009 they are more than 200,000 with an increase of 17 points per cent, with respect to the previous year. At the national level, children from Romania are the most numerous in schools, they represent 16.8 per cent of the total figures of foreign students. Romania, Albania and Morocco contribute with about 45 per cent to the number of foreign school population. The presence of Chinese children and young people in schools is concentrated in some areas and they have diverse behavioural typologies, compared to other foreign students.

138. Among the main relevant specific measures and steps indicated in the above mentioned Commission document there are:

1. Practice of acceptance and welcoming as well as activities of inclusion in the school community;
2. Italian as a second language;
3. Exploitation and valorisation of multilingualism;
4. Relationship with foreign students' families and counselling;
5. Building relationships at school and during extracurricular school time;
6. Targeted intervention upon discriminations and prejudices;
7. Intercultural perspectives in knowledge and in competences;
8. Networking among school institutions, civil society and territory;
9. The role of Head-teachers;
10. The role of teachers and educative staff.

- 14. Please provide information on measures taken to adopt common legislation and procedures for asylum-seeking children across the State party, in particular as regards unaccompanied children. Please also inform the Committee about the current protection, reception and identification system in place to ensure that children have effective access to asylum procedures. Please provide information on legal, physical and psychosocial assistance and protection provided to all children arriving in the island of Lampedusa since January 2011. What steps have been taken to establish a permanent national authority with responsibility for the protection and well-being of unaccompanied and/or separated children? Additionally, please provide information on the Legislative Decree adopted in June 2011 allowing for the detention for up to 18 months of third-country nationals illegally staying in the State party.**

Unaccompanied foreign children

139. As is generally known, the Decree of the Presidency of the Council of Ministers No. 535/1999 established the Committee for Foreign Minors (Comitato Minori Stranieri – CMS). Based at the Ministry of Labour and Social Policies, the CMS is an inter-ministerial body composed of nine representatives (chaired by the Ministry of Labour and Social

Policy and composed of the Ministry of Foreign Affairs, Ministry of Justice, the Ministry of the Interior, Union of Italian Provinces (UPI), ANCI, UNHCR and the Aiutiamoli a Vivere Foundation) established by Art. 33 of the Legislative Decree. No. 286/1998, in order to monitor the accommodation arrangements for foreign minors who temporarily live in the territory of the state; and coordinate the activities with the authorities involved.

140. Concerning children's welfare on Lampedusa Island, Art. 4 of the Order No. 3948/2011 issued by the Presidency of the Council of Ministers, sets out the following paragraphs: "MLPS through the (CMS) Comitato Minori Stranieri provides the identification and the organization of temporary and non temporary structures for the reception of unaccompanied minors. The Ministry of Labour and Social Policies through the CMS ensures the financial covering of costs resulting from the transfer of minors from the place where they were found to the municipality in which the care will be provided. The CMS ensures the reimbursement of the costs sustained by municipalities from January 1, 2011 for the reception of unaccompanied minors coming from North Africa."

141. For more details, on the basis of several decrees and Civil Defence orders, adopted by the President of the Council of Ministries and by the Ministry of the Interior in recent months (starting from February 12, 2011), a new procedure has been defined by Circular No. 2436 of May 18, 2011⁴ followed on the same day by the Decree of the Delegate Commissioner for the North-Africa Emergency, appointing the general Director of the Ministry of Labour and Social Policies as the person in charge for providing assistance to unaccompanied foreign children ("Executing Body").

142. This new procedure for the placement of unaccompanied migrant children states the following indications:

1. The foreign unaccompanied child landing on the Italian territory, coming from a humanitarian emergency situation in North Africa has to be primarily identified by the Public Security Authorities. The Public Security Authorities assure a first identification of the age and report the minor's presence to the Executing Body, to the Committee for Foreign Minors (operating within the Ministry of Labour and Social Policies), to the Office of the Prosecutor of the Italian Republic at the Juvenile Court and to the Tutelary Judge. The Public Security Authorities verify the possibility of placing the minor in one of the structures present in the district of affiliation and, if this is not possible, they promptly inform the Office of the Prosecutor of the Italian Republic at the Juvenile Court; in this case, they ask the Committee for Foreign Minors, by forwarding the request to the Executing Body, to verify the availability of structures for a first placement. These structures, named "Temporary care centres", should have been previously recorded nation-wide by the Executing Body, in agreement with ANCI; they should be in line with legal requirements, spread nation-wide and charged exclusively with the first phase of the placement, while waiting for the child to be placed in a structure that will host him/her until he/she is 18. The so-called "bridge structures" allow the immediate and safe placement of minors and, at the same time, the possibility to provide the necessary investigations aiming to define, keeping in mind the best interest of the child, the subsequent integration course.

2. The Public Security Authorities, once the Executing Body has identified the "Temporary care centre in which to place the child", provide for his/her placement and inform the local social services (belonging to the Municipality where the

⁴ Procedures for the placement of unaccompanied foreign children – Presidency of the Council of Ministries, Department of Civil Defence.

community is located) and the competent Office of the Prosecutor of the Italian Republic at the Juvenile Court, as well as the Tutelary Judge.

3. The Major or a delegate provides for the following actions, once the minor has reached the “Temporary care centre”:

- He asks the responsible Public Security Authorities to complete the minor’s identification and his/her effective minority age
- He verifies the effective condition of “unaccompanied”
- He collects information about the presence of relatives in Italy
- He informs the minor about the opportunity to ask for international protection
- He arranges health screening of the minor through the local public structures

4. After the procedures mentioned above have been completed, the Ombudsman or a delegate reports about the minors to the Committee for Foreign Minors, by forwarding the request to the Executing Body. The Committee takes steps to indicate, through the technical secretary of the national unaccompanied children protection Programme, the municipalities where the available welcoming structures are located, with specific indications about which are the most convenient. The transfer is assured by the bridge structure, following the timing and modalities agreed with the receiving Municipalities.

5. After the arrival in the receiving Municipality, the minor is taken in charge by the local social services, which provide all the formalities stated by law (request to the Tutelary Judge for opening the guardianship procedure and so on); they undertake also to update the Committee for Foreign Minors, the Executing Body, and the competent Office of the Prosecutor of the Italian Republic within the Juvenile Court and Tutelary Judge.

The placement costs, including the transfer mentioned in points 2 and 4 and including the placement in the “Temporary care centre and the following centres”, which are reported by the Executing Body to the delegate Commissioner, are covered by the funds allocated under Art. 5 of Ordinance No. 3933 of April 13, 2011.

Reunions

143. With rulings No. 21799 and No. 21803, the United Sections of the Italian Supreme Court clarified the interpretation of Art. 31 of the Legislative Decree No. 286/1998 (Common code of dispositions concerning migration and rules on the condition of foreigners) about “extraordinary re-union”; that means the possibility for the Juvenile Court to authorize the entry and the permanence on the Italian territory of the relative for urgent reasons concerning the psychophysical development of the child, for a period of time exceeding the legal dispositions. By now, the case law has showed a quite different application of this measure because, in the majority of cases, it stated that it was possible to apply it only once the exceptional emergency situation was really confirmed. Nowadays, the Supreme Court in its United Sections setting, stated that a too strict interpretation of Art. 31 of Legislative Decree No. 286/1998 does not really meet the principles of our legislation, or UN Convention on the Rights of the Child Art. 3. The judges explained indeed that - starting from the consideration that not all the situations can be standardized – the motivation required for the authorization cannot be limited to extraordinary and transitory situations, but should be referred to the preservation of the family unit and to avoid “artificial divisions”. For this reason, the prevalence of the interest of the child has to be granted even in the State’s interest in governing the migration flow, which cannot be responsible for the mistakes made by the State in the management of irregular migrants.

Finally, the judges stated that the Supreme Court stated that the application of the rights considered as “fundamental” has to be general and equal, particularly concerning the foreigners’ condition, and that the right to family reunion deserves “a special protection” when involving children’s destinies since it has a specific direct constitutional protection and it is stated by several international conventions and treaties ratified by Italy.

144. Since its entry into force Law Decree No. 89 of June 24, 2011 settled urgent provisions for the finalization of the implementation of EU Directive 2004/38/CE on the free of movement of EU citizens and the transposition of Directive 2008/115/EC (the Return Directive”) on the repatriation of the illegal undocumented extra-EU citizens.⁵ By these legislation the Italian Government extended the maximum length of administrative detention for undocumented migrants to up to 18 months. In particular, as regards the aim of implementing EU Directive 2008/115/EC (“the Return Directive”), it needs to be stressed that the Directive permits the so-called period of detention (Art. 15), whereas Art. 4 leaves Member States free to adopt provisions more favourable to third country nationals. There is therefore no EU legal requirement to introduce such an extension, which is not in line with international law. Anyway it needs to be pointed out that under international human rights law, and in particular under the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), detention pending deportation is justified in the case in which the deportation is pursued with due diligence and is realistic and possible. Otherwise, detention is considered to be arbitrary.

145. After the enactment of this Law Decree the Ministry of the Interior has issued the following measures with the aim of reaching the implementation process of this Law Decree:

- Circular No. 17102/124 of June 23, 2011 summarising the essential points of the Law Decree, while providing applicative indications, refers to the future measures that will be adopted by the competent authorities and addresses the issue of reopening the self-defence procedure.
- Circular No. 5188 of June 29, 2011 in which, in addition to the summary of some points of the Law Decree some operative indications are provided. In particular it addresses the issue of the procedure facilitating the legalisation of illegal undocumented migrant workers.

146. Moreover, Law Decree No. 89/2011 repeals some measures contained in Art. 19 of Legislative Decree No. 286/1998, in particular referring to the provisions dedicated to the vulnerable categories identified in paragraph 2 of Art. 19, by introducing a new paragraph 2bis establishing that the refoulement or the execution of the expulsion of disabled people, elderly people, children, members of single-parent families with underage children as well as children, or victims of grave forms of psychological, mental and sexual violence have to be performed with a procedure appropriate for the particular personal condition of the person involved; this latter condition has to be duly ascertained.

147. On 21 July 2011 the draft legislation ratifying Law Decree No. 89/2011, as adopted by the Chamber of Deputies, is under consideration by the Senate and in particular under the examination of the 1st Commission on Constitutional Affairs of the Senate. During the evaluation of the Commission a reform of Art. 3, concerning Art. 32 of Legislative Decree No. 286/1998, had been introduced, on the basis of which a residence permit can be issued for reasons related to study, access to work and work at the age of majority, to unaccompanied migrant children, fostered on the basis of Art. 2 of Law No. 184 of May 4, 1983, or under guardianship, prior approval of the Committee for Foreign Minors (Art. 33)

⁵ Published on the OG, General Series no. 144, 23 June 2011.

or unaccompanied migrant children. This amendment aims to facilitate the granting procedure for the residence permit on reaching the age of majority to foreigners who arrived in Italy as unaccompanied, underage persons who have followed a process of integration: the final aim is to prevent those children, on the reaching of the age of 18, from becoming illegal, disregarding the fact that they have completed an integration path in Italy that grants them effective possibilities to work in our Country.

- 15. With reference to paragraph 648 of the State party's report, please indicate the legal basis under which children can be "expelled from the country for reasons of public order or the security of the State" and its compatibility with the prohibition of expulsion or return of children as provided by Article 19.2(a) and (d) of the Consolidated Text on immigration (Law 286/98), as amended. In this regard, please inform the Committee how the State party intends to prevent any future expulsions of children under its jurisdiction, whether on the high seas or on its territory**

148. The legal basis is found in the Consolidated Act containing the measures concerning the discipline of immigration and rules about the condition of foreigners (implemented by Legislative Decree No. 286/1998) which, in Art. 19, absolutely prohibits the expulsion of foreigners under 18 years of age with the exception of the right to follow the expelled parent or foster care and the cases contemplated in paragraph 1 of Art. 13 of the same Consolidated Act.

149. Paragraph 1 of Art. 13 sanctions a departure from the ban on the expulsion of minors dictated by the need for public order or security of the State⁶. In relation to the notion of public order and security of the State, the European Court of Justice has repeatedly declared that recourse to the notion of public order presupposes, as well as a breach of the peace which is innate in every violation of the laws, also the existence of a real, sufficiently serious threat involving a fundamental interest of society. Furthermore the public order or public safety measures must be adopted exclusively in relation to the personal behaviour of the individual. The decisions on this measure can be taken only by the Juvenile Court, based on the proposal of the Questura, as stated in Art. 31, paragraph 4, of the Consolidated Text on Immigration. Therefore, the Juvenile Court holds a certain range of discretion and the power to issue this measure. However, deciding about the adoption of this measure of expulsion the Juvenile Court has to take into due consideration: (1) the effective subsistence of the reasons of public order or the security of the State, on the basis of which the measure of expulsion can be issued, as the case had been described by the Questura, (2) the effective interest of the child involved, (3) the effective need and adequacy of the measure, should there be any violation of the child right to family unity deriving from the issuing of the expulsion measure (the right of the child to family unity is recognised by the Italian Law No. 40/1998 as well as by the UN Convention on the Rights of the Child).

150. In addition, it is worth mentioning that the adoption of the expulsion measure for children is obligatorily bound to the existence of reasons of particular seriousness. Moreover, considering that the measure in this case refers to subjects who cannot be expelled, the measure can be adopted only for reasons of public order or the security of the State which are legal assumptions that are really difficult to claim in relation to under-aged people. It is worth recalling once again the notion and the procedure of the different institution of assisted repatriation, which pursues the aim of protecting the child and his right to family unity.

⁶ Art. 13 – Administrative expulsion: "For reasons of public order and security of the State, the Minister for the Interior may order the expulsion of foreigners, even if they are not Italian residents, previously notifying the President of the Council of Ministers and the Minister for Foreign Affairs."

151. The Committee for Foreign Minors (CMS) sets out to find family members of the children, also in their countries of origin or in third countries, through appropriate international organisms. On the basis of the information obtained, in order to safeguard the right to family unity the CMS may adopt the measure of assisted repatriation. Family inquiry is a socio-economic investigation conducted in the country of origin with the child parents or family members. The fundamental information for starting a family inquiry are:

- The personal data of the child parents or family members
- Their address
- Their telephone number
- Other useful information

152. The information is communicated, together with a report on the child profile, from the CMS to the International Organization for Migration (IOM), the organism currently designated to conduct family inquiries. Family inquiries are very important to discover the child original context (family, school, work) in order to elaborate a plan of integration in Italy or a possible reintegration in the country of origin, taking the child opinion into consideration.

153. To give more detailed information, some relevant information are here reported to explain how the procedure for both repatriation and reintegration work.

154. The CMS expedites “family tracing” by sending to the IOM the report form compiled by the Municipalities. The IOM contacts the staff present in the child country of origin or residence, who contact the child family and arrange for the interview, taking into consideration the indications and requests for closer examination contained in the form. Interviews with the children’s families are conducted by qualified IOM staff in the countries of origin and when possible, in collaboration with the local social services. The interview with the family takes place in the latter’s home and is based on a semi-structured questionnaire, aimed at gaining an understanding both of the family’s conditions and life prospects and of the situation experienced by the child before departing and of the reasons and the way in which the child emigrated to Italy. Following the meeting with the family a report is drawn up, after being translated into Italian it is sent to the Committee for Foreign Minors.

155. As far as reintegration programmes, once an assessment has been made of the child effective wish to return to his own country of origin — or to be reunited with his family in a third country — and having ascertained the absence of impedimental reasons on the part of the competent authorities, the IOM staff assist the child in defining his own personal reintegration programme, based on the outcome of the analysis of his original socio-economic context (interview with the family) and in coordination with the cultural mediator and the social worker from the Municipality that is caring for the child.

156. This project, defined in view of the needs expressed by the child and focused on the principal of the right to family unity, must be approved by the Committee for Foreign Minors. The IOM provides assistance throughout the preparatory phase for the child return (preparation of travel documents, provisions if necessary, planning of the journey and purchase of tickets, etc.) and, through its offices in the children’s countries of origin, it follows the child through his process of family and health and educational and/or work reintegration, providing specific medical and psycho-social support if necessary. In particular the reintegration programme offers the child specific, continuous support towards resuming his education, enter a vocational training course or an apprenticeship, or start up a professional activity of his own.

- 16. Please provide information on steps taken to implement the Optional Protocol on the Involvement of Children in Armed Conflict, in particular to: (i) raise the minimum age for voluntary recruitment of persons into the armed forces to 18 years; (ii) expressly prohibit and criminalize in domestic legislation (a) the recruitment and use in hostilities of children under 18 years in the armed forces and armed groups as well as (b) the sale of small arms and light weapons to countries where children are recruited, used in hostilities or otherwise involved in armed conflict.**

157. In addition of the information given in the third-fourth periodic report, as far as the Italian legislative frame work concerning the implementation of the Optional Protocol on the Involvement of Children in Armed Conflict, the following three main provisions have been adopted in 2010:

- By Legislative Decree No. 66/2010, the age limit to join the initial careers of the Armed forces is 18 (Art. 635, paragraph 1, letter *m*)
- By Law No. 183/2010, the minimum age to take part in Armed forces sport groups is 17, whereas appointments in operational activities cannot be made before 18 years of age (Art. 28, paragraph 1)
- By Legislative Decree No. 66/2010, the age of 18 is the minimum limit to enlist Italian citizens in the military conscription service (later interrupted in Italy since 1 January 2005): in other terms the legislation now in force does not allow army medical inspections before the age of 18

- 17. Please provide information to the Committee on progress made towards the effective implementation of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, including the adoption of: (i) the draft law on sexual violence; (ii) the bill AS 1079 on measures against prostitution; (iii) the national anti-trafficking plan; and (iv) regulation to ensure that the corporate sector, notably the tourism industry, respects children's rights, including Italian companies operating abroad. Please also provide information on the effective functioning of the Observatory for the Fight against Paedophilia and Child Pornography, and its data base, created under Law No. 38/2006. Has the State party introduced a definition of child pornography in its Criminal Code? Please also inform the Committee on steps taken to prevent, suppress and punish child prostitution.**

(i) The draft law on sexual violence

158. On April 23, 2009, Law No. 38 on "Urgent measures in the field of public security and to contrast sexual violence as well on the subject of prosecution acts" has been adopted. The new law has introduced significant changes as regards some important criminal and procedural aspects related to sex crimes against minors.

159. Firstly, the law considers custodial measures related to the crime of murder, providing for life imprisonment in cases in which the offense is committed in connection with the crimes of sexual violence, sexual acts with a minor and sexual assault group. The law also introduces the pre-trial detention, unless it's acquired that there is no precautionary needs, and if there are no mitigating circumstances provided for these crimes, for crimes of sexual violence, sexual acts with a minor and sexual assault group. Pre-trial detention has been also introduced for the following offenses:

- Induction to child prostitution
- Production of child pornography
- Inducing a minor to participate in pornographic performances

- Trade of child pornographic materials
- Distribution, dissemination, advertising, also through the internet, of child pornographic materials
- Distribution and dissemination of information finalized to solicit or to sexual exploit of children
- Organization or advertising of travels finalized to the sexual exploitation of children

160. Moreover, the law introduces mandatory arrest in “flagrante delicto” (during the commission of the crime) for the crimes of sexual violence and sexual assault group. The law also provides several restrictions on the granting of benefits, such as assigning work outside, permits awards and alternatives to imprisonment, for those who commit crimes of reduction or maintenance to slavery, child prostitution, child pornography, trafficking, sale and purchase of slaves, sexual assault group, organization or advertising travels finalized to prostitution activities against children, sexual violence, sexual acts with a minor. Finally, the law provides the free access to legal aid for victims of crimes of sexual violence, sexual acts with a minor and sexual assault group, apart from their personal income.

(ii) The Bill No. AS1079 on measures against prostitution

161. The Bill No. AS 1079 on prohibition of prostitution in public areas, is still under discussion within the Senate Commission. The Commission is taking into consideration the comments presented by the civil society upon the announcement of the Bill. As far as children are concerned, the Bill provides for the assisted repatriation of minors who are found working in prostitution. It is not yet unanimously agreed on if that provision might correspond to the best interest of the child in all cases.

(iii) The national anti-trafficking plan

162. Since 1998, Italy is at the forefront of the fight against trafficking in human beings and the protection of victims, both children and adults. Most recently, in the perspective of implementing an even more comprehensive national strategy against THB, the Department of Equal Opportunities — in cooperation with all the national authorities committed to this issue and all the other relevant public and private actors — started working at the elaboration of a National Action Plan against trafficking. The technical board for the elaboration of the national action plan against trafficking was established by the Department of Equal Opportunities in 2010. Representatives of the national and local authorities involved in the anti-trafficking activities, together with representatives of the national network of NGOs working in the field of anti-trafficking (CNCA), participate to the working sessions of the board on a permanent basis. The first draft of the plan is supposed to be finalized by the end of 2011. The Plan will take in due consideration the specific needs of trafficked/exploited children and their best interest, as well as a gender based approach, as cross-cutting issues to the national strategy to be developed.

163. Trafficked minors are already provided special assistance and care through specialised services and professionals. Age-appropriate individual programs are provided by the national protection projects for trafficked/exploited persons co-funded by the Department of Equal Opportunities, including dedicated shelters, specific counselling, medical and social support, in order to properly address the needs of these vulnerable children.

The Observatory for the fight against paedophilia and child pornography

164. The Observatory for the fight against paedophilia and child pornography has a new Regulation, signed by the Minister for Equal Opportunities on December 21, 2010, which

provides for the transfer of competencies from the Minister for Family policies to the Minister for Equal Opportunities as regards its functioning.

165. The new Regulation confirms the objectives as well the tasks of the Observatory. It operates within the Department of Equal Opportunities and is chaired by the Head of the Department. It is composed by five members appointed by the Minister for Equal Opportunities — one of them with technical — scientific coordination tasks — by one member appointed by the Minister for Family policies, by three members appointed, respectively, by the Head of the Police, the Head of Carabinieri and by the Head of Guardia di Finanza. There are also three other members appointed by the most representative national associations operating in the field of the contrast to sexual abuse and exploitation against minors.

166. As regards the realization of the database on the phenomenon of sexual abuse and exploitation against minors, the Observatory is working together with the Ministry of the Interior and with the Ministry of Justice to obtain, before the end of 2011, an agreement aiming at activating the sharing, with the relevant offices, of the operational project of the above mentioned database.

167. Among the activities carried out at national level, it is worth to be mentioned the participation of the Observatory to the project DICAM, financed by the European Commission through the program “Prevention and Fight Against Crime 2007–2013”. In the framework of this projects, the Observatory collaborates with Save the Children, with the Postal Police as well as with the CISMAI – the Italian Coordination of services against child abuses. The project aims at enhancing the skills of professionals operating in the field of the contrast to paedo-pornography by developing a multidisciplinary model of intervention which standardizes the operational procedures to be adopted while identifying the minor victims depicted in the pornographic materials, while assisting the victim as well as during the recovery therapy of the victim.

168. The Observatory also participates to a project, financed by the European Commission in the framework of the program “Safer Internet”. The project, dedicated to the issue of minors and media, involves a number of institutional and non institutional actors, gathered within the Advisory Committee of the Italian Centre for web security. The Committee represents a discussion forum for all the subjects operating in the field of the promotion of children’ rights in the framework of the new media.

169. The Department of Equal Opportunities, through the Observatory, has intention to activate a program for the financial support to pilot projects concerning the treatment of minors sexual abused and exploited, with an integrated approach between social, health and judicial sectors. With reference to the international activities of the Observatory, it is worth to mention:

- The active cooperation with the Council of Europe: Italy is part, since the beginning, of the Program “Building a Europe for and with children”. Crucial has been the role of the Italian Observatory in the CoE Campaign to fight against sexual violence on children, so-called “One in five”, launched in Rome in November 2010 by the Minister for Equal Opportunities.
- The participation to negotiation regarding the Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing the Framework Decision 2004/68/JHA. The Observatory participates to the technical meetings of the DROIPEN working group.
- The collaboration with the European Agency for Fundamental Rights (FRA), with specific reference to the presentation of the new indicators, elaborated by the

Agency, finalised to the evaluation of the impact of the EU legislative measures and policies in order to guarantee a better protection of minors' rights.

Definition of paedo-pornography

170. As regards the introduction of the definition of child pornography within the Italian Penal Code, it is necessary to underline that the Bill of ratification of the Council of Europe Convention on children's protection against sexual exploitation and abuse, under discussion in our Parliament, contains a definition of this crime in accordance to the one contained within the Optional Protocol on sale of children, child prostitution and child pornography.

- 18. Please provide succinct information to the Committee on progress made in the juvenile justice system, including: (i) the adoption of the bill on the juvenile prison system; (ii) the allocation of adequate resources; (iii) the establishment of independent monitoring bodies to visit children in places where they are deprived of their liberty; and (iv) the establishment of child-sensitive complaints mechanisms regarding ill-treatment. Please also provide information on measures taken to ensure in practice that children of foreign origin have equal access to and receive equal treatment under the juvenile justice system on an equal basis with Italian children, in particular as concerns access to alternative measures to deprivation of liberty.**

(i) The adoption of the bill on the juvenile prison system

171. At the present the Bill No. 3912, introduced at the Chamber of Deputies on November 2010 to regulate the Juvenile Justice system and the related implementation of measures restricting child personal freedom while amending the criminal code to commend offences and alternative sanctions to children under 18, is under examination.

(ii) The establishment of independent monitoring bodies to visit children in places where they are deprived of their liberty

172. In Juvenile Penal Institutions, as in those ones for adults, the magistratura di sorveglianza is competent for direct monitoring to ensure that custody is performed in conformity with laws and rules. At the regional and local level there are several independent Ombudsmen for the Rights of Detainees and of Persons deprived of their liberty, whose task is to promote the right of detainees both children and adults and to encourage their following social reintegration. According to Law No. 354 of July 26, 1975, as amended by Law Decree No. 207 of December 30, 2008 and converted into Law No. 14 of February 27, 2009, they may get in contact with the detainees and may visit local prisons without preventive authorization. At the present these Authorities are at work in the following local areas: Latium Region, Sicily, Campania, Lombardy, Tuscany, Puglia and Marche; Ferrara, Lodi, Padua, Trapani and Milan Provinces, Bergamo, Bologna, Brescia, Ferrara, Florence, Livorno, Nuoro, Pescara, Piacenza, Pisa, Reggio Calabria, Rovigo, San Severo, Sulmona, Sassari, Turin and Verona Municipalities. In some cases this competence was attributed to Ombudspersons at the provincial level.

(iii) The establishment of child-sensitive complaints mechanisms regarding ill-treatment

173. According to Circular No. 6 of March 23, 2002 the Juvenile Justice system has carried out cultural mediation services in favour of foreign children in collaboration with local private associations, aiming at creating the conditions for the inclusion of foreigners caught up in the penal system and for their following social reintegration. In order to gain and improve these purposes a National Collective Agreement was signed on July 29, 2010 between the Ministry of Justice and trade unions to provide the institution of the

professional role of the “cultural mediator” tasked with facilitating contacts between foreigners included in the criminal circuit and the judicial authorities.

Information on measures taken to ensure in practice that children of foreign origin have equal access to and receive equal treatment under the juvenile justice system on an equal basis with Italian children, in particular as concerns access to alternative measures to deprivation of liberty

174. As it concerns the access to alternative detention measures, foreign children with parental care have the same opportunities provided for Italian children in criminal proceedings. Adequate accommodation is needed to give legal assistance to foreign children in order to let the Judiciary to adopt not restrictive measures addressed to foreign children as party in trial when unaccompanied or without parental care. Awareness raising activities and institutional coordination among central and local authorities were promoted with the aim to built up local residential structures such as multifunctional Centres, family houses and communities to recover foreign children as party in trial when unaccompanied or without parental care.

175. Foreign children with or without parental care and assisted by children services of the Justice administration have access to the same psychological, social, educational, health assistance of Italian children and enjoy the same opportunities to participate in educational, training, working, cultural, recreational and sports activities. Therefore their rights are guaranteed apart from sex, ethnicity, language, religion, political opinions and individual and social conditions, as enshrined in Art. 3 of the Italian Basic Law and as reported in statistical surveys collected and published on the website of the Department of Juvenile Justice at the Ministry of Justice as far as participation of Italian and foreign children to “Training, working, cultural and recreational activities implemented in Juvenile Penal Institutions for years 2006–2007/2007–2008”.

Part II

In this section, the Committee invites the State party to briefly (three pages maximum) update the information provided in its report with regard to:

(a) New bills or laws, and their respective regulations

Bill No. S1969, Ratification and execution of the Council of Europe Convention on children’s protection against sexual exploitation and abuse, approved in Lanzarote on October 25, 2007, and legal adjustment to national law, presented on January 21, 2010, approved with an amendment on January 11, 2011, under examination at July 6, 2011.

With the unanimous approval of the Chamber of Deputies on January 19, 2010, the first step towards the ratification of the Lanzarote Convention was completed, aiming to protect children against sexual exploitation and abuse.

The parliamentary *iter* is not concluded yet, due to the complexity of the text examined. It would, indeed, introduce substantial modifications in our Penal Code as well as in the Code of Penal Procedure as regards, in particular, the custodial sentences for sex crimes against minors, the accessory penalties, the increasing circumstances and new crime typologies to be introduced in order to fully adequate to the Convention disposal.

Bill No. S2805, *Measures concerning the recognition of natural children* passed by the Chamber of Deputies on June 30, 2011, in a text resulting from the consolidation of the governmental bill and other governmental bills.

The Bill provides a revision of the legislation in force about children implying the principle that procreation does not change whether the child is legitimate (the parents are legally married) or natural (they are not) or adopted, since – as the civil doctrine has underlined that the condition of being son/daughter entails specific rights, dues and responsibilities.

This Bill, aiming to assure a substantial quality of the rights of legitimate children and natural ones and aiming to eliminate every difference in the state of being child, suggests changing the measures contained in the articles of the civil code, by modifying and integrating them.

Bill No. C4326, Modifications to Law No. 184 of May 4, 1983, aiming to promote the national adoption of minors from the fosters, under examination.

This Bill (together with Bill Nos. C 3459, C3854, C 4077, C 4279 concerned with the same subject) suggests some modifications about foster care and adoption. In particular, it suggests a change in the legislation about foster care, which focuses on the temporary inadequacy of the family of origin to assure the child the maintenance, education and the necessary emotional relationships, but which does not enhance the emotional relations built with the foster family, when it is not possible for the child to come back to his/her family of origin. The proposal is to delete the limit of two years, so as to allow the competent subjects to evaluate case by case the timing of foster care, in order not to disturb children's stability and serenity, having good emotional relationships with their foster family.

Bill No. C3755, *Modification concerning parental responsibility and natural children*, approved in a unified text by the Senate on October 6, 2010.

The text is the result of the consolidation of two Bills from parliamentary initiative (No. 1211 and 1412) aiming to resolve some legal contradictions to be applied to natural children (in the case of children from unmarried parents) after the adoption of Law No. 54/2006, which introduced the shared custody of children in the case of separation or divorce of parents. In fact, while for legitimate children, the Judge of the Ordinary Court in charge of stating the parent's separation is asked to evaluate primarily the possibility to entrust children to both parents, concerning the natural children such a *favour* is not possible and so the measures in Art. 317-bis of the Civil Code are still applicable, establishing that "[...] if parents don't live together, the exercise of parental responsibility belongs to the parent living with the child [...]".

Bill No. C3711, Institution of the "introductions to religions" teaching in secondary and high school, presented to the Chamber of Deputies on September 6, 2010.

The proposal is to introduce as obligatory a new study subject intended for the non-confessional teaching of religions in secondary and high school, named "introductions to religions".

The aim of the new measures is to rethink our school and training system in order to provide young people growing up in a multi-cultural and inter-confessional background, with essential instruments, useful for knowing and respecting the different religions, so as to prevent the sense of exclusion and cultural and social marginality of new generations, to reduce forms of intolerance, fundamentalism and xenophobia.

Bill No. S1880, Measures for the citizen's protection against the undefined length of trials, in fulfilment of article 111 of the Italian Constitution and of article 6 of the European Convention for the preservation of human rights and fundamental freedoms, presented on November 12, 2009.

Bill No. 1880 aims in particular to implement effectively, in our juridical system, the principle of the reasonable length of trials, that is stated also in the European Convention

for the preservation of human rights and fundamental freedoms (Art. 6) and by the Italian Basic Law as well (Art. 111), after the modification by Constitutional Law No. 2/1999.

Concerning the trials involving minors, there is no connection between the new decree and the Presidential Decree No. 448/1998, regulating the criminal judgement involving juvenile perpetrators: Art. 2 of this Decree indeed, while looking for keeping the timing of the process as short as possible, does not establish the possibility to put the trial on stand by, in order to allow the presence of the juvenile defendant, that is a particularly serious question, especially concerning a judgement highly focusing on the personality of the defendants, as it is the criminal trial involving juvenile perpetrators.

Bill No. C2505, Provisions about the acknowledgement and the support for youth communities, presented on June 10, 2009.

The aim of the Bill is to promote and stimulate the creation of new youth communities and to strengthen the existing ones, also through exchanges with other national and international experiences, with particular attention towards the development of a common Italian and European cultural identity.

This Bill states the realization of a national registry at the Department of Youth (where the subjects willing to participate in the calls for the management of the juvenile communities should register, to have access to the 5 million Euros fund), as well as the establishment of a National Observatory on Youth communities, in charge of monitoring and studying young people's situation in Italy. One of the tasks of the Observatory is the publication of a two-year report on the state of implementation of the European, national and regional law on youth.

Bill No. S957, Amendment of the civil code and the civil procedure code on shared custody, July 29, 2008, presented at the Senate on March 1, 2011, under examination.

This Bill aims mainly to establish "shared double parenthood", to be realized through the following modifications: the division of the child living time in a almost equal manner between the two parents; the double reference to address and residency at both parents' houses; the care of the child through the sharing of expenses between parents possibly making equal the costs borne by each one and guaranteeing the direct support of the child.

Legislative Decree Draft, *Reform of the apprenticeship*, May 5, 2011, presented at the Council of Ministers, under examination.

On May 5, 2011 the Council of Ministries approved a scheme of a Legislative Decree, proposed by the Ministry of Labour and Social Policies to reform the apprenticeship as a full time permanent working contract, aimed at occupation and education and training for young people. Educative profiles and detailed rules will be figured out of agreements among Regions, autonomous Provinces, the Ministry of Labour and Social Policies and the Ministry of Education, of University and Research.

(b) New institutions (and their mandates) or institutional reforms

Concerning new institutions, please see Question No. 6.

(c) Recently introduced policies, programmes and action plans and their scope and financing

Concerning action plans adopted at national level, please see Questions No. 3, 4 and 5.

We described some innovations concerning immigration policies due to the fact that immigration and integration are at the top of the agenda of the Italian Ministry of Labour

and Social Policies and that national policies are increasingly influenced by decisions taken at the EU level.

In this context it could be advisable to take into account the recent measures issued in June 2010 by the Italian Government:

The Plan “Integration in Safety – Identity and Meeting” (“Integrazione nella sicurezza-Identità e incontro”). This Plan summarizes the strategy that the Government intends to pursue with regard to the integration policies for immigrants, combining integration and security. As regards the Report issued by the Council of Europe in relation to the protection of human rights of Roma, Sinti and migrants, it could be appropriate to take into account in the general framework of the Axis “Lavoro” the Action “Lavoro e Qualificazione Professionale”, “Work and Professional Qualification” that fixes the following targets:

(a) Promotion of actions to combat the exploitation of labour immigrants, founded by ESF for the amount of 5 million Euros. The activity program provides for:

- Implementation of a programme to combat undeclared work, in task forces with the four Convergence Regions
- Private Public partnerships in the sectors of construction, agriculture and tourism
- Provision of 3,000 vouchers for educational and professional learning of unemployed immigrants

The intertwining of illegal hiring, crime and undeclared work sees among its main victims, foreign workers without residence permits. The Ministry of Labour and Social Policies has implemented inspective activities on substantial violations, starting with those that often constitute the most serious danger for the safety of the individual. In this context, to combat the exploitation of immigrants, the Ministry of Labour and Social Policies has enforced its inspective role implementing the synergistic actions planned by the various supervisory bodies, together with the intervention of the police force, the Carabinieri and the Guardia di Finanza, and implemented in a coordinated way at the regional level.

(b) Qualification of interventions in the field of domestic work and people care, founded by the Fund for Migration Policies for the amount of 7 million Euros;

(c) Another relevant Action is “Microcredito” (Micro-credit), provided by the “Lavoro” axis and financed by the Fund for Migration Policies for the amount of 800,000 Euros. The financial crisis has struck in recent years the entrepreneurial sector. From the data of the Bank of Italy (2008), the restriction of credit and the associated problems of the banks to disburse it strongly emerges. This fact predominantly affects small and medium sized enterprises and handcrafts, where immigrants are present. In this framework a key Action is Microcredito, provided by the axis “Work funded by the Fund for Migration Policies for an amount of 800,000 Euros. The objective is to support self-employment of immigrant workers by promoting access to credit and providing support to business start-ups.

The National Programme for the protection of unaccompanied children, funded by the Ministry of Labour and Social Policies and carried out by the ANCI, was launched in February 2008.

The program made it possible to enable the testing of a national, decentralized and networked structure for minors’ assistance with the aim of enhancing the protection of children themselves through the support of the municipalities in the development of specific and standardized services. Framing the problem in a national perspective with the aim of building a positive collaboration and sharing of responsibilities between central and local governments, the National Programme for the Protection of Unaccompanied Minors

(Programma Nazionale di protezione dei minori stranieri non accompagnati) has established a network of 26 local municipalities that, thanks to the local partnerships, has involved a total of 42 municipalities, for a total of 376 emergency reception centres spread over 13 Regions and 27 Provinces. Please consider the following reference: http://www.lavoro.gov.it/NR/rdonlyres/E9268A95-5406-439A-B513-29AD15B4ABA0/0/Dati_minori_stranieri_non_accompagnati_30giugno2011.pdf

According to the Report on Unaccompanied Minors issued by the Ministry of Labour and Social Policies on July 21, 2011, in Italy there are 6.135 unaccompanied minors in all. The monitoring conducted by the “Soggetto Attuatore ex art. 5 OPCM n. 3933/2011 per l’assistenza dei minori stranieri non accompagnati” in June 2011 has shown that since January 1, 2011, 1.557 unaccompanied children have been reported after landings. Of these, 1.193 are currently present and living in residential structures, while 364 of them are untraceable because they have turned away from host structures.

Following a review carried out by National Documentation and Analysis Centre for Childhood and Adolescence, here we present an overview of the regional legislation introducing child-related plans and programmes at the regional level.

It comes out that the following Regions (or Autonomous Provinces) have adopted programmes for children or for youth:

- Veneto (Action Plan for Childhood and Adolescence)
- Marche (Action Plan for Youth)
- Toscana (Youth Policy Plan)
- Provincia autonoma di Trento (Youth Policy Plan)

The other Regions have mainstreamed child-related policies, programmes and measures into more general plans and programmes, in the fields of social policy, health policy, educational policy, family policy. By that, in those regions the child-policy analysis is more fragmented and difficult to be led, although the work is in progress and will be contributed by the monitoring of the Action Plan which is on the way.

(a) Overview of the Regional Plans to be implemented by 2011

Plans for Childhood and for Youth: Veneto, Marche, Toscana, Autonomous Provincial Administrations Trento.

Social Plans or Social-Health Plans implemented by the Regions in 2011: Abruzzo, Basilicata, Campania, Emilia-Romagna, Friuli Venezia Giulia, Lazio, Liguria, Lombardia, Marche, Molise, Piemonte, Puglia, Sicilia, Toscana, Umbria, Valle d’Aosta, Provincia Bolzano. The Regions Emilia-Romagna and Tuscany are going to introduce new Plans (currently on draft).

Family Plans: Abruzzo, Liguria, Puglia, Veneto.

Socio-Educational plans: Abruzzo, Campania Puglia, Umbria.

Education and school Plans: Basilicata, Liguria, Puglia.

Plans of Actions for the realization of services’ objectives in the context of the Strategic National Framework: Abruzzo, Basilicata, Calabria, Molise, Puglia, Piemonte, Sicilia, Sardegna.

Area Plans: Calabria, Lombardia, Veneto, Provincia autonoma Trento.

Social/Health Plans Basilicata, Emilia Romagna, Friuli Venezia Giulia, Liguria, Lombardia, Sicilia, Toscana, Valle d’Aosta.

- (b) Description of regional plans specifically dedicated to children and youth

Veneto region

(Deliberazione G.R. 30 dicembre 2010, n. 3565, Piano regionale Infanzia, Adolescenza, Famiglia 2010)

General purposes to be implemented in a two-year programme:

- Consolidation of solidarity networks
- Protection of children out of family, or living in inappropriate or disadvantaged family conditions
- Promotion of well-being of adolescents and youth in their life contexts

Funding

Euros 2,225,059.76 grant to 21 Aziende ULSS. (Local Health Units) (attachment B).

Euros 358,750.00 grant to the leading ULSS (Local Health Units) (attachment D).

Euros 110,000.00 grant to the Azienda ULSS 9 (Local Health Unit No 9) Municipality of Treviso.

Euros 30,000.00 grant for information and training course on international adoption.

Euros 2,693,809.76 allocation in the 2010 Regional Budget.

Later on Region Veneto has started the drafting of a new Action plan, by coordinating contributions from all the DGs.

Following the principles of the UNCRC, the intention is to unify a policy for children, adolescents and youth in a single approach, and to agree a strategy of collaboration between public and private stakeholders, aiming to integrate programmes and services both at regional and local level (See *Deliberazione G.R. 19 aprile 2011, n. 509, Documento d'indirizzo dei lavori preparatori per la stesura del Piano d'azione regionale per l'infanzia, l'adolescenza da realizzarsi nel triennio 2011-2013*).

Marche region

Action plan for the promotion and coordination of youth policies – Year 2011 (DGR 21-3-2011 n. 372, Delib.Ass.Legisl. 11-1-2011 n. 18)

Objectives

- Promoting conditions contributing to the participation and the well-being of youth, also by early interventions
- Promoting formal or informal association between youth
- Favouring the empowerment of youth; supporting the construction of their identity, competences and skills; sustaining exchanges of experiences; integrating the youth into full citizenship

Funding

Euros 490,400.00.

Tuscany region

General Integrated Guidance Plan 2006–2010 – Criteria of eligibility for grants to projects in the field of child services and right to education (Delib. G.R. 26-1-2009 n. 47)

The above-mentioned plan contains the general provisions in education and training policy, early childhood education and care, and right to education, aimed to facing the transformations on course.

Deliberazione G.R. 1 febbraio 2010, n.90, Delibera Cipe 14/2006: Frame Programme Agreement in the Field of Youth policies: – Adoption of projects to be submitted to their subscribers

This provision introduces the youth policy envisaged in the Decision of the Inter-Ministries Committee for the Economic Planning No. 14/2006 concerning projects for youth.

Funding

Euro 1,820,000.00 pro-quota allocation, years 2009–2010.

Autonomous Provincial Administration of Trento

(DGR n. 1244 del 29/5/2009) Guidelines for youth plans (zone or areas)

Zone Youth Plans

- Training and awareness-raising of policy-makers, parents, educators, entrepreneurs, etc. to act responsibly towards the young citizens
- Awareness-raising of youth to the participation and civic identity, and to act responsibly, by training course and campus-like residential courses
- Promotion of projects imagined, formulated, managed, and implemented by youth

Funding

Any plan can be submitted any time of the year to the Autonomous Province, which in turn will examine and discuss it with the proponent as appropriate by 30 days. The Council will formally adopt the plan, establishing the yearly grant up to 50% of the uncovered costs, with a progressive maximum below detailed:

(a)	Plans for areas with less than 10,000 inhabitants	Euros 50,000.00
(b)	Plans for areas from 10,000 to 30,000 inhabitants	Euros 60,000.00
(c)	Plans for areas with more than 30,000 inhabitants	Euros 70,000.00

The residual quota has to be put at the Table's disposal, event through the financial participation of Local Authorities. The public Authorities partners of the table will have to co-fund the Plan with a minimum quota of 20% of the deficit.

Beside the Zone Youth Plans, the Ambit Plans ("piani d'ambito") are projects referring to certain aspects of the life of the community involving the youth, such as the University, the Youth associations (in the social, economic, welfare fields) etc. Such plans respond to the need to be oriented expressed by the young generation, and also to the need to ensure them opportunities of autonomy and self-organisation.

Funding of the Ambit Plans

Any plan can be submitted any time of the year to the Autonomous Province, which in turn will examine and discuss it with the proponent as appropriate by 30 days. The Council will formally adopt the plan, establishing the yearly grant between 50% and 90% of the uncovered costs, up to Euros 50,000.00, which include the remuneration of the project manager up to Euros 5,000. The remaining part shall be contributed also by means of external partners.

- (d) Recent ratifications of human rights instruments.

Concerning recent ratifications of human rights instruments, please see Question No. 1.

Part III

Data, statistics and other information, if available

1. **Please provide, if available, statistical data (disaggregated by nationality, age, sex, ethnic origin, geographic location, and socio-economic status) and its trend analysis for the period January 2005–December 2010 on:**

- (i) **The number of stateless children and how many of them were granted Italian citizenship;**

About point (i) data are to be collected and researched.

- (ii) **The number of children deprived of a family environment and their placements.**

Specifically, please provide information on:

- (a) **Children involuntarily placed in foster care;**

- (b) **Children in “homocultural foster care”, sine die foster care and open adoption;**

About point (ii) – letters (a)–(b), data are to be collected and researched.

- (c) **Children in “residential structures” (“communities” as per Law No. 149/2001);**

- (d) **Children in “structures” (“strutture di accoglienza”/“case famiglie”), if these are different from the aforementioned “residential structures”;**

- (e) **Children in institutional care and in residential services in Sicily.**

PART III

- (ii) c: Children in "residential structures" ("communities" under law no 149 of 2001)
(ii) d: Children in "structures" ("houses/family houses") other than "residential structures"
(ii) e: Children assisted in "institutions" and in "residential structures" in Sicily

**Table 1- Children and Adolescents in residential structures
per Regions and autonomous Provincial Administrations – Updated to 31/12/2008**

Regions and Autonomous Provincial Administrations	Children and Adolescents in residential structures
Piemonte	841
Valle d'Aosta	14
Lombardia	1.450
Provincia Bolzano	143
Provincia Trento	270
Veneto	844
Friuli-Venezia Giulia	428 ^(a)
Liguria	522 ^(b)
Emilia-Romagna	1.084 ^(b)
Toscana	685
Marche	565
Umbria	242
Lazio ^(c)	1.987
Abruzzo	392
Molise	58
Campania	1.660
Puglia	1.400 ^(c)
Basilicata	179
Calabria	570
Sicilia	1.700^(d)
Sardegna	420
Italia	15.500

(a) 263 Unaccompanied Foreign Children counted in, hosted in training agencies/hotels.

(b) Updated to 31/12/2007;

(c) Estimation on the basis of 1.435 available places in authorized residential structures and 1.914 children hosted in 2008.

(d) Cautious estimation on the basis of more than 2.000 available places in residential structures.

- (iii) **The number of children seeking asylum in the State party, and how many were granted refugee status. Please also indicate the number of expulsion orders issued for children by the Juvenile Courts for reasons of public order or security of the State;**

About point (iii) data are under collection and analytic process.

According to data collected for year 2010 by the Protection System for asylum seekers and refugees (SPRAR), which is the Italian network for the reception and integration of people seeking and granted international protection, that is based on collaboration between the centralised institutions, the Ministry of the Interior, ANCI and local authorities, with the involvement of the third sector, by now we report the following data.

SPRAR beneficiaries per sex and Country of origin – year 2010

Country	Total	Male	Female	Minors
Somalia	1 158	875	283	84
Eritrea	1 020	727	293	119
Afghanistan	814	768	46	91
Nigeria	610	382	228	136
Iraq	329	268	61	64
Ivory Coast	285	246	39	7
Turkey	261	207	54	48
Ethiopia	196	115	81	40

<i>Country</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Minors</i>
Pakistan	193	186	7	6
Iran	192	147	45	23
Guinea	167	141	26	8
Togo	134	114	20	5
Cameroun	131	75	56	14
Ghana	131	123	8	16
Sudan	91	81	10	8
Congo	90	42	48	18
Syria	78	48	30	41
Lebanon	60	36	24	27
Gambia	56	55	1	1
Burkina Faso	55	46	9	1
Kosovo	57	33	24	16
Armenia	51	29	22	18
Palestine	49	37	12	13
Kenya	45	10	35	3
Senegal	44	30	14	4
Democratic Republic of Congo	41	23	18	5
Mali	38	36	2	1
Bangladesh	35	33	2	6
Mauritania	35	33	2	0
Sierra Leone	27	18	9	8
Georgia	26	14	12	5
Niger	25	21	4	3
Serbia	25	10	15	14
Morocco	22	8	14	8
Azerbaijan	20	13	7	9
Liberia	20	15	5	1
Mongolia	16	10	6	4
Russia	16	9	7	5
Algeria	13	12	1	5
Sri Lanka	13	9	4	2
Uganda	13	10	3	0
Bosnia	12	6	6	6
Egypt	11	9	2	3
Tunisia	11	7	4	1
Chad	10	7	3	1
Macedonia	10	4	6	4
Zimbabwe	10	5	5	3
Benin	9	8	1	1
Colombia	9	5	4	3

<i>Country</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Minors</i>
Nepal	8	8	0	0
Vietnam	7	7	0	0
Chechnya	6	3	3	4
China	6	3	3	0
Angola	5	1	4	1
Gabon	5	5	0	0
Guinea Bissau	5	4	1	0
Libya	5	3	2	3
Venezuela	5	2	3	2
Burma-Myanmar	4	3	1	1
Cuba	4	2	2	1
Albania	3	2	1	0
Ecuador	3	2	1	3
Jordan	3	2	1	1
Honduras	3	2	1	1
India	3	2	1	0
Tanzania	3	1	2	1
Ukraine	3	2	1	0
Central African Republic	2	2	0	0
Yemen	2	2	0	0
Bhutan	1	1	0	0
Byelorussia	1	1	0	0
El Salvador	1	1	0	0
Haiti	1	1	0	0
Madagascar	1	0	1	0
Rwanda	1	1	0	0
Total	6 855	5 209	1 646	927

SPRAR beneficiaries per age and sex – year 2010

<i>Age</i>	<i>Total</i>	<i>%</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>
0–5	558	8.1	277	49.6	281	50.4
6–10	160	2.3	87	54.4	73	45.6
11–17	245	3.6	180	73.5	65	26.5
18–25	2 537	37	2 013	79.3	524	20.7

- (iv) **The number of prosecutions and convictions of perpetrators of offences under the Optional Protocol on Sale of Children, Child Pornography and Child Prostitution, including nationals involved in sex tourism;**

PART III (iv): Number of proceedings and related judgements over crime perpetrators
Optional on sales, pornography and and prostitution , included the involved citizens
in sexual tourism

Crimes reported by the Police to the Courts for child pornography and possession of pedo-pornographic materials – Year 2008 540

Crimes reported by the Police to the Courts for sexual abuses against children – Year 2008 497

- (v) **The number of children deprived of their liberty, disaggregated also by institution (Juvenile Correctional Institution, First Reception Centres and “probation” institutions). Please indicate the number of foreign children, including unaccompanied children, who were placed in such institutions because they lacked documentation.**

Children reported to the Public Prosecutor’s Offices of Juvenile Courts

(Years 2003–2007)

	2003	2004	2005	2006	2007
Total	41 212	41 529	40 364	39 626	38 193
Italian children	29 747	29 476	28 504	28 123	27 803
Foreign children	11 465	12 053	11 860	11 413	10 390

First reception centres

(Admissions for years 2005–2010)

	2005	2006	2007	2008	2009	2010
Total	3 655	3 505	3 385	2 908	2 422	2 253
From Italy	1 540	1 480	1 545	1 547	1 494	1 423
From Romania	838	893	726	381	264	264
From Former Yugoslavia	707	566	602	449	290	325
From Morocco	286	297	188	198	117	98

Juvenile penal institutions

(Admissions for years 2005–2010)

	2005	2006	2007	2008	2009	2010
Total	1 489	1 362	1 337	1 347	1 222	1 172
Italian children	603	581	645	694	699	713
Foreign children	886	781	692	653	523	459

Office of the Social Services for Children

(Admissions for years 2005–2009)

	2005	2006	2007	2008	2009	2010
Total	13 901	13 066	14 774	17 814	18 885	/
Italian children	10 429	9 970	11 772	14 397	15 480	/
Foreign children	3 472	3 096	2 972	3 417	3 405	/

Communities for minors

(Admissions for years 2005–2010)

	2005	2006	2007	2008	2009	2010
Total	1 926	1 899	2 055	2 188	2 100	2 067
Italian children	968	1 064	1 219	1 364	1 419	1 429
Roma children	151	150	159	160	109	/
Foreign children	807	685	677	664	572	638

PART III (v): Number of children deprived of freedom per kind of structure (detention centres, reception centres and "try" centres)

Admissions and discharges in immigration centres, per nationality and gender

Nationality	Male		Female	Total
		<i>Admissions</i>		
Italians	1.355		68	1.423
Foreigners	616		214	830
Total	1.971		282	2.253
		<i>Discharges</i>		
Italians	1.352		67	1.419
Foreigners	616		214	830
Total	1.968		281	2.249

Admissions and discharges in penal institutions for minors, per nationality and gender

Nationality	Male		Female	Total
		<i>Admissions</i>		
Italians	689		24	713
Foreigners	355		104	459
Total	1.044		128	1.172
		<i>Discharges</i>		
Italians	653		29	682
Foreigners	374		117	491
Total	1.027		146	1.173

**Communities for children: minors convicted "on try"
Per nationality and gender - 1st Semester 2010**

Nationality	Male		Female	Total
		<i>On try</i>		
Italians	109		8	117
Foreigners	55		0	55
Total	164		8	172

2. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.