



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-second session

SUMMARY RECORD OF THE 840th MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 16 January 2003, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Italy (CRC/C/70/Add.13; CRC/C/Q/ITA/2; CRC/C/RESP/20)

1. At the invitation of the Chairperson, Ms. Ciampa, Ms. D'Aichelburg, Mr. Fallavollita, Ms. Freguja, Mr. Maroni and Mr. Poli (Italy) took places at the Committee table.
2. Mr. MARONI (Italy) said that his Government attached great importance to the protection of children's rights and fully supported the work of the Committee. Since the submission of Italy's second periodic report (CRC/C/70/Add.13) in 2000, many improvements had been made to the situation of children, in accordance with the Committee's recommendations and taking into account the suggestions made by non-governmental organizations (NGOs).
3. In recent years three fundamental laws had been introduced: Law No. 285 (1997), which provided for the establishment of a National Fund for Children and Adolescents; Law No. 451 (1997), which established the Parliamentary Commission on Children, the National Observatory on Children and the National Documentation and Analysis Centre for Children and Adolescents; and Law No. 269 (1998) to prevent the sexual exploitation of minors. A bill on the establishment of a national ombudsman for children's rights was pending before Parliament.
4. With reference to child labour, he said that Italy had ratified the International Labour Organization's (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182) and was a leading contributor to ILO's International Programme on the Elimination of Child Labour. The Ministry of Labour and Social Welfare was cooperating with police authorities, teachers and civil society to combat the most intolerable forms of child labour and to prevent teenagers from working illegally. In 1999 Italy had adopted a European directive on the protection of young people at work. The directive set the minimum age for work at 15, but stated that minors should complete their compulsory course of studies before starting a job. The Government was encouraging companies to adopt corporate social responsibility policies and fund specific welfare policy actions focusing on children's issues.
5. New measures on adoption and fostering, in line with the provisions of the Convention, had been approved in 2001. The new regulations reaffirmed the child's right to live with his or her own family. Only if that right could not be enjoyed would a child be placed in the care of another family or with a single person able to ensure the child's maintenance, upbringing and emotional development.
6. A new immigration law passed in July 2002 prohibited the expulsion of foreign minors and authorized Juvenile Courts to grant residence visas to minors leaving juvenile penal institutions provided they had participated in social assistance and integration programmes. Under that law, a Committee for Foreign Children would be established within the Prime Minister's Office to protect the rights of foreign minors temporarily admitted to the country. In order to improve the protection and integration of foreign children, a nationwide census of unaccompanied foreign minors had been conducted with a view to establishing

uniform standards in terms of the reception of such children. Italian language programmes had also been introduced for children and their mothers. Teachers and prison wardens received training in the protection of foreign minors, and cultural mediators were employed in juvenile prisons. An awareness-raising campaign had been conducted to rally the support of immigrant families against female genital mutilation.

7. As part of the efforts to improve the living conditions of children, large families were given a family allowance, a maternity allowance had been introduced, a minimum wage had been established for individuals who could not support themselves or their children and the rights of full-time workers in terms of parental leave had been extended to part-time workers. Particular attention had been paid to supporting workers with severely disabled dependants.

8. On the issue of violence and the protection of children subjected to sexual abuse and exploitation, he said that legislation had been changed to ensure more effective and severe punishments for those guilty of such crimes. New legislation had been adopted to combat sex tourism; the legislation punished Italian nationals committing crimes abroad as well as those responsible for organizing and promoting sex tours involving children. A number of nationals had recently been convicted in an Italian court for committing sexual abuse against children abroad. Perpetrators of domestic violence or abuse, rather than the victims, could now be removed from the home.

9. Various multisectoral programmes and initiatives had been introduced to improve international cooperation. Italy was a major contributor to research into ways of preventing the involvement of children in armed conflicts. It was also active in various European Union initiatives relating to children's rights, including a project to establish a network of European centres for children and adolescents.

10. The national health plan for 2002-2004 guaranteed obstetric and paediatric care by ensuring inter alia that paediatric departments were available in all hospitals. A recent project had focused specifically on teenage health. A handbook on the health rights of child immigrants, who were entitled to the same medical services as all citizens, had been prepared and translated into 22 languages.

11. Quality education had been one of the main targets of the Government in recent years. Several projects had been implemented since 2000, including a national plan to provide computer training courses for teachers. Gypsy students posed a particular problem in Italy, partly because the gypsy community comprised both foreigners and Italian citizens. The Ministry of Education was training cultural mediators from the gypsy community and implementing pilot remote education projects as part of its endeavours to promote education for all.

12. In accordance with the suggestions and recommendations made by the Committee in 1995, the Ministry of Education had adopted a series of measures to raise awareness among teachers and students of the relevant international human rights instruments. The Commission for Intercultural Education had recently been established to conduct research and provide

information and advice on legislation concerning students' rights. Human rights education had been added to the curriculum in the subject area of civic education; information was provided on the main international human rights agreements.

13. The CHAIRPERSON thanked the delegation for his comprehensive review of the Government's major achievements in recent years. He invited the members of the Committee to put questions to the delegation concerning general measures of implementation and the definition of the child.

14. Ms. KHATTAB observed that the Government had focused on taking action in areas that needed particular attention. The report was well written and took into consideration the concluding observations made by the Committee following consideration of Italy's initial report (CRC/C/15/Add.41). However, although efforts had been made to act on many of the Committee's recommendations, some of them had yet to be addressed. She had been pleased to learn that both NGOs and children had been involved in the preparation of the report, but wished to know whether they had been given the opportunity to comment on the report after it had been issued.

15. She commended the Government on the efforts it had made after ratification of the Convention to abrogate any domestic laws that were not in conformity with the Convention, and observed that Italian legislation sometimes provided better protection than the Convention required. She expressed particular satisfaction at the introduction of legislation that had led to the establishment of various bodies to promote child rights, including the National Documentation and Analysis Centre for Children and Adolescents, which had proved very effective. She wondered whether the Government had considered the introduction of a comprehensive children's act, encompassing all legal issues relating to children, to facilitate coordination and avoid duplication.

16. The National Observatory on Children was another body, created to coordinate activities in the field of children's rights. However, the Committee had some concerns as to its ability to carry out that coordinating role effectively in view of the devolution of responsibilities to the regions and the economic disparities between regions. Furthermore, the National Observatory met only twice a year; was that enough for it to be able to carry out its role effectively? She would welcome more information about the National Observatory's mandate and would like to know the Government's view of whether or not it was operating effectively. She noted with disappointment that the latest plan of action prepared by the National Observatory did not address the question of monitoring. How did the Government intend to ensure adequate monitoring of its child-related policies? The current system left much to be desired.

17. She acknowledged that efforts had been made to allocate more financial resources to child welfare, despite the difficult economic situation. Nevertheless, Italy had the lowest level of allocation of any country in the European Union. Could the delegation comment.

18. Referring to paragraph 21 (f) of the report, she asked how the 800 billion lire that had been allocated under Law No. 285 on behalf of children had been spent.

19. She also asked whether there had been any analysis of allocations earmarked for children and how the central Government was helping poorer regions to provide for children's needs.

20. With regard to statistics, she welcomed the efforts of the National Documentation and Analysis Centre for Children and Adolescents, but data on children subjected to violence and on disabled children were still inadequate. The figures in the written replies (CRC/C/RESP/20) were unclear. If there were 277,976 non-national children living in Italy (para. 1 (b), first table) and there were 63,788 non-national children with a residence permit (para. 1 (b), second table), that meant that there were more than 200,000 non-national children living illegally in Italy. The chapeau of the last table in paragraph 1 (b) of the written replies stated that there were between 14,000 and 15,000 children seeking asylum, whereas the table itself gave a figure of 577. There were no data about the many unaccompanied minors who were not asylum-seekers. She asked the delegation to explain those figures.

21. She commended the State party for its work with non-governmental organizations and its efforts to disseminate the country report. But the Convention was not included in school curricula, and much remained to be done to make the public aware of children's rights.

22. Ms. OUEDRAOGO asked whether the National Documentation Centre also monitored implementation of the Convention or received complaints of violations of the human rights of children and whether the Centre's staff had been trained to incorporate the principles embodied in the Convention in their professional activities.

23. With regard to the budget, she wondered whether allocations to local authorities were sufficient to meet their needs and whether any additional assistance was provided to poorer regions or localities to deal with problems affecting children.

24. The explanation given under point 7 of the written replies (CRC/C/RESP/20, p. 49) did not really answer the Committee's question. It should have explained whether specialists working with children systematically received training in the Convention so that they could include it in their professional activities.

25. She noted that multidisciplinary classes on the Convention had been organized; it might have been better for human rights classes to have been directly included in the school syllabus.

26. She had difficulty imagining how the Ministry of Labour and Social Welfare coordinated activities relating to implementation of the Convention, in particular in sectors not directly under its control. She would also like to know whether the Ministry was responsible for all social policy, and not just policy involving children, in which case she wondered whether there was a department that focused solely on children; there would otherwise be a risk of losing sight of children's concerns.

27. Ms. TIGERSTEDT-TÄHTELÄ asked whether, in working to implement the Convention, Italy had taken measures to the maximum of its available resources. For the Committee, policies targeting children should be a priority. It would be useful if the delegation could provide

percentage figures on budget allocations for children's issues. It would then be possible to assess whether allocations as a percentage of the overall budget were stable, increasing or decreasing; the written replies did not provide such figures. Moreover, some of the figures were in euros, and others in lire, while the period covered was not always the same. She asked the delegation to provide general figures which showed overall trends in allocations for health, education and social welfare.

28. Ms. CHUTIKUL enquired about the role of NGOs in the national and regional observatories and whether their involvement was systematic or merely ad hoc. She welcomed the biennial Plan of Action and asked how a completed Plan was evaluated before the next one began. She wondered how topics were changed from one Plan to the next and how it was decided whether the goals from the earlier Plan had been met. Were NGOs involved in formulating such goals? The delegation should also explain whether Italy had incorporated the recommendations of the document entitled "A world fit for children" into its Plan of Action.

29. She would like to learn more about plans to establish ombudsman's offices. She was puzzled by the definition of children used by the National Documentation Centre. If children were defined as persons up to the age of 18, how were adolescents defined? It would also be useful to know how the National Documentation Centre monitored the enforcement of legislation concerning children's rights, what the results had been, and what actions it had taken.

30. She asked how data were screened in the process of formulating indicators for children's rights and how such indicators were used to monitor the situation of children.

31. Little had been said in the report about Italy's excellent system of early childhood education, for which the Ministry of Education and the Ministry of Labour and Social Welfare were responsible. She asked how the two Ministries coordinated their activities and quality-control standards.

32. Ms. KARP enquired whether Italy had rights-based guidelines for international cooperation and used a rights-based approach. Were the Plans of Action based on the welfare of children and families or on a policy of empowerment? She asked to what extent the Plans of Action encouraged children to participate in devising policies and services of importance to them. Some countries required local authorities that established such services to consult with NGOs and children, thus encouraging respect for children's views and promoting a multisectoral approach.

33. She sought clarification of how the National Fund for Children and Adolescents was linked to the regular budgets of the ministries that dealt with children's matters and asked whether decisions on budget allocations took a multisectoral approach into account, that being the best way to streamline efforts while achieving good results.

34. She would like to know whether the Prime Minister's Office had an overarching policy aimed at preventing sexual abuse of children and assisting victims and how the Office coordinated its efforts with other bodies dealing with similar problems.

35. She sought clarification of whether regional observatories existed throughout the country, how they worked and, if so, how their efforts were coordinated with the National Observatory. She also asked whether there was a minimum standard for services that ensured the same rights for children throughout Italy and how such a standard was implemented.

36. The CHAIRPERSON asked whether it was true that the National Fund for Children and Adolescents no longer existed and had been incorporated into a national social fund and, if so, what the implications were.

37. He also wondered how the work of the National Statistics Institute (ISTAT) and the National Documentation Centre was coordinated, as the figures provided by the two bodies on the number of children in homes varied by some 10,000.

38. Ms. TIGERSTEDT-TÄHTELÄ asked how the National Fund for Children and Adolescents was administered.

39. Ms. KHATTAB asked whether there was a difference between the National Documentation and Analysis Centre for Children referred to in paragraph 21 (a) and the National Research Centre for Children and Adolescents mentioned in paragraph 21 (i).

The meeting was suspended at 11.25 a.m. and resumed at 11.50 a.m.

40. Mr. FALLAVOLLITA (Italy) said that the central Government assumed prime responsibility for coordinating implementation of the Convention. The Prime Minister's Office issued guidelines to all the various ministries involved in children's affairs, and the State-Regions Conference, which met once a week, coordinated the activities of central and regional governments. The State budget accounted for only 10 per cent of total expenditure on child welfare, since most activities were financed by regional governments. It was thus difficult to calculate total spending on child rights as a percentage of the overall budget.

41. Ms. KARP asked whether the central Government set minimum standards for the provision of services by local authorities.

42. Ms. KHATTAB asked whether, in future, it would be possible for the State party to provide a breakdown of all national and regional expenditure on child welfare. Such data was essential for the purpose of evaluating the Plan of Action.

43. Mr. FALLAVOLLITA (Italy) said that the Plan of Action established priorities and objectives, rather than budgetary arrangements. Therefore it could only be evaluated by assessing to what extent those objectives had been achieved. The State-Regions Conference aimed to strike a balance between regional policies and the wider objectives of the State. That approach was applied to all policy areas, including child rights.

44. Ms. CIAMPA (Italy) said that, under the authority of the Department of Social Affairs, the National Observatory on Children had been set up to coordinate the child-related activities of a number of actors. Composed of experts, representatives of central and local government, and private associations, as well as a range of other groups active in the promotion or protection of child rights, it was responsible for preparing and monitoring implementation of the Plan of Action. The National Documentation and Analysis Centre for Children and Adolescents was a separate body, charged with maintaining a database of approximately 200 social indicators pertaining to children. It made information available over the Internet and in journals distributed to researchers, universities, professionals and other interested parties. Regional observatories and documentation centres had been established along the same lines.

45. Ms. CHUTIKUL said she would be interested to learn how frequently the National Documentation and Analysis Centre updated its indicators, and whether it maintained a close relationship with the National Statistics Institute.

46. Ms. KARP asked whether all the various statistical bodies worked on the basis of the same indicators.

47. Mr. POLI (Italy) said, in reply to a question by Ms. Khattab, that both paragraphs 21 (a) and 21 (i) of the report referred to the National Documentation and Analysis Centre for Children and Adolescents. The various statistical bodies at national and local levels used the same indicators and exchanged information regularly. The National Documentation and Analysis Centre updated its indicators on a monthly basis, using information provided by the National Statistics Institute, government ministries and local authorities. In areas where little or no previous statistics were available, it carried out studies to obtain new information. Five such studies had been completed concerning, respectively, children deprived of a family environment, juvenile offenders under the age of 14 years, nursery education, public service provision for adolescents, and foster care.

48. Ms. KARP said she would like to know whether the new statistics gathered by those studies had been integrated into the relevant database.

49. Mr. POLI (Italy) said that new indicators were being integrated into the main database. That database was used by the National Observatory on Children to develop and monitor implementation of the Plan of Action.

50. Ms. FREGUJA (Italy) said that the figure of 277,976 in the first table in paragraph 1 (b) of the written replies referred to the number of non-national children living in Italy, while the figure of 63,788 in the second table referred to the number of non-national children with a residence permit. That did not mean that 200,000 children were illegally resident in Italy, only that they had yet to apply for or receive their residence permit.

51. Ms. D'AICHELBURG (Italy) said that human rights education had been an integral part of the school curriculum for some time. As well as learning about their rights under the Convention, pupils studied the constitutions of various countries in order to prepare them for responsible citizenship.



52. Nursery education was not compulsory. Nevertheless, all nursery school teachers received adequate training, whether they worked in the private or the public sector, and all schools were required to follow the guidelines issued by the Ministry of Education. Teachers had recently begun to learn about the Convention as part of their basic training.

53. Mr. FALLAVOLLITA (Italy) said, in relation to international cooperation on matters affecting children, that a number of bilateral and multilateral initiatives, mostly sponsored by United Nations specialized agencies, had been in operation since 1998, some at a regional level. The topics covered included the worst forms of child labour, in cooperation with Bangladesh, India, Nepal, Nicaragua, Pakistan and Senegal; the protection and rehabilitation of child and adolescent war victims, with Burundi, Colombia, the Congo, Eritrea, Lebanon, Sierra Leone, Somalia and the Sudan; action against the trafficking of teenage girls, with Nigeria; action against sex tourism and the sexual exploitation of minors; support for the reform of the juvenile justice system in Angola; the promotion of the rights of girls in Egypt; and post-conflict rehabilitation for children and young people in a number of Balkan countries. That constituted a wide range of initiatives, which were well worth continuing to support. Every effort should be made to prevent the trafficking of young people in Italy, which, owing to its geographical position, was unfortunately severely affected by such activities.

54. With regard to the possibility of legislation covering all aspects of child protection, he doubted that such an approach would be taken; such comprehensiveness was more in the Anglo-Saxon tradition. The same result would be achieved by the introduction of separate laws covering each area of concern.

55. The CHAIRPERSON pointed out that, according to the written replies, the priorities for the National Plan of Action had differed from one year to the next between 2001 and 2003. He wondered why priorities were not carried over to the next Plan, and asked how the Plan was evaluated and how new priorities were set. He wondered whether the main source was the country's data collection or discussions within the National Observatory. Lastly, he asked whether "A world fit for children" was taken into account.

56. Ms. KARP asked how far the Plan of Action reflected a rights-based approach and whether children were involved in planning by the National Observatory.

57. Ms. CIAMPA (Italy) said that Plans of Action were drawn up on the basis of the following procedure: members of the National Observatory engaged in consultations which in turn were based on the work of six thematic working groups. The previous Plan of Action was monitored through such discussions and with the participation of various ministries, which also had the effect of shaping the next plan. "A world fit for children" had been taken into account in the latest Plan, but still greater weight had been given to suggestions by children themselves made at a conference on children's and adolescents' rights held by the Ministry of Labour and Social Welfare, with participation by a number of NGOs, in November 2002.

58. Mr. FALLAVOLLITA (Italy) said, with regard to the compatibility of Italy's Plans of Action with its commitments in connection with the United Nations special session on children, that the Inter-Ministerial Committee for Human Rights, which he chaired, had established a working group to develop a plan of action for the United Nations document which would subsequently be integrated into the National Plan of Action.

59. The CHAIRPERSON invited the Committee to put their questions concerning general principles, civil rights and freedoms, and family environment and alternative care.

60. Ms. KHATTAB asked, in relation to general principles, how the Government proposed to establish a proper balance between the various approaches to non-discrimination adopted by different regions of the country and to alleviate the discrimination against certain groups, such as Roma and migrant children.

61. With regard to the right to life, survival and development, she noted that foreign girls had a higher incidence of both suicide and abortion than Italian girls and she wondered how the situation could be rectified. As for respecting the views of children, much good work had been done, but she wondered why Italy had not ratified - although it had signed - the European Convention on the Exercise of Children's Rights. She also asked what measures had been taken to ensure respect for the views of children in the juvenile justice system. She noted that no children's parliament existed, but it was commendable that many cities had introduced municipal children's councils. She asked what steps were taken to encourage participation in such councils. Turning to the question of preservation of identity, she expressed concern and confusion over the rules on nationality set out in paragraph 136 of the report. It was by no means clear what gave a child legitimacy; the complexity of the rules amounted to discrimination.

62. With regard to freedom of thought, she noted that many foreign parents were unaware that the teaching of Roman Catholicism was not compulsory and she wondered how the Government intended to raise awareness of the fact that opting out was a possibility. Lastly, she urged the Government to adopt the recommendation of the Committee against Torture that a provision specifically relating to torture should be included in the country's Criminal Code.

63. In relation to the family environment, she expressed concern that, according to paragraph 205 of the report, an adopted child could not, even after reaching the age of majority, know the identity of his or her procreators. She also asked about the opportunities for citizenship that were available to children born to foreign parents in Italy.

64. Ms. AL-THANI said that, according to some reports, Roma and immigrant children lacked proper access to housing: some Roma children still lived in camps. She also noted that, by the Government's own admission, xenophobia and racism were still rife, to the extent that the National Observatory on Xenophobia had been established to tackle the problem. She asked how the observatory functioned and what results had been achieved.

65. She expressed concern about the dangers associated with cloning, in which Italy had played a major role. Many countries in Europe had developed legislation to regulate cloning and she wondered whether any such measure was likely in Italy.

66. Ms. OUEDRAOGO expressed concern about the cuts that appeared to have been made in the budget for international cooperation. She wondered what measures had been taken to rectify the situation. She urged the Government to consider issuing specific guidelines on international cooperation rather than spreading the available resources over a number of different programmes, thus departing from the objectives set by the United Nations.

67. She asked what action the Government proposed to take concerning the discrimination suffered by children born out of wedlock.

68. Mr. FALLAVOLLITA (Italy) said that Ms. Ouedraogo was misinformed: children born out of wedlock were treated no differently from any others.

69. The CHAIRPERSON drew attention to paragraph 126 of the report, from which the logical inference was that, in accordance with the principle that *mater semper certa est*, a child was given the surname of the mother unless the father specifically acknowledged the child. It was surprising that Italy retained such a system, which had long passed out of use in other European countries.

70. Ms. OUEDRAOGO, after expressing gratification if children born out of wedlock in fact suffered no discrimination, said that Italy's new migration policy ran the risk of increasing the number of clandestine migrants, with detrimental effects for the children involved as a result of the discrimination associated with repatriation and imperfect access to education and work. She also expressed concern that children's opinions were not always taken into account in plans affecting them.

71. Lastly, she noted that the number of children residing in institutions was on the increase and she wondered whether a foster family policy might not be preferable. She also wondered why the number of foreign children in institutions was disproportionately high, in comparison with the number of Italians. She suggested that the reason might be that the families of such children were poor. If so, she wondered what support they were given.

72. Ms. TIGERSTEDT-TÄHTELÄ said that the Roma suffered widespread discrimination, most lived below the poverty line and they were subjected to brutality by the police and other uniformed officials, while their access to health and social services was inadequate. She expressed concern that, whereas a Council of Europe survey of the Roma population had put the number in Italy at 130,000, the Italian Government had hazarded no estimate at all. The Minority Rights Group, meanwhile, had put the number at 90,000 to 110,000. She welcomed the fact that apparently only some 25,000 to 30,000 did not hold Italian citizenship and that efforts at the integration of Roma children into schools had been made. More proactive measures were needed, however, and she wondered whether the Government was in contact with Roma NGOs, which were best equipped to deal with the situation. Lastly, she asked whether any research on the Roma population and their living conditions had been carried out.

73. Ms. KARP wondered what obstacles had been encountered in establishing the post of ombudsman and what prospect there was of legislation in the near future. With regard to the National Observatory, she noted that good work had been done, but children should be involved more closely in legislation and in administrative decisions concerning them. In that context, she asked whether judges or administrative authorities received training in how to view and communicate with children in line with their capacities. She added that participation by children in matters concerning them was allegedly resisted and resented by local authorities and by teachers at some schools.

74. She noted that other human rights bodies had alluded to police brutality in Italy and she wondered whether any evidence of such brutality against children, especially Roma children, existed, whether allegations of brutality were investigated and what the results of such investigations were. She encouraged the Government to consider establishing training courses to sensitize the police in that regard.

75. With regard to violence against children, she asked whether any central database of incidents of violence was maintained. She also wondered what measures were taken to deal with bullying and with violence against children by teachers. Lastly, she wondered what support services were available for children who committed offences; according to her understanding, procedures were not uniform across the country.

76. The CHAIRPERSON said he had a number of questions. First, it appeared from paragraph 253 of the report that children sentenced by the Juvenile Courts were sometimes placed together with children needing care and he wondered whether such a policy was helpful. In that context, he asked who was responsible for the periodic reviews of placement (CRC/C/70/Add.13, paras. 257-262). He also requested clarification of the number of children in foster care: the report indicated (para. 243) a total of only some 1,800 for 1995, while figures from other sources suggested that the number might be as high as 10,000. He also asked for comments on the figure of 27 per cent of children who claimed, on a telephone hotline, that they had problems with their parents. Lastly, with regard to divorce, he asked whether it was the custom in Italian courts to grant joint custody of children and whether much use was made of the practice of mediation in cases of divorce.

The meeting rose at 1.10 p.m.