



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

Forty-second session

SUMMARY RECORD OF THE 1125th MEETING (Chamber B)

Held at the Palais Wilson, Geneva,
on Tuesday, 16 May 2006, at 10 a.m.

Chairperson: Ms. KHATTAB

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The meeting was called to order at 10.05 a.m.

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

Initial report of Italy under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/ITA/1)

Initial report of Italy under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSA/ITA/1; CRC/C/OPSA/ITA/Q/1; CRC/C/OPSA/ITA/Q/1/Add.1)

1. At the invitation of the Chairperson, Ms. Bianchi, Ms. Carletti, Mr. Citarella, Ms. Ciampa, Mr. Conticelli, Ms. Furia, Ms. Giofrè, Ms. Grassi, Ms. Pain and Mr. Piermarini (Italy) took places at the Committee table.
2. Ms. PAIN (Italy), introducing the initial reports of Italy under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/ITA/1) and the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSA/ITA/1) said that some of the measures taken by her Government to follow up the Committee's recommendations concerning Italy's second periodic report (CRC/C/70/Add.13) were also pertinent to the implementation of the two optional protocols. Act No. 38/2006 contained provisions to prevent the sexual exploitation of children and child pornography and to ensure that offenders were expeditiously prosecuted.
3. In Italy, trafficking in children was a growing concern. Most children were trafficked into Italy from Eastern Europe or African countries, either for the purpose of sexual exploitation in Italy or for transfer to other European countries. Sexual exploitation of children and child pornography were being increasingly promoted through the Internet. Under Act No. 38/2006, sexual intercourse with a person under 18 years of age in exchange for money or other economic benefit was punishable by between six months' and three years' imprisonment. Since the Act had entered into force, the number of investigations and detentions for offences involving the commercial sexual exploitation of children had increased considerably. In cooperation with its foreign counterparts and NGOs, the Postal and Communications Police was responsible for monitoring the Internet for pornographic materials depicting children. Sophisticated software was used to identify the minors and the context in which photos or films had been produced. Act No. 38/2006 placed special emphasis on crime prevention and made the promotion of sex tourism abroad a punishable offence.
4. The nature of activities involving the sale of children, child prostitution and child pornography made it difficult to obtain reliable data; consequently, the statistics provided in the written replies were not exhaustive.
5. There were no confirmed reports of the commercial use of children's organs for transplants, or of forced child labour in Italy.
6. The Ministry of Labour and Social Policies had established an extensive network of services to improve the living conditions of children and adolescents, with the participation of

local governments, civil society and third sector. Particular emphasis was placed on the prevention of risk factors and the protection of vulnerable children from trafficking, neglect, abandonment, ill-treatment, sexual violence and abuse. In cooperation with the National Centre for the Documentation and Analysis of Childhood and Adolescence, studies were being conducted on rehabilitation and support programmes for child prostitutes. The possibility of setting up a nationwide system for monitoring local support services for child victims of neglect, ill-treatment and sexual abuse was also being considered.

7. Act No. 2/2001 outlawed the compulsory or voluntary recruitment of persons under 18 years of age into the Italian armed forces. Pursuant to Act No. 226/2004, the minimum age for enlistment in the army, navy, air force and the Carabinieri was 18. The minimum age for admission to military schools was 15; students were not considered members of the armed forces. Members of the armed forces and the Carabinieri were trained in human rights, including children's rights, and humanitarian law. The Italian Joint Operations Headquarters had issued a directive on humanitarian law that included provisions on children's rights and stipulated that, under international law, the recruitment of persons under 15 years of age constituted a war crime.

8. The CHAIRPERSON invited the Committee to put questions to the delegation regarding the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/ITA/1).

9. Mr. ZERMATTEN (Country Rapporteur) commended the State party on its ratification of the two optional protocols. It would be useful to know how the State party defined direct involvement in hostilities. He asked whether the involvement of children in transport, supply and medical services in situations of armed conflict was viewed as acceptable, as paragraph 9 of the report seemed to suggest. He would welcome information on administrative and legislative measures to ensure the effective implementation and enforcement of the Optional Protocol and on penalties applicable in cases of non-compliance. The State party's declaration made on ratification of the Optional Protocol established the minimum age for voluntary recruitment at 17 years. He wished to know whether the Italian Government intended to raise that age-limit to 18 in order to bring its declaration into line with Act No. 2/2001. He asked what measures had been taken to ensure that children under the age of 18 were not involved in Italian military operations abroad.

10. Given that admission to military schools was considered voluntary recruitment, he wondered how the admission of persons between 15 and 17 years of age could be reconciled with the State party's declaration and Act No. 2/2001. It would be useful to know whether military school students under 17 years of age had civilian or military status. The delegation should clarify why students who did not sign a three-year contract at age 16 were dismissed since recruitment to military schools was voluntary. He asked whether students and parents were duly informed of the implications of enrolment in military schools and the duties involved in military service. It would be useful to know whether military school curricula included weapons training and, if so, he wished to know the minimum age for such training. He enquired whether students were trained in human rights and humanitarian law.

11. The delegation should provide statistics on unaccompanied minor migrants, and indicate whether there were any programmes to assist and rehabilitate former child combatants.

12. He would welcome information on measures to disseminate the provisions of the Optional Protocol and Italy's initial report and to raise public awareness of the problem of child soldiers. He asked what progress had been made towards the establishment by the Office of the Special Representative of a broad research agenda and network on children in armed conflict.

13. Mr. PARFITT asked whether Italian legislation regulated sales of small arms and criminalized sales to countries where children might be used in hostilities. He enquired whether the State party's legislation provided for the prohibition and prosecution of the recruitment of child soldiers by Italian citizens abroad.

14. Ms. SMITH said that the delegation should clarify the meaning of paragraph 96 of the report. She asked whether Italy had any armed neo-Nazi groups and, if so, whether the recruitment of minors into those groups was prohibited by law.

15. Mr. FILALI asked why students who refused to sign the three-year contract of voluntary recruitment were expelled from military schools. He wished to know whether Italian courts had jurisdiction over foreign nationals residing in Italy who had committed acts proscribed by the Optional Protocol in other countries.

16. Mr. LIWSKI asked whether military schools came under the Ministry of Defence or the Ministry of Education. He wished to know what was being done to ensure that the military training activities conducted in those schools did not harm students' psychosocial development.

17. Mr. POLLAR asked whether any Italian children had been involved in armed conflict abroad prior to 2001. He wished to know what disciplinary measures could be applied to persons under the age of 18 under the current system of voluntary recruitment, and whether there were any statistics on how many recruits were currently on trial or in detention. The delegation should indicate what minimum sanctions applied if a 17-year-old deserted, and whether any offences committed by recruits under 18 carried the death penalty. He enquired whether the Government encouraged the creation of justice-seeking mechanisms abroad. He asked to what extent minors were criminally liable for acts that they committed while performing voluntary service.

The meeting was suspended at 10.50 a.m. and resumed at 11.10 a.m.

18. Mr. PIERMARINI (Italy) said that, under current legislation, no one under the age of 18 could enlist in the armed forces. Moreover, Act No. 226/2004 guaranteed that the Optional Protocol would be respected in the event that conscription was reinstated. The minimum age for voluntary enlistment and recruitment into the armed forces was 18. However, 17-year-old civilian applicants could be considered if there were not enough recruits to fill the posts of Carabinieri.

19. The CHAIRPERSON asked whether the State party had considered amending current legislation to eliminate the possibility of recruiting persons under 18 to the Carabinieri.

20. Mr. PIERMARINI (Italy) said that, since the selection procedure took at least six months and recruits attended a compulsory 11-month training course before taking up employment, it was impossible for anyone aged 17 to serve in the Carabinieri. Employment in all sectors of the armed forces was possible only as of the age of 18.
21. The CHAIRPERSON requested additional information on the training course.
22. Mr. PIERMARINI (Italy) said that the course included specific training on the Constitution, international humanitarian law, human rights and criminal procedure connected with employment in the armed forces.
23. Mr. FILALI asked whether the students who attended the 11-month training course maintained the status of civilians or whether they were considered to be military personnel. He wondered whether they could be mobilized in the event of an emergency situation.
24. Mr. PIERMARINI (Italy) said that no students under the age of 18 had attended such courses since 2000. At Nunziatella, Teulì and Morosini military schools, students between the ages of 15 and 18 followed the national curriculum. In addition, they received basic training in military subjects. They were not considered part of the armed forces and could not be used in military operations in Italy or abroad. Students were free to leave military school at any time. Students took a final examination for admission to university or went on to the selection process to join the armed forces. Entry into the armed forces was therefore not automatic for military school students. While the military schools were operated by the Ministry of Defence, the curriculum of such schools was established by the Ministry of Education. In addition to military training and activities, students attended courses on the Constitution, international humanitarian law and human rights.
25. Current legislation regulating the transfer of arms had been introduced in 1990. Under that legislation, no arms could be exported or transported to States engaged in armed conflict, to countries on which the United Nations had imposed an embargo, or to countries whose Governments were responsible for human rights violations. The inter-ministerial committee that regulated the transfer of arms received periodic information on foreign States' observance of human rights.
26. The CHAIRPERSON asked whether there was any specific reference in Italy's domestic legislation to countries where children were involved in armed conflict.
27. Mr. PARFITT asked whether the inter-ministerial committee that regulated the transfer of arms had received any complaints regarding the sale of arms to countries or agencies that employed children in armed conflict.
28. Mr. PIERMARINI (Italy) said he had no specific information on arms sales to countries where children might be involved in armed conflict. The military and police received training in human rights and international humanitarian law, including the Convention on the Rights of the Child, and members of the armed forces and the Carabinieri participating in international operations received training regarding their international obligations. In January 2005, the joint

headquarters for international operations had issued a directive that supplemented the human rights guarantees already included in the basic rules of engagement. The importance of human rights was impressed on all officers, and commanders were expected to brief their replacements on human rights issues, including possible war crimes and the use of children in conflict situations. The provisions of the Optional Protocol were considered to be particularly important.

29. Italy's Military Penal Code criminalized human rights violations including the use of minors in armed conflict. That crime, as well as torture, ill-treatment, illegal transfer, biological or medical experimentation or inappropriate treatment of civilians or internationally protected persons, including children, was punishable by two to five years' imprisonment. In 2003, Parliament had begun to review legislation regarding participation in international military missions. Once completed, that review would lead to the adoption of legislation that would ensure that Italy fully complied with its international human rights obligations.

30. Mr. ZERMATTEN requested the delegation to supply any written information regarding legislation and directives relating to the training of Italian forces participating in international missions. He asked whether such legislation and directives dealt with the treatment of child soldiers taken prisoner and with military and paramilitary armed groups that recruited minors under the age of 15. He wished to know what treatment was accorded to migrants residing in Italy who had been involved in situations of armed conflict.

31. The CHAIRPERSON requested additional written information on the legislative amendments being considered by Parliament to strengthen human rights protection.

32. Mr. PIERMARINI (Italy) said that his delegation would provide information on training for the armed forces and the Carabinieri in general, as well as training for military personnel participating in international military missions. Parliament had not completed its review of legislation regarding participation in international missions before the recent elections, and further progress would depend on the position adopted by the new Government. However, the review would take into account such provisions as article 8 of the Rome Statute of the International Criminal Court regarding the conscription or enlistment of children under the age of 15. Provisions relating to the criminal prosecution of human rights violations, such as specific war crimes, including the recruitment of minors under 15, would be further strengthened. Under article 600 of the Penal Code, any person found guilty of coercing or exploiting another for illegal purposes could be sentenced to a term of between 8 and 20 years' imprisonment; that penalty could be increased by one third to one half if the victim was under the age of 18.

33. Italy's 2005 anti-terrorism decree and articles 260 and 270 of the Penal Code punished any activity undertaken with a view to committing an act of violence or sabotage against an essential public service for the purpose of terrorism, including any activity undertaken in a foreign State or directed against an international institution or body. Act No. 145 of March 2006 had ratified the United Nations Convention against Transnational Organized Crime and the protocols thereto. The delegation would provide a detailed written summary of provisions of the Penal Code relating to extraterritorial jurisdiction and crimes committed by foreigners in or outside Italy.

34. With regard to the issue of military schools, he said that, as was the case in public schools, there was ongoing communication between the school, teachers and students' families. In cases where a student refused to sign a contract to attend a military secondary school for three years, he was expelled not because he was considered to have refused a career in the armed forces but because he had refused to make a commitment to complete the full three years of training.

35. Ms. CIAMPA (Italy) said that many migrants and asylum-seekers were children. The relevant legislation and the treatment accorded to such children were in full conformity with Italy's obligations under international human rights law. Every effort was made to provide specific protection measures for and to integrate foreign children. In accordance with article 3 of the Convention on the Rights of the Child, the basic principle underlying legislative and administrative treatment of foreign children and court decisions was the best interests of the child and due consideration was given to family reunification. New legislation criminalized any act involving children in illegal immigration or armed conflict. All foreign children in Italy had the right to health care and were required to attend school; no child under 18 could be deported.

36. Unaccompanied foreign children, registered with the Committee for Foreign Children of the Ministry of Labour and Social Policies were provided with a residence permit pending the investigation of their case. Through its centres for unaccompanied children, the Committee for Foreign Children ensured uniform nationwide standards for the care of such children; it also sought to establish appropriate relationships with the country of origin and made every effort to ascertain the identity of the child and other family members, whether in Italy or abroad.

37. With regard to children who had been involved in armed conflict, she said that the local authorities had organized a number of projects, including foster care for young girls who were victims of armed conflict. The Ministry of Foreign Affairs funded projects relating to child victims in the country of origin; she would provide the Committee with a list of such projects.

38. The CHAIRPERSON requested information on the specific issue of children in armed conflict. He wondered how the Ministry of Foreign Affairs guaranteed the quality of projects managed by the local authorities.

39. Ms. CIAMPA (Italy) said that the central administration organized training sessions for local social service providers. The National Fund for Social Policies provided funding to the regions, which then distributed those funds to the local authorities. The National Centre for the Documentation and Analysis of Childhood and Adolescence maintained a database of all projects financed by the National Fund. All projects were monitored to ensure that standards were met.

40. The CHAIRPERSON invited the Committee to put questions to the delegation regarding the State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSA/ITA/1).

41. Ms. VUCKOVIC-SAHOVIC (Country Rapporteur) asked whether Italy had ratified both the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish trafficking in persons Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

42. It would have been helpful if the State party had drafted its report in accordance with the harmonized guidelines. Since the Optional Protocol dealt with the sale of children, prostitution and pornography, she wondered why Italy had made the Inter-ministerial Committee for the Coordination of the Fight against Paedophilia (CICLOPE) its focal point. The concept of paedophilia was too narrow to encompass concerns under the Protocol.

43. She noted that the report had not been made available to the public. She asked whether the Government planned to translate and disseminate the outcome of the Committee's consideration of the report.

44. She was concerned at the trend in Italy towards decentralization, which make it difficult for municipalities and regions to implement national legislation and international instruments. She asked whether the Government planned to consolidate and regularly monitor data collection at the national level.

45. The delegation should comment on reports that the activities of the National Centre for the Documentation and Analysis of Childhood and Adolescence had been severely hampered by a lack of funds.

46. The Optional Protocol clearly defined the sale of children, child prostitution and child pornography, which provided the legal basis for action to protect children. She enquired whether Italian legislation had incorporated definitions of those three concepts.

47. Ms. SMITH (Norway) wished to know whether all the provisions of article 4 of the Optional Protocol were reflected in the State party's legislation.

48. Mr. PARFITT (Canada) said that, while the initial report referred to a 2003 bill on combating the sexual exploitation of children and child pornography, the written replies (CRC/C/OPSA/ITA/Q/Add.1) referred to Act 38/2006. The delegation should indicate whether or not Act 38/2006 was similar or identical to the bill described in the initial report. He wished to know whether the term "virtual pornography" used in the Act included cartoons, which were often used by pornographers to entice children. The delegation should explain the role of the Postal and Communications Police in preventing Internet pornography. He asked whether the National Centre for Combating Child Pornography was operational. He wondered whether the proposed observatory for the prevention of paedophilia and child pornography had been established and, if so, whether it reported to the Government.

49. With regard to Italy's new legislation on sex tourism, he asked whether any tour operators had been charged or punished for failing to refer in their advertising to legislation that prohibited child prostitution and child pornography. He wished to know who was responsible for monitoring the implementation of the legislation? He wondered whether there had been any successful prosecutions under the new legislation on trafficking.

50. Mr. LIWSKI (Argentina) said that Italian legislation adopted between 1998 and 2001 had led to the policy of repatriating foreign child victims of trafficking. While that legislation might have been intended to protect children, he noted that, in some cases, the repatriation of children to their countries of origin and their return to their families might not be in their best interests. He asked whether the 260 cases of voluntary repatriation in 2004 had been monitored and evaluated. The report and the written replies made no reference to the sale of adopted children, who were prone to become victims of trafficking. He asked whether there was rigorous control of private international adoption agencies, including agencies operating abroad, particularly in Latin America.

51. Roma children were over-represented among the victims of child trafficking and exploitation, particularly sexual exploitation, and he wished to know whether the Government was taking any measures to ensure the social rehabilitation of such children and their reintegration into schools and the community.

52. The CHAIRPERSON requested information on the achievements of the National Plan to Combat and Prevent Paedophilia, which had been adopted in 2002. The delegation should indicate the amount of budgetary resources that had been allocated to the Plan. She asked whether the mandate of CICLOPE allowed it to implement the provisions of the Optional Protocol.

53. Mr. FILALI asked whether Italy had received extradition requests from other States and, if so, how had it dealt with them.

54. Ms. VUCKOVIC-SAHOVIC (Country Rapporteur) asked what was being done to assist child victims of exploitation, particularly victims of trafficking. She wished to know whether there was a procedure for identifying such children, and whether there was a single national focal point for child victims of trafficking, including boys.

The meeting rose at 12.50 p.m.