



Convention on the Rights of the Child

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Summary record of the 1643rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 20 September 2011, at 3 p.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (continued)

Combined third and fourth periodic reports of Italy (continued) (CRC/C/ITA/3-4; CRC/C/ITA/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Italy resumed places at the Committee table.*
2. **Ms. Aidoo** asked whether the State party intended to take additional measures to reduce the child poverty rate, and particularly whether it planned to adopt a multidisciplinary approach in that regard, rather than relying solely on the adoption of fiscal measures in favour of poor families. She expressed serious concern at the 4 per cent rate of extreme poverty in the State party and at the 8 per cent rate of absolute poverty among families with three or more children, and noted that poor children were disadvantaged in various areas including access to health care, adequate nutrition, sanitation, education and adequate housing. She asked whether the implementation of action plans and programmes to combat poverty had been evaluated by region and by social group, and, if so, whether that evaluation had made it possible to introduce a uniform system of service provision. Finally, she would like to know whether the State party had honoured its commitment, referred to in paragraph 484 of the report, to reduce poverty and to achieve the average poverty rate for European countries by 2010.
3. **Ms. Al-Shehail** asked what measures the State party had taken to improve the nationwide collection of health data, which would allow the exact number of new cases of infectious diseases to be recorded. Given the rising number of migrants in the State party, she would like to know what efforts had been taken to improve migrant children's access to primary health care, particularly vaccination.
4. **Mr. Kotrane** asked whether the State party intended to raise the minimum age of voluntary military service from 17 to 18 years, as recommended by the Committee during its consideration of the initial report of Italy submitted under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. He wished to know whether the concept of the direct participation of minors in hostilities was expressly defined in legislation. Additional information on the provisions of Italian law governing extraterritorial jurisdiction would be appreciated, as would information as to whether the prohibition against possessing child pornography had been enshrined in legislation, as recommended by the Committee following its consideration of the initial report of Italy under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
5. **Mr. Koompraphant** asked what mechanisms had been put in place to monitor cases of ill-treatment and neglect, what preventive measures had been taken in that respect and whether professionals working with children, such as teachers, were obliged to report such acts if they became aware of them.
6. **Ms. Al-Asmar** asked whether the State party intended to offer families who did not wish to enrol their child in a preschool educational institute the opportunity to take charge of their child's early education themselves. The Italian delegation was requested to indicate whether members of the armed forces were well versed in human rights generally and the rights of the child in particular.
7. **Ms. Wijemanne** (Country Rapporteur) said she regretted that free samples of baby formula continued to be distributed in Italian maternity hospitals, that the number of "Baby-Friendly Hospitals" had fallen and that infant supplements with high sugar, salt and fat content were still on sale, since they exposed children to the risk of obesity. She insisted on

the need to respect the International Code of Marketing of Breast-milk Substitutes and to regulate the sale of breast-milk substitutes. It was not clear why the minimum legal age for purchasing tobacco was 16, while the legal age for purchasing alcohol was 18. Finally, she would appreciate statistics on children with disabilities that were disaggregated by type of disability.

8. **Mr. Madi** said he was surprised that the State party was considering the adoption of a law providing for a term of between 4 and 12 years of imprisonment for recruiting minors into the armed forces for peacekeeping operations, given that the age of conscription was 18. Additional information on the matter would be appreciated.

9. **Mr. Giovanardi** (Italy) said that, while Italy was making every effort to combat poverty, it was difficult to know, given the risk of global recession and the instability of the euro, what would happen in the coming years to national economies and therefore to poverty levels in different countries. After consultation with various representatives of civil society, the Government had implemented a national action plan for families, aimed primarily at supporting large families.

10. The large number of registered national adoption agencies, of which there were 60, was explained by the fact that Italy was the country with the second highest rate of international adoption. Those not-for-profit agencies provided local services and the required follow-up once a child was with his or her adoptive family in Italy. The Commission on Intercountry Adoption was tasked with monitoring the legality of procedures and respect for the provisions of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The Italian Government had concluded bilateral agreements on the matter with a number of countries, including Russia and Cambodia, that provided guarantees for both parties, as well as monitoring of activities in the child's country of origin and strict checks of adoption criteria in order to ensure the greatest possible transparency.

11. Students and detainees that did not eat certain foods for religious reasons were able to request a special diet.

12. In order to combat domestic violence, the abuse of punishments, ill-treatment and abandoning children were penalized by the Criminal Code and the penalties were increased in cases where violence had resulted in physical or psychological damage, or where the child had died. Furthermore, anyone found guilty of mistreating a child under their authority or responsibility who was less than 14 years old was liable to a prison term of 1 to 5 years.

13. According to data from the Ministry of the Interior and the Ministry of Education, cocaine, heroin and cannabis use had fallen 25 per cent over the previous 18 months. That was clearly the result of awareness-raising and public-education campaigns, as well as the work carried out in schools by a number of associations. The use of amphetamines, however, was increasing and was due to be targeted by a European campaign.

14. **The Chairperson** asked for information on the budgetary resources allocated to childhood and in particular whether such budgets were protected.

15. **Mr. Mari** (Italy) said that 750 million euros had been provided under a plan for early childhood social and educational services since 2007 and that an additional 100 million euros had been provided in 2010. The plan, which was aimed at increasing the numbers benefiting from the services, had increased the rate of coverage from 11 per cent in 2004 to 17 per cent in 2010. In addition, approximately 39 million euros of targeted funding for childhood had been allocated since 1997 under the law establishing the National Fund for Children.

16. **Mr. Giovanardi** (Italy) said that, according to official data, the number of children with disabilities in school had risen from 90,000 in 2009 to 97,000 in 2011 and that there was one specialized teacher for every two children with special needs.

17. **The Chairperson** said that he would appreciate additional information on the teacher-to-student ratio and on the maintenance of school infrastructure, which seemed to pose some problems.

18. **Ms. Matone** (Italy) said that Italy had possessed a criminal procedure for minors since 1934, the year in which special courts for minors had been established, and that since 1988 there had also been a special criminal procedure for minors aged 14 to 18 based on parental involvement at every stage. The main aims of the procedure were to remove children from the criminal system as quickly as possible, resocialize them and to render criminal proceedings less invasive. Various alternative measures were in place for this purpose, such as educational projects and conditional release, possibly accompanied by supervisory measures. Italy would soon have a prison system that was specially adapted for minors and a bill on prison system reform had been proposed to that end.

19. **The Chairperson** said he would like to know why the bill on prison-system reform had not yet been adopted and asked about the apparently excessive period between arresting and trying minors. He also inquired about training for those working in the justice system, including judges, police, prosecutors, lawyers and social workers.

20. **Ms. Matone** (Italy) said that the implementation of a specialized prison system for minors had not previously been a priority for the authorities because the regular penal system already favoured the rehabilitation and resocialization of offenders. The new law on the prison system for minors reflected the basic principles of the system for adults and established new, specialized institutions.

21. The duration of proceedings in the juvenile justice system was relatively short in comparison with the average in Italy. It was unfortunate that in some cases proceedings were never completed because the minors ran away from the open care facilities in which they had been placed.

22. Particular attention was focused on training for judges and lawyers. Officially appointed lawyers were lawyers specializing in juvenile justice and were obliged to pass an exam following comprehensive training before they could practice.

23. **The Chairperson** asked whether the police and prosecutors were also trained to work with children.

24. **Ms. Matone** (Italy) said that training courses for Carabinieri and police who worked with children were organized at regular intervals. The Prosecutor's Office also had sections specializing in the care of juvenile offenders and victims.

25. **Mr. Cardona Llorens** said that he would like to know whether minors were ever tried in absentia.

26. **Ms. Matone** (Italy) said that sometimes a minor who had been summoned to appear in court did not attend. In such cases, proceedings went ahead in the minor's absence, giving rise to a trial in absentia. The problem lay in the fact that minors who had been placed in protective vocational and educational care retained their freedom of movement and it was not unusual for them to run away; it was clear that the justice system was powerless against that phenomenon.

27. **Ms. Pesarin** (Italy) said that a growing number of children placed in protective facilities were not Italian and that it was primarily those children who managed to avoid justice by running away. The Ministry of Justice and the Ministry of the Interior, with the assistance of the United Nations Children's Fund (UNICEF) and the non-governmental

organization Save the Children, had drafted guidelines, approved by the Ministry of Health, that introduced an innovative multidisciplinary procedure to determine the age of minors. It was based on advanced techniques, such as magnetic resonance imaging, and involved psychologists. In cases where age could not be determined, the benefit of the doubt was given to the presumed minor.

28. **The Chairperson** invited the Italian delegation to address the topics of mental and reproductive health and of children with disabilities.

29. **Ms. Carletti** (Italy) said that her country was at that time introducing a method of collecting data on youth suicide as part of a new health plan that was aimed at disseminating best practice on suicide prevention for young people aged 14 to 17. The focus was on family consultations, making specialized centres available and the creation of youth spaces, which offered listening and support services for young people in difficult circumstances. Alongside the health plan, an action plan for mental health had also been put in place.

30. Regarding the issue of early pregnancy, it was notable that the number of children born to underage mothers had not risen between 1995 and 2008, and that a downward trend had been observed in recent years.

31. **The Chairperson** asked whether children could be subjected to medical treatment without their consent and wished to know at what age children could give consent instead of their parents. Finally, he said that he would like more information about sex-education programmes.

32. **Ms. Carletti** (Italy) said that, as a general rule, children had to ask for parental consent to receive medical treatment, with some exceptions. An adolescent who wished to terminate her pregnancy, for example, might request that her parents should not be informed. In that case, a decision was taken by a guardianship judge and by social services. In the same way, when the wishes of the parents were contrary to those of the child with regard to psychiatric care, the decision fell to a judge. Nonetheless, jurisprudence on the issue was not clear, since some magistrates considered that the child's, and others that the parents' wishes should be given precedence.

33. With regard to breastfeeding, national guidelines to promote, protect and support breastfeeding had been adopted in 2007 and a national cross-sectoral committee, established under the Ministry of Health, had been tasked with drafting proposals and guidelines, developing programmes and disseminating information. It was on the initiative of the committee that the Ministry of Health had launched a 2010–2011 publicity campaign to encourage women who breastfed to follow a healthy diet.

34. **The Chairperson** asked about the regulation of advertisements for breast-milk substitutes.

35. **Ms. Ruggiero** (Italy) said that the issue would be addressed by the campaign, which had been under way since 2010. She added that 81 per cent of mothers who gave birth in hospital breastfed until the baby was 7 or 8 months old.

36. **Ms. Wijemanne** said that, according to the information available to her, the percentage of mothers who breastfed gradually fell as the months went by but it was difficult to know exactly because there was no monitoring of actual breastfeeding rates.

The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.

37. **The Chairperson** asked for information on child migrants and asylum-seekers particularly those who arrived from Lampedusa.

38. **Mr. Brasioli** (Italy) said that Italy had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families because it made no distinction between regular and irregular migrants. However, Italian legislation guaranteed most of the rights incorporated in the Migrant Workers Convention, and all migrant children, whether regular or irregular, had equal access to social services.

39. **Ms. Matone** (Italy) said that the press often provided inaccurate information about the situation of minors in Lampedusa. According to the most recent figures from the Committee for Unaccompanied Foreign Minors, which is under the auspices of the Ministry of Social Affairs and cooperates with the Ministry of the Interior in emergency cases, 2,500 minors had arrived in Lampedusa since 1 January. The Italian civil defence service had allocated 9 million euros to the communities that had received them and it was estimated that there were 7,000 unaccompanied minors on Italian territory. They were accommodated in facilities that met all the standards for housing minors. Certain unaccompanied minors had to undergo identification procedures to verify their age. It should be noted that Italy was managing a humanitarian crisis and that all districts throughout the country were involved in the effort.

40. **The Chairperson** asked whether any of the 7,000 unaccompanied minors in Italy had disappeared and become illegal or had left for other countries. He would like to know whether there was ongoing monitoring of unaccompanied minors.

41. **Mr. Guráň** (Country Rapporteur) said that unaccompanied children should not be held in reception centres, since that would be a violation of their rights. He asked for information on the activities of the Committee for Unaccompanied Foreign Minors.

42. **Ms. Matone** (Italy) said that 23.4 per cent of unaccompanied children disappeared from reception facilities. The facilities were not places of detention and children could not be prevented from leaving.

43. The Committee for Unaccompanied Foreign Minors, which had existed for many years, played an advisory role within the Government.

44. **The Chairperson** asked whether, and in what circumstances, minors might sometimes be refused entry.

45. **Ms. Matone** (Italy) said that refusing entry to minors was prohibited by law.

46. **The Chairperson** asked what occurred when a minor reached the age of majority and was no longer protected by such provisions.

47. **Ms. Matone** (Italy) said that, if a child was in education, he or she would be granted a special residence permit until the age of 21.

48. She offered to provide the Committee with a table containing all current data on children who arrived in Italy.

49. **Mr. Giovanardi** (Italy) said that the current figure of 7,000 for unaccompanied minors could increase, due to the economic crisis. The crisis was not an Italian problem, but a European one and should be considered as such.

50. **Ms. Veletti** (Italy) said that Italy had acceded to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities in December 2006 and had ratified them in 2009. Italian legal provisions for persons with disabilities were in conformity with international law. Disability was understood in Italian law to cover all physical or mental incapacity that could hinder the full participation of an individual in society. The National Observatory for the Integration of People with Disabilities, composed of representatives from the regions and the relevant ministries, was tasked with encouraging the adoption of measures for

persons with disabilities and monitoring their application, and with collecting data on the situation of persons with disabilities.

51. Children with disabilities benefited from full personalized support from the age of 3, after a diagnosis had been established. A law had been adopted allowing the parents of children with disabilities to adjust their working hours to help their children.

52. **Mr. Cardona Llorens** said that, although the measures seemed good on paper, the reality was completely different. In fact, according to the figures from the Ministry of Education, there were major inequalities between the regions: there was a shortage of 2,691 educators in Lombardia and a surplus of 1,532 in Campania. In one school there was only one educator for 16 children with disabilities.

53. **Mr. Giovanardi** (Italy) said that the uniform distribution of teachers across the regions required teachers to transfer from one region to another, which was difficult to achieve and involved dialogue with the trade unions, which negotiated to allow teachers to remain in or return to their region of origin, mostly for family reasons.

54. He added that, as part of the biennial initiative that was under way, 1 billion euros had been assigned to building school infrastructure; 226 million euros had been allocated to Abruzzo, where almost all schools had been destroyed by an earthquake in 2009.

55. **The Chairperson** asked about the progress of the two bills that the State party had drafted on corporate social responsibility, particularly with regard to child labour.

56. **Mr. Giovanardi** (Italy) said that employers who did not respect the legislative provisions on child labour were liable to criminal sanctions. Furthermore, the clandestine workshops within the Chinese community that had exploited child labour had been dismantled and those responsible brought to justice.

57. Working hours and parental leave were regulated by law. The Government was financing pilot projects aimed at encouraging a work-life balance, in particular by introducing part-time, flexible and remote working.

58. **The Chairperson** asked whether the State party possessed a regulatory framework allowing it to take judicial or extrajudicial action against a multinational corporation that had violated the rights of children in other countries and whose headquarters were in Italy.

59. **Ms. Matone** (Italy) said that Italian extraterritorial jurisdiction had been established for certain offences, notably child pornography, child prostitution and trafficking in persons.

60. **Mr. Antonelli** (Italy) said that the jurisdiction of the Italian courts extended to offences committed during armed conflict. Articles 7, 9 and 10 of the Criminal Code provided for sanctions against Italian nationals who had committed an offence abroad that carried a sentence of from 3 years to life imprisonment, such as recruiting people for armed groups or terrorist organizations. The minimum age for recruitment by the armed forces had been raised to 18 years by Decree No. 66 of 2010 revising the Military Code. Act No. 28 of 2010 authorized the recruitment of athletes into the armed forces' sports groups and the police force from the age of 17. At the same time, the law prohibited the involvement of those young athletes in operational activities before the age of 18.

61. Italy had not introduced into its legislation a definition of direct participation in armed conflict. In order to interpret the phrase, the courts referred to the definition given in *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law*, adopted in 2009 by the International Committee of the Red Cross (ICRC).

62. There was a bill on the adoption of a Military Criminal Code specific to missions abroad, which would be able to address the particular situations that could arise in that context. A penalty of between 4 and 12 years of imprisonment was provided for the recruitment of children aged under 15, which did not, however, call into question the prohibition on recruiting persons under 18 years of age but rather recalled the provisions of the Rome Statute of the International Criminal Court. The penalty was doubled if the persons that recruited the minors then made them participate in hostilities.

63. Humanitarian law was taught in all military training establishments and all military personnel that were leaving for missions abroad attended a course on humanitarian law. Recent operations led by the North Atlantic Treaty Organization (NATO) in Libya under Security Council resolution 1973 (2011) in which Italy had been involved, had targeted military installations and had been carried out in full compliance with humanitarian law.

64. **Ms. Zannini** (Italy) said that the Observatory for the Fight against Paedophilia and Child Pornography, established by Law No. 38 of 2006, was financed from two sources: firstly, a budget of approximately 3 million euros that was earmarked for funding all the observatory's activities and for the development of an observatory database, and secondly, funding that was reserved for actions to prevent and combat paedophilia. The National Plan for Children and Adolescents included a section specifically focused on combating paedophilia, which would serve as a basis for drafting a national plan in that regard.

65. **The Chairperson** asked whether the State party had defined child pornography and whether the possession of pornographic material was prohibited and punished.

66. **Ms. Zannini** (Italy) said that virtual pornography was a criminal offence and the Criminal Code punished not only the use of virtual images portraying sexual parts, but also the use of images that portrayed minors or parts of their bodies. The offence was therefore defined in a broader sense than in the Optional Protocol. Furthermore, the penalties for the exploitation of children as prostitutes and for the distribution and dissemination of child pornography, as well as for the possession of pornography that was linked to the use and exploitation of minors had been strengthened.

67. **Mr. Moretti** (Italy) said that, under Act No. 149 of 2001, all reception centres for children had been forced to close before the end of 2006. In actual fact, a number of establishments had remained officially active until 2007 or 2008, even though all the children had been transferred to alternative facilities well before 2006. Alongside the gradual closure of the establishments, the authorities had undertaken to check the quality of the replacement facilities, which were generally family homes that accommodated children from 0 to 6 years.

68. **Mr. Guráň** said that, since many of the laws and plans of action relating to childhood had been adopted very recently, it was not yet possible to determine their effect on the situation of children's rights.

69. While there were positive aspects to the decentralization of social action for children and adolescents, there was also a risk of disparities between regions. The State party was, however, required to create equal conditions for all children living on its territory.

70. Particular attention should be focused on developing a system of indicators and on introducing minimum standards for the number of social workers in all of Italy's regions because it was important to eliminate the major differences between the north and south of the country.

71. An effort was also required to evaluate the repercussions of budgetary cutbacks on both national and international programmes for children.

72. The Committee hoped that the recommendations it would make in respect of the third and fourth periodic reports of Italy on the application of the Convention would be rapidly implemented.

73. **Mr. Brasioli** (Italy) said that the information that had been unavailable to the delegation would rapidly be sent to the Committee via the secretariat and that the Committee's observations would be given prominence at the commemoration of the twentieth anniversary of the Convention's entry into force for Italy, which was to take place shortly.

The meeting rose at 6 p.m.