



Distr.

GENERAL

CRC/C/OPSC/ITA/CO/1

21 June 2006

Original: ENGLISH

Convention on the Rights of the Child

committee on the rights of the child

Forty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Concluding observations: Italy

1. The Committee considered the initial report of Italy (CRC/C/OPSA/ITA/1) at its 1125th and 1127th meetings (see CRC/C/SR.1125 and CRC/C/SR.1127), held on 16 May 2006, and adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial comprehensive report, as well as the submission of the replies to the list of issues (CRC/C/OPSA/ITA/Q/1). However, the Committee notes with regret that the State party's report does not follow closely the guidelines for reporting.
3. The Committee notes the presence of a high-level delegation and appreciates the frank and constructive dialogue.
4. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted in the State party's second periodic report on 31 January 2003, contained in CRC/C/15/Add.198.

B. Positive aspects

5. The Committee notes with appreciation the various measures taken by the State party to implement and strengthen the protection of the rights enshrined in the Optional Protocol, in particular:

GE.06-42735 (E) 050706(a) The adoption of Act 38/2006 on sexual exploitation of children and paedophilia pornography, including through the Internet;

(b) The adoption of Law 228 on Measures against the trafficking of people in 2003;

(c) The establishment of a Fund for Anti-Trafficking Measures in the Prime Minister's Office;

(d) The establishment of the Interministerial Committee for the Coordination of the Fight against Paedophilia (Comitato Interministeriale di Coordinamento per la Lotta alla Paedofilia, CICLOPE) in 2002; and

(e) The establishment of an Observatory on the Phenomenon and on Prevention and Suppression Policies in 2003.

6. The Committee welcomes the information provided by the delegation that Italy has recently ratified the United Nations Convention against Transnational Organized Crime and its Optional Protocols.

C. Principal areas of concern and recommendations

1. General measures of implementation

Coordination and evaluation of the implementation of the Optional Protocol

7. The Committee welcomes the establishment of the Interministerial Committee for the Coordination of the Fight against Paedophilia (CICLOPE), which includes representatives from the various ministries, as well as its close cooperation with associations, non-governmental organizations (NGOs) and experts in the sector. It also notes the establishment of the National Centre for combating

child pornography on the Internet. However, the Committee is concerned that numerous efforts undertaken in this area are fragmented and might hamper the full implementation of the provisions enshrined in the Optional Protocol.

8. The Committee encourages the State party to improve coordination, both at central and local levels, in all areas covered by the Optional Protocol, and to strengthen its mechanisms for the periodic evaluation of the implementation of the Optional Protocol.

National plan of action

9. The Committee notes the adoption of the Plan of Action to combat and prevent paedophilia in 2002. It also notes that the State party is in the process of finalizing and adopting a national plan of action for children, as requested by the outcome document "A world fit for children" adopted by the General Assembly at its special session on children held in May 2002.

10. The Committee recommends that the State party strengthen its efforts to finalize, adopt and implement, in consultation and cooperation with relevant stakeholders, including civil society, a national plan of action for children and provide a specific budget allocation and adequate follow-up mechanisms for its full implementation. It also recommends that the State party pay attention to covering all areas of the Optional Protocol in the national plan of action, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children. The Committee further recommends that the State party continue and strengthen its efforts in ensuring the full implementation of specific plan of actions relevant to the Optional Protocol.

Dissemination and training

11. The Committee notes with appreciation the efforts made by the State party to raise awareness among the public, in particular among teachers, school managers, social workers and other professionals working with and for children, as well as children themselves, about the provisions of the Optional Protocol. However, the Committee is concerned that dissemination of information on sexual exploitation, child pornography and sale of children is not systematic.

12. The Committee recommends that the State party continue to strengthen its measures to disseminate the provisions of the Optional Protocol among all relevant professionals, including police officers, public prosecutors, judges, social workers, caregivers and other professionals working with and for children, involved in the implementation of the Optional Protocol. It further recommends that the State party pay particular attention to awareness-raising campaigns and to the use of materials which are appropriate for children.

Data collection

13. While welcoming the establishment of an observatory on the phenomenon of sexual exploitation and on prevention and suppression policies in 2003, the Committee notes with concern the lack of a centralized system for the collection and analysis of relevant data, as noted by the State party.

14. The Committee recommends that the State party strengthen its efforts to collect in a systematized fashion quantitative and qualitative data on all areas covered by the Optional Protocol. Such data should be used to assess progress and to design programmes and policies to further implement the Optional Protocol.

Budget allocations

15. Notwithstanding the allocation of financial resources for specific social protection programmes, including funds for the victims of trafficking and exploitation, the Committee regrets the limited information provided on budget allocations for the comprehensive implementation of the provisions contained in the Optional Protocol.

16. The Committee recommends that the State party provide in its next report further information on the budget allocations for the comprehensive implementation of the Optional Protocol.

Independent monitoring mechanism

17. The Committee welcomes the establishment of an Ombudsman office in eight regions of the State party and also the efforts made to set up an independent national institution competent for the protection of the rights of the child. The Committee recommends that the State party complete these efforts and ensure that the national institution is easily accessible to, and user-friendly for, all children. The Committee draws the attention of the State party to the general comment No. 2 (see CRC/GC/2002/2) on the role of independent national human rights institutions in the protection and promotion of the rights of the child.

2. Prohibition of the sale of children, child pornography and child prostitution

Existing criminal or penal laws and regulations

18. The Committee notes with satisfaction the State party's efforts to criminalize the sale of children, child prostitution and child pornography. It is nevertheless concerned at the lack of a clear definition of child pornography in line with article 2 of the Optional Protocol.

19. The Committee recommends that the State party continue to ensure that legislation and procedures relevant for the Optional Protocol are being fully implemented. It further recommends that the State party define child pornography in the national legislation, which will enable it to clearly design and implement policies.

3. Protection of the rights of child victims

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

20. The Committee also notes the establishment of one single fund for all social policies by Act 328/2000. However, the Committee remains concerned at the uneven distribution of human and financial resources throughout the country, including unequal access to accommodation centres and medical facilities.

21. The Committee recommends that the State party specifically define protection services and develop guidelines to guarantee a common minimum standard of services and actions among the various regions in order to ensure that child victims receive all appropriate assistance, including their full physical and psychological recovery and social reintegration. The Committee further recommends that the State party provide specific earmarked budgets for these services and actions.

4. Prevention of the sale of children, child prostitution and child pornography: Measures adopted to prevent offences referred to in the optional protocol

22. The Committee is deeply concerned at the high number of child victims of trafficking, mainly from Eastern European countries, especially Romania, who are at particular risk of being sexually exploited and used for the purpose of begging.

23. The Committee recommends that the State party pay particular attention to the situation of vulnerable groups of children who are at risk of being abused and exploited. It highly recommends that good practices, such as the “Centre for Combating Child Begging” in Rome, should be shared with other cities.

5. International assistance and cooperation

Prevention

24. The Committee notes the State party’s initiatives in providing forums for discussion on and analysis of aspects of the transnational nature of child prostitution, sexual tourism and trafficking as well as the need for prevention, suppression and assistance strategies. However, the Committee remains concerned at the lack of awareness and follow-up mechanisms regarding the outcome of such forums.

25. The Committee recommends the State party continue its efforts in fostering international inter-ministerial cooperation through specifically tailored and well organized meetings and set specific, time bound commitments and objectives combined with proper and regular evaluation of the results. The Committee draws the attention of the State party to general comment No. 6 of 2005 (see CRC/GC/2005/6), on the treatment of unaccompanied and separated children outside their country of origin.

Protection of victims

26. The Committee notes with appreciation that the recent legislation on sexual exploitation and paedo-pornography (Act 38/2006) created a permanent obligation for tour operators to inform customers that offences related to child prostitution and pornography are punishable, even if committed abroad.

27. The Committee recommends that the State party undertake necessary measures, including long-term public information and awareness-raising campaigns, in collaboration with tour operators and the civil society, on the growing phenomenon of sex tourism, in order to reduce and eliminate consumer demand.

Law enforcement

28. The Committee notes with appreciation the various bilateral and multilateral agreements signed by the State party in the domain of judicial and security cooperation.

29. The Committee recommends that the State party continue to strengthen its bilateral, regional and multilateral cooperation for the prevention and detection of those responsible for acts involving the sale of children, child prostitution and child pornography, particularly with law-enforcement agencies of other States.

Financial and other assistance

30. The Committee notes with appreciation the creation of guidelines by the Directorate General for Development Cooperation for the allocation of funds with regard to initiatives in collaboration with United Nations agencies, NGOs and local authorities, and recommends that the State party effectively implement these guidelines and strengthen its provisions of financial support, particularly to NGOs, in carrying out their projects.

6. Follow-up and dissemination

Follow-up

31. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia , by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

Dissemination

32. The Committee recommends that the initial report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, and children, in order to generate debate and awareness of the Convention, its implementation and its monitoring.

D. Next report

33. In accordance with article 12, paragraph 2, of the Optional Protocol, the Committee requests that the State party include further information on the implementation of the Optional Protocol in its second periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 4 October 2008.
