



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Italy\*\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Italy (CRC/C/ITA/5-6) at its 2354th and 2355th meetings (CRC/C/SR.2354 and 2355), held on 22 and 23 January 2019, and adopted the present concluding observations at its 2370th meeting, held on 1 February 2019.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/ITA/Q/5-6/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress made by the State party in various areas, in particular the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2016; the International Convention for the Protection of All Persons from Enforced Disappearance, in 2015; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2015; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2013; and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), in 2013. The Committee notes with appreciation also the legislative, institutional and policy measures taken to implement the Convention, in particular the adoption of Law No. 71 of 29 May 2017, on the protection of children in preventing and countering cyberbullying; Law No. 47 of 7 April 2017, on measures to protect unaccompanied foreign children; Legislative Decree No. 66 of 13 April 2017, on rules for the promotion of the inclusion of students with disabilities; and the fourth national plan of action and interventions for the protection of the rights and the development of children and adolescents, adopted in 2016.

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\* Reissued for technical reasons on 6 March 2019.

\*\* Adopted by the Committee at its eightieth session (14 January–1 February 2019).



### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: allocation of resources (para. 8); non-discrimination (para. 15); education (para. 32); asylum-seeking and refugee children (para. 34); and children in situations of migration (para. 36).

5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and its Optional Protocol on the involvement of children in armed conflict and Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving the 17 Sustainable Development Goals as far as they concern children.

#### A. General measures of implementation (arts. 4, 42 and 44 (6))

##### Coordination

6. **The Committee urges the State party to define a clear mandate and sufficient authority within the Presidency of the Council of Ministers (Department for Family Policies) to coordinate all activities relating to the implementation of the Convention at the cross-sectoral, national, regional and local levels, and to strengthen the role of the National Observatory on Childhood and Adolescents under such an interministerial coordinating body. The State party should ensure that the National Observatory is provided with the human, technical and financial resources necessary for its effective operation.**

##### Allocation of resources

7. The Committee appreciates the efforts made by the State party since 2012 to mitigate the negative impact and in particular the high levels of unemployment and poverty, including child poverty, that are the result of the austerity measures taken by the Government since 2010. Nevertheless, the Committee is concerned that the austerity measures continue to undermine the effective protection of children's rights in the State party, and that the preparation, approval, execution and monitoring of budgets lacks a child rights perspective.

8. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

(a) **Conduct, with the full participation of children, a comprehensive assessment of the impact of the austerity measures on the realization of children's rights and, on the basis of the results of such assessment, devise a strategy to more effectively address such impact and to ensure that the rights of children, in particular children from disadvantaged and marginalized communities, are not further adversely affected;**

(b) **Allocate adequate human, financial and technical resources at all levels of government for the implementation of all policies, plans, programmes and legislative measures directed at children, in particular children in disadvantaged and marginalized communities;**

(c) **Establish appropriate mechanisms and inclusive processes through which civil society, the public and children can participate in all stages of the budget process, including formulation, implementation and evaluation;**

(d) **Conduct regular assessments of the impact of the budgetary allocations on children to ensure that they are effective, efficient, sustainable and consistent with the principle of non-discrimination;**

(e) Utilize a child-rights approach in the budgeting process by including specific indicators and a tracking system for the allocation and use of resources for children throughout the budget and in relevant sectors and agencies, and use this tracking system for assessment of how investments in any sector may serve the best interests of the child, ensuring that the different impact of such investment on girls and boys is measured;

(f) Define budgetary lines for all children, with special attention to those in disadvantaged or vulnerable situations that may require affirmative social measures, and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;

(g) Strengthen institutional capacities to effectively detect, investigate and prosecute corruption, and ensure, including through the eradication of corruption in public procurement processes and the overpricing of contracts for the provision of public goods and services, that funds allocated to all programmes supporting the realization of children's rights at the national, regional and local levels are fully and efficiently spent.

#### Data collection

9. With reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party continue to improve its data-collection system, in particular the informative system for social services, including by continuously extending its dataset, to cover all areas of the Convention, and disaggregate data by age, sex, disability, geographic location, ethnic and national origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability.

#### Independent monitoring

10. The Committee recalls its previous recommendation (CRC/C/ITA/CO/3-4, para. 13), and recommends that the State party:

(a) Provide full independence and autonomy to the Authority for Children and Adolescents;

(b) Increase the human, technical and financial resources for the Authority;

(c) Establish a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

#### Dissemination, awareness-raising and training

11. Recognizing the efforts of the State party, including by making some official documents accessible in Easy Read format, the Committee recommends that the State party:

(a) Intensify its efforts to disseminate information on the Convention and its Optional Protocols, including through awareness-raising programmes, to parents, the wider public and children, in a child-friendly manner, to faith-based organizations, and to legislators and judges to ensure their application in the legislative and judicial processes;

(b) Strengthen its training programmes for all professionals working with and for children, including by implementing a child rights-based and train-the-trainer approach.

#### Civil society

12. The Committee is deeply concerned by continuing smear campaigns against some civil society organizations engaged in search and rescue operations for migrants, including children, in the Mediterranean. The Committee urges the State party to

guarantee the rights and freedom of action of civil society and to ensure that the rescue of migrants is not considered a crime.

## **B. Definition of the child (art. 1)**

### **Minimum age of marriage**

13. The Committee recommends that the State party amend its Civil Code to remove all exceptions that allow marriage under the age of 18 years.

## **C. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

14. The Committee reiterates its previous concerns (CRC/C/ITA/CO/3-4, para. 24), in particular:

(a) The disparities between regions in access to health-care services, the minimum standard of living and education for all children throughout the country;

(b) The prevalence of negative attitudes towards children based on their status, origin, sexual orientation or gender identity.

15. Taking note of targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee recommends that the State party ensure full protection against all forms of discrimination, including advocacy of national, racial or religious hatred, by:

(a) Taking urgent measures to address disparities between the regions in access to health-care services, the minimum standard of living, adequate housing, including the prevention of forced evictions, sustainable development, and education by all children throughout the entire country;

(b) Strengthening its measures to combat negative attitudes among State representatives and the public;

(c) Strengthening other preventive activities against discrimination and, if necessary, taking affirmative action for the benefit of children and in particular children in marginalized and disadvantaged situations, such as asylum-seeking, refugee and migrant children; stateless children; children belonging to minorities, including Roma, Sinti and Caminanti children; children born to unmarried parents; lesbian, bisexual, gay or transgender children and children living in lesbian, bisexual, gay or transgender families; intersex children; children with disabilities; and children in street situations.

### **Best interests of the child**

16. Recognizing the State party's efforts to integrate the principle of the best interests of the child into its legislation, and with reference to the Committee's general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) Strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently interpreted and applied in all regions across the country in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are relevant to and have an impact on children, in particular in relation to unaccompanied or separated children;

(b) Develop procedures and criteria to provide guidance to all relevant professionals for determining the best interests of the child in every area and for giving the best interests of the child due weight as a primary consideration, in particular in relation to unaccompanied or separated children having arrived in the State party;

(c) Disseminate to professionals working with and for children and the public at large, in particular children in a child-friendly manner, the Committee's general comment No. 14.

#### **Respect for the views of the child**

17. While welcoming the introduction into legislation of the right of the child to be heard in selected settings, and reiterating its previous recommendations (CRC/C/ITA/CO/3-4, para. 27), with reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Introduce a comprehensive legal provision establishing the right of the child to be heard without any discrimination due to age, disability or any other circumstance, both in the family environment and in any administrative, judicial or mediation procedure in which the child is affected, and ensure that the child's opinion is taken into account in accordance with the child's age and maturity, and adopt national uniform standard implementing regulations and guidelines accordingly, in particular in relation to all decisions concerning unaccompanied or separated children having arrived in the State party;

(b) Conduct research to identify the issues that are most important to children and the extent to which their voices are heard in family decisions affecting their lives, in communities and schools, and the channels through which they currently and potentially have the most influence on national and local decision-making;

(c) Promote meaningful and empowered participation of all children within the family, communities and schools, and include children in decision-making in all matters relating to children, including in environmental matters;

(d) Develop toolkits for public consultation on national policy development to standardize such consultation at a high level of inclusiveness and participation, including consulting with children on issues that affect them;

(e) Institutionalize the Communal Children's Councils as a regular event and ensure that they are provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate children's effective engagement with national legislative processes on issues that affect them.

#### **D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

##### **Birth registration/Name and nationality**

18. In the light of target 16.9 of the Sustainable Development Goals and with reference to its previous recommendations (CRC/C/ITA/CO/3-4, para. 29), the Committee recommends that the State party:

(a) Take measures to prevent statelessness and ensure the effective implementation of the law regulating the acquisition of Italian citizenship at birth to otherwise stateless children;

(b) Adopt legislation to improve statelessness determination procedures in accordance with international standards;

(c) Resume the meetings of the working group on the legal status of Roma, Sinti and Caminanti, and take measures to improve the situation of undocumented or stateless children belonging to those communities;

(d) Consider ratifying the European Convention on Nationality.

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Violence against children, including abuse and neglect of children**

19. While noting positive initiatives in the State party, including in raising awareness on gender-based and sexual violence against children, the Committee regrets that a national system of data collection, analysis and dissemination and a research agenda on violence against and ill-treatment of children have not been set up. Taking note of target 16.2 of the Sustainable Development Goals, and with reference to general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and to its previous recommendations (CRC/C/ITA/CO/3-4, para. 44), the Committee recommends that the State party:

(a) Using the national survey conducted in 2015 on ill-treatment of children as a starting point, create a national system to monitor and collect data on violence against children, in particular on all cases of domestic violence against children and on violence against children in marginalized and disadvantaged situations, and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(b) Further strengthen awareness-raising and education programmes – including campaigns – with the involvement of children in order to formulate a comprehensive strategy for preventing and combating violence against children, including child abuse and neglect;

(c) Introduce a comprehensive and precise definition of violence against children in legislation;

(d) Encourage community-based programmes aimed at preventing and addressing domestic violence, child abuse and neglect, including by involving victims, volunteers and community members, and providing training support to them;

(e) Ensure that child victims of violence receive specialized care, support and appropriate reparation.

### **Corporal punishment**

20. Taking note of target 16.2 of the Sustainable Development Goals, the Committee, with reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, reiterates its previous recommendations (CRC/C/ITA/CO/3-4, para. 35) and urges the State party:

(a) To explicitly prohibit corporal punishment, however light, by law in all settings;

(b) To raise awareness among parents and the general public on the harmful effects of corporal punishment for the well-being of children;

(c) To promote alternative positive, non-violent and participatory forms of child-rearing and discipline.

### **Sexual exploitation and abuse**

21. While welcoming the national plan for the prevention of and fight against abuse and sexual exploitation of children for 2015–2017 and the resumption of activities of the Observatory to Counter Paedophilia and Child Pornography, the Committee is concerned about the numerous cases of children who have been sexually abused by religious personnel of the Catholic church in the State party and the low number of investigations and criminal prosecutions. With reference to its previous recommendations (CRC/C/ITA/CO/3-4, para. 75) and its general comment No. 13, and taking note of target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) **Adopt, with the active involvement of children, a new national plan to prevent and combat the abuse and sexual exploitation of children, and ensure its uniform implementation throughout its entire territory and at all levels of government;**
- (b) **Establish an independent and impartial commission of inquiry to examine all cases of sexual abuse of children by religious personnel of the Catholic church;**
- (c) **Ensure the transparent and effective investigation of all cases of sexual abuse allegedly committed by religious personnel of the Catholic church, the criminal prosecution of alleged perpetrators, the adequate criminal punishment of those found guilty and the compensation and rehabilitation of child victims, including those who have become adults;**
- (d) **Establish child-sensitive channels for children and others to report such abuse;**
- (e) **Protect children from further abuse by, inter alia, ensuring that persons convicted for abuse of children are prevented and deterred from having contact with children, in particular in their professional capacity;**
- (f) **Make every effort vis-à-vis the Holy See to remove obstacles to effective criminal prosecutions of religious personnel of the Catholic church suspected of sexual abuse of children, in the Concordat of 1985 revising the Lateran Treaty, in order to fight impunity for such acts;**
- (g) **Make it mandatory for everyone, including for religious personnel of the Catholic church, to report any case of alleged sexual abuse of children to the appropriate authorities of the State party;**
- (h) **Amend legislation implementing the Lanzarote Convention so as to ensure that it does not exclude volunteers, including religious personnel of the Catholic Church, from its prevention and protection tools.**

#### **Gender-based violence**

**22. The Committee draws the State party's attention to target 5.2 of the Sustainable Development Goals, and urges the State party:**

- (a) **To ensure that allegations of crimes relating to gender-based violence, including the trafficking of foreign children, in particular girls, are independently and thoroughly investigated and that perpetrators are brought to justice;**
- (b) **To provide regular substantive training for judges, lawyers, prosecutors, the police and other relevant professional groups on standardized, gender- and child-sensitive procedures for dealing with victims and on how gender stereotyping by the judiciary negatively affects strict law enforcement;**
- (c) **To ensure the rehabilitation of child victims of gender-based violence.**

#### **Harmful practices**

**23. The Committee recommends that the State party:**

- (a) **Develop and implement a child rights-based health-care protocol for intersex children, setting the procedures and steps to be followed by health teams, ensuring that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support;**
- (b) **Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.**

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

**Children deprived of a family environment**

24. The Committee welcomes the adoption of Law No. 173/2015, amending Law No. 184/1983 on the right of the child to a family and relating to the right of the child in foster care to maintain an affective relationship with the foster parent even after the end of foster care, and of various national guidelines in this area and the surveys conducted on children deprived of a family environment. Recalling its previous recommendations (CRC/C/ITA/CO/3-4, para. 40) and drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee recommends that the State party:

(a) Continue to review its policies on alternative care for children deprived of a family environment to reduce reliability on civil society organizations, including faith-based organizations, with a view to developing a more integrated, child rights-based and accountable system that integrates the traditional care provided by the extended family, with a particular focus on the best interests of the child;

(b) Ensure that the national guidelines are effectively and appropriately applied on an equal basis and to the same extent in different regions across the country, taking into account that there are different family-type forms of placement of children in different regions;

(c) Ensure that the removal of children, including those with disabilities, from a family is permitted only after a careful assessment of best interests in each individual case, and is effectively monitored;

(d) Take measures to expand the system of foster care for children who cannot stay with their families with a view to go beyond the institutionalization of children;

(e) Establish a national register of children deprived of a family environment, based on uniform and clear criteria across the entire territory of the State party.

**Adoption**

25. With reference to its previous recommendations (CRC/C/ITA/CO/3-4, para. 42), the Committee recommends that the State party:

(a) Collect, in a systematic and ongoing manner, disaggregated statistical data and relevant information on domestic and intercountry adoptions in order to achieve a better understanding and to address the phenomenon;

(b) Make the national database of children, including children with disabilities, eligible for adoption and families declared suitable for adoption fully operational;

(c) Ensure in practice that the child's views are heard in adoption processes in accordance with the child's evolving capacities.

**Illicit transfer and non-return**

26. The Committee recommends that the State party, in order to ensure the right of the child to maintain personal relations with both parents and in the light of the Hague Convention on the Civil Aspects of International Child Abduction, consider revising the provisions of the Penal Code criminalizing international child abduction in order to make it easier for an abducting parent to return to the State party together with the abducted child.



**G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

**Children with disabilities**

27. While welcoming the progress made with respect to the implementation of the rights of children with disabilities, and with reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party set up a comprehensive strategy for the inclusion of children with disabilities, and:

(a) Improve the collection of data on children with disabilities, in particular very young children and children with intellectual and psychosocial disabilities, and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes, in consultation with children with disabilities and their representative organizations;

(b) Adopt national minimum standards on early childhood education quality services and on educational staff qualification and training that are suited to the special educational needs of children with disabilities;

(c) Train additional specialized teachers and professionals in inclusive classes to provide individual support and all due attention to children with learning difficulties;

(d) Undertake awareness-raising campaigns in order to combat stigmatization of and discrimination against children with disabilities and to promote a positive image of such children;

(e) Address the specific needs of children with autism spectrum disorders and in particular ensure that they are fully integrated into all areas of social life, including recreational and cultural activities, ensure that inclusive education is suited to their needs, set up mechanisms for early detection, provide adequate training to professionals and ensure that these children benefit effectively from early childhood development programmes that are based on scientific knowledge.

**Health and health services**

28. The Committee welcomes the significant progress made in reducing child mortality, and a number of child health-related initiatives, including defining new essential levels of health care (*livelli essenziali di assistenza*) and providing for adequate funds for the compulsory extensive screening of newborns, forming part of the said essential levels. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Raise awareness about the importance of vaccinations and ensure comprehensive immunization coverage against childhood diseases;

(b) Take measures to improve the practice of exclusive breastfeeding for the first six months of children through awareness-raising measures.

**Mental health**

29. Noting the continuing absence of a comprehensive system to monitor the state of mental health of children, the limited access to appropriate mental health care for children with neuropsychiatric disorders, the increase in the number of children with behavioural problems and children diagnosed with attention deficit disorder or attention deficit hyperactivity disorder, and the increase in prescriptions of psychotropics or psychostimulants and antidepressants, and taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure a uniform and integrated system of child and adolescent neuropsychiatric health services throughout the State party, equipped with sufficient human, technical and financial resources;

(b) Set up an effective monitoring system for child and adolescent mental health, and conduct a study on the root causes of the increase in the diagnosis of attention deficit disorder and attention deficit hyperactivity disorder and the prescription of drugs to treat them;

(c) Ensure that the diagnoses of children with attention deficit disorder or attention deficit hyperactivity disorder are thoroughly examined, and that the prescription of drugs is considered a measure of last resort and only after an individualized assessment of the best interests of that child;

(d) Ensure that children and their parents are properly informed about the possible side effects of the prescription of drugs and about non-medical alternatives.

#### Standard of living

30. The Committee notes the reforms to the social protection system, in particular the replacement of “inclusion income” (*reddito di inclusione*) with “citizenship income”, which may, however, progressively exclude those most at risk of poverty, such as those in temporary or low paid jobs, as well as minorities, women and children, owing to further labour market inequality. The Committee recommends that the State party adopt a comprehensive response to child poverty that guarantees children’s access to adequate resources through support to their parents’ participation in the labour market, ensures children’s access to affordable quality services and ensures children’s participation.

## H. Education, leisure and cultural activities (arts. 28–31)

### Education, including vocational training and guidance

31. The Committee welcomes the State party’s efforts to ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes. The Committee is, however, concerned about:

(a) The high rates of school dropout, including from compulsory schooling, of Roma, Sinti and Caminanti children, also as a consequence of forced evictions;

(b) The dilapidated state of numerous school buildings that led to, for example, the collapse of ceilings on 112 occasions between 2014 and 2016, and the lack of basic provisions in schools;

(c) The phenomenon of bullying and cyberbullying, mainly in the school environment;

(d) The low rate of early childhood care and education in the south of the State party.

32. Taking note of target 4.A of the Sustainable Development Goals, and with reference to its previous recommendations (CRC/C/ITA/CO/3-4, para. 61), the Committee recommends that the State party:

(a) Accelerate the integration of the national student register and regional registers to identify all children of compulsory school age who do not attend school, are not in vocational training and not in an apprenticeship, and develop and promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school; implement a human rights-based approach to the entire educational system that is more inclusive towards children belonging to minority groups and migrant children and supports their aspirations; and effectively implement the national strategy for the inclusion of the Roma, Sinti and Caminanti for 2012–2020;

(b) Accelerate the creation of a register of school buildings, ensure that citizens have access to the register, and that school environments are welcoming and safe, and carry out systematic renovations of dilapidated school buildings;

(c) Strengthen awareness-raising on the adverse effects of bullying and cyberbullying, apply the guidelines on action contained in the national plan for the prevention of bullying and cyberbullying at school for 2016/17, and adopt and implement an integrated plan of action as provided for by Law No. 71/2017;

(d) Create a coordinating body at the Ministry of Education for collaboration with the regions and local governments, and introduce uniform structural, organizational and qualitative standards for early childhood care and education services based on a comprehensive and holistic policy of early childhood care and development in all regions.

## **I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

### **Asylum-seeking and refugee children**

33. The Committee welcomes the adoption of Law No. 47/2017 on protection measures for unaccompanied foreign children, strengthening the protection of unaccompanied children in the fields of access to services, safeguards against expulsion, prohibition against the return of unaccompanied children at the border, more appropriate social and medical age assessment procedures, and accelerated access to asylum procedures. The Committee deeply regrets, however, the delay in adopting the implementing decrees for its effective application. The Committee is also concerned about:

(a) Law No. 132/2018 on urgent measures on international protection and migration, public security, which includes measures to suspend the asylum process for persons, including children, considered “socially dangerous” or convicted of a crime, to abolish humanitarian protection in favour of a special permits system in narrowly prescribed circumstances, and to increase immigration detention periods from 90 to 180 days, and downsizes the system of local reception and integration to only recognized refugees and vulnerable persons, including unaccompanied children;

(b) Shortcomings in emergency, first- and second-level reception centres for unaccompanied children concerning the age assessment procedure, the lack of adequate information and social activities for children, the length of stay of children in emergency or first-level reception centres, and delays in the appointment of guardians;

(c) The lack of permanent and suitable resettlement options for refugees, particularly children and their families.

34. **With reference to general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee urges the State party:**

(a) **To implement specific safeguards so that children are exempted from the measures foreseen in Law No. 132/2018;**

(b) **To facilitate access to the asylum system for children in need of international protection;**

(c) **To establish appropriate reception and protection mechanisms for unaccompanied and separated children, including those who may be in need of international protection, by ensuring adequate reception capacities for them throughout the State party on a needs-based approach, and ensuring that reception systems are tailored to respond to the changing trends of arrivals, especially by sea;**

(d) **To implement a uniform protocol on age determination methods that is multidisciplinary, science-based, respectful of children’s rights and used only in cases of serious doubt about the claimed age and in consideration of documentary or other forms of evidence available, and to ensure access to effective appeal mechanisms;**

- (e) To effectively implement the provision of voluntary guardians for unaccompanied and separated children by ensuring the timely appointment of a competent guardian who has the necessary expertise and availability and is free from any potential conflict of interest;
- (f) To process cases involving unaccompanied and separated children in a positive, humane and expeditious manner in order to identify durable solutions;
- (g) To prioritize the immediate transfer of asylum-seeking children and their families out of regional processing centres, and to adopt permanent and sustainable resettlement options for refugees, particularly children and their families, to ensure that they are given lawful stay and reasonable access to employment and other opportunities;
- (h) To improve the current data system for unaccompanied or separated children by harmonizing the currently existing databases and ensuring that all relevant information pertinent to each child is included.

#### **Children in situations of migration**

35. The Committee is deeply concerned about the situation of migrant children in the State party and that Law No. 47/2017 has not yet been implemented.

36. With reference to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee urges the State party:

- (a) To uphold the best interests of the child at all times as a primary consideration in all situations concerning children in the context of international migration, including unaccompanied and separated children;
- (b) To make relevant information and legal guidance on their rights and obligations available to migrant children, including information on human rights and fundamental freedoms, appropriate protection and assistance, options and pathways for regular migration and possibilities for return, in a language they understand;
- (c) To strengthen measures to reduce the statelessness of migrant children;
- (d) To develop or build on existing national and regional practices for admission and stay of appropriate duration, including access to education, on the basis of compassionate and humanitarian considerations for migrant children compelled to leave their countries of origin;
- (e) To facilitate access to procedures for reunification of migrant children with their families;
- (f) To review relevant policies and practices to ensure they do not create, exacerbate or unintentionally increase the vulnerabilities of migrant children, including by applying a human rights-based, gender- and disability-responsive, and age- and child-sensitive approach, to establish comprehensive policies and to develop partnerships that provide migrant children in a situation of vulnerability, regardless of their migration status, with the necessary support at all stages of migration, and to account for migrant children in national child protection systems;
- (g) To build on existing practices to facilitate access for migrant children in an irregular status to an individual assessment that may lead to regular status, on a case-by-case basis and with clear and transparent criteria;
- (h) To ensure that child protection authorities are promptly informed and assigned to participate in procedures for the determination of the best interests of the child once an unaccompanied or separated child crosses an international border, in accordance with international law, including by training border officials on the rights of the child and child-sensitive procedures, such as those that prevent family separation, and to reunite families in the event of family separation;

(i) To strengthen gender-responsive and child-sensitive referral mechanisms, including improved screening measures and individual assessments at borders and places of first arrival;

(j) To ensure that migrant children are promptly identified at places of first arrival in the State party and, if unaccompanied or separated, are promptly referred to child protection authorities and other relevant services, and appointed a competent and impartial legal guardian, that family unity is protected, and that anyone legitimately claiming to be a child is treated as such unless otherwise determined through a comprehensive and child-friendly age assessment;

(k) To strengthen measures to provide inclusive and equitable quality education to migrant children, and to facilitate access to lifelong learning opportunities, including by strengthening the capacities of education systems and by facilitating non-discriminatory access to early childhood development and care, formal schooling, non-formal education programmes for children for whom the formal system is inaccessible, on-the-job and vocational training, technical education, and language training, and by fostering partnerships with all stakeholders that can support this endeavour;

(l) To consider signing the Global Compact for Safe, Orderly and Regular Migration.

**Follow-up to the Committee's previous concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography**

37. The Committee welcomes the information provided on the implementation of its concluding observations on the State party's initial report under the Optional Protocol to the Convention on sale of children, child prostitution and child pornography (CRC/C/OPSC/ITA/CO/1), and with reference to its previous recommendations (CRC/C/ITA/CO/3-4, para. 75) recommends that the State party:

(a) Continue its efforts to fully harmonize its national legislation with the Optional Protocol on the sale of children, child prostitution and child pornography;

(b) Strengthen awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children in the context of travel and tourism, and widely disseminate the Global Code of Ethics for Tourism among travel agents and in the tourism industry;

(c) Strengthen its international cooperation against the sexual exploitation of children in the context of travel and tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.

**Follow-up to the Committee's previous concluding observations on the Optional Protocol on children in armed conflict**

38. The Committee welcomes the State party's decision to prohibit and criminalize the sale of small arms and light weapons to countries where children are involved in armed conflict and the ratification of the Convention on Cluster Munitions in December 2011, and its implementation by Law No. 95/2011. The Committee regrets, however, that the State party has not amended its declaration under the Optional Protocol on the involvement of children in armed conflict and specifically included the recruitment and use of children in armed conflict as a ground for refugee status in domestic legislation. Recalling its previous concluding observations (CRC/C/ITA/CO/3-4, para. 72 and CRC/C/OPAC/ITA/CO/1 and Corr.1), the Committee recommends that the State party:

(a) Amend its declaration under the Optional Protocol on the minimum age for recruitment to conform with national legislation of a minimum age of 18 years;

(b) Specifically include the recruitment and use of children in armed conflict as a ground for refugee status in domestic legislation;

(c) Ensure that the principles and provisions of the Convention and the Optional Protocol on the involvement of children in armed conflict are prominently

featured in the curriculum for military school students, conscripts and persons in active military service;

(d) Extend the mandate of the Authority for Children and Adolescents to monitor military schools, including to receive and act upon complaints from children admitted to military schools.

## **J. Ratification of international human rights instruments**

39. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

40. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

41. The Committee welcomes the establishment and related mandate of the Interministerial Committee for Human Rights headed by the Ministry for Foreign Affairs, and recommends that the State party allocate the necessary human, technical and financial resources for the Interministerial Committee to function as a standing government structure mandated with coordinating and preparing reports to and engaging with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that the Interministerial Committee should have the capacity to consult systematically with civil society and the national human rights institution once it is set up.

### **C. Next report**

42. The Committee invites the State party to submit its seventh periodic report by 4 October 2023 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

43. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.