



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Fifty-eighth session

19 September – 7 October 2011

### Implementation of the Convention on the Rights of the Child

#### List of issues concerning additional and updated information related to the third and fourth combined periodic report of Italy (CRC/C/ITA/3-4)

**The State party is requested to submit additional, updated information in writing, if possible before 2 August 2011.**

*The Committee may take up all aspects of children's rights contained in the Convention during the dialogue with the State party.*

#### Part I

**In this section, the State party is requested to submit its responses to the following questions (30 pages maximum).**

1. Please provide information on the incorporation of the Convention into domestic legislation and on the status of the Convention in the domestic legal system. In addition, please report to the Committee on the mechanisms in place to ensure that legislation adopted at the regional level is in full compliance with the Convention and other international human rights treaties ratified by the State party.
2. Please report to the Committee on the Government entity responsible for the overall coordination of policies, programmes and legislation on children's rights among all levels of Government. Please also provide information on steps taken to strengthen: (a) the National Observatory on Childhood and Adolescence; (b) the inter-ministerial coordination mechanisms; and (c) the coordination mechanisms for child rights in the framework of the Conference of State-Regions. Please also explain the role of the Ministry of Youth in coordination efforts and the role and leverage of the Parliamentary Commission on Childhood and Adolescence.
3. Please provide information on steps taken to eliminate the disparities in the implementation of the Convention between the northern and southern regions of the State party. In this regard, please provide the Committee with updated information on progress made towards defining the essential levels of social services (LIVEAS) and the essential levels of health care (LEA).

4. Please provide information to the Committee on measures taken to reduce the high rate of child poverty in the State party, in particular steps taken to address: (a) structural factors such as female unemployment; (b) the availability of affordable childcare; and (c) poverty in families with three or more children in the southern regions. Please indicate how the new National Plan of Action against Poverty and Social Exclusion referred to in paragraph 484 in the State party report has contributed towards such effort.
5. Please report to the Committee on the National Plan of Action for Children recently adopted by the State party and how this plan will be funded.
6. Please provide information to the Committee on progress made towards the establishment of a National Ombudsperson for Childhood and Adolescence, including the adoption by Parliament of the Bill on the establishment of such a body (*Garante nazionale per l'infanzia e l'adolescenza*). Please also provide information on the number of Children's Ombudspersons currently operating at the regional level and their respective mandates (including to receive individual complaints from children), composition and resources. Please indicate progress made towards the establishment of a national human rights institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).
7. With reference to paragraphs 109 and 110 of the State party report, please provide information on steps taken to ensure greater capacity, consistency and uniformity in data collection on children's rights at and across regional and central levels. Please indicate measures taken to ensure effective data collection on children in Sicily, in particular on children in foster care and in institutional care and residential services, since such data is missing in the report.
8. Please provide information on steps taken to: (a) put in place sector-specific analysis of public spending on children; and (b) address regional disparities relating to the allocation of resources for children, in particular in the fields of social services and education. Please also comment on reports of budgetary cuts for the Fund for Family Policies, the Fund for Youth Policies and the Special Plan of Action for the development of regional socio-educational services in the 2009, 2010 and 2011 budgets.
9. With reference to paragraph 170 of the State party's report on the right of Italian mothers or fathers not to recognize the child, please provide information on how the State party guarantees the rights of all children in Italy to an identity and, as far as possible, to know his/her parents.
10. Please provide information on steps taken to ensure in law and practice the right of all children under the jurisdiction of the State party to be registered at birth. In this regard, please clarify how the State party has resolved the inconsistency between provisions of Law No. 94/2009 requiring non-Italians to show their residence permit in order to obtain civil records and the circular of August 2009 on birth certificates and recognition of the child. Please also clarify legislative and administrative measures taken to ensure that children who are, or would otherwise be, stateless are provided with Italian citizenship.
11. Please provide information on the system in place to regulate and monitor international adoption in conformity with article 21 of the Convention. In particular, please comment on reports of different costs for adoption and how the State party ensures that adoption is not exploited for financial gain. Please also inform the Committee about the criteria and standards in place for the accreditation of adoption agencies.
12. Please provide information on the completion of the deinstitutionalization of children deprived of a family environment in accordance with Law No. 149 of 28 March 2001. In this respect, please indicate steps taken to ensure independent monitoring of and registration of children in alternative "residential services" or *strutture di accoglienza*, such

as family-type communities and institutions, and the development of national minimum standards and criteria for such services.

13. Please provide information on the impact of Law No. 169/2008 on the right of the child to good-quality education, in particular the reduction in the teacher/pupil ratio and the cuts in funding for the public education system. Please also indicate steps taken to address and reduce the high dropout rate among students in secondary school, including implementation of a registration and record system to monitor early school-leaving, as indicated in paragraph 514 of the State party report. What steps have been taken to ensure inclusive education for children with disabilities, including by ensuring sufficient number of specialized teachers and funding?

14. Please provide information on measures taken to adopt common legislation and procedures for asylum-seeking children across the State party, in particular as regards unaccompanied children. Please also inform the Committee about the current protection, reception and identification system in place to ensure that children have effective access to asylum procedures. Please provide information on legal, physical and psychosocial assistance and protection provided to all children arriving in the island of Lampedusa since January 2011. What steps have been taken to establish a permanent national authority with responsibility for the protection and well-being of unaccompanied and/or separated children? Additionally, please provide information on the Legislative Decree adopted in June 2011 allowing for the detention for up to 18 months of third-country nationals illegally staying in the State party.

15. With reference to paragraph 648 of the State party's report, please indicate the legal basis under which children can be "expelled from the country for reasons of public order or the security of the State" and its compatibility with the prohibition of expulsion or return of children as provided by article 19.2 (a) and (d) of the Consolidated Text on Immigration (Law 286/98), as amended. In this regard, please inform the Committee how the State party intends to prevent any future expulsions of children under its jurisdiction, whether on the high seas or on its territory.

16. Please provide information on steps taken to implement the Optional Protocol on the involvement of children in armed conflict, in particular to: (a) raise the minimum age for voluntary recruitment of persons into the armed forces to 18 years; (b) expressly prohibit and criminalize in domestic legislation the recruitment and use in hostilities of children under 18 years in the armed forces and armed groups and the sale of small arms and light weapons to countries where children are recruited, used in hostilities or otherwise involved in armed conflict.

17. Please provide information to the Committee on progress made towards the effective implementation of the Optional Protocol on the sale of children, child prostitution and child pornography, including the adoption of: (a) the draft law on sexual violence; (b) the AS 1079 bill on measures against prostitution; (c) the national anti-trafficking plan; and (d) regulation to ensure that the corporate sector, notably the tourism industry, including Italian companies operating abroad, respects children's rights. Please also provide information on the effective functioning of the Observatory for the Fight against Paedophilia and Child Pornography, and its database, created under Law No. 38/2006. Has the State party introduced a definition of child pornography in its Criminal Code? Please also inform the Committee on steps taken to prevent, suppress and punish child prostitution.

18. Please provide succinct information to the Committee on progress made in the juvenile justice system, including: (a) the adoption of the bill on the juvenile prison system; (b) the allocation of adequate resources; (c) the establishment of independent monitoring bodies to visit children in places where they are deprived of their liberty; and (d) the establishment of child-sensitive complaints mechanisms regarding ill-treatment. Please also

provide information on measures taken to ensure in practice that children of foreign origin have equal access to and receive equal treatment under the juvenile justice system on an equal basis with Italian children, in particular as concerns access to alternative measures to deprivation of liberty.

## Part II

**In this section, the Committee invites the State party to briefly (three pages maximum) update the information provided in its report with regard to:**

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

## Part III

### Data, statistics and other information, if available

1. Please provide, if available, statistical data (disaggregated by nationality, age, sex, ethnic origin, geographic location, and socio-economic status) and its trend analysis for the period January 2005-December 2010 on:

- (a) The number of stateless children and how many of them were granted Italian citizenship;
- (b) The number of children deprived of a family environment and their placements, specifically:
  - (i) Children involuntarily placed in foster care;
  - (ii) Children in “homocultural foster care”, sine die foster care and open adoption;
  - (iii) Children in “residential structures” (“communities” as per Law No. 149/2001);
  - (iv) Children in “structures” (*strutture di accoglienza/case famiglie*), if these are different from the aforementioned “residential structures”;
  - (v) Children in institutional care and in residential services in Sicily;
- (c) The number of children seeking asylum in the State party, and how many were granted refugee status. Please also indicate the number of expulsion orders issued for children by the Juvenile Courts for reasons of public order or security of the State;
- (d) The number of prosecutions and convictions of perpetrators of offences under the Optional Protocol on sale of children, child pornography and child prostitution, including nationals involved in sex tourism;
- (e) The number of children deprived of their liberty, disaggregated also by institution (Juvenile Correctional Institution, First Reception Centres and “probation” institutions). Please indicate the number of foreign children, including unaccompanied children, who were placed in such institutions because they lacked documentation.

2. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

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