



Gruppo di lavoro  
per la Convenzione  
sui diritti dell'Infanzia  
e dell'Adolescenza

## UPR Submission on Children's Rights in Italy

**Contribution to the Universal Periodic Review Mechanism  
48th Session of the Working Group of the Universal Periodic Review (UPR)  
UPR Joint Submission by the Italian Working Group for the Convention on the Rights of the  
Child (Gruppo CRC)**

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### **Brief presentation**

**The Italian Working Group for the Convention on the Rights of the Child (Gruppo CRC)** was established in December 2000 with the purpose of promoting the effective implementation of the CRC in Italy. To date, the Network has drafted **thirteen Annual Follow-Up Reports on the monitoring of the Convention on the Rights of the Child in Italy** and **three Supplementary Reports** submitted to the UN CRC Committee. Moreover, in 2009, 2014 and 2019 the **Gruppo CRC** sent its contribution to the **Universal Periodic Review (UPR) process**, with the aim of evaluating Italy's achievements in the field of protection and promotion of children's rights. With the present contribution, the Gruppo CRC calls to your attention the key issues on which we ask the mission to put forward questions and recommendations during Italy's examination under its **fourth UPR**.

**This submission** will provide an in-depth overview of the situation and legal framework of children's rights in Italy through the examination of the level of implementation of several recommendations made by UN member states during Italy's UPR 3<sup>rd</sup> Cycle – 34th session, specifically referring to children and adolescents. For each thematic area, recommendations to the Italian Government on how to improve the situation of children's rights in Italy will be advanced. The submission builds on the Thirteenth Annual Follow-Up Report of the Gruppo CRC, monitoring the implementation of the UN CRC in Italy, drafted by the **115 associations** that make up the Network.

## *Theme: Inter-State cooperation & development or humanitarian assistance*

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### **Foreign minors**

**Recommendations to Italy n. 148.275 / 148.301 / 148.300 / 148.295 / 148.163 / 148.167 / 148.263 / 148.268 / 148.272 / 148.2**

**SDGs: 4, 5, 8, 10, 11, 16, 17**

### **Despite previous recommendations, the rights of migrant children are not fully respected.**

As of December 31, 2023, according to **data** collected by the Ministry of Internal Affairs, 17.319 unaccompanied foreign minors (MSNAs) had arrived in Italy by sea (by the same date there were 14.044 in 2022 and 10.053 in 2021)<sup>1</sup>. No similar data are available, however, with respect to arrivals of minors at land borders, which are monitored not on entry, but in relation to reports of minors present in the territory. According to reports published monthly by the Ministry of Labour and Social Affairs, as of December 31, 2023, there were 23.226 MSNAs present on Italian territory, of which 88.44% are males and the remaining 11.56% females<sup>2</sup> (they were 20.089 in 2022).

**The implementation of Law 47/2017** on measures for the protection of unaccompanied foreign minors<sup>3</sup> registered an important step forward five years after its enactment. In fact, in December 2022, Presidential Decree 191/2022<sup>4</sup>, came into force. It amends and integrates the implementing regulation of the Consolidated Act on Immigration, adapting it to the provisions of Law 47/2017, and thus standardizing at the regulatory level the procedures for issuing and converting residence permits. In particular, the documents to be produced for the purpose of issuing a residence permit have been clarified and defined; it has been specified that the residence permit issued in continuity to the order of the Juvenile Court issued pursuant to Article 13 Law 47/2017 is a residence permit for integration; no less important, it has been provided that the minor, who would be denied international protection after reaching the age of majority, is in the condition however to apply for the conversion of the residence permit for reasons of study, work or health needs.

However, Decree-Law 133/2023 converted with amendments by **Law 176/2023**<sup>5</sup> has introduced measures that have negative impact on unaccompanied foreign minors. Indeed, it introduces the possibility that, in the event of unavailability of temporary accommodation facilities for children, minors not younger than 16 years old can be received in a dedicated section in C.A.R.A. (reception centers for asylum seekers) and temporary facilities (C.A.S.) intended for the reception of adults. This poses serious protection risks as these ones are large structures without the necessary standards (in terms of staff, guaranteed services, etc.) established for minors as well as for the difficulty of avoiding promiscuity. This is a choice which is in dramatic contrast with the principle of respect for the best interests of the child, as well as representing serious discrimination between Italian and foreign minors.

Moreover, the Law 176/2023 amends art. 19 bis of the Legislative Decree on Reception 142/2015 by altering the principle of presumption of minor age by providing that, as an exception to the ordinary cases, in the case of substantial, multiple and close arrivals, not better defined, the assessment of age may be ordered in the immediate by the public security authority without the express existence of a well-founded doubt as to age, and carried out through the conduct of anthropometric or other health assessments, including radiographic, to identify the age of the person in question, without a multidisciplinary approach. It also establishes that the age assessment procedure ends not with the adoption of an age-assignment order by the judicial authority, but with the notification of the public security authorities' report and provides for extremely short deadlines for lodging an appeal (5 days) that have never been applied to any proceedings in our legal system and are impossible to meet, especially for unaccompanied children without a guardian. This is in contrast with Law 47/2017 and the provision of using health checks as a last resort measure for assessing the age of a child.

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<sup>1</sup> Daily Statistical Dashboard of the Department for Civil Liberties and Immigration, Ministry of Internal Affairs, [http://www.libertacivilimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto\\_statistico\\_giornaliero\\_31-12-2023.pdf](http://www.libertacivilimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31-12-2023.pdf)

<sup>2</sup> Ministry of Labour and Social Affairs, Unaccompanied Foreign Minors in Italy: six-monthly report published as at 31 December 2023, <https://www.lavoro.gov.it/priorita/pagine/minori-stranieri-non-accompagnati-italia-pubblicato-il-rapporto-semestrale>

<sup>3</sup> Law 47/2017 has unequivocally stated that unaccompanied foreign minors, as minors are entitled to protection rights on equal terms with minors of Italian or European Union citizenship. An unaccompanied foreign minor is therefore first and foremost a subject of rights who is under the age of 18, who has the right to be protected and welcomed as a minor.

<sup>4</sup> Presidential Decree 191/2022, Regulations on amendments to Presidential Decree 394/1999, implementing Article 22 of Law 47/2017, on measures for the protection of unaccompanied foreign minors.

<sup>5</sup> Decree-Law converted with amendments by Law 176/2023.

**The CRC Group recommends to the Italian Government:**

- to ensure that no measures are adopted that could weaken the current framework of law, protection and safeguard of unaccompanied foreign minors, as established by Law 47/2017, depriving them of some fundamental guarantees related to the condition of a minor as such, without other elements, such as being a foreigner and a migrant, leading to a de facto discrimination of their condition;
- to guarantee the non-refoulement to the borders of minors and to avoid reception in centers that are not regulated or in centers that are neither suitable nor intended for the reception of minors.

***Theme: Right to education***

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**The right to education for foreign minors**

**Recommendation to Italy n. 148.250**

**SDGs: 4, 10**

Although recommendation focuses on improving social inclusion and access to education for vulnerable populations, particularly refugees and migrant children, after the COVID-19 pandemic, it was the most disadvantaged children particularly evident in the case of those with a migration background who suffered the serious consequences.

In School Year 2022/2023, 914.860 foreign students were enrolled in Italian schools. Compared to the overall school population, children of foreigners are mostly concentrated in the lower grades of school. The incidence of foreign-born students compared to the total enrollment is on average 11.2%, but it is exceeded in many regions of northern and central Italy (e.g., Emilia Romagna 18.4%, Lombardia 17.1%, Veneto 15.2%, Toscana 15.1%). The new generation with foreign citizenship is mostly enrolled in nursery school (21.8% vs an average of 15.8%) and primary school (38.1%, nearly 8 points above the average)<sup>6</sup>.

The second generation is thus confirmed as the youngest scholastic component and is set to increase in high schools in the coming years, but continues to remain excluded from citizenship, due to the lack of reform in more inclusive terms of the legislation on the acquisition of Italian citizenship.

In Italy there is a great variety of cultures, languages, which recalls the importance of a strongly intercultural approach attentive to those who have more need for support (including linguistic). It is therefore essential for the school to include, within the teaching staff, the stable presence of Italian L2 teachers and intercultural mediators who can accompany and support not only students with a migrant background, but also their families (often in difficulty in communicating with the school) and the Italian students and families themselves, who also may experience with difficulty or discomfort the presence of foreigners (minors and/or adults) in the schools they attend.

Decree Law 71/2024 seems to have only partially implemented the request to provide for the Italian L2 teacher in all classes instead of finally making this aspect a pillar of the entire school system. In fact, at the moment (the Decree has not yet been converted into law) it seems that the Italian L2 teacher is provided only for foreign students enrolling for the first time in the National Education System and limited to classes that reach 20% of these students among those enrolled. There continues, however, to be a lack of interventions in reference to intercultural mediation as a skill to be included, in an equally permanent way, in all schools in the country. Another issue to be monitored and addressed is school rejections for students of foreign origin who arrive after the school year has already started and who do not find a place in any school, accumulating delays in attendance or missing the school year.

**The CRC Group recommends to the Italian Government:**

- to activate a plan of systemic interventions in all school levels and ordinary support for students of foreign origin and their families, in particular for the strengthening of the Italian language (support for afternoon study, peer tutoring between classmates in exchange for school credits, promotion of volunteering, etc.), increasing the offer language training (not only for students but also for their parents, through the CPIA - the provincial centers for adult education), social animation courses and involvement of students, families and schools.

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<sup>6</sup> IDOS Study and Research Centre. Elaborations on data from the Ministry of Education and Merit – Office of Statistics.

**The right to education and health for minors with disabilities**  
**Recommendations to Italy n. 148.206 / 148.207 / 148.208 / 148.245**  
**SDGs: 4, 8, 10**

**Despite the introduction of the inclusive model enshrined by the Legislative Decree 66/2017 (that introduced a system based on the co-responsibility of the entire school community, the participation of the family and relevant associations) the school system still missing the conditions to really implement the Individualized Educational Plan (PEI)<sup>7</sup>.**

In the 2022/2023 school year, there are nearly 338.000 students with disabilities<sup>8</sup> attending schools of all grades, 4.1% of the total enrollment (compare to 3.8% of 2021/2022).

It is important to highlight the chronic **lack of quantitative and qualitative data on children with disabilities**, particularly referring to the preschool age group (0-5 years old), as highlighted by the UN Committee on the Rights of the Child to Italy in 2019. Indeed, this is the age group in which it is crucial to have more information to be able to start investing early to achieve better health and social outcomes.

Also of concern is **the failure to define Essential Levels of Performance in the social sphere (LEP) and Essential Levels of Assistance at the health level (LEA)** in relation to children with disabilities and their families, in order to allow all children with disabilities and their families regardless of the territory in which they live accessibility to health and social services without discrimination caused by the different offers and sometimes territorial inefficiencies. Increasingly it happens that families are forced to turn to the private system to obtain in particular health services made inaccessible by the endless waiting lists of the public system.

**Decree Law 71/2024** has the aim to introduce new specialized support teachers through the creation of an alternative pathway to the ordinary one and to encourage the continuity of fixed-term teachers in the same class of the student. This decree, however, which has not yet been converted into law, has raised many concerns from associations especially with reference to the guarantee of the professional quality of the figures that will be trained giving rise to requests for its amendment.

Also worrying is the **poor interaction between PEI, defined in the school context, and the broader individual life plan<sup>9</sup>**. The strengthening of this interaction would guarantee the coordination of interventions relating to the school context with the overall goals (ensuring continuity of the figures, avoiding conflict between objectives and the overlapping of professional approaches) and the continuity of the student's path outside the school context developing "the after us after secondary school"<sup>10</sup>.

Finally, it should be noted that school is still a context at risk of discrimination based on disability<sup>11</sup>. There is a problem linked to **the inaccessibility of school building** (70% of schools are not accessible), the refusal or inadequate guarantee of participation in school trips or other activities organized in the school environment (only 24% of pupils in primary school and 40% of pupils in other school levels participate in trips<sup>12</sup>).

Added to all this is the need to promptly guarantee disability recognition and related certification also taking into account the European orientation<sup>13</sup>, to guarantee the possibility of accessing quality educational and training services from early childhood and to encourage participation and support for families, including siblings.

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<sup>7</sup> Individualized Educational Plan (art. 12 Legge 104/1992 and art. 7 d.lgs 66/17).

<sup>8</sup> ISTAT, Aumentano gli alunni con disabilità e persistono criticità per l'inclusione scolastica, 2024, <https://www.istat.it/comunicato-stampa/inclusione-scolastica-degli-alunni-con-disabilita-anno-scolastico-2022-2023/>

<sup>9</sup> Article 14 Law 328/2000, <https://www.gazzetta.ufficio.it/eli/id/2000/11/13/000G0369/sg>

<sup>10</sup> For further information, see Gruppo CRC, 13° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza in Italia – 13° Rapporto CRC, p. 142, <https://grupprocrc.net/wp-content/uploads/2024/01/13%C2%B0-Rapporto-CRC-VERSIONE-DEFINITIVA-3.pdf>

<sup>11</sup> See Anffas consultation: [https://www.anffas.net/dld/files/Public\\_consultation\(1\).pdf](https://www.anffas.net/dld/files/Public_consultation(1).pdf)

<sup>12</sup> Agency for Territorial Cohesion, EU Commission - Country report Italy, Discrimination influences the phenomenon of school dropouts, [https://www.agenziacoesione.gov.it/news\\_institutional/semestre-europeo-2020-country-report/](https://www.agenziacoesione.gov.it/news_institutional/semestre-europeo-2020-country-report/)

<sup>13</sup> European Agency for Special Needs and Inclusive Education, Five key messages for inclusive education. From Theory to Practice. Odense, Denmark: European Agency for Special Needs and Inclusive Education; European Agency for Special Needs and Inclusive Education, 2017. Inclusive teaching in early childhood: New insights and tools – Final summary report. (Edited by M. Kyriazopoulou, P. Bartolo, E. Björck-Åkesson, C. Giné and F. Bellour). Odense, Denmark; European Commission, 2014. Proposal for fundamental principles of a quality framework for early childhood education and care. Report of the working group on early childhood education and care, under the aegis of the European Commission. [Ec.europa.eu/assets/eac/education/policy/strategic-framework/archive/documents/ecec-quality-framework\\_en.pdf](https://ec.europa.eu/assets/eac/education/policy/strategic-framework/archive/documents/ecec-quality-framework_en.pdf); Council of the European Union, 2017. Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on inclusion in diversity to achieve quality education for all. 2017/C 62/02. [Eur-lex.europa.eu/legal-content/IT/TXT/?uri=uriserv:OJ.C\\_.2017.062.01.0003.01.ITA](https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=uriserv:OJ.C_.2017.062.01.0003.01.ITA)

**The Legislative Decree 62/2024** has allowed a great step forward toward the strengthening and full recognition of the human rights and fundamental freedoms of people with disabilities, including those who attend school, including in the strengthening of the aforementioned interactions through the instrument of the individual project. This decree, in fact, which will gradually come into effect, among its various innovations, in addition to having introduced a definition of “disability” and assessment of the condition of disability in line with the UN Convention, intended to strengthen and make fully enforceable the right of persons with disabilities to request and obtain their own individual, personalized and participatory life project.

**The CRC Group recommends to the Italian Government:**

- **to effectively implement the provisions of the Legislative Decree 62/2024 also through the planned training and to strengthen the interrelationship between individual support plans (PEI) and the life project of students with disabilities, also with the involvement of the family associations that sit in the permanent Observatory on scholastic inclusion;**
- **to collect and analyse good practices also with the aim of drafting guidelines to guarantee students with complex disabilities the right to scholastic inclusion in conditions of equal opportunity with others while respecting the right to self-determination.**

### **School dropout**

**Recommendations to Italy n. 148.210 / 148.212 / 148.213 / 148.214 / 148.215**

**SDGs: 4**

**Despite the recommendation, school dropout is still a serious problem in Italy.**

According to ISTAT, indeed, in 2023 **one in ten young people (10.5%) in Italy leaves their studies early**, which highlights how school dropout in Italy is a matter of absolute importance, especially as a determining factor in producing social, economic, territorial, educational and cultural inequalities.

In relation to gender more boys than girls drop out of school, 13.1% and 7.6% respectively, while on the territorial side there are still strong differences: North 8.5%, Center 7%, South 13.5%.

Analyzing the data on citizenship, the dropout rate of students of foreign origin is very high, 26.9%, compared to percentage of Italians.

School dropout, therefore, constitutes a complex social phenomenon and requires specific interventions and policies. Among the tools identified to combat the phenomenon, there is the development of “Educational Community” (Comunità educante) understood as the shared assumption of responsibility by all the subjects who are involved in the training and education of minors: first and foremost, the school and the family, then the institutions, the third sector and civil society<sup>14</sup>.

To combat school dropout, it is essential to have an information system capable of providing detailed and disaggregated data. Starting from 2021, ISTAT is working on the development of the Thematic Register on Education and Training<sup>15</sup> which will allow administrative sources to be integrated with survey data. Through this tool it will be possible to trace educational paths at an individual level.

**The CRC Group recommends to the Italian Government:**

- **to launch a national plan to combat school dropout, which brings together the various policies and actions in order to implement a system strategy to contain implicit and explicit dropout and improve learning outcomes;**
- **to implement information sources such as the student registry and the Thematic Registry on Education and Training<sup>16</sup>, so as to collect data and information at local level that will enable timely intervention on the risk of dropping out of school;**
- **to continue to support the structuring of Educational Communities<sup>17</sup>, including through ad hoc tools for the promotion of educational pacts and the provision of devices for the participation of minors in these processes.**

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<sup>14</sup> Rete EducAzioni, Summary document on the Educational Pacts, <https://www.educazioni.org/wp-content/uploads/2023/08/PATTI-EDU-CATIVI-RETE-EDUCAZIONI.pdf>

<sup>15</sup> Registro, which should be ready by 2023, is part of the ISTAT Integrated System of Registries (SIR); the Register will also be fed by data from the regional registers whose information assets have passed from the Regions to ministerial level since 2015.

<sup>16</sup> In Italian: Registro tematico su Istruzione e Formazione.

<sup>17</sup> In Italian: Comunità Educanti.

## ***Theme: Prohibition of slavery, trafficking***

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### **Trafficking in human beings**

**Recommendations to Italy n. 148.161 / 148.162 / 148.163 /148.164 / 148.165 / 148.166 / 148.167 / 148.168**

**SDGs: 5, 8, 16**

Data collected by the Trafficking Observatory on the intake of minors in the protection and inclusion program of trafficking victims report 46 minors with a clear predominance of females (42)<sup>18</sup>. The small number of cases taken into care by the anti-trafficking system responds “to the principle of greater protection of minors who are also welcomed in parallel systems<sup>19</sup>”. However, data are difficult to quantify and do not provide the opportunity to carry out adequate assessments of the effectiveness of the overall prevention and protection systems and policies. Therefore, it seems more necessary than ever to activate structures and models of a multi-agency approach with specific training on intake throughout the country.

In 2022 were adopted the “National Action Plan against Trafficking and Serious Exploitation of Human Beings 2022-2025” and the “National Plan for Preventing and Combating Child Sexual Abuse and Exploitation 2022-2023”, that constitute innovative and detailed tools for the interventions and give special attention toward minors and unaccompanied foreign minors.

Another phenomenon to watch out for concerns the large movements and presences of unaccompanied foreign minors<sup>20</sup>.

Trafficking in human beings, indeed, includes various forms of exploitation, in addition to sexual exploitation, and recruits mainly male minors into the circuits of illegality (for instance crimes of theft or drug dealing) or into the circuits of exploited and seriously exploited work, or into the exploitation of begging. Unaccompanied foreign minors represent a precious “reservoir” for the circuits of illegality and exploitation. Lack of information and knowledge on the forms of protection guaranteed by the Italian system and the reliance on networks of compatriots represent a further risk factor in involvement in illegal net. It is therefore necessary to identify good practices and/or promising practices to prevent and/or protect minors who are victims of trafficking from the exit phase, even beyond the age of majority and up to complete economic autonomy and full social integration, providing for the appropriate multidisciplinary training for the professionals involved, the connection with the projects supported by the SAI (Reception and Integration System network) and with the network of Regional Ombudsman for Children.

#### **The CRC Group recommends to the Italian Government:**

- **to guarantee the connection between the anti-trafficking system and the child protection system both immediate protection and long-term pathways;**
- **to ensure information on the risks of trafficking and exploitation and early pre-identification in places of first arrival and transit at the borders.**

## ***Theme: Children: definition; general principles; protection***

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### **Child poverty: material and educational poverty**

**Recommendations to Italy n. 148.244 / 148.251**

**SDGs: 1, 4, 8, 10, 16**

**Despite the recommendations in Italy the percentage of minors in absolute poverty is very high confirming that it is precisely minors who have the highest incidence of absolute poverty in the**

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<sup>18</sup> Department for Equal Opportunities of the Presidency of the Council of Ministers, Observatory for Trafficking Interventions.

<sup>19</sup> The rights of children and adolescents in Italy - Region-by-region data, Gruppo CRC, November 2021, [https://gruppoCRC.net/wp-content/uploads/2021/11/CRC-data\\_region\\_2021\\_report.pdf](https://gruppoCRC.net/wp-content/uploads/2021/11/CRC-data_region_2021_report.pdf)

<sup>20</sup> See data in the section below on foreign minors.

**population (14% compared to a national average of 9.8% and 6.2% for the over 65s).** According to ISTAT data, indeed, in 2023 1,3 million of minors are in a condition of absolute poverty<sup>21</sup>.

If we consider also the minors who are in relative poverty (23.5%)<sup>22</sup>, the data describes a situation in which more than a third of the minors in Italy live in a condition of deprivation and inability to benefit from goods and services in relation to the average per capita income of the country.

In this scenario, it will be important to monitor the effects of the Citizenship income reform<sup>23</sup>: **as of January 1, 2024, there was a shift to the “Inclusion Allowance” and the “Support for Training and Employment”**. The Inclusion Allowance is configured as an ongoing support – as long as the need remains – to ensure a minimum level of subsistence for people in poverty living in households with minors, people over 60, people with disabilities, and dependent. The reform, at least in the government’s intentions, is strongly oriented towards supporting families, will undoubtedly affect minors and it will be so essential to measure its outcomes also in the more general framework of measures to combat poverty in the country.

Closely connected to the dimension of economic poverty is **educational poverty** which concerns not only the material conditions of access, but also the level of growth and training opportunities. In this regard, it is important to underline that already in early childhood only 13.6% of children access public and affiliated nursery schools<sup>24</sup>, full-time is guaranteed to only 40% of primary school students<sup>25</sup> and school dropout is 10.5%<sup>26</sup> Furthermore, one in four minors never plays sports<sup>27</sup>.

In 2022, the National Child Guarantee Action Plan (PANGI) was adopted, implementing the Recommendation on European Child Guarantee approved by the Council of the European Union to identify innovative approaches to preventing and combating child poverty and social exclusion. It will be important to implement without further delay the “PANGI” which pays particular attention to specific measures to support individuals at greater risk poverty and social exclusion.

#### **The CRC Group recommends to the Italian Government:**

- **to complete an organic and structural intervention to combat child poverty that considers its multidimensionality and operates with a multilevel strategy, which is able to place alongside purely monetary transfers, services and individualized accompaniment, social protection measures in the economic, educational, social and health spheres to protect the best interests of the child;**
- **to fully implement the National Child Guarantee Action Plan.**

#### **Same-sex parents**

#### **Recommendation to Italy (3<sup>rd</sup> Cycle) n. 148.171**

**SDGs: 5, 10**

**In the case of minors who are children of same-sex parents, despite recommendations, the Italian legislation still does not recognize the relationship of parenthood with the nonbiological parent**, which has a concrete impact on their lives with regard to, for example, decision-making in health care, traveling abroad without the accompaniment of the biological parent, in the case of the death of the biological parent, or in the case of a family crisis. The Constitutional Court<sup>28</sup> affirmed that in Italy the current situation of a

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<sup>21</sup> The data used in this sections are preliminary estimates provided by ISTAT in 2024 and refers to 2023 [https://www.istat.it/wp-content/uploads/2024/03/STAT\\_TODAY\\_POVERTA-ASSOLUTA\\_2023\\_25.03.24.pdf](https://www.istat.it/wp-content/uploads/2024/03/STAT_TODAY_POVERTA-ASSOLUTA_2023_25.03.24.pdf)

<sup>22</sup> Families with a monthly expenditure equal to or lower than the absolute poverty threshold are classified as absolutely poor. On the other hand, families that have consumption expenditure below a conventional relative poverty threshold (poverty line) are considered relative poor, [https://www.istat.it/files/2022/06/Report\\_Povert%C3%A0\\_2021\\_14-06.pdf](https://www.istat.it/files/2022/06/Report_Povert%C3%A0_2021_14-06.pdf)

<sup>23</sup> Decree-Law 48/2023 converted into Law 85/2023 on “Misure urgenti per l’inclusione sociale e l’accesso al mondo del lavoro”.

<sup>24</sup> For further information, see Gruppo CRC, 13° Rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell’infanzia e dell’adolescenza in Italia – 13° Rapporto CRC, p. 129, <https://grupprocrc.net/wp-content/uploads/2024/01/13%C2%B0-Rapporto-CRC-VERSIONE-DEFINITIVA-3.pdf>

<sup>25</sup> Save the Children e OCPI 2023, Mense scolastiche: un servizio essenziale per ridurre le disuguaglianze [https://s3.savethechildren.it/public/files/uploads/pubblicazioni/mense-scolastiche-un-servizio-essenziale-ridurre-le-disuguaglianze\\_1.pdf](https://s3.savethechildren.it/public/files/uploads/pubblicazioni/mense-scolastiche-un-servizio-essenziale-ridurre-le-disuguaglianze_1.pdf)

<sup>26</sup> ISTAT, Rapporto SDGs 2024, <https://www.istat.it/produzione-editoriale/rapporto-sdgs-2024/>.

<sup>27</sup> Save the Children, Guaranteeing Children’s Future, <https://s3.savethechildren.it/public/files/uploads/pubblicazioni/guaranteeing-childrens-future.pdf>, March, 2023.

<sup>28</sup> Constitutional Court Sentences 32 and 33 of 2021.

legislative vacuum impairs the rights of minors and called on the Italian legislature to address this problem and regulate it in accordance with the principles expressed at the European and international level<sup>29</sup>.

**The CRC Group recommends to the Italian Government:**

- **to fill the regulatory and normative gap on the rights of minor children of same-sex parents by recognizing the rights and duties resulting from the establishment of the filiation relationship between the child and the parent of choice.**

**Cyberbullying**

**Recommendations to Italy n. 148.247 / 148.248**

**SDGs: 4, 10, 16**

**Despite the recommendations, cyberbullying remains a serious problem in Italy.**

Cyberbullying, indeed, is a type of bullying which has several specific characteristics that contribute to its severity: higher moral disengagement, possible anonymity, absence of spatio-temporal boundaries of the persecutory action, wider audience, permanence over time, and rapidity of dissemination. Because of all these aspects and the relevance of the internet in the daily lives of younger people, parliament enacted **Law 71/2017**<sup>30</sup>. On May 15, 2024, the Parliament approved a **new law 70/2024**<sup>31</sup> on preventing and combating bullying and cyberbullying that significantly amends Law 71/2017 on several points: it includes cases of bullying, provides for the adoption of a psychological support service for students and introduces a pedagogical coordination service (both) at school. The proposal also provides that, in cases of repeated conduct and, in any case, when the educational initiatives taken by school have not produced positive results, the school manager may report such conduct to the competent authorities also for the possible activation of re-educational measures. Regarding this, there are concerns with reference to the vagueness with which the cases to be reported to the authorities are defined, as well as the need to adequately train social services with respect to the phenomenon of cyberbullying in particular.

It is important to emphasize how Law 71/2017, in Article 7, provides, if the conducts are acted through the Internet, the possibility of a warning from the police commissioner: this measure is aimed at preventive protection of the victim from the perpetuation of harmful conducts against him, but also to protect the perpetrator, because of his/her age, from the possibility of criminal prosecution, calling him on the social disvalue of his behaviors.

**Available data from “Piattaforma Elisa”**<sup>32</sup> show that the phenomenon is still widespread and involves a significant number of students. According to data collected in April/May 2023, 26.9% of high school students said they had been bullied by their peers (21.5% occasionally and 5.4% systematically). Regarding aggressive behavior, 17.5% admitted to having actively taken part in bullying by their peers (14.7% occasionally and 2.8% systematically). Regarding cyberbullying, 8% of students said they had been victims of it (6.5 % occasionally and 1.5% systematically), while 7.2% admitted to actively taking part in cyberbullying incidents (5.8% occasionally and 1.4% systematically)<sup>33</sup>. Monitoring data continue to show a gap between what is experienced by students and what is perceived by teachers. In secondary schools, in fact, teachers estimate that about 6% of students are involved in the phenomena, a far cry from what is reported by students. It seems, therefore, that only the most serious and systematic episodes come to the attention of teachers, while those that are less serious, but not without consequences, remain submerged.

From this evidence emerges the need **to continue to train schools and teachers**, and in particular cyberbullying liaisons, to ensure prevention activities and services, detect problematic signs, and the importance of equipping themselves with procedures for case detection, management, and monitoring. This need also emerges from the inadequate implementation of the “Guidelines for Preventing and Combating Bullying and Cyberbullying” for educational institutions of all grades, which include a call to establish the

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<sup>29</sup> CRC, Charter of Fundamental Rights of the European Union, European Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted by the European Court of Human Rights, including ECHR 22 April 1997, X., Y. and Z. v. United Kingdom; Moretti and Benedetti v. Italy, the ECHR Court, judgment of 27 April 2010.

<sup>30</sup> Law 71/2017, Provisions for the Protection of Minors for the Prevention and Combating of the Phenomenon of Cyberbullying <https://www.gazzettaufficiale.it/eli/id/2017/06/3/17G00085/sg>

<sup>31</sup> Law 70/2024, <https://temi.camera.it/leg19/provvedimento/disposizioni-in-materia-di-prevenzione-e-contrasto-del-bullismo-e-del-cyberbullismo.html>

<sup>32</sup> Piattaforma Elisa was created with Law 71/2017 to train teachers and anti-bullying team on strategies to prevent and counter bullying.

<sup>33</sup> Ministry of Education and Merit – Elisa Platform, <https://www.piattaformaelisa.it/risultati-monitoraggio-a-s-2022-2023/>



Antibullying Team in Italian schools. In the 2022/2023 school year, more than 80% of schools have identified in their staff the figure of a reference teacher with the task of coordinating initiatives to prevent and combat cyberbullying, as provided by Law 71/2017. However, this figure is little known among students: 47% say they have never heard of it. The new Law stipulates that each school shall adopt an internal code for preventing and combating the phenomena of bullying and cyberbullying and set up a permanent monitoring table including representatives of students, teachers, families and experts.

It is also noted the importance of **Law 92/2019**, “Introduction of civic education teaching in schools” which also provides, in Article 5, that within the cross-curricular teaching of civic education, digital citizenship education is provided. Paragraph 3 specifies the establishment at Ministry of Education and Merit of the “Council on the rights and duties of the digital child and adolescent” with the aim of verifying the implementation in schools of digital civic education. Such a Council does not currently appear to have been established, but it is of crucial importance to understand how schools are implementing the pathways and to evaluate their effectiveness.

#### **The CRC Group recommends to the Italian Government:**

- **to promote and monitor the implementation of the “Guidelines for Preventing and Combating Bullying and Cyberbullying” update in 2021 and invite schools to establish the Anti-Bullying Team and make them known by students as well as encourage school to adopt an internal code for preventing and combating the phenomena of bullying and cyberbullying;**
- **to establish without further delay the “Council on the rights and duties of the digital child and adolescent” provided in Article 5 paragraph 3 of Law 92/2019 and make public the data on the adoption of the teaching of civic education.**

### ***Theme: Human rights & climate change***

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#### **Climate change**

#### **Recommendation to Italy n. 148.123**

**SDGs: 1, 3, 6, 11, 12, 13**

In Italy, 48.3% of girls and boys aged 12-18 are concerned about climate change<sup>34</sup>.

**Although the recommendations**, while at the level of international negotiations, Italian institutions have demonstrated specific attention to the issue of youth participation through the promotion of the Youth4Climate initiative, **in the national policy framework there is a strong need to involve young people more effectiveness and to define structured spaces and methodologies for discussion**, also to ensure their inclusion in official national delegations at international summits and negotiation processes, such as COP28.

This multi-level engagement becomes even more crucial since **Italy has the highest rate of air pollution in Europe** and this aspect leads to a great concern about the Italian government's action to hinder the European adoption of a new air quality directive that moves toward alignment by 2030 of the new air quality limits set by the WHO Guidelines especially because air pollution, besides being dangerous for the health of children and young people, is also harmful because of its contribution to climate change, the effects of which once again affect especially the most vulnerable populations, including minors.

With reference to air pollution, 77.4% of measurements taken in Italian cities still exceed the WHO reference values for PM2.5 concentration. In 2021, greenhouse gas emissions on the Italian territory amounted to 405 million tons CO2 equivalent, with important consequences on climate.

**Italy because of its geographical location is particularly vulnerable to the effects of climate change:** extreme temperatures, natural disasters, heated variability of rainfall, and changing infection patterns of insect-borne diseases. In Italy, therefore, national and international plans to reduce air pollution and mitigate climate change must be strengthened to achieve the goals set by the European Union.

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<sup>34</sup> National Ombudsman for Children, “Il futuro che vorrei”, <https://www.garanteinfanzia.org/sites/default/files/2023-06/futuro-che-voirrei-web.pdf>

**The CRC Group recommends to the Italian Government:**

- to carry out information campaigns on the impact of environmental quality and climate change on children and strengthen, starting with the School ReGeneration Plan<sup>35</sup>, the commitment to environmental education;
- to provide for structured discussion forum that allow meaningful participation of minors in the definition of these policies;
- to improve conditions of mobility, safety, and quality of life starting in cities, reducing vehicular traffic especially near school facilities, in favor of bicycle-pedestrian mobility; as well as planning actions to improve existing urban green spaces by funding maintenance and the creation of new green areas aimed at mitigating “heat islands” to promote better air quality by planting non-allergenic plants and limiting in urban and rural areas children exposure to chemical pollution.

***Theme: Gender-based violence, Human rights education and training, Women's rights***

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**Affectivity and sexuality education**

**Recommendation to Italy n. 148.225**

**SDGs: 3, 4, 5, 10**

**Despite the recommendation, a structured, Comprehensive Sexuality Education (CSE)-based educational program has not been included within the school curriculum in Italy.**

The introduction of affectivity and sexuality education into school curricula is understood, as set forth in the UNESCO guidelines “International technical guidance on sexuality education”, as CSE - Comprehensive Sexuality Education and that is the promotion of a culture to affectivity and sexuality by adopting a holistic, cross-curricular approach that considers every sphere of existence and is approached from childhood as a growth-support pathway adapted to each age in a corresponding manner to the development of capacities.

Italy is one of the last European Union member states where sex education is not compulsory at school and is not integrated within school curricula. educational activities are uneven and left to the initiative of teachers.

Over the years, several bills of law<sup>36</sup> have been submitted in the Parliament but unsuccessfully, despite the European Union having long recommended it to member states.

**The CRC Group recommends to the Italian Government:**

- to introduce affectivity and sexuality education in the school curricula intended, in accordance with the UNESCO Guidelines to CSE, as a process of continuous learning to respect, consent, knowledge and awareness, and the development of positive attitudes toward self.

***Theme: Violence against women***

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**Violence against minors/Online violence/Gender-based violence**

**Recommendations to Italy n. 148.239 / 148.216 / 148.243**

**SDGs: 5, 16, 17**

**Although the recommendations focus on establishing a national system to monitor and collect data on violence against children, to date, Italy lacks a system that collects and makes available updated and disaggregated data on the extent of child maltreatment to better target prevention policies and intervene by correcting territorial inhomogeneities in intake.** The only available data are the ones included in the

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<sup>35</sup> Piano RiGenerazione scuola.

<sup>36</sup> Proposed law C1510 presented on August 7, 2013; C3423 presented on November 11, 2015; C3100, presented on May 7, 2021; C 1054 presented on March 28, 2023; C1266, presented on June 30, 2023).

national survey on child and adolescent maltreatment in Italy published by the National Ombudsman for children rights in 2018<sup>37</sup>, which covered a pool of about 2.1 million minors residing in the 196 Italian municipalities involved (23.3 %), that shows territorial differences. It pointed out that there are still difficulties by the service providers and the justice sector to identify situations of male violence often confused with family conflicts, in the various processes of family breakdown, with the risk of non-protective interventions for victims of witnessing violence.

Data collected by National Centre for Combating Child Pornography Online of the Police Postal and Communications Police on **child pornography crimes** highlight the lowering of the age of victims, the increase of juveniles investigated for child pornography (150 in 2022, up from 20 in 2016) and victims of sextortion (132 cases reported in 2023).

As for the killings of minors within families, victims of intra-familial violence the data speak of a sharp increase in the number of filicide cases<sup>38</sup>.

Moreover nearly 7 million women between the ages of 16 and 70 say they have experienced forms of physical or sexual harassment or violence in their lifetime, and 10.6% of women experienced sexual violence before the age of 16. In 2022, out of 100 female victims of sexual violence, 29 were minors.

One of the most widespread forms of gender-based violence is **domestic violence**<sup>39</sup> and children are also victims of violence when it is perpetuated in the family against the mother (**witnessing violence**). Among women who experienced violence, 61.6% had children/children, who in 72.2% of cases witnessed and in 19.7% suffered it<sup>40</sup>.

**School** is also a place where violence takes multiple forms and modes. Relationships in the classroom or the broader school environment can lead to conflict, escalating into various violence (physical, psychological, bullying, cyberbullying, teen dating violence, etc.).

#### **The CRC Group recommends to the Italian Government:**

- **to collect updated and disaggregated data and make available on the extent of child maltreatment in Italy in order to better target prevention policies and reduce territorial inhomogeneities in taking care of victims;**
- **to implement monitoring and implementation of funds invested for projects on the prevention and care of abused and maltreated minors.**

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<sup>37</sup> National Ombudsman for Children, II indagine nazionale sul maltrattamento dei bambini e degli adolescenti in Italia, <https://www.garanteinfanzia.org/sites/default/files/ii-indagine-nazionale-maltrattamento-2021.pdf>

<sup>38</sup> <https://www.agi.it/cronaca/news/2022-06-15/quanti-figlicidi-italia-numeri-17096911/> and <https://www.eures.it/slider-item/x-rapporto-eures-sul-femminicidio-in-italia-2023/>

<sup>39</sup> Istat (2023), Il sistema della protezione per le donne vittime di violenza. Anni 2021 e 2022, <https://www.istat.it/it/files/2023/08/2023-03-08-statreportprotezione-Istat-Dpo.pdf>

<sup>40</sup> Istat (2023), Il sistema della protezione per le donne vittime di violenza. Anni 2021 e 2022, <https://www.istat.it/it/files/2023/08/2023-03-08-statreportprotezione-Istat-Dpo.pdf>