

Gruppo di Lavoro
per la Convenzione
sui Diritti dell'Infanzia
e dell'Adolescenza

SUBMISSION OF INFORMATION

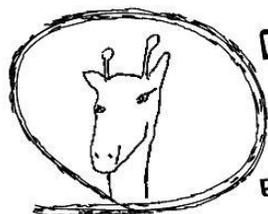
To the UNITED NATIONS

**COMMITTEE ON THE ELIMINATION OF RACIAL
DISCRIMINATION
CERD**

**91st session
21 November – 9 December 2016**

**IN CONNECTION WITH THE CONSIDERATION OF
THE CONSOLIDATED PERIODIC REPORTS OF**

ITALY



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Brief presentation

The *Gruppo di Lavoro per la Convenzione sui diritti dell'infanzia e dell'adolescenza*¹ (Italian Working Group for the Convention on the Rights of the Child) is a network composed of 91 NGOs dealing with the promotion and protection of children's rights in Italy.

The network was established in December 2000 with the aim of guaranteeing an independent, permanent and up-to-date monitoring system on CRC implementation and to implement potential related advocacy actions. It submitted the 1st Supplementary Report to the UN Committee on the Rights of the Child (UN CRC Committee) in 2001. Since then the Network has published 2 Supplementary Reports to the CRC (2001 and 2011), a Supplementary Report to the CRC OPs (2005), and 9 annual monitoring Reports. Throughout this brief document, the Italian NGO Group for the CRC (Gruppo CRC) wishes to highlight the main issues regarding the discrimination of children in Italy.

This document collected the main aspects regarding the discrimination of children in Italy contained in the 9th Annual Report on the CRC in Italy, published in June 2016.

Introduction:

CRC/C/ITA/CO/3-4 24, paragraph 25 (non-discrimination)

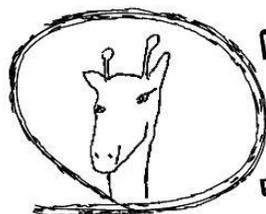
The Committee recommends that the State party:

- (a) Expeditiously take all measures necessary to ensure the effective elimination of any form of discrimination of children of Roma origin, in particular in the education system and the provision of essential services, in line with the recommendations of the Committee on the Elimination of Racial Discrimination (CERD/C/ITA/CO/15, para 20);
- (b) Effectively adopt a comprehensive national plan of action on the prevention of racism, racial discrimination, xenophobia and intolerance, taking into full account all the relevant provisions of the Durban Declaration and Plan of Action, with particular emphasis on Article 2 of the Convention on the Rights of Child;
- (c) Strengthen the mandate of the National Office against Racial Discrimination, in particular in the systematic collection of data on racist and xenophobic acts against children;
- (d) Incorporate the aggravating circumstances of hate motivation into Article 61 of the Criminal Code.

Although the principle of non-discrimination is formally and extensively recognised in the Italian legal system in both the Constitution and legislation its actual implementation is less consistent.

The Italian Government has also undertaken to respect the rights enshrined in the Convention on the Rights of the Child and guarantee these rights for every child living under its jurisdiction "without any distinction and regardless of any consideration of race, color, sex, language, religion, political opinion or any other opinion of the child or of the child's parents or legal representatives, or their national, ethnic or social origin, financial situation, condition of being incapacitated, birth or any other circumstance". The

¹ www.gruppocrc.net.



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evidence provided throughout the 9th Annual Report on the CRC in Italy shows that there are still several groups of children who suffer extreme discrimination.

A significant minority of children and adolescents in Italy experience discrimination and are denied appropriate respect for their rights.

Right to registration of birth and citizenship

CRC/C/ITA/CO/3-4, paragraph 29

The Committee, reminding the State party of its adoption of Recommendation No. 40 of the Universal Periodic Review, in relation to the implementation of Law 91/1992 on Italian citizenship, in order to protect the rights of all children throughout Italy, recommends that the State party:

- a) Ensure that the undertaking given be fulfilled using this law and facilitating this by registering the birth of all children born and raised in Italy;
- b) Carry out an awareness-raising campaign on the right of all children to be registered at birth, regardless of their social and ethnic background or the residence status of their parents;
- c) Facilitate access to citizenship for children who may otherwise become stateless.

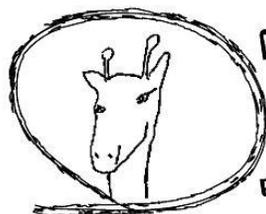
The acquisition of citizenship by children of foreign origin is governed by Law 91/1992.

The current legislation is based on the principle of *ius sanguinis*, namely the right to obtain Italian citizenship when at least one of the parents is an Italian citizen. The law states that children born in Italy to foreign parents may obtain citizenship upon reaching 18 years of age providing that they have been legally resident in the country, without interruption, until reaching the age of majority and make an official declaration, within one year of reaching the age of majority that they wish to obtain Italian citizenship. On 13 October 2015 the Chamber of Deputies passed, in the first reading, a consolidated bill combining various draft laws regarding citizenship². This bill focuses on new measures enabling children to obtain citizenship – a new way of obtaining Italian citizenship through birth (the so-called *ius soli*), the acquisition of citizenship through attending school (the so-called *ius culturae*) and, for foreign children entering the country before reaching the age of majority, through being legally resident in the country for at least six years, regularly attending school and obtaining the school-leaving certificate. Pending the passage of this bill through the Italian Senate, Draft Law No. 1871 came into force in February. This law approves the so-called sports *ius soli*, namely the provision that allows young foreign sportspeople resident in Italy to join sports clubs from the age of 10 – a measure that was strongly supported by sports clubs.

According to the latest ISTAT data, the number of people who acquired citizenship through their parents or, after being born in Italy, chose Italian citizenship upon reaching 18 years of age grew rapidly, from around 10,000 in 2011 to almost 48,000 in 2014³. 30.4% of foreign students in Italian middle and secondary schools were born in Italy; 23.5% arrived before they were aged 6, 26.2% when they were aged 6-10 and 19.9% when they were aged 11 and over. Almost 38% of foreign students born abroad said that they felt they were Italian, 33% that they were foreigners and just over 29% preferred not to answer. The

² See draft law No. 2092 “*Disposizioni in materia di cittadinanza*” submitted in the Senate.

³ ISTAT, *Integrazioni delle seconde generazioni*.



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situation is reversed among foreign students born in Italy: only 23.7% of those interviewed felt that they were foreigners, while 47.5% felt that they were Italian.

The CRC Group recommends that the State party:

Urge Parliament to introduce a reform that facilitates the acquisition of Italian citizenship for all children of foreign origin and a reform that ensures the right of all children born in Italy to have their births registered, regardless of the residence status of their parents.

Foreign minors and access to health care

CRC/C/ITA/CO/3-4 24, paragraph 48 (e)

The Committee recommends that the State party:

Develop and implement an information and awareness-raising campaign on the right to health care for all children, including those of foreign origin, targeting in particular health care facilities that are accessed by foreign communities. This should include addressing the higher rates of still-births and perinatal mortality among foreign mothers.

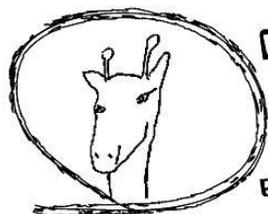
Access to health care is still a problem for foreign children and the situation is not always made any easier by, above all, the lack of uniformity in the application of national legislation at a local level – an example of the legal barriers that prevent children from fully enjoying their rights in practice.

The State-Autonomous Regions and Provinces Agreement of 20 December 2012⁴ was intended to resolve this problem, but measures to implement the agreement have only been introduced by some of the Regions⁵, leaving the problem partially unresolved, above all as regards health care for migrants and the assistance given to the most vulnerable subjects, including applicants for international protection. For these persons full entitlement to the services of the National Health System and the possibility of actually receiving these services require, inter alia, exemption from copayment (the so-called *ticket*) for as long as they are unable to pay this contribution themselves. The entry into force of Legislative Decree 142/2015 resulted in an “erroneous” interpretation by the Ministry of Health and certain Regions (and local Health Authorities) in relation to asylum seekers, which further reduced the possibility of exemption from copayment to just two months from the moment in which these persons apply for international protection, with the risk that a new infringement procedure will be instituted against Italy by the European Union⁶. The right of access to the National Health System for foreigners applying for international protection was most recently rendered effective by a communication in August from the Italian Revenue Agency, in conjunction with the Ministry of the Interior and the Ministry of Health, that finally introduced a specific online procedure to issue applicants for international protection with a tax code at the same time as they are issued with a receipt for their application for international protection by the Police

⁴ The State-Regions Conference Agreement (Accordo CSR) of 20 December 2012, published in the Italian Official Gazette, No. 32 on 07/02/2013.

⁵ See the 8th CRC Report, which shows that in 2015 although 13 Regions had adopted the Agreement, only Lazio, Campania, Liguria, Sicily, Abruzzo and Tuscany had actually introduced the necessary specifications to make the agreement operational.

⁶ See Directive 2013/33/EU, Art. 17, para. 4.



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Headquarters/Border Police. This will finally enable this category of persons to be fully covered by the National Health System and will also enable them to work, as foreseen by law. On the basis of the monitoring activity carried out in 2015, the reception system in Italy, as currently conceived, is flawed. The CIE (Centres for Identification and Expulsion), CARA (Reception Centres for Asylum Seekers), CAS (Emergency Reception Centres), Hotspots for migrants, Centres for unaccompanied foreign minors and, in certain cases and for emergency reasons also SPRAR (System for the Protection of Asylum Seekers and Refugees) and other informal centres do not promote social inclusion and, indeed, prevent the people staying in these reception facilities, particularly the most vulnerable persons, from becoming independent⁷. With regard to unaccompanied foreign minors, there can no longer be any delay in the implementation at a local level of the “Protocol for the identification and multidisciplinary and holistic age assessment of unaccompanied foreign minors”, adopted by the State-Regions Conference on 3 March 2016⁸, in order to provide clear, feasible and agreed-upon indications to assess the age of unaccompanied foreign minors. The implementation of this protocol would make it possible to overcome the problems that still exists with regard to the method based solely on the use of x-rays and also the procedural and other differences that are present at a local level. Furthermore, it would ensure that the various professionals involved in the entire process of identification would receive the necessary specific training, which would also be continually updated.

The CRC Group recommends that the State party:

1. Ensure the implementation of the State-Autonomous Regions and Provinces Agreement No. 255 of 20 December 2012, issuing operational guidelines so that the procedures adopted are the same in every Region with regard to the registering of children with the National Health System, regardless of their resident status, especially for the most vulnerable.
2. Fully implement and make operational the Protocol for the identification and multidisciplinary and holistic age assessment of unaccompanied foreign minors adopted by the State-Regions Conference.

Discrimination against foreign minors with regard to access to education

CRC/C/ITA/CO/3-4 24, paragraph 61 (f)

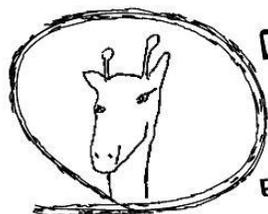
The Committee recommends that the State party:

Develop programmes to improve the integration of foreign and minority children in schools.

The data reveal that in the 2014/2015 school year the number of foreign students enrolled in Italian schools grew to a total of 814,187 students, 11,343 (+1.4%) up on the previous year, while the number of Italian students enrolled fell by 0.6%. Students with foreign citizenship accounted for 9.2% of all students enrolled at school in Italy, reaching 13.6% in northern Italy and 11.1% in central Italy. In nurseries and primary schools they accounted for 10.6% of the total number of students. Among the students with non-Italian citizenship, 450,362 (55.3% of the total number of foreign students) were born in Italy,

⁷ LasciateCIEntrare, “Accogliere: la vera emergenza”, monitoring report of the campaign LasciateCIEntrare.

⁸ Prot. No. 983/CR of 26 February 2016.



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outnumbering those born abroad. The highest percentage of foreign students enrolled was found in nursery (84.8%) and primary schools (68.4%), while foreign students accounted for 43.8% of the total school population at middle school and 18.7% at secondary school. Teaching and educational strategies must, therefore, be organised in such a way that they are able to deal with this large and ever-growing presence, diversifying activities in line with the different situations of “foreign” students – foreign students born abroad, foreign students born in Italy, the Roma, Sinti and Camminanti, unaccompanied foreign minors, minors seeking asylum, etc.

Another vulnerable category are **foreign disabled students**: in the 2013/2014 school year, out of a total of 228,681 disabled students, 26,626 (11.6%) held foreign citizenship⁹. This figure has grown very quickly or, at least, has emerged more clearly over the last few years, perhaps also as a result of greater accuracy in statistical surveys. It would be necessary, however, to check whether there is an excessive – and erroneous – tendency to consider as disabilities what could, in fact, be linguistic difficulties or difficulties related to the teaching.

In the last two years for which statistics are available, the number of foreign students entering the school system for the first time grew once more (+35% in the 2013/2014 school year and +7.2% in the 2014/2015 school year, for a total of 33,054 new foreign students in 2015). This is a situation that needs to be constantly monitored and addressed, given that these students are more likely to encounter difficulties both in integrating and in their school performance, especially if they have arrived from abroad and have already attended school in their country of origin.

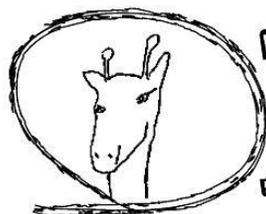
Providing **Roma, Sinti and Camminanti children with a school education** during the years of compulsory education remains a highly problematical issue. It is estimated that there are about 70,000 such children in Italy, but only 12,437 were known to be enrolled at school during the 2014/2015 school year. More than half of these were enrolled in primary schools (6,441, or 51.8%), less than a third in middle schools (28.7%) and 17.5% in nursery schools, while the number enrolled at secondary school remained absurdly low (248, or 2%). Among those enrolled at secondary school, 6 out of 10 were enrolled in a vocational school (66.1%), while only 47 students were enrolled in the more academically-oriented *licei* (19.7%) and 37 were enrolled in technical schools (14.9%). Despite the “National strategy for the inclusion of the Roma, Sinti and Camminanti 2012-2020”, there still remains an enormous distance between the Roma world and Italian schools.

The levels of school attendance of these children are also affected by the precarious situation of the “camps” in which they live and their spatial marginalisation. In many cases, a “special” school bus service, exclusively for Roma children, has been introduced in order to overcome the problem of the physical distance of the camps from the schools, but because this service goes to all the camps, the children often arrive late at school and they are also picked up early before lessons have finished.

The CRC Group recommends that the State party:

1. Guarantee measures for the education of foreign children and children belonging to ethnic minorities, by including intercultural issues in the training of specialist teachers and ensuring that the necessary resources are made available for educational inclusion and individual guidance;

⁹ MIUR-ISMU, *Alunni con cittadinanza non italiana. Tra difficoltà e successi*, national report on the 2013/2014 school year.



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2. Fully implement the actions specified in the IV National Plan of Action for Children with regard to the educational inclusion of children involved in the migration phenomenon and Roma, Sinti and Camminanti children;
3. Make inter-cultural mediators part of the normal school curriculum and provide the necessary funding for their permanent inclusion.

Children with disabilities

CRC/C/ITA/CO/3-4 24, paragraph 46

The Committee recommends that the State party review existing policies and programmes to ensure a rights based approach in relation to children with disabilities and consider information and training initiatives to ensure that the relevant Government officials and the community at large are sensitised in this respect. [...] The Committee also recommends that the State party provide sufficient numbers of specialist teachers in all schools so that all children with disabilities can enjoy access to a high quality, inclusive education. The Committee encourages the State Party to take into account the Committee's general comment No. 9 (2006) on the rights of children with disabilities in this respect.

In Italy there is a shortage of information on children with disabilities and, in particular, there is a tremendous lack of statistical data with regard to the 0-5 age group. **There is still no exact data on the number of children with congenital and developmental disorders necessary to provide an accurate picture of the situation before the age of compulsory education.** This is considered a particularly serious shortcoming in that this information has a direct bearing on policy and early intervention, from the diagnosis of disorders to a speedy rehabilitation.

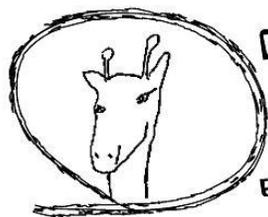
With regard to national legislation in this area, the CRC Group notes the passing of Law 134/2015¹⁰. This law – “Provisions relating to the diagnosis, treatment and habilitation of people with autism spectrum disorders and to the assistance for families” – includes measures aimed at safeguarding the health of these people, as well as improving their living conditions and promoting social inclusion.

The CRC Group recommends that the State party:

1. Guarantee measures for children with disabilities that are identical in every part of the country by implementing the actions contained in the two-year Action Programme for the promotion of the rights and integration of persons with disabilities, published in 2013;
2. Adopt a system of monitoring, using the Lines of action introduced by the two-year Action Programme for the promotion of the rights and integration of persons with disabilities, with particular reference to monitoring activities during infancy, early childhood and adolescence.

Education of students with disabilities

¹⁰ Law No. 134 of 18 August 2015, published in the Italian Official Gazette No. 199 of 28/08/2015.



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The most recent available **data** show that in the 2014-15 school year there was a continuing upward trend in the number of students with disabilities in the national school system, rising from 228,017 in 2013-14 to 234,788 (+2,97%)¹¹. Students with disabilities accounted for 2.7% of the total school population and were divided up into students with sight (1.6%), hearing (2,7%) and psychophysical disabilities (95.8%). Among those with psychophysical disabilities, 65.3% had intellectual disabilities, 3.5% motor disabilities and 27% other disabilities. The highest percentages of disabled students were found above all at primary and middle school, with 9.5% at nursery school, 37% at primary school, 28.5% at middle school and 25% at secondary school. **There was, therefore, a drop in the percentage of students with disabilities going from middle to secondary school**, down from 2.7% of the total number of students to 2.2% (presumably because they drop out of school).

There were also continuing **regional and gender inequalities** in relation to the possibility of students with disabilities enjoying their right to education. Male students with disabilities accounted for 68.8% of disabled students even though male students (both disabled and normal) accounted for only 51.7% of the total school population. There was an increase in the number of foreign students with a certified disability, accounting for 12% of all students with a certified disability (a very high percentage when one considers that foreign students make up 9.2% of the total school population), with a higher concentration in the regions of northern Italy. For these students there are problems relating to both the lack of specific training for school staff and access to information on the part of the families.

With regard to disabled children's access to teaching, **the question of the quality of the teaching** also emerged. Despite the fact that the Italian Ministry of Education (MIUR) has declared that the number of specialist teachers has been constantly growing (+6,8% in 2014-15, for a total of 119,384 teachers, 75,023 of whom are permanent staff with open-ended contracts), the problems persist, so much so that 8.5% of the families of disabled students in primary schools and 6.8% of disabled students in middle schools took legal action¹². In order to ensure the quality of the support provided it is necessary to specify the qualifications trainers must have and introduce quality standards for the training of the teachers, together with specific topics and educational strategies related to disabled students. Standards must also be introduced for the training given to communications, independence and personal care and hygiene assistants.

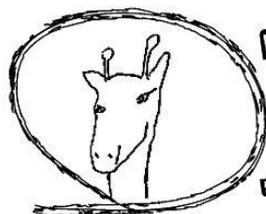
The problem of the lack of continuity in teaching also remains unresolved: 41.9% of the students at primary school and 36.4% of those at middle school did not have the same specialist teacher as in the previous school year, while 14.7% of the students at primary school and 16.5% of those at middle school had their specialist teacher changed during the course of the school year. Moreover, it is still a problem for disabled students to take part in school trips involving an overnight stay (with only 6.2% taking part at primary school and 21.3% at middle school). Participation in school trips without an overnight stay was nevertheless high (91.2% at primary school and 89% at middle school).

For **students at middle school** there were also problems relating to the provision of independence and communications assistants, as well as transport problems, following the abolition of the Provinces and the failure of many of the Regions, above all in southern Italy, to reallocate the Provinces' personnel and resources, despite the fact that the Government allocated €70 million for 2016, with many Regions not providing any additional funding.

A plan has yet to be drawn up to adapt all **school buildings** so that they comply with the legislation on

¹¹ MIUR, *L'integrazione scolastica degli alunni con disabilità a.s. 2014/2015*, op. cit.

¹² ISTAT, *L'integrazione degli alunni con disabilità nelle scuole primarie e secondarie di primo grado – 2014-15 school year*, December 2015.



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accessibility and the removal of architectural and perceptual barriers. The percentage of schools that are inaccessible remains the same¹³. There is also little teaching material available in accessible formats, including the use of a language that is easy to read and understand, or technological aids.

Furthermore, the CRC Group notes that **access to teaching at home** is limited to “*exceptional circumstances and for a limited time*” and requires that students have been previously hospitalised¹⁴. This, therefore, excludes students with a permanent condition that prevents them from going to school or remaining in the classroom.

The CRC Group therefore recommends that the State party:

1. Identify the essential levels of educational outcomes and provide indicators to assess the quality of the teaching provided to disabled students so as to prevent early school leaving and ensure access to alternating school-work programmes;
2. Promote the inclusion of students with disabilities by introducing specific training approaches and roles for specialist teachers and qualifications for independence and communications assistants;
3. Guarantee the accessibility of schools through the already announced programme for the renovation of school buildings and make it easier to receive home teaching, and by monitoring the assigning of communications assistants and access to school transport.

Discrimination against poor children

CRC/C/ITA/CO/3-4 24, paragraph 58

The Committee urges the State party to intensify its efforts to address and eradicate poverty and inequality, especially as regards children, and:

- (a) To consider a systematic reform of current policies and programmes in order to effectively address child poverty in a sustainable manner, using a multidisciplinary approach that considers social, cultural and geographic determinants of poverty reduction;
- (b) To evaluate the result of current programmes on poverty alleviation and ensure that subsequent policies and plans contain relevant indicators and a monitoring framework;
- (c) To increase the participation of women in the labour market and promote flexible working arrangements for both parents, also by increasing the provision of childcare;
- (d) To increase and sustain income support for low-income families with children and ensure that such support is extended to families of foreign origin.

One out of every 10 children in Italy is poor. In 2014 there were 1,045,000 children living in conditions of extreme poverty and 4,102,000 individuals who were poor (6.8% of the entire population), while the number of families defined as poor on the basis of the extreme poverty index totalled 1,470,000 (5.7%)¹⁵.

¹³ Cittadinanzattiva, *XIII Rapporto su sicurezza, qualità, accessibilità a scuola*, September 2015.

¹⁴ MIUR, circular No. 60/2012.

¹⁵ ISTAT, *La povertà in Italia*, *op. cit.*



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The intensity of extreme poverty grew from 18.8% in 2013 to 19.1% 2014. Analysing the incidence of extreme poverty in terms of the size and type of family and the number of children, it can be seen that the likelihood of economic hardship increases with the number of children under 18. The incidence was highest in families made up of five or more members (16.4%), when the couple had three or more children (16%) and when these children were under 18 (18.6%). Analysing the data regarding children living in conditions of extreme poverty, it can be seen, dividing the data up into macro-areas and age groups, that in northern Italy the 0-3 age group was most affected while in central and southern Italy it was the 14-17 age group.

The 2016 Stability Law (the Italian Budget Law) for the first time finally contained funding for the introduction of a three-year plan to combat poverty – the Fund for the fight against poverty and social exclusion – with €600 million allocated for 2016 and €1 billion as of 2017. Pending adoption of the plan, the Support for Active Inclusion (SIA) experiment will be introduced throughout the country¹⁶ and will guarantee measures to support primarily households with children. The aim of this fund is to gradually achieve the Essential Levels of Service Provision (LEPs) in order to combat poverty throughout the country.

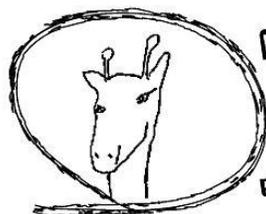
Another worrying and widespread phenomenon in Italy is **educational poverty**, namely the depriving young children and teenagers of the possibility to learn, experiment, develop and enable their capabilities, talents and aspirations to flourish freely. Almost 25% of 15-year-olds were below the minimum competency threshold in mathematics and almost one in five in reading, percentages which rose to respectively 36% and 29% among teenagers with families of a low socio-economic and cultural level. Economic poverty and educational poverty feed into and fuel one another and are passed on from generation to generation. Moreover, there was a deficiency of educational services and both curricular and extra-curricular educational activities. Only 14% of children aged 0-2 were able to go a nursery or have access to additional services, 68% of primary school classes did not offer full-time activities and 64% of the children did not have access to a series of recreational, sports, educational and cultural activities, with the highest levels reached in Campania (84%), Sicily (79%) and Calabria (78%). In particular, 48.4% of children aged 6-17 had not read a book in the previous year, 69.4% had not visited an archaeological site and 55.2% a museum, and 45.5% had not engaged in any sports activities¹⁷. The Stability Law introduced a specific three-year fund to combat educational poverty among children financed by banking foundations, which will receive a tax credit equal to 75% of the amount paid into the fund (up to €100 million a year). The fund could, therefore, amount to over €130 million. The Government and the parties involved in the memorandum of understanding (the banking foundations and the third sector forum) must, therefore, identify the characteristics of the projects to be financed and the ways in which the projects are selected and assessed.

Finally, the resources earmarked by the Fund for European Aid to the Most Deprived (FEAD) for the seven-year period 2014-2020 have still to be activated. It is important that this fund allocate resources to prevent early school leaving and food poverty among the most deprived families.

The CRC Group recommends that the State party:

¹⁶ The experiment began in 2013, starting in 12 cities with more than 250,000 inhabitants. For a description of the SIA experiment, see: <http://www.lavoro.gov.it/temi-e-priorita/poverta-ed-esclusione-sociale/focus-on/Sostegno-per-inclusione-attiva-SIA/Pagine/Sperimentazione-SIA.aspx>.

¹⁷ See Save the Children, *Illuminiamo il futuro 2030*, September 2015.



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1. Introduce specific statistical analyses to assess the impact of reforms affecting children, above all those at risk of poverty and social exclusion;
2. Activate as speedily as possible the actions of the Fund to combat educational poverty among children by means of effective guidance, monitoring and impact assessment; activate as speedily as possible all the measures included in the Operational Programme of FEAD, above all those aimed at helping children in poverty.

Adoption of suitable measures to prevent and eliminate regional inequalities

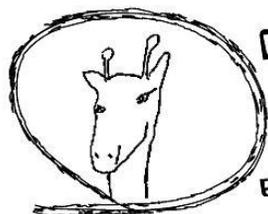
CRC/C/ITA/CO/3-4 24, paragraph 9 (b)

The Committee recommends that the State party:

- (b) Develop effective mechanisms to ensure a consistent application of the Convention in all regions by strengthening coordination between the national and regional levels and adopting national standards, such as the essential levels for the provision of social services.

The discrepancy between policies, the management of funds and the resultant living conditions in the different regions of Italy constitutes “the regional question”, which has consequences at different levels and emerges in a number of issues involving young children and teenagers – from poverty to health and educational opportunities.

25 years after the ratification of the CRC there still remain in Italy important differences between the Regions as regards children’s health and their access to health services, but also as regards access to prevention – differences determined by socio-economic conditions and nationality. Particular attention is paid to inequalities in almost all National Plans: the 2013 National Health Plan, the Prevention Plan (2014-2018) and the IV National Plan of Action for Children. Nevertheless, it is clear that the relationship between central Government and the Regions remains a critical issue and that the right to health is far from being guaranteed evenly across the nation. The difficulties encountered in access to prevention, such as vaccinations and women’s cancers, and the delays in access to diagnostic and therapeutic health services are all examples of the inequalities that exist between the north and south of the country that have still not been eliminated. Important differences in access to prevention and the right to health emerge, for example, in the field of vaccinations, such as the vaccination against the human papillomavirus infection (HPV). The vaccination is administered free of charge to all Italian teenage girls, while for teenage boys it is only administered free of charge in 5 Regions (Friuli Venezia Giulia, Veneto, Calabria, Puglia and Sardinia). In Sicily and Liguria a copayment is required, while in the rest of Italy families must pay for the vaccination. Another area in which unacceptable inequalities remain between the different parts of the country concerns the phenomenon of infant mortality. There are inequalities as regards treatment outcomes, access to services, and the type and quality of the services guaranteed. There are also shortcomings as regards the continuity of treatment, from diagnosis to treatment, in particular for children with complex problems or needs, and inadequate preventive actions, above all as regards health awareness-raising activities. These are the negative aspects characterising the health services and children’s health in Italy.



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With regard to child poverty, this phenomenon was far more widespread in every region of southern Italy than in the rest of the country. The most serious situations were found in families residing in Calabria (26.9%), Basilicata (25.5%) and Sicily (25.2%), where one family in four was relatively poor. The phenomenon was once more particularly evident in southern Italy where more than 40% of families with three or more children were poor. Finally, analysing the rate of child poverty in relation to the regional level, three Regions held the record (Calabria with 49.2%, Sicily with 38.8% and Basilicata with 38.5%), in addition to which there were another four Regions (Puglia, Campania, Friuli Venezia Giulia e Marche) which were above the national average¹⁸.

With regard to the **right to an education** there remain major differences in the services offered between southern Italy and central and northern Italy. In southern Italy, where the highest percentages of child poverty and early school leaving are to be found, the percentage of children under 3 enrolled in early childhood education was dramatically lower (South 4.7%; the Islands 6.7%) than in central and northern Italy (North-West 16.4%, North-East 18.5% and Centre 18.2%).

Moreover, State funding in favour of **early childhood services** is piecemeal. The State provided €100 million, divided up among the Autonomous Regions and Provinces, “to relaunch the Plan for the development of the local system of socio-educational services for early childhood” (Law No. 190/2014, Art. 1, paragraph 131), but there remains a concern that the Regions are keeping these resources, considering them a reimbursement for funds already spent on providing services. Finally, the implementation of the Cohesion Action Plan, aimed at increasing the early childhood services offered in the Regions of Calabria, Campania, Puglia and Sicily, included in the European objective “Convergence”, was entrusted to the Ministry of the Interior, giving rise to a number of problems.

There are also major regional differences as regards the **phenomenon of early school leaving**. Italy continues to be one of the worst performers in EU 27 with regard to the rates of early leaving after the completion of compulsory education and the number of students failing to obtain a secondary education qualification. Compared to the European average of 11.1% in 2014 for early leaving after compulsory education, 15% of Italians aged 18-24 had obtained at most the middle school leaving certificate and had not completed a vocational training course of at least two years recognised by the Region, nor had they attended school courses or carried out any form of training activities. Although the figure has been falling constantly over the last few years, the phenomenon is still quite widespread in certain parts of the country, above all in southern Italy.

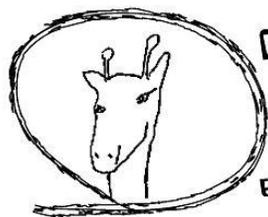
Discrimination against children belonging to minority groups

CRC/C/ITA/CO/3-4 24, paragraph 80

The Committee recommends that the State party:

(a) Discontinue the state of emergency in relation to settlements of nomad communities and the Ordinances of 30 May 2008;

¹⁸ See Save the Children, *Atlante dell'Infanzia (a rischio)*, 2015, p. 90 (with disaggregated data per Region): http://images.savethechildren.it/IT/f/img_pubblicazioni/img280_b.pdf?_ga=1.70647504.1776608116.1460916506.



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- (b) Develop and adopt, with the participation of the communities affected, a national plan of action for the genuine social integration of the Roma in Italian society, taking due consideration of the vulnerable situation of Roma children, in particular as regards health and education;
- (c) Allocate adequate human, technical and financial resources to ensure a sustainable improvement in the socio-economic conditions of Roma children;
- (d) Adopt measures to address harmful practices, such as early marriage;
- (e) Develop relevant guidelines and provide training for government officials in order to improve understanding of Roma culture and prevent discriminatory and stereotypical perceptions of Roma children;
- (f) Ratify the European Charter for Regional and Minority Languages.

The Council of Europe estimates that there are between 120,000 and 180,000 Roma and Sinti people in Italy, accounting for 0.5% of the Italian population (one of the lowest percentages in Europe). Around 50% have Italian citizenship and, according to the most recent estimates, 60% of the Roma and Sinti population are under 18. Although the media and officials continue to call them “nomads”, only a small percentage of the Roma and Sinti (3%) actually live a nomadic lifestyle nowadays. The strong Anti-ziganism sentiment present in Italy continues to hinder the introduction of truly inclusive policies. The Pew Research Center (a leading American think tank) updated the data already published in 2014, highlighting that 86% of the people interviewed in Italy had an unfavourable opinion of the Roma¹⁹.

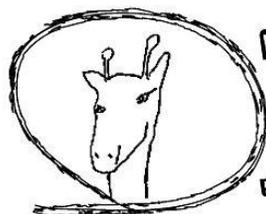
Four years after the adoption of the National Strategy for the Inclusion of the Roma, Sinti and Camminanti (SNIR)²⁰, there is a growing consensus on the urgent need to implement policies that are truly inclusive for the Roma and Sinti and, in particular, to finally overcome the problem of the so-called “nomad camps” – a consensus now shared by many policy-makers at a central government level. Nevertheless, there remain numerous question marks about how this problem should be solved, given that in 2015 measures were still being drawn up that included temporary housing solutions exclusively for the Roma, with the danger that segregated housing will be the solution yet again, though this time using innovative, eco-compatible materials²¹. In general, the SNIR does not appear to be having any practical consequences, with no visible outcomes as yet. Moreover, there is an evident discrepancy between the approach of central Government and that of the local authorities (Regions and Municipalities), with the result that the approach indicated by the SNIR does not result in tangible measures at a local level.

In 2015 the CRC Group noted a few good practices that envisaged the definite abandoning of the “camps” solution. Nevertheless, measures are still being proposed by some local authorities that go in totally the opposite direction, persevering with the “camps policy”, either building new camps or carrying out extraordinary maintenance on existing camps. This continuing recourse to policies of segregation, in addition to persevering in systematic human rights violations, is also extremely costly and these financial resources could be far better be used in integrated projects of social inclusion, in line with the Strategy. Repeated criticism has often highlighted how the “nomad camps” constitute a parallel housing system, reserved exclusively for the Roma, while also providing substandard housing. In 2015, the United Nations Committee on Economic, Social and Cultural Rights added its voice to chorus of complaints, recommending that the Italian authorities “take effective and immediate measures to end segregation of the

¹⁹ Pew Research Center, *Report: Faith in the European Project Reviving*, June 2015: <http://www.pewglobal.org/2015/06/02/faith-in-european-project-reviving/>.

²⁰ See SNIR: http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_it.pdf.

²¹ See Associazione 21 luglio, *Rapporto Annuale 2015*, published in April 2016.



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Roma living in Roma camps”. At a domestic level, there was the historic decision of the Civil Tribunal in Rome, which recognised the discriminatory nature of a camp built in 2012 exclusively for the Roma and ordered the Municipality of Rome to end this practice²². Nevertheless, in 2015 evictions were still taking place, with Roma communities forcibly moved from the informal camps in which they lived, also because Italy continues to lack a clear legal framework as regards evictions from spontaneous housing solutions. The evictions are, therefore, carried out without the procedural safeguards required by international law, thereby resulting in human rights violations²³. It should be added that these forced evictions are also extremely costly²⁴ and do nothing to resolve the problem of inadequate housing, which means the camps are merely set up somewhere else. Children continue to suffer the most evident consequences of these forced evictions, in particular in terms of the impact on their education and social inclusion.

The United Nations Committee on Economic, Social and Cultural Rights expressed its concern in 2015, recommending that the Italian authorities “avoid carrying out forced evictions, and ensure that any necessary evictions are always carried out as a last resort after all feasible alternatives have been explored and with the required procedural safeguards” and “provide compensation and/or alternative accommodation to all those affected by forced evictions”²⁵.

In 2015 no specific measures appear to have been implemented, acknowledging the presence of Roma children in Italy’s child protection services, aimed at deconstructing the stereotypes and prejudices present among professionals working in the sector with regard to the parenting skills of the Roma; nor have any actions been promoted to facilitate the re-uniting of Roma children with their families²⁶.

Despite the fact that the regularisation of de facto stateless persons or persons at risk of becoming stateless is among the main objectives of the Strategy, there is still a void at a national level with regard to measures that can remedy these situations. Although Italy ratified the 1961 Convention on the Reduction of Statelessness in 2015, the lack of recognition of the juridical status (there are at least 15,000 Roma children who are stateless or at risk of becoming stateless²⁷) continues to be an enormous obstacle for many children born and raised in Italy with regard to their enjoyment of fundamental rights.

The CRC Group therefore recommends that the State party:

1. Urge the rapid and effective implementation of the National Strategy, promoting the ending of the housing segregation of the Roma and Sinti communities and introducing suitable measures to make it easier for local authorities to have access to European funding made available by the new 2014-2020 programme;
2. Immediately cease forced evictions throughout the country, also by imposing an explicit ban on forced evictions by means of legislation that also includes procedural safeguards based on current international standards and by issuing guidelines to law enforcement officials and local authorities on the matter;
3. Resolve the question of the “de facto stateless” and find a way of remedying, together with the relevant authorities, the position of children born in Italy to parents fleeing from war-torn countries, who currently find themselves without a precise juridical status, also by inviting local authorities to introduce initiatives

²² For further information, see: <http://www.21luglio.org/sentenza-storica-del-tribunale-segna-la-fine-dei-campi-nomadi>.

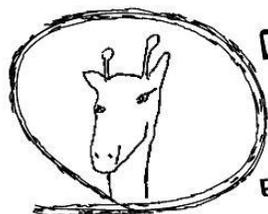
²³ CERD, *Osservazioni Conclusive: Italia*, March 2012; Associazione 21 luglio, *Figli dei “campi”*, 2013.

²⁴ See Berenice-Lunaria-Compare-Osservazione, *Segregare costa*, *op. cit.*; Associazione 21 luglio, *Campi Nomadi S.p.A.*, *op. cit.*

²⁵ United Nations Committee on Economic, Social and Cultural Rights, *Concluding observations on the fifth periodic report of Italy*, *op. cit.*

²⁶ See Osservazione, *La tutela dei diritti dei bambini rom nel sistema italiano di protezione dei minori*, 2012, p. 19.

²⁷ *Rapporto conclusivo dell'indagine sulla condizione di Rom, Sinti e Camminanti in Italia*, Italian Senate, 2011.



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aimed at raising awareness among the Roma communities as regards the process of obtaining Italian citizenship.