

# **Universal Periodic Review for the Republic of Italy (Session 7, 2010)**

## **Follow Up Report**

**Marist International Solidarity Foundation (FMSI)**

**May 2013**

This document provides an overview of the recommendations concerning child rights addressed to the Republic of Italy during the Universal Periodic Review (UPR) process on 18 March 2010. The full extent of the review is presented in the Report of the Working Group on the Universal Periodic Review (A/HRC/14/4).

The Vice-Minister of Foreign Affairs<sup>1</sup> introduced the national report emphasizing Italy's engagement in universal periodic review and its commitment to the promotion of human rights. He declared Italy's intention to ratify the Optional Protocol to the Convention against Torture, and will soon pass the Council of Europe Convention against Trafficking in Human Beings, but Italy is not in a position to ratify the Convention on the Rights of All Migrant Workers and Members of Their Families.

In relation to the Roma and the Sinti communities, Italy acknowledged that the integration had proved more difficult for groups that have arrived over the past 10 - 15 years, and have been part in recent episodes of violence and forced evictions. The stigmatization of certain ethnic or social groups remained a matter of serious concern for the Government and local authorities.

Regarding the treatment of migrants he said that Italy has been exposed, over the past few years, to a massive inflow of migrants, which increased by 250 per cent over the last few years. Some are workers not protected, some are expecting residence permit and some others have been regularized. Italy affirmed its full compliance of the recent acts concerning migrants.

The Vice-Minister expressed the Government commitment to gender equality, the human rights of the individual, prevention and removal of discrimination for reasons directly or indirectly based on sex, racial or ethnic origin, religion or belief, age or sexual orientation.

### **Recommendations<sup>2</sup>**

Number of recommendations made: 92

Accepted: 44

Partially accepted: 2

Recommendations already implemented or are in the process of implementation: 34

Rejected: 12

During the interactive dialogue of the UPR process, 51 states participated and made recommendations. Because of the shortage of time, a further 13 states submitted their comments and recommendations in writing. The recommendations touched mostly on issues relating to:

- Human Rights Infrastructure (84.15) (84.42) (84.43) (84.55)
- Children's Rights (84.37) (84.41) (84.57) (84.39) (84.40) (84.44)
- Women's Rights and Gender Equality

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<sup>1</sup> The delegation was headed by H.E. Mr. Vincenzo Scotti, Vice-Minister of Foreign Affairs, and composed of 25 members.

<sup>2</sup> [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IT/A\\_HRC\\_14\\_4\\_Italy.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IT/A_HRC_14_4_Italy.pdf)

- Education (84.30) (84.41) (84.57)
- Human Trafficking (84.83) (84.84) (84.85) (84.86)
- Racism (84.37)
- Migrants (84.41) (84.74)
- Roma and the Sinti communities (84.57)
- Slovenian minority

FMSI did not submit a statement to the Human Rights Council on the children rights issues to the Republic of Italy. However, we note with special interest the issues relating to child rights in the country.

## **Child Rights**

### **Recommendations accepted by Italy<sup>3</sup>**

- 84.15.- To continue efforts to establish an independent institution for the promotion and protection of human rights and fundamental freedoms, as well as an independent national body for the promotion of the rights of the child. (Russian Federation).
- 84.15.- To establish an ombudsperson for children according to the Paris Principles (Norway).
- 84.30.- To step up efforts to strengthen public education, awareness-raising programmes and skill training at all levels, particularly aimed at preventing negative attitudes and behaviors, and to promote tolerance and respect for diversity (Malaysia).
- 84.37.- To make efforts aimed at preventing and eliminating all forms of discrimination and abuse vis-à-vis children (Uzbekistan).
- 84.39.- To take effective measures to develop alternatives to institutionalization and place children in institutions only as a measure of last resort (Azerbaijan).
- 84.40.- To implement existing Law 91/1992 on Italian citizenship in a manner that preserves the rights of all children born in Italy (Chile).
- 84.41.- To take necessary measures, including administrative measures, to facilitate access to education to children who are not of Italian origin (Uruguay).
- 84.42.- To adopt a national plan for children as soon as possible (Uruguay).
- 84.42.- To adopt and implement a national plan of action for children (Islamic Republic of Iran).
- 84.42.- To strengthen efforts to finalize, adopt and implement, in consultation and cooperation with relevant stakeholders, including civil society, a national plan of action for children, as recommended by the Committee on the Rights of the Child (Israel).
- 84.43.- To increase its efforts and adopt a new national plan of action for children, ensuring specialized training for teachers and persons in the field of education of children with disabilities (Spain).
- 84.44.- To adopt special procedures to ensure the effective protection of the rights of unaccompanied children in their access to asylum procedures (Czech Republic).
- 84.55.- To continue to implement constitutional principles relating to freedom of religion and the need to respect religions and their symbols (Kuwait).
- 84.57.- To ensure equal rights for members of the Roma and Sinti minorities, to ensure that all Roma and Sinti children are enrolled in school, and to make efforts to encourage regular school attendance by these children (Sweden).
- 84.74.- To take appropriate measures to exempt public health and education officials of the obligation to report undocumented migrants seeking medical attention or educational services (Brazil).

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<sup>3</sup> <http://www.upr-info.org/database/>

Addendum A/HRC/14/4/Add.1 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/137/77/PDF/G1013777.pdf?OpenElement>

- 84.83.- To strengthen further its efforts to end trafficking in women and children, and to take effective measures to prosecute and punish trafficking in persons (Canada).
- 84.84.- To increase measures to identify women and child victims of trafficking effectively in order to provide them with adequate assistance, and to consider not penalizing them for crimes committed as a direct result of being trafficked (Philippines).
- 84.85.- To strengthen efforts to combat trafficking in women and children, and to take effective measures to prosecute and punish trafficking in persons, as raised by the Committee on the Rights of the Child and the Committee against Torture (Japan).
- 84.86.- To extend outreach and identification efforts to women and children in prostitution, to ensure that trafficking victims are identified, given care and not penalized for crimes committed as a direct result of being trafficked; to identify proactively potential trafficking victims among its undocumented immigrants; to continue to investigate and prosecute allegations of trafficking-related complicity; and to expand public awareness campaigns aimed at reducing domestic demand for commercial sex acts (United States).

The Republic of Italy has accepted most of the recommendations relating to child rights. These recommendations touch on State infrastructure (ombudsperson, national plan...) education (migrants access, programmes to prevent negative attitudes and behaviors, members of minorities), and Human Rights, Women's Rights and Children's Rights (migrants, trafficking, racism)... Most recommendations are concise and clear.

### **Recommendations partially accepted by Italy**

The following recommendation (relating to Children's Rights) was partially accepted by Italy:

- 84.75.- To guarantee access to basic social services, including lodgings, hygiene, health and education, to all migrants and members of their families and, to that end, adhere immediately to the principles of the International Convention on the Rights of All Migrant Workers and Members of their Families, and consider its ratification in a favourable light (Mexico).

The Italian legislation already guarantees most of the rights contained in the UN Convention on the protection of the Rights of All Migrant Workers and Members of their Families, however today it is not in a position to ratify this instrument. (*Similar recommendation, 84.02, has been rejected*).

The opportunity to fully participate in the social, economic and cultural life represents the key for a successful integration. Italy remains fully committed to promoting effective measures for the social integration of regular migrants.

### **Recommendations rejected by Italy**

The following recommendation (relating to Children's Rights) was rejected by Italy:

- 84.38.- To incorporate in its legislation the 1996 Supreme Court judgement that corporal punishment was not a legitimate method of discipline in the home, and criminalize corporal punishment in all cases, including in education (Spain).

Italy deems that there is no need to adopt a specific supplementary law as since 1928 corporal punishment has been unlawful both in the Italian school system and in the juvenile penal institutions. Similarly, corporal punishment is unlawful in the private sphere.

## **Concluding Remarks**

With regards to child rights, Italy has adequate safeguards that protect the fundamental rights of children. Though it is a bit striking that Italy has not yet establish an independent institution for the promotion and protection of human rights, nor the ombudsperson for children rights. Moreover, Italy considers that today it is not in a position to ratify the UN Convention on the protection of the Rights of All Migrant Workers and Members of their Families, mainly due to the difficulty in the management of large migration flows, much of which is considered illegal.

Italy admits the need to strengthen efforts to combat trafficking in women and children, and to increase measures to identify women and child victims in order to provide them with adequate assistance.

Some efforts would be welcome in the education system aimed at preventing negative attitudes and behaviors, as well as promoting tolerance and respect for diversity and eliminating all forms of discrimination and abuse.

The State partners consider that Italy could and should do something more in order to improve social integration of the Roma and Sinti communities, as well as to care for the traditions of other minorities.