



## **Human Rights Council**

### **Universal Periodic Review (UPR) of Italy**

**34th Session (November 2019)**

**Joint Stakeholders' Submission on:**

### **Human Rights in Italy**

**Submitted by:**

**Marist International Solidarity Foundation (FMSI)  
Fondazione De La Salle Solidarietà Internazionale ONLUS  
Fondazione Ambrosiana per la Cultura e l'educazione  
Cattolica  
Associazione Maristi Onlus  
Associazione Acuma Onlus**

**Marist Foundation for International Solidarity (FMSI)** is an international organization promoted by the Marist Brothers, present in 80 countries. FMSI has more than 10 years of experience working in the field of international solidarity, advocating for children's rights especially in the field of education. It works at the international level, participating in the UN human rights mechanisms in collaboration with other organizations with similar interests. It has been accredited by ECOSOC since 2011.

**Fondazione De la Salle Solidarietà Internazionale ONLUS** is the principal development and fundraising department of the De La Salle Christian Brothers and provides capacity building, technical assistance, and financial support to Lasallian educational initiatives worldwide. It is a nonprofit organization engaged in the promotion of the rights of children and youth at risk of socio-educational exclusion, in 5 continents, through schools, learning centers, orphanages, youth facilities, social-health services and other programs which respond to specific needs, according to the local environment. De La Salle Schools and initiatives are present in 79 countries, involving nearly 1 million students.

**Fondazione Ambrosiana per la Cultura e l'educazione Cattolica** promotes, in a multi-religious and multicultural context, the integral education of children and young people, referring to an educational project centered on Christian humanism. It develops its educational mission with an attention to the specific needs of students, from primary school to secondary school (from 6 to 18 years old).

**Associazione Maristi Onlus** has the mission of activating social initiatives aimed at the most disadvantaged subjects in our society and intends to continue to promote support and recovery activities aimed at the educational training of pre-adolescents, adolescents and young people. It aims to create healthy and friendly spaces for meeting, confrontation, personal growth with the aim of strengthening social inclusion and learning skills. It proposes to activate services to families with minors both in winter and summer with the creation of a day center capable of welcoming young people.

**Associazione Acuma Onlus** since 2002 a bunch of guys founded Acuma Onlus in order to shape their commitment in the field of education. Inspired and helped by the Marist Brothers community, they tried to plan a summer work camp in Bucharest, a very poor city in early 2000s. In that summer, games and workshops for children took place down the streets and in the orphanages of the Romanian capital. Since then, project by project, Acuma has grown: today, in collaboration with Asociația Acuma România, Acuma supports kids and families in difficult through an afterschool located in Chitila, a Bucharest suburb. And more than fifteen years later, every summer, in Bucharest, groups of volunteers play with children.

## **INTRODUCTION**

1. The aforementioned organizations respectfully present the following submission and recommendations on the human rights situation in Italy to contribute to the Working Group of the Universal Periodic Review during its 34th session.
2. We value the work carried out by the different agencies of the Italian State within the framework of the promotion and guarantee of human rights. However, we express our concern about some situations that are still pending resolution.
3. This report is about the rights of the children in Italy, highlighting four key areas:
  - 1) independent national institution for promotion and protection of human rights;
  - 2) migrant's children;
  - 3) psychological and temporal abandonment of minors; and
  - 4) right of the families of children to the educational choice.

## **METHODOLOGY:**

4. The issues addressed in this submission arise from concerns that arise in our daily work. In all cases, these are situations that affect the people with whom we directly relate. The observations, analyses and recommendations that are presented are based on data provided by official agencies. They have been collected by the organizations that make up the present coalition.

## **NATIONAL CONTEXT:**

5. Currently Italy has 60.483.973 inhabitants. According to ISTAT<sup>1</sup>, of that total population 18,1% are children and adolescents between 0 and 17 years (corresponding to 5.464.553 of the population).
6. This submission deals with commitments assumed by the Italian State with regard to United Nations. These commitments (from both international treaties and the last Universal Periodic Review of January 2014), have been monitored by the members of the present coalition.
7. Considering Article 2 of the Italian Constitution states that the Republic recognizes and guarantees the inviolable of human rights, both as an individual and in the social formations where his personality takes place, and requires the fulfilment of the mandatory duties of political, economic and social solidarity;
8. Considering Article 3 of the Italian Constitution, which recognizes equal social dignity to all, without distinction of sex, race, language, religion, political opinions, personal and social conditions and which also states that it is the duty of the Republic to remove obstacles of an economic and social nature, which, by effectively limiting the freedom and equality of citizens, prevent the full development of the human person and the effective participation of all workers in the political, economic and social organization of the country;

---

<sup>1</sup> Istituto Nazionale di Statistica

9. Considering Art. 30 of the Italian Constitution which states that it is the duty and right of parents to maintain, educate and educate their children;
10. Considering Art. 31 of the Italian Constitution facilitates the formation of the family (especially the numerous ones) in the performance of its functions and protects children and young people;
11. Considering the International Convention on the Rights of the Child considers verbal violence, emotional rejection and claims disproportionate and excessive in relation to the child's age to be psychological abuse of children, will the International Convention on the Rights of the Child.

#### **A. INDEPENDENT NATIONAL INSTITUTION FOR PROMOTION AND PROTECTION OF HUMAN RIGHTS**

12. This part of the report shows that Italy is still one of the few UN countries that still does not have an independent national institution for the promotion and protection of human rights, in accordance with the Paris Principles and resolution 48/134 adopted by the UN General Assembly on December 20, 1993 and Recommendation No. R(97)14 adopted by Council of Europe.
13. In addition, Italy has been recalled several times at international level to implement these principles and establish this institution. Moreover, at the local level, civil society has repeatedly urged the Italian government to respect the international legal framework, underlining the need for such an institution.

The inactivity of the Italian institutions:

14. Leaving aside the several attempts Italy has made over the years in order to create an independent national commission<sup>2</sup>, in the “Presentation of the State under Universal Periodic Review” of 2014, Italy has stated that: *“there had been continuing engagement in a domestic process aimed at establishing an independent national commission for the promotion and protection of human rights [...] the parliament was debating the best way to establish the commission and the best tool for implementation”*.
15. Moreover, Italy has accepted 23 recommendation about the need to establish the independent commission. From that moment Italian State has underestimate its commitment on the above mentioned “domestic process” not taking any step further in establishing the national commission.
16. Furthermore, in the candidature Italy has submitted for membership in the Human Rights Council for the term 2019-2021, there are no voluntary pledges and

---

<sup>2</sup> In 2004 Draft Bill n. 3300 was presented at the Senate but it could not start its legislative *iter* for discussion. Another draft was proposed in 2006 (n.247) but it suffered the same fate of the previous one. During XV Legislature, the Draft Bill n. 1463 was approved by the Chamber of Deputies but it was blocked at the Senate. Eventually, during 2011, the Government proposed Draft Bill n. 2720 and managed to make it approved by the Senate, but it was not discussed by the other Chamber.

commitments about the creation of the above-mentioned independent national institution<sup>3</sup>.

17. Meanwhile, during 2018, two Draft Bill (n.855, 1323) were tabled in 2018 to establish a “National Commission for the promotion and protection of fundamental human rights”.
18. With regard to the contents of the last Draft Bill, it has to be underlined that the Commission can have several powers such as the right to request information and documents to public and private entities and if there is a deny, it will request an exhibition order to the judge. It should have also powers of inspection and sanction against human rights infringements.

Civil society perspective: the need of the commission:

19. As many members of civil society pointed out, there is an immediate need of a national independent institution for the protection of human rights<sup>4</sup>.
20. Firstly, effective protection of human rights requires a national mechanism capable of performing two crucial functions, in particular: assisting victims of violations in order to lead them to appropriate channels of protection and monitoring and improving national practices to prevent, detect and fight critical situations and human rights infringements. As some Italian scholars of international law have pointed out, this independent institution can be compared to an insurance without which the whole population, and in particular vulnerable categories as minors and migrants could be exposed to enormous risks.<sup>5</sup>
21. Furthermore, the Commissioner for Human Rights (Council of Europe) pointed out – with a comment on the interim report of the Group of Wise Person to the Committee of Minister – that “*National Human Rights Institutions whose mandate, independence and pluralistic composition [...] can help avoiding the adoption of or putting an end to legislation or practices that are considered in breach of the Convention and likely to lead to cases before the Court*”.
22. According to the Global Alliance for National Human Rights Institutions, 112 out of 193 UN member states have established independent national institutions for the protection and promotion of human rights that are fully, or partially, compliant with the Paris Principles.<sup>6</sup>
23. Moreover, on February 2019, The Committee on the Rights of the Child, in its concluding remarks on the fifth and sixth periodic reports of Italy, recommended

---

<sup>3</sup> Although in 2007, in the *aide-memoire* on Italy’s voluntary pledges of its candidacy for membership in Human Rights Council, it undertook to create national independent commission for the promotion and the protection of human rights.

<sup>4</sup> “Comitato per la promozione e protezione dei diritti umani”, ‘Submission of information to the United National Committee on the Elimination of Racial Discrimination’, 2008.

<sup>5</sup> Antonio Bultrini and others, ‘Perché All’Italia Serve Un’istituzione Indipendente per i Diritti Umani’ *La Stampa* [Turin, Italy] July 2018: p.22.

<sup>6</sup> GANHRI, Chart Of The Status Of National Institution - Accredited By The Global Alliance Of National Human Rights Institution, Accreditation status as of 21 February 2018.

to “Establish a national human rights institution in compliance with the Paris Principles”.

24. We make an explicit request and **RECOMMEND** to the Italian State that:

- a. *To establish, by two years, an independent national institution for the promotion and the protection of human rights coherent with the Paris Principles;*
- b. *To recall, by two years, that from 2019 and for the next three years, Italian State is member of the UN Human rights Council and as such is its duty to operate towards reinforcement of the promotion and the protection and respect of international standards for human rights, in particular as regards of immediate establishment of a human rights national institution that has to be effective and independent and in line with the Paris Principles;*
- c. *To start, by two years, the legislative procedure with the discussion of Draft Bills n. 855 and 1323, and establish, in the next four years, an independent national institution for the promotion and the protection of human rights coherent with the Paris Principles.*

## **B. MIGRANTS HUMAN RIGHTS: ACCOMPANIED AND UNACCOMPANIED MINORS AND YOUTHS**

25. This part of the report deals with three issues. The first is about disembarkation which is differently regulated whether the minor arrives in Italy accompanied or not. The second is about the reception: the report points out the problems resulting from the different treatment. The third is about the educational and integration cycle: it deals with the lack of effective protection for two categories of young people, i.e. minors who are close to the age of majority and youth just came of age.

26. According to Eurostat data, migration flow in Italy within the period 2014-2016 has increased by 8,35%<sup>7</sup>; nonetheless from 2016 until 2018 it has decreased by -92,23%.<sup>8</sup> To the present day, migrants arrived are 262.

27. The issue of protecting unaccompanied children had been taken into account by the Convention on the Rights of the Child adopted by the UN in 1989 (hereafter CRC). The basic principles of the matter are set into the first articles of the CRC.<sup>9</sup>

---

<sup>7</sup> Migrants arrived during 2014 in Italy were 277.631, 280.078 in 2015, 300.823 in 2016.

<sup>8</sup> In 2017 migrants arrived were 119.369, in 2018 were 23.370.

<sup>9</sup>Article 2 of Convention on the rights of the child “1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members”.

Article 3 of Convention on the rights of the child “1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights

28. Being internationally relevant, the question has been under the light of some recommendations given to and accepted by Italy during the last UPR: “145.179: Introduce legislation to ensure assistance and protection for unaccompanied children seeking asylum” (Denmark); “145.180: Ensure that every child, particularly unaccompanied minors, whether on the high seas or on its territory, who seeks to enter Italy, has the right to an individual consideration of his/her circumstances and is provided prompt access to asylum and other relevant national and international procedures and protective measures” (Brazil).
29. Italian Law 47/17 gave a full framework for minor’s protection, but its results run the risk of being frustrated by the newest developments of d.l 113/18.
30. **Disembarkation:** Article 3 of the decree 113/18 provides that asylum seekers may be detained for a period up to thirty days in the so-called Hotspots and facilities of first reception (CAS<sup>10</sup> and CARA<sup>11</sup>, hereafter reception centers) to ascertain their identity and citizenship. If not ascertained, asylum seekers can be detained in the detention centers for repatriation (CPR) for 180 days.
31. Therefore, the asylum seeker can be detained for 210 days only to determine his identity, without having committed any crime. *“These measures will also apply to minors who are part of a family”*, notes the Italian Council for Refugees. On this point, the Authority for the Protection of Children and Adolescents has expressed her concerns: *“Another aspect that can affect unaccompanied and accompanied minors and young people just came of age is the reception in the Hotspots.*
32. *These places are not suitable for the reception of minor according to Art. 3 of CRC”*.<sup>12</sup> Article 4 of the decree, eventually, provides that irregular migrants can be detained at border offices, if there is no place in the CPR, with the permission of the “Giudice di pace”, at the request of the “Questore”<sup>13</sup>, waiting to be sent back.
33. **Reception:** as far as unaccompanied minors are concerned, their reception is granted by Law No 47/17: they have access to the SPRAR<sup>14</sup>. They may remain there even after they have reached the age of majority, but this access will not be granted to newcomers seeking asylum who need it and request it after they have just reached the age of 18 (article 12 d.l. 113/18).

---

*and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff as competent supervision.*

<sup>10</sup> “Centri di accoglienza per i richiedenti asilo” (reception centres for asylum seekers).

<sup>11</sup> “Centri di accoglienza straordinaria” (extraordinary reception centres).

<sup>12</sup> Albano Filomena, Authority for the Protection of Children and Adolescents, Protocol 0003370/2018, 22/11/2018.

<sup>13</sup> It is a public security authority, with local competence and in charge of a police station, an office of the department of public security with provincial competence, under the authority of the Ministry of the Interior.

<sup>14</sup>D.l. 113/18 renamed it SIPROIMI.

34. The situation is different for families of asylum seekers with children, as they will lose the possibility of having their need taken care of. They will be hosted in the extraordinary reception system, where families will have to remain until an answer is given to their request for international protection<sup>15</sup>. Moreover, it is necessary to avoid that children and young people end up in the reception centers with adults, as the CRC provides them with a dedicated reception.
35. The new reception system hosting families with children in the reception centers is coherent with art 31 d. lgs. 286/98 which gives the minors with a family the same status his or her parents are given. These newest changes realized by d. l. 113/2018 weakens the position of those minors, for without the humanitarian protection granted to their parents, they will not be able to access the SPRAR. Creating this difference in the treatment of minors based on them arriving alone or with their families can be considered as a breach of principles of the best interest of the child (Article 2 CRC) and equality (Article 3 Italian Constitution).
36. **Educational and integration cycle:** the high concentration of unaccompanied foreign minors is a problem for the reception facilities, especially in Sicily. The Authority for the Protection of Children and Adolescents pointed out this issue, being conscious that “*the solution to it goes hand in hand with the growth of a national context of widespread and supportive reception*”. There is an urgent need for the institutions to cooperate now, each for its own part, to implement structurally an equitable distribution. It is a question of guaranteeing the rights, living conditions, integration and the fight against social marginalization and deviance of vulnerable children.
37. The educational and integration cycle that involves minors and youths just came of age is made more difficult due to the uneven distribution of children and some administrative procedures.
38. According to Italian legislation, a special residence permit for unaccompanied minors (hereafter *minority permit*) is granted since they cannot be expelled.<sup>16</sup> As two Ministerial Circulars pointed out, this kind of permit must be granted even if the minor has no passport or an equivalent document in accordance to the principle of the best interest of the child.<sup>17</sup>
39. Once unaccompanied minors have reached the age of 18, the ones who had obtained a minority permit are entitled to request a residence permit for study, work or expected employment, if they meet certain requirements: the passport or an equivalent document<sup>18</sup>, the presence on the Italian soil from 3 years and the positive opinion from the Immigration “Direzione Generale” (hereafter DG) of the Ministry of Labour.

---

<sup>15</sup> <https://www.savethechildren.it/blog-notizie/cosa-cambia-per-i-minori-con-decreto-sicurezza>

<sup>16</sup> Law no 47/2017, art. 10, c. 1, lett. a).

<sup>17</sup> Italian Interior Minister’s memos of 24.3.2017 and 28.8.2017.

<sup>18</sup> Equivalent documents according to Italian law are: travel ticket for stateless people, travel document for refugees, travel ticket for foreigners, navigation booklet for seamen, air navigation document, UN pass, document issued by an NATO headquarter, UNMIK travel document, ID for EU citizens.



40. However, regarding the first condition, some children do not have the opportunity to have their birth certificates sent to them by their family members (for example orphans or children who have lost contact with family members, or even not registered at birth). Minors who are unable to provide their birth certificate, or who come from countries whose Consulate/Embassy does not issue a passport, will be unable to convert, at the age of majority, the residence permit for minors in a residence permit for study, work or “expected employment”, due to lack of passport.
41. Unless they apply for international protection, these children, even if they are attending school or have an employment contract, will find themselves in the situation of irregular foreign migrants who are liable to expulsion after the age of 18.
42. Therefore, it has to be underlined that 66% of unaccompanied minors are within the age of 16-17; it means that they will come of age before they can start any kind of educational and integrational cycle.<sup>19</sup> Thus, this practice can be considered a violation of the “best interest of the child” protected by the CRC.
43. As far as the releasing procedure of the positive opinion is concerned, it has been modified in 2018. While according to Law No. 47/17 the failure to issue this positive opinion did not legitimize the automatic refusal to issue this permit, Law No. 132/18, which converts Decree Law No. 113/18, deletes this provision. It also eliminates the procedure of silent consent (last two sentences of article 32 (1 bis)), which allowed the residence permit to be issued after 30 days of inactivity by the DG.
44. This process makes more difficult to obtain a residence permit for study or work and puts the migrants just came of age in a position of irregularity. When minors have requested international protection and the requests are denied just before they come of age, they risk the lack of any protection.
45. The changes after d.l 113/2018 can be considered as a step back to the situation Italy had before L. No. 47/17. Deleting the humanitarian protection as a mean of last resort for migrants, imply the destruction of the path leading to inclusion into society and job market.
46. The Decree has also contributed to creating a situation of uncertainty about the functioning of the Italian protection system. The declarations that followed its approval, together with the hard line taken by the Government on NGOs operating in the Mediterranean, have fueled a feeling of generalized distrust.
47. The UN Committee on the Rights of the Child, analyzing the latest reports presented by Italy, addressed the following recommendation to the State: "*The Committee is deeply concerned about the continuing defamatory campaigns against some civil society organizations engaged in search and rescue operations*

---

<sup>19</sup> ‘Eurostat: “Asylum Applicants Considered to Be Unaccompanied Minors”

<<https://ec.europa.eu/eurostat/web/population-demography-migration-projections/data/database>>  
accessed 23 February 2019.

*of migrants, including children, in the Mediterranean. The Committee urges the State Party to guarantee the rights and freedom of action of civil society and to ensure that rescuing migrants is not considered a crime”.*

48. During her inaugural speech, UN High Commissioner for Human Rights Michelle Bachelet also expressed her concerns on the matter: *"The Italian Government has denied the entry of NGO rescue ships. This kind of political attitude and other recent developments have devastating consequences for many already vulnerable people",* she added: *"even if the number of migrants crossing the Mediterranean has decreased, the mortality rate for those who make the crossing has been even higher in the first six months of the year than in the past".*
49. The risk, feared among the operators, is that this climate of distrust leads migrants to opt for alternative ways to the national protection system. The danger is even higher for minors, as vulnerable subjects, who could become easy prey for criminal organizations.
50. We make an explicit request and **RECOMMEND** to the Italian State that:
  - a. *Add, by the next two years, a “new special permit” specifically regarding unaccompanied minors just came of age whose situation cannot be linked to any other existing protection;*
  - b. *Reinforce, by the next four years, the reception system by increasing governmental reception centers, involving less minors in each facility and distributing equally throughout the national territory unaccompanied minors;*
  - c. *Improve, by the next three years, fruitful contact between social institutions working on the territory and minors who follow a path of education, work and integration;*
  - d. *Create, by the next two years, a legal framework for youths who reach majority including an educational and integration cycle that must be independent from them turning eighteen and last at least 3 years;*
  - e. *Delete, by the next four years, the legislation concerning the different reception treatment for minors, based on them arriving alone or with their families and ensure all children are taken care in specific facilities where their needs can be fully satisfied.*

### **C. PSYCHOLOGICAL AND TEMPORAL ABANDONMENT OF MINORS**

51. Considering the Convention on the Rights of the Child that clearly says that *“Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community”* and in its Article 5: *“States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child,*

*appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention”.*

52. In countries where economic development is more advanced and the rights of children are generally protected and promoted, there are situations of boys and girls who, although being taken care of and given assistance, sometimes excellent, from the point of view of health and education, are subject to conditions of psychological abandonment and little attention to the quality of experiences that are left to the choice of children without proper accompaniment and that therefore remain the result of chance, laziness in choices and the entertainment market.
53. The problem of psychological and temporal abandonment of children is due to both the relatively new job and career opportunities for both parents, to the economic crisis in developed countries, which has forced people to use a greater portion of time for work purposes, and finally to a critical condition of parental work due to stress, pathological situations of inadequacy, forms of dependency and a generalized difficulty in assuming the responsibilities that involves the family.
54. It is true that there is no specific offence for this type of behavior of the parents, there are in fact no extremes of much more serious cases such as abuse or mistreatment in the abandonment for long periods of time.
55. However, it is important to point out that they are extremely important for the health and well-being of a child:
  - have educational reference points in addition to parents
  - access to all possible sporting, cultural, musical and other creative activities that can make their time rich and stimulating
  - to be able to participate in groups of peers or of various ages that allow a social life (and not only social)
  - be able to manage leisure time with satisfaction and visible training results
56. So, also comparing various legislative sources calling for particular attention to be paid to the quality of life of children.
57. It observes that the parents and adults in general, even involuntarily, tend in some cases and delegate the use of free time of children to improvisation or to leave them without activities, without training purposes, perhaps allowing the only entertainment and source of interest is the screen of mobile phones.
58. We make an explicit request and **RECOMMEND** to the Italian State to:
  - a. *Promote and support active effective consideration for the psychological needs of children in both families and educational institutions;*
  - b. *Protect children from negligence, carelessness and inattention by promoting campaigns to raise awareness of the time spent with their children;*
  - c. *Help schools to devote time and public space to those children who do not have the opportunity to receive personalized attention after compulsory hours;*

- d. Promote organized or voluntary groups to offer stimulating ideas in the field of sport, art and culture during leisure time;*
- e. Provide financial and psychological support to parents who have difficulty managing their time with their children;*
- f. The State can expose itself more explicitly against the abuse of videos, images, multimedia stimulus that attract children but contain messages that are not appropriate for their growth.*

#### **D. RIGHT OF THE FAMILIES OF CHILDREN TO THE EDUCATIONAL CHOICE**

- 59. The situation of Italian minors is the more critical and delicate the less training and access to education is guaranteed, and the problem of freedom of choice in compulsory schooling is examined.
- 60. For almost 20 years, Italian legislation has provided for the recognition of a plurality of educational choices, based on Law 62/2000, which confirmed the presence of a state school and an equal school, both public. However, despite the legislative premises that tend to allow families the effective possibility of choice, this option is still severely hampered and discriminated against, because the state school is free of charge while the equal school does not receive subsidies in order to ensure that minors citizens (pupils) are treated equally, as specified by law and allow parents the opportunity to make use of their right, enshrined in various laws and regulations, national and international.
- 61. In particular, it is not yet possible for families to make use of this right if not against payment of a sum of money that establishes, in fact, a criterion that discriminates between people.
- 62. This problem has been dragging on since the entry into force of the new Republican Constitution (1948), despite the interpretations of the explicit text ("without burden for the state"), which is commonly and correctly interpreted only for the construction / erection of schools, not for the management or to bear the cost of attendance of students.
- 63. Recently, a number of ideological fences have been overcome, which have been used to consider the equal school a "luxury", therefore a sort of elitist choice, in order to reiterate that here the right of the family to choose and of the child to make use of this choice by his parents is at stake, as clearly confirmed by international law.
- 64. This freedom of choice, now achieved in many international contexts (only in Europe we can mention Spain, France, Germany, Belgium, Ireland, Great Britain, unequivocally excluded only Italy and Greece) is characterized by a strong connotation of solidarity and cooperation of several educational agencies, while an excessive state presence in the school sector, as is currently the case in Italy, is typical of monopoly and centralized regimes.

65. It is well known and often highlighted by frequent surveys on the quality of schools (OECD and PISA surveys) that an exclusively state approach that prevents real collaboration and the presence of educational realities seriously harms the quality of education and the well-being of society.
66. Moreover, we must not forget the advantage that a real chorus of educational actors allows a debate and a possibility of choice that are the cornerstones of any openly democratic society.
67. Therefore, after having analyzed the Italian situation
- in light of this still critical situation;
  - taking into account the frequent reminders and reminders by parents asking for obtain a real freedom of choice (in this case we mention associations of parents AGE and especially 'Agesc, who have been fighting for this freedom of choice for years);
  - evaluating with positive interest the political progress achieved in the discussion and creation of a ministerial table to assess and calculate the standard cost that the state deals with for each student (and therefore should quantify the resources each citizen is entitled to);
68. We make an explicit request and **RECOMMEND** to the Italian State to:
- a. Vigorously address the debate on standard cost and apply it accordingly to all citizens, especially children;*
  - b. Eliminate without further delay this situation of discrimination against families who, in an attempt to exercise a right enshrined in several authoritative sources, are still unable to exercise it freely because of the serious economic constraints which the State has not removed;*
  - c. Give all children the practical opportunity to attend state schools on an equal footing with state schools;*
  - d. Harmonize school legislation, which still considers equal public schools to be a minority and inferior body of education and which does not enjoy an economic and legal framework consistent with international standards;*
69. At the end of this document, it is hoped that the above points will be acknowledged and that Italy will be able to honour the commitments deriving from international and national legislation in order to achieve a more adequate and greater protection for the rights of the child, which are still seriously disregarded in this field.