

## COMMITTEE ON THE RIGHTS OF THE CHILD

42<sup>ND</sup> session (Geneva, 15 May to 2 June 2006)

### Reports of States

Italy (initial report on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography)

#### *Information submitted to the Committee*

Italy signed the *Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography* (OPSC) on 6 September 2000 and ratified it in March 2002. Italy submitted an initial report to the Committee in July 2004, detailing the measures it has taken to implement the provisions of the OPSC<sup>1</sup>.

The report focuses significantly on the legislative developments and public awareness campaigns initiated by the Italian Government since ratification. The Committee noted that the report was poorly presented, as it failed to clearly provide information on how the State has established its jurisdiction<sup>2</sup> to protect children from abuse or explain how the OPSC's definitions<sup>3</sup> of prostitution and pornography have been integrated into the national legislation.

There were no NGO reports submitted.

#### *Themes and Issues*

In the limited time available, the Committee questioned the delegation on Italy's policies regarding the victims of trafficking, the strategies employed to protect children from abuse on the Internet and the administrative systems established to finance and coordinate the national agenda to protect children.

#### **Victims of trafficking**

The State party report explained that Italy allows for the repatriation of children who have been trafficked into Italy. The Committee, however, expressed concern over the repatriation of children to countries such as Romania where they face the same risk of abduction and abuse after their return.

The delegation explained that Italian legislation ensures that all foreign minors have the right to be exempt from expulsion and are granted certain social rights. All foreign children who illegally reside in Italy are still guaranteed the right to attend school. Since a large percentage of Roma children are trafficked for the purpose of begging, the Centre for Combating Child Begging has implemented a program that involves removing these children from the streets and placing them in the custody of the State. The delegation, referring to a recent study that shows the likely progression of child begging to prostitution, claimed that this program allows for the gradual integration of these children into Italian society. If a child has participated in such an integration program for two years and has resided in Italy for at least three years, upon turning 18 years, that foreign child may apply for a permit to study or work.

#### **Cyber-protection**

Considering the ease with which child pornography and other forms of abuse can spread throughout the Internet, the Committee questioned the delegation on the means by which the State deals with the dangers associated with technological development. They were specifically interested in the Postal and Communication Police, as referred to in the State report.

The delegation explained that the Postal and Communication Police were created in 1998 and use specific software to monitor websites. Since their formation, the Postal and Communication Police have investigated almost 250,000 websites and have removed approximately 100,000 of these from their servers. In the first five

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<sup>1</sup> CRC/C/OPSA/ITA/1. See

[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b5edb901d6c49112c12570df0036439c/\\$FILE/G0542827.DOC](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b5edb901d6c49112c12570df0036439c/$FILE/G0542827.DOC).

<sup>2</sup> Article 4.

<sup>3</sup> Article 2 and 3

*Italy (OPSC)*

years of operation, the Postal and Communication Police had investigated 1,670 people, almost 6 percent of who were subsequently subjected to restrictive provisions. The delegation also answered the Committee's questions regarding virtual pornography. The State party report commented that virtual pornography has been banned in Italy and the Committee sought clarification on how the State has defined such a product. The delegation explained that virtual pornography is an image that appears to be similar to real life, such as a computer generation or an altered photograph. Italy has recently banned such images including cartoons that depict child abuse.

**Administrative systems**

The Committee was impressed with the amount of data that had been consolidated for the report. However, since Italy is in the process of decentralising its efforts to combat child exploitation, allowing the regions to have greater responsibility, the Committee was curious as to how the State intended to maintain a regular data collection system on a national level.

The delegation described the new monitoring body, established to collect all data in relation to the sexual exploitation of minors. The Observatory on the Phenomenon and on Prevention and Suppression Policies (the Observatory) was established in 2003 and collates data from the different Ministries and NGOs. The Observatory has created a database as part of a strategy to help prevent such crimes and prosecute the offenders.

*Conclusions and next steps*

The Committee raised their concerns with the administration and implementation of the OPSC. They encouraged the State to coordinate at central and local levels and strengthen the periodic evaluation of the OPSC's implementation. Noting that a national plan of action for children is currently being prepared, the Committee recommended that the State finalise, adopt and implement this national plan as soon as possible. The Committee also requested the delegation to provide further details on the budget allocation "for the comprehensive implementation of the Optional Protocol" for the next report.

While acknowledging that the State has criminalised the sale of children, child prostitution and child pornography, the Committee noted that the State's legislation still lacks a precise definition of child pornography<sup>4</sup>. The Committee was also "deeply concerned" at the rate of child trafficking from eastern European countries, citing Romania as the source of many of these children. They recommended that the practices, such as those of the Centre for Combating Child Begging, be implemented in other cities.

The Committee on the Elimination of Racial Discrimination examined Italy in 2001, and recommended the education of migrant Roma children and their integration into Italian society<sup>5</sup>. Similarly, the Committee on the Rights of the Child previously reviewed Italy in 2003 and also recommended that more attention be paid to the treatment of foreign children, especially from Romania, by law enforcement officers<sup>6</sup>. The development of programs and institutions, such as the Centre for Combating Child Begging, which have incorporated these recommendations, illustrates the State's willingness to cooperate with the Committee and comply with its conclusions.

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<sup>4</sup> As required by Article 2 of the OPSC

<sup>5</sup> A/56/18, paras.298-320. See

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/861d431780daa473c1256aa40029f36d?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/861d431780daa473c1256aa40029f36d?Opendocument).

<sup>6</sup> CRC/C/15/Add.198. See

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/5614256f690c78e6c1256d2b0046dd7a?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/5614256f690c78e6c1256d2b0046dd7a?Opendocument).