



Human Rights Council

Universal Periodic Review (UPR) of Italy 20th Session (October 2014)

Joint Stakeholders' Submission on:

Human Rights in Italy

Submitted by:

IIMA - Istituto Internazionale Maria Ausiliatrice

VIDES International - International Volunteerism Organization for Women, Education

Caritas Internationalis

OIEC - International Catholic Education Office

(NGOs in Consultative Status with ECOSOC)

and

Caritas Italiana

Geneva, February 2014

I. INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to Human Rights in Italy in the following areas: **education, economic and sexual exploitation and violence against children, birth registration, right to work, right to health, rights of women and right to land**. Each section conveys recommendations to the Italian Government.

2. The data and information obtained for this submission came from various sources and includes information from teachers, educators, and other civil society actors living and working in Italy. All information concerns the period between the previous UPR of Italy held in 2010 and February 2014.

3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 94 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.

4. **VIDES International** is an international NGO in special consultative status with the Economic and Social Council, which is present in 41 countries worldwide. It was founded in 1987 to promote volunteer service at the local and international levels for ensuring human rights of vulnerable groups, especially children and women.

5. **Caritas Internationalis** is a global confederation of 164 national Catholic Church-inspired organisations working in humanitarian emergencies, international development, social and health services.

6. **Caritas Italiana** is a pastoral organization of the Italiana Bishop's Conference. It connects 220 diocesan Caritas committed in their daily activities to support the most vulnerable people. Caritas Italiana is engaged in many areas including: peace, old and new forms of poverty, volunteering, civil service, immigration, mental health and homelessness.

7. **OIEC** is an international NGO with special consultative status with ECOSOC. Founded in 1952, the organization is present in 103 countries with a mission to promote Catholic education projects.

II. GENERAL REMARKS

8. This NGO coalition welcomes the constructive participation of Italy in the 1st cycle of the Universal Periodic Review (UPR). The present joint submission represents the follow-up to the UPR recommendations accepted by Italy in 2010, with a special focus on children-related issues such as birth registration, as well as the full implementation of their right to education. The right to work and rights of women in Italy also are addressed in the present report.

III. THE MOST VULNERABLE GROUPS

9. This NGO coalition perceives migrants – including undocumented children – children with disabilities, youth, and women as the most vulnerable groups in Italy, due to the discrimination and human rights abuses to which they are subjected.

10. In 2012, 13.267 **migrants** of whom 1.999 are **unaccompanied minors (UM)**¹, arrived in Italy by sea. With regard to their countries of origin, most came from Afghanistan, Somalia and Egypt.² Human rights-related difficulties experienced by migrant children will be addressed in the following sections of this report, especially with regard to the right to education.

11. With regard to trafficking of human beings, Italy is both a destination for trafficking victims and a transit point for onward trafficking of victims from Eastern Europe and Africa. Lack of a properly shared data system prevents to clearly quantify the phenomenon.³ According to the UN Special Rapporteur on Trafficking, Ms. Joy Ezeilo, the situation is quickly worsening, as proven by cases in which victims, mainly young girls and women, have been forced into the sex trade or other forms of forced labour.⁴

12. We recommend that the Government of Italy:

- a) Receive minors arriving in Italy in a respectable and welcoming manner that facilitates full enjoyment of their rights, in conformity with international human rights law.**
- b) Design and implement an effective and comprehensive educational strategy, involving teachers, educators and public officers in order to prevent all forms of discrimination and ensure that cultural diversity is valued and respected in Italy;**
- c) Ensure systematic, mandatory and on-going training on the rights of the child for all professionals working with and for children, in particular law enforcement officers, judges and penitentiary staff.**

IV. CITIZENSHIP

13. While welcoming the acceptance by Italy of Recommendation No. 40⁵ regarding the implementation of Law 91/1992 on Italian citizenship⁶, we express our concern for the situation of foreign children born in Italy.

14. The number of children born in Italy to foreign parents has continuously increased in recent years and reached 80.000 in 2012, which represents 15% of the total number of births in Italy.⁷

¹ “Unaccompanied minors” refers to persons under 18 years of age who are separated from both parents and are not with and being cared for by a guardian or other adult who by law or custom is responsible for them. (Source: Report CRC 2012-2013, VII, p.125).

² *Caritas*, “Sesto Rapporto di aggiornamento 2012-2013, Misure speciali per la tutela dei minori”, Cap.VII, p.125

³ *Punto e a capo sulla tratta*, Presentazione del 1° Rapporto di ricerca sulla tratta di persone e il grave sfruttamento, 2013, p.5 (Source Caritas Italiana *et al.*).

⁴ “Italy needs to rekindle its fight to end human trafficking, especially the unabated exploitation of the prostitution of foreign women and girls,” Ms. Ezeilo said at the end of her official visit to Italy, from 12 to 20 September 2013, during which she examined the situation of trafficked individuals and assessed the impact of anti-trafficking measures in the country. See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13762&LangID=E>

⁵ Recommendation no.40: “To implement existing Law 91/1992 on Italian citizenship in a manner that preserves the rights of all children born in Italy” (Chile). See Report of the UPR Working Group on Italy, p. 17, UN Doc. A/HRC/14/4 (18 March 2010).

⁶ Italian citizenship is mainly based on “*ius sanguinis*” (right of blood), according to which a child born to an Italian mother or father is Italian; at present the issue of citizenship is governed by Law No. 91 of 5th February 1992, as subsequently amended and complemented, and by related implementing regulations, as well as by the provisions of Law No. 94 of 15th July 2009. Italian citizenship is based on the following principles: Citizenship can be transmitted by descent “*iure sanguinis*”; Acquisition “*iure soli*” (by birth on the territory) in given cases; Dual citizenship is recognised; Explicit statement of will is necessary to acquire or lose citizenship.

⁷ *Caritas e Migrantes*, “Tra crisi e Diritti Umani”, XXIII Rapporto Immigrazione, 2013, Sintesi, p.14.

Since the recognition of Italian citizenship remains linked to *ius sanguinis*, there is an ongoing need to adjust Italian legislation in order to address the situation of increased numbers of children born to immigrant parents and now attending school in Italy.

15. We recommend the Government of Italy:

- a) Amend the present citizenship law in order to facilitate granting of citizenship to foreign minors born in Italy.**

V. RIGHT TO EDUCATION

Children with disabilities

16. **This NGO coalition welcomes Recommendation No. 43 aimed to “ensure specialized training for teachers and persons in the field of education of children with disabilities”⁸, which enjoyed the support of Italy during the 1st UPR cycle in 2009.** We commend attempts of the Italian government to facilitate the integration of students with disabilities. We note with appreciation that principles, tendencies, approaches and pedagogical practices implemented in Italy progressively have been adopted by school systems in other countries.⁹

17. However, we remain concerned that children with disabilities and their families continue to experience barriers to their inclusion in society and to the full enjoyment of their human rights. Children affected by physical or mental disability, affective disorders, personality and other developmental disorders are not provided with the adequate assistance in order to cope with the formal education system, while integration is still deterred by architectural and other physical barriers.

18. In the direct experience of our organisations, despite these serious difficulties preventing children with disabilities to fully exercise their rights, interventions in this regard are currently given low priority by the Government, especially in terms of education. Funds to address social issues have been cut, as well as extracurricular activities aiming to give the children the opportunity to develop their personalities through art, sport, cultural and manual activities. Additional cuts in expenditures were made regarding staffing with support-teachers, and this further exacerbated the difficulties.

Roma children

19. This NGO coalition expresses deep concern for the situation of migrant children in Italy, with a special focus on children belonging to Roma communities. We acknowledge the wide range of challenges faced by Roma children in accessing their fundamental rights, especially education, healthcare and housing.

20. Whenever Roma children are introduced into mainstream classes, evidence has shown that they attend school sporadically and have low school performance. If life in nomadic camps may not be conducive to regular school attendance, it is equally true that highly discriminatory practices are still pervading the educational environment. These factors, combined with poor educational background stemming from situations of marginalization and social disadvantages, strongly

⁸ See Report of the UPR Working Group on Italy, p. 17, UN Doc. A/HRC/14/4 (18 March 2010).

⁹ Caritas Italiana, Reporto – “Gli alunni con disabilità nella scuola italiana: bilancio e proposte”. Rome, 14 June 2011

discourage these children to adequately respond to formal education. As a result, their drop-out rate is significantly higher than their Italian peers.

Human Rights Education

21. While recognizing the achievements reached over the last few years, there is still much to do in order to fully include human rights education in the formal education system in Italy. Regrettably, supportive initiatives remain limited. Although some information campaigns on human rights have been undertaken, we observe with concern that the Human Rights Education is not yet part of school programs nor of teacher training.

22. We recommend that the Government of Italy:

- a) Prioritize allocation of resources for educational interventions for children with disabilities, including extracurricular and recreational activities and adequate provision of support-teacher staff, also in order to reduce school drop-out rate;**
- b) Increase measures to combat discrimination, in particular against children with disabilities and children with a migration background, through programmes and policies to reduce inequalities in access to education, health and development;**
- c) Continue efforts to promote awareness-raising campaigns on the importance of non-discriminatory practices especially related to children with disabilities and Roma children in order to foster an effectively inclusive and tolerant environment in schools and other spaces for children;**
- d) Fully implement recommendations No. 20 and 21¹⁰, supporting inclusive education for minority children, providing them with quality education and promoting principles of equality and non-discrimination through a constructive approach;**
- e) Systematically include Human Rights Education in school programs and in teacher training programs, to develop an understanding of everyone's common responsibility to make human rights a reality in each community.**

VI. EMPLOYMENT AND ACCESS TO LABOUR MARKET

23. We highlight the acceptance of Recommendation No. 27, regarding legislation prohibiting discrimination in employment.¹¹

¹⁰ Recommendation no.20: "To update the national action plan and initiate further concrete measures to stimulate tolerance and prevent discrimination and xenophobia, and especially taking into account the situation of the Roma and the Sinti" (Netherlands). Recommendation no. 21: "To take measures to eliminate discrimination against vulnerable groups of the population, taking into account the content of the Durban Declaration and Programme of Action of 2001 and the outcome document of the Durban Review Conference in 2009" (Belgium); "to continue its efforts to strengthen a culture of tolerance to eliminate all forms of discrimination against vulnerable groups" (India). See Report of the UPR Working Group on Italy, p. 15, UN Doc. A/HRC/14/4 (18 March 2010).

¹¹ Recommendation No. 27: "To take more effective measures to eliminate discrimination against noncitizens in relation to working conditions and work requirements, to adopt legislation prohibiting discrimination in employment, and to take further measures to reduce unemployment among immigrants" (Egypt). See Report of the UPR Working Group on Italy, p. 16, UN Doc. A/HRC/14/4 (18 March 2010).

24. The economic crisis, which has been worsening over the last few years, is having a serious impact on employment and access to the labour market in Italy. The unemployment rate was 12.2% in 2013.¹² Unemployment and temporary work are the main current issues in the country, and they are dangerously rising, affecting in particular young people and women, together with migrants who experience the greatest impact of these problems. Within the most vulnerable categories, the 30-40 year-old age group is more excluded or penalized especially in terms of access to the labour market, while 50-60 year-old age group at high risk of being fired or unable to receive retirement funds.

25. According to recent surveys, possibilities for young people to access the labour market continue to decrease: youth unemployment in Italy reached 41.6% in December 2013, as the Italian statistical agency ISTAT recently reported.¹³ A further critical element can be found in the number of young people, between 15 and 29 years old, classified as NEET (Not in Education Employment and Training). The percentage of this group is 26.0% (ISTAT 2013). Most of the “lucky” young people working today in Italy can only access short-term and fixed-term contracts, which do not ensure them with a sufficiently stable financial income that is needed to become independent from their families. Many of them are forced into informal economy to survive. A common feature of employment contracts in the informal economy is to class an individual as part-time while, in reality, she/he is expected to work full time. This allows employers to undermine minimum wage requirements, diminishes the income of vulnerable younger employees and significantly undermines their ability to put aside funds for pensions.

26. Moreover, we note with concern the precarious and abusive working conditions in places of employment. Since they are too frightened to loose their jobs and be without a chance to find new employment, workers are prone to accept longer work hours and/or conditions that cause negative long-term health problems.

27. In this serious scenario, women face even greater discrimination both in the access to the labour market and in their chances to keep their job in case of pregnancy. Regrettably, young mothers are still harassed and some young women are employed only if they sign a letter of resignation in advance in case they become pregnant.

28. This coalition of NGOs recommends that Italy:

a) Take measures to combat unemployment and underemployment especially with regard to young people and women.

b) Develop a comprehensive and human rights-based policy for employment-related measures, for intervention in the labour market, especially to safeguard the most vulnerable groups.

c) Strengthen their efforts to counteract the exploitation of migrants and to ensure fair work conditions to all workers, including undocumented migrants.

d) Strengthen the improvement and full implementation of Youth Guarantee Funds (Decreto Legge n.76/2013).

VII. RIGHTS OF WOMEN

Violence against women

¹² ISTAT, Rilevazione Forza Lavoro.

¹³ For further information, please see: <http://www.istat.it/it/archivio/111031>

29. We commend the acceptance of Recommendations No. 35 regarding initiatives to protect women from violence and other abuses.¹⁴

30. While welcoming the efforts made by the Italian Government to punish and prevent femicide, this NGO coalition expresses deep concerns about the phenomenon of violence against women, which remains a significant problem in Italy despite the Government's determination to confront it. Although awareness-raising campaigns have been organized over the last few years, further efforts are needed in order to change culture and popular attitudes.

31. A national survey conducted in 2006 estimated that 31.9 per cent of women between the ages of 16 and 70 face physical or sexual violence during their lifetime and that 14.3 per cent of them faced at least one episode of physical or sexual violence by their current or former partner.¹⁵

32. Gender-based violence continues to be perpetrated in the context of a patriarchal society, where these manifestations are culturally and socially embedded and they continue to be accepted, tolerated or justified. Domestic violence is not always perceived as a crime, affecting all categories of women at different social levels.

33. As the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, clearly stated in her report on Italy presented during the 20th session of the UN Human Rights Council, "*Gender stereotypes, which predetermine the roles of men and women in society, are deeply rooted and domestic violence in the private sphere remains largely invisible and underreported*".¹⁶ "*Under this scenario, femicide is a State crime tolerated by public institutions and officials – due to the inability to prevent, protect and guarantee the lives of women, who have consequently experienced multiple forms of discrimination and violence throughout their lifetime*".¹⁷

34. We recommend that the Government of Italy:

a) Take concrete measures to eradicate multiple forms of discrimination against women and eliminate the structural causes of inequalities.

b) Provide an appropriate and helpful response to the increasing violence against women, making efforts to prevent domestic violence.

c) Take adequate measures to punish the perpetrators of violence, guaranteeing effective assistance to the victims, through efficient support services.

VIII. SEXUAL EXPLOITATION AND TRAFFICKING IN HUMAN BEINGS

¹⁴ Recommendation No. 35. "To promote initiatives to protect women from violence, such as the national network on violence against women, and the national observatory against sexual and gender-based violence, and elaborate the national plan to combat all forms of violence, including domestic violence" (Israel). See Report of the UPR Working Group on Italy, p.17. UN Doc. A/HRC/14/4 (18 March 2010).

¹⁵ See http://www3.istat.it/salastampa/comunicati/non_calendario/20070221_00/testointegrale.pdf

¹⁶ See http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add2_en.pdf

¹⁷ See http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf

35. This NGO coalition welcomes, as a positive step, the acceptance by Italy of Recommendation No. 86¹⁸ concerning the necessity of contrasting sexual exploitation and human trafficking, promoting the issue among the public opinion and raising awareness on the topic.

36. While acknowledging the efforts made by the Government to address the issue of prostitution and trafficking in children and women, we express our deep concern, however, about the fact that over the last ten years, the number of identified trafficked or exploited victims in Italy progressively increased.¹⁹ This is linked to an invisible phenomenon, involving illegal migrants, especially prostitutes, mendicants and caretakers that represent the weakest categories among migrants in Italy today.

37. While forced prostitution remains the most known and visible trafficking typology, the current economic crisis and the prevalence of illegal or precarious labour markets brought human exploitation to higher rates.²⁰ The most common form of human trafficking is sexual exploitation followed by domestic work. Recent national surveys have indicated a change in the manner in which these criminal organizations practice, particularly in the way they recruit and in which the networks are organized.²¹ The victims are predominantly women, in particular between the ages 18-25 (almost 50%), while around 4,5% is made of minor girls. The main origin countries are Nigeria and Romania, whereas numbers from Brazil, Morocco, and China are constantly increasing and, while numbers from Albania had decreased, the situation is increasing once again.²²

38. Generally, the victims of human trafficking and exploitation are forced to endure inhuman living and working conditions: they have to work very long hours, receive payments definitely inferior to the agreed amount or stipulated by law; they often are paid irregularly or not even paid at all; they can be misled with regard to obtaining residence permits, often forced to pay money or are assigned heavy tasks, in harmful and dangerous environments. Moreover, they suffer retaliation, extortion and xenophobic behaviour, gender discrimination or sexual harassment.²³

39. We recommend that the Government of Italy:

a) Put efforts and commitment to take focused, efficient and coherent measures to combat all forms of human trafficking, through a human rights-based approach and a gender perspective, ensuring that adequate human and financial resources are allocated for it.

b) Ensure that upholding and protecting human rights of the victims become a top priority, effectively respond to reliable information on possible human rights violations with a view to protecting the human rights of actual or potential victims of trafficking and to fully cooperate with the Civil Society, taking full account of their contributions to the issue, and ensure that compensation is provided to victims of trafficking.

¹⁸ Recommendation No. 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). See the Report of the UPR Working Group on Italy, p. 21. UN Doc. A/HRC/14/4 (18 March 2010).

¹⁹ *Punto e a capo sulla tratta*, Presentazione del 1° Rapporto di ricerca sulla tratta di persone e il grave sfruttamento, 2013, p. 4. (Source Caritas Italiana *et al.*)

²⁰ *Ibidem.*

²¹ *Ibidem.*

²² Caritas e Migrantes, "Tra crisi e Diritti Umani", XXIII Rapporto Immigrazione, 2013, Sintesi, p. 21.

²³ *Ibidem*, p. 25.