

Violence Against Children in

ITALY

Extracts from the latest national NGO coalition's report to the UN Committee on the Rights of the Child

CRC Session 32, January 2003

Gruppo di Lavoro per la Convenzione sui diritti del fanciullo – English
www.crin.org/docs/resources/treaties/crc.32/Italy_ngowg_report.doc

[...]

The education system is also struggling to adapt to CRC principles. Schools do not yet play a central role in promoting respect for human rights or helping children overcome the sense of disorientation and dissatisfaction they often experience. Many children, especially those from different cultures or deprived backgrounds, experience schools as places where they are excluded and discriminated against. Indeed, schools can and do exacerbate rather than mitigate difference, and thereby contribute towards marginalisation and social maladjustment.

[...]

Many concerned groups¹ have raised the issue of recurring **violence** and vulgarity in the media, particularly in TV broadcasting. Violence includes physical and sexual, but also moral and psychological violence and offensive behaviour or actions. There is also an issue of the violence used in advertising items for children. A survey conducted by the Department of Educational Sciences of the University of Bologna² on a sample of primary school children sought their opinion on programmes, advertisements and promo/trailers broadcast during the so-called “protected” time band on the seven main television networks. Their critical responses related almost exclusively to images of explicit physical and psychological violence, including those shown during news or current events programmes. The children interviewed clearly expressed their irritation and rejection of scenes of war, furious quarrels, abuse and ridiculing of people. Similarly, they expressed their dislike of programmes where the intimacy of persons is totally invaded. Despite heated debates on how these issues should be regulated, the problem remains unresolved.

A large number of children in Italy have a TV set in their bedroom and **make their own decisions as to which programmes to watch**, during daytime and in the evening. Recent research has shown³ that not only is there a directly proportional relation between older age and an increase in the time spent in front of a TV screen, but also an increase in the number of very young children watching TV in the evening (including the age range from four to seven and half years). ISTAT data⁴ have revealed that children who watch TV in the age range between 6 and 14 number more than 96%, and over 25% of these watch TV for three or more hours a day. Moreover, the number of TV networks broadcasting children's programmes in the afternoon is low. Programmes for children have also been criticized for their insistence on involving their young viewers in interactive game shows.

[...]

¹Second deliberation of 24 November 2000 the National Council of Users.

²«A week of TV programmes broadcast during the protected time band judged by 9-10 year-old children». Research Report edited by Piero Bartolini, Bologna – October 2000.

³ 1997 Auditel data in «Report on the condition of children and adolescents in Italy. Not only exploited or abused». Children and adolescents of the year 2000.

⁴ ISTAT, Aspects of daily life, 1999.

The Italian legal system has not yet introduced the crime of torture and the ratification of the Convention against torture in 1984 does not resolve the problem. It is not sufficient to “cover” this crime under different headings such as those defined in Italian law as lesions, private violence or threats.

[...]

According to **data** provided by the Ministry of Foreign Affairs (MAE)⁵, international child abduction currently involves 207 children (there were 78 cases on 1 January 1999!) and, contrary to popular opinion, they mainly take place in the United States (26 cases) and European countries (Germany ranks among the top of the list, with 17 cases).

[no data pertaining to Italy included]

[...]

At present, a total of about 10,200 children are in foster care⁶ (0.1% of Italian minors), 6.4% of whom are foreign children. There is significant geographical disparity in practice: children are placed in foster care mostly in the north (16.4% only in Lombardy), while children are mainly placed in institutions in the south (in Sicily, 2,247 children have been placed in child-care institutions vs. 523 in foster care; in Calabria, numbers are respectively 1,387 vs. 137).

Foster care tends only to be used by administrators, judges or social workers who are confident that this is the right choice and will produce positive results. Fears and prejudices still persist towards foster care, partly due to concerns that the child might take roots in the new family and be doubly traumatised when the time comes to return to his or her original family. Similarly, many social services staff are critical of foster care placements because they are often used without a clearly defined plan or timetable for the child’s future. In practice, foster care tends to be offered only after the child has spent years in sheltered communities or child-care institutions or when the original family has completely abandoned the child.

The fact that most foster care placements are made by the **Juvenile Court** (72.9% of children are placed in foster care after judicial proceedings and only 26.1% of placements are implemented on a mutual consent basis), indicates that it is still perceived - and used - as a form of punishment rather than as a valuable resource for the child and his/her family. Furthermore, it is the task of the Juvenile Court, whenever the suspension of foster care is detrimental to the child, to extend the period beyond the maximum duration established of 24 months. According to some parties, however, since this provision will necessarily transform the foster care into a judicial measure, there is the risk of introducing causes for conflict even in cooperative circumstances.

[...]

ISTAT surveys concerning children living in child-care institutions were inexplicably suspended after 1992. However, a survey conducted by the National Centre for Research and Analysis on Childhood and Adolescence in 1998⁷ provides a **picture of the situation of children in institutional care**. It showed that 1,802 welfare institutions (including traditional child-care institutions and family-like sheltered communities) housed 14,945 children as of 30 June 1998 ((7,995 boys and 6,950 girls), of whom 11.9% were foreign children. However, the research did not provide differentiated data distinguishing between traditional institutions and the so-called *family-houses*, i.e. family-like sheltered communities, so that it was impossible to estimate the number of children living in the latter type of facility. The survey did not include disabled children hospitalized in health facilities, nor children living in educational boarding schools. Accordingly, some organisations estimate that, in total, about 20,000 children are living in institutions.

⁵*Bambini contesi* (Children in divorce wrangles), edited by the Ministry of Foreign Affairs, 2001.

⁶ Data as of 30 June 1999.

⁷*Quaderno* no. 9 of the National Centre for Research and Analysis on Childhood and Adolescence «*I bambini e gli adolescenti fuori dalla famiglia – Indagine sulle strutture residenziali educativo-assistenziali in Italia 1998*» (Children under age outside the family – A survey on educational-welfare residential facilities in Italy).

As far as their **period of stay** in such facilities is concerned, 1,730 children appear to have been living there for over 5 years, while length of stay varied from 3 to 5 years for 2,048 children, from 2 to 3 years for 2,051, and from 1 to 2 years for 3,166 individuals. In addition, 1,946 minors have previously spent periods in another institution or community.

With regard to **contact with their own family**, 4,785 children never visited their families, 1,016 went home once every 6 months and data does not exist for about 435 children. The reasons for children being in institutional care include difficulties in establishing good family relationships (32.2%), behavioural disorders (13%), abuse or neglect (17.6%) and sexual abuse (4%).

As to the **causes of their being taken into care**, the reasons range from economic problems (6,410 cases, corresponding to 43.6%), the lack of a home (3,472 children, equalling 23.6%) and work-related problems of one or both parents (2,853 cases, equivalent to 19.4%). The data indicates that there is a lack of action to address the need for children coming into care, although, for some parents, difficulties in finding work relate to acute forms of personal and social maladjustment.

The questionnaire used by the Florence Centre for a survey on children living in institutions did not include findings regarding the status of the **transmission of the six-monthly lists** of institutionalised children to the tutelary judges, as prescribed by Art. 9 of law 184/1983⁸. Similarly, no information was collected on the supervision of such child-care facilities by the Regional administrations, the local health units (ASL) and the local governments. The research showed that 80.5% of these facilities have proper authorisations, while 19.5% operate without any authorization or official recognition by the Region, a phenomenon that is partly due to the fact that many regions lack legislation regulating applications for permission to operate.

[...]

Building a culture committed to fighting child exploitation and abuse is an essential stage for the elimination of the phenomenon itself. The government has introduced new laws that facilitate this process, but there is still a long way to go. Child abuse is still too common, and the existing public rehabilitation and family support measures are still inadequate.

[...]

Based on **reported crimes**, the judicial authorities state that on average 3,418 sexual abuse⁹ crimes are committed on children annually in Italy. The number of reported cases of sexual abuse on children of less than 14 years of age from 1984 to 1999 has increased by 98%, with peaks in some regions (i.e. in Lombardy the increase in the number of reported cases was 318%). The highest risk regions seem to be Lombardy, Sicily and Campania.

A summary of **data** recently processed by a network of Italian centres¹⁰ showed that the typical victim of sexual abuse is a girl (74%) aged between 6 to 10 years (39%), of Italian nationality, and the crime is committed within her own original family (56%). The forms of abuse committed are often severe and they mainly take the form of repeated sexual harassment acts (32%) and sexual intercourse (29%), perpetrated primarily in the home environment. The abuser is mainly the father (47%) or another close family member (60%), although abuse by mothers is increasingly common. The crime is often reported by family members (24,8%), while reporting by schools is very low (7%).

[...]

Law 269/98 also provides for severe punishments for those who organize tourism **abroad with the specific purpose of exploiting juvenile prostitution**¹¹, as well as those who advertise such journeys and their clients. The legislation is based on the principle of extra-territoriality, whereby the

⁸«Public and private welfare institutes are required to report to the competent tutelary judge on a six-monthly basis by submitting a list of all the subjects under 18 years of age who live within their facilities, also indicating specifically for each one of them the place of residence of their parents, the type of relationship the children have with their families and their psychophysical conditions», Art. 9 Law 184/1983.

⁹CISMAI source on ISTAT data CENSIS – years 1985-1998

¹⁰ CISMAI (Italian Coordination of services against child abuse), a 1999 research.

¹¹ Art. 600 quinquies c.p.

perpetrator of a crime can be pursued even when the crime is committed abroad. No “double incrimination” is needed in Italy to enforce this principle. However, if sex tourism is to be effectively tackled, there will be a need for suitable investigation tools to help identify those who commit such crimes; the process should begin with the use of special police forces from the Ministry of Interior Affairs allocated to the countries where these crimes are committed.

Finally, a number of campaigns have been launched in the last few years to raise awareness of these issues; their aim is to fight against the phenomenon of sexual tourism involving subjects under 18 years of age. Such campaigns have mainly targeted tourists, the tourism industry and the mass media, and have been organized by non-profit organizations using European union funds¹².

[...]

The phenomenon of juvenile prostitution intersects with both the complex world of prostitution in general, but also with child trafficking.

In Italy, Nigerian girls started arriving at the end of the 1980s, followed in the early 1990s by large numbers of Albanian girls with extremely violent personal histories. More recently, girls began to arrive from Eastern European (from the former U.S.S.R., Moldavia, Romania, Poland, and Hungary). The different cultural backgrounds of the girls involved has necessitated different approaches and systems of communications for each individual ethnic group. However, the issue of prostitution should also be seen within the wider framework of **migration policies**; in this context, the introduction in Art. 18 of the consolidated Act (*Testo Unico*) 286/98¹³ of residence permits to provide social protection is a genuinely important break-through for the protection of girl victims.

The public perception of juvenile prostitution in Italy is informed by the presence of girls walking the streets of almost all towns. However, in addition, there is a significant problem of male child prostitution, and girls working in clubs, night clubs or private apartments, although people are generally unaware of its existence.

Compiling data on the prevalence of children engaged in prostitution on Italian streets is difficult, because it is a constantly changing phenomenon involving the whole country and high levels of mobility amongst those involved. What is evident is the higher incidence of certain **nationalities** in the streets, primarily Albanian girls, while Italian girls are seldom seen on the streets.

There is also **difficulty in establishing the real age** of immigrant girls seen in the streets. Children can easily look older than they are through elaborate use of make-up, clothes and movements. Often apparently very young girls claim to be over 18: conversely girls over 18 may claim to be under age in order to get help in leaving the streets. As a result, there are conflicting views both as to the **percentage** of girls under age in the streets and as to the **trend**. Different commentators have claimed that it is increasing, decreasing and stable¹⁴. However, young girls are increasingly popular with many clients, because they are deemed to be healthier. The only significant research undertaken estimates that the presence of foreign girls under age in the streets ranges between 16% and 30%¹⁵, while a more recent informal survey among practitioners in the field established a percentage of approximately 10%. A further survey is currently under way in the Emilia Romagna region by the Observatory on Juvenile Prostitution of Rimini.

¹² An example of such action is the spot-video «Toys» which was broadcast between 1999 and 2001 on Alitalia and Luftansa intercontinental flights, the Italian RAI and Mediaset TV channels and La 7, national cinema circuits, airports managed by SEA and Milan underground networks, as well as the web site www.child-hood.com against sexual tourism involving children, both initiatives undertaken by *Terre des Hommes*.

¹³ Art. 18 of the Consolidated Act of 1998 allows for the granting of a special residence permit for reasons of social protection, which is implemented whenever violent or severe exploitation situations are acknowledged to be to the detriment of a foreign person, involving serious dangers for his or her safety due to his or her attempts at abandoning criminal association environments that have exploited him or her or because the foreigner in question has disclosed important information to the Italian judicial authorities in the course of investigations. In these cases, a special residence permit is released to allow the person to escape from the violence and the exploitation by the criminal organization at the mercy of which he or she is being manipulated, and to be included in a support and social integration program.

¹⁴ Source Censis –STOP Programme, European Commission, 2000

¹⁵ Source Censis –STOP Programme, European Commission, 2000

[...]

It is not easy to identify the precise **number** of child workers because they operate in a hidden and unstable world. Attempts to estimate the phenomenon have produced widely contradictory results: according to the ILO, child workers whose age ranges between 10 and 14 years are thought to number about 12,000 (0.4%) in Italy, while according to CENSIS, the number of unlawfully employed minors is 230,000, and the survey conducted by CGIL estimated a presence of about 360,000 child workers between 10 and 14 years of age.

There are also a significant number of **foreign children** working unlawfully in Italy, who mainly come from Northern Africa, the Philippines, Albania and China. Estimates indicate that as many as 30,000 Chinese children are working in the area around Florence alone¹⁶. The practice of **begging**, which is also acknowledged as one of the worst forms of exploitative child labour, is widespread amongst gypsy and East European children at traffic lights. Unfortunately, the criminal code is rarely used to prohibit of the use of children for begging. Some commentators argue that¹⁷ that there is an adult network systematically organizing these children to make money for members of families during periods of unemployment, but opinions are divided on the issue. No detailed data are available on the numbers of child beggars and the borderline between begging and **huckstering** is poorly defined. The lifestyle of these children involves living in the streets from morning to evening, including in the winter, eating erratically and not attending school. The response of the relevant authorities to date has been weak, partly because it is not possible to prosecute the exploiter if no charges are being pressed by the child concerned. In addition, tackling street labour by trying to re-direct such children's activities has proved difficult for social workers, and the risk that the child may instead turn to criminal activities like drug dealing is high.

The law on "child labour" protects all children between 15 and 18 years of age from forms of exploitation, while labour is totally prohibited for children under 15 years of age, excluding only show business and sport. However, there is evidence that changes in the nature of child work are taking place, with growing participation in sectors such as show business or sports, home care for the elderly and the ill, street labour in big cities or manual work in northern Italy factories. These changes have made it even harder to access **consistent figures on child labour**.

[...]

There have been limited **inquiries** into unlawful child labour, using qualitative methodologies. These have found that material poverty is usually associated with and exceeded by **cultural poverty**. Working children tend to follow their parents' or social environment's behavioural models which prioritise work over school training. At the root of child labour there is a problem not so much of absolute poverty, but rather the rooted culture of work as a normal path for the child, even as an alternative to school. Growing consumer pressure seems to be a further factor driving children to enter the labour market early in their lives. There does not appear to be a link between child labour and school non-attendance because working activities cover a time band of the day that does not necessarily overlap with school hours. However, many young workers do experience school as an irrelevant and unhelpful institution. And the more significant the role of work for a child, the more likely s/he is to experience difficulties with the school system. This is manifested in low school performance levels, failure, non-attendance and reprimands. Even when they do not drop out of school, under age workers perceive school as a secondary activity compared to work. School is viewed simply as necessary obtaining the minimum compulsory school-leaving certificate (in Italy after 8 years of basic schooling).

[...]

Bullying, bulimia and anorexia amongst very young children, and increasingly frequent use of new drugs are all the symptoms of a growing pre-adolescence and adolescent malaise in Italy. The issue

¹⁶ International movement of the Global March against Child Labour, Annual Report, 2000.

¹⁷ A. Lostia and C. Tagliacozzo in «Il lavoro servile e le forme di sfruttamento para-schiavistico: il caso di Torino» (Servile work and quasi-slavish forms of exploitation: the case of Turin), in Lelio Basso International Foundation, «Il lavoro servile e le forme di sfruttamento paraschiavistico», a research published by the Commission for immigrant integration policies, Department of Social Affairs – Council of Ministers, working paper 19, 2000.

has only recently started to receive attention because public opinion been roused following high profile reporting in the press.

The spreading of school *bullying* has not traditionally been taken seriously, but recent research¹⁸ conducted in a number of Italian regions involving students of the elementary and post-elementary (up to 13 years of age) schools revealed its prevalence. The results highlighted the existence of aggressive behaviour among many young people throughout the Italy, although patterns of aggression varied in different areas. Bullying is a complex phenomenon arising from multiple causes. The most worrying finding is its widespread existence. The most serious experience of bullying is found amongst the **“highest-risk” social and cultural groups**, where it is often deeply rooted in cultural patterns and is tolerated as part of the cultural heritage. For example, in the town of Naples the percentage of subjects who have admitted that they have been either a “victim” or a “tough guy” is greater than the average, and the percentage of “tough” girls does not significantly differ from boys. As to the type of behaviour, over 30% of the victims say they have also been robbed at school. The most serious fear is that certain children may remain in their roles of victim or tough guy/girl and continue these patterns of violent behaviour throughout their lives. Those who most often victimize their schoolmates lack understanding of the implications of their actions and tend to belittle the consequences of their behaviour or seek to justify it.

[...]

Finally, disabled children are also often denied the opportunity to give informed consent to medical treatment and lack protection of their privacy. In addition, children without an adequate family environment, like all children living in dysfunctional family situations, are at risk of having to live in institutional care.

[...]

The number of children and adolescents from the gypsy community in the compulsory school age is around 30,000, 19,000 of whom should be attending primary school, while 11,000 should be attending the *scuola media*. However, although Roma and Sinti children are Italian citizens in all respects, only about 5,100 of them go to primary school and about 1,700¹⁹ go to middle schools. The data provided by the Ministry of Public Education confirm that the rate of **school truancy or non-attendance** is very high, 73.2% for elementary schools and 84.6% for middle schools. The decision to introduce gypsy children into mainstream classes (implemented during the school year 1965-66) has not resolved the problems, as has evidenced by their sporadic attendance rate and **low school performance**.

[...]

School is too often perceived by children as an “unfriendly” environment, especially for children in the most vulnerable social groups. Recent cross-referenced data, relating to the relationship between family background and school success, found that school attendance is directly linked with social class, defined by the education level and employment status of their parents. Young people from culturally and materially privileged families are more likely to succeed at school and achieve better qualifications. School has not succeeded in compensating for social and economic differences between families²⁰.

[...]

Italy is experiencing a continuing increase in the presence of foreign non-accompanied children, as shown in the data produced by the *Comitato Minori Stranieri* (Foreign Children Committee): 8,307 children had entered Italy as of 31 December 2000, 88% of whom were male and 87% age over 15 years.

¹⁸ Fonzi Ada (edited by), *Il bullismo in Italia*, Giunti, Firenze 1997. Fonzi A., Genta M.L., Menesini E., Bacchini D., Bonino S., Costabile A. (1999), Italy.

¹⁹ Data of the Ministry of Public Education, October 2000, in *Opera Nomadi*, Notes on surveys on the students coming from the Rom community.

²⁰ Giancarlo Gasperoni, «*L'esperienza scolastica: scelte, percorsi, giudizi* (School: choices, paths, opinions). In «Giovani verso il Duemila. Quarto Rapporto Iard sulla condizione giovanile in Italia» (Fourth IARD Report on the condition of the young in Italy) edited by Carlo Buzzi, Alessandro Cavalli and Antonio Cavalli, Il Mulino, 1997

However, unlike other European countries, Italy is not receiving **requests for asylum** from these foreign unaccompanied children, even when grounds for such a request exist. This lack of requests probably stems from inadequate knowledge on the part of authorities dealing with these cases, different interpretation of the regulations in force on immigration, asylum and child rights (there is no consistent law on asylum at present), as well as from the lack of training for personnel working in fields related to child protection and support. What often happens in practice is that no action is taken in respect of unaccompanied asylum-seeking adolescents, either by the Juvenile Court, which is supposed to make decisions on cases of child abandonment, or by the Tutelary Judge, who should appoint a tutor.

The issue in Italy is characterized by a strong prevalence of male adolescents coming from Morocco, Albania and Eastern Europe, driven by expectations of finding a job and better chances for their future. Their parents have usually consented to their travel, and may have paid for them to come, incurring debts in the hope that the child will be able to send money back home. These boys are usually well-informed about the procedures they will encounter on arrival. Many migrants enter Italy illegally, rendering their *status* particularly uncertain. The issue is regulated partly by laws governing immigration in general, partly by the regulations regarding children, partly through ministerial memorandums and internal guidelines of the Committee for Foreign Minors, and finally by the discretion of individual District Police Departments (*Questure*) and Courts involved. Unaccompanied foreign children who come to Italy must be reported to the **Committee for Foreign Minors**; this Committee will undertake an investigation of the child in his/her country of origin and decide whether to **repatriate** the child or not²¹. The present policy of the Committee tends to consider repatriation as the most appropriate solution to meet the child's interests. However, it is often applied without reference to the views of the child or his or her family, and without assessing the economic and social conditions, or whether opportunities exist for study, training, work and support in their country of origin.

[...]

In Italy, there are 17 Juvenile Penal Institutes throughout the regions, but only four of them²² include a female section. Some of these institutes have begun experimenting with new patterns of open treatment of children, as opposed to the more traditional closed institutional environment. The statistics on number of children in penal institutions exist only in respect of the *entries* and not the *exits*. Accordingly, children who have entered the institute more than once over the last year are counted for each exit and not as one individual. In 2000, over a total of 1,886 entered a penal institute, 779 were Italian and 1,107 foreign minors. The difference between the two sexes is striking. In respect of Italian children, girls accounted for only 3% of entries in 2000, while foreign girls, over the same year, accounted for 32%.

[...]

One direct consequence of truanting is the use of small children in **begging** - «*menghel*», which, in gypsy cultures, is not perceived as negative. Older children are progressively marginalized, so they often end up by adopting deviating behaviours.

Although there is no disaggregated data available, it is recognised that the percentage of nomad children living in **detention** facilities is higher than that of their Italian aged-matched group. This is not only due to their deviant behaviours, but also to the difficulty in obtaining alternative measures to prison linked to the families' life style.

[...]

²¹ *Testo Unico* (Consolidated Act) 286/98, art. 33, DPCM 535/99.

²² Milan, Turin, Rome and Nisida.