

NGO Group for the Convention on the Rights of the Child  
**Database of NGO Reports presented to the UN Committee on  
the Rights of the Child.**

---

**Document Title:**

**Report on the Convention of Children Rights Implementation status in  
Italy of the New York Convention**

**Region:**

Western Europe, Europe

**Country:**

**Italy**

**Issued by:**

Il Telefono Azzurro

**Date of publication of NGO Report:**

**Date of presentation to presessional working group:**

06/95

**CRC Session**

(at which related national state party report was submitted):

10th Session : Oct - Nov 95

**Language:**

English

---

**Document Text**

[Link to related state party report at UNHCHR](#)

**REPORT ON THE CONVENTION OF CHILDREN RIGHTS**

Implementation status in Italy of the New York Convention  
of November 20th 1989, ratified by Act No. 3.76 of May 27th, 1991.

Introduced by:

"S.O.S. Il Telefono Azzurro" Bologna, Via dell' Angelo Custode, 1/3.

**PREAMBLE**

On presenting the report, in conformity with Art. 45 of the New York Convention on children rights, it is first of all necessary to point out the function such a report must comply with and then to show the contents.

Art. 44 of the Convention explicitly states that such a report must show the procedures according to which each State intends "to give effect to such rights" of minors and must state as well "any progress accomplished for the enjoyment of such rights". It seems, therefore, of

vital importance that the report contains, to meet aforesaid aims, beside and in addition to legal provisions enforcing in each State the rights solemnly proclaimed in the Convention, information and consequent formulations on the effectiveness of protective measures acknowledged by law. That is therefore, the "Punctum dolens" of the report sent by the Italian State: excluding few and general references to the condition of minors as far as specific problems are concerned (school attendance, microcriminality, adoption, guardianship and health conditions), there is no evidence of data and relevant statements pointing out and analysing real conditions of minors. All this for the purpose of taking a series of measures enabling to face situations of major children hardship with full knowledge of facts.

In addition to this, notwithstanding the explicit commitment foreseen by paragraph 6 of Art. 44 of the Convention, above mentioned report has not been circulated at all in our country to the extent that, during the sitting of 2/7/95 of the Italian Chamber of Deputies a resolution was presented on the matter. Such a resolution requested the Ministry for Family Affairs in office to answer for the real deposit of aforesaid report at the U.N. Committee, considering the absolute lack of information about it.

The main target of the report presented here is, therefore, to point out the "status quo" and trends of the condition of minors, after processing a series of data. Only starting from this approach shall it be possible to give the report contents and a real information function.

From the juridical point of view solely, considering that Art. 41 of the Convention explicitly acknowledges provisions of national or international law to prevail on the ones of the Convention, provided the former are "more suitable for the implementation of children rights", please allow us to make a critical consideration of methodologic kind and relating to that part of the report mentioning the internal legislation enforcing the Convention.

Although Italian legislation is remarkably progressive in matters concerning minors, it is sufficient to note that Italy revised its criminal procedure already in 1989, on the other hand, the enforcement of such provisions has not become operative yet: they have not been applied yet considering the big problems for the creation of structures apt to safeguard their efficacy and efficiency.

The Italian report, anyway, does not present any data concerning the condition of minors in Italy. The support of data, on the contrary, seems particularly important as it can show a real dimension of such matters and they can also prove that, despite different Acts, hardship is still present and has an extremely worrying aspect.

In Italy there are remarkable disproportions from the geographic point of view and they are so strong that they create extremely painful situations in some districts. Such difficulties are present also in large metropolitan areas where the presence of an extremely different population provokes integration problems. We also know that immigration has caused further problems in our country as Italy was not able to supply services and structures apt to guarantee necessary opportunities for a dignified life. In such a difficult situation it is obvious that weak categories greatly suffer from this discomfort situations. Our attention should focus on the situation of infancy and on cases of emargination, deviation and violence involving millions of minors in our country.

### **Perinatal mortality**

A remarkable reduction of the number of deaths in the course of time can be found also in the case of perinatal mortality (babies dying during the first week of life), i.e. from 6,020 cases in 1980 to 2,850 in 1990, a reduction of 41%.

Perinatal mortality ratio (babies dying before birth or during their first week of life out of 1,000 born babies) decreased thus from 17.5 per thousand in 1980 to 10.4 per thousand in 1990. There are apparently strong differences according to the geographic area: from 8.4 per thousand in Northern Italy to 12.5 per thousand in the South, with a difference of 49% more cases. At regional level the difference seems to be by far higher: in 1990, in Calabria, 13.7 babies out of one thousand died in their first week of life, while in Friuli Venezia Giulia only 5.8 per thousand (the Aosta Valley has too few cases to permit a significant comparison).

## **Infants mortality**

Considering the cases examined up to now (death rate before and during birth), children mortality (babies dead in the first year of life) better describes social and health conditions in which children are born and live in their first year of life. In addition to typical biologic factors, as in the cases of babies dying before birth, economic or social factors play a role i.e.: way of life, nourishment, poverty or richness, etc.

This does not appear to be very different from the analyses carried out in the past. There were 9,269 Infants deaths in 1980 but only 4,487 in 1991. Also in the case of infants death rate, showing the ratio between the number of babies who died during their first year of life out of thousand born babies, there was a constant decrease from 1980 to 1993., the percentage was of 14.5 babies who died out of 1,000 who were born in 1980 and 8.0 out of one thousand in 1991: infants mortality (babies dying in the first year) decreased of 40.40% in 10 years. The rate decreases progressively from the regions in Northern Italy (6.6 per thousand) to the ones in Southern Italy (9.9 per thousand) . As a matter of fact, regional analyses show very high ratios in Basilicata in 1990, ranging at the top in Italy with 10.8 per 1,000, followed by Campania (10.4 per 1,000) and by Apulia and Sicily. We have already stated that infants mortality can be caused by many factors. This is the reason why we looked for some information to better explain the existing rates variability at regional level or according to geographic areas.

The education degree can be considered an indicator of socioeconomic conditions of a person. Available data show how infants mortality rates for the years 1907 and 1991 remarkably decrease the better educated the mother is, the rate doubles comparing mothers with a university degree and the ones with a primary school degree (from 13.8 per 1,000 to 7.1 per 1,000) . Differences according to the geographic area are even more evident. In the North there are 11.0 babies dying in their first year of life out of 1,000 born babies of mothers with a primary school degree and only 4.3 babies with mothers having a university degree.

An international comparison on recorded infants mortality rates appears to be as interesting as that. While infants mortality rates in Northern and Central Italy seem comparable with the ones of more developed countries, rates in the South can be reduced more and more.

## **Causes of death**

For years the problem of children and adolescents health has been underestimated; they were thought to be relatively protected from illnesses and generally less vulnerable than older individuals. But their behaviour and therefore their health are extremely sensitive to social conditions, which changed remarkably in our times. Changes in habits and way of life increased the risk of unplanned pregnancies, of sexually transmitted diseases and furthermore, a new illness, we have only recently fully become aware of, has begun to play a greater role: AIDS.

General diseases, diseases of the vascular system and of the digestive apparatus, infectious and parasitic diseases are the main causes of infants mortality. Two of these diseases deserve a particular attention; diseases having a perinatal origin, that affected 2,738 babies aging less than a year in 1991, and congenital malformations (1,088 cases in 1991) as they are not easy to predict and for which prevention does not seem to be very efficacious at present.

When the age of children and preadolescents changes, causes of death also change remarkably. General diseases affect mostly babies aging less than a year, while traumas and diseases of the vascular system are the features of other age classes.

The infants mortality ratio per region points out a different situation: regions with a higher rate

of perinatal diseases are in the South, with figures almost twice as high as the ones in the North.

## **Diseases**

The improvement of life conditions, a more widespread preventive culture and a stronger efficacy of measures taken in Italy in the last fifty years, greatly decreased the incidence of several infectious pathologies decimating the whole European population for years. Despite this positive trend, there has been a remarkable increase of iatrogenic Infectious pathologies, and even more of pathologies related to behaviour (AIDS, sexually transmitted diseases), that is to say to the development of our society. The problem has become so serious as to be deemed the main cause of death for young people.

### **Pediatric AIDS**

Collecting data on cases of Acquired Immunodeficiency Syndrome (AIDS) was begun in Italy at the Higher Health Institute in 1982. In 1984 an AIDS supervision System was set up with the aim of pointing out AIDS cases diagnosed in Italian medical centers.

This permitted to analyze the development of the HIV infection and to publish quarterly results.

The infection is endemic, this can be understood considering the number of cases notified to the AIDS Operational Center: 20,336 as to the 31st of December 1993, 1,504 cases more in comparison to previous report. In the last three months of 1993 there was an increase of 55.4% of notified cases, as compared with previous three months.

Starting from 1982, the first year in which AIDS was notified, up to 1993 there was a huge increase of notified cases. Nevertheless, the number of notified cases does not thoroughly represent AIDS in our Country; as a matter of fact there is a delay in notices so that the number of AIDS cases diagnosed up to now is higher than the number of AIDS cases notices reaching the AIDS Operational Center on the same date.

The problem of AIDS cases in children aging less than thirteen years is peculiar: as to the 31st of December 1993, the Epidemiology and Biostatistics Laboratory of the Higher Health Institute recorded 397 AIDS cases in Italy. 92.5% contracted the infection through their mother, while the others contracted it through blood-transfusions and immunoderivates. Considering the 367 cases of children aging less than 13 and having contracted AIDS through a vertical transmission (through their mother), 23.1 (53.1%) are the children of drug-addict mothers and 31.5% are the children of a mother having a riskful partner.

A comparison with data from other European countries places Italy on the top what concerns the ratio for children contracting AIDS through their mother (92.6%).

## **EDUCATION**

### **The development of the Italian school system**

Data relating to Italian pupils in the school year 1992-93 confirm the decreasing trend for nursery, elementary and junior high schools that started in the early 80's.

The evaluation of data concerning the last five years shows that the number of pupils in nursery schools tends to become stable, amounting to 1,569,000 units, as growing rates of pupils attending nursery schools are counterbalanced by a quantitative reduction of infants generations.

A still considerable number of children attend public schools particularly in some regions in the North (Lumbardy, Liguria, Emilia Romagna; the percentage of students attending a public school is about 46.9%).

It is also remarkable the widespread and growing presence of particular users categories, such as foreign or handicapped children, needing specific didactic, relief and educational requirements. In comparison with the school year 1983-84, the number of foreign children in nursery schools more than doubled, as a matter of fact; it is self-evident, then, that in the next years the presence of such children must be a specific reference of social service policies.

Aspects concerning nursery schools are reflected, with a different importance, also in following school section. It must first of all be ascribed to birth decrease, reducing pupils in the first classes up to more than 3.5%, if the latter have been "Cut down" in Primary schools. From the early 90s up to the present, more than 10,000 classes and about 2,000 school units have been cut down.

In comparison to last year, the number of pupils in public schools is decreasing (3,811 students less), amounting to 8.2%.

Fewer pupils in available schools, this seems to have improved the problem of children attending school. In shifts though, as the number of pupils having to tolerate such a discomfort halved in four years only; there are still strong unbalances at geographic level though, which are still a drawback for pupils in the South of Italy: in the school year 1991-92 the number of pupils attending primary schools in two or three shifts at national level was of 16.1 on 1,000 pupils and it reached 34.8% for pupils living in the South or on the Islands.

With reference to junior high school, the decrease in the school year 1992-93 amounts to 91,723 pupils less, as compared to previous year; the reduction of school units seems to be inferior.

Only 4.5% of pupils attend public schools and most of them are in the North Centre.

Demographic decrease seems to support the solution of school problems in junior high schools, classes are less crowded and many schools do not need to use two or three shifts. Such hardships still must be endured by pupils in the South though.

If compulsory school attendance has by now generally become a guaranteed right (except in some districts in which the rate of children never attending school or leaving school too early has become dramatically high), a reassuring datum on the efficacy of school measures seems to be the growing wish to continue attending school after getting the junior high school degree.

The rate of students reaching senior high school seems, as a matter of fact, to approach faster and faster 90%. Although senior high school has become more accessible, today's students attending senior high school, belonging to less numerous demographic generations as compared to previous generations, cause a notable decrease in absolute figures. As compared with the school year 88-89, students attending the first class of senior high schools have decreased up to more than 75,000 in the year 1992-93.

It is interesting to note that the presence of foreign students has not involved senior high school as remarkably as compulsory school; this could mean that the phenomenon is still in the developing phase and is going to develop in a short term or higher school levels are less accessible for immigrant families.

Altogether, students attending senior high school have enormously increased, more than ten per cent in the last five years.

As far as regional vocational training is concerned, it involves more than 300,000 young people. Compared to last year the number of students increased of about 40,000, more than half of them are in Northern Italy. Courses organized by the regions in the North represent more than 63.4% of the national total. offer; also these figures show strong inequalities as far as the

training offer in the Country is concerned.

### **The Italian school system: a system of inequalities**

In the last years school structures have been constantly and remarkably potentiated; it is nevertheless possible to find a still present system of inequalities, notably influencing the general product of school.

Starting from the position of schools with two or three shifts, it is possible to find important differences in the figures recorded in different districts of the territory.

As far as compulsory school is concerned, this occurrence is almost exclusively in the South. In 1991-92, if the number of pupils attending school in the second or third shift out of 1,000 pupils amounts in total to 16.1 in elementary schools and 5.7 in high schools, in the South and on the Islands such rate reaches 34.8 in the first instance and 11.9 in the second one; the regions most affected by this occurrence are Campania, Sicily and Sardinia.

Also in senior high schools the hardship of attending school in two or three shifts shows higher figures in the South: 12.6 young people out of 1,000 pupils at national level, in Central Northern Italy the problem affects about 3 young people out of 1,000 pupils and in the South of Italy about 27 young people, reaching a top level of 105.6 in Sardinia and 39.2 in Campania.

Structural inadequacies and the rates of pupils repeating a course or failing in examinations are not equally distributed in Italy; this clearly shows, therefore, the presence of a still present inequality between north and south and traces the outline of an uncomfortable picture of minors facing hardships for what concerns school institutions.

It is also interesting to analyze the trend of rates of pupils repeating a course in the first year. Particularly in junior high schools, despite a gradual decrease of the rate of students repeating a course, from 11.1 in the year 1989-90 to 9.0 in 1992-93, there still is a significant difference of figures in different geographic areas: comparing data of the year 1992-93, if in the North and Centre the rate was 7.5, it was 10.7 in the South.

An other important factor is represented by school failure rates in the final examinations for primary and high schools. There is a general decrease of failures for both school levels, and what concerns primary schools, there is also a substantial homogeneity among different regions. At high school level on the contrary, there are important differences between the North, Centre and the south of Italy (where the failure rate is of 2.9 in 1990-91, more than double as compared with other districts) and among different regions: the highest figures are in Campania with 3.8, in Sardinia (3.6) and in Sicily (3.5).

The problem of access and enjoyment of school offer by structurally disadvantaged categories appears to have less serious proportions but it is qualitatively not less worrying. Growing problems are faced, as a matter of fact, by handicapped students who were 104,721, 1.27% of total students in 1990-93. These students are mostly in compulsory school (90%, 48% of which in primary schools) this is an evidence of a low rate of students reaching high school and this can only partly be ascribed to the seriousness of their handicap.

### **THE SCHOLASTIC DISPERSION**

The scholastic dispersion is a very complex, difficult to analyze and investigate because it represents a situation which in various ways links itself to the problematic conditions lived by the children and teenagers, particularly to the discomfort, risk, emargination, deviation.

The positive correlation, recurring in the years, between the giving ups of the school and the running astray, is, in this sense, an element of reflection: from the Office of Minor justice in relation to the level of schooling up 1085 Italian subjects between 14 and 20 years old entered in minor penal institutes in 1991, it has come to knowledge that 16,04% have not finished the

elementary education, and 62,17% have not the secondary license.

As numerous researches have demonstrated, the scholastic dispersion sends back to a complex of factors in relation to family context, to the process of socialisation extraschooling and extrafamily, to the network of services and formative opportunities of the territory, to the relation with similar groups, to the personality of the same adolescent.

Of primary importance, is the rule played by the inadequate education of the school and the family, by the lack of the external formative agencies, by the lack of integration between school and social services over the territory, and insufficient relationship between school and family.

In any case, the scholastic situation is the centre of the problem, because an irregular or difficult scholastic career is symptom of a state of suffering that can announce or anticipate a future state of discomfort, and in this sense it can weigh not only in respect of the interruption of the studies and the giving up of the schooling but also in relation to any motive apt to stop the continuation of any formative activity by those who reach to attain the license of "Junior high".

The phenomenon of the schooling dispersion assumes, in this sense, the limits of the quality of the scholastic service and must induce to think at the rule and the finality of the school itself and the competent institutions to the right at study to be able to bring about efficacious means to recuperate and to prevent of the phenomenon.

Dates at disposition, with the limit of delay with which they are elaborated (about four years) are generally defined as "abandon". In reality they should more properly defined as interruption of frequency and refer to the dodgers in the ages of "compulsory" schooling (minors who neither register nor present themselves at school) as well as those who retire (scholars who having reached the age of 14 years old are exonerated from the compulsory schooling and leave school without attaining the "Junior high" license).

In the elementary schooling, the rate of giving ups, considered at national level, appears of little significance, in the consistency as well as in the variations (in the years from 1981 to 1986 it does not go above 0,3%).

In the secondary school, in the years from 1981-82 to 1987-88 there is a remarkable reduction in leaving school, but the fact that it is higher in the first class appears more consistent and full of significance. The majority of these children leave the school after having fulfilled the compulsory school years, but surely not in possession of sufficient scholarship. This fact presents a social problem of notable consistency as it is relevant the tie between marginal schooling and emargination.

The total number of students that have stopped going to school before attaining the secondary school license has passed from 123.470 in 1981-82 to 76.000 in 1986-87.

It must bear in mind that part of these students has next attained the license by going to courses for workers : in the year 1991-92 on 52.558 persons that have attended these courses, 15.288 are 16/17 years old. Looking at the-repartition by geographical areas, it is seen that there is a great participation of youth of the south (about 72.4%). This can be considered a great indication of the strong radical phenomenon of the schooling abandon in these regions.

To have a more precise picture of the phenomenon of the schooling dispersion in the elementary and secondary classes of the State, the Statistic Service of the Ministry of Public Education leads as from 1990-91 an investigation on the students not valued at the exams of end of the school year, because of not having the necessary elements, due to long absences; the causes can be divided into three categories : absences due to health motivations, interruption of attending during the course of the school year for reasons unknown to the school, registered at the beginning of the year and never attended, without asking for permission for transfer to another school.

Absolute values and percentages on the registered students have been repartitioned.

It comes out that on 2.809.412 students of the elementary classes, 4.896 have left school, of which 2.663 have interrupted attending during the year and 2.233 have never even started; the higher percentages refer to the south and the islands. For the Secondary School also, a high geographical differentiation is evident : Sicily, Calabria, Campania and Puglia are the regions with the highest percentage and they reach, together, 80% of the total of the students not valued.

As regards the rate of students that have been rejected (that is the percentage of students rejected and re-registered in the successive schoolyear, calculated on the total number of the students registered of the schoolyear where they have been registered) in the Elementary School, they show a progressive tendency to reduction at national level, a persistency of higher rates in the first class and the rooting of the phenomenon in the South.

In the Secondary School also, at national level, the higher rate of students repeating the class is at the first year, with gradual elevation up to 1989-90.

The sample investigation of the Ministry of Public Education, in relation to the totality of the students not admitted to the class (not valued at the exams of the end of the year, not admitted to the next class, not licensed) confirms that, for the Elementary school as well as for the Secondary, the higher value are found in the first classes, in the South and in the Islands. In the first elementary the percentage in Sicily is 2,92%, in Campania 2,56% and in Calabria 2,36%.

From the analysis of the compressive data of the last decade, it is evident a tendency to of the decrease of the phenomenon of the school dispersion, particularly of the abandon; however it remains significant the geographic unevenness which enhances a radical off the phenomenon in the South.

According to the Ministry of Public Education, even if the quantity of data show that the phenomenon manifests itself with great incidence in the Secondary school, it must be borne in mind that it is in the Elementary school that often begin, not always noted, the discomfort, the suffering, the detachment to the school and its demands.

The problem must therefore be analyzed and met in an optical of continuity.

The high rate of scholar failure (rejection and interruption of frequency) in the first year of the elementary and secondary schools puts the evidence the difficulty of insert of the scholastic system and of passing-from a type of schooling to another; this needs a particular care from the school, of the families and the social sanitary services.

## **MINOR CRIMINOLOGY**

It is a few years now that minor discomfort manifests itself in various forms with very serious consequences.

Deviating behaviours take form always more obviously in violence which see minors protagonists of criminal facts; attention must be given to this theme, besides the difficulty of understanding, this is motivated by the fact that apart from the knowledge of the most atrocious episodes, there exists a daily "submerged" widespread violence and minor criminality which it is imposing itself always more to the attention of the institutions and public opinion.

The alarm of minor criminality considered as a worldwide phenomenon in obvious in the Resolution n° 45/III approved by the Assembly of the United Nations in 1990 recognises its expansions and transformations. The italian situation presents itself as the effect of two

phenomenons : on one side the strong and radicated presence of organised criminality which especially in the South of the country tends to involve an always more growing number of minors in its criminal activity, and on the other side, the persistent inadequation of the structures and initiatives with which the strong migratory influx of these last passed years has been met.

There exists an enormous precocious deviation which invests serious social problems and puts always more in evidence the responsibility of the family, of the school, and, more generally, of the pedagogical models on which formative and informative programs for the youth are based. More over it is fairly certain that the appearance of delinquent behaviour in precocious ages, especially if strengthened by relayse, constitutes a serious indication of elevated probability that the "baby" authors can have an evolution towards a rigid reconstruction of the personality in delinquent sense and elevated danger.

The problem of minor criminality tied to the "mafia" Organisation has gone deep in the Relation on minor delinquency approved by the Antimafia Commission in March 1991, where such connection was underlined.

Official statistics describe only in part this reality and are, in any case, consequent to the verification of the police and the denunciation by privates which obviously do not include the whole phenomenon. The operators of the sector at institutional and social level have evidenced with great alarm the aggravation of minor criminal forms so spread, especially in the urban areas, a constant menace of civil living together; but they have not reported positive data regarding phenomenons tied to mafia nature in which systematically it could configurate the role and the activity of the minor.

Cases of organised bands among minors have been quoted and the police force and magistrates have also reported a sort of recruitment by criminal gangs of minors also 12-13 years old to assign them to "street crimes" such as smuggling, drug passing, thefts and plunders of various entities. In a situation of ample degradation and of accentuated violence there is no proof of a stable and organic relation between minor criminality and mafia organisations. Obviously, minor criminality is a product and a consequence of the adults and therefore it is different in relation to the various zones of the country.

More over, although having no elements that take to an organic tie with criminal power, a consistent risk of further degradation has come to light; therefore the tie with the adults takes form from the social conditions, familiars and economicals, very peculiar which still represent the principal cause of minor deviation. The presence of diffused and organised delinquency cracks the relationship between citizens and institutions and weighs heavily on the formative period of the youth.

It has been observed that minors less well-to-do for their life condition come in contact with a world that belongs to a criminal system, which offers protection, value, money.

These observations have found confirmation in the inspections effected in Napoli, Bari, Catania and Palermo. Not all the areas in the South are equal, their political and social histories being so different and the mesure of their financial embarrassment in their internal relationship to the local population.

However, there is a consistent risk of soldering between the activity of juvenile delinquency and mafia organisations, where there is a strumentalisation of some trial conditions which limit or exclude the penal charges to the minors. The social and administrative contest of particular geographic areas seems to be decisive for such distortions. There are some (? p.16) districts of the metropolitan areas where there lacks any form of social service; the urban development seems to have followed impostations against all needs of communication and solidarity between the resident populations. The only points of unity are the parishes and, in this context, life unfolds itself mostly in the street with a growing acquisition of transgressive behaviour. It has been proved that the tie between school evasion and minor deviation. (Non so se manca il resto della frase o se voleva dire : The tie between school evasion and minor deviation has been

proved).

Informations acquired underline such connection : over 70% of the detained minors are at the lowest level of education, with a percentage of about 20% that are almost illiterate.

## FOREIGN MINORS AND CRIMINALITY

Extreme tactfulness and complexity holds the problem of foreigners in Italy.

Apart from the number of non italian minors denounced, the statistics show a strong presence of foreign minors in the services, particularly north africans and nomads. Such presence has strongly augmented, reaching about 50% in some main cities like Roma, Milano, Firenze, Torino and Brescia, which seem to be the more interested by the problem at least under the profile of social control.

This high percentage does not indicate so much the excessive danger of foreign youth, but rather the level of social politics, the malfunctions for this population, and a selective orientation of the institutional control on this social sphere.

Also the social condition of foreign minors that have problems with our justice has deteriorated much more in respect to that of their italian contemporary : high percentage of illiterates (especially among nomads), lower scholarship, family situations more deteriorated or indefinite, higher percentage of unemployment.

Amongst the minor nomads, they are demonstrating besides a tendency to specialise in aggravated thefts, also the commitment of more serious crimes, such as receiving stolen goods, armed robbery, and for the first time distribution of drugs.

For the extracommunitarians instead, the deviance is mostly in the distribution of drugs and in the contravention to the compulsory permit. There exists moreover, a great number of girls of african origin inserted in the prostitution market, especially in some areas of Campania. But this phenomenon slips to the control of social services and appears only in the moment in which the minors incur in olice measures.

The continuous growth of foreigners in the penal circuit doesn't bring problems of integration inside the penal structures only, bringing different cultures and languages, but also difficulties of intervention, having to depend only on the scarce resources of the territory in applying alternative measures, and those of the various institutes of the minor penal process. In this sense, it must be said that the alternative judicial answer to prison appears to be inadequate for these minors, because it is not possible to count on family and social resources such to be able to guarantee a favorable result of the intervention. The family (? p.19) there where it exists can be in itself the place in which the minor is raised to be exploited for the accomplishment of the same crimes.

In the presence of a such precarious social-family situation, the custody measure for foreign minors is very often the only possible answer to the phenomenon, also because they themselves leave the community where they have been assigned. For the purpose of trying to safeguard the educative interest in some of the immigrant minors, the Ministry of Justice has pre-arranged a stipulation of a convention with the International Social Service destined to be operative in the regions where the presence of foreigners from north african countries is great (great? growing?). This convention makes possible the connection with the original environment of the identified minors subject in Italy to penal measures and tends to predispose favorable conditions for their return to their country of origin.

## THE STATISTICS OF THE PHENOMENON

The denunciations regarding minors underline the trend on the number of crimes committed and

also the main crimes committed.

From 1990 to 1992 (?p.21) clear the increased number of crimes against the person which pass from 6.089 in 1990 to 7.390 in 1991 to reach 7.818 in 1992. In particular, the greatest number of crimes that enter in this category are voluntary homicide consumed or attempted (from an entity of 100 in 1990 to 170 in 1992) personal injuries (2.106 in 1990, 2.355 in 1991, 2.599 in 1992). This statistic shows an extremely higher number refers to crime against property and more specifically theft, the number of denunciations against minors reaches 29.281 in 1992. Another significant data is the denunciation of violation of the law 685/15 on drugs. This phenomenon continues to increase, with an always bigger number of users referring to an always lower age group. From data in possession of the Central Office for Minor justice, in 1992 minors denounced for this crime where a total of 3.026 against 2.733 of the previous year.

The percentage of subjects that have entered the Minor Penal Institutes (I. P. M.) drug addicts was in 1991 24,68% on the total of minors that have entered the Institute. Also in the Centers of First Reception (C. P. A.) it shows a very elevated percentage of drug addict minors : in 1992 it shows a very worrisome percentage with 93,1%.

Another data is that in relation that the number of 14 years old minors denounced to the police passing from 2.728 in 1986 to 9.213 in 1992.

As regards to foreign minors, these show a growth in the entrance of I.P.M. (with a percentage that passes from 17,6% of boys n 1988 to 24,2% in 1991, and a percentage that varies from 8,6% to 14,7% for girls) as well as in the C.P.A. where it shows an absolute total of 1.869 foreigners in 1991 against 1.129 in 1990.

Especially in the big cities of the north, it seems that the criminal phenomenon involves more foreign minors than italian, probably because of a more demographic concentration of foreigners in these cities.

Informations about minor criminality reflect also the new legislative approach in the matter of minors, which tends substantially to a conception of a minimum penal intervention. This choice consists in the use of adequate filters, determining principally a social reply, but keeping in any case penal goal, promoting interventions, keeping in mind the personality of the minor. This type of intervention does not realise itself completely in the judicious system, but must in any case guarantee the relation between the minor and the system concludes itself and carries on in the external social services.

The actual orientation tends therefore to give back to the social Organisation the problem of deviation, as this same Organisation has a very environmental context, the connecting spaces needed by the minor to be able to define his own way.

Notwithstanding these new directions, it cannot be said that there has been a great change, or however, it is certain that the new normative has found a diversified and discontinued application in our country, especially in southern Italy where there are wants and/or normative scoordinations, fonctionnal and operative which refers to the system of social services, which are the determining factors for a serious political innovation for the youth.

The data at disposition however reveal that an adequate application in a general sense could give real efficacious results. It has been noticed that there is a strong decrease in the number of minors that have entered the I.P.M. between 1988 and 1991 (from the 7.343 units in 88 to 1.775 in 91) and a consequent increase of minors passed through C.P.A. (4-039 in 1991, a number more than doubled.in respect of 1990, 1.786 units).

## AFFIDATION AND ADOPTIONS

Abandoned minors

Ten years after its approvation, law 184 has given a not so negligible result : more than 27000 abandoned children have been adopted, amongst which 15000 foreigners. Moreover the family affidation has found an increasing application, which in 1992 has regarded 1635 children , whose families of origin where undergoing a very difficult period.

But a lot more must be done, seeing that in the latest ISTAT data (1991) minors in institute, condition not in agreement with their right to live and be educated in the family group. Moreover another great want is the lack of available complete data on situations of abandon or semi-abandon of minors and the lack of a bureau of statistics relating to minors in institutes. Minors that find themselves in a state of moral and material abandon on the territory of the state are declared fit for adoption by the local Juvenile Court. Observing the relative data to the adoption declarations, it appears evident that in the latest years a compressive strong reduction of the phenomenon of abandon is registered. A reduction that shows decrease of the 1600 - 1700 declarations of state of adoption registered in the three years 1984-86 to a quota of 893 in 1990. But against this general tendency, there is the opposite data relating to the last two years (1991-92) where the number of abandoned children begins to rise again. Particularly, analyzing data of 1992 against a national increment of 16,9%, it is observed a greater concentration in the center and south of the country.

#### National and international adoption

Observing the comparison between the declarations for adoption and the national demands of adoption, it emerges the fact that in the ten years of realization of the law there has been a constant increment of couples disposed to adoption against the number of abandoned minors, so from the 4,5 requests for minor adoption of the first years of the passing of the law, we have passed to 6,6 demands in 1992.

If the demands of national adoption remain rather constant quantity, those for international adoption register a progressive and constant increment with an annual growth of 33,1%. More evident is the absolute data : in fact, it is registered the passage from the 2601 demands of international adoptions presented in 1984, to the 9510 of 1992 (with a ceiling of 12256 demands reached in 1991).

It becomes evident that there is a general tendency of the couples to request international adoption and an increase of preadoption affidation of foreign minors. As regards the countries of origin, the most relevant data is the one concerning european minors; in fact, if until 1989 the presence of these minors was marginal (about 4%) in 1991 the percentage of the decree of adoption of european minors reaches the 40% of the compressive adoption of foreign minors, an increase consequent the strong entry of rumenian children. Constant is instead the presence of minors from central and south America and minors original from other continents.

The decree of adoption constitutes the final act of the procedure, after the verification of the good result of the experimental phase constituted by the preadoption affidation, it ratifies the definite fitting of the minor in the family. In quantitative terms the decrees of adoption legitimated have been, in the period 1984-92, 12560 with annual rate which has passed from 1615 adoptions in 1984 to 1444 in 1992.

Adoptions in "particular cases" refer to orphans adopted by relatives within the sixth grade, to sons or daughters belonging to one of the spouse adopted by the other and in those situations in which it is not possible to proceed to the legitimised adoption without damage to the minor. These cases cannot be held residual seeing the recourse to this procedure is now quite frequent : for example in 1990, 519 cases of particular adoption has been registered against the 960 cases of legitimised adoptions.

#### FINAL CONSIDERATIONS

From the exams of the problematics which more directly regard the world of infancy in Italy, it is obvious to all that to a surely very advanced legislation, unfortunately, a knowledge of the

effectiveness and incidence of the instruments which concretely bring about the rights of the minor do not corresponds.

The most evident lack in the Report, presented by the Italian Government seems to be just the absolute real data of reference and confrontation.

To efficiently actuate the principles of the Convention it is retained that it is not sufficient to present, although in the general silence, a decree of law that ... (p31, i puntini sono suoi) nothing but instead confuses the rights of minors already clinched and inserted in the italian regulation.

From the analysis of the above mentioned data, it appears, on the contrary, clearly the cause connections existing between the actual condition of the needs of the minors and therefore of their rights, the lacks of the family, on one side, and the multiple lacking situations on the other, that is the lack or inadequate politic of the territory, of the housing, of the school, of justice and the services in general.

It becomes clear moreover the enormous disproportion between the minors of italian nationality in situations of discomfort and minors of foreign nationality, as well as between the northern and the southern part of the country.

The necessary normative interventions for a concrete protection of the rights of children and teenagers appear various and articulated.

In the first place, it has become unextendible the approvation of "a low for the rearrangement of the Social Sanitary Services", with a particular reference to minors : Italy, in fact, for over 20 years has been waiting for a reformation of the system, not only sectorially but globally, that can take the burden of the interconcessions between the various sectors of infancy to be able to start a protective intervention and a promotion all over.

Secondly, the above normative will have to provide the institution of an "Observatory on the condition of infancy and adolescence" which, considering the lack of a real knowledge of the situation of the minors in the country, will become a primary reference for a serious policy of prevention of the discomfort. Statistic data are, in fact, fragmentary, and a map of the resources as well as a verification of their real efficaciousness is missing. A united centre for gathering all the researches on the minor world could, moreover, consent, also in the legislative environment, aimed strategies of intervention indicating the picture of application of the rules already existing and the eventual lacks for the realisations of the rights of the minors in Italy.

In third place, lastly, that it cannot be further postponed the approvation of an organic law which not only repeats, very confusingly, the existing principles (thanks to law No 176/91 that ratifies the ONU Convention) but that modifies, for example, the type of the civil interventions for the support of minors, possible today only through limitative measures of the paternal authority or, more incisively, to operate on the arcaic penal system for their protection. This is then the enormous importance that covers a data gathering center, which also in relation to the internal problematic legislation can with the (monitoraggio, monitor?) on all the referring data more easily individuate the sectors in need of legislative intervention, and in the meantime indicate normative solution wished for. Exigency, this, to extend to all the countries that have subscribed to the Convention, because only in this way it will be possible to basically discuss on the real condition of minors in the world.

## [Home](#)

---

The NGO Reports Database on Children's Rights includes all existing and public reports submitted to the Committee on the Convention of the Rights of the Child by NGOs and NGO Coalitions. The copyright of the reports are retained by the authors and use thereof must be duly acknowledged.

The database is the property of the Liaison Unit of the NGO Group for the Convention on the Rights of the Child and

is managed by that unit. For further information or other enquiries please contact the Liaison Unit at [dc-ngo.group@pingnet.ch](mailto:dc-ngo.group@pingnet.ch).

---