

UNEDITED VERSION

CRC/C/OPAC/ITA/1

2 June 2006

COMMITTEE ON THE RIGHTS OF THE CHILD
Forty-second session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF
CHILDREN IN ARMED CONFLICT**

Annotated concluding observations: Italy

1. The Committee considered the initial report of Italy (CRC/C/OPAC/ITA/1) at its 1125th meeting (CRC/C/SR.1125), held on 16 May 2006, and adopted at the 1157th meeting, held on 2 June 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's comprehensive report, which gives detailed information on the implementation of the Optional Protocol. The Committee appreciates the frank and constructive dialogue held with the delegation.
3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 18 March 2003, contained in CRC/C/15/Add.198.

B. Positive aspects

4. The Committee notes with appreciation that the State party's legislation concerning compulsory recruitment into the armed forces has been amended in 2001 to reflect the provisions of the Optional Protocol.
5. The Committee welcomes the State party's international and bilateral technical cooperation activities and financial assistance aimed at preventing the

involvement of children in armed conflict and assisting recovery of child victims of armed conflict and of child combatants.

6. The Committee also notes with appreciation that the State party contributes to the implementation of the Guidelines on children and armed conflict adopted by the European Union's General Affairs and External Relations Council in December 2003.

C. Principle areas of concern and recommendations

C.1. General measures of implementation

Coordination and evaluation of the implementation of the Protocol

7. **With reference to paragraph 11 of the Concluding Observations adopted in 2003 on the second periodic report of the State party under the Convention (CRC/C/15/Add.198), the Committee recommends the State party to ensure appropriate and effective coordination and regular evaluation of the implementation of the Optional Protocol.**

National plan of action

8. The Committee notes that the State party is in the process of finalizing and adopting a national plan of action for children as requested by the outcome document "A World Fit for Children" adopted by the General Assembly at its special session on children held in May 2002.
9. **The Committee recommends that the State party strengthen its efforts to develop, adopt and implement, in consultation and cooperation with relevant partners, including civil society, a national plan of action for children and provide a specific budget allocation and adequate follow-up mechanisms for its full implementation. It recommends that the State party pay attention to the issue of protection of children affected by armed conflict in the national plan of action.**

Legislation

10. The Committee welcomes the adoption of Law N.2 of 8 January 2001 prohibiting the participation of persons below the age of 18 years in hostilities, as well as the interpretation provided in the State Party's report on the meaning of "direct participation" of the latter in armed conflict. The Committee is however concerned at the lack of an explicit definition in the State party's legislation of the concept of "direct participation" and of the activities it entails.

- 11. The Committee recommends that the State party include in its legislation a definition of the concept of “direct participation” of persons below the age of 18 years in armed conflict, and of the activities it entails, which should be in line with the broad interpretation provided in the State Party’s report.**
- 12. In order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities, the Committee recommends that the State Party:**
 - a) explicitly prohibit by law the recruitment of children under the age of fifteen years into armed forces/groups and their direct participation in hostilities;**
 - b) explicitly prohibit by law the violation of the provisions of the Optional Protocol regarding the recruitment and involving of children in hostilities;**
 - c) establish extra territorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State Party; and**
 - d) stipulate explicitly that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol regardless of any military order to that effect.**

C.2. Recruitment of children

Voluntary recruitment

- 13. The Committee notes that the Declaration made by the State party upon ratification of the Optional Protocol sets the minimum age for voluntary recruitment at 17 years.**
- 14. The Committee recommends that the State Party consider the possibility of increasing the minimum age for voluntary recruitment to 18 years.**

Role of military schools

- 15. The Committee notes the existence of three military schools in Milan, Naples and Venice combining secondary education with military training for students between 15 and 17 years. The Committee is concerned that when students reach the age of 16 years, they must apply for a “voluntary recruitment of three years” to be allowed to complete their studies, failing which they will be dismissed from military school.**
- 16. The Committee invites the State party to provide, in its next report, further information on**

- a) the status of children attending military schools, particularly as to whether they are considered only as civilian students of a military school or already as military recruits;
- b) the measures it has taken to ensure that voluntary recruitment into national armed forces under the age of 18 is “genuinely voluntary”, in accordance with the principle enshrined in article 3.3 of the Optional Protocol;
- c) disaggregated data on persons below the age of 18 enrolled in military schools, including by age, region, rural/urban areas and social background; and
- d) on the compliance of the curricula in military schools with articles 28 and 29 of the Convention, as well as with its General Comment No. 1 on the aims of education.

C.3. International assistance and cooperation

Protection of victims

- 17. While taking note with appreciation of Law N. 185/90 introducing New Regulations on the Control of Trade of Weapons, the Committee is concerned at the lack of a provision prohibiting the sale of small arms and light weapons to countries where persons who have not attained the age of 18 take a direct part in hostilities.
- 18. The Committee recommends that the State party review its domestic legislation with a view to prohibiting trade of small arms and light weapons with countries where persons who have not attained the age of 18 take a direct part in hostilities either as members of the armed forces or armed groups that are distinct from the armed forces of the State. In this respect, the Committee recommends that the State party indicate, in its next report, the number of sales that were halted as a result of the operation of Law 185/90. The Committee further recommends that the State party include in its Criminal Code provisions criminalizing the trade of small arms and light weapons with countries where persons below the age of 18 take part in hostilities.

C. 4. Measures adopted with regard to disarmament, demobilization and social reintegration

Measures of recovery and social reintegration

- 19. The Committee regrets the lack of information on specific integration programmes or activities for former child soldiers and the lack of systematic data

collection on asylum seekers under the age of 18 who were affected by armed conflict.

20. The Committee recommends that the State party pay attention to the vulnerability of asylum-seeking, refugee and migrant children in Italy who may have been affected by armed conflict by strengthening its efforts to:

- (a) Identify these children at the earliest possible stage;**
- (b) Provide them with culturally sensitive multidisciplinary assistance for their physical and psychological recovery and their social reintegration;**
- (c) Systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been involved in hostilities in their home-country; and**
- (d) Regularly train authorities working for and with asylum-seeking and migrant children who may have been involved in hostilities in their home country.**

21. The Committee also recommends that the State party take note of the Committee's General Comment No. 6 (CRC/GC/2005/6) on treatment of unaccompanied and separated children outside their country of origin, and invites the State party to provide information in its next periodic report on social reintegration programmes.

C.5. Follow-up and dissemination

22. The Committee recommends that the State party make the Optional Protocol widely known to the public at large and in particular to children and their parents through, *inter alia*, school curricula and human rights education.

23. Additionally, in light of article 2, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report submitted by the State Party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

C.6. Next report

24. In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 4 October 2008.

