

# Direct Request (CEACR) - adopted 2010, published 100th ILC session (2011)

## *Worst Forms of Child Labour Convention, 1999 (No. 182) - Italy (Ratification: 2000)*

*Use, Clause (c). Worst forms of child labour. Article 3 of the Convention. procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs.* The Committee had previously noted that sections 73 and 80 of Presidential Decree No. 309 of 1990, as modified by Legislative Decree No. 272 of 2005, penalized a range of activities associated with the illegal drug trade and imposed aggravated sentences for delivery of drugs or psychotropic substances to minors or the offering of drugs in the vicinity of schools or juvenile institutions. Noting that these provisions did not expressly prohibit the use, procuring or offering of a child for illicit activities, the Committee had requested the Government to indicate the relevant provisions in the national legislation which prohibit and impose penalties for the offences related to the use, procuring or offering of children under 18 years for illegal activities.

The Committee notes the Government's statement that in cases where children are employed in dealing with drugs, delivering or handing drugs to them might include the use of children for subsequent trafficking of such substances, and therefore constitutes a crime pursuant to section 80(1)(a) of Presidential Decree No. 309, as amended. The Committee also notes the Government's indication that the Criminal Code, under sections 61, 111, 112, 416 and 416(a) provides for penalties for the offences related to the criminal conduct of involving children in the production and trafficking of drugs. The Committee observes that according to section 112 of the Criminal Code, using or procuring a child under the age of 18 years for committing a crime constitutes an aggravated offence. ***The Committee requests the Government to provide information on the effect given in practice to section 112 of the Criminal Code, including statistics on the number of persons prosecuted under this provision for having procured or caused a person under 18 years of age to commit a criminal act, in particular the production and trafficking of drugs.***

*Programmes of action. Article 6.* In its previous comments, the Committee had noted the various educational measures taken by the Government and had requested it to continue providing information on further measures taken in this regard and on their impact on the elimination of the worst forms of child labour. The Committee notes the Government's information that the Ministry of Education, Universities and Research, considering the importance of career guidance in preventing school drop-outs, adopted a National Careers Guidance Plan. The Committee also notes the Government's information on the following measures taken by the Ministry of Education for the intercultural integration of the school population:

- national plan for the teaching of Italian to foreign students who are recent migrants;
- memorandum of understanding with the Nomad Assistance Association and national seminar aimed at assisting the reception and integration of children of school age belonging to Roma and Sinti populations;
- high-risk and high immigration areas – national collective employment contract (NCEC), school sector 2006–09, wherein schools were provided funds to take appropriate measures for the

significant risk indicators such as school dropout rates, high immigration and family poverty indicators,

– schooling in hospitals and home education with the objective to bring together and guarantee the two constitutional rights: health and education. This service was introduced in all major hospitals and paediatric wards in every region in order to confront loss of schooling due to ill health and hospitalization. Currently, there are 18 regional school centres, 156 hospital schools, 200 hospital sections and 650 teachers. Each year, about 100,000 students take classes in these schooling sections.

*Direct Clause (b). Effective and time-bound measures. Article 7(2). assistance for the removal of children from the worst forms of child labour and Child victims of trafficking.* Following its previous comments, the Committee notes the Government's information that section 13 of Act No. 228/2003 provides for special funds for adequate living conditions, housing and assistance for victims of slavery, servitude and trafficking in persons. Furthermore, assistance programmes conducted throughout the country in application of section 18 of the Legislative Decree No. 286 of 1998, includes: (a) issuance of a special residence permit valid for six months and renewable for one year or for a longer period necessary for judicial reasons; and (b) implementation of assistance and social integration programmes by local authorities and voluntary bodies as per the notices issued by the Equal Opportunities Department of the Prime Minister's Office. This assistance and social integration programmes include: emergency reception and housing services; health, legal, psychological and counselling services; assisted returns; vocational training courses; and actions aimed at social–employment integration such as employment grants and internships. According to the Government's report during the period between 2000–10, the Equal Opportunities Department issued 11 notices for actions of assistance and social integration programmes under section 18 of Decree No. 286/1998 and section 13 of Act No. 228 of 2003. As per the data provided by the Government, Notices 1 and 2 issued during the period 2006–08, concerning the application of section 13 of Act 228/2003, recorded the involvement of about 890 victims of trafficking, of whom 91 were children, and Notice 8, concerning the application of section 18 of Decree No. 286/1998, recorded the involvement of 1,172 victims of trafficking, of whom 48 were children. The Committee also notes the Government's information that as of March 2010, the Equal Opportunities Department had co-financed 573 projects with reference to section 18 of Decree No. 286/1998 and 97 projects had been approved and co-financed with reference to section 13 of Act 228/2003. The Committee notes that within the framework of these projects, a total of 14,689 victims of trafficking had been received and assisted until May 2010, out of which 986 were children under the age of 18 years.

*Identifying and reaching out to children at special risk. Clause (d). Street children and child beggars.* The Committee notes the Government's information that employment of children in begging is increasing with the largest group of children coming from Eastern European and African countries. It also states that unaccompanied foreign minors are often subject to serious exploitation, including begging. According to the report of the National Association of Italian Municipalities (ANCI) on unaccompanied foreign minors of 2009, a total of 99 unaccompanied foreign minors who were victims of trafficking were reported in 2007, and 94 in 2008. Of these, 61.8 per cent were victims of sexual exploitation, 8.8 per cent were victims of labour exploitation and petty crimes, and 5.9 per cent were victims of begging. It further notes that according to the data available in the Office of the Ministry of Interior, 455 cases of exploitation of minors for begging under section 671 of the Penal Code were reported in 2005, 599 cases in 2007, 462 cases in 2008 and 184 cases in 2009.

The Committee notes the Government's information that the Ministry of Interior signed a security pact with the Association of Italian Municipalities on the initiatives to be undertaken at the local level against social unrest and to prevent and combat crimes. It also notes that a network of local authorities called the Municipalities against the exploitation of child labour and begging network was established to carry out the actions taken within the framework of this pact. It further notes the Government's indication that the initiatives undertaken in individual territories such as the Rome Centre to Combat Child Begging; and the District Social Services Plan adopted by the municipality of Turin were considered as best practices in combating child labour and begging. These projects strengthened the capacity to intervene in individual cases and implemented measures aimed at the social and cultural integration of children at risk. ***The Committee requests the Government to provide information on the number of street children withdrawn from the worst forms of child labour and rehabilitated pursuant to the measures taken by the Municipalities against the exploitation of child labour and begging network, the Rome Centre to Combat Child Begging and the District Social Services Plan adopted by the municipality of Turin.***

*Practical application of the Parts IV and V of the report form. Convention.* The Committee notes the information provided by the Government with regard to child labour and its worst forms. According to this data, during the inspections carried out in 2009, 3,128 working children were found, of whom 1,445 were in breach of regulations and in 2008, 1,869 working children were found, of whom 1,411 were in breach of regulations related to minimum age, prohibited types of work and working hours. The Committee also notes the following statistical information provided by the Government with regard to the prosecutions carried out for the offences related to prostitution of minors, child pornography and child sex tourism:

- Prostitution of minors (section 600bis of the Penal Code): 416 persons in 2006; 349 in 2007; 291 in 2008; and 247 in 2009.
- Child pornography (section 600ter): 375 persons in 2006; 200 in 2007; 626 in 2008; and 542 in 2009.
- Sexual tourism involving children (section 600quinque): six persons in 2006; one in 2007; one in 2008; and 13 in 2009.

Furthermore, the Committee notes the data collected by the National Anti-Mafia Directorate during the period from 2004 to 2009 with regard to offences related to trafficking in persons. ***The Committee requests the Government to continue providing information on the nature, extent and trends of the worst forms of child labour, the number of children covered by the measures giving effect to the Convention, the number and nature of infringements reported, investigations, prosecutions, convictions and penalties imposed.***