

United Nations Human Rights Council
14th Session
31 May – 18 June 2010
Item 6

Consideration of the UPR report of Italy

Mr. President,

Thank you for giving us the floor.

Save the Children welcomes the report of the Working Group on the Universal Periodic Review (UPR) of Italy (A/HRC/14/4), in particular the recommendations relating to children's rights.

We call on the Government to prioritise addressing the following issues:

1. Prohibition of corporal punishment:

Recommendation No.38 calls on the Government to incorporate into national legislation the 1996 Supreme Court judgment that corporal punishment is not a legitimate method of discipline in the home, and to criminalize corporal punishment in all cases, including in education (A/HRC/14/4). The Government did not accept this recommendation (A/HRC/14/4/Add.1).

Save the Children urges the Government to prohibit corporal punishment and other forms of cruel or degrading punishment in all settings, including in the family, by enshrining the prohibition into national law. This will ensure that all children enjoy the same legal protection in accordance with article 19 of the Convention on the Rights of the Child (CRC), as recommended by the Committee on the Rights of the Child (CRC/C/15/Add.41) and the European Parliamentary Assembly (Recommendation 1666, 2004).

2. Unaccompanied children:

Recommendation No. 44 calls on the Government to adopt special procedures to ensure the effective protection of the rights of unaccompanied children in their access to asylum procedures (A/HRC/14/4). We welcome the Government's acceptance of this recommendation and commitment to ensuring that unaccompanied children are protected, regardless of their status (A/HRC/14/4/Add.1).

However, Save the Children has concerns that the principle of the benefit of the doubt is not applied in the assessment of a child's age and that with the entry into force of Law 94/2009, immigrants who arrived in Italy as children and not placed in integration projects for at least two years are not entitled to have their residence permits renewed when adults. We call upon the Government to introduce legislation for unaccompanied children which adequately safeguards their rights, in particular with regard to age assessment and the renewal of residence permits when adults.

3. *Non-refoulement:*

We welcome the Government's acceptance of recommendations No. 69, 70 and 71 that relate to access to satisfactory asylum procedures and respect for the principle of *non-refoulement* (A/HRC/14/4/Add.1).

However, Italy has still not taken all appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee fully benefits from the protection and rights in accordance with article 22, CRC. We therefore call on the Government to ensure that asylum-seeking children are allowed into Italy and guaranteed access to asylum procedures and to strictly apply the principle of *non-refoulement*.

Thank you.