



Geneva, 9 March 2017

**Letter to the Minister of Justice
And to the Members of the Justice Commission of the Italian Senate**

**Excellency MINISTER ORLANDO,
and distinguished Members of the Italian Senate's Justice Commission,**

The Defence for Children Movement (DCI) is an international organization comprising 37 National Sections, Regional Desks as well as an International Secretariat in Geneva. Our organization, that in these days met in Geneva for its highest governing body, the International General Assembly, urges you to refrain from adopting the proposed law No. 2284 on the efficiency of civil judicial proceedings since its adoption would determine the abolishment of the Youth Courts and of the Youth Public Prosecutor.

The proposed law has been promoted with the objective of improving the efficiency of the civil judicial proceedings. However, we are deeply concerned about the consequences that would result in a transfer of functions from the Youth Courts and the Youth Prosecutor into specialized sections established at the Adult Courts.

We urge your Excellency to take into consideration international law obligations Italy has itself committed to as well as non-binding international standards which seek for children coming into contact with the law to be met by a specialized system of juvenile justice both in criminal and in civil law jurisdiction.

The existing judiciary exclusively dedicated to children should be upheld because it is best fit to safeguard and apply the core principles of juvenile justice, which include: 1) Treatment consistent with the child's sense of dignity and worth; 2) Treatment that takes into account the child's age and promotes the child's reintegration and the child's adoption of a constructive role in society; and 3) Prohibition and prevention of all forms of violence (UNCRC General Comment No. 10).

We encourage you to maintain the Youth Courts and Youth Prosecutors autonomously for it guarantees key elements of juvenile justice, being specialization, independence, exclusivity of functions and most importantly, child protection. On the contrary, the changes foreseen by the law may prejudice the promptness and adequacy of the current system.

The exceptional system and culture of juvenile justice adopted by Italy, even before the UNCRC came into existence, is an inspiration for the development of specialized judicial systems in other countries. It is our opinion that instead of abolishing the existing juvenile justice system, Italy should rather invest human and financial resources to the system, in line with the recent EU Directive 2016/800,¹ and thereby continue to set an example to other countries of best practice.

DCI is a leading child-rights organisation, established expert on Justice For Children and most recently known for its tireless campaign for and now work in support of the Global Study on Children Deprived of Liberty. As the Study is starting its implementation phase, we will work closely with

¹ EU Directive 2016/800 of 11th of May 2016 on procedural safeguards for children suspected or accused in criminal proceedings.



**Defence for
Children International**
the worldwide movement for children's rights

several juvenile justice systems all over the world and we hope to continue referring to the current Italian specialized system as a model that sets appropriate safeguards of justice for children and adolescents.

We thank you for your consideration and attention,

The International General Assembly of Defence for Children International

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On behalf of the DCI Movement,

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