URGENT APPEAL FOR JUVENILE JUSTICE IN ITALY

promoted by Antigone, Defence for Children, Libera

As an alliance of organisations committed to securing and promoting human rights, the rights of the child, and the rights of persons in detention, we have been working for decades in support of children in detention. Recently, we have grown worried concerning the direction the Italian juvenile system is taking, a system that had been considered an advanced model to look up to in both Europe and the World.

The 1988 Criminal Procedural Code for Minors, which anticipated the international standards of the UN Convention on the Rights of the Child (1989) ratified by Italy in 1991, has proven itself capable to offer an educational approach to juvenile perpetrators of crime, which makes imprisonment a measure of last resort and is much rather supporting the child's social rehabilitation and (re-)integration in the society, recognising that an individual in the midst of a process of evolution cannot and should not be determined at the moment of committing a criminal offence.

Unfortunately, amid a rapid legal and cultural transformation, we are witnessing a growing divergence from the principles of Presidential Decree 448/88 and from international and European standards – standards that are binding for our institutions in Italy – in favour of a purely punitive approach. This approach, far removed from rehabilitative dialogue and genuine engagement, relies solely on disciplinary measures, lacking the necessary medium and long-term perspectives needed to assess the impact and effectiveness of the actions taken in regard to education and the prevention of recidivism.

In October 2022, when the current government took office, Italian juvenile prisons housed 392 children and young adults, which was less than 3% of the total number of young people under the care of the juvenile justice system. As of 30 April 2025, that number has risen to 611 in Juvenile Penal Institutions (IPM), marking an increase of over 55%. This sharp rise has been particularly notable following the entry into force of the so-called Caivano Decree in September 2023, which expanded the scope for applying pre-trial detention to children and reduced the use of alternatives to detention. These figures would be significantly higher were it not for the fact that many young people, who were under 18 years old when they committed a criminal offence and who would have been eligible to remain in juvenile facilities until age 25, have instead been transferred to adult prisons upon turning 18. This practice, which the Caivano Decree has greatly facilitated in punitive terms, shows a complete disregard for the young person's rehabilitative path. It is worth noting that the adoption of the decree followed

sensationalist reporting, yet it did not correspond to a factual emergency in juvenile crime as, in reality, involving children had actually decreased by 4.15% in 2023.

Today, 9 out of the 17 Juvenile Penal Institutions (IPM) across the country experience overcrowding, which was never previously recorded. In Treviso, the number of young detainees is almost double that of the facility's official capacity. The Beccaria facility in Milan and the IPM in Quartucciu, Cagliari, have an overcrowding rate of 150%, while Florence exceeds 147%. To cope, foam mattresses are left on the floor at night for the extra kids to sleep on. The lack of physical space is matched by the system's inability to properly support youth in detention, many of whom have to spend almost the entire day locked in their cells, deprived of meaningful activities including education. Roughly half of the young detainees are unaccompanied foreign children, many of whom have endured traumatic experiences and never received adequate reception or support upon arriving in Italy. Some of their understandable behavioural difficulties are met solely with the excessive use of psychotropic drugs, administered in a neutralising manner.

The grave state of neglect and extremely inadequate standards of living affecting these children in penal institutions have been at the root of many protests that have taken place in juvenile detention centres over the past year. These protests, however, did not lead the competent authorities and institutions to listen or engage in dialogue, but rather to punitive responses—both disciplinary and criminal—and to further lockdowns of the prisons. Many volunteers working inside juvenile prisons have seen their ability to carry out recreational and cultural activities with the youths increasingly restricted. The new criminal offence of 'prison riot' now risks burying young detainees under piles of additional years in prison.

The solution to overcrowding cannot be the one recently implemented in Bologna of simply converting a section of the Dozza adult prison into an IPM. Through an administrative act, the Ministry of Justice decided to abruptly place this section under the management of its Department of Juvenile and Community Justice—yet its structural characteristics of an adult prison remain unchanged. It is, in effect, a juvenile prison trapped within an adult prison, with 50 beds intended to house young adults who had previously been in the juvenile system and were transferred there. The repurposing of the section blatantly violates the internationally recognised principle of a clear and strict separation between the criminal justice response for adults and the one for children. More and more, on the contrary, our juvenile justice system is beginning to resemble that of adults, betraying the principles and international commitments undertaken by our institutions regarding children and their relationship with the justice system.

In the past years, the strength of the Italian juvenile justice system has lain in its ability to adapt to the needs of each individual young person in its care. Today, despite the outstanding professionalism displayed by many dedicated professionals, the system has become rigid, expecting the youth to adapt to it, leaving those who cannot behind.

Being aware, as Pope Francis stated in his speech to the international delegation of penal lawyers in October 2014, that "States must refrain from punishing children with criminal sanctions," and that "instead, children should be the recipients of all the privileges the State is able to offer—both in terms of inclusion policies and in practices aimed at fostering in them a respect for life and for the rights of others," we call for a revision of penal policies targeting young people. We urge a return to that educational approach which once embraced each individual life story and was the defining feature of juvenile justice in Italy.

In line with the principles and provisions of the UN Convention on the Rights of the Child, in particular Articles 37 and 40, further elaborated by the UN Committee in its General Comment on child justice No. 10 of 2007 and No. 24 of 2019, taking into account the Council of Europe Guidelines on Child-Friendly Justice, and in light of EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, we call for:

- the abolition of the Caivano Decree
- the hiring of adequately trained educators and social workers, including training in children's and adolescents' rights and their specific vulnerabilities
- adequate, ongoing, and verifiable training for prison police, based on the principles and standards relating to the rights of children and adolescents
- the implementation of an individual assessment for every child entering a juvenile detention centre (IPM), and the development of an integrated educational plan to ensure the effectiveness of the rehabilitative process
- the constant presence in IPMs of professionals and resources dedicated to cultural mediation
- the immediate closure of the IPM section within the adult prison in Bologna
- the establishment of low-security custody sections, as provided for by Legislative Decree No. 121/2018
- the effective possibility for young people in IPMs to benefit from extended visits, as provided for by Legislative Decree No. 121/2018
- the enforcement of Constitutional Court ruling No. 10/2024 on emotional and intimate relationships in prison
- the abolition of disciplinary solitary confinement, in accordance with Rule 45 of the United Nations Mandela Rules
- coordination between IPMs and local schools and services, including allowing children to attend external schools
- greater commitment from regional authorities to provide vocational training opportunities for young people in the penal system
- enhanced support for community facilities that host youth from the justice system
- regular monitoring of physical and mental health, and appropriate care to always guarantee the best interests of the child
- support for and strengthening of mechanisms for the independent monitoring of all places of detention where children are held

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