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in partenariato con

**ODIMED**  
Osservatorio internazionale  
sui diritti umani per il  
Mediterraneo



**To the attention of the Distinguished Delegates of Italy at the "119th Session of Human Rights Committee"**

**Subject: Humanitarian emergency of unaccompanied migrant minors (MSNA) in Italy without suitable legal protection**

Having read and reviewed the Vienna Convention on Consular Relations so that all States may provide child-friendly consular assistance, as appropriate, including legal assistance; Having read the draft resolution A/HRC/33/L.13 del 26/09/2016, item dealing with Unaccompanied Migrant Children and Adolescents and Human Rights, and taking account of the following Calls to:

1. Encourage States to facilitate family reunification, as appropriate, as an important objective that promotes the welfare and the best interests of unaccompanied children and adolescents
2. Encourage States to take into account the principle of the best interests of the child as a primary consideration and to promote, protect and respect the rights of children
3. Remind States that migrant children should not be subject to arbitrary arrest or detention and encourage States to respect the human rights of each child
4. Ensure that all states have immigration policies that are consistent with their obligations under international law and to promote and protect the human rights of all migrants

Taking into account the decisions given in the Resolution and related to

- Decision to convene at its thirty-fifth session a panel discussion on the theme "Unaccompanied Children and Adolescents and Human Rights, the objective of which will be to identify challenges and best practices by countries of origin, transit and destination, and where possible, join efforts at all level to protect human rights of unaccompanied migrant children and adolescents, and request the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations Bodies, agencies, funds and programmes, treaty bodies, special procedures of the Human Rights Council, national human rights institutions and civil society, with a view to facilitating their participation in the panel discussion

It has been considered that the item of Unaccompanied migrant children and adolescents, henceforth referred to as MSNA (foreign children/unaccompanied migrants), will be the subject of



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the 36th Session of Human Rights Council in September 2017 as stated in the same document mentioned above<sup>1</sup>

**The NGO “NordSudXXI”** with ECOSOC observer status since 1995, and active in defending human rights in the global south shore for over 30 years, in partnership with:

**- ODIMED - International Observatory on Human Rights for the Mediterranean**

**- CNF National Bar Council - Italian Ministry of Justice**

**- Equal Opportunities Committees CNF Network**

To the attention of the Italian Distinguished Delegates, attending the upcoming "119th Session of the Human Rights Committee", which will see Italy itself among the six actors countries, a proposal for greater attention on the problem of MSNA in Italy and the need for a more appropriate legal protection.

The tragedy of migration that leads to thousands of migrants in Europe still represents an unresolved humanitarian crisis of huge proportions, in the context of which the MSNA are the most vulnerable targets and least protected by the law. The high number of adolescents without appropriate recognition under the law, and of whom, the overwhelming majority is nearing entry into adulthood, puts Italy - the main destination for disembarking migrants - and the whole of Europe, in front of an epochal challenge for the protection of human rights, fundamental freedoms enshrined in the Charter of Human Rights and dignity of human beings in every season of their life. Children and young people "on the go" have become, in the international scene, the new protagonists of the processes related to human movement and constitute a real subject of migration.

Specifically attention should be paid to the phenomenon of young migrants, who after their initial reception, disappear and are no longer recordable by the system. Without an international, timely intervention action, thousands of teenagers between 16 and 17 years old will soon be adult citizens of Europe, but totally invisible or without an effective legal identity before the appropriate national and international authorities, whose fate seems inevitably marked by illegality and inherent abuse, slavery, abuse of power and exploitation that violates the very principles on which civil society and international organizations are based, marked by democratic growth and supreme protection of human rights.<sup>2</sup>

Being unable to fulfill our role as representatives of civil society, we ask for this crisis to receive the warranted special attention, and we appeal to your fundamental role in the protection of human rights to be able to take prompt action on the issue of MSNA in Italy and internationally, so that young migrants, who will be a important part of the future as new European citizens can find a welcome and fee scheme to respect the dignity of every human and eventually have a normal and safe coexistence which will lead to greater social peace

What follows are some thoughts on the themes identified as follow:

1) Context data

<sup>1</sup> A/HRC/33/L.13

<sup>2</sup>Universal Declaration of Human Rights, *Preamble*, UN, 1948.



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- 2) In addition to the primary hospitality: issues and developments on taking social burden, the temporary asylum and protection: a concrete solution for the defense of human rights of MSNA at the international level
- 3) Italy and the commitment to the protection of MSNA: synthesis of emergency still unresolved
- 4) 2016-2017: recent awareness activities and urgent attention to the international and humanitarian situation of unaccompanied minors in Italy
- 5) Alarming future predictions, an example: the data on Neet coming of age.
- 6) Proposals and solicitations

### 1. Context data<sup>3</sup>

From January to December 31th, 2016 378,660 people have arrived in Europe, 345,885 of them by sea. There have been 4,742 documented deaths in the Mediterranean Sea. As of December 13th, 2016 177,533 people had disembarked on Italian shores, mostly in Sicily. Italy is still the most important gateway to Europe having greatly reduced the flow through the Balkan route and the country comes to record more than 3,500 migrants in a week. The main Sicilian disembarkation ports today still are: Augusta, Pozzallo, Catania and Trapani.

The ascertained MSNA are 17,373, those estimates are up to 23,934, documenting a significantly growing phenomenon if you think that last year alone a total of 12,360 arrived. The component of unaccompanied minors is by far the highest of the total number of children arriving in Italy. The MSNA represent 15% of total arrivals by sea and those with family are only 9%. Faced with this unstoppable flow, the Relocation System mechanism, designed by 'Europe (Justice and Home Affairs Council) to relocate 160,000 migrants from Italy and Greece across the Union in two years (2015-2017), is evidently not working.

In Italy, only 1,803 persons have been placed to date. The reasons are many, among them the lack of information and accompanying people to access the service (given that the relocation only affects Syrian, Yemeni and Eritrean nationals) and poor observance of regional and international standards that provide for the protection and representation for all unaccompanied minors, regardless of the reason of migration and the status of a migrant.

The presence of unaccompanied foreign minors in Italy has grown steadily over the last few years: 23,934 MSNA present in Italy as of December 31th, 2016 compared to 12,241 in June 2016 (already then 49.3% more than the 8,201 recorded in same period of 2015).<sup>4</sup> But beyond the numbers, the arrival and well-established presence of foreign minors in Italy and Europe can no longer be seen as a temporary phenomenon and should be tackled with a planned logical, organized and integrated system.

<sup>3</sup>General Directorate of immigration and integration policies, Division II, *Monthly Report unaccompanied minors (MSNA)*, 31/12/2017.

<sup>4</sup>General Directorate of immigration and integration policies, Division II, *Monthly Report unaccompanied minors (MSNA)*, 30/06/2016.



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### 1.1 Age, sex, motivation and home countries of MSNA registered<sup>5</sup>

**Age:** 82,6% of MSNA present in Italy are among the 16 (26%) and 17 (56.6%) year olds, and are therefore coming of age. This trend, which seems to have broadly stabilized over the years, makes it necessary to accompany and support the young person during the transition to adulthood with obvious consequences in managing the reception and service planning

**Gender:** 93,3% of MSNA are male with a very high rate coming from Egypt (15.9%), Gambia (13.3%) and Albania (9.3%). The percentages of between 8% and 5% of male MSNA show a common origin from the African continent, particularly Nigeria, Eritrea, Guinea, Ivory Coast, Bangladesh and Mali. Though the migrants' crossing point is very often Libya, Libyan MSNA in Italy constitute only 0.1% of the total number; 6.7% of the counted children are female, 47.8% of them declare to be 17 years old, 25.8% of them declare to have be 16. Unfortunately, it is highly questionable data when considering the ease with which most minors coercively or voluntarily declare an age higher than their age.

**Motivations:** through so-called push or pull factors, four profiles of unaccompanied minors in Italy are outlined:

- Children fleeing war, persecution, conflict
- Minors sent by their families, emigrated for economic reasons, in search of job opportunities
- Less attracted to "new models and lifestyles"
- Minors pushed by the social disintegration

Countries of origin: the monthly report on MSNA published by the Ministry of Labour and Social Policy December 31th 2016, 45.8% of the minor female is from Nigeria and 19.3% from Eritrea.<sup>6</sup>

### 1.2 Data on MSNA now untraceable and host regions in Italy

The data on MSNA untraceable are worrying.<sup>7</sup>

At December 31th, 2017 a total of 6,561 MSNA are untraceable. The number of untraceable MSNA and the incidence in the total numbers increased significantly compared to the same period in previous years. In fact, as of December 31th, 2015, 6,135 (34% of the total) MSNA went missing in Italy. The vast majority of minors are housed in Sicily (40.9% of the total), followed by Calabria (8.2%) and Puglia (6.2%). These three regions are the main disembarkation points of Italian

<sup>5</sup> General Directorate of immigration and integration policies, Division II, *Monthly Report unaccompanied minors* (MSNA), 31/12/2017.

<sup>6</sup> *Idem*. About the dangers posed to young female MSNA cfr. See: Save the Children et alii, *Prostitution and Trafficking, Rights and Citizenship - Proposals for those on the ground*, 2008.

<sup>7</sup> Cit. " *For untraceable means unaccompanied minors for which it was reported by the competent authorities to the Directorate General a departure* ", see Tav. "Distribution of minors untraceable for citizenship" in General Directorate of immigration and integration policies, Division II, *Monthly Report unaccompanied minors* (MSNA), 31/12/2017.



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migrants. The MSNA presence in other regions is mostly the result of redistributive land policies and, therefore, are primarily concerned with the second reception.<sup>8</sup>

### 1.3 The phenomenon of untraceable

The theme of untraceability is one of the problems must be a daily concern for all those who care for the young migrants and that of civil communities.

The appropriateness of the reception facilities and the activation or not of services and interventions suitable to face the first period,<sup>9</sup> influence the quality of the intervention to take charge. Not always are you in the presence of suitable well-resourced projects and structured to tackle the most difficult and crucial stage, that is, that of the first period interventions: indeed the highest percentage of "dispersion" occurs within the first week (57, 6%) and then descends, and goes up again in subsequent periods the past four week mark (16.3%), while a share of less than 10% runs in the intermediate weeks.

Structured in a clear, unambiguous and multi-disciplinary resources dedicated to the first reception it proves to be a particularly important objective in order to have the necessary support to enable us to limit the phenomenon of untraceability and with it the increase of young illegal immigrants becoming easy prey for abuse, organized crime and other human rights abuses.<sup>10</sup>

Thus it is hoped to put in place a system of already tested experiences, where lawyers and jurists have offered their essential contribution, in the most critical legal aspects of welcoming and the management of MSNA.<sup>11</sup>

## 2. In addition to the primary host: issues and developments in the social care, the temporary asylum and protection: a concrete solution for the defense of human rights of unaccompanied minors at the international level

The first reception, that is not a fast process but rather entails long waits, is itself a cause of stress and malaise, which can evolve pathologically, and is an aspect that, if only for structural and

<sup>8</sup> *Idem*

<sup>9</sup> We also report the total inadequacy of the CAS reception of minors, as established for adults cfr. FARO "Psychological and Psychosocial Support in favor of unaccompanied minors and families with children coming to Sicily"- FINAL REPORT – *Terres des hommes*, 2016. Pag.16-18 e 22.

<sup>10</sup> Although the many efforts, the lack of organization in providing primary care makes the moving away and dispersion one of the most common phenomena. Consider the obligation of public officials and persons responsible for public service and those involved in the welcome stage to report immediately situations in which emerges the input crime and illegal residence (within the meaning of Articles. 331 E332 Cpp), even if this concerns (potential) victims of trafficking and exploitation.

<sup>11</sup> See: Humanitarian project sponsored by the National Bar Council with its foundation, High School of Advocacy, together with the Union of Sicilian Bars. *Project Lampedusa - Task Force of lawyers for the Protection of the rights of immigrants – 2015*. The Presidium, operating from the first week of May 2014 until October has provided legal support on the correct application of the Italian, European and international legislation, updated with the latest national and international law, aimed at the full protection of human rights on issues relating to immigration by sea.



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organizational reasons, comes into conflict with the rights enshrined in the UN Charter for the Protection of the Rights of the child.<sup>12</sup>

The lack of a national children's distribution policy throughout the country still causes long stays at its port for the most vulnerable children, subject to the dangers of deficient protection from the legal system and whose extended stay in contexts of first reception is unsuitable and hazardous to their mental and physical health, and therefore constitutes irreparable harm for their growth.<sup>13</sup>

The provinces no longer have resources to refer in terms of places where children can be accommodated appropriately and this involves the use of emergency facilities opened by the Prefectures, which cannot be considered the solution.<sup>14</sup>

Beyond the local actions which no doubt are urgently needed, in fact, we need a different approach to the migration issue both nationally and internationally. Nationally it urges the adoption of a comprehensive legislation on MSNA that protects this vulnerable target of migrants in terms of:

- 1. Failure to effective protection in the event of erroneous or uncertain definition of age**
- 2. Taking charge in the social, psychological and legal spheres in a timely and professional manner at all stages of their welcome.**
- 3. Protection and Provisional Asylum: an international interpretation to provide legal guarantees to unaccompanied minors over the reception phase**

At European level, we urgently need a policy that releases the asylum seeker according to the country they land in, that actually facilitates the re-location, which speeds up the reunification and especially imposes an equitable effort in all member countries; a policy that unfortunately still seems far away.

### **2.1 Failure to effective protection in the event of erroneous or uncertain definition of age**

Condition for the application of the protection provided by the legal system for minors, including foreigners, it is the correct identification of persons as a minor of 18 years, taking into account that, in case of doubt, the minority is always alleged. The age of the person found is particularly relevant in respect of unaccompanied minors without identification documents or recognition. The age of the person found is particularly relevant in respect of MSNA without identification documents or recognition. The sector legislation does not offer special help at the moment, since there is a legal provision that individuals can apply as a single method or integrated with other methods, properly considered, nor does it indicate the mode to operate on the age assessment, nor does the law require one to indicate the margin of error, or systemic biological, every single report. The risk of providing

<sup>12</sup>Cfr. *Universal Convention on Rights of the Child*, art. 1/4/5/35/41.

<sup>13</sup> Art. 10-bis, T.U. Immigration. The Italian legislation foresees the possibility that people identified as victims of trafficking benefit from assistance programs aimed at favoring their social inclusion and protection, and special help if minor, as regulated by art. 18 T.U. Immigration and art. 13 of the Law on "Measures against trafficking in persons" (L. 228/2003).

<sup>14</sup> *Ibidem*, pag.9. Cfr. "The Save the Children's activities for the protection of foreign children" in *Foreign minors in Italy: identification welcome and prospects for the future*, Save the Children, 2012. See also: Development of a child rights methodology to identify and support child victims of trafficking. Final Report, 2007, <http://www.savethechildren.it/2003/download/Pubblicazioni/StC-AGIS-Final-Report-2007.pdf>.



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false certainties to the judicial or administrative authorities requiring the assessment is clear and unfortunately, the lack of a clear sequence shared between various institutions of acts / actions to be taken for their age assessment in respect of children's rights, has resulted in a great variety of behaviors taken by the various institutions in the country. The risk is that false minors fraudulently use the protections that the law provides for minors of 18 years and, conversely, that minors are incorrectly identified as adults, thus being excluded from basic rights.<sup>15</sup>

Most of the procedures used for the identification of MSNA take place on the basis of a non-scientific evaluation by mediators at the Immigration Office of the Police and Frontex and / or sometimes after a short interview conducted by operators of NGOs, also not structured in a manner to ensure a sufficient degree of certainty of the result, as conducted by a single person and not by a multidisciplinary team as also envisaged in the reform legislation.

The problem increases when the childbirth was not registered in the states where they were born, and from which they subsequently emigrated to Italy. These children of whom we often do not even know the place and date of birth. In these cases the child has the name by which they was known in the family but not a registered name and their place of birth does not exist and cannot be transcribed in Italy. These children are effectively stateless for the consideration and are not being registered, it is however difficult for them to return to the country where they were born.<sup>16</sup>

Several young migrants were therefore registered as adults even though they had been declared minors. If it is undoubtedly necessary to have a declared age assessment in order to ensure access to the host system dedicated to MSNA to those who are really minor, but the identification procedures adopted on landing still exposed to the risk of a failure to protect those who do it right and they would need.

To all this, we must add the very large share of irregular presence that escapes, because of its very nature, any monitoring and statistical reporting as reported in the data. According to this, the increase of an illegal foreign child population is a fact that will increase fivefold in the near future without adequate international migration policies. Europe, would seem to be prepared to face a future in which a large portion of the population is absolutely absent in the eyes of their national authorities.

## 2.2 Taking charge in the social, legal and psychological spheres in a timely and professional manner in all phases of the reception of MSNA.

It now appears necessary to have a national system which, through resource optimization, avoids duplication of efforts and raises the level of protection for all children arriving alone on the national territory, and who, through a unique governance, ensures a welcome based on uniform standards defined by clear national guidelines with no difference between unaccompanied minors that require or do not require international protection and are able to meet the specific needs of each individual child (foreigners, vulnerable and be expelled) regardless of their status. In this sense, the D.lgs.

<sup>15</sup>FARO "Psychological and Psychosocial Support in favor of unaccompanied minors and families with children coming to Sicily"- FINAL REPORT – Terres des hommes, 2016. pag.16-18.

<sup>16</sup> UNHCR, *Convention relating to the Status of Stateless Persons*, UN, 1954. Cfr. SPRAR, *Rapporto Sprar*, Atlante Sprar, 2015.



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142/2015 on procedures and acceptance phases and the role of different actors must still find complete application, though not without corrective action.<sup>17</sup>

The complexity of the condition of unaccompanied foreign minors is determined by their status, which sees them as recipients of multiple legal regulations and creating complex and problematic the relationship between the different branches of law. On the one hand, the difficulties encountered for effective protection and taking charge that requires the coordinated action and cooperation among the various actors (in the legal, administrative and social) involved in the path of integration of the child. The other, a legal framework where, despite the presence of highly protective measures for children (both Italian and foreign), the coexistence of multiple provisions, disorganized and conflicting part of each other, made the complicated and ambiguous reference context giving rise to enormous difficulties of orientation and to the diverse legal and social practices.<sup>18</sup>

The current system of reception of MSNA in Italy is through the implementation of government facilities located throughout the area and delegated in a first phase to a welcome of very short duration, with functions of identification, any age assessment and status and through welcome planning of the next and second level with a suitable strengthening of the network of the security system places for asylum seekers and refugees-SPRAR, within their own local projects.

At present, the reception path is still not structured and defined, and taking charge of unaccompanied minors is characterized by a strong heterogeneity of social and educational policies, the absence of a unique social model of reference for separate relapse locally of the same phenomenon, and the almost total absence of legal support in the very first stage of reception. This situation does not provide, therefore, response to international and European bodies that require measures to strengthen the rights of minors without a family.<sup>19</sup>

### **2.3 Asylum and temporary protection: an international interpretation to provide legal guarantees to MSNA**

Regional and international standards provide for the protection and representation for all unaccompanied minors, regardless of the reason of migration and the status of a migrant.

<sup>17</sup> See item *Enhancement of technical cooperation and capacity-building in the field of human rights*, in A/HRC/33/L.18 (September 27th, 2016)

<sup>18</sup> For an analysis of the regulatory and legal disputes issues that resulted in a legal condition variable geometry of unaccompanied foreign minors, see: Turri (1999); Miazzi (1999); Miazzi (2002); Moyersoen e Tarzia (2002); Miazzi (2006); Tarzia (2008); Miazzi (2008a); Miazzi (2008b); Perin (2008), Miazzi (2009); Miazzi e Perin (2009); Consoli, Giovannetti, Zorzella (2010); Consoli, Giovannetti, Zorzella, (2011); Biondi Dal Monte (2013) Anzaldi A., Guarnieri T., (2014); Matarese, (2014); Biondi Dal Monte (2014).

<sup>19</sup> See ONU Committee of Childhood Rights , *General Comment n. 6,2005; Lines Guide of welcome of children outside their family*, 2011. These documents have contributed, within the United Nations system, to strengthen the rights of minors who are deprived of parental care while you are outside the country of origin Cfr. European Union Agency for Fundamental Rights, *Protection of children deprived of parental care*, 2014 It is a manual for strengthening protection systems for assisting with the special needs of child victims of trafficking in human beings; European Union Agency for Fundamental Rights, *Protection systems for children of parental care deprived in Europe*,2015. The text presents a particular focus on their key role against the phenomena of trafficking.





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The number of MSNA applications for international protection is constantly increasing. In the last two years the number of applications increased by 54%; 3,959 new requests have been submitted to the authorities in 2015. In the first quarter of 2016, in total 1,483 applications for international protection concerning unaccompanied minors were presented. Compared to the first quarter of 2015, year in which the submitted requests were 1,112, the data showed a significant increase of 33%<sup>19</sup>. The protection and timely appointment of a guardian are of paramount importance in this respect since an unaccompanied foreign minor cannot make a request for international protection without the presence of a formal legal guardian.

Protection shall be granted as a protective element even of a procedural nature, since it complements the limited legal capacity of the unaccompanied minor. According to this perspective, the guardian is considered a leading figure in the everyday life of the young person, and in administrative and legal proceedings, he/she faces. The guardian is the one who helps the underage listen and to assert their voice, which promotes their interests and, more generally, act so that their rights are respected. It is therefore a figure of vital and decisive importance for the application of human rights and the safeguarding of violations thereof.<sup>20</sup>

Protection for unaccompanied minors for the states is an institutional obligation arising from commitments to international human rights. The provision on protection is an inherent part of state security structures, care and child welfare as well as the asylum and reception systems. Having the functions arising from the protection a transverse position in all these areas and institutional mandates there is a high risk of conflict or overlap of interests.

### 3. Italy and its commitment to the protection of unaccompanied minors: synthesis of emergency still unresolved<sup>21</sup>

The delay in the comprehensive legislation contributes to determining an approach to the management of migration flows of unaccompanied minors still as a kind of emergency.

The AC Law - 1658 for the reform of the reception system of unaccompanied minors approved by the House of Representatives and pending in the Senate authorizes the Prefectures to use temporary accommodation (CAS - extraordinary reception centers meant for adults) for the reception of minors, for large flows, thus derogating standards and regional regulations. The use of facilities such as the CAS is still responding to an emergency logic of the problem rather than respond to the structural nature of the problem that still falls on collapsing landing territories. This logic is not compatible with the measures for the sustainable and structural problem, it materialized in setting derogation of laws that protect the unaccompanied foreign minor. Despite the obvious difficulties of

<sup>20</sup> See Council of the Baltic Sea States Children's Unit, (Expert Group for Cooperation on Minors at risk), *Guidelines on the Human Rights and Best Interests of the Child in Transnational Situations*, 2015. Cfr. UNHCR, High Commissioner for Refugees, *Safe and sound, what the states can to ensure respect for the best interests of unaccompanied minors and separated in Europe*, 2014, pp. 16, 21; ONU Committee of childhood rights, *General Comment n. 6 (2005) Treatment of children separated from their families and unaccompanied, outside their country of origin*, CRC/GC/2005/6.

<sup>21</sup> Presidency of the Ministers Council, Ministry of Labour and Social Policies, *Rights Growing: third-fourth report at the United Nations on the status of children and adolescents in Italy*, 2009, page. 22 – 31. Cfr. EMN, *Unaccompanied Minors: Quantitative and political aspects with regard to reception, return and integration. Analysis of the Italian Case for a Comparative Study at the EU level*, 2009.



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accommodation, compounded by the perennial surplus of migrants compared to the structures, with the management of stays beyond the legal deadline within structures that should be only temporary, we want to draw the attention on the efforts made by Italy in such lines of international level now since 2000:

**Action Plan 2000-2002** Special attention was given in the period for protection and integration of foreign children, including support towards children in need in other countries in the world, and the implementation of adopting international legislation. Particularly significant was the role of Italy in leading to the drafting and signing, in Palermo on 12 December 2000, the United Nations Convention against Transnational Organized Crime and its Protocols on trafficking in persons, especially women and children, and immigrants, including unaccompanied foreign minors.

**Action Plan 2002-2004:** Special attention has been paid to: 1) completing the harmonization of Italian legislation to the principles of the UN Convention 2) implementing the National information System on childhood and adolescence and completing the information system on child labor ISTAT - Ministry of Labour and Social Policies - OIL<sup>22</sup>

**Action Plan 2008 - 2010** Presentation, in March 2007, the Report Plus 5 and the international undertaking given by our country at the end of the Special Session on Children of the United Nations and OHCHR session. Concerning MSNA in 2008, the Inter-Ministerial Committee on Human Rights (CIDU), which operates at the Ministry of Foreign Affairs (MAE) and whose mandate is to develop and submit to the United Nations reports on the implementation of the Government in Italy of the main conventions on the protection of human rights, has established a special working group to coordinate the involvement of the following departments: Office of the Prime Minister - in particular the Department for family policies and equal opportunities, the Ministry of the Interior, the Ministry of Justice, the Ministry of Defence, the Ministry of Labour, health and social policy, the Ministry of education, the national statistics Institute (ISTAT), the general Command of the carabinieri, the Italian Committee for UNICEF and CISIS (interregional Center for computer systems, geographical and statistical), the national Centre of documentation and analysis of childhood and adolescence and other administrations.

The goal is that the official statistical production finally strengthens attention to the child, at least in part by interrupting its traditional statistical invisibility and its ranking in strictly demographic and family events. Unfortunately, to date it cannot be considered achieved<sup>23</sup>.

#### **4. 2016 – 2017: recent awareness activities and the urgent need to bring to the attention of the international organizations, the humanitarian situation of MSNA in Italy**

- **"Unaccompanied Minors: stories of ties and migration. Comparing experiences"**<sup>24</sup> organized by the Metropolitan City of Milan and the Ministry of Labour and Social Policy, presented a report entitled Integration policies for migrants and the protection of foreign children.

<sup>22</sup> Foreign Children Committee data updated the 2009 *Rights-growing - Third-quarter report to the United Nations on childhood and adolescence in Italy*, pagg. 20-21

<sup>23</sup> Presidency of the Ministers Council - Department for family policies, *Rights-growing - Third-quarter report to the United Nations on childhood and adolescence in Italy*, . cit., Introduction pagg. IX /X e,4-8.

<sup>24</sup> *Foreign unaccompanied minors, comparing experiences*. Source [www.minori.it](http://www.minori.it) available at the site at the following url: <http://www.minori.it/it/node/5913>, consulted 01/02/2017.



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### - **One Unicef Response e U-report**

Launched on December 20, 2016 in Rome under the patronage of institutional bodies Ministries, Local Authorities, Prefectures, Local Ombudsmen for Children and the University of Palermo, Reggio Calabria and Naples. It is an innovative program that UNICEF through technology *U-Report*<sup>25</sup> says foreign children arrived alone in Italy by adopting their methods and activities of child protection programs applied in non-European Countries (tripping range extended to 6000 MSNA)

### - **Var- Twenty-second report on migration in 2016 ISMU Foundation**<sup>26</sup>

*Twenty-second Report on Migration 2016 by ISMU Foundation*, with special attention to unaccompanied minors. The publication was presented on 12/01/2016.

### - **Terre des hommes - Project FARO**<sup>27</sup>

Initiative created by the organization Terre des Hommes, in partnership with UNHCR and UNICE, EC -Directorate-General for Migration and Home Affairs / Unit C.2.001 - Implementation of "hotspots, EU United Left, Italian Parliamentary Commission of Inquiry on the host system - Human rights Commission - Senate of the Italian Republic - Human rights Watch, provides assistance to 2,000 people a year, mostly children and families with children in the Sicilian ports of migrants landing (Pozzallo, Augusta, Ventimiglia)

### - **Study grants for MSNA**<sup>28</sup>

Program financed by Marcegaglia Foundation to help give an opportunity for redemption and strong social inclusion and qualified to MSNA in second reception Scholarships / work in young people who have particular predisposition and / or attitudes that could not otherwise be expressed..

### - **UNICEF For Invisibles - video investigation of MSNA**<sup>29</sup>

The video survey, sponsored by UNICEF denounces the degrading conditions in which hundreds of migrant and refugee children who arrived in Italy without parents are forced to live and at the same time collects testimonies of courage and hope. Directing, shooting and editing done by Toni Trupia and Mario Poeta

### - **Defence for Children International Italia, the SafeGuard relationship. Safer with the tutor**<sup>30</sup>

<sup>25</sup> Digital platform developed by UNICEF and based on sending free sms; training on the childhood rights of hundreds of social workers' first line "; the placement of tens of children in foster families and the involvement of migrant and refugee children and Italians in sporting, cultural and recreational common.

<sup>26</sup> ISMU Fondation, *Twenty-second Report on Migration*, 2016.

<sup>27</sup> FARO "Psychological and Psychosocial Support in favor of unaccompanied minors and families with children coming to Sicily"- RAPPORTO FINALE – Terres des hommes, 2016.

<sup>28</sup> Marcegaglia Fondation Onlus, - *Study grants for MSNA*, action program 2015 – 2016, news about it consulted on url: <http://www.fondazionemarcegaglia.org/index.php/it/borse-di-studio-per-minori-non-accompagnati.html>.

<sup>29</sup> UNICEF for *Invisibili*, first screening, 20/12/2016, news about it consulted on url: <http://www.unicef.it/doc/7239/invisibili-videoinchiesta-su-minori-stranieri-non-accompagnati-in-italia.htm>



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In August 2016 project report on SafeGuard- Safer with guardian - was published. The survey was conducted with the primary aim to reassert the fundamental importance of the institute of protection in security processes and protection of MSNA according to a reception logic founded on the wording of the national and international regulatory and always guided by the principle of the best interests of the child which must be a key dimension when developing strategies, policies and actions.

### 5. Alarming future predictions, an example: the data on Neet acquisition of age.

According to latest OECD and Eurostat data, in Italy school drop out rates and the phenomenon of so-called NEETs (young people between 15 and 29 years who do not work or attend education and training programs) is a particularly serious problem. In the EU, it is very popular among young people of immigrant origin. The percentage of ESL (Early School Leavers), those aged between 18 and 24 who are not in possession of an upper secondary education qualification or a vocational qualification and are not included in the school-training, among foreigners is double that of natives and constitutes 23.4%. Careful growth policy in compliance with the rights of MSNA should take into account that a key aspect of the path to adulthood is made just from the immediate continuing involvement in training and education courses. Without this step, we not only fail to respect the international charters of human rights and of the child (right to education, right to development) but may invalidate the process of civic education of young people, their future citizenship and positive orientation that will shape their give his life and that of the the community.<sup>31</sup>

### 6. Proposals and stress

#### International Plan

- Increased attention to the issue of MSNA at the OHCHR and international bodies to ensure the protection of human rights.
- Revision of the Dublin system with special reference to the uncoupling of the UAMS the place of landing so as to enable rapid location within the whole European territory
- Complete the reform of the Common European Asylum System: towards a policy on asylum that is effective, fair and humane.
- Accelerate the family reunion mechanism of a MSNA who has arrived in Italy with relatives legally resident in Europe. To date, the process still requires years of waiting.
- Implementation of effective relocation mechanism not working today.
- Establishment of an equitable redistribution policy for migrants throughout the EU prohibiting nationalism and erection of walls by the member countries.

#### National Plan

<sup>30</sup> Defence for Children International Italy, Authority for Children and Adolescents SafeGuard report: *Safer with guardian. Unaccompanied Minors: Quantitative and political aspects with regard to reception, return and integration. Analysis of the Italian Case for a Comparative Study at the EU level*, 2016.

<sup>31</sup> Italian Caritas, *Connecting vessels, 2016 report on poverty and social exclusion in Italy and near Europe's doors* 2016. Focus sui Neet e MSNA.



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### **Bureaucratic and administrative arrangements for of first responders:**

- Approval of the AC Law - 1658 - Reform of the national system for the reception of MSNA resulting in standardization of key services through which it is implemented.
- Opening of CAS-specific reception of Minors with interdisciplinary principals who trained in socio-legal and public health issues
- Simplified administrative procedures to request residence permit for minors and / or asylum
- Timely allocation of guardians for all children welcomed
- Training of handlers in terms of capacity building also with regards to legal and bureaucratic procedures necessary to protect the child
- Reconciliation of the NGOs that operate with different mandates at landing sites and in temporary accommodation establishments managed by the Prefectures
- Strengthening the connection with the CPIA and other entities responsible for educational and training activities capable of encouraging the inclusion of minors.
- Reinforce the capacity in the managing of hospitalized children (lack of a health mediator provided by adequately trained professionals)
- Support to the first landing areas and welcome from all over the 'Italian' system through a national policy that provides for the immediate equitable redistribution of MSNA throughout the national territory, immediately after disembarking so as to avoid overcrowding and to extend them permanence of unaccompanied minors in places inadequate for their hospitality
- Establishment of such a mechanism by the Conference State- Regions
- Imposition of quality standards and limits in the number of unaccompanied minors who are admitted to centers in Sicily and elsewhere
- Establishment of guardian lists at all Juvenile Courts to which access is granted only after certified training.
- Enhancing linguistic and cultural mediation in health and administrative services.