



**MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL
COOPERATION**
Inter-ministerial Committee for Human Rights

*Italy's contribution in relation to the request of the Office of the
United Nations High Commissioned for Human Rights pursuant
to HRC Resolution 29/12 on unaccompanied migrant children
and adolescents and human rights*

October 2015

**ITALY'S CONTRIBUTION IN RELATION TO THE REQUEST OF THE OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS PURSUANT TO HRC RESOLUTION 29/12 ON
UNACCOMPANIED MIGRANT CHILDREN AND ADOLESCENTS AND HUMAN RIGHTS**

Following the request about the implementation of HRC Resolution 29/12, Italian Authorities are in a position to provide the following information.

GENERAL SITUATION

1.1 Italy is both a transit and destination country; in 2014, 14.243 unaccompanied migrant minors landed in Italy, of which 3.707 absconded after landing and 10.536 had been hosted in centers organized by local Municipalities, charged with providing reception to any unaccompanied minors traced in their territory.

At Aug.31, 2015, 8.944 unaccompanied migrant minors have landed Italy.

In order to face the increasing flow of unaccompanied minors (UAMs) arriving in Italy, since Jan.1, 2015, a **new reception system** dedicated to minors has been implemented with the aim of setting up first-assistance reception centers dedicated to UAMs in addition to those created by Municipalities and financed by Italian funds.

1.2 According to information gathered among UAMs housed in the Italian reception centers the main causes forcing them to leave their countries are both structural, such as those reported by Egyptian unaccompanied migrant children and immediate, as those reported by UAMs from Eritrea and Nigeria.

1.3 As previously outlined, Italy has just set up a new system dedicated to minors in order to ensure adequate living conditions to unaccompanied migrant minors.

The new system envisages a two-level reception

1. **First level:** immediately after landing minors are mainly transferred in dedicated centers financed by Italian funds.

In order to sustain the above-mentioned system which is assuring reception to UAMs landed, the "Dipartimento per le Libertà Civili e l'Immigrazione – Ministero dell'Interno", has signed with the European Commission the Grant Agreement for the Emergency Measure "Miglioramento della capacità del territorio italiano di accogliere minori stranieri non accompagnati", under the AMIF – EMERGENCY ASSISTANCE, in order to implement the reception system dedicated only to the Foreign Unaccompanied Minors (UAMs) landing in Italy or traced in Italy after landing, for the period 20th March 2015 to 17th December 2015.

The Measure aims at strengthening the first reception phase, with reference to early identification and assessment of the minor age, transfer from landing and tracing sites to the reception centers, also in order to facilitate family reunifications and identification of specific vulnerabilities.

Within the Measure, the Ministry of Interior adopted two different calls for tender for the presentation of projects dedicated to temporary reception of UAMs in highly specialized structures with the aim of delivering many reception services, in collaboration with project partners such as OIM, Italian red Cross, Save the Children, ANCI (Association of Italian Municipalities) and UNHCR, and an adequate transition to the second level of reception under the Protection System for Asylum Seekers and Refugees (SPRAR).

As a result, 10 selected projects have been operating since March, 20, 2015 while other 5 selected projects have been operating since June, 3, 2015 assuring 737 places to UAMs each day in highly - specialized centers, financed by European funds.

2. **Second level:** Following the first-level reception, minors are transferred and housed in reception centers within the SPRAR system (Sistema Protezione Richiedenti Asilo e Rifugiati), as to facilitate their inclusion in local communities by special programs.

At the moment, 941 places dedicated to UAMs are available within the SPRAR.

A new call for tender has been adopted in order to increase up to 1941 the overall places available for UAMs. 104 proposals have been received and a special Committee is evaluating them.

Currently, Italy is implementing interventions aiming at increasing the whole UAMs reception system (first and second level reception) with the purpose of creating a well-defined reception system organized in highly specialized structures (after-landing reception) and SPRAR facilities (second level reception).

1.4 Some female unaccompanied migrant minors from Nigeria reported to be often victims of trafficking and exploitation and male Egyptian minors are often at risk for exploitation in prostitution and work, as well.

CROSS-CUTTING ISSUES

2.1 The recently-issued Legislative Decree n.142, Aug.18, 2015 concerning the reception of international protection seekers, envisages, at paragraph 18, the minor's right to be heard in all matters affecting him/her; but even before the issuing of the Decree, the minor's views have always been taken into account so as to evaluate all interventions to be carried out in his/her best interest.

In particular, the highly-specialized centers, financed by European funds, provide hospitality and assistance to unaccompanied migrant minors with special regard to all matters concerning them such as the:

- collection of UAMs identification document by interviews and/or requests to contact with family members;
- cooperation, if appropriate, with the Consulates of the countries of origin as to collect documentation;

- reporting to the Juvenile court and activation of the procedure for the appointment of guardianship;
- legal support and assistance aimed at the regularization of the UAM on Italian territory;
- personalized information and legal support to prepare the necessary documentation to apply for international protection and the following procedural steps;
- information and support for reunion with relatives in Italy or in other EU member states through family tracing and data collection, in accordance with the Dublin Regulation III;
- first health care actions to minor for the identification of potential physical and / or psycho-social problems, in the very early stages, in order to ensure adequate health and educational support in the continuation of the reception;
- psychosocial customized support actions, due to the psycho-physical stress of the trauma caused by the journey toward the Italian coast (sanitary conditions and safety, overcrowding on ships, shipwreck, etc.), and due to the painful personal experiences (harassment, physical and / or psychological violence, various forms of trafficking and exploitation);
- identification of further potential psychological vulnerabilities through specific examinations / psychological tests or consultations.
- definition, by operators specialized in first reception structures, of a custom personal file containing a socio-educational plan aiming at achieving autonomy by UAM and defining the terms of the further second-level reception.

Project partners such as OIM, Italian red Cross, Save the Children, ANCI (Association of Italian Municipalities) and UNHCR, contribute, each one with a specific role, in assisting migrant minors during the process.

2.2. More detailed information about unaccompanied migrant minors' personal events are received by the Commission for the Granting of Asylum which interviews minors who apply for International Protection; therefore, this kind of information is not at our disposal.

2.3 Lack of information.

2.4 According to Legislative Decree n.142, Aug. 18, 2015 “An unaccompanied minor is a foreigner aged under 18 years who is in Italy, for any reason, without any kind of assistance or legal representative”

LAWS, POLICIES AND COORDINATION MECHANISMS

3.1 In Italy, unaccompanied migrant minors are considered as distinct right-holders as any Italian unaccompanied minor and the Juvenile Court appoints a guardian responsible for him/her.

In addition, they are protected from expulsion by Italian law and have the right to a proper accommodation, access to special programs for education and integration, and a priority examination of their application if they decided to apply for international protection in Italy.

3.2No, there are not specific authorities or services but, when needed, all authorities and services charged and trained to deal also with minors are interested.

3.3 None.

3.4 On July 2014, and a Special Unit – “Struttura di missione per l’accoglienza dei MSNA” – of the Dipartimento per le Libertà Civili e l’Immigrazione – Ministero dell’Interno” has been established by a Decree of the Minister of Interior, so as to coordinate the setting-up of first-assistance reception centers dedicated to UAMs financed by European funds.

All transfers to those centers are coordinated by the Struttura di Missione, involving also Local Administrations and Municipalities, the Juvenile Courts and Guardianship Judges, Prefectures (UTG) and Police Headquarters (Questure).

In the specific, once received a transfer request, usually relating to most vulnerable minors, by the Prefecture operating in the area where UAM landing occurred, the Struttura di Missione checks out the actual availability in the centers and decides the transfer of the minors to the selected structures. Operators take the MSNA to center.

According to the standard procedure, all the competent Authorities are informed about the transfer, so as to ensure information to be circulating as well as the UAM reception process to be tracked down.

Moreover, this Unit coordinates all operations of transfer of UAMs from those centers to the second-level reception within the SPRAR System.

In addition, a “Tavolo di Coordinamento Regionale” (Regional Coordination Board) on immigration is operational in the main Prefecture of the region in order to identify and set up on-the-spot interventions.; if needed, similar meetings on this specific issues are called also in each province.

3.5 In this field, Italy collaborates with other countries according to European laws and /or Agreements such as the Dublin Regulation, as far as international protection is concerned.

OTHERS

4.1 They are operational at landing sites and play a fundamental role in assisting migrant during and after landing.

Moreover, as already pointed out, IOM, Red Italian Cross, Save The Children, ANCI and UNHCR are project partners in the new reception system, financed by European funds, each of them with specific tasks.

4.2 Thanks to the useful cooperation among all relevant stakeholders operating in the centers financed with European funds, it has been possible to ensure a family reunification between the father who was living in France and his son landed in Italy and housed in a center by means of the DNA test, carried out in Italy, because the minor had no documents proving his identity.

In another case, two brothers who landed in Italy in different sites were reunited and housed in the same center while a Nigerian girl, who reported to be victim of trafficking and exploitation, has been immediately moved to a specific center for vulnerable cases.