



# THE RULES OF THE GAME

A MAPPING OF THE RECEPTION AND  
PROTECTION OF UNACCOMPANIED  
CHILDREN IN ITALY





### Save the Children Italy

Project Manager: Viviana Coppola

Authors: Valeria Gerace, Barbara Santagata, Viviana Valastro

Research: Valeria Gerace, Silvia Frugoni, Barbara Santagata

Language review: Cat McIlroy

Design/layout: BakOS DESIGN

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# ACRONYMS AND ABBREVIATIONS

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<b>EASO</b>	European Asylum Support Office
<b>EU</b>	European Union
<b>CPSA</b>	Centre for First Aid and Reception
<b>IOM</b>	International Organisation for Migration
<b>NGO</b>	Non-Governmental Organisation
<b>SPRAR</b>	National Protection System for Asylum Seekers and Refugees
<b>UN</b>	United Nations
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNHCR</b>	United Nations High Commissioner for Refugees

# EXECUTIVE SUMMARY

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This report maps the system of protection for unaccompanied children in Italy and explores the key actors involved and their roles and responsibilities, also in co-operation with other actors, to ensure that unaccompanied children's rights are fulfilled. More specifically, it focuses on three key issues evaluating if, and how, actors identify, assess, and respond to situations of extra vulnerability and indications of human trafficking, disappearances of unaccompanied children, and informing protection status procedures about the circumstances of the child. For this purpose, information was gathered through desk review and 20 consultations (11 semi-structured interviews and one focus group held in Rome in February 2014) with representatives of different key actors such as non-governmental organisations (NGOs), the Ministries of Welfare and the Interior, judges, and the Social Services.

The results from the mapping show that Italy is currently the largest recipient of unaccompanied children in Europe with approximately 5,200 unaccompanied children arriving by sea in 2013, mostly coming from Syria (1,224), Egypt (1,144), Somalia (820) and Eritrea (685). On 31 January 2014, it was reported to the Directorate General of Immigration and Integration Affairs of the Ministry of Labour and Social Affairs that 7,824 unaccompanied children were in children's care facilities, of which 1,872 children were found to be untraceable. The majority of unaccompanied children (6,150) are boys aged between 16 (1,962) and 17 (4,238), and are mostly Egyptian (1,697), Bengali (1,026) and Albanian (915). Somalia and Afghanistan, however, are the main countries of origin of unaccompanied children who disappear after entering children's care facilities. Statistics do not provide the number of unaccompanied children (mainly Afghans) who enter through Adriatic ports such as Ancona, Brindisi, Bari, and Venice. Hidden in trucks, they are not intercepted at Police controls, and pass through Italy on the way to other European countries; they are not identified through photos and so are never registered with state institutions.

According to Eurostat data in 2013, there were 27,930 asylum applications in Italy and 5.5% (approximately 1,536) were unaccompanied children under 13, while 3.1% (approximately 865) were unaccompanied children aged 14-17 years old. The majority of unaccompanied children seeking asylum are from Syria, Pakistan, Somalia, and Eritrea. In the first quarter of 2014, there were 10,700 asylum applicants altogether with 3.3% (approximately 353) being unaccompanied children under 13, and the same number being unaccompanied children aged 14-17.

From January until the end of June 2014, according to statistics from the Ministry of the Interior, 63,884 migrants arrived by sea, mainly from Eritrea (19,171), Syria (12,014) and Mali (6,100); of these, 6,529 were unaccompanied children from Eritrea (2,167), Egypt (885) and Somali (722). There were 4,066 children who travelled with their families, mainly from Syria (3,113) and Eritrea (354).

Italian law guarantees protection to all unaccompanied children with the right, and the permit, to stay in Italy even if they do not apply for asylum. However, the law is uneven and fragmented and there are gaps in the realisation of children's rights. There is no national strategy or framework for working with unaccompanied children and, to date (30<sup>th</sup> June 2014), there is no actor tasked with the national co-ordinating role responsible for the overall reception and protection of unaccompanied children, regardless of legal status. The competencies required for the protection of unaccompanied children are dispersed among many different actors, whose co-ordination is not easily assured. However, the Ministry of Welfare and Social Affairs' Directorate General of Migration and Integration Affairs has organised an Inter-Institutional Co-ordinating Board for issues related to non-asylum-seeking unaccompanied children, with representatives from the Ministry of the Interior's Public Security Department, the National Association of Municipalities, the Regional Department of Social Affairs, and the Ministry of Justice. Concerning the organised participation of other associations and specialised NGOs, according to the Ministry of Labour and Social Affairs, the Board's structure is still being defined.

At local level, the establishment of a "Child Section" in each Territorial Council for Immigration is planned, as currently not all Councils have such a section. Territorial Councils for Immigration monitor and promote initiatives and formulate proposals through inter-agency collaboration.

Italy has ratified the United Nations Convention on the Rights of the Child (UNCRC) (Law 176/1991) and the European Convention on the Exercise of Children's Rights (Strasbourg, 25 January 1996 - Law 2003) recognising the child's right to be heard and to express their opinion on the procedures affecting them. In order to implement their obligations, new rules have been introduced and existing provisions amended aimed primarily at ensuring technical legal assistance to the child. At the legislative level, there is an obligation to listen to the opinion of the child; in practice, however, this appears to be widely disregarded.

The main actors involved in the protection of unaccompanied children in Italy are the Ministry of Labour and Social Affairs' Directorate General of Immigration and Integration Affairs, responsible for the registration of unaccompanied children and carrying out family tracing for unaccompanied or separated children, "also in country of origin or third countries" (DPCM no. 535/1999, Art. 2.2.f). The Directorate General may issue an opinion regarding the conversion of a residence permit upon the unaccompanied child reaching 18 years old who doesn't fulfil the law's requirements of having embarked on a path of social inclusion for two years or having arrived in Italy within the last three years (Consolidated Law on Immigration, Art. 32).

Police and other law enforcement agencies are the main actors who initially engage with unaccompanied children and carry out the identification and placement procedures. State, regional and local authorities are required within their competence, to put in place actions to ensure the right of every unaccompanied child to grow up in a family or, alternatively, the right to care and support in a care facility for children organised to provide interpersonal relationships similar to those of a family. By law, the regions have the task of establishing minimum requirements necessary for the provision of services and the management of residential care facilities for children, but in doing so must still comply with the minimum requirements set at national level (Law 328/2000, Art. 8). The regions are required to take all necessary measures to facilitate the process of "de-institutionalisation" of the child, organising services and residential facilities for the child's reception (Law 328/2000, Art. 22, para. 3; Law 184/1983, Art. 2, para. 4; Prime Ministerial Decree 308/2001, Art. 8, para. 3). The municipality searches available places for the children in the community and provides, through social services together with the guardian, the individual educational plan for each child's needs and specific situation.

Local social services have the duty to report on the situation of unaccompanied children living in children's care facilities to the Juvenile Court (Law 184/1983, Art. 2). They provide information to the Ministry of Labour and Social Affairs regarding the number of unaccompanied children registered in the country, including those planning to be reunited with a family member living in another European country or in the country of origin (if the child has expressed willingness to return), as well as those on the path to social inclusion for the purpose of convert the resident permit when they turn the age of 18. They can also co-operate in the procedure of assisted return to the country of origin.

The Prefecture is a body that represents the national government at provincial level and acts as a territorial Office of the Government regarding co-ordination of activities, relating to the procedures for first entry and assistance to unaccompanied children, between the Immigration Offices, regional, and local authorities. The Police Office of Immigration is the body responsible for issuing documentation that certifies the legitimacy of the child's presence as an immigrant in the country and they receive the request for asylum. Other actors involved include the children's care facilities staff and, specifically, the cultural/linguistic mediator, a professional tasked with facilitating the integration of immigrants into the social context of the host country, acting as an intermediary between the needs of migrants and the responses offered by public services.

In Italy, the role of intercultural mediators has progressively evolved into an established tool for immigrants' social integration. Indeed, a specific law (Legislative Decree no. 286/98, Art. 38) requires the State, regions and local authorities to encourage specific agreements with legally registered associations for them to employ immigrants as intercultural mediators within their organisations. This should help facilitate improved relationships between the authorities and different ethnic, national, linguistic, and religious groups. Despite Italian law explicitly providing for the engagement of intercultural mediators, national legislation does not include specific rules or guidelines defining and providing for their role, in addition to the current



lack of educational training to obtain qualification as an intercultural mediator. While regional or provincial registers of intercultural mediators have been established, this is not the case at national level.

The Juvenile Court has the task of assessing the situation of each unaccompanied child and making decisions on a long-term solution in the best interest of the child, including decisions about the likelihood of adoption (Law 184/83). Juvenile Court judges are particularly qualified in the subject of communication with children in judicial matters and child law. The Juvenile Court is composed of two judges with legal training and two citizens, one male and one female, acknowledged for their work and support, and chosen from the fields of biology, psychiatry, criminal anthropology, pedagogy, and psychology. Its powers are directed at the protection of the child in situations of potential harm or neglect.

Inter-agency co-operation is developed through formal protocols at local level (for instance, Bergamo and Catania). A specific model for co-operation is an online information system (SIM) to strengthen data collection and facilitate communication and interaction among all institutions and improve the effective documentation of the reception of unaccompanied children upon their arrival in Italy. It is currently under development and being tested in seven pilot locations. This system allows all involved parties (Police, regions, municipalities, communities, Tribunals, and others) to access a shared database where, according to one's mandate and ensuring data protection, each actor may enter, read and update the information on children. The implementation of this system will strengthen co-operation among actors in their work to appropriately provide reception and integration pathways for children.

In recent years, increased vulnerability regarding mental health has been noted among people who were granted asylum and with returning asylum seekers, especially in the application of the Dublin Regulation. Mental distress can result from many different triggering factors, varying from stress related to deprivation of human rights in the country of origin, fears and uncertainty of the journey, obstacles, hardships and anxieties, as well as physical violence, physical or sexual abuse, rape, and torture. Being able to identify cases of extra vulnerability, such as mental distress, in unaccompanied children is a challenging and largely unexplored area and, therefore, it is difficult to identify appropriate and specific answers in every single case.

When an unaccompanied child disappears, all actors agree that the Police are the primary actors to turn to; they have the role, mandate and responsibility to search for persons who are missing. Where the unaccompanied child voluntarily disappears, becoming untraceable, the manager of the care facility must report the disappearance to the guardian, local social services and to the Judicial Authorities (Public Prosecutor at the Juvenile Court, the Juvenile Court and the Guardianship Judge) and this communication is usually done by fax ("fax escape"). Law 400/1988 established the position of Special Commissioner of the Government for Missing Persons, to ensure the proper management of investigations and timeliness of actions aimed at finding missing people. However, it is only recently that legislation was enacted (Law 203/2012) that established the procedure for searching for missing persons, which often appears to not be known or applied in cases where unaccompanied children go missing.

# I. INTRODUCTION AND METHODOLOGY

*This report is part of the EU funded CONNECT project and considers the roles and responsibilities of actors, and the ways in which they work together, to respond to the situation of unaccompanied children of third country origin in Italy.*

## I.I BACKGROUND TO THE PROJECT

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Save the Children Sweden together with UNHCR's Bureau for Europe, NIDOS in the Netherlands, Coram Children's Legal Centre in the UK, Save the Children Italy, Don Calabria, the Italian Ministry of Labour and Social Policies in Italy and the County Administration in Västra Götaland in Sweden, have received funding from the EU for a 12 month project, ending in September 2014. In the UK Garden Court Chambers have been the main implementing partner.

The CONNECT Project concerns reception, protection and integration policies for unaccompanied children. It is funded by the EU under a call for proposals for pilot projects on unaccompanied minors (2012), the funds for which had been allocated by the European Parliament. The CONNECT project focuses on how actors work individually and together to respond to the rights of these children and fulfil EU law obligations in their regard. Through country mappings (in the Netherlands, Italy, Sweden and the UK) and the development of tools, the ultimate purpose of CONNECT is to contribute to concrete and practical measures that support actors better to address the needs and rights of these children.

The Project enables common challenges and noteworthy practices at a practical and operational level to be shared across Member States. It is intended to contribute to the ongoing transposition and implementation of recent EU obligations on asylum, migration and trafficking by Member States. These EU provisions contain improved provisions for unaccompanied children and Member States need to address how actors are mandated and equipped, and how they can work together, in order properly to implement these EU provisions. There has also been considerable development of regional practical measures of support for actors, involving both the EU agencies, such as the Fundamental Rights Agency and the European Asylum Support Office, and other stakeholders. And more generally, the increasing focus on child rights and strengthening child protection systems at international and EU level (including through the imminent publication of a Commission Communication on integrated child protection systems) provides further momentum at regional level for reinforcing modes of coordination and cooperation between actors.

### **THE CONNECT PROJECT DELIVERS FIVE PRACTICAL OUTPUTS AS FOLLOWS:**

- the Project developed an EU Reference Tool which sets out the body of EU law and policy which relates to unaccompanied. The EU Reference Document should serve as an important support for policy makers and practitioners alike;
- the Project mapped how actors work, individually and in cooperation with each other, in four countries in the EU (the Netherlands, Italy, Sweden and the UK). National reports set out the findings in each country, identifying challenges and highlighting noteworthy practices;
- A comparative report identifies common challenges across the four countries and national practices from one country that might inspire good practice across the region;
- The Project developed five practical tools addressing key aspects of actors' work together. Each tool has been developed by a national partner and the CONNECT tools aim to increase actors' skills and stimulate cooperation between them and be used by actors in other jurisdictions. They can be used individually or in a complementary way across a number of issues, including: first encounter, reception, guidance to actors working with children, promoting child participation, and ensuring decision-making procedures better fulfil the rights of the child to be heard.
- The mapping and the tools both inform the targeted recommendations for action and priority areas for further work, nationally and at European level.



These tools can be used separately or together as a toolkit:

### Who's Responsible?

A Tool to Strengthen Cooperation between Actors Involved in the Protection System for Unaccompanied Migrant Children (Italy)

### Local Cooperation for Unaccompanied Children

A Tool to Assess and Improve Reception Conditions (Sweden)

### Standards to Ensure that Unaccompanied Migrant Children are Able to Fully Participate

A Tool to Assist Actors in Legal and Judicial Proceedings (The UK)

### The Right to be Heard and Participation of Unaccompanied Children

A Tool to Support the Collection of Children's Views on Protection and Reception Services (The NL)

### Working with the Unaccompanied Child

A Tool for Guardians and Other Actors Working for the Best Interest of the Child (the NL)

## SCOPE OF THE MAPPING

The CONNECT mapping surveys the general legal, policy and administrative context which addresses how actors engage with the situation of unaccompanied and separated children. This includes considering what bodies of law are applicable, and what national strategies or coordination mechanisms are in place. The mapping also identified the actors typically involved, their qualifications and specialised tools, and how they may cooperate each other. Given the focus of the project on better implementation of EU legal obligations, the mapping focuses on those actors who have formal roles, particularly those with statutory responsibilities towards and professional relationships with unaccompanied migrant children, rather than informal actors who may also play an important role in the lives of these children.

It reviewed how actors respond to three priority issues, namely, (a) identifying and responding to situations of extra-vulnerability, including trafficking or trauma, (b) preventing and responding to disappearances of children from care, and (c) properly informing status protection procedures.

## METHODOLOGY

The mapping explored notable aspects of the national situation through a desk study of existing literature and interviews with key stakeholders. The limited timeframe for the mapping and its relatively general scope means that the findings are illustrative of the national situation, rather than providing a comprehensive analysis. The goal of the mapping was to find opportunities and practical means for improvements across the region, highlighting how better to equip actors and help their work together. The research did not incorporate consultation with children. However the literature review did seek to examine what reports had addressed the views of children and, where possible, to identify how actors engage with children to get their views. The priority area of exploring information gathering processes also reviews how actors engage with children to understand their circumstances. In addition the CONNECT tools also seek in a variety of ways to contribute to the ability of actors to engage directly with children.

## SPECIFIC FEATURES OF THE ITALIAN REPORT

The mapping of the main actors involved in the protection of unaccompanied children in Italy began with desk research on published articles, reports and reviews of relevant data, legal instruments, and policy documents. The research was conducted by a lawyer experienced in carrying out research, under the supervision of an expert on child migration, with the support of a social worker. The experience of the partners involved in the research brought added value to the collection of evidence-based information and, in order to guarantee an actor-orientated perspective, the research was divided into 11 semi-structured interviews and a focus group held in Rome in February 2014, attended by nine of the most important actors involved in the reception and protection of unaccompanied children in Italy.

### The following 20 actors were consulted:

- Representatives of the Ministry of Labour and Social Affairs – Directorate General of Immigration and Integration Affairs (3)
- Representative of the Ministry of the Interior – Department of Public Safety (1)
- Representative of the Office of the Special Commissioner of the Government for Missing Persons (1)
- Honorary Judge of the Juvenile Court (1)
- Deputy Public Prosecutor of the Juvenile Court (1)
- Representatives of social services from local municipalities (2)
- Representative of the National Protection System for Asylum Seekers and Refugees – SPRAR (1)
- Representative of the National Commission on Asylum – UNHCR (1)
- Representatives of associations working to protect human rights and migrant children, in particular (6)
- Representatives of associations working for missing persons (2)
- Representative of international intergovernmental organisation (1)

With regard to the limited timeframe, most actors were approached for interview through familiar networks and with the helpful support of the Ministry of Labour and Social Affairs.

During the semi-structured interviews (some of which were conducted by telephone following the distribution of the questionnaire by mail), although the actors were asked specific questions some productive comments and ideas emerged spontaneously that were very useful in understanding their point of view. Before each interview, the reasons for conducting them were explained, briefly describing the CONNECT project and its goals.

The focus group provided an opportunity for a very interesting exchange among the actors who participated and allowed them to be involved in the creation of the tool which, along with this mapping, is another important result of the CONNECT project.

With many different practices at local level, it must be recognised that some of the information provided by the interviewees does not necessarily reflect the views or perspectives of all the Italian municipalities. In addition, it is acknowledged that the views of the child could have added value to the understandings of how the actors bear their responsibilities. However, the inclusion of children's views was not within the scope of this mapping, but a short section on "Children's views" solely based on relevant reports is included.

Although informal actors (such as friends and acquaintances) can be important for unaccompanied children, this mapping will focus on the roles and mandates of "formal" key actors, those actors who are designated by the Government to fulfil certain tasks in the engagement with, and protection of, unaccompanied children.

# **2. SETTING THE CONTEXT: UNACCOMPANIED CHILDREN IN ITALY**

## 2.1 CONTEXT IN NUMBERS

### – A SNAPSHOT OF STATISTICS 2013/2014

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According to Ministry of the Interior data, in 2013 approximately 5,200 unaccompanied children arrived in Italy by sea, mostly coming from Syria (1,224), Egypt (1,144), Somalia (820) and Eritrea (685). On 31 January 2014, 7,824 unaccompanied children were reported by the centres to the Directorate General of Immigration and Integration Affairs of the Ministry of Labour and Social Affairs, of which 1,872 on the same date were untraceable. The majority of unaccompanied children (6,150) are boys aged between 16 (1,962) and 17 (4,238), and are mostly Egyptian (1,697), Bengali (1,026) and Albanian (915). Somalia and Afghanistan, however, are the main countries of origin of unaccompanied children who disappeared after entering children's homes. Statistics do not show how many unaccompanied children (mainly Afghans) enter through Adriatic ports (Ancona, Brindisi, Bari, and Venice). Hidden in trucks, they are not intercepted at police controls, passing through Italy on the way to other European countries; they are not even identified through photos and are never registered with state agencies.

The difference between the number of Eritrean and Syrian unaccompanied children arriving by sea and those registered in children's homes highlights a concerning fact that they disappeared prior to being placed in the homes. Similarly, so-called "children in transit", or migrant children (mainly Afghans) disappeared while travelling through Italy to other European countries, without even coming in contact with actors and, consequently, without being identified.

According to Eurostat data in 2013, there were 27,930 asylum applications in Italy and 5.5% (approximately 1,536) were unaccompanied children under 13, while 3.1% (approximately 865) were unaccompanied children aged 14-17 years old. The majority of unaccompanied children seeking asylum are from Syria, Pakistan, Somalia, and Eritrea. In the first quarter of 2014, there were 10,700 asylum applicants altogether with 3.3% (approximately 353) being unaccompanied children under 13, and the same number being unaccompanied children aged 14-17.

From January until the end of June 2014, according to statistics from the Ministry of the Interior, 63,884 migrants arrived by sea, mainly from Eritrea (19,171), Syria (12,014) and Mali (6,100); of these, 6,529 were unaccompanied children from Eritrea (2,167), Egypt (885) and Somali (722). There were 4,066 children who travelled with their families, mainly from Syria (3,113) and Eritrea (354).

## 2.2 LEGAL FRAMEWORK

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Italy has no consolidated law in the area of protection for unaccompanied children, but a Bill is before Parliament to reform the current system of their reception and protection (AC 1658).

The proposed bill would greatly improve the reception and protection of unaccompanied children, and would, in particular:

- Standardise the identification and age assessment process
- Establish a national system of reception, ensuring an adequate number of places and standards throughout the country, with a national database to help manage and document the unaccompanied children in the children's care facilities in all regions, based on the availability of places and any specific requirements and needs of the children
- Ensure continued support of a national fund for the reception of unaccompanied children
- Support the social integration and education of unaccompanied children turning 18
- Establish the role of "volunteer tutors", properly selected and trained, and promote fostering of children as an alternative to children's care facilities.



Currently, the main standards for the protection, security and reception of unaccompanied children comply with child and immigration laws, while the definition of unaccompanied children is, in part, included in legislation (DPCM 535/1999) governing the duties and responsibilities of the Directorate General of Immigration and Integration Affairs of the Ministry of Labour and Social Affairs. An unaccompanied child is “someone who is not an asylum seeker or community member, they have been separated from both parents or other relatives and they are not accompanied by an adult who is legally or de facto responsible for them.” (Law Decree 95/2012, Art. 12, para. 20, converted in Law 135/2012 modified DPCM 535/1999) The responsibility for unaccompanied children was transferred from the Committee for Foreign Children to the Directorate General of Immigration and Integration Affairs.

Regarding child law, Articles 330 and 403 of the Civil Code are particularly relevant, relating to the protection of children who find themselves in a dangerous situation or state of abandonment, as well as the Law “Regulation on Child Adoption and Custody” (Law 184/1983, amended by Law 149/2001) containing provisions for the protection of children who are temporarily deprived of an adequate family environment. With immigration law, the main reference text is Legislative Decree no. 286/1998 – Consolidation Law on Immigration (particularly, Art. 19 and 32).

Unaccompanied children cannot be expelled from an Italian territory (Consolidation Law on Immigration, Art. 19). Anyone who is aware of, or in contact with, a child who is endangered or deprived of a family environment should immediately report this to the Public Prosecutor for Juveniles and the Juvenile Court (Law 184/1983, Art. 9, para. 1). All unaccompanied children have the right to stay in Italy and be protected and supported due to the fact that they are children, regardless of their intention to seek asylum under the 1951 Geneva Convention.

Regarding the **asylum procedure**, it should be noted that Italy has transposed into its national legislation the EU directives on minimum standards for qualification, procedures and reception of asylum seekers (Law Decree 25/2008, modified with Law Decree 159/2008 in execution of Council Directive 2005/85/EC), on “minimum standards for procedures in member States for granting and withdrawing refugee status” (Law Decree 251/2007; Council Directive 2004/83/EC), and on “minimum standards for the qualification and status of third country nationals or stateless persons” (Law Decree 140/2005 in execution of Council Directive 2003/9/EC). These instruments, together with Consolidation Law on Immigration, the Directive on Unaccompanied Children (December 2006) issued by the Ministry of the Interior, and the Decree of the President of the Republic 303/2004, provide specific protective measures for these children.

With regard to protection measures and procedures for **victims of human trafficking**, the law (Consolidation Law on Immigration, Art. 18, para. 1) states that temporary permits to stay for humanitarian reasons may be issued to individuals needing protection and assistance. On 31 July 2013, the Italian Parliament transposed the Directive 2011/36/EU on preventing and combatting human trafficking and the protection of victims into its national legislation. Furthermore, **vulnerable children with special needs**, such as children with disabilities or those who are pregnant, may receive healthcare and assistance in specialised centres but, in practice, these services are not easily accessible or available for children.

All children, including unaccompanied children, have the right to an **education** with the obligation to complete mandatory schooling. They also have the right to **healthcare** (Italian Constitution, Art. 32), and can receive any essential or urgent medical services even before their permit to stay has been issued. Unaccompanied children are among those whose enrollment in the National Health Service is free of charge (State-Regions Agreement 20 December 2012, para. 1.1.1).

The following paragraphs outline how key issues for all unaccompanied children (age assessment, guardianship, accommodation, family tracing, and return), are addressed in law and in practice.



**Age assessment:** Despite the absence of specific legislation defining age assessment procedures, Italian officials have worked to create national guidelines for a multidisciplinary (medical, psychological, pediatric) verification of age (the so-called Ascone Protocol) without the use of x-rays, but the document has not yet been transposed into law. From the experience of some stakeholders interviewed, a discrepancy is noted at local level about the common misuse of x-ray examinations of the wrist. Recently, following the Legislative Decree no. 24/2014 (from 28 March 2014), through which the Directive 2011/36/EU has been transposed into national legislation, the obligation to adopt an inter-ministerial decree defining age assessment procedures has been stated. Article 4 of the Decree concerns unaccompanied children who are victims of trafficking and aims to establish mechanisms to ensure that these children (where there are serious doubts about their classification as a child and age cannot be established by identification documents) are immediately identified through a process of multi-disciplinary age determination, carried out by qualified staff and in accordance with appropriate procedures that take into account ethnic and cultural sensitivities regarding the child.

**Guardianship:** The law provides that if a child does not have a responsible adult they should be appointed a guardian “as soon as possible” by the Jurisdictional Authority, especially within 48 hours of their stated intention to apply for asylum. However, in practice the length of time for appointment of a guardian varies from territory to territory and can last months, due to delays in judicial proceedings. There is no consistent practice in choosing guardians because the legislation leaves much room in this regard, but it generally provides that the guardian must be an adult who is suitable for the role to ensure the child’s protection and care for and legally represent the child (Civil Code, Art. 403; Law 184/83, Art. 19). Judicial authorities follow certain criteria in choosing the most appropriate guardian considering their suitability for the role, as it is important they have the knowledge and skills to take on responsibility for the child’s education and learning, considering the child’s skills, natural inclinations, and ambitions (Civil Code, Art. 147). In practice, this task tends to be assigned to the Mayor of the municipality where the child is located, who often delegates to the social services.

**Accommodation:** Unaccompanied children cannot be detained and Italian legislation states that a child cannot be housed in centres with adult immigrants (Law Decree 25/2008, Art. 26.6; Directive 7/12/2006, Art. 2). It is provided by national law (Civil Code, Art. 330 and 403; Law 184/1983) that children in difficulty or a state of abandonment should be entrusted to a family or, alternatively, to a children’s home. In practice, foster care for unaccompanied children is not widespread and placement in children’s care facilities continues to be the first option.

To ensure the child “a family atmosphere” and better care, the law states that children’s care facilities should be small facilities hosting a maximum of ten people, with two additional children under special circumstances (Law 328/2000, Art. 3; Law 184/1983, Art. 5, para. 4). However, there are situations, such as in Rome or in the province of Syracuse, where unaccompanied children have been placed in facilities that do not meet these requirements while waiting for places in youth care facilities.

In the absence of a systematic procedure for the reception of unaccompanied children, it is challenging to find information on available places. As a consequence of national legislation assigning functions concerning children’s accommodation to regions and local authorities, there is no centrally co-ordinated municipal, regional, or national reception system, nor a central database of care facilities for children. The SIM (online information system) will help to map care facilities and the availability of places throughout the country.

**Family tracing:** The Ministry of Labour and Social Affairs – Directorate General of Immigration and Integration Affairs has the task of initiating family tracing (DPCM 535/1999) for non-asylum-seeking unaccompanied children, while the Ministry of the Interior conducts family tracing to promote the identification of family members of unaccompanied asylum-seeking children. The law also establishes that such activity should be based on agreements specified for this purpose between the Ministries and national or international organisations (Legislative Decree 140/2005, Art. 8, para. 5, DPCM 535/1999), however, this provision is not currently applied by the Ministry of the Interior. The Ministry of Labour and Social Affairs – Directorate General of Immigration and Integration Affairs, after giving notice to the public, initiates family tracing through the International Organisation for Migration (IOM).

The **assisted (voluntary) return** of the non-asylum-seeking unaccompanied children to the country of origin must safeguard the right to life of the child and right to family unity and adopt the necessary protection measures, while following a special procedure according to ad hoc agreements and conventions between the Italian Government and various NGOs (Consolidation Law on Immigration, Art. 3).

## 2.3 POLICY FRAMEWORK

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Among the major policy documents, the following should be noted:

**The Resolution (Chamber of Deputies, Doc XVII-bis no. 6) adopted 21 April 2009 by the Parliamentary Commission for Childhood and Adolescence** followed a six month fact-finding study of unaccompanied children which observed and highlighted their grave social situation and imposed an urgent need to identify measures, as soon as possible, to ensure the effective protection of unaccompanied children, safeguarding them from an uncertain fate and the abuse of their most basic rights as vulnerable people.

**The National Plan of Action and Interventions for the Protection of Rights and Development of Subjects in the Developmental Stage (National Plan for Childhood - NPC)** contains the main strategic and practical commitments that the Government intends to pursue to develop an appropriate policy for childhood and adolescence. In the most recently approved NPC (2010-2011) regarding unaccompanied children, the only provision was that the integrated network of services should be strengthened.

Considerations of the report submitted by States parties under Article 44 of the Convention – Concluding Observations: Italy (31/10/2011, CRC/C/ITA/CO/3-4) expressed its concern about the potential impacts on children (whether they are refugees, unaccompanied children, or immigrants) of the massive and unexpected arrival of thousands of migrants (see Section on Statistics) and has, among other things, recommended to guarantee each child who attempts to enter Italy and who is under Italian jurisdiction, the right to an individual case assessment and immediate access to political asylum procedures and other procedures relevant to protection, both domestic and international, and to revise national laws.

**In 2012, a National Fund for the reception of unaccompanied children was established** (Law 135/2012) which was allocated €25 million in 2013 and €40 million proposed for 2014, with the aim of supporting care facilities for children. In 2013, the pilot Children's Online Information System (SIM) was launched .

**The Guidelines on Unaccompanied Children (19/12/2013)** of the Ministry of Labour and Social Affairs' Directorate General of Immigration and Integration Affairs were established from the need to outline the procedures carried out by the Directorate General relating to unaccompanied children. Specifically, the guidelines define procedures to provide the Directorate General with information concerning children to comply with its duty to collect data, and include simple, specific forms to activate family tracing and apply for assisted voluntary return. It also explains the process where the Directorate General provides the opinion for the conversion of the residence permit to citizenship at age 18. The guidelines' objectives are to simplify all procedures and ensure greater Government accountability.

## 2.4 RECENT REPORTS

<p>ANCI, <b>Unaccompanied Children in Italy – 5th Report – 2014</b></p>	<p>Numbers of Unaccompanied children in Italy (disaggregated by Municipality). Data updated at 2012.</p>
<p><b>Save the Children (2013)</b> <i>Migrant Children Arriving by Sea – 2013</i>, available at: <a href="http://goo.gl/LjEdqr">http://goo.gl/LjEdqr</a></p>	<p>Save the Children examined the numbers and the situation of children arriving in Italy “by sea” (1 January – 30 November 2013)</p>
<p><b>Save the Children (2013)</b> <i>Little Invisible Slaves</i> available at: <a href="http://goo.gl/9dmjY">http://goo.gl/9dmjY</a></p>	<p>Report published every year by Save the Children provides an update on the trafficking and exploitation of migrant children in Italy, highlighting the latest regulatory changes and making recommendations.</p>
<p><b>Save the Children (2011)</b> <i>Providing Alternatives to irregular immigration for unaccompanied children in Egypt</i> available at: <a href="http://goo.gl/CV6sCl">http://goo.gl/CV6sCl</a></p>	<p>This report provides information on migration routes and the living conditions of unaccompanied Egyptian children in Italy.</p>
<p><b>Save the Children (2012)</b> <i>Monitoring Report of Residential Communities for Children in Sicily, Puglia and Calabria – The reception of children arriving by sea</i> available at: <a href="http://goo.gl/qTyWx5">http://goo.gl/qTyWx5</a></p>	<p>This report provides a picture of the flow of children arriving at Italy’s southern border and the reception conditions for unaccompanied children placed in care facilities. In addition to highlighting critical issues within the reception system, recommendations are also made.</p>
<p><b>UN High Commissioner for Refugees (UNHCR) (2013)</b> <i>Recommendations on the relevant aspects of refugee protection in Italy</i>, available at: <a href="http://goo.gl/sIbjiA">http://goo.gl/sIbjiA</a></p>	<p>The recommendations are meant to promote the harmonisation of Italian asylum policies and practices with international and European standards.</p>
<p><b>IDOS Study and Research Centre (2013)</b> <i>Immigration Statistical Report</i>, available at: <a href="http://goo.gl/OUE6bU">http://goo.gl/OUE6bU</a></p>	<p>The report is an operational support and tool designed for institutions and civil society to combat racism and resulting discriminatory treatment, using detailed knowledge of the data and issues that form the complex framework of Italian immigration. The cases highlight the importance of harmonisation of immigration laws and the protection of unaccompanied children.</p>
<p><b>Protection System for Asylum Seekers and Refugees (SPRAR) (2013)</b> <i>Annual Report of the protection system for asylum seekers and refugees 2012/2013</i>, available at: <a href="http://goo.gl/XZrRcl">http://goo.gl/XZrRcl</a></p>	<p>The report describes the services offered and the national and regional distribution of asylum seekers and refugees, including unaccompanied children, in the network of local authorities of the Protection System for Asylum Seekers and Refugees (SPRAR). The report assumes significant importance in highlighting the various stages of enlargement of the network, which ended last year in the transition from 9,500 to about 20,000 posts.</p>

<p><b>Physicians for Human Rights – Medu (2013)</b>  <i>Insecure Ports</i>, available at: <a href="http://goo.gl/N9t7JM">http://goo.gl/N9t7JM</a></p>	<p>Presents the results of a survey conducted in Greece and Italy from April-September 2013. The association has collected the testimonies of 66 migrants, mostly from Afghanistan and Syria, who were re-admitted from Italy to Greece. The purpose of the report is to examine the number of re-admissions of migrants from Italian ports to Greece, to highlight the human rights violations that occur and present recommendations.</p>
<p><b>PROJECT FER (2012)</b>  <i>Protecting children on the move</i>, available at: <a href="http://goo.gl/GhHD1A">http://goo.gl/GhHD1A</a></p>	<p>The report published at the end of this project presents the legislative framework for the protection of unaccompanied children on the move, best practices developed within the project, proposal for assessment of the best interests of children in Italy, and recommendations for national and European institutions.</p>
<p><b>France Terre d’Asile and others (2012)</b>  <i>Right to Asylum for unaccompanied minors in the European Union – A comparative study in 27 countries</i>, available at: <a href="http://goo.gl/FBQgqz">http://goo.gl/FBQgqz</a></p>	<p>Analyze legislation and practices in all the 27 EU countries in order to identify good practices, gaps and ways to improve the implementation the right to asylum for unaccompanied children within the EU.</p>
<p><b>Defence for Children (2011)</b>  <i>GATE – Guardians Against child Trafficking and Exploitation – National Report – Italy</i></p>	<p>An analysis on guardians in Italy</p>

## 2.5 CHILDREN’S VIEWS

Italy has ratified the UNCRC (Law 176/1991) and the European Convention on the Exercise of Children’s Rights (Strasbourg 25 January 1996 - Law 2003; Article 12 CRC) recognising the child’s right to be heard and to express their opinion on procedures that affect them. In order to implement these obligations, new rules have been introduced and existing provisions amended, aimed primarily at ensuring the child is supported by lawyers, specialised in child law, who provide free legal assistance to children (Law 149/2001).

The will and opinions of the child are also fundamental in initiating the procedure for voluntary return to the country of origin (Prime Ministerial Decree 535/1999, Art. 1, point 4). The child’s opinion is gathered through an extensive interview conducted by the social services which communicates this information to the competent jurisdictional authority for children.

More generally, seeking to effectively implement Article 12 of UNCRC is not always easy, especially in particularly complex situations, such as places of first entry at the border. Among these is the Centre for First Aid and Reception (CPSA centre) in Lampedusa, despite that it should only be used for “transit” and to provide a stay for the time strictly necessary to carry out first aid and identification measures, it has received unaccompanied children in poor conditions for excessively long periods.

In order to encourage concrete proposals to improve the conditions of their reception from unaccompanied children themselves, as well as to create a channel of communication for their opinion outside the CPSA, Save the Children has developed consultation activities with unaccompanied children at the CPSA, Lampedusa (“*The place we are is not suitable for us*”, July 2011; “*Give Rights to us!*”, January 2013).

Save the Children has also been involved in child-friendly activities to facilitate immigrant children's increased understanding of, often complex, legal concepts, and in supporting the provision of legal information advice to unaccompanied children within the Praesidium Project (2013).

Through these experiences, unaccompanied children who were involved have also benefitted from effective anxiety-reduced spaces, compared to the difficult living conditions in children's homes, largely due to seeing their points of view taken into account and having adequate responses to requests and concerns they raised.

In 2008, another structured consultation activity with unaccompanied children on issues of first encounter, involvement, and protection of unaccompanied children was developed by Save the Children, commissioned by the Childhood Authority in the Lazio region.

## **2.6 OVERVIEW OF ACTORS – WHO IS INVOLVED**

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The competencies required for the protection of unaccompanied children are dispersed among many different actors, whose co-ordination is not easily achieved. Many actors are engaged in the overall system for reception of unaccompanied children, but laws are not always clear and sometimes it is hard for the actors involved to co-operate and work together. In the Italian system, some activities, such as proceedings on parental suspension or limitation (Civil Code, Art. 330; Law 184/1983, Art. 2) and procedures to determine the state of neglect of a child (Law 184/1983, Art. 8) involve actors engaged in the mainstream child protection system such as the Juvenile Court, Guardianship Judge, guardian, the Ministry of Labour and Social Affairs, Police, local authorities, local social services, the Prefecture, children's care facilities, and the Ombudsman for Children – both regionally and nationally.

All the actors work within a specific system made up of different activities, including family tracing and asylum, and actors, such as the Directorate General of Immigration and Integration Affairs, Office of Immigration, Commission for the Recognition of International Protection, Dublin Unit, and Protection System for Asylum Seekers and Refugees (SPRAR). The issue is a lack of understanding of how general difficulties can be addressed together within this specific immigration system.

Because of the level of autonomy that each agency and municipality enjoys, it is difficult to form national strategies for co-operation. As each municipality and actor decides individually how to use the resources from the Government to support unaccompanied children, the responsibility for the reception of unaccompanied children is not necessarily delegated to the same departments or sections on the municipal level, making it difficult to have the mandate to convene an exchange of views and experiences.

### **MAIN ACTORS INVOLVED IN THE SYSTEM OF PROTECTION OF UNACCOMPANIED CHILDREN:**

**The Ministry of Labour and Social Affairs – Directorate General of Immigration and Integration Affairs** is responsible for the registration of unaccompanied children and carries out family tracing of unaccompanied or separated children, “also in country of origin or third countries” (DPCM no. 535/1999, Art. 2.2.f). The Directorate General may issue an opinion regarding the conversion of a residence permit upon the unaccompanied child reaching 18, who fulfils the law's requirements of having embarked on a path of social inclusion for two years and having arrived in Italy within the last three years (Consolidation Law on Immigration, Art. 32). However, the conversion of the residence permit does not require the opinion. Despite the law requiring a guardian for the issuance of the opinion, with the best interest of the child principle and where public administration delays cannot negatively affect procedures concerning the child, the opinion has been issued, on a case-by-case basis, also in the absence of such requirement.

**Police and other law enforcement agencies** are the main actors who initially engage with unaccompanied children and carry out the identification and placement procedures. They include the Coast Guard, Financial Police, and the Navy. In the case of disappearances of unaccompanied children, they receive the report and carry out investigations (see Chapter on Disappearances).

**In particular, the Police – Office of Immigration** is the body responsible for issuing documentation certifying the legitimacy of the child’s presence as a migrant in the country, and receives the request for asylum.

**State, regional and local authorities** are required, within their competence, to put in place actions to ensure the right of every unaccompanied child to grow up in a family or, alternatively, the right to care and support in a facility providing interpersonal relationships similar to those of a family. By law, the regions have the task of establishing minimum requirements necessary for the provision of services and the management of residential care facilities for children, but in doing so must still comply with the minimum requirements set at national level (Law 328/2000, Art. 8). The regions are required to take all necessary measures to facilitate the process of “de-institutionalisation” of the child, providing services and residential facilities for the child’s reception (Law 328/2000, Art. 22, para. 3; Law 184/1983 Art. 2, para. 4; Prime Ministerial Decree 308/2001, Art. 8, para. 3). The municipality assists in the search for available places for the children in the community and provides, together with the guardian and through social services, the individual educational plan for each child’s needs and specific situation.

**Local social services** have the duty to report on the situation of unaccompanied children living in children’s care facilities to the Juvenile Court (Law 184/1983, Art. 2). They provide information to the Ministry of Labour and Social Affairs regarding the number of unaccompanied children registered in the country, including those planning to be reunited with a family member living in another European country or in the country of origin (if the child has expressed willingness to return), as well as those on the path to social inclusion for the purpose of acquiring citizenship at 18. They help develop the individual educational plan for each child’s needs and specific situation and can also co-operate in their assisted return to the country of origin.

**The Prefecture** is a body that represents the national government at provincial level and acts as a territorial Office of the Government regarding co-ordination of activities, relating to the procedures for first entry and assistance to unaccompanied children, between the Immigration Offices, regional, and local authorities.

### **Others actors include care facilities staff within the Children’s Homes:**

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- **Directors of the children’s care facility:** The supervisors who manage the administrative and practical aspects related to the appointment of a guardian and the issuance/conversion of residence permits. They co-ordinate the staff for the reception of the child in the Home and, although they are the legal guardian of the unaccompanied child until the appointment of a guardian by the Court, they cannot be appointed guardian (Law 184/1983, Art. 3 and 9).
- **Cultural/linguistic mediator:** A professional tasked with facilitating the integration of immigrants into the social context of the host country, acting as an intermediary between the needs of migrants and the responses offered by public services. They are a bilingual agent that mediates a conversation between participants from two different linguistic communities to facilitate greater cultural and linguistic understanding. They have the task of helping the child get to know members of the care facility as it is essential that the child engages with the director and other care staff to gain access to services and information, and be involved in decisions concerning them. According to Save the Children’s experience monitoring reports on children’s care facilities (see Praesidium Project), not all facilities have a cultural mediator who is always present and this lack of support is among the leading causes of disappearances of unaccompanied children from care facilities.



## Noteworthy practice: the Cultural Mediator

In Italy, the role of Intercultural Mediators has been firstly introduced having regard to the school environment: it was conceived as a mean to value the mother tongue and culture of foreign children' Countries of origin (Presidential Decree 722/1982, implementing Directive 77/486). Subsequently, with the enactment of further Directives and regulatory documents (Ministerial Circular no. 301/1989; Ministerial Circular no. 205 of 1990, Law n.40/1998; Circ. N. 340/2000, Ministerial Order no. 455/1997), the role of intercultural mediators has gradually, but progressively, evolved into a stable tool for foreigners' social integration (Article 40, Law no. 40/1998). Indeed, a specific Law (Legislative Decree no. 286/98, art. 38 ) requires the State, Regions and Local authorities to foster the implementation of peculiar agreements with legally registered Associations in order for them to employ, within their structures, foreigners as intercultural mediators. The latter should be responsible to facilitate relationships between the Administrations and different ethnic, national, linguistic and religious groups.

Despite Italian Law specifically provides the involvement of intercultural mediators, national legislation does not contain clear organic rules delineating and protecting such profession.

The Ministerial Order no. 455/1997 introduces a provision according to which the need to institute specific trainings for mediators is introduced. Furthermore, by Ministerial Decree n.38/2002, Schools for Linguistic Mediators (SSML) are established as non-University educational path.

Form the described scenario, the current absence of a unique educational path to obtain the qualification of intercultural mediator emerges. To become intercultural mediator in Italy, therefore, it is possible to obtain a University Degree in Social Sciences, Science of Education or Psychology, with a specialization or expertise in professional education. However, a further subsequent training is requested. As an alternative, Italian Universities organize three years specific courses to become intercultural mediator (D.M. January 10, 2002, n. 38); nevertheless, also in these cases the training is requested.

In practice, the most accessible procedure to become a intercultural mediator is to obtain a high school degree and then to attend a course of specialization organized by local authorities or Regions (Legislative Decree no. 286/98 art. 38), issuing a professional qualification. These courses have different subjects and organization, but all of them should provide lessons in the following areas: technical – vocational, legislative and institutional; linguistics; socio psycho-pedagogical and didactic; social-health; statistics and computer science. This easier educational path also facilitates the participation of migrants, even if recently arrived in Italy, providing them with the possibility to valorize competencies into a professional career.

To conclude, it should be underlined the absence of a national register for intercultural mediators; nevertheless, regional or provincial registers are established.

In order to provide a clear picture of Italian legislations and practices concerning intercultural mediation, also through a comparative reading of EU Member States experiences, a study has been published on the Italian Website on Integration: <http://goo.gl/MK5IIz>

- **Legal counsel:** Reception centres use specialised immigration lawyers to assist the child on their path to acquiring legal status and integration. As with the mediator, according to Save the Children's experience monitoring reports on children's care facilities, not all facilities have lawyers on staff and this lack was among the leading causes of child disappearances.
- **Psychologist:** Reception centres also employ specialised psychologists to provide psychological support to the children, intervene in cases of increased vulnerability, and contribute to preparing the asylum application.

## Humanitarian Organisations and Associations

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Immigration services are provided at border crossings (ports and airports) to offer information and legal assistance to migrants, but do not necessarily have specialised staff or cultural mediators. (Consolidation Law on Immigration, Art. 11, para. 6). There are also associations that play a supporting role to institutions, particularly in providing legal advice to unaccompanied children in other contexts. Terre des Hommes provided psychosocial support and assistance to migrant children and families with arriving children in Lampedusa in 2013 and in Syracuse in 2014. Another activity where associations are involved is outreach, mainly in Rome but also in other cities through street units. If an unaccompanied child is found, they are required to immediately report this to law enforcement so that activities for the child's reception may begin.

### Noteworthy practice: Praesidium Project

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Since 2008, Save the Children, International Organisation for Migration, UN High Commissioner for Refugees, and the Red Cross have been partners in the Praesidium Project, co-ordinated by the Ministry of the Interior – Department of Civil Liberties and Immigration, aimed at strengthening the capacity of Italian authorities in the management of migration flows affecting southern Italy (Sicily, Puglia and Calabria). The staff of the Project (a legal advisor and cultural mediator for each organisation) are involved immediately following arrivals, working in teams to monitor the procedures and reception conditions, and providing migrants with legal information. As part of its mandate, Save the Children monitors procedures and reception of unaccompanied children and families with children, provides free legal assistance to all children, and monitors children's care facilities to observe the conditions of reception.

### Noteworthy practice: CivicoZero and A28

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**CivicoZero** is a co-operative running a drop-in Day Centre for migrant children in Rome, providing reception, support and referral activities, such as legal advice, healthcare, training and work orientation, recreational activities, workshops and outreach.

**A28** is an emergency Night Centre for unaccompanied children in transit (unidentified and not fingerprinted) run by the Co-operative CivicoZero.

## Doctors

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An unaccompanied child should meet a doctor at the time of rescue at sea (on Coast Guard vessels). The agreement protocol between the Coast Guard and the Prefecture of Lampedusa, ensuring the on-board presence of the Knights of Malta (CISOM) doctors, should be noted as best practice. After the child is first examined by a doctor from the local health authority at the time of landing, there is often also a doctor present from humanitarian organisations who is assisted by the mediator. There should always be a doctor in the refugee reception centres and in the Children's Homes but, in practice, this is not guaranteed. Doctors also have the task of carrying out age verification when requested by law enforcement.

## Ombudsman for Children – regional and national

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Most Italian regions have a law establishing the Ombudsman for Children and Young People, but not all have appointed a person to fulfil this role. One of their main activities is the training of volunteer guardians for unaccompanied children and to check their reception conditions. The National Ombudsman for Children does not have a specific mandate in the protection and guardianship of unaccompanied children (Law 112/2011).



With an unaccompanied child, the Jurisdictional Authority for Children must appoint a guardian as soon as possible to this voluntary role. There is no consistent practice in choosing guardians because the legislation leaves much room in this regard, but it generally provides that the guardian must be an adult who is suitable for the role to ensure the child's protection and care for and legally represent the child (Civil Code, Art. 403; Law 184/83, Art. 19). In practice, those named as guardians can be a mayor, public officials, social services delegated by the mayor, and lawyers. They must inform children about their status as an unaccompanied child and the legal and administrative proceedings upon arriving in Italy.

The guardian must be able to support the child and the law requires them to be an adult who takes care of the child in all aspects, providing support and assistance but, in practice, this does not happen as often the guardian only provides legal capacity. Judicial authorities follow certain criteria in choosing the most appropriate guardian considering their suitability for the role, as it is important they have the knowledge and skills to take responsibility for the child's education and learning, considering the child's skills, natural inclinations, and ambitions (Civil Code, Art. 147).

The guardian represents and assists the child in their request for asylum and is responsible for referring a child who wishes to apply for asylum to the National Protection System for Asylum Seekers and Refugees (SPRAR) to find accommodation for them within the framework of the projects for unaccompanied children (Ministry of the Interior Directive on Unaccompanied Children, 7 December 2006).

### **OTHER ACTORS WHO HAVE A DECISION-MAKING ROLE**

**The Juvenile Court**, established by Royal Decree (Law 1404/1934), is presided over by a judge of the Court of Appeals, and is composed of a magistrate from the Court and two citizens, one male and one female, chosen from among scholars of biology, psychiatry, criminal anthropology, pedagogy, and psychology. There are currently 29 jurisdictions in the fields of civil, administrative, and criminal law.

In civil law, its powers are directed to the protection of the child in situations of potential harm or neglect. The actions taken following such situations may demand restrictions on parental authority, ordering the removal of the child into the care of the Court, or adoption. There are Juvenile Courts (for example, in Bari) that follow the Law 184/1983, taking responsibility for the situation of unaccompanied children and open proceedings on parental suspension or limitation (Civil Code, Art. 330; Law 184/1983, Art. 2) or procedures to determine the state of neglect of a child (Law 184/1983, Art. 8), resulting in the appointment of a guardian. The Juvenile Court may authorise the entry or residence for a period of time of family members of unaccompanied children who are living in Italy, where there are serious concerns with the psychological development of the child, taking into account their age and state of health (Consolidation Law on Immigration, Art. 31).

With administrative law, it has the power to adopt re-educational measures for children who engage in inappropriate behaviour, considered unacceptable in the context of family and social life. It also offers protective measures for children engaged in prostitution or who are victims of sexual offences, and administrative capacity for the remainder of the integration process initiated by unaccompanied children up to the age of 21.

In the area of criminal law, it hears cases of young people aged 14-18 who commit crimes, as children under the age of 14 cannot be charged by law. Each Juvenile Court has a **Deputy Public Prosecutor** or Deputy Prosecutor General of the Court of Appeals tasked with bringing civil, criminal, or administrative actions. Juvenile Courts are part of the mainstream child protection system and do not make decisions on asylum.

**A Guardianship Judge** sits within each district court and has the task of appointing the guardian as soon as possible following an application received by the Director of the Youth Care Facility where the child is staying. They also oversee all matters of extraordinary administration.

## **OTHER RELEVANT ACTORS IN THE PROTECTION OF UNACCOMPANIED ASYLUM-SEEKING CHILDREN**

**Commission for the Recognition of Asylum** is the administrative body in charge of assessing the request for international protection from asylum seekers, including unaccompanied children. Seven Territorial Commissions were established (Law 189/2002 and its implementing regulation DPR 303/2004) in Gorizia, Milan, Rome, Foggia, Syracuse, Crotone and Trapani. Sub-offices of Territorial Commissions can be established in emergency situations (Law 97/2013, Art. 30). Currently there are 10 Territorial Commissions, composed of an official from the Prefecture acting as chairperson, an official from the State Police, a representative of a local authority, and a representative of UN High Commissioner for Refugees (UNHCR).

**Ministry of the Interior – Dublin Unit** performs administrative tasks related to the application of Regulation (EC) 604/2013 of 26 June 2013.

## **NATIONAL PROTECTION SYSTEM FOR ASYLUM SEEKERS AND REFUGEES (SPRAR)**

Regarding asylum, the child shall be accommodated, based on availability, in special facilities solely for asylum seekers within the National Protection System for Asylum Seekers and Refugees (SPRAR), or in dedicated child facilities under the care of the municipal social services. The guardian, with the aid of local social services, is responsible for referring a child who wishes to apply for asylum to SPRAR to find accommodation within the framework of the projects for unaccompanied children (Ministry of the Interior Directive on Unaccompanied Children, 7 December 2006). If there are no places available, the unaccompanied child should remain in a children's care facility and social services will assist in completing the asylum application (which must be confirmed by the guardian, once appointed).

## **2.7 FEATURES OF NATIONAL CO-OPERATION**

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In Italy, the competencies required for the protection of unaccompanied children are dispersed among many different actors, whose co-ordination is not easily assured. However, the Ministry of Welfare and Social Affairs' Directorate General of Migration and Integration Affairs has organised an Inter-Institutional Co-ordinating Board for issues related to non-asylum-seeking unaccompanied children, with representatives from the Ministry of the Interior's Public Security Department, the National Association of Municipalities, the Regional Department of Social Affairs, and the Ministry of Justice. Concerning the organised participation of other associations and specialised NGOs, according to the Ministry of Labour and Social Affairs, the Board's structure is still being defined.

At local level, the establishment of a "Child Section" in each Territorial Council for Immigration is planned, as currently not all Councils have such a section specifically focusing on monitoring the situation of unaccompanied children. Territorial Councils for Immigration are composed of representatives from local government, the region, municipalities, and NGOs, and monitor and promote initiatives and formulate proposals through inter-agency collaboration. In local centres, they monitor the number of migrants in the area and its ability to absorb migration flows, and can contribute, in collaboration with many different actors, to addressing problems related to migration and promote integration.

If the unaccompanied child is not an asylum seeker (even potentially), the authorities should co-operate with Consular services to seek information or documentation on identity, however, in practice, there is a lack of collaboration among these actors.

## Noteworthy practice: Online Information System (SIM)

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To strengthen the activity of data collection, facilitating communication and interaction among all involved actors, an **online information system (SIM)** is currently being developed, aimed at improving the monitoring of reception pathways for unaccompanied children upon arrival in Italy. This system allows all involved parties (Police, regions, municipalities, communities, and Tribunals) to access a shared database where each, according to their competence and ensuring data protection, may enter, read and update the information on children (arrival, age, identification procedures and papers, movements within Italy, basic information on family tracing, activation of protection procedures, and integration). The system will strengthen co-operation among actors to better manage the reception and integration pathways of children.

The SIM is currently being tested in seven different locations, characterised by unique systems of tracing, protection, and care: Ancona, Bari, Bologna, Crotone, Syracuse, Turin and Venice. Following the pilot phase, the SIM will be rolled out across the country with the objective of being the sole source of unaccompanied children's information.

Another example of co-operation is the multi-agency approach developed within the previously discussed Praesidium Project, which considering the different mandates of its four partner organisations, has proved to be successful.

## 2.8 RESOURCES FOR INTER-AGENCY CO-OPERATION

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The Ministry of Welfare and Social Affairs – Directorate General of Immigration and Integration Affairs is active in promoting inter-agency co-operation through two projects (Doti Project and Giovani Donne Project) that involve all actors responsible for the child's integration process, particularly in mainstreaming access to the labour market at age 18.

**Doti Project:** Aims to strengthen integration of unaccompanied children, encouraging their stay in Italy when they reach 18 and supporting the municipalities in developing effective individual projects. The Directorate General has created dedicated intervention measures for social and work integration, financing actions based on personalised intervention plans aimed at encouraging skill development and the promotion of job placement. The project resources (from EU European Social Fund and national funds) have funded 1,126 individual grants providing services such as orientation, language courses, education, training, and internships.

**Giovani Donne Project:** Learning from experiences of the Doti Project, and considering specific vulnerabilities and problems encountered in the integration process by unaccompanied girls, especially in transition to adulthood, this project aims to develop innovative models to support the autonomy of young migrants. Individual integration plans have been designed for the 380 participants and targeted services have been provided. Services, such as orientation, education, language courses, training, and internships, are delivered together with tutors in charge of taking care of individual cases and finding solutions to the young people's specific needs

# 3. RESPONDING TO EXTRA VULNERABILITY AND INDICATIONS OF HUMAN TRAFFICKING

*This chapter aims to map all actors involved in responding to indications of trafficking and increased vulnerability. It discusses what systems are in place, how the most important actors are qualified, resourced, and mandated, and the extent to which they co-operate. EU Directive 2011/36/EU provides that governments have the duty to fight child trafficking and it is in the best interest of the child to be protected against trafficking and be granted adequate care where there are indications of being a victim.*

*In the context of this chapter, and in line with the definition of Article 3(a) of the 2000 UN Palermo Protocol, indications of trafficking include “signals that children are, for the purpose of exploitation, recruited, transported, transferred, harboured and/or received.” While no specific definition of “additional vulnerability” is used, there are many different psychological, physical, or social factors that may make the child extra vulnerable. ‘Responding’ is defined as “any actions following (an) indication(s).”*

## 3.1 LEGAL AND POLICY FRAMEWORK

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With Law 228/2003 “Measures against human trafficking”, important changes to the Criminal Code (Articles 600, 601 and 602) were made establishing certain severe penalties (imprisonment from 8-20 years) against the crime of “new slavery”. This includes the subjection of a person to another’s ownership or reducing a person to, or keeping in, a state of continuous subjection, forcing them to work or perform sexual services or work that involves the use of violence, threats, deception, abuse of authority or profiting from a situation of physical or mental inferiority, necessity, or by promising or giving sums of money or other benefits to those who have authority over the person. If the offence is against children, it is regarded as an aggravating factor.

In the same law (**Article 13**), a special programme of assistance for victims of trafficking was established, including a number of first aid measures and initial support for 3 months (extendable to 6 months). It provides adequate temporary accommodation at a safe facility and healthcare, as well as the creation of a special fund to finance these interventions.

It was also envisioned (**Article 14**) that the Ministers of the Interior, Equal Opportunities, Justice, and Labour and Social Affairs should ensure the provision, where necessary, of training courses for staff in specialised centres, and initiatives to strengthen the effectiveness of preventive action against crimes of slavery/servitude and those related to human trafficking.

The Italian system also has another important provision for the protection of victims of trafficking in **Article 18 of the Consolidation Law on Immigration (Legislative Decree no. 286/1998)**. It is believed to be very progressive legislation at European level as it allows the victim of trafficking to escape the violence and exploitation by receiving a 6-month residence permit from the Police. It is renewable for one year and can be converted into a residence permit for study or work, without necessarily having to co-operate with the local authorities.

Although this is an innovative law, it still encounters difficulties, even many years after publication, in its interpretation and inconsistent application. There are cases where, for example, the issuance of a residence permit for reasons of protection is subject to certification officially declaring the authenticity of serious violence, exploitation and danger; even when the permit is approved, the waiting time for its delivery from the competent authorities is excessively long.

The same law identifies competent individuals within law enforcement and social services to verify and report situations of violence or serious exploitation against a migrant, as well as real threats to their safety because they attempt to escape the situation of human trafficking.

There is also the opportunity to provide the victim of trafficking with a special programme of assistance and protection, such as individual recovery plans and social inclusion, provision of long-term residential facilities, healthcare and counseling, legal, educational and vocational training, apprenticeships and job placement (if possible).

Italy has ratified the 2000 UN Palermo Protocol with Law 146/2006 and with Law 108/2010, the Convention of the Council of Europe adopted in Warsaw in 2005, which establishes the obligation for each State to provide compensation to the victims of trafficking, and recently, with Law 172/2012, the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse, adopted in Lanzarote in 2007. It is also noted that regarding child prostitution, the Parliamentary Commission for Children conducted a cognitive outcome survey (July 2012) and published a report on the issue, identifying measures to combat it.

More recently (July 2013), the Italian Parliament approved the proposal of European law and the 2013 European delegation that provides criteria for the implementation of **Directive 2011/36/EU** on preventing and combatting human trafficking and the protection of victims, which includes specific measures and actions for child victims of trafficking (including unaccompanied children), a multidisciplinary procedure

for their identification, specific safeguards for communication with children in the course of investigations and prosecutions, as well as standards for effective co-ordination between the asylum system and the protection and assistance of victims of trafficking. Although presented with a draft of the National Anti-Trafficking Plan, the Italian Government has not yet approved it.

## 3.2 STATISTICAL DATA

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The numbers of child victims of trafficking and various forms of exploitation are still mostly hidden. Similarly invisible is the existence of (or potential risk of) child labour exploitation, especially for unaccompanied Egyptian and Chinese children. Also, there are children who “pass through” Italy very quickly (many of them Afghans), heading mainly to Northern Europe with the intention of not being registered in the national security system, so as not to compromise their relocation plans.

In trying to classify the numbers of children at risk of trafficking, one should note the sensitivity of the boundary between the situation of children recruited, transported or moved to Italy for the purpose of exploitation, compared with the greater numbers of children living in the country in conditions that create a high risk of experiencing exploitation or trafficking, either directly or indirectly. In particular, many unaccompanied children are exposed to economic and social vulnerability, creating conditions where the trafficking and exploitation of children is more common.

The associations and organisations involved in this mapping indicated that sexual exploitation and trafficking mainly involve children, mostly from Nigeria and Romania. As for labour exploitation, it refers to children between the ages of 13-16 working mostly in markets (for Egyptian children in Rome, Milan, and Turin) and in commercial establishments. There is also confirmation of Chinese children involved in situations of labour exploitation in Tuscany and the Veneto region. The only official data available is from the Department for Equal Opportunities (DPO) related to protection projects for victims of trafficking, regarding the application of Consolidation Law on Immigration (Art. 18) and Law 228/2003 (Art. 13).

In particular, regarding **Article 18 of Legislative Decree 286/98** (Consolidation Law on Immigration), from 2000-2012, there were 13 notifications for the presentation of projects, 665 projects were co-financed throughout the country, and 1,171 children subjected to sexual and labour exploitation or other forms of exploitation, such as begging and illegal work, were assisted. Notice No. 12 for the year 2011/2012 has helped 114 children.

With **Article 13 of Law 228/2003**, there were seven notifications for the implementation of projects from 2006-2012, with 166 programmes co-financed throughout the country. From 2006-2012, 208 child victims of trafficking were assisted. Notice No.6 (2011/2012) helped 69 children. In recent years, trafficked children from Nigeria, Romania, Morocco, Egypt, and China have been assisted through these programmes.

The data is incomplete and does not reflect the total number of unaccompanied children who may be trafficked. There is limited data on the children who come into contact with protection services or the Police. The National Anti-Mafia Directorate processes data from the District Prosecutor’s offices on their crimes, and among those injured, are victims of sexual exploitation.



### 3.3 FIRST ASSESSMENT OF BEING TRAFFICKED

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Regarding the identification and evaluation of trafficking victims, there are no specific rules that clearly establish who is responsible and in what ways. The only legislation that addresses the actors involved in the identification of trafficking victims is Article 18 of the Consolidation Law on Immigration, where law enforcement and local social services are deemed responsible for assessing and reporting a trafficked person for the issuing of a residence permit for reasons of protection, and their inclusion in a specific programme of assistance and protection.

In reviewing documents and interviews conducted for this mapping, it emerges that the actors who can manage the identification of child victims of trafficking are the ones who most frequently come into contact with unaccompanied children, in particular:

- **Educators and children's care facility staff** seek, through observation and dialogue, to establish a relationship of trust that allows children to feel safe
- **Social workers of the municipality** tasked with evaluating if the child is at risk of labour and/or sexual exploitation, and consequently if the child could be a victim of trafficking (Law 184/1983, Art. 10; Consolidation Law on Immigration, Art. 18)
- **The cultural mediator** is among the first people to meet the child and has a linguistic and cultural understanding that allows them to feel heard and understood, playing an important supporting role for educators, community workers, and social workers
- **The psychologist**, through interviews and psychological tests, is tasked with evaluating the child's cognitive level and determining whether there is need for further study and evaluation of the health of the child and family history of past migration
- **Law enforcement and judicial authorities** come into contact with the child victim of trafficking as a result of investigative activities
- **The staff of associations and international organisations** engaged in outreach and/or legal assistance, also at borders
- **Health care providers**

Where the child can be identified as a victim of trafficking, one must first distinguish between preliminary identification and formal identification of victims of trafficking. Preliminary identification concerns the initial screening of an alleged victim of trafficking, responding to their basic needs (such as housing, health needs, access to information) and the handing over to social services. Formal identification is carried out by qualified and authorised staff asking specific questions and assessing the information and facts relevant to identifying child victims of trafficking.

## **PRELIMINARY IDENTIFICATION OCCURS MAINLY IN THREE SITUATIONS:**

- ❶ **At the border:** The child could be intercepted at the border crossing, airport or during landings on the Italian coast by International Organisation for Migration (IOM), UN High Commissioner for Refugees (UNHCR), Red Cross, Save the Children (operating within the Praesidium Project) and other associations (first arrival centres, social workers and psychologists, where available). Staff of the Praesidium Project (especially IOM and Save the Children) have a specific mandate and expertise in the identification of child victims of trafficking. Save the Children Italy has developed and uses specific indicators for identifying child victims of trafficking, described in the protocol for the identification and support of child victims of trafficking and exploitation (sexual exploitation, exploitation in illegal activities, exploitation of forced begging, labour exploitation). An assessment of their protection needs is conducted and the child is referred to care facilities specialised in supporting victims of trafficking and exploitation.
- ❷ **Within the country:** (two situations)
  - a) The child is found or approached by street units and put in contact with street social workers who, on the basis of interviews conducted for this mapping, have (or are generally believed to have) the tools to identify whether a child is a victim of trafficking, and local social workers who, instead, believe they are not always able to do so due to the lack of tools to identify indicators of trafficking. In this case, the intervention of experts and cultural mediators is considered particularly useful.
  - b) The child is found being exploited through a police investigation where, once in contact with the child, the Police turn to experts in the area (particularly, cultural mediators and local social workers) to perform the assessment.
- ❸ **Accommodation:** Many of those interviewed for this mapping confirmed that risk indicators of trafficking may not necessarily emerge at the time of first contact with the child. To identify whether a child is a victim of trafficking, except where already involved in investigations, it is essential that the child has confidence in the person they engage with, which is why a mediator and/or staff member can more easily identify them as a victim of trafficking. When there are indications of trafficking, it is best practice that the child is transferred to a secure facility (a location other than where they first arrived or were found) and there proceed with the assessment that requires a minimum of three months, which can be extended up to a maximum of six months.

These secure facilities ensure time for the child's psychosocial assessment process. In this phase, with assistance from the cultural mediator, the staff support the child in all procedures concerning law enforcement and judicial authorities, provide a thorough psychological evaluation, and jointly develop a personal action plan with the child and agree on its objectives.

The assessment is carried out by a multi-disciplinary team consisting of a social worker, educator, community worker, cultural linguistic mediator, and a psychologist. In many cases, the guardian is also included, but this depends if one is appointed and it does not happen quickly (on average, at least two months after the request). During this period of observation and evaluation, the team working with the child develops an individualised education plan (IEP) whose objectives are defined according to age, initial migration project, type of exploitation and structure of the criminal organisation of which they were a victim, skills, and personal resources. With the combined work of experienced local services and NGOs in the area, they are guaranteed the fundamental human rights of physical and mental health and literacy. They have the right to be informed in their own language about their situation, the Italian legislation on immigration, combatting trafficking and exploitation, political assistance and the protection of unaccompanied children (and children in general), the outcome of the case in terms of a possible collaboration with the judicial authorities, and to be represented and protected in court.

However, this system is not applied in a uniform manner throughout the country. In the Veneto region, a system has been developed that can be recognised as best practice and involves two areas of intervention – emergency and primary assistance for child trafficking victims.



## Noteworthy practice: Local Communities Against Trafficking

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This project, presented by the City of Venice – Political Affairs Management, Participation and Social Inclusion Promotion of Immigration Services, Office of Humanitarian and Social Protection, creates a regional system of referrals to help victims of trafficking and serious exploitation for the Veneto region, adopting a joint strategy relating to human rights and the work of multi-agency and multi-professional networks, with the support of cultural/linguistic mediation. The target group includes children between 16-18 years old and adult female, male, and transgender people who come to the Veneto region through different means of exploitation (sexual (indoor/street), forced labour, begging, the black economy), and potential victims of crimes 600, 601 and 603 of the Penal Code. The project is divided into two areas of intervention – **emergency** and **primary assistance**. The emergency activities are divided into five contact units on the street aimed at **prostitution**, four contact units on the street aimed at **begging** and two contact units aimed at **indoor prostitution**. Primary assistance interventions offer **protected reception** for human trafficking victims within a regional network consisting of 12 “vanishing point” facilities and two primary assistance centres.

Another good practice is the anti-trafficking toll free phone number that works closely with local operating units.

## Noteworthy practice: Toll Free Anti-trafficking Phone Number

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The toll free phone number was introduced by the Presidency of the Council of Ministers – Department for Equal Opportunities in 2000 as a first action aimed at combatting exploitation addressed by Article 18 of Legislative Decree 286/98 (Consolidation Law on Immigration), and Law 228/2003 on measures against human trafficking. It is intended for victims of trafficking subjected to any form of exploitation and can be used by the Police, Judicial Authorities, social and Territorial services, professional labour associations, residents, and citizens. The toll free service 800 290 290 is managed by a national centre (with operators active 24 hours a day) and 14 local centres (with operators active for six hour shifts). Local authorities own and run the local service centres in collaboration with non-profit organisations and experienced operators. A fundamental basis of the local referral system is the co-ordinated actions of training and awareness; a joint and on-going interaction between different actors and stakeholders who engage with potential victims of trafficking and serious exploitation.

It should be noted that there is an on-going European project to improve the identification of victims of trafficking.

## Noteworthy practice: Protection First – identification, prevention and assistance to children at risk or victims of trafficking and exploitation

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This project, which began in late 2013 and is on-going, involves Italy (Save the Children, CivicoZero, and On the Road Onlus Dedalus Co-operative Society), the Netherlands (Stiching Defence for Children International Nederland – ECPAT), and Romania (Salavati Copiii Organisation – Save the Children). It is aimed at increasing understanding of the issue of child trafficking and improving the identification of children at risk, or victims of trafficking, through a study of the trafficking of children and the development of innovative identification tools for child victims or those at risk of trafficking, as well as self-assessment tools for the children themselves. These will be tested to ensure that they increase self-evaluation and improve the awareness of children about the mechanisms of trafficking and exploitation, as well as the ability to identify child victims and those at risk.

With regard to **training** in the identification of child victims of trafficking for actors involved in the protection of unaccompanied children in Italy, it should be noted that legislation governing and financially supporting specific training programmes does not currently exist. When requesting funding for *Emerging Projects and First Assistance*, Law 228/2003, Art. 13, Section 5 on important aspects of the project, applicants are prompted to specify the training (usually it is 40 hours per year) that will be given to any staff involved in planned activities, such as the type of training, the training provider and number of hours of training. In the various locations where contacts were made for this mapping (Venice, Verona, Milan, Rome, Pescara, Naples and Catania), it is evident that there is some general training on the theme of trafficking, but not specifically with regard to trafficking of children.

### **3.4 FIRST ASSESSMENT OF SITUATIONS OF EXTRA VULNERABILITY**

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Identifying cases of extra vulnerability, such as mental distress, in unaccompanied children is a challenging and largely unexplored area and, therefore, difficult to identify appropriate and specific answers in every single case.

In recent years, increased vulnerability regarding mental health has been noted among people who were granted asylum and with returning asylum seekers, especially in the application of the Dublin Regulation. Mental distress can result from many different triggering factors, varying from stress related to deprivation of human rights in the country of origin, fear and uncertainty of the journey, obstacles, hardships and anxieties, as well as physical violence, physical or sexual abuse, rape, and torture. Because of these repeated and, sometimes, systematic traumatic experiences, psychological distress is one of the major problems that may occur long after arrival in the destination country.

Interventions to help identify vulnerable individuals can be varied, depending on the type of vulnerability, and may require observation of their verbal and non-verbal behaviours, as well as the possibility of carrying out individual interviews and the collection of personal histories. The main difficulty is the inability to read the signals and motivations of a particular act or behaviour. In some cases, it was later discovered that certain acts were the expression of a specific cultural and/or religious ritual, while in others, difficulties arise when the child is unable to establish a relationship with the cultural mediator, and becomes closed off and distant with a feeling of isolation that expresses itself through acts of self-harm.

In general, where a child experiences situations of extra vulnerability, prompt reporting to the competent parties involved becomes essential in preparing a proper and timely response, but this is not always possible as interviews have shown that it is difficult to detect whether a child has extra vulnerability without careful observation.

When the children's care facility staff who first receive the children are able to make an observation and there is a clear psychological vulnerability, two different realities must be faced.

From the interviews conducted, it appears that in some areas (Verona, Rome, Turin) any request to assume responsibility for the child becomes difficult as there are problems in finding suitable facilities to accommodate these children and practitioners within the healthcare system that are able to treat their distress.

In other areas (Milan, Catania, Naples), however, there are established protocols with mental health/psychiatric services that provide positive practices and services in support of the efforts of community workers who work with these children and deal with the subsequent transfer of responsibility. This is done through the collaboration of specialised staff in the administration of drugs, the continuity in psychological/psychiatric treatment, and the participation of the children in inclusive activities.

The actors involved are usually community educators, social workers, health workers, cultural mediators and psychiatric child services, consisting of teams of psychologists, psychiatrists and health educators.



## 4. RESPONDING TO DISAPPEARANCES

*This chapter outlines the responses to disappearances of unaccompanied children from care, briefly highlighting the actors involved and how they co-operate. In the context of this chapter, “disappearance” refers to a child who goes missing from the local or national system of care facilities, and “who is concerned by disappearances” refers to all actors who are involved in the reception and protection of a child and those tasked with responding to their disappearance.*

## 4.1 STATISTICAL DATA

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According to data provided by the Ministry of Labour and Social Affairs – Directorate General of Immigration and Integration Policies, as of 30 June 2014 there were 9,769 unaccompanied children reported in children’s care facilities, of which 1,994 (20%) on the same date were missing. Most are boys, around 17 years old, and they move on from the border regions of Sicily (1.119), Calabria (230), and Puglia (121). Among the main countries of origin of untraceable, unaccompanied children are Somalia (494), Eritrea (453) and Egypt (401). From the comparison with data on the number of unaccompanied children arriving by sea, it is clear that a significant number of children from Eritrea and Syria have moved on even before they are taken in and/or reported by the children’s care facility. . Statistics are unavailable for the numbers of unaccompanied children (mainly Afghanis) who enter Italy through Adriatic ports (Ancona, Brindisi, Bari, Venice) hidden in trucks.

One of the main reasons why unaccompanied children avoid being registered, photographed, and fingerprinted is because they want to reach other European countries where their relatives or fellow compatriots live, and fear being sent back to Italy under the Dublin Regulation. Even if they can access emergency health services, they sometimes prefer not to for fear of being reported to the authorities.

There are also a significant number of unaccompanied children who move on to other cities in Italy, for example, many unaccompanied Egyptian children from Gharbya aim to reach Rome, and Milan, if coming from Assiut.

According to Save the Children’s experience, other reasons for unaccompanied children to move on from border communities include inadequate reception conditions, particularly the lack of important services such as cultural mediation and legal assistance, as well as limited opportunities for training and work. In these situations, unaccompanied children are at risk of trafficking and exploitation.

According to data from the State Police Anti-Crime Centre, Operational Service Centre, Analysis Division – Children Section, on 30 June 2013 there were 1,979 migrant children reported missing between 2007-2013 and still to be found, of which 210 were under 10 years old, 232 between 11-14 years, and 1,437 aged 15-17 years old.

## 4.2 PROCEDURES OF RESPONSE

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An unaccompanied child is considered missing when they voluntarily leave the care facility and do not provide information about their destination, reasons for their departure, or if they are going to return. In doing so, the child abandons their administrative and legal process as an unaccompanied child (appointment of a guardian, obtaining a residence permit, and applying for asylum), as well as any training programme they may have started (school enrollment, literacy classes, vocational training, or beginning work).

In Italy, there is no specific legislation addressing situations where unaccompanied children go missing, therefore, the general law on missing children (Law 203/2012) applies, or should apply.

## **IMMEDIATE STEPS UPON DISAPPEARANCE**

Where the unaccompanied children voluntarily leave the care facility, effectively making them untraceable, the manager must report the disappearance to the guardian, local social services and the Judicial Authorities (Public Prosecutor at the Juvenile Court, the Juvenile Court, and the Guardianship Judge), and this communication is usually done by fax (called “fax escape”).

The local social services must report the disappearance to the Ministry of Labour and Social Affairs – Directorate General of Immigration and Integration Affairs for the purposes of the census (DPCM 535/1999 and 19 December 2013 – Guidelines).

In addition, the manager of the care facility and/or guardian should send the same notification to the Commission for the Recognition of International Protection, if the child is an asylum seeker, and should formalise the reported disappearance of a “missing child” by going to law enforcement agencies (the Police, Carabinieri). This would initiate procedures to search for the missing child. In practice, however, according to Save the Children’s experience, not all of these actors are promptly informed of the child’s disappearance, nor do the managers of care facilities formalise the reported disappearance.

Law 400/1988 established the position of Special Commissioner of the Government for Missing Persons to ensure the proper management of investigations and timeliness of actions aimed at finding missing people. However, it is only recently that legislation was enacted (Law 203/2012) that established the procedure for searching for missing persons, which often appears to not be known or applied in cases where unaccompanied children go missing.

Since 2007, there has also been a toll free hotline (116.000) for missing children, established by the Ministry of the Interior and operated by Telefono Azzurro, which is not, however, used to report missing unaccompanied children who voluntarily leave care facilities.

## **INVESTIGATIONS INTO DISAPPEARANCES**

If a formal report of the child’s disappearance has not been submitted, but simply a communication sent regarding an unaccompanied child leaving a facility, no investigation is initiated. If, however, following a formal report regarding the child’s disappearance, law enforcement officers believe that it was voluntary, they do not proceed with further investigations, but if information is found that implies that the child has been a victim of crime (such as trafficking or child abduction), investigations begin to find them.

If there has been a crime, the law enforcement officer (Police, Carabinieri) who receives the report inputs the child’s information into the Data Processing Centre (DPC), located in the Information Systems Command (SSII) of the Central Directorate of the Criminal Police within the Department of Public Security in the Ministry of the Interior, and also requests the Judicial Authority to authorise inclusion of their photograph on the website of the State Police, Central Anti-Crime Section – Children Section ([www.bambinis-comparsi.it](http://www.bambinis-comparsi.it)).

Without prejudice to the powers of the Judicial Authority, the Police begin an immediate investigation and send the report to the Prefect for the timely and direct involvement of the Special Commissioner for Missing Persons, whose initiatives are implemented with the assistance of the local authorities, national corps of firefighters and civil protection system, voluntary organisations and other institutions active in the field.

In support, the Prefect, in consultation with the Judicial Authority, considers the possible involvement of the media, which has extensive experience in the search for information on missing persons (Law 203/2012, Art. 1, para. 4 and 5).

## CONSEQUENCES OF DISAPPEARANCES

According to the interviews realized for the purposes of this report, after an unaccompanied child has left a care facility, all of their administrative/legal proceedings are stopped. The Guardianship Judge arranges the archiving of the guardian appointment process; if already appointed, the guardian may petition the Court to end the guardianship; the Police Immigration Office suspends the procedure to issue the residence permit; if the unaccompanied child was seeking asylum and a hearing had already been held, the Territorial Commission for Asylum will still consider the decision, but the child will not be informed.

Due to a lack of information, communication and co-ordination among actors involved in the reception of unaccompanied children, a child who leaves a care facility may face negative consequences. For example, if a child is found in a city other than the one they disappeared from and a formal report of their disappearance had not been lodged, they are not recognised as a “missing child” as their information was not included in the Police database. The whole procedure for their identification and reception must then begin again, as if they had just arrived in Italy. In these cases, it may happen that a child already identified as such is instead subjected to a medical examination to determine their age, with a possibly different outcome, resulting in some individuals being treated as adults. If they are not seeking asylum, they could instead be taken to a Centre for Identification and Expulsion and receive a deportation order.

If the child has moved to another area, the procedure for the appointment of a guardian begins again. This is not only a waste of time and resources for the State, but increases the risk of a child (who is nearly 18) losing the ability to legally remain in Italy when turning 18.

### Noteworthy practice: PRUMA – To promote family reunification and the transfer of unaccompanied children seeking asylum within the European Union under the Dublin Regulation

This 12-month project (ending December 2014), involves International Organisation for Migration, Save the Children, Praxis, and CivicoZero working in Italy, Malta, Greece, France, the UK, Norway, and Germany. Its overall objective is the creation of a solid and sustainable co-ordination operation for the development and implementation of standard operating procedures (SOPs) for family reunification of unaccompanied asylum seekers under the Dublin Regulation, ensuring that the needs of unaccompanied child asylum seekers are taken into account and that their rights are respected.

In order to ensure the adequate protection and guardianship of unaccompanied children who move from one city to another, it is important that all actors and guardians are appropriately informed about the procedures for reporting missing children, and ensure their inclusion in the database of missing persons. This would be very useful to assist law enforcement in providing all information about the child and their on-going proceedings (appointment of a guardian, obtaining a residence permit, request for asylum), and avoid serious risks of causing further harm to the child. The SIM online information system is a tool that could facilitate this exchange of information.

# **5. STATUS PROCEEDINGS AND INFORMATION ABOUT THE CIRCUMSTANCES OF THE CHILD**



## 5.1 GENERAL OVERVIEW

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Regardless of whether the child is in a situation recognised by the 1951 Geneva Convention to be in need of international protection, all children who do not have a responsible adult have the right to be welcomed and protected and cannot be deported or repatriated (Consolidation Law on Immigration, Art. 19). Information regarding factors that make the unaccompanied child particularly vulnerable (such as seeking asylum) is not always immediately obvious and tends to be revealed at a later stage. Such information is necessary to enable unaccompanied children to access additional forms of protection, such as the opening of asylum proceedings or inclusion in a protection programme for victims of trafficking.

**At the first encounter**, law enforcement officers gather general information to identify the child, including their name, country of origin, age, and family relationships. This interview should be conducted by, or with the help of, specialised staff and a cultural mediator (Consolidated Law on Immigration, Art. 42) but, in practice, this does not always happen. In order to ensure a proper age assessment, questions addressed to the child about their age should be explicit about the exact day, month, and year of birth, but the information is often requested more generally, such as “How old are you?” The officers do not always request the child to show an identity document, even when there is doubt about their declared age. There are also situations where unaccompanied children do not trust the Police and refuse to show any documents, however, the support of the Embassy is not usually sought, even if the child is not an asylum seeker.

Because of the lack of a national standard, the **age assessment procedure** (for children who declare to be underage) through medical exam does not always include psycho-social information. Similarly, despite being required by law (Legislative Decree 25/2008, Art. 19, para. 2) that the child gives their informed consent before undergoing a medical examination for a non-invasive age assessment, in practice, this provision is often ignored or not sufficiently ensured.

According to recent guidelines from the Ministry of Welfare and Social Affairs – Directorate General of Immigration and Integration Affairs (December 2013), during the first interview of an unaccompanied child, the place of birth, information about the place of arrival or interception (where and when), and any family members in Italy or EU countries eventually available to take care of the child should be noted. This procedure (available online) is usually carried out by the social services of the local municipality or by the social worker in the care facility where the unaccompanied child is placed, and not by law enforcement officers at the first encounter.

In order to start the **family tracing procedure**, the Directorate General also requires additional information to be included in a specific form (available online) by the local social services or social workers of the care facility where the child is placed. This includes details of the person who makes the request (role, qualification, contact details, name of the municipality responsible for the child and date when the child first came under its care); personal data of the unaccompanied child (name, date and place of birth, citizenship) and family member/members (family relationship with the child, name, age, address, telephone number, other information). Investigations of family members of non-asylum-seeking unaccompanied children living in other European countries are carried out by the International Organisation for Migration mandated by the Directorate General. Through IOM, the Directorate General also collects information and initiates inquiries on the situation of unaccompanied children and their families to ensure that these have previously been heard during the procedure, also by those actors engaged in their initial arrival (Prime Ministerial Decree 535/1999, Art. 7).

**If the unaccompanied child is seeking asylum**, the family tracing procedure is conducted in Europe by the Italian Minister of the Interior through the Dublin Unit in application of the Dublin III Regulation, and the information gathered is of a specific format created and shared with the European Asylum Support Office (EASO). The information collected by the Dublin Unit is to verify that there is a real family relationship between the person referred to by the child as their relative and the child, as well as the ability and willingness of that person to take care of the child. This information can consist of documents such as birth certificate, family status, income tax return of the parent, custody declaration of consent from the parents of the child, photographs and, finally, as a last resort, the results of a DNA test.

In the **asylum procedure** (Law 25/2008), initial information is gathered through completing the so-called “C3 Model”, which includes personal data (name, parents’ names, gender, date and place of birth, current address in Italy, ethnic group, religion), type of documents in possession, family members in Italy or in other countries, languages spoken, information about the journey and arrival in Italy, reasons for leaving the country of origin and for not returning.

During the interview with the Commission for the Recognition of International Protection, information is collected by members of the Commission on the complete history of the child, including full details on their family, life in the country of origin, religion, ethnic group, reasons for persecution or risk in their country, their journey to get to Italy and those with whom they traveled. In order to assess the physical injuries that the unaccompanied asylum-seeking child has and traumatic events in their life, the child, with the consent of their guardian, may be subjected to a forensic medical examination. The child can appeal the decision issued by the Commission through submitting an appeal to the Courts at all judicial levels (District Court, Court of Appeal, and Supreme Court), however, this possibility is little known or used in practice. In the event of appeal, the Courts may acquire more information and this may include communication with the child.

According to indicators developed by Save the Children Italy **to assess whether an unaccompanied child has been the victim of human trafficking**, the following information should be gathered by Save the Children’s staff: age of the child, family status and living conditions in their country of origin and in Italy, family relationship with any adult who accompanies them, journey to get to Italy including passage through other European countries, the future plans of the child, their perception of security in the country, their perception of alleged exploitation, and relationships with the family of origin.

For the purposes of the conversion of a residence permit for unaccompanied children turning 18 (who have been in Italy for less than three years and have not embarked on a path of integration for at least two years), the Ministry of Labour and Social Affairs – Directorate General of Immigration and Integration Affairs collects information about the level of social integration of the child (for example, knowledge of the Italian language) and on that basis gives a positive or negative decision on their permanent stay in Italy (Consolidation Law on Immigration, Art. 32). This is completed through a special format (available online), which must be submitted by the local social services.

## 5.2 ROLE OF INDIVIDUAL ACTORS

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As mentioned, there are different actors responsible for gathering information about the circumstances of the child in the protection status proceedings. Through individual interviews, **social workers from the care facility**, along with **the guardian and local social services**, gather information about the personal situation of each unaccompanied child that arrives. This information is communicated to the competent agencies to initiate procedures including family reunification, repatriation to the country of origin, recognition and granting of asylum, and/or inclusion in a programme for victims of trafficking. The local social services can place an unaccompanied child, who has reached the age of 12, into the care of a family (and, where appropriate, also younger children) with the consent of the guardian (Law 184/1983, Art. 4). They may also be appointed by the President of the Juvenile Court to carry out in-depth investigations into the legal and social circumstances of the child, and the environment in which they lived and currently live, to verify whether a state of abandonment exists (Law 184/1983, Art. 10).

**Law enforcement** collects necessary information for the identification of the child, on the child's willingness to seek asylum, and where the unaccompanied child has applied for asylum, the presence of family members in other European countries. In the event that an unaccompanied child is reported missing, they must collect and enter the description of the child and any other relevant information into the database system.

**The Ministry of Labour and Social Affairs – Directorate General for Immigration and Integration Affairs** collects socio-demographic information for the purposes of a national register of unaccompanied children through the social services of the municipality where the unaccompanied child is located. The Ministry is also responsible for family tracing in collaboration with national and international agencies. Information collected through family investigations is used to develop integration pathways or can serve as a prerequisite for the adoption of a measure of assisted voluntary repatriation – a personalised plan for re-integration in the country of origin. To issue such a measure, the Ministry evaluates the clear and expressed wish of the child (*conditio sine qua non*), the opinion of the guardian or legal representative in Italy, and the authorisation of the Juvenile Court. Information is also collected regarding their path towards social inclusion for the purpose of obtaining a positive opinion to renew the permit to stay in Italy up to 18 years old (if they have been in Italy for less than three years or have not embarked on a path of integration for at least two years).

**The Ministry of the Interior – Dublin Unit** collects information to assess the existence of the family relationship between the unaccompanied asylum-seeking child and the person they have referred to as their relative, as well as the ability and willingness of that person to take care of the child.

**The International Organisation for Migration**, after issuing notice to the public, is responsible for conducting inquiries regarding the family of unaccompanied children (not seeking asylum) in the country of origin, third countries, and EU countries (see PRUMA Project).

**Embassy representatives** should support the Police in identifying the child by providing identification documents to avoid age assessment through medical exams, if the unaccompanied child is not seeking asylum. To date, only a few embassies (Egyptian) are efficient at this and the Police do not seek their support.

**Doctors** supply information to law enforcement about the age of unaccompanied children, where in doubt, by carrying out medical examinations with authorisation from the Juvenile Court. A forensic expert assesses the physical injuries and traumas experienced by the child at the request of the lawyer or guardian of the child, and the Courts during the asylum application procedure.

## 5.3 ROLE OF DECISION MAKERS

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The Judicial Authority is responsible for making decisions regarding all people under 18, including unaccompanied children. It collects information about the personal situation of the child through review of documents and communication with the child, where necessary.

**The Judge supervising cases of guardianship at the District Court** has the task of gathering all relevant information in order to appoint a guardian. According to the law (Civil Code, Art. 348), before proceeding, the Judge must listen to and take into consideration the opinion of a child who has reached the age of 16. However, this provision is often disregarded in practice, even if the law states that child should be heard in appointing the guardian, this rule is not always respected. They also have the task of determining how the guardian performs their role and, by decree, enforces any foster care decisions that may be issued by local social services (Law 184/1983, Art. 4).

**The Juvenile Court** is tasked with assessing the situation of each unaccompanied child and making decisions on a long-term solution in the best interest of the child, including the likelihood of adoption (Law 184/83). It has also, for example, the responsibility for issuing approval of the decision of assisted voluntary return adopted by the Ministry of Labour and Social Affairs – Directorate General of Immigration and Integration Affairs.

**If an unaccompanied child has filed an asylum application**, it is the Commission for the Recognition of International Protection which is competent to examine the application submitted by the child, proceed with their hearing, and decide whether to grant asylum protection. If the child appeals the Commission's decision, it is the Judicial Authority at all levels (District Court, Court of Appeals and the Supreme Court) that will decide on the possible appeal.

## 5.4 TOOLS, QUALIFICATIONS AND TRAINING

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The following tools are useful to gather information on the situation of unaccompanied children:

- Recent Guidelines from the Ministry of Welfare and Social Affairs – Directorate General of Migration and Integration Affairs (December 2013) include formats to be used to report information and register how many unaccompanied children are living in Italy; start the family reunification process; start the return process to the country of origin; request approval of conversion of the permit to stay when turning 18.
- The pilot National Information System (SIM), an online information system which records information on unaccompanied children from their arrival/interception in Italy until they turn 18.

In addition, the following tools are useful when gathering information on the situation of **unaccompanied asylum-seeking children**:

- Ministry of the Interior – Public Security Department format produced with European Asylum Support Office (EASO) support to gather information on family members of unaccompanied asylum-seeking children in Europe .
- “C3 Model” format.
- A data recording system containing relevant information on the child held by the National Protection System for Asylum Seekers and Refugees (SPRAR) Central Service. Those with authorised access to the SPRAR information system are municipalities and child care workers who are part of SPRAR and ministerial staff.
- The database of the National Asylum Commission on International Protection.

There is much inconsistency regarding the qualifications, skills, and training of actors involved in the protection of unaccompanied children. For example, the Judges of the Juvenile Court are particularly qualified in communicating with children in judicial issues and child law, despite not having received specific training on the legislation for the protection and safeguarding of unaccompanied children. Among the members of the Territorial Commissions for the Recognition of Asylum, only the representatives of the UN High Commissioner for Refugees have special training on the subject of communication with children seeking asylum.

Law enforcement (Guard Coast, Finance Guard, Polfer (Italian Police Corps), Polaria) attend courses on immigration law, but not on children's rights. From interviews for this mapping, it is evident that they do not receive specific training on best practices to use when questioning children to gather information, nor do they know how to approach or identify child victims of trafficking.

Lawyers who take on an unaccompanied child's case are not required to have specific training in this area and only recently have training sessions been promoted for people willing to take on the role of volunteer guardians.

Seminars and conferences are widespread for the judiciary, especially regarding communication with children.

### **Noteworthy practice: Save the Children – Legal Clinic and Agreement with the Superior School for Lawyers**

The European 'CLAIM' project aims to improve the access of children, with particular attention to children most at risk of social exclusion (including unaccompanied children), to judicial and administrative proceedings through a legal department, online platform, establishment of "Legal Clinics" at universities that will provide free legal support to children and their families, and the development of university courses on the rights of children.

Save the Children and the Superior School for Lawyers signed a Memorandum of Understanding in March 2012 providing for the development and implementation of scientific and cultural activities in the disciplines of law concerning the rights of children and young people, and the promotion of seminars and conferences directed at the training and skills development of lawyers for the judicial protection of the rights of children. An example is the November 2013, Rome Conference on "Child Friendly Justice, the lawyer in proceedings involving children".

## **REGIONAL OMBUDSMEN FOR CHILDREN AND TRAINING FOR VOLUNTEER GUARDIANS OF UNACCOMPANIED CHILDREN**

Between March-September 2013, there were 10 meetings of "Increasing the Number of Volunteer Guardians – Training Course for Volunteer Guardians", promoted by the Authority for Children and Adolescents of the Emilia Romagna region, in partnership with the Centre for Volunteering Services in the Province of Bologna. The course was attended by 25 people who could be appointed as guardians by the Guardianship Judge.

On 29 April 2013, the Ombudsman for Children in the Puglia region issued a call for the selection and training of 100 voluntary legal guardians in the provinces of Bari and Barletta to establish a regional list of volunteer guardians for unaccompanied children. The regional Ombudsmen completed the training course in March 2014.

## Noteworthy practice: Refugees Work Group (RWG), Bari

Since 2006, there has been an information desk specifically for permanent immigrants or those just passing through the region aimed at ensuring the provision of legal and administrative information. This includes documentation procedures, issuance and renewal of residence permits, access to procedural information on submission of asylum requests, and interview preparation for the hearing at the Commission for the Recognition of International Protection which helps reconstruct personal memories for the asylum seeker. It has also provided legal advice for any appeals against deportation orders or decisions refusing recognition of refugee status.

It has offered legal and social support aimed at unaccompanied asylum-seeking children within the project of second admittance, “The House of the Children of the World” since 2006. Started by the Municipality of Bari in the SPRAR, the project is managed by a number of different associations and, over the past three years, a close collaboration has emerged among some children’s centres in the provincial territory of Bari, providing support in legal and social guidance aimed at unaccompanied children.

## 5.5 CHILD PARTICIPATION

Although there are regulations that require that unaccompanied children are kept adequately informed about the decisions that affect them and that their opinion is always taken into account, this does not always happen in practice.

During arrivals by sea at southern borders (Sicily, Puglia and Calabria), organisations are present who specialise in the tasks of providing information and legal assistance to unaccompanied children and monitoring procedures that affect them, including age assessment. A leaflet containing child-friendly information about their rights was created and distributed to all unaccompanied children. In airports and seaports, the presence of NGOs with a mandate for legal assistance is standard, but specific expertise and experience in the fields of children’s rights and immigration is not required.

In advance of the hearing at the Territorial Commission for the Recognition of Asylum, there are responsible children’s care facilities staff who make best use of the collaboration of legal professionals and NGOs that try hard to prepare the unaccompanied asylum-seeking child for the hearing. At the beginning of the hearing, a member of the Commission advises the child about how the procedure is carried out and the possible outcomes. Although the child can appeal the decision issued by the Commission to the Judicial Authority at all levels (District Court, Court of Appeals and the Supreme Court), in practice this possibility is rarely used.





## 6 REFLECTIONS

*Based on the results of this mapping, it can be argued that Italy needs comprehensive legislation on the protection of unaccompanied children that guarantees the full respect of their rights. There is no clear role, mandate or responsibility established for each actor, especially in the first reception of unaccompanied children at the border. There is also a lack of co-operation and co-ordination at national and transnational level.*

## **THE NEED FOR A NATIONAL RECEPTION SYSTEM**

Italian legislation already provides that unaccompanied children cannot be deported and must be placed in a safe facility. However, at national level different practices are evident concerning the institution responsible for identifying reception places and the placement of unaccompanied children in care facilities. In addition, when seeking safe and available places for reception, authorities must search for a contact with the care facility, often without even having their phone number. Despite this, in 2011, during the so-called North African Emergency, for the first time unaccompanied children were placed in municipalities and regions other than their landing or location, where usually the search for reception places occurs within the district or region, rather than at the national level. This is partly due to the lack of clarity regarding which institutional body is responsible for bearing the cost of the transfer.

In the initial stage following arrival at sea or other landing areas, unaccompanied children, together with adult migrants, are housed in facilities designed to provide relief and initial reception, while waiting for a place in a care facility to be found. These arrangements appear to be totally inadequate to ensure essential standards of protection, especially over a long period of time, due to the lack or insufficiency of suitable space for adequate separation from adults, toilets, showers, and beds, as well as procedures ensuring that migrants get quick access to basic goods and services. Also, the placement of the child usually does not, in any way, take into account their personal circumstances (for example, their desire to be reunited with a family member who lives in a particular city, or their interests and/or personal aspirations that may not be accepted in some countries).

## **THE NEED FOR VOLUNTEER GUARDIANS**

Unaccompanied children are, by definition, children who find themselves in Italy alone, without a person who is legally responsible for them. For this reason, it is essential that a guardian, who supports and legally represents the child, is appointed to them as soon as possible.

Italian legislation provides that the appointment of a guardian must take place “as soon as possible” and, in the case of child asylum applicants, there is a time limit of 48 hours from when an intention to apply for asylum has been expressed. However, in practice, these requirements are often disregarded resulting in serious harm to the child in the exercise of their rights and in obtaining documents proving their official stay in Italy. In case of delay in the appointment of a guardian by the Judge, the head of the youth facility, acting as guardian pro tempore, should be able to exercise all powers of guardianship, including request of the residence permit. However, there are police stations (especially in Sicily and Calabria, as well as in Rome) that require a guardian to be appointed by the Court before proceeding with the issuing of residence permits, despite that unaccompanied children are entitled to this and cannot be deported.

As for the person appointed guardian by the Court, legislation is limited to establishing that it must be a “suitable person to the office, of irreproachable conduct, who assures to educate and instruct the child.” The most common practice is the appointment of the mayor of the local municipality where the youth facility is located, who then usually delegates to social services. However, there are guardians who turn out to be unprepared for, and/or disinterested in, the problems faced by unaccompanied children.

For these reasons, it would be advisable that the role of volunteer guardian is promoted and valued. Individuals who are selected and appropriately trained, possibly by independent authorities such as the Ombudsman for Children, can be included in the lists available to the Courts.

## EXTRA VULNERABILITY AND HUMAN TRAFFICKING

The following recommendations will help to ensure the *identification of, and assistance to, child victims of trafficking and exploitation* and the full realisation of their rights:

- ❶ Establish an updated **database** and national mechanism for regular **monitoring** and **reporting** that provides qualitative and quantitative information on child trafficking and exploitation in Italy.
- ❷ In the identification of child victims of trafficking, include all possible forms of exploitation, including but not limited to sexual exploitation, and adopt proactive **identification procedures** which reach children in places of settlement and possible exploitation.
- ❸ Promote and establish a **national and transnational referral system for victims of trafficking**, with standardised operational procedures for identification, management and care of child victims of trafficking based on the rights of the child. These procedures should clearly define the roles and responsibilities of the different actors involved and provide guidance for their effective co-ordination, and set out minimum standards for the provision of contact and assistance offered to the children.
- ❹ Improve and strengthen the necessary **skills and training** of social workers, staff working in Prefectures, public safety and public administration, allowing for better identification and management of vulnerable cases. This requires the implementation and distribution of regularly updated indicators and tools to support the process of identifying children at risk and/or victims of trafficking, ensuring that all actors working with victims of trafficking are able to promptly identify possible cases of trafficking or exploitation of children.

## DISAPPEARANCES

Reviewing the data relating to unaccompanied children who disappear, it is clear that one of the main reasons is the lack of recognition of the child's desire to reach relatives and family members living in other European countries, and the lack of knowledge, understanding or belief in the possibility to achieve this goal legally, in accordance with current legislation.

Based on the experience of some actors interviewed for this mapping, it is of paramount importance to not only have adequately trained cultural mediators and legal advisors in all places of first arrival as well as in all care facilities to prevent the disappearance of a child, but also to have quick and reliable procedures in place for the transfer of unaccompanied children from arrival points to other European countries, for example, in the context of the Dublin Regulation.

## INFORMATION ABOUT THE CIRCUMSTANCES OF THE CHILD

Procedures and tools concerning unaccompanied children have recently been updated by the Ministry of Labour and Social Affairs – Directorate General of Immigration and Integration Affairs and are available online, in addition to a telephone service. However, there is still a lack of knowledge and consistency at local level regarding the application of procedures, also due to regulatory gaps and insufficient national protocols, and results in the incorrect application of regulations.

Due to the large number of actors involved, the major obstacle is information sharing or working with other agencies to ensure that decision makers and/or the Court have all the necessary information on the child's circumstances and interests (subject to data protection rules). Interviews revealed that information can be communicated by two different parties or by none, such as communication of child tracing from the Police and Juvenile Court Prosecutor to the Directorate General of Immigration and Integration Affairs at the Ministry of Labour and Social Affairs.

In order to avoid problems in gathering, providing and sharing information on a local basis, memorandums of understanding are often signed between individual actors and decision makers. To improve the methodology and approach in providing and collecting information on the rights and conditions that affect unaccompanied children, there should be on-going training on their needs and rights for all actors who in the performance of their duties may engage with unaccompanied children.

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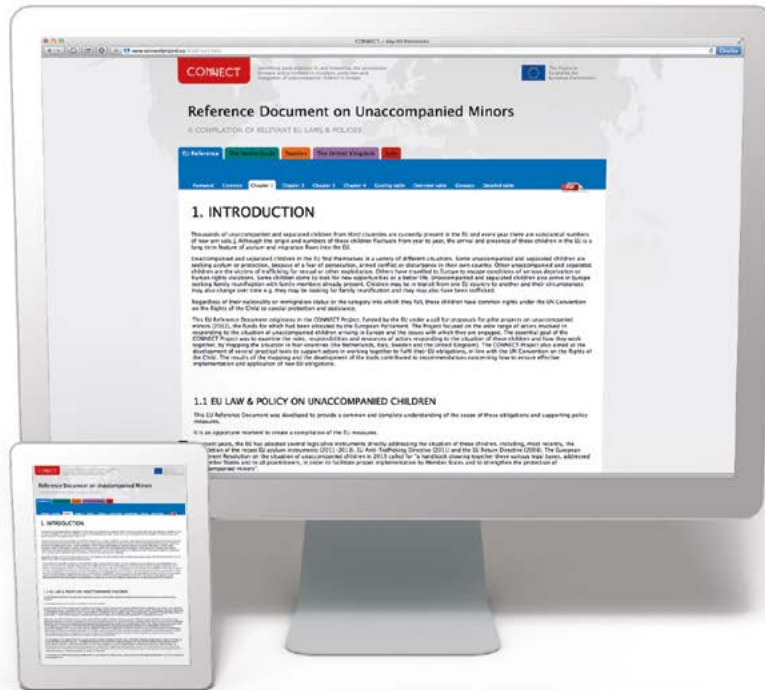
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CONNECT



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