



ASSOCIAZIONE

COMUNITÀ PAPA GIOVANNI XXIII

COMMITTEE ON THE RIGHTS OF THE CHILD

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Written Statement submitted by: Associazione Comunità Papa Giovanni XXIII

TITLE: The Rights of All Children in the Context of International Migration

The Associazione Comunità Papa Giovanni XXIII, through its immigration desk, has for several years been monitoring the situation of unaccompanied migrant children that have arrived in Italy have tried up to now to reach Italian ports from Greece. The Association visited both the ports of departure from Greece and the ports of arrival in Italy.

Through repeated trips in 2011-2012 and prolonged stay in the city of Patras, members of APG23 were able to meet and interview numerous unaccompanied migrant children, in particular children of Afghan nationality.

APG23 was able to deepen the understanding of the migration phenomenon that involves such children by verifying the itineraries, the trips' organization, the risks/difficulties that such journeys involve and the objectives/expectations of the children.

For all unaccompanied children, including those of Afghan nationality, the phenomenon of such migration involves trips that are extremely risky, and exposing the children to terrible experiences that often threaten their life and not infrequently end tragically.

The Associazione Comunità Papa Giovanni XXIII (APG23) considers a priority reducing the risks to which unaccompanied migrant children are exposed by safeguarding, first of all, their life, health and harmonious development in respect of the principle of the best interest of the child.

From our interviews of children and direct observation in the field, APG23 affirms that:

- the majority of unaccompanied migrant children leave their country of origin and embark on long journeys when there is the prospective of being reunited to parents and/or friends that are already established in another country that has thus become the country of final destination;
- during the migration journey, unaccompanied children often do not declare their minor age to avoid being kept in the country of transit that they simply want to pass through;

- the majority of Afghan children present in Patras do not want to remain in Greece;
- the majority of unaccompanied children of Afghan nationality present in Patras do not have the possibility to access legal procedures and/or secure channels of transit to reach the country of final destination;
- in fact, all of unaccompanied children of Afghan nationality are children in humanitarian emergency;

Bearing also in mind that:

- the migration of unaccompanied children to EU member states is constant and rising rapidly
- the number of unaccompanied migrant children, **present but** blocked at EU borders, without the possibility of moving on to the countries of final destination is increasing and this exposes the children to situations of extreme vulnerability and to terrible risks as they often remain alone, far away from their family environment, without the support of their parents or relatives;
- there is inadequate monitoring of migratory flows, including a lack of official exchanges of data or statistics on the arrival, permanence and departure of children between the civil authorities and police of the two countries (Italy and Greece);
- there is no significant partnership between the civil society, or other social institutions with ministries of the involved countries in order to monitor the situation of these children and to promote solutions.

Therefore, APG23 wants to recommend to the Member States to:

1. develop and promote a uniform legal and official model through the Committee (CRC) for the management of the situation of unaccompanied children in migratory flows, a model that introduces norms/minimum standards of treatment to guarantee the protection of unaccompanied migrant children.

This model should provide specific tools for protection, including:

- A) The non-refoulement of unaccompanied children at internal or external borders;
- B) No expulsion of unaccompanied migrant children;
- C) Reduction of repatriation measures for children. Such measures should be implemented only when justified by application of the principle of the best interest of the child (i.e., depending on the assessment of the condition of the country of origin, the opinion of the child, the opinion of parents);
- D) A guarantee that in case of repatriation of an unaccompanied migrant child, the process shall be implemented with procedures of assisted repatriation;

- E) timely and effective mechanisms of support to an unaccompanied migrant child from a representative (guardian/authority) responsible for the respect/ protection of the rights of the child;
- F) The prohibition of retention of unaccompanied migrant children in detention centers;
- G) The right to defense against forced repatriation;
- H) A provision of enabling procedures for the regularization of unaccompanied migrant children who have entered in the territory irregularly , by issuing permits that allow the children to exercise their rights /obligations;
- I) The elaboration of easier procedures for reunification of unaccompanied migrant children with their parents, the foster parents, the guardian or the relatives who have direct care of the child and are already established in the country of final destination (ex: unaccompanied orphan who escapes from the country of origin in an emergency to reach a parent already living in another country);
- L) guarantee of the right to protection, assistance, health and education for all children regardless of the irregularity of their migration status, with particular attention to the wider enjoyment of welfare benefits by the disabled migrant children;

2. promote the implementation of the principles of the CRC - and in particular the protection of the best interest of the child, as the overarching, binding, priority principle over the objectives of immigration control - with the creation of a uniform partnership agreement involving bilaterally or multilaterally, all government agencies and institutions that are directly or indirectly involved in the development and implementation of national policies on unaccompanied migrant children;

3. reduce the exposure of unaccompanied migrant children to the risk factors associated with migratory journeys, offering legal and protected transit channels especially in cases where the migrant children only intend to pass through a state without staying there and having another country as final destination. Most particularly,, in cases where there is evidence of an influx of children escaping from countries in an emergency situation, there is need to establish and provide legal and monitored points of access to the borders of neighboring state, and, in the best interest of the child, to monitor and ensure the protected transit of unaccompanied children to their final destination. This would prevent an unaccompanied child from remaining in a state of enforced invisibility in the country of transit, and further safeguard these children from the exploitation of human trafficking.

- 4. adopt formal mechanisms for information exchange, collection of data and supervision of migration, and presence of migrant children between Member States. The model of these new mechanisms should be mechanisms that already exist for the exchange of information of public safety, police and public order . These mechanisms should facilitate and support the monitoring and exchange of mutual information, bilateral or multilateral agreement between the transit countries, investigating in particular the migration of unaccompanied minors, with particular attention to the origin, the movement (arrivals / departures) and the final destinations of these migrant children.

5. take significant measures so that migrant children may be the protagonists of their own development, by recognizing their dignity and promoting in every way their participation in the adoption of strategies, implementation, evaluation and reporting of actions that concern them. (i.e.with the provision of necessary consultations).