



Gruppo di Lavoro
per la Convenzione
sui Diritti dell'Infanzia
e dell'Adolescenza

Written Submission

Day of General Discussion on
“The rights of all children in the context of international migration”
Geneva, 28 September 2012

Migrant children in Italy

Introduction

The Italian NGO Group for the CRC (Gruppo CRC) is a network that is currently made up of 85 third-sector organisations which have been actively involved for some time in promoting and safeguarding children's rights in Italy and is coordinated by Save the Children Italy¹. In the 10 years since it was first set up, the Gruppo CRC has published five annual monitoring Reports and two Supplementary Reports for the United Nations on the implementation of the CRC in Italy. In its 5th annual Report on the monitoring of the CRC in Italy (published in June 2012), the Gruppo CRC drew up specific sections on affecting non-Italian minors in Italy, above all unaccompanied foreign minors, to whom a separate section was devoted. This issue was analysed in detail from various points of view (reception, access to health services, the right to schooling, the assessment of their age etc). In this document the Gruppo CRC has included a selection of sections from the 5th annual Report and the 2nd Supplementary Report dealing with important issues related to the respecting of the rights of foreign children in Italy and in this way contribute to the *Day of General Discussion*.

1. Unaccompanied foreign children

In **2011** 62,692 migrants arrived by sea in Italy, 4,209 of whom were unaccompanied foreign children² and 290 accompanied children, for a total of 4,499 children. A large proportion of the unaccompanied foreign children arrived along the coasts of Sicily (3,309), above all on the island of Lampedusa (2,737)³. On **31 December 2011** 7,750 unaccompanied foreign children had been referred to the Committee for Foreign Children (CMS), 1,791 of whom, on the same date, were untraceable. Most of the unaccompanied foreign children referred to the CMS (7,333) were boys aged 16 (2,006) or 17 (4,207) and were placed in the special facilities for children (6,844).

The unaccompanied foreign children were mainly from Egypt (1,172), Tunisia (1,013) and Afghanistan (1,094). The Regions Sicily and Lazio posted the highest number of unaccompanied foreign children (respectively 1,625 and 1,540)⁴. These are in any case **partial data** as they do not include unaccompanied foreign children from EU countries⁵ or those seeking international protection, two groups which are excluded from the CMS's area of competence. There are also no figures on the so-

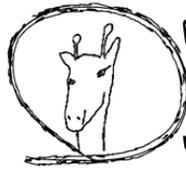
¹ For further information see www.gruppocrc.net.

² By the term “unaccompanied foreign children” is meant non-Italian children in Italy who are not assisted or represented by their parents or other adults legally responsible for them.

³ Data provided to Save the Children by the Ministry of the Interior's Department of Public Security as partners in the *Praesidium* Project.

⁴ The report, “Minori Stranieri Non Accompagnati”, published by the Committee for Foreign Minors on 31.12.2011 is available at www.lavoro.gov.it/NR/rdonlyres/E9268A95-5406-439A-B51329AD15B4ABA0/0/REPORTMSNA_31_12_2011.pdf.

⁵ “In order to guarantee the rights of unaccompanied EU minors present on Italian soil” the central coordinating body Organismo Centrale di Raccordo (OCR) was set up to protect unaccompanied foreign children and implement the agreement between Italy and Romania. Cf. the Decree of the Ministry of the Interior of 8 October 2007, which came into force on 12 October 2008.



Gruppo di Lavoro
per la Convenzione
sui Diritti dell'Infanzia
e dell'Adolescenza

called “**children in transit**”, i.e. foreign children (mainly Afghans) passing through Italy on their way to other European countries who do not come into contact with the authorities⁶.

At a legislative level, as pointed out by the UN Committee in its Concluding Observations⁷, there is no single law that on the protection and reception of unaccompanied foreign children. The relevant legislation is contained in a number of different laws concerning above all non-nationals and children outside of the family⁸. **A positive development** at a legislative level is **the change to the rules concerning the conversion of residence permits when minors turn 18**⁹: unaccompanied children who are in foster care or have been made wards of court may legally remain in Italy as an adult even if they have not been in Italy for at least three years and have not been involved in a social integration programme¹⁰, if the CMS gives a favourable opinion. **In practice**, the most critical issues as regards the protection and reception of unaccompanied foreign children remain the procedures used **to assess their age**, the **delays in the starting of guardianship procedures** and the **reception care facilities for children**.

With regard to the **assessment of their age** there continues to be widespread use of the medical approach. When trying to check the stated age of migrants, medical examinations should only be used as *extrema ratio*.¹¹ In practice, however, medical examinations are used before and/or instead of other methods, even when there are no well-founded doubts. It should also be highlighted, moreover, that at a national level a health protocol for the “assessment of the age of unaccompanied foreign children”¹² has still not been adopted and the x-raying of wrists continues to be the most frequently used examination, with the consequent risk that children may be identified as adults and vice versa.

Another critical issue is that of the **delays in the starting of guardianship procedures**. Since unaccompanied children find themselves in Italy, by definition, without their parents or other responsible adults, they must by law be appointed a guardian, i.e. a person who is legally responsible for them. The law states that this must happen “as soon as the court is informed of the matter that determines the starting of guardianship procedures”¹³. In practice, however, there are frequently very long delays (even several months after a child has been placed in care) and there are cases in which children have become adults before a guardian has been appointed. As well as being a serious violation of a child's rights, it also constitutes a danger for children not just in terms of their protection, but also as regards their successful social integration. Indeed, some provincial police headquarters will not issue

⁶ This is a phenomenon affecting above all the city of Rome, especially the area around “Ostiense” railway station. On the basis of the information collected by the Fondazione L’Albero della vita, the Afghan children stay just the time it takes them to organise the continuation of their journey. They live in high-risk situations as regards their safety and health, with considerable danger of their being exploited or abused. Between July 2010 and December 2011 577 children in transit were dealt with by the Foundation's information desk. They are mainly 16-year-old boys on their way to northern Europe. 948 unaccompanied Afghan minors attended the Civico Zero day centre in Rome in 2011. In order to offer them protection and somewhere to stay at night the Centro A28 was opened. This centre, which was promoted by INTERSOS and Save the Children, is run by the cooperative Civico Zero. See also the project Protecting Children on the Move funded by the European Fund for Refugees and promoted by the UNHCR and, in Italy, by Save the Children, with partners in Greece and France. The aim of this project is to meet the needs for protection of minors in transit by providing them with shelter, guidance and care, and through cooperation with the member states involved.

⁷ Italy was examined by the UN Committee in 2011 with the Committee's Concluding Observations, which are referred to in this document, published in October 2011: http://gruppocrc.net/IMG/pdf/OPSC_concl_obs.pdf.

⁸ T.U. Immigrazione, Law 184/1983, Civil Code.

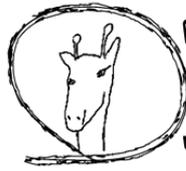
⁹ Art. 32 T.U. Immigrazione as amended by Law 129/20 Newton 11.

¹⁰ Having arrived in Italy at least three years previously and having begun a social integration programme at least two years previously (Art. 32 T.U. Immigrazione).

¹¹ If the migrant is even just potentially someone who could seek international protection, this tool cannot be used.

¹² Drawn up by the inter-ministerial Working Group created by the Ministry for Employment and Social Policies in 2008 and completed in June 2009 after receiving the opinion of the Consiglio Superiore di Sanità.

¹³ Art. 346 of the Civil Code.



children a residence permit unless they have a guardian appointed by the guardianship judge¹⁴, thereby exposing children who do not have any documents to the danger of being exploited or becoming involved in illegal activities.

The delay in appointing or the failure to appoint a guardian has particularly serious consequences for unaccompanied children seeking international protection. The legislation in Italy requires that a guardian confirm the child's application for international protection and assist the child at every stage of the procedure¹⁵. The same legislation also requires that a guardian be appointed within 48 hours for any unaccompanied children seeking international protection¹⁶.

In practice, however, not only is this deadline regularly ignored, but as no guardian has been appointed by the guardianship judge who can confirm the application submitted by the child, the entire procedure to obtain international protection is blocked despite the fact that the legislation states that while a minor is waiting for a guardian to be appointed, the person in charge of the structure in which the child has been placed may exercise guardianship powers¹⁷. It should be highlighted here that guardianship judges tend to appoint town mayors as guardians. It would be far better for the courts to choose **volunteer guardians**, so long as they are suitably trained and supported in the carrying out of this role¹⁸. Another critical aspect is the **unsuitability of the initial reception facilities** and the **absence of a national reception system**.

The places to which unaccompanied children are taken immediately after their arrival or after they have been discovered on Italian soil¹⁹ are totally unsuited as reception facilities, above all for a prolonged stay. On **Lampedusa**, for example, unaccompanied children who arrived by sea were placed in the first aid and reception centre (Centro di Primo Soccorso e Accoglienza – CPSA) or the former military base Loran together with adults. They were not provided with sufficient material support and above all they were deprived of their personal freedom for as long as 50 days²⁰.

When the 5th CRC Report was written (April – May 2012), the care facilities for children were still closed and could not be used. The island has been declared an “unsafe port”²¹. The migrants, including children, who were rescued from the sea between December 2011 and March 2012 and taken to the island of Lampedusa were placed in houses provided by the Prefecture of Agrigento²², an untenable situation in the long run and in the face of rescue operations involving large numbers of migrants. The

14 An example of good practice is that employed by the provincial police headquarters in Salerno, which when 24 unaccompanied minors were transferred there from Lampedusa, issued them all with residence permits just five days after they had been put in care before they had been appointed a guardian. Source: Save the Children.

15 Legislative Decree 25/2008 Art. 19.

16 Legislative Decree 25/2008 Art. 26, paragraph 5.

17 Art. 3, paragraph 2, Law 184/1983 and subsequent modifications.

18 For some positive experiences of the regional children's ombudsman in Veneto see (cf. <http://tutoreminori.regione.veneto.it/interne/pagine.asp?idpag=40>)

e Lazio (cf. http://www.garanteinfanzia.regione.lazio.it/garante_infanzia/dettaglioProgetti/Tutori_volontari/206/214/0/1164).

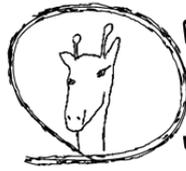
On this matter, above all in regions where a children's ombudsman has not yet been appointed it could be useful for specific memoranda of understanding to be signed between the courts and the most representative associations of lawyers specialising in child and family matters so as to encourage the appointing as guardians of representatives of highly specialised categories who have offered their services free of charge to provide suitable support for unaccompanied foreign minors (so long as this role does not become mixed up with that of a minor's counsel).

19 Police stations or, when they arrive by sea, centres for first aid and initial reception (Centri di Primo Soccorso e Accoglienza), where such facilities exist.

20 A situation noted by Non-Governmental Organisations present on the island. Caritas, http://www.caritasitaliana.it/home_page/nel_mondo/00002395_Emergenza_Nord_Africa_l_impegno_della_Caritas_Il_contesto_di_riferimento.html; Terre des Hommes, final activity report on the Faro project available at http://www.famigliacristiana.it/allegati/2011/9/rapporto-terre-des-hommes_2005940.pdf; Save the Children, press release on the situation of children on Lampedusa, 2011 <http://search.savethechildren.it/cgi-bin/htsearch?format=long&config=search-savethechildren-it&method=and&sort=score&words=lampedusa&search=+Cerca>.

21 In a press communiqué on 30 September 2011 OIM, UNHCR and Save the Children publicly expressed their concern about the consequences of this measure. Lampedusa declared an unsafe port. Rescues at sea in jeopardy, available at http://www.unhcr.it/cms/view.php?dir_pk=26&cms_pk=1068

22 Source: Save the Children Italia.



situation is similar in the other areas in which unaccompanied children tend to arrive by sea²³. Unaccompanied children are then kept in these places because of the lack of a national reception system that can quickly find out if and where there are places available in the children's communities²⁴ and identify who is competent and responsible, also from an economic point of view, to take charge of the children and find somewhere where they can be put into care.

One of the most critical aspects of the system for the protection of unaccompanied foreign children seeking international protection that have emerged recently is the **application of the Dublin Regulation**²⁵. In particular, there have been cases of migrants identified as children in other European countries and sent to Italy pursuant to Art. 6 of this Regulation, who were treated as adults upon their arrival in Italy. They were children who claimed that they were adults in the mistaken belief that this would enable them to obtain a residence permit so that they could then travel freely within the European Union, or children who were wrongly identified as adults, also after an x-ray examination of their wrists. Treated as if they were adults, these "Dublin" children are often left without sufficient protection after they have arrived in Italy. Another problem concerning the application, or rather the lack of application, of the Dublin Regulation concerns the article regarding **family reunification**, which states that "*if the asylum seeker is an unaccompanied child who has a relative or relatives in another Member State who can take care of him or her, Member States shall if possible unite the child with his or her relative or relatives, unless this is not in the best interests of the child*"²⁶. In practice, this article is not properly applied and this is believed to be one of the reasons for which children try to reach their relatives illegally (the so-called "minors in transit"), thereby running serious risks. Many of the unaccompanied children arriving by sea in 2011 wanted to join up with relatives living in Italy or other European countries. The current legislation does not make this easy, however. The procedures involved are extremely lengthy and there is no guarantee that permission will be granted. With regard to the expectations of unaccompanied foreign children, it must also be pointed out that the services they are provided with are inadequate, especially as regards work and training opportunities. This is another critical area as it increases the risk of their becoming involved in labour exploitation rings²⁷.

Another critical element is the fact that during the hearings for international protection applications involving **unaccompanied children who have been the victims of torture or serious forms of violence**, there is no legal requirement that an expert in child psychology be present²⁸.

23 In Puglia there is a "very first reception" centre where the operations to identify migrants found in the Salento area are carried out but this centre is not suitably equipped for the reception of children. There are no such centres in Calabria, so when required, reception centres are creating using other types of care facilities for children (such as municipal gymnasiums), using any kind of materials. In Sicily when migrants have arrived along the eastern coast, they have been taken to the tensile structure at Porto Empedocle (AG) or the hangar at Pozzallo (RG). Source: Save the Children.

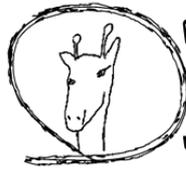
24 Italian law states that unaccompanied children may not be expelled (Art. 19 T.U. Immigrazione) or held in centres for adult migrants (Art. 9 D.L. 92/2008 converted into Law 125/2008). As regards asylum-seeking children, it should be noted that there were 3,000 places available at the SPRAR in 2010, just 500 of which were allocated for "vulnerable categories", which include unaccompanied foreign children, as well as disabled people, pregnant women, single parents with children, persons who require specialist long-term health assistance at home, the victims of torture and/or violence and the elderly (a further 146 places were made available thanks to the *8 per mille* – Italy's income tax charity fund donation). 253 unaccompanied children seeking asylum benefited from projects in favour of vulnerable categories. The SPRAR report for 2010-2011.

25 EC 343/2003 lays down the criteria and mechanisms to determine which Member State is responsible for examining an application for international protection submitted by a citizen of a third country.

26 Art. 15, paragraph 3, Dublin Regulation II.

27 See on this topic: Save the Children, Percorso migratorio e condizioni di vita dei minori non accompagnati egiziani in Italia: consigli per una migrazione sicura, 2011 available at http://images.savethechildren.it/f/download/protezione/egitto/ra/rapporto_it.pdf.

28 Italian law requires that the hearing for an unaccompanied foreign child before the regional Commission for the granting of international protection take place in the presence of the child's guardian and the interpreter (Art. 12 of Legislative Decree No. 25, 2008) and that the child may speak for himself with the assistance of the support staff as children are included in the category of "vulnerable persons" (Art. 8 Legislative Decree. No. 140 of 30 May 2005). However, when the seekers of international protection are vulnerable not just because they are a child, but also because they are victims of torture or violence, the mere assistance of support staff is inadequate. In such cases the support of an expert in child psychology would make it possible to "interpret" the child's story correctly as regards the decision concerning international protection. This would also prevent further trauma being caused during the hearings as a result of the use of staff without specialist training in this field.



2. Foreign children and the juvenile justice system

The children held in juvenile penal institutes (Istituti Penali Minorili – IPM) tend mainly to be immigrant children or Italian children from low-income families. Many of the non-Italian children are unaccompanied children. With regard to migrant children, it should be highlighted that when they are reported for committing a crime, they are far more likely to be prosecuted than Italian children²⁹. They are also more likely to be convicted than Italian children, held in custody for longer periods, and also less likely to benefit from non-custodial measures, be pardoned or placed on probation.³⁰ The most critical element for migrant children, however, is that they have very little chance of being able to remain in Italy legally once they are released from the penal institutions, thereby frustrating any attempt at social interaction. It is necessary here to highlight the almost total failure to apply **Art. 18, paragraph 6, of Legislative Decree 286/98**, even though recently (February 2012) the Juvenile Court of Florence for the first time delivered a favourable opinion on the issuing of a residence permit pursuant to this article.

3. Sexual exploitation and abuse of migrant children

From the available data on child prostitution and the victims of trafficking in Italy, it can be seen that this phenomenon mainly involves non-Italian children. The official data with regard to the **victims of trafficking** come from the Department of Equal Opportunities concerning and their programmes of social protection for the victims of trafficking pursuant to Art. 18 of the consolidated law on immigration 286/98 (*T.U. Immigrazione*) and Art. 13 of Law No. 228/2000 on the trafficking of human beings. During the first seven founding grants (referring to 2000-2007) 959 girls were placed on this programme (including 521 Romanians, 165 Nigerians and 99 Albanians), around 11% of the total number of victims of trafficking dealt with. With regard to **child prostitution**, the largest number of child prostitutes in Italy are from Romania. They are often the victims of trafficking for the purpose of sexual exploitation and tend to be very young, often coming from care facilities for children. . 12% of female prostitutes in Europe are Romanian girls³¹, but in Italy the figure is much higher, touching 30%³². There is also a high percentage of Nigerian prostitutes. The most recent data from the Department of Equal Opportunities show that there is a big increase in the number of Nigerian girls being taken into care and they have the highest percentage of girls placed in the social protection programmes. In order to help these girls it is clearly necessary to take different, coordinated forms of action (International cooperation between Italy and Nigeria, intercultural mediation, and pilot projects for the social inclusion of Nigerian girls working as prostitutes), above all to help children working as prostitutes, whose number has increased greatly³³.

4. Migrant children in nuclear families not legally resident in Italy

In Italy, there are a large number of children whose families are not legally resident in the country. It is impossible to calculate the exact number as a result of their irregular position. In respect of the right to family unity (Art. 9 of the CRC), children are entitled to remain with their parents. As a result, they may sometimes be expelled or held in Identification and Expulsion Centres (CIE). Italian law expressly states that where a decision is to be taken that affects the right to family unity, the interests of the child must be taken into consideration³⁴. This does not appear to happen in practice, however, especially with

29 Totaro M.S., Pagliaroli T., I minori stranieri devianti: il quadro generale, in Mastropasqua I., Pagliaroli T., Totaro M.S. (eds.), I NUMERI pensati - Minori stranieri e Giustizia minorile in Italia, Dipartimento della giustizia minorile, Ufficio del capo del Dipartimento, Rome, 2008, p. 79, table 1.

30 Totaro M.S., Pagliaroli T., L'analisi statistica delle misure applicate, *ibid.*, p. 174, table 5.

31 Source: an estimate made by the association On the Road, on the basis of observations of the street units and the association's staff.

32 Source: an estimate made by the association On the Road, on the basis of observations of the street units and the association's staff.

33 Source: an estimate made by the association On the Road, on the basis of observations of the street units and the association's staff.

34 Art. 28, T.U. Immigrazione.



Gruppo di Lavoro
per la Convenzione
sui Diritti dell'Infanzia
e dell'Adolescenza

regard to the expulsion of the parents. The absence of legislation limiting the holding of nuclear families with children in the CIE or other holding centres for migrants appears to be in contrast with Art. 37 of the CRC, as these centres are not suitable for hosting nuclear families and can in no way ensure that children receive the kind of treatment they require³⁵. Families without a residence permit have no right to social services, except in specific circumstances³⁶. Only children have a right to receive assistance and they are reported to the juvenile courts, which can limit or suspend parental responsibility. With regard to access to health care, the T.U. Immigrazione allows children residing irregularly in the country with their nuclear families to receive essential and urgent treatment, also of a continuous nature, but it does not allow them to register with the National Health Service (SSN), nor to have access to primary care paediatricians. Socially excluded groups also have limited access to educational services as they do not have a residence permit and cannot, therefore, obtain residency, which means, in turn, that they have no right to any subsidies provided by the local authorities. The danger of foreign children not being able to enjoy their fundamental rights has increased following the introduction of the crime of entering the country and residing there illegally³⁷, making it the duty of all public officials or people providing public services to report any cases of migrants staying irregularly in the country that come to their attention³⁸.

Moreover, Law 94/2009 requires residence permit must be shown for civil status records, such as birth certificates or the legal recognition of a child born out of wedlock³⁹. A Circular of the Ministry of the Interior on 7 August 2009 attempted to remedy this situation by clarifying that it is not necessary to show documents relating to residency for any activities regarding the registering of a birth or the legal recognition of a child (birth register – civil status register). However, the fact that very few people are aware of the contents of this circular, especially among immigrant women without residence permits, means that it is necessary⁴⁰ to carry out a serious, widespread awareness campaign on the right of children to be registered at birth without this involving any risks for their families⁴¹. It should be highlighted, however, that the Ministerial Circular is not a primary source of law and so it may be modified or withdrawn by the Government without the matter being voted on in Parliament. The fear, therefore, of being identified as irregular citizens may mean that nuclear families in which there are pregnant women who do not have a residence permit do not use public health facilities to give birth, with the consequent failure to register the newborn child in the municipal civil registry in violation of the child's right to an identity (Art. 7 CRC) and also of Art. 9 CRC concerning the arbitrary separation of a child from its parents.

5. Foreign and stateless Roma children

The lack of a fixed abode for Roma, Sinti and Camminanti foreign children can result in them being unable to obtain Italian citizenship because they cannot show that they have been legally resident without interruption from birth till their 18th birthday. In some cases, the total uncertainty as regards their own status because they either became or were always stateless, as well as the lack of genuine processes of integration and regularisation contribute to a weakening of their rights and increase the problems that children of Roma origin have in taking part in the social life of the country, receiving

35 Cf. the De Mistura report, *Criticità del sistema attuale*, pp. 21-22.

36 They can, for example, use the facilities financed by municipalities when there is a “cold emergency”.

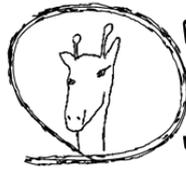
37 Art. 1, paragraph 16, Law 94/2009.

38 Criminal Code, Art. 361 & 362.

39 Art. 1, paragraph 22, subparagraph g, Law 94/2009.

40 See the recommendations of the UN Committee on the Rights of the Child in its latest Concluding Observations regarding Italy. Committee on the Rights of the Child, 58th Session, 19 September-7 October 2011 CRC/C/ITA/CO/3-4 “Considerations of Reports submitted by States parties under article 44 of the Convention. Concluding Observations: Italy”, 31 October 2011.

41 Indeed, it should be remembered that the fear resulting from a general climate of mistrust and criminalisation with regard to people residing irregularly leads families to hide, avoiding any form of contact with public institutions, including health institutions. Cf. Bicchieri L., *Undocumented Children in Europe: Invisible Victims of Immigration Restrictions*, PICUM 2008.



health assistance, attending school regularly, and to their ability to integrate and establish relationships with children of the same age outside of their “camps”. Moreover, Roma children of foreign origin continue to have serious difficulties in obtaining a residence permit because their nuclear family fail to meet the current legal requirements, i.e. they must have a passport, a regular job and a home that meets specific parameters. Roma children from other EU countries also have problems in being legally allowed to stay in the country as their families often do not meet the necessary requirements to be able to stay in the country for more than three months.

On 24 February 2012 the Cabinet approved the National Strategy for the inclusion of the Roma, Sinti and Camminanti. The Government undertook, among other things, to set up a specific working group to examine the problems related to the legal recognition of Roma people from former Yugoslavia and to develop possible approaches and solutions of an administrative and diplomatic nature that would make it possible to overcome the so-called “effectively stateless” people.

6. Family Reunification

There are a worrying series of measures in the recent law passed by the Government to protect “public security” that tend to limit the right to family reunification. Moreover, there are various problems with regard to both the wording and practical application of this law. Firstly, there is the problem of the lengthy procedures for family reunification, an important factor when children under 18 of age are involved, especially if they are of school age.

Secondly, the Testo Unico Immigrazione⁴² regulates, above all, the situation of children under 14 years of age whose names are registered on their parents’ residence permit. After 14 years of age these children must then apply for their own residence permit for family reasons, which remains “valid until the child reaches the age of majority”, or a “permanent residence card”⁴³. In practice, the provincial police headquarters normally issue the children with a residence permit that is valid for the same length of time as that of their parents. As a result, children who were born or have grown up in Italy may lose their right to a residence permit before reaching majority if they are aged 14-18 and their parents’ residence permit is revoked or not renewed.

7. Access to health services for migrant children

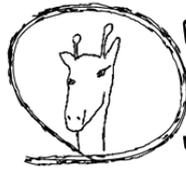
The health profile of non-Italian children is affected by a host of factors and events, involving both them and their parents or being specific to them as children. We can now define these factors and events as “social determinants”⁴⁴. They include the possibility of their having been exposed in their country of origin to certain risk factors (environmental, microbiological, cultural and/or behavioural); the migratory route, which at times can be particularly exhausting, both physically and mentally; and, the way they are greeted when arriving in Italy – which is conditioned by their legal status – and the degree of accessibility and usability of the social and welfare services⁴⁵. While Italy has a progressively aging population, the foreign residents are a young population and their children, either born in the country or arriving through family reunification, account for one-fifth of all children (21.7%). . Faced by a growing population which could, realistically, represent the future of Italy, the political response has been rather uncertain. In the health sector, the issue of immigrants’ health was ignored in the most recent national health plan. Moreover, specific proposals to improve the health policies put forward by

42 Art. 31, paragraph 2, T.U. Immigrazione.

43 The “permanent residence card” has now been replaced by the EC residence permit for long-term residents.

44 Since 2008, following publication of the report “Closing the gap in a generation: Health equity through action on the social determinants of health”, the attention of the international scientific community has shifted towards what could be defined as a new paradigms of public health, namely the search for the “causes of the causes” that result in health inequalities and produce illnesses. These are the “social determinants”, far removed from the pathological conditions, on which action has to be taken to improve health in both poor and rich countries. A risk factor in Western countries is being an immigrant, especially a child immigrant http://saluteinternazionale.info/wp-content/uploads/2009/01/csdh_closing_the_gap.pdf.

45 Geraci S., El Hamad I., Migranti e accessibilità ai servizi sanitari: luci e ombre, in “Italian Journal of Public Health”. Year 9, Volume 8, Number 3, Fall 2011, Suppl.3 ; S14:S20.



representatives of the scientific world⁴⁶ were ignored. At a local level, with the increasing administrative devolution, above all in the health sector, there is a considerable unevenness, even in the application of national legislation regarding the accessibility of health services among non-Italian children and their families, a situation that affects their health⁴⁷. The area which has been studied most is **births** and all the studies highlight a worsening of the situation among foreigners: there are more premature births, underweight babies and low Apgar scores (a measure of the newborn's suffering)⁴⁸, as well as an excessive number of stillbirths⁴⁹. An analysis of the hospital discharge records highlights that the majority of ordinary paediatric patients (0-14 years of age) hospitalised are under 5 (this is true also of Italian children) and account for 8.9% of the total number of children with regularly resident parents from countries with strong migratory pressures who are hospitalised, and 0.7% of non-residents (presumably the children of irregular immigrants). It is interesting to note how the average effect of the DRG (i.e. the relative burden in terms of both costs and the clinical requirement for each DRG, proportional to the relative reimbursement) is considerably higher for foreign non-resident children than for Italian and foreign resident children: 1.07 compared to 0.71 and 0.73. The length of stay in hospital is also almost double: 8.5 days compared to 4.7 for Italians and 5.7 for resident foreigners⁵⁰. This would seem to indicate that the health conditions of the children of irregular immigrants with an uncertain legal status (STP – temporarily resident foreigners – and ENI – non-registered European citizens⁵¹) are more serious when they are hospitalised and their treatment is more complicated. A study being carried out by the Lombardy regional authorities, the results of which still have to be confirmed, has already indicated that the rate of access of migrant children to child psychiatry services for language, learning or behavioural disorders is almost double what was expected⁵².

8. The right to education of migrant children

The presence of foreign children at school is a phenomenon affecting the whole of Italy, albeit in different degrees. During the 2010-2011 school year there were 709,826 schoolchildren of foreign citizenship: 37.1% in the north-west, 28.4% in the north-east, 23.3% in the centre, 7.9% in the south and 3.4% in the islands.

The schoolchildren come from 188 different countries. During the 2010-2011 school year the number of non-Italian schoolchildren enrolled increased by 5.4% compared to the previous year: +3.8% in primary schools, +5.1% in lower secondary schools, +6.5% in nursery schools and +7.3% in upper secondary schools. The Italian school system allows for pupils to enrol at any time during the school year in a class corresponding to their age. Various procedures have been experimented with to help these pupils, including the setting up of reception committees and the creation of reception protocols. Moreover, multi-lingual information sheets are now often provided. These practices must be encouraged, considering that the Italian school system tends to be based on the “voluntary model” in which individual teachers, or at best individual schools, tackle on their own the problems connected with the arrival of foreign children.⁵³

46 See the documents of the Società Italiana di Medicina delle Migrazioni (SIMM: www.simmweb.it), the Società Italiana di Pediatria (SIP) with the national working group for immigrant children (GLNBI: www.glnbi.org); the Associazione Culturale Pediatri (ACP) and the Federazione Italiana Medici Pediatri (FIMP).

47 <http://www.caritasroma.it/wp-content/uploads/2010/09/DIRITTO ALLA SALUTE.pdf>,

48 Lauria L., Andreozzi S. (ed.): *Percorso nascita e immigrazione in Italia*, op. cit.

49 http://www.simmweb.it/fileadmin/documenti/Simm_x_news/2011/3-2009_salute_immigrati.pdf

50 Source: Ministry of Health/Agenas. The data (for 2009) processed by the Inequality Observatory of the Marche region.

51 STP (Straniero Temporaneamente Presente) is the health code given to non-EU citizens without a residence permit. ENI (Europeo non iscritto) is the health code given to EU citizens in a precarious social condition who do not have health cover.

52 Mazzoni R., Pizzinato G., Dal Lago B.: *Migrazione e disagio psichico nell'età evolutiva e nell'adulto*, in press.

53 Cf. Censis, *Vissuti ed esiti della scolarizzazione dei minori di origine immigrata. Sintesi dei risultati*, CNEL-ONC, January 2008, Rome.