



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

ANNEX

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

Migrant children in Italy

Unaccompanied foreign children

The Italian NGO Group for the CRC (Gruppo CRC) recommends that:

1. a consolidated law be adopted on children that contains a comprehensive approach to the legal situation of unaccompanied foreign children to fully guarantee the safeguarding of their rights during all stages of the reception procedures, starting with the assessment of their age;
2. adopt common procedures to assess the age of children based on multidisciplinary methods and to that end identify who should carry out the medical examinations, making it clear that these examinations must only be carried out when there are well-founded doubts as to the age of the person and it is otherwise impossible to assess the person's age;
3. create a national system for the protection and reception of unaccompanied foreign children, financed with specific multi-year financing that takes into consideration the reception care facilities for children available throughout the country with a system in place to monitor the standards of these reception care facilities for children.

Foreign children and the juvenile justice system

The Italian NGO Group for the CRC (Gruppo CRC) recommends that:

1. specific policies and programmes aimed at ending the discrimination against foreign children be adopted.

Access to health services for foreign children

The Italian NGO Group for the CRC (Gruppo CRC) recommends that:

1. all foreign children present on Italian soil be compulsorily enrolled in the national health system whatever their legal status, or be at least guaranteed that they can freely choose a paediatrician and GP;
2. residence permits in cases of pregnancy, which are currently issued for the entire length of the pregnancy and for the first six months after childbirth, be extended to 12 months, with the possibility of subsequently changing the residence permit to a work permit;
3. reinterpret and modify the national legislation on immigration so that it can favour family reunification and more generally pathways of inclusion for foreign families (housing, educational, employment, social policies etc). Such a reinterpretation appears necessary in the light of the commitment made by the European Parliament to reduce health inequalities within the EU (2010/2089(INI)).



Migrant children in nuclear families not legally resident in Italy

The Italian NGO Group for the CRC (Gruppo CRC) recommends that:

1. legislation be introduced to make it illegal to hold nuclear families with children under 18 years of age in Identification and Expulsion Centres, or in the other centres in which migrants are held, and also measures aimed at removing the obstacles that prevent children whose families do not have a residence permit from enjoying their fundamental rights, as recognised by the Italian Constitution and the CRC.
2. provincial police headquarters be instructed to consider the best interests of children when taking decisions on whether or not to issue, or withdraw, residence permits for migrant adults with children under 18 years of age in accordance with Art. 28 T.U. Immigrazione.
3. the legislation be reformed so as to guarantee the right of all children to be registered regardless of their parents' administrative situation.

The right to education for foreign children

The Italian NGO Group for the CRC (Gruppo CRC) recommends that:

1. awareness campaigns be carried out at a national and local level to fight and overcome the remnants of closure and resistance to the international dimension of schools, thereby favouring the inclusion and integration of foreign children;
2. a positive inclusion of foreign children in school be ensured, by overcoming the rigidities resulting from merely quantitative criteria in the creation of classes, insisting on the provision in different foreign languages of information material and forms, as well as creating a general protocol and a reception committee for foreign children and ensuring the permanent presence in schools of cultural mediators.
3. family reunification procedures be speeded up and minors be allowed to arrive in Italy before the start of the school year so as to enable them to start studying the Italian language in a timely manner.

The sexual exploitation and abuse of foreign children

The Italian NGO Group for the CRC (Gruppo CRC) recommends that:

1. specific action be introduced, within the social protection programmes, for the child victims of trafficking for sexual exploitation;
2. specific action be promoted for the foster care of child victims of trafficking for sexual exploitation.

Family Reunification

The Italian NGO Group for the CRC (Gruppo CRC) recommends that:

1. internal measures be taken to ensure that applications for family reunifications regarding children are prioritised and, therefore, dealt with more speedily than ordinary applications.
2. a new circular be published that makes it clear to all provincial police headquarters that the residence permit issued to children over 14 years of age who were previously registered on their parents' residence permit must be issued with a residence permit that is valid "until they reach majority", in accordance with Art. 31, paragraph 2, T.U. Immigrazione.



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Foreign Roma and stateless children

The Italian NGO Group for the CRC (Gruppo CRC) recommends that:

1. the implementation and monitoring of the National Strategy for the inclusion of the Roma, Sinti and Camminanti be ensured, in particular by reprogramming the use of economic resources linked to the declaration of a state of emergency in favour of social inclusion measures that guarantee people of Roma origin the right and effective access to housing, work, education, health, a regular legal status, participation and non-discrimination.