

ANNEX

**Recommendations submitted by the Italian Committee for Unicef
to the Secretariat of the UN Committee on the rights of the child
on the occasion of the 2012 Day of General discussion
dedicated to**

“The rights of all children in the context of International migration”

Bearing in mind the UN Convention on the Rights of the Child, the UN Committee on the Rights of the Child General Comment n.6 /2005 on 'Treatment of unaccompanied and separated children outside their country of origin', the UN Committee on the Elimination of Racial discrimination General Comment n.30/2004 on 'Discrimination against non citizens' and taking into account the concluding Observations addressed to Italy by the “UN Charter-based bodies”, first of all by the UN Committee on the Rights of the Child and by the UN Committee on the Elimination of Racial Discrimination, the Italian Committee for UNICEF set out the following recommendations concerning “The rights of all children in the context of International migration”.

- Every Member State is called to adopt all the necessary measures to fulfil its obligations under the CRC and to act bearing in mind the 4 Guiding principles of the CRC in order to guarantee them to all children under their jurisdiction, including migrant children and children of foreign origins, every time, also in emergency settings.
- Every Member State is called to respect non-refoulement principle ensuring adequate reception conditions to migrant children and adolescents, in particular protecting and assisting unaccompanied and separated children and adolescents (with special attention to asylum-seeker children/adolescents and to those among them victims of traffic and/or sexual abuse or affected by armed conflicts) and ensuring that assisted repatriation of children and adolescents takes place only when it is demonstrably based on the best interest of the child; assistance to those children must be guaranteed after the repatriation as well.
- Every Member State is called to identify these children at the earliest possible stage, in an age-appropriate and gender-sensitive manner, in a language the child understands, by professionally qualified persons; age assessment should be conducted in a scientific, safe, fair, child and gender sensitive manner. Such assessment should not only take into account the physical appearance of the individual, but also his or her psychological maturity; as soon as the age assessment takes place and the result is that the individual is a child a guardian should be appointed to ensure adequate representation to the child;
- children should not, as a general rule, be deprived of liberty; Member States are responsible for their safety and should ensure that the presence in care centres is as short as possible and that the access to education and to health assistance is secured during and after the presence in those centres; if the child is unaccompanied he/she should be detained in facilities separate from adults that must meet minimum health and safety standards.
- Every Member State is called to systematically monitor, assess and collect data on migrant children/children of foreign origins within its jurisdiction taking specific, appropriate measures to meet their fundamental human rights like the right to health and education as well as the right to a family environment and the right to equal opportunities, without any discrimination for migrant children/children of foreign origins belonging to illegally resident families.

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