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Migration policy of Italy concerning unaccompanied minors
Between theory and practice

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To my father and my mother,
with the hope I was able to make them proud of me
with this work.
# Table of contents

**Introduction** .......................................................... 4

**CHAPTER I - The legal framework** .................................. 6

1.2 International legal background ........................................... 6

1.3 The Convention on the Rights of Child ............................. 10

**CHAPTER II - Italian regulations concerning UAMs** ............ 13

2.1 Unaccompanied minors present in Italy - some numbers .......... 17

**CHAPTER 3 – Lights and shades of reception** ....................... 20

3.1 Good practices .......................................................... 20

3.2 Examples of good practices ............................................. 25

3.3 Inadequacy of some reception centres .............................. 28

3.4 Unaccompanied minors identified and disappeared at a later stage .......... 31

2.4 Unaccompanied minors victims of human trafficking - a hidden crime ........... 34

**Conclusion** ....................................................................... 38

**Bibliography** ..................................................................... 40
Introduction

Why did I choose this topic? I chose it for all those children who reached Fortress Europe and for those who couldn’t and died during their journeys, for those who lost one relative, or all of them - parents included. For all those children who want to reach Europe, safety, education and the ability to build a future for themselves.

Walking through the streets of any Italian city, it often happens to see some immigrant children. Some of them are stopped at traffic lights to sell tissues or lighters, others are on the subway with their paper cup, asking for money from the people who look away annoyed. There are also those who are less visible, who, in the shadow of a building, play tasks and roles that in any case should have belonged to them\(^1\).

But who are these children? What are their stories behind? Too often they go unnoticed, we forget that before being illegal foreigners they are children or adolescents who have the right to be protected, and to grow up in a positive and welcoming environment. Many of them are minors who have arrived illegally to Italy, alone or, even worse, with an adult who takes care of them just as a precious “merchandise” of great commercial value. They have no one to take care of them, no one to protect them. All they have is the hope for a better life, too far from home.

My thesis aims at investigating the phenomenon of unaccompanied minors, integrating international and national regulations that are applied to the increasingly common phenomenon of minors reaching Italian shores alone. I will analyze the \emph{two sides of the same coin}, that is to say, starting from international legal background for minors’ protection, thus describing Italian regulations, in order to see how they lead to good practices of the State concerning UAMs but, on the other hand, also how some of them are not safeguarded,

especially due to the inadequacy of some reception centers, so that laws and regulations concerning children protection fail to be implemented.

In support of the understanding of this phenomenon, throughout the whole work results of researches will be reported, together with references to the activities of institutional bodies and networks operating in the field of immigrant children and minors’ protection. I will mainly use documents of the Italian Government and of international organizations, since they are the main protagonists of refugee protection.

My work will concentrate especially on year 2016, since it has been the year with the highest number of unaccompanied minors reaching Italian coasts (25846)².

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CHAPTER I - The legal framework

1.1 Who is an unaccompanied minor?

As mentioned before, my thesis will cover the topic of unaccompanied minors (UAMs). But what do we really mean by this definition?

There is no unequivocal definition of "unaccompanied minor" at the international level, just as there is no common line for all countries that represents a guide in the treatment and protection of these children.

The first definition of minor to be internationally recognized was the one established by the 1989 New York Convention on the rights of the Child, which identify as a child “every human being below the age of eighteen years”\(^3\). Starting from this concept, the United Nations High Commissioner for Refugees (UNHCR) develops an \textit{ad hoc} definition for the unaccompanied minor, identified as "the child under 18 years of age, unless, under the law applicable to the minor, the age of majority is not reached before, which is separate from both parents and is not being cared for by an adult who, by law or custom, is responsible to do so”\(^4\).

All the unaccompanied minors are entitled to international protection, based on a wide range of regional and international instruments. They may request asylum for fear of persecution, armed conflict or unrest in their country, they could be victims of sexual trafficking or other exploitation, or they have embarked on a trip to Europe to escape situations of severe deprivation”\(^5\).

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1.2 International legal background

First of all, it is important to underline that there is no comprehensive legal instrument at the international level that establishes a framework for the governance of migration, but instead a set of legal rules constrain, regulate, and channel state authority over migration. Such rules – which have been created through state-to-state relations, negotiations and practice – are enshrined in multilateral and bilateral treaties, non-binding instruments, or have become part of customary international law.

In the past, the protection of the foreigner was part of domestic jurisdiction of the State, and was traditionally protected through the adoption of measures aiming at preventing and repressing harmful attitudes towards the subject or his/her goods. Nowadays, this competence has become supranational, merging into the field of protection of the human person as such. The protection of human rights has in fact become a founding principle of the United Nations, ratified in all the declarations concerning human rights, such as, among others, the 1948 Declaration of the Human Rights, the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocols, or the 1959 Declaration of the Rights of the Child. Such protection at international level aims at the protection and the guarantee of a core of inalienable rights for all mankind without restriction of citizenship, in compliance with the principle of non-discrimination.

That being said, we can see as human rights have moved from a state-centric vision of the

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8 The aim of non-discrimination law is to allow all individuals an equal and fair prospect to access opportunities available in a society. This principle essentially means that individuals who are in similar situations should receive similar treatment and not be treated less favourably simply because of a particular ‘protected’ characteristic that they possess.
past in favor of norms of international law through international conventions and declarations, and through the cooperation of international bodies - above all the United Nations - with regional and national ones.

Moreover, the incorporation of the rights of the foreigner in the field of human rights protection represents a significant step towards the protection of the rights of the migrant, and this is shown, just to name an example, in article 14(1) of the 1948 Universal Declaration of Human Rights, which states that “everyone has the right to seek and to enjoy in other countries asylum from persecution”\textsuperscript{9}. The condition of non-citizens is thus safeguarded at a supranational level as subjects potentially exposed to arbitrary and unfair treatment, precisely because of their different status with respect to citizens; therefore, international law ensure compliance with its rules without any distinction.

Although the basic principle is that of equality in the enjoyment of the rights and freedoms internationally sanctioned for all persons as such, States maintain their sovereignty in the matter of the criteria for admission and expulsion of the foreigner from their national territory, and never wanted to consolidate principles that would limit their sovereign power to admit who they want and reject who they did not\textsuperscript{10}.

States have maintained a strong decision-making power for the regulation of migratory flows, indeed there is no provision in the international legal system for migrants to enter and stay in a particular country, even if at a supranational level the law enshrined several times the right of the individual to leave his home country: therefore, international law provides for the right to emigrate but not to immigrate\textsuperscript{11}.


\textsuperscript{11} Right established by art.12 of the 1966 International Convention on Civil and Political Rights and by art.8 of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members
However, the discretion of state power is not absolute: in fact, as regards the regulation of migratory flows, international human rights law provides for limits that are taken to comply with general international law. Indeed, in order not to violate the international principle of non-discrimination, States shall not arbitrarily reject some foreigners because they are owners of a certain nationality or for reasons based on sex, religion, etc.

Similarly, under the 1951 Geneva Convention relating to the Status of Refugees, the ratifying states shall ban collective expulsions, torture and inhuman or degrading treatment, as well as shall conform to the principle of non-refoulement, as stated in article 33. This Convention, moreover, set standards that apply to children in the same way as to adults, and recommends to States to ensure “the protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption” (art. 4(b)).

As far as European Law is concerned, we can find a definition of UAMs in the European directive 2001/55EC, which in article 2(f) specifies that “unaccompanied minors means third-country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they have entered the territory of the Member States”. Regarding unaccompanied minors’ protection and safeguard of their best interest, article 19(1) of the Council Directive 2003/9/EC of 27 January 2003 provides for Member States to “take as soon as possible measures to ensure the necessary representation of unaccompanied minors by legal guardianship or, where necessary, representation by an

of Their Families.

12 “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

organisation which is responsible for the care and well-being of minors, or by any other appropriate representation. Regular assessments shall be made by the appropriate authorities.14

1.3 The Convention on the Rights of Child

If already in 1948 minors’ rights were implicitly included into the Universal Declaration of Human Rights, and with the 1951 Geneva Convention relating to the Status of Refugees started to be stated, it is in 1959 when children’s necessities were clearly enunciated and protected, when the UN General Assembly approved the Declaration on the Rights of the Child, which, with its ten principles, marked the first major international consensus on the fundamental principles of children's rights.15

In 1979, with the international celebration of the Year of the Child, the proposal for a new declaration of the rights of the child began to be discussed, whose draft was subsequently presented and approved by the UN Commission on Human Rights, on the 20th of November 1989, as the Convention on the Rights of the Child (CRC)16.

The CRC is an international treaty, whose text consists of 54 articles referring to children's rights and the need to guarantee the protection and assistance appropriate to their situation of vulnerability. It is the treaty that establishes the highest number of rules relating to minors, and if the Declaration on the Rights of the Child was a statement of principles, the Convention was a legal instrument binding on any government which signed it.17

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17 Ibid.
As far as fundamental rights guaranteed to unaccompanied minors are concerned, and in particular the degree of protection provided to them as minors, constant reference for legislation is the abovementioned CRC.

Article 1 establishes the concept of child, according to which "a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier"¹⁸.

The provisions of this treaty make the contracting States legally responsible for their application, as it is stated in article 4: “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation”¹⁹.

Article 22(1), referring to minors refugees, establishes that “States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties”²⁰.

A series of rights are established that must be preserved by the legal systems of states that sign the Convention, such as life, leisure, family, protection during armed conflicts, health and non-discrimination by sex, race, language, religion, ethnicity or ideology.

With regard to unaccompanied minors and, particularly, those who reach the European

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¹⁹ Ibid, art. 4
²⁰ Ibid.
territory without documents, article 8(2) recommends that States parties to the Convention grant adequate assistance and protection to the child who is irregularly present in the territory, lacking in constituent elements of its identity, so that the latter could be re-established as quickly as possible.

Article 20 s well could be connected to the issue of UAMs, since the right to protection and special aid is conferred to the child from the State in which he or she is temporarily or permanently deprived of his family environment. It is therefore assumed that signatory States guarantee appropriate assistance to the child and, on the basis of the provisions of this article, adapt their national laws accordingly. It follows that the authorities have the obligation not to adopt any measure that could harm the physical or moral integrity of the minor and that they will take the necessary measures to preserve their fundamental rights as well as adequate protection.

What has been said until now is decreed according to what is stated in article 3(1), where the principle of best interest of the minor is established, namely that "in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"[21].

The greatest innovation introduced by the Convention is the recognition that minors are not just children with needs to be met, but human beings with internationally recognized human and legal rights. Throughout the whole text it is possible to identify three precise rights that underlie and complete all the others:

• The principle of the child's best interests,
• The principle of non-discrimination,
• The right to participation.

These three principles complement each other by forming a solid foundation that “ensure to

21 Ibid, art.3.
the maximum extent possible the survival and development of the child” (art. 6).

With the ratification of the UN Convention its regulations have become integral part of the Italian legal system, with Law no. 176 of the 27 of may 1991\textsuperscript{22}.

But, as I will mention in the second chapter, the major problem for unaccompanied minors, especially in Italy, is their primary recognition as migrants rather than children, and this automatically minimizes the priority on legal protection, which, according to international standards, should be much more elaborate and widespread for minors than for migrants in general.

CHAPTER II - Italian regulations concerning UAMs

Unaccompanied minors are represented in the Italian domestic jurisdiction with the acronym MSNA, \textit{minore straniero non accompagnato}\textsuperscript{23}, which stands for “the minor not having Italian citizenship or of other European Union States who, not having submitted a request for political asylum, is for any reason in the territory of the State lacking assistance and representation by parents or other adults legally responsible for him according to the laws in force in the Italian legal system”\textsuperscript{24}.

In the Italian legislation, the rights of the minor are sanctioned in the first place in the Italian Charter that with article 2 recognizes and guarantees the fundamental human rights and freedoms and also mention the "formation of personality "\textsuperscript{25}. The law establishes the


\textsuperscript{23} MSNA is the Italian acronym for UAM, unaccompanied minors, and stands for “minore straniero non accompagnato”, literally unaccompanied foreign minor.

applicability of constitutional rules that protect fundamental rights of citizens as well as foreign minors.

The abovementioned “formation of personality” concerns the growth and the development of the personality of the child, as stated in Law 184/83: “the State, the Regions and the local authorities, within their own competences, shall support with appropriate interventions the families at risk, in order to prevent abandonment and to allow the minor to be educated within the framework of his family”\(^\text{26}\). However, the concrete exercise of this right could be inhibited if the natural family of the minor, temporarily or definitively, cannot provide for his protection and security. In case of a situation of definitive impossibility of the natural family to support the primary needs of the minor, article 343 of the Italian Civil Code\(^\text{27}\) provides the child with protection and a stable representation.\(^\text{28}\)

In addition to the provisions of the already mentioned article 343, the Court of Appeal of Turin decreed on 10 December 1999 that in the decree law recognizes the importance for the foreign minor to dispose of the representation of a guardian in the procedure in which it is decided on his interest to remain in Italy or to be repatriated, and also indicates the "stable distance of the parents" among the causes that prevent them from exercising their parental responsibility and consequently one of the precise hypotheses for which the legal protection of the child must be initiated. In the decree it is stated that: “assigning a tutoring representation to a foreign minor, who is in Italy alone, is important for his rights (to study, to health, to education, to housing, a balanced growth, etc.) to be asserted, and specifically for


\(^{28}\) “If both parents are dead or due to other causes they cannot exercise their parental responsibility, legal protection starts”.

the guardian to represent the child's interest in administrative or judicial procedures that must lead to a decision about his stay in Italy or repatriation for the reunion with the family (...).

Hence the need for a tutor to be there to give the child a voice in choices (...) that will so deeply mark his whole life.²⁹

Furthermore, article 403 of the Civil Code claims that “when a minor is morally or materially abandoned or is raised in unhealthy or dangerous premises, or by persons which due to negligence, immorality, ignorance or other reasons are incapable of providing for his education, the public authority, through the organs of children’s protection, places him in a safe place, until his protection is definitively guaranteed”³⁰.

Between 2005 and 2008 Italy adopted three decrees on the ratification of the same number of European directives concerning the reception of asylum seekers, the procedure for the recognition of international protection and the definition of refugee and subsidiary protection. Legislative Decree No. 140/2005³¹, which implements Directive 2003/09 / EC, which establishes the minimum standards for reception in the Member States, Legislative Decree No. 251/2007³² implementing Directive 2004/83 / EC, the so-called "Qualification Directive", which establishes the conditions for granting international protection); Legislative Decree No. 25/2008³³ implementing Directive 2005/85 / EC on asylum procedures. The qualification
directive is was then reformed in 2011 (2011/95 / CE) and Italy has implemented it with the Legislative Decree n.18 / 2014.).

Before the abovementioned decrees, however, Law no. 189/02, the so-called Bossi-Fini\textsuperscript{34}, introduced some news concerning in particular the reception system for asylum seekers, which involved the participation of municipalities in hosting asylum seekers using small and medium-sized collective housing structures, and also offering services to migrants in order to encourage integration (language courses, assistance in any practice, psychological support, cultural mediation), thus implementing the SPRAR project\textsuperscript{35}, which I will be talk about in Chapter 3(1), that represent a considerable innovation regarding the national reception system.

Nonetheless, the implementation of this Law introduced heavy restrictions as well, such as, among others, the diminishing the duration of the residence permit for unemployed immigrants (from twelve to six months) and increasing the number of years (from five to six) needed to obtain the residence card, the strict subordination of entry and permanence of immigrants to work, which must be certified through a working contract, or the expulsion of irregular immigrants in the absence of a residence permit and without valid identity documents\textsuperscript{36}.


\textsuperscript{35} SPRAR is the acronym for Sistema di protezione per richiedenti asilo e rifugiati (System of Protection for Asylum Seekers and Refugees), which is made up of the network of local authorities which, for the realization of integrated reception projects, have access, within the limits of available resources, to the National Fund for Asylum Policies and Services. At the local level, municipalities guarantee "integrated reception" interventions that go beyond the sole distribution of food and accommodation, providing also complementary measures for information, assistance and guidance, through the construction of individual paths for socio-economic integration.

\textsuperscript{36} ibid.
Article 4 of this Law introduced the *reato di clandestinità* (literally, the illegal immigration crime), that, in case of minors, is not applicable since they are subject to the rights of international conventions and domestic jurisdiction.  

2.1 Unaccompanied minors present in Italy - some numbers

In Italy, the response of policymakers to migratory flows has, to some extent, been driven by the public exposure given to particular shipwrecks that resulted in mass deaths, and which shocked the whole society. This is particularly true following the shipwrecks of 3 and 11 October 2013 – in which at least 387 persons died (around 60 of them being children) -, that drove the activation of a different set of protocols and standards, in contrast to the deaths that occurred earlier, and led to the beginning of operation Mare Nostrum (commenced by the Italian government, in collaboration with the agencies FRONTEX and EUROSUR, on the 18 October 2013), which, by guaranteeing the rescue in open sea to boats in distress, had the effect of increasing the journeys, and at the same time increased the number of migrants which arrived alive on the Italian coasts.

A remarkable increase in the arrival of migrants can be seen, in fact, from 2014: if in 2011 62,692 reached Italian shores, in 2012 just 13,267, in 2013 42,925, and finally in 2014, with a variation of 296%, 170,100. These numbers continued to increase until, in 2015, migrants reaching Italy were 153,842, and in 2016 181,436.

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37 Ibid.
38 IOM (2017): *Fatal journeys Volume 3 part 1*, pp. 66

The fact that the increase in the presence of UAMs in the Italian territory is closely linked to operation Mare Nostrum is shown by numbers: 5,898 minors reached Italian coasts in the first nine months of 2014, with an increment of 3,572 arrivals compared to the same period of 2013, as shown in Figure 1\textsuperscript{42}.

These numbers continued to increase until 2017, when, following the agreement between the Italian government and the Libyan one\textsuperscript{43}, a drop in the number of migrants reaching Italy.

\textsuperscript{41} IOM (2016) Mixed Migration Flows in the Mediterranean and Beyond, Compilation of available data and information. IOM.


\textsuperscript{43} On 2 February 2017 a Memorandum of understanding on development cooperation, illegal immigration, human trafficking, fuel smuggling and reinforcement of border security, was signed between the Italian Prime Minister Gentiloni and Fayez al-Serraj, Head of the UN-backed Libyan Government of National Accord. Migrants were detained in Libyan detention centers and pushed-back at the Libyan southern border, or intercepted by the Libyan coast guard upon departure to Europe by sea and transferred back to local reception camps pending repatriation or voluntary return to their countries of origin.
occurred.

In 2016, out of all the children reaching Italy, the 92% were unaccompanied, a number that has more than doubled since the same period in the previous year. They were the 49% in 2014 and the 75% in 2015⁴⁴.

According to Save the Children, looking at the period from 2012 to 2016 there have been an exponential increase of unaccompanied minors reaching Italian shores. In four years the number of boys and girls has more than tripled, from 7,575 admissions in 2012 to 23,934 of 2016, also taking into account the untraceable ones, i.e. those whose tracks got lost from the reception centres at a later stage⁴⁵.

There is, in fact, a sort of "dark field" composed of those who live in a situation of clandestinità (Italian word meaning illegal residence). These migrants escape any type of census and statistics, and it is difficult to determine how many and what are their characteristics, since they frequently work irregularly and it is almost impossible to ensure that they are adequately protected by the State.

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CHAPTER 3 – Lights and shades of reception

Until now, in the first two chapters, I have been describing both the international and national laws and regulations protecting unaccompanied minors but, once they arrive to Italy, are they really protected as they should be? Are the above mentioned laws and regulations effectively implemented, or do they fail in protecting minors?

This will be the main topic of this chapter, where I will analyze the situation of UAMs once they reach the Italian shores; if on the one side I will describe the cases of “good practices” where laws and regulations regarding refugee protection are applied properly, on the other I will talk about the inadequacy of many reception facilities, with particular attention to examples of management in Sicily, a region geographically destined to be the first landing for thousands of migrants, and I will conclude with the particularly disturbing question of the so-called invisible, that is to say, minors which got untraceable after their arrival on the Italian coasts.

3.1 Good practices

The reception system for unaccompanied foreign minors tries to be systematized through the "National Plan to face the extraordinary flow of non-EU citizens, adults, families and unaccompanied foreign minors" defined at the Unified Conference of July 2014, whose system it was then regulated by Legislative Decree 142/201546.

The above mentioned plan provides for the reception of UAMs, structured in two phases:

1) Very first reception - coordinated by local prefectures - which is characterized by the activation of highly specialized governmental structures with such functions as identification
and verification of age and status of the migrant, also in order to speed up the reunification with relatives - if present in other EU countries;

2) Second level of reception of all the unaccompanied minors, even non-asylum seekers, in the field of SPRAR\(^{47}\), which is financed by the Ministry of the Interior and administered by the Municipalities and other local authorities which, with the collaboration of the third sector, provide for the reception and protection of asylum seekers and persons who take advantage of other forms of humanitarian protection in order to facilitate their socio-economic integration. The Sprar hospitality and integration services include: the inclusion in small structures, the provision of food vouchers, the support of a linguistic mediator, the facilitation of access to social, health and educational services, the inclusion in training courses, support in finding a job and a home. The innovation of this system is that, when it comes to minors, any distinction between unaccompanied asylum seekers (those fleeing as a result of persecution, armed conflict or political upheavals) and those who are not seeking asylum or international protection has been eliminated, including the latter as well in the SPRAR system\(^{48}\).

In the initial reception centers, children should be required to stay for no longer than 60 days, and in secondary reception centers people can stay for longer.

In 2016, some progress was made regarding the reception system with the activation of reception centers dedicated to minors alone and the expansion of the SPRAR network, with the ongoing extraordinary expansion promoted by the Ministry of the Interior, capacity has risen to 27,089 places (of which 12,485 financed by announcements and 14,604 additional

\(^{47}\) SPRAR is the acronym for Sistema di protezione per richiedenti asilo e rifugiati (System of Protection for Asylum Seekers and Refugees), which is made up of the network of local authorities which, for the realization of integrated reception projects, have access, within the limits of available resources, to the National Fund for Asylum Policies and Services. At the local level, municipalities guarantee "integrated reception" interventions that go beyond the sole distribution of food and accommodation, providing also complementary measures for information, assistance and guidance, through the construction of individual paths for socio-economic integration.

places). Local authority project holders were a total of 574, of which 533 municipalities, 29 provinces and 12 unions of municipalities.

With reception in the SPRAR network having been extended to include UAMs not presenting asylum applications and the establishment, as of 1 January 2015, of the “Fund for the reception of unaccompanied foreign minors” in the provision status of the Ministry of Interior set forth in Law 190/2014 (art. 1), the number of UAMs welcomed in the SPRAR projects has increased considerably. Local authorities have made an additional 1000 places available for minors for 2015-2016 and a further 78 places activated since July 2016, this doubling the capacity for accommodation – from 977 to 1,916 -, consequently allowing the reception of more minors (1,640 in 2015 and 1,994 in the first semester of 2016). Generally speaking, 75.9% of unaccompanied minors present in Italy and registered by the Ministry of Labor and Social Policies, equal to 13,194 minors, are accepted in structures authorized or accredited by Municipalities or Regions in which they are located.

The birth and strengthening of the SPRAR system has undoubtedly to be considered among the points of strength of the Italian reception system, as it has been taking shape above all starting from 2014.

SPRAR networks have promoted structured involvement - for the first time - of local administrations, and stimulated the start of collaborations with organizations of the third sector experienced in the reception of immigrants: to these organizations the municipalities

entrust, in fact, the concrete realization of SPRAR projects.\footnote{53 ANCI, CARITAS ITALIANA, CITITALIA, FONDAZIONE MIGRANTES, SPRAR, UNHCR (2016) \textit{Report on International Protection in Italy}. Rome: ANCI.}

Faced with the publication of periodic ministerial notices, municipalities are empowered to take action by making available a certain number of posts, however membership of the SPRAR system remains voluntary.\footnote{54 Ibid.}

The SPRAR system in particular provides an integrated approach to reception, which is also its main innovative element: for migrants it is not about being included in a purely assistance circuit, but in a path that, together with a minimum level of services, provides legal assistance, guidance in access to local and regional services and to job search, linguistic mediation and psychological support, as well as Italian language courses. In each SPRAR structure there is therefore a multidisciplinary team with various professionals (lawyers, psychologists, social workers, cultural mediators), who deal with the many aspects of the path of each migrant and try to guarantee to everyone a personalized project that also takes into account the skills and resources of the beneficiaries of the project, as well as the possibilities offered by the territory in which the structure is located.\footnote{55 SAVE THE CHILDREN (2017) \textit{Atlante minori stranieri non accompagnati in Italia}. Rome: Save the Children Italia Onlus, p. 170.}

Once the impossibility of custody or voluntary repatriation has been verified, the social services of a given municipality elaborate a long-term educational project and identify the most suitable solution based on the needs of the minor. In this phase, different forms of housing are provided: placement in a community, foster placement at families or individuals, transfer to independent housing - often shared with other children. In most cases, minors are welcomed into residential and family-type housing, where they may remain until the age of majority.\footnote{56 GIOVANNETTI, M. (2016) \textit{I comuni e le politiche di accoglienza dei minori stranieri non accompagnati in Italia}. Rome: Franco Angeli.}
The second level reception structure is a residential service, which, although ensuring a family-style reception, is characterized by an educational intervention, with professionals guiding the minor in a process of growth of personal and social identity, favoring the progressive responsibility and autonomy. These minors, who attend Italian language courses and are enrolled in school, begin to build a new life. For some, especially the older ones, to schooling opportunities are added also vocational training opportunities, that better respond to their goal of quickly reaching a condition of autonomy, and at the same time to their need of being able to work within a short period of time.

Among the initiatives that have been developed in recent years to promote the integration of young migrants, and in particular to unaccompanied ones, one of the most recent is the project called Percorsi, launched on 13 October 2016 and promoted by the General Directorate for Immigration and Integration Policies of the Ministry of Labor and Social Policies.

The idea behind the project was to create 960 integration paths in social and employment terms, through the construction of personalized intervention plans and the strengthening of partnerships with public and private operators of labor market. Beneficiaries were unaccompanied minors of at least 16 years old, whether or not applicants or holders of accompagningi.

58 Ibid.
international protection, and young migrants aged less than 23 who arrived in Italy as unaccompanied minors, and could carry out 5 months traineeships and take advantage of the provision of a monetary grant of 500 euros per month.

3.2 Examples of good practices

There are a lot of other examples of good practices in the reception and protection of minors, in fact Italy is also characterized by a long series of positive experiences of integration, with immigrants who have managed to fit into the social and the urban fabric without creating alarms or tensions.

Just to name a few: in Brianza, reception happened in apartments instead of in reception centers. The practice began in 2011, as an experiment, until the Prefecture of Monza, together with the associations of the third sector, built a protocol to standardize this reception procedure in the province. The cost for each guest is the same but they increase the chances of integrating into local society. Today there are two structures (a residence in Carnate and the Spallanzani center in Monza) that welcome between 30 and 50 people in emergencies, then there are 35 apartments, all found in the private market, in which the applicants live on average in six.

One of the most outstanding example of integration and participation of migrants in Italian villages is given by Camini, a village of the province of Reggio Calabria of 800 inhabitants, where National Geographic cameras went to document the rebirth of the country that welcomed 80 people from Syria and Africa. Here the refugees work and produce, they take


care of the houses abandoned by the inhabitants repopulate the classrooms of the schools and the streets of a country that was disappearing. Among the towns of Locri that have opened the doors to refugees there is not only Camini, but also Gioiosa Jonica, Stignano, Benestare and Africo. In total there are twelve Calabrian Municipalities that have joined the Sprar.

Another example which is worth mention is CivicoZero, a project which, differently from the ones I mentioned above, is addressed only to minor migrants.

A lot of young migrants, especially Eritreans, Ethiopians and Syrians, but also Somalis and Afghans, often considers other European countries as their final destination and only in some cases their expectations of integration concern Italy. This involves the transit of many thousands of minors from the South of Italy to the North, mainly passing through Rome and Milan. In these cities it was therefore necessary to create reception facilities to counter the risks of exploitation and trafficking to which minors are frequently exposed. For this purpose, Save the Children has promoted the project CivicoZero, realized starting from 2009 in Rome (implemented by the CivicoZero cooperative) and, later, also in Milan (from 2014) and in Turin (from 2015).

The project aims at providing support, guidance and protection to minors migrant who are, or are likely to be, in situations of social exclusion, exploitation or abuse, with the aim of contributing to the improvement of their living conditions and of the respect of their rights. The project includes two types of complementary and coordinated activities:

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the mobile unit dedicated to outreach activity. Operators reach and support children alone on the streets or gathered with their peers, situations that expose children to dangerous conditions of marginalization and vulnerability with the risk of becoming victims of exploitation and abuse; the goal of the mobile unit is to get in touch with minors, guaranteeing them a first support and an adequate information on their rights as well as on the risks they run transiting alone in the cities, describing them CivicoZero and inviting them to visit the structure where the volunteers of this project conduct activities everyday;

- The non-residential diurnal center CivicoZero, a facility that provides children with access to laboratories, basic services and orientation concerning rights and opportunities, so that they strengthen their ability to cope with risky situations and positively integrate into the social context of the host society. The young people who access the CivicoZero services are generally between 12 and 18 years old. In particular, in this center cultural and social mediation is guaranteed, as well as legal and healthcare advice, but also training activities and social integration, such as literacy teaching, traineeships and job search. There are also daily cultural, artistic, creative and recreational activities. Moreover, an accompanying service is offered in order to ensure the access to local social services.

In Rome, moreover, since 2012, the project A28 has been activated, promoted by Intersos in collaboration with Save the Children and the cooperative CivicoZero, which offers a night-time reception service (it is a center open from 22 to 9) to unaccompanied foreign minors - mostly Eritreans and Afghans-, who are passing by Rome and intend to continue their journey to other Northern European countries. This center, thanks to the presence of educators and cultural mediators, represents for children a safe place to rest, receive assistance (a bed, clean clothes, toilets, showers and meals) as well as information about

66 Ibid.
their rights, how they can reunite with any family members living in other European
countries, and take the necessary time to decide more consciously whether or not to stay
in Italy\(^67\).

Given these positive aspects that make SPRAR be a good practice of reception
management, unfortunately also many critical elements emerge, largely attributable to the
more general framework of the Italian reception system and in part also to the weaknesses
typical of our welfare system. For instance, the places of SPRAR networks are largely
insufficient compared to the number of those entitled to them, so the majority of migrants
are improperly housed in temporary facilities (the first reception ones), with low
protection and low services standards\(^68\), as we will see in the next paragraph.

3.3 Inadequacy of some reception centres

If until now I described the positive sides of reception in Italy, as I started to state in the
last lines of the previous paragraph, there also cases where practice does not coincide
with theory, meaning by the latter the legal background protecting migrant, especially
minors.

In January 2016 Migrantsicily\(^69\) went to Pala-Nebiolo\(^70\) to interview the situation of
minors who were there, and reports that at the moment of their arrival most of them did

\(^{67}\) SAVE THE CHILDREN (2012) Minori afgani, Roma. Inaugurato A28, il primo centro notturno
d’emergenza italiano per minori stranieri non accompagnati. [Online] Available from:
https://www.savethechildren.it/press/minori-afgani-roma-inaugurato-%E2%80%9Ca28%E2%80%9D-il-primo-

\(^{68}\) CAMPOMORI, F. (2016) Le politiche per i rifugiati in Italia: dall’accoglienza all’integrazione.
Missione impossibile?. OCIS. [Online] Available from: https://www.socialcohesiondays.com/wp-

\(^{69}\) Migrants Sicily is a monitoring project on the situation of migrants in Sicily and intervention in
response to migratory policies implemented by the Italian government to manage the arrival of refugees from
the Maghreb region and Libya.

\(^{70}\) Pala Nebiolo is a tent camp designed for the initial reception of unaccompanied minors, located in Sicily.
not want to stay in Italy, and wanted to reach other European countries instead, but the Italian police forced them to provide them with their fingerprints by beating them with electric batons\textsuperscript{71}. Some of those who got hit did not even know what the police wanted from them. Afterwards, according to what has been reported by the migrants, before getting off the bus which moved them from the port to the camp, a couple of interpreters went in and told them that everyone who was less than 18 years old had to write down that was already of age when filling in the forms, threatening them by saying that those who were under 18 might have needed to be sent back to their home countries. They stated that the interpreters changed their dates of birth, mainly putting them down as 18 or 19\textsuperscript{72}.

At Pala-Nebiolo, in addition to constant complaints due to frequent flooding of the camp where tents are located, all have reported a lack of health care, lack of adequate clothing and no assistance from local health services. Although these young migrants would really need assistance, because of the physical wounds they got along their long journeys, often caused by the beatings and tortures they suffered in detention centres in Libya, yet the only medication that is given to them for any kind of pain is paracetamol.

Not to mention the lack of indispensable psychological support, given that they are teenagers who have suffered all kinds of traumas, from violence to torture, to having seen relatives and friends dying\textsuperscript{73}.

In addition to this, the problem of overcrowding has also to be taken into consideration, reaching in some cases peaks of 6-800 people, reproducing in fact the conditions of


\textsuperscript{72} Ibid.

\textsuperscript{73} Ibid.
forced promiscuity experienced by migrants in Libya and during the trip. Women, men and children are indeed obliged to sleep on mattresses on the ground, with not enough toilets available for the people of the camp, thus amplifying the problems already present in the structure, which add to the problems of hygiene those of violence and abuse\textsuperscript{74}.

Furthermore, it is worth to mention that the majority of the unaccompanied minors - which reach first reception centers - are not provided of any information about their status and how to apply for asylum as minors. On the contrary, they are totally unaware of their rights, and when asked whether anyone has informed them of the possibility of presenting a request for international protection, or of the right to have a legal guardian, many of them are completely taken aback, as a 16 years old Eritrean boy affirms: “Since we have been in the Pozzallo\textsuperscript{75} center nobody has ever talked to us what our situation in Italy is, or about our rights”\textsuperscript{76}, or again, an Egyptian minor: “Nobody said anything to me about papers, residents’ permits. When I started asking, because I could see that my friends were asking, they told me that my guardian had resigned and that I had to wait. I never even knew that I had a guardian - I never met him”\textsuperscript{77}.

Andrea Bottazzi, who is in charge of the project “Open Europe” launched by Oxfam, reports that when he asked them if they had heard about asylum, if they knew who their guardian was, they did not know anything at all, but in the center they were being interviewed about the reasons that made them leave. “We think” he adds “it is in order to formalize their applications for asylum, but they obviously do not know why they are asked these questions. They do not understand anything that happens to them”\textsuperscript{78}.

\textsuperscript{74} Ibid.
\textsuperscript{75} First reception centre located in Sicily.
\textsuperscript{77} Ibid.
\textsuperscript{78} Ibid. p.6
3.4 Unaccompanied minors identified and disappeared at a later stage

A dramatic and obscure aspect of the migratory flow is the presence of a significant number of unaccompanied foreign minors whose tracks are lost.

First of all, it is worth mentioning that the conditions of the Mediterranean crossing on the *barconi della speranza*\(^79\) are inhumane, with hundreds of people squeezed into the holds of small and old fishing boats or on inflatable boats, exposed to bad weather for several days (sometimes more than a month), subject to the threat of being beaten or, worse, thrown into the sea at the first complaint, without any food or drinkable water and, in lots of cases, without even the quantity of gasoline enough to reach the closest island (Lampedusa) to Libya, which is the reason why many times migrants embarks but then are forced to go back to Libyan detention centers or, if they are not lucky, the boat shipwrecks and they die.

An example of this tragedy is given by the words of a Nigerian 8 years old child - now detained in Libya: “We wanted to go to Italy. We were on a boat. After a while the boat began to take in water and soon after it sank. There was a boy who survived, and I held onto him for many hours. He saved me. But my father and mother both died. I did not see them again.”

When migrants finally reach the reception centers, they report physical and psychological symptoms of real suffering, linked to their hard journey\(^80\).

Thousands of young migrants, once landed in Italy, make themselves untraceable. The unavailability of minors is a structural and constant aspect of the migratory phenomenon, due to a multiplicity of factors, among which the migratory project of each one and the individual family expectation, the information held by minors and the family and referential networks in the destination countries.

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\(^79\) Literally, the boats of hope.
The untraceables are, technically, unaccompanied minors for whom has been reported a leaving (departure) of the reception facilities or host families\(^81\); but, in practice, they are minors who, due to too long stays in initial reception centers, to insubordination to the rules of the centers, to look for work or just because they intend to reach groups of compatriots or family members in other areas of Italy or Europe, leave the protection circuit and the control of the competent authorities.

These children, who arrive without reference adults and without any document, are at particular risk of exploitation. An alert was especially issued in 2015 by the European Police Office (Europol), which is the European Law Enforcement Agency, regarding the disappearance of 10,000 minors who entered Europe in the same year, more than a half of which have disappeared in Italy (6,135)\(^82\).

The Italian reception system has turned out to be inadequate for protecting lone refugees and migrant children and their rights, as it is demonstrated by the fact that, in 2016, 6,561 unaccompanied children were reported missing, having run away from reception centers\(^83\). They become invisible under the legal radar and are therefore even more vulnerable to violence and exploitation. To put it another way, in Italy alone, on average during each and every day of 2016, almost 18 unaccompanied children were “lost” from a system that shall protect them, and into an unimaginable fate.

As reported by Save the Children, from 2012 to 2016, the number of minors who got untraceable has almost quadrupled, rising from 1,754 minors “disappeared" as of December

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\(^{82}\) SAVE THE CHILDREN (2016) Young invisible and enslaved: the child victims at the heart of trafficking and exploitation in Italy. Rome: Save the Children Italia Onlus, p. 6.

2012 to over 6,561 four years later\textsuperscript{84}.

Although these numbers should be relativised, because some of these minors might reenter the system registering themselves again in another city with another name, it gives the idea of the extent of the phenomenon and the lack of controls\textsuperscript{85}.

They are above all teenagers and flee in search of a future different from war, extreme poverty and persecution, or to look for a better life, whose goal usually is to reach Northern or Central Europe countries, where they often already have family contacts: indeed, the Dublin regulation requires that family reunification should take place as soon as possible for children, but when it comes to practice this turns into a year of waiting, since demonstrating a family bond for those who do not have documents risks to become an impossible task. So many of them do not wait for the time of the procedures and move away even before reaching the reception centres, or disappear immediately after the first identification\textsuperscript{86}.

Among UAMs who choose to disappear in Italian cities, is worth considering the case of a lot of Egyptians, which can be found at the general markets to unload fruit boxes, in pizzerias or car washings where they work about 10-12 hours a day in order to earn 2 or 3 euros an hour, much more less than the minimum pay, but with the Egyptian exchange rate seem to be a lot of money\textsuperscript{87}.

Most of these minors’ aim is to send money back to their homeland and repay the debt contracted for the journey, which is usually around 3,000 euros, that must be paid as soon as possible. In fact, the “contract” between the minor and the smuggler stipulates that the refund

has to start from the moment the migrant reports that he has arrived safely in Italy; at that point the smugglers begin to pressure the family to recover the debt.\(^{88}\)

For this reason, once arrived in European countries, their priority is to work and earn enough money to give back money to the smuggler. This is a heavy burden for the child, who feels almost obliged to become a work machine, due especially to the fear related to the serious repercussions that his family could suffer in case of failure to pay the debt.\(^{89}\)

For these children it is difficult to understand the concept of exploitation, in their home country they work as well and are paid even less, so for them it is not a problem to work even for little money.

The origin of minors who decide to disappear varies according to the needs of their migratory project. As far as Eritreans, Ethiopians, Syrians and Somalis are concerned, we are dealing with transit experiences, that is to say young people who declare on arrival in Italy that they do not want to be identified because they want to reach other European countries, but in this way they become "invisible" and therefore vulnerable, more exposed to the risk of exploitation and abuse.\(^{90}\)

3.5 Unaccompanied minors victims of human trafficking - a hidden crime

As if it was not enough the violence suffered during the migratory journey to the “promised land”, and the real possibility of remaining involved in a shipwreck in the Mediterranean sea, for unaccompanied minors the arrival in Italy is only the continuation of an apparently endless ordeal. Trafficking and exploitation, even for children and adolescents, is a persistent phenomenon that mainly affects UAMs, who, without any protection, easily become victims of unscrupulous people.

A survey on migrants and refugees in Italy of the International Organization for Migration in Italy, between October and November 2016, revealed that 78% of children answered “yes” to

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88 Ibid.
89 Ibid.
at least one of the trafficking and other exploitative practices indicators in relation to their own experience\textsuperscript{91}.

Article 3 of the UN Protocol, better known as the Palermo Protocol, defines trafficking in human beings as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments and benefits to achieve the consent of a person, having control over another person, for the purpose of exploitation”\textsuperscript{92}.

 Trafficking in human beings always involves the exploitation of a vulnerable individual\textsuperscript{93}.

As far as minors victims of trafficking are concerned, they are defined as “persons under the age of 18 recruited, transported, transferred, held or received for the purpose of exploitation, either inside or outside a country, with or without coercion, deceit, abuse of power or other forms of abuse”\textsuperscript{94}.

The concept of migrant trafficking shall not be confused with the concept of smuggling, given that the smuggler is simply the one who helps another person to cross a border illegally (thus not constituting any kind of exploitation), while trafficking in human beings involves a violation of human rights, smuggling of migrants consists in the violation of domestic laws of one or more States. However, the main inquiries and investigative results\textsuperscript{95} confirm that the

\begin{itemize}
  \item Ibid.
trafficking of children is perpetrated through the same channels and using the same criminal strategies as smuggling.

Exploitation, on the other hand, includes:

- The exploitation of the prostitution of others or other forms of sexual exploitation,
- Forced labour or services,
- Slavery or practices similar to slavery,
- Servitude or the removal of organs"96.

The concern is that many guys do not disappear for their own choice, but end up in criminal networks of sexual exploitation, black labor, or - due to such a high number of disappearances - organ trafficking, since as the United Nations Office on Drugs and Crime (UNODC) reports, transnational organized criminal groups are generally involved in the smuggling of migrants from West Africa to Europe97; and since it is becoming a more and more lucrative activity, it may also attract the attention of criminal groups with no previous interest in migration but with expertise in other branches of crime98.

As the Europol’s Serious and Organised Crime Threat Assessment warns, the migrant smuggling business has become a large, profitable and sophisticated criminal market, comparable to the European drug markets, as continuing conflicts and economic pressures in Africa and the Middle East continue to act as push factors for irregular migrants travelling to the European Union99.

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98 Ibid, p. 63.
It is the case for the Italian mafia. Always quick to exploit new opportunities, which is making vast profits off the backs of migrants. In 2014, an investigation known as *Mafia Capitale* found that a criminal group, which prosecutors defined as a mafia-style association, had been running Rome’s municipal government for years, and siphoned off millions of euros intended to fund public services. The group had also infiltrated asylum centres across the country, buying and selling names and details of migrants who had long disappeared, in order to keep the per-person state funding coming. During the investigation, one of the alleged bosses of the group, Salvatore Buzzi, was caught on a wiretap bragging about how much money he made off the backs of asylum seekers. “Do you have any idea how much I earn on immigrants?” he was heard telling an associate “they’re more profitable than drugs”.

As another investigative report of the Guardian states, concerning Nigerian girls who are trafficked directly to madams in Naples and elsewhere in Italy forced to do sex work to pay off large debts (since, before they’ve even started work, they will owe around €60,000), a cut goes to the recruiter in Nigeria, a cut to the traffickers and smugglers who expedited the women’s journey, and a large portion goes to the Nigerian gang members, who must pay the Naples mafia, the Camorra, or other crime syndicates in whose territories the women will be forced to work.

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101 Ibid.

102 Ibid.
Conclusion

Although international and national legislation provides for appropriate reception measures to contain the numbers of an emergency that did not seem to stop, thousands of people continued to remain stuck in reception centers, thus particularly affected are unaccompanied minors, due to their vulnerability.

In Sicily, as in the rest of Italy, there is no automatic way to verify the availability of places in the communities scattered throughout the country. All this demonstrates the inadequacy of the response of the Italian State to the migratory phenomenon, which instead of favoring an efficient reception network, continues to resort to emergency solutions, exception made from some cases when law and regulations concerning minors’ protection are well implemented.

Libya, the neighboring countries, African Union, European Union, international organizations and national ones, with the support of donors, shall support a regional initiative on the Central Mediterranean route focusing on children at risk, not only to guarantee protection of the childhood, but also to prevent and combat violence, abuse and exploitation of minors. A process to implement cross-border mechanisms capable of contributing to the reunification of families (a right for the best interests of the child) shall be initiated, as well as the development of mechanisms for transnational cooperation between child protection authorities.

This could be implemented, for instance, though the support for effective civil registry systems that would allow to register the births and to prevent and deal with trafficking in human beings, support for victims, services for protection and rehabilitation, especially for the benefit of children. Furthermore, safe and legal routes shall be offered to children in escape from armed conflict, persecution and violence, or looking for better opportunities.\textsuperscript{103}

\textsuperscript{103} UNICEF (2017) \textit{Un viaggio fatale per i bambini: la rotta del Mediterraneo Centrale}. New York: Unicef.
Meanwhile, the ongoing tragedies show that there is no strategy to solve the migrants crisis immediately. The medias regularly spread videos and images of sunken boats, of deaths in the sea, of men, women and children wrapped in heat blankets, and in one of these is a girl who has just lost her mother and who goes to enlarge the ranks of the unaccompanied minors arriving in Italy. A daily massacre, in front of which the most are able only to pity the small victims, however, avoiding to understand what led them to die, where and why they came from, what they are living in our country.

I will conclude my thesis with a story, hoping that it will represent the hope for the thousands of unaccompanied minors arriving on our shores. It is the story of Favour, with Nigerian origins and just nine months old, who has arrived in Lampedusa together with a group of migrants, rescued in the Sicilian Channel. Her history would be equal to that of many other minor protagonists of these journeys between desert, long stays in Libya and crossings of the Mediterranean, if it was not that she arrived alone: her mother, pregnant of the second child, died in fact during the trip due to the very serious fuel burns. She was entrusted to a couple of Palermo, and, thanks to them, Favour will be able to live in the love and comfort of this new family, unaware, at least for now, of the horror of the Mediterranean.

The hope is that the experience of the little Nigerian would spread the mechanism of foster care and why not adoptions, so that every child would have a family, the affection and the comfort he or she needs.

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