



T-ES(2016)RFG-ITA

## LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

### FOCUSED QUESTIONNAIRE

Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse

ITALY

(Replies sent by the State)

Replies registered by the Secretariat on 6 October 2016

## DATA (Lanzarote Convention, Chapter III)

- 1) How many migrant and asylum-seeking children (accompanied and unaccompanied)<sup>1</sup> are in your country as a result of the refugee crisis?
  - a) Please provide estimates, if exact data is not available, for the period between 1 July 2015 and 30 June 2016,<sup>2</sup> and specify how many of these children are victims or presumed victims of sexual exploitation and sexual abuse;
  - b) Describe how the victims of sexual exploitation and sexual abuse were identified or describe the challenges faced to identify them. Specify whether a distinction is made between victims of sexual exploitation/abuse prior to the entry on your territory (Group 1) and after entry (Group 2) and provide data/estimates of the two groups of victims. Please also explain how the age is determined in case of doubt;
  - c) Indicate also how the data collected is used to offer a coordinated response between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children;
  - d) Identify the institution(s) responsible for the collection of above data.

Effectively managing the pressure of migratory flows on some parts of the shared external Schengen border requires both responsibility and solidarity on the part of all Member States. It is of crucial importance that two key measures are fully implemented: the 'hotspot' approach and the relocation scheme – with the fingerprinting of all migrants, the prompt selection and relocation of asylum applicants and establishment of adequate reception capacities. The other essential component is action to secure swift return, voluntary or forced, of people not in need of international protection and who do not therefore qualify for relocation.

According to Eurostat data, during the second quarter of 2016 (from April to June 2016), 305,700 first time asylum seekers applied for international protection in the Member States of the European Union (EU), up by 6% compared with the first quarter of 2016 (when 287,100 first time applicants were registered).

With nearly 90,500 first time applicants between April and June 2016, Syrians remained the main citizenship of people seeking international protection in the EU Member States, ahead of Afghans (50,300 first time applicants) and Iraqis (34,300). They represent the three main citizenships of first time asylum applicants in the EU Member States over the second quarter 2016, accounting for almost 60% of all first time applicants. These quarterly data on asylum in the EU come from a report issued by Eurostat, the statistical office of the European Union.

During the second quarter 2016, the highest number of first time applicants was registered in Germany (with almost 187,000 first time applicants, or 61% of total first time applicants in the EU Member States), followed by Italy (27,000, or 9%), France (17,800, or 6%), Hungary (14,900, or 5%) and Greece (12,000, or 4%)

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<sup>1</sup> Please provide the definition of accompanied/unaccompanied children in your country and, if available, provide separate figures for accompanied and unaccompanied children. If such data is not available, please provide data on migrant and asylum-seeking children.

<sup>2</sup> If figures for this period are not available, please provide the most recent annual data.

Regarding Italy, almost 150,000 people have arrived in Italy by sea this year. The scale of arrivals is huge and the European Commission is working very closely with the Italian authorities to assist them in this challenge.

Children account for 51% of refugees in the world in 2015, according to data collected by UNHCR (the authors of the report did not provide complete demographic data). Many of them were separated from their parents or traveling alone, a matter of great concern. In all there were 98,400 asylum applications by unaccompanied or separated from their families. This number, the highest ever recorded by UNHCR, tragically shows how big the impact of forced migration in the world have of these young lives.

Concerning Italy, according to the data collected by the Ministry of Labour and Social Policy, at the date of 30th June 2016 there were 12,241 unaccompanied foreign children. This is a phenomenon which is increasing rapidly (at the date of 30th April 2016 the Ministry identified a rise of 41% in relation to the same date in 2015). The overwhelming majority are male (94,7) and most of them are adolescents (54,3% are 17 years old, while only 7.7% are under 15). The most represented nationalities are Egypt (21%), Gambia (12,3%) and Albania (11,4%) followed by other African countries of (Eritrea, Nigeria, Somalia, Senegal).

Data of the Ministry of the Interior indicates that in 2015 a total of 153,842 migrants arrived by sea out of which 16,362 minors (out of which 12,272 unaccompanied minors). Data of the Ministry of the Interior states that during the month of June 2016 out of a total of 10,006 asylum seekers, there were 395 unaccompanied minors and 605 accompanied minors requesting asylum. In 2015 out of a total of 83,970 asylum seekers there were 3,959 unaccompanied minors and 7,168 accompanied minors requesting asylum.

As regards the motivations of unaccompanied foreign children, they can be very different depending on their nationalities. For instance Albanian children typically come with a specific migratory project of studying normally in agreement with their families or Egyptian children come to work with family members or through national network. Differently children coming from war or crisis countries flee in order to save their life and find new opportunities in Europe.

Unaccompanied foreign children identified at reception centers are typically assigned to group housing with about 5-10 children, and enrolled in vocational schools. However, some of them leave in order to look for a job or to join relatives in other European countries (due also to restrictions in the European regulations – Dublin III). For this reason, it is feared that some may become vulnerable to involvement with criminal organisations and are at risk of sexual and other forms of exploitation, however it is difficult to establish how many become actual victims. At the date of 30th April 2016, 5,099 unaccompanied foreign children were irretraceable and most of them were Somali (23.5%), Egyptian (23.3%) and Eritreans (21.1%).

## PREVENTION (Lanzarote Convention, Chapter II)

- 2) What are the specific measures taken to prevent that children affected by the refugee crisis fall victims of sexual exploitation and sexual abuse?
  - a) Highlight in particular the measures (e.g. awareness raising material, specialised training, screening of professionals, etc.) which have proven to be effective;
  - b) Underline any lessons learnt from specific challenges (e.g. in raising awareness on sexual violence amidst other urgent priorities, etc.) that had to be faced to improve prevention.

Italy manages the phenomenon of migration from countries outside the European Union through policies that combine the reception and integration with the action on combating irregular immigration.

Entry into the territory of the State is allowed at border crossing points to those who are in possession of passport or equivalent document and the visa. The program states periodically by decree of the President of the Council of Ministers, the so-called 'flow-decree' introduced by the law n.40 / 1998, the maximum quota of foreigners allowed in the Italian territory for employment and self-employment. The legislation also provides for the entry for work in particular cases (Article 27 of the Consolidated Text on Immigration).

State, regions, local governments, in collaboration with industry associations and with the authorities of countries of origin, promote the integration of foreign nationals who are legally in Italy (Article 42 of the Consolidated immigration Text) through programs that: provide for 'information on the rights and opportunities of integration or reintegration in their home countries; promote the linguistic training, civic and professional; facilitate entry into the world of work.

Territorial bodies for Immigration, established in each prefecture (President of the Council of Ministers Decree 18 December 1999), monitor the presence of foreigners in the area and the level of social and work integration, aimed to promote local integration policies in partnership with the other institutions and with the private social institutions. These organisms represent a link between central government and local communities for everything related to immigration and related issues, ensuring the homogeneity of the phenomenon management policies throughout the country.

Refugee status and forms of subsidiary protection are recognized the outcome of the investigation carried out by the Territorial Commissions for the recognition of international protection.

The rules about asylum are regulated at Community level by the so-called Dublin III Regulation, for which the foreign person may apply for international protection in the first entry that, therefore, becomes competent to examine the application.

It is possible to ask for protection, even if the country is regularly a family member of a migrant, or if the foreign person is an unaccompanied minor. It admitted the request

even though the country already has a family who has been recognized refugee status or who has applied for asylum.

The protection of unaccompanied foreign children is based on the Convention on the Rights of the Child and must be carried out in "the best interests of the child". Recently important measures have been approved in order to improve the overall reception policy of unaccompanied foreign children and therefore also prevent the occurring of abuse and exploitation. The legislative decree 142/2005 (approved on the 18<sup>th</sup> August 2015) has established that all unaccompanied foreign children (not only those who are requesting asylum) can be placed within the SPRAR system (the protection system for asylum seekers and refugees).

Currently there are 1,050 reception centres that are distributed according to the presence of unaccompanied foreign children. (e.g. 25,5% in Sicily, 10,6% in Lombardia; 8,9% Campania). At the date of 30<sup>th</sup> April 2016 there were 9,690 minors welcomed in accredited reception centres (83,2% ), while 7,6% is hosted by private and 5% is located in non accredited reception centres. In order to increase the number of places available the Ministry of the Interior published two Public Notices from the FAMI Fund (Fund for Asylum, Migration and Integration) and devoted an amount of € 51,138,000 in the first case and of € 110,953,800 in the second.

An agreement has been approved about the minimum requirements for the second reception of unaccompanied foreign children within the State-Regions conference in order to harmonise the reception of children.

Moreover, there is a bill in Parliament n. 1658 on unaccompanied foreign children that contains important reforms in the reception system including: the identification of the child must take place within 5 days; a specific information system to trace minors; the promotion of family foster care through the creation of list of people properly trained; the appointment of appropriately trained guardians; specific measures for children victims of trafficking; measures of support and integration when the minor reaches 18 years; the creation of a specific fund.

Finally, some specific prevention projects are carried out by associations at local level, for instance the project "Civico Zero" addressed to foreign children between 12 and 18 years of age, with a special attention to unaccompanied foreign minors who are in a condition of vulnerability and social exclusion, at risk of deviance, exploitation and abuse.

#### PROTECTION (Lanzarote Convention, Chapter IV)

- 3) Has a coordinated child protection approach been put in place to cater for the specific needs of migrant and asylum-seeking children victims of sexual exploitation and/or sexual abuse?
  - a) Describe the measures taken to address the situation and cater for the children's specific needs (multiple traumas, language/cultural differences, etc.), including with respect to guardianship/placement;
  - b) Indicate also what measures have been taken to protect the children concerned from further exploitation/abuse and to assist the victims in seeking redress

(please highlight any differences between Groups 1 and 2 of children as outlined above);

- c) Underline any lessons learnt from specific challenges (in reporting suspicion of sexual exploitation and abuse, in tailoring assistance to the victims, etc.) that had to be faced to improve protection.

With the resources made available by the Italian Ministry of Interior many projects of local authorities for the reception of asylum seekers, refugees and beneficiaries of subsidiary protection are funded.

In parallel to migration policies, a welcome system is in place centered on the network of local authorities that implements projects of 'integrated reception' in the territory: the protection system for asylum seekers and refugees (SPRAR).

To activate the system, local authorities may use the financial resources made available by the Ministry of Interior through the National Fund for asylum policies and services. With this tool, they are awarded grants for local authorities that present projects for the reception of asylum seekers, refugees and beneficiaries of subsidiary protection.

The system is characterized by:

- the public nature of the resources provided and the entities responsible for the reception, and by the central government according to a multilevel governance approach;
- the voluntary participation of local authorities to the network of hospitality projects;
- mutually reinforcing policies in the area with the third sector that makes a vital contribution to the implementation of interventions.

The reception projects, presented on the basis of specific calls for proposals are submitted to a Commission of evaluation made up of representatives of the Interior Ministry, a representative of the National Association Italian municipalities (ANCI); a Representative of the Union of Italian provinces (UPI); a representative of the UN High Commissioner for Refugees (UNHCR) and a representative of the regions.

The Ministry of the Interior provides guidelines, which specifies the criteria and procedures for submitting applications for access of local authorities to the annual breakdown of the National Fund for asylum policies and services.

As regards protection, an example of Italian best practice could be represented by the Italian Council for Refugees - CIR (Consiglio Italiano per I Rifugiati), a nonprofit and nongovernmental organization (Onlus) formed in 1990 with the support of UNHCR, with the mission to defend the rights of refugees and asylum seekers. Among CIR's founding organizations and members of the Board of Directors are Italy's most important humanitarian organizations and trade union confederations.

Among CIR activities', the most significant are:

- Direct assistance to individuals:
  - Legal guidance: reception at the border, access to and assistance during the asylum process; interventions with the authorities;
  - Social support: access to rights; orientation about Italy, integration assistance, family reunification;
  - Reception and care for torture victims;
- Public awareness and education;
- Promotion of the right to asylum.

CIR, long involved with the issue of transit countries affected by thousands of refugees coming principally from Sub-Saharan Africa, also carries out a series of activities aimed at improving conditions for refugees, asylum seekers and migrants in Libya and Algeria, and providing "capacity building" assistance to institutions in those two countries.

Concerning the prevention of sexual abuse and exploitation of migrant children, Italy avails of reintegration projects of victims of sexual and other types of exploitation carried out thanks to two specific anti-trafficking laws and provisions (art 13 of law 228/2003 and art 18 of legislative decree 286/98) indicate the following.

Referring to 2015 and 2016 (I semester), here enclosed the following data – collected by the national Observatory on intervention on trafficking - concerning different types of sexual exploitation of children:

2015

types of sexual exploitation	Number of children involved (TOT. 82)
unknown	2
begging	2
Other **	31
Illegal Economy for third parties	1
labor	3
multiple	9
sexual	31
smuggling	3

\*\* The projects by selecting "Other" refers to children who have emerged before the exploitation was perfected by the criminal network, as identified as a victim of trafficking upon arrival in Italy or in the system of international protection.



2016

types of sexual exploitation	Number of children involved (TOT. 93)
unknown	2
begging	2
Other **	21
Illegal Economy for third parties	9
labor	4
multiple	7
sexual	41
smuggling	7

\*\* The projects by selecting "Other" refers to children who have emerged before the exploitation was perfected by the criminal network, as identified as a victim of trafficking upon arrival in Italy or in the system of international protection.

Moreover, some important measures have been adopted recently. First of all on the 26th February 2016 the first National Plan of Action against Trafficking was approved. The Plan has two main directions: the fight against trafficking which is entrusted to the Police and the prevention and protection of the victims which is entrusted to the social services and the accredited voluntary sector. The overall anti-trafficking system will be coordinated by National Referral Mechanism that will be active at national and local level.

In case of minors victims of trafficking any procedure will be based on the principle of the best interest of the child.

Concerning the training of the involved actors guidelines for the victims' identification have been approved concerning both irregular migrants and asylum seekers as well as operational procedures for the first reception and for the care of minors. The latter are the results of a European project called AGIRE [http://images.savethechildren.it/f/download/protezione/agire/Me/Methodology\\_EN.pdf](http://images.savethechildren.it/f/download/protezione/agire/Me/Methodology_EN.pdf) and they provide indicators in relation to the following elements: control exercised by exploiters; a child's isolation due to the presence of exploiters; indicators to be detected at the border as child enters the country. they also indicate operational procedures to be used in order to interview the child in different locations (e.g. on the street, at shelters).

The Plan dedicates a special attention to the situation of unaccompanied foreign children that are identified as particularly vulnerable in relation to trafficking. An important part of the Plan is devoted to the training that is address to all those – public servants and individuals who work for the voluntary sector – who come into contact with potential victims of trafficking. The enlargement of foster care is also included as well as the creation of a network of voluntary legal guardians who can support unaccompanied children in different stages of their life alongside specific measure for the social integration of these children at school and professional level.

Concerning the obligation to inform victims of their rights (including the possibility to request international protection and to avail of the reintegration projects established by art. 18 D.lgs.286/98) the Plan foresees the approval of specific guidelines. The guidelines will also serve the scope of coordinating the system of protection against trafficking with the protection system for unaccompanied foreign children.

The Plan also includes awareness raising campaigns addressed to children who are potential victims of trafficking as well as to students (in particular boys) about the trafficking phenomenon and gender relations).

Among information and awareness raising campaigns the Ministry of the Interior, Save the children, UNHCR with the contribution of the European Union of produced a guide for unaccompanied foreign children in the form of a leaflet aimed at explaining the rights in relation to legal guardianship and international protection, including the possibility of asking for asylum in another EU country. Such information is very important in order to prevent children to flee from reception centres to go to another EU state.

#### COOPERATION (Lanzarote Convention, Chapter IX)

- 4) Provide examples of successful cooperation with other Parties to the Lanzarote Convention for the purpose of:
  - a) Preventing and combating sexual exploitation and sexual abuse of children affected by the refugee crisis;
  - b) Protecting and providing assistance to victims;
  - c) Investigations or proceedings concerning the offences established in accordance with the Lanzarote Convention.

The Italian government as well as Italian public bodies and associations are part of international and European projects that aim at preventing the abuse of children. For instance, the already quoted project AGIRE (Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe) and involving Austria, Greece, Italy and Romania. This is a transnational project aimed to identify and support child victims of trafficking and exploitation through the development of indicators and profiles of children most at risk, and the consequent outline of a methodology to apply those indicators in various situations thus engaging national procedures to protect those children.

Moreover, the Italian Government and Unicef have launched a new partnership that will improve the care and protection of children and adolescents of migrant and refugees in Italy. Unicef in particular will:

- Support the Government in monitoring standards of reception of migrants and refugees minors - with particular attention to unaccompanied minors - to ensure they are in line with the provisions of the UN Convention on the Rights;
- Carry out a monitoring of the living conditions of migrant minors in detention centers in the three regions covered by the Agreement: Sicily, Calabria and Campania; The

monitoring will be carried out in collaboration with the institutions responsible on the basis of the rights and principles enshrined in the Convention;

- Promote the monitoring of activities in support of the first integration and social inclusion of children and adolescent migrants and refugees.

The Ministry of Foreign Affairs and International Cooperation Over the past 10 years has funded several projects and acted as intermediary for the drafting of different intervention protocols with some countries of origin of victims of exploitation, for example in Nigeria and in other countries in Latina America and Asia. However, the recently approved anti-trafficking Plan indicates that there is little connection between anti-trafficking agencies in Italy and those in the countries of origin and therefore foresees the implementation of specific coordination actions.

#### ANY OTHER ADDITIONAL INFORMATION

5) Please provide any other additional information which may be useful to identify areas for targeted cooperation aimed at ensuring that children affected by the refugee crisis are effectively protected from sexual exploitation and sexual abuse and in guaranteeing their human dignity and physical and psychological integrity.