



## CONTRIBUTION OF ASSOCIAZIONE COMUNITA' PAPA GIOVANNI XXIII TO THE CMW-CRC JOINT GENERAL COMMENT ON THE HUMAN RIGHTS OF CHILDREN IN THE CONTEXT OF INTERNATIONAL MIGRATION.

### 1. Who we are / where we operate in support of migrants/ what we do + goal of our contribution

Who we are:

The Associazione Comunità Papa Giovanni XXIII (APG23) is an international Catholic organization in Special Consultative status with ECOSOC that is directly committed to the welfare of children in 35 countries across 5 continents<sup>1</sup>.

Based on its experience of sharing directly the life with migrants and refugees, children and adult, APG23 wishes to contribute to the formulation of the joint general comment.

Where we operate in support of migrants/ what we do:

- In Lebanon (Tel Aabbas - origin and transit country):  
APG23 with - Operation Dove<sup>2</sup> - its nonviolent conflict interposition desk, has been present since September 2013 in some refugee camps neighbouring Syria; our stable presence in the village of Tel Aabbas and in the neighbouring refugee camps enables us to share our life with people of different origin, political orientation, religion and ethnicity.  
APG23 has also accompanied and supported migrants in Serbia and Macedonia in their journey on the Balkan route.  
Since April 1999, APG23 is present with 6 structures and various support and development projects in Albania, country that at that time had to manage the serious Kosovo refugee crisis.
- In Greece (Patras - transit country):  
APG23, through its immigration desk, has for several years been monitoring the situation of migrants that have arrived in Italy and especially those trying to reach the Italian ports from Greece. The Association has visited both the ports of departure from Greece and the ports of arrival in Italy. Through repeated trips in 2011-2012 and prolonged stay in the city of Patras, members of APG23 were able to meet and interview numerous migrants, in particular refugees of Afghan nationality.  
On July 2014 APG23 opened a family home in Athens, with the aim to welcome migrants and refugees. Through its Peace Desk, APG23 manages different projects of the European Voluntary Service (E.V.S.), as "BIP - Build Inclusion and Peace" and "Bridges of Peace" in Salonika, in collaboration with the ONG United Societies of Balkans - U.S.B.
- In Italy (reception structures throughout Italy - destination and transit country)  
APG23 works in the front line in the port of Reggio Calabria, where, within a diocesan coordination involving various organizations, provides asylum seekers who managed to cross the Mediterranean with an initial assistance. Migrants are then hosted in the many APG23 structures and family homes, present in various regions of Italy<sup>3</sup>.

<sup>1</sup> [http://www.apg23.org/it/dove\\_siamo/](http://www.apg23.org/it/dove_siamo/) <http://www.operazionecolomba.it/libanosiria.html>

<sup>2</sup> <http://www.operazionecolomba.it/libanosiria.html>

<http://www.operazionecolomba.it/libanosiria/2458-sulla-strada-balcanica-dei-profughi-e-dei-migranti.html>

<sup>3</sup> [http://www.apg23.org/it/news/la\\_vita\\_della\\_comunita/285-reggio\\_calabria:la\\_casa\\_per\\_i\\_profughi\\_minorenni.html](http://www.apg23.org/it/news/la_vita_della_comunita/285-reggio_calabria:la_casa_per_i_profughi_minorenni.html)

[http://www.chiesacattolica.it/pls/cc/new\\_v3/v3\\_s2ew\\_consultazione.mostra\\_pagina?id\\_pagina=76999](http://www.chiesacattolica.it/pls/cc/new_v3/v3_s2ew_consultazione.mostra_pagina?id_pagina=76999)

- Between June 2014 and October 2015 around 37,000 were reported to have arrived to Reggio Calabria, 10% of whom were unaccompanied minors. The unaccompanied migrant children met by our Association come from Gambia, Nigeria, Pakistan, Mali, Senegal, Ghana, Bangladesh, Eritrea, Ivory Coast Guinea and Afghanistan.  
In addition to first reception, APG23 has accepted in its reception structures throughout Italy around 900 migrants, 404 of whom are asylum seekers.
- In Australia (Sydney - country of destination)  
Since 2003, we have been present in the Melkite diocese of Sydney with a family home and an open family. In these two structures, the members of our Association provide support to prisoners, homeless and migrants with problems of social integration, welcoming them in their family homes, when necessary.

Aim of our contribution:

The present document is based on our direct experience on the ground.

By living with people and in particular with the poorest, we have the chance to listen to migrants' voices and share with them the daily challenges they have to face.

Our structures can be considered as small hand lenses, enabling us to experience migrants' daily life. Our point of view, even if partial, is direct and authentic.

The aim of this contribution is to suggest good practices.

Clarified the aim of the present contribution, APG23 wants to focus on seven key points and one conclusion:

2. "Irregular" migrant children;
3. Safe and legal pathways for migrant children;
4. Detention of migrant children;
5. Migrant minors and human trafficking;
6. Age verification for children;
7. Minor migrants care and assistance;
8. A life plan for the minor;
9. Conclusion: cooperation and solidarity development with the Countries of origin.

## **2. "Irregular" migrant children**

On the Balkan route, cold and pressure at the borders, as well as their closure by several European countries, make children's conditions extremely tough. In Turkey, Serbia and Macedonia temperatures dropped and thousands of children are facing cold, the risk of hypothermia, pneumonia and other potentially fatal respiratory diseases.<sup>4</sup>

Many migrants with their children are barred the access to the borders, since they do not qualify for international protection.

Many "irregular" economic migrants and their children are not provided with protection and assistance, and are often repatriated with no adequate guarantees for minors.

The challenges "irregular" migrant children have to face have not been taken in consideration by the countries involved in migration flows.

Yet, they are exposed to a triple vulnerability - as children, as migrants and as irregular migrants - and are therefore holders of special rights and protection. European countries have adopted policies supporting the right to education, health and housing for undocumented children. However, the implementation of such policies varies broadly from country to country and often within the country itself. Restrictive immigration policies have sometimes prevailed over child protection. Moreover, practical difficulties and the lack of a legal status interfere with the protection of their rights.

---

<sup>4</sup> <http://dirittumani1.blogspot.it/2016/02/rifugiati-rotta-balcanica.html>

**Migrant children are children regardless they qualify for international protection, migrate for economic reasons, and are accompanied or irregular.**

#### Recommendations

**Refugee, asylum seeker children** - even if “irregular” - **are children and have to be protected as such.** The best interest of the child should always be taken in consideration and child's freedom represents a fundamental human right.

It is necessary to define an **international binding instrument**, expressing adequately the right to freedom of refugee, or asylum seeker children and migrant children regardless of their irregular status.

### **3. Safe and legal pathways for migrant children**

APG23 in collaboration with the Community of Sant'Egidio, the Federation of the Evangelical Churches in Italy and The Waldensian Evangelical Church has implemented **a pilot project for the opening of humanitarian channels.**<sup>5</sup> The project aims to provide vulnerable asylum seekers living in countries neighbouring Syria with a safe and legal pathway to enter Italy. The main beneficiaries are women with children, trafficked people, elderly people, and people with disabilities or affected with pathologies.

The countries currently involved in the project are Lebanon (regarding Syrian refugees) and Morocco (regarding Syrian and Sub-Saharan refugees).

The project consists of enabling asylum seekers to enter Italy with a humanitarian visa - namely a limited territorial validity visas (LTV), as foreseen in Art. 25 of the European Regulation- and have access to asylum claim procedure upon their arrival in Italy.

The main aim of the project is to tackle human trafficking, prevent fatalities at sea and show that it is possible to provide asylum seekers with legal channels to enter Europe. The actors involved signed a memorandum of understanding.

Such Memorandum of Understanding is signed by the Ministry of Foreign Affairs and International Cooperation (Directorate General for Italian Citizens Abroad and Migration Policies), and the Interior Ministry. It is the first time that a project brings together the Catholic and Evangelical Church. The project is fully funded by these two associations: the Church and civil society assume then the responsibility to say that, in collaboration with the State, it is possible to allow asylum seekers to enter the country through legal and safe pathways.

APG23 is one of the actors involved: we have, in fact, operators living in a refugee camp in Lebanon.<sup>6</sup>

The project is implemented in collaboration with institutional organizations, as the United Nations High Commissioner for Refugees (UNHCR), embassies, but also non-institutional associations and movements. APG23, the Community of Sant'Egidio, the Federation of the Evangelical Churches in Italy and The Waldensian Evangelical Church, present on the ground with their mission, are in charge of identifying the most vulnerable cases. The project aims to admit over 24 months 1,000 persons: 150 and 250 visas will be immediately issued in Morocco and Lebanon, until reaching a

---

<sup>5</sup> <http://www.santegidio.org/pageID/3/itemID/14172/langID/it/Corridoi-umanitari-Sant-Egidio-Chiesa-Valdese-e-Comunit%C3%A0-Giovanni-XXIII-insieme-per-salvare-vite-umane.html>

<http://agensir.it/quotidiano/2015/12/16/immigrazione-al-via-da-domani-dal-marocco-e-dal-libano-corridoi-umanitari-per-i-profughi/>

<sup>6</sup> <http://www.vita.it/it/article/2015/12/16/impagliazzo-santegidio-corridoi-umanitari-sono-la-sintesi-di-umanita-e/137735/>  
<http://www.operazionecolomba.it/libanosiria.html>

total of 1,000. After these first 400 arrivals, a first assessment will be carried out in order to evaluate the opening of a further desk in Ethiopia. The countries involved are then three: at the end of January the project was launched in Lebanon, with the arrival of the first asylum seekers in Italy at the beginning of February.<sup>7</sup>

APG23, the Community of Sant'Egidio, the Federation of Evangelical Churches and the Waldensian Evangelical Church will be in charge of providing asylum seekers with reception, support, and financial aid during the whole asylum application processing time. All admitted persons, getting a visa issued by the Italian embassies, would be subjected to security checks. The Interior Ministry will examine the list of admitted persons. The project ensures then a high security level. This pilot project shows how it is possible to allow asylum seekers to enter legally Europe, by using already existing European legislative tools, without changing the current asylum system. It is a project that can be replicated in other countries in collaboration with the civil society.

#### **Recommendations:**

Good practices aimed at providing asylum seekers with **legal admission pathways** into Europe should be shared. The purpose is to ensure that migrants and migrant children's life and socio-economic needs are protected and guaranteed, preventing them to undertake dangerous journeys at sea.

In that respect, it is necessary to set up an institutional table at a national, regional and international level, where already implemented good practices are shared.

#### **4. Detention of migrant children.**

Present on the ground in several European and extra-European countries, APG23 expresses deep concern for the detention of migrant children. Despite the improvements in law and practice, tens of thousands of migrant children are still at risk of detention, also as consequence of the massive migration inflow into Europe.

This practice is inconsistent with the best interest of the child and represents a clear violation of his rights. Many children are still detained simply because they are not holders of proper immigration documents. In some States, they are subjected to penal and administrative sanctions because of their irregular status, deprived of their family support and protection, and denied some fundamental rights, such as access to food, health, education, as well as the right to play. Many also show signs of developmental regression. In many cases, the psychological consequences of imprisonment persist even after the release, and can also lead to the worsening of school performance and physical problems, exacerbated by the detention.

#### **Recommendations:**

To ban detention of children for the purpose of immigration control, even for the ones arrived through irregular channels. To consider the introduction of penalties in case of violation.

---

<sup>7</sup> <http://www.agenzia.redattoresociale.it/Notiziario/Articolo/499586/L-Italia-apre-il-primo-canale-umanitario-S-Egidio-Speriamo-incoraggi-altri-paesi#>

<http://viedifuga.org/dal-corridoio-umanitario-alla-rete-daccoglienza/>

<http://www.santegidio.org/pageID/3/langID/it/itemID/15320/Benvenuti-in-Italia-L-arrivo-a-Roma-della-prima-famiglia-di-profughi-siriani-salvi-grazie-ai-corridoi-umanitari.html>

<http://www.operazionecolomba.it/libanosiria/2570-li-guardo-attraverso-lo-specchietto-retrovisore.html>

To introduce policies and practices aiming to abandon children detention for the purpose of immigration control, neither for health and security checks, or identity screening.

In compliance with the principle of **preserving family unity and child's best interest**, child's parents or helpers, either they are asylum seekers or arrived through irregular channels, **should not be detained in centres not appropriate to minors, but they should rather stay in communities with their own sons or assisted minor.**

**Strict measures and responsibilities need to be defined and applied, in order to make child detention illegal.**

Border authorities must always **pay great and particular attention to minor migrants and refugees.**

## **5. Migrant minors and human trafficking**

The number of victims involved in trafficking for sexual exploitation is considered comparable to the one moved through the Atlantic slave trade<sup>8</sup>. Human trafficking is a worldwide business impacting very young girls, grown in difficult contexts and pursuing a better life.

Such illegal international traffic is well organized and very prosperous: "sex industries" have become as big as multinational companies. According to the last UNODC report, in 2010, 140,000 people have been victims of trafficking in Europe, illegally arrived through the routes of Mediterranean, Balkans, Eastern-central Europe, and Turkey.

The status of increasing violence persisting in Libya and the large refugee flow provoked by the Syrian conflict made the Turkish route the most common entry point to Europe. Asylum seekers, refugees and economic migrants, mainly coming from Syria, Afghanistan, Pakistan, and Iraq, risk every day to become victims of trafficking for exploitation purposes.

In order to contrast this modern type of slavery and support enslaved girls, APG23 has established an Anti-trafficking Unit and, in the 90s, a multi-level method of intervention was elaborated (by means of awareness activities, reception services, and by keeping close contacts with girls working in the streets) in coordination with different services provided by other public or private institutions<sup>9</sup>.

In 2015, the traffic of Nigerian minor girls, across the current migration routes, has considerably increased. These girls are subject to sexual abuses during the whole trip: at first, in the main countries of transit in Northern Africa, then in Europe. As soon as they reach their final destination country, they have already been included in the business of prostitution, where they are forced to work through threats<sup>10</sup>. People behind this business have also devised systems for regularizing girls' residency in the new countries, requesting international protection<sup>11</sup>.

Unaccompanied minors face even greater risks of abuse and exploitation. Some of them, like Eritrean and Afghan children, try to pass by unnoticed or almost "invisible" in the attempt to continue their trip safely until destination.

---

<sup>8</sup> UNODC Report 2014 estimates 21 million people being victim of trafficking in the world: 49 per cent of detected victims are adult women, 21 per cent are female children, and 18 per cent is composed by men, 12 per cent by male children. Minors make up nearly one third of the victims (5 per cent more respect to the estimates of the period 2007-2010) and 54 per cent is involved in sexual exploitation.

<sup>9</sup><http://www.apg23.org/it/prostituzione/>

<sup>10</sup> [http://www.repubblica.it/solidarieta/diritti-](http://www.repubblica.it/solidarieta/diritti-umani/2016/01/29/news/nigeria_dal_2015_aumenta_la_tratta_di_donne_in_italia_coinvolge_anche_minorenni-132316095/)

<sup>11</sup> <http://www.redattoresociale.it/Notiziario/Articolo/499788/Dal-centro-di-accoglienza-alla-strada-La-nuova-via-regolare-della-tratta>

<http://www.lastampa.it/2016/02/01/esteri/quei-diecimila-minori-stranieri-scomparsi-dopo-larri-vo-in-europa-BvNXARwKtno6lU7PDNUWUP/pagina.html>

### **Recommendations:**

Implementing measures to evaluate **children vulnerability, paying particular attention to the phenomenon of trafficking for sexual and labour exploitation**. Enabling specific experts to making such evaluations and addressing children needs. ‘**Child’s voice**’ must be listened.

Building up **strategic alliances** with third sector, policy makers, and mass media in order to share and adopt best practices, policies and communication systems, and **to address the causes provoking the movement of minors and their disappearance**.

## **6. Age verification for children**

International law instruments provide general principles and guarantees to be implemented during the verification stage of children’s age. Nevertheless, they do not give any guidelines about what procedure and methodology must be applied, and who are supposed to be the responsible authorities.

### **Recommendations:**

If the migrant appears to be a minor, despite he/she states the contrary, national authorities must treat him/her as a child (“**presumption of minor age**”).

It is necessary to advocate with Governments for the creation of standard procedures for the age evaluation that specify the methods and the actors to be involved. In case of uncertainty, and in the risk of committing a mistake, the **presumption of minor age should be applied, also in the medical evaluations**.

Anyway, before starting the age verification process, migrants who state to be, or are supposed to be, minors, have to be provided with an **independent tutor defending their rights and interests in the choice of the methodology to be used for verifying their age**.

## **7. Minor migrants care and assistance**

In every hosting State, refugee minors, asylum seekers, and immigrants arrived through not-regular channels need to **access social services** to the same extent as citizen minors; besides, special needs, provoked by trauma and dramatic experience, should be taken into account and carefully addressed.

States, which do not have enough resources to provide proper healthcare and mental support to migrants, should receive assistance by the international community, United Nations agencies and non-governmental organizations in order to guarantee that an adequate assistance is guaranteed to the minors hosted in their own territory.

As well, states which cannot provide minor refugees, asylum seekers and immigrants arrived through not-regular channels with education, training, and assistance should be **pushed by the international community to proceed soon to the adoption of the necessary measures**, and the implementation of programs for monitoring and evaluating. Independent assistance and legal consultation must be granted.



Children should be provided with independent assistance and legal support, including the assistance of interpretation in their native language so that they can fully and actively participate.

States should propose cultural policies and awareness campaigns able to guarantee dignity and security to minor refugees, asylum seekers and immigrants arrived through not-regular channels in the communities where they live.

#### **Recommendations:**

In every hosting country, minor refugees, asylum seekers and immigrants arrived through not-regular channels need to **access social services and resources** to the same extent as citizen minors.

**States, which do not have enough resources to provide proper healthcare and mental support to migrants, should receive international support.**

**Minors' tutors have to be specialized** in the care of refugee and migrant children, and/or victims of violence and trafficking.

### **8. A life plan for the minor**

The Association is on the forefront in the promotion of the rights of children in a comprehensive approach: family, education, life, and health. Every child is a juridical person with rights, privileges and responsibilities, but, considering his/her status, it is necessary to take adequate care of his/her physical, psychological and spiritual needs from conception to adulthood. Since 70s, APG23 has been dealing with minors' custody and family support. In 2014, the Association has hosted 641 foreign minors in its own shelters, and opened 36 reception facilities for migrants and asylum seekers.

The arrival of foreign minors determines a relationship between the minor and the responsible authorities. The result of this relationship should be the definition of minor's future life plan, the promotion of its best interest without any discrimination, and the commitment to offer long term solutions to his/her needs.

#### **Recommendations:**

To elaborate **international guidelines defining a program with a holistic approach and in cooperation with the minor of concern**. National authorities should be represented by experts ad hoc.

The programme should represent a **real, flexible and individual life project**, aiming to develop minor's capacities, his autonomy, sense of responsibility, and to become resilient in order to provide him/her with the means useful to become an active member of the society, both in the eventuality he will stay in the hosting country or return in the country of origin.

### **9. Conclusion: cooperation and solidarity development with the Countries of origin**

Asylum seekers and refugees come from contexts affected by serious violations in the fundamental rights, critical democratic institutions and "governance" systems, poverty, inequality, malnutrition, epidemics, conflicts and widespread violence, corrupted environment, and high degrees of

vulnerability to climate change.

We need to officially acknowledge that a great part of these plagues is the result of reiterated historical and economics mechanisms, mainly based on the research of profit, that provoked in numerous populations irreparable damages for their own social groups (by means of actions like slavery, genocides, ethnic conflicts), cultural heritage (discouragement or lack of education), and economic resources (depletion of natural resources). The recognition of the right to international solidarity is indispensable in order to fill the cooperation gap that has been characterizing the national and regional policies up to now.

Since 1999, APG23 realizes international solidarity activities through its non-governmental organization “Condivisione fra i popoli ONLUS” (Sharing among peoples).

These people, deprived of their own resources and consequent development opportunities, need to be helped both in the countries of origin and destination. Well-planned international cooperation projects are the only instruments that, in the middle-long term, may effectively address the root-causes of displacement, also in accordance with the articles 2 and 3 of the Declaration on the Right to Development, adopted in 1986 by the United Nations General Assembly (GA).

### **Recommendations:**

Cooperating and implementing development policies with countries producing large emigration flows of adults and children, in order to remove the socio-economic causes originating the need to leave.

Submitted by:

Associazione Comunità Papa Giovanni XXIII (APG23)  
(NGO's in Consultative Status with the ECOSOC)

International Office, via Ausa n.39- 47921 Rimini- Italy Tel: +39 0541 24765

Email: [international@apg23.org](mailto:international@apg23.org) Website: [www.apg23.org](http://www.apg23.org)

Info: Maria Mercedes Rossi, APG23 Main Representative in Geneva, e-mail: [mararossi.apg23@gmail.com](mailto:mararossi.apg23@gmail.com)