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Italy: The invisible children

"...I am a minor and I cannot stay here because those who are here do not want me with them because I am a child... staying here is just awful. I don't sleep at night and I kindly ask you to let me get out of here as soon as possible. Thank you."

A letter written by "Mislím", from a detention centre in Sicily, southern Italy.

The Italian authorities should stop their practice of routinely detaining minors, especially those seeking asylum and unaccompanied by a family member, Amnesty International said today.

In its latest report, *Italy: Invisible children - The human rights of migrant and asylum-seeking minors detained upon arrival at the maritime border in Italy*, the organization calls on the authorities to reconsider the measures it is now applying, which appear to fall short of human rights standards.

"Children are the first victims of the failings of Italy's asylum and immigration policies," said Nicola Duckworth, Europe and Central Asia Programme Director at Amnesty International.

"Made invisible by the lack of statistics and the general lack of transparency of the centres, they are forced to live sometimes for prolonged periods of time in unhygienic and unsuitable conditions without an opportunity to challenge the lawfulness of their detention."

During the past five years, approximately 80,000 migrants and asylum-seekers have reached Italy by sea after a hazardous journey, often onboard small, unseaworthy boats. Among them have been hundreds of children, generally very young, including infants, and some of them unaccompanied. They have come from Eritrea, Ethiopia, Somalia, Turkey and Iraq as well as from other countries in the Middle East and North Africa. In many cases, they have been detained upon arrival along with adults, though there is no domestic law that justifies this routine practice.

The right of detained minors to be kept separate from adults who are not members of the same family has in many cases not been respected. They, along with children, some less than five years old, have had to endure intense heat in summer and cold and humidity in winter living in mobile houses in detention centres.

Amnesty International has received more than 890 allegations and other information regarding the presence of minors in most detention centres in Italy in recent years. The organization has a detailed

knowledge of 28 unaccompanied minors who have been detained at some point between January 2002 and August 2005. Almost all were asylum-seekers from sub-Saharan African countries in which the human rights situation is very precarious.

Fleeing life as a child soldier in his native sub-Saharan country, John arrived on the Italian island of Lampedusa alone. Upon detention, he told the authorities he was only 16 years old, yet he was detained at the Lampedusa centre for two days, sleeping in a room with six adult men. He was later transferred to another centre in southern Italy where he had to share a room with 12 adults for a month. John eventually found accommodation in a reception centre for minors. However, five months after his arrival in Italy, a guardian had not been appointed to represent him.

Jennifer was born a few days after her parents' arrival in Italy. Soon after her birth in a hospital, the family was transferred to a caravan in a detention centre, where they spent more than 20 days. According to Jennifer's mother, there were no trees or other forms of protection from the hot summer sun in the centre and the new born infant cried all the time.

"It is absolutely unacceptable and against the law that migrant and asylum-seeking minors with or without their families are routinely detained upon arrival to Italy. After a gruelling journey during which they may have risked their lives, such children are often subjected to body searches and may have their only personal belongings confiscated. They are faced once again with harsh conditions - this time on the way to and in the detention centre, where they may be kept in poor conditions together with adults they are not related to. Minors, with or without their families, are often not given legal aid or information and are at risk of being forcefully returned to the countries they have fled from due to inaccurate age assessment", Nicola Duckworth said.

Amnesty International recognizes that states have a sovereign right to control the entry, residence and expulsion of non-nationals on their territory. That right must, however, be exercised in accordance with human rights law and standards and cannot exist at the expense of the fundamental human rights of migrants and asylum-seekers, regardless of their legal status and in particular when they are vulnerable.

Childhood implies a particular vulnerability deserving special protection and primary consideration in every context. Consideration of the best interest of the child, in line with the UN Convention on the Rights of the Child, should guide the practices involving children directly and indirectly at all stages of movement.

"It is high time for the Italian authorities to remedy the human rights violations that are occurring against migrants and asylum-seekers in general, and against children in particular," Nicola Duckworth said.

"They must end the practice of routinely detaining migrant and asylum-seeking children and adopt a comprehensive asylum law to protect such children. They must lift the cloak of invisibility by allowing independent monitoring of the situation in the detention centres."

For more information, please see:

Invisible children: The human rights of migrant and asylum-seeking minors detained upon arrival at the maritime border in Italy (AI Index: EUR 30/001/2006)

<http://web.amnesty.org/library/index/eureng300012006>

Italy: Lampedusa, the island of Europe's forgotten promises (AI Index: EUR 30/008/2005)

<http://web.amnesty.org/library/index/engeur300082005>

Italy: Temporary stay - Permanent rights: The treatment of foreign nationals detained in 'temporary stay and assistance centres' (CPTAs) (AI Index: EUR 30/004/2005)

<http://web.amnesty.org/library/index/engeur300042005>

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