**QUESTIONNAIRE OF THE SPECIAL RAPPORTEUR ON HUMAN RIGHTS VIOLATIONS AT INTERNATIONAL BORDERS: TRENDS, PREVENTION AND ACCOUNTABILITY.**

**Submission by Save the Children on child rights violations at international borders in Italy.**

Save the Children is hereby submitting input regarding child rights violations at international borders. Contributions have been collected in Italy, Greece, Spain, Bosnia and Herzegovina and Serbia by Save the Children representatives. The submission is not intended to be exhaustive.

The Special Rapporteur is particularly interested in receiving inputs on any or all of the following issues:

**1. Please provide information on any recently adopted domestic legislation amending border entry, asylum and other international protection procedures for non-nationals since May 2021. Grateful if you could kindly submit the original text of the relevant provisions of the legislation or policy(ies), accompanied by an English translation if it is in a language other than English, French or Spanish.**

**ITALY**

N/A

**2. Please provide information on recent or current border management legislation/policies/measures, (including those temporary measures as part of a state of emergency), with the view to control, reduce or prevent migrant arrivals in your country.**

In April 2021 Save the Children conducted research between Oulx, Ventimiglia, Udine and Trieste to trace the journey of UASCs coming to Italy by land and hear the testimonies of the people providing them with first humanitarian aid, organizations involved in addressing their situations, and the local institutions.

Official data show that at the end of April 2021 6,633 UASCs were registered in Italy by the Ministry of Labor and Social Policies; during the same month, 453 unaccompanied children arrived in Italy, with 149 of them reaching the country by boat, and 302 UASCs left the reception structures they were staying in on their own freewill. However, the research showed that in the month of April the 107 unaccompanied migrant children that arrived in Italy via the Balkans route and were intercepted and taken into the care of the Italian protection system are the tip of a much more consistent iceberg. Probably almost all of them came on foot or in trucks, but this regards only those intercepted. According to estimates from the social workers in the area, at least a double figure did not pass through border controls on the way in.

UASCs seem relieved when they manage to reach Italy, but for many of them the journey is not over. They choose to become “ghosts”, as they have another destination planned. The risk of trafficking and exploitation is a reality for them. Where there is a lack of legal, safe routes, children are willing to risk it all, crossing dangerous mountain paths during the night, struggling to get by, and trusting smugglers and anyone who promises to help them to cross the border.

From Udine and Trieste, they and others arriving from the south of Italy (where they disembarked) reach Ventimiglia. In total 300/350 UASCs pass through Ventimiglia every day, almost all sleeping on the streets, if there are no places in shelters. Three/four per day, if not more, heading towards Clavière stop off in Oulx, where there is a shelter which helps the significant flow of families with children. Unaccompanied children are mostly male, but there are also some girls travelling alone, as we saw for ourselves, from Sub-Saharan African countries.

In April 2021, 6 UASCs were assisted by the Red Cross in Susa Valley after being rejected by the French border police, while activists reported 18 UASCs were rejected by the French border police in Ventimiglia.

All this occurs almost at the light of day. The borders are even more difficult to get through since the pandemic hit and the free circulation of the Schengen treaty seems to belong to a time long gone. As local figures and the minors themselves we interviewed tell us, in France, in Menton, unaccompanied minors, in addition to being closed in containers like adults, see their birth dates changed making them adults and thus rejectable towards Ventimiglia. Instead, between the Italian town of Clavière and French town Montgènevre, as the social workers reported, they are granted entry and protected if they find a “kind police-officer”, otherwise you are considered an adult and must go back to where you came from a few hours before. At Trieste, until a year ago, the Italian police forces followed a procedure which was no less concerning for those arriving from Slovenia, following two 2020 directives issued by the public prosecutor at the Juvenile Court, although a sentence from the Ordinary Court of Rome of 18 January 2021 has suspended all returns to Slovenia.

However, if the claim of the Ministry of the Interior is granted – which would not undermine the fact that these returns are unlawful – there is no guarantee that this will not start up again, with the risk of returns to Slovenia, and the consequent nightmare of returning to Croatia, from which many horrible testimonies of humiliation, beatings and other behavior considered crimes against humanity arrive. This suspension is indeed not definitive, and the practice could begin once more, as the prefect of Trieste declared in a Parliament hearing.

**3. Please provide information on how the "safe third country" concept is applied and if there is any "safe third country" list in your country with the view to expedite border immigration and asylum procedures, as well as on any bilateral and multilateral agreement on collective/automatic re-admission of migrants of specific nationalities.**

**ITALY**

N/A

**4. Please provide information on any progress made in developing independent border monitoring mechanism(s) at the national level.**

**ITALY**

We are not aware of significant progress made in developing an independent border monitoring mechanism at the national level which would be very much needed as there are news of continuous pushbacks from France, including several minors, and there is no guarantee that illegal pushbacks from Italy to Slovenia will not start up again, with the risk of chain returns to Croatia.