

**[European Charter of San Gimignano
for the Rights of Unaccompanied
Migrant Minors and Separated
Children]**

(DRAFT)



COMUNE DI
SAN GIMIGNANO



European Charter of San Gimignano for the Rights of Unaccompanied Migrant Minors and Separated Children

On the occasion of the Second Edition of the International Social Circus Festival of "Circomondo" (www.circomondofestival.it) taking place in San Gimignano on the 26th, 27th and 28th June 2015, a conference was held entitled "The conditions of refugee children in Italy and in the world and the migration routes followed by minors". Participating in the conference were leading experts in the fields of international cooperation and the rights of minors plus representatives of the voluntary and culture sectors. The contributions provided by speakers Alessandro Sansoni (Valdese Fiorentina Church), Anna Brambilla (Association for Legal Studies on Immigration, ASGI), Attilio Aleotti (expert on international cooperation, United Nations consultant), Carla Cocilova (ARCI Association), Chiara Sambuchi (director, writer), Pietro Venè (Valdese Fiorentina Deaconate), Tiziana Barillà (journalist for the weekly Left), Tiziana Bianchini (National Coordination of Care Communities, CNCA) and Vincenzo Castelli (national consortium for social innovation, NOVA) initiated important reflection, resulting in the idea to create a proposal for a "European Charter of San Gimignano for the Rights of Unaccompanied Migrant Minors and Separated Children".

This text contains the fundamental proposals emerging from the discussions and will form the basis of an international seminar of study and analysis to be held in San Gimignano in the initial months of 2017, open to contributions from all interested parties. The seminar will establish the definitive text of the Charter on the basis of which shall be promoted further opportunities for discussion and a campaign of communication and study aimed at involving entities and institutions at a national and European level.

The objective is to bring the Charter to the attention of the European Parliament and to sensitise the public institutions of each EU Member State on the specific conditions of unaccompanied migrant minors and separated children. Associations and organizations dealing with children's rights or those involved at various levels in the

phenomenon of child migration will take part, in order to turn their attention to the specific problems of these particular circumstances so that they may be addressed by taking into account the special characteristics both from a legislative/regulatory perspective and from a management/operational and cultural point of view.

This process will also have to take into account the "Action Plan on Unaccompanied Minors (2010-2014)" of the European Commission that was followed by the Council's adoption of the findings relative to the same issue ("Justice and Internal Affairs", Luxembourg, 3rd June 2010) and the "European Parliament Resolution of 12th September 2013 on the situation of unaccompanied minors in the EU". Both acts of the Plan and the Resolution are clearly characterised by a new approach to the phenomenon of unaccompanied minors based on the principle of the prevalence of the greater interests of the child and outline the main courses of action, such as prevention and reception, along with the identification of lasting solutions to be implemented through a series of concrete measures taken by the institutions and agencies within the European Union, by the Member States and interested parties.

Reference will also be made to the European Parliament Resolution of 27th November 2014 on the occasion of the 25th anniversary of the Convention on the Rights of the Child where, in Paragraph 23 of the text, it is affirmed that "[the European Parliament] considers that unaccompanied children are particularly vulnerable; (...) recalls that an unaccompanied minor is above all a child who is potentially in danger and that child protection, rather than immigration policies, must be the leading principle for Member States and the EU when dealing with unaccompanied minors, thus respecting the core principle of the best interests of the child".

After drawing up this draft the Italian Parliament – on April 2017 the 7th - has approved the Law number 47 "Disposition in the field of measures of unaccompanied migrant minors protection".

On April 2017 the 12th the European Commission has issued the COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL "The protection of the children in migration";

On May 2017 the 19th in the occasion of 127th Session of Committee of Ministers organized in Nicosia (Cyprus) 47 European states approved "Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019)".

In particular the following proposals have emerged:

- ❖ The creation of a "European" Bill of Rights especially focused on unaccompanied migrant minors and separated children that is useful to promote, also at a European level, the reinforcement of the rights of unaccompanied minors also via specific regulatory measures.
- ❖ The provision of new legal means of entry and residence in the European Union also through the issuing of visas to minors and their families on humanitarian grounds.
- ❖ For unaccompanied minors, an "automatic visa" could be foreseen that would afford greater protection and traceability in the very moment in which they arrive to our countries.
- ❖ The introduction at a European level of regulatory provisions that do not present as their objective the reduction of secondary movements of unaccompanied migrant minors and separated children, but which ensure freedom of movement and circulation of the same in respect of their greater interests and other fundamental principles of the European Union.
- ❖ The introduction of regulatory provisions and the adoption of appropriate tools to ensure the proper identification of unaccompanied minor migrants, including through appropriate procedures for age assessment, and encouraging the taking of responsibility for vulnerable minors and victims of trafficking or serious exploitation.
- ❖ For the purposes of legislation concerning family reunification, the development of a concept of an extended and flexible nuclear family, able to adapt to the conception of family within different cultures.

- ❖ The creation of a European fund dedicated to the support and protection of unaccompanied minor migrants which contributes to all the necessary costs for their reception, support and protection.

- ❖ The creation of ad hoc receptive structures able to guarantee the acceptance of all minors and provide all necessary services, including the completion of bureaucratic processes, maintaining contact with the family, familiarisation with the language in the host country, the provision of basic training and schooling, without the occurrence of any instances of discrimination or restriction of their rights.

- ❖ The streamlining of custodial practices for minors and for the families who make themselves available, in addition to providing them with the necessary cultural mediation support, also to facilitate the eventual relationships with families of origin.

European Charter of San Gimignano is a project promoted by:

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