



European Asylum Support Office

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The EASO Operating Plan to Italy was signed on 21 December 2016 by the Executive Director of EASO Dr Jose Carreira and the former Head of the Department for Civil Liberties and Immigration of the Italian Ministry of Interior Prefect Mario Morcone and the Head of Department of Public Security of the Italian Ministry of Interior Prefect Franco Gabrielli.

Given the need to include further support measures, the amendments (marked in Italics), are hereby agreed.

EASO shall send a copy of the amendment to the Members of the EASO Management Board.

Valletta Harbour and Rome, this 24th day of July, Two Thousand and Seventeen.

Signed:

[Signed]

Valletta Harbour.

Executive Director
of the European Asylum Support Office
Jose Carreira

Rome,

Italian Ministry of Interior:

Head of the Department of Public Security
Prefect Franco Gabrielli

[Signed]

Head of the Department for Civil Liberties and Immigration
Prefect Gerarda Pantalone

[Signed]



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EASO/DOP/OU/2017/1465

EASO OPERATING PLAN TO ITALY

- Amendment No 1 -

Hereby the Executive Director of EASO Mr Jose Carreira and the Italian Ombudsperson for Children and Adolescents Mrs Filomena Albano, agree on the EASO Operating Plan for the deployment of EASO Asylum Support Teams and the provision of technical and operational support for the fulfilment of tasks related to the implementation of the activities agreed within the current amendment.

EASO shall send a copy of the amendment to the Members of the EASO Management Board.

Valletta Harbour

Rome, 20th July 2017 2017

Signed:

Valletta Harbour,

Rome,

Executive Director
of the European Asylum Support Office
Jose Carreira

Italian Ombudsperson
for Children and Adolescents
Filomena Albano

[Signed]

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INTRODUCTION

1.1. Specific needs of Italy

(...)

Unaccompanied Children

Number of arrivals of unaccompanied children is a particular issue of concern.

Through the Central Mediterranean route only, this number has rapidly increased in recent years with 12,360 minors arriving on the Italian territory in 2015; 25,846 minors in 2016 and 6,242 in the first four months of 2017, representing 14% of all arrivals. This year 94% of all minors arriving on the Italian shores have been unaccompanied.

One of the main gaps in the Italian child protection system for unaccompanied minors related to guardianship.

The Special Representative of the Secretary General on migration and refugees, - in his recent Report of the fact-finding mission to Italy¹, showed that the guardianship system in Italy needs improvement. In particular, the most critical issues regard, on the one side, the timing in the appointment procedure of the guardians and, on the other side, their capacity to properly support unaccompanied children. From a "quantitative" perspective, even if the Law establishes that guardians should be appointed within 24 hours from the first "contacts" with the child, in practice the appointment can take months. In addition, and from a "qualitative" point of view, the competent judicial authorities frequently appoint as guardian the mayor of the municipality where the child is placed (so-called "public guardianship"). As it can be easily understood, and considering the increasing numbers of arrivals, public guardians do not have the concrete opportunity to look after them.

In particular, such delays mean that unaccompanied children wait even longer than adults to have their legal status set, while they should be treated with priority as a particular group of vulnerable persons.

This as a consequence, may encourage unaccompanied children who do not wish to stay in Italy to leave the reception centre and make their own way northwards with the help of smugglers, most of the times through perilous journeys. Indeed, up to 30 April 2017 the number of unaccompanied children reported as disappeared was 5.271².

For the same reasons, Italy is currently facing an infringement procedure (No 2014/217). This situation also affects the implementation of the relocation programme as well as the national asylum procedure for this category of applicants.

To address these challenges and to fulfil other gaps in the child protection and reception system for unaccompanied children, as well as taking into consideration of the increased number of arrivals of unaccompanied children in Italy, the Law No 47/2017 on protection measures for unaccompanied children was adopted on 29 April 2017, and entered into force on 6 May 2017.

Among other provisions, Article 11 is specifically related to guardianship, and states that within 90 days from this entry into force, lists of volunteer guardians selected and appropriately trained have to be established in each Juvenile Court. Selection and training procedures have to be carried out by the Ombudspersons of the regions and the autonomous provinces of Trento and Bolzano. The same provision states that where the regional Ombudsperson has not been appointed (Valle D'Aosta, Toscana, Molise, Abruzzo, Sardinia), the Italian

¹ COE SG/Inf(2017)8 Report of the fact finding mission to Italy, 2 March 2017

² Italian Ministry of Welfare monthly report on unaccompanied children in Italy (30/04/2017)

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Ombudsperson for Children and Adolescents is responsible. In order to implement this provision, the main challenges are the promotion of this opportunity among the large public, as well as the recruitment and selection, training, support and monitoring of guardians.

EASO support to Italy

(...)

Concerning the current situation of unaccompanied children as referred to in [Commission Communication COM (2017) 211 final] on the protection of children in migration, with the support of the Commission and the EU agencies, Member States are encouraged to strengthen the guardianship authority/institution to ensure that guardians for all unaccompanied children are swiftly in place.

The amendment to the Operating Plan lays down the conditions and objectives of EASO support to Italy on matters related to asylum applications from minors and vulnerable persons in order to further expand EASO support to the asylum and reception system, as stated in Article 2 of the Regulation 439/2010, of 19 May 2010, establishing EASO (EASO Regulation).

2. MISSION

2.1. Stakeholders

(...)

Stakeholders	Responsibility
(...)	(...)
Italian Ombudsperson for Children and Adolescents	The Italian Ombudsperson for Children and Adolescents is an independent institution created by Law No. 112/2011 aiming at protecting and promoting children's rights including migrant children. It plays a fundamental role in the monitoring and implementation of children-related policies at local level through, amongst other, the so called " <i>Conferenza nazionale per i diritti dell'infanzia</i> " which is composed of the regional and autonomous provinces' Ombudspersons. The Italian Ombudsperson furthermore guarantees the uniform application of children and adolescents' policies at national, regional and local level, by means of recommendations, and through actively participating in the drafting of legal bills in this area.

2.2. Communication

(...)

In particular, each meeting between EASO and the Italian Ombudsperson will be followed by the drafting of written reports to be shared by both parties.

3 MEASURES

(...)



EASO will guarantee the coordination between the measures in support to the Italian authorities involved, keeping coherence among them.

(...)

EASO Measure ITA 6: Strengthening the Ombudsperson for Children and Adolescents in Implementing protection measures for unaccompanied children	
Responsible authorities	Italian Ombudsperson for Children and Adolescents
Current situation	The Law No 47/2017 on protection measures for unaccompanied children was adopted on 29 April 2017, and entered into force on 6 May 2017. According to Article 11, Ombudspersons for Children and Adolescents have to establish in each Juvenile Court, within 90 days from the entry into force of the new Law, a list of volunteer guardians, following a proper selection and training. The National Ombudsperson for Children and Adolescents is responsible for this activity in the 5 Regions where no regional Ombudsperson is appointed yet (Abruzzi, Molise, Sardegna, Toscana and Valle d'Aosta). Currently the Italian Ombudsperson for Children and Adolescents has a very limited number of staff, as well as very limited budgetary means and structural tools. This affects its operational capacity on the ground. The Italian Ombudsperson is deeply concerned not to be able to fully meet the above mentioned deadlines. Furthermore, the implementation of this procedure is challenging even because of a lack of information among the public opinion about the opportunity to become volunteer guardians, their role as well as because of the need of guaranteeing a professional training, support and systematic supervision to volunteer guardians once appointed.
Objective(s)	<ol style="list-style-type: none"> 1. Support the urgent implementation of Article 11 of Law No 47/2017 with awareness raising activities aimed at recruitment of volunteer guardians and by providing operational support in selection and training of volunteer guardians at least in 4 Regions (Abruzzi, Molise, Sardegna, Toscana). 2. Provide technical advice to volunteer guardians and support the development of practical tools for supporting and monitoring their activities, in particular in "children in migration" and asylum related matters, in cooperation with relevant stakeholders. 3. Capacity building and exchange of experience in asylum and in particular on "children in migration" related matters through participation in workshops, thematic networks, seminars, trainings, etcetera.
Pre-condition(s)	<ul style="list-style-type: none"> - Ombudsperson will appoint a Measure Coordinator - Office space will be made available for every expert

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<p>EASO support</p>	<p>Responsibility of the Ombudsperson to ensure the media platform for the social media campaign</p> <p>Identification by EASO of Italian-speaking experts, whenever possible</p> <p>1 communications officer / 5 months (based in Rome) for the awareness raising social media campaign</p> <p>Up to 5 experts (1 Abruzzi, 1 Molise, 2 Sardegna, 1 Toscana) / 5 months / 2 travels days each; 1 expert / 5 months for other Regions (based in Rome) / 2 travel days to support through the selection process</p> <p>19 training sessions for volunteer guardians / 50 participants per each session / 5 days each / 2 travel days each</p> <p>1 train the trainer session in Rome / 20 participants / 1 day / 2 travel days</p> <p>Up to 4 experts / 5 months (based in Rome) / 2 travel days - to provide direct technical support to the volunteer guardians appointed and to support the monitoring activities under Ombudsperson's guidance</p> <p>1 expert / 5 months (based in Rome) / 2 travel days to advise the Ombudsperson on guardianship</p> <p>1 study visit for the staff of the Ombudsperson for Children and Adolescents / 5 IT participants / 2 days each / 2 travel days each</p> <p>Participation of the staff of the Ombudsperson for Children and Adolescents in EASO activities (e.g. workshops, thematic networks, seminars, trainings) / 15 IT experts / 3 days each / 2 travel days</p>
<p>Implementation</p>	<p>2017: Q3-Q4, AIP profiles: h)</p>
<p>Deliverable(s)</p>	<ul style="list-style-type: none">- Awareness raising campaign on volunteer guardians disseminated at national level e.g. via television (national channels), testimonials, brochures and posters, awareness raising events, advertisements in the newspapers.- Provide support with the setup of the lists of volunteer guardians selected and with their training in the regions under the Italian Ombudsperson's authority, and if so requested by Regional Ombudspersons, in other regions.- Support with the setup of a Helpdesk and with the development of other practical tools (e.g. manuals) for guardians in particular in asylum related matters, in cooperation with relevant stakeholders- Provide support to the drafting of the guidelines on monitoring of volunteer guardians in particular in asylum related matters, in cooperation with relevant stakeholders- Participation of Ombudsperson's Office staff members in EASO activities related to the implementation of the Common European Asylum System, attendance in

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meetings, workshops, seminars, trainings organised by EASO, for which the rules on reimbursement of costs applicable are foreseen in the EASO Management Board Decision No 16 of 23 November 2012, amended

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EASO Measure ITA 8: Evaluation of the Implementation of the Amendment the EASO Operating Plan to Italy

Responsible authority	EASO Italian Ombudsperson of Children and Adolescents
Objective(s)	Evaluation of the implementation of the EASO Operating Plan to Italy.
Pre-condition(s)	Indication by the Italian authorities of staff responsible for the thematic areas under the Operating Plan. Aggregation and provision of summary of feedback from the Italian authorities. Ensuring that the evaluation team has access to and has consulted all relevant information and documents related to the implementation of the Operating Plan.
EASO support	1 activity / 3 experts/ 5 calendar days each / 2 travel days each
Implementation	2017: Q4
Deliverable(s)	Completed final evaluation assessing the full implementation of the activities foreseen in the EASO Operating Plan to Italy, as well as identifying key lessons and proposing practical recommendations for follow-up actions.

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