Women and children in migration The dimension of rights

Donne e bambini nella migranza La dimensione dei diritti

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The purpose of this paper is to provide a brief analysis of some consequences of migrations in western societies. The international migration processes that involve Europe can no longer be considered a temporary emergency. More realistically, European societies are facing a structural phenomenon that depends on the overall organization of the global economy and on the spreading of conflicts in the Mediterranean and Middle East areas. Within this framework, the paper reflects on trafficking and exploitation as the worst forms of fundamental rights denial. Pedagogy and educational sciences must identify their own roles in dealing with problems that derive from these scenarios and must share a real commitment at the level of intervention planning and, more generally, of good practices.

Key words: fundamental rights, children rights, multicultural society

L'obiettivo del contributo è fornire un'analisi sintetica su alcune conseguenze delle migrazioni nelle società occidentali. I processi migratori internazionali che coinvolgono l'Europa non possono più essere considerati emergenze temporanee. Più realisticamente, le società europee stanno affrontando un fenomeno strutturale che dipende dal carattere complessivo dell'economia globale e dall'esplosione di conflitti nelle aree del Meditarraneo e del Medio Oriente. All'interno di questa cornice, il contributo si propone di riflettere sui fenomeni del trafficking e dello sfruttamento intesi come peggiori forme di negazione dei diritti fondamentali. È urgente che la pedagogia e le scienze dell'educazione individuino il proprio ruolo di fronte ai problemi che derivano da tali scenari, per impegnarsi concretamente sul piano della progettazione di interventi e, più in generale, di buone pratiche.

Parole chiave: diritti fondamentali, diritti dell'infanzia, società multiculturale

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1. Fundamental rights: a necessary introduction

Since the second half of the twentieth century, the maturation and the gradual spreading of the contemporary idea of fundamental rights has opened up unexpected horizons for the human cultures of our time that were not even imaginable in the early part of the twentieth century. The vision of enlightened intellectuals was necessary to catch glimpses of a possible future humanity beyond the disasters of world wars, mass murders, totalitarian regimes and colonialism. After 1945, the best ideals developed by European and Western traditions found new languages and contents, thanks to the opening of a cross-cultural dialogue. This made it possible to purify the very notion of human rights of the ethnocentric and absolutist readings; and to frame it within a comparison, sometimes harsh and bitter, between philosophical, historical and political perspectives referred to traditions of non-Atlantic thought, finally accredited on a level of equal dignity and so listened to. As Shirin Ebadi once said: "Human rights is a universal standard. It is a component of every religion and every civilization" (2004).

The values of solidarity and justice, freedom and security find a realisation that is not abstract, nor just merely formal, in the documents that have resulted from this dialogue (Peces Barba, 1995; Bobbio, 1990; Flores, 2008; Facchi, 2007), and especially in elaboration of the principles that are the basis of international charters regarding fundamental rights, beginning with the *Universal Declaration on Human Rights* (UDHR, 1948) up to the specific *Conventions* which germinated from it over the next decades. One need only recall the *Convention on the Elimination of all forms of Discrimination Against Women* (CEDAW, 1979) and the *Convention on the Rights of the Child* (CRC, 1989).

With this unexpected horizon, which opens in the mid-twentieth century, a culture of fundamental rights took shape (Macinai, 2015). This culture is the framework of values, even before being juridical, which gives form to the specific content of human difference, understood as the foun-

dation for the highest ideals to be relaunched after the tragedies of the previous decades: peace, solidarity and cooperation. The nature of fundamental rights is to be found in this interplay between axiology and pragmatism, between the abstractness of principles which are based on nonnegotiable values, on the one hand; and, on the other, the reference to their concrete translation into facts through daily practices that spread from interpersonal relationships.

Adhesion to rights cannot be the result of pure intellectual intuition. The discourse on fundamental rights cannot be reduced to pure theoretical reflection. The elaboration of a deeper access route to the issue of human rights is needed, in order to grasp the idea of humanity that animates them. Without the concurrence of sentiment, the values remain unattainable. Ideas are formed, they are processed, communicated and criticised. Values, instead, can only be personified, exemplified through behaviour, lived and socialised in interpersonal relationships. The role played by empathy becomes the key to "understanding" rights, as pointed out by Lynn Hunt (2007). If so, then we are obliged to invest in education, to cultivate what Martha Nussbaum calls "narrative imagination" (1997, p. 85): the ability to see oneself in the shoes of another person in order to understand his/her history, his/her emotions, desires and needs. Only thus can fundamental human rights (the principles and the values on which their constant deconstruction, negotiation and redefinition happens) constitute a horizon of practical sense. As already mentioned, an idea is not enough, no matter how bright. It is necessary to free the expression of a "migrant" feeling, capable of grasping through an act of empathetic insight, the plurality of social identities. Fundamental rights can therefore become the foundation of an education that is convincedly intercultural, completely human. An education capable of turning to a complex human being, whose identity is defined in the game of his/her many affiliations, as if in concentric circles, in the reverse direction with respect to psychosocial mechanisms of identity construction that takes place by subtraction, contrast and specification. The question is not at all easy.

2. Some elements to understand a complex context

Italy compared to other European countries has only recently transformed itself from a country of emigration into a country of immigration. A delay is therefore inevitable, but no longer excusable (Fiorucci, 2015, p. 85), in the focusing on the issues relating to the living conditions of foreign children resident on Italian territory, with particular reference to the issue of

the rights of the second generations. A delay that affects the difficult theoretical elaboration of a new concept of citizenship that goes in the direction of inclusion, rather than in the traditionally assumed one of separation. One fact that should certainly be emphasised. The international migration process that involves our country can no longer be considered a temporary emergency, due to economic circumstances. More realistically, this process has to be interpreted for what it proves to be today: a structural phenomenon that depends on the overall structure of the global economy, on the social imbalances that the global development system has brought about in recent decades and the inability of the organisations that preside over governing the economy and international politics to correct the dysfunctions inherent in the dominant development model (Albarea, Izzo, Macinai, Zoletto, 2006).

The gap between rich countries and poor countries does not seem to be decreasing. Indeed, the gap seems to be widening between the advanced economies and those delayed. It can therefore be assumed that the phenomenon of migration is expected to grow in intensity and size. Since living conditions in the countries of origin are worsening in many ways and for many reasons, not least the increase of conflict in many regions of the world, it is reasonable to assume that more and more people will be forced to leave their place of birth and to try the road of emigration (Gallino. 2006). The growing interdependence between different regions of the world is another factor that makes us think that the movements of masses of people from one region of the globe to another are likely to increase. To these factors must be added the population growth in most areas marked by underdevelopment and poverty and, at the same time, low birth rates in rich regions, where the population has been aging steadily for several years now. Finally, two other aspects should be emphasised. On the one hand, the continuous progress in communication and transport systems, which significantly bring continents closer, and the creation of new interchange networks, which relate to goods but also more and more to people. On the other, the appearance and development, apparently difficult to combat, of criminal organisations that profit thanks to the black market of human trafficking and illegal immigration, creating a real and true business capable of moving massive profits and ever more numerous of desperate masses.

This is the backdrop that serves as context to the phenomenon of contemporary migration. In such a scenario, Europe and the nation states that comprise it, will have to equip themselves jointly to address a process that now involves the populations of all the continents, which directly or indirectly are suffering the effects of this situation. In Italy, only in recent

times have we begun to have a diverse and relatively stable immigrant population; organised in fairly solid groups; growth of the second generations; a significant number of elderly immigrants and a tendency to stabilise the migratory lines. These are elements that can serve to identify the necessary and consequent integration paths.

Looking specifically at children of foreign origin, the fundamental issue is precisely this: integration (Santerini, 2016, p. 141; Tarozzi, 2015, p. 199). Faced with a growing phenomenon, the strategies can only be complex and variable. Moreover, they are made even more complicated by the extreme variety of situations in which there are foreign children who reside in our country and make up a vast and more varied universe than one might think. Certainly, the most problematic case, which involves the condition of greatest weakness in terms of rights, is that of unaccompanied children (minors): persons under 18 years of age who are outside their country of origin, separated from both parents or from the adults who by law or custom are responsible for their care and their protection (Agostinetto, 2015, p. 174).

There are different situations. Some children are totally alone while others may live with extended family members in the country of emigration, or remain unaccompanied after their entry. There are also children who are reunited more or less promptly with their families or with one of the migrant parents, thanks to the reunification policies which in many European countries, including Italy, have spread in recent decades. Then there is a different condition of so-called "children of immigration" (Suárez-Orozco, 2002): they are girls and boys born to immigrant parents in the country of reception. There are, finally, the situations of the children of mixed couples and children adopted through international adoption circuits by couples of Italian citizens. Certainly, the latter enjoy a requirement by no means negligible compared to foreign children: that, precisely, of having Italian citizenship, which of course, from the legal point of view, makes it completely absurd for them to be in the category of foreign children.

This wide range of different conditions makes the problem of integration one of the most complex and urgent for our society, like all those in which there is the theme of multiculturalism (Catarci, 2015). The very term "integration" has now highlighted all of its semantic ambiguity, which comes from its own colonial origin (Sayad, 1999). Indeed, with this term reference is made, explicitly or implicitly with little change, to a very specific case. It postulates that the peaceful and harmonious co-existence between different ethnic and cultural groups within the same state territory is only possible if those who immigrated sacrifice part of their original

cultural heritage, in favour of taking on orientations, values, practices and behaviours closer to those of the native population. All in all, the same criticism can also be raised about other similar terms such as "acculturation" and "assimilation", increasingly the focus of socio-anthropological, philosophical and pedagogical reflection in recent times. In short, the dangerous prospect is underlined that such terms imply: the propensity to claim to reduce the differences in view of a gradual ratification process of the minority group to the lifestyles, cultures and practices of the welcoming society. "This problem" – stresses Jürgen Habermas – "also occurs in democratic societies when a political dominant, majority culture imposes its way of life on minorities and thereby denies effective equality of rights to citizens from other cultural backgrounds" (1999, p. 156). The implication of this approach to the complex issue of multiculturalism is that, inevitably, those individuals, those families and those groups that move away from or resist this process of assimilation in any way, are likely to be considered a social and political problem to be brought under control, to be curbed and eventually solved through their elimination.

Integration cannot be achieved by stripping oneself of one's cultural outfit of origin to wear the one of the host country. One is dealing, more seriously, with recognising and accepting one's own identity, enlarging the sphere of civil rights and the spaces of social participation in accordance with the specific needs of individual and collective expression (Elia, 2016, pp. 86-87).

The living conditions of children of foreign origin show extremely problematic aspects at the subjective and cultural level that make a possible integration, in the most positive sense of the word, something difficult to achieve. Although they arrived in the host country at an early age, migrating with their parents, or even being born there, they are trapped in a painful and agonising dilemma. On the one hand, they cannot be defined as fully-fledged citizens of the country they live in, because they know they do not enjoy equal opportunities and full rights. On the other hand, they also know that they cannot return to a country of origin where they could try to reintegrate, since they have never seen or had left it when they were still too young. The issue of citizenship emerges here as the decisive question. Specifically, it can materialise only through the achievement of equal opportunities and active participation in social and political life for all individuals, whether native, foreign immigrants, children of the second generation or adopted children of foreign origin.

From a quantitative point of view, the immigrant population turns out to be much younger than the Italian one and the number of children appears to have been rising steadily for several years, until 2012. This depends, first and foremost, on the annual growth of births to parents who are both foreign (72.096, year 2015); and on the fertility rate of foreign women (1,94 against 1,27 of Italian women, year 2015) (Istat, 2016). One last factor, the birth of a child to at least one foreign parent (100.766, year 2015), is of fundamental importance to the structure of the immigration phenomenon, since it radically changes the migration project of individuals (Istat, 2016). Certainly, it is the decisive factor that induces immigrants to settle in the host country. The birth of a child is, in a sense, what "obliges" the parents to leave a condition of social invisibility, in which people of foreign origin are often indeed forced to live. We must therefore think about the integration strategies in terms of inclusion of complex family nucleuses and not in terms of individuals (Iavarone, Marone, Sabatano, 2015).

3. The problem of "irregular" immigration: smuggling and trafficking

In the late nineties, the issue of "irregular" immigration already seemed to be one of the most problematic aspects of the globalisation phenomena that affects people. The International Organisation for Migration (IOM) provided data useful to understanding the escalation, estimating up to \$13 billion in profits generated by the control of this business (Genovese, 2003, p. 3). Already in those years, the need was to put tools in place appropriate to the complexity of the phenomenon in order to understand it better and then gear up to countering it. The United Nations identified two components within the even larger business of human trafficking (Ciconte, Romani, 2002, p. 25). The "smuggling of migrants" by criminal organisations that manage illegal immigration, from the falsification of documents up to the transport and illegal introduction of individuals. "Trafficking in human beings", which means the "tratta", sale and purchase and the exploitation of persons, particularly women and children, introduced into countries of destination against their will, by force or by fraud (Europol, 2016, p. 7).

The subjects smuggled i.e. the victims of smuggling, have planned their migratory journey and turn to criminal agencies only to pull it off (Campani, 2000, p. 110). In these cases, say the experts, it is not appropriate to speak of trafficking in labour, although the illegal management of illegal entry is configured in its own right as a criminal operation (Pugliese, 2003, p. 51). In the case of trafficking, on the other hand, the exploiters behave to all effects as slavers. They recruit their victims with threats or blackmail or by force, in order to profit from their sale or their direct exploitation, knowing that in the countries of destination submerged markets have now

been created ready to accept whatever kind of human merchandise. Our country is no exception, from this point of view. The market linked with the sexual exploitation of young and very young foreign women has taken on the characteristics of a real industry capable of ensuring considerable and growing revenues. The victims of modern forms of "slavery" (Ulivieri, 2003, p. 254) are more often boys and girls: the weakest human beings, defenceless, the most easily subjugated by deception, fear and force (Bales, 1999). According to the United Nations' *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (also known as the *Palermo Protocol*), "Children are the most vulnerable category among victims of trafficking" (Europol, 2016, p. 6).

The main destinations of illegal immigration to our country concern, firstly, the coastal regions, but they cannot be reduced to only these. The position that Italy occupies, lying in the centre of the Mediterranean Sea, is extremely favourable, and, from this point of view, the coasts are available landing points as true gateways to Central Europe. In the last twenty years, however, something has changed.

At the beginning of the millennium, the most significant and most visible flows, because of the tragic nature of the landings and the emphasis with which the media reported them to the public, were the ones that took place by sea along the route that links Albania and the Balkan regions to the coast of Apulia (Campani, Lapov, Carchedi, 2002). The management of these routes was and remains in the hands of real *mafia* organisations, which have operations in many countries of origin of their "customers". For some years, however, the main gateway of the entries via the sea has moved further south, coinciding with recent political events emphatically dubbed the "Arab Spring" and the explosion of new conflicts in the Middle East which have heavily affected civilian populations and have a strong impact on migration processes in the Mediterranean (Campani, Hagi, 2014). Sicily is, now more than ever, the destination of migratory flows that start from the African coast. For years, they have been going to the islands of Lampedusa and Pantelleria, where, with increasing frequency, the landings of people from North Africa have been focussed (Muscarà, 2014, p. 207).

Many immigrants are, however, even helped to enter illegally through the overland routes; in particular, across the Italy-Slovenia border. Control of the business is in the hands of criminal organisations, which arrange to supply false documents, and through international flights from countries of origin, to channel the flow of people from Asia to some major east European hubs, such as Slovenia, Croatia, Hungary or even Ukraine. From there, by land, begins the second leg of the journey. The border can be

crossed on foot, through the woods at night and thanks to the guidance of experienced individuals in this kind of operation ("passeurs") (Giovannetti, 2008, p. 104). Or the transit takes place in vans, trucks and bus. Even the France-Italy border is crossed more or less in the same way, most frequently by people from North Africa, passing through Ceuta, Melilla or Gibraltar, entering Europe through Spain and France by car or train before reaching Italy illegally, to remain here or just passing through to other destinations. The borders with Switzerland and with Austria, in fact, seem to be the major spill points from our country, for those who have the ultimate goal of reaching the countries of central and northern Europe, particularly Germany, Belgium and the Netherlands (Ciconte, Romani, 2002, p. 66).

4. The economic exploitation of immigrant children

It is through these main lines that children are introduced illegally into our country, as happens in other European countries, to be exploited in a number of business activities that could be called "traditional".

In general, as is clear from research carried out by experts, the main causes for entry into the criminal circuits in which serious forms of exploitation may occur are related to the impossibility of repaying the debt incurred in order to leave their country of origin (Lostia, Tagliacozzo, 2003). This risk refers to, in particular, those children who are unable to pay the sum due because their *slave drivers* demand the immediate repayment of the money advanced or an instalment on a regular basis, even by using forms of violence against family members. According to the official definition adopted by the United Nations, [...] "victims of trafficking can be defined as all children "up for sale", or that with violence, deception or abuse of a position of vulnerability are induced/compelled to perform legal or illegal activities the proceeds of which are (wholly or in part) "received" by the trafficker or network connected to these" (CRC Group, 2006, p. 60).

The main activities involving foreign children trafficked into our country to be exploited is that of begging (Salimbeni, 2011). It is one of the forms of severe para-slave exploitation. It is not uncommon to meet, in stations, at traffic lights, on the pavements of city centres, close to markets, children bearing a beaker and sometimes a sign, the tools of the trade of begging from passers-by. Trafficking of these children has many of the features that it had two centuries ago (Macinai, 2013). In many cases, those children were sold by their very own parents, or were taken from

them by fraud or torn by violence, to be exploited by those who brought them here. Mostly they come from Eastern Europe and their daily existence is spent in order to put together the amount deemed sufficient by the exploiter for a day's work. On the street, although we hardly ever manage to notice it, these children are never alone: they are always constantly monitored closely by their exploiters or agents acting on their behalf, hidden from the eyes of passers-by.

The constant and methodical use of violence by adults against these exploited children, as well as in the case of prostitute-slave girls, does not only have the aim of providing punishment for breaking the rules or for unsatisfactory work performance. When the use of force becomes a normal daily practice, this erases any form of autonomy or freedom in the sufferer. It creates a total subjection, abandonment and addiction in victims, to the point that an escape or just a momentary rebellion is not only impossible, but it even becomes unthinkable, totally inconceivable. The lower the age of the boys and girls, the greater the oppressive influence they receive in order to trigger mechanisms of enmeshment at the psychological level and that of physical containment (Lostia, Tagliacozzo, 2003).

An activity contiguous to that of begging is hawking. It is a type of business that traditionally sees the direct involvement of children, used, together with adults or alone, to sell on the streets a series of simple disposable items ranging from paper handkerchiefs to lighters, from flowers to junk of various kinds. The begging market proves to be a real bargain for the *slave drivers*, to guarantee high returns without risk and without costs. For children, this experience proves to be a crucial opportunity for "learning", in preparation, as it were, for more dangerous and remunerative activities. Indeed, anyone who is particularly skilled and cunning, in the course of this first level of training, can later have access to riskier and more complex tasks, such as pickpocketing, bag snatching and shoplifting. The children are slaves to all intents and purposes and are considered as such by their exploiters. As if one were dealing with a particularly valuable type of merchandise, the owner may decide to transfer them or sell them to third parties, who can then use them for different purposes, e.g. for the purpose of sexual exploitation.

"Unfortunately, there is a lack of consensus on how to evaluate child exploitation, especially when the exploitative act is not considered as violent or abusive by the children themselves" (Europol, 2016, p. 6). Thus, it is extremely difficult to quantify the phenomenon of trafficking of children, as is it for that of the trafficking of human beings in general. Our country, however, like other Western countries, is one of the places of destination and a transit centre for other markets. The characteristic of being

a hidden, criminal and clandestine phenomenon makes analysis very difficult, even from the qualitative point of view. What it is possible to say with certainty, according to experts, is that the sex market has changed dramatically since the early nineties because of the arrival en masse of immigrant women coming mostly from the European Balkans, the former Yugoslavia and from Nigeria. These new flows had an impact and such a spread as to bring to light a phenomenon before then not adequately known: that of human trafficking and enslavement on the threshold of the third millennium. Right away, we became aware of the significant presence among the victims of this trafficking of young women, often children, and sometimes teenagers just a little older than girls. According to Eurostat 2015, in the EU at least 14% of victims involved in trafficking for sexual exploiment are children; in 2012, in Italy, they were 124 out of 1.536 (CRC Group, 2016, p. 186). The condition of greater weakness of the victim is what allows owners complete control and more effective exploitation. Therefore, recruitment for this type of activity is carried out primarily on girls alone and still in adolescence; secondly, on girls alone irrespective of their age; then on girls in general, even in the presence of close relatives and friends; and finally, as a last resort on younger male boys, disoriented and also weaker from the psychological and even physical point of view (Carchedi, Castellani, Mazzonis, 2003).

Forced child prostitution, namely the constraint exercised by adults originating from the same countries of origin as foreign children for profit, is therefore an important area of serious exploitation regarding adolescents and young immigrants. The factors that expose these boys and girls to the risk of falling into the hands of the criminals who organise and run these businesses have to do, in particular, with the precarious economic conditions and the weak possibilities for protection of the families or communities they belong to. In general, the process of enslavement and forced prostitution is triggered due to the inability to pay off the debt incurred to pay for the journey and the necessary documents to arrive in the country of destination.

Male child prostitution is a widespread phenomenon and extremely undervalued and it is still little known (CRC Group, 2015, p. 167). This typology concerns an even younger age than women and involves, in most part, teenagers between 13 and 17 years old. It also presents very different characteristics from female child prostitution. Juvenile female prostitution differs very little from that of the adult kind (Save the Children, 2011). The modalities are essentially the same: it is practised mainly in closed places such as nightclubs, apartments, beauty centres, where, compared to the streets, girls and women are less likely to be helped, they are invisible,

hidden away and therefore weaker and under tighter control by their exploiters. Furthermore, the motivations that drive it are also more or less the same: these girls often migrate to improve the conditions of their families and escape the lack of opportunities in their own country; they are easily deceived and do not know what the promise of work they have received means; those who are aware of what they will do, however, have no idea of the conditions of segregation, exploitation and violence in which they will find themselves once they arrive in Italy.

Male child prostitution has however its own characteristics. It takes place mainly on the streets and, in particular, around public places such as railway stations, parks and other points of transit and meeting found in large cities. This is an activity linked to others, such as begging and petty crime: drug dealing, shoplifting and pickpocketing. The modes of exploitation in these cases can be defined as "craftsman-like" in the sense that one is dealing with individuals or small groups of exploiters, not always suitably organised (CRC Group, 2015, p. 169).

Speaking of types of exploitation for economic purposes of children of foreign origin in developed countries, besides begging and forced prostitution, it is worth recalling how child labour is a daily reality in the existence of many children who reside in our country.

The experience of child labour has dangerous consequences not only in the immediate, because it endangers the health and proper physical and psychological development of the child (Macinai, 2012). It also has a heavy impact on the quality of the future life that awaits those involved. In particular, it focuses on four aspects of child exploitation through labour (CRC Group, 2015, 2016). Firstly, the logic prevailing in families and ethnic or local communities: where they foresee the early insertion of children in working activities in support of those carried out by adults, they tend to orient the paths of individual life along ways that often lead to social exclusion. Secondly, the tendency to abandon schooling: it is an almost mechanical event for children who go through experiences of labour exploitation in childhood or pre-teen age. In third place, the triggering of these dynamics leads to the determination of conditions in which the individual and social redemption becomes extremely difficult: these are conditions that are connected with forms of social marginality, sometimes also very accentuated. Fourthly, the phenomenon of exploitation through work and the dynamics that such an experience triggers, both individually, and at a social level: they seem to be related to the spread of forms of child and adolescent distress, which in turn tend to fuel conditions of marginalisation and social exclusion.

Conclusions (open)

The considerations regarding the topics addressed in this contribution obviously do not allow one to reach conclusions other than open and provisional. The social, economic and cultural processes that shape the phenomena of exclusion, or even worse of exploitation and social marginalisation, are in constant flux. For adequate interpretation, categories of flexible analysis and a complex and interdisciplinary approach to the situations being studied are required. Certainly, pedagogy and educational sciences must identify their own role in dealing with problems that derive from these scenarios (Portera, 2003, p. 295). Such a role cannot be purely descriptive, and not even merely critically reflective. There must be a real commitment at the level of intervention planning and, more generally, of good practices aimed at: intercepting the needs expressed by those who live in difficult conditions; understanding and transforming the "etherogeneous" contexts where such a meeting takes place, specifically the formal educational agencies, but even more so non-formal and informal places of learning (Zoletto, 2012); working towards the maturation and the constant updating of professional educational skills adapted to emergency situations that have been recalled; knowing how to build networks for integrated and not sporadic actions because only through dialogue and synergy between all the social actors involved can integration materialise in the form of acceptance and inclusion.

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