ECtHR finds that Italy violated rights of unaccompanied minor held in detention

The European Court of Human Rights (ECtHR) has found that Italy violated several provisions of the European Convention on Human Rights in a case concerning the detention and reception conditions of an unaccompanied minor.

The case relates to a child from Burkina Faso who arrived in Italy in June 2023 and was placed in the Sant'Anna C.A.R.A. Regional Hub in Isola di Capo Rizzuto, Crotone. He remained in the facility for approximately five months. The applicant maintained that he was unable to leave the centre during this period and raised concerns about living conditions and the absence of appropriate safeguards for minors.

The Court found violations of Article 5(1) and 5(2) of the Convention, concluding that the applicant had been deprived of his liberty without a clear legal basis and had not been adequately informed of the reasons for his detention. It noted that the applicant had been granted a residence permit and was not subject to a return decision, and therefore did not fall within the grounds permitting detention under the Convention.

A further violation was found under Article 5(4), relating to the right to a prompt judicial review of detention. The Court observed that domestic proceedings initiated by the applicant were not handled with sufficient urgency, with a hearing taking place several months after the initial request and only after the applicant had already been released.

The Court also found a violation of Article 3, which prohibits inhuman or degrading treatment. It determined that the reception conditions in the Sant'Anna centre were not appropriate for an unaccompanied minor. While designated areas for minors existed in principle, evidence indicated that separation from adults was not effectively implemented in practice. The Court also noted shortcomings in accommodation, sanitation, and the absence of services tailored to minors, such as educational or psychosocial support.

The applicant had been held in the centre until December 2023, when the Court indicated an interim measure requiring his transfer to a facility suitable for unaccompanied minors.

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In its judgment, the ECtHR emphasised that the treatment of children in migration contexts requires particular safeguards and that reception conditions and procedural guarantees must reflect their specific needs and vulnerabilities.

Source(s)

- European Court of Human Rights (9 April, 2026), [CASE OF H.D. v. ITALY], https://hudoc.echr.coe.int/eng?i=001-249529

Date of development
09.04.2026
Country
Italy
Thematic area(s)
Detention, Applicants with special needs, Unaccompanied minors
Development type
Jurisprudence

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