



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF B.C. v. ITALY

(Application no. 42909/23)

JUDGMENT

STRASBOURG

3 September 2026

This judgment is final but it may be subject to editorial revision.

In the case of B.C. v. Italy,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

María Elósegui, President,

Gilberto Felici,

Diana Sârcu, *judges*,

and Sophie Piquet, Acting Deputy Section Registrar,

Having regard to:

the application (no. 42909/23) against the Italian Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 18 December 2023 by an Ivoirian national, B.Z.C. (“the applicant”), who was born in 2008, lives in Brindisi and was represented by Mr D. Belluccio and Ms M. Angiuli, lawyers practising in Bari;

the decision to give notice of the application to the Italian Government (“the Government”), represented by their Agent, Mr L. D’Ascia, *Avvocato dello Stato*;

the decision not to have the applicant’s name disclosed;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the decision to indicate an interim measure to the respondent Government under Rule 39 of the Rules of Court;

the parties’ observations;

the decision to reject the Government’s objection to examination of the application by a Committee;

Having deliberated in private on 9 July 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The application concerns the detention of the applicant, an unaccompanied minor, in the adult reception centre and centre for asylum seekers “C.A.R.A.” of Restinco, Brindisi, which was destined to host unaccompanied minors. The applicant complained of the poor conditions of his stay and of his deprivation of liberty.

2. The applicant reached Italy on 3 August 2023. He declared his intention to apply for international protection and was placed at first in the Reception Centre (*Centro di Accoglienza Straordinaria – C.A.S.*) in Carovigno, Brindisi. During his stay, the applicant declared to the authorities that he was a minor and presented a photograph of his birth certificate which showed that he was fifteen years old. The authorities immediately started the age assessment procedures which were concluded on 2 October 2023 with a finding that the applicant was less than 18 years old.

3. As of 6 October 2023, the applicant was consequently placed in reception centre and centre for asylum seekers “C.A.R.A.” of Restinco, Brindisi (hereinafter “the C.A.R.A.”), which had been initially intended for adults and was subsequently destined to host exclusively minors, in light of the substantial increase of arrivals of unaccompanied minors. During the period of his stay in the C.A.R.A., the applicant’s provisional guardian was the director of the centre.

4. On 20 December 2023, the applicant submitted a request to the Court under Rule 39 of the Rules of the Court complaining about the deprivation of his liberty and about the poor conditions of the C.A.R.A. He requested to be transferred in a centre for unaccompanied minors where he could receive all the necessary assistance required by his status.

5. On 22 December 2023, the applicant was transferred to a specific facility for unaccompanied minors, as requested by the Court in application of Rule 39 of the Rules of the Court.

6. On 14 June 2024, the applicant was appointed a new guardian.

THE COURT’S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 5 §§ 1, 2 AND 4 OF THE CONVENTION

7. The applicant complained that he had been deprived of his liberty during his stay in the C.A.R.A., in the absence of any clear and accessible legal basis, and that it had therefore been impossible for him to challenge the lawfulness of his deprivation of liberty.

8. He also argued that he had no effective representation as, in the absence of the appointment of a guardian, he was not able to challenge his deprivation of liberty.

9. The applicant further referred to the findings of the National Independent Authority for Children and Adolescents (*Autorità Garante per l’Infanzia e l’Adolescenza*) concerning the C.A.R.A. of Restinco, as reported before the Parliamentary Committee for the Implementation of the Schengen Agreement, for the Supervision of Europol Activities, and for the Control and Supervision of Immigration during the hearing of 24 October 2023. The relevant parts of this intervention read as follows:

“I cannot fail to mention an experience that greatly affected me, concerning a facility for adults near Brindisi where minors are temporarily housed. Facilities for minors should be dedicated solely to minors and should have services that cater to minors. In this facility that I visited, first of all, the children struggle to understand that they are not in prison: there is a very high wall, an iron gate, and outside there are soldiers with batons, because there is a centre for repatriation (C.P.R.) nearby.

Of course, the soldiers are not there for them, but many of the children come from Libya and do not see this clearly. What is more, they cannot go out because there are not enough staff. The feeling they report, therefore, is that they are in prison.”

10. The Government observed that the applicant had not been detained in the C.A.R.A. and that his stay lasted for the time strictly necessary to identify a destination and an *ad hoc* project for him. The Government further noted that pending the appointment of a guardian by the judicial authority, the provisional guardianship had been entrusted to the director of the centre. The Government also explained that, because of the centre's location and of the number of minors, it was difficult to organise outings while also ensuring the safety of the minors.

11. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

12. The general principles regarding the restriction of liberty have been reiterated in *Saadi v. the United Kingdom* ([GC], no. 13229/03, §§ 61-74, ECHR 2008). The Court also refers to *Khlaifia and Others v. Italy* ([GC], no. 16483/12, §§ 88-92, 15 December 2016), *J.A. and Others v. Italy* (no. 21329/18, §§ 79-83, 30 March 2023) and *H.D. v. Italy* (no. 41645/23, 9 April 2026 (not final)), the latter concerning, in particular, the restriction of liberty of an unaccompanied minor in a C.A.R.A.

13. The Court underlines from the outset that the impossibility for the applicant, a minor migrant, to leave the C.A.R.A. emerges, among others, from the report of the National Independent Authority for Children and Adolescents.

14. Bearing in mind that the applicant was placed in the C.A.R.A. by the Italian authorities and remained there for approximately two and a half months without a clear and accessible legal basis and in the absence of a reasoned measure ordering his retention, the Court finds that the applicant was arbitrarily deprived of his liberty, in breach of the first limb of Article 5 § 1 (f) of the Convention.

15. In view of the above finding in respect of the absence of a clear and accessible legal basis for detention, the Court fails to see how the authorities could have informed the applicant of the legal reasons for his deprivation of liberty or have provided him with sufficient information to enable him to challenge the grounds for his *de facto* detention before a court (see *Khlaifia and Others*, cited above, §§ 117 and 132 et seq.).

16. The Court therefore concludes that Article 5 of the Convention is applicable and that there has been a violation of Article 5 §§ 1, 2 and 4 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

17. Relying on Articles 3 and 8 of the Convention, the applicant complained about the poor conditions in the C.A.R.A. He further complained about the lack of socialisation and about the impossibility to leave the centre, as well as about the length of his stay. The Court, being master of the

characterisation to be given in law to the facts of the case (*Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 114, 20 March 2018), will examine the complaint from the standpoint of Article 3 alone.

18. The applicant submitted photographs showing the poor material and hygienic conditions of the rooms and facilities in the C.A.R.A., its outside walls and its gate. He also referred to the findings of the National Independent Authority for Children and Adolescents (*Autorità Garante per l'Infanzia e l'Adolescenza*), cited above.

19. The applicant noted that, during the period of his stay, the centre housed 88 minors in bedrooms of about 3-4 square meters, containing four beds each and with no doors to separate them from the other areas. He pointed out that the clothes provided at their arrival were inadequate for the winter and that the hygiene products were only provided once a month without possibility to request additional items. The applicant further called attention to the inadequate number of staff members operating within the centre and to the insufficient educational and recreational activities provided. In particular, he noted that during the two and a half months of his stay at the centre, he attended only two training sessions on traffic education and five Italian language lessons.

20. The Government contested the applicant's allegations with regard to the material conditions of the centre and observed that the photographs submitted by the applicant had no date and it was impossible to determine if they depicted the C.A.R.A. They maintained that the areas destined for the activities were adequate and functional, and that the areas destined for the accommodation were clean, tidy and overall respectful of the minors' personal dignity. The Government submitted photographs to substantiate their assertions.

21. The Government also stated that the applicant was provided with medical, social, legal and psychological assistance during his stay.

22. The Court would reiterate that ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3. The assessment of that level is relative and depends on all the circumstances of the case, principally the duration of the treatment, its physical or mental effects and, in some cases, the sex, age and state of health of the victim (see *Khlaifia and Others*, cited above, § 159).

23. The general principles concerning the conditions of accommodation in respect of minors have been summarised in *Darboe and Camara v. Italy* (no. 5797/17, §§ 167-73, 21 July 2022).

24. In the circumstances of the present case, the Court notes that the parties' positions differ. Accordingly, the Court will rely on the facts that are not disputed between them, as well as on the documents and elements submitted.

25. The Court notes, at the outset, that it is undisputed between the parties that the C.A.R.A. hosted exclusively minors. As for the conditions of

accommodation, the Court notes that both parties submitted photographs with no indication as to the date or the location in which they were taken. Nonetheless, the only photograph submitted by the Government depicting a bedroom appears to show the same locale depicted in the photographs submitted by the applicant, albeit in better conditions. The National Independent Authority for Children and Adolescents, although clearly referring to the deprivation of liberty in the centre, did not explicitly mention the material conditions therein.

26. As to the applicant's complaint concerning inadequate clothing, hygiene products and food, the Court notes that these allegations are vague and not supported by the documents in the file. On the contrary, the list of items provided upon arrival at the C.A.R.A. appears to be sufficient. Regarding educational and recreational activities, it emerges from the documents in the file that, despite the limited number of available staff, during the two and a half months of his stay at the centre, the applicant attended five Italian language lessons and two training sessions on traffic education. Furthermore, he had access to three psychological interviews and was provided with additional psychological support from an external association.

27. In light of all the elements listed above, the Court considers that the applicant's situation did not reach the threshold of severity required to constitute inhuman or degrading treatment within the meaning of Article 3 of the Convention. This part of the application is therefore manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected under Article 35 § 4 of the Convention.

III. OTHER COMPLAINTS

28. The applicant also complained under Article 8 alone, about the failure to appoint a guardian, and under Article 13 taken in conjunction with Articles 3 and 8 of the Convention.

29. Having regard to the facts of the case, the submissions of the parties, and its findings under Article 5 §§ 1, 2 and 4 of the Convention, the Court considers that it has dealt with the main legal questions raised and that there is no need to examine them (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

IV. RULE 39 OF THE RULES OF COURT

30. The Court reiterates that, in accordance with Article 28 § 2 of the Convention, the present judgment is final. Accordingly, the measure indicated to the Government under Rule 39 ceases to have any basis.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

31. The applicant claimed 30,000 euros (EUR) in respect of non-pecuniary damage and 10,000 euros (EUR) in respect of costs and expenses incurred before the Court.

32. The Government submitted that the applicant's claim should be rejected.

33. The Court awards the applicant 4,000 EUR in respect of non-pecuniary damage, plus any tax that may be chargeable.

34. As regards costs and expenses, according to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. The Court observes that the applicant failed to submit any supporting document proving that the costs and expenses were actually incurred. The Court therefore rejects this claim.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints under Article 5 §§ 1, 2 and 4 of the Convention admissible;
2. *Declares* the complaint under Article 3 of the Convention inadmissible;
3. *Holds* that there has been a violation of Article 5 §§ 1, 2 and 4 of the Convention;
4. *Holds* that there is no need to examine the admissibility and merits of the complaints under Article 8 and under Article 13 taken in conjunction with Articles 3 and 8 of the Convention;
5. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, EUR 4,000 (four thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
6. *Dismisses* the remainder of the applicant's claim for just satisfaction.

B.C. v. ITALY JUDGMENT

Done in English, and notified in writing on 3 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Sophie Piquet
Acting Deputy Registrar

María Elósegui
President