



**REFUGEE RIGHTS
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**EXPLORING ISSUES OF PUSHBACKS, TREATMENT IN DETENTION,
AND LIVING CONDITIONS FOR DISPLACED PEOPLE IN ITALY**

ACKNOWLEDGEMENTS

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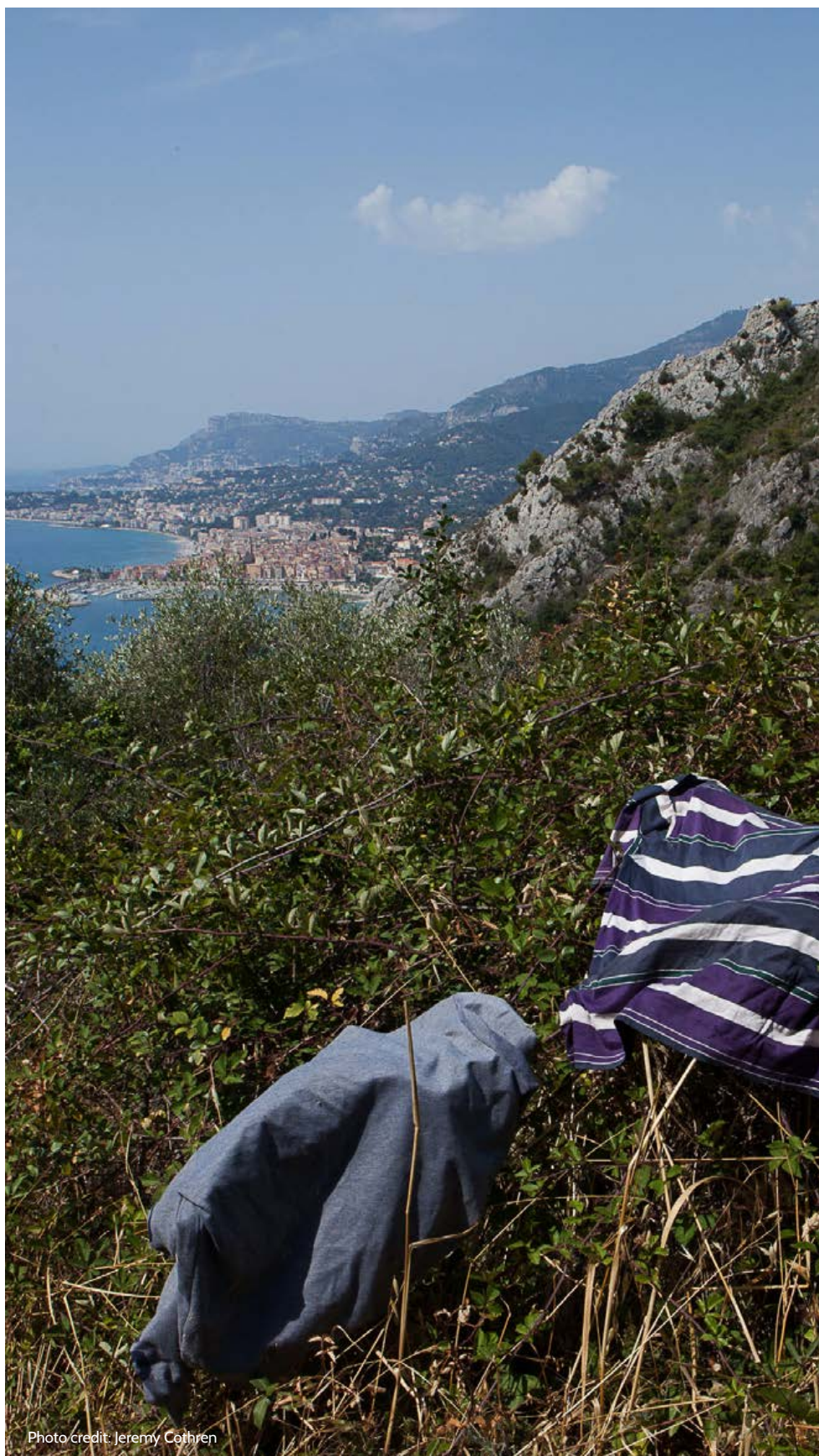


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TABLE OF CONTENTS

EXECUTIVE SUMMARY	04
--------------------------	-----------

INTRODUCTION	05
---------------------	-----------

SUMMARY PUSHBACKS AND BREACHES OF THE NON-REFOULEMENT PRINCIPLE	06
--	-----------

TREATMENT OF PERSONS SUBJECTED TO ARREST AND DETENTION	12
---	-----------

ACTS OF CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT	15
---	-----------

CONCLUDING REMARKS	18
---------------------------	-----------

GLOSSARY	19
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EXECUTIVE SUMMARY

THIS BRIEFING PRESENTS SEVERAL CONCERNS OF RRE REGARDING ITALY'S SHORTCOMINGS IN REGARDS TO THE IMPLEMENTATION LEGAL RESPONSIBILITIES RELATING TO NON-REFOULEMENT, CONDITIONS IN DETENTION AND PLACES OF DEPRIVATION OF LIBERTY, AND INHUMAN AND DEGRADING TREATMENT.

In particular, the report raises concerns about Italy's failure to uphold the principle of non-refoulement by engaging in summary pushbacks as well as implementing bilateral readmission agreements and for instance in the case of Slovenia, asylum seekers are at risk of being 'chain-refoulement', to Slovenia first, and subsequently to Croatia, Bosnia and Serbia where the living conditions and the right to seek asylum are not always respected.

Moreover, the report highlights issues relating to the Italian decision to renew the agreements with Libya, in February 2020, as this raises particular concern for the human rights violation in the country and the high possibility to expose people to torture, inhuman and degrading treatment.

The report further raises concerns about Italy's adoption of a policy of "closure of ports" throughout 2018-2019, thus delaying the access to the procedure of international protection and in 2020, during the Covid-19 emergency, its declaration as a "not a safe harbour" through an inter-ministerial Decree. Indeed, the new Decree Law No. 53/2019 directly affects rescue operations at sea, discouraging boats to undertake such operations.

Moreover, the report highlights insufficient safeguards in the asylum procedures increased by the D.L. 113/2018 converted into Law No. 132/2018 which introduced:

- the concept of the Safe Country of Origin, without specifying particular categories of persons or parts of a certain country which cannot be considered safe;¹
- the non-suspensive effect of the appeal for some procedures;
- the possibility to detain people up to 180 days in the centre for repatriation (CPR);
- the possibility of detaining people, in locals different from CPR, for up to a maximum of 30 days if nationality cannot be established;
- the inadmissibility of the subsequent application during the execution of an expulsion order;
- the change of the reception centres from SPRAR to SIPROIMI.

Furthermore, the report outlines concerns relating to substandard living conditions for asylum seekers and displaced individuals in reception facilities and camps, where the Law No. 132/2018 has had a big impact due to the transition from SPRAR to SIPROIMI. The latter is accommodation exclusively for holders of international protection and unaccompanied minors, while asylum seekers can now only enter in the CARA and CAS where they are no longer provided with economic, social integration and psychological support services, but are merely provided with food and accommodation.

THE NEW RECEPTION FACILITIES ARE NOT EQUIPPED TO PROVIDE AID TO VULNERABLE PEOPLE.

Prolonged and arbitrary detention characterised by a lack of procedural and legal safeguards, as well as insufficient external access to and monitoring of detention sites and reception facilities are of further concern. Furthermore, the situation of vulnerable people for instance people experiencing trafficking in human beings (THB), sexual and gender-based violence (SGBV) and psychiatric problems raise concern. In fact, the new reception facilities are not equipped to provide aid to vulnerable people and the system of identification of people experiencing THB is lacking.

The risk is to expel people who risk being subjected to inhuman and degrading treatment as well as torture.



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¹ "The Law No. 132/2018 introduced the concept of Safe Country of Origin and with the Decree 4 October 2019, adopted by the Ministry of Foreign Affairs in agreement with Ministry of Interior and Justice, entered into force a list of countries to be considered 'safe' without exception regarding parts of the territory or categories of people." See ASGI, AIDA Report 2019 p. 85.



THIS REPORT IS BASED ON A BRIEFING PREPARED BY REFUGEE RIGHTS EUROPE (RRE) IN VIEW OF THE ADOPTION BY THE COMMITTEE AGAINST TORTURE (HEREAFTER THE COMMITTEE) OF A LIST OF ISSUES PRIOR TO THE COMMITTEE'S CONSIDERATION OF ITALY'S SEVENTH PERIODIC REPORT ON ITS IMPLEMENTATION OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (HEREAFTER THE CONVENTION).

The briefing paper submitted by RRE to the Committee was based on desk research as well as substantial contributions from the non-governmental organisations Association for Juridical Studies on Immigration (ASGI), WeWorld, Diaconia Valdese and Befree.

THE REPORT RAISES CONCERNS ABOUT ITALY'S FAILURE TO UPHOLD THE PRINCIPLE OF NON-REFOULEMENT BY ENGAGING IN SUMMARY PUSHBACKS.

At a critical time in Europe's response to migration and asylum with the European Union's New Pact on Migration in the pipeline, this report presents several concerns of RRE regarding pushbacks, treatment in detention, and living conditions for displaced people in Italy. In particular, the report raises concerns about Italy's failure to uphold the principle of non-refoulement by engaging in summary pushbacks, as well as implementing

bilateral readmission agreements without sufficient guarantees as stipulated in international human rights and refugee law.

THE REPORT HIGHLIGHTS EVIDENCE OF INSUFFICIENT SAFEGUARDS IN THE ASYLUM PROCEDURES.

Moreover, the report highlights evidence of insufficient safeguards in the asylum procedures, as well as cases of excessive use of force² and other degrading treatment against asylum seekers and displaced individuals by law enforcement officials. Prolonged, arbitrary detention with a lack of procedural and legal safeguards, along with insufficient external access to and monitoring of detention sites and reception facilities, are of further concern. The report also raises concerns regarding the substandard living conditions for asylum seekers and displaced individuals in reception facilities and camps.

² See for instance this widely reported incident: <https://www.informigrants.net/en/post/25544/italy-video-of-policeman-forcing-migrants-to-slap-themselves-goes-viral-triggers-controversy>

SUMMARY PUSHBACKS AND BREACHES OF THE NON-REFOULEMENT PRINCIPLE

REFOULEMENT TO LIBYA

THE PORTS OF LIBYA CANNOT BE CONSIDERED SAFE, GIVEN ITS NUMEROUS HUMAN RIGHTS VIOLATIONS³ AND THE RISK OF BEING SUBJECTED TO INHUMAN, DEGRADING TREATMENT OR TORTURE.

Despite this, *refoulement* to Libya continues to unfold. For example, in 2018, when the naval unit tugboat flew the Italian flag *Asso28*, it brought back displaced people (who were rescued at sea) to Libya⁴. The *Asso28* ship initially seemed to be coordinated by the Italian Coast Guard. However, it returned individuals rescued on international waters to Libya. The reconstruction of this event proves complex, as the Italian government claims it was the Libyan Coast Guard that requested for displaced people to be brought back to Libya.⁵ They were adamant that the MRCC was not involved. Different associations and people have demanded further clarification regarding the involvement of the Italian Coast Guard.⁶ The UNHCR has also requested files and information to assess whether international law was violated.⁷

In 2018, the Global Legal Action Network (GLAN) filed a legal complaint on the European Court of Human Rights (ECtHR) against Italy "over its coordination of

Libyan Coast Guard pullbacks, resulting in migrant deaths and abuse."⁸ The complaint is based on evidence collated by Forensic Oceanography, which produced a detailed reconstruction of the events in November 2017 when a rescue vessel operated by the NGO Sea Watch (SW) and a patrol vessel of the Libyan coastguard, informed by the MRCC of the Italian Coast Guard, were both *en route* towards a migrants' boat. This vessel was in distress in international waters, resulting in a confrontational rescue operation that led to the death of at least 20 people (both before or during the incident) and 47 passengers being ultimately 'pulled back' to Libya.⁹

NGOS HAD BEEN CALLING FOR THE MoU TO BE DENOUNCED AND REVOKED.

In November 2019, the Italy-Libya Memorandum of Understanding (MoU) set the terms for the two countries' co-operation on migration. It was automatically extended for a further three years, beginning February 2020, without any amendments.¹⁰ This was despite the fact that NGOs had been calling for the MoU to be denounced and revoked. Following pressures from Parliamentarians regarding negative human rights consequences of

the agreement, the Italian government committed¹¹ to amending it, and thus required Libya to allow for free, unconditional access of humanitarian operators to detention centres; 'progressively' proceed with the closure of unofficial centres for displaced people; ensure the respect of human rights in the centres; and the release of women, children, and vulnerable people.¹² At the time of writing (June 2020), no amendment has yet been approved.

Through this memorandum, Italy continues to support the Libyan Coast Guard, despite how the situation in Libya does not uphold general human rights. Various NGOs have accused Italy of indirectly pushing back displaced people to Libya, therefore exposing them to torture and inhuman and degrading treatments.¹³ In 2019, there were approximately 8,000 instances of interception by the Libyan Coast Guard.¹⁴ By the end of 2019, Italian journalist Nello Scavo, who was required to be escorted due to threats from Libyan traffickers, published his investigation on the case of the suspected high-profile trafficker known as Bija (Abd al-Rahman Milad), who attended Italy migration talks in 2017. The investigation raised concerns regarding the relations between the Italian government and Libya.¹⁵



Photo credit: iStock

³ See Refugee Rights Europe's submission to the Universal Periodic Review on Libya in 2019: <https://refugee-rights.eu/wp-content/uploads/2019/10/Universal-Periodic-Review-of-Libya-Written-submission-by-RRE-1.pdf> See also: <https://www.ilpost.it/2018/08/01/asso-28-migranti-libia>

⁴ <https://www.lastampa.it/cronaca/2018/07/31/news/oltre-100-migranti-soccorsi-e-riportati-in-libia-e-il-primo-respingimento-di-una-nave-italiana-1.34035525>

⁵ https://www.repubblica.it/cronaca/2018/08/08/news/migranti-presentato_un_esposto_sul_comportamento_del_rimorchiatore_italiano_asso_28-203654671

⁶ <https://www.asgi.it/allontamento-espulsione/libia-asso-28-respingimento-mediterraneo/>; <https://www.asgi.it/notizie/libia-respingimenti-migranti-asso-28/> and https://www.repubblica.it/cronaca/2018/08/08/news/migranti-presentato_un_esposto_sul_comportamento_del_rimorchiatore_italiano_asso_28-203654671/?ref=search

⁷ https://twitter.com/UNHCRItalia/status/1024196125983744000?ref_src=twsrc%5Etfw%7Ctwcamp%5Eetweembed%7Ctwterm%5E1024196125983744000&ref_url=https%3A%2F%2Fwww.ilpost.it%2F2018%2F08%2F01%2F2Fasso-28-migranti-libia%2F and Report UNHCR "Viaggi disperati - gennaio dicembre 2018" - p. 14 https://www.camera.it/application/xmanager/projects/leg18/attachments/upload_file_doc_acquisiti/pdfs/000/001/986/UNHCR_document.pdf

⁸ GLAN, May 2018 <https://www.glanlaw.org/single-post/2018/05/08/Legal-action-against-Italy-over-its-coordination-of-Libyan-Coast-Guard-pull-backs-resulting-in-migrant-deaths-and-abuse>

⁹ Forensic Oceanography report <https://forensic-architecture.org/investigation/seawatch-vs-the-libyan-coastguard#toggle-id-3>

¹⁰ Amnesty International, Italy Report 2019: <https://www.amnesty.org/en/countries/europe-and-central-asia/italy/report-italy>

¹¹ Statewatch Article March 2020: <https://www.statewatch.org/analyses/no-357-renewal-italy-libya-memorandum.pdf>

¹² Draft on the new Memorandum by the Italian newspaper *Avvenire* (in Italian): <https://www.avvenire.it/c/attualita/Documents/Avvenire-%20memorandum.pdf>

¹³ USDOS - US Department of State: Country Report on Human Rights Practices 2019 - Italy, 11 March 2020

(accessed on 15 May 2020)

¹⁴ <https://altreconomia.it/soccorsi-mediterraneo-navi-umanitarie-isolate>

¹⁵ <https://www.avvenire.it/attualita/Pagine/migranti-armi-e-petrolio-tre-mesi-di-misteri-su-bija>



ALLEGATIONS OF PUSHBACKS TO SLOVENIA AND GREECE THAT AMOUNT TO REFOULEMENT

ITALY CARRIES OUT IRREGULAR PUSHBACKS OF PEOPLE ARRIVING VIA THE BALKAN ROUTE.¹⁶

In 2019, Italy continuously pushed people back at the Slovenian border. Under the readmission agreement between Italy and Slovenia, 361 people were readmitted to Slovenia between July 2018 and July 2019.¹⁷

The readmission agreements are in violation of the right to seek asylum. In the case of

Slovenia,¹⁸ asylum seekers are at risk of being 'chain-refoulement,' in which they are first repatriated to Slovenia, and subsequently to Croatia, Bosnia, and Serbia, where living conditions are dire and the right to seek asylum are not often respected.¹⁹ The ECtHR remarked²⁰ that the State has a duty to refrain from rejecting displaced people who risk a process of 'chain-refoulement' to a country where they may face inhuman and degrading treatment or conditions.²¹ This also violates Article 3 of the Convention against Torture.

DIFFERENT NGOS HAVE CONFIRMED THE PRACTICE OF SENDING PEOPLE BACK TO GREECE, WHERE MORE THAN 190 PEOPLE HAVE ALREADY BEEN PUSHED BACK.

Moreover, the practices of pushbacks continues to take place in Adriatic Ports. In fact, different NGOs have confirmed the practice of sending people back to Greece, where more than 190 people have already been pushed back.²² Thus, Greece also does not always guarantee the rights of asylum seekers. Italy has already been convicted in the case *Sharifi and Others v. Italy and Greece*²³ for the readmission to Greece, in cases where people end up living in inhuman conditions.²⁴ Despite this, readmissions to Greece continue.²⁵ For example, the *Border Violence Monitoring Network* has reported a case of two Afghan men who were victims of police violence in Ancona during pushback from the Adriatic port to Greece.²⁶

¹⁶ Amnesty International "Italy: refugees and migrant's rights under attack" <https://www.amnesty.org/download/Documents/EUR3002372019ENGLISH.pdf>, p.9: "Italy has also summarily returned people who entered irregularly through the 'Balkan route', and ignored their asylum claims. (...) in June 2018 reported that they had reached Trieste, Italy, and expressed their intention to apply for asylum. However, the Italian authorities ignored their requests"

¹⁷ ASGI, AIDA Report 2019, available at <https://www.asylumineurope.org/reports/country/italy>, p. 31

¹⁸ Bilateral readmission agreement signed with Slovenia

¹⁹ ASGI, "Rotta balcanica, ASGI: interrompere le riammissioni illegali al confine italo-sloveno" (05.06.2020) <https://www.asgi.it/allontamento-espulsione/rotta-balcanica-asgi-interrompere-le-riammissioni-illegali-al-confini-italo-sloveno>

²⁰ Ilias and Ahmed v. Hungary, 2019

²¹ Ilias and Ahmed v. Hungary, 2019 available at <http://hudoc.echr.coe.int/eng-press?i=003-6563123-8684799>

²² ASGI, AIDA Report 2019, p. 29

²³ <https://hudoc.echr.coe.int/eng-press#?i=003-6563123-8684799>

²⁴ <https://altreconomia.it/migranti-grecia-turchia-crisi-umanitaria-annunciata>

²⁵ <https://www.asgi.it/notizie/respingimenti-italia-indagine-caso-sharifi/> and the Press Release available in EN: <https://sciabacaoruka.asgi.it/en/refoulement-at-the-adriatic-ports-press-release>

²⁶ <https://www.borderviolence.eu/violence-reports/april-23-2020-2000-ancona-port>

ALLEGATIONS OF REFOULEMENT DUE TO ITALY SAR POLICY

FROM 2018-2019, ITALY ADOPTED A POLICY OF 'CLOSURE OF PORTS,'²⁷ DELAYING THE ACCESS TO THE PROCEDURE OF INTERNATIONAL PROTECTION, AS DESCRIBED BELOW.

In 2020, amidst the COVID-19 emergency, Italy declared itself an "unsafe harbour" with the inter-ministerial Decree No. 150/2020.²⁸ The Decree Law No. 53/2019²⁹ stipulated the possibility for the Minister of Interior to restrict or prohibit the entry, transit, or stay of ships in the territorial sea (Art. 1). Article 2 also established the case of a ship's confiscation and an administrative penalty for the captain, in cases where law-imposed prohibitions were not respected.

The new provisions directly affected rescue operations at sea, discouraging boats to undertake such operations. Some NGOs accused the Italian government of encouraging *refoulement*, limiting the rescues at sea of displaced people through pressuring NGOs,³⁰ who normally carry out rescue operations in the Mediterranean.³¹ UN experts sent a letter to the Italian government expressing concern for Law No. 132/2018, which compromises the right to life and the principle of *non-refoulement*.³²



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²⁷ ASGI, AIDA Report 2019, available at <https://www.asylumineurope.org/reports/country/italy> P25: "The Decree Law n. 53, issued on 14 June 2019 and later converted by Law 77/2019, tried to give a legal basis to the Minister of the Interior bans on entry, transit or stop to ships engaged in rescue at sea, further discouraging the saving of lives at sea."

²⁸ http://www.immigrazione.biz/upload/decreto_interministeriale_n_150_del_07-04-2020.pdf

²⁹ DL 53/2019 converted by L 77/2019 - <https://www.gazzettaufficiale.it/eli/id/2019/08/09/19A05128/sg>

³⁰ AI - Amnesty International: Human Rights in Europe - Review of 2019 - Italy [EUR 01/2098/2020], 16 April 2020 <https://www.ecoi.net/en/document/2028200.html> (accessed on 15 May 2020)

³¹ US DOS - US Department of State: Country Report on Human Rights Practices 2019 - Italy, 11 March 2020 <https://www.ecoi.net/en/document/2027526.html> (accessed on 15 May 2020)

³² Ibid



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THE HOTSPOT APPROACH AND RISK OF INDIRECT REFOULEMENT

FURTHERMORE, THE 'HOTSPOT APPROACH' RISKS DEPORTING INDIVIDUALS TO THEIR COUNTRY OF ORIGIN WITHOUT GIVING THEM ADEQUATE INFORMATION OR AN INDIVIDUAL EXAMINATION OF THEIR CASE.³³

Thus, in the Hotspots, people are arbitrarily divided up, categorised as possible asylum seekers and so-called 'economic migrants'. For instance, they could be categorised on the basis of their country of origin.³⁴ Suspected 'economic migrants' are subjected to a faster procedure, which often lacks access to information regarding their rights (including their ability to ask for international protection).³⁵ The main information is provided in the

foglio notizie or orally.³⁶ The Hotspots, assigned to the first phase of identification of displaced people, plays a crucial role in the identification of international protection needs. In this regard, ASGI reported (in particular with regards to Lampedusa) the difficulties of identifying needs in international protection applications. These were based on the presence of prejudices, stereotypes, and short timeframes available. The result was similar to an automatic separation, on the basis of the displaced people, between asylum seekers and economic migrants.³⁷

DIFFERENT VERSIONS OF THE FOGLIO NOTIZIE³⁸ WERE DISTRIBUTED BASED ON THEIR COUNTRY OF ORIGIN.

Critical issues have been reported by civil society with regards to the use of "*foglio notizie*" and information sheets, which people must fill in upon their arrival to any Hotspots.³⁸ For instance, during a monitoring activity of ASGI³⁹ in Lampedusa in April 2019, the organisation found that different versions of the *foglio notizie*⁴⁰ were distributed based on their country of origin. This document, given to the

applicant after the identification phase, contains relevant information on the possibility of expulsion. In the case observed by ASGI, the applicants were asked to provide a signature declaring that they did not wish to ask for asylum, but the declaration was written in Italian only, posing a significant concern.⁴¹ Indeed, ASGI noted that the individuals wished to claim asylum in the Hotspot, but after signing the information sheet, they were brought to the CPR with a rejection order. Tribunals have published different decisions on expulsion and detention related to the use of "*foglio notizie*" and *scheda informativa*.⁴² For instance, the Tribunal of Palermo underlines its decision that the *foglio notizie* and *scheda informativa* are not sufficient enough to give complete, comprehensible information regarding one's international protection.⁴³

It is disconcerting that prospective asylum seekers who are provided with incomplete information ultimately risk repatriation. Repatriated individuals without the ability to access the asylum procedure and succinct information subsequently risk being exposed to torture and inhuman, degrading treatment upon return.

³³ Amnesty International, "Italy: refugees and migrant's rights under attack" <https://www.amnesty.org/download/Documents/EUR3002372019ENGLISH.pdf>, p. 9: "The 'hotspot approach' aims to identify and fingerprint all arrivals, separate asylum-seekers from those considered irregular migrants, and repatriate the latter. Those deemed to be irregular migrants are singled out for a rapid forcible return and are not given adequate information regarding their status and rights, or given a genuine opportunity to seek asylum."

³⁴ ASGI, AIDA Report 2019, p. 33

³⁵ Amnesty International, "Italy: refugees and migrant's rights under attack" <https://www.amnesty.org/download/Documents/EUR3002372019ENGLISH.pdf>

³⁶ ASGI, AIDA Report 2019

³⁷ ASGI, In Limine <https://inlimine.asgi.it/wp-content/uploads/2020/04/Ombre-in-frontiera-Politiche-informali-di-detenzione-e-selezione-dei-cittadini-stranieri.pdf>

³⁸ ASGI, AIDA Report 2019, p. 33.

³⁹ ASGI, Associazione per gli studi giuridici sull'immigrazione (Association for Legal Studies on Immigration) <https://www.asgi.it/chi-siamo/english-version/> "The Association for Juridical Studies on Immigration (ASGI) is a membership-based association focusing on all legal aspects of immigration. As a pool of lawyers, academics, consultants and civil society representatives, ASGI's expertise relates to various areas of immigration and migrants' rights, including but not limited to antidiscrimination and xenophobia, children's and unaccompanied minors' rights, asylum and refugee seekers, statelessness and citizenship. ASGI's members provide their contribution at various levels: administrative, policy-making and legal, both in national and European contexts."

⁴⁰ ASGI, project In Limine <https://inlimine.asgi.it/wp-content/uploads/2019/04/Foglio-notizie.pdf>

⁴¹ ASGI, project In Limine <https://inlimine.asgi.it/wp-content/uploads/2019/04/Scheda-informativa.pdf>

⁴² A comprehensive examination of how the situation of displaced people in the hotspots can face with different Tribunal decision with regard of the detention and expulsion on the basis of the approach to the *foglio notizie* e *scheda informativa* and the right to ask for asylum and be informed: ASGI, project In Limine <https://inlimine.asgi.it/esiti-delle-procedure-attuate-a-lampedusa-per-la-determinazione-della-condizione-giuridica-dei-cittadini-stranieri>

⁴³ ASGI, first attachment: <https://inlimine.asgi.it/esiti-delle-procedure-attuate-a-lampedusa-per-la-determinazione-della-condizione-giuridica-dei-cittadini-stranieri>

INTRODUCTION OF THE SAFE COUNTRY OF ORIGIN CONCEPT INTO ITALIAN LEGISLATION AND THE RISK OF REFOULEMENT

LAW NO. 132/2018 MOREOVER INTRODUCED THE 'SAFE COUNTRY OF ORIGIN'⁴⁴ CONCEPT,⁴⁵ IN WHICH ASYLUM SEEKERS MUST PROVE THAT A COUNTRY IS NOT DEEMED SAFE.

Law No. 132/2018 moreover introduced the 'safe country of origin' concept, in which asylum

seekers must prove that a country is not deemed safe.⁴⁶ The Decree⁴⁷ does not specify particular categories of individuals or parts of a certain country which are not considered safe.⁴⁸ Hence, the law fails to take into account any possible exclusions for being part of social, religious, or political groups. This, in turn, may intensify the risk of repatriating individuals subject to persecution, torture, and degrading treatments in their country of origin.

However, people coming from 'safe countries' may also be subjected to accelerated procedures,⁴⁹ prioritised examination,⁵⁰ and border procedures.⁵¹ Individuals from such countries risk being rejected as 'manifestly unfounded,' and there are no suspensive effects of the refusal.⁵² Without automatic suspension, the asylum seekers risk being repatriated, as an expulsion order could be granted with the appeal. Therefore, asylum seekers struggle for an effective remedy against expulsion.

WITHOUT AUTOMATIC SUSPENSION, THE ASYLUM SEEKERS RISK BEING REPATRIATED.

OTHER NEW PROVISIONS IN ITALIAN LEGISLATION WHICH INCREASE THE RISKS OF REFOULEMENT

THE 'CIRCULAR 13 JANUARY 2020'⁵³ OF THE MINISTER OF INTERIOR ALSO STATES THAT WHEN A NEGATIVE ASYLUM DECISION IS APPEALED, THERE IS NO AUTOMATIC SUSPENSION OF THE DECISION IN THE FOLLOWING CASES:

- Person detained in CPR or in one of the centres of art. 10-ter TUI
- Inadmissibility of the application pursuant to art. 29 dlgs 25/2008 (e.g. subsequent application without giving new reasons)
- Manifestly unfounded application pursuant to art. 28 ter dlgs 25/2008 (e.g. safe country of origin)
- If the application (asylum request) is made after the applicant was stopped for avoiding or trying to elude the border controls, or attempting to prevent a pushbacks/expulsion order.

SOME ASYLUM SEEKERS FACE THE SERIOUS RISK OF BEING UNABLE TO ACCESS THE ASYLUM PROCEDURE WHILE ASKING FOR A SUBSEQUENT APPLICATION.

In these cases, the request for the suspension of the decision must be asked of a judge, as it is not automatic. In the case of the Art. 35-ter dlgs 25/2008, for instance, and in the new Art. 29-bis (introduced by Law 132/2018 as "subsequent application during the execution of an expulsion order"), the proposition of the appeal or the precautionary injunction does not suspend the executive effectiveness of the refusal order. In the aforementioned 'Circular 13 January 2020', it is stated that this is an exemption of the right of asylum seekers to stay in the territory until the end of a decision regarding the appeal, and that the request is considered inadmissible⁵⁴ without prior examination of the application.⁵⁵ Due to the new law, some asylum seekers face the serious risk of being unable to access the asylum procedure while asking for a subsequent application. Thus, Tribunals have acted in different ways.⁵⁶

For instance, a woman having undergone Female Genital Mutilation/Cutting (FGM/C), who applied for asylum multiple times but never granted international protection, reported that the police

44. ASGI, AIDA Report 2019, p. 84: "According to the law, a third country can be considered a safe country of origin if, on the basis of its legal system, the application of the law within a democratic system and the general political situation, it can be shown that, generally and constantly, there are no acts of persecution as defined in the Qualification Decree, nor torture or other forms of inhuman or degrading punishment or treatment, nor danger due to indiscriminate violence in situations of internal or international armed conflict"

45. The following are identified as "safe countries" in the list adopted the 4 October 2019: Albania, Algeria, Bosnia and Herzegovina, Cape Verde, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Senegal, Serbia, Tunisia and Ukraine <https://www.gazzettaufficiale.it/eli/id/2019/10/07/19AO6239/sg>

46. The decree (October 2019) adopted following the introduction of Law 132/2018 of the safe country of origin concept failed to introduce specifications in the country list.

47. Law Decree No. 113/2018 converted into Law No. 132/2018

48. ASGI, AIDA Report, 2019, p. 85: "Indeed, information collected by the Ministry of Foreign Affairs, assisted by the CNDA COI Unit, had indicated, for many countries, categories of persons or parts of the country for which the presumption of safety cannot apply. The existence of parts of the territory or categories for which the country cannot be considered safe should have led to the non-inclusion of these countries in the list"

49. ASGI, AIDA Report, 2019, p. 70

50. ASGI, AIDA Report, 2019, p. 44

51. ASGI, AIDA Report, 2019, p. 66

52. ASGI, AIDA Report, 2019, p. 86 - 86: "On 22 January 2020, the Civil Court of Florence deemed the exclusion of the automatic suspensive effect to an appeal lodged by an asylum seeker from Senegal as illegitimate due to the applicant's belonging to a category, that of LGBTI, whose treatment in Senegal, also according to CNDA indications, should have resulted in the exclusion of Senegal from the list of safe countries or should have determined at least the provision, within the decree, of a specific exception for this social group to the rules dictated for asylum applications submitted by safe countries nationals. Consequently, according to the Court, the Territorial Commission should not have refused the asylum application as manifestly unfounded only because of the safe country of origin of the applicant"

53. <https://openmigration.org/wp-content/uploads/2020/02/circolare-mininterno-13-1-2020.pdf>

54. ASGI, AIDA Report 2019, p. 82 - <https://www.asylumineurope.org/reports/country/italy>

55. Amnesty International, "Italy: refugees and migrant's rights under attack" <https://www.amnesty.org/download/Documents/EUR3002372019ENGLISH.pdf>, p. 8 - 9: "Relevant procedures do not provide for an adequate and individualized assessment by the judicial authorities of the risks which foreign nationals would face if returned to their country of origin. Appeals against expulsion decisions do not automatically suspend the procedure, making them an ineffective remedy"

56. <https://www.openonline.it/2020/01/24/ponte-galeria-cpr-roma-dove-le-donne-vittime-di-tratta-e-violenza-rischio-rimpatrio-collettivo>

had not registered her request. Instead, they served her with an expulsion order and the decision to detain her. *The Rome Tribunal* found both the applicant's detention and the refusal to process her request as illegitimate, as it was not validated by a judge, which prohibited access to international protection.⁵⁷ Moreover, the Court underlined that the applicant needed a reasoned answer from an established authority in order to further an appeal. In this case, the asylum seeker didn't receive an answer to her asylum request, as it was classified as inadmissible.⁵⁸ Preventing access to international protection and/or an effective remedy, often leading to the expulsion of asylum seekers, risks breaching the principle of non-refoulement and the right to ask for asylum.

A WOMAN WHO WAS RECOGNISED AS A REFUGEE WAS AT RISK OF BEING REPATRIATED DUE TO THE NEW LEGISLATION.

On this issue, another story of a woman asking for asylum was brought to the repatriation centre by the police. She had been in touch with an anti-trafficking association, *Befree*, in the CPR of Ponte Galeria in Rome,⁵⁹ explaining her history of trafficking and how she was afraid to tell her story sooner. The anti-trafficking association operated to prevent the expulsion.⁶⁰ *Befree* wrote a report to various institutional bodies such as the National Guarantor for deprivation of liberty, the Guarantor for deprivation of liberty - Lazio Region, UNHCR,

and the Territorial Commission for the recognition of international protection. Thanks to this effort, this woman was able to be heard again by the TC and now holds refugee status.⁶¹ This case is emblematic: a woman who was recognised as a refugee was at risk of being repatriated due to the new legislation.⁶²

THE ENTIRE PROCEDURE OF INTERNATIONAL PROTECTION WITHIN BORDER ZONES IS CARRIED OUT IN A COMPROMISED MANNER.

The Law No. 132/2018 also introduced the Border Procedure, which can be applied at the border and transit zones. This leads to asylum claims being processed under an accelerated procedure, with high chances that people do not receive sufficient information, legal support, or a chance to be protected. In turn, this may result in the expulsion of countries deemed "not safe," therefore constituting *refoulement*. Due to this, the entire procedure of international protection within border zones is carried out in a compromised manner.⁶³ The border procedure can be applied to people coming from a 'safe country of origin' or that the application was made after avoiding (or trying to avoid) border controls.⁶⁴ Although vulnerable people are excluded from accelerated border procedure, in practice, ASGI has evidence of two single parents against whom the border procedure was applied because they were coming from a 'safe country of origin.'⁶⁵

IT WAS IMPOSSIBLE TO PROCEED WITH THE BORDER PROCEDURE FOR PEOPLE RESCUED AT THE SEA.

The border procedure was applied after 20 days of detention in Lampedusa, as well as to some Tunisian citizens rescued at sea in the beginning of October 2019. Due to Circular 18, it was impossible to proceed with the border procedure for people rescued at the sea.⁶⁶ It was soon converted into an accelerated procedure as they were coming from a safe country of origin. The Tunisian citizens were involved in the accelerated procedure, not due to a decision by the President of the TC, as prescribed by law (art. 28, 1bis Dlgs 25/2008), but after the decision of the Questura.⁶⁷

DELIVERING THE EXPULSION ORDER ALONG WITH THE TC'S ANSWER DOES NOT COMPLY WITH THE RIGHT OF THE APPLICANT TO STAY IN THE TERRITORY FOR THE ENTIRE DURATION OF THEIR RIGHT TO APPEAL.

In this example, the asylum seekers were not sufficiently informed regarding the particular procedure carried out. This raises particular concern in cases where the applicant decides the reasons in which their return to the country of origin may or may not be considered safe. They were not informed about the judicial procedure (i.e. 30 days to appeal for the accelerated procedure and 15 days for the safe country of origin), or regarding the fact that suspension is not automatic. When they received the rejection of their request for international protection, they simultaneously received expulsion decrees and a detention order in the CPR.⁶⁸ Furthermore, the 15 days to appeal had not yet expired and the people were thus detained illegitimately.⁶⁹ Delivering the expulsion order along with the TC's answer does not comply with the right of the applicant to stay in the territory for the entire duration of their right to appeal (15 days) and the right of asking for a suspension order until the decision of the Tribunal. This violates the principle of *non-refoulement* and the exposure of the applicant to the repatriation before the decision on the appeal. Thus, the Tribunal of Agrigento cancelled the expulsion orders due to the unlawful use of this procedure while pending the appeal.⁷⁰

57. The complete Judgment : https://www.meltingpot.org/IMG/pdf/tribunale_di_roma_ord_25112019.pdf

58. https://www.meltingpot.org/IMG/pdf/tribunale_di_roma_ord_25112019.pdf

59. BeFree is a cooperative working against trafficking, violence, discrimination born in 2007 (<http://www.befreecooperativa.org>)

60. <https://openmigration.org/analisi/storia-di-antihonia-detenuta-in-un-cpr-e-quasi-espulsa-in-barba-alle-regole/>

61. Befree, hearing in front of the Commission human rights in the Senate in Italy <http://www.befreecooperativa.org/2020/02/12/audizione-befree-commissione-dei-diritti-umani-preso-il-senato>

62. <http://www.befreecooperativa.org/2020/02/12/audizione-befree-commissione-dei-diritti-umani-preso-il-senato>

63. ASGI, AIDA Report 2019, p. 67- 68: "Circulars expressly excludes the application of the border procedure for attempting to avoid border controls to people rescued at sea following SAR operations and to those who spontaneously turn to the authorities to seek asylum without having been apprehended at the time of landing or immediately afterwards. They also exclude the accelerated procedure to be applied to unaccompanied minors and to vulnerable persons, referring to regulatory obligations"

64. ASGI, AIDA Report 2019, p. 68: "In this sense the provision does not comply with Article 43 the Asylum Procedures Directive, as the attempt to evade border controls is not included in the acceleration grounds laid down in Article 31(8) of the Directive which could lead to the application of a border procedure."

65. ASGI, AIDA Report 2019, p. 68

66. The border procedure can't be applied to people rescued at the sea

67. ASGI, AIDA Report 2019, p. 69

68. ASGI-project In Limine, A Buon Diritto Onlus: https://www.questionegiustizia.it/articolo/le-nuove-ipotesi-di-procedure-accelerate-e-di-frontiera_09-01-2020.php

69. Ibid

70. ASGI, In Limine <https://inlimine.asgi.it/giudice-di-pace-di-agrigento-illegittimo-il-provvedimento-di-espulsione-prima-che-sia-decorso-il-termina-previsto-per-limpugnazione-delle-pronunce-di-diniego-della-domanda-di-protezione-inte>

TREATMENT OF PERSONS SUBJECTED TO ARREST AND DETENTION

DETENTION OF ASYLUM SEEKERS AND DISPLACED INDIVIDUALS

THE ITALIAN GOVERNMENT HAS PERMITTED THE UNHCR, NGOS, MEDIA, AND PARLIAMENTARIANS TO ENTER DETENTION CENTRES.⁷¹

However, various cases of denial of access have been reported over time. One example was reported by the ASGI, whose request to enter the Hotspot of Lampedusa was formally denied.⁷² ASGI also reported various denials of access to the CPR.⁷³

The introduction of the new law No. 132/2018 (also called "Decreto Salvini") states in Art. 2 (that modify the art. 14 of the L.286/1998) that the maximum period inside the CPR is 180 days.⁷⁴ Before this change, the maximum length of detention was 90 days. The *National Guarantor for deprivation of liberty*, in its "Relation to the Parliament - 2019," explains that the new law concerns a wider possibility to detain displaced people for extended periods of time.⁷⁵ The *Guarantor* stated that the 180-day period of detention is excessive and disproportionate for identification purposes.⁷⁶

In the CPR of Rome, mobile phones were reportedly confiscated. This made it more difficult to obtain information regarding deportation,⁷⁷ and it also compromised the rights

of people detained. In the CPR, a complaints mechanism does not exist, unlike in prisons.⁷⁸ In the CPR of Potenza, the right of defence was violated, due to the defender omitting crucial communications.⁷⁹ This is an impairment of the fundamental legal safeguard, as well as a violation of the right for adequate time to prepare an appeal with legal assistance.

Law No. 132/2018 also introduced the possibility of detaining people in Hotspots for a maximum of 30 days if nationality could not be established (Art. 3, introducing the art.3-bis in the D.lgs. No.142/2015). In this case, people had to be placed in specific places for identification purposes. Displaced people could also be detained in CPR for a maximum period of 180 days if it was not possible to determine the nationality or identify the person (Law No. 132/2018,

art.3, comma1, lett.a). It has proven difficult to obtain information due to the fact that organisations that have access to the Hotspots have no ability of sharing information.⁸⁰

DETAINÉES ARE ENDURING A DE FACTO DEPRIVATION OF PERSONAL FREEDOM.

In relation to the situation at the border, the *National Guarantor for deprivation of liberty* has identified critical issues about the restriction of freedom for people detained at the airports. In the report, they underline that detainees are enduring a de facto deprivation of personal freedom, with respect to article 5 of the ECtHR and paragraphs 1 and 13 of the Italian Constitution. In the Rome and Milan airports, people have been detained up to 7-8 days.⁸¹

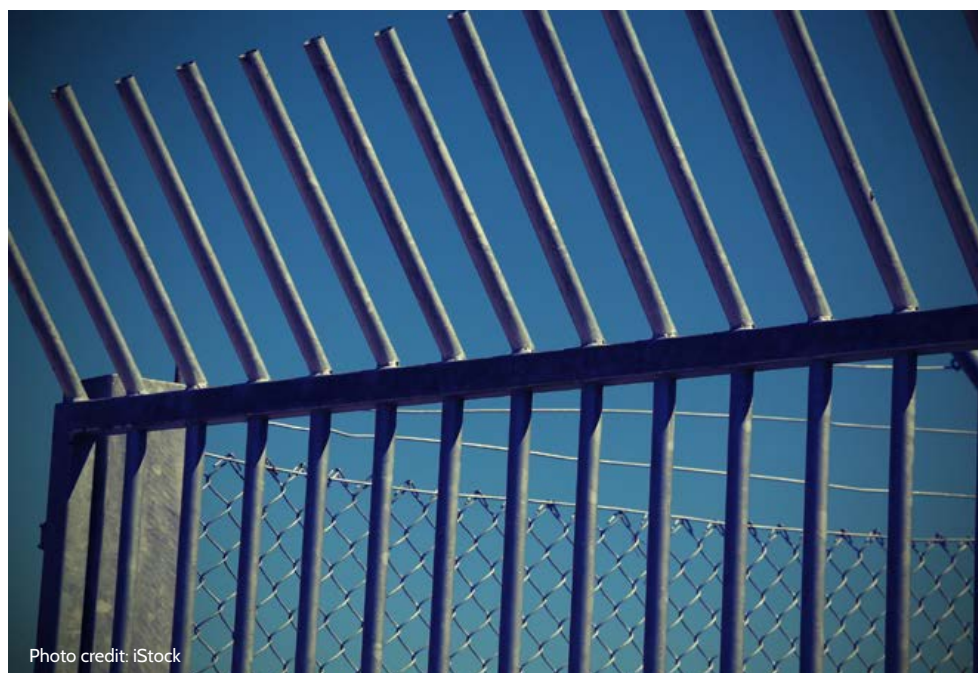


Photo credit: iStock

⁷¹ USDOS - US Department of State: Country Report on Human Rights Practices 2019 - Italy, 11 March 2020 (accessed on 15 May 2020) Section on Independent Monitoring;

⁷² ASGI: AIDA Report, 2019 - p. 90

⁷³ ASGI: AIDA Report, 2019 - p.139-140 "However, in June 2019, the parliamentarian Riccardo Magi asked to access the CPR of Trapani with a delegation from ASGI and LasciateciEntrare. Generally referring to the rules on access to CPR, the Prefect of Trapani refused the entry of the delegation. ASGI lodged an appeal before the Administrative Court of Sicily, which, on 20 September 2019, declared that the public administration has no discretion to limit the access of a Member of Parliament and those accompanying him. (...) In April and May 2019 ASGI asked access to the CPR of Caltanissetta but it was denied. In November 2019, ASGI asked access to the CPR of Turin but it was formally denied. The Prefecture of Turin, after collecting the negative opinion by the Ministry of Interior, used order and security reasons and considered ASGI not included among the subjects allowed to access CPRs according to the MOI Decree issued on 20 October 2014 (CPR regulation)";

⁷⁴ AI - Amnesty International: Human Rights in Europe - Review of 2019 - Italy [EUR 01/2098/2020], 16 April 2020 <https://www.ecoi.net/en/document/2028200.html> (accessed on 15 May 2020) And at p.74 <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/b5f75f04cf7948ef41f19d4728d230ee.pdf>

⁷⁵ <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/00059ffe970d21856c9d52871fb31fe7.pdf>, p.39

⁷⁶ <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/17ebd9f9895605d7cdd5d2db12c79aa4.pdf> and <https://www.amnesty.org/download/Documents/EUR3002372019ENGLISH.pdf> : "Italy's NPM has highlighted several concerns in relation with the new provisions: the new terms of detention, 30 days in hotspots and up to 180 days in centres for repatriation, appear excessive and disproportionate to the purpose of identification; the four types of places where people can be detained are structurally inadequate and wholly indeterminate, rendering it impossible for the NPM to pursue its mission of accessing and visiting all places of detention; there is no primary legislation regulating detention in hotspots and regional hubs; and the new law fails to list the circumstances which render detention necessary for the purpose of identification and determination of nationality, contrary to the principles of necessity and proportionality which must be upheld when the right to liberty is at stake"

⁷⁷ <https://www.open.online/2020/01/24/ponte-galeria-cpr-roma-dove-le-donne-vittime-di-tratta-e-violenza-rischio-rimpatrio-collettivo/>

⁷⁸ ASGI, AIDA Report 2019, p. 136

⁷⁹ <https://www.lasciatecientrare.it/cpr-di-palazzo-san-gervasio-la-campagna-lasciatecientrare-presenta-un-esposto-violato-il-diritto-di-difesa/>

⁸⁰ ASGI, AIDA Report 2019 - p. 32

⁸¹ <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/acd25386033036d9bc9c7f2231772399.pdf>, p.5.



Photo credit: iStock

THE GUARANTOR POINTS OUT THE NEED FOR CULTURAL MEDIATORS AT THE AIRPORT, WHO WOULD BE REQUIRED TO GIVE ACCURATE, COMPREHENSIVE INFORMATION TO THE APPLICANTS.

The *National Guarantor for deprivation of liberty* has moreover pointed out that information provided to displaced people at the border is insufficient. This lack of information relates to their legal status and ability to seek asylum.⁸² One's right to have information on the ability to seek asylum is part of the access to the international protection procedure. The Guarantor points out the need for cultural mediators at the airport, who

would be required to give accurate, comprehensive information to the applicants.⁸³

During a field visit to Milan-Malpensa Airport, the Guarantor was able to see the case of a citizen from Bangladesh. Medical checks were conducted outside the airport, which violated the provisions in Law No. 47/2017 in regards to minimum age assessment. Furthermore, there was a risk of *non-refoulement*, adoption of an immediate rejection measure, and lack of cultural mediation that could explain the situation properly to the minor.⁸⁴

There is also evidence of the deprivation of liberty up to 24 hours, lack of information, and lack of access to lawyers and parents in the airport transit zone.⁸⁵ In the *Report on visits to rooms used by police forces at some border crossings (January - February 2019)*, the *National guarantor for the rights of persons detained or deprived of personal liberty* outlined evidence from 2017-2018 showing the deprivation of liberty for people issued with a rejection order, under Art. 10 of the TUI (Consolidated Act on Immigration). These

individuals were forced to wait inside a boat and then brought back directly to their country of origin.⁸⁶

AN ONGOING PROBLEM EXISTS IN COMMUNICATION WITH DETAINEES IN THEIR NATIVE LANGUAGES.

In the context of prisons, Antigone Association also reported that detainees are not always informed in their native language, further increasing problems.⁸⁷ In 2018, data shows that less cultural mediators and translators were used in prisons.⁸⁸ The *Guarantor*, during a visit to the prisons in Calabria in 2018, pointed out the widespread lack of cultural mediation service. The staff is obliged to use other detainees to assist with translation.⁸⁹ A recruitment process was announced for linguistic and/or cultural mediators in the prison administration, but the selection tests were postponed from 2018 to September 2019.⁹⁰ Thus, an ongoing problem exists in communication with detainees in their native languages.

⁸² Report, Garante Nazionale dei diritti delle persone detenute e private della libertà personale p.10 - <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/acd25386033036d9bc9c7f2231772399.pdf>

⁸³ <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/acd25386033036d9bc9c7f2231772399.pdf>, p. 12

⁸⁴ Ibid

⁸⁵ https://www.asgi.it/wp-content/uploads/2019/05/Zona-di-transito-Malpensa_rev.pdf

⁸⁶ <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/acd25386033036d9bc9c7f2231772399.pdf>, p. 14: "La situazione di persone relegate a bordo di una nave battente bandiera italiana, all'interno di acque territoriali italiane, per un periodo prolungato di tempo in una condizione di totale assoggettamento al vettore responsabile del loro, in teoria, immediato allontanamento, appare determinare una situazione di privazione della libertà de facto di dubbia compatibilità con il portato costituzionale e convenzionale."

⁸⁷ USDOS - US Department of State: Country Report on Human Rights Practices 2019 - Italy, 11 March 2020 <https://www.ecoi.net/en/document/2027526.html> (accessed on 15 May 2020) Detained foreign nationals did not systematically receive information on their rights in a language they understood, as required by law. Associazione Antigone reported almost one-fourth of foreigners arrested in 2017 could not consult a lawyer before authorities interrogated them due to language barriers and a lack of interpreters.

⁸⁸ Antigone association - XV Report on the detention condition <http://www.antigone.it/quindicesimo-rapporto-sulle-condizioni-di-detenzione/stranieri-in-carcere/>: "In conclusione, uno sguardo va rivolto alla vita dentro le carceri e alla presenza di interpreti, traduttori e mediatori culturali. I mediatori culturali operativi nel 2018 nelle carceri italiane sono stati 165, in diminuzione rispetto ai 223 dell'anno precedente e ai 208 del 2008. Un calo, quello del 2018, segno dei tempi bui e della disattenzione generale e pubblica ai bisogni dei migranti."

⁸⁹ <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/f93df459771eed1628272230e6f3a077.pdf>, p. 7 (report published January 2020)

⁹⁰ <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/f93df459771eed1628272230e6f3a077.pdf>, p. 31

CONDITIONS IN CPR (EXPULSION CENTRES)

CONCERNING THE CPR, THERE MUST BE A SEPARATION BETWEEN ASYLUM SEEKERS AND PEOPLE COMING FROM PRISON, WHICH IS NOT ALWAYS RESPECTED.⁹¹

In 2019 and 2020, there were riots⁹² inside the repatriation centre. People detained in CPR do not have access to complaints rights, as required for people in prison.⁹³ Poor conditions were detected in 2019 in the **CPR of Torino**, resulting in people revolting and being detained.⁹⁴ In November 2019, a hunger strike occurred to protest the inhumane living conditions in the repatriation centre: cold showers, no mattresses, lack of hygiene products, and no healthcare.⁹⁵

DURING THE COVID-19 EMERGENCY, DETAINEES BEGAN A HUNGER STRIKE FOR THEIR LIVING CONDITIONS.

A further investigation⁹⁶ in the **CPR of Potenza (San Gervasio)** shows how migrants have been abused.⁹⁷ The conditions in the detention centre were extremely poor.⁹⁸ During the COVID-19 emergency, detainees began a hunger strike for their living conditions.⁹⁹ In the **CPR of Gradisca** in January 2020, a citizen from Georgia was found dead. Initially, numerous newspapers reported the news that he was beaten by police officers. Soon after, it was reported that any witnesses were



quickly repatriated.¹⁰⁰ After the autopsy, the coroner ruled out the use of violence and identified the cause of death as resulting from pulmonary edema. The prosecutor and guarantor for the detainees have asked for caution on the case and are waiting for closure on the investigation.¹⁰¹

A RIOT STARTED IN THE CPR AND PROTESTORS WERE UNABLE TO USE TOILET FACILITIES OR ACCESS FOOD, WAITING OUTSIDE IN THE COLD.

Also, in the **CPR of Trapani**,¹⁰² poor living conditions have been reported. In January 2019, *Lasciate*

Cientrare published the case of an unaccompanied minor from Tunisia being detained in the CPR,¹⁰³ failing to comply with the provisions which stipulate the incompatibility of detention in the CPR for underage individuals. In the **CPR of Caltanissetta**, a citizen from Tunisia was found dead. The coroner declared that he died at 34 years of age, due to natural causes. However, substandard living conditions were reported inside the CPR.¹⁰⁴ After his death, a riot started in CPR and protestors were unable to use toilet facilities or have access to food, thus waiting outside in the cold.¹⁰⁵

⁹¹ ASGI, AIDA Report 2019, p. 135

⁹² https://torino.repubblica.it/cronaca/2020/01/07/news/riolta_nel_cpr_di_torino_sei_arresti_si_sospetta_una_regia_comune-245183503

⁹³ ASGI, AIDA Report 2019, p. 136

⁹⁴ <https://video.corriere.it/torino/torino-migranti-riolta-cpr-urlo-liberta-video-esclusivo/ed00f2cc-aa49-11e9-a88c-fdelfa123548>

⁹⁵ <https://www.lastampa.it/torino/2019/11/25/news/riolta-al-centro-di-permanenza-e-nimpatio-un-incendio-dimezza-la-capacita-di-accoglienza-137993884>

⁹⁶ <https://www.ilmattinodifoggia.it/news/basilicata-free/46746/maltrattamenti-nel-cpr-di-palazzo-san-gervasio-la-scoperta-del-giornalista-investigativo-amendolara-su-panorama-sedavano-gli-immigrati.html>

⁹⁷ <https://www.panorama.it/violenze-al-centro-accoglienza-potenza-video>

⁹⁸ <https://www.meltingpot.org/L-Orore-della-Guantanamo-Italiana-Il-CPR-di-Palazzo-San.html#Xtuu8KUza00>

⁹⁹ ASGI, AIDA Report 2019, p. 136

¹⁰⁰ <https://www.meltingpot.org/CPR-Palazzo-San-Gervasio-PZ-l-reclusi-in-sciopero-della.html#XtuvBkUza00>

¹⁰¹ https://www.repubblica.it/cronaca/2020/01/22/news/migrante-picchiato_nel_cpr_di_gradisca_nuovo_caso_cucchi_-246431601/ and <https://www.ilmattinodifoggia.it/2020/01/22/migrante-morto-a-gorizia-magi-europa-come-cucchi-hanno-espulso-dei-testimoni-procuratore-prima-li-abbiamo-interrogati/5682220>

¹⁰² <https://www.ilmattinodifoggia.it/2020/01/27/migrante-morto-nel-cpr-a-gradisca-lautopsia-deceduto-per-edema-polmonare-il-prm-non-escludiamo-cause-di-tipo-violento/5687029/>

¹⁰³ ASGI, AIDA Report 2019, p. 136

¹⁰⁴ <https://www.lasciateciembre.it/lasciateciembre-un-msna-trattenuto-al-cpr-di-trapani/> and <https://www.meltingpot.org/Un-minore-trattenuto-al-CPR-di-Trapani.html#Xt3pOEuza00>

¹⁰⁵ <https://www.lasciateciembre.it/aymen-morto-di-cpr-a-caltanissetta/#:~:text=Il%20freddo%2C%20le%20stanze%20senza,richiesta%20di%20assistenza%20senza%20risposte.&text=In%20questo%20>

¹⁰⁶ <https://www.ilmattinodifoggia.it/2020/01/27/migrante-morto-nel-cpr-a-gradisca-lautopsia-deceduto-per-edema-polmonare-il-prm-non-escludiamo-cause-di-tipo-violento/5687029/>

¹⁰⁷ <https://www.tpi.it/cronaca/muore-ragazzo-cpr-caltanissetta-20200113528487>

ACTS OF CRUEL, INHUMAN, OR DEGRADING TREATMENT, OR PUNISHMENT

SEARCH AND RESCUE POLICY LEADING TO INHUMAN AND DEGRADING TREATMENT OF DISPLACED PEOPLE INTERCEPTED AT SEA

THE ITALIAN AUTHORITIES HAVE DELAYED THE DISEMBARKATION OF DISPLACED PEOPLE IN DISTRESS, WITHOUT OPENING THE PORT.¹⁰⁶

In 2018, different ships were blocked before reaching the port in Italy.¹⁰⁷ One of them, the Italian coastguard ship *Diciotti*, was not allowed to disembark its passengers rescued by an order of the Ministry of the Interior,¹⁰⁸ which was later accused as a crime.¹⁰⁹ The Prosecutor of Agrigento opened a file on that matter and registered the (now former) Minister of Interior in the register of suspects. The request for the authorisation to proceed against the Minister of the Interior was formulated by the Court of Ministers of Catania¹¹⁰ (for reasons of competence), but rejected by the Senate.¹¹¹ Without the authorisation of the Senate, it was not possible to judge the former Minister of Interior Salvini in this case. The Minister of Interior was accused of aggravated kidnapping with abuse of powers, for the precise will to determine the deprivation of personal freedom of 177 displaced people, blocked in the boat *Diciotti* after being

rescued. The Court of Catania underlined that this behaviour violated international regulation and national implementation standards regarding rescue operations as SAR Convention, Resolution MSC167-78 and Directive SOP009/15 for not allowing, without justified reason, a place of safety (POS) upon request by MRCC.¹¹²

Legal proceedings are pending after Italy's senate formally authorised a criminal case against Matteo Salvini in February 2020. In 2019, while serving as Interior Minister, Salvini was accused of kidnapping the ship, thus preventing 131 migrants from disembarking from the *Gregoretti*.¹¹³

RESCUED INDIVIDUALS REPORTED TORTURE AND INHUMAN TREATMENT ACROSS THEIR MIGRATION PATHS.

Throughout 2019, different ships were blocked before reaching the port: *Sea Watch*, *Ocean Viking*,¹¹⁴ *Gregoretti*,¹¹⁵ and *Mare Jonio*.¹¹⁶ In all these cases, rescued individuals reported torture and inhuman treatment across their migration paths, particularly in Libya. Prolonged deprivation of liberty inside a boat has been proven to severely compromise one's health and psychological condition. Moreover, the deprivation of liberty must be authorised by a judge (violation of art. 13 of the Italian Constitution and 5 ECtHR).

DISPLACED PEOPLE WERE SLEEPING ON THE DECK, WITH ONE BATHROOM FOR 116 PEOPLE AND EXTREMELY TIGHT QUARTERS.

With regard to the situation of displaced people on the *Ocean Viking*, a rescuer of the SOS Méditerranée explains that the ship was not appropriate to host people for several days. People slept on the ground in crowded conditions, and there was limited access to showers and water.¹¹⁷ The rescuer underlines that these people spent months in Libya under severe conditions and that they subsequently needed and deserved a safe place for their physical and mental health.¹¹⁸ Moreover, the situation in the *Gregoretti* was critical, as the ship was not equipped to host people.¹¹⁹ The displaced people were sleeping on the deck, with one bathroom for 116 people and extremely tight quarters.¹²⁰ Those on the *SeaWatch* were reported as dehydrated. Women and children slept in one room, while the men slept on the bridge; some even had serious burns due to the travel.¹²¹

Moreover, displaced people on the *SeaWatch3* were reportedly detained irregularly before and after 11 days in the Hotspots. Enforced by Law No. 132/2018, it was possible to detain people for the purpose of identification without any authorisation.¹²² In regards to one's deprivation of liberty, in Art. 13 of the Italian Constitution, it states that personal freedom cannot be infringed upon and any restrictions must be authorised by the judicial authority. Additionally, Art. 5 of the ECtHR established that the deprivation of liberty shall be brought in front of a judge and the person shall be entitled to a trial. Thus, *the National Guarantor for the rights of people detained or in deprivation of liberty* asked for information regarding the case of 177 displaced people in *Diciotti* off the Italian Guardian Coast, who were rescued and waiting for a port.¹²³ In fact, the mandate of the Guarantor also controls the detention *de facto*¹²⁴ that can violate people's rights.

¹⁰⁶ ASGI, AIDA Report 2019, p. 25

¹⁰⁷ Aquarius <https://www.ilpost.it/2018/06/11/aquarius-migranti-sbarco/>; <https://www.avvenire.it/attualita/pagine/migranti-sarost5>; Diciotti <https://www.internazionale.it/bloc-notes/annalisa-camilli/2018/08/24/diciotti-guardia-costiera-migranti> and <https://www.ilpost.it/2019/02/01/salvini-accuse-diciotti>; Alexander Maersk <http://www.rainews.it/dl/rainews/articoli/In-attesa-di-autorizzazione-al-largo-di-Pozzallo-la-nave-danese-Alexander-Maersk-con-110-migranti-80ec3a3a-adc5-4556-a0fc-ec83cfbdc108.html>

¹⁰⁸ https://www.repubblica.it/politica/2019/03/20/news/salvini_voto_diciotti_senato-222049852

¹⁰⁹ <https://www.internazionale.it/bloc-notes/annalisa-camilli/2019/02/18/diciotti-matteo-salvini>

¹¹⁰ For the complete decision – Court of Catania, Ministerial offenses section, 7 December 2018: https://www.asgi.it/wp-content/uploads/2019/01/trib_catania_decreto_salvini.pdf

¹¹¹ The authorization to proceed against the Minister of Interior wasn't allow: <https://www.rainews.it/dl/rainews/articoli/Caso-Diciotti-il-Senato-nega-autorizzazione-a-procedere-per-Salvini-ed7056ec-1f1d-47d1-a0e9-366860296683.html> An overview on the Case Diciotti: <https://www.internazionale.it/bloc-notes/annalisa-camilli/2019/02/18/diciotti-matteo-salvini>

¹¹² https://www.asgi.it/wp-content/uploads/2019/01/trib_catania_decreto_salvini.pdf

¹¹³ Article by the Guardian

¹¹⁴ https://www.repubblica.it/cronaca/2019/08/22/news/ocean_viking_noi_bloccati_con_356_a_a_bordo_da_13_giorni_e_altri_continuano_a_morire_-234092505/; <https://www.ilpost.it/2019/10/28/ocean-viking-104-migranti>

¹¹⁵ <https://www.avvenire.it/attualita/pagine/motovedetta-gregoretti-migranti>

¹¹⁶ https://www.ansa.it/sito/notizie/topnews/2019/08/31/mare-jonio-bloccati-situazione-grave_ecf941d7-64bc-48fb-afe5-1b03324df3c3.html

¹¹⁷ https://www.repubblica.it/cronaca/2019/08/21/news/ocean_viking_bloccata_tra_malta_e_lampedusa_con_356_migranti_la_francia_pronti_ad_accoglierne_40_-234022015/

¹¹⁸ Ibid

¹¹⁹ <https://www.ilpost.it/2019/07/31/gregoretti-salvini-sbarco>

¹²⁰ Ibid

¹²¹ <https://www.ilpost.it/2019/05/16/sea-watch-migranti-situazione/>

¹²² ASGI, project In Limine (July 2019): <https://inlimine.asgi.it/da-un-confinamento-allaltro-il-trattenimento-illegittimo-nellhotspot-di-messina-dei-migranti-sbarcati-dalla-sea-watch/>

¹²³ The National Guarantor for the rights of people detained or deprivation of liberty http://www.garantenazionaleprivatiliberta.it/gnpl/it/dettaglio_contenuto.page?contentId=CNG356O&modelId=10021

¹²⁴ Ibid

SUBSTANDARD LIVING CONDITIONS

THE LAW NO. 132/2018, ART. 12, HAS CHANGED THE RECEPTION CONDITIONS IN ITALY.

In fact, the second-line reception centre (SPRAR – for asylum seekers and refugees) has changed to a reception centre for international protection holders or unaccompanied minors, SIPROIMI. Asylum seekers are hosted in the first reception system CARA or CAS,¹²⁵ and they cannot access the second-line centres without recognizing international protection.¹²⁶ The new CAS no longer provides economic, social integration, and psychological support services, but are now merely providing food and accommodation.¹²⁷

In this way, the Italian government prefers a reception system in large structures rather than the diffused reception in apartments.¹²⁸ Concerning the reception centres, families are often divided: the woman and children in a facility, and the man in another place. There are no standard mechanisms regarding gender-based violence in the reception centre.¹²⁹ Furthermore, the new law risks increasing the deterioration of reception conditions for women.¹³⁰ In fact, vulnerable people such as pregnant women, survivors of trafficking and gender-based violence, only have access (until a formal recognition as international protection holder)

to the CAS where services are limited.¹³¹ Vulnerable individuals are not provided with the adequate, fundamental support they need.

THE HOTSPOTS ARE OFTEN OVERCROWDED AND CHARACTERISED BY POOR HYGIENE STANDARDS, ULTIMATELY IN A DE FACTO DETENTION CONDITION.

In relation to the situation in the Hotspots,¹³² these have become places where displaced people stay longer than expected. The Hotspots are often overcrowded and characterised by poor hygiene standards, ultimately in a de facto detention condition.¹³³ For instance, displaced people disembarked from the Seawatch3 were in a de facto detention condition in the hotspot of Messina and were unable to communicate outside or with

a lawyer.¹³⁴ In the Hotspots in Lampedusa, people were not allowed to go in or out of the centre.¹³⁵ The Lampedusa Hotspots hosted between 260-300 people in September 2019,¹³⁶ despite the maximum capacity of 96.¹³⁷ ASGI wrote to the ECtHR to underline the critical situation in the hotspots of Lampedusa.¹³⁸ The Court asked for information from the Italian Government in relation to this.¹³⁹ A video¹⁴⁰ from the Hotspots shows the deteriorated structures and their overcrowded nature.

Regarding the situation in the **Red Cross Camp of Ventimiglia** (Campo Roja), at the time of writing (June 2020), it hosts nearly 100 people (almost 250 during the emergency period related to COVID-19). There is a separation between male female and adults, families, and unaccompanied children. The latter are hosted in different containers, but this separation is not effective due to the fact that there is no real separation inside the camp. This is a reason



¹²⁵ Asylum seekers can stay in a CAS just in case there is not availability in the CARA.

¹²⁶ <https://www.amnesty.org/download/Documents/EUR3002372019ENGLISH.pdf> p. 8: "the new measures exclude asylum-seekers from the local authorities' network of reception facilities, making their integration harder to achieve."

¹²⁷ ASGI, AIDA Report 2019, p.107 and https://www.actionaid.it/app/uploads/2020/05/CentridItalia_2019.pdf

¹²⁸ On the condition in the reception center, p.104-108: ASGI, AIDA Report 2019 - <https://www.asylumineurope.org/reports/country/italy>

¹²⁹ ASGI, AIDA Report 2019, p. 116

¹³⁰ Human Rights Watch, "Italy: Revoke Abusive Anti-Asylum Decrees" (January 2020) <https://www.hrw.org/news/2020/01/31/italy-revoke-abusive-anti-asylum-decrees>.

¹³¹ GREVIO, Baseline evaluation Report Italy (published January 2020), p. 88: <https://rm.coe.int/grevio-report-italy-first-baseline-evaluation/168099724e>

¹³² For a general overview of the reception condition in Hotspots see: ASGI, AIDA Report 2019: p. 134 - 135

¹³³ ASGI, AIDA Report 2019, p. 134

¹³⁴ Ammirati, A., Gennari, L. and Massimi, A. (2020). Forced Mobility and the Hotspot Approach: The Case of the Informal Disembarkation Agreements. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2020/02/forced-mobility>

¹³⁵ ASGI <https://www.asylumineurope.org/reports/country/italy/detention-asylum-seekers/legal-framework-detention/duration-detention>

¹³⁶ Melting pot <https://www.meltingpot.org/il-confinare-Lampedusa-Prassi-illegittima-indifferenza-e.html#nb2>

¹³⁷ https://palermo.repubblica.it/cronaca/2019/08/22/foto/lampedusa_l_hotspot_e_sovraffollato_i_migranti_di_open_arms_8_in_una_stanza-234093874/1/#1

¹³⁸ ASGI, December 2019: https://www.asgi.it/asilo-e-protezione-internazionale/lampedusa-migranti-cedu/#_ftn1

¹³⁹ Ibid

¹⁴⁰ RAI news <https://www.rainews.it/tgr/sicilia/video/2019/12/sic-Lampedusa-migranti-video-ba909fc1-998b-41f9-af3e-b66d688afa4b.html>

for concern for associations working in the camp, which led to the launch of a project related to trafficking in human beings (THB): "HTH Liguria: Hope this helps, the Liguria system against trafficking and child exploitation."¹⁴¹ Indeed, displaced people stay in adjacent containers and the camp is open without separate fixed structures.¹⁴² Families and children have a personal bathroom, but unaccompanied minors should use the same bathroom as an adult. In the camp, they have seven modules used as a bathroom and one real bathroom specific for families.¹⁴³ Public order within the camp is not always respected, with a high risk of traffickers and problems between ethnic groups. Warm water is also not always available.¹⁴⁴

MANY DISPLACED PEOPLE LIVE AND WORK IN THE COUNTRYSIDE, OFTEN VICTIMS OF LABOUR EXPLOITATION.

Concerning the situation in **informal settlements**, the *National Guarantor for deprivation of liberty* visited the informal settlement in San Ferdinando, Calabria in 2018,¹⁴⁵ where many displaced people live and work in the countryside, often victims of labour exploitation. The Guarantor defined the situation in the informal camp as unacceptable in terms of

protecting fundamental human rights.¹⁴⁶ Moreover, Law No. 132/2018 erased the permit to stay for humanitarian reasons, meaning that many displaced people lost their residence permit and have become irregular in the country. Furthermore, they will be forced into informal settlements where living conditions are precarious.¹⁴⁷ On 9th July 2020, the Constitutional Court in Italy declared a norm of the Law 132/2018 regarding the impossibility for asylum seekers to proceed to the "iscrizione anagrafica" (to receive residency in the country): this is in violation of art. 3 regarding unequal treatment. The disposition is an obstacle to the access of services in Italy.¹⁴⁸

Regarding the identification of vulnerability, different guidelines¹⁴⁹ have been published.¹⁵⁰ EASO has operated in Italy since 2013, in which training activity was conducted throughout.¹⁵¹ During a hearing in front of the Italian Parliament in February 2020, the Cooperative Befree pointed out how the Italian system lacks in identifying people who experienced trafficking.¹⁵² From March 2019 to May 2020, Befree met 81 women in the CPR, 21 of whom were survivors of trafficking or SGBV and Befree took charge of them.¹⁵³ Other women have trafficking indicators, but were not able to take charge of them. All these women spent a long time in Italy before receiving proper identification.

Regarding the **identification of vulnerability**, a number of women were interviewed in the Red Cross Camp in Ventimiglia from December 2019 to March 2020, and only two of these women, before entering the Camp, had been recognised as victims of **trafficking** and held a permit to stay for this reason. One of them had previously filed a complaint against her exploiters, but was still waiting for the TC and had never entered the anti-trafficking program. One woman talked recently with anti-trafficking units in Milan, but had decided not to enter the program for survivors of THB. Five of these women, with strong indicators of exploitation, have never been involved in programs related to THB, and are now waiting to audition in the TC. One woman who was hearing from the TC twice, now waiting for

the other TC, talked about the anti-trafficking of Genoa.¹⁵⁴ The TC has the duty to collect information regarding indicators of THB.¹⁵⁵ One woman was awaiting the Commission, but no current or past exploitation indicator was deemed to exist.¹⁵⁶

PEOPLE WITH PSYCHIATRIC PROBLEMS ARE OFTEN OBLIGED TO SLEEP ON THE STREET, BECAUSE THEY OFTEN HAVE CRIMINAL RECORDS AND ARE NOT ALLOWED TO GO INTO THE RED CROSS CAMP.

Many sources report difficulties in identifying vulnerable underage and/or trafficking survivors in the asylum procedure.¹⁵⁷ In Ventimiglia, there are many cases of **psychiatric people** inside the camp with lack of proper attention and care. In the camp, they have telephone access to a mental health department, but this is not a real follow-up to a suitable structure. People with psychiatric problems are often obliged to sleep on the street, because they often have criminal records and are not allowed to go into the Red Cross Camp. From July to December 2019, *Diaconia Valdese* was in contact with ten individuals with mental health problems.¹⁵⁸ The Cooperative Befree referred that two Nigerian women with psychiatric problems were detained in the CPR, and soon after, expelled in February 2020. One of these women was a trafficking survivor, and for that reason, was recognised in Italy with a permit to stay. When Befree encountered her, it was not possible to speak with her due to her psychological situation. Therefore, it is important to underline that the conditions of detention must be compatible with one's health condition¹⁵⁹ and that refugee status can be granted to people with psychiatric problems.¹⁶⁰ Psychological support in CPR is not always provided, thus proving that the detention centres for identification purposes are inadequate to support and identify vulnerable people.¹⁶¹

¹⁴¹ The information collected in this paragraph was obtained with the collaboration of Jacopo Colomba, project manager WeWorld Onlus - project "Ventimiglia: migrants in transit". The project on THB is "HTH Liguria: Hope this helps, il sistema Liguria contro la tratta e lo sfruttamento minorile" financed by the Liguria Region, the partners are ODV Caritas, Intemelio, Coop. Soc. Jobel, Healthcare Districts N.1, 2, 3 and the Municipality of Ventimiglia.

¹⁴² The information collected in this paragraph was obtained with the collaboration of Jacopo Colomba, project manager WeWorld Onlus - project "Ventimiglia: migrants in transit"

¹⁴³ Ibid

¹⁴⁴ Ibid

¹⁴⁵ The report has been published in January 2020

¹⁴⁶ <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/crms/documents/f93df459771eed1628272230e6f3a077.pdf>, p.59

¹⁴⁷ INTERSOS, "Campaigns of hate". A report on the condition of informal settlement in Apulia <https://www.intersos.org/en/campaigns-of-hate-year-of-project-capitanata/>

¹⁴⁸ https://www.cortecostituzionale.it/documenti/comunicatistampa/CC_CS_20200709165957.pdf and <https://www.internazionale.it/notizie/annalisa-camilli/2020/07/10/corte-costituzionale-decreti-sicurezza-modifiche>

¹⁴⁹ <http://www.pariopportunita.gov.it/contrasto-della-tratta-di-esseri-umani/> ; <http://www.pariopportunita.gov.it/wp-content/uploads/2017/12/Piano-nazionale-di-azione-contro-la-tratta-e-il-grave-sfruttamento-2016-2018.pdf> ; http://www.salute.gov.it/imgs/C_17_pubblicazioni_2624_allegato.pdf ; <https://www.unhcr.it/wp-content/uploads/2017/09/Vittime-di-tratta-Linee-guida-compresso.pdf> ; <https://www.siproimi.it/wp-content/uploads/2018/03/Dossier-TUTELA-DELLA-SALUTE-2018.pdf> ;

¹⁵⁰ ASGI, AIDA Report 2019, p. 73 - 74

¹⁵¹ EASO https://www.easo.europa.eu/sites/default/files/OP-Italy-2019_O.pdf ; <https://www.easo.europa.eu/sites/default/files/operating-plan-italy-2020.pdf> ; <https://www.easo.europa.eu/training-easo-interim-caseworkers-it> ; <https://www.easo.europa.eu/training-advanced-inclusion-thb>

¹⁵² Befree <http://www.befreecooperativa.org/2020/02/12/audizione-befree-commissione-dei-diritti-umani-preso-il-senato/>

¹⁵³ The information collected in this paragraph was obtained with the collaboration of Francesca De Masi, Befree

¹⁵⁴ The information collected in this paragraph was obtained with the collaboration of Jacopo Colomba, Caritas Intemelio Odv

¹⁵⁵ UNHCR <https://www.unhcr.it/wp-content/uploads/2018/02/Linee-Guida-identificazione-vittime-di-tratta.pdf> and <http://www.pariopportunita.gov.it/wp-content/uploads/2017/12/allegato-2-linee-guida-rapida-identificazione.pdf>

¹⁵⁶ The information collected in this paragraph was obtained with the collaboration of Jacopo Colomba, Caritas Intemelio Odv

¹⁵⁷ USDOS - US Department of State: Country Report on Human Rights Practices 2019 - Italy, 11 March 2020

<https://www.ecoi.net/en/document/2027526.html> (accessed on 9 June 2020)

¹⁵⁸ The information collected in this paragraph was obtained with the collaboration of Simone Alterisio, Diaconia Valdese

¹⁵⁹ Regulation issued by the Ministry of the Interior on 2.10.2014 prot. n. 12700 regarding CPR - http://www.prefettura.it/FILES/AllegatiPag/1199/Regolamento_Unico_dei_CIE_-ora_C.P.R.-pdf

¹⁶⁰ <https://www.meltingpot.org/Status-di-rifugiato-ad-un-giovane-cittadino-gambiano.html#XuCbeUuza00>

¹⁶¹ ASGI, AIDA Repor 2019, p. 127-128

CONCLUDING REMARKS

AT A CRITICAL TIME IN EUROPE'S RESPONSE TO MIGRATION AND ASYLUM WITH THE EUROPEAN UNION'S NEW PACT ON MIGRATION IN THE PIPELINE, THIS REPORT HAS PRESENTED SEVERAL CONCERNS RELATING TO ITALY'S APPROACH TO ASYLUM AND MIGRATION.

In particular, the report has outlined specific concerns relating to Italy's failure to uphold the principle of *non-refoulement* by engaging in summary pushbacks, as well as implementing bilateral readmission agreements without sufficient guarantees as stipulated in international human rights and refugee law. Moreover, the report highlighted evidence of insufficient safeguards in the asylum procedures, as well as the use of excessive force and other degrading treatment against

asylum seekers and displaced individuals by law enforcement officials. Prolonged, arbitrary detention with a lack of procedural and legal safeguards, along with insufficient external access to and monitoring of detention sites and reception facilities, are of further concern. The report also raised concerns regarding the substandard living conditions for asylum seekers and displaced individuals in reception facilities and camps.

EU AND ITALIAN STAKEHOLDERS ARE FACED WITH A UNIQUE OPPORTUNITY TO RECTIFY SOME OF THE MOST CRITICAL SHORTCOMINGS IN THE EUROPEAN RESPONSE TO ASYLUM AND MIGRATION.

Within the context of the finalisation and implementation of the New Pact on Migration, EU and Italian stakeholders are faced with a unique opportunity to rectify some of the most critical shortcomings in the European response to asylum and migration via the Central Mediterranean route to Europe via Italy. Only time will tell which direction these actors will take, and the outcomes of such decisions will translate into lived realities of displaced people desperately seeking safety in Europe.



Photo credit: Jeremy Cothren

CARA (CENTRI DI ACCOGLIENZA PER RICHIEDENTI ASILO)

First line reception center

CAS (CENTRI DI ACCOGLIENZA STRAORDINARIA)

Emergency first line reception center

CPR (CENTRO RIMPATRIO PERMANENTE)

Formerly CIE, center for expulsion

GARANTE NAZIONALE DEI DIRITTI DELLE PERSONE DETENUTE O PRIVATE DELLA LIBERTÀ PERSONALE

The National Guarantor for the rights of people detained or deprivation of liberty (also "Garante nazionale privati libertà", National Guarantor for deprivation of liberty). Also *The Guarantor*

LAW DECREE NO. 113/2018

Later converted into Law No. 132/2018 also called "Decreto Salvini" or "Decreto Sicurezza"

MRCC

Maritime Rescue Coordination Centre

NAC (COMMISSIONE NAZIONALE ASILO)

National Asylum Commission

QUESTURA

Police Headquarters

SIPROIMI (FORMER SPRAR)

Reception centre for holders of international protection and unaccompanied minors

TC (COMMISSIONE TERRITORIALE PER IL RICONOSCIMENTO DELLA PROTEZIONE INTERNAZIONALE)

Territorial Commission for the recognition of the international protection



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