

**ITALY 2020**

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ANNUAL REPORT

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The authorities took decisions which increased the risk of COVID-19 infection for older people in care homes leading to preventable deaths. Refugees' and migrants' access to Italian territory was limited and their rights were restricted during lockdown. Co-operation with Libyan authorities on migration continued. The criminalization of rescue NGOs persisted. There were numerous deaths in custody and reports of torture. Poor and homeless people endured lockdown with inadequate housing. Domestic violence cases rose during lockdown.

Background

COVID-19 cases started early in the year, with the north of the country worst hit. By the end of March, the health and burial systems of the Lombardy region were overwhelmed. Unprecedented measures were put in place to isolate some towns and later all northern regions, before lockdown measures were extended to the rest of the country on 9 March. Emergency measures by decree were adopted from February, restricting movement and limiting gatherings. The government started lifting national lockdown restrictions on 3 May, but further national and regional restrictions were imposed towards the end of the year.

Right to health

By the end of the year, over 74,159 people had died with COVID-19. Older people accounted for 85.7% of the total.

The impact of COVID-19 varied significantly among different parts of the country, with older people in care homes in the north being particularly affected. Decisions at the national and local level, along with the failure to implement adequate protection mechanisms, increased residents' risk of exposure to the virus. Some regional government and health authorities allowed the discharge of infected or potentially infected patients from hospitals into care homes without ensuring adequate mechanisms were in place to care for them. The national, regional and local health authorities failed to make public crucial data and information related to the impact of COVID-19 in care homes.

Care home workers lacked personal protective equipment and testing, putting them at heightened risk of COVID-19 infection.

Refugees, asylum-seekers and migrants

By the end of the year, 34,154 people – including 4,631 unaccompanied minors – had arrived irregularly by sea.

On 7 April, Italy closed its ports to disembarkations and declared that due to the pandemic the country was not a place of safety for rescues carried out by foreign-flagged ships outside its search and rescue (SAR) region. The measure appeared to target NGO ships which were often left at sea for days without instructions after rescues. When transfer to Italy was authorized, rescued people were placed in quarantine generally for two weeks on large ships before being transferred ashore. Hundreds of refugees and migrants arrived autonomously, mostly at the island of Lampedusa, leading to severe overcrowding of the local reception centre. Refugees and migrants there faced difficulties adhering to physical distancing; their quarantine time was reset at each new arrival.

A 15-year-old unaccompanied boy from Côte d'Ivoire died in a hospital in Palermo, Sicily, in October, after serving quarantine on a ship where doctors had requested an earlier disembarkation due to his deteriorating health. He had reportedly showed signs of torture suffered in Libya.

In December, Parliament reformed the two security laws, known as “security decrees”, passed in 2018 and 2019. The new Law 173/2020 reintroduced humanitarian protection, which had been abolished in 2018 and had deprived some 37,000 people of a regular status. It also reduced the maximum length of stay in detention centres for repatriation, from 180 to 90 days. Improved assistance and reception for asylum-seekers were also reintroduced in smaller structures, facilitating integration.

Criminalization of solidarity

The authorities continued to penalize NGOs for their rescue activities at sea. Ships were inspected and seized and fines repeatedly issued.¹

There were some positive developments for rescue NGOs. In February, the Court of Cassation in the capital, Rome, ruled that the arrest of the *Sea Watch 3* captain, Carola Rackete, in June 2019 had been unlawful. She had entered territorial waters despite the authorities' prohibition. The Court noted that she was fulfilling her duty to rescue people at sea, and that a rescue operation ends with disembarkation in a place of safety. In November, the Tribunal of Ragusa, Sicily, dismissed smuggling charges against two crew members of the NGO Proactiva Open Arms in relation to a rescue in 2018, recognizing that they acted in a "state of necessity".

The 10 crew members of the *Iuventa* rescue ship were still awaiting the closure of an investigation for facilitating irregular entry, initiated in 2017 by prosecutors in Trapani, Sicily.

Law 173/2020, passed in December, abolished the prohibition on entering territorial waters for rescue ships and the associated heavy administrative fines, provided rescues were conducted according to international law, co-ordinated by the competent maritime authorities, and the flag state of the rescue ship was informed. However, violations remained punishable with criminal fines of up to €50,000 and imprisonment of up to two years. The Minister of Interior could still prohibit entry into territorial waters for public order and security reasons and in cases of human trafficking.

Co-operation with Libya

Co-operation with Libya on border control continued, leading to over 11,265 people being intercepted by Libyan authorities and disembarked in Libya, where refugees and migrants continued to face torture and other systematic abuse (see Libya entry).

In January, the Council of Europe Commissioner for Human Rights called on Italy to suspend co-operation activities which result – directly or indirectly – in the return to Libya of people intercepted at sea. However, the 2017 Memorandum of Understanding with Libya, underpinning the collaboration between the two countries on border control, was automatically extended for a further three years. In February, the Italian government proposed some light amendments, emphasizing the need to improve human rights guarantees for refugees and migrants, but these were not accepted by the Libyan Government of National Accord. Italy nonetheless continued to support Libyan maritime authorities, including by extending the deployment of Italian military personnel in Libya.

In May, the Tribunal of Messina, Sicily, condemned at first instance three foreign nationals to 20 years' imprisonment for torture of refugees and migrants in a detention centre in Zawiya, Libya.

In August, five Eritrean asylum-seekers landed in Rome, carrying visas granted by the Italian authorities to enable them to seek asylum in Italy. The issuance of visas had been ordered by an Italian court in 2019, ruling that the group had been unlawfully pushed back to Libya 10 years earlier.

The trial of the former Minister of Interior for the unlawful deprivation of liberty of over 100 rescued people on the Italian coastguard ship *Gregoretti* in July 2019, started in October before the Tribunal of Catania, Sicily.

Right to life

Numerous deaths in custody in prisons and repatriation centres were recorded, against the background of increased isolation of detainees from society and a reduction of services, including of mental health care provision, due to the COVID-19 pandemic. In March, there were 13 deaths in prisons following unrest in some establishments. Several deaths were due to overdose when detainees gained access to the infirmaries' medical supplies.

Two men, Georgian and Albanian nationals, died in January and July respectively in the repatriation centre of Gradisca d'Isonzo, Friuli-Venezia Giulia. Investigations were ongoing at the end of the year.

Torture and other ill-treatment

There were numerous reports of torture and other cruel, inhuman or degrading treatment by prison staff and police officers.

Investigations were ongoing into reports that prison officers beat detainees, leaving several gravely injured, at the Santa Maria Capua Vetere prison, near Naples, on 6 April, when some 300 prison officers were brought in for an inspection.

In July, prosecutors in Turin, Piedmont, accused 25 people, including the prison director and many officers, of committing or facilitating torture and other ill-treatment against detainees between March 2017 and September 2019.

The trial of five prison officers and a doctor charged with torture in relation to a 2018 case in the prison of San Gimignano, Siena, was ongoing at the end of the year. A further 15 prison officers remained under investigation.

Right to housing and forced evictions

In March, the government suspended evictions and subsequently extended the measure until the end of the year. Despite this, in August local authorities forcibly evicted the Roma settlement of Foro Italico in Rome. Most of the residents had abandoned their homes in the days preceding. Many families were left homeless.

Local authorities failed to ensure that migrant workers employed to pick fruit – often in exploitative conditions – in the Piana di Gioia Tauro, Calabria, had access to adequate protection against COVID-19, including adequate housing. Hundreds of migrants endured the pandemic in informal settlements without electricity and sanitation, and with inadequate access to drinking water and food.

Many homeless people across the country could not access safe accommodation during the lockdown and struggled to find food and assistance due to the closure of public kitchens and dormitories where COVID-19 cases had been recorded.

Women's rights

Women's rights NGOs reported an increase in domestic violence during lockdown. Official data recorded over 23,000 calls to a national help line which in 2019 received approximately 13,400.

In October, the Council of Europe Committee of Ministers (the Committee), supervising the implementation of the ruling by the European Court of Human Rights in *Talpis v. Italy*, expressed concern at the high rate at which proceedings for domestic violence were discontinued at pre-trial stage. The Committee requested that by 31 March 2021, the authorities provide information and data about protection orders and risk assessments for victims.

The prevalence of gynaecologists who objected to abortion for reasons of conscience remained a significant obstacle to access the right to abortion. In August, the Ministry of Health approved new guidance to extend access to medical abortion.

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1. [Europe: Punishing compassion: Solidarity on trial in fortress Europe \(EUR 01/1828/2020\)](#)

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