

## **International Rescue Committee Italy (IRC)**

# **Submission to the Universal Periodic Review of Italy 4th cycle, 48th session, January 2025**

The International Rescue Committee (IRC) responds to the world's worst humanitarian crises and helps people to survive and rebuild their lives. Founded in 1933, the IRC offers lifesaving care and life-changing assistance to refugees forced to flee from war or disaster. At work today in over 50 countries, the IRC aims to restore safety, dignity and hope to millions who are uprooted and struggling to endure.

Following an assessment conducted in January 2017 in Italy and another in July 2017, critical protection gaps were identified within the assistance provided to refugees and migrants: mental health and psychosocial support (MHPSS), assistance to unaccompanied children, information provision and legal support.

To respond to the identified gaps, IRC established a presence in Italy in 2017. Programs in Italy include Refugee.Info, a web-based information platform, child protection programming targeting unaccompanied children and victims of trafficking, mentoring programs for the socio-economic inclusion of refugee youth, Women Protection and Empowerment, and education (social-emotional learning and healing classrooms).

IRC Italy works to enhance its protection monitoring activities, aiming to systematically and regularly monitor the situation of people met and supported. [Protection monitoring reports](#) produced by IRC Italy capture the profiles, vulnerabilities, protection risks, and needs of IRC clients across Italy, together with significant migration-related context updates covering the whole country.

Since June 2022, IRC Italy has been strengthening its advocacy efforts to ensure that migrants and refugees' rights are respected and upheld. Thanks to monitoring systems put in place in coordination with local actors, IRC has been able to monitor the obstacles that individuals seeking asylum face in formalizing their application and accessing the reception system in Italy.

### **Follow-up to the previous review**

During the third Universal Periodic Review of Italy in 2019, Italy received 306 recommendations, of which it supported 292. This submission highlights a number of key areas of concern regarding Italy's compliance with its international human rights obligations, focusing on the pledges that Italy has yet to fulfil with respect to the rights of migrants, asylum seekers and refugees.

## Migrants, asylum seekers and refugees

### 1. Legal framework

1.1 Italy continues policies that lead to violations of the human rights of migrants, asylum seekers and refugees, and has not implemented key prior recommendations.<sup>i</sup> Italy has not adopted a long-term approach on migration, implementing instead short-term measures that do not guarantee consistent, adequate and dignified standards.

1.2 In January 2023, Italy adopted decree-law no. 1/2023,<sup>ii</sup> which regulates the activities of NGO-run migrant rescue ships in the Mediterranean. The decree increases requirements on vessels carrying out rescue missions to enter or transit through Italian territory, which could hamper NGO search and rescue operations. This decree, paired with Italy's practice of assigning distant ports to disembark people rescued at sea, risks depriving people in distress of life-saving assistance from NGOs on the deadliest migration route in the Mediterranean.<sup>iii</sup>

1.3 In March 2023, Italy adopted the so-called "Cutro decree" ([decree-law no. 20/2023](#)<sup>iv</sup>), named after a shipwreck in which more than 90 people died on 26 February 2023 in Cutro, Calabria.<sup>v</sup> The most relevant measures included in the decree foresee a tightening of special protection, harsher penalties for boat drivers transporting migrants, and additional grounds for and facilities to detain migrants.<sup>vi</sup> "Special protection" is a form of national protection initially introduced by decree-law no. 113/2018<sup>vii</sup>, and then amended by decree-law no. 130/2020,<sup>viii</sup> to allow third country nationals with relevant family or social ties in Italy to access a residence permit. The amendments on special protection introduced by decree-law no. 20/2023, which repeal the more favorable provisions introduced in 2020, are concerning, as these changes will likely lead thousands of people to remain or become undocumented. In 2022, special protection was granted to 10,865 individuals,<sup>ix</sup> 19% of the 58,478 asylum applications processed during that year.<sup>x</sup> Far from offering a rational, humane response to the rise in people crossing the Mediterranean to reach Europe, the new legislation doubles down on the government's focus on deterrence and criminalization.

1.4 In October 2023, Italy passed [decree-law no. 133/2023](#).<sup>xi</sup> With respect to unaccompanied children, the decree provides that relevant authorities may derogate from the ordinary age assessment procedure in the case of "large, multiple and close arrivals" and that children older than 16 may be hosted in reception centers for adults for up to 5 months. Finally, the decree introduces the possibility for fast-track asylum procedures to be [extended to children](#) and other vulnerable groups.

### 2. Asylum

2.1 Italy has been a major entry point for people seeking safety in Europe. Since 2015, the country's response has left tens of thousands of asylum seekers in dire situations, whilst also adding to social pressures and political tensions.

2.2 Thousands of people seeking protection in Italy are stuck in an asylum vacuum, without documentation, work or reception, caught in a state of limbo that can last for months.<sup>xii</sup> This puts people in a vulnerable and uncertain position, highlighting the pressing need for more efficient and compassionate procedures to ensure timely registration and support. Barriers to access asylum are not isolated cases, as they occur across Italy, including major cities such as Trieste, Milan, Turin, Imperia, Bologna, Florence, Rome, and Naples.

2.3 In April 2023, the Immigration Office of the Milan Police Headquarters adopted a new online registration system for accessing the asylum procedure, which in theory could have helped to alleviate the delays, precarious conditions, and violence facing people trying to start the asylum process there. However, the experiment to digitalize the procedure has resulted in the delegation of duties assigned under law to public authorities instead to civil society and does not appear to better safeguard the right to seek asylum.<sup>xiii</sup>

2.4 In Trieste, where IRC Italy and Diaconia Valdese supported a total of 16,052 people who arrived from the Balkan route in 2023,<sup>xiv</sup> people consistently reported challenges applying for asylum. In numerous attempts to access the local Immigration Office, individuals wishing to apply for asylum reported instances where police officers tried to redirect them to apply elsewhere or inexplicably pushed them away.<sup>xv</sup> People also reported instances where cultural mediators at the entrance of the Immigration Office asked them multiple questions before letting them in, conducting informal checks of documents and other data on personal phones.<sup>xvi</sup>

2.5 In other cities, the lack of standardized procedures and the arbitrary nature of officials' practices make access to seek asylum effectively random, if not, in some cases, impossible. These include limited appointment slots and months-long delays, undisclosed, discretionary practices in selecting applicants for appointments, and requests for documentation not legally required. Encouragingly, dialogue between civil society and institutions has created opportunities to address some of these issues, but more engagement is needed.<sup>xvii</sup>

2.6 Agreements on migration control with third countries have and will most likely continue to hinder access to asylum.

2.7 In November 2023, Italy [announced that an agreement had been reached](#) between the Italian Prime Minister and her Albanian counterpart,<sup>xviii</sup> and subsequently ratified by the Italian Parliament in February 2024.<sup>xix</sup> Under the deal, Italy is building reception and detention centers in Albania to process asylum applications of people rescued at sea. Reportedly, the centers would host people from safe countries of origin intercepted by the Italian Navy or by the Italian Coastguard in international waters, with the exception of unaccompanied children, pregnant women and other vulnerable individuals. It is unclear where the identification procedures will be carried out among those rescued, nor by whom or under what rules. However, an analysis of the documents supporting the call for tenders issued by the Rome Prefecture found that the company managing the centers will be in charge of the "concrete implementation projects for the management of *children's leisure time*" as well as for "the organization of services aimed at support measures towards *vulnerable situations* and the rehabilitation of *victims of torture* or

situations of severe violence”.<sup>xx</sup>

2.8 The Italian government's plan to build centers for asylum seekers in Albania is a testament to its disproportionate focus on preventing people from arriving in the EU, rather than creating safe and legal avenues for those seeking refuge. It is yet another attempt to deter people from seeking asylum in Italy, rather than pursuing a humane, sustainable and efficient approach to asylum and migration.<sup>xxi</sup> Big questions loom over provisions foreseeing the automatic use of detention, lack of safeguards for children and vulnerable people, and the application of Italian jurisdiction in Albania, as it remains unclear how people on the move could access asylum and exercise their basic rights in non-EU territory and access legal advice when lawyers are not just outside the facility, but in another country altogether.<sup>xxii</sup>

2.9 While access to asylum is hindered, people hoping to reach Italy keep losing their lives at sea. In less than two years, more than 100 people died or went missing at sea while trying to reach Italy. In addition to the February 2023 Calabria shipwreck, that cost more than 90 people - including children and women - their lives,<sup>xxiii</sup> 64 people were missing in the Mediterranean Sea and several rescued after their ship wrecked off Italy's Southern coast in June 2024,<sup>xxiv</sup> and in a separate shipwreck, rescue workers found 10 bodies trapped below the deck of a wooden boat off Lampedusa. These tragic events testify to Italy's failing approach to migration and asylum, which prioritizes walls and deterrence over a humane welcome.

## **Recommendations**

- Resource Immigration Offices sufficiently to attend promptly to asylum applications within the timeframes required under Italian law and to avoid situations of days- or months-long queues resulting in denials of protection from deportation and of access to the supports of the reception system.
- Resolve obstacles to the submission of asylum applications, including in digitalized procedures, to ensure that all applicants can register their intent to seek asylum regardless of nationality, language spoken, socioeconomic situation, level of digital literacy, or other circumstances.
- Set, at the national level, certain minimum standards for registration procedures and eliminate the imposition of unnecessary documentation requirements by some Immigration Offices that compound delays and results in asylum seekers being shuffled from one region to another in search of protection.
- Provide accessible and up-to-date information to asylum seekers, in the languages that they speak, to ensure fair access to the procedure and avoid the potential for misinformation and exploitation.
- Uphold the legal right to asylum and scale up safe routes, in line with recommendations 148.275 (Indonesia) and 148.282 (Lebanon).
- Guarantee that any migration partnerships with non-EU countries are conditional on upholding fundamental rights, in line with recommendations 148.280 (Peru) and 148.298 (Argentina).

## **3. Reception**

3.1 Reception of asylum seekers and refugees is occurring in a political, social and media climate that has further worsened compared to 2019, continuing to rely on an emergency

approach.<sup>xxv</sup> Reception during the first stages of the asylum application process is one of the most delicate moments for individuals seeking asylum, and it mainly takes place in extraordinary reception facilities fulfilling primary needs only.

3.2 Access to reception is particularly concerning for people arriving to Trieste, a major entry point for those traversing the Balkan route to Italy. IRC Italy data collected in Trieste show that the humanitarian situation of hundreds of people on the move remains severe due to the shortage of official reception facilities in the city.<sup>xxvi</sup>

3.3 In 2022, more than 13,000 people arrived in Trieste - almost double the number in 2021. However, such an increase in the number of people arriving was not matched by an adequate response from institutions, as people were left to their own resources and the efforts of a local solidarity network that meets the essential needs of recently arrived people, trying to make up for the lack of public services and facilities.<sup>xxvii</sup>

3.4 In 2023, 16,052 people arrived in Trieste, but many of those who sought asylum were abandoned in the streets, while transfers of asylum seekers from the city to other Italian regions were stuck. [Data collected by IRC Italy and other civil society organizations](#) show that 7,890 people arrived during the first seven months of 2023, with a peak of 2,277 people arriving in July.<sup>xxviii</sup> This created a bottleneck in Trieste, with [more than 400 people who should have been in reception facilities living on the streets or in abandoned silos](#).<sup>xxix</sup> In December 2023, people who had applied for asylum were struggling to find a safe and warm place to stay as the cold season advanced.<sup>xxx</sup> Every night, a distressing number of people, including unaccompanied children, families and single women, were forced to sleep outdoors, exposed to cold temperatures and unsanitary conditions.<sup>xxxi</sup> Obstacles in accessing the reception system persisted through the year, with an average wait of 70 days before asylum seekers could access reception facilities and exercise their rights.<sup>xxxii</sup>

3.5 Compared to 2022, when the majority of people supported were adult single men (82% of cases), 2023 saw a sharp increase in vulnerable persons, consisting mainly of unaccompanied children, single women, and family households, who accounted for 31% of people encountered by IRC and its partners.<sup>xxxiii</sup> In 2023, nearly one in three people encountered belonged to a vulnerable group, requiring specialized attention and tailored services. Unaccompanied children (UAC) represented nearly 20% of the newly arrived people encountered in Trieste in 2023,<sup>xxxiv</sup> for a total of 2,975 UAC met and supported - a sharp increase from the previous year's 11%. Starting from their country of origin and throughout their treacherous journeys, children on the move face numerous threats and constant risk of violence. The lack of access to emergency temporary accommodation remained the most critical issue. On average, 8 unaccompanied children every day in 2023 were at risk of sleeping rough or in abandoned buildings in the area near the Trieste central station. This is caused by the lack of dedicated child-friendly spaces, where children can feel protected, and access tailored legal, mental health and first aid support.<sup>xxxv</sup>

## Recommendations

- Invest in dignified reception systems to meet the immediate needs of arriving refugees with adequate services and promote additional community-led solutions to boost the capacity of our societies to offer refuge to more people in need, in line with

recommendation 148.265 (Switzerland).

- Set up dedicated child-friendly spaces for reception of unaccompanied children, where they can feel protected and access tailored legal, mental health and first aid support, in line with recommendations 148.252 (Republic of Moldova) and 148.299 (Nigeria).

#### 4. Immigration detention

4.1 Since 2019, Italy has hardened and extended immigration detention in an effort to deter migrants, ignoring recommendations.<sup>xxxvi</sup>

4.2 In September 2023, the Italian Ministry of the Interior issued a [decree](#)<sup>xxxvii</sup> establishing that asylum seekers involved in fast-track asylum procedures [would have to pay 4,938 euros](#) to avoid detention while their application for international protection is processed.<sup>xxxviii</sup> While some Italian courts have found this measure to be in breach of EU law and lacking proportionality, the decree has not been repealed.<sup>xxxix</sup>

4.3 In the same month,<sup>xl</sup> Italy extended to 18 months the time limit for pre-removal immigration detention, which was previously set at 90 days, with a possible 45-day extension. The time limit has been modified through multiple legislative interventions. However, these repeated changes have not had any concrete impact on the effectiveness of immigration detention. In fact, analysis of repatriation rates shows that the average number of repatriations carried out compared to the number of persons detained has always been around 50%, regardless of the terms of detention in force<sup>xli</sup>. Immigration detention therefore punishes individuals by depriving them of their liberty, imposing a public sanction that appears intended to deter other people from seeking protection in Italy.

4.4 The Italian government's trend towards expanding immigration detention was reaffirmed in April 2024, when Italy's Interior Minister [stated](#) that the government was devoting special efforts to render repatriation procedures more effective and to increase the number of pre-removal immigration detention centers,<sup>xlii</sup> with a view to set up one center per region.<sup>xliii</sup>

4.5 In April 2024, IRC Italy and other civil society organizations participated in a visit to the Milan immigration detention center, as part of a national mobilization of civil society aimed at visiting all 8 immigration detention centers operating at the time across Italy. The findings of the visits confirmed the concerning conditions that people have to endure in these centers, ranging from lack of legal support, to appalling hygienic conditions, and scarcity of basic services.<sup>xliv</sup>

#### Recommendations

- Refrain from expanding the immigration detention system and work towards its progressive dismantlement.
- Enhance and expand the use of alternatives to detention for migrants subject to detention, with a particular focus on developing non-custodial, community-based alternatives.<sup>xlv</sup>

<sup>i</sup> A/HRC/43/4, para. II, recommendations 148.263 (Bolivarian Republic of Venezuela), 148.266 (Timor-Leste), 148.269 (Pakistan), 148.286 (Republic of Korea), 148.293 (Madagascar), 148.295 (Morocco), 148.300 (Philippines).

<sup>ii</sup> [Decree-law no. 1/2023](#), Urgent provisions for the management of migration flows, 2 January 2023.



- iii Commissioner for Human Rights, [The Italian government should consider withdrawing Decree Law which could hamper NGO search and rescue operations at sea](#), 2 February 2023.
- iv [Decree-law no. 20/2023](#), Urgent provisions on legal entry flows of foreign workers and on preventing and combating irregular migration, 10 March 2023.
- v ANSA English, [94th Cutro shipwreck victim found](#), 15 April 2023.
- vi InfoMigrants, [Italian Senate approves Cutro decree, squeeze on special permits](#), 24 April 2023.
- vii European Commission, [Controversial decree in Italy to abolish humanitarian protection, make naturalised citizens less equal](#), 24 September 2018.
- viii European Commission, [Italy: A new system of reception and integration](#), 25 January 2021.
- ix Commissione Nazionale per il diritto di asilo, [Dati asilo, Anno 2022](#).
- x *Ibid.*
- xi [Decree-law no. 133/2023](#), Urgent provisions on immigration and international protection, as well as security policy support and the functionality of the Ministry of the Interior, 5 October 2023.
- xii ASGI, International Rescue Committee Italy, INTERSOS, Le Carbet, Mutuo Soccorso Milano, NAGA, [Please, wait: barriers to access the procedure for international protection in Italy](#), 4 April 2024.
- xiii ASGI, International Rescue Committee Italy, INTERSOS, Le Carbet, Mutuo Soccorso Milano, NAGA, [Please, wait: barriers to access the procedure for international protection in Italy](#), p. 37, 4 April 2024.
- xiv International Rescue Committee Italy, [Arrivals from the Balkan Route to Trieste](#), 15 May 2024.
- xv International Rescue Committee Italy, [Protection Monitoring Report October-December 2023](#), p. 7, 29 January 2024.
- xvi International Rescue Committee Italy, [Protection Monitoring Report January-March 2024](#), p. 7, 10 May 2024.
- xvii ASGI, International Rescue Committee Italy, INTERSOS, Le Carbet, Mutuo Soccorso Milano, p. 5, 4 April 2024. [Please, wait: barriers to access the procedure for international protection in Italy](#), p. 5, 4 April 2024.
- xviii Euronews, [Albania to host migrants arriving to Italy pending processing of asylum applications](#), 7 November 2023.
- xix [Law no. 14/2024](#), Ratification and execution of the Protocol between the Government of the Republic of Italy and the Council of Ministers of the Republic of Albania for the Strengthening of Cooperation in Migration Matters, signed in Rome on November 6, 2023, as well as rules for coordination with the national legal framework, 21 February 2024.
- xx Altreconomia, [Anche minori e migranti "vulnerabili" in Albania: gli atti che smentiscono il governo](#), 21 May 2024.
- xxi International Rescue Committee Italy, [Proposed Italy-Albania migration deal is "costly, cruel and counterproductive"](#), 26 January 2024.
- xxii International Rescue Committee Italy, [IRC raises concerns over new Italy-Albania migration deal](#), 7 November 2023.
- xxiii ANSA English, [Cutro shipwreck death toll rises to 90](#), 25 March 2023.
- xxiv The Associated Press, [64 people missing and many rescued from 2 shipwrecks off Italy. At least 11 have died](#), 18 June 2024.
- xxv A/HRC/43/4, para. II, recommendations 148.265 (Switzerland), 148.304 (Iraq).
- xxvi International Rescue Committee Italy, [Overcrowded Shelters, Poor Reception Conditions: Refugees on Balkan Route Face another Crisis this Winter](#), 20 December 2023.
- xxvii Comunità di San Martino al Campo, Consorzio Italiano di Solidarietà (ICS), Diaconia Valdese, DONK, International Rescue Committee Italy, Linea d'Ombra, [Abandoned Lives - Report on the situation and needs of migrants arriving from the Balkan Route to Trieste - Year 2022](#), 22 August 2023.
- xxviii Comunità di San Martino al Campo, Consorzio Italiano di Solidarietà (ICS), Diaconia Valdese, DONK, International Rescue Committee Italy, Linea d'Ombra, [Aggiornamento sulla situazione dei migranti in arrivo dalla rotta balcanica – gennaio/luglio 2023](#), 24 August 2023.
- xxix The abandoned space known as the silos, adjacent to the Central Station in Trieste, has been home to up to more than 200 people living in inhumane and degrading conditions, lacking water and electricity. The silos was eventually cleared on 21 June 2024.

xxx International Rescue Committee Italy, [Overcrowded Shelters, Poor Reception Conditions: Refugees on](#)

[Balkan Route Face another Crisis this Winter](#), 20 December 2023.

xxxi *Ibid.*

xxxii International Rescue Committee Italy, [Protection Monitoring Report October-December 2023](#), 29 January 2024.

xxxiii International Rescue Committee Italy, [Arrivals from the Balkan Route to Trieste](#), p. 5, 15 May 2024.

xxxiv International Rescue Committee Italy, [IRC in Trieste: Number of Unaccompanied Children on the Move Has Doubled](#), 16 May 2024.

xxxv International Rescue Committee Italy, [Arrivals from the Balkan Route to Trieste](#), p. 6, 15 May 2024.

xxxvi A/HRC/43/4, para. II, recommendations 148.302 (South Africa), 148.134 (Paraguay), 148.139 (Togo).

xxxvii [Decree 14 September 2023](#), Indication of the amount and manner of provision of the financial guarantee to be borne by third country nationals during the course of the procedure for determining the right to enter the territory of the State, 14 September 2023.

xxxviii Reuters, [Asylum seekers in Italy told to pay to avoid detention](#), 22 September 2023.

xxxix Il Fatto Quotidiano, ["Il decreto migranti del governo è illegittimo": il tribunale di Catania libera 4 ospiti di Pozzallo. Fdi: "Decisione ideologica". Il Viminale fa ricorso](#), 30 September 2023.

xl [Decree-law no. 124/2023](#), Urgent provisions on cohesion policies, for the revitalization of the economy in the southern areas of the country, as well as on immigration, 19 September 2023.

xli Garante Nazionale dei diritti delle persone private della libertà personale, [Relazione al Parlamento 2023](#), p. 194.

xlii InfoMigrants, [Italian interior minister vows to increase number of repatriation centers](#), 16 April 2024.

xliii Fanpage, [Piantedosi annuncia nuovi Cpr: dove verranno realizzati e quando](#), 17 June 2024.

xliv Casa dei Diritti Sociali OdV, [Il Tavolo Asilo Immigrazione e rappresentanti politici visitano gli 8 CPR attivi in Italia](#), 18 April 2024.

xlv Cfr. International Detention Coalition, [Using Alternatives to Detention \(ATD\) as a Systems Change Strategy](#), 2022.