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Annual Report 2019 - Italy [EUR 01/2098/2020]

The government continued to pursue an anti-immigration agenda through laws and policies aimed at restricting access to rights and preventing people rescued at sea from disembarking in Italy. There were numerous attempts at obstructing and criminalizing non-governmental organizations (NGOs) that rescued people at sea. Co-operation with the Libyan authorities to contain refugees and migrants in Libya also continued despite persisting grave human rights violations there. Thousands of Roma continued to live in segregated camps in sub-standard housing conditions and exposed to forced evictions.

Background

In August, Deputy Prime Minister and Minister of the Interior Matteo Salvini put forward a motion of no confidence in the Prime Minister, Giuseppe Conte, resulting in the fall of the coalition government after little more than a year. In September, Giuseppe Conte was reappointed as Prime Minister, this time to lead a centre-left coalition government. The second Conte government put forward a new programme which was expected to adopt less populist and anti-immigrant policies and rhetoric than the first.

Refugees and asylum-seekers

The first Conte government's anti-immigrant policies and rhetoric continued to affect the enjoyment of rights by refugees, asylum-seekers and migrants in the country and at its borders.

Just over a year after Law Decree 113/2018 abolished humanitarian protection status, an estimated 24,000 people were deprived of a legal status, curtailing their access to health care, housing, social services, education and work and leaving them vulnerable to exploitation and abuse. Further effects of the new provisions included: the deterioration of integration opportunities for asylum-seekers, who were excluded from the local authorities' network of reception facilities, and prolonged detention in repatriation centres in gravely sub-standard conditions and with limited opportunities to communicate with lawyers and family members.^[i]

In February, the Committee on the Rights of the Child expressed concern about the protection afforded to refugee and migrant children and, in April, the Committee on Enforced Disappearances highlighted concerns about conditions in migrant detention centres.

The “closed ports” policy

Italy continued to pursue a “closed ports” policy aimed at preventing people rescued at sea from disembarking in the country. Between March and April, the Minister of the Interior issued four directives targeting rescue NGOs. The directives instruct maritime border control authorities to prevent entry into Italian waters and disembarkation in Italy of vessels carrying rescued people deemed to constitute a potential threat to public order and security.

In May, in a joint letter about the directives, six UN special procedures expressed grave concern stating that they constituted a politically motivated criminalization of civil society, contributed to xenophobic sentiments and potentially discouraged rescue at sea. They urged Italy not to adopt legislation enshrining the "closed ports" policy. Government and parliament proceeded regardless, and Law Decree 53/2019 was issued in June and transposed into Law 77/2019 in August. Under the law, a breach of an entry ban carries penalties ranging from €150,000 to €1 million for the shipmaster and ship owner and the confiscation and impounding of the vessel.

Throughout the year, rescue NGOs were left stranded at sea for protracted periods of time, subjecting rescued people on board to unnecessary suffering before they were allowed to disembark in Italy. In several cases the vessels were impounded either as part of criminal investigations or purportedly for compliance reasons. In June, the captain of the *Sea Watch 3* was arrested after she decided to disregard the entry ban and lead her ship into the port of Lampedusa. In July, the judge leading the preliminary investigation released her stating she acted in a state of necessity and to abide by her obligations under international law. The *Sea Watch 3* had been refused the right to disembark for over two weeks after rescuing more than 50 people.

Following the change of government in September, Italy joined efforts by a group of European countries to agree on a "predictable" disembarkation mechanism to avoid leaving rescue vessels stranded at sea with rescued people on board. The mechanism had not been agreed yet by the end of the year, however from September onwards disembarkation crises were resolved more rapidly and relocation offers from other European countries increased.

In March, the Senate voted against lifting the then Minister of the Interior's parliamentary immunity, blocking criminal proceedings against him for kidnapping in relation to the delayed disembarkation of an Italian coastguard ship, the *Diciotti*, in August 2018. A similar investigation was opened against the same former Minister in July for the delayed disembarkation of the *Gregoretti*, another coastguard ship.

Co-operation with Libya to control migration

The number of irregular crossings continued the downward trend started in August 2017, mostly due to co-operation with Libya to deter departures. By the end of the year, 11,471 people had reached Italy irregularly by sea. An estimated 744 people were believed to have died or were missing at sea on the central Mediterranean route. It is estimated that 9,225 people were intercepted at sea by the Libyan authorities and returned to Libya, where most were arbitrarily detained in inhumane conditions.

Despite the intensifying conflict and systemic abuses against refugees and migrants in Libya, the Italian authorities continued to support the Libyan maritime authorities, including by reportedly donating 10 new speedboats in November, and by training Libyan crews. Italy also kept assisting the Libyan authorities with the coordination of interceptions at sea, including through the continued stationing of an Italian Navy vessel in Tripoli.

In March, EU governments agreed to downscale the joint naval operation "Sophia", under Italy's command, withdrawing ships from the central Mediterranean and only continuing the mission with air surveillance, instrumental in informing the Libyan authorities of the position of refugee and migrant boats.

In September, evidence emerged that a Libyan Coast Guard official, also an alleged smuggler, had travelled to Italy in May 2017 as a member of an official Libyan delegation to discuss migration-related matters.

In November, the Italy-Libya Memorandum of Understanding setting the terms of the two countries' co-operation on migration was automatically extended for a further three years from February 2020. Following pressure from parliamentarians regarding its human rights consequences, the Italian government committed to amend the agreement but had not done so by the end of the year.

Co-operation with Libya was the focus of several judicial developments during the year, both for and against the government. While one first-instance court in Lazio ruled that the use of aid funds by Italy to provide speedboats to Libya had not breached Italian administrative law, a separate court in Rome ruled that 14 Eritrean asylum-seekers, who had been unlawfully pushed back to Libya by the Italian Navy in 2009, had a right to reparation and access to Italy to apply for asylum.

Two complaints regarding co-operation with Libya were also lodged at the international level.

In June, the European Court of Human Rights opened the case of *S.S. and others v. Italy*, brought by survivors of an interception carried out by the Libyan Coast Guard in 2017; they argued that Italy's co-operation with Libya was instrumental to the interception and breached Italy's human rights obligations.

In December, a 20-year old man from South Sudan filed a complaint against Italy to the UN Human Rights Committee. He was part of a group of 93 people who had been rescued at sea in 2018 by the merchant vessel *Nivin* only to be disembarked in Libya and exposed to abuse there. The complaint challenges the lawfulness of the Italian authorities' practice of transferring the co-ordination of rescue operations to the Libyan authorities.

Right to housing and forced evictions

The authorities continued to violate Roma's right to adequate housing in multiple ways. Thousands of Roma continued to live in segregated camps, in most cases in sub-standard accommodation. Access to social housing for Roma remained disproportionately low.

In May, a community of about 450 people, including around 150 children, pregnant women and older people were left homeless after being forcibly evicted by the authorities from their settlement in the municipality of Giugliano in Campania, near Naples. They were not offered any alternative housing or emergency accommodation plan.

In July, the European Committee of Social Rights, in declaring admissible a complaint by Amnesty International against Italy for violations of the right of Roma to adequate housing, also requested that Italy adopt immediate measures to eliminate the risk of serious and irreparable harm to people after an eviction. [ii]

Torture and other ill-treatment

Allegations of ill-treatment in detention continued.

In September, 15 prison officers were investigated for multiple crimes, including aggravated torture, for assaulting a detainee in the prison of San Gimignano, Siena, in 2018. Four of the officers were barred from work by the investigating judge. A week after the news of the investigation was reported, the then Minister of the Interior visited the prison and expressed seemingly unconditional support for the accused, undermining attempts by the judiciary and the prisons administration to ensure accountability for grave violations of human rights. The investigation was ongoing at the end of the year.

Deaths in custody

After 10 years of judicial battles, in November, two police officers were found guilty of involuntary manslaughter for the death in custody of Stefano Cucchi in 2009. They were sentenced to 12 years' imprisonment for the beating which eventually led to his death as a result of the injuries sustained. A third officer was acquitted of manslaughter and he and a fourth officer were sentenced to prison terms for making false statements.

Arms trade

In July, following civil society campaigning to expose violations of human rights in the Yemen conflict, the Italian government stopped sales and transfers of aerial bombs and missiles to Saudi Arabia and the United Arab Emirates.

[i] Italy: refugees and migrants' rights under attack: Amnesty International submission for the UN Universal Periodic Review, 34th session of the UPR Working Group, November 2019 (EUR 30/0237/2019) (<https://www.amnesty.org/en/documents/eur30/0237/2019/en/n/>)

[ii] Italy: Council of Europe Committee takes important steps to protect Roma from forced evictions (<https://www.amnesty.org/en/latest/news/2019/07/italy-council-of-europe-committee-takes-important-steps-to-protect-roma-from-forced-evictions/>), (News story, 5 July)

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583F (Fax) +43 1 589 00 589info@ecoi.net

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