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Amnesty International Report 2017/18 - The State of the World's Human Rights - Italy

Italy co-operated with the Libyan authorities and non-state actors to restrict irregular migration through the central Mediterranean. This resulted in refugees and migrants being disembarked and trapped in Libya, where they faced human rights violations and abuse. Roma continued to be forcibly evicted and segregated in camps with sub-standard living conditions. The European Commission failed to take decisive action against Italy for discrimination against Roma in access to adequate housing. Legislation criminalizing torture was introduced; however, the new law did not meet all the requirements of the Convention against Torture.

Refugees' and migrants' rights

Over 2,800 refugees and migrants were estimated to have died at sea while attempting to reach Italy from Libya on unseaworthy and overcrowded vessels. The numbers were down from more than 4,500 deaths registered in 2016. Over 119,000 people survived the crossing and reached Italy, compared to 181,000 arrivals in 2016.

In May, the Italian magazine *L'Espresso* published new information regarding the 11 October 2013 shipwreck in the Maltese search and rescue region of the central Mediterranean. Over 260 people died, mostly Syrian refugees, among them about 60 children. According to recorded phone conversations obtained by the magazine, in the period preceding the capsizing of the refugees' boat, Italian navy and coastguard officials were reluctant to deploy the Italian warship *Libra* which was the closest to the boat in distress, despite repeated requests by Maltese authorities to do so. In November, a judge of the Rome tribunal ordered that charges be brought against two high-ranking officials of the Italian navy and coastguard respectively and that further investigations be carried out into the conduct of the *Libra's* captain. The charges against four other navy and coastguard officials were dismissed. The trial was pending at the end of the year.

The government continued to fail to adopt the decrees required to abolish the crime of “illegal entry and stay”, despite being instructed to do so by parliament in April 2014.

Co-operation with Libya to control migration

In February, to reduce arrivals, Italy signed a Memorandum of Understanding with Libya, committing to provide support to Libyan authorities responsible for official immigration detention centres. Torture and other ill-treatment remained widespread in these centres. Italy continued to implement measures to increase the Libyan coastguard's capacity to intercept refugees and migrants and take them back to Libya. This was done amidst growing evidence of the Libyan coastguard's violent and reckless conduct during interceptions of boats and of its involvement in human rights violations. In May, Italy provided the Libyan coastguard with four patrolling speedboats. Italy also continued to train Libyan coastguard and navy officials as part of the EU Naval Force Mediterranean (EUNAVFOR Med) operation. In July, following a request from the Libyan government, Italy deployed a naval mission to Libyan territorial waters to combat irregular migration and the smuggling of refugees and migrants.

In November, a Libyan coastguard vessel interfered in an ongoing rescue operation in international waters. Several people drowned. The Libyan coastguard's vessel – one of those donated by Italy – was recorded on video departing at high speed, ignoring people in the water, and with a man still holding on to ropes the Libyan officials had thrown off the vessel.

Between August and December, Italy's co-operation with Libyan authorities was criticized by various UN experts and bodies, including the UN High Commissioner for Human Rights as well as the Council of Europe's Commissioner for Human Rights. The Committee against Torture expressed concern over the lack of assurances that co-operation with the Libyan coastguard or other Libyan security actors would be reviewed in light of human rights violations.

NGOs' search and rescue operations

Many of those who reached Italy by sea – over 45,400 – were rescued by NGOs. In July, Italy, with support from the EU, imposed a code of conduct on NGOs operating at sea, limiting their capacity to rescue people and disembark them in Italy. During the year, rescue NGOs were targeted by some officials, claiming that they encouraged departures from Libya. Criminal investigations were opened and were ongoing at the end of the year against some NGOs for abetting irregular migration.

Asylum procedures

By the end of the year, nearly 130,000 people sought asylum in Italy, a 6% increase over the nearly 122,000 in 2016. Throughout the year, over 40% of applicants received some form of protection in the first instance.

In April, legislation was introduced to speed up asylum procedures and counter irregular migration, including by reducing procedural safeguards in appeals against rejected asylum applications. The new law failed to adequately clarify the nature and function of the hotspots set up by the EU and the government following agreements in 2015. Hotspots are facilities set up for the initial reception, identification and

registration of asylum-seekers and migrants coming to the EU by sea. In its May report, the National Mechanism for the Prevention of Torture highlighted the continued lack of a legal basis and applicable norms regulating the detention of people in hotspots.

Also in May, the UN Human Rights Committee criticized the prolonged detention of refugees and migrants at hotspots. It also criticized the lack of safeguards against the incorrect classification of asylum-seekers as economic migrants, and the lack of investigations into reports of excessive use of force during identification procedures. In December, the UN Committee against Torture expressed concern about the lack of safeguards against the forcible return of people to countries where they could be at risk of human rights violations.

In September, the criminal trial started in Perugia against seven officials implicated in the illegal expulsion to Kazakhstan of Alma Shalabayeva and Alua Ablyazova, the wife and daughter of Kazakhstani opposition politician Mukhtar Ablyazov, in May 2013. The accused, charged with kidnapping, false statements and abuse of power, included three high-ranking police officers and the judge who validated the expulsion.

Unaccompanied children

Nearly 16,000 unaccompanied children reached Italy by sea. A new law to strengthen their protection was introduced in April. It covered access to services and introduced safeguards against expulsions. However, the authorities continued to struggle to ensure their reception in accordance with international standards.

Relocation and resettlement schemes

Of the around 35,000 asylum-seekers who were to be transferred to other EU countries under the EU relocation scheme, only 11,464 had left Italy by the end of the year, while a further 698 were about to be transferred.

Italy continued to grant humanitarian access to people transferred through a scheme funded by the faith-based NGOs Comunità di Sant'Egidio, Federation of Evangelical Churches and Tavola Valdese. Over 1,000 people were received under the scheme since its beginning in 2016.

At the end of December, Italy also granted access to 162 vulnerable refugees evacuated from Libya to Italy by UNHCR, the UN refugee agency.

Right to housing and forced evictions

Roma continued to experience systemic discrimination in access to adequate housing. The European Commission still failed to take decisive action against Italy for breach of EU law for discrimination in its denial of the right to housing, including the lack of safeguards against forced evictions and the continued segregation of Roma in camps.

In April, hundreds of Roma living in the informal settlement of Gianturco in Naples were forcibly evicted after authorities failed to carry out any meaningful consultation with the affected families. The only alternative the authorities offered was the rehousing of 130 people in a new authorized segregated camp. The remaining adults and children were rendered homeless. Around 200 of them settled in a former market area in Naples and remained at risk of being forcibly evicted.

In August, the authorities forcibly evicted hundreds of people, including many children, from a building in the centre of Rome. Many of them were recognized refugees who had been living and working in the area for several years. The authorities failed to provide adequate housing alternatives, leaving scores of people to sleep in the open for days, before they were violently removed by police in riot gear. Several people were hurt by police using water cannons and batons. Some families were eventually rehoused temporarily outside Rome.

Torture and other ill-treatment

In July, Italy finally introduced legislation criminalizing torture, having ratified the Convention against Torture in 1989. However, in December, the Committee against Torture noted that the definition of torture in the new law was not in line with the Convention. The new law also failed to provide for the implementation of other key provisions, including the reviewing of interrogation policies and provision of redress to victims.

In September, the Council of Europe Committee for the Prevention of Torture (CPT) published the report of its visit to Italy in April 2016. The CPT received allegations of ill-treatment, including unnecessary and excessive use of force by law enforcement officials and prison officers in virtually all detention facilities it visited. The CPT noted that overcrowding persisted, despite recent reforms.

In October, the European Court of Human Rights found that the treatment of 59 people by police and medical staff during their detention, following the protests against the 2001 Genoa G8 summit, amounted to torture.

Also in October, 37 police officers, serving in the Lunigiana area in northern Tuscany, were charged in relation to numerous cases of personal injury and other abuses. Many of these abuses were against foreign nationals, on two occasions involving the use of electric batons. The trial was pending at the end of the year.

Deaths in custody

In July, following a second police investigation which started in 2016, five police officers were charged in relation to the death in custody of Stefano Cucchi in 2009. Three officers were charged with manslaughter and two with slander and making false statements. The trial was pending at the end of the year.

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