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Over 4,500 refugees and migrants died or disappeared in the central Mediterranean trying to reach Italy, the highest number of victims on record, while over 181,000 reached Italy. The implementation by Italian authorities of the EU “hotspot approach” to identify and separate refugees from alleged irregular migrants resulted in cases of excessive use of force, arbitrary detention, and collective expulsions. Roma continued to suffer discrimination in access to housing, with thousands living in segregated camps and hundreds subjected to forced evictions. Parliament passed legislation establishing civil unions for same-sex couples. Italy continued to fail to introduce the crime of torture in its criminal code.

Refugees’ and migrants’ rights

Over 4,500 people were estimated to have died in the central Mediterranean while attempting to reach Italy on overcrowded and unseaworthy vessels, the worst figure on record.

Over 181,000 refugees and migrants reached Italy from North Africa – a slight increase on previous years. The vast majority departed from Libya and were rescued at sea by the Italian Coastguard and Navy, other countries’ and merchant vessels and, to an increasing extent, NGOs’ vessels. Of these, over 25,700 were children travelling alone, more than twice the number of 2015. The authorities struggled to ensure they were looked after according to international standards.

The Italian Navy continued to lead the EU military operation in the southern Central Mediterranean (EUNAVFOR MED Operation Sophia). In October, the operation started training the Libyan Coastguard, notwithstanding reports that it was involved in shooting incidents against

vessels carrying refugees and migrants, and that people rescued and returned to Libya were exposed to arbitrary detention and torture.

The “hotspot approach”, agreed by the EU in 2015 to achieve the swift identification and screening of refugees and migrants on the point of arrival, continued to be implemented in Italy. Under pressure from the EU to fingerprint all those arriving by sea, Italian authorities used arbitrary detention and excessive force against individuals refusing to co-operate. Several cases of ill-treatment were also reported.

Traumatized people, exhausted from their journey, were hastily interviewed and were not provided with adequate information on their rights and the legal consequences of their statements, by police officials not trained to assess the status of those in need of protection. Thousands deemed not to be in need of protection, and therefore irregularly present on the territory, were issued with expulsion orders or deferred rejection orders requiring them to leave the country autonomously. Those issued with such orders, effectively unable to leave Italy for lack of funds and documents to cross borders, were left vulnerable to abuse and exploitation.

Nationals of countries with which Italy negotiated repatriation agreements continued to be forcibly returned to their countries of origin, often within a few days from disembarkation, raising concern that they were not given adequate access to an asylum procedure and that they were expelled without an assessment of each individual’s potential risks upon return, in breach of the prohibition of collective expulsions.

In August, Italian and Sudanese police authorities signed a Memorandum of Understanding to strengthen co-operation in “migration management”, including through swift repatriation procedures. While individuals seeking asylum in Italy cannot be returned to Sudan on the basis of this agreement, the identification process provided is so superficial that it could result in returning to Sudan people who could face human rights violations there, in violation of the principle of *non-refoulement*.

On 24 August, a group of 40 people identified on the basis of the agreement as Sudanese nationals were repatriated from Italy to Sudan. The group, including people who had fled violence in Darfur before reaching Italy, were interrogated upon arrival by the Sudanese National Intelligence and Security Service, an agency implicated in serious human rights violations in Sudan.

The reception system was hosting over 176,500 people by the end of the year, mostly in emergency centres. The redistribution of asylum-seekers across the country continued to encounter opposition from some local authorities and residents. Protests took place in several towns, often organized or endorsed by far-right groups and the Lega Nord party.

As of mid-December about 120,000 people sought asylum in Italy, up from 83,000 in 2015. Nigerian and Pakistani nationals were the largest groups. Throughout the year about 40% of applicants received some form of protection in the first instance.

The relocation scheme of asylum-seekers from Italy and Greece to other EU countries, adopted by the EU in September 2015, failed to materialize. Of the 40,000 asylum-seekers who should have been relocated from Italy, only 2,654 moved to other countries. No unaccompanied children were relocated.

Italy also granted humanitarian access to about 500 people transferred through a scheme funded by faith-based NGOs S. Egidio and Federation of Evangelical Churches in Italy.

The government failed 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.

In December, in the case of Khlaifia and others against Italy, the European Court of Human Rights held that some Tunisian migrants who had reached Italy in 2011 had been arbitrarily detained and that they had been deprived of a remedy to challenge their detention before being returned to Tunisia.

In November, prosecutors in Perugia, Umbria, charged seven police officials, a magistrate and three Kazakhstani diplomats with offences related to the abduction and illegal expulsion to Kazakhstan in May 2013 of Alma Shalabayeva and Alua Ablyazova, wife and six-year-old daughter of Mukhtar Ablyazov, a Kazakhstani opposition politician. In July 2013, the Italian government retroactively rescinded the expulsion order, acknowledging that their forced return to Almaty violated Italian law.

Discrimination – roma

Thousands of Roma families continued to live in segregated camps. Roma-only camps were frequently located in remote areas, away from essential services. Living conditions in many camps remained sub-standard and often breached national housing regulations as well as international standards. Hundreds of Roma families were subjected to forced evictions in violation of international law.

The government's failure to effectively implement the National Strategy for Roma Inclusion with respect to housing continued. Five years after its adoption, there were no national plans to combat segregation in camps. Instead, authorities continued to plan and construct new camps.

In February, in Giugliano, near Naples, €1.3 million was designated by the municipal and regional authorities, with the Prefecture of Naples and the Ministry of Interior, to build a new segregated camp for the Roma then living in the Masseria del Pozzo camp. The Masseria del Pozzo camp was set up near landfills stocking toxic waste in 2013 to house Roma families who had already suffered forced evictions. In June, following a court order that the families be removed from Masseria del Pozzo, local authorities forcibly evicted the approximately 300 people living there including dozens of small children. No alternative was given except the transfer to an isolated site, in a former fireworks factory with no working toilets, no electricity and extremely limited

access to water. As of December the community was still living at the site in inadequate conditions.

In December, the CERD Committee expressed concern that Roma continued to face forced evictions and segregation in camps and that they were still discriminated against when trying to access social housing and other housing benefits.

Rights of lesbian, gay, bisexual, transgender and intersex people

In May, Parliament passed Law no.76/2016, establishing civil unions for same-sex couples and rules governing the cohabiting of different-sex couples, extending to them most of the rights of married couples. However, second-parent adoption was not addressed in the law.

Torture and other ill-treatment

In March, the national ombudsperson started his role, with a mandate to monitor conditions of detention and prevent torture and other ill-treatment. His remit included monitoring repatriation flights of irregular migrants.

Parliament's failure to introduce the crime of torture into the criminal code, as required by the UN Convention against Torture, and overdue since Italy's ratification in 1989, continued.

Parliament and government also failed to agree on measures for the identification of law enforcement officers, such as tags on uniforms, which would facilitate accountability for abuses.

Deaths in custody

In July, five doctors charged with the manslaughter of Stefano Cucchi, who died a week after his arrest in the prison wing of a Rome hospital in 2009, were acquitted in a second appeal trial ordered by the Supreme Court. A second investigation against the police officers involved in his arrest was looking at allegations that he may have died as a result of beatings while in custody.

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