

Response

**of the Italian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Italy**

from 2 to 12 April 2024

The Government of Italy has requested the publication of this response. The CPT's report on the 2024 visit to Italy is set out in document CPT/Inf (2024) 34.

Strasbourg, 13 December 2024

ITALIA



Ministero degli Affari Esteri
e della Cooperazione Internazionale

COMITATO INTERMINISTERIALE PER I DIRITTI UMANI

***Italy's Remarks to CoE-CPT
Ad-hoc Mission's Report
(2-12 April 2024)***

15 November 2024

ITALY'S REMARKS

In reaffirming Italy's commitment to ensuring the protection of persons deprived of their liberty from torture and inhuman or degrading treatment or punishment, and to fully cooperating with the activities of the Council of Europe's Committee for the Prevention of Torture (hereinafter CPT), as most recently expressed on the occasion of the 29 October 2024 meeting held in Rome between the Italian Minister of Justice, Carlo Nordio, and the President of the CPT, Alan Mitchell, the following elements are hereby provided in response to the comments and recommendations laid down in the Report attached to the CPT Letter (CPT/AM/2024/63) dated 25 July 2024.

In particular, in light of the specific feedback provided below, there is, on the Italian side, strong expectation that the CPT will update the "Executive Summary" of its Report, which appears to be largely based on considerations grounded on partial and incomplete information.

PART ONE

As far as **paragraphs 12 and 13 are concerned**, the Delegation reports being informed of the progress of the Italian Government's project, concerning the construction of reception and retention Centres (*Centri di Permanenza per il Rimpatrio* – hereinafter CPRs) for migrants in Albania, at the Shëngjin and Gjadër sites, and assumes that *"there remains some uncertainty regarding the generalised de facto detention of all persons transferred to Albania, the modalities of the identification of vulnerable foreign nationals before being transferred to Albania, the operation of legal safeguards and judicial hearings during the detention phases, the processing of asylum applications, and the risk of de facto prolonged detention of foreign nationals. Additionally, open questions remain regarding the conduct of forced removal operations and escorting staff, the healthcare interface with the Albanian authorities²³ and the monitoring activities and processing of complaints lodged by detained persons to the Garante Nazionale"*, thus **requesting specifically to receive information from the Italian Authorities on how they intend to resolve the above pending issues concerning the retention of foreign nationals in the CPR in Gjadër and in other Centres / Hotspots to be built in Albania, notably with regard to persisting legal gaps related to the extra-territorial nature of the operations.**

With regard to the CPT requests concerning the procedures for identifying vulnerable individuals, it is hereby stated that, through appropriate operational procedures, the following has been established.

Further to the interventions related to irregular immigration by sea, as soon as the relevant contacts have been reached and all the relevant activities have been put in place, the primary aim being to ensure that operations are safely performed for migrants on board of the vessels intercepted and/or rescued, the operating personnel – if the sea-weather conditions and the specific operational context allow for it – will transship the migrants on the intervened vessels, taking care that the whole activity takes place in safety – whereby necessary, with the possible contribution of other Forces present in the area. Once the migrants have been transferred to the operating units, in any case without prejudice to the possible need for **urgent evacuation of all persons requiring immediate care**, they will reach a vessel (hub) provided by the Navy or the Coast Guard, or procured via dedicated contracts. Once the hub-vessel has been reached, the personnel on board the units involved in the migratory event – while ensuring the utmost security conditions – will perform a second transfer of migrants onto the abovementioned hub-vessel, **excluding only those ones who are not eligible in absolute terms, such as: women, visibly minor and unaccompanied migrants, people suffering from obvious pathologies or physical disabilities, elderly persons, those who voluntarily hand over their valid passports or equivalent documents, except where the presence of such persons on board is necessary only to establish**

any family ties relevant for the concerned procedures.

The persons assessed by the pre-screening team aboard of the hub-vessel as not eligible to transshipment will be taken by the operating unit to Lampedusa or other landing sites.

Medical staff on board the hub-vessel, aided by cultural mediators and other relevant professionals,¹ will assess the general health of each migrant, aiming to identify health conditions that require special attention and/or additional conditions of vulnerability.

The United Nations High Commissioner for Refugees (UNHCR), within its mandate and by virtue of its responsibility to supervise the implementation of international instruments for the protection of refugees (as stipulated in its own Statute and in Article 35 of the 1951 Convention relating to the Status of Refugees), also contributes to the operations by carrying out monitoring and counselling activities at the various stages of implementation of the Protocol, ensuring its presence on the hub-vessel, as well as in the Albanian Centres of Shengjin and Gjader.

In all cases, the activation of the MEDEVAC procedure under the coordination of the Coast Guard applies. Subsequently, a direct pre-identification phase is provided, *inter alia*, for collecting declarations on nationality and family ties and those persons for which the accelerated procedure is excluded. They will be landed and taken to Lampedusa or other Italian ports. The above operations will be carried out as quickly as possible.

A dignified and safe accommodation will be ensured to each migrant on the identified vessels to take migrants to Shengjin.

During their transfer to Albania, migrants are not subject – by law or *de facto* – to retention, and their stay on board the hub-vessel does not interrupt their "rescued at sea" status. In this regard, it should be underlined that the vessel's destination to Albania or the performance of screening procedures cannot in themselves constitute "*detention*". In concrete, migrants on board the hub-vessel must only respect the required physiological limitations for their safety, also considering the necessarily limited size of the hub-vessel.

Overcrowding is excluded. A contingent of law enforcement officers is anyway provided to ensure safety on board the vessels.

The number of transportable migrants per journey will depend on several factors, not least the ability to conduct procedures within the time-frame set by law.

¹ In this respect, a convention has been signed with IOM (International Organisation for Migration), aimed at ensuring collaboration through physicians, socio-health workers, mediators, consultants, etc., as well as providing information activities for migrants.

Once arrived in Shengjin or subsequently, should **other forms of vulnerability** arise among those indicated in Article 17 of Italy's Legislative Decree No. 142/2015, the persons concerned will be transferred to Italy on the same vessel or another one.

As regards the proceeding to be carried out in Gjader, asylum applications will be examined in accordance with the provisions on accelerated procedures, similarly to what is observed in Italy, with the involvement of the Questura, Prefettura, Territorial Commission and Judicial Authority of Rome. Upon conclusion of the procedures, if the asylum seeker has been granted international protection, he/she will be promptly transferred to Italy and placed in the second-level reception circuit referred to in Article 1-*sexies* of Decree-Law No. 416/89 (SAI host system), providing that the relevant conditions are duly met.

Activities and procedures will be monitored according to the methods ordinarily provided

for in Italy; and the National Guarantor for the Rights of Persons Detained or Deprived of Personal Liberty will have access to Gjader facilities, as they are aimed at the temporary deprivation of freedom of movement.

The accelerated border procedures described above will therefore operate in the cases referred to in Art. 28-*bis* of Legislative Decree No. 25/2008 and subsequent amendments and integrations, according to which: "1. The Questura shall without delay provide the necessary documentation to the Territorial Commission, which shall adopt the decision within five days in the cases of: *a*) repeated request pursuant to Article 29, paragraph 1, letter *b*); *b*) an application made by an individual subject to criminal proceedings for one of the offences referred to in Article 12, paragraph 1, letter *c*), and Article 16, paragraph 1, letter *d-bis*) of Decree-Law No. 251 of 19 November 2007, and when the conditions set out in Article 6, paragraph 2, letters *a*), *b*) and *c*), of Legislative Decree No. 142 dated 18 August 2015 are met, or whereby the applicant was also sentenced by a non-final judgment for one of the abovementioned offences, after hearing the applicant. 2. The Questura shall without delay transmit the necessary documentation to the Territorial Commission that, within seven days of receipt of the documentation, shall hear and decide within the following two days in the following cases:

a) The applicant for whom retention has been ordered in the facilities referred to in Article 10-*ter* of Legislative Decree No. 286 of 25 July 1998, or in the Centres referred to in Article 14 of Legislative Decree No. 286 of 25 July 1998, if the conditions set out by paragraph 1, letter *b*) are not met; *b*) An application for international protection submitted by an applicant directly at the border or in transit zones referred to in paragraph 4, after being stopped for having eluded or attempted to circumvent the relevant controls; *c*) Applicant from a designated safe country of origin [...]; *d*) Manifestly ungrounded application as per Article 28-*ter*; *e*) The applicant submits an application after being stopped and found in conditions of irregular stay for the sole purposes of delaying or preventing the execution of an expulsion or removal order. [...]

6. The procedures referred to in this article do not apply to unaccompanied minors and foreigners with special needs within the meaning of Article 17 of Legislative Decree No. 142, dated 18 August 2015", namely: minors, unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children, victims of human trafficking, persons suffering from serious illnesses or mental disorders, persons ascertained to have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence and/or linked to sexual orientation or gender identity, victims of genital mutilation."

Therefore, the accelerated procedure is not applicable, as stated, to accompanied and unaccompanied minors; and, more generally, to the categories referred to in Article 17 of Legislative Decree No. 142/2015, namely the so-called *vulnerable* individuals.

It is thus expected that an initial screening of vulnerable individuals will be carried out in the immediate stages following their rescue or recovery, so as to exclude those with evident vulnerabilities from being conducted to Albania, without prejudice to the possibility of carrying out any further assessment of vulnerability conditions after landing in Albania, at the facilities for identification and the very first reception. Indeed, often the vulnerability conditions may not be immediately detectable by the on-board screening, requiring further investigation at a later stage.

As for the other questions raised in **paragraph 13** of the Report, it is to be noted that, in accordance with European Directives 2013/32 and 2013/33, Italian legislation provides that the retention of applicants should be as short as possible and continue as long as grounds exist to justify its application.

With reference in particular to the uncertainties raised by the CPT in relation to the “de facto generalised retention” of all the persons who landed in Albania, it is worth specifying that the law

entrusts the President of the Territorial Commission with the recognition of international protection with the specific identification of what positions fall within the scope of the accelerated procedures at the border – i.e., “The President of the Territorial Commission, after a preliminary examination of the applications, shall identify the cases ... for which the accelerated procedure should be applied pursuant to Art. 28-*bis*” (Art. 28, par. 1 of Legislative Decree 25/2008).

As for the duration of retention, the legislation applied to migrants landed in Albania – as per Art. 4 paragraph 1 of the law ratifying the Protocol – is the combined provisions of Art. 28-*bis* of Legislative Decree 25/08 and Art. 6-*bis* of Legislative Decree 142/15. The latter, in particular, provides that the asylum seeker may be retained during the course of the border procedure ... for the sole purpose of ascertaining the right to enter the State’s territory, and paragraph 3 adds that the retention may not extend beyond the time strictly necessary for conducting the border proceeding pursuant to Art. 28-*bis* of Legislative Decree 25/08. Validation entails retention in the Centre for a maximum non-extendable period of four weeks.

The retention order shall be in writing, accompanied by reasons and communicated to the applicant in a language he/she understands; it is prepared by the Questore of Rome on a case-by-case basis, with a thorough tailor-made assessment of the specificities of the individual migrant.

Retention is always subject to review by the Judicial Authority, through “*fast check, either ex officio or at applicant’s request*” and, to this end, all appropriate organisational procedures are laid down and regulated to ensure that retention orders are validated by the competent Judicial Authority.

Validation hearing sessions are conducted in compliance with the procedure set out in Article 6 paragraph 5 of Legislative Decree 142/15, which in turn refers to Article 14 of the Consolidated Act of provisions concerning immigration and the condition of third country nationals (*Testo Unico Immigrazione – TUI*). The applicant's participation in the hearing takes place remotely via audiovisual connection between the hearing room of the specialised section of the Court of Rome and the Centre. The connection is carried out in accordance with the technical specifications established by a directorial decree adopted pursuant to Article 6 paragraph 5 of Legislative Decree 142/15.

The migrant shall be admitted to legal assistance by a trusted lawyer, provided with a special power of attorney and has access to free-of-charge legal aid. If he/she does not have a lawyer, he/she is assisted by a public defender assigned by the Judge. The defence lawyer may either attend the hearing by video link from Italy or be present in Albania.

In this regard, Article 4, paragraph 3 of the Law ratifying the Protocol (Law No. 14 of 21 February 2024) states that The Italian Area Manager shall take the necessary measures to ensure timely and full exercise of the foreign national's right of defence ... For transmission and receipt of the instruments necessary for the exercise of the right of defence, the certified e-mail address made available by the Manager shall be used. The right to confer with the defence lawyer shall be exercised via audiovisual means that ensure confidentiality, by means of a remote connection between the place where the foreign national is located and the place where the defence lawyer is located.

Migrants’ stay at the retention Centre shall not exceed the maximum period of retention provided for by current Italian legislation. Upon conclusion of the proceedings carried out in accordance with the Italian legislation, the Italian Authorities will arrange for the transfer to Italy of those migrants who have been granted protection, as well as those who for other reasons cannot remain in the retention Centre (e.g., for failure to validate the measure, etc.).

To ensure full enjoyment and effectiveness of migrants' rights, access to facilities will be

granted to lawyers, their assistants, as well as international organisations providing advice and assistance to applicants for international protection, within the limits provided for by applicable Italian legislation. Migrants may also address oral and/or written requests or complaints, including in a sealed envelope, to the National Guarantor for the Rights of Persons Detained or Deprived of Personal Liberty, in accordance with the provisions laid down in the Common Provisions Regulation (CPR) (Directive laying down the criteria for organisation and management of retention Centres for repatriations pursuant to Art. 14 of Legislative Decree No. 286 of 25 July 1998, and subsequent amendments and integrations). Applicants will have access to open air spaces and the opportunity to communicate with their family members and legal advisors. The possibility for asylum seekers to contact their lawyers by telephone, video conference or even in person is provided. (Moreover, the ratifying Act (Law No. 14/2024) provides for a specific allocation to cover the expenses linked to the lawyer that is selected by the applicant and intends to be present). Asylum applications will be examined in accordance with the provisions on accelerated procedures, as observed in Italy, with the involvement of the Questura, Prefettura, Territorial Commission, and Judicial Authority of Rome.

In any case, the coordination of activities and management of situations that may arise from time to time are entrusted to State Police high-ranking officers (*dirigenti*) appointed pursuant to Law No. 14/2024.

With regard to the repatriation operations of migrants who may be expelled at the end of the proceeding in the Centres in Albania, the same operational standards applied in Italy will be guaranteed. In particular, talks have been initiated with several safe Countries of origin in order to be able to extend, also in this scenario, the application of bilateral agreements and/or to ensure the customary cooperation in the identification of migrants with the support, whereby provided, of liaison officers.

The implementation of any repatriation operation must always be carried out in full respect of the human rights of the returnees and within the monitoring framework of the National Guarantor of the Rights of Detained Persons or Persons Deprived of their Liberty, as for the repatriations from Italy, which are regularly monitored by such Authority. Medical assistance will obviously be guaranteed during repatriations, whereby necessary, as well as the acquisition, prior to the flight, of the necessary health documentation (so-called "*fit to fly*").

The escorting personnel to be employed in these operations will be those duly trained following the special training courses held periodically by the Central Directorate for Immigration and Border Police, aimed at the utmost professionalism and highlighting the importance of dialogue, mediation and respect for the returnee.

Having said that, it is to be considered that there are no "*legal gaps related to the extra-territorial nature of the operation*", by virtue of the publication of Law No. 14 of 21 February 2024 in the Official Gazette No. 44, dated 22 February 2024. The Law ratifies and implements the Italy-Albania Protocol aimed at strengthening cooperation in migration matters, drawn up in Rome on 6 November 2023, providing that the aspects relevant to the applicable procedure for sites in Albania have been explicitly regulated.

The ratifying Law lays down, in particular, rules for coordination with domestic legislation. Specifically, Article 4 on "Jurisdiction and applicable law" contains provisions regarding the applicability of Italian jurisdiction and law. Paragraphs 1 to 5 lay down provisions on the applicability of Italian law and jurisdiction on the procedures aimed at granting refugee status and on the validation of migrants retention, while paragraphs 6 to 19 regulate that Italian jurisdiction applies, with some exceptions, to the foreigner who is in the reference areas and commits a crime therein.

Paragraph 1, more specifically, provides that the Italian and European regulations on

requirements and procedures for admission and stay of foreigners in the national territory apply, as compatible, to migrants third-country nationals and stateless persons for whom the fulfilment of the requirements for entry, stay or residence in the territory of the Italian Republic must be ascertained, or whereby it has been ascertained that these persons do not fulfil such requirements (Art. 1, para. 1, lett. d of the Protocol).

In particular, the following legislation is expressly mentioned:

- Legislative Decree No. 286/1998 (Consolidated Act of provisions concerning immigration and the condition of third country nationals – *Testo Unico Immigrazione – TUI*);
- Legislative Decree No. 251/2007 (Implementation of Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted); Legislative Decree No. 25/2008 (Implementation of Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status);
- Legislative Decree No. 142/2015 (Implementation of Directive 2013/33/EU laying down standards for the reception of applicants for international protection; and Directive 2013/32/EU on common procedures for granting and withdrawing international protection).

It is to be expressly stated that for the procedures provided for by the above provisions, Italian jurisdiction and Italian law apply. Therefore, there are no obscure points on the regulatory framework of these cases, as per the several paragraphs composing Article 4 – which are not mentioned here for reasons of conciseness, but to which full reference shall be made for any further in-depth analysis – dealing thoroughly with all the aspects relating to jurisdiction and applicable law.

Territorial jurisdiction is reserved exclusively to the Section dedicated to Immigration, International Protection, and Free Movement of Citizens of the European Union at the Court of Rome and the Justice of the Peace Office of Rome.

Eventually, in support of the above, it is necessary to mention what is summarised in the *Dossier XIX* of Legislature No. 202/1,² by the Research Service of the Senate of the Republic and the Chamber of Deputies, on the ratification and implementation of the Italy-Albania Protocol for strengthening cooperation in migration matters, as well as rules for coordination with the domestic legal order. The Dossier states that, on the occasion of a press conference held on 15 Nov. 2023, the European Commissioner for Home Affairs, Ms. Johansson, reported that the preliminary assessment of the European Commission's legal services had stated that the agreement between Italy and Albania on migration flows would not violate EU law, also considering this does not fall within its scope. Commissioner Johansson underlined, however, that migrants' legal situation required some analysis by the Italian authorities in accordance with Italian laws and EU legislation – which, as explained, will be carried out within the terms set out in Article 4 of the abovementioned ratifying Law.

Moreover, although the EU law is not applicable outside the EU territory – namely in Albania – in any case the Italian law, applicable therein pursuant to the Protocol and its ratifying Act (Art. 4) – transposes EU law and issues provisions in compliance with it. For this reason, Italian laws shall be applied, as agreed upon, so that relevant migrants shall be examined by the Italian authorities and Italian legislation shall apply as to the requirements and procedures for admission and stay of foreigners in the national territory (in harmony with the European one).

As for **paragraphs 15 letter i) and 17**, whereby the Committee conveys its request to be informed **whether any action has been taken to investigate allegations of physical ill-treatment by Police officers in the context of the above interventions at the Milan and Gradisca CPRs, and in relation to the criminal complaint lodged at the Melfi Police station**, the following remarks are hereby reported.

Recalling the previous information indicating that *"the majority of the retained persons indicated to the Delegation that they had been treated correctly by the Staff, both by the Managing Body and by the Police and Custody staff in all four CPRs visited"*, the Prefettura of Milan preliminary confirmed that the work performed by the Police had always proved extremely transparent, guaranteeing the rights of guests and the Police themselves. As proof of this, the recordings of closed-circuit cameras installed within the Centre are readily made available to the Judiciary, to ascertain any criminal liability: to date, referring exclusively on guests.

As for the complaint lodged by the foreign national for **the incident occurred on 11 February 2024**, in referring to the service report as acquired by the local Questura, the Prefettura stated that the supervisor in charge of the patrol service tried to calm down the migrant who had rushed towards him and incited other present foreigners against the security personnel. In order to make it difficult for the Police to intervene, the concerned migrant poured soap on the floor and, aided by other retained migrants, physically hindered any attempt to remove the soap. He also threw himself on the floor and squeezed the operator's leg between his own knees, trying to push him down. For this reason, using a truncheon became necessary while the other retained migrants were shouting and throwing water bottles against the operators in charge.

With regard to the **episode** mentioned by the Committee and occurred at the CPR on **1 March 2024** (erroneously indicated as 29 February 2024), the Prefettura of Gorizia reported that the reinforcement personnel intervened in anti-riot gear because a foreign citizen had completely damaged one of the plexiglass windows of the room by using an approx. 1-metre-long iron bar. This bar had been obtained from a previous act of vandalism; and the citizen, brandishing it together with sharp fragments of polycarbonate, threw himself against the personnel and caused one of them injuries (diagnosed curable in five days), forcing the reinforcement units to use force against him legitimately for the sole purpose of making him harmless. It should be noted that the migrant, agitated and in a state of emotional outburst, was invited to a thorough and vain mediation activity, aimed at dissuading him from continuing his aggressive behaviours.

As reported by the Questura of Gorizia, first it is to be pointed out that the video of the surveillance cameras referred to by the Delegation only captures a part, namely the final part of the intervention performed by the State Police, thus excluding completely what occurred in the previous and agitated phases within those facilities. Therefore, no form of ill-treatment to the Centre's guests occurred; and the Police operators' intervention was motivated solely by the purposes of halting the damage the foreign citizen was perpetrating and preventing it from causing damage to other migrants retained at the Centre and/or to the Management Body operators or the Police personnel.

In referring to the episode mentioned in the Committee Report as to a guest being allegedly ill-treated by two Guardia di Finanza agents, the Prefettura of Potenza communicated that nothing emerged from the checks carried out by the local Questura on this issue. The same Questura confirmed that an analogous episode occurred between **1 and 3 April 2024**, reportedly involving a *Carabiniere* employed in public order services, of which the Police Station of Melfi (PZ) notified the competent Prosecutor's Office.

With regard to **paragraphs 16, 18, 21**, the Italian regulatory framework concerning the performance of State Police activities is absolutely in line with the general principles of human rights protection provided for by international Conventions and Treaties. The State Police personnel have always applied operational procedures in full respect of people's rights and fundamental freedoms, ensuring professionalism and balance and exercising their role with a high sense of responsibility in civil society, within particularly complex situations, often physically exhausting and subject to unpredictable dynamics, which require decisive skills and immediate action. Also with regard to the use of force, the State Police adopts operational practices that are strictly bound to the principles of legality, proportionality and necessity, and any non-compliant behaviour is punctually prosecuted both administratively and jurisdictionally.

With regard to the recommendation laid down in **paragraph 17**, within CPRs not only do the Judicial Authority carry out thorough screening of the administrative activity through hearings for validation and extension of retention of migrants as adopted by the Questori, but they also promptly investigate any reports of crime possibly detected by the Police personnel employed in the CPRs.

As for **paragraph 19**, where the CPT states it received allegations from sub-Saharan African nationals met at the CPR in Rome, concerning a series of incidents of alleged physical ill-treatment by the Staff when they were retained in the Macomer CPR; and that the Committee learnt of a criminal complaint to the Public Prosecutor's Office in Oristano – thus, **requesting to be informed of the outcome of the investigation into the abovementioned criminal complaint**, the Prefettura of Nuoro reported that the records of the Public Prosecutor's Office in Oristano do not show any criminal proceedings initiated.

In addition, nothing is reported on the attacks by "identified members of custodial staff (notably, belonging to the Carabinieri)". The Prefettura adds the following detail: from further investigations carried out at the Questura of Nuoro, it emerged that on 14 November 2023, the coordinator of the "E." Management Body attacked the foreigner E.H.O. (born in Morocco, on 10.02.1989), during the repatriation preparations. The Public Prosecutor's Office at the Oristano Court was promptly informed of this case and, at present, no developments are known.

With regard to the recommendation under **paragraph 24**, attention is paid by the Public Security Administration to raising awareness among the operating staff as to respect for **migrants' dignity** in all phases of the interaction. For example, the training courses for the staff escorting the migrants (employed in the repatriations of expelled foreign nationals) focus on the need to create a relationship of mutual trust, dialogue and mediation with the foreign nationals, so as to minimise tensions and operational difficulties during the escorting service.

The services escorting irregular foreign nationals to national CPRs (to be retained for the purposes provided by law) and CPRs where they are retained at border areas (to be initiated into repatriation procedures) are part of the ordinary police activities; and each operator is called to perform them in the performance of his/her service. Therefore, within the limits established by Art. 53 of the Italian Criminal Code and European legislation, the staff escorting an irregular migrant from or to a CPR, in full respect of the rights of the escorted person, is in any case authorised to use weighted and proportionate means of physical coercion to contain the person whereby he/she opposes the transfer.

The appropriateness and type of containment means to be used in order to manage opposing behaviours posed by the foreign national(s) to be escorted is assessed on a case-by-case basis, depending on the specific situation faced by the Police operator in that specific moment.

Therefore, the use of velcro straps rather than handcuffs during transfers is also subject to an **individual assessment** carried out, in consultation between those responsible for the escorting

service and the Office addressing the foreign national, by carefully considering the transportation duration, as well as the characteristics of the operations, and any resistance opposed.

Each Police officer is trained to carry out this activity with utmost professionalism, so as to preserve the safety of all actors involved in the operation – i.e., the foreign nationals to be escorted and the Police officers employed in the transfer, preventing self-harm by the former, attacks on the latter, as well as escapes, and potential accidents involving third parties. It is worth noting, however, that the referred coercive means are not used or are removed depending on the assessed level of cooperation of the single foreign national, thus ensuring the safety of the activity carried out while protecting migrants' rights.

Moreover, the Questura organising the transport of the foreign national(s) to the CPR is in charge of providing full meals, including drinks, according to operation time and trip length. Each Questura is very attentive to securing fulfillment of the escorted person's primary needs.

Regarding **paragraph 26**, where the CPT requested **information on the outcome of the inspection (at the CPR of Potenza and the measures taken to put an end to the practice of administering psychotropic medications to the population concerned without any supervision or prescription**, the following remarks are hereby reported.

Regarding the Report of the Delegation on the *“administration of psychotropic drugs diluted in water by healthcare staff without medical prescription or supervision”*, a range of actions have been put in place by the Prefettura of Potenza, aimed at overcoming the critical issues identified.

In particular, the Centre Manager was asked to **clarify the methods of administration** of medications by the healthcare officer of the medical service and the response provided was submitted for competence-related assessments to the Local Healthcare Unit (ASL) of Potenza.

Moreover, an **inspection into the CPR was ordered** by the staff of the same Local Healthcare Service that, based on the report dated 22 May 2024, detected some non-compliant procedures adopted for compiling the medical records of guests coming from other facilities, requests for psychiatric reassessments, and adequacy of pharmacological therapies.

The report provided by the CPR Manager as a result of a specific claim issued by the Prefettura was submitted to the Local Healthcare Service for its assessment. For his part, the Head of the CPR medical service **assured that strict compliance with the standards and regulations on healthcare provision had been guaranteed**, firmly excluding that inappropriate therapies, including placebo, had been administered as per the statutory principles of Italy's national association of physicians (OMCEO) and applicable legislation.

Following a request set forth by the Prefettura, on 19 July 2024 **a new inspection was carried out by the Potenza Local Healthcare Unit (ASL)**, which established that, *“the personnel check the residual tablets in order to verify the real correspondence between health prescriptions and pharmacological administration”*; that *“every patient requiring a first psychiatric evaluation or reassessments of previous psychiatric diagnosis is visited by the competent Mental Health Centre (Italy's CSM) within the time established by the protocol”*; and that *“no apparently improper medication prescriptions have been found”*. On that occasion, the healthcare inspectors provided indications regarding **some corrections to be made to the health record approach** and the CPR Management Body proved widely willing to follow the inputs received. As a matter of fact, already on 30 July 2024, they informed the Authorities they had begun to complement the personal details of each guest with a medical file containing all the information on medical visits and any therapeutic prescriptions by the CPR medical staff.

Furthermore, on 10 July 2024, the Prefettura convened **a meeting joined by representatives from the Questura, the Local Healthcare Unit and the CPR Management Body, to define**

aspects related to the methods used to administer medicines and the organisation of assistance services within the CPR.

On that occasion, following a request for support from the Management Body due to the difficulty finding doctors and nurses available to serve at the CPR, the entity in charge of providing public services (*ASP – Azienda Servizi Pubblici*) contact person conveyed ASP's availability to set up an outpatient with nursing staff, on some days of the week.

Regarding *paragraph 28, in the section stating the CPT* "would like to receive information from Italian authorities on the format of the new CPRs and their compliance with the CPT standards, as outlined in paragraph 31 of this Report, notably as regards their prison design (for example, reinforced metal screens on windows, absence of communal facilities and vegetation, as well as equipment and furnishing of rooms in detention modules) and general layout, the following remarks are hereby reported.

The Italian Government has launched a range of projects **to improve the conditions for migrants' reception and stay in their CPRs**. In particular, works have begun on the extension of the CPRs in Nuoro and Caltanissetta, as well as on the restructuring of the CPRs in Turin and Milan and also on the reconstruction of the CPR in Trapani. It is also well-known that the Italian Government, in application of Decree-Law No. 124 dated 19 September 2023, as converted into Law No. 162 of 13 November 2023, intends to establish new CPRs within the Italian territory and, in particular, in the regions where no such CPRs are located. To this end, specific design and execution-related competencies have been provided by Invitalia. The sites are currently being identified; the new CPRs should preferably be close to airports, away from populated areas, suitable to be enclosed and surveilled, with a capacity of up to 200 people.

The design of new CPR-facilities assessed as **compliant with the European Guidelines**. Based on the new project-design, the facilities are now split in two areas. The first area, located before the entrance, hosts insulated light mono-blocs reserved for the staff (law enforcement agents, Management Body employees physicians, lawyers, officials and other parties in charge of performing administrative operations, CPR management, and, more generally, logistics). Guests have sporadic access to this area and always under strict surveillance by agents. The second area, separated from the first by a fence, hosts heavy-duty mono-blocs that, as appropriate, fulfil housing, service and/or leisure functions. Their radial distribution results in creating open areas and pathways. The second area is also characterised by a fence with a walkway placed on top. The layout of pathways and external spaces allows for a clear separation between the areas reserved for the staff and the areas reserved for migrants. The architectural layout created with this model appears functional to meet guests' privacy-related needs and, at the same time, to facilitate surveillance, management, and control of CPR indoor spaces. Part of the blocs enclosed by the fence will be allocated to those common spaces aimed at ensuring CPR operation and enhancing guests' comfort. Furthermore, the housing blocs guarantee space for resting, storing personal belongings, personal hygiene, and self-care.

The common areas are designed and patterned so as to allow guests to collect and eat their meals, use laundry service, socialise in dedicated spaces, worship and pray, receive emergency medical assistance, do outdoors exercise, and go to the barber shop. CPRs include two common areas that can be used as dining room, located in diametrically opposite positions, to allow guests to escape that sense of oppression/exclusion that can result from having meals inside the lodging blocs. Two worship spaces are also planned (which could be used for groups of up to 25 people, on shifts). The Muslim worship site is complemented with a room/space for ablution in one of the small mono-blocs. The two worship spaces are also located in diametrically opposite positions; and there are multipurpose areas for indoor recreational activities, also equipped with TV sets and furniture, as well as other spaces to be used for targeted activities to be defined once the CPR has been put into operation. In addition to indoor common areas, there will be adequate outdoor areas with multipurpose playgrounds where guests must be able to "*to enjoy daily adequately sized outdoor spaces for walking and exercise, without being prevented from seeing the sky*", as recommended

by the National Guarantor for the Rights of Persons Detained or Deprived of Personal Liberty. The playing ground will be built at the centre of the facility.

This CPR design concept must be grounded on active safety criteria, based on: law enforcement agents' direct surveillance from the top; video surveillance systems, and redundant passive protection systems. Security will be primarily preventive, thus limiting the need for interventions of law enforcement personnel as much as possible.

In relation to **paragraph 37**, where the CPT requests *“information on the developments of the criminal investigations on the alleged fictitious provision of activities at Milan and Potenza CPRs and the lessons learned therein by the Ministry of Interior and the relevant Prefettura as regards ensuring more rigorous monitoring activities and accountability (see also paragraph 76)”* the following remarks are hereby reported.

Regarding the information provided by the Delegation as to the **criminal investigations on the Management Body of Milan CPR**, an investigation conclusion notice was conveyed by the Prosecutor's Office of Milan to the "M." Company, notifying that the investigated individuals are charged with the crimes of obstructing the exercise of competitive tenders (so-called “bid rigging”) and fraud in public procurement (i.e., Articles 353 and 356 of the Italian Criminal Code).

Upon request from the Judicial Authority, **an ad-hoc commissioner was appointed for CPR management**, providing a "mindfulness" course complemented with psychologist support, besides the activation of a film club to offer moments of leisure and gathering for the retained migrants.

Regarding the investigations on the **“E.I.” Company (Managing Body of Potenza CPR)**, it is worth noting that the Prosecutor's Office registered the criminal proceedings against the suspects for **fraud in public procurement** and for **aggravated fraud to the interests of the State**. To this end, the Italian Ministry of the Interior reserved the right to be the plaintiff in the abovementioned criminal proceedings.

As to the Delegation's comments on the lack of recreational activities, the Prefettura of Potenza reported that, in addition to **sports activities**, some leisure events are held at the soccer pitch, such as: **musical activities, volunteer groups, and psychotherapy groups** according to a schedule shared with the local Police. To promote the psycho-physical well-being of CPR guests, the football pitch can be used also in the evening.

Overall, the monitoring and inspection activities in the CPRs have always been carried out by the Prefettura and the Ministry's inspection staff. In addition, via Decree dated 15 February 2024, the Department for Civil Liberties and Immigration (*Dipartimento per le Libertà Civili e l'Immigrazione – DLCI*) established an *ad-hoc* **Working Group to monitor CPRs**, entrusted with the analysis of data, documents and reports provided by the Prefettura on the CPRs nationwide and the conduct of on-site monitoring visits, which also include representatives from the Department of Public Security.

With reference to the monitoring visits, **UNHCR** representatives are also involved (based on the collaboration experienced for ordinary controls carried out in the Reception Centres, Hotspots, and CPRs) for support in conducting interviews with retained migrants. This Group carried out **5 monitoring visits** between March and September 2024 (24 April 2024: Rome CPR; 9 May 2024: Caltanissetta CPR; 10 May 2024: Bari CPR; 5 June 2024: Milan CPR; 19 September 2024: Macomer CPR, respectively). The visits are expected to be completed in the coming months.

The Prefecture “U.T.G.” (Government Territorial Offices) were invited, via several notices,

to carry out constant monitoring, extending the scope of administrative checks to the issue of compliance with contractual duties, requiring contracts to be adjusted to the new Tender Specifications Scheme.

Regarding **paragraph 43, whereby** the CPT states that the Italian Authorities informed the Committee (letter received on 17 June 2024) that a competition was launched at Rome CPR to recruit an additional nurse and **requested to be informed once the nurse would be appointed**, the following remarks are hereby reported.

Currently, the Rome CPR already guarantees the presence of nursing staff 24 hours a day, and of a doctor for at least 8 hours a day. The nursing staff will be increased to allow for better quality of service, primarily during daytime hours. In this respect, it should be noted that the new tender specifications scheme provides for two nurses to be present 24 hours a day every day; and the forthcoming new public call for tenders for CPR management will strengthen the nursing staff, in line with the new provisions.

PART TWO

As for the recommendations set forth by the Committee, on a preliminary note, on 15 February 2024 the Italian Ministry of the Interior, and in particular the Department for Civil Liberties and Immigration (*Dipartimento per le Libertà Civili e l'Immigrazione – DLCI*) established, via *ad-hoc* decree, a **Working Group in charge of collecting and analysing data**, documents and reports provided by the Prefetture across the national territory, as well as leading **periodic monitoring visits within the CPRs**.

The Working Group aims to examine any critical issues that may arise in any aspect of migrants' daily life within the Centres, as well as to ensure the achievement and maintenance of higher quality reception and well-being standards, and to optimise standard operating procedures, analysing and mapping existing operations, by examining effective and shared solutions. The Group is composed of representatives from the mentioned Department for Civil Liberties and Immigration and from the Department of Public Security, and involves UNHCR representatives for gathering useful information through interviews with retained migrants.

During the first four months of its activity, the Working Group carried out a range of visits to the various CPRs, identifying critical points of a structural, housing and socialising-related nature as well as checking the quality of foods and drinks served there by tasting the meals to identify food products' freshness and temperature, and by checking whether the food products are stored in accordance with contractual provisions, which lay down criteria for food menu composition and portions weight.

Moreover, one or two study visits to other Member States assessed by the European Commission as virtuous in terms of reception conditions and positive development of return procedures are currently being considered as a possible action. This will also be a valuable opportunity to examine common questions and share any issues, drawing from similar foreign experiences, ideas and examples of solutions, besides acquiring the related best practices.

The Working Group intends to encourage, in all CPRs, the development of initiatives currently existing only in some of them (e.g., setting up a fitness room, as well as a film club and mindfulness activities) and ensure full uniformity of adopted rules.

In light of the above, in recalling the entry into force of the provisions laid down in the recent 2024 Specifications (*Capitolato* 2024), which will determine the **increase in personnel assigned to assistance activities** (in particular: psychologists, linguistic-cultural mediators, and social workers) and will therefore produce benefits in terms of services quality and care of specific needs/situations, with regard to the recommendations issued and according to the listed sequence of the issues set out in the Report, the following remarks are hereby reported.

As for **paragraph 31**, where the CPT, *“recommends that the Italian authorities undertake a serious reflection on the concept of CPR (...). In addition, call bells should be systematically installed (...)”*, as the nature of CPRs is established by law (Art. 14 of Legislative Decree No. 286/1998), security management within CPRs is organised through teams composed of representatives from various law enforcement bodies.

Removing all the elements advocated by the Committee is unfortunately not acceptable. as this would only result in increased escapes from the Centres and episodes of vandalism. Regarding the bells, it is worth noting that whereby present as in the CPR of Gradisca d'Isonzo, the lamented shortage of bells in the rooms stems from vandalism perpetrated by the guests. In fact, each room was equipped with a bell to call operators in case of need. However, despite being fixed in the walls and protected by a metal grid, they were rendered unusable by the retained migrants

themselves. However, these bells will fall within the renovation of electrical installations.

As for **paragraph 32**, where the CPT "*recommends that Ministry of Interior and the relevant Prefettura invest efforts towards the maintenance of the state of repair at the CPRs visited, in particular at Gradisca CPR, and proceed with the repairs of the relevant sanitary facilities. Further, a rolling programme of refurbishment and maintenance of the CPRs at the national level, with earmarked financial assets and a clear timeline, should be adopted by the Ministry of Interior and shared with the respective Prefettura responsible for the oversight of the management of the CPRs*", the following remarks are hereby reported.

To ensure timely extraordinary maintenance in the CPRs, in mid-2022 the Department for Civil Liberties and Immigration **stipulated contracts for a framework agreement on extraordinary maintenance for each of the 10 repatriation Centres** (Milan, Turin, Gorizia, Rome, Brindisi, Bari, Palazzo San Gervasio, Caltanissetta, Trapani, Macomer), for more than 10 million Euros. This agreement is designed to streamline the length of award procedures and reduce maintenance costs by unifying quality standards, and provides for two sub-lots for each CPR, one for works and the other one for works' management.

The procurement-contract has a 48-month duration and provides for the possibility of repair work resulting from malicious causes (intentional damage), such as:

- Replacement or repair of plant components due to failure (pump failure, engine failure, protection/safety switch failure, water pipe failure, water drain failure, cable failure, etc.); Repair of building components for deterioration or breakage (deterioration of: part of plaster, painted surface, part of masonry, part of floor: breakage of: tiles, door, window, window or door glass, roof drain services (gutters), downpipes, etc.);
- Repair work on components or parts of the plant that are not broken but do not function properly (clogged drains, leaky taps, etc.).

Regarding the framework agreement operation, the competent Prefettura activates the intervention and, following the visit by the contracting companies selected for works execution and related management, the project related to the given intervention and its timetable is prepared and finally the contract is stipulated by the person in charge of the operation (appointed at the reference Department).

The first framework contracts were stipulated as from May 2022 onwards and the last one in September 2023: as of 30 September 2024, as many as 33 interventions have been authorised to date, of which 23 already concluded, for a total of approximately 6.5 million Euros on works, equal to more than 60% of the total budget.

Moreover, the Prefettura of Rome has stipulated three different contracts: for daily maintenance; for extraordinary maintenance; and on-call service, within one hour for urgent interventions.

Regarding the several acts of vandalism committed by guests of the Gradisca CPR, the Prefettura has required the execution of ordinary and extraordinary maintenance interventions, outside the scope of the framework agreement, which have all been carried out.

As for **paragraph 33**, where the CPT "*recommends that the relevant Prefettura and contractors pay attention to the freshness and expiry dates of the pre-cooked foods supplied to CPRs, as well as to the modalities of its distribution, and to its conservation once it is delivered by the respective catering companies. Attention should also be paid to the dietary needs of*

individual detainees, taking into account their state of health, and a more culturally diverse diet should be offered to the detained population", please refer to the preface to Part II of the present Remarks.

In any case, regarding the checks by the various Prefettura on properness and quality of food preservation, the Prefettura of Potenza communicated that on two dates, respectively in April 2024 and July 2024, an inspection was performed by the ASP of Potenza Office of Hygiene, Food and Nutrition, ascertaining the quantity and quality of the daily food menu administered, criticising only a self-regulating temperature system. As a result, the Manager acknowledged the requirements and subsequently replaced the air conditioning system inside the CPR to ensure adequate cooling of the food storage room.

The Prefettura of Milan communicated that the results of periodic inspections performed by the Health and Prevention Department of the Agency for Health Protection (*Servizio di Igiene e Prevenzione della Agenzia per la Tutela della Salute*) were positive as the foods were correctly packaged and dispatched fresh to guests.

The Prefettura of Gorizia informed that, on the occasion of its 5-6 April 2024 visit, the Delegation checked the food distribution system – i.e., foods are portioned and distributed in plastic disposable trays. Foods are prepared by an external subject, and reach the destination perfectly hot as transported in special thermal containers. Therefore, the utmost attention is paid to the freshness and expiry date of the foods provided to guests.

The Prefettura of Rome emphasises the food diet variety ensured, specifying that the food menus are changed every 15 days, respecting the dietary habits and cultural diversity of the guests.

With regard to **paragraphs 33 and 34**, pursuant to the provisions of the new tender specifications for reception services set forth in the Ministerial Decree dated 4 March 2024 and, in particular, the technical specifications provided for the supply of services to the Centres pursuant to Article 14 of Legislative Decree No. 286/1998, point B, paragraph 5 regulates in detail the service of preparing, distributing, preserving and checking meals. In addition, the rule provides for the catering service to be provided by the Managing Body, laying down provisions on: food transportation, packaging of disposable trays, and labelling. The same provides that the food menu should ensure appropriate variance in ingredients, respecting dietary principles and habits in line with cultural and religious traditions as well as medical provisions.

The provision also states that whereby the Centre hosts premises used as canteens, the consumption of meals in the accommodations/lodges is banned; however, in the case of the Gradisca and Rome CPRs, the canteens are not currently used because the accommodations/lodges have separate spaces set aside for socialising, where the guests of each module have the chance to eat meals together. This provision results from public order considerations from the single Questure.

As for **paragraph 36**, where the CPT states, "*The CPT recommends that the Italian authorities take the necessary steps at all CPRs in order to ensure that: - Foreign nationals are regularly provided with new anti-tear sheets and are always provided with pillows and pillowcases upon admission; - Stocks of clothing and shoes appropriate to weather conditions and the season are stored and adequately distributed, in particular to destitute detainees; - All shower facilities in the CPRs visited and, where appropriate, in other establishments at national level, have a properly functioning water temperature mixing system; - Contractors implement a transparent system for recording the delivery of hygiene kits and clothing to detainees, including date, time and signature*", the following remarks are hereby reported.

As regards the use of tear-resistant sheets, the Prefettura of Gorizia specifies that in order to prevent suicide risks, disposable sheets are not used in the CPR as they could furthermore be utilised by the retained migrants in order to set fires. Therefore, every 3 days, the Manager replaces sheets, pillowcases and mattress covers with other washed and sanitised beddings and ensures their replacement whereby they are found to have been burned or damaged.

Regarding the lack of hot water mixing systems in showers, it is worth pointing out that they are equipped with a single button releasing water at a pre-regulated temperature. The lack of blowers stems from a precise choice aimed at preventing detainees from getting metal pieces that can be used to attack Police personnel, operators, or other guests. Finally, it is worth noting that the Prefettura constantly ensures checks on the supply of personal hygiene kits, as well as clothing and bedding kits, as provided for in the tender specifications.

Payment of invoices for services rendered by the Bodies is **subject to prior verification, by the Prefettura, of compliance with these obligations**. Therefore, during the inspection visits carried out at the Centres, the Prefettura check the Managing Body supply of personal hygiene kits, and clothing and bedding kits.

It may occur that the detainees use shampoo and soap to deliberately make it difficult for the Police to intervene, especially during protests. Mattresses are subject to fast deterioration due to improper use, in outdoor courtyards or for fire attempts. In such cases mattresses are promptly replaced.

The monitoring tools made available to the Prefettura by the Department for Civil Liberties and Immigration, through the SMAcc platform, allow drawing attention, among other things, to the requirement to verify the traceability and completeness of the kits delivered, in accordance with the contractual provisions.

In addition, the Italian Ministry of the Interior is preparing, with the support of EUAA, multilingual standard forms complemented with *ad-hoc* infographics, so that each detainee can sign the receipts once he/she has been delivered the mentioned kits, being thus informed, in understandable language, of the type and quantity of goods he/she is entitled to receive.

With regard to **paragraph 39**, please refer to the Ministerial Decree dated 19.05.2022, the so-called "Lamorgese Directive", which (Article 4, paragraph 1, letter m) provides that the Managing Body shall organise recreational, social and religious activities in such a way to allow for their daily use, also through dedicated spaces. To this end, the Managing Body organises a weekly calendar of activities to be brought to the attention of all the foreign nationals in the Centre. Playgrounds located within the CPR shall be used in accordance with the procedures established by the Centre manager, in agreement with the Prefettura and Police Headquarters. Daily use is ensured based on shifts, except whereby order and security situations in the Centre temporarily exclude its use. In any case, daily use of outdoor spaces is allowed. In addition, pursuant to the aforementioned Article 4, paragraph 1, letter J), the use of radio and TV equipment is guaranteed, whereby provided for within the Centre. However, during the monitoring visits, it is frequently noted that migrants do not show interest in carrying out leisure activities on a daily basis. In this regard, the difficulties encountered in implementing the facilities in relation to the type of guests and the relative possibility of their involvement are reported. The Prefettura will however be asked to ensure that the Managing Bodies propose activities to engage guests in leisure time.

On **paragraph 40**, where the CPT "*recommends that the complement of cultural mediators in all CPRs be reviewed and that, in light of the statistics on the nationalities represented, emphasis be placed on the representation of linguistic groups rather than simply Arabic speakers. Furthermore, the Committee considers that there is no justification for cultural*

mediators to speak to detainees through bars or at the entrance to the module, as was observed in the Milan and Potenza CPRs”, the following remarks are hereby reported.

In this regard, the Prefettura of Potenza informed it had integrated the organisational chart with **additional 6 language mediators** and increased the number of hours provided for psychological assistance service, equalling to 32 hours per week – compared to the previous 16 hours weekly – in accordance with the Staff provision chart of the new tender specifications approved via Ministerial Decree dated 4 March 2024 and amended on 30 July 2024.

The Prefettura of Rome informed that, in order to improve social assistance services, a Memorandum of Understanding (MoU) has been renewed with some third sector entities that mainly carry out activities aimed at ensuring linguistic and cultural mediation for migrants, legal advice, and orientation on international protection matters, while the Prefettura of Milan, aided by mediators, has been in charge of the services for interpretation into the main languages.

Regarding the recommendation that mediators and psychologists should not talk to the detainees through bars, interviews are held between mediators and detainees through bars – probably for quick, routine, and non-confidential exchanges. This does not exclude the fact that also different ways of interviewing exist. The mediator role is instrumental in having access to the various services provided. Obviously, the mediation service will be carried out in different manners, including as a way of example, during medical visits or psychological interviews.

With regard to the remarks concerning the way in which healthcare is provided, it should be noted, as a preliminary element, that in Italy the jurisdiction of the matter, although complying with common principles, is broken down on a regional basis, thus resulting in possible differences depending on the geographical location of the specific CPRs visited.

With reference to **paragraph 41**, where the CPT *"recommends that the psychological input be improved in all the CPRs visited, in line with the provisions of the new Capitolato. Further, the disproportionate security-related restrictions on the provision of psychological assistance in force at all CPRs visited should be lifted, as the Committee considers that there is no justification for psychologists to speak to detainees through the bars and metal fences or at the entrance to the module”*, the following remarks are hereby reported.

As regards psychological assistance, the 2024 tender provides for a psychologist to be present 32 hours per week in Centres with a capacity of up to 50 places; 40 hours per week, from 51 to 100 places; and 48 hours per week, from 101 to 151 places, increasing up to 72 hours per week, in Centres with a capacity from 251 to 300 places. In order to provide targeted psychological assistance, initially the psychologist holds the first general interview with all the detainees through the bars. This introductory interview is held for the purposes of preliminarily learning individuals' needs, with a view to preparing further individual interviews that will take place at a later stage, upon schedule, outside the abovementioned restrictions.

As to **paragraph 45**, where the CPT *"recommends that the Prefettura of Rome and Potenza discuss with the respective ASLs the modalities for improving the interface and cooperation as regards the provision of healthcare to foreign nationals detained in the Potenza and Rome CPRs”*, the following remarks are hereby reported.

The Prefettura of Rome ensures that guests at the Ponte Galeria Repatriation Centre have ongoing access to healthcare, and are evaluated as to whether they are suitable for living in communities. These assessments are carried out, on a regular basis, in a professional and rigorous manner by ASL (*Azienda Sanitaria Locale*, namely Local Healthcare Unit) medical personnel specifically trained on ethno-psychiatry. In this regard, it should be noted that in April 2024 the

Prefettura of Rome signed a Protocol with ASL RM3 which, besides ensuring guests continuous access to healthcare, expanded the psychiatric care measures to take place in designated spaces within the CPR. In particular, visiting days will be organised within the CPR also to further improve assessments of guests' suitability for living in a restrained community. The ASL medical staff units, specifically trained in ethno-psychometrics, are already rigorously carrying out these tasks. If guests are assessed as not entitled, they are immediately removed from the CPR. All visits take place in full respect of guests' security and privacy.

The Prefettura of Potenza assured it guarantees public health entities' timely interventions for migrants' medical care, also for assessing whether they are suitable for living in a restricted community.

With regard to **paragraph 52**, it is to be underlined that on 12 July 2024 the woman concerned, hosted at the time of the Committee visit and affected by behaviour problems, was discharged from the CPR and transferred to the psychiatric department of the San Camillo Hospital in Rome, precisely because she was unsuitable for living in a restrained community.

With regard to **paragraph 53**, where the CPT *"recommends that steps be taken to ensure that medical examinations of foreign nationals detained in CPRs are conducted out of the hearing and sight of non-medical staff, unless the doctor concerned expressly requests otherwise in a given case. Consequently, the strict rules in force at the CPR of Potenza should be revised in line with the general revision of the SOPs of the Questura as described in paragraph 73"*, reference is made to the Directive laying down the criteria for organisation and management of retention Centres for repatriations pursuant to Art. 14 of Legislative Decree No. 286 of 25 July 1998, and subsequent amendments and integrations, which already expressly regulates this issue as per paragraph 5 of Article 3, stating that, "[...] Medical examinations within the Centre shall be carried out in the healthcare room, so as to ensure respect for confidentiality and the protection of personal dignity. Whereby special needs arise, and upon request by the doctor, the presence of Police forces may be allowed. [...]". It is thus clear that whenever the presence of Police forces is allowed during a medical examination, it will certainly take place in special conditions that have justified such a request by the physician that is performing the medical examination – i.e., when the physicians expressly require the presence of law enforcement officers; e.g., if one is afraid of being attacked by a nervous guest, the head of the security service can secure the discrete presence of a Police officer at the entrance of the outpatient.

In any case, it is understood that **medical examinations are normally carried out in the presence of medical and nursing staffs only**.

The Prefettura of Potenza informed that in order to ensure greater confidentiality during the medical examinations of foreign nationals retained in the CPR, the Police HQs of Potenza deemed it appropriate to revise the operational procedures on the presence of Police forces, in order to ensure greater protection of privacy for the Centre's guests.

The Prefettura of Gorizia detailed that the presence of cultural mediators on the occasion of medical examinations on guests stems solely from the need to carry out the essential mediation between patients and healthcare professionals, without which some misunderstanding may arise with serious consequences for guests' health. The presence of mediators is requested by the doctor and/or nurses of the Centre.

As for **paragraph 55**, where the CPT *"recommends that, at the Gradisca and Milan CPRs, the modalities of medication distribution be revised, with medication being prepared by nurses in dedicated medication dispensers in order to avoid the unsafe practice of overlapping plastic cups. The Committee also recommends that the healthcare staff at the Potenza CPR exercise greater control over the distribution of medication, by checking that it has actually been*

swallowed by the detainees. In addition, it is imperative that psychotropic drugs be kept in special locked cabinets in the CPRs visited", reference is to be made to what has already been stated in the introductory preamble to Part Two of the present Remarks.

The way medications are distributed (a double plastic cup), observed by the Delegation, is aimed at ensuring correct administration while avoiding any possible contamination between the external glass and the internal one containing the medication, because each glass is marked with the name of the person who must receive it and, before administration, the relevant medical file is always reviewed. The medical file of each guest contains a card displaying the patient's photograph and indicating the medication intake, so that it can be checked before delivery that the recipient is indeed the recipient of the medication and that what he/she has been given corresponds to the related medical prescription. In any case, the medication to be administered is prepared and delivered exclusively by the Centre's nursing staff.

The Prefettura of Potenza has adopted some measures, in agreement with the Questura, issuing recommendations to the Management Body so as to ensure enhanced control by the Staff in order to avert medication trafficking phenomena.

Regarding the administration of psychotropic medications, it is worth noting these are administered upon medical prescription and are specifically retrieved from the ASL, whereby needed. The Management Body has been advised to use medication distribution methods that ensure proper storage of medications in a place not accessible to the detainees; and it is to be pointed out that methadone-based therapies are strictly guarded inside a safe being accessible to the Centre's Manager only.

With reference to **paragraph 57**, the CPT "*recommends that the Italian authorities ensure that the interface between the medical staff of Rome CPR, the contractor's psychologist and the visiting ASL psychiatrist be strengthened in order to ensure that all detained persons showing signs of a mental disorder are promptly referred to the psychiatrist to receive the appropriate therapeutic input and, if necessary, to be reassessed with regard to their fitness for detention*", it is to be noted that within the CPR of Rome, psychiatric assistance measures have been expanded thanks to the new Protocol signed between the Prefettura of Rome and ASL RM3.

The new tender provides for the presence of psychological support personnel for 48 hours per week and of social operators for 42 hours per week. The interpreting service has also been considerably improved, with the presence of three language mediators in the CPR of Rome, including at night.

As for **paragraph 60**, the CPT "*recommends that the psychological input provided to persons detained in CPRs in the relevant Capitolato be reinforced and that psychologists be allowed to carry out their interventions in an appropriate setting and in direct contact with the detainees (without remaining at the entrance of the module or through the bars of the courtyard)*", please refer to paragraph 41.

As for **paragraph 62**, the CPT: "*recommends that, in the case of detained persons admitted to CPRs in respect of whom an age assessment procedure is under way, they should be transferred to a dedicated reception facility within the framework of the SAI, pending the outcome of the assessment procedure*", the following remarks are hereby reported.

In the event of reasonable doubt as to the age declared by the child, pending the outcome of the related identification proceeding, the child shall be hosted by appropriate first-level reception facilities as established by law, in line with his/her best interests, unless the Judicial Authority decides otherwise. In this event, therefore, whereby the checks provided for by law have been ordered to ascertain his/her age – their procedural legitimacy being examined by the Juvenile Court

– the foreigner shall not be retained.

With regard to **paragraphs 63 and 64**, where the CPT "*recommends that clinical protocols and guidelines be established on a number of issues, such as the management of hunger strikes and the prevention of suicide in detention in light of the National Action Plan for the Prevention of Suicides in Prison ("Piano nazionale di intervento per la prevenzione dei suicidi in carcere") and its subsequent modifications*" and "*recommends that the Italian authorities ensure that the relevant actors (namely, the Prefetture, ASLs and CPR contractors) adopt protocols for the management of hunger strike in all CPRs*", the recommendation will be taken into account. Nevertheless, it is necessary to consider the inherent differences that exist versus the prison detention regime.

With regard to the recommendation in **paragraph 73**, Italian Authorities pay attention to the training of personnel employed within the CPRs, in particular to raise awareness on correct approach to migrants, as the Centres' operational context represents a stand-alone situation for Police forces. The recommendation to create a dedicated team of staff is undoubtedly a good starting point for reflection, worthy of consideration to orient any possible future assessments.

To date, within the Italian legal system, each Questore is in charge of ensuring public order and security in the territory of the province under his/her responsibility. In this regard, the Regulation implementing the mentioned Consolidated Act on Immigration (D.P.R. No. 394 dated 31 August 1999) as per its Article 21 paragraph 9 stipulates that, "The Questore shall adopt all other measures, including those necessary to ensure the Centre's security and public order, also for identification of persons and security at the Centre entrance, as well as those to prevent undue departure of retained persons and re-establish order and rules whereby violated. The Questore, including via public security officers, requests the necessary cooperation from the Centre Manager and staff, who are required to provide it." In compliance with the aforementioned provision, the Questore in charge of a given CPR issues his/her own circular dictating the measures necessary to protect public order and security in the Centre in accordance with the specific local situation.

With regard to **paragraph 76**, where the CPT "*invites the Italian authorities to engage in a comprehensive examination of the model and lessons learned from the privatisation of the management services of CPRs and other migrant reception centres, particularly in light of the recent criminal investigations (see paragraph 7), and the potential impact of such alleged corrupt activities on the well-being of detainees. The CPT considers that the outsourcing of immigration detention management services to private contractors does not relieve the State of its responsibility whenever there is a violation of the fundamental rights of the detained population*", well aware that entrusting management functions to private contractors does not relieve the State from having to ensure compliance with fundamental rights, ongoing monitoring mechanisms are envisaged, not only by the contracting Prefetture themselves but also by the Guarantors (at municipal, regional, or national level), besides sanction measures of increasing relevance in relation to each alleged violation.

In taking note of the remarks made in **paragraph 79** and ensuring that retention validation hearings take place in full compliance with applicable national legislation, the following should be noted.

In particular, with regard to **paragraph 80**, it is worth noting that the lawyer, also whereby appointed *ex officio*, has access to the interview with his/her client upon request and without obstacles, also in person – i.e., meeting the client – before the validation hearing, namely as soon as the lawyer is notified of his/her own appointment. The presence of an interpreter is always ensured at validation and/or extension hearings and, before these take place, his/her presence is secured at the CPR.

The procedure for validating the retention decision is started upon request from the Questore,

with communications from the Cancelleria (Registry) and the creation of an electronic file that must include all the documents underlying the retention decision and the request for its validation. The appointed lawyer accesses the digital file remotely, in compliance with the ordinary rules regulating electronic civil trials which ensure rapid, immediate, complete, and unrestricted access to proceeding-related documents from any workstation available to the lawyer. Wearing uniforms at the Court hearing complies with relevant regulations.

With regard to **paragraph 81**, in general, the Italian legal aid system does not include a provision that establishes minimum or maximum time limits for the duration of the defence term of office to ensure its continuity, nor does it appear possible to adopt one. Such a provision would not even be possible in cases of *ex officio* appointment, generally carried out for specific purposes, such as participation in the validation hearing session. The professional relationship between the party concerned and his/her lawyer is trust-based. In any case, nothing prevents, under current legislation, that the foreigner can continue the professional relationship with the lawyer appointed *ex officio* after the validation hearing, without this choice entailing the loss of the benefit of free-of-charge legal aid (paid by the State). Italian legislation provides for free-of-charge legal assistance in these types of proceedings (validations, and retention extensions) regardless of the assessment on the financial conditions of the party concerned. The retained foreigner's contacts with the outside world are ensured by the operating rules of the CPRs (see in particular Article 14, paragraphs 2 and 3-*bis* of the Consolidated Act of provisions concerning immigration and the condition of third country nationals (*Testo Unico Immigrazione – TUI*, and the relevant provisions under Presidential Decree No. 394/1999). Furthermore, as to the detainees provided with legal assistance, it is their lawyers' professional duty to identify the necessary documentation for defense purposes and, whereby appropriate, to cooperate for its acquisition.

With regard to **paragraph 82**, please refer to the Ministerial Decree dated 19.05.2022, the so-called "Lamorgese Directive", which (Art. 2) provides that, besides informing the migrant at the time he/she enters the Centre, and prior to the retention validation hearing, the lawyers assisted by the cultural-linguistic mediator shall provide complete information and remain available at the offices where the interviews with the Managing Body staff take place and at the rooms for interviews with lawyers and family members. The information shall be given and made available in a language that the foreign national understands. Moreover, the new Specifications scheme also provides for a cultural-linguistic mediation service through an adequate number of cultural-linguistic mediators, ensuring coverage of the main languages spoken by the migrants in the Centre.

It should be noted that the hearing session may not be held without an interpreter, under penalty of nullity. For foreign nationals who speak Urdu, the issue should not arise, as the second official language spoken in Pakistan – where they mainly come from – is English; therefore, finding an interpreter for English is not difficult. In other cases, due to the urgent nature of the validation hearings, the interpreter is physically present next to the Judge, while the foreign national is generally at the CPR. The lawyer can participate either from the CPR or the Courtroom, at his/her choice. Hearings normally take place via videoconference, partly because of the big distance between the CPR and the Courtroom where the hearing takes place.

It should be added that in the case of rarer languages, such as Pashto, it is allowed to use a language that the foreign national is reasonably supposed to understand, but the Judge always performs a case-by-case check on whether the foreign national is actually able to participate in the hearing as he/she can communicate.

Regarding **paragraph 86**, where the CPT "*reiterates its recommendation that asylum seekers be accommodated in dedicated areas of CPRs, and that they should not be mixed with other categories of detained persons, such as those coming from prison. In any case, the allocation of foreign nationals in a CPR should be based on an individual risk assessment. Such*

premises are distinguished according to the sex of the occupants and, where possible, so as not to create overlaps of different ethnic groups and legal situations which could lead to risks for order and security in the Centre. The management body allocates beds nominally, ensuring that respect is maintained by foreigners; the care must be provided by personnel of the same sex. When finding accommodation, where possible, according to the facility configuration, a space is reserved for asylum seekers, persons with special reception needs and families composed of spouses. In the latter case, if the unity of the household cannot be ensured by using a space reserved for it, or by transferring to another Centre, the spouses are guaranteed the possibility of direct interviews according to modalities to be agreed with the head of the internal supervisory service at the Centre", in this respect, mention has to be made of: paragraph i) of Art. 4 of the Directive laying down the criteria for organisation and management of retention Centres for repatriation pursuant to Art. 14 of Legislative Decree No. 286 of 25 July 1998, and subsequent amendments and integrations, which expressly provides that the Management Body, [...] "identifies accommodation on the basis of the needs reported by Police forces in the Centre. These premises shall be divided based on the sex of the detainees and, where possible, in such way as not to create overlapping between ethnic groups and different legal situations which could result in risks posed to order and security in the Centre. The Management Body allocates beds nominally, ensuring that respect is ensured by the foreign nationals. Assistance must be provided by personnel of the same sex as the guests receiving it. In assigning the accommodation, whereby possible, based on the facility's design, a space shall be reserved for asylum seekers, persons with special reception needs, and households composed of married couples [...]"'. Therefore, it is worth noting that the Managing Bodies, whereby they have the possibility, make a targeted allocation based on the mentioned reference criteria, placing asylum seekers in dedicated areas of the CPR, so as to ensure that they are kept separated from the other categories (e.g., individuals coming from prison) besides considering individual peculiarities. However, this clear separation is not always feasible. There are, in fact, factual constraints and difficulties that sometimes prevent Managers from maintaining such clear distinctions.

In order to underline the specific attention that the Management Body and the staff working in the CPRs ensure to asylum seekers, it is worth recalling that asylum applications may be submitted, including under retention within the Centre, pursuant to Art. 14 of the abovementioned TUI.

Moreover, it is to be recalled that the general allocation criterion used for places within the Centre is based on the assessment made of the individual foreign national, also considering possible social danger profiles – and compatibly with the availability of places in the Centre.

With regard to the recommendation laid down in **paragraph 88**, retention aimed at mere identification (*fermo di identificazione*) is governed by specific and comprehensive national legislation. Art. 11 of Decree-Law No. 59/1978 (converted into Law No. 191/78) provides that Police officers and agents may take to police stations anyone who refuses to declare his/her own identity or when there are sufficient indications for belief in the falsity of the declarations or documents he/she presented.

Accompanied persons may be retained for the time strictly necessary for identification purposes and in any case not exceeding 24 hours. Immediate notification of the accompanying action (and subsequent release) must be conveyed to the Public Prosecutor's Office. The rights of the retained person are protected by the above notification to the Judicial Authorities. As for the *fermo di identificazione*, there is in fact no provision on information similar to that provided to the migrant before retention in the CPR or to persons arrested *in flagrante delicto* because this is still a prodromal phase where this retention phase (*fermo*) is only functional for identification purposes and must in fact last the time strictly necessary to such purposes – and in any case no longer than

24 hours. The person concerned is made aware of the proceeding to which he/she is subjected during the compiling of the so-called *foglio-notizie*, in which the migrant, in addition to providing the operator with his/her personal data useful for identification, specifies the reasons for entry/stay in Italy and other information useful to define his/her administrative position.

Different is the event concerning the retention of an irregular migrant while performing his/her removal and immediate transfer to the border when it comes to the use of “suitable premises” within Public Security Authority’s availability. These “suitable places”, other than the CPRs, are governed by Art.13 paragraph 5-*bis* of Legislative Decree No. 286 of 1998 (introduced by Art. 14 of Decree-Law No.113/2018, as converted with amendments by Law No. 132/2018), which entitles the Justice of the Peace to possibly authorise the temporary stay of a foreign national in different and “suitable premises” available to the Public Security Authority till the validation procedure has been defined, if no places are available within a CPR located in the proximity of the competent Court.

The reference premises were ensured by the Questure in compliance with the remarks provided by the National Guarantor for the Rights of Persons Detained or Deprived of Personal Liberty, based upon a preliminary dialogue at central level, in order to collect the necessary information to guarantee respect for the retained migrant’s rights.

As a matter of fact, *ad-hoc* directives were disseminated, via dedicated circulars, to further standardise CPR management, indicating the minimum logistical characteristics of the premises themselves, as well as the need to comply with procedures that guarantee transparency and traceability of the activity carried out during the retention authorised by the Judicial Authority. In several locations, before being made available for use, the “suitable premises” were pre-visited by Guarantee and Judicial Authorities.

The foreign national placed in such premises is therefore uniformly granted the same rights as of those ones retained in CPRs, consistently with the shorter duration of retention, starting from the multilingual information on the procedure applied to him/her and his/her rights, including the appointment of a lawyer of his/her choice as an alternative to the one appointed by the Court. In addition, a register is kept for the following information: details of the person retained and reference to the repatriation decision; date and time of entry and exit; note(s) indicating the relevant information was provided and understood by the person concerned; food provision performed; any interviews with own’s trusted lawyer or other authorised party; any manifestation to apply for international protection; healthcare-related interventions, and any critical events.

At a central level, the needs for realisation/adaptation of temporary retention facilities on the territory are currently being mapped. The resulting information will allow initiating new funding of the interventions deemed as necessary, following indications by the National Guarantor.

Furthermore, in light of the peremptory nature of the non- refoulement principle, the relevant CPT recommendation is fully reflected in the Italian legislation and in the subsequent action performed by Police forces.

Article 11, paragraph 6, of the abovementioned Consolidated Act on Immigration (*TUI*), regards the provision of specific information services at border crossings, as this measure is specifically aimed at reducing the risk of illegal rejections, i.e. not compliant with the ECHR, and, whereby necessary, to promptly start the procedure for submitting the application for protection.

Access to the asylum procedure is always widely guaranteed, as well as the relevant information is made known to the migrant, with appropriate forms translated into target languages. On this point, Immigration Offices staffs are systematically trained and instructed, also with the

qualified contribution of EUAA and UNHCR international organisations. In fact, the foreign national is duly informed of the procedure applied to him/her and of the rights recognised to him/her at the time of the *fermo di identificazione* and during the administrative processing of his/her position in the national territory. In particular, when compiling the so-called *foglio-notizie*, drawn up in the presence of an interpreter who signs it together with the migrant concerned and the Police officer, the foreign national is made aware of the possibility of applying for international protection and informed of the related procedures in force.

The expulsion order, duly justified and translated into a language that is understandable to the foreign national, is always delivered to him/her (who sometimes refuses to sign the notification and withdraw a copy thereof), and this order clearly indicates the information and terms applicable should he/she decide to lodge an appeal.

The Italian legislation under Article 13, paragraph 3 of the abovementioned *TUI*, provides that expulsion is ordered in any case via immediately enforceable motivated decree, even if subject to complaint/appeal by the person concerned. The assistance of a lawyer and an interpreter is always strictly guaranteed, along with access to free-of-charge legal aid.

As to the recommendation in **paragraph 89**, it should be noted that right of the to-be-repatriated person to receive information on the repatriation procedure is constantly guaranteed.

In particular, in the context of training courses for escorting staff as well as in the Guidelines for escorting services provided to persons to be repatriated, specific emphasis is placed on adequate prior information to the individual to be repatriated with regard to the modalities and stages of repatriation. This practice is usually in place for each repatriation operation, whether it involves charter or scheduled flights. The issue is also closely linked to adequate linguistic knowledge. As a matter of fact, it is well known this significantly affects the emotional dimension of the person to be repatriated and is carried out by Police officers precisely in order to avert opposing behaviours and thus preventing risks for the safety of the person to be repatriated, for the operators themselves, and for other individuals possibly present. For the same purpose, furthermore, during the pre-repatriation phases, the persons to be repatriated with scheduled flights are entitled, consistently with their level of cooperation, to use telephone devices to contact family members or other persons in their country of origin, either upon initiative by the escorting operators or, of course, upon request by the person concerned.

As for charter flights: whereby foreign nationals to be repatriated are retained in CPRs, although operational and security requirements related to the operation sometimes do not allow this possibility in the pre-repatriation phases, the need to inform migrants on the progress of repatriation operations is always considered, through dialogue and mediation by the escorting staff's chief, reassuring the persons to be repatriated as to the related timing and modalities.

It is appropriate to point out that Art. 5 of the Directive issued by the Italian Minister of the Interior laying down the criteria for organisation and management of retention Centres for repatriations pursuant to Art. 14 of Legislative Decree No. 286 of 25 July 1998, and subsequent amendments and integrations, adopted on 19 May 2022, provides that the detainees are entitled to use telephone devices, including, clearly, to inform their family members or other persons about their possible repatriation.

In any case, it is to be recalled that a primary objective in the most recent repatriation policies implemented by relevant territorial Offices, upon input by the Central Directorate for Immigration and Border Police, is to inform the foreign national, at his/her access to the CPR, as to the various forms of reintegration and assisted voluntary return programmes, also by providing him/her with brochures illustrating the relevant procedures. On this point, there has been ongoing

investment on the training of staff dedicated to relevant counselling.

On **paragraph 90**, where the CPT *"recommends that the information officers at all CPRs are effectively able to provide detained persons with clear and comprehensive information following their admission to a CPR and prior to the judicial hearing on the validation of the trattenimento"*, in addition to confirming that timely information on several categories of topics of interest to the foreign nationals in the Centres and relevant to their entry and stay is provided to the retained persons, it is worth noting that as per the Directive laying down the criteria for organisation and management of retention Centres for repatriations pursuant to Art. 14 of Legislative Decree No. 286 of 25 July 1998, and subsequent amendments and integrations, information to the foreign national is specifically regulated by Article 2 of the above Decree, which also applies to the operators in charge of providing information. More specifically, Article 2 expressly envisages, "1. Without prejudice to the information-related obligations set out in Article 6, paragraph 4, of Legislative Decree No. 142, dated 18 August 2015, and to the right of complaint set out in Article 14, paragraph 2-bis, of Legislative Decree No. 286 dated 25 July 1998, upon access to the Centre, the Management Body staff responsible for receiving the foreign national shall inform the foreign national of his/her rights and duties within the Centre, the goods and services thereby provided, the retention arrangements, and the rules of cohabitation within the Centre, also by delivering the following material:

- a) The Charter of Rights and Duties, as set out in Annex 1 a);
- b) For applicants for international protection, the information booklet provided for in Article 10 of Decree-Law No. 25, dated 28 January 2008;
- c) The Centre rules, which specify the internal rules of life, the services provided to the foreign national and the related days, hours and methods of delivery;
- d) Other information material provided by the Prefettura.

2. Without prejudice to the information provided pursuant to Article 20 of D.P.R. No. 394/1999, before the validation hearing session, the Management Body shall inform the foreign national of the right to appoint a lawyer, upon his/her own choice, and also make available, for immediate consultation by the foreign national, upon request, the list of lawyers supplying free-of-charge legal aid provided by the Bar Council, upon request by the Prefettura, as periodically updated.

3. After the entry, and normally before the retention validation hearing, the legal operator assisted by the linguistic-cultural mediator shall provide full information and explain the content of the information material referred to in paragraphs 1 and 2, which is also available in the Offices where interviews with the Management Body staff and in the rooms for interviews with lawyers and family members take place."

As for **paragraph 91**, where the CPT *"recommends that the Italian authorities ensure that the management of the CPRs introduce standardised registers on issues such as critical events (potentially in an electronic format) that are stamped and signed, and not subject to manipulation, in order to facilitate the work of judicial, monitoring and accountability bodies"*, by reiterating that the provision for the register of critical events was introduced precisely upon indication by the Guarantor of Persons Deprived of Personal Liberty, the possibilities of introducing methods for its standardisation will be examined.

With respect to **paragraph 93**, where the CPT *"recommends that the sanitary facilities of the female detention blocks of Rome CPR be repaired in terms. Further, additional cultural mediators with language skills to cover less represented categories of detainees is even more relevant with regard to the female population, given their minority in the context of the Italian CPRs. In this respect, a pool of freelance cultural mediators should be created to meet the needs of detainees who are less represented in linguistic terms"*, it is to be specified that the Managing Body is required to ensure linguistic mediation for the detainees, possibly using one of the target languages understood by them. In any case, the feasibility of the Committee's proposal will be taken into

consideration.

On **paragraph 94**, where the CPT *"recommends that the Italian authorities take full account of the vulnerability of LGBT+ foreign nationals when admitted to a CPR, in light of the risks of possible re-traumatization as indicated, inter alia, in the ISS guidelines (see paragraph 51). The authorities must also ensure that their fitness for detention is not assessed solely on the basis of the commencement of hormone therapy or undertaking of gender affirming surgery"*, it should be noted that, at present, no LGBT+ foreign national is retained.

Regarding **paragraph 95**, *"recommends that the Italian authorities permit foreign nationals detained in CPRs to utilise VoIP technologies free of charge to facilitate communication with the outside world. Moreover, it would be beneficial to examine the reasoning behind the Milan Court's decision, in order to ascertain whether the use of mobile phones could be extended to all CPRs nationwide"*, we hereby highlight that the general ban on making video calls is inherent to the Centres and proves necessary to guarantee the privacy of all persons thereby present and thus protect both the detainees and the staff on duty.

For this reason, guests are provided with mobile phones to communicate with their beloved ones or lawyers under discreet surveillance performed in such a way as to ensure respect of the right to privacy – including to prevent any criminal offences (theft, embezzlement, IT-related crimes).

With regard to the recommendation in **paragraph 96**, it is worth recalling that, actually, migrants are not subject to searches *strictu sensu*, but only to security checks when entering the CPRs, in order to prevent them from possibly carrying objects that are dangerous for themselves or others within the Centre.

On **paragraphs 88 and 97**, where the CPT *"recommends that the effectiveness of the complaint mechanism to the Garante Nazionale be improved through better publicity and information on the possibilities for lodging complaints. Further, the introduction of standardised registers of critical incident and access to reports of interventions by custodial staff will contribute to improving the effectiveness of the mechanism in respect of the processing of complaints. The CPT recommends that steps be taken in light of the above principles"*, at regulation level, Article 14 paragraph 2-bis of the mentioned TUI provides that the retained foreign national may address oral or written requests or complaints, including in a sealed envelope, to the National Guarantor and Regional or Local Guarantors of the rights of persons deprived of liberty. In this sense, the aforementioned CPR Consolidated Regulation also provides for conveying information to migrants through the Charter of Rights and Duties and for making all and every provision to implement it.

Furthermore, the complaint mechanism is regulated by Article 111 of EU Regulation 2019/1986 of the Parliament and of the Council of 13 November 2019.

Specific explanatory documentation on the *Complaint Mechanism* is provided in several languages to those responsible for repatriation operations and is held by the Central Directorate for Immigration and Border Police representatives employed in these services. In this regard, to increase the above Mechanism's visibility, special signs have been displayed at the premises of the airports where repatriation operations are carried out, thus ensuring proper information and dissemination, as requested by the *Frontex Fundamental Right Officer*.

With regard to **paragraph 100**, reference is made to the remarks set forth in paragraph 76, also stating that, pursuant to Article 19 of the new Specifications scheme, the provision regulates in detail the control system implemented by the Prefettura in order to ensure regular contract performance and proper use of public resources. These periodic inspections, without prior notice, are performed by inspection units composed of several entities and institutions of the reference territory. Furthermore, Articles 20 and 21 respectively provide for cooperation obligations on the

successful bidder as to performing the required controls, and the penalties to be applied in the event of non-performance of the services to the extent of providing for contract termination in the event of specific breaches.

ANNEXES

The Carabinieri Corps pays the utmost attention to the relevant issues, by training its staff both during the initial basic courses and throughout their professional life (**Annex 1**), as well as by constantly updating the operational procedures to fully respect the fundamental rights and freedoms of the individual, according to the principle of the progressive use of force (**Annex 2**).

ANNEX 1 – CARABINIERI PERSONNEL TRAINING ON THE PROHIBITION OF TORTURE

INITIAL TRAINING COURSE

Attendees of the Carabinieri Corps' training courses follow a specific interdisciplinary teaching module on Human Rights, also addressing the issue of combating hate and racially motivated crimes. This module, included in the educational programmes of the courses aimed at Carabinieri of all ranks (Officers, Marshals, Brigadiers and Carabinieri), is customised to learners, involving different levels of in-depth study. Within the lessons, the young Carabinieri are made aware of the ethical and legal criteria to be implemented during the performance of their services (use of force, investigations, approach to victims of discrimination, etc.), also through discussion – at the Carabinieri Officers School, within courses also open to foreigners, with attendees coming from foreign countries, including from Africa.

The Carabinieri personnel participate in several gender-related courses, including:

- The “*Gender Advisor*” course at ISTI in Velletri (under SMD), at its seventh edition;
- (On-line and in-person course) for “*Gender Focal Point*” and “*Gender Advisor*”, as organised by the ESDC (European Security and Defence College) and the Nordic Centre for Gender in Military Operations.

RETRAINING COURSES ON OPERATIONAL INTERVENTION TECHNIQUES (T.I.O.)

Every Command organises cyclical retraining courses on operational intervention techniques addressed to the personnel in service (**ongoing training**) within the Territorial Organisation departments. These 4-day courses include *ad-hoc* modules on operations involving individuals in a state of psychomotor agitation resulting from pathologies or caused by the abuse of drugs and/or alcohol, and check of suspicious persons.

MOU WITH THE NATIONAL GUARANTOR FOR THE RIGHTS OF PERSONS DETAINED OR DEPRIVED OF PERSONAL LIBERTY

Following the Memorandum of Understanding (MoU) signed in 2018 by the Carabinieri Corps and the abovementioned National Guarantor, seminars have been held at training institutes starting from the 2018/2019 academic year to foster reflection and enhanced knowledge of topics falling within the Guarantor’s scope of activity and responsibility (personal liberty deprivation - criminal domain; arrest and retention procedures; Guarantor’s visits to detainees custody places).

Since 2021, numerous meetings have been organised, jointly with the Guarantor Office, for the Territorial Organisation Departments Commanders, aimed at raising staff's awareness on the duties and responsibilities connected with the custody of individuals deprived of personal liberty, for subsequent top-down training of their employed staff units.

The above MoU was renewed on 17 March 2022 for a further three-year period (2022-2025).

ANNEX 2 – PROGRESSIVE USE OF FORCE. INITIATIVES ADOPTED BY THE CARABINIERI CORPS AT OPERATIONAL LEVEL

UPDATE

In the framework of the progressive updating of the Carabinieri Corps with regard to the procedures related to Institution's services , an internal publication was revised in order to enhance the effectiveness and safety of the action procedures in relation to operational contexts complexity.

USE OF WEAPONS OR OTHER PHYSICAL COERCION MEANS

The Carabinieri Corps grounds its operational procedures on full respect for the rights and fundamental freedoms of the individual, according to the principle of progressive use of force (presence, dialogue, physical contact, less-than-lethal options and lethal options), complemented with the conditions of necessity, proportionality, and relevance of the threat.

ACTS OF VIOLENCE AND RESISTANCE TO PUBLIC OFFICIALS

In order to guarantee credibility and trust in the work performed by the Carabinieri Corps, its General Regulations provide that the Department's Commander or Lieutenant shall carry out personal checks aimed at establishing, with certainty, the behaviour(s) of the military staff involved. These checks concern correct use of operational intervention techniques, as well as any possible imprudent or rush conduct and the reasons underlying the event itself, with specific focus on causes of either personal and family nature, should these emerge.

Based on the results of the checks, all the necessary measures shall be adopted regarding any liability found against the checked staff, involving, in the event of a criminal case, the competent Judicial Authority and promptly informing the next hierarchy.

DEPRIVATION OF PERSONAL LIBERTY AND CUSTODY OF RESTRICTED PERSONS

The sector provisions were established and issued in compliance with the principles established by the Italian Constitution and in accordance with the provisions laid down by the international conventions on human rights ratified by Italy, as well Italian State laws and regulations in force ("Vademecum on the treatment of persons deprived of personal liberty" – Ed. 2021, as disseminated by internal circular).