

borderline-europe, Sicily

SCIROCCO

News from Italy



Scirocco [ʃiˈrɔkko-Schirokko] is a southeastern, hot strong wind that carries dust and sand across the Mediterranean to Sicily and up to Italy's north often for a few hours only. This newflash has been published on an approximately bi-weekly basis since March 2021

Political and social situation

Last month, Italy was condemned twice by the European Court of Human Rights (ECtHR) for the **inhuman and degrading treatment of migrants**. The most recent case concerns the mistreatment of numerous unaccompanied minors between the ages of 15 and 17 who were illegally detained in the [Taranto hotspot](#) for a month and a half in 2017. The ECtHR concluded that Italy had inflicted "inhuman and degrading treatment" on the young people and had failed to provide them with a legal guardian or information on legal means to challenge their situation in court. Several NGOs, such as the Association for Legal Studies on Immigration (ASGI), have pointed out that the situation has not changed since 2017. Lawyer [Dario Belluccio](#) assessed the Court's sentence positively, stating that "it is about the **personal freedom of hundreds of underage people**, a freedom that is denied to those who have the right to reside legally in Italy, who have not committed a crime and who, moreover, are not subject to any judicial control".

Moreover, Italy was condemned by the ECtHR in the case of [four Sudanese men](#) who arrived in Italy on two different boats in 2016 and were **deprived of their rights, mistreated and detained**. According to their testimonies, the four men were forced to undress and undergo medical examinations in the presence of other migrants. They were kept naked and without any privacy. In addition, during long bus rides in the summer heat between Ventimiglia and Taranto (and back), which were carried out as part of the so-called "[border relief operations](#)" in [Ventimiglia](#), they were not provided with sufficient food and water and were under constant surveillance by police officers who threatened them verbally and physically. Based on these circumstances, the ECtHR found a violation of [Art. 3 and Art. 5](#) of the European Convention on Human Rights (ECHR). Italy was ordered to [pay compensation for damages](#) in the amount of 27,000 euros plus 4,000 euros in court costs and expenses.

Agreement between Italy and Albania

The [European Commission](#) approved the protocol between Italy and Albania (we reported [here](#)), which provides for the opening of two **Italian-administered reception facilities in Albania** for migrants rescued at sea. In the future, asylum applications are to be processed there – even if this falls under Italian competence.



Photo: Italian parliament hall, Mario Oriolesi, unsplash

Apparently, the Italian government is planning to hold asylum interviews in those facilities [via video conference](#) rather than face-to-face. From a human rights perspective, this is deeply concerning, as asylum seekers have to state their often traumatic and violent reasons for fleeing. Asylum interviews via video conference are not suitable for building trust between the caseworkers conducting the interviews and the asylum seekers to tell their story.

According to the EU Commission, the protocol complies with European law. Following approval by the EU, the protocol would now have to be transposed into Italian law and adopted – but as the protocol failed in the [Ministerial Council](#), the agreement is on hold for the time being. In addition to **strong criticism from the Italian opposition**, the Albanian opposition also opposed the agreement and took it to the **Albanian Constitutional Court**. The former prime minister (Democratic Party), [Sali Berisha](#), announced on December 1 that the Meloni-Rama agreement would be brought to the constitutional judges because it violates both the Albanian constitution and human rights law. The constitutional law expert and Dean at the University of Tirana, Jordan Daci, shares this opinion. The Constitutional Court has the legal authority to stop

the entire project on the grounds of unconstitutionality and human rights violations.



Photo: Tirana (Albania), Mario Beqollari, unsplash

Meeting between Italy, Tunisia, and Libya

The Italian Minister of the Interior, [Matteo Piantedosi](#), met his Libyan and Tunisian counterparts at a meeting in the Viminale (Piantedosi's seat in Rome). The interior ministers reaffirmed their continued efforts to tackle smugglers and step-up deportations ("repatriations") from Libya and Tunisia to the countries of origin of migrants. This is **against international law** as it violates the principle of [non-refoulement](#), which prohibits the extradition, expulsion or return of a person to another country if the person is at risk of torture, inhumane treatment or other serious human rights violations.

Agreement between Italy and Libya

During the conference celebrating the 20th anniversary of the UN Convention against Transnational Organized Crime at the end of September, the Italian Minister of Justice, Carlo Nordio, and his Libyan counterpart, Halima Ibrahim Abdel Rahman Elbousify, concluded an [agreement on judicial cooperation](#). The agreement will facilitate the **transfer of persons sentenced to prison** between the two countries and allows [selected prisoners](#) to serve their sentences in their home countries. Transfers will be based on a case-by-case assessment. Before the agreement enters into force, it must be ratified by the Italian parliament.

Decree on migration No. 133 will become law

The third decree on the situation of migrants and refugees in Italy – known as "Cutro II" – became an Italian law after the government initially approved the decree in a [vote of confidence](#) in October 2023. At the beginning of December, both the [Chamber of Deputies](#) and the [Senate](#) voted in favor, hence, converting it into law. [Paolo Ciani](#), deputy leader of the Pd-Idp (Democratic Party-Democratic-Progressive Italy, a center-left alliance and parliamentary group) and secretary of DemoS (Solidary Democracy Party), explained in his speech in the Chamber that his group had voted firmly against the government's confidence in the decree on immigration no. 133, because "with this decree, the government has done the worst, especially with regard to the situation of [foreign, editor's note] children by increasing the maximum number of days of detention from 30 to 45 days for young people under 16 and from 90 to 150 days for young people over 16". Ciano also emphasized that the new migration decree was **contrary to the principle of the best interests of the child and constituted serious discrimination** between Italian and foreign minors.

The [NGO Save the Children](#) has also denounced the **massive deterioration of children's rights and protection** as a result of the new migration decree: In addition to placing them in adult accommodation, the Italian authorities are now allowed to use x-rays and other **"invasive methods" to determine the age** of young people without written judicial authorization nor the presence of linguistic-cultural mediators. Furthermore, the objection period against age assessment report has been reduced to just five days, meaning that the **risk of deportation** due to an incorrect age assessment is high. In addition, accelerated asylum procedures can now also be used for minors and other vulnerable groups. The law also makes it possible to [accommodate young people](#) over the age of 16 in accommodation for adults for a maximum period of five months and to increase the occupancy rate of CAS (Centri per la accoglienza straordinaria, engl.: extraordinary reception centres) by 50%. [In addition](#), law enforcement officers and the security police will be given more competences and judges will have to order the deportation of people who have been classified as

a security risk (previously there was a scope of discretion in these cases); EU citizens who have been sentenced to more than three years in prison can be expelled from Italy; free legal representation for appeals against a rejection of international protection will be abolished.

New security decrees

The Italian government under Giorgia Meloni intends to amend the penal code with new security decrees: The new **criminal offense of "prison revolt" is punishable with a prison sentence of two to eight years** and also applies to CPRs (Centri di permanenza per i rimpatri, engl.: deportation detention centers), where migrants who are to be deported are detained. Collective resistance by three or more people is already considered a revolt. The government has also decided to punish non-violent protests such as passive resistance to deportation orders. The penalty is significantly higher if weapons are used (3-10 years' imprisonment) or if people are injured or killed (10-20 years' imprisonment).

Situation of refugees

A [regional administrative court](#) in Italy has issued an important ruling to strengthen the rights of refugees: **Reception measures (*misure di accoglienza*), i.e. the accommodation of refugees in reception facilities, may not be revoked even in the event of detention.** In doing so, the Italian administrative court ruled in line with the case law of the European Court of Justice. The latter had already held previously that asylum seekers may not be deprived of basic needs, such as secure accommodation, even under heavy penalties. In the case at hand, a [31-year-old asylum seeker from Nigeria](#) had filed a complaint after he was detained for "participation in a mafia organization" and denied asylum.



Photo: Pantelleria, ASGI

Criticism of the reception structures on Pantelleria

Refugees regularly arrive on the small Mediterranean island of Pantelleria, southwest of Sicily. But unlike Lampedusa, these arrivals receive little attention by politics and media.

What is especially worrying is the **poor human rights situation in Pantelleria's reception center**, which is not an official "hotspot" but has similar structures. A [new report by ASGI](#), realised as part of the InLimine project, points out the illegal detention of arrivals, a lack of information and legal advice services, obstacles to accessing asylum procedures and violations of refugees' privacy, particularly during phone calls. ASGI also talks about the detention and deprivation of liberty of people seeking protection.

"Killed by the borders" and the desert

In [this portrait](#), Pato talks about his flight and a pain that won't disappear: His wife Fati and his young daughter Marie **died last July in the desert between Tunisia and Libya**. Pato himself arrived in Lampedusa on a boat on November 6. "My wife and daughter died in the desert, they were killed by the borders", says Pato, "I suffer when I remember the three of us when we were still together."

Situation in Italian reception centers

Migrants have once again protested the conditions of the Italian reception system (*accoglienza*), this time in Lecce in the Apulia region. [The protesters criticized the lack of winter clothing and hot meals.](#)

The prefecture referred the demands to the Red Cross at the reception center, where the problem was finally resolved. This example shows that the many **protests by migrants can have a positive impact** and at the same time highlights the poor provision of basic needs for people seeking protection in the Italian reception system.

"An image of inhuman violence"

Doctors at the clinic for torture victims at the Policlinico Paolo Giaccone di Palermo report on the traumatic injuries suffered by refugees in Libya: "**So much courage and so much despair. We see the physical evidence of the atrocities they have experienced and feel their pain,**" says Antonina Argo, Director of Forensic Medicine. Since 2018, patients have been admitted to the medical clinic "Assessment of migrants who have been victims of deliberate violence and torture", where they receive medical and psychological treatment. They are also able to access specialist support for the recognition of their refugee status. According to Argo, genital mutilation, rape, electric burns and broken bones are among the most common atrocities reported by refugees. In addition to the visible scars, psychological wounds have "destructive consequences" for the lives of the refugees, as the psychological suffering often turns into real psychiatric pathologies, with post-traumatic stress disorder, anxiety disorders, and depression, according to the forensic doctors.



Photo: Policlinico Palermo

Between January and October 2023, doctors were able to officially identify 39 cases of torture and ill-treatment based on scars and wounds, but the number of unreported cases and therefore the number of actual victims is much higher. **Since the opening of the clinic, 300 cases have been treated;** one fifth of the people examined were minors who required special support and cooperation with the department for mothers and children.

Despite well-documented human rights violations in refugee camps and detention centers in Libya, many people are still forced to cross the country as they flee. [Refugees in Libya](#) has released footage from Bani Walid prison, which prison guards use to **extort money from family members of torture victims**. The publication called on national and international authorities to finally take action against the inhumane violence in Libya.

Further information on the situation in Italy can be found under "Projects" on our [homepage](#), in previous issues of [Scirocco](#), in our spotlight "[Zones of Lawlessness](#)" and in our new podcast episodes "[Al confine](#)".

Contact

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