



**Medici per i Diritti Umani**

**Submission to the UN Human Rights Committee Concerning  
Italy  
(119th Session – 06 March to 29 March 2017)**

## INTRODUCTION

This report was written by Medici per i Diritti Umani.

Medici per i Diritti Umani - Doctors for Human Rights (Medu) is a humanitarian and international solidarity non-profit organisation, free of any political, union, religious and ethnic affiliation. Medu brings medical aid to vulnerable people in crisis situations in Italy and abroad, and is committed to develop democratic and participative spaces within the civil society for the promotion of the right to health and to other basic human rights. The actions of Medici per i Diritti Umani are grounded in the activism of the civil society and on the professional and voluntary commitment of doctors and other health operators, as well as of citizens and professionals in other fields.

Medici per i Diritti Umani is currently involved in national and international programs. Our projects in Italy are developed with specific attention to the most vulnerable sectors of the population, usually excluded from access to health care. In Italy Medu's main projects are the following:

- **ON.TO. Project** - Stopping torture of refugees along the migratory route from Sub-Saharan countries to Northern Africa
- **Terragiusta** - Campaign against the exploitation of migrant workers in agriculture in Italy
- **Observatory on Italian detention centres for migrants (CIE)**
- **Un camper per i diritti** – Rome and Florence - Mobile Clinic for primary medical assistance and information on social, health and legal services
- **Medu Psyché Center** - psychological and psychiatric support to people who survived torture or other cruel, inhumane and degrading treatment

### **With the Support of:**

RIDH International Network of Human Rights (Réseau International des Droits Humains)

RIDH is a non-governmental organisation that contributes to capacity building by providing information, analysis and technical assistance to entities involved in promoting and protecting human rights. RIDH, which is based in Geneva, has ECOSOC consultative status at the United Nations and carries out an intermediary role in dialogue and advocacy processes relating to specific human rights contexts, working in particular with Latin American organisations.

## **IMPLEMENTATION OF ICCPR AND RELATED ISSUES**

Medu submits this parallel report to the kind attention of the United Nations Human Rights Committee at its 119th session (06 March – 29 March 2017), when the sixth periodic report submitted by Italy on the 8th October 2015 (CCPR/C/ITA/6) is under review.

Medu's submission focuses on issues concerning Italy, providing first-hand information and highlighting the main factors of concern in relation to the application and national implementation of the International Covenant on Civil and Political Rights in Italy.

Medu, as a member of the civil society, shares the concerns expressed on the issues of human rights violations in Italy as well as the recommendations provided by the 2513th and 2514th meetings of the Committee on the Elimination of Racial Discrimination, held on 8 December 2016, in its concluding

observations of the combined nineteenth and twentieth periodic reports of Italy (CERD/C/ITA/19-20). In consideration of the periodic report submitted by Italy to the UN Human Rights Committee at its 119<sup>th</sup> session, MEDU focuses on Articles 2, 3, 7, 8, 12, 13, 23, 24, 26 of the concluding observations (CCPR/C/ITA/CO/5) on 24 April 2006 adopted by the Human Rights Committee in the 85<sup>th</sup> session at its 2335<sup>th</sup> meeting (CCPR/C/SR.2335) on 2 November 2005, in relation to the fifth periodic report of Italy (CCPR/C/ITA/2004/5).

Following the Human Rights Committee's request for a Country Report Task Force for the adoption of lists of issues during the 117<sup>th</sup> session (20 June – 15 July 2016) and considering the replies to the list of issues contained in the sixth periodic report of Italy (15 November 2016 - CCPR/C/ITA/Q/6/Add.1), Medu shares concerns of the Human Rights Committee and draws specific attention to the following Issues:

- Reduction in slavery, trafficking in human beings and illicit intermediation and labour exploitation of migrants workers;
- Lack of criminalization of torture as well as of rehabilitation of torture and of ill treatment victims;
- Violations of the rights of refugees, migrants in transit and asylum seekers.

### **Reduction in slavery, illicit intermediation and labour exploitation of migrants workers**

In the last months Medu documented new serious violations of migrant workers' rights in its "Campaign Against the Exploitation of Migrant Workers in Agriculture in Italy" (Terragiusta Project).

The project aims to promote the protection of health and working conditions of migrant workers in the agricultural sector in Italy and to improve knowledge, access and enjoyment of the fundamental rights of migrant workers who benefit from the project, in particular the right to health, and to work legally, without exploitation.

The Italian agricultural sector depends heavily on the presence of migrant workers, often employed in the black market and seasonal labor especially during the harvest seasons (which require a great amount of labor force for limited periods of time) and in less skilled jobs. In the South of Italy, the right to health is exposed to the highest level of direct and indirect violations, due to factors such as the systematic failure to comply with rules of occupational safety. At the same time, multiple violations of rights such as the right to work and to a decent pay, the right of access to housing and the right to health care are very frequent. Another central element is whether the new legal instrument represented by the Italian Legislative Decree 109 of 16 July 2012 (the so-called "Rosarno Law") is actually an efficient one. This law was recently adopted to counteract illicit intermediation and labour exploitation of migrant workers (Legge sul caporalato 199/2016: "Disposizioni in materia di contrasto ai fenomeni del lavoro nero, dello sfruttamento del lavoro in agricoltura e di riallineamento retributivo nel settore agricolo"). According to the Italian Institute of Statistics (ISTAT), undeclared work covers 43% of employees in the agricultural sector, amounting to approximately 400,000 people in Italy. Of these, about 100,000, mostly foreigners, are subject to exploitation and forced to live in unsanitary settlements. It is estimated that the wage of an agricultural worker with an irregular contract (black or grey work) and subjected to a "caporale", is 25-30 euros per day (40% in less than an Italian worker) for an average of 10-12 hours per day. The living and working conditions of migrant workers often put their health seriously at risk.

It should also be pointed out that the main causes of the situation of migrant workers are not to be found in the "caporalato", but rather in the political and economic system that marginalizes them. Market competition and the agricultural crisis have generated a surge in the exploitation of labour: the value of labour has dwindled (especially in the harvesting sector), the hours of work are on the rise, and the number of work days has increased. Moreover, due to their fragile legal status, migrant workers are easily blackmailed: for "economic migrants" in fact, the residence permit is subjected to the possession of an employment contract. Employers often sign fake contracts in order to show they are in line with the law

and not be persecuted, but workers do not receive a paycheck nor the due recognized contributions. They receive low wages, which do not even allow the purchase of basic items and medicines. Lastly, although many migrants work in a situation of irregularity and are victims of abuses, inspections do not take place regularly and, more in general, a lack of inspections is evident in all productive sectors.

The current situation demonstrates the insufficiency of the recent laws and the need to adopt the measures Medu recommended in April 2015 in its report "*Unfair Land*", on working and living conditions of foreign agricultural workers. In particular, Medu's recommendations to local and national institutions were two-fold: on the one hand, Medu asked to adopt several urgent measures, aimed at improving the working and living conditions. On the other hand, Medu recommended that at the same time a comprehensive and integrated action to address the problem in its complexity in the medium and long run should be undertaken.

These measures would have to necessarily overcome the vision of the problem as an emergency and to take into account multiple connected aspects such as work, reception and housing, health services, transportation, legal aspects, action against illegal recruitment and support to ethical companies.

On December 2016, Medu published a new report to denounce the particular situation of the Plain of Gioia Tauro (Calabria). The report describes the situation encountered during the four consecutive years of the project Terragiusta, in the Plain of Gioia Tauro where a mobile clinic provides medical care and social and health guidance to foreign workers who are there for the citrus harvesting season. In particular, the situation in the industrial area of San Ferdinando is dramatic: as of today, there are about 2 thousand workers encamped in terrible conditions in a tent city and in an occupied factory. The report clearly demonstrates that the response of the institutions to a phenomenon of exploitation of such dimensions has been totally insufficient.

Most of the 149 examined patients are coming from Senegal (25%), Mali (18%), Ghana (13%), Burkina Faso (9%) and 75% have a regular residence permit (29 % are asylum seekers in appeal against the denial of the Territorial Commission, 16% are holder of a residence permit for humanitarian reasons, 10% for working purposes). Most of them are workers who arrived in Italy less than 3 years ago. They are living and working in extremely precarious conditions: half of the them are sleeping on a mattress on the ground or directly on the floor; the toilets are latrines dug in the ground; workers are cooking on improvised fires or gas stoves in tents and shacks; they wash themselves with water heated in sheet steel bins; no garbage collection service is organized. Therefore, there are significant risks for health and for individual and collective security of those living in such conditions. The picture is even more dramatic for the female population of about sixty women, being many of them probably victims of trafficking for prostitution. The working conditions are still very precarious. In fact, despite the intensification of police controls, and the consequent increase in employment contracts, only 32% of patients employed in the harvest season reported to have a contract (+20% compared to last year). However, it can be considered as "grey labour": workers harvest mandarins and oranges for 25-30 euro a day, often without receiving a paycheck nor the due recognized contributions. On 19 February 2016, the 'operational protocol for the reception and integration of immigrants in the Plain of Gioia Tauro' was signed at the Prefecture of Reggio Calabria. The Protocol – given the "poor health and hygienic conditions" – called for an "action without delay to ensure the use of basic services and promote full integration." In particular, the region of Calabria, in synergy with the prefecture and municipalities and following the allocation of 300 thousand euro, committed itself to provide minimum living conditions by purchasing new tents and proceed "gradually and promptly" with the implementation of policies promoting and supporting social housing. Almost a year after it was signed, none of the points has been implemented. At the new tent city there is only gravel on the ground while there are dozens of empty and unused buildings in the industrial area.

Considering the particular situation of Plain of Gioia Tauro (Calabria) and the lack of implementation of the Protocol, MEDU calls for:

- Adoption of immediate measures aimed at ensuring decent conditions for workers who find themselves living in these conditions;
- Following a monitoring survey of vacant houses, the implementation of a housing intermediation service – a practice that has been already implemented for many years by Caritas in the neighboring municipality of Drosi;
- The implementation of a public transportation service to be used by all the inhabitants of the Plain.

More generally, regarding the persistent serious violations that still occur in other parts of the national territory Medu renews its recommendation to adopt **operational guidelines** to start comprehensive and integrated actions to address the problem in its complexity in the medium and long run:

- **An Integrated Strategy Against the Exploitation System**

As far as a comprehensive approach to the phenomenon is concerned, the efforts made by some regional governments, such as Basilicata Region, to tackle all interconnected aspects of the problem – work, reception, medical aid, transport, legal aid, fighting illegal recruitment and supporting ethical businesses – are heading in the right direction and must certainly be continued and reinforced. The creation of regional Task Forces with these specific objectives can be useful not only in areas that see a large influx of seasonal workers, but also in places where the presence of agricultural workers is largely permanent such as the Agro Pontino and the Sele Plain.

- **A Medium and Long Term Planning Programme beyond Emergencies**

It is necessary for such initiatives to not be temporary in nature but to be implemented as medium and long term programs, as it is evident that the depth of the problems that need to be tackled – from a social, economic and cultural point of view – cannot be reasonably solved over the course of few seasons. It is instead necessary to draft action plans following realistic timelines and objectives, in order to avoid the risk of failing outright and, even worse, of delegitimizing the whole approach, making it appear fanciful or impossible. The experiences of the past year in the Puglia region have been a textbook case of this.

- **Laws and Investment for Revamping Agriculture**

The re-launch and modernization of productive and organizational processes in agriculture is an essential precondition to snap the chain of exploitation and to ensure dignified and sustainable working conditions, especially in particularly backward areas such as the Gioia Tauro Plain. In this regard a strong political initiative is necessary to sustain a fair agricultural development through financial and legislative measures at both a regional and a national level. Just within the field of citrus cultivation, several measures are already on the table, including: the increase from 12% to 20% of juice in orangeades (just introduced), the compulsory indication of the origin of the product on the label, the law on traditional citrus plantations and financial incentives for re-conversions.

- **A Culture of Legality**

Even beyond the questionable effectiveness of some judicial tools in repressing exploitation, it is important that these measures do not remain only on paper. To this end, it is essential that national and regional institutions ensure effective and detailed inspections within a more general framework of promoting a culture of legality. In order to ensure minimum standards of reception for seasonal workers, it is necessary to deal with problem on multiple levels simultaneously, considering that the most deeply rooted issues cannot be solved in a short period. In particular, the living conditions of seasonal workers in Calabria, Basilicata and Puglia documented in our report are still unacceptable. In this respect, it is essential that the regional and national institutions take full responsibility in ensuring minimum reception standards.

- **Living Situations Other than Makeshift Camps**

In establishing reception structures in areas experiencing a large influx of seasonal workers it is essential to follow an adequate timeline (it is unacceptable that reception centers only open at the end of the season), and sustainable logistical solutions in terms of access to places of employment, capable of guaranteeing acceptable living conditions for workers. Both with regards to permanent workers and seasonal laborers, rather than resorting to solutions that increase their physical and social isolation such as camps or reception villages in faraway locations, it would seem sensible to invest in projects that result in a widespread reception in the area and integration within the local communities, as shown by the positive example of Drosi in Calabria.

- **Guarantee Access to Healthcare within the National Health Service**

As far as regards medical assistance for seasonal workers, Medu believes it is essential to reinforce the public services destined to migrants and already present in the relevant areas. In particular, the access to this specific health services should be guaranteed also to those workers with a valid residency permit but registered with the National Health Service in other areas. Local health services must make their clinics capable of operating with dignified standard and adequate resources. In the periods of massive influx of workers it would be also extremely sensible to deploy mobile units for the purposes of first aid, monitoring, and promotion of health in working and living places. To this end the contribution of civil society organizations may be particularly precious, their potential role being to support, but never to replace, the public health services in the care of patients.

## **Lack of rehabilitation of torture and ill treatment victims and lack of criminalization of torture**

Persecution, torture and other cruel, inhumane and degrading treatments (CIDT) are among the main causes leading refugees to flee their countries of origin or the countries where they live to reach Italy and Europe. The psychological consequences of these extreme traumas are often more insidious and debilitating than physical injuries. Indeed it can be considered as a “hidden epidemic” that needs to be addressed by countries of asylum.

Medu documented the high rate of refugees that have been victims of some sort of cruel, inhumane or degrading treatment (CIDT), especially in Libya, in two reports: “Move or die” published in August 2015 and in the Exodi<sup>1</sup> interactive map (<http://esodi.mediciperidiritiumani.org/>) built on the testimonies of 1.000 migrants.

More than 90% of the migrants interviewed by Medu reported they had been victims of extreme violence, torture and inhumane and degrading treatments in the country of origin and/or along the migration routes, particularly in detention and abduction places in Libya. Deprivation of food and water, poor hygienic conditions, frequent beatings and other kinds of blunt trauma are the most common and widespread forms of ill-treatment. There are also more specific forms of torture, both physical and psychological. Nine out of ten migrants reported they had witnessed someone die, be killed, tortured or severely beaten.

Medu collected much of the data in Sicily, where a team of psychologists, doctors and cultural mediators provides psychological and psychiatric assistance in the Special Reception Centers (CAS) for asylum seekers in the province of Ragusa and in the Reception Centre for Asylum Seekers (CARA) in Mineo (Ragusa, Sicily). In particular, in the reception center of Mineo, 82% of asylum seekers assisted by the Medu clinical team (162 patients) still showed physical signs consistent with the reported violence. In addition to physical signs, extreme traumas produce insidious and debilitating psychological and psychopathological consequences. Indeed, migrants who have been victims of traumatic experiences are at risk of developing severe mental disorders. Among the mental disorders most frequently diagnosed by Medu clinicians, there is the post-traumatic stress disorder (PTSD) and other disorders related to traumatic events, but also depressive disorders, somatization related to trauma, anxiety disorders and sleep disturbance. Often these disorders receive less attention compared to physical illnesses, so that they are diagnosed too late or even ignored. As a result, many disorders become chronic, leading to a significant deterioration of the clinical condition and adversely affecting the migrant’s integration process in host countries.

Among the asylum seekers interviewed in Sicily, 81% had been guarded, tied up or bound, locked or detained (detention or kidnapping, mainly in Libya); 93% stated to have been victims of violence, mainly beatings, sometimes burning and hanging; 97% declared to have been deprived of food and water; 40% said to have been deprived of medical treatment.

Consistently, all the 400 forced migrants interviewed in Rome by the Medu team of the mobile clinic which operates in informal settlements providing primary medical care and basic information, reported having been victims of some sort of cruel, inhumane or degrading treatment (CIDT).

The vast majority of violations occurred in Libya but also in Niger and across the desert: 98% of the patients assisted in Rome declared to have been deprived of food and water. Several patients stated to have been victims of violence, mainly beatings, sometimes burning and hanging. According to the testimonies collected, the majority of migrants have been detained in prison/migrant detention centers or in informal detention facilities/connection houses in Libya.

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<sup>1</sup> The information was collected in Sicily (in the Special Reception Centres for Asylum Seekers/CAS of Ragusa and in the Reception Centre for Asylum Seekers/CARA of Mineo) and in Rome (in informal reception centres and at Medu Psychè Centre for rehabilitation of victims of torture). Testimonials were also collected in Ventimiglia and Egypt, specifically in Aswan and Cairo. In all these places Medu work grants and first medical assistance and social support to all migrants but also psychological rehabilitation services to victims of torture and inhuman and degrading treatment. Of the 1,000 migrants assisted and interviewed by Medu 870 are men and 130 are women. The average age is 26 years, whereas 133 are minors met by MEDU mainly at informal settlements in Rome. All migrants interviewed in Sicily were asylum seekers hosted in institutional reception centres, while most of those met in Rome and in Ventimiglia were in transit towards other European countries. Conversely, testimonies collected in Egypt were from refugees and detained migrants. Regarding the countries of origin, the majority of migrants interviewed in Sicily were coming from West Africa, while those met in Rome, Ventimiglia and Egypt were mainly coming from the Horn of Africa.

Indeed the Italian reception system is characterized by a serious lack of adequate services of medical and psychological support for vulnerable refugees who have suffered violence, torture and other cruel, inhumane and degrading treatment. Therefore, the vulnerability experienced by asylum seekers throughout the journey remains upon their arrival, compromising their health and their social inclusion.

Italy currently has 175,485 migrants in temporary accommodation, hot spots, first-reception centers and asylum seeker and refugee centers (SPRARs), according to the latest data from the interior ministry (January 2017).

There are 14,669 migrants in first-reception center, which are present in only seven regions, the largest being at Crotona, Mineo near Catania, Cona near Venice, and Bagnoli di Sopra near Padua. The breakdown by regions is as follows: Lazio (824), Veneto (3032), Sicily (4530), Emilia Romagna (652), Calabria (3254), Liguria (1218) and Friuli Venezia Giulia (1159).

There are 136,706 migrants in temporary accommodation; 547 in hot spots; and 25,563 in SPRARs.

According to the Italian Roadmap the first reception centers (CARA/CDA and CPSA) are turning into Regional Hubs, which are reception structures where the applicants will formalize their asylum requests through the form C3. Generally the asylum seekers can stay in these centers for a period ranging from 7 to 30 days and thus ensure a fast turnover of guests.

Second-line reception is mainly provided under the System for the Protection of Asylum Seekers and Refugees (SPRAR). The SPRAR, established in 2002 by L 189/2002, is a publicly funded network of local authorities and NGOs which accommodates asylum seekers and beneficiaries of international protection.

It is formed by small reception structures where assistance and integration services are provided. In contrast to the large-scale structures provided in CARA, CDA, CPSA and CAS, SPRAR is composed of over 430 smaller-scale decentralized projects as of May 2015.

Macrostructure reception models housing between 3.000 and 4.000 people (as for example the CARA of Mineo) do not allow real opportunities for interaction with the surrounding area and its characteristics represent risk factors leading to psychological distress.

A victim of torture who is forced to live in overcrowded conditions, deprived of any concrete social inclusion opportunities, waiting up to 18 months to complete the process for the recognition of international protection is even more at risk to develop psychological or psychiatric symptoms connected with the trauma she/he has lived. The same reception conditions also make it difficult to timely identify the migrants who are potential victims of torture and are in need of urgent care.

For these reasons, the Italian national reception system needs to be improved with corrective measures. The main points are the following:

- Services provided (healthcare and psychological rehabilitation; social assistance; legal advice; socio economic integration) are not structured efficiently and do not in network with public social and health services of the territory
- Operators employed in the reception centers are not adequately trained to guarantee a proper identification and a timely referral of vulnerable people to the network of service providers in the area. In many centers there are no psychologists or cultural mediators.
- The bad reception conditions increase the risk factors for psychological distress and re-traumatization.

It is also important to note that torture is still not a crime under Italian law, despite the fact that the duty to criminally sanction torture is unequivocally stated in various international treaties which Italy has signed and ratified (most notably the 1984 UN Convention Against Torture and the 1953 European Convention on Human Rights). This matter of fact affects seriously the assistance to torture and ill-treatment victims, in particular in the case in which these violations occur in Italy against refugees as reported below.

## **Violations of the rights of refugees, transit migrants and asylum seekers**

Between the 1 January and 31 December 2016, 181,436 persons arrived to Italy by sea. Compared to the 153,842 arrived in 2015, this represents an 18% increase. The arrival trend in the first nine months of 2016 is consistent with previous years, with a surge from spring onwards and a peak in the summer months. This pattern changed in October when numbers peaked and continued to be unusually high in November. December arrivals in 2016 (8,428) were instead lower than numbers recorded over the same period of 2015 (9,637). Fluctuations on a monthly basis may be linked to various factors including favorable weather and sea conditions as well as the situation in the country of departure and the capacity of smugglers to organize departures. (UNHCR data <http://data.unhcr.org/mediterranean>)

An increasing number of Unaccompanied and Separated Children (UASC) arrived this year: 14% new arrivals are UASC, as opposed to 7% in 2015. UASC arriving by sea most commonly originate from Eritrea, Gambia and Nigeria. In 2016, Eritrean UASC account for 18% of all Eritrean sea arrivals, up from last year's 8%. Gambian UASC are 27% of all Gambian sea arrivals, while Nigerian UASC account for 8% of the all Nigerians arrived this year.

Libya remains the primary departure country for sea arrivals to Italy. Approximately 90% of individuals who arrived in 2016 crossed from Libya: this is consistent with trends observed in 2015. Approximately 6% of those who arrived by sea this year travelled instead from Egypt: this is a slight decrease compared to the departures from Egypt in 2015 (7.2%), but the trend remains comparable to last year. New arrivals continue to report instances of abuse, including kidnapping and torture, which occurred en-route through the Sahara desert and in Libya.

The hotspot approach recommended by the European Commission in May 2015, as a central plank of its Migration Agenda, and endorsed by the European Council in June 2015, in its pursuit of a "100% identification rate", has led to a sharp increase in the number of people seeking protection in Italy.

2016 has been characterized by the increasing number of denials of protection status to asylum seekers in Italy. In 2014, for example, 63,000 migrants applied for asylum compared to 170,000 migrants landed in the same year. In recent years, claims for asylum in Italy have gradually increased and, likewise, the number of rejected requests has increased. In 2016, according to the latest data from the interior ministry, 123,482 migrants applied for asylum (<http://www.interno.gov.it/it/sala-stampa/dati-e-statistiche/i-numeri-dellasilolo>). Nevertheless, in the first eight months of 2016 only about a third of applicants obtained permission to remain in Italy through some form of protection (refugee status, subsidiary protection, humanitarian protection) while two-thirds of migrants got a refusal by the 40 territorial commissions that examined their application. The main countries of origin of asylum seekers are now Nigeria, Pakistan, Gambia, Mali, Senegal, Bangladesh and Afghanistan.

Another critical issue regards the "hotspots" approach and violations documented in these structures. The hotspots approach has been promoted by the European Union as an operating organizational model in Greece and Italy in charge of managing large arrivals of migrants in selected geographical area. Currently in Italy 4 hotspots have been identified (Lampedusa, Trapani, Pozzallo and Taranto) arranged to allow the operations of first assistance, identification and administration of information regarding how to apply for international protection or participation in the relocation program. In each Hotspot there is a team of national experts and representatives of the European agencies (EASO, Frontex, Europol), which jointly carry out these activities.

Medu has noted several criticalities in the hotspot of Pozzallo in Sicily, where Medu provides psychological and psychiatric assistance:

- the inadequacy of some structures - designed for the very first arrival and stays of no more than 48 hours – in many cases hosts refugees for more than 30 days, even in cases of minors or persons with other vulnerabilities, due to difficulties in finding adequate reception structures;
- the risk of a rough sorting of who can and cannot enter Europe on a nationality basis and according to the bilateral treaties stipulated by Italy with other countries;

**On a general basis, the inadequate access to housing, healthcare and other social services to migrants, in particular in transit to other countries and to persons granted for international protection is a key factor to be noted.**

Medu documented the inadequacy of the reception conditions in Centres of Special Reception for Asylum Seekers (CAS). Until August 2016, 145,000 migrants were hosted in the Italian reception system, a sharp increase compared to the number of foreigners in reception at the end of 2015 (103,000 people). The vast majority of them (111,000 or 76%) is housed in temporary structures such as CAS (Special Reception Centres) and the centres of SPRAR system (Protection System for Asylum Seekers) and government centres such as the CARA (Reception centres for Asylum Seekers), these last two structures welcome less than a third of all migrants. The regions hosting the largest number of migrants are in the order Lombardy, Sicily, Lazio and Veneto.

Although the Centres of Special Reception for Asylum Seekers (CAS) are defined as “temporary and extraordinary structures”, they represent, for some years now, the backbone of the reception system in Italy, since about three out of four migrants are presently hosted in these centres. This is certainly **the most obvious abnormality**: an approach designed to be temporary becomes the core of the system. Moreover, to manage the reception of migrants under the logic of emergency by stipulating provisional agreements with a multitude of different managing institutions is both anachronistic and inefficient. The choice of an emergency- based management implies a risk of lack of controls on contracts, public funding and, above all, lower acceptance standards.

In its report “**Precarious asylum**”, published in April 2016, Medu identified several critical issues. In the report, recommendations for a more respectful reception model that fulfils the complex needs of migrants, particularly the most vulnerable, are suggested. The report is based on direct observations and information collected by Medu over the period of 14 months (October 2014 – December 2015). Data were collected from both refugees and internal personnel working at the 16 Special Reception Centres (CAS) in the Ragusa Province for the project “ON TO: Stopping the torture of refugees from Sub-Saharan countries along the migratory route to Northern Africa”. During these months, a Medu team provided medical and psychological assistance to migrants’ victims of torture and inhumane treatments, collecting their testimonies. The continuous presence in the CAS allowed MEDU to analyze all services provided in these centres, identifying critical issues and making specific proposals and recommendations.

- **Facilities and their location:** MEDU has observed that in some CAS the provision of basic services (as heating or availability of common areas) is poor. Some isolated CAS lack of transport services to towns. In many CAS there are no adequate common areas and spaces specifically dedicated to cultural and religious activities.
- **Number of operators and their training:** Significant deficiencies were identified in both the number of active operators in CAS and their specialized skills required to properly assist asylum seekers.
- **Rules of Procedure and pocket money** Guests of the CAS are often not adequately informed of their rights and on services provided; in some cases asylum seekers do not receive the daily pocket money (2,50 euro) they are entitled.
- **Healthcare:** Healthcare is often not adequately guaranteed to asylum seekers.
- **Psychological support:** The MEDU teams providing medical services found that the majority of asylum-seekers hosted in the CAS were victims of multiple traumatic experiences such as torture and intentional violence in their own country or along the migration route. A significant number of these migrants then

develop a post-traumatic psychopathology connected to these events. In the 14 months period covered by this report, the MEDU team provided medical and psychological support to 74 guests of the CAS of Ragusa showing extreme traumatic experiences. None of the facilities surveyed has specialized operators in psychological care services.

- **Consulting services and legal guidance:** The number of operators employed in the CAS is insufficient and inadequately trained to provide effective assistance and listening to migrants, supporting them in the application for the international protection.
- **Cultural Linguistic Mediation:** A serious lack of cultural mediators was found in the majority of the CAS. Cultural mediators are often unable fulfill their own role since they are allocated to other tasks.
- **Teaching Italian language and placement:** None of the visited CAS presently provides weekly teaching hours, as recommended by SPRAR guidelines. MEDU found serious shortage of social inclusion programs.

**Another serious concern regards the inadequacy of measures adopted for reception and location of migrants in transit.** Some migrants landing on Italian shores remain in Italy and apply for asylum; another very consistent part pass through the peninsula (in many cases with stops in major cities such as Rome and Milan) and then try to cross the border and head towards the countries of northern Europe, in particular Germany, the United Kingdom and Scandinavian countries. Many migrants that try to transit to others countries are homeless, and live, in particular, in poor, unhygienic housing conditions. In Rome, during 2016, hundreds of migrants in transit- many of them minors- were sleeping out in the open, on the sidewalks, asphalt, under overpasses, in precarious conditions with serious risks to their safety and health. To this day, the City of Rome has not adopted any efficient measure to solve this very serious humanitarian problem aggravated by the closing of the borders by many northern States and the longer permanence of migrants in the city and in others parts of Italy. Nevertheless, it has announced it will open a reception centre for transiting migrants next June (2017) with funds from the Ministry of Interior.

From September 2015 the European Commission adopted a set of measures to deal with what has been called a "refugees emergency". These measures include the replacement (relocation) of 160,000 people in "clear need of international protection" from Greece (66,400) and Italy (39,600) to other EU countries than 160,000 people by September 2017. The relocation can only be applicable to applicants for which the average rate of recognition of international protection is greater than the 75% level established by the EU. To date, only three nationalities currently comply with such high recognition rates: Syrians, Eritreans and Iraqis. However, the European states are now far from meeting the commitments made in relation to the relocation program: in July 2016 just over 3,000 asylum seekers (i.e. less than 2%) were relocated. With the closing of the borders the number of applicants to relocation increased very significantly but without any acceleration of the procedure. **The relocation seekers are therefore waiting for a very long time without any correct information and guarantees about the final acceptance of the application they submitted.**

**Very serious violations still regard arbitrary detention and collective expulsion of migrants detained in the Italian Detention Centres for immigrants (CIE).**

Detention centers for immigrants (CIE), previously referred to as temporary stay and assistance centers (CPTA), are facilities used to detain foreign nationals without a residence permit, recipients of removal orders from the state and against whom an immediate execution of the measure is not possible. By creating these centers (law 40/1998) an administrative detention system was established in Italy, subjecting individuals to deprivation of liberty who have breached an administrative regulation, such not possessing a regular permit to stay. In 2011, the maximum period of detention allowed was 18-months. In 2014, this time was reduced to 3 months (1 for people previously held in jail). Nevertheless, concerns about the inadequacy of the administrative detention system in ensuring the fundamental rights and dignity of detainees remain. Since 2004, Medu has undertaken an observatory program on social and health assistance for migrants detained in the CPTA/ CIE in order to deepen knowledge of the management of health and social services in these centers, assess the health status of detainees, monitor and ensure the respect of the right to health and other human rights, in addition to the general dignity of the detainees in the facilities examined.

In 2013, Medu published a report called “Arcipelago CIE”, as a result of a one year investigation carried out in all Italian Centres for Identification and Expulsion (CIE). Given the results of the monitoring activity carried out in subsequent years, we feel that the conclusions and recommendations written in the report, and that we outline here, are all still valid.

The evidence gathered unequivocally confirms the clear inadequacy of the administrative detention system in protecting the dignity and basic human rights of the migrant detainees. It is necessary to add that, even based on a utilitarian analysis the CIE system still proves itself a failure as a consequence of being barely relevant and ineffective in the fight against irregular immigration. In light of this – and despite it being impossible to offer a comprehensive evaluation of economic factors, due to a lack of transparency inherent in the system – the efficiency of the entire CIE apparatus appears at the very least questionable. Indeed, even disregarding the human cost which the CIEs entail, the total of the economic costs necessary to ensure the management, surveillance, maintenance and repair of these facilities does not appear matched by the negligible results which it has obtained in combating irregular immigration. Fifteen years after they were first created, the CIEs thus confirm themselves incapable of guaranteeing respect for human dignity and basic human rights. An inadequacy which is intertwined with the functionality and main structural characteristics of the facilities and becomes particularly explicit as it becomes clear that it is independent of the different managing authorities. In fact, the function of the managing authorities seems limited to being more or less efficient wheels within an unjust machine - the Centres for Identification and Expulsion – of which they are incapable of modifying the basic flaws if not in a very minor manner.

At the end of the report Archipelago CIE (2013), Medu deems important to list, within the limits of our humanitarian mandate, some proposals and recommendations for an alternative system of management for irregular immigration which might replace administrative detention. In this regard, it may be useful to re-summarize the conclusions of this investigation, which lead us to believe that the Centres for Identification and Expulsion:

- Do not guarantee basic human rights and dignity for migrant detainees,
- Demonstrate a negligible impact and a lack of effectiveness and efficiency in the struggle against irregular immigration.
- Do not realistically appear to be reformable fifteen years after its establishment.

Medici per i Diritti Umani therefore calls for:

- The closure of all Centres for Identification and Expulsion currently operating on Italian soil due to their blatant functional and structural inadequacy;
- The reduction of an alien’s detention for repatriation purposes to an exceptional, or at the very least completely residual, measure.

Right now, the functioning CIE are 4 but notwithstanding the inefficacy and the irrelevance of administrative detention as a way to contrast irregular immigration and the violations of human rights documented, the Government recently declared the future adoption of a plan for opening numerous others CIE, probably one per region.