



COUNTRY REPORT

IMMIGRATION DETENTION IN ITALY: COMPLICIT IN GRAVE HUMAN RIGHTS ABUSES?

OCTOBER 2019



GLOBALDETENTIONPROJECT



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THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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Front cover image: A child detainee walks through Lampedusa hotspot © Francesco Malavolta

This report is also available online at www.globaldetentionproject.org

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GLOSSARY

ASGI	Association for Legal Studies on Immigration
CAT	UN Committee against Torture
CED	UN Committee on Enforced Disappearances
CEDAW	UN Committee on the Elimination of Discrimination against Women
CERD	UN Committee on the Elimination of Racial Discrimination
CPR	Pre-Removal Centre
CRC	UN Committee on the Rights of the Child
GDP	Global Detention Project
HRC	UN Human Rights Committee
IOM	International Organisation for Migration
MoU	Memorandum of Understanding



KEY ISSUES

- Italy is involved in controversial migrant interdiction and detention practices both at home and abroad, including detaining people in “hotspots” at ports of entry and supporting migration control efforts of Libyan militias.
- Approximately 45,000 may have faced some form of migration-related detention in Italy in 2017, placing it among the largest detention systems in the world.
- The country uses misleading language to denote migration-related detention, calling it “administrative holding,” which can prevent detainees from accessing protections and rights.
- Italian legislation does not provide particular guarantees for the protection of vulnerable persons, including victims of violence and torture.
- Unaccompanied minors are reportedly detained in hotspots for identification purposes even though the practice lacks legal basis.
- Italian law provides that non-citizens can only be held in hotspots for up to 48 hours, however people are held for much longer periods when they refuse to be identified or fingerprinted.
- Reports suggest that aggressive and coercive measures are used in hotspots to ensure that fingerprints can be taken.
- Abetted by readmission agreements it has established with neighbouring non-EU countries, Italy appears to be violating critical human rights norms by deporting people before they have been given access to asylum procedures.
- Many detention centres in Italy have been the subject of severe criticism for imposing prison-like regimes and failing to provide adequate environments for detainees.



1. INTRODUCTION

Italy was until recently the main European destination for asylum seekers and migrants attempting to cross the Mediterranean. In 2016, [approximately 180,000 people](#) reached Italian shores.¹ Of these, 25,000 were unaccompanied children, doubling the number from the previous year.² By 2018, however, the number of arrivals had already begun to fall. Between 1 January and 30 April 2019, only 779 refugees and migrants arrived by sea.³

Despite the declining migration pressures, Italy's populist government, led by the firebrand right-wing Interior Minister Matteo Salvini, continued to pursue many draconian policies, including closing ports to NGO boats carrying migrants and stranding vessels at sea. In one case, in August 2018, the *Ubaldo Diciotti*—a coastguard ship with 177 people, including unaccompanied minors, on board—was left stranded at sea for six days, before eventually being permitted to dock. However, the migrants and refugees were prevented from disembarking for almost a week.⁴ After Italian prosecutors opened an investigation into alleged “illegal confinement, illegal arrest and abuse of power” the migrants were permitted to disembark, with Albania, [Ireland](#), and Italy's Catholic Church agreeing to accommodate them.⁵

In May 2019, Salvini tabled the *Decreto Sicurezza Bis*, which included fines for NGO vessels of up to 5,500 EUR per rescued person as well as provisions granting the Interior Minister the power to restrict and prohibit transit within Italian territorial waters.⁶ Shortly after the publication of the first draft, UN human rights experts, including the Special Rapporteur for the human rights of migrants and the Special Rapporteur on torture, urged the country not to adopt the decree because it “would seriously undermine the human rights of migrants, including asylum seekers, as well as victims of torture, of trafficking in persons and of other

¹ UN High Commissioner for Refugees (UNHCR), “Operational Portal - Mediterranean Situation,” <https://data2.unhcr.org/en/situations/mediterranean/location/5205>

² UN Children's Fund (UNICEF), “Number of Unaccompanied or Separated Children Arriving by Sea to Italy Doubles in 2016,” 13 January 2017, https://www.unicef.org/media/media_94399.html

³ UN High Commissioner for Refugees (UNHCR), “Italy Sea Arrivals Dashboard,” 27 May 2019, <https://reliefweb.int/report/italy/italy-sea-arrivals-dashboard-april-2019>

⁴ Linkiesta, “La Diciotti ferma a Catania è il trionfo di Salvini (e se non l'avete capito preparatevi al peggio,” 23 August 2018, <https://www.linkiesta.it/it/article/2018/08/23/la-diciotti-ferma-a-catania-e-il-trionfo-di-salvini-e-se-non-lavete-ca/39198/>

⁵ G. Jones, “Italian Parliament Saves Salvini from Migrant Kidnapping Probe,” *Reuters*, 20 March 2019, <https://uk.reuters.com/article/uk-italy-politics-salvini/italian-parliament-saves-salvini-from-migrant-kidnapping-probe-idUKKCN1R11Y0>

⁶ L. Tondo, “Italy Plans to Fine NGO Boats up to €5,000 per Rescued Migrant,” *The Guardian*, 13 May 2019, <https://www.theguardian.com/world/2019/may/13/italy-fine-ngo-boats-migrants-salvini>

serious human rights abuses.”⁷ The human rights experts also demanded the withdrawal of directives preventing humanitarian vessels from accessing Italian ports. Despite condemnation, the proposed decree was signed into law.⁸

Although the coalition government that included Salvini collapsed in mid-2019, in great measure because of growing concern over its extreme anti-migration policies, many of the country’s controversial practices pre-date that government. At the heart of the country’s response to migration have been its immigration detention operations, which have grown and diversified in recent years. In 2017, nearly 45,000 people may have faced some form of migration-related detention, which placed Italy among the world’s largest detainers. This number included approximately 4,000 people detained in one of Italy’s long-term detention centres, euphemistically called *Centro di Permanenza per il Rimpatrio*, and some 40,000 who passed through “hotspots.”⁹

In 2017, Italy adopted Law 46/2017 (the Minniti-Orlando Decree, D.L 12/2017), which established several new immigration and asylum control measures and allocated 13 million EUR for the establishment of new detention centres. Among the new measures, the law amended the Consolidated Immigration Act to provide expanded criteria for assessing the risk of absconding and eliminated the possibility of appealing a first instance court decision rejecting an asylum application, making appeal possible only through the Supreme Court. Asylum procedures were also simplified by removing the courts’ obligation to hear an asylum seeker. In 2018, the country’s immigration legislation was further amended with Decree Law 113/2018, known as *Decreto Sicurezza*, adopted as Law 132/2018. The amendment increased the maximum length of detention in CPRs from 90 to 180 days; created a legal ground for detaining asylum seekers for identification purposes; and introduced new grounds for the revocation or denial of international protection.¹⁰

Immigration detention in Italy has long operated in a grey area, leading to intense national and international scrutiny.¹¹ For instance, in its December 2016 ruling in *Khlaifia vs. Italy*, the European Court of Human Rights found that Italy had violated Article 5 of the European Convention on Human Rights, which protects the right to liberty and security, in relation to its detention of four Tunisian migrants at a “first aid and reception centre” in Lampedusa (the centre was later converted into a “hotspot”).¹²

The *Khlaifia* case helped highlight the impact of Italy’s misleading use of terms like “reception” to denote detention, which has been a persistent aspect of Italian law and policy. A case in point was the review of Italy before the UN Committee against Torture (CAT) in

⁷ UN Human Rights Council, “Italy: UN Experts Condemn Bill to Fine Migrant Rescuers,” 20 May 2019, <https://reliefweb.int/report/italy/italy-un-experts-condemn-bill-fine-migrant-rescuers>

⁸ L. Tondo, “Italy Adopts Decree That Could Fine Migrant Rescuers up to €50,000,” *The Guardian*, 15 June 2019, <https://www.theguardian.com/world/2019/jun/15/italy-adopts-decree-that-could-fine-migrant-rescue-ngo-aid-up-to-50000>

⁹ Garante Nazionale dei diritti delle persone detenute o private della libertà personale (Italian ombudsman), “Relazione al Parlamento 2018.”

¹⁰ Gazzetta Ufficiale, “Decreto-Legge 4 Ottobre 2018, n. 113,” 4 October 2018, <https://www.gazzettaufficiale.it/eli/id/2018/10/04/18G00140/sg>

¹¹ Luca Masera (University of Brescia), Telephone interview with Michael Flynn (Global Detention Project), 23 November 2012; Claudia Pretto (Association for Legal Studies on Immigration – ASGI), Email correspondence with Izabella Majcher (Global Detention Project), 4 November 2012.

¹² D. Venturi, “The Grand Chamber’s Ruling in *Khlaifia and Others v Italy*: One Step Forward, One Step Back?” *Strasbourg Observers*, 10 January 2017, <https://strasbourgobservers.com/2017/01/10/the-grand-chambers-ruling-in-khlaifia-and-others-v-italy-one-step-forward-one-step-back/>

November 2017. During the session, an Italian official responded to a question concerning immigration detention by arguing that such detention did not exist in the country. He said, “Now, detention or people being held in centres for repatriation, this is once again not a form of detention, this is administrative holding of a person, it is temporary and has to do with preparing a case for repatriation. This only affects dangerous individuals, all of these stages of the process are provided for in our law.”¹³ An expert in Italy commented: “In Italian legislation, administrative detention is defined as ‘administrative holding’ (*trattenimento amministrativo*). The word detention is not used. However, people are held in a place and they cannot go out. Ironically, the fact that it is not defined as detention makes the condition and the accessibility to rights worse than in prison.” Regarding the Italian official’s assertion that this “administrative holding” only applies to “dangerous” people, the expert said: “There is no assessment of the dangerousness of the people held in the administrative detention centers. They are there due to their immigration status and not because they are necessarily dangerous individuals.”¹⁴

Since early 2016, concerns over arbitrary detention in Italy have intensified following Italy’s implementation of the controversial “hotspot” approach to address migration and refugee pressures, an EU-promoted registration and identification procedure that involves holding people at key points of arrival. As several NGOs concluded in a 2019 report, *Crossing a Red Line*, persons are de facto detained in Italy’s hotspots—or, in other words, “deprived of their liberty in the absence of a detention order.”¹⁵

Italy has also been instrumental in supporting overseas interdiction and migration control efforts, including European Union (EU) programmes equipping and training the Libyan coastguard to intercept trafficking boats.¹⁶ The country has assisted activities inside Libya, supporting International Organisation for Migration (IOM) “voluntarily return” programmes and relocating some vulnerable individuals to Italy. In 2017, the Italian government signed a Memorandum of Understanding with Libya’s Government of National Accord (GNA) allowing the Libyan coastguard to intercept boats bound for Italy and return all those on-board to disembarkation zones in Libya, where they would subsequently be placed in detention. At the same time, Italy was paying rival militias to stop migrant boats in parts of the country not fully under government control, which have reportedly helped fuel armed conflict in these areas.¹⁷ Italy’s Interior Minister argued that all migrants rescued by European vessels should be sent back to Libya.¹⁸

¹³ V. Pisani, “Consideration of Italy - Replies of Italy: 62nd Session of the Committee Against Torture,” 15 November 2017, <http://bit.ly/2DIJ6VG>

¹⁴ Valeria Ferraris (Association for Legal Studies on Immigration - ASGI), Email Correspondence with Michael Flynn (GDP), 19 November 2017.

¹⁵ Foundation for Access to Rights *et al*, “Crossing a Red Line: How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers Upon Entry,” February 2019, https://www.globaldetentionproject.org/wp-content/uploads/2019/02/crossing_a_red_line_REPORT.pdf

¹⁶ European Commission, “Malta Declaration by the Members of the European Council on the External Aspects of Migration: Addressing the Central Mediterranean Route,” 3 February 2017, <http://www.consilium.europa.eu/en/press/press-releases/2017/01/03-malta-declaration/>

¹⁷ Associated Press, “Italian Effort to Stop Migrants Fuels Bloody Battle in Libya,” 5 October 2017, <https://www.voanews.com/a/libya-militias-migrants-sabratha/4057716.html>

¹⁸ InfoMigrants, “Salvini Calls for Migrants to go Back to Libya,” 17 July 2018, <http://www.infomigrants.net/en/post/10685/salvini-calls-for-migrants-to-go-back-to-libya>



2. LAWS, POLICIES, PRACTICES

Italian legislation explicitly affirms the fundamental rights of undocumented migrants. As stipulated in Article 2(1) of the Immigration Act, a non-citizen “regardless of how he is present at the territory of the State,” shall have his fundamental rights recognised. Also, Article 10 of the Italian Constitution provides that the legal status of foreigners is regulated by law in conformity with international norms and treaties and affirms the right to asylum. Article 13 of the Constitution provides that personal liberty is inviolable and that detention shall only be allowed for judicial reasons and in a lawful manner.

Despite this, numerous reports by civil society groups, international organisations, and other observers have repeatedly denounced violations of the fundamental rights of non-citizens in detention. In its [2012 profile on Italy](#), the GDP cited numerous reports demonstrating that authorities routinely detained non-citizens outside the framework of the law.¹⁹ Since then, and particularly since the establishment of the “hotspot approach,” many of the hardships that non-citizens face in custody appear to have been exacerbated.

2.1 Key norms. Detention of non-citizens was established in the 1998 [Turco-Napolitano Law](#) (Law n. 40/1998).²⁰ Based on the Turco Napolitano Law, the [Consolidated Immigration Act](#) (*Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*, the “Immigration Act”) was issued in July 1998 (Legislative Decree n. 286) and today this remains the principal legislation relevant to immigration detention, asylum procedures, and reception conditions. The Immigration Act has been amended several times, most recently in December 2018 by Decree Law 113/2018 (also known as *Decreto Sicurezza*) implemented by Law 132/2018. Substantive changes in immigration detention policy were also introduced by the 2002 [Bossi-Fini Law](#) (Law n. 189/2002).²¹

Adopted in 2015, the [Reception Decree](#) (*Decreto Legislativo 142/2015*), which incorporated the EU Reception Conditions Directive and Asylum Procedures Directive into Italian legislation, contains provisions regulating the detention of asylum seekers. This decree, like

¹⁹ Senate Human Rights Commission, “*Rapporto Sui Centri di Identificazione ed Espulsione in Italia*,” January 2017, [https://www.senato.it/application/xmanager/projects/leg17/file/Cie%20rapporto%20aggiornato%20\(2%20gennaio%202017\).pdf](https://www.senato.it/application/xmanager/projects/leg17/file/Cie%20rapporto%20aggiornato%20(2%20gennaio%202017).pdf); Luca Masera (University of Brescia), Telephone interview with Michael Flynn (Global Detention Project), 23 November 2012; Claudia Pretto (Association for Legal Studies on Immigration - ASGI), Email correspondence with Izabella Majcher (Global Detention Project), 4 November 2012.

²⁰ Italian Parliament, “*Legge 6 marzo 1998, n.40, ‘Disciplina dell’immigrazione e norme sulla condizione dello straniero*,” 1998, <http://www.camera.it/parlam/leggi/98040l.htm>

²¹ Italian Parliament, “*Legge 30 luglio 2002, n. 189, ‘Modifica alla normativa in materia di immigrazione e di asilo*,” 2002, <http://www.camera.it/parlam/leggi/02189l.htm>

the Immigration Act, has been amended several times, most recently by Decree Law 113/2018 at the end of 2018.

2.2 Grounds for detention. Pre-removal detention is provided for in the Immigration Act. Pursuant to Article 14, a police commissioner (*questore*) may detain a non-citizen in a temporary holding facility when it is not possible to immediately proceed with an administrative expulsion (in accordance with Article 13) or a border rejection (in accordance with Article 10) (Immigration Act, Article 14(1)). The police must communicate this decision to a magistrate, who is to undertake a “validation hearing” and issue a detention order within 48 hours (Immigration Act, Articles 14(3) and 14(4)). An administrative expulsion order pursuant to Article 13 can be issued, *inter alia*, for illegal entry (evading border controls) and illegal stay.

2.3 Criminalisation. The criminalisation of immigration violations has long been a point of contention with respect to Italy’s response to irregular migration. In 2008, as part of a Berlusconi government “security package,” the penal code was amended to introduce migration as an aggravating circumstance in criminal law (Law 125/2008, Article 1(g)). This was declared unconstitutional by the constitutional court in 2010 (judgment n. 249, 8 July 2010) and subsequently abolished. In addition, in its 2011 ruling in the case of *El Dridi*, the Court of Justice of the European Union found that that Italian legislation criminalising irregular stay did not comply with the [EU Return Directive](#).²²

Nevertheless, Italy still criminalises irregular entry and stay. Under Article 10bis of the Immigration Act, irregular entry or stay are punishable with a fine of between 5,000 and 10,000 EUR. According to Article 6(3) of the Immigration Act, those who do not present their passport or residence permit to authorities when requested can be punished with up to one year of imprisonment and a 2,000 EUR fine.

In 2014, with legislation concerning non-carceral penal detention (*la legge in materia di pene detentive non carcerarie e di sospensione del procedimento con messa alla prova nei confronti degli irreperibili*) (Law 67/2014), Parliament mandated that the government de-penalise certain crimes, including irregular entry and stay. However, while the government was supposed to complete the de-penalisation process within 18 months, no action had been taken concerning irregular entry and stay as of late 2019. In 2017, a source in Italy told the GDP, “when the deadline expires, the crimes that were not de-penalised remain crimes and a new delegation law has to be enacted by the Parliament. The point is that there was a lack of political will from the Italian government. They de-penalised other crimes but not the one concerning irregular entry or stay.”²³

Also, the 2014 law does not cover re-entry after expulsion, which remains subject to prosecution, as the 2015 ruling of the CJEU in [Celaj](#) confirmed. The case concerned the arrest and prosecution of an Albanian national who entered Italy in violation of a re-entry ban. However, unlike in *El Dridi*, which dealt with cases of first return rather than subsequent re-entry, the court ruled in *Celaj* that such sentencing and imprisonment would not impede the provisions of the Returns Directive.²⁴

²² Court of Justice of the European Union (CJEU). 2011. Hassen El Dridi alias Soufi Karim. Judgment C-61/11 PPU. 28 April 2011. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62011CJ0061:EN:HTM>

²³ Valeria Ferraris (ASGI), Email Correspondence with Michael Flynn (GDP), 19 November 2017.

²⁴ For a discussion of *Celaj* and *El Dridi*, see: European Database of Asylum Law, “CJEU: Case C-290/14 Skerdjan Celaj (Italy) – Return Directive,” 1 October 2015, <https://www.asylumlawdatabase.eu/en/content/cjeu-case-c-29014-skerdjan-celaj-italy—return-directive>

2.4 Asylum seekers. According to Article 6(2) of the [Reception Decree 142/2015](#), asylum seekers may be detained if: a) they fall under the exclusion clause under Article 1F of the Geneva Refugee Convention; b) are issued with an expulsion order on account of their constituting a danger to public order or state security, are suspected of being affiliated with a mafia-related organisation, have conducted or financed terrorist activities, have cooperated in selling or smuggling weapons, or have habitually conducted any form of criminal activity, including with the intention of committing acts of terrorism; c) may represent a threat to public order or security; or d) pose a risk of absconding.²⁵

As clarified in Article 6(2)(d) of the Reception Decree, the assessment of the risk of absconding is to be carried out on a case-by-case basis and take such factors into account as previous systematic false statements or failure to comply with alternatives to detention. Article 17(3) of Law Decree 13/2017 introduced a new factor for finding a risk of absconding, namely the repeated refusal to undergo fingerprinting (Article 10ter (3), Immigration Act).

Under Article 6(3) of the Reception Decree, if a person in pre-removal detention applies for asylum, they should remain in detention if there are reasonable grounds to consider that the asylum application was submitted solely to delay or obstruct return.

With the adoption of Decree Law 113/2018, the Reception Decree now includes one new ground for detention, specifically: detention in order to determine or verify the identity or nationality of an asylum seeker. In such cases, asylum seekers can be detained in hotspots and reception centres for up to 30 days. In cases when determining or verifying their identity and nationality is impossible, the asylum seeker can be detained in a pre-removal centre (CPR) for up to 180 days (Article 6(3bis), Reception Decree). As highlighted by the Association for Legal Studies on Immigration (ASGI), however, the confinement of asylum seekers in hotspots and reception centres took place before the introduction of this legal ground.²⁶ According to ASGI, this ground also violates the Reception Conditions Directive, in particular Article 8(1), which prohibits detention for the sole purpose of examining an asylum request.²⁷

2.5 Children. Pursuant to Article 19(4) of the Reception Decree, unaccompanied minors cannot be detained. However unaccompanied asylum-seeking minors may still be housed in dedicated “first aid” facilities (*centri di prima accoglienza a loro destinati*) for up to 30 days (Reception Decree, Article 19(1)). Before amendments were introduced by Law 47/2017, unaccompanied minors could be held in secure accommodation for up to 60 days. Accompanied minors can be detained with their families if they make such a request and a judge authorises it.²⁸

²⁵ Italian Council of Refugees (CIR) and Association for Legal Studies on Immigration (ASGI), “Country Report : Italy,” *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, December 2016, <http://www.asylumineurope.org/reports/country/italy>; Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

²⁶ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

²⁷ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

²⁸ M. Di Donato, and D. Di Rado, “AIDA Country Report: Italy,” *European Council on Refugees and Exiles (ECRE)*, December 2015, <http://www.asylumineurope.org/reports/country/italy>

According to Italian law, unaccompanied minors can, under no circumstances, be expelled from the country (Article 19 (1bis), Immigration Act, introduced by Article 3, Law 47/2017). The law also prohibits—except on public order or security grounds—the expulsion of children (as well as pregnant women or women who gave birth in the previous six months) (Article 19(2), Immigration Act).

Despite the fact that there is no legal basis for detaining unaccompanied minors in hotspots for identification purposes, reports indicate that de facto detention of children at these facilities is common despite the devastating impact it has on them. In 2016, Human Rights Watch (HRW) reported that unaccompanied minors as young as 12 were de facto detained, sometimes for over a month, alongside unrelated adults at the [Pozzallo hotspot](#). When HRW visited the centre in June that year, they found that of the 365 people held at the centre, 185 were unaccompanied children. The children were vulnerable to violence and sexual harassment. A 17-year-old Eritrean girl told the rights watchdog that men “come when we sleep, they tell us they need to have sex. They follow us when we go to take a shower. All night they wait for us. ... They [the police, the staff] know about this, everybody knows the problem, but they do nothing.”²⁹ A visit by ASGI to the [Taranto Hotspot](#) in 2017 also revealed the presence of unaccompanied minors alongside adults. On top of this, the conditions the minors were kept in were deemed wholly unsuitable: they were confined in a tent alongside adults, surrounded by metal fences and guarded by army soldiers; they lacked detention orders or information on the possibility of seeking asylum; and there were no means available for them to communicate with persons outside the facility.³⁰

Another critical issue concerning children is the fact that Italy employs unreliable age-assessment tools. The main tool used to determine whether one is a minor involves wrist-bone x-rays,³¹ and this procedure can have a high margin of error as it indicates the level of biological development rather than chronological age since birth.³² NGOs have reported numerous cases in which age assessments were inaccurate.³³ For example, in 2018 and 2019, LasciateCIEntrare and the National Guarantor for the rights of persons detained and deprived of their liberty reported the detention of unaccompanied minors in a CPR following incorrect age assessments.³⁴

2.6 Other vulnerable groups. There are no legal guarantees in Italian legislation for the protection of vulnerable persons such as victims of violence and torture. Such individuals are therefore at risk of being placed in detention.³⁵

²⁹ Human Rights Watch (HRW), “Italy: Children Stuck in Unsafe Migrant Hotspot,” 23 June 2016, <https://www.hrw.org/news/2016/06/23/italy-children-stuck-unsafe-migrant-hotspot>

³⁰ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

³¹ A. Ballerini, “A Lampedusa l’Hotspot non ci può essere,” *Melting Pot*, 2 February 2016, <http://www.meltingpot.org/A-Lampedusa-l-Hot-spot-non-ci-puo-essere.html>

³² A. Manzoor Mughal, N. Hassan, and A. Ahmed, “Bone Age Assessment Methods: A Critical Review,” *Pak J Med Sci*, 30(1), January-February 2014.

³³ M. Di Donato, and D. Di Rado, “AIDA Country Report: Italy,” *European Council on Refugees and Exiles (ECRE)*, December 2015, <http://www.asylumineurope.org/reports/country/italy>

³⁴ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

³⁵ M. Di Donato, and D. Di Rado, “AIDA Country Report: Italy,” *European Council on Refugees and Exiles (ECRE)*, December 2015, <http://www.asylumineurope.org/reports/country/italy>

However, specific guarantees against immigration detention do exist for vulnerable asylum seekers. The Reception Decree specifies that asylum seekers whose health or vulnerability are incompatible with detention cannot be held in detention facilities. The decree also states that vulnerability assessments must be carried out regularly (Article 7(5), Reception Decree, as amended by Decree Law 13/2017).

2.7 Length of detention. A non-citizen can be held in pre-removal detention for 180 days (Immigration Act, Article 14(5), as amended by Decree Law 113/2018). Meanwhile, an asylum seeker can be detained for up to 12 months (Decree 142/2015, Article 6.8). When an applicant for international protection is detained, the police commissioner may prolong their detention for periods up to 60 days, until the maximum limit is reached. The fact that those seeking asylum and those who are not have different maximum detention durations has been highlighted by rights groups, who argue that this differential treatment may constitute a violation of the principle of equality set forth in the Italian Constitution.³⁶

Detention for identification purposes should only last for the time strictly necessary to reach its purpose and can last for up to a maximum of 30 days; however, if identification is impossible, the asylum seeker can be moved to a CPR for up to 180 days (Article 6(3bis), Reception Decree).

The maximum length of pre-removal detention in Italy has changed several times in recent years. The Turco-Napolitano Law initially established a maximum detention period of 30 days (Article 12). The Bossi-Fini Law subsequently amended Article 14(5) of the Consolidated Immigration Act, providing that if the procedures to verify the identity of a non-citizen face serious difficulties then a judge can extend the detention period for an additional 30 days. In May 2008, the then-newly elected Berlusconi government adopted a package of provisions, known as the “security package” (*pacchetto sicurezza*), with the objective of combatting irregular migration. The “security package” included Law 94/2009,³⁷ which amended the Consolidated Immigration Act by increasing the maximum period of detention at a CPR to 18 months. In 2013, this was shortened to a period of 90 days—but this was again changed in December 2018, when it was prolonged to 180 days following the amendments introduced by Decree Law 113/2018.

According to the Senate Extraordinary Commission for the Promotion of Human Rights, the average detention period in Italy’s long-term detention centres in 2015 was 25.5 days.³⁸ In 2018, the average detention period in CPRs was 32.8 days, with a lowest average of 6.88 days in the [Caltanissetta](#) facility and a highest average of 56.47 days in [Brindisi](#).³⁹

If the maximum detention period has expired before an order of expulsion can be executed and a non-citizen can no longer be detained at a CPR, the police can issue a provision

³⁶ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

³⁷ Italian Parliament, “*Disposizioni in materia di sicurezza pubblica*,” 15 July 2009, <http://www.parlamento.it/parlam/leggi/09094l.htm>.

³⁸ Commissione Straordinaria per la Tutela e la Promozione dei Diritti Umani, Senato della Repubblica, “*Rapporto sui Centri di Identificazione ed Espulsione in Italia*,” February 2016, http://www.asylumineurope.org/sites/default/files/resources/senato_cie_report_2016.pdf

³⁹ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

ordering the non-citizen to leave the country within seven days (Article 14(5bis), Immigration Act).

2.8 Procedural standards. Upon arrest of a non-citizen who appears to have violated immigration law, the police are to notify the appropriate judicial authority (*giudice di pace*, “justice of the peace”) within 48 hours (Article 14(3), Immigration Act). Following a “validation hearing” in the presence of a lawyer, the judge is to issue a detention order within 48 hours; during validation hearings, non-citizens must be represented by a lawyer and have the right to free legal assistance (Article 14(4), Immigration Act). The validation of the detention order results in an initial 30-day detention period, which can be extended by an additional 30 days by the judge if the police commissioner requests it. Other extensions are possible (up to a maximum of 180 days) when necessary for carrying out a return or when new information suggests that the identification of the non-citizen can be achieved (Article 14(5)). Non-citizens then have the right to appeal a detention and/or extension decision to the Court of Cassation; however, such an appeal has no suspensive effect (Article 14(6)).

To the extent that it is possible, Article 14 of the Immigration Act also applies to asylum seekers (Reception Decree, Article 6(5)). The Reception Decree further specifies that the detention order must be motivated, issued in writing, and communicated to the asylum seeker in a language that they can understand. When possible, validation hearings take place using videoconferencing. The asylum seeker thus remains at the centre in which they are held, and their lawyer can remain at the centre with them (Reception Decree, Article 6(5)). As ASGI notes, this implies that the lawyer is obliged to decide whether to stay with the asylum seeker at the centre or to be present in the court.⁴⁰

Both validation and extension hearings have been the subject of criticism, in part because judges often have little knowledge of immigration law. The Special Rapporteur on the human rights of migrants has stated that the judges “deciding whether expulsion and detention orders should be extended are justices of the peace without any particular expertise in immigration issues. The ability of these lay judges to review the detention orders on the merits seems to be limited; rather, the confirmation of the detention orders is perceived to be, in many cases, based on mere formalities, thus resulting in a lack of real judicial control over the order.”⁴¹

The quality of public defenders has also been criticised. Government lawyers are often appointed mere hours before the hearing and only briefly meet with their clients, often without an interpreter. According to a study produced by the Monitoring Center on Juridical Control of Migrants’ Removal, even when adequate defence is provided, decisions can rely on superficial judicial reasoning. The study concluded that detention appears to be a mere formality in which summary decisions are frequently arrived at in less than five minutes of deliberation.⁴² (According to an Asylum Information Database (AIDA) report, however, there

⁴⁰ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

⁴¹ F. Crépeau, “Report by the Special Rapporteur on the Human Rights of Migrants, François Crépeau, on his Mission to Italy (29 September - 8 October),” *Human Rights Council*, 2012, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>

⁴² Monitoring Center on Juridical Control of Migrants’ Removal, “Executive Summary 2016,” 1 March 2017, <http://www.lexilium.it/publicazioni/>.

are currently bar councils that have compiled a list of court-appointed defenders with expertise on immigration and asylum matters.)⁴³

There are also challenges in the process of appealing decisions to the Court of Cassation. The appeals process is a lengthy and complex process and many lawyers do not fulfil the requirements that are required of them in order to act in front of the court (one needs to have practiced law for at least 12 years).⁴⁴

2.9 Non-custodial measures (“alternatives to detention”). Alternatives to detention were introduced in the 2011 amendment to the Immigration Act, transposing the EU Returns Directive. In line with Article 14(1bis), officials may order one of three non-custodial measures in cases where detention can be ordered: a) relinquishing passport or an equivalent document; b) obligation to reside at a previously identified location; and c) reporting obligations. However, these measures may be applied only with respect to migrants who have their passport or another equivalent document⁴⁵—and the fact is that many do not possess such paperwork. Pursuant to Article 6(5) of the Reception Decree, asylum seekers may be granted the same alternative measures set forth in Article 14(1bis) for non-citizens in pre-removal detention.

Based on an examination of 2015 data from detention centre hosting cities Bari and Torino, the Monitoring Centre on Juridical Control of Migrants’ Removal found that no decision to authorise alternatives to detention was recorded. Assessing case law from judges of the peace in the cities of Bologna and Prato (which currently do not have detention centres) for the same time period, the group found that alternatives to detention were adopted more frequently—in 92 percent and 16 percent of cases respectively. The most frequent alternatives to detention adopted were the submission of a passport and obligation to report to police headquarters.⁴⁶

2.10 Detaining authorities and institutions. According to Article 14 of the Immigration Act and Article 6 of the Reception Decree, detention can be ordered by the police commissioner (*questore*). Police headquarters, which are managed by the police commissioner, fall under the authority of the Interior Ministry—which also has overall responsibility for immigration matters.⁴⁷ More specifically, the Central Directorate of Civil Services for Immigration and Asylum (*Direzione centrale dei Servizi civili per l’Immigrazione e l’Asilo*) is responsible for all activities pertaining to the reception of irregular migrants and asylum seekers, including detention.⁴⁸

⁴³ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

⁴⁴ A. Di Pascale, “Redial Project: National Synthesis Report - Italy,” *Odysseus Network*, <http://euredial.eu/publications/national-synthesis-reports/>

⁴⁵ Platform for International Cooperation on Undocumented Migrants (PICUM), “Building Strategies to Improve the Protection of Children in an Irregular Migration Situation in Europe: Country Brief Italy,” July 2012, <http://picum.org/it/publicazioni/rapporti-di-conferenze-e-seminari/>

⁴⁶ Monitoring Center on Juridical Control of Migrants’ Removal, “Executive Summary 2016,” 1 March 2017, <http://www.lexilium.it/publicazioni/>

⁴⁷ Interior Ministry, “*Uffici del territorio*,” *Ministero – Ministero dell’Interno*, <http://www.interno.gov.it/it/ministero/uffici-territorio>

⁴⁸ Interior Ministry, “*Direzione central dei Servizi civili per l’Immigrazione e l’Asilo*,” *Dipartimento per le Libertà civili e l’immigrazione – Ministero dell’Interno*, 13 May 2019, <http://www.interno.gov.it/it/ministero/dipartimenti/dipartimento-liberta-civili-e-limmigrazione/direzione-centrale-dei-servizi-civili-limmigrazione-e-lasilo>

2.11 Regulation of detention conditions and regimes. In 2014, the Interior Ministry adopted regulations concerning the management of CPRs. This was in order to standardise detention operations, as before then, operations had largely been determined by prefect police chiefs.⁴⁹ Amongst other issues, the regulations established basic rights for detainees (including the right to information and the right to medical assistance), the services to be provided, security procedures, and access to the centre.⁵⁰ The document also included the charter of non-citizen rights and obligations in detention centres (*Carta dei diritti e dei doveri dello straniero nei centri di Identificazione ed Espulsione*), which is to be given to every detainee upon arrival.

Previous regulations concerning operations at CPRs established that the security and order of detention centres is the responsibility of the police commissioner and security forces. Their specific duties include monitoring entrances and the perimeters of centres, verifying those entering the centre, and ensuring that only authorised vehicles enter facilities.⁵¹ While security forces should only be permitted entry into facilities during emergency situations, observers say their presence is much more noticeable. According to one report, police forces are often present in accommodation and communal areas, as well as during meetings with visitors and medical appointments.⁵² However, it is unclear whether or to what extent these earlier regulations have been superseded by the more recent ones. A source in Italy told the GDP that this does not appear to be a standard procedure at all CPRs.⁵³

Basic standards concerning the detention of asylum seekers are provided in the Reception Decree. Article 7 stipulates, *inter alia*, that women are to be confined separately from men; families are to be kept together to the extent that this is possible; and detainees are to be granted the right to spend time outdoors. In addition, UNHCR, families, legal advisors, NGOs, and religious leaders shall be granted access to the centres. Detainees must be informed about the house rules governing the facility as well as about their rights and obligations while in detention in a language they can understand. Article 6 also specifies that when asylum seekers are detained in a CPR, they should be separated from other immigration detainees (Reception Decree, Article 6(2)).⁵⁴

2.12 Domestic monitoring. Immigration detention operations are monitored by both official and non-governmental entities.

The National Guarantor for the Rights of Persons Detained and Deprived of their Liberty (*Garante nazionale dei diritti delle persone detenute o private della libertà personale*) has been designated as Italy's National Preventive Mechanism (NPM) and is thus responsible

⁴⁹ Interior Ministry, "Regolamento recante criteri per l'organizzazione e la gestione dei CIE," *Melting Pot*, 20 October 2014, <http://www.meltingpot.org/Regolamento-recante-criteri-per-l-organizzazione-e-la.html#.WRrAh1WLSUk>

⁵⁰ Interior Ministry, "Criteri per l'organizzazione e la gestione dei centri di identificazione ed espulsione previsti dall'articolo 14 del decreto legislativo 25 luglio 1998, 286 e successive modificazioni," 2014, <http://www.prefettura.it/FILES/docs/1233/Regolamento%20Unico%20CIE.pdf>

⁵¹ Interior Ministry, "Circolare del 30 agosto 2000," 30 August 2000, <http://bit.ly/2mrnfVB>

⁵² G. Campesi, "La detenzione amministrativa degli stranieri in Italia: storia, diritto, politica," *Democrazia e Diritto*, 2011.

⁵³ Valeria Ferraris (ASGI), Email Correspondence with Michael Flynn (GDP), 19 November 2017.

⁵⁴ Association for Legal Studies on Immigration (ASGI), "Country Report: Italy," *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

for monitoring immigration detention operations. To this purpose, it carries out visits and publishes reports.⁵⁵

In addition, several NGOs—including the Associazione per gli Studi Giuridici sull’Immigrazione (ASGI),⁵⁶ LasciateCIEntrare, and the Italian Refugee Council (CIR)—are also involved in monitoring detention centre operations. In 2019, CIR was one of several partners (including the GDP) that collaborated on the “Red Line Project,” a project that documented how EU states’ border “reception” procedures are increasingly used for the detention of asylum seekers. CIR drew attention to *de facto* detention in Italy’s hotspots, in particular the Taranto, Lampedusa, Messina, and Trapani hotspots.⁵⁷

2.13 International monitoring. Immigration detention practices in Italy are monitored by several international bodies. Between 2017 and 2019, six UN treaty bodies made recommendations or raised concerns regarding immigration detention in their concluding observations to Italy. In 2017, the Committee on the Elimination of Racial Discrimination (CERD), the Human Rights Committee (HRC), the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee against Torture (CAT) made several recommendations. The CERD recommended introducing a presumption against immigration detention, and both the CERD and the HRC asked Italy to ensure that detention was a measure of last resort, strictly necessary, proportional, non-arbitrary, lawful, and imposed for the shortest time possible.⁵⁸ The CEDAW recommended providing adequate services in detention, especially to women in a vulnerable situation.⁵⁹ The CAT expressed concern regarding the difficulties faced by NGOs and the NPM in accessing detention facilities and requested that Italy ensure such access. At a time when Italy had reduced the length of detention to a maximum of 90 days, the CAT welcomed these changes by calling for a further reduction, emphasising that detention should only be used in exceptional cases and for the shortest possible time. The CAT also recommended that alternatives to detention be considered.⁶⁰

In 2019, the UN Committee on the Rights of the Child (CRC) and the Committee on Enforced Disappearances (CED) discussed immigration detention in their concluding

⁵⁵ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “*Chi siamo*,” <http://www.garantenazionaleprivatiliberta.it/gnpl/it/chisiamo.page>; Garante nazionale dei diritti delle persone detenute o private della libertà personale, “*Rapporti*,” <http://www.garantenazionaleprivatiliberta.it/gnpl/it/rapporti.page>

⁵⁶ LasciateCIEntrare, “*Monitoraggio*,” *LasciateCIEntrare – Campagna nazionale contro la detenzione amministrativa dei migranti*, <https://www.lasciatecientrare.it/monitoraggio/>

⁵⁷ Foundation for Access to Rights *et al*, “Crossing a Red Line: How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers Upon Entry,” February 2019, https://www.globaldetentionproject.org/wp-content/uploads/2019/02/crossing_a_red_line_REPORT.pdf

⁵⁸ Committee on the Elimination of Racial Discrimination (CERD), “Concluding Observations on the Combined Nineteenth and Twentieth Periodic Reports of Italy, CERD/C/ITA/CO/19-20,” 17 February 2017, https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/CERD_C_ITA_CO_19-20_26015_E.pdf; UN Human Rights Committee (HRC), “Concluding Observations on the Sixth Periodic Report of Italy, CCPR/C/ITA/CO/6,” 1 May 2017, <https://bit.ly/2ZLWYfA>

⁵⁹ UN Committee on the Elimination of Discrimination against Women (CEDAW), “Concluding Observations on the Seventh Periodic Report of Italy, CEDAW/C/ITA/CO/7,” 24 July 2017, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/ITA/CO/7&Lang=En

⁶⁰ UN Committee against Torture (CAT), “Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Italy, CAT/C/ITA/CO/5-6,” 18 December 2017, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fOP%2fITA%2f1&Lang=en

observations. The CRC expressed its concern over the increase in the maximum length of detention to 180 days,⁶¹ while the CED urged the Italian government to release a list of immigration detention facilities (in light of Decree Law 113/2018 providing for the potential expansion of places of detention), and to provide the NPM with access.⁶²

Italy also ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1989 and its Optional Protocol (OPCAT) in 2013. As such, places of detention can be monitored by the UN Subcommittee on the Prevention of Torture (SPT). The SPT visited Italy in 2015, and its report discussed problems in reception and detention facilities in quite some detail.⁶³ In its recommendations, the SPT urged Italy to prioritise non-custodial measures over detention, so that immigration detention is only ever a measure of last resort, and recommended that authorities address the prison-like design and security arrangements of CPRs, which were deemed inappropriate for immigration detention.⁶⁴

Italy is also a member state of the Council of Europe and ratified the European Convention on the Prevention of Torture in 1988. Consequently, it can receive monitoring visits by the CPT—the last of which that involved visits to immigration detention facilities took place in 2017.⁶⁵ On this occasion, the committee visited both hotspots and immigration detention centres. Hotspots received positive comments (such as good quality of health care provision) as well as suggestions for improvement. Amongst other issues, the CPT, noting the practice of de facto detention in hotspots, raised the issue that the legal grounds for conducting such detention operations were lacking. Similarly, CPRs were both commended (such as a lack of ill-treatment allegations, and good quality of health care services) and criticised (including a lack of daily activities for detainees and facilities' prison-like environments).⁶⁶

2.14 Transparency and access to information. Formal requests to gain improved clarity of Italy's detention operations are sometimes stymied by a lack of transparency. For instance, between 2013 and 2015 Access Info Europe and the GDP [undertook a joint initiative](#) aimed at assessing the degree of openness with respect to information about immigration detention in 33 countries, including Italy.⁶⁷ We repeatedly sent brief questionnaires asking for data on where people were detained and how many had been detained in recent years, and

⁶¹ UN Committee on the Rights of the Child (CRC), "Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Italy, CRC/C/ITA/CO/5-6," 28 February 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/ITA/CO/5-6&Lang=En

⁶² UN Committee on Enforced Disappearances (CED), "Concluding Observations on the Report Submitted by Italy Under Article 29 (1) of the Convention, CED/C/ITA/CO/1," 18 April 2019, https://tbinternet.ohchr.org/Treaties/CED/Shared%20Documents/ITA/CED_C_ITA_CO_1_34739_E.pdf

⁶³ Office of the UN High Commissioner for Refugees (OHCHR), "Visits and Public Reports (Alphabetical Rdrer)," https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/CountryVisits.aspx?SortOrder=Alphabetical

⁶⁴ Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), "Report on the Visit Made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Italy, CAT/OP/ITA/1," 23 September 2016, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/CountryVisits.aspx?SortOrder=Alphabetical

⁶⁵ Council of Europe (COE), "The CPT and Italy," <https://www.coe.int/en/web/cpt/italy>

⁶⁶ Council of Europe (COE), "Report to the Italian Government on the Visit to Italy Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2017, CPT/Inf (2018) 13," 10 April 2018, <https://rm.coe.int/16807b6d56>

⁶⁷ Global Detention Project and Access Info Europe, "The Uncounted: The Detention of Migrants and Asylum Seekers in Europe," December 2015, <https://www.globaldetentionproject.org/the-uncounted-the-detention-of-migrants-and-asylum-seekers-in-europe>

requesting details about asylum seekers and children in detention. The questions were translated and sent using designated channels and in line with access to information laws. Italy was one of six countries that ignored all requests (the others included [Cyprus](#), [Iceland](#), [Malta](#), [Norway](#), and [Portugal](#)). Discussing these cases, the report noted, “Administrative silence in the face of access to information requests is unacceptable as access to information is a fundamental human right.”⁶⁸

2.15 Trends and statistics. Based on available statistics from official sources, it appears that the number of detainees in Italy dropped considerably between 2012 and 2016: from nearly 8,000 in 2012⁶⁹ to 5,200 in 2015⁷⁰ and 2,984 in 2016.⁷¹ Since then, however, the total number of immigration detainees seems to have again increased: 4,087 non-citizens were detained in 2017⁷² and 4,092 in 2018.⁷³ These figures only include non-citizens held in CPRs.

Meanwhile, the number of non-citizens entering hotspots is instead decreasing: from 65,295 in 2016⁷⁴ to 40,534 in 2017⁷⁵ and 13,777 in 2018.⁷⁶ These figures, however, do not specify to which regime immigrants are subjected to.

In 2018, 85 percent of non-citizens detained in CPRs were men (i.e., 3,460 male detainees in total). Detainees’ top countries of origin were Tunisia, Morocco, Nigeria, Albania, and China. 43 percent of detainees were released with the implementation of a return, and 23 percent were released due to a lack of judiciary validation of detention.⁷⁷

That same year, men accounted for 72 percent of individuals entering hotspots, women for nine percent, and minors for 20 percent. The top countries of origin of non-citizens entering hotspots in 2018 were Tunisia, Eritrea, Sudan, Ivory Coast, and Nigeria.⁷⁸

⁶⁸ Global Detention Project and Access Info Europe, “The Uncounted: The Detention of Migrants and Asylum Seekers in Europe,” December 2015, <https://www.globaldetentionproject.org/the-uncounted-the-detention-of-migrants-and-asylum-seekers-in-europe>

⁶⁹ Police Authority data reported by Doctors for Human Rights (*Medici per i Diritti Umani*), cited in L: Italian Council for Refugees (CIR), “Country report: Italy,” *Asylum Information Database (AIDA)*, January 2015, <http://www.asylumineurope.org/reports/country/italy/general>

⁷⁰ Chamber of Deputies, “*Dossier a cura degli Ispettori della Guardia di Finanza addetti all’Archivio della Commissione - Dati Statistici*,” 23 January 2017, <https://immigrazione.it/docs/2017/dati-statistici-23-gennaio-2017.pdf>

⁷¹ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “*Relazione al Parlamento 2017*,” <https://bit.ly/330EZeh>

⁷² Garante nazionale dei diritti delle persone detenute o private della libertà personale, “*Relazione al Parlamento 2018*,” 15 June 2018, <https://bit.ly/2SWa9yL>

⁷³ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “*Relazione al Parlamento 2019*,” 27 March 2019, <https://bit.ly/2GijVoY>

⁷⁴ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “*Relazione al Parlamento 2017*,” <https://bit.ly/330EZeh>

⁷⁵ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “*Relazione al Parlamento 2018*,” 15 June 2018, <https://bit.ly/2SWa9yL>

⁷⁶ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “*Relazione al Parlamento 2019*,” 27 March 2019, <https://bit.ly/2GijVoY>

⁷⁷ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “*Relazione al Parlamento 2019*,” 27 March 2019, <https://bit.ly/2GijVoY>

⁷⁸ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “*Relazione al Parlamento 2019*,” 27 March 2019, <https://bit.ly/2GijVoY>

According to Eurostat, 36,240 non-citizens were ordered to leave Italy in 2017. In 2016, 32,365 non-citizens were ordered to leave, and in 2015 27,305 were ordered to leave.⁷⁹ Yet, only 7,045 non-citizens were returned in 2017 (of which, 4,935 were returned forcibly), 5,790 (4,505 forcibly) in 2016, and 4,670 (3,655 forcibly) in 2015.⁸⁰ According to the National Guarantor, in 2018 Italy returned 6,398 non-citizens.

2.16 Privatisation. There is a significant level of privatisation in the Italian immigration detention system involving both private and not-for-profit entities. Until 2015, the Italian Red Cross was the main contractor operating what were at the time called the Centres for Identification and Expulsion, or CIEs. It reportedly had a contract of 3.5 million Euros to operate these detention centres, but it was repeatedly criticised for mismanagement and other problems. In 2015, management and services of several CIEs—which were subsequently replaced by Return Detention Centres (CPRs)—was turned over to a private company, GEPSA.⁸¹ The company, a French subsidiary of the company Cofely that is part of the multinational energy company ENGIE (formerly GDF Suez), has provided services in detention centers and prisons in both Italy (three CIEs) and France (services at 34 prisons and 8 CRAs “Centres de Retention Administrative”).⁸²

The prefectures where immigration centres are located outsource services at the centres on behalf of the Interior Ministry. The criterion used for deciding contracts is supposed to be “value for money.” Services mentioned in contract tenders reportedly fall under the following main categories: provision of services and supply of goods (which include administrative management, general assistance, medical assistance, transport, and delivery of goods); meal provision; cleaning services; and environmental hygiene.⁸³

Several institutions that provide management or services at immigration and asylum facilities have been investigated for corruption.⁸⁴ For instance, as part of the “*Mafia Capitale*” investigation, four managers of the Cooperative La Cascina were arrested for corruption related to their management of the *Mineo Centri di Accoglienza per Richiedenti Asilo* (Centre for the Reception of Asylum Seekers)⁸⁵ and an additional 13 employees of the Cooperative

⁷⁹ Eurostat, “Third Country Nationals Ordered to Leave – Annual Data (Rounded),” *Enforcement of Immigration Legislation*, 27 May 2019, http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eiord&lang=en

⁸⁰ Eurostat, “Third Country Nationals Who Have Left the Territory by Type of Return and Citizenship,” *Enforcement of Immigration Legislation*, 7 May 2019, <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

⁸¹ A. Lacy, “Italy: The Future of Migrants and Refugees,” *Pulitzer Center*, 11 March 2015, <http://pulitzercenter.org/reporting/italy-future-migrants-and-refugees>

⁸² Michael Flynn, “Statement to the Working Group on the Use of Mercenaries Panel on PMSCs in Places of Deprivation of Liberty and Their Impact on Human Rights,” *Global Detention Project*, 27 April 2017, <https://www.globaldetentionproject.org/statement-to-the-working-group-on-the-use-of-mercenaries-panel-on-pmscs-in-places-of-deprivation-of-liberty-and-their-impact-on-human-rights>

⁸³ Interior Ministry, “*Schema di capitolato di gara d'appalto per la fornitura di beni e servizi relativo alla gestione e al funzionamento dei centri di prima accoglienza*,” December 2018, http://www.interno.gov.it/sites/default/files/schema_capitolato.pdf

⁸⁴ V. Martone, “Marketisation of Social Services and Mafia Infiltration: The Case of Migrant Reception Centres in Rome,” *European Review of Organised Crime*, 2017, http://sgocnet.org/site/wp-content/uploads/2016/09/Martone_9-29.pdf

⁸⁵ V. Martone, “Marketisation of Social Services and Mafia Infiltration: The Case of Migrant Reception Centres in Rome,” *European Review of Organised Crime*, 2017, http://sgocnet.org/site/wp-content/uploads/2016/09/Martone_9-29.pdf; S. Balducci “*Dentro il labirinto delle cooperative di Mafia Capitale: dalla 29 Giugno a La Cascina*,” *RaiNews*, 7 October 2015, <http://www.rainews.it/dl/rainews/articoli/labirinto-cooperative-Mafia-Capitale-a75ef368-a6bc-4ba1-a98a-14e65bb8446b.html>

Connecting People, which managed both a reception centre and a detention centre in Garadisca d'Isonzo, were accused of fraud.⁸⁶

In a separate case, several people—including a priest and manager of a Catholic charity—associated with a clan, which is part of the powerful 'Ndrangheta crime syndicate, were arrested in May 2017 following accusations that they took millions of euros that were intended for operations at the Sant'Anna migrant facility in Capo Rizzuto. The facility was nominally operated by the Catholic Misericordia charity. According to the BBC, “the arrests come two years after L'Espresso magazine published an investigation, alleging funds were being stolen and managers were making money by starving the migrants who lived there. A year earlier, it was alleged the number of migrants said to be living at the centre had been greatly over exaggerated, while in 2013 a health inspection found asylum seekers were being fed small portions of out-of-date food. Police believe the clan ... was awarding contracts, including for food supplies, to other members of the 'Ndrangheta syndicate, as well as setting up its own associations.”⁸⁷

According to some observers, the amendments introduced by Decree Law 113/2018, as well as the new terms and conditions for tenders, penalise smaller cooperatives and open the doors to large international companies operating in the domain of immigration, including GEPSA and the Swiss ORS.⁸⁸

2.17 Externalisation, readmission and third country agreements. Within Europe, Italy has been a leading proponent for increasing cooperation with African countries—particularly Libya—in order to stem migration flows. The country has also signed readmission agreements with several countries including Egypt, Tunisia, Nigeria, and Morocco.⁸⁹

The vast majority of arriving asylum seekers and migrants depart from Libya (according to UNHCR, in 2016 departures from Libya amounted to 89.7 percent of maritime arrivals in Italy),⁹⁰ thus it has been an important country with which bilateral agreements have been signed (most notably in 2009 and 2012) and cooperation has increased, including direct collaboration with the Libyan Coast Guard and the establishment of border protection agreements with local tribes in the interior of Libya.⁹¹ In February 2017, Italy and Libya signed a **Memorandum of Understanding (MoU)** expressing their commitment in cooperating to deal with, and combat, irregular migration. The current political situation in Libya prevents

⁸⁶ M. Bovi, “Immigrazione e affari. Nuova inchiesta per Scozzari sull'accoglienza a Trapani,” *Tp24*, 12 February 2016, <http://www.tp24.it/2016/02/12/cronaca/immigrazione-e-affari-nuova-inchiesta-per-scozzari-sull-accoglienza-a-trapani/97924>

⁸⁷ BBC, “Mafia Controlled Italy Migrant Centre, Say Police,” 15 May 2017, <http://www.bbc.com/news/world-europe-39922085>

⁸⁸ F. Floris, “Migranti, ora il business si chiama detenzione e rimpatrio (e a fare i soldi sono i francesi),” *Linkiesta*, 14 February 2019, <https://www.linkiesta.it/it/article/2019/02/14/migranti-ora-il-business-si-chiama-detenzione-e-rimpatrio-e-a-fare-i-s/41082/>; M. Cavallito, “Migranti SpA. Lega e 5 Stelle aprono le porte ai privati che l'Austria caccia via,” *Valori*, January 29, 2019, <https://valori.it/migranti-spa-salvini-apre-le-porte-ai-privati-che-laustria-non-vuole/>; R. Battaglia, “Il deja vu della gestione migranti: il nuovo decreto è una pacchia per i big,” *Valori*, 29 January 2019, <https://valori.it/il-deja-vu-della-gestione-migranti-il-nuovo-decreto-e-una-pacchia-per-i-big/>

⁸⁹ *Commissione Straordinaria per la Tutela e la Promozione dei Diritti Umani, Senato della Repubblica, “Rapporto sui Centri di Identificazione ed Espulsione in Italia,”* February 2016, http://www.asylumineurope.org/sites/default/files/resources/senato_cie_report_2016.pdf

⁹⁰ UN High Commissioner for Refugees (UNHCR), “Italy Sea Arrivals Dashboard,” 2016, <https://data2.unhcr.org/en/documents/download/52680>

⁹¹ J. Barigazzi, “Italy Sees Unexpected Reduction in Mediterranean Migration Flows,” *Politico*, 3 August 2017, <http://www.politico.eu/article/europe-sees-unexpected-reduction-in-mediterranean-migration-flows/>

the formalisation of readmission agreements, yet the Interior Ministry at the time has repeatedly claimed that cooperation with Libya is essential to halt irregular arrivals and increase expulsions.⁹² By mid-2017, the Italian government was claiming that its engagement strategy was a clear success, pointing to dramatic decreases in arrivals in July and August while ignoring the horrific treatment faced by migrants and asylum seekers in custody in Libya.⁹³ HRW commented, “After years of saving lives at sea, Italy is preparing to help Libyan forces who are known to detain people in conditions that expose them to a real risk of torture, sexual violence and forced labour.”⁹⁴

The Department of Public Security has initiated joint operations with several important countries of origin, including Gambia, Ivory Coast, Ghana, Senegal, Bangladesh, and Pakistan.⁹⁵ Agreements aimed at enhancing police cooperation do not need to be approved by the parliament. One such agreement, a 2016 MoU between the Italian and Sudanese police forces, is aimed at strengthening police cooperation between the two countries to combat organised crime, trafficking of migrants and irregular immigration, the trade in human beings, drug trafficking, and terrorism.⁹⁶ The existence of this agreement was brought to light when a group of 48 Sudanese refugees were coercively taken from the border of Ventimiglia, transported to the hotspot in Taranto, and then on to the airport in Turin from which they were deported back to Sudan.⁹⁷ According to Amnesty International, none of the deportations had been officially authorised by the *giudice di pace*.⁹⁸

At the beginning of 2019, the text of a classified agreement concluded between Italy and Niger in 2017 was made public after a group of NGOs appealed to the Administrative Tribunal of Lazio demanding that it disclose its content.⁹⁹ While the agreement mainly regulates cooperation in the field of defence, it was presented to the parliament as an instrument aimed at “consolidating their respective defensive capabilities and improving

⁹² G. Rosini “*Migranti, Minniti vuole ‘raddoppiare le espulsioni’. Ma mancano gli accordi: ‘E l’intesa con la Libia sarebbe inapplicabile,’ Il Fatto Quotidiano*,” 7 January 2017. See also the response from the Interior Minister to the Council of Europe’s Commissioner for Human Rights’ September 2017 letter expressing concern about Italy’s collaboration with Libyan authorities, available at: <https://rm.coe.int/reply-of-the-minister-of-interior-to-the-commissioner-s-letter-regardi/168075dd2d>

⁹³ “Data from the Italian Interior Ministry shows that about 11,100 migrants made the dangerous crossing in July compared to more than double that amount in the same month in 2016 (just over 23,500).” In: J. Barigazzi, “Italy Sees Unexpected Reduction in Mediterranean Migration Flows,” *Politico*, 3 August 2017, <http://www.politico.eu/article/europe-sees-unexpected-reduction-in-mediterranean-migration-flows/>; See also, G. Paravicini, “Italy’s Libyan ‘Vision’ Pays off as Migrant Flows Drop,” *Politico*, 10 August 2017, <https://www.politico.eu/article/italy-libya-vision-migrant-flows-drop-mediterranean-sea/>

⁹⁴ J. Barigazzi, “Italy Sees Unexpected Reduction in Mediterranean Migration Flows,” *Politico*, 3 August 2017, <http://www.politico.eu/article/europe-sees-unexpected-reduction-in-mediterranean-migration-flows/>

⁹⁵ *Commissione Straordinaria per la Tutela e la Promozione dei Diritti Umani, Senato della Repubblica, “Rapporto sui Centri di Identificazione ed Espulsione in Italia,”* February 2016, http://www.asylumineurope.org/sites/default/files/resources/senato_cie_report_2016.pdf

⁹⁶ Association for Legal Studies on Immigration (ASGI), “Memorandum of Understanding Between the Italian Public Security Department and the Sudanese National Police. A Reading Guide,” 2016, <http://www.statewatch.org/news/2016/nov/asgi-italy-sudan-mou.pdf>

⁹⁷ Association for Legal Studies on Immigration (ASGI), “Memorandum of Understanding Between the Italian Public Security Department and the Sudanese National Police. A Reading Guide,” 2016, <http://www.statewatch.org/news/2016/nov/asgi-italy-sudan-mou.pdf>

⁹⁸ Amnesty International, “*Hotspot Italia: Come le Politiche dell’Unione Europea Portano a Violazioni dei Diritti di Rifugiati e Migranti*,” 3 November 2016, <https://www.amnesty.org/en/documents/eur30/5004/2016/it/>

⁹⁹ Association for Legal Studies on Immigration (ASGI), “*Immigrazione, armi e accordi internazionali: ecco il testo dell’intesa tra Italia e Niger*,” 8 February 2019, <https://www.asgi.it/approfondimenti-speciali/niger-italia-armi-immigrazione>

mutual understanding on issues of security (fight against irregular immigration, terrorism and illegal trafficking).”¹⁰⁰

After his 2014 visit to Italy, the Special Rapporteur on the human rights of migrants highlighted readmission agreements as a key concern with respect to the country’s efforts to adhere to critical human rights norms: “Of particular concern to the Special Rapporteur is the information he received about continued violations of the principle of non-refoulement and of the prohibition of collective expulsions with regard to the return of some migrants, possibly including minors, immediately after their arrival. He learned that, on the basis of bilateral readmission agreements, nationals of Egypt and Tunisia are often returned without having had access to asylum procedures; this has occurred in, among other places, Pozzallo.”¹⁰¹

2.18 External sources of funding or assistance. External support for immigration-detention-related activities in Italy has largely centred on the country’s “hotspots.” In May 2015 the European Commission, as part of its agenda on migration, outlined the “hotspot” approach.¹⁰² Hotspots were to be located at arrival points in frontline member states (Italy and Greece) and were “designed to inject greater order into migration management by ensuring that all those arriving are identified, registered and properly processed.”¹⁰³ Ultimately, this approach was supposed to enhance the effectiveness of the EU’s relocation programmes and speed up returns of those classified as “economic migrants.” Up to five EU agencies can operate in hotspots (in addition to other local and international actors): Frontex, European Asylum Support Office (EASO), EUROPOL, the Fundamental Rights Agency, and euLisa.¹⁰⁴ According to one report, as of late 2018 only EASO and Frontex were present at the [Messina hotspot](#).

¹⁰⁰ Camera dei Deputati, “Ratifica ed esecuzione dell’Accordo di cooperazione in materia di difesa tra il Governo della Repubblica italiana e il Governo della Repubblica del Niger, fatto a Roma il 26 settembre 2017 (Presentato il 19 dicembre 2018), Camera dei Deputati N. 1468 – Disegno di Legge,” 19 December 2018, <http://documenti.camera.it/leg18/pdl/pdf/leg.18.pdl.camera.1468.18PDL0043740.pdf>

¹⁰¹ F. Crépeau, “Report by the Special Rapporteur on the Human Rights of Migrants, François Crépeau, on his Follow-Up Mission to Italy (2–6 December 2014),” 2014, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>

¹⁰² European Commission, “European Agenda on Migration,” 13 May 2015, <http://bit.ly/2ktwjte>

¹⁰³ European Parliament - Policy Department for Citizen’s Rights and Constitutional Affairs, “On the Frontline: The Hotspot Approach to Managing Migration,” May 2016, [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL_STU\(2016\)556942_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL_STU(2016)556942_EN.pdf)

¹⁰⁴ European Parliament, Policy Department for Citizen’s Rights and Constitutional Affairs, “On the Frontline: The Hotspot Approach to Managing Migration,” May 2016, [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL_STU\(2016\)556942_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL_STU(2016)556942_EN.pdf)



3. DETENTION INFRASTRUCTURE

3.1 Summary. Italy has operated various types of facilities for immigration purposes, including: temporary stay and assistance centres (*Centri di permanenza temporanea e assistenza* - CPTAs); centres for first aid and reception (*Centri di primo soccorso ed accoglienza* - CPSAs); reception centres (*centri d'accoglienza* – CDAs); centres for the reception of asylum seekers (*Centri di accoglienza per richiedenti asilo* – CARAs); and “hotspots.” As per the methodology used by Italy’s National Preventive Mechanism and Italian NGOs like ASGI, this GDP profile focuses mainly on those facilities that are designated as pre-removal detention centres (CPRs) as well as hotspots.¹⁰⁵

The only officially recognised detention facilities in Italy are the seven Return Detention Centres (CPRs, previously Identification and Expulsion Centres, or CIEs) (Immigration Act, Article 14(1); Article 6(2), Reception Decree). The function of these centres is to administratively detain those non-citizens slated for deportation. If there are no places available in the CPRs, a judge may allow a non-citizen to be detained in an appropriate facility until the validation hearing. If there are still no places in CPRs following the hearing, the judge may allow the individual to be placed in a border office facility for up to 48 hours (Article 13(5bis), Immigration Act).

However, de facto detention has long occurred in hotspot facilities, and since December 2018, legislative amendments have introduced this possibility in law by creating a ground to detain asylum seekers for identification purposes. Still, the law fails to specify which facilities can be used for such purposes.¹⁰⁶

Over the last few years, the number of CPRs has decreased. In February 2013, there were 13, but by July 2014, following the closure of the Modena and Lamezia Terme facilities, there were 11 in operation.¹⁰⁷ According to the “Italian Roadmap” produced by the Interior Ministry in September 2015, only seven CPRs were then in operation: Caltanissetta Contrada Pian del Lago, Roma Ponte Galeria, Torino Corso Brunelleschi, Brindisi Restinco,

¹⁰⁵ *Garante nazionale dei diritti delle persone detenute o private della libertà personale*, “Relazione al Parlamento 2019,” 27 March 2019,

<http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/00059ffe970d21856c9d52871fb31fe7.pdf>; Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹⁰⁶ *Garante nazionale dei diritti delle persone detenute o private della libertà personale*, “Relazione al Parlamento 2019,” 27 March 2019,

<http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/00059ffe970d21856c9d52871fb31fe7.pdf>; Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹⁰⁷ *Senato della Repubblica*, “Rapporto sui Centri di Identificazione ed Espulsione in Italia,” July 2014, <https://www.senato.it/application/xmanager/projects/leg17/file/RapportoCIE.pdf>

Bari Palese area Aereoportuale, Crotone Sant'Anna, and Trapani Milo (204). Meanwhile, as of early 2017, only four CPRs were open— Caltanissetta, Rome, Torino, and Brindisi (with combined capacity of 359).

According to *LasciateCIEntrare*, this decrease in CPRs was the result of various factors, including the increased visibility of abuses in facilities, as highlighted by civil society, as well as increasing detainee protests, among other factors.¹⁰⁸

However, in 2017 this closure trend saw a major reversal following the approval of [Law Decree no.13](#) (later converted with amendments into [Law no.46](#))—otherwise known as the Minniti-Orlando law. Indeed, this law allocated 13 million EUR to the development of new detention centres across Italy (Article 19 (2)) and authorised the expenditure of some four million EUR in 2017, 12.5 million EUR in 2018, and 18 million EUR in 2019 for the management of the new facilities (Article 19(3)). In May 2016, the Interior Ministry provided regional authorities with a list of 11 facilities that will be converted into CPRs—many of which were former CPRs. Together these new facilities would add 1,100 places to the country's long-term detention estate.¹⁰⁹ (Article 19(2) of the law also states that the facilities, under public ownership, will have a limited capacity to guarantee conditions of detention that respect the dignity of persons.)

Since the introduction of this law, the number of CPRs has increased, and is expected to further grow in the coming years. Thus, as of February 2019, Italy operated seven CPRs with a total capacity of 751.¹¹⁰ In 2019 six new CPRs are expected to open in Gradisca d'Isonzo (Gorizia); Macomer (Cagliari); Milano; Modena; Mamertina (Reggio Calabria); and Montichiari (Brescia).¹¹¹

Since the amendments introduced by Decree Law 113/2018, asylum seekers can be held at first reception centres for identification purposes (Article 6(3bis), Reception Decree). ASGI however highlights that the law fails to specify which facilities, specifically, can be used for this purpose and that the Interior Ministry declared that such centres will have to be identified by local prefectures.¹¹² (In this regard, in 2019 the CED urged the Italian government to publish a complete list of immigration detention facilities.)¹¹³

3.2 List of detention facilities. As of 2019, Italy operates seven CPRs: Torino (capacity of 147), Trapani-Milo (capacity of 205), **Palazzo San Gervasio-Potenza** (capacity of 100);

¹⁰⁸ *LasciateCIEntrare*, “#20GiugnoLasciateCIEntrare,” October 2016, <http://www.asylumineurope.org/sites/default/files/resources/20giugnoLasciareCIEntrare.pdf>

¹⁰⁹ F. Sarzanini, “Ecco i nuovi 11 centri per i rimpatri,” *Corriere della Sera*, 8 May 2017, <https://bit.ly/2V9zxCq>

¹¹⁰ *Garante nazionale dei diritti delle persone detenute o private della libertà personale*, “Relazione al Parlamento 2019,” 27 March 2019, <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/00059ffe970d21856c9d52871fb31fe7.pdf>; Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹¹¹ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹¹² Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹¹³ UN Committee on Enforced Disappearances (CED), “Concluding Observations on the Report Submitted by Italy Under Article 29 (1) of the Convention, CED/C/ITA/CO/1,” 18 April 2019.

Bari-Palese (capacity of 54); **Caltanissetta-Pian del Lago** (capacity of 72); **Roma-Ponte Galeria** (capacity of 125), **Brindisi-Restinco** (capacity of 48). The total capacity of these was 751 as of February 2019.¹¹⁴ The country also operates four hotspots: **Pozzallo**; **Lampedusa**; **Messina**; and **Taranto**—but according to ASGI, the total capacity of these four hotspots is not currently known.¹¹⁵

3.3 Conditions and regimes in detention centres.

3.3a Overview. Monitoring bodies that have visited CPRs have noted that detention conditions vary according to the centre in question. However, several critical issues have been identified, albeit to a varying extent, in each centre in recent years. These range from the prison-like design and atmosphere in pre-removal facilities to the lack of leisure activities available for detainees and lack of worship spaces.¹¹⁶

3.3b Brindisi CPR. The centre is composed of three separate sections¹¹⁷ and was managed, as of February 2018, by the cooperative Auxilium.¹¹⁸ During its last visit, the National Guarantor found that the centre lacked communal areas and that leisure activities were not available for detainees. In fact, besides a football field, a television, and an Italian course, no other activity was regularly offered. The centre's sanitary facilities, specifically showers, were noted as problematic, while other concerns identified by the NPM relate to the way in which procedures were conducted at the facility. For example, the prefecture had reportedly asked the cooperative managing the centre to reduce detainees' access to lawyers. There have also been cases of minors being confined in the centre even after they declared they were underage.¹¹⁹

On 2 June 2019, a young Nigerian man hung himself at the centre. *LasciateCIEntrare* reported that this death could well have been prevented. Indeed, the man's mental health problems were known and yet he was placed in detention and was never offered the option of talking to a psychiatrist during his time in the facility. *LasciateCIEntrare* denounced the

¹¹⁴ Garante nazionale dei diritti delle persone detenute o private della libertà personale, "Relazione al Parlamento 2019," 27 March 2019, <https://bit.ly/2GijVoY>; Association for Legal Studies on Immigration (ASGI), "Country Report: Italy," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹¹⁵ Association for Legal Studies on Immigration (ASGI), "Country Report: Italy," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹¹⁶ Garante nazionale dei diritti delle persone detenute o private della libertà personale, "Rapporto sulle visite tematiche effettuate nei centri di permanenza per il rimpatrio (CPR) in Italia (febbraio-marzo 2018)," 18 October 2018, <https://bit.ly/3302mnt>; Garante nazionale dei diritti delle persone detenute o private della libertà personale, "Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia (2016/2017: primo anno di attività)," <https://bit.ly/2HtaH8C>

¹¹⁷ Association for Legal Studies on Immigration (ASGI), "Country Report: Italy," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹¹⁸ Garante nazionale dei diritti delle persone detenute o private della libertà personale, "Rapporto sulle visite tematiche effettuate nei centri di permanenza per il rimpatrio (CPR) in Italia (febbraio-marzo 2018)," 18 October 2018, <https://bit.ly/3302mnt>

¹¹⁹ Garante nazionale dei diritti delle persone detenute o private della libertà personale, "Rapporto sulle visite tematiche effettuate nei centri di permanenza per il rimpatrio (CPR) in Italia (febbraio-marzo 2018)," 18 October 2018, <https://bit.ly/3302mnt>

prefecture's swift burial of the man without any form of autopsy, and called for a full autopsy and toxicology report to ascertain the precise cause of death.¹²⁰

3.3c Bari CPR. The centre was opened in 2017. At the time of the NPM's visit in February 2018, the cooperative *Costruiamo Insieme* temporarily managed the facility. The National Guarantor identified several problems with respect to detention conditions at the centre, including a lack of common space for leisure activities (there was just one small room), poor sleeping arrangements (there were no sheets on the beds or other bedding accessories), and damage to the facility that was not addressed by the management (during its visit, the NPM found a broken window which, according to detainees, had been damaged months before).¹²¹ Detention conditions led detainees to organise a protest at the end of 2018.¹²² In April 2019, a group of detainees set fire to the facility in an attempt to escape, however they failed in their efforts and were instead injured.¹²³

3.3d Potenza CPR. Opened in January 2018,¹²⁴ the Potenza CPR began operating before its renovation was completed. At the time of the National Guarantor's visit in February 2018, the facility was managed by *Engel Italia Srl*. One of the main problems characterising the centre was the lack of any form of communal area—there was not even a space for detainees to eat. The NPM also noted with concern that there was an insufficient number of showers, and they were all placed away from the facility's living area. Moreover, doors did not have handles, lights were on for 24 hours a day, and there was a cockroach infestation within the centre.¹²⁵ In December 2018, detainees attempted to stop the expulsion of six Nigerians by setting fire to the facility.¹²⁶

3.3e Caltanissetta CPR. Located within a larger centre for asylum seekers—albeit physically separated from it—the Caltanissetta CPR is managed by Auxilium. Within the detention facility, there is a canteen, an outdoor space to practice sport, a health care room, and a worship space. Following its visit in 2017, the CPT described conditions in the centre as “very poor.” In particular, the committee found that in some parts of the centre, the space provided for each detainee was too small, rooms lacked furniture, bedding items were dirty, and toilets and showers were in poor condition. According to the CPT report, on some occasions the number of detainees held in the centre exceeded the facility's maximum capacity. (On a brighter note, the CPT commended the quality of health care services as

¹²⁰ LasciateCIEntrare, “Morire di ‘malaccoglienza’ – La storia di Harry. Arrivato come invisibile, morto da invisibile,” 3 June 2019, <https://bit.ly/2JYBKxE>

¹²¹ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “Rapporto sulle visite tematiche effettuate nei centri di permanenza per il rimpatrio (CPR) in Italia (febbraio-marzo 2018),” 18 October 2018, <https://bit.ly/3302mnt>

¹²² Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹²³ Repubblica, “Bari, incendiano materassi per la fuga dal centro per i rimpatri: migranti soccorsi dal 118,” 28 April 2019, https://bari.repubblica.it/cronaca/2019/04/28/news/bari_-225011214/

¹²⁴ Cronache di ordinario razzismo, “Palazzo San Gervasio: quel CPR di cui nessuno parla,” March 27, 2018, <http://www.cronachediordinariorazzismo.org/palazzo-san-gervasio-quel-cpr-di-cui-nessuno-parla/>

¹²⁵ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “Rapporto sulle visite tematiche effettuate nei centri di permanenza per il rimpatrio (CPR) in Italia (febbraio-marzo 2018),” 18 October 2018, <https://bit.ly/3302mnt>

¹²⁶ F. Garau, “Potenza, paura al CPR: scoppia rivolta dei migrant contro rimpatrio,” *Il Giornale*, 15 December 2018, <http://www.ilgiornale.it/news/cronache/potenza-paura-cpr-scoppia-rivolta-dei-migranti-contro-1617029.html>; Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

well as the centre's open door regime.)¹²⁷ Similarly, in 2017 the NPM described material conditions as "rather degraded and in need of maintenance" and rooms as "cramped, characterized by poor ventilation and natural lighting."¹²⁸ Protests and escape attempts are not unusual at the centre: in December 2018, detainees set fire to the centre, and that same month several detainees initiated a mass fight. In January 2019, an escape attempt caused serious injuries to one detainee.¹²⁹

3.3f Torino CPR. The centre, which is managed by the French company GEPSA,¹³⁰ is composed of seven distinct subdivisions and detainees enjoy an open door regime within their own sector.¹³¹ In 2017, the CPT visited the facility and reported that the material and hygiene conditions of rooms and sanitary annexes were acceptable.¹³² The centre is equipped with common rooms, although according to the NPM they should be better furnished. Each room has its own sanitary annex but the two are not separated by a door or a curtain, depriving detainees of the privacy they should rightfully enjoy. Lighting also constitutes a problem in Turin, as detainees cannot switch it on or off as they wish because the controllers are located away from their housing units. Detainee accommodation is separated from staff areas, meaning that detainees must communicate with staff through gates when they wish, for instance, to turn lights on or off. During its visit, the National Guarantor noticed the existence of security cells, and requested that their use was discontinued. At least three self-declared minors were detained at the Torino CPR in 2018.¹³³ In October 2018, detainees set fire to their mattresses during a protest.¹³⁴

3.3g Roma Ponte Galeria CPR. The centre has an open-door regime and is the only pre-removal facility to detain women in Italy.¹³⁵ Following its visit in April 2017, the NPM noted that conditions in the centre were unacceptable and posed a health threat to both detainees and staff. It also identified a lack of furniture, a limited variety of recreation activities, and the fact that the centre detained individuals without taking their immigration status into account

¹²⁷ Council of Europe (COE), "Report to the Italian Government on the Visit to Italy Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2017, CPT/Inf (2018) 13," 10 April 2018, <https://rm.coe.int/16807b6d56>

¹²⁸ Garante nazionale dei diritti delle persone detenute o private della libertà personale, "Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia (2016/2017: primo anno di attività)," <https://bit.ly/2HtaH8C>

¹²⁹ Association for Legal Studies on Immigration (ASGI), "Country Report: Italy," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹³⁰ R. Battaglia, "Il deja vu della gestione dei migranti : il nuovo decreto è una pacchia per i big," *Valori*, 29 January 2019, <https://valori.it/il-deja-vu-della-gestione-migranti-il-nuovo-decreto-e-una-pacchia-per-i-big/>

¹³¹ Association for Legal Studies on Immigration (ASGI), "Country Report: Italy," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹³² Council of Europe (COE) "Report to the Italian Government on the Visit to Italy Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2017, CPT/Inf (2018) 13," 10 April 2018, <https://rm.coe.int/16807b6d56>

¹³³ Garante nazionale dei diritti delle persone detenute o private della libertà personale, "Rapporto sulle visite tematiche effettuate nei centri di permanenza per il rimpatrio (CPR) in Italia (febbraio-marzo 2018)," 18 October 2018, <https://bit.ly/3302mnt>

¹³⁴ C. Palazzo, "Torino, rivolta e incendio al Cpr di corso Brunelleschi: un agente intossicato," *Repubblica* – Torino, 17 October 2018, <https://bit.ly/2ImWqgt>

¹³⁵ A. Camilli, "Chi sono le donne rinchiusi nel centro di espulsione di Roma," *Internazionale*, 11 February 2019, <https://www.internazionale.it/reportage/annalisa-camilli/2019/02/11/cpr-roma-ponte-galeria-cie>

(i.e., whether they were asylum seekers or not).¹³⁶ In June 2017, the CPT also visited the facility, although the committee's findings contradicted those of the NPM: specifically, it found that hygiene, light, and ventilation met standards, and health care services were considered suitable. However, the committee did express concern regarding a mosquito infestation.¹³⁷

3.3h Trapani CPR. With the capacity of 205 places, the centre is the largest pre-removal detention centre in Italy. Previously a hotspot, it was converted into a CPR in September 2018.¹³⁸ Cooperativa Badia manages the facility.¹³⁹ As the facility began detention operations relatively recently, there are currently few reports detailing conditions in the centre. ASGI has however expressed its concern regarding reports of migrants being placed in the CPR upon arrival for identification purposes.¹⁴⁰ LasciateCIEntrare has also denounced the fact that an unaccompanied child was detained at the CPR in January 2019, even though the family had sent the birth certificate proving his young age.¹⁴¹

3.3i Hotspots. Unlike hotspots in Greece, Italian hotspots are not regulated by specific laws. Instead, they are only regulated at a policy level through a "Roadmap"¹⁴² developed by the Interior Ministry and standard operating procedures (SOPs)¹⁴³ drafted with the assistance of the European Commission, Frontex, Europol, the European Asylum Support Office, UNHCR, and the IOM. According to these guidelines, non-citizens are to be identified, registered, and fingerprinted at hotspots and subsequently either channelled to the reception system (if an application for international protection has been made) or transferred to a pre-removal detention centre (if the person is categorised as undocumented). Law 46/2017 (Minniti-Orlando) introduced the concept of hotspots (referred to as "*punti di crisi*") into Italian legislation (Article 17, Law 46/2017). However, according to the Italian Refugee Council, this act does not clarify or standardise the functioning of hotspots at a legislative level, which would include provisions establishing whether hotspots should operate an open- or closed-door policy.¹⁴⁴

¹³⁶ Garante nazionale dei diritti delle persone detenute o private della libertà personale, "*Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia (2016/2017: primo anno di attività)*," <https://bit.ly/2HtaH8C>

¹³⁷ Council of Europe (COE), "Report to the Italian Government on the Visit to Italy Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2017, CPT/Inf (2018) 13," 10 April 2018, <https://rm.coe.int/16807b6d56>

¹³⁸ Association for Legal Studies on Immigration (ASGI), "Country Report: Italy," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹³⁹ Association for Legal Studies on Immigration (ASGI), "*Il CPR di Trapani – Milo*," 15 February 2019, <https://inlimine.asgi.it/il-cpr-di-trapani-milo/>

¹⁴⁰ Association for Legal Studies on Immigration (ASGI), "*Il CPR di Trapani – Milo*," 15 February 2019, <https://inlimine.asgi.it/il-cpr-di-trapani-milo/>

¹⁴¹ LasciateCIEntrare, "*Un MSNA trattenuto al CPR di Trapani*," 9 February 2019, <https://www.lasciatecientrare.it/lasciatecientrare-un-msna-trattenuto-al-cpr-di-trapani/>

¹⁴² Interior Ministry, "*Roadmap Italiana*," 25 September 2015, <http://www.meltingpot.org/IMG/pdf/roadmap-2015.pdf>

¹⁴³ Interior Ministry, "Standard Operating Procedures," <https://bit.ly/2kt9JBX>

¹⁴⁴ Elisa Maimone (CIR Italian Refugee Council), Email exchange with Izabella Majcher (Global Detention Project), June 2017; Francesco Ferri, Dario Belluccio, Guido Savio, and Annapaola Ammirati (Association for Legal Studies on Immigration - ASGI), Email exchange with Izabella Majcher (Global Detention Project), June 2017.

A core objective of the hotspot approach is to ensure the swift identification and subsequent categorisation of non-citizens arriving in Europe.¹⁴⁵ Since the end of 2015, there has been a notable increase in the rate of fingerprinting, which was reportedly a result of the increased use of aggressive and coercive measures on the part of the Italian police.¹⁴⁶ Although the law does not allow for the use of force, in 2014 a ministerial circular explained that fingerprints could be taken “even with the use of force if necessary.”¹⁴⁷ In practice, non-citizens are prevented from leaving hotspot premises until they have been identified and fingerprinted. With the amendments to the Reception Decree and the Immigration Act introduced by Decree Law 113/2018, detention for identification purposes has been recognised *de jure* (see Article 6(3bis) Reception Decree).

This measure amounts to *de facto* detention, in line with the ECtHR’s ruling in *Amuur v. France* (the court ruled that holding asylum seekers in an airport international zone for 20 days under police surveillance amounted to detention). Thus, in the GDP’s terminology, hotspots should be classified as secure reception centres. At the same time, these centres also function as non-secure reception centres, accommodating those who have passed through the identification phase. Such persons are generally allowed to exit the facilities during the day. The GDP thus classifies the hotspots as both “secure” (with respect to the population prevented from leaving the premises) and “non-secure” reception centres (for the population who can exit the premises during the day).

Reports indicate that the role of hotspots has expanded to include detention not just of maritime arrivals but also those detained in northern Italy’s border regions. According to observers, since mid-2016 officials at border points with France (Ventimiglia) and Switzerland (Como) have been transferring apprehended migrants to hotspots such as Taranto.¹⁴⁸ Most of the transferees have already been identified and fingerprinted, in some cases after having been hosted in a reception centre. Observers speculate that these transfers are intended to serve as a coercive measure aimed at discouraging border-crossings.¹⁴⁹

Conditions of detention in hotspot facilities vary depending on the centre considered and on the number of detainees held at a given time.¹⁵⁰

The first operational hotspot in Italy—the **Lampedusa Hotspot**—was previously a Centre for First Aid and Reception (CPSA). It was converted into a hotspot in September 2015. Until July 2016, services were supplied by the Confraternita Nazionale delle Misericordie, which

¹⁴⁵ Amnesty International, “Hotspot Italia: Come le Politiche dell’Unione Europea Portano a Violazioni dei Diritti di Rifugiati e Migranti,” 3 November 2016, <https://www.amnesty.org/en/documents/eur30/5004/2016/it/>

¹⁴⁶ Such measures have allegedly included the use of torture such as electrocution, alternative use of force, and prolonged detention, see Amnesty International, “Hotspot Italia: Come le Politiche dell’Unione Europea Portano a Violazioni dei Diritti di Rifugiati e Migranti,” 3 November 2016, <https://www.amnesty.org/en/documents/eur30/5004/2016/it/>

¹⁴⁷ Interior Ministry, “Circolare n. 27978,” 23 September 2014, http://www.meltingpot.org/IMG/pdf/circolare_impronte.pdf

¹⁴⁸ A. Quadroni and M. Luppi, “Il ‘giro dell’oca’ dei trasferimenti coatti dal Nord Italia a Taranto,” OpenMigration, 10 November 2016, <https://bit.ly/2lk4rCM>

¹⁴⁹ A. Quadroni and M. Luppi, “Il ‘giro dell’oca’ dei trasferimenti coatti dal Nord Italia a Taranto,” OpenMigration, 10 November 2016, <https://bit.ly/2lk4rCM>

¹⁵⁰ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

were then taken over by the Cooperative Vivere.¹⁵¹ As of January 2019, the facility was managed by the Facility Service Onlus.¹⁵² Although the hotspot is a “closed” centre, a study conducted by the European Council on Refugees and Exiles (ECRE), the Danish Refugee Council, and other groups reported that detainees could exit from a hole in the fence and that this was largely tolerated.¹⁵³

As of 2016, the Lampedusa hotspot building was divided into compounds, with a dedicated area for women and children; there were no communal spaces or recreational activities. Toilets were not heated or cleaned properly, and space in the dormitories was insufficient. Several reports raised concerns regarding conditions of detention, including in terms of the lack of a canteen and launderette, the lack of a ventilation system, and extremely hot rooms in the summer (and very cold rooms in the winter),¹⁵⁴ accommodation of children alongside adults,¹⁵⁵ lack of a common room,¹⁵⁶ lack of leisure activities,¹⁵⁷ and poor state and availability of bedding and sanitary annexes.¹⁵⁸

In March 2018, it was announced that the hotspot would be temporarily closed. This followed various incidents in the centre, including the suicide of a Tunisian national in early 2018, protests, a fire, and critical reports on conditions by the National Guarantor and ASGI—which, *inter alia*, raised concerns about the practice of detaining non-citizens for more than 48 hours, a practice that lacked a legal ground at the time.¹⁵⁹ However, the Interior Ministry’s press communiqué concerning the temporary closure of the centre specified that the facility

¹⁵¹ E. Palazzotto, “Il Sistema Hotspot e la Negazione dello Stato di Diritto in Europa: Relazione di Minoranza sull’approccio Hotspot nell’ambito del Sistema di identificazione ed Accoglienza,” *Commissione Parlamentare di Inchiesta sul sistema di accoglienza, di identificazione ed espulsione, nonché sulle condizioni di trattamento dei migranti e sulle risorse pubbliche impregnate*, 2016, http://www.meltingpot.org/IMG/pdf/relazione_minoranza_hotspot_palazzotto_2_.pdf

¹⁵² Giornale di Sicilia, “Lampedusa, lavoratori dell’hotspot senza stipend da settembre: proteste,” 12 January 2019, <https://bit.ly/314a3rN>

¹⁵³ European Council on Refugees and Exiles (ECRE) *et al.*, “The Implementation of the Hotspots in Italy and Greece: A Study,” 5 December 2016, <http://www.ecre.org/wp-content/uploads/2016/12/HOTSPOTS-Report-5.12.2016..pdf>

¹⁵⁴ LasciateCIEntrare, “#20GiugnoLasciateCIEntrare,” October 2016, <http://www.asylumineurope.org/sites/default/files/resources/20giugnoLasciateCIEntrare.pdf>

¹⁵⁵ E. Palazzotto, “Il Sistema Hotspot e la Negazione dello Stato di Diritto in Europa: Relazione di Minoranza sull’approccio Hotspot nell’ambito del Sistema di identificazione ed Accoglienza,” *Commissione Parlamentare di Inchiesta sul sistema di accoglienza, di identificazione ed espulsione, nonché sulle condizioni di trattamento dei migranti e sulle risorse pubbliche impregnate*, 2016, http://www.meltingpot.org/IMG/pdf/relazione_minoranza_hotspot_palazzotto_2_.pdf

¹⁵⁶ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia (2016/2017: primo anno di attività),” <https://bit.ly/2HtaH8C>

¹⁵⁷ Council of Europe (COE), “Report to the Italian Government on the Visit to Italy Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2017, CPT/Inf (2018) 13,” 10 April 2018, <https://rm.coe.int/16807b6d56>

¹⁵⁸ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹⁵⁹ A. Camilli, “Perché il centro per migrant di Lampedusa è stato chiuso,” *Internazionale*, 15 March 2018, <https://www.internazionale.it/bloc-notes/annalisa-camilli/2018/03/15/hotspot-lampedusa-chiuso>; G. Ruta, “Appiccato un incendio all’hotspot di Lampedusa,” *Repubblica – Palermo*, 8 March 2018, <https://bit.ly/31S53al>

could have been used in case of disembarkations for first aid and identification procedures.¹⁶⁰ According to press and NGOs reports, the centre has never entirely closed.¹⁶¹

The **Messina Hotspot** was subject to an investigative report in August 2018. The report stated that the facility resembled “an overcrowded slum ... intrusive, suffocating” and described living conditions as intolerable due to ventilation, lighting, safety, and structural problems.¹⁶²

The **Pozzallo Hotspot** was visited by both the National Guarantor and the CPT in 2017. According to the NPM, material conditions were good and hygiene standards were respected. The facility, however, lacked a common area for migrants to spend time together (during meals or in other moments of the day).¹⁶³ Meanwhile, the CPT described the centre as in good condition, characterised by a calm environment. It commended the presence of laundry and barber services, as well as the quality of health care services.¹⁶⁴

The **Taranto Hotspot** is the only hotspot that is not located in Sicily. The facility consists of tented structures. Following a visit in 2016, the National Guarantor described conditions in the facility as good: the centre itself, and sanitary annexes, were clean, and health and hygiene-related measures were in place to avoid scabies epidemics and to treat infected migrants. The NPM did, however, point out that migrants faced difficulties in contacting family members because no phone was available at the hotspot and no phone card was provided.¹⁶⁵ A visit by ASGI in 2017 revealed the presence of unaccompanied children detained together with adults, without any possibility of establishing communication with persons outside the facility. These observations led ASGI to appeal to the European Court of Human Rights.¹⁶⁶

¹⁶⁰ Interior Ministry, “Centro di accoglienza di Lampedusa: chiusura temporanea per la ristrutturazione,” *Comunicati Stampa – Ministero dell’Interno*, 13 March 2018, <https://bit.ly/313tp05>

¹⁶¹ L. Anello, “L’ultima beffa per Lampedusa: l’hotspot vergogna non chiude,” *La Stampa*, 18 April 2018, <https://www.lastampa.it/2018/04/18/italia/ultima-beffa-per-lampedusa-lhotspot-vergogna-non-chiude-YCHhukyl2FNlaHyHDcdJXI/pagina.html>; A. Nittoli, “Migranti, la denuncia dell’associazione avvocati: ‘L’hotspot ‘inagibile’ di Lampedusa è ancora aperto,’” *RepTV – Repubblica*, 10 April 2018, <https://video.repubblica.it/dossier/immigrati-2015/migranti-la-denuncia-dell-associazione-avvocati-l-hotspot-inagibile-di-lampedusa-e-ancora-aperto/301874/302503>

¹⁶² A. Mazzeo, “L’inchiesta di Antonio Mazzeo: Hotspot Migranti di Messina. Disumano e Abusivo,” *Stampa Libera*, 29 August 2018, <http://www.stampalibera.it/2018/08/29/linchiesta-di-antonio-mazzeo-hotspot-migranti-di-messina-disumano-e-abusivo/>; Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf

¹⁶³ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia (2016/2017: primo anno di attività),” <https://bit.ly/2HtaH8C>

¹⁶⁴ Council of Europe (COE) “Report to the Italian Government on the Visit to Italy Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2017, CPT/Inf (2018) 13,” 10 April 2018, <https://rm.coe.int/16807b6d56>

¹⁶⁵ Garante nazionale dei diritti delle persone detenute o private della libertà personale, “Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia (2016/2017: primo anno di attività),” <https://bit.ly/2HtaH8C>

¹⁶⁶ Association for Legal Studies on Immigration (ASGI), “Country Report: Italy,” *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, April 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_it_2018update.pdf



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