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**Submitted by ASGI
together with Spazi Circolari and the Roma Tre University International
Protection of Human Rights Legal Clinic**

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ASGI is an Italian membership-based association founded on 26 February 1990 focusing on all legal aspects of immigration. As a pool of lawyers, academics, consultants and civil society representatives, ASGI's expertise relates to various areas of immigration and migrants' rights, including but not limited to antidiscrimination and xenophobia, children's and unaccompanied minors' rights, asylum and refugee seekers, statelessness and citizenship. ASGI's members provide their contribution at various levels: administrative, policy-making and legal, both in national and European contexts.

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The association Spazi Circolari, founded in Rome in March 2018, promotes and protects the inalienable right of every human being to move freely in every State and every place on earth. Regardless of the reasons that drive them to move. Freedom of movement constitutes one of the main foundations of formal and substantive equality between persons, which is the basis of the democratic re-foundation of modern legal systems, defined following the Second World War. Freedom of movement constitutes an indispensable balancing factor both within each individual state and in international relations, indispensable for a fairer redistribution of rights and opportunities. Spazi Circolari proposes to enhance existing instruments of national and international law and to promote new ones that can re-establish the priority of free movement within the framework of collective

interests. Furthermore, it aims to facilitate the exchange and dissemination of knowledge, also from an interdisciplinary perspective, through public analysis, critical elaboration and national and international exchange of experiences and knowledge on the right to international free movement.

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The Roma3 IPHR Legal Clinic, founded in 2014, is an educational programme fostering the growth of human rights knowledge while promoting social justice. It is directed by Professor Alice Riccardi. The Clinic works both as a client-based and as a desk-study pro bono legal clinic. In the former capacity, it focuses on strategic litigation on human rights. Over the years, it appeared or assisted in proceedings before the Appeals Chamber of the International Criminal Court, the European Court of Human Rights, the UN CEDAW, the UN CRC and the UNSC ISIL (Da'esh) & Al-Qaida Sanctions Committees. Most litigated cases concerned the alleged commission of human rights violations in migratory contexts, in particular in North Africa and the Central Mediterranean. In the latter capacity, the Clinic partners with UNHCR on issues of statelessness, and it has been the first clinic in Italy to publish Country of Origin (COI) information reports for the benefit of Italian tribunals. It particularly reported on the conditions of Libyan detention facilities. The students of the class of 2023/2024 who worked on this submission are: Francesca Bartoletti, Laura Eligi, Rachele Settembrini, Chiara Turella, and Federica Volpi.

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Italy’s “consolidated” model of externalisation of borders: cooperation with Libya and Tunisia

1. The expression “externalisation of borders” refers to the process through which destination States, Italy *in primis*, manage migration influxes extraterritorially, including by concluding agreements having the effect of transferring border control responsibilities to third entities, either States or international organizations.¹
2. Italy has played a leading role in externalization policies in the Central Mediterranean for almost ten years now. It supports a deterrence strategy designed to keep migrants distant, rather than to protect them. Its “externalisation model” rests on three pillars: pull-backs at sea, detention in transit States, and voluntary returns. The first two pillars are based on cooperation agreements concluded with transit States – Libya and Tunisia above all – whilst the third on partnership agreements concluded with the International Organization for Migration (IOM). Notably, Italy and Libya signed a Memorandum of Understanding (MoU) in 2017.² Italy has been financing Tunisia since 2019 through the Repatriation Policies Reward Fund.³ Since 2023, Italy has further increased its assistance to Tunisia. The two States concluded four agreements – respectively in October 2023⁴ and on 17 April 2024.⁵ Cooperation with the IOM rests on the Partnership Agreement signed in 2017 and renewed on 24 May 2019.⁶

1. First pillar: pull-backs at sea

1.1. Italy finances the Libyan and Tunisian Coastguards

3. Italy has been financing both the so-called Libyan (LCG) and Tunisian coastguards (TCG) – understood as both the National Maritime Guard and the Tunisian Navy –⁷ throughout the current UPR cycle. Documents cited in the following paragraphs were partly disclosed by Italy following freedom of information (FOIA) requests submitted and litigated by ASGI and Spazi Circolari.
4. As to Tunisia, between 2020 and 2025, Italy has allocated a total of €27 million to “support the Tunisia’s border control and management of migration flows” through the supply of equipment, ships and maintenance of six ships for coastal patrol.⁸ Upon ASGI’s appeal, in June 2024 the highest Italian administrative Tribunal (the Council of State) suspended, as a provisional measure, the transfer of the six ships.⁹ Between 2022 to 2026, Italy has allocated more than €10 million to “better manage movements at borders along the central Mediterranean route” through the training of Tunisian authorities.¹⁰ Italy has also approved the allocation of €9 million between 2024 and 2025 into fuel supply to the TCG.¹¹
5. As to Libya, between 2019 and 2021 Italy allocated more than €20 million, deployed hundreds of Italian personnel and supplied ships taking part in both bilateral and multilateral operations in Libya.¹² Italy continues to supply the LCG with ships for coastal patrol, including interceptions at sea, despite incessant reports on LCG’s human rights violations during such operations.¹³

1.2. Both the LCG and the TCG commit human rights violations

6. Tunisia and Libya operate as transit States for thousands of migrants taking the Central Mediterranean route.
7. Both the LCG and TCG are publicly known for intercepting migrants at sea and pulling them back. Said operations often result in extensive and systematic violations of migrants’ human rights, including their deaths.¹⁴ Reported conducts resulting in human rights violations include dangerous actions at sea, use of excessive force including firearms,¹⁵ confiscation of migrants’ belongings,¹⁶ and demanding money in exchange for rescue.¹⁷ Rescued migrants are usually brought to detention centres, where they suffer further serious human rights violations (see below paras. 11-14).

8. As to Libya, 71,500 migrants have attempted to cross the Mediterranean Sea to Europe only in 2023.¹⁸ IOM reports that 719,064 migrants were registered in Libya during the first two months of 2024.¹⁹ NGOs have repeatedly accused the LCG of obstructing their rescue operations.²⁰ The LCG is notoriously in collusion with traffickers and smugglers connected to militia groups.²¹
9. As to Tunisia, in the last years the number of shipwrecks and disappearances of boats close to the Tunisian Coast has been increasing. Between January and August 2021, almost 23,000 migrants were intercepted at sea.²² In 2022 alone, more than 575 people died in the attempt to reach Italian shores.²³ In 2023, some 140,000 migrants have attempted to cross the sea from Tunisia to Europe.²⁴
10. These acts are not isolated incidents, but the manifestation of a pattern of serious human rights violations perpetrated by the Libyan and Tunisian Coast Guards against migrants, which Italy assists through its funding. Despite being aware of these conducts, Italy continues to financially aid both the LGC and TGC.²⁵ Additionally, through funding, Italy is assisting Libya and Tunisia in maintaining a situation created by serious breaches of obligations arising under peremptory norms of international law, or *ius cogens*.²⁶

2. Second pillar: migrants' administrative detention

2.1. Human rights violations are committed in Libyan and Tunisian detention centres

11. Libya implements and maintains a mechanism of migrants' mass detention. Also Tunisia detains migrants, although this detention at present is not a phenomenon as structural as in Libya. In both countries, crucially, migrants' detention is inherently indefinite and arbitrary:²⁷ actors involved operate outside the scope of the law.²⁸ This results in the violation of the principle of legality, procedural guarantees and the right to non-discrimination.²⁹ Furthermore, while detained, migrants are subjected to unspeakable human rights violations, even amounting to international crimes.³⁰
12. Migrants are trapped in Libya in a cycle of systematic human rights violations committed in detention centres by State and non-state actors, in a climate of near-total impunity.³¹ In 2023, the UNHCR registered 670,000 migrants in Libya.³² Many of them are held in official and non-official detention centres. Officially registered detention centres include Gharyan, Tarik al-Sikka, Bir Ghanam, Ayn Zarah, and Abu Slim.³³
13. Among other violations, in Libyan detention facilities acts of sexual violence, slavery and torture take place. As to rapes and other sexual violence, in 2022 30 Nigerian women and children were sexually abused in Zawiyah detention facility.³⁴ In 2023, a young Ethiopian survivor of several rapes in Bani Walid lost her unborn child because of beatings suffered in Ayn Zawara.³⁵ Sexual slavery has been committed in Sabratha and Bani Walid.³⁶ Men and boys have also been raped.³⁷ Victims are promised to be released in exchange for sexual acts.³⁸ As to torture and other forms of ill-treatments, evidence of torture has been found in trafficking hubs in Bani Walid and Sabratha.³⁹ A Sudanese migrant held in Abu Isa explained that "for lack of food, we do not go to the toilet for 18 days". A migrant held at Bani Walid testified that no food was provided and that the "bones of detainees were visible in their weak bodies".⁴⁰
14. In Tunisia, in May 2024 UNHCR registered more than 12,000 refugees and asylum seekers.⁴¹ Detention centres of El Wardia, Ben Guerdane, Melilla and Bir El Fatnassiya stand out for violations and suspicious silence.⁴² Two asylum seekers had been beaten and electrically shocked by the police during detention in Tunis.⁴³ Furthermore, there is evidence of migrants being arbitrarily displaced towards inhabited, desert, militarised or frontier zones with Libya and Algeria.⁴⁴ During displacements, several migrants are killed,⁴⁵ or experience physical and psychological violence from Tunisian security forces.⁴⁶ Migrants displaced from Sfax are particularly the target of violence,⁴⁷ including torture.⁴⁸

2.2. Italy finances Libyan detention centres and supports Tunisia in restraining migrants

15. Documents cited in the following paragraphs were partly disclosed by Italy following freedom of information (FOIA) requests submitted and litigated by ASGI and Spazi Circolari.
16. As to Libya, according to Articles 2(2)-(3) MoU, Italy has financed with over €200 million⁴⁹ temporary hosting camps and reception centres controlled by the Libyan Interior Ministry since 2017.⁵⁰ Italy is on notice about violations in detention centres.⁵¹ Nonetheless, Libyan authorities continue to intercept, return and detain migrants thanks to Italy's assistance.⁵²
17. As to Tunisia, Italy does not specifically fund migrants' detention centres. However, it financially assists Tunisia in maintaining a system whose ultimate aim is to restrain migrants in order to prevent them from reaching Italian shores.⁵³ As a result, Tunisia is increasingly resorting to detention as a means to contain migrants.
18. Italy therefore provides aid and assistance to the commission of the serious human rights violations taking place in Libyan and Tunisian detention centres.⁵⁴ Funding, logistical support and training provided by Italy for the maintenance of detention centres is indeed sufficient to facilitate the human rights violations committed therein.⁵⁵ Despite being fully aware of said human rights violations, Italy has failed to review and to condition its assistance on measures to protect migrants,⁵⁶ becoming complicit in the human rights violations committed in detention centres.⁵⁷ Moreover, Italy is assisting Libya and Tunisia in maintaining a situation created by serious breaches of obligations arising under peremptory norms of international law, or *ius cogens*.⁵⁸

3. Third pillar: assisted/humanitarian “voluntary” returns

3.1. IOM “voluntary” returns of migrants from Libya and Tunisia

19. The IOM manages Voluntary Returns and Reintegration (AVRR) programmes in Tunisia and in Libya. In Libya, these programmes are typically referred to as Voluntary Humanitarian Returns (VHR). IOM AVRR/VHR promises to support migrants who voluntarily decide to return to their countries of origin and assist them during their reintegration process.⁵⁹ Amongst returnees, there are also vulnerable migrants, victims of trafficking and children. Notwithstanding, IOM does not fully disclose the specific procedure to evaluate whether they are repatriating migrants that would suffer ill-treatment in their countries of origin.⁶⁰
20. The UN has generally doubted the voluntariness of such returns.⁶¹ Concerns have been raised particularly with respect to returns conducted from Libya and Tunisia, for returnees would have no alternatives but to accept to return in order to be liberated from the human rights violations suffered in both countries, as follows.
21. In Libya, VHR often appears to migrants as the only real alternative available to escape the intolerable living conditions endured, especially when held in detention (see paras. 11-14).⁶² Between March and August 2023, 237 out of 239 people that returned to their country of origin under the IOM project “Multi-Sectoral Support for vulnerable populations in Libya” were located in detention centres.⁶³ Under the project “Comprehensive and Multi-Sectoral Action Plan in response to the migration crisis in Libya”, between September 2017 and April 2021 6.827 out of 8.928 people who were repatriated to their country of origin were held in detention.⁶⁴ Migrants interviewed by OHCHR from January 2021 to June 2022 reported they were forced to consent to VHR and were not informed about other migratory pathways. Returnees testified they faced economic and social challenges.⁶⁵ *inter alia*, reintegration assistance provided by IOM often did not materialized or was largely insufficient.⁶⁶
22. In Tunisia, the overall context puts pressure on migrants to consent to AVRR. First, emergency measures particularly discriminatory against sub-Saharan migrants were recently taken,⁶⁷ including arbitrary arrests conducted by the police.⁶⁸ Furthermore, migrants are illegally deported

to desert areas bordering Libya and Algeria.⁶⁹ The Tunisian situation, also mentioned in para. 14, casts doubt on the voluntariness of consent to return.

3.2. Italy finances AVRR from Libya and Tunisia

23. Documents cited in the following paragraphs were partly disclosed by Italy following freedom of information (FOIA) requests submitted and litigated by ASGI and Spazi Circolari.
24. Italy has been financing IOM VHR from Libya through the Africa Fund.⁷⁰ Namely, Italy has allocated €20 million for the implementation of the 2019 Project “Comprehensive and Multi-Sectoral Action Plan in response to the migration crisis in Libya”; €4,5 million euros for the 2020 Project “Multi Sectoral support for crisis affected population in Libya”; and €16 million for the Project “Multi Sectoral support for vulnerable populations in Libya”, ending on 31 January 2025.⁷¹ In the latest accessible update, IOM reported that 314 people were assisted in returning to their country of origin from September 2023 to February 2024.⁷²
25. Since March 2022, Italy has funded IOM’s Project “Enhancing Response Mechanisms and Assistance of Vulnerable Migrants in Tunisia” for a total of €6,150 million, ending on 28 February 2025.⁷³ The number of migrants assisted so far to return from Tunisia under this Project is 1.444.⁷⁴
26. Despite being aware of the wrongful human rights violations of Libya and Tunisia forcing migrants to enrol in AVRRs, and of the human rights violations committed through AVRR/VHRs, Italy continues to financially aid the IOM. This, notwithstanding evidence that the proper consent of migrants is not obtained.⁷⁵ During a court proceedings in which ASGI is involved it emerged that, although through annual reports it receives information on the implementation of IOM projects it funds, Italy stated that any possible breach of migrants’ human rights pertains to said projects’ “executive phase”, over which Italy has no effective control.⁷⁶ By doing so, Italy is avoiding to conduct any human rights due diligence over the funding it provides to the IOM. Additionally, through funding, Italy is assisting Libya and Tunisia in maintaining a situation created by serious breaches of obligations arising under peremptory norms of international law, or *ius cogens*.⁷⁷

4. Recommendations

The submitting organisations call on the Italian Government to:

27. Suspend and re-evaluate cooperation agreements with Libya and Tunisia in light of serious breaches of *ius cogens* directly resulting from them.
28. Ensure that, as part of due diligence efforts, adequate monitoring mechanisms over the use of resources provided are in place, in order to fully respect and uphold international human rights law and standards, including the principle of non-refoulment and the principle of proper consent.
29. Make, in any event, continued cooperation with Libya and Tunisia conditional on progress towards the release of refugees, asylum seekers and migrants in arbitrary detention.

Italy’s new externalisation model: cooperation with Albania

1. Relevant legal framework and its implementation

30. On 6 November 2023, Italy inaugurated a new externalization model by signing a Protocol with Albania, subsequently ratified by both parties.⁷⁸ This Protocol will initially last for five years. It provides for the construction and management of two migrant centres in Albania. Italy entirely finances these centres.⁷⁹
31. In April 2024, the Italian Army itself started building a: reception centre near the harbour of Shengjin, where the disembarkation, identification and medical screening of migrants will occur;⁸⁰ and a detention and expulsion centre in Gjader, where the procedures for the recognition

of international protection and those for repatriation will take place.⁸¹ Here, migrants will be detained either for the review of their application for international protection or for the purposes of their expulsion.⁸²

32. Italy and Albania agreed that Italy will exercise full jurisdiction over the two centres.⁸³ In May 2024, Italy empowered the private company “Medihospes” by law to manage the two centres for two years, renewable.⁸⁴ “Medihospes” will thus exercise therein Italian governmental authority.⁸⁵
33. At the time of the submission of this written information, Italy has yet to transfer migrants to Albania. The Government has affirmed transfers will start in August 2024.⁸⁶

2. Human rights at stake

34. Italy will bring migrants rescued in the Central Mediterranean to Shengjin, which is roughly 920 km away from the area where most SAR operations are usually conducted. Most of these migrants will have already endured days at sea in degrading conditions, without food and water. Italy will hence violate the prohibition of ill-treatment by unnecessarily imposing further days of navigation towards Albania.⁸⁷
35. Italian authorities declared that migrants will be screened directly on board of ships transferring them to Albania; reportedly, only “non-vulnerable” migrants from “safe countries” of origin will be sent to Albania.⁸⁸ However: (i) Italy contradicts itself by requiring “Medihospes” to provide also for the needs of children in Albanian centres, including appropriate food for infants;⁸⁹ (ii) the annually updated list of “safe countries” currently includes countries such as Côte d’Ivoire and Nigeria,⁹⁰ although applicants from these countries are recognised refugee status, subsidiary or special protection in Italy at very high rates (respectively 12.57, 5.36 and 21.96% of Nigerian applicants; and 11.71, 5.86 and 25.22% of Ivorian applicants).⁹¹ Italy will thus violate the human rights of children, women, and other vulnerable migrants, and also the principle of non-refoulement.
36. Although the Italian Government has repeatedly assured of the on-board screening process efficiency,⁹² several risk factors will make it inadequate. First, screening generally requires specialised medical and psychosocial personnel, equipment, interpretation and time for detailed interviews, which cannot be reasonably provided at sea. Second, the identification of migrants from “safe countries” would be ineffective since migrants rescued at sea often do not carry identity documents with them.⁹³ Italy will hence violate the substantive and procedural limbs of the principle of non-refoulement.
37. Once disembarked, migrants will first be identified in the Shengjin centre and then automatically brought to Gjader to be detained. This will happen pursuant to Italian law, which currently mandates the automatic detention of migrants from “safe countries” for 28 days, pending expulsion.⁹⁴ This law, which by itself violates the prohibition of arbitrary detention⁹⁵ as migrants’ detention shall be a reasonable and necessary “last resort” measure,⁹⁶ will abnormally be applied to all migrants transferred to Albania, either from “safe countries” or not, without any prior case-by-case assessment of their personal situation.⁹⁷
38. Migrants held in Albania who will apply for international protection will be physically distant from their lawyers and will be heard by competent authorities via video-link.⁹⁸ They will hence suffer a significant curtailment of their procedural rights: Italy will violate their right to fully access procedures for the request of international protection.
39. Detained migrants who will apply for international protection should be released as soon as their application will be granted. However, their transfer from Albania to Italy might take a considerable amount of time to be arranged.⁹⁹ Hence, they will be detained longer than they should. This represents a further violation of their right to liberty.

40. This entire system will also amount to a violation of migrants' right to equality and non-discrimination.

3. Recommendation

41. Terminate the Protocol immediately, in compliance with its Article 13(2) (denunciation clause).

External border management, the use of unlawful detention practices and criticalities regarding the administrative detention of foreign nationals awaiting expulsion

1. Unlawful detention of migrant children in the frame of the hotspot approach

42. Italian law expressly forbids the detention of unaccompanied migrant children (UNM).¹⁰⁰ This includes detention in repatriation centres, hotspots, and first reception centres. Upon arrival in the Italian territory, children are entitled to a residence permit and must be housed in centres designated for this purpose by the Ministry of Interior until they reach adulthood.¹⁰¹
43. However, at border posts, UMC are systematically detained within the framework of the so-called hotspot approach. The unlawful deprivation of personal liberty in "hotspot centres" lasts for indeterminate periods of time, in inadequate conditions, in promiscuity with adults, without any access to substantive and procedural rights guaranteed by law.¹⁰²
44. Between 1 January and 12 April 2022, the Agrigento Police Headquarters¹⁰³ reported the transit of 546 children through the Lampedusa hotspot (Sicily). These migrant children were held in a state of *de facto* unlawful detention. They were not granted appropriate jurisdictional guarantees, including legal assistance during the identification procedures. They lacked access to legal remedies and support to challenge the lawfulness of detention. Furthermore, due to the absence of adequate measures and specialised assistance, the protection of these vulnerable minors' individual health and well-being was significantly compromised. This situation was exacerbated by social isolation, spaces shared with adults, and overcrowding.
45. In June 2023, a delegation from ASGI and Spazi Circolari visited the Pozzallo hotspot and its Contrada Cifali detachment (Sicily). Contrada Cifali is an isolated facility informally designated to accommodate unaccompanied asylum-seeking children (UASC) due to a lack of suitable alternatives. The visit revealed¹⁰⁴ that over 100 UASC were held therein, effectively deprived of their liberty for several months. Isolated, these children were unable to submit asylum claims. The visit uncovered that children were placed in Contrada Cifali after being identified and photographed in other hotspots, primarily Lampedusa and Pozzallo. During the visit, the managing staff reported that while children under 14 were hosted for a maximum of 48 hours before being transferred to other appropriate facilities, those aged between 14 and 18 remained for up to three or four months without being allowed to leave. As a result, children often falsely claim to be adults to secure their release. Furthermore, during their time at this facility, no efforts are made to allow them to apply for a residence permit, while asylum applications are not recorded.¹⁰⁵
46. In a note dated 28 April 2023, the Public Prosecutor's Office at the Juvenile Court of Taranto confirmed the presence of 161 unaccompanied minors in the Taranto hotspot – a facility in the Apulia region enclosed and overseen by Italian military and law enforcement officials.¹⁰⁶
47. During two visits at the Reception Centre in Isola di Capo Rizzuto (Calabria region), ASGI observed that over 200 UMC were held in a part of the Centre separated from adults and guarded by the police to prevent adults from entering their area. In most cases, children did not have a residence permit, and were unlawfully detained in isolation for months, some until they reached 18 years old. Authorities affirmed that children received assistance intended for adults, as it was not formally envisaged for them to stay at the Centre.¹⁰⁷

48. Unlawful detention of foreign children also occurs in the context of access to protection claims: for instance, UASC in Rome who cannot be accommodated in dedicated facilities due to capacity constraints are temporarily held in police stations while awaiting transfer. This arrangement is directed by the judicial authorities and the Municipality of Rome. Police officials reported that these children “are camped in inhuman conditions, forced to sleep on benches, because there are no suitable lodgings or rooms to accommodate them”.¹⁰⁸ According to data from the Municipality of Rome, 15-20 minors were housed in police stations at the beginning of September 2023.¹⁰⁹ In February 2023, a child attempted suicide in a police station after spending 72 hours there.
49. Many children mis-identified as adults upon disembarkation and placed in inadequate reception facilities decide to leave Italy and to reach other European countries. Consequently, children crowd border areas, where they often find no shelter. ASGI found that in Ventimiglia (on the border with France) Italian authorities in many cases proceed to notify the person concerned of deferred rejection or administrative expulsion orders without carrying out any age assessment. In particular, this happens whenever the person is mistakenly identified as an adult after landing or arriving in the territory and consequently stopped by the French border authorities and returned to Italy.

2. Unlawful detention of adult migrants at external borders

50. No law establishes that migrants can be detained in so-called hotspots centres. Notwithstanding, migrants are systematically and unlawfully detained in hotspots. This practice is widely employed, for it is functional to identify, determine the legal status and collect biometric data of migrants. Particularly in Lampedusa, detention is often prolonged until migrants’ transfer: to reception facilities, if the migrant applies for international protection; or to formal detention centres, when the migrant is considered to be illegally present on Italian territory and channelled to repatriation procedures. This entails *de facto* detention, denounced on several occasions by the Italian National Preventive Mechanism (NPM) established under the UN Convention against Torture.¹¹⁰
51. In the Lampedusa hotspot, migrants are systematically detained without any legal grounds or judicial order, as confirmed during the visits carried out by ASGI, the High Training School for Legal Operators of ASGI, and Spazi Circolari.¹¹¹ In this context, interviews were organised at the Police Headquarters and the Prefecture of Agrigento. It emerged that migrants held there *de facto* have no right to free movement. The detention of migrants in the Lampedusa hotspot would be merely justified by fear of escapes.
52. Concerning reception conditions, the Lampedusa hotspot is periodically subject to overcrowding. For example, the centre hosted up to almost 6,000 people in mid-September 2023;¹¹² previously, 2,000 people were present simultaneously,¹¹³ forced to lie on the ground, to sleep in the outdoor, afforded with insufficient health care and food, in promiscuous and degrading sanitary conditions compromising the protection of individual and collective health. Some press reports show that 1,800 migrants arrived from 3 to 5 April 2024,¹¹⁴ while on 5 April the Lampedusa hotspot housed 1,270 people, including 87 UFC, although the maximum official capacity is 640 places.
53. In the Pantelleria island (Sicily), ASGI’s analysis shows serious criticalities as to the respect of the right to liberty: on 15 April 2024, the Prefecture of Trapani stated that migrants held at Pantelleria hotspot could not “leave the facility, except for health reason”, pending their transfer to Trapani. This, absent any legal provision allowing detention in hotspots and access to judicial review. Moreover, the Prefecture confirmed the absence of measures to regulate the entry and exit of migrants hosted inside the hotspot, which is constantly controlled by security forces.
54. In the area of Porto Empedocle (Agrigento, Sicily), a hotspot centre has recently been active, used for first aid and identification of migrants entering the Italian territory. The Prefecture of Agrigento stated that the hotspot aims at “ensuring more effective and efficient management of

migrants arriving from Lampedusa”.¹¹⁵ On 15 March 2024, the Prefecture of Agrigento specified that migrants at Porto Empedocle facility can leave the hotspot only after their biometric data are collected “in accordance with regulations in force, provided that security checks in the national and international police databases have been completed”.¹¹⁶ This provision leaves security forces with a wide margin of discretion. First, no deadline is set by law to run said security checks; second, migrants have no right to have their detention reviewed. This entails that detention could be unreasonably prolonged.

55. With reference to the Taranto hotspot (Apulia region), although the law provides for a detention period of maximum of 72 hours during which identification procedures are carried out, in reality migrants are deprived of their liberty for much longer. At the unfettered discretion of involved authorities, “some categories of guests are still allowed to leave the centre during daylight hours once the registration and photo-signalling procedures have been completed. However, the Taranto facility is not equipped for long-term stays, which is why it would be advisable to guarantee rapid internal turnover”.¹¹⁷
56. Similar detention practices were found in other hotspot centres and other places that work, even temporarily, as hotspots, such as the reception centre of Isola di Capo Rizzuto.¹¹⁸
57. From 2020 to 2023, there have been 10 active Repatriation Centres (CPR) across Italy. In 2023, the Turin CPR was closed due to the consequences of riots. In February 2024, Trapani CPR was similarly closed. On 7 February 2024, the European Court for Human Rights (ECHR), in the context of an application for urgent interim measures, ordered Italy “to immediately transfer the applicant to a hosting facility adequate to his needs and to adopt any other measure aimed at guaranteeing adequate hosting and living conditions in the Trapani’s CPR, in accordance with the obligations enshrined in Article 3 of the Convention” (prohibition of torture and ill-treatment).¹¹⁹
58. Between 2020 and 2024, at least 12 people died inside CPRs. There have been numerous reports of self-harm and suicide attempts. In many instances, the heating and air conditioning systems are reported to be non-functional. Services that should be provided by private companies are often inadequately delivered, significantly impacting migrants’ daily life. This is exacerbated by insufficient oversight by the Prefectures. Recreational activities are not guaranteed.¹²⁰
59. During the hearings for the validation and extension of detention, detainees can be represented by either a private or court-appointed lawyer. However, several factors hinder access to defence. Over time, various centres have reported a lack of translators and cultural mediators, which would facilitate communication with legal representatives. Additionally, detained migrants are sometimes notified of hearings only a few hours in advance, making it impossible to prepare an adequate defence strategy.¹²¹
60. In most centres, detainees are not allowed to keep their mobile phones. Phone booths are provided, which however do not allow for incoming calls or access to saved contacts. Restrictions on telephonic correspondence significantly impact detainees’ ability to communicate with their families and legal representatives.
61. Fitness-for-detention assessments are conducted hastily by medical doctors unaware of the specific conditions within administrative detention facilities. Doctors working in these centres – responsible for monitoring health and requesting new fitness assessments – are employed and paid by the same companies managing the centres, thus creating a clear conflict of interest. Numerous reports pointed to abuse of psychotropic drugs.¹²²
62. During the COVID 19 pandemic, Italian CPRs remained operational¹²³ despite the impossibility of repatriation due to the absence of flights, thus violating the principle that detention should be based on the actual possibility of repatriation.

3. Recommendations

63. Cease the systematic practice of illegal and informal detention of foreign nationals in hotspots and other border and first reception facilities.
64. Cease the systematic practice of illegal and informal detention of migrant children in hotspots and other border and first reception facilities.
65. Since arrival in Italian territory, provide all services and guarantee all rights provided for migrant children by current legislation.
66. Adjust the number and quality of reception centres for unaccompanied migrant children to ensure the respect of their rights.
67. Ensure that all private entities managing CPRs deliver adequate services. Implement regular inspections and establish accountability measures in case of non-compliance with standards.
68. Guarantee the provision of essential services such as healthcare, legal aid, and recreational activities, ensuring that these meet the basic needs and rights of detainees.
69. Facilitate detainees' access to legal defence by allowing them to retain personal mobile phones.
70. Increase the availability of translators and cultural mediators to assist in meetings and communication with lawyers.
71. Reform procedures to ensure that lawyers receive timely notification of hearings for validation and extension of detention.
72. Conduct thorough and accurate fitness-for-detention assessments by qualified medical professionals who understand the specific conditions within administrative detention facilities. Ensure that medical personnel are independent from the private companies managing CPRs.
73. Investigate and mitigate the reported abuse of psychotropic drugs within CPRs. Implement comprehensive mental health support services to address issues of self-harm and suicide attempts among detainees.
74. Ensure that detention is always a measure of last resort and only applied when repatriation is imminent and feasible

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Annex

1. List of submitting organisations

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2. List of annexed documents

- 1 Office of the Italian Attorney General, Written Observations against ASGI Appeal, Rome Administrative Tribunal, 13 March 2020
- 2 ASGI, Minori stranieri trattenuti presso l’hotspot di Taranto, 19 April 2024
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