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

from 16 June to 23 June 2006

The Italian Government has requested the publication of this response. The report of the CPT on its June 2006 visit to Italy is set out in document CPT/Inf (2007) 26.

Strasbourg, 5 July 2007



MINISTERO DEGLI AFFARI ESTERI
Comitato Interministeriale dei Diritti Umani
Inter-ministerial Committee on Human Rights

**FOLLOW-UP OF ITALY TO THE REPORT
OF THE COMMITTEE ON PREVENTION OF TORTURE
ON ITS AD HOC MISSION TO ITALY
(16 – 23 June, 2006)**

Rome, June 2007

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INTRODUCTION

Given the developments in the political framework due to the new policy by the Center-Left Union Coalition that won the general elections in April 2006, it is worth considering that new guidelines have been developed and the relating programmes are being implemented. Many projects are underway; many more are about to be launched. It is then necessary to consider that while, in a longer term, the overall effects will be visible, on the other hand, in the shorter one, we are in a position to provide information – mainly - on the principles and guidelines of the new governmental policy.

Indeed, the Basic Law determines the political framework for action and organization of the State. Thus, Italy recognizes and guarantees the inviolability of human rights - be it individual or referred to social groups expressing their personality – by ensuring the performance of the unalterable duty to political, economic, and social solidarity (Art.2 of the Italian Constitution).

Against this background, on a more specific note, we would like to recall that on April 24, 2007, a Bill, known as the Amato-Ferrero Text, has been adopted by the Council of Ministers, with the aim of amending the current legislation on migration policies. The very basic idea is to consider the migration flow as a structural phenomenon and not an emergency one. By promoting the legal migration through the matching of job-demand and job-offer and by facilitating the assisted repatriation programmes while ensuring effectively and fully the respect for the human rights of immigrants, we deem that a new way to tackle this situation may be promptly put in place.

Within this framework, it is envisaged that the current system of the Centres for Temporary Stay and Assistance (acronym in Italian, CPTA) will be reduced. Along these lines, **on April 24, 2007, by Decree, the Minister of Interior decided the closure of the Temporary Stay and Assistance Centres in Brindisi, Crotona and Ragusa**, and in parallel launched an assessing exercise of the other relevant facilities. By this exercise, which will include the considerations by the *Prefets*, the Province Committees for Security and Order, and the representatives of the Local Authorities, **a specific attention will be paid to the facilities located in Bologna, Gradisca di Isonzo (Gorizia), Modena and Turin. Along these lines, the Identification Centres will be also put under review.**

- In this context, with the aim of improving the living conditions in the above Centres while ensuring the unity of the families, the Head of the Department on Civil Freedoms and Immigration, within the Ministry of Interior, intends to promote projects for the re-development of the Reception Centres (Italian acronym, CDA).

With the aim of ensuring a greater transparency, by a Directive dated April 24, 2007, the Minister of Interior requested the *Prefets* to adopt new criteria for the access to the Centres for immigrants.

The access will be guaranteed to all the international and domestic humanitarian organisations, such as UNHCR, IOM, and the Italian Red Cross. Accordingly, the request for visiting such Centres by mayors, Heads of the Regional and Province Councils will be also accepted. As to the access for other relevant stakeholders, such as representatives of NGOs, they will be allowed it within the scope of the mandate set with and by the local Authorities, including the *Prefets*.

The media will also have access, as authorized by the *Prefets* after having heard the managing Bodies. However, to determine the modalities of the latter visits, there will be some factors to be taken into account, such as the respect for privacy of those who are hosted in these Centres, and the guarantee not to hinder the activities there.

The above process, firmly requested and launched by the Minister of Interior, Mr. Giuliano Amato, was initiated by establishing, on July 6, 2006, an *ad hoc* Commission of enquiry, the so-called De Mistura Commission (as headed by a UN officer, Ambassador De Mistura), which was entrusted “to assess and to develop strategies for the Centres under reference” and above all to take stock of the relevant situation.

The protection and promotion of human rights – be it civil and political, economic, social and cultural, be it referred to freedom of expression or to the fight against racism or to the rights of the child and of women – is one of the fundamental pillars of both domestic and foreign Italian policies.

A. FOLLOW-UP VISIT TO THE LAMPEDUSA RESCUE AND INITIAL RECEPTION CENTRE
(acronym in Italian, CSPA)

Introduction

Within the EU framework, the programme entitled “Praesidium”, which started as a pilot-project, co-financed by the EU, was positively tested in the Lampedusa Centre: The goal was to carry out a joint programme of information and legal advisory services, to be devoted to the illegal migrants, particularly those involved in prostitution and trafficking in human beings.

By establishing an itinerant joint team, composed of IOM, UNHCR and the Italian Red Cross representatives, the project entitled “Praesidium II” envisages the extension of the above model to other Centres located in Sicily, specifically in Trapani, Siracusa, and Ragusa (By the expression “Praesidium II”, we refer to the second stage of the above project, aimed at extending the activities under reference to other Centres, across the country).

The EU programme, entitled “Praesidium II”, has been extended, up to the end of the year 2007. More specifically, we recall that the EU Commission has recently approved the so-called “Grant Agreement” which envisages the implementation of such a project, first and foremost, in the Centre for Rescue and initial Reception in Lampedusa (acronym in Italian, CSPA)¹ and then at other Centres based in Sicily by launching the so-called “moving road programme”². This will be focused on information and awareness-raising campaigns focussing on the assisted repatriation projects, the asylum procedure, and the situation of minors and of other vulnerable groups. It will be carried out by IOM, UNHCR, and the Italian Red Cross. Accordingly, we are in a position to inform you that the Department on Civil Rights and Immigration, within the Ministry of Interior, will soon sign an *ad hoc* Memorandum of Understanding (MoU), in order to prolong the above EU programme (**paragraph 11**).

Conditions of hospitality at the Centre in Lampedusa

At the Lampedusa harbor, four kiosks with canopy have been installed. Within the programme entitled “Lambar programme”, such a structure has been realized by a joint EU-Interior Ministry co-financed project (**paragraph 17**).

As to the metal bars at the windows of the women accommodation facilities, they have been eliminated (**paragraph 14**).

We recall that a new Centre is currently under construction at the Lampedusa Island. The construction work will be concluded by June 21, 2007. It will provide more adequate reception standards to a higher number of immigrants. It is also foreseen that a specific area for the accommodation of the so-called “vulnerable migrants, namely women and children” will be put in place (**paragraph 18**).

¹ where – as above mentioned – such a project was positively tested throughout the year 2006.

² which is currently under preparation.

As a consequence, upon agreement with the Ministry of Defence and the National Body for Aviation (acronym in Italian, ENAV), the Department on Civil Rights and Immigration intends to devote the Centre currently operational, to health-care services, including telemedicine (e-medicine), for both migrants and local community. In doing so, at the operational level, this Centre will be linked to the hospitals in Sicily or elsewhere in Italy through *inter alia* the video-conference system. In particular, this facility will be also at the disposal of local inhabitants, in order to allow them not to be moved from the Island, unless required by the circumstances (**paragraph 18**).

Staff

Under the period considered, namely the year 2006, the staff of the managing Body (*Misericordia d'Italia*) at the Lampedusa Centre worked with competence and adequate professional and technical skills. In this regard, we recall that since 2002 such a Body has been managing the Centre under reference (**paragraph 21**).

The managing Body of the Centre concerned has hired a woman as a cultural mediator/interpreter (**paragraph 20**)³.

It is also worth re-ensuring that the staff who will work in the to-be-promptly-open Centre - which will be soon made operational -, will meet adequate professional skills and be proportionate to the number of immigrants to be hosted there, as laid down by the Guidelines for the management of the Centres for Migrants and by the relevant Specifications (**paragraph 22**).

³ In a wider context, we would like to briefly recall and confirm that the utmost importance is given to the key-role played by cultural mediators within the process of integration of the foreigners. In fact, the mediator closely works with the Italian stakeholders, from both the public and private sector, within the framework of the advisory, information, training, orientation and assistance services, to be guaranteed to immigrants (at schools, in the health-care centres, in the police stations, in the province labour offices, and, more generally, in the public offices, at large).

The provisions dealing with this institute are as follows: Legislative Decree No.286/98; Memo by the Central Office of the Juvenile Justice Department as issued on January 27, 1999; a Decree of the President of the Republic as issued on August 31, 1999; Decree of the Ministry of Health as issued on April 21, 2000; Act No.148/2000; Decree of the President of the Republic as issued on June 13, 2000; Decree of the President of the Republic as issued on March 30, 2001; Decree of the President of the Republic as issued on May 23, 2003; Decree of the President of the Republic, as issued on May 13, 2005, entitled "Approval of the Programme Text concerning the foreigners in Italy and, more generally, the migration policy, for the three-year term, 2004-2006 (Objectives concerning the integration policy)".

The following requirements are necessary to perform such activity: preferably foreign origin with previous experience in migration related issues; good knowledge of the Italian culture and language, both spoken and written; good knowledge of the culture and of the socio-economic situation of the country of origin; fair knowledge of the Italian situation and, more specifically, of the local situation where the cultural mediator works; University diploma; long stay in Italy; strong motivation and readiness to work in such environment; last but not least, reliability and confidentiality.

More importantly, it is worth mentioning the relevant education pattern, which is focused on the following areas: Area of the Communications and inter-cultural relations. Psychology; cultural and social anthropology; communication theories and techniques; interpretation techniques. Legislative Area. The Italian Constitution, the EU, and the HR system; the social organization and the institutional frameworks; the migration legislation, including basic elements of labour law and social legislation. Area of the organization and of the services. Modalities for the elaboration of planning programmes; computer skills.

- The educational process, thus, continues with advanced courses, focused on the following areas: socio-health-care services; education-school area; security and justice area;; emergency and initial reception area; area of the labour market.

Health-care

A coordination plan on health-care services has been envisaged, by which the head of the general outpatient's clinic (*Poliambulatorio*) on Lampedusa Island – the only public facility on the Island – will bear the duty to coordinate all the medical interventions concerning Non EU citizens. Besides, it has been also envisaged the enhancement of the Memorandum of Understanding concerning the cooperation activities with “Médecins sans Frontières”. In this context, we take the opportunity to recall that MSF has been working there, since long time.

All the immigrants entering the Centre in Lampedusa undergo a medical examination (medical *triage*) by “Medecins Sans Frontieres” which takes place as soon as they reach the harbour in Lampedusa. Specific cases, including infectious diseases, are promptly reported either to the above Clinic (*Poliambulatorio*) or to the medical staff of the managing Body of the Centre under reference.

When mass flows of Non EU migrants arrive, the personnel of “Médecins Sans Frontières” are easily authorized to have access to the Centre under reference (CSPA), as envisaged by Article 6 of the *ad hoc* Agreement, signed with the *Prefecture* in Agrigento. On a more explicit note, it is worth recalling that, by the Interior Ministry Directive No. 1305, issued in April 2007 concerning the review of the legislation on the access to the Centres under reference, this explicitly includes Médecins Sans Frontières (MSF) among the organisations authorised. Upon the solely communication of the access request to the Department on Civil Rights and Immigration, through the *Prefecture* responsible at the territorial level, said access will be allowed (**paragraphs 24- 25**).

Upon signature of an *ad hoc* agreement with the Ministry of Interior, the Italian Red Cross (acronym in Italian, CRI) has been mandated to: Provide adequate assistance and psychological support to Non-EU minors as soon as they arrive in Lampedusa; Accompany them to those Centres, which are devoted to provide care and assistance services to the above minors (**paragraph 26**).

As to the foreign women, the medical examination that they undergo is carried out by women nurses and, more generally, women personnel of the Italian Red Cross (**paragraph 26**).

The Department on Civil Rights and Immigration has recommended to the managing Body of the CSPA in Lampedusa, through its local office, namely the *Prefecture* in Agrigento, to collect and keep in an appropriate, tidely and confidential manner, all the hospital files of the persons who are hosted there. Needless to say, such files are filled out for each case, on an individual basis (**paragraph 27**).

Information to the persons hosted and contacts with the outside world

The contacts with the outside world are guaranteed, in compliance with our constitutional principles. More specifically, it is envisaged either the weekly free distribution of prepaid phone cards, or the possibility to use their personal cell phones, for in-bound phone calls. In this regard, it is worth considering that most persons hosted in the Centre are provided with cell phones (**paragraph 28**).

Safeguards

The Department on Civil Rights and Immigration has jointly authorized with the Province Authorities in Agrigento, the access to the Centre under reference for the International Organisations, such as UNHCR, IOM and the Italian Red Cross, in so far as the duty of ordinary management of this Centre allows (**paragraph 30**).

The pamphlet published by UNHCR is circulated, on a regular basis, among the persons hosted in this Centre (**paragraph 30**).

The so-called “De Mistura Commission”, as established by Decree of the Minister of Interior on July 6, 2006, has been mandated to carry out an assessment exercise of the situation of the Centres for Migrants across the country, operational at the time of said exercise, in order to elaborate some possible proposals and suggestions on future relevant strategies. The final Report was presented by the above Commission on January 31, 2007.

- The above Commission has expressed the hope that the current system of the so-called CPTAs may be overcome, by envisaging a shorter term of stay in the Centres under reference, to be limited to the definition of the situation of the immigrants (on a case-by-case rule).

Equally important, it has been the emphasis put on: a greater “social transparency” within these Centres; the enhancement of those Centres to be devoted to the initial reception; the promotion of alternative measures of repatriation, to be chosen by the illegal migrants, as is the case with the so-called “Programme of assisted repatriation”. Moreover, it has been also expressed the hope that the foreign prisoners subject to the expulsion measure, be identified when serving the penalty, so that they will not pass by the CPTAs.

In practice, the strategies put forward by this advisory Commission have been incorporated in the provisions contained in the Interior Ministry Directives, issued on April 27, 2007 (**paragraph 31**).

B. CENTRES VISITED FOR THE FIRST TIME

Ill-treatment

During the visit to the “multi-functional” Centre in Crotona (Centre of initial reception and Centre of Stay), the CPT’s members held meetings with the illegal migrants who had previously attempted to leave the facility under reference and escape.

Notwithstanding the very rare number of statements concerning cases of “inappropriate use of force by the police forces”, in light of the relevant recommendation as put forward by the CPT, the Department of Police Forces released Memo No.559/A/2/109.27.6/986, on March 5, 2007⁴, in order to prevent that similar situations might occur again. More specifically, by this Memo, it has been drawn the attention of the local relevant stations to raise awareness among police forces on the use of force as a very last resort, “when strictly necessary and in the full observance of the law so as to prevent any possible case of ill-treatment” (**paragraph 36**).

As to the request for information by the CPT on the progress on the investigation concerning the complaint by an alleged Iraqi citizen (E.W.K.) grounded by ill-treatment, as reportedly occurred at the Police station in Crotona in May 2006, the foreign citizen was identified. He was born on February 15, 1985 in Iraq, and reached the Lampedusa Island on May 11, 2006. Once expelled by the *Prefect* in Agrigento, he was sent by the local senior police officer (*Questore*) to the Temporary Stay Centre in Crotona, where his Egyptian nationality was ascertained. On May 15, 2006, the Central Directorate on Immigration and Borders Control organised an *ad hoc* charter flight, from Lamezia Terme Airport towards Cairo, in order to repatriate some Egyptian citizens, including the person concerned (who had been accommodated at that Centre in Crotona).

With the purpose of escaping, during the transfer by bus to the above Airport, this person, jointly with other foreigners, seriously damaged and obstructed of an officer of the law. Thus, he was caught in the act and put under arrest, by motivated decree.

Upon authorization by the judicial Authority to execute the expulsion measure, said person was repatriated on September 28, 2006. There was no evidence relating to his statement about an alleged case of ill-treatment by five policemen, to his detriment, at the Police station in Crotona. Accordingly, no criminal proceeding was initiated (**paragraph 37**).

We recall that on April 24, 2007, by Interior Minister Directive, it was decided the closing down of either the Ragusa CPTA or the Crotona’s (**paragraphs 41-50-51**).

⁴ (Source: Memo No. 559/A/2/109.27.6/986. “Following Memo No.559/A/2/109.27/8901 issued on December 29, 2005 (.....) in order to prevent that whatever case of inappropriate use of force might occur against illegal migrants who attempt to escape, we kindly request to raise awareness of the use of force as a very last resort when strictly necessary and in strict compliance with the law, provided that the force may be used only to stop the illegal immigrant trying to escape. Such provisions have to be communicated to the widest extent among all the forces concerned”.

Conditions of the stay

Since July 2006, the foreigners hosted in Area “A” of the Reception Centre in Crotona have been enjoying free access to all the public areas and services of the above facility (**paragraph 51**).

It is worth emphasizing that the Centre in Licata, which is managed by local entities, is a facility of “very initial reception (*primissima accoglienza*)”. This Centre is used for the time strictly necessary to the transfer of those immigrants who have just reached the coasts, towards other relevant Centres (**paragraph 52**).

The Guidelines for the management of the relevant Centres stipulates that the managing Body has to ensure among the “assistance services to the individual”, leisure and educational activities. For instance, at the Centre in Crotona, upon indication by the socio-psychological team working there, several activities were launched, such as a chess game program, which was managed by an Iranian cultural mediator, an Art Lab., football and volleyball tournaments. Additionally, at all relevant Centres, many Arabic and Italian magazines are made available (**paragraph 54**).

Staff

The Department on Civil Rights and Immigration is constantly engaged, also by the *Prefectures*, in supervising the cultural mediators, specifically their professionalism and skills, so that the latter can ensure an appropriate and correct translation/interpretation of the statements made by the persons hosted in the Centres for immigrants (**paragraph 59**).

- When validation hearings (*udienze di convalida*) concerning the grounds for the stay in the CPTA take place, the jurisdictional principles as laid down in the relevant legislation framework are fully and effectively applied. Thus, when the assistance of an interpreter or a cultural mediator is requested, it is always ensured. In this regard, we take this opportunity to recall that over the last few years, the principle of due process of law was fully translated into the Italian Constitution by means of Act no.2/99. This Act entered into force on January 7, 2000 and resulted in the amendment of Art.111 of the Italian Constitution in order to strengthen the accusatory model. Thus, more specifically, the right of the defendant to an interpreter and the use of an understandable language is ensured by Law.

At the procedural level, on a more specific note, we recall that the justice of peace is responsible for validating within 48 hours the order of detention in the Temporary Stay and Assistance Centre (CPTA), issued by the senior police officer (*Questore*) according to Art.14, para.4 of Law Decree No.286/98 (as amended by Act No.271/2004). The Justice of the Peace is also competent for validating the measure stemming from the police senior officer (*Questore*) for escorting the illegal immigrant to the border following the measure of expulsion by the *Prefect*, the execution of which is suspended till the validation decision (Art.13, para 5 bis).

The validation hearing in both the above cases takes place with the same pattern: in council chamber, with the necessary participation of a defence counsel who has been promptly informed; accordingly the person concerned is also promptly informed and taken to the court where the competent judge holds the hearing. The general protection measures which are applicable to both cases, are briefly mentioned as follows: i. Art. 2, para 6 (as mentioned by Art.14, para.2) envisages that in order to inform the foreigners of the measures on the entry, the staying and the expulsion, the relevant documents are translated – even synthetically – into a language which is understandable for the person concerned, i.e., in those cases where it is not possible, into French, English or Spanish, with a preference for the language chosen by the person concerned; ii. Art.13, para 8, period 6 and 7 (as mentioned by para 5 bis and Art.14, para.4) which provides the following guarantees: the assistance of a defence counsel of one's own choice; legal aid; Court-appointed counsel; the assistance – where necessary – of an interpreter (**paragraph 59**).

The Department on Civil Rights and Immigration of the Ministry of Interior carries out periodic visits to all the Centres for immigrants in order to control, to evaluate and to assess the state of implementation and observance of the relevant Guidelines. Moreover, between the years 2006 and 2007, by O.P.C.M. No. 3476 (as issued on December 2, 2005, and thus extended by O.P.C.M. No.3576 on March 29, 2007), the office of the Commissioner for the Lampedusa Island was established. This was entrusted to address, to coordinate, and to cooperate with the Authorities concerned, in the area of the acquisition of facilities to be devoted to the reception of immigrants on Lampedusa Island, and the relating function. This Office is composed of a retired *Prefect* and of two additional officers.

Along these lines, more generally, at some Prefectures, *ad hoc* Oversight Commissions, composed of a high-ranking officer from the relevant Prefecture, another from the Local Health Centre (acronym in Italian, ASL), and others from the civil society sector, have been established (**paragraph 61**).

At the Reception Centre in Crotone, there are five interpreters and two cultural mediators, who secure the interpretation/ translation from the following languages: English, French, Spanish, Arabic, German, Chinese, Sinhalese and Farsi.

The current staff has been enhanced by additional personnel that have been provided by the Information, Education and Development Centre (acronym in Italian, CIES) in May 2007. The latter (CIES) drew up a project, as approved by the Department on Civil Rights and Freedoms, aimed at either training and refreshing courses for the interpreters and cultural mediators, or at the teaching of the Italian language for the persons hosted in the Centres for immigrants in Caltanissetta, Foggia and Crotone.

Within this framework, the Ministry of Interior is currently planning to implement and to enhance the number of interpreters and cultural mediators, including also by an *ad hoc* project to be launched in tandem with the civil society. In this regard, we recall that the 2003 Guidelines set forth the minimum standards for the interpretation/translation by fixing the average between mediators and foreigners. Needless to say, the managing Bodies are committed to increasing this average. Thus, this personnel is hired by the managing Body that fixes the conditions of the single contract for each mediator/interpreter on the basis and in line with the National Collective Contracts terms of reference (acronym in Italian, CCNL)⁵ (**paragraphs 58-68**).

⁵ (Source: Annex No.3 to the 2003 relevant Guidelines) In the Centres hosting 50 immigrants/18 working hours of cultural mediation and 36 hours of interpretation, per week have to be provided; between 50 and 150 immigrants/24 working hours of cultural mediation and 54 hours of interpretation; between 150 and 300 immigrants/ 36 hours of cultural mediation and 72 h. of interpretation; more than 300 immigrants/ 48 hours of cultural mediation and 108 of interpretation, etc.: these are the minimum standards to be guaranteed. If there is a control from which it emerges the failure of compliance, a fine will be applied. If such a situation should last, then the Administration concerned might be in position to conclude in advance the relevant contract.

On a more general note, we take this opportunity to mention **the information service provided at the borders**. Art. 11, sub-para. 6, of Legislative Decree No. 286/1998 (Unified Text about the provisions regarding immigration) provides for the setting up of the reception services at the borders in order to provide information and assistance for those aliens who either intend to apply for asylum or to enter Italy and to stay therein for more than three months.

At present, the above services, which have been envisaged within the framework of the strengthening and of the coordination of the border controls, at the border crossing points in the airports, ports and by land, provide information and assistance to those aliens who either intend to apply for asylum or to enter Italy and stay therein for more than three months. They work as follows: **CIR (Italian Council for Refugees) manages the Desks in Ancona, Bari, Brindisi, Gorizia, Rome, Trapani and Venice; those in Imperia and Trieste are managed by CARITAS while the Italian Red Cross manages that one in Bologna; then ACLI (Italian Workers' Christian Association) manages the one in Como, and the one in Varese is jointly managed by CIR and CARITAS.**

As to the provisions regarding asylum and immigration, the information service is provided both at the reception structures existing on the territory and at those offices dealing with the protection of asylum-seekers and refugees.

Financial resources are allocated for the whole Service, which cover all the costs related to the relevant activities, including those for the setting up and the equipping of the premises (a small allocation is given for the essential (sandwiches, phone cards, train tickets). The implemented information and orientation services particularly refer to the following activities:

- **the interpreters' service and the activity of cultural mediation in order to assist also the Police Authorities at the border crossing points;**
- **interventions, when necessary, of socio-legal orientation and of first aid.**
- **an information service to provide useful elements to the Police Authorities in view of an adequate knowledge of asylum seekers' origin countries;**
- **indications concerning the arrival procedure for lodging an asylum application;**
- **assistance in the drafting of the asylum application in the alien's language and following translation of his/her application into the Italian language;**
- **delivery of declarations made by the applicant to the Border Police authorities.**

At the EU level, Italy has been the first EU Member State to adopt a regulation concerning a "Reception Service at the Borders" and relevant related Conventions as signed by the competent *Prefettura* (Territorial Office representing the Government) and those NGOs that act as Managing Bodies of the above service.

On the basis of the EU relevant regulations, this kind of project involve both non-governmental organizations and border authorities (ports and airports) in order to meet asylum seekers' and refugees' needs adequately, with special attention to aliens transferred, pursuant to the Dublin II Regulation, and to persons belonging to the most vulnerable groups.

The Italian Council for Refugees (CIR) has submitted a Project called S.A.B. (Services at Borders: Practical Cooperation) in order to carry out a cooperation with five transnational partners aimed at providing useful information and instruments for the adoption of a shared methodology. More specifically, within this project the activities to be provided are focussed on the concrete transfer of the best practices from the Italian Authorities to other European States, in order to facilitate the work of the border authorities.

Health-care

All the persons hosted in the Reception Centre in Crotona (acronym in Italian, CDA) undergo the medical examination. When groups of up to 15 persons arrive, the first service provided - even before the accommodation - is the prompt medical examination and the preparation of the relating individual hospital file; on the other hand, when mass arrivals occur, the medical examinations take place in the days immediately after (**paragraph 67**).

The health-care service provided by the managing Body is carried out with the support of highly qualified medical and nursing staff personnel that closely work and is coordinated with the ASLs concerned. Within this framework, we recall, once again, the cooperation with MSF at the CSPA in Lampedusa.

On a more general note, we also recall that the managing Bodies organise periodic refreshing courses for the health-care and social services providers, which focus on migration-related issues (**paragraph 63**).

In this context, the *Prefecture* in Crotona has put forward, within the programs financed by the 2007 UNRRA funds, the medical screening project, to be implemented in the Centres for Migrants, so as to detect potentially transmittable diseases and, thus, to initiate the due therapy (**paragraph 70**).

Contacts with the outside world and information on rights-related issues

We recall and refer to our Reply under paragraph 28 (**paragraph 72**).

Safeguards

Please consider that the CPTA in Crotona has been closed down by the Interior Minister Directive, which was issued on April 24, 2007(**paragraph 77**).

With regard to the additional two individual cases of reportedly ill-treatment by the police forces, as mentioned under paragraph 77, no specific evidence proved the statements made by the foreigners: As to the former - a Palestinian citizen (A.M.A.) who was born on February 15, 1977-, he arrived on Lampedusa Island on June 11, 2006 and was held at the CPT in Crotona following a measure released, on June 12, 2006, by the senior police officer (*Questore*) in Agrigento. On July 25, 2006, during riots within the above CPT, the person under reference escaped from this Centre with other foreigners, and is currently untraceable. As to the latter (M.M.H.) who was born on September 6, 1982 (he was identified, by the cultural mediators working in the above CPT, as of Egyptian origin), he arrived on Lampedusa Island on June 10, 2006. Further to a specific measure released by the senior police officer (*Questore*) in Agrigento, fixing his stay at the CPT in Crotona, the latter (M.M.H) was repatriated, on July, 2006, to Egypt (from Lamezia Terme Airport) (**paragraph 77**).

With regard to the right to defence, once again, we take this opportunity to recall that the persons hosted in the CPTAs enjoy the right to legal defence, either by a private counsel or legal aid. By Law Decree No. 241/2004, incorporating the verdict by the Supreme Court No. 22/2004, the right to defence has been further enhanced, by envisaging the equality of arms during the validation hearing (*udienza di convalida*). Accordingly, the legal counsellors may freely enter the Centres during the hours and days fixed by each Centre (**paragraphs 77-81**).

At present, the Ministry of Interior and the Ministry of Justice are drawing up a draft Directive, aimed at facilitating the identification of the Non-EU citizens, if convicted, when serving the detention penalty (**paragraph 80**).

The legal counselling activity is carried out at all the Centres under reference, including the Centre in Crotona, in order to ensure the effective and full protection of the rights of the foreigners, including the access to the asylum procedures and/or to the humanitarian protection. This system envisages and extends a wide framework of measures for the legal protection of the Non-EU citizen when his/her asylum application is rejected or when other restrictive measures are adopted, such as the expulsion or the stay at the CPTA.

Needless to say, by the relevant Guidelines, the managing Bodies of the Centres concerned are obliged to provide all the persons hosted with the legal counselling service on migration-related legislation, and specifically on the rights and the immigrants protection system established at the domestic level. Such information is summed up in a multi-languages sheet, which is handed over to all foreigners as soon as they enter the Centres under reference. Moreover, it is worth recalling that such service is provided with Caritas, CIR, ANCI and UNHCR, particularly on the Lampedusa Island (**paragraphs 80-81**).