

Ref: CommHR/DM/sf 004-2019

Mr Giuseppe CONTE
Prime Minister of Italy

Strasbourg, 31 January 2019

Dear Prime Minister,

The human rights of refugees, asylum seekers and migrants are a central aspect of my work as Council of Europe Commissioner for Human Rights. Accordingly, I am closely monitoring the recent legislative and administrative changes in Italy which may affect these rights. In this context, I am paying special attention to the implementation of the Decree-Law No. 113/2018 on International Protection, Immigration and Public Security, converted into law on 28 November 2018. As I stated at the time of its adoption, this piece of legislation raises several concerns from a human rights perspective in the field of asylum and migration. In this letter, I would like to focus on the reception of asylum seekers and beneficiaries of protection, as well as to reiterate the necessity of saving lives at sea and receiving asylum seekers and migrants arriving at Italy's shores.

I have been informed that, in view of the closure of the *Centro di accoglienza per richiedenti asilo* (CARA) of Castelnuovo di Porto (Rome) on 31 January 2019, residents of that facility are being transferred to other centres in Italy. While minimising the use of CARAs could be a positive step, since their large size has often not been conducive to good conditions for reception and integration, efforts to change the existing reception framework should be balanced against the need to safeguard the human rights of all residents to adequate reception, care and assistance, which are essential to respect their human dignity.

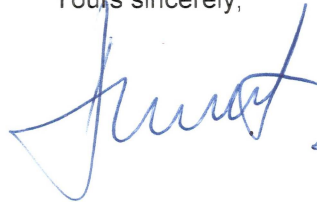
In this connection, I note with regret the apparent hastiness of these transfers and have concerns that this could disrupt the commendable efforts put in place in the past years by the local services for the integration and rehabilitation of the residents, and particularly the special care provided to the most vulnerable. Even assuming that equivalent services will be provided elsewhere, the abrupt transfer of residents would undermine the significant efforts already invested in their integration. In this context, I wish to warmly welcome the efforts of Castelnuovo di Porto municipality, regional entities and civil society to continue to host families and children in the same area in order not to interrupt the important work already invested in their social inclusion in the local community and ensure children's rights to family unity, health, social security and education, as also stressed by the National Authority for Children and Adolescents in a note of 23 January 2019. These initiatives prove how crucial it is to conduct a careful case-by-case analysis of all residents' specific situation and needs in order to identify cases of vulnerability and ensuring that efforts and resources put into integration are not wasted.

More generally, I am concerned by the implications of the above-mentioned Decree-Law on the right to access reception and essential services, such as health and education, of residents holding the humanitarian protection permit and by disconcerting reports that a number of persons would potentially be at risk of homelessness in this connection. I would be grateful if you could clarify what kind of alternative solutions for reception your government expects to provide to those holding this status, should they be required to leave the centres they have been residing in.

I am fully aware of the challenges Italy faces as a state of first arrival. In the past years, Italy has made commendable efforts in saving lives at sea and in receiving asylum seekers and migrants arriving at its shores. I am deeply concerned, however, about some recent measures hampering and criminalising the work of NGOs who play a crucial role in saving lives at sea, banning disembarkation in Italian ports, and relinquishing responsibility for search and rescue operations to authorities which appear unwilling or unable to protect rescued migrants from torture or inhuman or degrading treatment. As done by my predecessors, I will continue to impress upon other European states the importance of solidarity to ensure that Italy and other states of first arrival are not left to deal with this situation alone. At the same time, I urge you to ensure that the human rights of persons rescued at sea are never put at risk because of current disagreements between member states about disembarkation, and that humanitarian considerations always take priority.

I look forward to pursuing a constructive dialogue on these issues with you in the near future.

Yours sincerely,



Dunja Mijatović