



CILD

Coalizione Italiana
Libertà e Diritti civili

Migrant detention in Covid-19 times

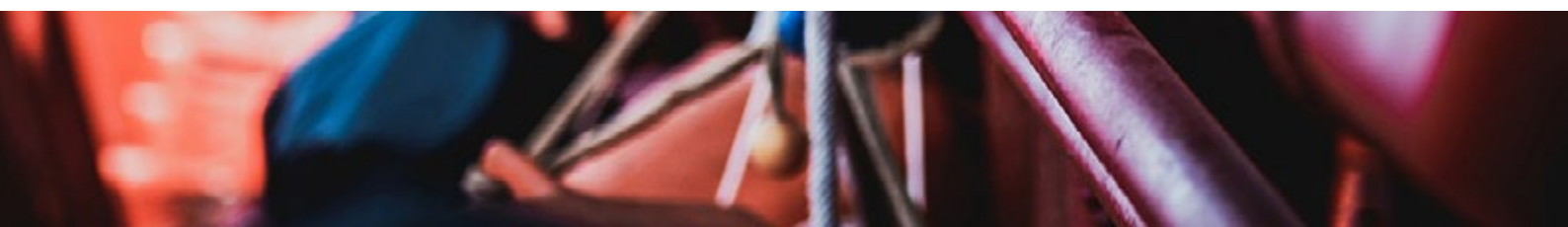


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INTRODUCTION

A photograph of migrant detention in Covid-19 times. This is what this report intends to provide, via an analysis of the **data between February and June 2020 relating to arrivals by sea, detention at 9 hotspots and other *ad hoc* facilities, quarantine ships and centres for repatriation (CPRs) – 3 of which closed during the period of monitoring.**

This report examines: the number of arrivals by sea from 1 January to 30 June 2020¹, the number of people detained at the Lampedusa, Pozzallo, Messina and Taranto hotspots from 1 March to 2 July 2020², the number of persons detained in CPRs which at the beginning of March were 9 in number³ (during the pandemic the centres located at Trapani, Caltanissetta and Palazzo San Gervasio were closed) and, most importantly, this report highlights the ethical and legal concerns stemming from the conditions in which the above-mentioned migrants were handled and held, which became particularly acute concerns during a pandemic.

At the time of writing of this report (2 July 2020) there are 451 people within “hotspots”, 332 in CPRs, 207 on the Moby Zazà ship, and an indefinite number, due to the absence of data in this regard, of people held in *ad hoc* facilities during the epidemiological emergency in Sicily in facilitation of those who landed on the Italian coast carrying out the necessary quarantine (6,950 in the first half of 2020 and 1,831 in the month of June alone).

Deprivation of the freedom of irregular migrants is the preferred tool for the control of migratory flows and this has become even more so the case following the adoption of the provisions contained in the [Decree-Law 113/2018](#) (the so-called [Salvini Decree](#)).

¹ Sourced from data from the Ministry of the Interior.

² Data obtained via our analysis of data provided by the National Guarantor and the media.

³ Turin, Gradisca d'Isonzo (Gorizia), Ponte Galeria (Rome), Caltanissetta, Trapani, Bari, Brindisi Restinco, Palazzo San Gervasio (Potenza) and Macomer (Nuoro).

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The effect of these provisions was to **broaden the “map” of places where possible deprivation of personal liberty** for migrants would take effect and, at the same time, extend the maximum duration of this restrictive measure and broaden the reasons for which public security authorities can make use of it.

In the context of administrative and non-criminal detention – such as that which characterises the detention of migrants – the decision by relevant authorities to deprive them of their liberty is as a precursor to sending them back to their country or to the country from which they came, following an expulsion, a refusal of entry, or a ban on entry. The places of detention can be defined facilities, as in the case of CPRs, where you can be detained for up to 180 days, but also can be other, less structured locations in certain cases: police stations, waiting rooms at borders, or even means of transport where quarantine can be carried out, as last occurred with the Rubattino ship and the Moby Zazà ship. Furthermore, detention can take place in hotspots, where officially, newly arrived migrants should be detained only for the time strictly necessary to provide first aid and pre-identification, but instead they are frequently detained for weeks and sometimes months.

These are vulnerable people; not numbers. Among these people are those who have lost their children, their parents, their spouses, and those who have escaped from war or extreme poverty.

Upon arrival in Italy, as recalled by the National Guarantor of the rights of persons detained or deprived of personal liberty, in his latest [report to Parliament](#), those who have arrived acquire *"in a few seconds a new identity: that of 'migrant'". Acquiring the identity of 'migrant' does not mean acquiring a quality which is considered positive in societal perception because this attributes an implicit disvalue to having become 'migrant': one is migrant because one comes from situations of poverty, from 'inferior' contexts to the one in which the natives live, because it comes from need. And this need will inevitably question the new context, even when the latter needs migration to solve its own needs. The new identity of 'migrant' can sometimes lead to being recipients of a 'minor right', of treatment often not respectful of the standards provided for by international conventions."*

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"Upon arrival on Italian soil, the 'migrant' is reserved a place in a hotspot to be identified, perhaps in a structure with only two bathrooms for 40 people and a mattress for sleeping in the open air, or sharing rooms, which are either very cold or very hot, with people from other countries who, as 'migrants' too, have a little less right to temporary housing in which the minimum sanitation standards are respected. And it can happen that habitation in such conditions is maintained for a long time – much longer than mandated by the standards. In hotspots – theoretically – one can remain deprived of freedom without the possibility of appeal before a judicial authority, in a condition that the National Guarantor has defined a 'limbo of legal protection'. In Covid-19 times these places are also used for quarantine which, at times, risk being prolonged indefinitely, if – as the Guarantor has found – the period of precautionary isolation actually starts again every time new arrivals are admitted to quarantine in that same location.

Being 'migrants' can mean that Articles 3, 13, 27 of the Constitution and in particular Article 32 – which guarantees the protection of health indiscriminately to all citizens – are less applicable, to the point that a 'migrant' can be discharged from a CPR without necessary documents and information on where to stay overnight, even if it is already evening, and one is at a stretch to find a territory that has organised, adequate responses to these situations."

More about the Fundamental Constitutional Rights being sidelined

Art. 3 – The principle of equality: This article recognises that "All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions".

Art. 13: Inviolable personal liberty – This article provides that "No one may be detained, inspected, or searched nor otherwise subjected to any restriction of personal liberty except by order of the Judiciary stating a reason and only in such cases and in such manner as provided by the law." Where detention of migrants is occurring without judicial validation, as is argued above, this principle is obviously breached.

Art. 27: This article, amongst other principles, provides that **humane, non-gratuitous treatment of alleged wrongdoers** is required.

Art. 32: This article guarantees the **protection of health** indiscriminately to all citizens.

Even if the migrants referred to in this report are not Italian citizens, the treatment they receive is arguably contrary to the fundamental principles entrenched in the Italian Constitution.

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Among the many locations for detention of migrants – of [administrative prisons](#) – we decided to focus our attention on the CPRs, the hotspots, the other *ad hoc* facilities used to house those carrying out quarantine and the ships where recently-landed migrants were detained, to understand what happened in those places during the Covid-19 emergency.

We will first analyse what happened in the [hotspots, introduced in Italy by the 'Roadmap'](#) prepared by the Government pursuant to the European Immigration Agenda of May 2015. In operation since the end of 2015, the hotspots have received a partial legal endorsement via Decree Law 13/2017 (the so-called “[Minniti decree](#)”). The residence time in these facilities can vary from one day to weeks and, in exceptional cases, detention therein has continued for more than two months, even in the absence of validation/oversight by a judge and a legal basis for such detention (as will be illustrated below). [The living conditions in these facilities are severely sub-standard and there have been numerous complaints from sector NGOs about systematic violations of fundamental rights](#). We will then go on to explore what occurred in at least 10 of the *ad hoc* facilities intended to welcome, starting from April, those who arrived during the medical emergency, to enable them to carry out the quarantine period. In these instances it is not possible to ascertain the number of those welcomed.

These facilities, alongside hotspots, become temporary places of quarantine and thus, limitation of personal freedom (or at least freedom of movement) in the absence of a judicial decision and in potential conflict with Article 5 of the [European Convention on Human Rights \(ECHR\)](#) for reasons similar to those established by the European Court of Human Rights (ECtHR) in the well-known case of [Khlaifia and others v. Italy](#).

⁴ With the judgment of 15 December 2016, the ECtHR condemned Italy for detention without the intervention of a judge and a legal basis where three Tunisian citizens had arrived in Italy between 16 and 17 September 2011. The three applicants were detained in the first aid and reception centre (Cpsa) of Contrada Imbriacola on the island of Lampedusa, and then transferred onboard the ships Vincent and Audacia, docked in the port of Palermo, where two of them were detained until September 27 and the other until September 29. On those dates, following the notification of deferred refoulement decrees, the applicants were repatriated to Tunisia. The infringement of Article 5(1), (2) and (4) and Article 13 in conjunction with Article 3 ECHR was therefore confirmed. CILD, in collaboration with the experts of [Progetto In Limine](#), took part in the monitoring of the measures taken by the Italian Government to avoid a repetition of similar violations.

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We will then analyse the data surrounding CPRs, where detention can last up to 180 days (or even a year in exceptional cases of detention of asylum seekers) and where there are still new entries despite the blockade of repatriation persisting.

The third and final focus will be devoted to “quarantine ships”, introduced after the so-called [Ports Closed Decree](#) of 7 March 2020. This decree established that, for the entire period of the health emergency, Italian ports could not be considered “Places of Safety” for ships flying a foreign flag which have conducted operations outside the Italian SAR area. Two ships have therefore been established (first the Raffaele Rubattino and then the Moby Zazà) as “floating hotspots”; off the coast of Palermo and Porto Empedocle respectively. These have welcomed and continue to welcome people disembarked from boats flying a foreign flag, or arriving autonomously on the coast of Sicily.

CILD’s desk-based secondary research is based on data collected from public authorities (largely the Ministry of the Interior and National Guarantor for the rights of persons detained or deprived of personal freedom), the media and NGOs which operate in locations where there are detention facilities for migrants. From the data available or collected from FOI requests, CILD has created the graphs visible herein. CILD does not conduct operations directly within detention centres or facilities used for this purpose. However, the work CILD does in monitoring the data collected has often led to the alarm being raised as to contraventions of national (constitutional) and international law.



1. ARRIVALS BY SEA IN THE FIRST HALF OF 2020

Although there was an initial decrease in arrivals, the health emergency 2020 has brought has made the situation of people disembarking in Italy even more critical than is usually the case. In terms of the initial decrease, **241 landings were registered in March**, as compared to **1,211 in February** and **1,342 in January**. At first the arrivals were handled without any particular difficulties, allowing the authorities to promptly implement the procedures provided for by the [Decree-Law 18/2020](#) and, subsequently, by the [circular distributed by the Department for Civil Liberties and Immigration on 18 March 2020](#), according to which people entering Italy must be "subjected to health surveillance and isolation for a period of fourteen days". However, the situation began to change in April, when according to the Ministry of the Interior, **671 people arrived between 1 April to 30 April. The first week of May then brought 640 arrivals, which by the end of the month rose to 1,654. In June 1,831 were added to this number, for a total of 6,950 arrivals in the first half of 2020.**

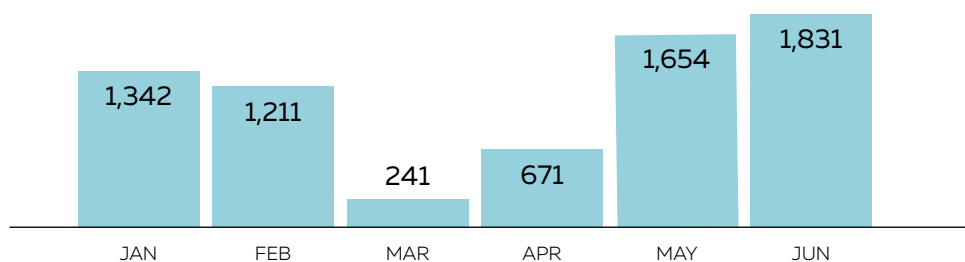
The consequent increase in the number of people in the reception centres, or hotspots, (the peak was initially reached between the **end of April and the beginning of May with a total of 273 people** between Lampedusa, Messina and Pozzallo⁵) has led to an increasingly complex situation, especially in Lampedusa, where the decay and the limited capacity within established hotspots led authorities to look for new facilities – and ships – to host new arrivals by sea.

⁵ As of 25 June, 175 migrants were detained in Lampedusa and Pozzallo, while the hotspots in Messina and Taranto were empty. On 2 July the number of guests reached 451 people distributed amongst Lampedusa, Pozzallo and Messina.

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Arrivals in Italy by sea

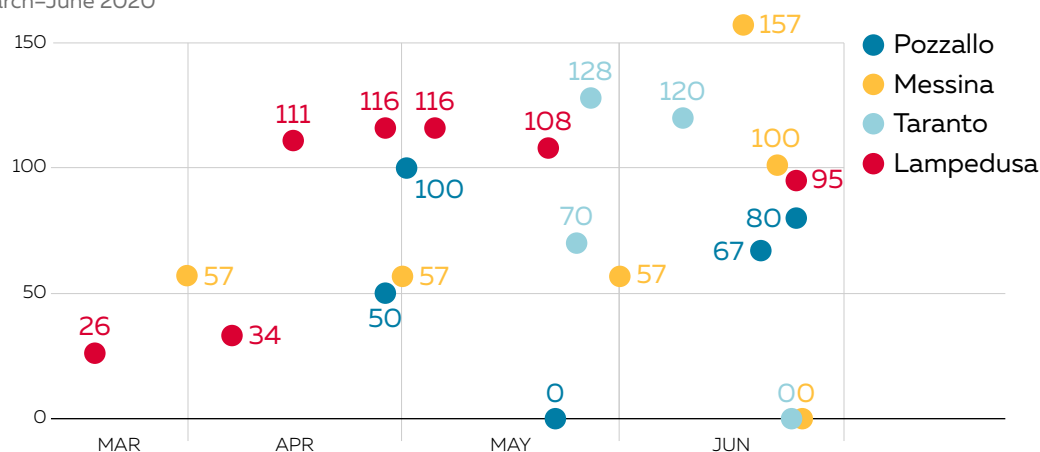
January – June 2020: **6,950**



Source: Ministry of the Interior.

Number of migrants in reception centres (hotspot)

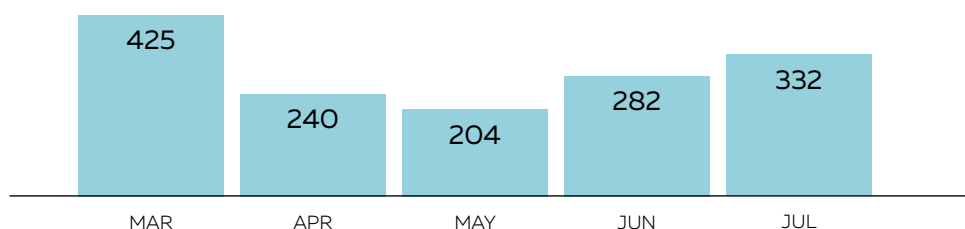
March–June 2020



Source: Data visualisation created by CILD based on data sourced from (largely) government agencies, which has since been published by the National Guarantor and the media. Not shown: Pozzallo held 288 migrants on March 16, 2020

Number of migrants detained in repatriation centres (CPRs)

March–July 2020



Source: Data visualisation created by CILD based on data sourced from (largely) government agencies, which has since been published by the National Guarantor and the media.

2. HOTSPOTS



Porta di Lampedusa – Porta d'Europa. Images by Enrica Tancioni, Unsplash

LAMPEDUSA

After three weeks of stalemate, **on 6 June the first boat arrived in Lampedusa**, marking the beginning of a new socio-health emergency on the island. The 34 foreign citizens who landed were immediately transferred to the centre of the Imbriacola district. Other arrivals followed and by **15 April there were 111 people inhabiting the hotspot. The hotspot structure, by comparison, can accommodate up to a maximum of 96 people** – thus some critical issues emerged: namely insufficient sanitation and insufficient ability to implement preventive contagion measures (for example social distancing and medical isolation upon arrival). As stated by the National Guarantor of the rights of persons detained or deprived of personal freedom, who paid a visit to the Lampedusa hotspot on 23 November 2019, his "[Report to Parliament 2020](#)", the material conditions of the centre were completely inadequate: those held there are provided mattresses to sleep on in the open air, or in very cold or very hot rooms, and a pavilion intended to accommodate 40 people is provided with only two bathrooms.

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Furthermore, from reports we were provided, access to UNHCR was not allowed during this health emergency and it must therefore be assumed that no information was provided to those held there on the right to seek international protection. **On 21 April, the National Guarantor reported the entry of 5 other people to the hotspot** and [an order](#) from the Mayor Totò Martello advising an extension of the quarantine in effect in the hotspot, until 28 April for all those detained in the centre. Although the groups corresponding to the different arrivals were placed in different pavilions, ["it appears to the National Guarantor that all new arrivals to the island actually determine the quarantine period to be restarted for all migrants held in the hotspot, even for people who were already detained"](#), the National Guarantor commented. ["Obviously, this endless process is far from being acceptable"](#), he added.

116 migrants remained detained in the centre as at the end of April and the situation became so unbearable that protests and acts of self-harm began. ["We have finished quarantine and we have been here for almost a month – we can't take it anymore"](#), said one of the detainees in the centre, where overcrowding was bringing more health risks than would normally be the case. The conditions certainly did not assist in, let alone guarantee the prevention of the spread of the coronavirus, since it was not possible to enforce necessary social distancing due to overcrowding.

It became, therefore, a situation of deprivation of liberty which was at odds not only with health-related needs brought about by an international and national health emergency, but also the right to access a whole series of rights related to the status of foreign citizens who arrive on Italian coasts.

Inadequate living conditions and absence of a legal basis for detention in hotspots is reminiscent of what happened in the past in Lampedusa, the facts dating back to 2011 and the condemnation of the Italian state in the well-known Khlaifia Judgement⁶. In fact, Italy continues in spite of all this to detain economic migrants and asylum seekers at hotspots without there being the required validation by a judicial authority

⁶ See [note 4](#).

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(and as happens in CPRs). Furthermore, Italy's failure to fulfil its obligations also persists in the absence of internal remedies to report abuse and living conditions within these facilities.

The hotspot was finally emptied on 5 May, six days after the end of the endless quarantine required under the Mayor's ordinance on 16 April. The 116 'guests' were transferred to a reception centre in Tuscany the following day. **From 7 to 21 May another 108 migrants were brought from Lampedusa**. Although in this period the quarantine was limited to 14 days, overcrowding and the inability to implement contagion prevention measures ensured those unsolved problems remained. The Mayor, supported by the President of the Region Nello Musumeci, continued to request the sending of a hotspot ship to Lampedusa to be stationed in front of the island with the task of lightening the number of people arriving.

At the end of May, the facility began to be used as the very first reception centre to prevent people from being forced to stay on the Favalaro pier, as was the case in previous weeks⁷. At the facility, people undergo a medical screening, are hosted for the night if necessary, then sorted and transferred to other reception centres – mostly in Sicily. Throughout the month of June, the hotspot continued to act as a hub, hosting 70–80 migrants on some days and zero on others. **As of 25 June, 95 people were present, climbing to one hundred at the end of the month**. These included mostly people who arrived on the coasts of Lampedusa, waiting for a transfer to Porto Empedocle. **On 30 June, 114 other migrants landed on the island, then were transferred to the centre of the Imbriacola district. Therefore, the practice of short stays while awaiting transfer continues.**

The fate of the people who have been detained during these months of emergency at the Lampedusa hotspot is not known. Some of them were transferred in June to CPRs in Puglia⁸, and then ended up at the CPR of Ponte Galeria, in Rome. Only at that point did some of them finally formalise their asylum requests, more than a month after

⁴ At the time the House of the Fraternity of Lampedusa hosted some foreign citizens to prevent them from sleeping on the pier.

⁸ On 22 June 15 people from Lampedusa arrived at the Cpr of Brindisi-Restinco.

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their arrival in Italy. This seems to confirm that access to information and the ability to formally seek asylum is severely limited at the hotspots and CPRs in Puglia, and what has recently been denounced by the National Guarantor is also confirmed: “[In the hotspot – the hub – people can be deprived of their liberty without the possibility of appeal before a judicial authority, in conditions \[...\] alike a « limbo of legal protection »](#)”.

POZZALLO

Within the same months the Pozzallo hotspot experienced another type of emergency, as there was, in fact, a case of Covid-19 confirmed. **On 10 April, 50 migrants were transferred from Lampedusa to Pozzallo**, among them the first confirmed positive case; a 15-year-old Egyptian boy. The Mayor, Roberto Ammatuna, therefore raised a number of doubts regarding the screening and health protocols put in place at the time of arrival. It seemed that in Lampedusa the boy's symptoms (fever and conjunctivitis) were not reported and he was thus transferred, first by ship and then by bus, to the Pozzallo hotspot. Here the diagnosis was finally made and the boy was immediately put into solitary confinement. On the same day the Mayor adopted [Ordinance No. 10](#), establishing an enforced containment area. Migrants hosted in the centre were kept in solitary confinement and under constant observation for the following two weeks. In the meantime, the Prosecutor opened an investigation against unidentified persons concerning possible culpable epidemic transmission and omission of official acts.

The 50 migrants, who had all tested negative in swab tests, remained in the centre until 28 April and were subsequently transferred to Lazio and Campania. **On 1 May, the centre recorded the arrival of another 100 migrants from Lampedusa**. After the quarantine period and the swab tests were finalised, this group was also transferred to other facilities, mainly in Lazio. On 22 May, the Guarantor reported that the centre “[is currently empty](#)”.

In mid-June, with the resumption of rescue efforts by NGO ships at sea, the number of “visitors” at the centre also began to rise. On 20 June, the 67 people who had been rescued from the Mare Jonian ship anchored in Pozzallo, a boat flying the Italian flag of Mediterranean Saving Humans, were transferred to the hotspot, where they were expected to spend fourteen days of quarantine. **As of 25 June, 80 detainees were present, rising to 142 on 2 July**.

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MESSINA

Unlike what happened in the hotspots of Lampedusa and Pozzallo, the situation in Messina remained stable throughout the health emergency period. With the arrival of the Sea-Watch 3 on **27 February, 194 people descended on the Sicilian city**. Among these were **57 asylum seekers**, who, after the required quarantine period at the Extraordinary Reception Centre (*Centro di accoglienza straordinaria*, CAS), were transferred to the hotspot pending relocation to other regions. Given the impossibility of being transferred to the countries where they had successfully obtained rights of relocation, **they remained in the centre until 23 June**, when, with incoming new arrivals, they were brought back to adjacent CAS locations. There they remained for three days. **On 26 June they moved again, but it is unknown where to**. At the end of May, as part of CILD's collaboration with [Progetto In Limine](#), a FOIA request was sent requesting information on the 57 "hosted" migrants in Messina. As of 25 June, however, when the deadline of thirty days from the submission of the application had passed, no reply had been received and a request for review was submitted to the relevant authority.

Following additional arrivals in the Agrigento area on **21 June, 70 new people arrived at the CAS and 100 people at the hotspot, which on 25 June were then empty. As of 2 July, 71 people were present**.

TARANTO

On **25 May** the first reception centre in Taranto became a fourth "hotspot" with the arrival of an initial group of **70 Tunisian citizens**. On **27 May, 58 others followed**, 7 of whom were arrested (two because they were prisoners and the others because they were the recipients of an expulsion order and returned to Italy before the time set for re-entry). Among the criticisms and concerns was the fact that the centre was designed for the identification of migrants, not for them to reside in, and was therefore devoid of all services necessary according to the law. Despite this, authorities continued to use it as a quarantine centre, according to available sources, and **as of 9 June there were 120 people therein**.

These people, like those "hosted" in Lampedusa, also risked being transferred directly to a CPR once the quarantine was over. In fact, it emerged that **a group of 25 Tunisians**

was brought from Taranto to the Bari CPR on 16 June and from there to the Rome CPR on June 19. On 26 June, 15 other people from Bari arrived in Rome, all of whom had already concluded the necessary period of medical isolation in the hotspot. Also in this case, some of these arrivals had only managed to formalise a request for asylum only in Ponte Galeria (Rome). This therefore seems to confirm that access to information and the ability to seek asylum was severely limited at the hotspots in Puglia and CPRs. **As of 25 June, however, the hotspot was empty.**

AD HOC FACILITIES

Due to lack of adequate space, *ad hoc* facilities were set up in April to welcome people who arrived during the health emergency, to enable them to carry out the required period of quarantine. According to various reports, largely confirmed by the National Guarantor, **these facilities were distributed between the municipalities of Siculiana, Comiso, Agrigento, Grotte, Ragusa, Siracusa, Villaggio Mosè, Enna, Pietraperzia, Porto Empedocle and Isnello.** During the emergency period it was difficult to ascertain the number of those hosted in the various facilities. These facilities, along with the hotspots, became temporary places of quarantine and limitation of personal freedom (or at least movement) in the absence of the required judicial oversight and in potential conflict with Article 5 ECHR for reasons similar to those established by the ECtHR in the well-known case of [Khlaifia judgment c. Italy](#), mentioned above.

The use of these facilities has, however, given rise to numerous protests. On the one hand, the citizens of the municipalities where the 'new centres' are located have expressed concern about the presence of migrants in these places, the inadequacy of these locations to host such large numbers of people and the lack of sufficient space within these locations to facilitate sufficient distancing for the possible containment of the coronavirus. In recent years, several attempts at escape have further exacerbated these fears. On the other hand, the voices of those who ask for better regulation of these areas have gotten louder. According to the National Guarantor, in fact, "[the implementation of quarantine measures in extraordinary and unprecedented places cannot lead to a situation of 'limbo': migrants are under the jurisdiction of the Italian State for the purposes of sanitary measures imposed on them, but at the same time they will not have the opportunity – and for a considerable period of time – to exercise the rights that our country recognises and protects](#)".

3. CENTRES FOR REPATRIATION



CPR – Ponte Galeria a Roma. [Twitter](#)

NUMBERS PRESENT, MEASURES ADOPTED AND ACTIONS OF CIVIL SOCIETY ORGANISATIONS

Even within centres for repatriation (CPRs) adequate focus on the pandemic has also come late in the game. If lockdown measures in some Italian regions started as early as February, in comparison the attention paid to the seriousness of the pandemic in the initial phase of this health emergency in CPRs was scarce.

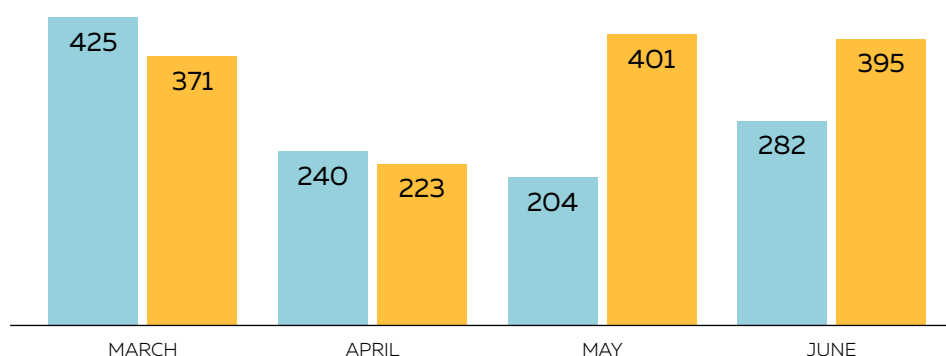
At the beginning of March, there were 9 operating CPRs in Italy, located throughout the country: namely Turin, Gradisca d'Isonzo (Gorizia), Ponte Galeria (Rome), Caltanissetta, Trapani, Bari, Brindisi Restinco, Palazzo San Gervasio (Potenza) and Macomer (Nuoro). During the pandemic, the centres in Trapani, Caltanissetta and Palazzo San Gervasio were closed. Within the open centres, **425 people were accounted for on 12 March and 240 on 28 April**, with a total capacity of 525 (on 29 May). On 15 May there were 204 people present, which dropped to 195 on 22 May, rose to **282 on 25 June and then reached 332 on 2 July**.

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This figure is expected to rise given the trend observed at the end of June to transfer numerous 'guests' held within hotspots to CPRs. From the little data available to us in the second half of June, it is evident, for example, that in **Ponte Galeria there were 17 people** (9 men and 8 women) found on 18 June, rising to 70 on 25 June and 101 on 2 July – an increase of 84 people in just 14 days.

Centres for repatriation (CPRs) and reception centres (hotspots)

Number of migrants (March–July 2020) in CPRs and hotspots



Source: Data visualisation created by CILD based on data sourced from (largely) government agencies, which has since been published by the National Guarantor and the media.

Since the initial phase of the health emergency, risks related to the spread of Coronavirus in CPRs have not escaped those who devote themselves daily to the protection of rights in places of deprivation of personal liberty – above all the [National Guarantor for the rights of persons detained or deprived of personal freedom](#), who already in the first half of March had started a dialogue with the Ministry of the Interior to facilitate adequate management of detention for repatriation purposes at the time of the pandemic and the consequent closure of most borders.

At the same time, civil society took action to end, or at least reduce, the unnecessary detention of hundreds of foreign citizens who could not be materially repatriated. If, in fact, already in 'normal' times the functionality of administrative detention for the purpose of repatriation raises doubts, thus doubts about the usefulness of this measure become even stronger at a time when international mobility is interrupted. It is in this context that our

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actions to raise awareness of those issues and actors which play a decisive role in deciding the fate of foreigners detained in CPRs – namely [Justices of the Peace](#) and the defenders of these citizens, represented by respective [Councils of the Bar Association](#).

Together with other civil society groups, [we turned to the Justices of the Peace](#) inviting them not to validate or extend the detention of foreigners in CPRs – detention that seemed useless given the closure of the borders and illegitimate under the [Return Directive](#), according to which EU Member States can detain third-country nationals who have undergone return procedures only for the purpose of preparing for return and/or to enforce removal. [Instead, alongside the Councils of the Bar Association we shared some observations](#) on the measures taken by the authorities to deal with the health emergency in CPRs, with the ultimate aim of monitoring the decisions that relevant judicial authorities are taking regarding the detention of foreigners during this unprecedented emergency and the respect, in these places, for the fundamental rights of people detained.

These are just some of the initiatives put in place by the CILD with other civil society groups; initiatives which seemed increasingly necessary as a consequence of a succession of concerning, if not critical, episodes in Italian CPRs. In the meantime, institutional measures appeared insufficient to prevent the spread of contagion in administrative detention centres. In fact, provisions to manage the health emergency in these places only arrived at the end of March, fortunately without this having already had an excessively negative impact on the spread of the virus inside the centres. The first [circular of the Ministry of the Interior](#), adopted only on March 26, appeared to be a timid measure containing insufficient measures to prevent the spread of the coronavirus in these places. In particular, a pre-triage area outside the detention facilities was not set up, as had been done for prison institutions, and although the right of detained persons to maintain telephone contacts with distant relatives was stressed, the ban on retaining cell phones remained. In fact, detention within CPRs is a reality in which freedom of communication with the outside has always been subject to numerous restrictions, made even more difficult in the last two years with the impediment to using personal mobile phones equipped with cameras and then personal cell phones of any kind.

In April there was the first confirmed case of Covid-19 in the Gradisca d'Isonzo

CPR, which fueled fear both among detainees and those outside the centres who feared that these locations could fuel the risk of outbreaks. The tense climate made the coexistence of detainees difficult, and in some centres, such as **Macomer**, **there was also incidents of injuries, assaults, episodes of self-harm and at least one attempted suicide**. In one incident a boy from Benin [decided to throw himself from a 5-metre](#) high wall within the centre after a Justice of the Peace had decided, for the umpteenth time, to extend his detention in the CPR for another 30 days, despite the fact that his lawyer had produced the necessary documentation to demonstrate his roots in Sardinian territory. Then on 20 June – World Refugee Day no less – news came of [a Moroccan boy who was mistreated after deciding not to eat by sewing his mouth](#). [These incidents both occurred in Macomer](#), a centre where at the time of writing, there would also be **detainees remaining who have been detained for longer than the maximum retention period of 180 days**. This resulted in hunger strikes and protests; the only means for detainees to get their voices beyond the perimeter of the centre.

In this context, the action of the National Guarantor, as well as of the regional and local Guarantors, who have constantly monitored the numbers and conditions of detention in CPRs and collaborated with civil society groups to ensure that the numbers of detainees decreased as much as possible. Covid-19 has not changed anything about life in the CPR, making it, indeed, more and more hidden until it disappears again from the pages of every social and political agenda. The only external visits during these months, at least according to the information in our possession, were those of the National Guarantor (to the Macomer CPR and the Ponte Galeria CPR), the Lazio Region Guarantor (to the Ponte Galeria CPR), the Turin Guarantor (at CPR Brunelleschi) and those of some regional councilors: Bonafoni and Capriccioli at the Ponte Galeria CPR, and Apples at the Macomer CPR.

THE DECISIONS OF THE COURTS

This period of emergency was and still is a moment to [reflect on the form that restrictive measures of personal freedom](#) take in the context of the Covid-19 pandemic and their impact. In this reflection, the contribution made by the Courts is fundamental and they have dealt with the important task of deciding the fate of foreign citizens detained in CPRs despite the material impossibility of being repatriated. We refer first to the **Court of Rome**, which on 18 March did not authorise the extension of the detention of an asylum seeker from Bangladesh detained in the Ponte Galeria CPR who on 16 January

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had filed a repeated application for international protection via the Brindisi CPR. Judge Silvia Albano in her decision highlighted the failure of the police to give reasons for the need to extend the detention or any adequate argument to substantiate the alleged pretext of the asylum application, and made an assessment of the reasonableness of detention in the emergency context of the measures taken by the Government to stem the spread of the Covid-19 virus.

Also on 18 March, 2020, the **Court of Trieste** issued [a ruling in which it did not validate the detention of an asylum seeker detained at the Gradisca d'Isonzo CPR](#). In the ruling, for some reasons similar to those seen in the decision out of Rome, the judge did not balance the rules on the fight against irregular immigration with those on the protection of the right to health of foreign citizens, but drew attention to the directives of the [National Commission for the Right to Asylum](#)⁹. In the light of these measures, the court stated that detention has therefore lost the purpose of being "strictly functional to enable the timely processing of applications for international protection and the subsequent and possible execution of the expulsion".

Finally, on 27 March, the **Court of Rome** adopted [a further measure, by which it accepted the request for a review of the detention of an asylum seeker of Venezuelan nationality](#) – motivated on the basis of the current health emergency situation – and ordered the cessation of the detention and the immediate release of the detainee. In addition to further procedural issues, this measure focused on the lawfulness of detention in relation to the measures taken by several States to interrupt air links with Italy, which make it difficult to repatriate foreign nationals within a reasonable period of time as required by Article 15 of the Return Directive.

⁹ On 22 March, 2020, the National Commission for the Right of Asylum extended the suspension of hearings regarding asylum seekers, and thus international protection procedures, initially planned to target the most vulnerable areas affected by the outbreak.

4. SHIP-BASED QUARANTINE



Migrants on board the *Ocean Viking*. Pictures by Flavio Gasperini/ SOS MEDITERRANEE

On **7 April 2020**, with the introduction of the so-called [Ports Closed Decree](#), the Minister for Infrastructure and Transport, the Minister for Foreign Affairs and International Cooperation, the Minister for the Interior and the Minister for Health ordered that "for the entire duration of the national health emergency [...], Italian ports do not meet the necessary requirements for the classification and definition of a Place of Safety (*luogo sicuro*), under the Hamburg Convention on Maritime Search and Rescue, for rescue cases carried out by foreign-flagged vessels outside the Italian SAR area".

Protest followed swiftly. The alarm was immediately raised by a group of NGOs, including [Sea-Watch](#), [Doctors Without Borders](#), [Open Arms](#), [Mediterranea Saving Humans](#) and [Tavolo Asilo](#) organisations. By depriving its ports of safe places, arbitrarily and without providing alternatives, Italy was and is accused of not guaranteeing human rights and neglecting its responsibilities; the Government should have and must allow landings during the health emergency. [UNHCR](#), [IOM](#), [Council of Europe](#) and some [deputies](#), [senators](#), [members of the European Parliament](#) and

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[regional councillors](#) also called on the Government to revoke the measure immediately and to draw up appropriate health protocols instead.

In the same days, however, the **“Alan Kurdi” ship of German NGO Sea Eye, carrying 150 migrants rescued in two different operations on 6 April, was refused permission to dock. A week later the same happened with the “Aita Mari”, a ship flying the Spanish flag with 39 people on board.** It is regarding these two vessels that the first application of the measure adopted by the Government was seen.

On 12 April, the Head of Civil Protection Angelo Borelli signed a [measure](#) that provided for the possibility of placing migrants rescued or who had arrived on ships identified by the Ministry of Infrastructure and Transport off Italian ports during the quarantine period. The Red Cross was in charge of providing health care and any other primary service of foreign citizens on board (*e.g.* personal assistance, distribution of goods, administrative management) and the Raffaele Rubattino ship of the Tirrenia Company was selected for the carrying out of these services. Anchored one mile off the port of Palermo, the Rubattino ship acted as a floating hotspot. Initially, not even the Red Cross press office could issue statements and thus the first news of the quarantine ship arrived on 27 April. On board there were 183 migrants (33 of whom were unaccompanied minors) 26 Red Cross operators and 40 crew members; none positive for the Coronavirus.

On 28 April, the National Guarantor denounced this 'limbo' situation in which those people were finding themselves. Although they were under the jurisdiction of the Italian State, they did not have the opportunity to exercise a series of rights that Italy supports, defends and protects. They could not apply for asylum, couldn't have access to family reunification procedures, nor could they be assisted as victims of trafficking. In addition, "[the reluctance of the authorities to provide certain information regarding the destination of persons on board the ship did not appear reassuring. In this respect, the imposition of a quarantine period in respect of persons for whom it is not currently possible to indicate a reception solution appears contradictory and critical](#)". It was subsequently reported that, in addition to carrying out daily temperature measurements and regular medical check-ups, staff on board also provided psychological assistance and information on international protection and/or family reunification procedures.

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The period of medical isolation of all migrants onboard ended on 4 May. After the last medical examinations and necessary documentation on board the ship by the police were conducted, disembarkation took place in two different phases coordinated by the prefecture. First, the 33 unaccompanied minors are taken to pre-arranged locations (16 to the SIPROIMI centre in Padula and 17 to the FAMI centre in Bojano, respectively in the Provinces of Salerno and Campobasso) then, late in the evening, the remaining 150 migrants are transferred to other regions. The Police Headquarters in Palermo advised of 2 migrants under arrest because they were affected by orders of execution of sentences issued by Judicial Authorities, while the other 148 were moved to the Cara of Bari.

The Government then identified and made available a **second quarantine ship**¹⁰, the Moby Zazà of the Onorato group¹¹. On May 11th the ship was ready to enter into operation, but remained stationary for a few days in the port of Porto Empedocle.

On 14th May the first group of 53 people disembarked in Lampedusa and on 17 May another 68 people, including 26 women and two children, also arrived in Lampedusa. For logistical reasons (supply and waste disposal), however, the boat could not stay off the island of Agrigento. Once the transshipment operations had been completed, it had to return to Porto Empedocle.

After the evacuation of a woman due to health problems, **a tragedy occurred on 20 May. A 28-year-old Tunisian man threw himself into the sea and died.** A group of his countrymen protested – asking to get off the ship – and while the Red Cross workers managed to prevent the situation from degenerating, the climate on the ship remained tense. The following day the ship docked in the port and the 14 Tunisians involved in the protests were transferred to Villa Sikanian in Siculiana and specialised Red Cross personnel were taken on board. There were thus 23 people, including operators, doctors, nurses, cultural mediators, psychologists and qualified emergency management personnel.

¹⁰ Over the 30 days of this contract, and for subsequent extensions of the same duration, the total estimated cost to the Ministry of Infrastructure and Transport is EUR 1,199,250.00.

¹¹ On 6 May the Onorato group won the contract to carry out this function via its Moby Zazà vessel, having offered a total price of EUR 999,999.99.

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On the 22 of May [Bulletin No.33](#) of the National Guarantor read: "Its playful image painted on the ship's main body contrasts the dramatic reality of those who, presumably escaped from wars or imprisonments, await for the albeit-necessary quarantine period to go by. They are lacking information about their future and support to overcome the feeling of despair that this situation may have triggered and that yesterday led to a tragic end". In addition, the Guarantor stressed the importance of putting in place the necessary procedures to enable persons to proceed with requests for international protection and/or family reunification as soon as the quarantine was over. In this regard, in the following days, the Ministry of the Interior allowed for certain improvements in aspects of conditions aboard the ship. It was indicated that, with the exception of families, people on board would be accommodated in single cabins, information would be provided in 11 different languages, wi-fi connection, mobile phone recharging and information on the right to health, international protection would be available as would prevention of trafficking and protection of minors carried out in compliance with health regulations. It was also reported that, for safety reasons, the boat was monitored by a surveillance device operating in the territorial waters of Agrigento (National Guarantor, [Bulletin No. 34](#)).

On 27 May, 71 people who had arrived in Lampedusa were transferred to the Moby Zazà. **Up until 30 May there were 232 people in quarantine aboard the boat.** On the same day, quarantine ended for 106 of them. They disembarked at Porto Empedocle and were transferred to a reception centre. **About 126 people remained on board until 2 June, when a group of 77 migrants, including 16 minors, embarked. Ten days later another 49 people arrived,** including the first Tunisians after the May protests. **As of 12 June, the total number of people on board was 193** – all of whom had arrived in Lampedusa. The Ministry of the Interior confirmed once again that on board what was assured was "beyond the prescribed health care measures also, among others, linguistic-cultural mediation [...], social assistance, psychological support (and) identification of vulnerable people and pregnant women".

The first 30 days of the contract expired on 14 June, however, the vessel continued to operate and an extension of the charter required the vessel to be engaged for at least another month. The slight slowdown in landings was followed by a period of relative calm. People on board were assisted and the vessel was monitored by the patrol boats of the Harbour Master's Office. After the period of isolation, the migrants

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were disembarked and transferred to reception facilities. With the resumption of rescue activities at sea by NGO ships, however, controversy re-emerged. **The 67 people rescued by the vessel of Italian NGO Mediterranean Saving Humans' - "Mare Jonio" - were transferred to the Pozzallo hotspot, while the 211 people rescued by the German-flagged Sea-Watch were transferred to the Moby Zazà** where 47 other migrants previously disembarked in Lampedusa were located. This was a double standard of reception that triggered immediate discussion.

Filippo Miraglia, spokesman for Tavolo Asilo and national leader of Arci, noted that "discrimination is the colour of the flag of the ship that saves you or, in the case of Tunisians, the nationality to which you belong. Not the sustainability of safety conditions, not international law. Forcing people who have survived sea voyages to spend another 15 days on the high seas is an injustice".

On 24 June, news arrived that 28 of the latest arrivals on the ship were positive for Coronavirus¹². Before being boarded on the "Moby Zazà" one of the 211 people rescued by the Sea Watch was hospitalised as a suspected case of tuberculosis, which instead turned out to be Covid-19. A 'red zone' (deck number 7) was set up on board, where confirmed or suspected Covid-19-infected people were housed and isolated. Only Red Cross personnel were allowed access to it and only with full protective equipment. The 47 migrants already present were held in a different area and the other 181 new arrivals waited to undergo a second rhino-pharyngeal test; they were also all undergoing medical screening twice a day. **Between 25 and 26 June, the 47 "migrants from previous landings, who were on the quarantine ship, finished their period of medical surveillance and left the vessel". Only 207 of the 211 people saved by Sea Watch remain on board.**

¹² On 1 July there were 30 Coronavirus-positive migrants on board the Moby Zazà ship, among them a pregnant woman who was brought to Palermo.

5. CONCLUSIONS

LACK OF INFORMATION

The drafting of this report first of all encountered difficulties in finding information. While it is in fact possible to receive a daily update on arrivals by sea, through the [dashboard of the Ministry of the Interior](#), there is no official publication on arrival data in the many places carrying out administrative detention of foreigners. In this context, the initiative of the National Guarantor for the rights of persons detained or deprived of personal freedom in publishing [35 periodical bulletins](#), in the health emergency phase, providing data, numbers, information and recommendations related (also) to the administrative detention of foreigners was an excellent resource. However, CILD considers it useful and necessary to have publications of statistics with a predetermined periodic frequency, as is the case for detention in prison [on the website of the Ministry of Justice](#).

Only regularly published statistics on the number of entries in hotspots (and possible validations) and other facilities for migrant detention can guarantee the ability of civil society organisations to monitor what happens in such places.

Another negative aspect of the lack of information concerns the willingness of public authorities questioned to respond to the various FOI applications that have been submitted in recent months during this health emergency by journalists and civil society organisations. As noted in this very report, for example, authorities did not provide any information regarding the fate of the guests at the Messina hotspot and other partial responses were found, for example, following FOI requests, regarding the [measures taken on the ships destined for quarantine](#) or other places of administrative detention.

LACK OF JUDGES' CONTROL ON THE LEGALITY OF DETENTION IN HOTSPOT: THE RELEVANCE OF THE KHLAIFIA JUDGMENT

As shown in this report and in other [authoritative sources](#), detention in hotspots, suitable premises, *ad hoc* facilities etc. continues to be implemented in Italy in the absence of legal bases, *i.e.* a court order ordering or validating detention in a hotspot, on a ship or other place of deprivation of liberty.

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During Covid-19 detention of foreigners in hotspots or quarantine facilities has continued for weeks or months without validation or periodic review by a judge. Therefore, the Italian Government continues to be in breach of the ECtHR's ruling in [Khlaifia](#)¹³.

As is well known, the [process of supervising the implementation of the ECtHR's decision before the Committee of Ministers of the Council of Europe](#), a body generally responsible for monitoring the measures taken by the Government of the state condemned by the ECtHR, began after this judgment. The Khlaifia case has been assigned an enhanced supervision procedure, which provides for a series of annual reviews of the measures taken, in order to avoid a repetition of violations similar to those that led to its conviction. During this trial, in response to the Committee's requests, the Italian Government submitted three different communications (September 2017, March 2018, September 2018) and finally requested, in February 2019, [the closure of the supervision procedure](#), claiming (unilaterally) that it had taken all the necessary measures to avoid the repetition of violations related to the detention in hotspots with [Law 132/2018](#) and, before that, with [Decree-Law 13/2017](#). On the contrary, according to some NGOs who intervened in the course of the proceedings, [the absence of a legal basis for the detention of migrants in hotspots](#) persists. Finally, CILD in its February 2020 Communication has also highlighted [the continuing absence of internal remedies for reporting ill-treatment or poor detention conditions in such facilities](#). Given that detention lasts for weeks and months, in the absence of legal basis and jurisdictional guarantees, at the hotspots and other places of administrative detention analysed in this report, we believe even more that the Italian Government must honor the commitments made in the above mentioned supervision process, including the introduction of effective mechanisms of judicial protection in all places where migrant detention takes place.

LACK OF LEGAL BASIS FOR DETENTION IN CPRS

As highlighted in the chapter on CPRs in the present report, and by the jurisprudence referred to therein, detention in CPRs is to be considered without legal basis during the Covid-19 emergency period, since international mobility and therefore the possibility

¹³ See [note 4](#).

of repatriation has been suspended. It should be recalled, once again, that detention in CPRs is supposed to be exclusively preparatory to repatriation and if this is not possible, any detention is considered illegitimate. The Italian Government has therefore chosen not to empty the centres completely, despite the fact that administrative detention should be finalised noting the impossibility of repatriation in current conditions. At the time of finalising this report (2 July) there were no reports of any repatriations being carried out or when it will be possible to resume such activity, for that matter. Additionally, the recent Relaunch Decree, in introducing [regularisation](#) measures, [ordered the suspension of expulsion procedures](#) until 15 August (the deadline for the submission of the request for regularisation following the extension provided by [Decree-Law No. 52 of 16 June 2020](#)). Ultimately, beyond the emergency, CILD believes that the time has come to seriously question the appropriateness of detention in CPRs, given its objective substantial failure in terms of effectiveness and violation of fundamental rights of detainees. [Encouraging alternative measures to detention](#), as requested by the [International Detention Coalition](#) and the EU itself, seems to be the only remedy to ensure greater legality, public safety and security of the rights of the recipients of removal measures.

A further issue with regard to the use of CPRs, emerges from the [report of the Guarantor to Parliament](#) of the last 26 June, where a revision of the [Single Pre-Removal Centres Regulations](#) was proposed by the Offices of the Ministry of the Interior, which, for the moment, the same Guarantor defines as being "behind closed doors" (pages 270-272). CILD hopes that prison life in administrative detention centres for foreigners will be entrusted to a primary source, as is the case for prisons, and that at least the National Guarantor and also civil society organisations, which have experience in this field, will be able to participate in the drafting of this bill.

LACK OF GUARANTEES DURING THE QUARANTINE PROCESS ABOARD SHIPS

There is scientific evidence of the need to carry out quarantine for persons disembarked in Italy during this emergency. These measures must however respect the principle of proportionality and must take into account the experiences of those who land on our shores after a troubled journey, fleeing from situations of torture, severe exploitation or great poverty. While we hope that quarantine will be carried out on land, in the exceptional case of quarantine on ships, as also was noted by the National Guarantor, it should at least be guaranteed that: medical isolation on the

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vessel is proportionate, non-discriminatory and non-arbitrary; the duration of the measure is limited and defined by scientific evidence; the condition of the vessel respects human dignity; vulnerable persons are accommodated (*e.g.* those in need of medical treatment or those who have been victims of torture) and have an immediate possibility to be evacuated and receive assistance in appropriate facilities on land; all persons on board have access to information on their rights and can make an application for international protection during quarantine; and all persons on board are informed as soon as possible of where they will be transferred once quarantine has ended.

This being the case, since the contract for the ship Moby Zazà has now been completed (since 14 June), and given the high cost of the same contract (about one million for one month), the hope is that the quarantine ship will not become a floating hotspot indefinitely and future quarantine measures for new arrivals will be executed on land. The risk that this mode (quarantine aboard a ship) moves from being an exception to becoming the norm, and therefore discontinuous, discriminatory and unjustified practices will be cemented. We need only look at the extension in place for the ship Moby Zazà and [what happened with hotspots](#) introduced in 2015 as an exception which then become an institutional place to detain those who land without a formal title to enter Italy, as examples of this risk.

LACK OF HUMANITY AND LEGALITY IN THE MEDITERRANEAN

Finally, reflection is required with respect to the closure of ports and the Italian and European participation in the Libyan SAR in operations that seem to give rise to collective rejections redirected to Libya. If what is stated in the [Remote Control](#) report is true, where we read of the use of European aircrafts (on at least 80 occasions) to facilitate the interception and return to detention centres in Libya of those who fled from those same centres as human rights are not respected there, there is a clear violation of the law of the sea, which requires disembarkation in a safe place, which obviously cannot be Libya in the above scenario. Civil society must state clearly that the principle of non-refoulement must also be respected in international waters and Italian and European military forces, like Italian and European contributions to cooperation, cannot be invested to facilitate actions contrary to the law of the sea and the principle of non-refoulement.

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Ultimately, the epidemiological crisis we are experiencing must impose a reflection on civil society, the Italian Government, other European countries and the EU that starts with a critical review of current migration policies based on the combination of outsourcing and widespread detention of migrants. The failure of current migration policies, in terms of human lives disappearing in the Mediterranean or returning to Libyan hell, of widespread illegality of administrative detention, is visible before everyone's eyes and during the health emergency critically broken aspects of this security approach have only been amplified. The return to normality, which we all hope for, risks giving us back a 'lesser' normality, even more devoid of rights and guarantees in the specific field of migrant detention if there is no change of course now. In fact, the exponential increases in CPR attendance figures at the beginning of July, and in hotspots without a legal basis, are worrying. There is concern about the proliferation of detention centres that escape any form of monitoring and control, the protraction of activities (initially planned for only one month) of the quarantine ships, the protraction of the closure of Italian ports.

Without prejudice to the need for a critical review of current migration policies, administrative detention, regardless of the name given to the various existing administrative prisons, should be conducted on the tracks of positive recognition of fundamental rights, starting with the introduction of legislation which clearly recognises the rights of detained persons and judicial remedies so that these rights are not just mere statements, or rights only on paper.

APPENDIX:

RESOURCES:

Institutional Resources:

Regolamento recante: “Criteri per l’organizzazione e la gestione dei centri di identificazione ed espulsione previsti dall’articolo 14 del decreto legislativo del 25 luglio 1998, n.286 e successive modificazioni”, 20 ottobre 2014 *(available in Italian only)*

Decreto-legge n. 13, 17 febbraio 2017 *(available in Italian only)*

Decreto-legge n. 113, 4 ottobre 2018 *(available in Italian only)*

Disposizioni attuative del D.P.C.M. 9 marzo 2020, 10 marzo 2020 *(available in Italian only)*

Decreto n. 18, 17 marzo 2020 *(available in Italian only)*

Circolare del Dipartimento per le Libertà civili e l’Immigrazione, 18 marzo 2020 *(available in Italian only)*

Tribunale Ordinario di Roma N.R.G. 15892/2020, 18 marzo 2020 *(available in Italian only)*

Tribunale di Trieste R.G. 980/2020, 18 marzo 2020 *(available in Italian only)*

Circolare del Dipartimento per le Libertà civili e l’Immigrazione, 26 marzo 2020 *(available in Italian only)*

Tribunale Ordinario di Roma N.R.G. 16573/2020, 27 marzo 2020 *(available in Italian only)*

Decreto interministeriale n.150, 7 aprile 2020 *(available in Italian only)*

Ordinanza sindacale n. 10 del Comune di Pozzallo, 10 aprile 2020 *(available in Italian only)*

Decreto del Capo Dipartimento della Protezione Civile n. 1287, 12 aprile 2020 *(available in Italian only)*

Avviso di manifestazioni di interesse per il servizio di noleggio di unità navali battenti bandiera italia e/o comunitaria funzionale all’assistenza e sorveglianza sanitaria dei migranti soccorsi in mare o giunti sul territorio nazionale a seguito di sbarchi autonomi nell’ambito dell’emergenza relativa al rischio sanitario connesso all’insorgenza di patologie derivanti da agenti virali trasmissibili , Ministero delle Infrastrutture e dei Trasporti, 19 aprile 2020 *(available in Italian only)*

Ordinanza sindacale contingibile e urgente n. 21 della Provincia di Agrigento, 16 aprile 2020 *(available in Italian only)*

Decreto-legge n. 52, 16 giugno 2020 *(available in Italian only)*

Cruscotto statistico giornaliero, Ministero dell’Interno *(available in Italian only)*

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National Guarantor of the rights of persons detained or deprived of personal liberty:

Bulletin No. 26, National Guarantor of the rights of persons detained or deprived of personal liberty, 21 April 2020

Bulletin No. 28, National Guarantor of the rights of persons detained or deprived of personal liberty, 28 April 2020

Bulletin No. 33, National Guarantor of the rights of persons detained or deprived of personal liberty, 22 May 2020

Bulletin No. 34, National Guarantor of the rights of persons detained or deprived of personal liberty, 29 May 2020

Relazione al Parlamento 2020 del Garante nazionale dei diritti delle persone detenute o private della libertà personale, 26 giugno 2020 (*available in Italian only*)

International Organisations:

European Convention of Human Rights, Council of Europe, 4 November 1950

Directive 2008/115/EC of the European Parliament and the Council on common standards and procedures in Member States for returning illegally staying third-country nationals, of 16 December 2008

Communication from an NGO (project In Limine) of 16/07/2018 in the case of Khlaifia and Others v. Italy (Application No. 16483/12), Secretariat of the Committee of Ministers, 1324th meeting September 2018

Bilan d'action (05/02/2019) – Communication de l'Italie concernant l'affaire KHLAIFIA ET AUTRES c. Italie (Requête n° 16483/12), Secrétariat du Comité des Ministres, 1340e réunion, mars 2019 (*available in French only*)

Rule 9.2 – Communication from an NGO (Italian Coalition for Civil Liberties and Rights) (11/02/2020) in the case of KHLAIFIA AND OTHERS v. Italy (Application No. 16483/12), Secretariat of the Committee of Ministers, 1369th meeting, March 2020

Case of Khlaifia and others v. Italy, No. 16483/12, 15 december 2016

Council of Europe Commissioner for Human Rights Statement, 16 April 2020

Civil society:

Scenari di frontiera: il caso Lampedusa. L'approccio hotspot e le sue possibili evoluzioni alla luce del Decreto legge n. 113/2018, Francesco Ferri e Adelaide Massimi (Progetto In Limine), ottobre 2018 (*available in Italian only*)

La detenzione amministrativa dei migranti, Alessandro Valenti, 25 febbraio 2019 (*available in Italian only*)

I profili di illegittimità costituzionale del Decreto Salvini, Gennaro Santoro (CILD), Agosto 2019 (*available in Italian only*)

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The Contemporary Relevance of Khlaifia and others v. Italy, Gennaro Santoro (CILD) for Border Criminologies, 27 February 2020

Corte Europea dei Diritti dell’Uomo: quando la condanna non basta, Flaminia Delle Cese (CILD), 5 marzo 2020 (*available in Italian only*)

È legittimo trattenere se non si può espellere? Lettera aperta ai giudici di pace, ASGI, Antigone, CILD, Università di Roma 3, Compagna LasciateCiEntrare, Progetto Diritti, Legal Team Italia, 30 marzo 2020 (*available in Italian only*)

Cpr: CILD scrive ai Consigli degli Ordini degli Avvocati, 3 aprile 2020 (*available in Italian only*)

ONG sul decreto porto sicuro: “Salvare tutte le vite, a terra come in mare. È possibile e doveroso” – *Mediterranea – Saving Humans*, 8 aprile 2020 (*available in Italian only*)

“L’Italia non è un porto sicuro”. La protesta del Tavolo asilo, Amnesty International 8 aprile 2020 (*available in Italian only*)

Appello di deputati, senatori, parlamentari europei, consiglieri regionali al governo italiano: revocare decreto su porti chiusi, *Mediterranea Saving Humans* 8 aprile 2020

Regularisation Procedure 2020: Check Out Our Frequently Asked Questions, CILD, 15 July 2020 (*available in Italian only*)

Emersione dei lavoratori 2020 – Scheda pratica, ASGI, 15 giugno 2020

Remote control: the EU-Libya collaboration in mass interceptions of migrants in the Central Mediterranean, Alarm Phone, Borderline Europe, *Mediterranea – Saving Humans*, Sea-Watch, 17 June 2020

Diritti in rotta. Le “navi quarantena” tra rischi e criticità, ASGI, 17 giugno 2020 (*available in Italian only*)

Pre-removal centres and alternatives to detention: 5 questions with Professor Giuseppe Campesi, Paola Petrucco (CILD), 3 August 2020



PRESS REVIEW (updated)

Migrant detention in Covid-19 times

A photograph of migrant detention in Covid-19 times. This is what this report intends to provide, via an analysis of the data relating to arrivals by sea during the first half of 2020 (6,950 of them) and the detention of migrants in administrative prisons.

As at 2 July 2020 there are 451 people in the so-called hotspots, 332 in CPRs, 207 on the Moby ship Zazà, and an indefinite number, due to lack of data on the matter, of persons detained in ad-hoc facilities opened during the Covid-19 crisis to enable new arrivals by sea to carry out quarantine.

These are vulnerable people; not numbers. Among these people are those who have lost their children, their parents, their spouses, and those who have escaped from war or extreme poverty. They deserve recognition of their rights despite the objective difficulty of providing assistance in times of a global health emergency.

The failure of current migration policies, including missing or lost human lives in the Mediterranean, returning vulnerable Libyan people to distressing conditions in Libya from which they set out to escape and widespread illegality, inefficiency and expensive administrative detention is costly both from a human rights perspective but also a large burden on the Italian people.

These failures must be remediated with a prompt change of course and a reconsideration of the overall approach to the issues at hand.

Migrant detention in Covid-19 times

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CILD

Established in 2014, the Italian Coalition for Civil Liberties and Rights (CILD) is a network of 41 civil society organisations combining advocacy, public campaigns and legal action to defend and promote civil rights and freedom for all. CILD primarily works on issues of migrant and refugee rights, LGBT rights, health justice, and rights and freedom of expression for Roma and Sinti peoples.

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MIGRANT DETENTION IN COVID-19 TIMES

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