

AMNESTY INTERNATIONAL PUBLIC DOCUMENT QUESTIONS AND ANSWERS

AI index: EUR 30/002/2011
16 February 2011

Q&A: North Africa migrants in Italy

According to the Italian Ministry of Interior, in recent weeks over 5,000 people from North Africa, and mostly from Tunisia, have arrived on the Italian islands of Lampedusa and Sicily by boat.

The Italian authorities have called the recent wave of migration across the Mediterranean a “humanitarian emergency” and have requested the assistance of the European Union including its borders control agency Frontex in stemming the migration flows.

The Italian authorities have reinforced the patrolling of Italian coasts.

Should the Italian authorities send people back to their country of origin?

A “humanitarian emergency” as the Italian authorities have called it, demands a humanitarian response, not a law and order one.

International law, as well as Italian legislation, recognises that everybody is entitled to be treated with dignity and respect. Regardless of the reasons that pushed them to start their journey, people trying to reach Italy like any other country, should not be pushed back, should be rescued if in danger and provided with humanitarian assistance. They should also be allowed to seek asylum and should not be detained routinely.

Among those arriving – from Tunisia but also from elsewhere – may be many who are seeking international protection. People forced to flee by armed conflict, persecution and grave human rights abuses, are entitled to seek and enjoy such protection, including through having their claims heard in a prompt and fair asylum process. .

No one should be sent back before they are able to make their case or explain their circumstances before the relevant authorities, and certainly there should not be any mass forced expulsions without consideration of individual cases. Such indiscriminate responses are in clear violation of Italy’s international obligations.

What are Italy’s obligations towards irregular migrants?

Even before reaching Italian shores, patrolling boats should ensure that the needs of people in distress and those who may be particularly vulnerable, such as pregnant women, children and individuals in need of health assistance, be given priority.

The Italian authorities should ensure that people are informed of their right to claim asylum and that everybody is entitled to a fair and satisfactory asylum determination procedure

Anybody who wishes to make an asylum claim should be given the opportunity to do so, for example by ensuring their landing in a place where their claim can be lodged and processed.

Italian authorities should ensure that all available reception facilities are operational and equipped to provide adequate assistance to migrants and asylum-seekers, with particular attention to vulnerable groups. All those who reach Italian shores must be provided with assistance in open centres.

What about reports that there may be escaped criminals among the asylum-seekers?

All officials dealing with migrants and asylum-seekers have a positive obligation to uphold the rights of people at sea and those who have landed. This includes avoiding inflammatory language or stereotypes.

Unfortunately, the existing record of certain authorities in Italy in this regard is extremely poor. Politicians and some government representatives have made unsubstantiated links between migrants and crime, contributing to the fostering of a climate of intolerance and xenophobia.

Should Frontex, the European Union's border security agency, play a role?

A response offered in purported solidarity by other European states should not be one based on policing but on humanitarian needs.

The engagement of Frontex - and particularly Frontex alone - would be an unsuitable response to an emergency of a humanitarian character, and one that could result in human rights violations.

If in some stage Frontex becomes involved, the deployment must be carried out in accordance with refugee and human rights law and standards.

The EU and its member states should review the way they manage the migratory issues including the human rights impact of current policies to counter irregular migration.

What else could the EU do to help?

The EU and its member states should support Tunisia's democratic transition and its economic and social development, particularly the creation of jobs and concrete prospects for the young people in the country.

EU foreign policy engagement with the region should focus not only on stability but also on sustainability in terms of economic and social development.

The EU needs to develop a better and more comprehensive approach to migration and asylum, which needs to include: 1) human rights conditionality when engaging in cooperation with third countries on migration; 2) guaranteeing access to asylum and full respect for the principle of non-refoulement; 3) a renewed and in-depth discussion on the creation of legal channels of migration to the EU and 4) addressing the root causes of migration by ensuring support to democratic transition and economic developments.

Responsibilities in dealing with arrivals of irregular migrants should be shared more fairly throughout the EU. Solidarity should lead to sharing the responsibility for managing new arrivals financially or physically or by other means which fully respect their obligations under international and EU law.

What should the Tunisian authorities do to stop the emigration?

People have a right to leave their own country, including to seek asylum elsewhere.

Tunisian authorities should ensure that any people travelling in unsafe conditions are rescued and receive adequate humanitarian assistance and that traffickers taking advantage of desperate individuals are prosecuted.

End/