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Italy: Asylum-seekers and migrants have rights too

Italy is increasingly placing asylum-seekers in detention in violation of international refugee standards. In its latest report, *Temporary Stay -- Permanent Rights*, Amnesty International reveals a range of human rights abuses to which foreign nationals are subjected while detained in 'temporary stay and assistance centres', and expresses concern that similar problems will be perpetuated in the 'identification centres'.

"Detention is an extreme sanction for people who have committed no criminal offence. Asylum-seekers should only be detained in exceptional circumstances, in line with international refugee standards," said Nicola Duckworth, Europe Director at Amnesty International. "Likewise, the detention of migrants who have entered or are present in the country without authorisation should be resorted to only on grounds prescribed by law, in accordance with international human rights principles."

Each year Italy expels or refuses entry to thousands of foreign nationals, some of them asylum-seekers, on grounds of illegal entry, attempted illegal entry or illegal residence. While awaiting expulsion, many of these people are detained in 'temporary stay and assistance centres', sometimes for up to 60 days.

Two months ago legislation came into force allowing the majority of asylum-seekers to be detained as a matter of course in 'identification centres' while their asylum applications are examined via an accelerated process.

The report details allegations that people in temporary holding centres have been subjected to physical assault by law enforcement officers and supervisory staff and to excessive and abusive administration of sedative and tranquillizing drugs. Many experience difficulties in gaining access to the expert advice necessary to challenge the legality of their detention and of expulsion orders. Tension in the centres is high, with frequent protests, including escape attempts, and high levels of self-harm. The centres are often overcrowded, with unsuitable infrastructures, unhygienic living conditions and unsatisfactory medical care.

States have a sovereign right to control the entry, residence and expulsion of foreigners on their territory. That right must, however, be exercised in accordance with international refugee and human rights law and standards. The exercise of state sovereignty cannot be at the expense of the fundamental human rights of asylum-seekers or migrants, whatever their legal status.

Access to the holding centres has been increasingly restricted and Amnesty International's

applications for visits to such centres have so far been turned down. Although it is not possible to confirm the accuracy of all the allegations concerning the holding centres, their number, consistency and regularity, taken together with the conclusions of international governmental bodies and reputable international and domestic non-governmental organizations, give them credence.

Many people in temporary holding centres experience difficulty in gaining access to the asylum determination process, resulting in the return of people to countries where they risk serious human rights violations. Over the last year Italy has repeatedly expelled entire groups of people detained after arriving by sea, without properly considering each individual's situation, in violation of international human rights and refugee law. The government's attempts to deal with arrivals by sea are seriously compromising the fundamental right to seek asylum and the principle of non-refoulement, which prohibits the forcible return of anyone to a territory where they would be at risk of serious human rights violations.

Amnesty International has drawn up a series of recommendations which it is urging the Italian authorities to address as a matter of priority. The recommendations point out the key international standards that already apply to people detained in the temporary holding centres and highlight a set of guidelines on the process of the "forced return" of foreign nationals, recalling existing rights under international legislation, which were adopted by the Committee of Ministers of the Council of Europe in May 2005.

"Now is the moment for the Italian authorities to re-examine thoroughly their current policy, legislation and practice regarding the detention, conditions and treatment of irregular migrants and asylum-seekers and to ensure they are brought fully in line with international human rights and refugee law," said Nicola Duckworth.

For a copy of the full report, *Italy: Temporary Stay -- Permanent Rights: The treatment of foreign nationals detained in 'temporary stay and assistance centres'*, please go to: <http://web.amnesty.org/library/index/engneur300042005>.

Public Document

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