



Report

**to the Italian Government
on the visit to Italy
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 7 to 13 June 2017

The Italian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2018) 14.

Strasbourg, 10 April 2018

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EXECUTIVE SUMMARY

The main purpose of the CPT's visit to Italy in June 2017 was to examine the situation of foreign nationals deprived of their liberty in the so-called "hotspots" and immigration detention centres in a context of large-scale arrivals from North Africa. To this end, the CPT's delegation visited the "hotspots" in Lampedusa, Pozzallo and in Trapani (Milo), as well as a mobile "hotspot" unit at Augusta port. Further, it was able to observe a disembarkation procedure at Trapani port. The delegation also visited the closed removal centres (*centri di permanenza per i rimpatri, CPR*) in Caltanissetta, Ponte Galeria (Rome) and Turin, as well as the holding facilities at Rome Fiumicino Airport. The delegation received very good co-operation from both the national authorities and staff at the establishments visited.

"Hotspots"

The CPT recognises the significant challenges faced by the Italian authorities regarding the influx of new arrivals by sea. It also acknowledges the significant efforts made by the Italian authorities in carrying out rescue operations at sea and in providing shelter and support to the hundreds of thousands of refugees, asylum seekers and migrants currently present in Italy. The CPT's delegation was particularly impressed by the way in which the Italian authorities were handling the situation on a daily basis in the places visited. In this context, the CPT recalls the need for a co-ordinated European approach and support system to address the phenomenon of mass migratory arrivals.

No allegations or other indications of excessive use of force or other forms of physical ill-treatment were received at any of the hotspots visited. On the contrary, persons interviewed spoke positively of their treatment and the atmosphere at the hotspots was generally relaxed and calm. Living conditions were good at Pozzallo and Trapani hotspots, and acceptable for short stays at Lampedusa, and the quality of services provided to new arrivals was impressive. That said, the occupancy levels in all three hotspots regularly exceeded the official capacity. As a consequence, the "hotspots" could become severely congested. This was particularly the case at Lampedusa "hotspot". During the 120-day period between 1 February and 1 June 2017, the centre operated at more than double its 250-person capacity (based on the number of beds) during almost half of the time (i.e. 56 days), with a peak in April and early June, when over 1,000 new arrivals stayed for several days in the "hotspot". In the case of large-scale arrivals, additional mattresses would be placed on the floors throughout the establishment. These figures suggest that the current bed capacity is structurally too low and should be increased. The report makes specific recommendations to improve the material conditions at Lampedusa hotspot and the lack of activities there, contrasting with the situation found at the other two hotspots. In the light of its assessment of the living conditions, the CPT recommends that further efforts be made, in particular as regards Lampedusa hotspot, to ensure that foreign nationals only remain at the hotspots for the shortest possible period of time.

The CPT notes positively that the provision of health-care services at the three "hotspots" was very good. Health-care staff were sufficient in number, with additional medical staff being on standby, and a medical and/or nursing presence was guaranteed around the clock seven days a week. Further, the health-care facilities were well equipped.

Noting that several categories of foreign nationals may be prevented from leaving the hotspots, the CPT raises the issue of the legal basis for deprivation of liberty in these centres and related problems regarding the existence and operation of legal safeguards. It formulates several recommendations in this respect, including as regards judicial control over deprivation of liberty, the provision of information about rights and procedures and effective access to a lawyer as well as practical measures to reduce the risk of *refoulement*.

Finally, it was observed that unaccompanied minors on occasion remained at the hotspots for several weeks due to the lack of available capacity in dedicated shelters. The Italian authorities are encouraged to ensure that such transfers happen as soon as possible after their arrival at a hotspot. The CPT welcomes the recent adoption of a new multidisciplinary age assessment procedure and asks for confirmation that it is now being applied in all hotspots.

Closed removal centres (CPRs)

The CPT's delegation received hardly any allegations of deliberate physical ill-treatment at the three CPRs visited. However, inter-detainee violence and intimidation appeared to be an issue at CPR Caltanissetta, and occasionally at CPR Turin. In the CPT's view, tensions could be partly attributed to the lack of activities for detainees, but also to the very limited contact between staff and detainees in particular inside the detention areas. Custodial staff should be present in these areas and use all means at their disposal to prevent inter-detainee violence and intimidation, including by intervening when necessary. Material conditions were on the whole found to be acceptable in the centres visited, except at CPR Caltanissetta, where they were very poor (cramped and unhygienic conditions, with dirty mattresses and blankets, and sanitary annexes requiring urgent repairs). Further steps should be taken to improve them.

The CPT criticises the lack of activities at the three CPRs visited and recommends that a proper regime of activities be developed for all closed removal centres, including access to means of recreation, reading material and NGO-organised activities. A broader range of purposeful activities (vocational and work) should be developed for persons staying more than a few months.

The CPT's report is on the whole very positive about the health-care services provided at the three CPRs visited, but some recommendations are made in order to improve the recording of injuries and, at CPR Turin, to ensure the confidentiality of medical examinations. Comments and recommendations are made to strengthen the legal safeguards that serve to prevent ill-treatment, including on the setting-up of central incidents registers as well as effective complaints procedures at all CPRs in Italy.

Critical comments are made about the austere and carceral environment observed at Caltanissetta and Turin CPRs, marked by a strong emphasis on security. In the light of practices observed at these two CPRs regarding the segregation of detainees, the CPT recommends that clear rules be adopted to regulate the use of segregation units/cells in CPRs. Notwithstanding the more positive atmosphere at CPR Ponte Galeria, the excessive security restrictions which applied there (list of prohibited items) should be reviewed.

Holding facilities at Rome Fiumicino Airport

Material conditions at the airport facilities for holding foreign nationals who are refused entry were found to be suitable only for very short stays, as there was no access to natural light and fresh air, and no outdoor exercise area. Problems were also noted with the regular delivery of food to all persons kept in the holding area; a satisfactory solution should be put in place without delay.

I. INTRODUCTION

A. The visit, the report and follow-up

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Italy from 7 to 13 June 2017. The visit, which was aimed at examining the situation of foreign nationals deprived of their liberty, was one which appeared to the CPT “to be required in the circumstances” (see Article 7, paragraph 1, of the Convention).

2. The visit was carried out by the following members of the CPT:

- Jari Pirjola (Head of the delegation)
- Régis Bergonzi
- María José García-Galán San Miguel

They were supported by Jeroen Schokkenbroek, Executive Secretary of the CPT, and Sebastian Rietz of the Committee’s Secretariat, and assisted by Alan Mitchell, medical doctor, Dungavel House Immigration Removal Centre, United Kingdom, and Jean-Pierre Restellini, medical doctor and lawyer, former President of the National Commission for the prevention of torture, Switzerland (experts), as well as Maria Fitzgibbon, Antonella Luccarini, Salim Ghostine and Melpomeni Konstantinidi (interpreters).

3. The report on the visit was adopted by the CPT at its 94th meeting, held from 6 to 10 November 2017, and transmitted to the Italian authorities on 30 November 2017. The various recommendations, comments and requests for information made by the CPT are set out in bold type in the present report. The CPT requests the Italian authorities to provide, within three months, a response containing a full account of action taken by them to implement the Committee’s recommendations and replies to the comments and requests for information formulated in this report.

B. Context of the visit and establishments visited

4. Since 2014, the number of foreign nationals who came to Italy via the Central Mediterranean route has reached an unprecedented level, with a peak of more than 181,400 new arrivals in 2016.¹

¹ During the year, over 25,800 unaccompanied minors arrived by sea. 2016 also presented the year with the highest death toll ever recorded in the Mediterranean amounting to more than 5,000 refugees and migrants reported dead or missing at sea – 90% of whom travelled via the Central Mediterranean route to Italy. See UNHCR, [Desperate Journeys](#), February 2017.

The arrival in Italy of over 60,000 persons by sea in the first five months of 2017 (a 26% increase compared to the same period in 2016) demonstrated that the high influx of new arrivals presented a continuing challenge for the Italian authorities. The vast majority of persons crossed from Libya and most of them originated from sub-Saharan and northern African countries as well as from Bangladesh, with Nigeria (15% of arrivals) being the most common country of origin. Amongst these arrivals, there were some 8,300 unaccompanied minors.²

5. The Italian authorities reacted by maintaining and increasing their search and rescue capacities in co-operation with international and European Union partners and by establishing a National Plan for the reception of migrants and refugees. The Italian Roadmap³ provided a number of measures to manage the influx of foreign nationals, including the operationalisation of the so-called “hotspot” approach (see paragraph 11) and the strengthening of forced return procedures, notably through a reinforced focus on immigration detention. In February 2017, the Italian authorities introduced new legislation,⁴ which includes provisions to implement the measures provided in the Roadmap. The new legislation, for the first time, makes an explicit reference to the “hotspots” in Italian law and provides for an increase in the number of immigration detention centres.

6. The main purpose of the visit was to examine the situation of foreign nationals deprived of their liberty in the so-called “hotspots” and immigration detention centres in a context of large-scale arrivals. To this end, the CPT’s delegation visited the “hotspots” in Lampedusa, Pozzallo and in Trapani (Milo), as well as a mobile “hotspot” unit at Augusta port. Further, it was able to observe a disembarkation procedure at Trapani port. The delegation also visited the closed removal centres (*centri di permanenza per i rimpatri, CPR*) in Caltanissetta, Ponte Galeria (Rome) and Turin, as well as the holding facilities at Rome Fiumicino Airport.

7. Before setting out the delegation’s findings, the CPT would like to emphasise that it recognises the significant challenges faced by the Italian authorities in the context of the influx of new arrivals by sea. It also wishes to acknowledge the significant efforts made by the Italian authorities in carrying out rescue operations at sea and in providing shelter and support to the hundreds of thousands of refugees, asylum seekers and migrants currently present in Italy. The delegation was particularly impressed by the way in which the Italian authorities were handling the situation on a daily basis in the places visited. In this context, the CPT recalls that it has clearly stated the need for a co-ordinated European approach and support to address the phenomenon of mass migratory arrivals.

While the Committee’s overall assessment of the findings is largely positive as regards “hotspots”, it did note a number of specific issues that call for improvement, particularly with respect to closed removal centres.

² See UNHCR, [Italy Sea arrivals dashboard](#), May 2017. Arrivals peaked in the last week of June, shortly after the CPT’s visit, with more than 12,000 new arrivals registered; a total of 83,700 persons reached Italian shores between January and June 2017. See UNHCR, [Italy Sea arrivals dashboard](#), June 2017.

³ The [Italian Roadmap](#) is a non-legislative document, published by the Ministry of the Interior on 28 September 2015.

⁴ See Decree Law No. 13/2017, as converted with modifications into primary legislation by Law No. 46/2017.

C. Consultations held by the delegation and co-operation encountered

8. In the course of the visit, the CPT's delegation held consultations with Prefect Mario Morcone, Head of Cabinet of the Minister of the Interior, Prefect Carmine Valente, Deputy Head of Department for Civil Liberties and Immigration, and other senior officials from the Ministry of the Interior. It also met, *inter alia*, representatives of the law enforcement authorities (*Guardia di Finanza*, *Polizia di Stato*, Central Directorate of Immigration and Border Police), the Italian Coast Guard and the competent regional authorities.

Further, the delegation met Mauro Palma, Head of the Italian NPM (*Garante nazionale dei diritti delle persone detenute o private della liberta' personale*, hereafter: *Garante nazionale* or NPM) and his team. Discussions were also held with representatives of the United Nations High Commissioner for Refugees (UNHCR) Regional Representation for Southern Europe and with non-governmental organisations active in areas of concern to the CPT.

A list of national authorities and organisations met by the delegation is set out in the Appendix to this report.

9. Throughout the visit, the delegation received very good co-operation from both the national authorities and staff at the establishments visited. The delegation enjoyed rapid access to all the places it wished to visit (including those which had not been notified in advance), was provided with the information necessary for carrying out its task and was able to speak in private with persons deprived of their liberty.

D. Immediate observation under Article 8, paragraph 5, of the Convention

10. During the end-of-visit talks with the Italian authorities on 13 June 2017, the CPT's delegation outlined the main findings from the visit and, on that occasion, made an immediate observation under Article 8, paragraph 5, of the Convention.

The Italian authorities were requested to take immediate steps at CPR Caltanissetta to repair the sanitary annexes, to replace the mattresses and to ensure that the blankets are washed regularly.

By communication of 24 July 2017, the Italian authorities provided information in response to the immediate observation, and to other issues raised by the delegation at the end-of-visit talks. This information will be considered later in the report.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. “Hotspots”

1. Preliminary remarks

11. As part of the response to assist frontline member States that are facing disproportionate migratory pressures at the European Union’s external borders, European Union member states and institutions agreed in 2015 to implement the so-called “hotspot” approach to managing migration.⁵ The “hotspot” approach aims at swiftly identifying, registering and properly processing new arrivals in designated centres at key arrival points and, if possible, swiftly returning irregular migrants who are not allowed to stay in the country concerned. It is currently being implemented in Italy and Greece. At the time of the visit, four “hotspots” (Lampedusa, Pozzallo, Taranto and Trapani) were in operation, with a total official capacity of approximately 1,600 places.⁶ The Italian authorities plan to establish five additional “hotspots”, which should become operational in the near future.⁷

As the number of new arrivals has regularly exceeded the available capacity by many thousands, the Italian authorities have put in place mobile “hotspot” units within designated port areas throughout Sicily and Southern Italy for identification and assistance purposes. These units are temporary structures that can receive hundreds of migrants and refugees upon disembarkation and can be activated when required. Because of their temporary nature, identification procedures need to be carried out swiftly and foreign nationals are usually transferred within two or three days to regional first-line reception centres (so-called “hubs”) or to specialised shelters according to a nation-wide distribution plan developed by the Ministry of the Interior. The large majority (i.e. around 70%) of new arrivals in 2016 and 2017 transited via mobile “hotspot” units.

12. At the outset, the CPT notes that “hotspots”, in law, are not conceived as places of deprivation of liberty. Section 17 of Law-Decree No. 13/2017, converted into law by Law No. 46/2017, introduces a new Section 10-ter in Legislative Decree No. 286/1998 (Consolidated Immigration Act or *testo unico dell’immigrazione, TUI*), which provides for designated “crisis spots” (*punti di crisi*) to be established within first-line reception facilities for rescue and first aid purposes, where those newly arrived undergo pre-identification procedures and where they are provided with assistance and information. However, the new legislation does not provide a legal basis for deprivation of liberty in the “hotspots”.⁸ Nevertheless, the Italian NPM, in its thematic report of June 2017, observed that foreign nationals are deprived of their liberty in the “hotspots”; for this reason, it recommended that a legal framework be developed for holding persons there.⁹

⁵ See European Parliament, “On the frontline: the hotspot approach to managing migration”, [Study](#), 2016.

⁶ The maximum capacity is, however, currently reduced at Lampedusa “hotspot” (see paragraph 14).

⁷ They should be established in Messina and Palermo (Sicily) and in Corigliano Calabro, Crotona and Reggio Calabria (Calabria).

⁸ See *mutatis mutandis*, the judgment of the European Court of Human Rights (ECtHR) in the *Khlaifia* case, where the Court found that the deprivation of liberty of the Tunisian applicants without any clear and accessible basis did not satisfy the general principle of legal certainty. ECtHR, *Khlaifia and Others v. Italy*, Grand Chamber judgment of 15 December 2016, Application No. 16483/12.

⁹ See *Garante Nazionale*, [Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia](#), pp. 6-7.

Indeed, at all three “hotspots” visited, those who had newly arrived and who had not yet been identified and fingerprinted were not allowed to leave the establishment. Further, at Pozzallo “hotspot”, the delegation met a number of foreign nationals who were not allowed to leave for other reasons.¹⁰ In the light of the above, **the CPT invites the Italian authorities to clarify in law in which circumstances foreign nationals may be deprived of their liberty in the “hotspots”.**

13. The procedures applicable in the “hotspots” and in the mobile “hotspot” units in Italy are set out in a legally non-binding document, the so-called “Standard Operating Procedures” (SOP).¹¹ According to the SOP, a “hotspot” is a designated area usually close to a disembarkation site where new arrivals can be identified and accommodated. The new arrivals have to undergo compulsory medical screening and identification of vulnerability and are provided with information on the procedures and the possibility to apply for international protection and relocation. Police interviews (i.e. pre-identification) and formal identification and controls, including fingerprinting, are also carried out. The SOP also state that no one can leave the “hotspot” until identification procedures are completed. When leaving the “hotspot”, foreign nationals are channelled either into the asylum/relocation procedure (for those who have expressed their intention to apply for asylum or relocation), specific protection procedures (for vulnerable groups, such as unaccompanied minors or victims of trafficking) or forced return procedures (for those who have not expressed their intention to apply for asylum and who are not entitled to stay in Italy).

14. As regards the establishments visited, *Lampedusa “hotspot”* is situated within walking distance of the main city and port area on the premises of the former closed immigration detention centre on the small island of Lampedusa (20.2 km²), about nine hours by boat from Sicily. Accommodation within the “hotspot” consisted of two double-storey buildings (one for male adults and one for women and minors) with rooms of various sizes. A third building – damaged by fire in May 2016 – was out of use. Consequently, its operational capacity was reduced from 380 to 250 beds. That said, with about 1,000 additional mattresses and important stocks of food, the “hotspot” could receive a great number of rescued persons for short periods. At the time of the visit, there were 101 persons at the “hotspot”, including 28 adult men, two women and 71 unaccompanied minors (ten were as young as 14 years), most of whom had spent about two weeks at the place.¹² At the time of the visit, the “hotspot” was fenced and its entrance gate guarded (see also paragraph 24).

¹⁰ According to the information provided by the competent police authorities at the centre, the following categories of people could be prohibited from leaving the “hotspot”: all new arrivals who have not yet been identified and fingerprinted; administrative detainees against whom a refusal of entry (rejection) order or a forced return order has been issued (e.g. irregular migrants who have not manifested their intention to apply for asylum); criminal suspects who require further investigation by the judicial police (e.g. terrorist suspects or suspected smugglers); and criminal offenders (e.g. those who have re-entered Italy despite an entry ban). In addition, unaccompanied minors under the age of 14, foreign nationals who have been witnesses in smuggling cases and those who are about to be transferred to other facilities or structures have to remain inside the compound of the “hotspot”.

¹¹ The [SOP](#), issued by the Ministry of the Interior in March 2016, constitute an operational guide for activities organised within the “hotspots” and have been developed with the contribution of the European Commission and relevant European Union agencies and international organisations, pp. 7 ff.

¹² 91 unaccompanied minors had left the island by regular ferry boat transfer towards Sicily in the morning of the delegation’s visit.

Pozzallo “hotspot” is located in the former customs building of the port of Pozzallo, in the south of Sicily. Surrounded by a 3-meter-high fence, with a guarded entrance gate, the “hotspot” consisted of a massive concrete warehouse structure with large dormitory-type accommodation blocks, and additional containers. The “hotspot” had 144 beds for adult men and 36 for women. A newly created dormitory for unaccompanied minors with 54 beds was about to become operational, thus increasing the capacity to 234. The delegation was informed that this capacity could be further increased to some 300 places by placing additional mattresses on the ground. At the time of the visit, the “hotspot” was initially accommodating 174 men, 32 women, and 59 children including 46 unaccompanied minors (i.e. a total of 265 persons),¹³ most of whom had been there for the previous three days. Within hours of the delegation’s arrival, the majority of persons had been transferred, leaving 57 men, 12 women and two children at the “hotspot”. Guards received instructions not to allow 23 of them to leave the “hotspot”. **The CPT would like to be informed of the legal basis for holding these 23 persons at Pozzallo “hotspot”.**

Trapani “hotspot”, located on the outskirts of the city of Trapani (Milo), is surrounded by a tall brick-wall topped with a metal fence and guarded by the military. Until December 2015, the “hotspot” had been operating as a closed immigration detention centre. The “hotspot” consisted of six sections, which could be individually locked, each having several one-storey buildings with dormitories, and had an overall capacity of 400 beds. At the time of the visit, the “hotspot” was accommodating 26 men, eight women and six children (including one unaccompanied girl).¹⁴ Most of them had been there for five days and all were allowed to leave the centre.

15. The *mobile “hotspot” unit at Augusta port* consisted of two large Rubb Hall tents and three 12-bed tents located near the quayside and provided temporary camp beds for up to 600 people. The place was secured by a 3-meter-high fence. At the time of delegation’s visit, nobody was being held there. However, since 2015, a total of 49,000 new arrivals had transited via Augusta port and, for example, during the week prior to the delegation’s visit it was holding some 800 persons for a period of over a week. The material conditions were Spartan but acceptable for stays of a few days although there is a need to provide shower facilities as five washbasins with 10 taps is totally insufficient to meet the needs of the number of people who might be accommodated there.

The CPT recommends that the Italian authorities install the necessary infrastructure, and particularly showers at the mobile “hotspot” unit at Augusta port. In the meantime, the facility should only be used to accommodate new arrivals for very short periods of time (i.e. no more than two days).

The delegation was also able to observe for itself the arrival of a vessel involved in search and rescue at sea at Trapani port. The organisation of the *disembarkation procedure* and the level of coordination of the various actors and organisations involved were excellent. Following an initial medical screening by a doctor from the Ministry of Health and a summary security check upon board of the vessel, the 219 foreign nationals were allowed to individually disembark, whereupon they received food, water, shoes and information from the different State actors and international or non-governmental organisations present. Priority was given to medical cases, families and unaccompanied children, who received immediate attention.

¹³ An additional five persons were hospitalised.

¹⁴ An additional five persons had been transferred to the local hospital.

2. Ill-treatment

16. The CPT is pleased to note that its delegation heard no allegations – and found no other indications – of excessive use of force or other forms of physical ill-treatment of persons who were or had been *de facto* deprived of their liberty by law enforcement officials in any of the three “hotspots” visited. On the contrary, all persons interviewed by the delegation spoke positively of their treatment, and many stressed that they felt safe. The atmosphere in the establishments visited was generally relaxed and calm, particularly at Lampedusa and Pozzallo “hotspots”.

17. The CPT has noted that the use of force to ensure compliance with fingerprinting had been abandoned.¹⁵ The provision of information to new arrivals, including on the rationale of the measure of fingerprinting as well as the expectations of the European Union relocation programme, have led to an increased acceptance of the procedure and compliance with fingerprinting. Moreover, the new legislative provision that allows for transferring a foreign national to a CPR for having repeatedly refused to undergo the identification and fingerprinting procedure (see paragraph 42) also requires that the person shall be informed of the consequences of his/her refusal to cooperate.¹⁶

3. Living conditions

18. The general living conditions at Pozzallo and Trapani “hotspots” were good and at Lampedusa “hotspot” could be considered as acceptable for short stays. In all three “hotspots”, the atmosphere was relaxed and the quality of services provided to new arrivals, primarily by organisations such as the Italian Red Cross/ Misericordia (Lampedusa), Domus Caritatis (Pozzallo) and Badia Grande (Trapani), was impressive. Upon arrival, foreign nationals were provided with the basic necessities, including food, water, a bag with clean clothes and shoes, hygiene products and telephone cards. At both Lampedusa and Trapani “hotspots”, these basic items were only distributed once the identification and fingerprinting procedure had been conducted, while at Pozzallo “hotspot”, new arrivals were first provided with these items and given the possibility to wash and rest, prior to identification and fingerprinting. The latter approach represents good practice and should be followed where possible. Further, they received clean changeable sheets and clean blankets. At Pozzallo and Trapani “hotspots”, the social co-operatives also provided additional services, such as those of a barber’s service and a laundry to allow foreign nationals to wash their clothes.

¹⁵ Previously, the Ministry of the Interior Circular 400/A/2014/1.308 of 25 September 2014 and related provisions on photo-fingerprinting allowed for “proportionate” use of force.

¹⁶ See also the SOP, p. 15, which require that counselling be provided by Italian police officers and Frontex experts, supported by cultural mediators, who should attempt to understand the reasons for refusal.

19. That said, the occupancy at all three “hotspots” visited regularly exceeded the official capacity. As a consequence, the “hotspots” could become severely congested. This was particularly the case at *Lampedusa “hotspot”*. During the 120-day period between 1 February and 1 June 2017, the centre operated in excess of its 250-person capacity, which was based on the number of available beds, for more than 75% of the time (i.e. 93 days); during almost half of the time (i.e. 56 days), the occupancy was even more than double the bed capacity, with a peak in April and early June, when over 1,000 new arrivals stayed for several days in the “hotspot”. In the case of large-scale arrivals, additional mattresses would be placed on the floors throughout the establishment. Even if one accepts that overcrowding is hard to avoid in the days immediately following large-scale arrivals, these figures suggest that the current capacity is *structurally* too low and should be increased. Similarly, Pozzallo “hotspot” had been operating on 14 occasions in excess of its previous maximum capacity of 180 beds, with a peak in mid-April, when more than 500 persons arrived.

At Lampedusa “hotspot”, the two pavilions, which had been damaged by a fire more than one year previously, had still not been refurbished. The delegation was informed that a call for tender had yet to be launched.¹⁷ In the CPT’s opinion, a swift refurbishment of the damaged building would help to increase capacity and could even be an opportunity to create suitable accommodation for families in the centre.

Further measures could be taken to increase the bed capacity; for example, according to the director of the centre, the many bunk beds available were not in use due to security instructions issued by the Ministry of the Interior. The delegation was surprised by this explanation, since bunk beds were in use in the two other “hotspots” visited, apparently without raising any security issues. In the Committee’s view, the use of bunk beds would not only double the capacity of the “hotspot”, but also present a far better solution in terms of hygiene and security than placing mattresses on corridor floors, in the event of large-scale arrivals.

The CPT recommends that the Italian authorities increase structurally the bed capacity of Lampedusa “hotspot” in the light of the above remarks.

20. As regards the material conditions, the large number of persons transiting through the “hotspot” naturally leads to sustained wear and tear on the infrastructure, which requires on-going maintenance and refurbishing. At *Lampedusa “hotspot”*, the sanitary annexes in the two buildings required some repair and two out of three ovens in the kitchen area were out of order (the third working only at a much reduced capacity) – a situation that had a direct impact on the provision of food at the centre. **The CPT recommends that the necessary repairs be undertaken swiftly at Lampedusa “hotspot”.**

21. At *Trapani “hotspot”*, which had been gradually refurbished after its transformation into a “hotspot”, most of the sanitary annexes in the accommodation blocks of the two sections visited (sections B and E) were dilapidated. The delegation was informed that a tender for the refurbishment of the sanitary annexes in all six sections had just been confirmed, and was planned to take place later in 2017. There were also plans to replace all the window frames and install air-conditioning/heating. **The CPT would like to be informed about the refurbishment works carried out at Trapani “hotspot”.**

¹⁷ The delegation was informed that the Ministry of the Interior had ordered a preliminary study to assess the repairs that were necessary.

Further, the CPT considers that the light yellow metal fencing on top of the perimeter brick wall and of the six sections, as well as the high internal partition gates, were not necessary, given the nature of the centre. **The CPT invites the Italian authorities to remove the metal fencing on top of the accommodation blocks as a step towards reducing the carceral aspect of the centre.**

22. A major complaint by foreign nationals concerned the lack of activities on offer at Lampedusa “hotspot”. Indeed, no purposeful activities were proposed by the Italian authorities. Some activities might easily be offered, such as providing a television set, board games, books, or an Internet access point. Indeed, in the other two “hotspots” visited, a number of activities were in place (table tennis or table football, prayer rooms and children’s play facilities, and television sets). Further, Italian language classes were on offer at Pozzallo “hotspot”. It was also positive that foreign nationals, who had been identified and registered, were officially allowed to leave Pozzallo “hotspot” and, upon application, Trapani “hotspot” via an organised bus shuttle to the city centre.¹⁸

Moreover, at Lampedusa “hotspot”, there is a need to create an association/ dining room, as currently foreign nationals have no proper place to eat or associate indoors. One option would be to find an alternative place for food storage as this room was originally designed as a dining room.

The CPT recommends that the Italian authorities introduce a range of activities for foreign nationals at Lampedusa “hotspot” and provide for a common room, e.g. by looking for alternatives for food storage, and allowing foreign nationals to use the existing association/dining room.

23. According to the SOP, from the moment of entry, the period of stay in the “hotspots” should be “as short as possible”.¹⁹ While new arrivals were generally processed within a few days, the time of processing might be extended due to the large number of arrivals.²⁰ The delegation was informed by the competent authorities that the average length of stay was two to three days at Pozzallo “hotspot”, five to six days at Trapani “hotspot” and eight to ten days at Lampedusa “hotspot”; this period could increase to up to 15 days or even two months at Lampedusa “hotspot”, if the subsequent first-line reception facilities in Sicily were full. Similarly, unaccompanied minors might exceptionally remain for longer periods of time in the “hotspots” due to a lack of places available in dedicated shelters (see paragraph 40).

¹⁸ This bus shuttle service had been established by the Italian authorities in response to a recommendation of the Italian NPM following a visit to the centre. See *Garante nazionale, Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia*, p. 41.

¹⁹ See the SOP, p. 9.

²⁰ The delegation was informed that the identification and fingerprinting procedure would take some 15-20 minutes per migrant.

However, Ministry of the Interior data contained in the NPM's March 2017 annual report showed that, in fact, the actual time spent by foreign nationals in the "hotspots" was much longer.²¹ Further, at Lampedusa "hotspot", most of the persons accommodated at the centre had been present for almost two weeks at the time of the visit, and one person had remained at the centre for more than six weeks. In this respect the Committee notes the explanations provided by the Italian authorities that Lampedusa was a unique case in Italy, due to its insular situation and its distance from Sicily. The transfer of foreign nationals from this island to Sicily would take place by regular ferry transfer for groups of some 90 people at a time, which might be increased in the case of exceptionally high numbers arriving; it therefore largely depended on the meteorological conditions and the availability of boats for this purpose.

24. In the light of the issues raised in paragraphs 18-23, **the CPT recommends that the Italian authorities make further efforts, in particular as regards Lampedusa "hotspot", to ensure that foreign nationals only remain at the "hotspots" for the shortest possible period of time.** In respect of Lampedusa "hotspot", the CPT's appreciation of the living conditions would be different, if the authorities were to stop tolerating that foreign nationals leave the centre during the day.

4. Health-care services

25. The CPT is pleased to note that the provision of health-care services at the three "hotspots" was very good. Health-care staff were sufficient in number,²² with additional medical staff being on standby, and a medical and/or nursing presence was guaranteed around the clock seven days a week. Further, the centres had well-equipped health-care facilities and appropriate medication in stock.

26. Medical screening of new arrivals was adequate and involved three different health checks. First, a doctor from the Ministry of Health or from the Health Office for Maritime and Air Frontiers (USMAF) boards the vessel to assess whether, from a public health point of view, the ship should be permitted to dock and those thereon should be allowed to disembark. Thereafter, representatives from the provincial health authorities (ASP) undertake health checks on the quayside; those requiring immediate medical aid are assessed by the emergency service and transferred to hospital, if necessary.

A third thorough health check is carried out in the "hotspots" and includes a personal interview and physical examination in the presence of a cultural mediator to assist with translation when required. All new arrivals are systematically screened for tuberculosis and other infectious diseases, and transferred to the local hospital, if required.²³ Pregnancy tests were also offered. Victims of gender-based violence were referred to hospital for treatment and/or psycho-social assistance.

²¹ According to these statistics, the average length of stay of adults in Pozzallo "hotspot" was 2.5 days and amounted to 17.5 days for unaccompanied minors, that of adults at Trapani "hotspots" was 10 days and that of minors 13 days, and that of both adults and minors in Lampedusa "hotspot" was 15 days. See *Garante Nazionale, Relazione al Parlamento 2017*, p. 289.

²² For example, at Pozzallo "hotspot", five doctors were contracted to provide services, with one on duty for four hours in the morning and another for four hours in the afternoon. They were supported by two full-time nurses and another 23 nurses who were on a rota.

²³ Persons requiring hospitalisation for specialist treatment not available on the island of Lampedusa were transferred to Sicily by boat.

It is noteworthy that, both in Pozzallo and in Trapani “hotspots”, foreign nationals were only transferred to other first-line reception centres once a doctor had certified that they were medically fit. Thus, for example, the departure from Pozzallo “hotspot” had been deferred for a number of persons and members of their families who had had to wait for an urgent specialist outpatient appointment at the local hospital. Such an approach can be considered good practice, from the medical point of view.

27. Medical confidentiality was guaranteed in the three centres visited; foreign nationals were able to see the doctor or nurse in the respective health-care unit without the presence of police officers or other staff.

28. Victims of torture or other ill-treatment could be identified at all three stages of the medical screening process and would be referred to support services. The recording of injuries by health-care staff appeared to be accurate. The delegation met a number of foreign nationals who presented wounds from the ill-treatment they said they had been subjected to in Libyan camps. At the three “hotspots” visited, psychologists and social workers provided support for torture victims, victims of trafficking and other vulnerable groups of persons, including unaccompanied minors. It is also noteworthy that, at Pozzallo “hotspot”, some mental-health care was being provided by a psychiatrist from a non-governmental organisation, if required.

29. Those suspected of suffering from scabies, which was the most common contagious infection diagnosed on new arrivals having transited through Libya, are initially separated from the others and are usually transferred by way of a separate vehicle to the “hotspot” where they are treated. They could be put under quarantine, if required. That said, the delegation learned that, at the “hotspots” visited, only topical treatment was available (i.e. a cream to be applied to the skin). At Lampedusa “hotspot”, the delegation’s medical doctor examined a number of persons with widespread crusted scabies that could have benefitted from more appropriate treatment. Such treatment should include the option of oral anti-scabetic treatment.²⁴ **The CPT invites the Italian authorities to consider providing foreign nationals diagnosed as suffering from scabies with oral anti-scabetic treatment, as required, in all “hotspots”.**

30. At Lampedusa and Trapani “hotspots”, adequately maintained individual (computerised) medical files were opened for every newly arrived patient during the medical screening process. However, this was not the case at Pozzallo “hotspot”.²⁵ **The CPT recommends that the Italian authorities introduce individual medical files for each newly arrived person at Pozzallo “hotspot”.**

²⁴ E.g. Ivermectine (Stromectol).

²⁵ Only positive clinical findings were recorded and patients who needed medicines were provided with an individual medication sheet, which also contained some information as to the diagnosis.

5. Legal safeguards

31. As stated above (see paragraph 12), several categories of foreign nationals may be prevented from leaving the “hotspots”, without a clear legal basis. This situation raises several problems in terms of legal safeguards. According to the Italian NPM, foreign nationals may be deprived of their liberty in the “hotspots” without judicial control and without possibility of appeal, which creates a legal limbo.²⁶

The CPT notes that a stay in the “hotspots” was not formally regarded as deprivation of liberty by the Italian authorities and, therefore, no detention order was issued. Further, at Pozzallo “hotspot”, the delegation was told by the police authorities that they informed the relevant judicial authorities of the fact that a person was deprived of his/her liberty in the “hotspots” only in criminal cases. Consequently, migrants who did not manifest their intention to apply for asylum and against whom a refusal of entry (rejection) order or a removal order had been issued,²⁷ could remain in the “hotspots” for days or even weeks, and potentially until their forced return or transfer to a CPR, without any judicial control.²⁸

In particular, migrants originating from Tunisia and Egypt, but also from Morocco and Nigeria who indicated that they did not require international protection, could be swiftly returned to their countries of origin or transferred to a closed CPR.²⁹ According to the information provided to the delegation at Trapani “hotspot”, between December 2015 and early June 2017, 390 persons were directly returned to their country of origin, 235 transferred to a CPR and 881 persons issued an order to leave Italy voluntarily within seven days. It therefore appears that “hotspots” often hold irregular migrants pending their removal.

32. According to Italian law, individuals who are issued with a rejection or removal order have the right to appeal. However, the CPT’s delegation was informed that, for most irregular migrants in the “hotspots”, this possibility only existed in theory due to difficulties in accessing a lawyer. Further, some detained foreign nationals met by the delegation were unaware of their right of access to a lawyer and of their right to appeal.

33. As regards information on rights and procedures, the delegation noted a genuine effort by the management of the three centres visited and by the other organisations involved (including UNHCR, IOM, Save the Children and the European Asylum Support Office (EASO)) to inform new arrivals about the procedure in the “hotspots”, the possibility to ask for international protection, relocation within the European Union or voluntary return to their country of origin. They received both oral and written information as from the moment of their disembarkation at the port as well as upon arrival at the “hotspots”.

²⁶ See *Garante Nazionale*, [Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia](#), pp. 6-7.

²⁷ See Section 10, paragraphs 1 and 2, and Section 13, paragraph 2, of Legislative Decree No. 286/1998.

²⁸ If the foreign nationals could not be returned or be brought to a CPR, they received an order to voluntarily leave the country within seven days. See also the SOP, p. 8.

²⁹ Italy has concluded a number of bilateral readmission agreements, including with Egypt, Nigeria and Tunisia; it has also signed, but not ratified, such an agreement with Morocco.

That said, the documents provided contained complex legal information, which most persons were only able to understand when supplemented by substantial oral explanations. The limited number of legal officers did not allow adequate provision of information individually to all foreign nationals; legal officers usually addressed groups of 30 people and only met particularly vulnerable persons individually. Further, these information sessions only took place once the formal pre-identification interview with the immigration police had already been carried out, as provided for in the SOP.³⁰

Moreover, it appears that not all foreign nationals were able to understand the information provided; most were tired or confused after their exhausting journey. This was notably problematic in Lampedusa and Trapani “hotspots”, where these interviews were carried out shortly after arrival at the centres, before people had had the opportunity to wash and rest, or to receive care and assistance. In addition, many had poor language skills or spoke regional dialects, and a great number were illiterate. While cultural mediators were usually available for translation purposes, their number was insufficient in the event of large-scale arrivals, in particular for sub-Saharan languages. It is therefore no surprise that some foreign nationals interviewed by the delegation indicated that they had not received any information on their rights.

34. For instance, a number of persons who were not able to read or write indicated that they were insufficiently informed about the procedure but were required in the course of an interview with the immigration police, in the presence of a cultural mediator, to fill in and sign a document (*foglio notizie*), which included statements that impacted on the further process and could potentially lead to their removal from Italy. The document in question contained a section where the person was asked to indicate the reasons for his/her arrival in Italy, by ticking a box such as “work”, “asylum” and “other reasons”.

Several foreign nationals interviewed in the three centres told the delegation that they did not understand the procedural difference between economic and protection-related reasons for their migration and what that meant in terms of subsequent process. Further, foreign nationals were not provided with a copy of the document.

An examination of the documentation revealed a number of anomalies, for which the Lampedusa police authorities were unable to provide a satisfactory explanation. For instance, 14 *fogli notizie* of foreign nationals from two different countries all bore an identical signature by a single person and a dozen of these documents were not signed at all. Further, a great number of these documents were signed but did not contain any indication as to why the person concerned wanted to enter Italy.³¹

³⁰ See the SOP, pp. 7 ff.

³¹ In this respect, the Italian NPM also expressed strong reservations about the pre-identification procedure at Lampedusa “hotspot”, see *Garante nazionale, Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia*, pp. 6-7.

35. As regards the right to apply for asylum, the CPT notes that the large majority of new arrivals did manifest their intention to apply for asylum. Further, the delegation was informed that foreign nationals could express their intention to apply for asylum later at any moment, and potentially until the moment of their forced return.³² It is also noteworthy that, according to the SOP, “pre-identification activities, including assignment of nationality, are in no case appropriate for establishing the assignment to the individual of a definitive legal status and do not preclude the exercise of the right to seek international protection, even subsequent to this phase.”

That said, the above-mentioned deficiencies might impact on the ability of some foreign nationals to effectively make use of this right. For example, the delegation came across two women from Nigeria whose intention to apply for asylum had been recorded only on the day of the visit, some 14 days after their arrival at Lampedusa “hotspot”. This sits uncomfortably with the possibility of swift return procedures that Nigerian nationals could be subjected to and raises the question of effective protection against *refoulement*. In particular, foreign nationals in need of international protection could not officially lodge their asylum claims in the “hotspots” but could only manifest their intention to do so.³³ Further, foreign nationals did not receive any official document attesting that they had manifested their wish to lodge an application for international protection.

36. In the light of the deficiencies outlined in paragraphs 31-35, **the CPT recommends that the Italian authorities take action to remedy them, notably in order to reduce the risk of *refoulement* of foreign nationals with *prima facie* genuine protection needs. Foreign nationals should not be returned from the “hotspots” without judicial oversight. The Italian authorities should provide adequate judicial control of the legality of all cases of deprivation of liberty of foreign nationals in the “hotspots”, including by way of legislative amendments.**

In particular, the Committee recommends that the Italian authorities ensure that:

- **newly arrived foreign nationals are able to fully understand the information provided to them and the consequences of their declarations. To this end, the SOP should be amended to allow them to be informed of their rights prior to the pre-identification interview with immigration police authorities, and after having had the opportunity to wash and rest;**
- **all foreign nationals held with a view to their removal have an effective right of access to a lawyer as from the very outset of their deprivation of liberty (including through the provision of free legal aid) and an effective right to appeal;**
- **the above-mentioned anomalies concerning the *fogli notizie* are addressed;**
- **all foreign nationals be provided with a copy of the *foglio notizie* and, when they have manifested their intention to apply for asylum, an official attestation of that fact.**

³² This might however imply that their asylum request can be considered as an attempt to hinder their forced return and result in their deprivation of liberty for up to 12 months in a CPR.

³³ In these cases, a note is added to the electronic file of the person concerned.

6. Other issues

a. staff

37. The internal and external security of the “hotspots” was assured by officers from the State Police, the *Carabinieri*, and the Armed Forces; further, staff from the immigration police and the judicial police, with the assistance of staff from the European Union’s external border agency Frontex, were conducting the pre-identification and fingerprinting of foreign nationals. The provision of goods and services at the centres was under the responsibility of the social co-operatives and in addition to administrators, they engaged doctors and nurses, legal officers, psychologists, social assistants, cultural mediators and staff dealing with the daily needs of foreign nationals (e.g. cleaning staff or those responsible for the preparation and distribution of food).

In the three establishments visited, staffing levels were adequate and could be boosted by recourse to standby staff who could be activated, in the case of large-scale arrivals, depending on the requirements.³⁴

The staff whom the delegation met at the three “hotspots” carried out their difficult tasks professionally and appeared to be both dedicated and motivated. The atmosphere in the centres was generally relaxed and the foreign nationals interviewed by the delegation stated that they were grateful for the assistance provided by staff.

38. The delegation did observe that, in all three “hotspots”, officers from the State Police, *Carabinieri*, riot police squads (at Trapani “hotspot”) and Armed Forces openly carried truncheons, and, at Pozzallo “hotspot”, even firearms, including in accommodation areas. The CPT understands that such weapons form part of the standard equipment and that their use is governed by strict rules.

However, in its opinion, officers working in direct contact with foreign nationals inside the “hotspots” should not carry truncheons and firearms, as it unnecessarily impacts negatively on the overall relaxed atmosphere at the “hotspots”. **The CPT recommends that this precept be effectively adhered to in all “hotspots”.**

b. contacts with the outside world

39. Commendable efforts were made by the Italian authorities to facilitate the possibility of all new arrivals to contact their family. All foreign nationals received free-of-charge telephone cards upon their arrival at the “hotspots” and a sufficient number of pay phones were available. Further, dedicated spaces were organised at both Pozzallo and Trapani “hotspots” that allowed all persons to charge their mobile phones and have access to the Internet in order to contact their families, if they wished to do so. That said, such a dedicated space was not available at Lampedusa “hotspot”. **The CPT welcomes these initiatives and encourages the Italian authorities to introduce a dedicated mobile phone/ Internet space also at Lampedusa “hotspot”.**

³⁴ For example, at Lampedusa “hotspot”, for every 50 additional arrivals present at the “hotspot”, one standby staff member would be added.

c. unaccompanied minors

40. According to Legislative Decree No. 142/2015, unaccompanied or separated foreign minors cannot be detained or forcibly returned and are issued with a residence permit. Upon arrival in one of the “hotspots”, they are usually accommodated separately from the rest of the (male adult) population. They are transferred to dedicated open first-line reception facilities once they have been identified and fingerprinted, before being transferred to one of the more permanent second-line reception facilities, usually within 30 days.³⁵ Priority is given to young minors, i.e. under the age of 14, who were usually transferred swiftly. While a guardianship procedure is initiated for all unaccompanied minors, formal appointment did not occur immediately at the moment of vulnerability assessment in the “hotspots” but only after their transfer to first- or second-line reception facilities.

However, at Lampedusa “hotspot”, unaccompanied minors had occasionally remained for extended periods of stay of several weeks, due to the lack of capacity available in other shelters. **The CPT encourages the Italian authorities to ensure that unaccompanied minors are swiftly transferred to dedicated open shelter facilities and that a guardianship procedure is initiated as soon as possible after their arrival, as the support available for their specific needs is only limited in the “hotspots”.**

41. Moreover, the delegation noted that there was no standardised age assessment procedure in place for persons who claimed to be minors.³⁶ For instance, at Pozzallo “hotspot”, age assessment was determined by an x-ray examination of the wrist and jaw, while at Trapani “hotspot” a doctor carried out a psycho-social and physical examination to assess the person’s age.³⁷

By communication of 24 July, the Italian authorities informed the CPT that the recently adopted Law No. 47/2017 on “Measures in the field of protection of foreign unaccompanied minors” envisages, under its Section 5, a new identification and age assessment procedure for unaccompanied minors.³⁸ In future, the age assessment shall be conducted through a multidisciplinary process by qualified staff at a public health facility. In particular, it shall include a paediatric and dermatological visit and a psychological or neuropsychiatric evaluation, in the presence, if necessary, of a cultural mediator or an interpreter. As a consequence, invasive tests such as x-ray examination will be progressively reduced and only used in very specific circumstances. Further, the Ministry of Health has prepared a “Multidisciplinary protocol for age assessment of unaccompanied minors”, which aims at harmonising the age assessment procedure.

The CPT welcomes the recent legislative improvements and would like to receive confirmation that this new multidisciplinary age assessment procedure is now being applied in all Italian “hotspots”.

³⁵ There are currently some 2,500 places in permanent shelters throughout Italy. Some 19 additional structures with 950 places are currently being created for hosting unaccompanied minors. In addition, there are a large number of temporary reception facilities accommodating unaccompanied minors.

³⁶ According to the SOPs, in the case of doubt about the age of the person (over or under 18 years) and where further verification of age is not available, persons should still be regarded as minors.

³⁷ One of the doctors the delegation spoke with acknowledged the inaccuracy of such a procedure.

³⁸ See also the Prime Minister’s Decree No. 234/16 on “Regulations defining the mechanism for the determination of the age of unaccompanied children that are victims of trafficking”.

B. Closed removal centres (CPRs)

1. Preliminary remarks

42. The legal framework governing immigration detention pending removal in Italy has undergone several changes since the CPT's 2012 visit. Legislative Decree No. 286/1998 (Consolidated Immigration Act or *Testo unico dell'immigrazione, TUI*), as amended, remains the main law regulating immigration detention. In order to execute the return of an irregular migrant who has been issued with a refusal of entry (rejection) or removal order, he/she can be detained for the time strictly necessary by decision of the local head of the police (*questore*) in a closed removal centre (*centro di permanenza per i rimpatri, CPR*).³⁹

The most recent amendments, contained in Law-Decree No. 13/2017 (converted by Law No. 46/2017), provide for an expansion of the number of immigration detention centres to be set up across Italy and a change in their name to CPR.⁴⁰ The new provision also allows the *questore* to order, on a case-by-case basis, the detention of a foreign national in a CPR for up to 30 days for having repeatedly refused to undergo identification and digital fingerprinting in the "hotspots".⁴¹ These changes are principally aimed at reinforcing Italy's capacity to implement forced returns and were introduced against the background of European Union pressure on Italy to increase the effectiveness of returns.⁴²

Law No. 161/2014 has reduced the previous six-month time-limit (which could be extended to a maximum of 18 months) for pre-removal detention of irregular migrants to 30 days (which can be extended twice to a maximum of 90 days). Further, Law No. 161/2014 reduced the maximum time-limit for the detention of foreign nationals who have already served prison sentences of three months or more to 30 days, which may be extended for additional 15 days, if the identification of the person in question is hampered for "objective reasons", according to Law-Decree No. 13/2017 (converted by Law No. 46/2017).⁴³

According to Legislative Decree No. 142/2015, asylum seekers are in principle not subject to detention. That said, they can be exceptionally detained if, *inter alia*, the asylum-seeker lodges an asylum claim while being detained and there are reasonable grounds to believe that the application was made for the sole purpose of delaying or preventing the removal order, or that he/she is considered a threat to the security of the country or presents a risk of absconding. Asylum seekers can be detained in a CPR for a maximum period of 12 months.

³⁹ See Sections 10 (paragraphs 1 and 2), 13 (paragraph 2) and 14 of Legislative Decree No. 286/1998.

⁴⁰ See Section 19 of Law-Decree No. 13/2017 (converted by Law No. 46/2017). Before, CPR were named Identification and Expulsion Centres (*Centri di Identificazione ed Espulsione, CIE*).

⁴¹ Such refusal shall be considered as presenting a risk of absconding, and thus an administrative offence. It is to be noted that "repeated refusal" is a non-defined legal term, the interpretation of which is left to the discretion of the police.

⁴² The European Commission [Action Plan](#) on measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity (SEC(2017) 339) of 4 July 2017 recommends that Italy "should apply expedited return procedures", increase detention capacity to "at least 3,000 places", "prolong the current maximum duration of detention by making full use of the period allowed under EU legislation" and "use rapid [asylum] procedures, whereby the applicant [for international protection] is kept in closed centres". See also European Commission, Commission [Recommendation](#) on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council (European Union Returns Directive), C(2017) 1600 final, 7 March 2017.

⁴³ See Section 14, paragraph 5, of Legislative Decree No. 286/1998. Previously, the time-limit was 60 days.

43. At the time of the visit, four CPR were operational (Brindisi, Caltanissetta, Ponte Galeria (Rome) and Turin) with a total capacity of 359 places. The Italian authorities informed the delegation about plans to renovate and re-open former immigration detention facilities and open new facilities across the country in the near future; this would lead to a capacity of around 1,600 places. **The CPT would like to receive updated information about the plans (including the locations, capacity and timeline) for the (re-)opening of the additional CPR.**

44. In the course of the visit, the delegation visited the following establishments:

CPR Caltanissetta (Pian del Lago) is located in a fenced complex together with an open reception centre for asylum seekers on the outskirts of Caltanissetta. The centre is surrounded by a solid high metal grille on top of which was a tall curved metal plate to prevent escapes. It consists of three one-storey detention blocks with a total capacity of 96 beds, a canteen and a fenced section at the entrance gate. It also possesses a segregation container. At the time of the visit, 91 male migrants were held at the centre,⁴⁴ two-thirds of whom were from North African countries. 22 persons had lodged an asylum application. The average length of stay was two to three months. However, 11 persons had been detained for more than three months, including two for over seven months. The return rate of the centre was very high (over 80% for 2017).

CPR Ponte Galeria is situated on the outskirts of Rome, near Rome Fiumicino Airport and is surrounded by a high concrete wall and metal fencing; the different detention compounds within the women's section were each fenced by a high metal grille. The centre, with a capacity of 125 places for women and 125 for men currently only holds irregular migrant women, as the male section of the CPR had been destroyed by a fire in December 2015 and had not yet been reconstructed. At the time of the visit, 71 migrant women were detained at the CPR – about half of them came from Nigeria. A large majority (49 women) were asylum seekers. The average length of stay was two to three months and the longest stay was a woman who had been held there for over six months. The centre had a low return rate.

CPR Turin (Corso Brunelleschi), located in a residential area of Turin, is surrounded by a high brick wall. The centre is partitioned into six detention units of similar size, enclosed by a high metal grille, each composed of a one-storey building with dormitories and a communal dining facility. One of the six areas had been destroyed and is out of use. In addition, there is a central, fenced courtyard and another building called "*ospedaletto*" (the "small hospital"), which consists of eight segregation cells, each with a fenced yard, as well as a cell in the basement of the administrative building for persons who had committed a criminal offence in the centre. With a capacity of 151 places, the centre was accommodating a total of 129 persons at the time of the visit. The large majority were irregular migrants with a criminal record;⁴⁵ more than half of them were from North Africa. 25 persons had requested asylum. The average length of stay of those present at the time of the visit was some two to three months; the longest stay was seven months. The return rate is also high in this centre (around 70% for 2017).

⁴⁴ 11 detained persons had been transferred to the CPR from prison, six of whom had spent more than 30 days in the centre.

⁴⁵ 20 foreign nationals had previously been in prison, including a number of radicalised persons and terrorist suspects. In addition, 78 detained persons had a criminal record (*precedente penale*).

2. Ill-treatment

45. The CPT wishes to stress that the vast majority of detained persons in the three establishments visited stated that they had generally been treated correctly by custodial staff. The delegation received hardly any allegations of deliberate physical ill-treatment of foreign nationals by custodial staff.

That said, the delegation received an isolated allegation by a foreign national detained at CPR Turin who claimed that he had been subjected to physical ill-treatment by custodial staff at the segregation unit, some two weeks prior to the delegation's visit.⁴⁶ The delegation was however not in a position to verify this allegation, due to deficiencies observed by it in the documenting and reporting of medical evidence of ill-treatment (see paragraph 53) and the lack of both a central incidents register and an effective complaints procedure (see paragraph 59).

46. Moreover, inter-detainee violence and intimidation seemed to be an issue particularly at CPR Caltanissetta, and occasionally at CPR Turin. It appears that, at CPR Caltanissetta, police staff and the armed forces (who were responsible for patrolling the external perimeter), did not enter the detention areas, including in the event of inter-detainee violence.⁴⁷ Indeed, the delegation received several consistent allegations that, at CPR Caltanissetta, when a fight had broken out at night between several foreign nationals six days prior to the delegation's visit, staff did not enter the detention area until the fight was over. Thereafter, the police entered to evacuate two injured persons to hospital and to place another detainee in the segregation container. Further, another foreign national alleged that he had been physically and verbally assaulted by other detained persons, on several occasions, but that he did not receive any protection from staff, despite his complaints.

Similar allegations were also received at CPR Turin. The director of the establishment explained to the delegation that the internal regulations provide that custodial staff are only allowed to enter the detention areas if they are accompanied by a second colleague and that they often would not be in a position to enter the detention area. Whatever the reasons, it is not acceptable that staff do not intervene when necessary.

⁴⁶ According to the detainee's file, he had been brought to the segregation unit in a state of agitation in order to calm down, following his involvement in a protest, and remained there for about half an hour. In his medical file, the injury was described as a small abrasion to the head ("*una piccola escoriazione alla testa*").

⁴⁷ According to the competent authorities, only the director, cultural mediators, psychologists and social workers, and health-care staff enter the detention compound. Further, police officers only enter in the morning to escort foreign nationals who are due to be returned.

The duty of care which is owed by custodial staff to those in their charge includes the responsibility to protect them from other detainees who wish to cause them harm. Addressing the phenomenon of inter-detainee violence and intimidation requires of an establishment's staff that it be alert to signs of trouble and both resolved and properly trained to intervene when necessary. The existence of positive relations between staff and detainees, based on the notions of dynamic security and care, is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills. The management of the centre must act in a proactive manner to prevent violence by detainees against other detainees. In the CPT's view, tensions could also be attributed in part to the state of enforced idleness in which foreign nationals were left (see paragraph 50), but also to the fact that staff-detainee contacts, in particular in the detention areas, were very limited (see paragraph 61).

The CPT recommends that the management and staff of CPR Caltanissetta and CPR Turin exercise increased vigilance and make use of all the means at their disposal to prevent inter-detainee violence and intimidation.

Further, **custodial staff in both centres should be reminded about their responsibility to protect detained persons from other detainees who wish to cause them harm, including by intervening when necessary.**

3. Conditions of detention

47. Material conditions at *CPR Caltanissetta* were very poor. In the four-room pavilion and the two six-room buildings, six persons had to share a space of some 18m². Although access to natural light and ventilation was reasonable, the rooms were devoid of any equipment except for concrete plinths and were in a poor state of repair; the walls were covered in graffiti and there was rubbish on the floor despite regular cleaning. Further, in most rooms, doors were missing and were replaced by a makeshift partition of blankets. The blankets were dirty and there were no facilities to wash them. The foam mattresses, only covered by a thin disposable protector, were of poor quality, worn and dirty, and they were insufficient in number. According to the registers, the centre was occasionally operating slightly above its maximum capacity, obliging newly detained persons to sleep on the floor for several days, until the occupancy levels at the centre went down.

Moreover, the sanitary annexes were in a critical state of repair; in one of the blocks, pipes were leaking and the water drainage system of showers did not work adequately causing the floor of the bathrooms to flood. Further, a great number of taps, showers and toilets in the three blocks were broken or did not function properly,⁴⁸ and detained persons had to use plastic bottles to flush the toilets. Some foreign nationals who had requested asylum had spent more than four months in these conditions and one person had spent almost eight months at the centre. Therefore, the delegation made an immediate observation under Article 8, paragraph 5, of the Convention at the end of the visit, requesting the Italian authorities to take immediate steps at *CPR Caltanissetta* to repair the sanitary annexes, to replace the mattresses and to ensure that the blankets are washed regularly.

⁴⁸ In the first block, only three showers were working, of the seven toilets none flushed and two doors of the toilet cubicles were broken and one sink had been pulled off the wall. In the second block, three taps were not working, only three of the seven toilets flushed, several shower heads were lacking and in none of the showers did the water drain away. In the third block, only one toilet and two showers were working, with two leaking constantly, and only two of the eight taps were working.

By communication of 24 July 2017, the Italian authorities informed the CPT that bedding was periodically changed and that 50 new mattresses were being purchased. Further, the poor state of repair of the sanitary annexes is attributed to the frequent use of the facilities by detained persons and the damage caused by them in the course of protests, compelling the authorities to conduct frequent maintenance and replacement works. The CPT acknowledges the challenge in maintaining the facilities in a decent state of repair. Nevertheless, proactive measures aimed at providing detained persons with purposeful activities (see paragraph 50), for instance by participating in the cleaning, and acting to defuse tensions at an early stage (see paragraph 46) would be beneficial for the detainees, giving them a sense of responsibility for their conditions. Further, the possibility for detained persons to wash both their clothing and their blankets would have a positive effect on the hygiene in the centre.

In the light of the above remarks, **the CPT recommends that the Italian authorities take further steps to improve the material conditions at CPR Caltanissetta, including by urgently repairing the sanitary annexes, and, subsequently, to maintain them in an adequate state of repair. Detained persons should also be provided with clean mattresses, clean blankets and appropriate facilities to wash their clothes and blankets. The Committee would like to be informed about the measures taken in this regard.**

48. At *CPR Ponte Galeria*, the rooms in the different buildings of the women's section, which were equipped with four to six beds, were spacious and had sufficient access to natural and artificial light and ventilation. Material conditions, both in the rooms and in the sanitary annexes, were in an acceptable state of cleanliness. That said, walls required repainting and some shower heads were missing. Further, the delegation received several complaints about the presence of mosquitoes, which appeared to be an endemic problem as the centre was located in a swamp area; despite goodwill from the management, this problem could not be fully solved by a weekly disinfestation.

At *CPR Turin*, the rooms in the accommodation blocks and sanitary annexes were in an acceptable state of cleanliness and repair.⁴⁹

The CPT trusts that the Italian authorities will carry out regular maintenance works in all closed removal centres, and that the deficiencies found in CPR Ponte Galeria will be remedied.

49. It is positive that an open-door regime is being applied inside the detention compounds at both CPR Caltanissetta and CPR Ponte Galeria. At CPR Caltanissetta, detained persons had constant access to an outdoor yard, an association/ dining facility and a place of worship. The situation was similar at CPR Ponte Galeria, where the women could circulate freely between the different parts of the section, go outdoors and use the communal dining facility. The sports ground was accessible during specific hours.

That said, at CPR Turin, the movement of detainees was restricted to their respective sections, allowing them to have access to a courtyard and the dining facility, which was also used by the detained persons as a place of worship and for sleeping. The sports ground could be accessed daily during specific hours.

⁴⁹ One detention unit and three rooms of another section had been destroyed and closed.

50. Almost all detained persons interviewed in the three establishments visited complained about the lack of activities. Indeed, the centres offered hardly any organised or purposeful activities to detained persons, with the exception of weekly language classes. At CPR Caltanissetta, the only occupation apart from the outdoor yard was provided by two board games and a single television in the communal dining facility, which was frequently the source of conflict among detainees. Many of them told the delegation that they had stopped playing football to avoid creating unnecessary tensions. At CPR Ponte Galeria, apart from the regular presence of non-governmental organisations in the centre, activities were limited to watching television (two sets were available) and reading books. At CPR Turin, detained persons had no occupation apart from a few board games and books as well as playing football. The delegation was informed that two non-governmental organisations had made proposals to conduct certain activities there; a decision by the authorities was pending.

The CPT recommends that the Italian authorities develop a regime of activities for foreign nationals deprived of their liberty in all closed removal centres (CPR). This should include access to appropriate means of recreation (e.g. board games, table tennis, other sports, arts and crafts, etc.) and access to reading material in the most frequently spoken foreign languages, as well as allowing non-governmental organisations to organise activities. For persons staying for more than a few months, the authorities should develop a broader range of purposeful activities (vocational and work).

4. Health-care services

51. On the whole, the delegation gained a very positive impression of the medical facilities and the general health-care services provided to foreign nationals, including the range of medication available, in all three establishments visited.

52. At CPR Caltanissetta, the health-care staff comprised a total of eleven part-time doctors who were exclusively responsible for the provision of health-care services. Two doctors were present 24 hours a day. Further, there were also one full-time and one part-time psychologist and two full-time social workers.

At CPR Ponte Galeria, health-care services were provided by one doctor of the national sanitary service (ASN), who was present in the morning working six days a week and who was responsible for the medical screening, as well as by five doctors and five nurses of the social co-operative in charge. Health-care staff of the social co-operative ensured 24-hour cover seven days a week; there was a doctor and a nurse on duty at all times. The CPT also notes the presence of one psychologist and one social worker; a psychological assessment that was offered to detained women upon arrival.

At CPR Turin, health-care staff included the equivalent of five full-time doctors and five nurses, one doctor and one nurse being present during weekday working hours.⁵⁰ Nurses ensured 24-hour nursing cover, seven days a week. It is also noteworthy that a visiting psychiatrist was present for a half-day per week and personnel from the drug rehabilitation service regularly visited the centre.

⁵⁰ In addition, there was also one person in charge of administrative questions related to health-care services.

53. The CPT welcomes the fact that, in all three establishments visited, newly-arrived foreign nationals were usually subjected to comprehensive medical screening by a doctor or nurse within 24 hours. The medical screening included the person's medical history, questions about any transmissible diseases and a general physical examination, as well as screening for bodily injuries. Additional specialist examinations and treatment were usually carried out at the local hospitals, if required.

Further, personal medical files had been opened for every foreign national. That said, at Turin CPR, the delegation noted that the records of medical consultations were often rather cursory, lacking details, in particular when it came to the recording of injuries. For instance, the records mentioned neither the origin of the injury nor any statements made by the detained person in this connection. Further, there were no, or very few, observations made by the doctor as regards the consistency between the detained person's statement and the injuries observed. Moreover, there was no procedure in place to report allegations of ill-treatment and related injuries to the management and relevant authorities.

The CPT recommends that the Italian authorities take the necessary measures to ensure that, in all CPR in Italy, the record drawn up after a medical examination of a foreign national (whether newly-arrived or not) contains: i) a full account of objective medical findings based on a thorough examination (supported by a "body chart" for annotating traumatic injuries), ii) a full account of statements made by the person concerned which are relevant to the medical examination (including a description of his/her state of health and any allegations of ill-treatment), and iii) the doctor's observations in the light of i) and ii), indicating the consistency between any allegations made and the objective medical findings. In addition, the results of every examination, including the above-mentioned statements and the doctor's observations, should be made available to the foreign national and his/her lawyer.

Moreover, the authorities should ensure that whenever injuries are recorded which are consistent with allegations of ill-treatment made by the foreign national concerned (or which, even in the absence of an allegation, are clearly indicative of ill-treatment), the record is systematically brought to the attention of the competent prosecutor, regardless of the wishes of the person concerned.

54. In the three establishments, the confidentiality of medical data was generally respected. However, at CPR Turin, custodial staff were usually present inside the room during medical consultations. This practice should be ended immediately.

The CPT recommends that the Italian authorities ensure that, at CPR Turin, medical examinations are always conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of custodial staff.

5. Legal safeguards

55. The detention of foreign nationals in a CPR is ordered by the police authorities. It is subjected to an automatic court review within 48 hours and the judge⁵¹ must render a decision within the following 48 hours. Thereafter, the detention may be renewed twice for an additional 30 days, each time subject to an automatic court review.⁵² Overall, deadlines seemed to be respected in practice and foreign nationals appeared in person before the court, accompanied by a cultural mediator who assisted with translation.

That said, Section 10 of Law-Decree No. 13/2017 (converted by Law No. 46/2017) provides that the participation of the person concerned at the hearing before the court can, henceforth, be ensured by a remote audio-visual connection without the physical participation of the detainee. The provision also requires the presence of a police officer during the hearing at the place where the applicant is located. In terms of prevention of ill-treatment this appears problematic, as a personal hearing also provides an opportunity for the judge to observe the detainee directly. Further, conditions of confidentiality of the personal hearing are not respected. This is all the more important as there is no effective complaints system in place (see paragraph 59).

In the CPT's view, the Italian authorities need to put in place additional guarantees to ensure that the hearings are conducted in conditions that allow for confidentiality (i.e. without the presence of police officers or security staff) and that the lawyers (including *ex officio*) have been in direct contact with the persons concerned prior to the hearings. **The CPT would like to receive the comments of the Italian authorities on this point.**

56. It is also positive that, at the three establishments visited, foreign nationals were usually provided upon admission with an information sheet explaining the daily routine and their basic rights and obligations, including the right to appeal and the right to free legal assistance. This document was available in the most common languages and copies were also displayed in the canteen. Further, the legal advisors from the social co-operatives provided some basic legal information to detainees. That said, a number of foreign nationals met by the delegation were not aware of this information. **Efforts should be pursued to ensure that all foreign nationals understand the information about their situation and their rights.**

⁵¹ Justices of the peace (*giudici di pace*), who are honorary lay judges, have been tasked with the review of detention orders of irregular migrants (cf. Legislative Decree No. 241/2004), while ordinary judges (*tribunale in composizione monocratica*) in the recently established specialised sections are responsible for the review of detention orders of asylum seekers (cf. Legislative Decree No. 142/2015 and Law-Decree No. 13/2017 (converted by Law No. 46/2017)).

⁵² See Section 14 of Legislative Decree No. 286/1998.

57. The relevant legal provisions⁵³ guarantee the right of foreign nationals' access to a lawyer (either *ex officio* or of their own choice) and the right to be informed, in a language they understand, of the reasons for detention. In practice, access to a lawyer was granted in all three establishments visited. For example, at CPR Caltanissetta, a list of over 400 practising lawyers was accessible on the wall of the lawyers' consultation room, where detainees could usually meet privately with their lawyers. The main shortcoming remained the fact that *ex officio* lawyers were still only able to read the file and see their clients at the time of the hearing with the justice of the peace. **The CPT reiterates its recommendation that appropriate steps be taken to enable *ex officio* lawyers to consult the file and meet with their clients before the judicial hearing, if necessary with the aid of an interpreter.**

58. It appears that the procedures to inform detainees who are subject to removal proceedings and their lawyers of the planned removal operations, and particularly of the outcome of possible requests for the suspension of the execution of removal decisions, have improved since the Committee's December 2015 visit to Italy.⁵⁴ According to the competent authorities in two of the establishments visited, they now have a duty to inform the persons concerned about all judicial decisions that concern them. That said, the Committee understands that, following the recent amendment introduced by Law-Decree No. 13/2017 (converted by Law No. 46/2017), there is still no automatic suspensive effect of appeals introduced by rejected asylum seekers in detention, with the consequence that removal orders can be executed at any time. The amendment therefore does not seem to address the Committee's fundamental concerns for persons alleging a real risk of being subjected to torture or ill-treatment in this context. **The CPT wishes to receive clarification of the procedures and safeguards available to rejected asylum seekers in detention, which guarantee respect of the principle of non-refoulement.**

59. Moreover, none of the three establishments visited had a central incidents register. Security- or health-related incidents involving a detainee were usually recorded only in the individual administrative file of the person concerned.

Further, there was no procedure in place for detainees to make effective complaints, whether internally or to an independent outside body. Detainees were only able to complain informally to the director of the establishments visited or to staff of the social co-operatives managing the centre. In the CPT's view, effective complaints procedures are basic safeguards against ill-treatment. Detained persons should have avenues open to them, both internally and externally, and be entitled to confidential access to an appropriate complaints authority.

Therefore, cases such as the one mentioned above (see paragraph 45) were neither recorded in a central incidents register nor were they followed up by means of an effective complaints procedure.

The CPT recommends that these shortcomings be remedied in all CPR establishments in Italy.

⁵³ See sections 3 and 4 of the Implementing Regulations of Legislative Decree No. 286/1998 of 31 August 1999.

⁵⁴ See CPT/Inf (2016) 33, paragraph 18.

6. Other issues

a. staff

60. In the three establishments visited, staff consisted of security staff, composed of officers from the State Police, the *Carabinieri*, the *Guardia di Finanza*, and the Armed Forces, and of staff from the social co-operatives who were in charge of the daily operation of the centre (*Auxilium* in CPR Caltanissetta and *GEPSA/ Acuarinto consortium* in both CPR Ponte Galeria and CPR Turin). Staffing levels in the three centres were adequate; in addition to some 25 security staff, each centre had some 40 staff members (including administrators, health-care staff, psychologists, social workers, legal advisors and cultural mediators) and numerous service personnel.

The CPT acknowledges that staff working in closed removal centres have a particularly challenging task not least because of language barriers and the confluence of different cultures. The delegation noted that staff from the social co-operatives who were in principle in more direct contact with detained persons were ethnically diverse and there was a reasonable gender balance. In particular, cultural mediators had an important role to play, as they provided interpretation services and basic information. These are undoubtedly key factors in managing tensions in establishments of this type.

61. At CPR Ponte Galeria, the delegation observed positive and frequent interaction between staff and detained persons and many women interviewed stated that staff were friendly and treated them well. However, at CPR Turin, the delegation observed distant relations and a lack of contact between staff and detained persons. Many detainees complained that staff hardly ever entered the detention areas – this concurs with the impression obtained by the delegation on the spot. This was linked to the strict security provisions in the centre (see paragraph 62) and the physical layout of the detention centre.⁵⁵ For instance, the delegation was struck by the impersonal method for distributing daily allowance vouchers observed by the delegation (a staff member distributed them to the detainees through the fence of the different detention sections without leaving his van). The situation was similar at CPR Caltanissetta.

The Committee recalls that the existence of positive relations between staff and detainees, based on the notions of dynamic security and care, is a decisive factor to prevent inter-detainee violence and intimidation (see paragraph 46). Increased presence of staff other than the armed forces in the living units is necessary, in order to detect behaviour indicative of risk and to be able to intervene in time (in particular to identify and protect vulnerable detained persons), as well as to organise activities.

The CPT recommends that steps be taken to ensure an increased presence of staff in the detention areas in all closed removal centres, and particularly at CPR Turin, to compensate for its overall layout, and encourage greater interaction and communication between staff and detainees.

⁵⁵ In addition to the high metal grille surrounding the detention units, detained foreign nationals were guarded by military officers who stood literally in-between the detainees and staff from the social co-operative. Paradoxically, the military were physically closest to the detainees, although the former had no particular role in interacting with them.

b. security-related issues

62. The three establishments visited were all governed by strict security measures. In particular at CPR Caltanissetta and CPR Turin, foreign nationals were held in an austere and carceral environment, with a strong emphasis on security, including soldiers patrolling the perimeters of the detention areas (see also paragraph 44).⁵⁶ Many persons interviewed in both centres complained about the prison-like conditions.

In this respect, the CPT wishes to reiterate its position that care should be taken in the design and layout of immigration detention centres to avoid, as far as possible, any impression of a carceral environment. While the Committee acknowledges that security measures are necessary to ensure good order and the proper functioning of the establishments, they should not be predominant and overly restrictive. **The CPT invites the Italian authorities to reconsider their emphasis on security measures at CPR Caltanissetta and CPR Turin, in the light of the above remarks.**

63. At CPR Ponte Galeria, a number of security restrictions were in place, which were not applied at the other two centres visited. For instance, the list of prohibited objects established by the Police authorities included objects such as bags, sunglasses, receptacles of more than 500 ml and “various items that, for their consistency and texture, could be used as a blunt instrument or swallowed”. The delegation noted that security staff removed all caps from the bottles, including shampoo bottles, and did not allow women to keep fruits in the detention areas. In the CPT’s view, these restrictions appear clearly excessive or irrelevant from a security point of view, and increased the impression of a punitive environment for the women. **The CPT recommends that the Italian authorities review the security restrictions in place at CPR Ponte Galeria, including as regards the list of prohibited items.**

64. As was the case in 2012, the relevant legal framework does not contain any provision concerning the possible seclusion of a foreign national for disciplinary or security reasons.

At CPR Turin, there was a segregation unit (“*ospedaletto*”) of eight cells. The section was used for segregating detained persons for a variety of different reasons, including for disciplinary or security reasons, for protection or cooling-down purposes, and for medical reasons. The length of stay varied according to the different categories of detainees, ranging from a few hours (cooling-down) to several days (medical reasons) up to several months (protection). That said, the delegation was informed that the decision to place a certain person there was taken by the director of the establishment, on occasion upon recommendation of health-care staff, without any formal procedure and also for security reasons. While the majority of the eight persons in that section had been placed there at their own request, the authorities acknowledged that most of them were considered as being radicalised. Only some of them had initially been transferred there for medical reasons.

Material conditions in the individual or double-occupancy cells of the segregation unit, each of which gave access to a small fully fenced courtyard, were adequate in terms of living space, access to natural light and ventilation. However, the persons detained there, in addition to the lack of association, were not offered any activities at all. In this regard, **reference is made to the CPT’s recommendation contained in paragraph 50.**

⁵⁶ At CPR Caltanissetta, a riot police squad was also present at the entrance.

65. At CPR Caltanissetta, a container, which was located at a fenced segment at the entrance gate of the detention compound, was used for segregating persons from the rest of the population. In the container there was an 11m²-room with two mattresses on the floor and a table with chairs, as well as a sanitary annexe, all in a decent state of cleanliness. The delegation was informed that the container door was never locked and that the person concerned was still able to associate with the other detainees through the fence, while being physically separated.

Placement decisions were made without any formal procedure by the director of the establishment, who affirmed that the persons concerned usually only remained there for a few hours (i.e. “until they cooled off”). However, when looking into an individual file, where the measure and the related incident were recorded, the delegation found that a person concerned had been held in the container for four days, shortly before the delegation’s visit. This was confirmed by several foreign nationals interviewed who told the delegation that the container was used frequently.

66. The CPT is convinced that it is in the interest of both detained persons and staff working within CPR establishments that clear procedures, accompanied by appropriate safeguards, under which foreign nationals may be segregated from others for reasons of good order or security, be formally established and applied in practice; any grey areas entail the risk of an unofficial (and uncontrolled) system developing. In particular, those placed involuntarily for disciplinary or security reasons should be provided with a copy of the relevant decision, be informed of the reasons for the measure taken against him/her, and be given the opportunity to present his/her views on the matter prior to the measure being implemented. The person concerned should also be able to contest the measure to an outside authority. Further, segregation should be time-limited and a separate register should be established (setting out full information, such as date and time of entering and leaving, grounds for segregation, etc.). **The CPT recommends that the Italian authorities adopt clear rules to regulate the placement, duration, conditions and safeguards surrounding the use of segregation units or cells in CPR establishments, in the light of the above remarks.**

c. unaccompanied minors

67. At CPR Caltanissetta, the delegation met a foreign national who claimed that he was a minor. That said, the register held by the Italian authorities indicated that he was over 18 years of age. According to the person concerned, his *ex officio* lawyer had raised the issue with the judge; however, the judge did not take any action by way of ordering an assessment of his age.

Further the delegation was informed that, if a person claims to be a minor, age is determined by an x-ray examination of the person’s wrist.

The CPT recommends that police officers be reminded to accurately record the foreign nationals’ statement of their age. In case of uncertainty about whether a particular irregular migrant is a minor (i.e. under 18 years of age), the person in question should be treated as such until proven otherwise. The Italian authorities should also take the necessary follow-up action by way of ordering an age assessment.

Further, **the Committee would like to receive confirmation that the new multidisciplinary age assessment procedure (see paragraph 41) is also being applied in all CPR establishments.**

C. Holding facilities at Rome Fiumicino Airport

68. The holding facilities for foreign nationals who are refused entry are located in Terminal 3 of Rome Fiumicino Airport on two different levels, one on the arrivals level and one in the transit zone. They fall under the authority of the Italian Border Police.

At the time of the delegation's visit, 11 foreign nationals were being held in the facilities.

According to information provided by the Border Police, around 300 foreign nationals had transited through the holding facilities in the period 1 May – 7 June 2017 (the day of the visit). The great majority of them had stayed for one or two days, but it was not uncommon for foreign nationals to be held for three days (in 36 cases) or even four to five days (in 11 cases), with one exceptional stay of eight days (which was explained by the low frequency of return flights to the country in question – Uzbekistan).

69. As regards conditions of detention, the holding rooms were equipped with seats or benches and with access to adjacent sanitary facilities, all in an acceptable state of cleanliness. The rooms did not have proper beds but some stretchers/ lounge chairs had been placed in one of the rooms. Although there were vending machines with drinks and snacks, not all foreign nationals could use them with the means at their disposal.⁵⁷ Further, no activities or entertainment (such as reading material or a television) was offered to detained persons.

There was no natural light in the holding rooms, no outdoor exercise area at the holding facilities, and no access to fresh air. Clearly, these conditions of detention are only suitable for holding persons for a very short time. In this respect, **the CPT recommends that the Italian authorities ensure that any foreign national who is deprived of his/her liberty at Rome Fiumicino holding facilities in excess of 24 hours be transferred to a more suitable holding facility in the vicinity which offers access to natural light and outdoor exercise.**

70. In their communication of 24 July 2017, the Italian authorities referred to a plan to construct a new holding area, which will be located at the zone of International Arrivals of Terminal 3 of Fiumicino Airport; a project has been approved for this. **The CPT would like to receive more detailed information about this plan, including the design and layout of the facility and the timeline for its completion, and invites the authorities to take into account the comments in paragraph 69 regarding suitable detention conditions when designing the new facility.**

⁵⁷ For example, in one of the rooms, only cash (Euros) could be used, as credit card payment was out of order.

71. A recurrent complaint received by the delegation concerned the provision of food. For example, one foreign national who had been in the holding area for some 20 hours and another who had already spent 40 hours there alleged that they had not been provided with any food. The Border Police officer in charge explained that food supply at the holding facility is based on the rule that the responsible airline which had flown the foreign national to Italy has a duty to provide food vouchers to the person concerned until the time of their return flight. In exchange for the vouchers, food bags would be provided. While the delegation could not establish if persons had been deprived of food for longer periods,⁵⁸ it found that the present system of food provision did not function correctly – a point that was acknowledged by the authorities. Indeed, a solution would be that food vouchers be provided by the Rome Airport managing company, which would then seek reimbursement from the airlines concerned. Further, all food delivery should be recorded in the log book.

By communication of 24 July 2017, the Italian authorities confirmed that initiatives have been taken in cooperation with the national Body for Civil Aviation and with the Fiumicino Airport management company in order to improve food supply procedures at the holding facilities.

The CPT recommends that effective steps are taken without delay to ensure that meals are always provided three times a day –and at appropriate times which should be recorded- to all foreign nationals held at the facility; it requests confirmation that a satisfactory solution has been put in place.

⁵⁸ It was not possible for the delegation to verify the regularity of food delivery as delivery times were not recorded in the log book kept at the holding facility.

APPENDIX:

List of the national authorities and organisations met by the CPT's delegation

Ministry of the Interior

Mario Morcone	Prefect, Head of Cabinet of the Minister of the Interior
Carmine Valente	Prefect, Deputy Head of Department for Civil Liberties and Immigration, Ministry of the Interior
Luigia Contini	Vice Prefect, Central Directorate of Civil Services for Immigration and Asylum, Ministry of the Interior
Roberto Leone	Junior Vice Prefect, Manager Civil Rights, Citizenship and Immigration, Prefecture of Rome
Franca Arata Farris	Officer, Cabinet of the Department for Civil Liberties and Immigration, Ministry of the Interior

Ministry of Justice

Cinzia Giaccaia	Office for the Coordination of International Activities
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Polizia di Stato

Alfredo Cesarano	Central Directorate of Immigration and Border Police
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Guardia di Finanza

Luca Gelormino	Captain, Headquarters
Salvatore Tramis	Major, Headquarters

Guardia Costiera

Sandro Gallinelli	Captain, Headquarters
Alberto Meoli	Commandant, Headquarters

Esercito Italiano

Gerardo Baiano	Colonel, Commander of the Military Penitentiary Organisation, Headquarters
Nicola Cacciuolo	Lieutenant Colonel, Headquarters

Garante nazionale dei diritti delle persone detenute o private della libertà personale (NPM)

Mauro Palma President

Daniela de Robert Member

International and non-governmental organisations

United Nations High Commissioner for Refugees (UNHCR), Regional Representation for Southern Europe

Italian Refugee Council (CIR)