

## 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.