

### **Statement: Concern for migrants and refugees in Italy**

Churches in Europe are deeply concerned about serious violations of human rights and discrimination against migrants, refugees and asylum seekers in various countries of Europe, and particularly in Italy. On many occasions churches in Italy and Europe have denounced the deterioration of migrants' rights and their living conditions.

#### **Migrants in irregular situation**

Today in Italy the condition of an individual, the condition of the migrant in irregular situation, has become a crime. On 8<sup>th</sup> August 2009 a new security law came into force which among other issues introduces the "crime of illegal entry and stay". The person who does not have a stay permit is punished and not because he/she has committed a crime, the possible fine has been indicated as up to 10.000 EUR. The entire "security package" is of discriminatory nature: the family rights of migrants are restricted, the paths of integration are blocked, the use of detention centres and periods of detention are augmented. The reduction of migrants' rights, men and women kept in conditions of uncertainty, blackmail and exploitation, creates insecurity with serious repercussions on peaceful cohabitation in the Italian society.

#### **Access to protection for asylum seekers**

The criminalisation and mistreatment of migrants and asylum seekers has become an emergency also in the context of border controls. People who risk their lives and safety in order to cross international boundaries in search of a better life face one of the most serious human rights problems. Since beginning of May 2009, a new push-back policy was introduced in Italy and hundreds of people trying to reach Italy by sea have now been sent to other countries, mainly to Libya. On 7<sup>th</sup> May 227 people, including 40 women, three of whom were pregnant, on board of three boats were rescued in the Maltese SAR area by Italian motorboats and then taken immediately back to the Libyan authorities. Similar operations were carried out in the following days and still continue. Churches and NGOs are deeply concerned about the impact of this new policy, defined by the Italian Government as a "historical result", which puts at risk the right to seek asylum and undermines the international principle of non-refoulement. Migrants are abandoned and rejected without checking properly if they are fleeing from persecution and war and are in need of international protection. A significant number of migrants who cross by boat are indeed in need of protection. According to UNHCR in 2008, around 75% of those who have arrived in Italy by sea applied for asylum and 50% of them were granted some form of international protection. UNHCR has repeatedly expressed its serious concern to the Italian government about the events detailed above, considering that the operations enacted by the Italian government "*contravene the non-refoulement principle sanctioned by the 1951 Geneva Convention that is also applicable in international waters. This fundamental principle that does not have any geographical bounds is also contained in European legislation and in the Italian judicial system. Confirming that there are people requiring protection among those sent back to Libya, UNHCR reiterated its request to the government in order for it to readmit these people into its territory, stressing that, from the point of view of international law, Italy is responsible for the consequences of the refusal of entry*" (UNHCR – press release of 15 May 2009).

While over the past years, Italy had rescued thousands of people in distress in the Mediterranean Sea, providing assistance and protection to those in need, today none of the people transported to Libya was officially identified, nor was their nationality recorded, there were no checks as to whether they were minors, as to the state of pregnancy of the women, as to the migrants' health conditions, nor was there any control of possible requests for international protection. These push-

back actions are based on a treaty between Italy and Libya signed in late August 2008 and ratified in March 2009, which envisages bilateral co-operation in the field of immigration. The texts of the agreements have not even been published. Libya cannot be considered a “safe place”, as it has neither ratified the Geneva Convention on the status of refugees nor the main Conventions in the field of human rights. There are numerous international reports that allege serious human rights violations perpetrated against migrants.

### **Protection of minorities**

There has been extensive documentation of discrimination and degrading treatment of the Roma minority in Italy. Roma people are at present one of the main target of racism and discrimination, as shown by frequent incidents, fatal attacks and aggression against Roma. By a Resolution last year the European Parliament urged the Italian authorities to refrain from collecting fingerprints from Roma, including minors. Thomas Hammarberg, Human Rights Commissioner of the Council of Europe, has denounced discriminatory policies of the Italian Government and the violence of police against Roma.

Racism is increasingly justified in statements by the Italian authorities; an example of this is the recent call for a “white Christmas” by the mayor of Coccaglio in Northern Italy, campaigning for the deportation of irregular migrants. The security assessor Claudio Abiendi even stated „For me Christmas is not a festivity of hospitality but of Christian tradition, therefore our identity” .

**Taking note of the serious situation in Italy and the concrete risk of widespread violations of the fundamental rights of migrants and asylum seekers, Roma people, including minors and most vulnerable people, churches in Europe request the European Union Council, European Commission and European Parliament**

- **to conduct suitable missions in Italy and to acquire any information and documentation that may be useful for the purpose of investigating the respect or violation of fundamental human rights guaranteed by Community law and by the international Conventions that Italy has ratified**
- **to demand that Italy produce and explain the nature and contents of the agreements stipulated with Libya in the field of the control of irregular migrations by sea, in order to check whether they comply with Community and international law.**

**Churches in Europe particularly condemn the justification of racism with the Christmas tradition: The teaching of Jesus Christ is one of hospitality, of welcoming the stranger, of protecting the refugee, of visiting the prisoner, and feeding the hungry. Therefore, racism is a sin and there is no Christian justification for it.**

**Churches in Europe call on the Italian government, as well as other governments in Europe, to respect the fundamental rights of migrants in irregular situations. While we recognise that crossing border illegally is an offence, penalties need to be proportionate; asylum seekers and persons assisting them ought not to be criminalised. Each case needs to be examined on its own merits. Persons ought never to be sent back into a situation where they may be facing degrading treatment.**

**As Churches in Europe are preparing for a year of European Churches Responding Migration 2010, the Central Committee of CEC commends the Italian churches for their witness in the Italian society and assures them of their prayer and solidarity.**