

# THE CIE ARCHIPELAGO

**Inquiry into the Italian Centres for  
Identification and Expulsion**



***Summary***

**May 2013**

## The Authors

Alberto Barbieri, Cecilia Francini, Novella Mori, Mariarita Peca, Marie Aude Tavoso, Marco Zanchetta.

## The CIE Workgroup

Alberto Barbieri, Guido Benedetti, Raffaella De Felice, Francesca Fasciani, Cecilia Francini, Novella Mori, Alessandro Mereu, Mariarita Peca, Francesca Scarselli, Micol Stivala, Marie Aude Tavoso, Marco Zanchetta.

Cover photo: interior of the Bari CIE (*Medici per i Diritti Umani*)

Translation by Tommaso Laganà

A warm thank you to Open Society Foundations for believing in this project and supporting it, to Pietro Marcenaro for accepting the task of writing the preface to *The CIE Archipelago*, and to Guido Savio, Sergio Briguglio, Giulia Laganà, Costanza Hermanin, Miriam Anati, Giovanni Cecilian, Francesca De Masi, and Anna Lisi for their precious collaboration.

Thanks to the Press Office of the Polizia di Stato for the statistical data provided.

*Medici per i Diritti Umani* wishes to thank all those who have cooperated with the inquiry, providing information and eyewitness accounts, and especially those migrants encountered within the CIE who, by agreeing to give an account of their experience, contributed to a critical aspect of this report.

## Further Information:

Medici per i Diritti Umani onlus  
info@mediciperidirittiumani.org  
www.mediciperidirittiumani.org

*Medici per i Diritti Umani-MEDU (Doctors for Human Rights Italy) is a non-profit humanitarian organisation dedicated to international solidarity, independent of any political, labour union, religious or ethnic affiliation.*

*MEDU aims to:*

- *Bring humanitarian aid to the most vulnerable populations, in crisis situations both in Italy and abroad;*
- *Develop democratic and participatory spaces within civil society for the purposes of promoting the right to health and other basic human rights.*

*The actions of Medici per i Diritti Umani are based on the activism of civil society and on the professional and voluntary dedication of medical personnel, in addition to citizens and professionals from other disciplines.*

**This project was developed with the support of:**



## INDEX

• INTRODUCTION	3
• PART I. The CIE System: Brief Chronology	5
- Chronology Summary Page	7
• PART II. The CIE Inquiry	8
- Methodology	8
- Bari	9
- Bologna	10
- Caltanissetta	10
- Crotone (Capo Rizzuto Island)	11
- Gorizia (Gradisca d'Isonzo)	12
- Lamezia Terme	13
- Milan	14
- Modena	14
- Rome	15
- Turin	16
- Trapani Milo	17
- Summary Table of the Italian CIE	18
• PART III. Detention Centres for Migrants: A European Outlook	19
- Summary Table for European Countries	20
• PART IV. Closing Remarks	21
- Conclusions	21
- Summary Page of the Main Critical Issues	32
- The CIE Archipelago: Some recommendations from a human rights perspective	33

## INTRODUCTION

“What is important is something else, knowing what can be done (...)

We can, at best, persuade.

From the moment we persuade, we win,

That is, we establish a situation of change which is difficult to counter.”

Franco Basaglia<sup>1</sup>, *Brasilian Conferences*<sup>2</sup>

Can irregular immigration be considered a humanitarian issue and not a criminal problem, as President Lula solemnly declared in 2009 while promulgating the law for the regularisation of immigrants in Brazil? Why should an organization whose purpose is to offer medical assistance in situations of crisis and uncertainty undertake an inquiry into the Centres for Identification and Expulsion (CIE) for irregular migrants? *Medici per i Diritti Umani*-MEDU (Doctors for Human Rights Italy) has dealt with centres for the administrative detention of migrants since 2004. As an independent humanitarian organization, MEDU aims at the safeguard of the health of those who are most vulnerable, as well as their access to healthcare and basic human rights. In the belief that in order to achieve these objectives, in addition to providing care it is necessary to inform the court of public opinion in the most objective way possible, *Medici per i Diritti Umani* has always believed that a coherent and rigorous evidence-gathering action has always been a crucial aspect of its mission. Indeed, from their very inauguration in 1998, the Centres for Temporary Stay and Assistance (*Centri di Permanenza Temporanea e Assistenza - CPTAs*) later renamed Centres for Identification and Expulsion, have been at the heart of a strong public debate which has questioned not only their legitimacy, but their compatibility with the basic tenets of human rights protection which should be adhered to by any constitutional state. After all, the basic characteristics of these centres – among which their endemic inaccessibility to independent monitoring bodies and those concerned with freedom of information – have from the very beginning provoked reasonable fears regarding the safeguarding of the dignity and basic human rights of the migrant detainees. In answer to the numerous concerns raised, we are confronted by an outlook which, though it admits the necessity of improving life conditions in the CIEs, sees the administrative detention of aliens as an essential tool in the struggle against irregular immigration.

Thus, in accordance with its mandate, as of 2004 *Medici per i Diritti Umani* has launched an Observatory on social and medical aid for the migrant population detained in the CPTAs/CIEs. Over the years, MEDU medical staff and volunteers have obtained access to some centres, but monitoring activity was undertaken intermittently due to frequent denials from the local Prefectures (*Prefetture*<sup>3</sup>) to visiting requests put forth by MEDU. The Observatory has dealt primarily with the Centre for Identification and Expulsion of Ponte Galeria, Rome – the largest in the country – on which four reports were prepared in 2005<sup>4</sup>, 2009<sup>5</sup>, 2010<sup>6</sup> and 2012<sup>7</sup>. Additionally, a report was prepared on the Turin Centre (2006)<sup>8</sup> in addition to two analytical documents on the national data available regarding CIEs (2012<sup>9</sup> and 2013<sup>10</sup>). However, *The CIE Archipelago*'s data was not

<sup>1</sup> Franco Basaglia, Italian psychiatrist, inspired and promoted the psychiatric reform in Italy in 1978 (Law 180), which abolished mental hospitals.

<sup>2</sup> Franco Basaglia, *Conferenze brasiliane*, Raffaello Cortina Editore, 2000, p.57.

<sup>3</sup> In Italy a *Prefettura* is the office of *Prefetto*. He is the representative of the Government in each territorial unit (*Provincia*).

<sup>4</sup> *Medici per i Diritti Umani, Rapporto sull'assistenza sanitaria nel centro di permanenza temporanea ed assistenza di Ponte Galeria-Roma*, October 2005.

<sup>5</sup> *Medici per i Diritti Umani, CIE: un nuovo nome per la stessa istituzione totale*, April 2009.

<sup>6</sup> *Medici per i Diritti Umani, Una storia sbagliata. Rapporto sul centro di identificazione ed espulsione di Ponte Galeria*, November 2010.

<sup>7</sup> *Medici per i Diritti Umani, Le sbarre più alte. Rapporto sul centro di identificazione ed espulsione di Ponte Galeria a Roma*, May 2012.

<sup>8</sup> *Medici per i Diritti Umani, Rapporto sul centro di permanenza temporaneo "Brunelleschi"*, June 2006.

<sup>9</sup> *Medici per i Diritti Umani, L'iniquo ingranaggio dei CIE*, July 2012.

<sup>10</sup> *Medici per i Diritti Umani, Centri di identificazione ed espulsione : i dati nazionali del 2012*, January 2013.

sourced exclusively from visits undertaken to the centres. Over the past few years, MEDU operators tasked with carrying out healthcare aid to homeless persons have collated numerous eyewitness accounts from foreign patients who spent time in the centres. The Observatory has therefore followed up on the actions undertaken by MEDU on Italian soil, to the benefit of those migrants who found themselves in the most vulnerable situations. From 2012, MEDU has also adhered to the *LasciateCIEntrare* (“Let us In”) campaign promoted by journalists, concerned citizens and other organisations with the purpose of asserting the right to know (and inform the public of) the living conditions of thousands of migrants currently detained in the CIEs.

Being aware that the problem of administrative detention goes well beyond humanitarian matters (to ensure more decorous living conditions for inmates) and that it concerns the protection of the basic beliefs which form a civic society, in 2012 *Medici per i Diritti Umani* decided to undertake an in-depth inquiry into all Italian Centres for Identification and Expulsion. This investigation, undertaken over the course of a year (February 2012 – February 2013), consisted of fourteen visits to the eleven CIEs then operating on Italian soil. The MEDU workgroup was determined to enhance our understanding of the M.O. of healthcare services throughout the various centres, to assess the health conditions of the migrant detainees and to monitor compliance with the right to health and other basic human rights throughout the various CIEs. In order to undertake an adequate analysis of these issues, which are directly connected to MEDU’s areas of interest, it has been necessary to acquire a more complete picture of the entire system, providing in-depth examination of equally important issues such as the efficiency and effectiveness of these facilities in the struggle against irregular immigration.

This report (of which the document you are reading is a summary) does not only collate the results of a year’s worth of work but draws upon the experience accumulated by the Observatory over the course of the preceding years. Part I summarises the history of the administrative detention of aliens in Italy, highlighting its most important changes. Part II details, on the basis of eyewitness accounts and data collated during MEDU’s visits, the features of the individual CIEs. The report then continues with chapters dedicated to administrative detention in other European countries currently dealing with a strong migratory pressure, in order to draw useful parallels with immigration politics and the practices used to tackle irregular immigration in other parts of Europe. Finally, three clinical cases followed personally by MEDU operators in the CIEs are presented before the conclusions are addressed. These three stories are particularly significant, as they summarise some of the critical healthcare issues in the CIEs which repeatedly came to light during the course of the investigation.

In conclusion, the closing remarks of this report, through an objective analysis of the evidence, attempt to offer exhaustive answers and possible solutions to the three essential questions which the workgroup has posed itself since the very beginning of the inquiry. Do the centres for identification and Expulsion guarantee respect for the dignity and basic human rights of the migrant detainees? Fifteen years from the creation of said centres, what is the true value of administrative detention in the struggle against irregular immigration? Do other less harsh tools to counter this phenomenon exist?

## THE CIE SYSTEM: BRIEF CHRONOLOGY

In the Italian legal system, the concept of Centres for the Identification and Expulsion of irregular immigrants dates to the second half of the 90s, and comes late to the table compared to what occurs concurrently in other European countries. Similar kind of centres designed to temporarily accommodate aliens awaiting expulsion had already been established by legislation throughout the European Union (specifically in France, Belgium, Spain, the United Kingdom and Germany). Nonetheless, this innovation, now normalized over the course of fifteen years, has been considered a genuine juridical and administrative irregularity by large portions of civil society and the judiciary, who have raised concerns over the years regarding the grave inadequacies displayed by the centres in protecting basic human rights and dignity.

Established by the *Turco-Napolitano Law* (L. 40/1998)<sup>11</sup> formalized in article 14 of the Unified Act on Immigration (TU 286/1998)<sup>12</sup>, and then revised in article 13 of the *Bossi-Fini Law* (L.189/2002)<sup>13</sup>, the Centres for Identification and Expulsion (CIEs) previously known as Centres for Temporary Stay and Assistance (*Centri di Permanenza Temporanea e Assistenza – CPTAs or CPTs*)<sup>14</sup>, are distinct from facilities designed to house and detain immigrants<sup>15</sup> due to their purpose, having been created to detain aliens with no permit to stay who are awaiting expulsion (where said action cannot be immediately undertaken). Detention in a CIE, while not classifiable as confinement in compliance with an incarceration sentence, nonetheless affects personal liberty, protected by Article 13 of the Italian Constitution as a basic human right which is extended to foreign nationals currently present upon Italian soil – regardless of regular or irregular status<sup>16</sup>. Because of this, the restriction of personal liberty must be sanctioned by the judicial authorities<sup>17</sup> in line with the guidelines established for incarceration and arrest.

In 2007, the De Mistura Commission for the supervision and future outlook of the centres<sup>18</sup> the brainchild of then Minister of the Interior Amato, highlights the administrative detention system's lack of effectiveness, which "does not answer the complex problems presented by the phenomenon" of migration and which causes detainees severe discomfort and the state exceedingly high costs<sup>19</sup>. In its closing statement, the Commission lays down several proposals designed to supersede the CPTAs "through a process of evacuation of all those categories of persons for whom there is no requirement to continue detention"<sup>20</sup>. However, the proposals of the De Mistura Commission do not lead to reform and in August 2008 the Berlusconi government extends the maximum term of detention for aliens held in a CIE from 60 to 180 days. This action causes censure from the judiciary as, by triplicating the maximum term of custody, the ruling effectively distorts the original purpose of detention– kept within the shortest terms possible and finalized towards carrying out

<sup>11</sup> Law dated 6 March 1998, no. 40.

<sup>12</sup> "Where it is not possible to carry out expulsion immediately by escorting the alien to the border, or refusal of entry, because aid must be offered, or additional checks regarding said alien's identity or nationality, or the acquisition of the necessary travel documents, or due to the unavailability of a carrier or suitable method of transportation, the Police Commissioner orders that the alien may be detained for whatever amount of time is strictly necessary at the closest Centre for Temporary Stay and Assistance, as laid out by decree of the Home office, in concert with the Ministers of Social Solidarity and the Treasury" Art.14, comma 1, TU 286/1998.

<sup>13</sup> Law dated 30 July 2002, no. 189 bearing modifications to the Unified Decree on Immigration.

<sup>14</sup> This new classification appears in the Legislative Decree no. 92 of 23 May 2008.

<sup>15</sup> Reception Centres (*Centri di Accoglienza - CDAs*), First Aid and Reception Centres (*Centri di Primo Soccorso e Accoglienza - CPSAs*), Reception Centres for Asylum Seekers (*Centri di Accoglienza per Richiedenti Asilo - CARAs*).

<sup>16</sup> Art. 2, comma 1, TU 286/1998.

<sup>17</sup> Legislative Decree 241/2004 transfers detention confirmation to a Justice of the Peace, removing all work from the professional judges.

<sup>18</sup> The commission, overseen by Ambassador Staffan De Mistura and composed of ministerial officials and members of civil society and other organisations, was instituted with the purpose of carrying out a comprehensive inquiry into the CPTAs and elaborating new strategies for their management.

<sup>19</sup> *Rapporto della Commissione per le verifiche e le strategie dei Centri per gli immigrati*, 2007, p. 24.

<sup>20</sup> *Ibid.*, p. 25.

expulsion – to “reduce it to a mere sanction” through the removal of personal liberty, which may be considered to be unconstitutional<sup>21</sup>. As established by Legislative Decree no. 89 of June 23 2011, converted into Law no. 129/2011, the maximum period of detention is increased to a total of 18 months.

The Legislative Decree which triplicates the maximum period of detention within a CIE follows the guidelines of European Directive 2008/115/CE (the so-called *Repatriation Directive*)<sup>22</sup> despite the fact that a recent report<sup>23</sup> from the Senate Human Rights Committee highlights the final nature of administrative detention: “Indeed, only in specific cases, and when less coercive measures are deemed insufficient, member states may detain a citizen from a third party state who is subject to repatriation procedures. Said detention is laid down in writing by the administrative or judiciary authority and must be regularly subject to re-examination. Said detention must have the shortest possible duration and must not exceed six months. Additionally, it must be stressed that only in particular circumstances, when the expulsion of a citizen of a third party country runs the risk of exceeding the established period, member states may prolong detention for a period not to exceed a further 12 months”<sup>24</sup>. However, the Italian law which echoes the *Repatriation Directive* aggravates these measures. Despite the fact that voluntary repatriation as a form of priority expulsion for irregular immigrants is formally introduced, in addition to several alternative measures to detention within a CIE designed to limit personal freedom, the law essentially takes advantage of all latitude provided by the Directive in order to limit the favourable treatment of irregular aliens as much as possible<sup>25</sup>.

In April of 2011, the Minister of the Interior Maroni publishes a circular which forbids access to CIEs and Reception Centres for Asylum Seekers (CARAs) to members of the press, non-government organisations (with the exception of some, named in the circular) and members of civil society. This measure is justified by the need to “not hinder the activities” necessary to deal with the “massive influx of immigrants hailing from North Africa”<sup>26</sup> and provokes a powerful backlash from NGOs and members of the press who demand the right to be informed (and to inform the public of) the conditions of thousands of people detained in the immigration centres<sup>27</sup>. This is due to the fact that the extension to 18 months of the maximum period of detention and the new ban on access by members of civil society increase the public’s fears regarding the inadequacy of the administrative detention system in guaranteeing basic human rights to detainees. In December of the same year, the circular is revoked by the new Minister of the Interior Anna Maria Cancellieri, owing to, as stated in the Ministerial Directive, “a significant decrease in influx from north Africa” and the activation of “the overall reception system”<sup>28</sup>.

---

<sup>21</sup> “Not only is an extension granted or denied without consultation between the parties involved, but the judge is not even granted the right to regulate the length of the extended detention (...) *It thus appears evident* that this is in contrast with two constitutional parameters: the right to defence and the need for jurisdiction with reference to personal liberty, which were already considered when detention was allowed within a maximum limit of thirty days, extendable to a further thirty, but which now emerge powerfully due to the triplication of the length of detention within a CIE and the generic nature of the prerequisites which legitimize said extensions” in: G. Savio, *La disciplina dell’espulsione e del trattenimento nei CIE. La condizione giuridica dello straniero dopo le recenti riforme della normativa in materia di immigrazione*, Seminar ASGI-MD, September 2009.

<sup>22</sup> Directive 2008/115/CE of the European Parliament and Council of 16 December 2008 decreeing common rules and procedures applicable in member states relating to the repatriation of citizens of third party states whose presence on member state soil is irregular.

<sup>23</sup> Special Senate Commission for the safeguarding and the promotion of human rights, *Rapporto sullo stato dei diritti umani negli istituti penitenziari e nei centri di accoglienza e trattenimento per migranti in Italia*, February 2012.

<sup>24</sup> *Ibid.*

<sup>25</sup> G. Campesi, *La detenzione degli stranieri in Italia: storia, diritto, politica*, cit., p. 22.

<sup>26</sup> Circular no. 1305 of the Ministry of the Interior, April 2011.

<sup>27</sup> LasciateCIEntrare Campaign (<http://www.openaccessnow.eu/it/>).

<sup>28</sup> Directive no. 11050 of the Ministry of the Interior, December 2011.

## Chronology Summary Page

**Martelli Law/1990.** Simplifies the expulsion mechanism (via escort to the border) transferring the task of signing the expulsion orders from the Ministry of the Interior to the Prefects and thus rendering them more easily executable. Expulsion via escort may be undertaken only in the event of non-compliance with the *foglio di via* (expulsion order).

**Law Decree no. 489/1995 (Dini Decree).** The first measure which limits the personal freedom of the alien awaiting expulsion, by introducing a residency requirement.

**Law no. 463/1995 (Puglia Law).** Establishes the first centres for the detention of irregular immigrants, “for the purposes of providing reception while awaiting identification or expulsion”. The first centres are opened in Brindisi, Lecce and Otranto.

**Consolidation Act on Immigration 286/1998 (Turco-Napolitano).** Introduces the detention of aliens, detaining them for a “strictly necessary” period of time (which is not to exceed a maximum of 20 days, extendable by a further 10) in a temporary stay centre when expulsion cannot be undertaken immediately via escort to (or rejection at) the border. CPTAs (Centres for Temporary Stay and Assistance) are established.

**Directive of the Ministry of Internal Affairs, dated August 30<sup>th</sup>, 2000 (Bianco Directive).** Establishes a collection of national guidelines for the management of the CPTAs, illustrating their function and the services they must offer, and introduces the “Charter of Rights and Duties” for detained aliens. A copy of the two documents must be delivered, in a language which the detainees can understand, at the moment of their admittance into the centre.

**Decree of the Constitutional Court no. 105/2001.** States that the escorting of an alien to the border by public security forces, and their detainment within a CTSA, breach personal freedom and therefore said alien benefits from the protection established in Article 13 of the Italian Constitution.

**Law no. 189/2002 (Bossi-Fini).** Makes forced escort to the border by public security forces a requirement, and makes the CPTAs instrumental in executing expulsion procedures. Prolongs the maximum detainment period from 30 to 60 days and introduces the crime of non-compliance to an expulsion order, punishable with a sentence of 6 to 12 months’ imprisonment.

**Law no. 271/2004.** Increases the punishment for non-compliance with an expulsion order from one to four years’ imprisonment.

**Legislative Decree no. 92/2008.** Changes the designation of Centres for Temporary Stay and Assistance to Centres for Identification and Expulsion (CIE).

**Directive 2008/115/CE (Repatriation Directive).** Establishes the attempt at voluntary repatriation of an irregular alien as a first measure, and allows the use of detention only as an extreme measure when other, less punishing measures are not applicable because there exists a danger of escape or the alien prevents or obstructs the expulsion process. Establishes an overall maximum of 18 months’ detention.

**Legislative Decree no. 11/2009 Converted into Law no. 94/2009 (Security Package).** Increases the maximum period of detention from 60 to 180 days and introduces article 10 bis (the *crime of illegal immigration*) into the Consolidation Act on Immigration.

**Verdict of the European Court of Justice no. 40 dated 28 April 2011 (El Dridi case).** Forbids the application of an incarceration sentence for an irregularly present citizen of a third party state where the only crime is lack of compliance with an order to leave State territory. Additionally, encourages the use of voluntary repatriation and the principle of proportionality.

**Ministry of the Interior Circular dated April 2011 (Maroni Circular).** Denies access to CIEs or CARAs to NGOs (with some stated exceptions), and members of the press and civil society.

**Legislative Decree no. 89/2011, Converted into Law no. 129/2012.** Completes the transition of Directive 2008/115/CE. Important measures adopted: increases the maximum period of detention to 18 months, introduces sanctions for lack of compliance with an order to leave national territory (a fine ranging from 10 to 20,000 euro), adds the chance to engage in voluntary repatriation.

**Ministry of the Interior Circular Dated December 2011.** Revokes the April 2011 Circular.

## THE CIE INQUIRY

The Ministry of the Interior possesses thirteen permanent<sup>29</sup> facilities which serve as Centres for Identification and Expulsion, to which one must add three temporary ones<sup>30</sup> created in 2011 in response to the political upheaval and conflict in North Africa and which the Ministry has recently declared it wishes to render permanently utilizable<sup>31</sup>. Only eleven CIEs were visited during the course of the inquiry, since the centres at Brindisi and Trapani-Serraino Vulpitta (in addition to the temporary facilities) were listed as closed when requests for access were provided<sup>32</sup>. The Prefectures in charge of them did not provide any precise information regarding the timeframe of their future reopening.

From a structural point of view, the centres present three distinct areas within their boundaries, designated respectively as:

- Managing authority area
- Security forces area
- Immigrant housing and detention area.

The Police Commissioners and security forces (which can include State Police – *Polizia di Stato* – *Carabinieri*, *Guardia di Finanza* and the Army) are responsible for safety and public order inside the centres. They are in charge of external monitoring of the facilities and may enter the areas reserved for inmates only upon request of the managing authority and in exceptional cases (including emergencies). The security forces are also responsible for the administrative paperwork of the detainees, as well as escorting them to judiciary and consular offices. Hearings for the confirmation and extension of a detainee's detention period are carried out by a Justice of the Peace (*giudice di pace*) directly in the centres.

The Prefectures assign the management of centres through public auctions on a lowest bid basis. These auctions contain a list of the services - outlined in the standard contractual terms for all CIEs - which the managing authority must undertake to guarantee. These services include: linguistic and cultural mediation, legal aid, social and psychological support, medical aid (initial medical screening, first aid and medical assistance, nursing assistance, transfer to external medical facilities if necessary), laundry services, barbering, cleaning services, and goods provision (meals, beds and bedding, personal hygiene products, clothing, primary comfort items). The contract is currently granted based on economic criteria by the relevant prefecture, placing a base price for auction of 30 euro per detained migrant per day. Essentially, the operating cost of each individual CIE breaks down into three sections: operating costs paid directly to the managing authority, surveillance and security costs, and maintenance and repair costs.

## Methodology

The enquiry, carried out by a *Medici per i Diritti Umani* workgroup composed of a coordinator, four doctors and eight social and legal workers, was undertaken over the course of a year (February 2012 – February 2013), during which all Centres for Identification and Expulsion then operational in Italy were visited. Eleven CIEs were monitored, and fourteen visits carried out. All centres were

<sup>29</sup> Bari-Palese; Bologna-Caserma Chiarini; Brindisi-Località Restinco; Caltanissetta-Contrada Pian del Lago; Catanzaro-Lamezia Terme; Crotone-Sant'Anna; Gorizia-Gradisca d'Isonzo; Milan-Via Corelli; Modena-Località Sant'Anna; Rome-Ponte Galeria; Turin-Brunelleschi; Trapani-Serraino Vulpitta; Trapani-Località Milo

<sup>30</sup> Santa Maria Capua Vetere, Palazzo San Gervasio and Trapani Kinisia

<sup>31</sup> *Parliamentary Debate no. 2-01434, concerning Government response to migratory influxes, with particular reference to the fulfillment of the law on assisted voluntary repatriation*, 10 May 2012.

<sup>32</sup> The three provisional centres were never operational during 2012, while the facilities at Brindisi and Trapani – Serraino Vulpitta were operational only during the first months of the year.

visited at least once. In some cases, follow-up visits were undertaken: in Rome and Milan, as said centres were considered particularly relevant, and in Bologna, where the managing authority had changed in the interim.

Operating on the basis of a structured timescale and having obtained the necessary authorisations from the appropriate Prefectures, access to each centre was undertaken by a team of two to three individuals (a doctor, and one or two legal and social workers) who worked to carry out the most comprehensive investigation possible by visiting the managing authority zones, the security forces zones, and the common and detainment areas. Data collection was carried out by providing a standardized questionnaire to the managing authorities and the Prefecture officials. The questionnaire was divided as follows: CIE structure, managing authority, logistical organization of the CIE, migrant rights, treatment of asylum-seeking detainees, services, and healthcare aid. Where allowed, photographic evidence of the facilities was collected.

During each visit, the teams were accompanied by members of the managing authority and in some cases by officials of the appropriate Prefectures. Officials and managers of the managing authority were interviewed, alongside healthcare managers, Prefecture and Police officials, and any members of external organisations which might have been present. The teams were able to meet migrant detainees both during their visits to detainment areas, where authorized, and on a one-to-one basis. These latter encounters – at least two per centre – were frequently not conducted with the appropriate privacy due to the presence of members of the managing authority or Police forces. On numerous occasions, the statements of the detainees and those of CIE personnel were found to be conflicting, as mentioned in the relevant chapters dedicated to each individual CIE.

Upon completion of the visits, the teams prepared detailed reports on each individual centre. Additionally, the Prefectures were asked to provide data relating to the number of individuals which were detained during 2012. This same data, on a national scale, was also requested from the State Police. Following this, an extended overview of the most important national and European literature concerning administrative detention for irregular migrants in the past fifteen years was also undertaken.

### **Bari CIE** (Date visited: 17/07/2012)

The centre, which opened in 2006, has been managed by the Bari-based association *Operatori Emergenza Radio* since March 2007. The CIE can house 196 male detainees, but at the time of our visit the maximum capacity had been reduced (to 112) due to maintenance works made necessary by the revolt of August 2010. At the time of our visit 106 detainees were present on site. According to Prefecture data, the majority of detainees in 2012 came from Tunisia (293), Albania, (175), Morocco (106), Algeria (58) and Romania (37). Some EU citizens were also present, in very low numbers and mostly originating from Romania. According to an estimate by the managing authority, around 25% of detainees had come from a prison. During 2011, three migrants escaped from the centre. The Healthcare Director has claimed that, following the extension of detention times, first aid services were transformed, by necessity, into a program designed to offer ongoing medical aid. In addition to the infirmary, the facility possesses a three-bed room which serves as a ward for brief convalescences. One of the most serious issues affecting medical aid, as underlined by the Healthcare Director, is the number of hours worked by the contracted psychologists, which is deemed to be insufficient to fulfil the detainees' actual needs.

The makeup of the centre seems calculated to render living conditions particularly unpleasant for inmates. Due to the ongoing atmosphere of tension in the CIE, MEDU operators were not able to visit the detainment areas and thus it is possible only to provide a partial assessment of the facility.

Recreational activities appeared to be completely insufficient, while a positive note was given by the regular presence of International Organization for Migration (IOM) personnel working on the *Praesidium* project, financed by the European Commission and the Ministry of the Interior.

### **Bologna CIE** (Dates visited: 06/03/2012 and 19/02/2013)

The Bologna CIE, located in the eastern suburbs of the city, has been active since 2002. It is a former barracks converted into a Centre for Identification and Expulsion. From 2005 to December 2012 the facility was managed by the local *Misericordia*, but in April 2012, the *Oasi* Consortium of Syracuse took over the facility's management by winning the auction with an offer of 28.5 euro per detainee per day, a significantly lower offer than the previous management which charged a daily rate of 69 euro per person. There was no organized handover between the old and new service providers, making it necessary to rewrite the internal rules and regulations, reactivate the partnership with a Local Healthcare Provider (*Azienda Sanitaria Locale* – ASL<sup>33</sup>), and start a data collection system from scratch. The Bologna CIE can house 95 people, of which 50 men and 45 women. At the time of our first visit, it housed 48 men and 19 women of various nationalities, while at the time of our follow-up visit the number of inmates had decreased to 28 men and 22 women. According to the centre's director, important maintenance works carried out at the end of 2012 for security reasons have reduced the capability of the male housing units to a maximum of thirty detainees. In 2011, the most represented nationalities were Tunisia, Morocco and Nigeria, followed by Albania, China and the Ukraine. Fourteen EU citizens were detained in the centre, all of them from Romania. Within the same year, inmates originating from a prison made up 15% of the foreign citizens which passed through the centre.

A year from the first visit, *Medici per i Diritti Umani* thought it necessary to return to the Bologna CIE to adequately assess the handover from one managing authority to the other, as well as the drastic budget cut which occurred during the period between our visits. At the time of our follow-up visit, the Bologna CIE presented a series of issues so severe it was considered to be virtually uninhabitable. The issues presented by the housing units appeared particularly critical: rooms lacked functioning heaters, windows were damaged and glass broken, showers were unusable or cold, toilets lacked doors, and sinks had been ripped from the walls. Additionally, a worsening of primary goods and service provision was also noted, including lack of clothing, lack of bedding and blankets, the provision of one roll of toilet paper per five people per day, and lack of toothbrushes, toothpaste and sanitary pads. Linen changes took place, at best, every ten days. To this situation must be added the almost total lack of recreational activities, which worsens the malaise and tension among the detainees. The discomfort experienced by members of the managing authority, both due to the constant necessity of containing a potentially explosive situation and to the frequent attacks to which they are subjected (attributable, according to them, to the dire living conditions of the inmates) is also worrying. Lastly, it is worth mentioning the growing presence in the centre of detainees who are particularly vulnerable or who come from backgrounds of extreme social marginalization.

### **Caltanissetta CIE** (Date visited: 07/11/2012)

The Caltanissetta CIE is based in the Pian del Lago district, approximately six kilometres from the city centre. The area where the CIE is based is home to a vast complex which houses a Reception Centre for Asylum Seekers and a Reception Centre. The CIE became operational in 1998 and at the time of our visit it was managed, along with the other centres, by the *Albatros 1973* Cooperative of

<sup>33</sup> *Azienda Sanitaria Locale* (ASL) is the local unit of the Italian National Health Service.

Caltanissetta, which had been in charge of the whole structure since 2002. While awaiting the final winner of the most recent auction (2013-2016) for the entire multifunctional centre, *Albatros* is acting as caretaker managers until March 30, 2013. The CIE was reopened in April 2012 after a long period of maintenance works following a fire which seriously damaged the facility during a migrant revolt in November of 2009. In the period between 2008 and 2012 the total operating cost of the multifunctional centre (including CIE, CARA and CDA) was of 19,200,000 euro. It was not possible to establish the cost of the CIE alone.

The multifunctional CIE-CARA-CDA centre can house 552 people in total, while the CIE has a maximum capacity of 96. At the time of our visit, 72 detainees were present, all of them men and mostly Tunisian. The maximum number of inmates was 110 in 2007, but only for a few days. The annual average is of 70 detainees at a time. According to the vice-director, the provenance of the inmates varies depending on the time of year. At the time of our visit approximately 50% of detainees came from a prison, 40% from Italian national territory, and 10% had been apprehended when they landed on the coast. The most represented nationalities are usually Tunisia, Morocco, Nigeria and Algeria. The only EU citizen present at the time of our visit was a Polish man who had been on site for two months. The percentage of detainees who seek asylum is very high, 235 in 2012 alone, while those who obtained international protection were just 5.

Despite recent restoration attempts, the centre's infrastructure –a tarmacked space and some buildings surrounded by a tall fence – appears particularly oppressive and incapable of guaranteeing a decent stay for inmates. Among the most important critical issues is the lack of a charter of rights and duties and a set of internal rules and regulations to issue to detainees, as well as the lack of recreational activities. Positive aspects include the regular visits by International Migration Organisation officials and the consistent presence of managing authority personnel in the detainee area. The fact that the detention area is not divided into isolated sectors but is made up of a single communal space in which all the migrants can circulate freely contributes to dissipate tension and to improve - to an extent - the facility's liveability.

### **Crotone CIE (Capo Rizzuto Island)** (Date visited: 31/01/2013)

The Crotone CIE is located near Sant'Anna (Capo Rizzuto Island Municipality), next to Crotone Airport, approximately 14 kilometres from the city of Crotone. It was initially established in 1999 as a Reception Centre, before being converted into a CPSA and finally a CIE. It is run by the *Misericordia* of Capo Rizzuto Island since 2004. The managing authority also oversees the CARA and CDA which are located in the same area, inside an old Air Force base. The CIE was reopened in May of 2012 in the wake of a major engineering overhaul caused by the severe damage inflicted to the facility during 2010 in the wake of a number of detainee revolts.

The maximum capacity of the CIE is 120 people, currently reduced to 60 as one of the two buildings which make up the centre is undergoing refurbishment. At the time of MEDU's visit, 1670 people were present in the entire multifunctional centre (CIE, CARA and CDA), of which only 29 in the CIE. The maximum number of detainees held at any one time was around 70-80, but maximum capacity was never exceeded. According to the managing authority's director, the majority of inmates have been held in another CIE, while the proportion of ex-convicts is also very high. From the time of the centre's reopening, according to the Prefecture's data, 10% of detainees had previously been incarcerated. Most inmates generally hail from Tunisia and Morocco. Security forces personnel garrisoning the area (Police, Army and *Carabinieri*) number twenty men per shift, divided into four six-hour shifts.

We were not able to carry out as in-depth a visit as we would have liked as MEDU was not authorised to visit living quarters and the detainee area, nor was it possible to meet the healthcare

director and medical staff. It was only possible to converse with detainees through the bars of the fencing which encloses the detainee living area. A powerful and pervasive atmosphere of tension permeated the centre, with the detainees being unhappy with the security forces and the managing authority's staff. Some migrants who complained about being "kept like animals" repeatedly invited MEDU's team to enter their quarters so as to witness their living conditions, which they described as decrepit, directly. From what MEDU has been able to observe, the centre's state of upkeep and its structure appear to be wholly incapable of guaranteeing dignified living conditions for its inmates. Among the most important critical issues noted were a severe lack of space and recreational activities, the lack of an internal set of rules and regulations and a charter of rights and duties for the detainees, and the absence of any NGOs on site. The level of tension in the centre appears worrying, and what conversations took place with the detainees did so without proper privacy. The upcoming management contract, which was assigned based on a significant decrease in the *pro die* cost per detainee, suggests an imminent, unsustainable decrease in the level of services provided. Relatedly, we must condemn the choice to terminate, for economic reasons, the agreement held with the Provincial Healthcare Provider, which allowed – uniquely among the Italian CIEs – public healthcare workers to operate in the centre.

### **Gorizia CIE (Gradisca d'Isonzo)** (Date visited: 24/10/12 )

The Gradisca d'Isonzo CIE, located not far from Gorizia, first opened its doors in March 2006 and has been managed from 2008 by the *Connecting People* Consortium, located in Trapani. The last auction for the centre's management was held in 2011 but, despite a win by the Franco-Italian temporary consortium *Gepsa*, management continues to be exercised by *Connecting People* in the wake of a successful complaint to the Friuli Regional Administrative Court. The maximum capacity of the centre is 248 people, though at the time of MEDU's visit this had been reduced to 136 and only 74 detainees were present. Two whole sectors were undergoing refurbishment due to the revolts which occurred in early 2011, which had caused approximately a million euros' worth of damage. At the time of our visit, the majority of inmates originated from Tunisia, Morocco and Algeria. According to a statement by the managing authority approximately 50% of the detainees come from a prison. Seven inmates escaped from the CIE during 2012.

#### ***Mohamed's Story***

MEDU operators found the case of a young Tunisian man whose situation they monitored personally particularly alarming. The patient, who suffers from serious depression aggravated by self-harming and a frightening state of physical impairment, has been kept for 14 months in the CIE despite the psychiatrists of the Gorizia Hospital calling repeatedly for his immediate release.

The strong atmosphere of tension between detainees and managing authority staff, dominated by a constant and frankly obsessive climate of suspicion, appears particularly serious. Security measures are especially restrictive and have resulted in a deep sense of malaise among the detainees. Despite detention times being dramatically longer than in most other centres, there is a severe lack of recreational activities, a complete lack of NGO staff, and no legal aid. These last aspects contribute to making living conditions inside the CIE especially oppressive. Lastly, on the basis of cases monitored by MEDU, we must register our concern regarding the criteria which establish the migrants' suitability for detention based on their physical and mental health.

## **Lamezia Terme CIE** (Date visited: 24/09/12 )

The CIE, located in the Pian del Duca municipality, has been managed since its opening in 1998 by the *Malgrado Tutto* Cooperative, based in Lamezia Terme. Previous reports from humanitarian NGOs have already established that the centre is completely inadequate as an administrative detention facility<sup>34</sup>. In September of 2012, following a visit carried out by its staff, MEDU published a detailed report complete with photographic evidence, revealing the complete inadequacy of the facility in guaranteeing a decent standard of living for migrant detainees. On the basis of *Medici per i Diritti Umani*'s report, several enquiries were raised with the Senate, the Chamber of Deputies and the European Parliament. The mayor of Lamezia Terme himself came forward, asking for the CIE to be transformed into a Reception Centre. On November 7<sup>th</sup>, 2012, the CIE was closed and the last four inmates present were repatriated or transferred to other centres. The date of any eventual reopening of the facility is currently unknown, as the Prefecture has not announced any auction for the establishment of a new managing authority.

The centre, which is exclusively male, can house up to 60 detainees, though at the time of MEDU's visits only ten were present. According to the security forces, new admissions had been halted in May of 2012, the month in which the *Malgrado Tutto* Cooperative had won the last public auction for a tri-annual management of the centre, which was later cancelled. At the time of MEDU's visit the centre continued to function with the previous funding budget's remnants (based on a daily sum of 46 euro per person) and could therefore not receive new detainees. Most of the inmates generally hailed from North Africa, specifically Morocco, Algeria and Tunisia.

### ***A Worrying Practice***

The facility did not have barbering available because (according to the Director) due to its remote location the managing authority had been unable to find a barber willing to visit it regularly. However, the system devised to allow the detainees to shave was disturbing. The managing authority had created an improvised enclosure near the courtyard within which the detainees could shave while being monitored by security forces. This enclosure, slightly bigger than a phone booth, was for all intents and purposes a cage, devoid of any privacy and completely exposed to both detainees and security forces and managing authority personnel. This apparatus had been placed on a forklift so that it could be moved when necessary. Once they had finished shaving, the detainees had to dispose of their razor blade in a secure box before exiting the enclosure. According to the director, this practice had been undertaken to prevent any instances of self-harming among the detainees.

Prior to its closure, which took place in November of 2012, the Lamezia Terme CIE presented a series of critical issues which rendered it completely incapable of providing a decent standard of living to its detainees. The lack of any recreational activity whatsoever, the shortage of essential services and the almost complete lack of NGO involvement, in addition to a number of practices which completely disregarded personal privacy meant that the structure was bereft of the minimum liveability requirements when operating at capacity. The centre's future outlook seemed particularly worrying due to the expected reduction from 46 to 30 euro of the daily cost per detainee, which would almost certainly have caused a further deterioration of the quality of services and living conditions. In terms of costs sustained by the state, the administration of the centre for the months prior to its closure appeared particularly perplexing, due to the fact that despite the low number of detainees (ten, and then four) the facility still hosted a detachment of sixty security forces personnel and fifteen managing authority operators.

<sup>34</sup> Mediciens Sans Frontières, *Al di là del Muro. Viaggio nei centri per migranti in Italia (Sintesi)*, January 2010, p. 14

## **Milan CIE** (Dates visited: 08/08/2012 and 15/01/2013)

The Milan CIE, located in Via Corelli, has been managed by the Italian Red Cross (*Croce Rossa Italiana*) since its opening in 1999. The maximum capacity of the facility is 132, and it is the only CIE in Italy which is capable of housing transgendered detainees. At the time of our first visit, there were 63 detainees present, while during our follow-up the number had been reduced to 56. The most represented countries of origin were Tunisia and Morocco, while the majority of transgendered inmates hailed from Brazil and Peru. During 2012, there was a significant number (80) of EU citizens of Romanian nationality, which represented 9.2% of migrants who passed through the CIE<sup>35</sup>. According to the managing authority, 95% of detainees come from a prison. Cases of individuals who pass through the centre multiple times, in the wake of a period of freedom followed by a new incarceration sentence, appear common. As of 2010, the Prefecture had decided not to allow women to be detained in the centre. During 2012, twelve migrants escaped.

14

### ***Regina's Story***

MEDU has deemed the case of a transgendered Brazilian citizen held in the CIE for over a week particularly serious. The detainee declared she was HIV-positive and presented (according to the guidelines laid out by the WHO) signs and symptoms of 3rd stage HIV. The patient had been deemed suitable for detention and had not received any specialized visit for the prescription of antiretroviral therapy. Following a brief interview it emerged that, due to her transgendered status, the detainee had been repeatedly subject to violence in her country of origin. She presented with a sizeable thoracic scar which she claimed was an oil burn which she had received during an attack in her native country.

During both visits, the atmosphere of tension in the CIE prevented us from visiting the detainee areas and from carrying out private and in-depth interviews with the detainees, with the exception of an authorised visit to the transgendered area. Both spaces and recreational activities appear completely insufficient. The supervision of patients who require diagnostic exams and specialized visits appears particularly lacking. Since no agreement is in place with a Local Healthcare Provider (ASL), the transfer of patients to outside healthcare facilities is very rare, as it is reliant on personal friendships or agreements made on an *ad hoc* basis with private facilities. It is also worth mentioning that an exceedingly high number of inmates make use of psychoactive drugs. Positive aspects include the presence of a tuberculosis control programme and of the Nucleus for Personal Intervention, which is able to deal, if only partially, with social and legal issues.

## **Modena CIE** (Date visited: 21/11/12)

The Modena CIE first became operational in November of 2002, with the local *Misericordia* as its managing authority. From July 2012, the management was taken over by the *Oasi* Consortium, which won the auction with a proposed price of 29 euro per detainee per day. As with the Bologna CIE, there was no organized handover between managing authorities, thus making it necessary to rewrite the internal rules and regulations, reactivate the partnership with the Local Healthcare Provider and start data collection from scratch. The facility has a maximum capacity of 60, but at the time of our visit the number of detainees had been reduced due to the damage sustained by one of the four dormitory sectors during a detainee revolt in May 2012. At the time of our visit, there were 37 men present, 3 of which were asylum seekers. On the basis of data provided by the managing authority regarding the July-December 2012 period, the most represented nationalities were Tunisian (40.7%) Moroccan (28.8%), and Nigerian (6.8%). One piece of data worth noting is

---

<sup>35</sup> Prefecture data.

the young age of detainees; 53.4% was aged 22-32, and 33.1% was aged 33-41. According to the managing authority's data, 21.2% of inmates came from a prison, whilst the others had been picked up inside state borders.

The lack of continuity between the old and new managing authority is a particularly serious issue, which has impacted many of the CIE's services negatively. The situation has required a complete overhaul of all services, which has resulted in lack of recreational activities and legal aid, the need to prepare a set of internal regulations, and the termination of the partnership with the Local Healthcare Provider. This precarious situation seems to favour a paternalistic attitude and a high degree of discretion being exercised by managing authority operators and especially medical personnel, even when it comes to medical aid. Additionally, the CIE's structure appears decrepit and unable to provide a decent standard of living for detainees, even in those areas which have recently undergone refurbishment.

### **Rome CIE** (Dates visited: 22/02/2012 and 06/02/2013)

The Ponte Galeria CIE, the largest centre for administrative detention in Italy, has been operational since 1998. From its opening until February 2010, the facility was managed by the Italian Red Cross. As of March 2010, it has been managed by the *Auxilium* Cooperative. The CIE can hold 354 people, of which 176 men and 178 women. The detainees present at the time of our first visit were 225 (144 men and 70 women) while, during our follow-up, they numbered 187, of which 135 men and 52 women. The Police official present during our second visit explained that unofficial policy is to give priority to the detention of migrants with criminal records, and as a consequence the facility is always below capacity, mainly for security reasons (according to the official's own words, the risk is that the CIE may become "a powderkeg"). The average number of inmates present is usually around 240. Most male detainees hailed from the Maghreb during our first visit and from Nigeria (53%) during our second. The number of EU citizens detained in the facility (especially Romanians) is particularly high. In 2010, as many as 516 Romanians passed through the facility, 304 in 2011 and 291 in 2012<sup>36</sup>. Among women, the overwhelming majority appears to be of Nigerian nationality. According to the Prefecture's data, the most represented countries of origin in 2012 were, in order: Tunisia, Nigeria, Romania, Morocco and Albania. We can confirm that during both our visits the number of detainees with a criminal background was especially high among men (80% of the total), while the numbers for potential victims of trafficking for the purposes of prostitution were equally high among women (80%)<sup>37</sup>.

#### ***Some Accounts of Migrant Detainees***

M., a young Bosnian woman of Romany origin who had been present in the centre a week, told us: "The conditions here in the centre are bad because there is no concept of female dignity. There is no door on the lavatory. There are no combs, so we have to use forks. It is freezing because the heating is broken and there is often no hot water. We may have made mistakes, not have had papers with us, but it isn't right to be treated like this, like animals, living in the dirt because there is no hygiene. During the day we don't know what to do, there is nothing to do. I asked a girl who's been here two months but she told me there's nothing. I can't complain about the food, but that is the only acceptable thing here". According to H, who has been detained in the centre for 20 days, "The conditions here are worse than a prison. We cannot even have a comb. The heating sometimes works and sometimes it doesn't. We suffer because we don't know how long we are to be held here and there is no one to offer comfort and aid. When you are ill and you see the doctor, he never takes you seriously, he thinks you're faking it".

<sup>36</sup> Prefecture data

<sup>37</sup> Managing authority estimates.

Detainee areas in the centre appear completely incapable of offering the migrants a decent standard of living. The decrepit nature of most of the living units and the lavatories places them below the minimum acceptable standard. Living conditions in the facility are rendered particularly unpleasant by some security measures, such as the ban on using everyday items like combs, pens, books and newspapers. Freedom of conversation with external persons who are not lawyers or family members is not adequately guaranteed. Relatedly, it is important to mention the case of a detainee suffering from a serious illness who was not given the opportunity to consult with a MEDU medical operator, despite the fact that he had submitted a timely request in writing with the Prefecture in order to do so. The combination of all these factors makes life extremely unpleasant and contributes to an extremely fragile situation in which even the most trivial events may swiftly escalate into protests and revolts. During our follow-up visit, MEDU witnessed an atmosphere of tension which was, if possible, even worse than before. Among the peculiar anomalies of the Ponte Galeria CIE the high number of EU citizens detained is also worth mentioning; between 2010 and 2012 the Romanian detainees alone numbered more than a thousand. One positive aspect worth mentioning, however, is the presence of a number of NGOs and humanitarian organisations which operate regularly in the centre.

### **Turin CIE** (Date visited: 20/04/2012 )

The CIE, which opened in 1999, is located in a residential area of Turin near *Corso Brunelleschi*. From its inception it has been managed by the Italian Red Cross. The centre has a maximum capacity of 210 inmates (185 men and 35 women), but at the time of our visit said capacity was reduced to 180 due to one area of the facility being unusable following damage sustained during a detainee revolt. According to the managing authority the maximum number of detainees held at any one time was 188. At the time of our visit there were 121 migrants present, of which 93 men hailing mainly from Tunisia and Morocco and 28 women, most of them Nigerian, Ukrainian and Moroccan nationals. According to the director, approximately 50% of inmates came from a prison. The Police indicated that their office's unwritten policy was to give precedence to detention requests for individuals with a criminal record.

During our visit to the centre's infirmary we had the opportunity to view the records concerning patients who had undertaken anxiolytic therapy (40 out of a total of 120 detainees being held at that time). The doctor on watch explained that on the patients' request, aside from the more common Benzodiazepines, drugs such as Clonazepam (commercial name *Rivotril*, used to treat epilepsy) and Biperidene (commercial name *Akineton*, used to treat Parkinson's disease) are often administered. These substances, commonly known as "street drugs" because easily available and low in price, are often used by addicts. Where abused, said drugs can cause nervousness, euphoria, states of heightened excitement and mood swings. According to the centre's director, in 2011 there were 156 cases of self-harm: 100 cases of ingestion of a foreign body and 56 cases of wounds inflicted by a cutting implement.

The choice of dividing the detainee area into six distinct and rather oppressive sectors, in which the detainees spend their entire day, renders conditions particularly miserable and degrading. The grave security situation meant that MEDU was unable to visit the living quarters. It is important to mention the honesty of the managing authority in providing sensitive data relating to the centre. However, some of this data, such as the 156 cases of self-harm which took place over the course of a single year, confirms the unsustainable misery present in the CIE. While the regular presence of SERT (Service for Drug Addiction of National Health Service) operators inside the facility is a positive feature, the administering of certain types of psychoactive drugs by the managing authority without a specialized doctor on site is troubling.

**Trapani CIE - Milo** (Date visited: 06/11/2012 )

The Milo district CIE, located in the Trapani suburbs, was inaugurated on July 11th, 2011 in what had previously been a Reception Centre. The Milo facility is the third in the Trapani area, following in the footsteps of the now notorious *Serraino Vulpitta* Centre, inaugurated in 1998, and the more recent provisional Centre at Kinisia, both of which are currently not operational. From August 2012, the centre has been managed by the *Oasi* Consortium, which also won the auctions for the management of the Modena and Bologna CIEs. The maximum capacity of the CIE is of 204 inmates. At the time of our visit there were more than 120 detainees present. The day before our visit, thirteen people had escaped. Escape attempts are incredibly frequent: during MEDU's visit (which lasted approximately three hours) alone, the facility's loudspeakers announced thirteen escape attempts. There was also an obvious atmosphere of tension in the centre, both among the detainees, some of whom had started a protest over the laundry service's inadequacy, and among the managing authority operators and security forces, many of whom were in riot gear. According to the Healthcare Director, 60% of the inmates are from Tunisia, followed by migrants of Moroccan and Nigerian nationality. At the time of our visit there were also four Romanians present.

***Yassin's Story***

MEDU operators were able to converse in a private manner with some of the migrant detainees and collect their accounts. We were also able to visit and reconstruct the clinical history of a young migrant who had suffered severe orthopedic trauma. Following an escape attempt from the CIE, the young man had suffered multiple compound fractures in both his heel bones, following which he had urgently been hospitalised and had undergone a delicate osteosynthesis procedure. Fractures of this nature require an adequate post-operative rehabilitation therapy, and, if not properly treated, can give rise to permanent consequences, including lameness. Despite the fact that the managing authority could not guarantee neither the qualified staff nor the tools necessary for physical therapy inside the CIE, the patient was still being kept within the centre a month after surgery, in a room separate from the detainee area which had no restroom services within its immediate vicinity. The room was also equipped with loudspeakers for internal communications, which due to their frequent use (including at night) prevented the patient from receiving adequate rest. The young migrant, in a wheelchair, was assisted only in the morning by two nurses. At the end of our visit, the MEDU team certified the incompatibility of the patient's clinical conditions with his continuing presence in the CIE. Some days later, the Justice of the Peace accepted MEDU's certificate, presented by Yassin's lawyer, and disposed his transfer to a reception centre with adequate facilities to provide him with the necessary medical aid.

The level of tension and malaise in the facility was one of the highest we noted during the entire inquiry, on a scale far above most other CIEs visited. At the time of our visit, the situation appeared chaotic and frequently uncontrollable: there were constant protests by the migrants, continuous escape attempts, Police in riot gear, and managing authority operators were in a state of clear distress. The inadequacy of the services provided, as well as the serious lack of activities and recreational spaces, contribute to making the facility completely incapable of ensuring a decent standard of living for its detainees. The standard of care seems to have deteriorated to an even greater extent since the new managing authority took over the facility with a significantly lower offer than the preceding operator. In this context, the frequent escape attempts by migrants seem to represent, as explained by the facility's staff, a sort of "escape valve" used to release some of the untenable levels of tension in the centre.

18

<b>Table 2</b>	<b>Average percentage of detainees who are psychoactive drug users</b>
<b>Detainees from a Prison</b>	
25%	40%
15%	66%
50%	10%
10%	40%
50%	50%
90%	
95%	90%
21%	
80%	50%
50%	33%
80%	60%

Source: *Medici per i Diritti Umani* based on data provided by the managing authorities.

Table 3	People Passing Through the CIEs in 2012																Not validated by Judiciary Authorities			Released for Various Reasons*			Arrested			Deceased
CIE	Total Detainees			International Protection			Repatriated				Released			Escaped												
	Tot.	U	D	Tot.	U	D	Tot.	%	U	D	Tot.	U	D	Tot.	U	D	Tot.	U	D	Tot.	U	D	Tot.	U	D	Tot.
Bari	845	845	0	21	21	0	310	36,7	310	0	63	63	0	3	3	0	217	217	0	221	221	0	10	10	0	0
Bologna	508	308	200	27	6	21	232	45,7	162	70	21	11	10	43	43	0	108	36	72	63	36	27	14	14	0	0
Brindisi	55	55	0	0	0	0	36	65,4	36	0	3	3	0	2	2	0	0	0	0	13	13	0	1	1	0	0
Caltanissetta	394	394	0	6	6	0	210	53,3	210	0	10	10	0	54	54	0	37	37	0	72	72	0	5	5	0	0
Crotone	159	159	0	4	4	0	93	58,5	93	0	33	33	0	4	4	0	3	3	0	14	14	0	8	8	0	0
Gradisca I.	155	155	0	0	0	0	92	59,3	92	0	19	19	0	18	18	0	5	5	0	17	17	0	4	4	0	0
Lamezia T.	334	334	0	1	1	0	227	67,0	227	0	6	6	0	37	37	0	15	15	0	48	48	0	0	0	0	0
Milan	804	803	1	26	26	0	506	62,9	506	0	39	39	0	9	9	0	26	25	1	166	166	0	32	32	0	0
Modena	459	459		7	7	0	342	74,5	342	0	15	15	0	27	27	0	24	24	0	31	31	0	13	13	0	0
Rome	2,124	1,529	595	12	8	4	1,129	53,1	930	199	159	91	68	8	7	1	435	266	169	374	220	154	7	7	0	0
Turin	849	713	136	5	5	0	581	68,4	501	80	22	15	7	3	3	0	54	36	18	159	128	31	25	25	0	0
Trapani S.Vulpitta	97	97	0	0	0	0	72	74,2	72	0	9	9	0	4	4	0	0	0	0	11	11	0	1	1	0	0
Trapani Milo	1,161	1,161	0	11	11	0	185	15,9	185	0	16	16	0	837	837	0	24	24	0	85	85	0	3	3	0	0
TOTAL	7,944	7,012	932	120	95	25	4,015	50,5	3,666	349	415	330	85	1,049	1,048	1	948	688	260	1,274	1,062	212	123	123	0	0
Source: <i>Medici per i Diritti Umani</i> . Based on data from the Polizia di Stato. * eg. health, pregnancy, appeal accepted, legal matters.																										

## DETENTION CENTRES FOR MIGRANTS: A EUROPEAN OUTLOOK

When discussing policies designed to counter the influx of irregular migrants, we must remember that administrative detention has been used for several years to combat irregular immigration not just in Italy but in many other Western countries. In 2008, the European Parliament and the Council of Europe adopt Directive 115/2008 (known as the *Repatriation Directive*)<sup>38</sup>, which establishes a common law among member states for the repatriation of citizens of third party states with irregular immigration status. The Directive decrees that reclusion in a detention centre must last no longer than the strictly necessary time required in order to carry out a migrant's expulsion and must not in any case last longer than eighteen months, specifying in article 15.1 that recourse to detention must occur only as a last resort where it is impossible to apply "less coercive" measures, chief among them voluntary repatriation. However, Western countries tend to fall upon detention as a systematic measure in the expulsion process, disregarding the "necessity" and the "proportionality" of said measure<sup>39</sup>. Additionally, the lack of common European legislation relating to "alternatives to detention" leaves the single states an ample margin of discretion on the implementation of legislative alternatives<sup>40</sup>.

Within the borders of the European Union alone, the organization *Migreurop* estimates the presence of approximately 420 official detention facilities with a total capacity of 37000<sup>41</sup>. The use of detention centres which do not appear on official lists, such as airports, merchant ships, camps, and state prisons is also widespread. In some countries, such as Germany and Ireland, prison facilities are often used for the detention of aliens, while in others, such as Switzerland, detention takes place in special sections of regular penal facilities. Therefore, detention centres are extremely heterogeneous both in terms of characteristics and modes of operation. The two most frequent types are centres where aliens are detained at the time of entry, when their access to state soil is conditional on the prerequisites for entry and stay, and detention structures designed for the expulsion or repatriation of immigrants already present upon state soil in an irregular fashion. Most centres carry out both functions and in many cases are also in charge of identification<sup>42</sup>.

In eight European Union countries (Finland, Estonia, Lithuania, Denmark, Holland, the United Kingdom, Malta and Cyprus), there is no maximum period of detention, despite the obligation in this regard for the contracting states laid out in the *Repatriation Directive*. Through comparative analysis of detention systems for migrants throughout several European countries subject to strong migratory pressure (France, Germany, the United Kingdom, Spain and Sweden) MEDU proposes to establish a broader outlook on the policies and practices utilized in the struggle against irregular immigration.

<sup>38</sup> Directive 2008/115/CE of the European Parliament and Council dated 16 December 2008.

<sup>39</sup> V.G. Campesi, *La detenzione amministrativa degli stranieri in Italia: storia, diritto, politica*, Bari University "Aldo Moro", 2011, p.15.

<sup>40</sup> Jesuit Refugee Service (JRS) Europe, *Detention in Europe*, Alternatives to detention, [http://www.detention-in-europe.org/index.php?option=com\\_content&view=article&id=309&Itemid=262](http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=309&Itemid=262), aggiornato il 19/10/2012.

<sup>41</sup> It is impossible to estimate the total number of detainees, both because of the presence of unofficial detention centres which do not fall within official estimates, and for the lack of cooperation from some countries (Germany, Switzerland, Austria and Turkey) in providing said data.

<sup>42</sup> Migreurop, *Quinta Edizione della Carta dei Campi*, November 2012, [www.migreurop.org](http://www.migreurop.org)

<b>Table 4 Centres for the Detention of Migrants with Irregular Status in Select European Countries</b>					
<b>Country</b>	<b>Number of Centres</b>	<b>Maximum Period of Detention</b>	<b>Detainee Numbers (2011)</b>	<b>Repatriation Percentages (2011)</b>	<b>Observations</b>
<b>France</b>	27	45 days	51,385	40,1%	The Home office establishes the yearly quotas of irregular aliens to be expelled. Voluntary repatriation and other alternative measures are rarely applied. The Judge's validation of detention occurs only after five days, thus the percentage of expulsions undertaken without judicial validation is very high. Families and minors can be detained. <i>Sources: Assfam, Forum Réfugiés, France Terre d'Asile, La Cimade, Ordre de Malte.</i>
<b>Germany</b>	34	18 months	3,457	47,6%	Prisons are frequently utilised as detention facilities for irregular migrants. Unaccompanied minors or those with a detained parent can be themselves detained. The percentage of detainees waiting for transfer, following the application of the Dublin II Regulation, is very high. Internal laws, costs and detention conditions vary from region to region. Possibilities for outside contact are greatly limited. Access to specialist cures is not guaranteed in an adequate fashion. Legal aid is absent or lacking. <i>Sources: Migreurop; Deutscher Bundestag; Bundesregierung; Proasyl.</i>
<b>United Kingdom</b>	10	Unspecified	27,089	61,9%	There is no maximum cap on the detention period. Almost all centres are managed by private security firms. Detention entails an additional penalty for aliens who have already served a prison sentence for crimes committed on state soil. The process of accelerated detention for asylum seekers (Detained Fast-Track) does not guarantee a just assessment of asylum requests. Minors, families (though in lower numbers than before thanks to the adoption of alternative measures) and asylum seekers who are torture survivors are usually detained. <i>Sources: The Migration Observatory at the University of Oxford; Her Majesty's Prison Service; Detention Action; Global Detention Project; Home Office; Medical Justice.</i>
<b>Spain</b>	7	60 days	13,241	51,5%	Expulsions follow a confused and fragmentary procedure, which involves judiciary, police and administrative institutions. Official information regarding individual centres is difficult to obtain. Facilities are often decrepit and common spaces are lacking. There is no regulation for social and sanitary services, or for cohabitation. There is no regulation for access by external organisations. Provisions for the protection of women who are victims of violence or trafficking are insufficient. Medical aid is entrusted to private companies. A tribunal responsible for processing the charges pressed by detainees has been established in Barcelona. <i>Sources: Fiscalía General del Estado; Migreurop; Barcelona Center for International Affairs (CIDOB); Global Detention Project; Comisión Española de Ayuda al Refugiado (CEAR); Women's link worldwide; European Alternatives.</i>
<b>Sweden</b>	5	12 months	2,244	59%	From 1997, the management of detention centres has been taken over from private security companies by Social Services. Alternative measures to detention are often put into effect. Freedom of movement in the facilities, freedom of access by external organisations, and unlimited visits are all guaranteed. The detainees are overwhelmingly asylum seekers. It is possible to detain minors (but only for a maximum of 72 hours, extendable for a further 72). <i>Sources: Global Detention Project; Migrationsverket.</i>

## CLOSING REMARKS

### Conclusions

MEDU's investigation, carried out over the course of a year (February 2012 – February 2013), has allowed us to visit all the Centres for Identification and Expulsion then operating on Italian soil. From their inception in 1998, centres for the administrative detention of migrants have often been defined by their lack of accessibility to members of aid organisations, NGOs and members of civil society. Indeed, the insular nature of said centres has been one of their most critical issues, raising concerns and suspicions about the possibility of an inadequate provision for the safeguarding of the basic human rights of migrant detainees. However, it is important to remember that since Minister Cancellieri revoked the *Maroni Circular* in December of 2011, NGOs and members of the press have usually been able to enter the various CIEs with a relative degree of continuity. Indeed, all requests for access to the centres put forward by *Medici per i Diritti Umani* to the Prefectures have been granted, albeit with variable response times which have gone from the seven days of Bari to the over three months of Crotone and Lamezia Terme. If, however, no obstacles were placed in the path of our access to the centres – with the exception, in some cases, of long waiting times – almost half of the visits carried out by MEDU's teams were affected by the impossibility of accessing the detention areas destined for the migrants. This limitation, which was always blamed upon security and public order issues, nonetheless reveals in a clear fashion, in addition to the inevitable internal tension, the intrinsically disagreeable nature of these facilities and their resulting closure to the outside world. During the course of our whole investigation it has been impossible to obtain data from the prefectures regarding the overall cost of the CIEs. This denotes a lack of accountability on behalf of the Ministry of the Interior with regards to the cost and indeed the efficiency of the entire CIE system which over the years has been constantly flagged by NGOs and the press.

**Capacity and Construction.** The structural characteristics of the eleven Centres for Identification and Expulsion visited during our investigation render them completely incapable of guaranteeing a decent standard of living to the migrant detainees. Indeed, based upon their construction, their division of quarters and their internal organization, the structure of the CIEs can be likened to that of an internment camp. All centres for administrative detention share the following characteristics: rows of buildings built in an orderly fashion, containing dormitories, refectories, offices and other necessary facilities, surrounded by bars, walls and barbed wire and under armed surveillance. Containment measures delimiting the areas which the migrants have access to include fences – similar to vast cages – enclosing inadequately sized and exceedingly oppressive spaces. Additionally, the choice made by the management of some centres (such as Turin, Crotone, Modena and Trapani) to limit freedom of movement of the migrants to separate sectors permanently isolated from one another has made living conditions in the centres even more unpleasant and humiliating. Due to the high atmosphere of tension present in five CIEs (Turin, Milan, Bari, Crotone and Trapani Milo) MEDU's teams were not authorized to enter the migrants' living quarters. In those detention areas that it was possible to visit, both within the living quarters (dorms, canteens, sanitary facilities and recreational areas) and the outside areas our teams noted an inadequate level of maintenance and frequently insufficient standards of cleaning. In some cases (the male sections of Rome and Bologna) living quarters were completely decrepit, and in Bologna's case the very minimum requirements for liveability were absent.

Although according to data provided by the managing authorities the maximum capacity of the 11 centres examined reaches 1775 places, the actual numbers available at the time of our visits was of 1418 with 924 migrants actually present (see *Table 1*). Indeed, the fact that parts of many facilities were unfit for use or underutilized appears a direct consequence of the more or less severe atmosphere of tension which was noted inside all CIEs during the course of the investigation. Over half the CIEs visited were operating with a reduced accommodation capacity and one or more sections were inaccessible, due to the refurbishment works made necessary by damage caused by

detainee revolts. None of the centres was operating at capacity, and in fact the overall figures indicate that on average centres were only operating at 67% capacity. In some CIEs (Crotone and Lamezia Terme) the migrant detainees were less than half of the maximum allowed number. If on the one hand the reduced numbers present in the facilities is a positive aspect in terms of liveability, on the other the necessity of keeping numbers well below maximum capacity seems to be based purely on public order reasons. There appears to be a wish (based on interviews with security forces in many CIEs) to not overfill centres to avoid finding oneself faced with complex and tense internal situations, or to adopt the language of one Police official, “to prevent the CIE powderkeg from exploding”. Indeed, the recent narrative – especially from the start of 2011, with the extension of the maximum period of detention to eighteen months – has been marked increasingly by continuing protests, revolts and attempts at mass escape. During the course of our visits – particularly at Trapani, Gradisca d’Isonzo and Bologna – the state of malaise experienced by the detained migrants was evident, as was the discomfort of many operators and often even security forces personnel who were forced to deal with frequently uncontrollable situations.

This report confirms the presence of a high number of detainees with criminal backgrounds in the CIEs whose identification should have taken place while they were serving their sentences in prison. What actually occurs is that irregular detainees are not identified during their stay in prison, and once they have served their sentence they are transferred into a Centre for Identification and Expulsion rather than being repatriated, thus having to deal with an additional period of detention. In this regard it was not possible to obtain official data but only estimates – often conflicting – from the managing authorities and Prefecture officials (see *Table 1*). Thus, we go from some centres where the number of ex-convicts makes up 90% of the total (Milan, Lamezia Terme) to others where the proportion is of around 20% or even lower (Bari, Bologna, Crotone and Modena). On the basis of information provided by the individual centres, ex-convicts represent approximately 50% of the total of migrants held within the whole Italian CIE network. This is due to the fact that, based on information collected during our monitoring visits, it appears as though unofficial police policy is to give priority to requests for the detention of individuals coming from a prison or with criminal records. With this regard, the *Amato-Mastella* interministerial Directive of 2007, which – remarking upon the nonsensical nature of this practice – established a series of procedures for the identification of alien detainees destined for expulsion inside the prisons themselves, has been completely ignored. Although one of the reasons for the Directive not being applied is the lack of coordination between penal authorities and police forces, Minister for the Interior Cancellieri has recently stated that the lack of identification in prison is due to the lack of willingness on behalf of the consular authorities to visit penal facilities. Today, therefore, detention in a CIE often represents an extension of the terms of an incarceration sentence which is seen by ex-convicts as an unfair addition to the time they have already served. It is evident that such a situation – which leads to the cohabitation, in small and inadequate spaces, of persons fresh from a prison spell with detainees who often have vastly different backgrounds and outlooks – can easily create a climate of tension and make already charged situations potentially explosive.

The population kept in the CIEs – amply heterogeneous in terms of judicial status and migratory paths – presents a series of needs in terms of facilities and services to which the centres are completely incapable of responding. In addition to a high number of ex-convict migrants, the investigation has revealed the presence of the following types of persons inside the centres: migrants who have just reached Italy; asylum seekers; EU citizens; aliens who have been living in Italy for many years, often with families, but without a regular work contract; and immigrants with expired permits to stay. As far as concerns the main nationalities present (extrapolated from the last national-level data available, which is based upon 2011 estimates) the presence of Tunisian migrants, almost all of them men, appeared by far the highest, representing 49% of inmates. Among men the most frequently declared other nationalities were, in order, Moroccan, Romanian and Albanian. As far as concerns the countries of origin of the women, first place belonged to Nigeria, followed by China, Ukraine and Romania. A particularly worrying piece of data is the presence of a

high number of European Union citizens in the CIEs. During 2011, as many as 494 migrants of Romanian nationality passed through the CIE system, making it the third nationality overall in terms of numbers<sup>43</sup>. Over the course of the three-year period from 2010 to 2012, over a thousand Romanians were detained in the Ponte Galeria CIE alone. In the centres where such data was available, such as Rome and Turin, the average time of detention for Romanian citizens appears to be of approximately eight days. To this end it is necessary to remind the reader that a recent decree of the Turin Tribunal has stated that an EU citizen who is awaiting expulsion may be detained in a Centre for Identification and Expulsion for a maximum period of four days, that is to say exclusively for the time necessary to ratify the expulsion paperwork.

There are a significant number of particularly vulnerable people in the CIEs who are not adequately cared for. There is a heavy presence of potential victims of human trafficking for the purposes of prostitution in the three CIEs (Turin, Bologna, Rome) which can accommodate female detainees. According to the managing authority, in the Ponte Galeria CIE these women represent 80% of the total of detainees. If one considers that the Roman CIE alone absorbs the majority of women placed in administrative detention in Italy (66% in 2012) it appears evident that over half the women in detention belong to a vulnerable category for whom the treatment received in a Centre of Identification and Expulsion is at the very least inappropriate. Indeed, these facilities present a completely unsuitable climate in which to hopefully reveal the presence of women needing protection. This is due in part to the peculiar living conditions within the centres, which may lead to victims frequently being forced to cohabitate with - or be controlled by - the same people who were responsible for their exploitation in the first place. To this end, despite the fact that external organisations who deal with victims of trafficking are present in all three centres, it is worth noting that only in Rome have the actions of the two organisations present had any effect. In 2011, only four requests for access to the protection services available to victims of trafficking were made, while in Turin it was only two. It is also worth remembering that even in Rome, aid organization operators state that due to the aforementioned problems only very few women ask for protection services compared to the numbers which would potentially have right to them. It is also particularly serious that these operators have personally witnessed cases of women being placed within a CIE after having reported their status as victims of trafficking when being processed at a Police station. Another exceedingly worrying aspect which was noted several times by MEDU operators during the course of the investigation was the presence within the CIEs of homeless persons suffering serious psychiatric problems - or in any case the product of extreme social marginalization - and thus needful of a type of assistance which is certainly not available within these facilities.

**Costs.** In 2011, the total cost for the management of all services within all Centres for Identification and Expulsion in Italy was of 18.6 million euro<sup>44</sup>, with the same data for 2012 being unavailable. In

<sup>43</sup> The repeated modifications relating to the law dealing with the expulsion of EU citizens enacted by the Berlusconi Government have significantly expanded the spectrum of possible outcomes, resulting in the potential sanctions for said citizens growing increasingly similar to those of aliens irregularly present upon Italian soil. The expulsion of EU citizens is undertaken via forced escort to the border, and said citizens may be detained in a CIE for reasons of state security, imperative reasons of public security and reasons of public order. Two occasions in which the verdict of forced escort to the border may be handed out are : if an EU citizen has remained on Italian soil despite being warned to quit the country due to a termination of the necessary prerequisites for a stay of more than three months ; and if an EU citizen, despite having abided by the terms of his order to quit the country and having subsequently presented himself to the Italian consulate in his home country, should once again find himself on Italian soil without a change in the circumstances which first prompted the issuing of an order to quit the country. Beyond its motivating circumstances, it is nonetheless important that each verdict be judged on its own merit, establishing the unique circumstances of each individual case. An order to quit the country is accompanied by forced escort to the border in all cases which are deemed dangerous, i.e. when the continued presence of the accused is incompatible with a «civil and peaceful cohabitation». Despite the recent legislative modifications and in light of the high percentage of EU citizens, particularly Romanians, who are currently detained within a CIE, there are reasonable doubts regarding possible abuses of this particular legal instrument.

<sup>44</sup> Raffaella Cosentino, *Dai Cie ai rimpatri: i costi insostenibili della macchina delle espulsioni*, Redattore Sociale, 24 April 2012.

order to obtain a comprehensive picture of the overall cost of the administrative detention system, it is necessary to add up the cost of all services provided by the managing authorities, the costs incurred by security forces operating within the CIEs, and regular and extraordinary maintenance works costs for the facilities. Both these latter sums are unknown, though it appears clear that these must be exceedingly high - as evinced by the large number of security forces involved in constant surveillance of the centres and the continuing necessity of providing adequate maintenance to repeatedly damaged facilities. For example, the engineering works undertaken in the Gradisca d'Isonzo CIE alone resulted in a bill of almost a million euro over the course of 2011. If until some years ago the uneven nature of operating costs for the centres, with a cost per detainee per day which might vary from Modena's 75 to Trapani's 38, raised some eyebrows, as of 2012 all auctions carried out by the Prefectures operate on a lowest bid basis, with a starting bid of 30 euro per detainee per day. With the new rules in place, the *Oasi* Consortium has managed to win the management of the Modena (29 euro) Bologna (28 euro) and Trapani (27 euro) CIEs, while the local *Misericordia* have won the auction for the Crotone multifunctional centre with what is by far the lowest offer known: 21.42 euro. It is worth noting in this regard that most of the managing authorities interviewed believe it impossible to guarantee basic services due to the recent budget reduction unless they choose to operate at a loss. "In these conditions, all that's left is a cage" was the telling comment of one CIE director. Indeed, in the Modena, Bologna, Crotone and Trapani CIEs - where the new budgeting is already operational - the level of services observed was completely insufficient and, in the case of Bologna and Trapani, there was a severe lack of basic goods provision. Additionally, said deficiencies understandably end up making the daily dealings between detainees and managing authority staff (who frequently find themselves unable to grant even the simplest of requests) even more hostile. Additionally, there have been repeated delays in the payment of salaries to local staff with the introduction of the new budgeting system in the Modena, Bologna and Trapani centres. It thus appears that the severe cuts in the budget available to managing authorities, coupled with the extension of the maximum period of detention to eighteen months, are among the main factors responsible for raising the tension in the centres and worsening the living conditions of detainees over the course of the past year.

**Spaces and Recreational Activities.** Evidence and eyewitness accounts gathered during the course of this investigation reveal how the severe lack of spaces and recreational activities in the CIEs is one of the problems which create the most malaise amongst detainees. Forced inactivity for prolonged periods of time, within tight and inadequate spaces, coupled with uncertainty regarding the length and outcome of their detention, make the psychological discomfort of the migrants one of the most worrying and problematic issues within the centres. "This is worse than a prison" is the sentence which MEDU operators have heard repeated most frequently during the investigation by the inmates interviewed. The growing tension, the increasingly restrictive rules caused by security concerns, and an often inadequate offering of services by the managing authorities all contribute to making the lack of spaces and recreational activities an extremely critical issue in the CIEs. If one excepts the availability of a television, provided in all the facilities, recreational activities appear to be grievously insufficient or absent in all the facilities. According to the managing authority, the Turin CIE made an effort to establish some form of recreation, even though it was not possible to verify their actual impact among the detainees and some of them such as pet agility, appeared to be completely out of place. In some centres, such as Bologna and Gradisca d'Isonzo, the practice of allowing the chance to participate in recreational activities only as a reward for good conduct appears worrisome. Additionally, spaces for worship appear completely inadequate in many centres. Within the context of such a depressing picture, the experience of women detained within the Ponte Galeria CIE, who have responded to the lack of activities in the centre by producing bags with the few materials they had available (such as sheets, plastic forks and similar items) is particularly poignant.

**Medical Aid and Healthcare Issues.** Healthcare services, which are offered in all the centres by the managing authority, do not guarantee detainees an adequate standard of care. After all, it is

logical to assume that a system designed to provide basic medical aid to detainees for a relatively brief period of time (30 days) will be rendered completely inadequate when these timeframes become abnormally inflated, with the subsequent necessity of providing a continuing standard of care for chronic and worsening pathologies. Despite the fact that the quality of services provided, (which varies from centre to centre) appears to depend excessively on the discretion and efficiency of the individual managing authorities, a certain number of critical issues is shared by the majority of the structures: difficulty of access to care and diagnostic services within hospital facilities and national healthcare services; impossibility of access to centres by Local Healthcare Provider staff; lack of communication between individual CIEs and between CIEs and prisons with regards to the transfer of detainees suffering from illness; lack of specialized medical personnel (such as psychiatric and gynaecological staff) which is crucial given the needs of the inmates; reciprocal mistrust between detainees and healthcare staff with the subsequent compromising of the doctor-patient relationship; a significant amount of discretion between the various centres in evaluating the health status of patients with regards to their suitability for detention.

Medical staff is contracted and managed directly by the managing authorities throughout all the centres. This means that CIEs find themselves in an unusual condition of *healthcare extraterritoriality*, completely free of ties to the local healthcare providers and thus the public healthcare service, to whose staff access is even forbidden. The one exception was represented by the Crotona CIE, where doctors and nursing staff from the Provincial Healthcare Provider had been working within the facility, but from February 2013 this reverted to being the responsibility of the managing authority. A good practice, albeit isolated, was noted in the Turin CIE, where SERT staff (Service for Drug Addiction of National Health Service) visited the facility on a weekly basis. The medical and nursing staff of the managing authorities can only guarantee primary level healthcare and there is, therefore, the need for access to external facilities for the undertaking of more complex medical procedures. Despite the fact that in many cases the managing authorities claim to have established partnerships with Local Healthcare Providers to facilitate access to secondary level healthcare it has not been possible to acquire proof of any such partnership. In general there are significant obstacles preventing access to specialist care and in-depth diagnostics due to the CIEs' insular nature. Often the links with hospitals and regional services seem to rely more on personal connections, good faith and the managing authority's discretion than they do on a clearly defined and structured system. To this must be added a significant logistical obstacle, i.e. the necessity of organizing a police escort whenever a detainee is transferred from a CIE to an external medical facility. Indeed, escorts are not always available to satisfy all transfer requests due to staff shortages and several occasions were noted (such as in the Ponte Galeria and Lamezia Terme CIEs) where access to healthcare was delayed even in cases of severe illness.

Communication between individual CIEs and between penal institutions and CIEs appears grievously insufficient as in most cases it was impossible to obtain a detailed clinical history of a patient during the transfer of a migrant affected by illness. Thus diagnostic and therapeutic procedures are interrupted or delayed to the severe detriment of the patient's health. In general, specialised medical staff is not provided by the CIEs even when strictly necessary. Of the three centres which also have a female area, for example, only the Turin facility has a gynecologist, while the Rome facility only has a trainee and such a figure is completely absent in Bologna. Despite psychological discomfort and the abuse of psychoactive drugs by detainees being one of the most worrying healthcare issues which was invariably noted throughout all the CIEs is that none of these structures has made specialized medical staff available for the resolution of these problems. However, one of the most serious and pervasive critical issues related to medical aid within the centres for administrative detention is the deterioration of the bond of trust between doctor and patient. Indeed, a feeling of hostility between migrant detainees and medical personnel emerges in an unequivocal fashion from all the eyewitness accounts collected. If on the one hand patients complain of a lack of attention with regards to their health issues from medical staff, on the other the doctors are often suspicious of finding themselves confronted by simulated symptoms from "false patients" whose only aim is

transfer to an external facility from where they may subsequently attempt to escape. This dynamic seriously prejudices the normal doctor-patient relationship leading, in some cases, to delays in the rapid diagnosis of potentially serious diseases. The various centres also display a high amount of discretion with regards to the patient's suitability for detention based upon their health, which does not appear to have any defined set of guidelines. During the course of our investigation, some worrying cases of migrants (see the case of Yassin at Trapani Milo and Mohamed at Gradisca d'Isonzo) who continued to be detained despite their clinical conditions being clearly incompatible with their continued stay within a CIE were uncovered.

Despite the managing authorities rarely providing us with detailed data, acts of self-harm perpetrated by the detainees undoubtedly present a frequent and dramatic phenomenon within the CIEs. In most cases these are cutting implement lesions or the ingestion of foreign bodies. Over the last few years such acts of self-harm have on occasion had a fatal outcome. In this regard it is worth remembering the suicide of a Tunisian woman, who had been in Italy for twenty years, which took place in 2009 at the Ponte Galeria CIE the night before her repatriation - or the double suicide within 48 hours of two young men from the Maghreb in the Modena CPTA in 2007. In many cases the medical staff in the centres believe that acts of self-harm, whether real or simulated, are intended to secure the patients a transfer to an external facility. In reality, based on the evidence gathered, the inmates who carry out these types of acts seem to have been induced to do so for several reasons, but a deep psychological discomfort, which may become particularly exacerbated in the event of prolonged detention, is certainly one of the main factors. In other cases self-harm may represent an extreme gesture of protest against a detention which is considered unjust or may be caused by the hope of escaping from a CIE in any way possible. In any case, whatever the causes may be, the phenomenon is evident in all its magnitude and severity where it was possible to obtain accurate data (in the Turin CIE, for example, there were 156 acts of self-harm during the course of 201).

The widespread use of psychoactive drugs (see *Table 2*), particularly anti-anxiety medication, is common throughout all the centres. Despite the fact that in some cases the estimates provided by staff within the same CIE varied, drug use usually averages around 40-50% of the total of detainees, with the maximum number being in the Milan CIE (90%) and the lowest at Caltanissetta (10%). According to medical staff, the ex-convicts who already abused psychoactive drugs before their entry into a CIE are the category which makes the most requests for drugs such as clonazepam and biperidene in addition to the more common benzodiazepines. These substances, commonly known as "street drugs" because easily available for little cost, are often abused by drug-addicted detainees. In case of abuse, both drugs can cause anxiety, euphoria, excitement and behavioural disorders. In addition to those who already abused psychoactive drugs previously there are also a number of inmates who request anti-anxiety medication to counter the deep malaise provoked by being detained within a CIE. The approach to substance abuse, psychological distress and the subsequent psychopharmacological therapy by the different managing authorities does not appear to be homogeneous, despite the majority of the medical staff claiming that they discourage or ban the incorrect use of psychotropic substances and limit the use of anti-anxiety medication to cases where it is strictly necessary. Overall, the management mode of psychoactive drugs within the centres causes worry, in view of both the high number and complexity of cases and the fact that no managing authority possesses specialized medical staff.

**Services and aid organisations.** In addition to medical aid, managing authorities are also required to provide linguistic and cultural mediation services, legal aid and social and psychological support. The standards of provision of said services throughout the various centres did not appear homogenous and are unsatisfactory. If linguistic and cultural mediation appears to be guaranteed throughout all the facilities, albeit with a worrying reduction in services due to recent budget cuts, the same cannot be said of legal aid which should guarantee a basic degree of information on Italian and European legislation with regards to immigration and asylum as well as eventual repatriation

programmes. In the Gradisca d'Isonzo, Modena, and Lamezia Terme centres, for example, this service appeared to be completely insufficient. Support for asylum seekers in particular appears to be especially inadequate in the majority of facilities. The psychological and social assistance services overall do not appear capable of responding in a satisfying manner to the serious and pervasive psychological distress of the detainees or to the need for a semblance of order within an extremely heterogeneous mixture of issues which include victims of violence and abuse, persons with disabilities, mentally disturbed persons and cases of extreme social marginalization. Confronted with such a picture, the statements of some managing authority staff members appear particularly perplexing. In Milan, for example, the medical staff interviewed by MEDU stated that in thirteen years there had never been a confirmed victim of violence, torture or trafficking within the centre. With regards to psychological aid, the service has undergone a worrying reduction in terms of available times and staff within several CIEs where the managing authorities have won the new lowest bid auctions such as Bologna and Trapani. As far as concerns the establishment of whether the detainees are minors or not, this remains a critical point due to the lack of adoption throughout the centres of a unified protocol which guarantees more care in the protection of the health and interests of minors.

In some centres, elementary services or the provision of basic goods are not guaranteed. Barbering is lacking or completely inadequate in the Trapani, Lamezia Terme and Turin centres. The solution devised by the Lamezia Terme CIE in this regard is particularly disturbing; with barbering being absent, the managing authority forced detainees to shave in a cage-shaped cabin, constructed *ad hoc*, to prevent – this being the official motivation – acts of self-harm. The situation in the Bologna and Trapani CIE also appeared worrying; in the first, a serious lack of clothing, bedding, and personal hygiene products was noted; in the second, laundry and linen exchange services appeared completely insufficient.

Despite the fact that most centres operate in partnership with caregiving organisations, some structures remain walled off from the outside world in a state of isolation from the surrounding territory. The Gradisca d'Isonzo, Lamezia Terme and Crotone CIEs in particular retain a worrying attitude of insularity, not cooperating in any significant manner with any NGO or caregiving organization. A positive aspect in the CIEs located in the centre-north area of Italy is the presence of Detainee Representatives (*Garanti dei detenuti*) who visit the Bologna, Modena and Rome CIEs with a certain regularity. In the southern Italian facilities, the presence of the IOM, which regularly visits the Bari, Trapani Milo and Caltanissetta CIEs as part of the *Praesidium* project, is particularly praiseworthy.

**Internal Rules and Regulations.** In the majority of centres, there appears to be a lack of information provided to detainees concerning both their rights and duties and the internal rules and regulations. Despite it being expected that the migrants receive their charter of rights and duties along with the portion of the internal rules and regulations which concerns them upon entering a CIE, this does not occur in the Modena, Rome, Crotone, Trapani and Caltanissetta centres. In the Ponte Galeria centre, the managing authority posts a leaflet inside the services area, a solution which does not appear to aid the detainees in perusing it in any way whatsoever. At Lamezia Terme, an information factsheet shown by the managing authority proved to be out of date and replete with erroneous information on important issues such as the maximum detention period. At Caltanissetta, the managing authority staff went so far as to say they were not aware of being required to provide documentation of this type to inmates. It is worth noting that for reasons of public order and safety, many Prefectures tend to give instructions which harshen the regulations governing life inside the CIEs, contributing to make living conditions for the migrants even more painful and degrading. In the detainee area of the Ponte Galeria CIE, for example, detainees are not allowed to own combs, pens, books or newspapers. Within the same centre, in November of 2011 a protest was launched because inmates had been forced by a Directive, later withdrawn, to wear

slippers exclusively in order to lessen the risk of escape. Within the Gradisca d'Isonzo and Milan centres, ownership of a cellular phone is forbidden.

Additionally, interaction with the outside world does not appear to be adequately guaranteed and is excessively reliant, in terms of means and timeframes, on the discretion of the single Prefectures. Specifically, in many centres it appears to be extremely difficult – if not impossible – to obtain a visit from persons who are not family members but who may nonetheless represent an important point of contact with Italy for the detainees such as friends, doctors, and representatives of caregiving organisations not affiliated with the centres. In many cases, privacy is not guaranteed. In the Ponte Galeria CIE, an interview between a sick detainee and a MEDU medic was not allowed because the facility only allows interviews with family members. A similar situation occurred at Gradisca d'Isonzo, where an interview was allowed but (as per internal regulations) for a maximum of twenty minutes and in the presence of two police agents. In other cases the timeframes to obtain such authorization appeared to be excessively inflated: in the Bologna CIE, the average is as many as thirty days.

**Operating Data.** On the basis of the evidence provided by the data, the role of the administrative detention system in the fight against irregular immigration proves to be both largely irrelevant and ineffective. According to data provided by the Polizia di Stato, there were 7,944 (7,012 men and 932 women) migrants detained in all the Centres for Identification and Expulsion operating in Italy in 2012. Of these only half (4,015) was effectively repatriated with an effectiveness index (repatriated detainees compared to total detainees) of 50.54%. This, therefore, confirms the uselessness of extending the maximum period of detention from 6 to 18 months (June 2011) for the purposes of improving the effectiveness of the expulsion system, since the percentage of repatriated migrants compared to the total of detainees held within the CIEs increased by only 2.3% compared to 2010, the year in which the maximum period for administrative detention was still six months. Compared to 2011, the increase in the effectiveness of repatriations was virtually irrelevant (+0.3%). Additionally, if one compares the actual number of repatriations carried out in 2008 (year in which the maximum period of detention was still only 60 days) with those of 2012, the number actually contracts from 4,320 to 4,015. In this case, we may assume that the improvement in the effectiveness of repatriations which was noted in 2012 compared to 2008 (+9%) was not able to balance the decreased number of migrants which passed through the CIEs; 2595 less in 2012 compared to 2008. The extension of the detention period, the number of places available within the centres being the same, must have created an inevitable decrease in turnover and thus of the total number of detainees. Thus, having extended the detention period nine-fold may have paradoxically led to a worsening of the system's performance in terms of expulsions actually carried out. The effectiveness of administrative detention in the fight against irregular immigration appears even more questionable if one considers that the total number of migrants repatriated through the CIE system in 2012 represents only 1.2% of the total of 326,000 immigrants with irregular status which ISMU estimates were present on Italian soil on January 1 of that year<sup>45</sup>.

Some essential data regarding recent development of the migration issue within Italy may be useful in correctly understanding the question of administrative detention and the CIE system. As of January 1, 2012, the alien population (regular and irregular) within Italy's borders was estimated by the ISMU foundation as numbering approximately 5,430,000<sup>46</sup>. Compared to 2011 the increase was of only 27,000 (+0.5%), a variation which is virtually close to zero growth. The causes of this stagnation can be found in the deep and prolonged economic crisis which has struck Italy and Europe. Immigration into Italy for work-related reasons has been particularly affected. As far as concerns irregular immigrants, these numbers go from 443,000 in 2011 to 326,000 in 2012 with a

<sup>45</sup> Fondazione ISMU – *Iniziative e studi sulla multiethnicità, Diciottesimo rapporto sulle migrazioni 2012*, Franco Angeli, Milan, 2012.

<sup>46</sup> *Ibid.*

reduction of 26%<sup>47</sup>. The factors influencing such a significant decrease – in addition to the so-called “click days” which allowed for the regularization of approximately 100,000 migrants in 2011 – include the uncertainty generated by the recession and a lack of attractive options for potential new irregular migrants - and indeed a growing desire from those already present in Italy to leave Italian soil for their own country of origin or for another destination abroad. Adding the data we have just mentioned, the impact of the CIEs on the expulsion system is clearly negligible.

If we analyse the latest data available (2011) on the nationality of the migrants being held within the CIEs, we may observe how the effectiveness of repatriations varies substantially depending on the immigrants’ country of origin. For example, the effectiveness index (repatriated migrants compared to total detainees) varies from fairly high figures in the case of countries such as Albania (83%) and Romania (70%) to modest numbers if we reference Chinese citizens (35%) and Brazilians (38%)<sup>48</sup>. The possibility of physically carrying out the expulsion seems to depend in any case on the collaboration with regards to identification and repatriation of the corresponding countries of origin, and of the presence or lack of readmittance agreements with Italy rather than on longer detention periods. According to the Milan CIE director, the extension of detention periods may even have caused the paradoxical effect of delaying the response time of some consulates. As might have been expected, the average time of detention varies heavily depending on the detainees’ nationality. In the Ponte Galeria CIE, for example, according to an estimate by the managing authority, the average detention time varies from four months for Moroccan inmates to eight days for Romanian detainees. At the Turin centre the director provided very precise data relating to average times of detention for some nationalities: 58 days for Senegalese citizens, 43 days for Tunisians and 9 days for migrants from Romania. The dispositions given by the various local Police headquarters regarding detention times do not appear to be uniform. In Rome the rule of thumb suggested by the Immigration Office seems to be not to exceed eight or nine months of detention. Indeed, according to police officials, the possibility of identifying a detainee becomes increasingly unlikely after the first three or four months. At Gradisca d’Isonzo, conversely, we were able to verify that more than one migrant was detained for up to fourteen months.

While the extension of the maximum detention period has not delivered tangible results in terms of the effectiveness of the expulsion system, this measure has significantly contributed to worsening living conditions for migrants detained within the CIEs. This fact was systematically noted by MEDU’s teams during the visits to all the CIEs involved in the investigation, and confirmed in a virtually unanimous manner by all the managing authorities and, in some cases, by Prefecture officials. It is an amply shared sentiment among managing authority staff that this alteration has seriously compromised the overall management of the centres creating serious organizational, logistical and health-related problems. To add weight to the claims of an atmosphere of tension and of the increased deterioration of living conditions within the Centres for Identification and Expulsion we have the numerous revolts and escapes which took place during the past year: in 2012, 1,049 migrants escaped from the various CIEs, that is to say 33% more compared to 2011 and three times as many as escaped in 2010. In the Trapani CIE it appears as though the frequent mass escape attempts (837 in 2012) represent a sort of “escape valve” to maintain the level of tension at acceptable levels. The extension of the maximum detention period seems to have engendered a vicious circle since this measure – even when not applied, but simply by being available – contributes to worsen the atmosphere of tension and conflict within the centres. The various facilities respond to this by increasing limitations on the personal liberty of detainees, who react in turn with increased hostility against the system.

---

<sup>47</sup> *Ibid.*

<sup>48</sup> Medici per i Diritti Umani, *L'iniquo ingranaggio dei CIE*, July 2012.

### Summary Table of Critical Issues

The CIE system presents us with a series of critical issues involving purposes, modes of operation and costs which may be summarised as follows:

- Inadequate structural characteristics which cannot guarantee detainees a decent standard of living.
- The presence of a high number of ex-convict detainees, whose identification should have occurred while they were serving their sentence.
- The presence of a significant number of EU citizens.
- Completely inadequate facilities and services incapable of dealing with the needs of a population which has shown itself to be heterogeneous in terms of legal status, migratory background and vulnerabilities.
- A significant decrease in the quality and quantity of services provided due to the drastic reduction of the budget available to managing authorities as established by the new auctions.
- High costs for surveillance, maintenance and repair of facilities following numerous damages.
- A serious lack of spaces and recreational activities.
- Absence of national health services in the centres and significant obstacles to the access to specialist care and diagnoses.
- A serious breakdown in communication between individual centres and between penal institutions and centres with regards to the provision of patient clinical history.
- The prejudicing of the confidentiality of the doctor-patient relationship due to the circumstances of detention.
- Excessive amounts of discretion displayed by the centres in establishing a person's clinical suitability for detention.
- Frequent acts of self-harm.
- The use of psychoactive drugs by a high proportion of detainees and the lack of adequate specialised medical aid.
- The standard of linguistic and cultural mediation services, legal aid and social and psychological support varies excessively and is overall unsatisfactory.
- The provision of basic goods (clothing, linen, bedding and personal hygiene products) is insufficient in some centres.
- The provision of information concerning internal rules and regulations, the rights and duties of detainees, and the availability of interviews with persons outside the centres is insufficient in most facilities.
- Regulations which affect life in many centres are extremely rigid and restrictive, thus making living conditions for migrants overly unpleasant.
- The negligible impact and little effectiveness of the administrative detention system in combating irregular immigration.
- The basic ineffectiveness of extending the maximum detention period from 6 to 18 months in terms of increasing the amount of expulsions carried out.

As far as concerns the primary objective of this investigation, the evaluation of the Centres for Identification and Expulsion from a human rights perspective, the evidence gathered unequivocally confirms the clear inadequacy of the administrative detention system in protecting the dignity and basic human rights of the migrant detainees. It is necessary to add that even on the basis of a utilitarian analysis of the CIE system, it still proves itself a failure as a consequence of being barely relevant and ineffective in the fight against irregular immigration. In light of this – and despite it being impossible to offer a comprehensive evaluation of economic factors, due to a lack of

transparency inherent in the system – the efficiency of the entire CIE apparatus appears at the very least questionable. Indeed, even disregarding the *human cost* which the CIEs entail, the total of the economic costs necessary to ensure the management, surveillance, maintenance and repair of these facilities does not appear matched by the negligible results which it has obtained in combating irregular immigration.

Fifteen years after they were first created, the CIEs thus confirm themselves *congenitally* incapable of guaranteeing respect for human dignity and basic human rights. An inadequacy which is intertwined with the functionality and main structural characteristics of the facilities and becomes particularly explicit as it becomes clear that it is independent of the different managing authorities. In fact, the function of the managing authorities seems limited to being more or less efficient wheels within an *unjust machine* - the Centres for Identification and Expulsion – of which they are incapable of modifying the basic flaws save in a very minor manner.

Additionally, a clear contrast emerges between the motivations which led to the creation of the CIEs and their actual role. If, data in hand, the institution of administrative detention reveals itself to be unproductive with regards to its stated aims – that is the identification and eventual expulsion of migrants irregularly present on national soil – the purpose of detention is reduced to a mere sanction, to the *necessity of punishment*, and the segregation of individuals considered to be *socially undesirable*. Indeed – paraphrasing the reflections of Franco Basaglia with regards to mental hospitals, another instrument of *social containment* long considered necessary and irreplaceable – we may argue that under guise of being a security measure, the CIE apparatus reveals itself to be basically a prison system deputized to dealing with those elements considered to be damaging or dangerous to society, and an institution that above all others has contributed to the criminalization of irregular immigration. An institution which, it is worth reminding ourselves, has been for years a formidable media instrument at the service of security –oriented policies related to immigration; a powerful media weapon in showing Italy’s capacity to contain and discourage the arrival of “waves of illegal immigrants” into our country, but ineffective in the true struggle against irregular immigration. The extension to 18 months of the detention period seems to have contributed solely to exacerbate the violence and dehumanization already present within the system. To this end, the reflections – dated 2008 – contained in the *XVIII Statistical Dossier on Immigration* by *Caritas/Migrantes* appear particularly pertinent: “It is precisely the anticipated extension of the restriction of freedom of movement (extension of maximum detention period to 18 months), which reveals the true intent of this law: to introduce a long period of preventive incarceration for a small number of unfortunates, so that it may serve as warning and deterrent for others. In truth, and not only in Italy, the fight against irregular immigration which has gone beyond national borders follows a cruel and casual logic (...) ultimately, the immigrants who are actually expelled are a negligible percentage, and are not necessarily the most dangerous or parasitic”<sup>49</sup>. A system thus which seems to be deputized not so much to *identify and expel* as it is to *monitor and punish*.

Despite the fact that the *institutional vocabulary* continues to define the aliens detained within the CIEs as *guests*, it appears evident, by virtue of what has been discussed so far, that this term is profoundly inadequate. The conditions of the migrants who find themselves detained within these structures – it is worth remembering, not as a consequence of any crime committed, but due to the violation of an administrative instruction such as the lack of a permit to stay – resemble a term of penal incarceration worsened by the absence of the safeguards offered by the penal justice system. If in terms of structural characteristics CIEs are reminiscent of an internment centre, the living conditions within them clearly show that these facilities are what the Canadian sociologist Goffman defined as *total institutions*<sup>50</sup>, describing in-depth the dynamics of violence and exclusion inherent in them.

<sup>49</sup> Caritas/Migrantes, *XVIII Dossier Statistico Immigrazione*, Edizioni Idos, 2008, p.134.

<sup>50</sup> Within the four investigative essays contained in *Asylums* (1961) Canadian sociologist Erving Goffman analyses the phenomenon of total institutions in-depth (such as, for example, prisons, work camps and asylums), observing the characteristics they have in common and especially the mechanisms of oppression, exclusion and violence which victimise the persons detained within them. In

Fifteen years from the introduction of the institution of administrative detention within our country - and at the end of this investigation – we may therefore consider the fears held with regards to the critical issues repeatedly encountered over the years completely validated. These critical issues appear so important and pervasive as to render urgent and necessary both a radical rethinking of the current tools for the management of irregular immigration and the adoption of new strategies which must be more rational, effective, and respectful of basic human dignity.

### The CIE Archipelago: Some Suggestions from a Human Rights Perspective

At the end of this report, *Medici per i Diritti Umani* feels it important to list, within the limits of our humanitarian mandate, some proposals and recommendations for an alternative system of management for irregular immigration which might replace administrative detention. In this regard it may be useful to re-summarise the conclusions of this investigation, which lead us to believe that the Centres for Identification and Expulsion:

- Do not guarantee basic human rights and dignity for migrant detainees,
- Demonstrate a negligible impact and a lack of effectiveness and efficiency in the struggle against irregular immigration.
- Do not realistically appear to be reformable fifteen years after its establishment.

*Medici per i Diritti Umani* therefore calls for :

- **the closure of all Centres for Identification and Expulsion currently operating on Italian soil due to their blatant functional and structural inadequacy;**
- **the reduction of an alien's detention for repatriation purposes to an exceptional, or at the very least completely residual, measure.**

*Medici per i Diritti Umani* also believes that the achieving of the aforementioned points must take place alongside the adoption of a new system for the management of irregular immigration, characterised by respect for human rights and a greater rationality and effectiveness. This system must necessarily be adopted bearing in mind the following prerequisites:

- Administrative detention is regulated by the European Union's *Repatriation Directive* which is binding for all EU member states. Italy is obliged to guarantee the congruence of national legislation with the European Directive which considers the detention of an alien for repatriation purposes an extreme measure. The current Italian legislation, while it formally acknowledges the directive, subverts its spirit by considering forced repatriation as the rule and voluntary return as the exception.
- It is necessary to reduce the *irregularity area* through a profound reform of migratory policies and the current immigration law. To this end it is necessary to prevent the use of modes of arrival which, in addition to creating *illegal immigration*, have led in recent years to unacceptable risks to the life of migrants. It is therefore necessary to provide more effective and realistic options for regular entry into our country, both for work and family related motives.

---

the preface and introduction of his study, Goffman gives a clear definition of what he means by total institution : « A total institution may be defined as the place of residence and work of groups of people who, cut off from society for a considerable period of time, find themselves sharing a common experience, spending part of their life in a closed and formally administered regimen [...] in our western society there are several types of institutions, some of which act with an absorbent – if discontinuous – power which is more pervasive than others. This aspect of absorption or totality is symbolised by the denial of social exchange and contact with the outside world, often firmly rooted within the very physical structure of said institutions: barred doors, tall walls, barbed wire, rocks, watercourses, woods or moors. These institutions are what I call *total institutions*. »

- It is necessary to combat the phenomenon of irregular immigration with tools which must go beyond the control of migratory fluxes and should aim decisively at fighting workplace exploitation and reduce the scourge of “submerged economy”, a phenomenon which creates a fertile soil for irregular immigration.
- In general, from a human rights perspective, it appears completely unacceptable to persevere with immigration policies inspired by purely repressive reasoning designed to criminalise irregular immigration: see, for example, the crime of “illegal entry and stay” introduced by the so-called *security package* of 2009.

In formulating some of the possible alternative proposals designed to replace the current CIE system, *Medici per i Diritti Umani* has considered it expedient to refer to some basic strategies already outlined by the De Mistura Commission: the diversification of responses based on category of person, the proportionality of responses, and the encouragement of cooperation between immigrants and authorities.

33

As far as concerns the **diversification of responses based on category**:

- **Identification in prison.** Those migrants which come from a prison represent at least half of the total of detainees within the CIE system. It is therefore vital to proceed with the identification of aliens within the prison system, in order to then carry out repatriation once the inmate has served their sentence and thus avoid administrative detention. This would be in line with the *Amato-Mastella* Directive of 2007, which to this day remains unapplied.
- **Protection for the victims of trafficking.** Approximately half of the women detained within the CIEs are potential victims of trafficking. To this category of vulnerable persons must be granted the opportunity to access social protection measures provided by the law in places which are not Centres for Identification and Expulsion, to which end they are completely inadequate.
- **Regularisation for vulnerable categories.** CIEs often take on the – completely inappropriate – role of heterogeneous containers of vulnerable persons: victims of workplace exploitation, severely disenfranchised persons, persons with serious physical and/or mental impairments, the disabled, the old and persons with significant *family vulnerabilities* such as for example the presence of minors they are responsible for in Italy. For these types of persons it is necessary to provide social protection services starting with the granting of a permit to stay for humanitarian reasons or other forms of regularization.

As far as concerns the **proportionality of responses**:

- **Voluntary repatriation.** In the even that, after a careful evaluation on a case by case basis, it is impossible to grant any form of regularisation, voluntary repatriation must be the actual preferred tool for a migrant’s return, as established by the EU directive. To this end it is necessary to re-evaluate the criteria which define a “flight risk”, an eventuality in which the Directive allows member states to not grant an opportunity for voluntary departure. The current legislation defines the parameters of a “flight risk” in such broad terms that the majority of irregular immigrants fall within this category. In order to encourage voluntary repatriation in an adequate fashion, it is important to actually make the migrants aware of this option.
- **Alternative measures for the limitation of personal liberties.** In instances of voluntary repatriation and, in specific conditions, if expulsion is carried out by force,

alternative measures to detention within a CIE already provided by current legislation but rarely enacted must be put forward: the delivery of travel documents, a mandatory residence requirement, and the obligation to appear, within an established timeframe, at a police office.

As far as concerns the **encouragement of cooperation between immigrants and authorities**:

- **Assisted Return.** It is important to increase the availability of assisted voluntary repatriation programmes which allow irregular migrants who adhere to them to return to their homes in all safety, contributing to the realization of individual reintegration plans for a migrant's return to their country of origin. It is also important to fully involve local providers, NGOs and caregiving organisations in the implementation of the aid and reception of migrants placed in an assisted voluntary repatriation programme.

34

*Medici per i Diritti Umani* thus believes that a comprehensive reform of the current immigration law, coupled with practical and specific measures, some of which have just been described, make it possible to turn the detention of an alien for the purposes of repatriation an exceptional, or completely residual, measure.

In the event that it is decided to keep the option of detention for a small percentage of aliens, this should occur in facilities entirely different from the current CIEs and in any case only for a strictly necessary period of time.

In order to guarantee a jurisdictional control equal to that of an Italian citizen, all forms of limitation of an alien's personal liberties should be mandated by a professional judge and not by a Justice of the Peace.

The data relating to the costs of combating irregular immigration, including the figures relating to voluntary repatriation and measures for the limitation of personal liberty, should be constantly updated and made public by the Ministry of the Interior through six-month updates published online.

Detention – which must be necessarily kept to the minimum time period possible – should always provide the following guarantees:

- Living standards should possess spaces and comfort which are compatible with human dignity and basic human needs.
- Thorough information regarding the limitation of personal liberties and the relevant rights and duties should always be available to migrants and consultable in various languages.
- Medical aid must involve direct participation and constant monitoring by the National Health Service.
- Mental health services should include both adequate psychological support and the assistance of specialised medical staff from the appropriate Mental Health Departments of National Health Service.
- Legal aid services should be guaranteed on a daily basis by caregiving organisations of proven experience and specific expertise.
- Social aid services and cultural mediation should be always ensured by a substantial number of workers in order to ensure proper accessibility.
- Freedom to converse with the outside world (lawyers, family members, cohabitators, religious figures, NGO representatives, medical personnel or other third parties) should be guaranteed by rules which make said right exercisable with the appropriate level of privacy. Full freedom of communication with the outside world, particularly via telephone, should always be safeguarded.

- Access to local authority representatives, or caregiving organisations and members of civil society and the press should be guaranteed in a transparent and efficient manner.
- Constant monitoring of migrants' living conditions and of the fulfillment of the aforementioned guarantees by the Detainee Representative (*Garante dei detenuti*) and members of international caregiving organisations such as the IOM should be obligatory.

In conclusion, if we view European policies relating to irregular immigration management from a human rights perspective - especially the administrative detention system – the outlook does not appear heartening (as evidenced by this report in the section dedicated to Europe). In the past, Italy has been at the forefront of the removal of *closed institutions* which were wrongly considered to be *indispensable* (such as mental hospitals) enacting reforms which were both courageous and fraught with difficulties, such as the one concerning psychiatric aid. The closure of the Centres for Identification and Expulsion, within the context of a careful rethinking of immigration policies, could be the chance for our country to trace a new path of civic progress.