



*Rappresentanza Permanente d'Italia  
presso le Organizzazioni Internazionali  
10, Chemin de l'Impératrice  
1292 Genève*

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Dear Ms. Balbin,

Following UN Letter dated November 12, 2018, I have the honour to submit Italy's reply to Joint Communication by 10 UN Special Procedures that have requested Italian Authorities to provide them with information about the alleged criminalization of activities of migrants rights defenders involved in search and rescue operations in the Mediterranean Sea, including the refusal to allow disembarkation to NGO vessels, as well as vessels belonging to the Italian Coastguard, in Italian ports; and the implications of the implementation of the new Decree on Immigration and Security on the rights of migrants, including victims or potential victims of trafficking in persons.

By this reply, we take the opportunity to reiterate our firm willingness to continue to fully and extensively cooperate with all UN Special Procedures Mandate-Holders.

Should additional information be made available, allow me to ensure you that we will share it with you as soon as possible.

Please accept, Ms. Balbin, the assurances of my highest consideration.

Sincerely yours,

Ambassador Massimo Bellelli

Deputy Permanent Representative, Chargé d'Affaires a.i.

Geneva, 20 MAI 2019

To the attention of 10 UN Special Procedures

**ITALY**

***MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION***  
*Inter-ministerial Committee for Human Rights*

**ITALY'S REPLY  
TO COMMUNICATION BY UNITED NATIONS  
SPECIAL PROCEDURES**

*MAY 2019*

## **Italy's reply**

Following communication by UN Special Procedures, we are in a position to provide the following information:

### **Principles guiding Law-Decree No. 113/2018 as converted into law with amendments, by Act No. 132/2018**

1. Similarly to other European countries, Article 1 of Law-Decree No.113/2018, converted with amendments by Act No.132/2018, typifies the forms of protection of a humanitarian nature supplementing international protection (namely refugee status and subsidiary protection), the requirements of which have been identified comprehensively by European Directive 2011/95/EU - The latter being translated in Italy by Legislative Decree No.251/2007, as amended by Legislative Decree No.18/2014.

2. The new rules replacing a previous generic legislative definition (referring to serious or grave humanitarian reasons) characterized by indefinite boundaries, which did not meet any limits or normative criteria, delimit the exercise of discretionary power to identify and assess the existence of the hypotheses concerned, all aimed to meet the need for temporary humanitarian protection.

3. The new legislation is in line with Article 6, para. 4, of Directive 115/2008/EU, which provides for the possibility and not the obligation, for Member States, to "expand the scope of typical forms of protection by extending it to humanitarian, charitable, or other purposes, by means of issuing an autonomous residence permit or other authorization which confer the right to stay to a foreign citizen of a third country whose stay is irregular".

### **Prohibition of refoulement and stay permit for special protection purposes**

4. In compliance with international and constitutional obligations, in particular Article 3 of the UN Convention against Torture and Article 3 of the ECHR, a new hypothesis of protection has been identified (Article 32, paragraph 3 of Legislative Decree No. 25/2008, as amended by Article 1, paragraph 2, letter A of the aforementioned Law-Decree) which supplements, by means of a specific residence permit for "special protection", the prohibition of *refoulement* as already provided for by Article 19, paragraphs 1 and 1.1 of Legislative Decree No. 286/1998. In particular, paragraph 1 provides that "in no case the expulsion or refoulement may be carried out towards a State where the foreigner may be subjected to persecution ...". And paragraph 1.1. of the same Article excludes the expulsion or refoulement of a person "to a State if

there are reasonable grounds for believing that s/he risks being subjected to torture", besides specifying that "in the evaluation of such reasons, attention is paid also to the existence in that State of systematic and serious violations of human rights". Therefore, the prohibition of refoulement, as stipulated by Article 19 of Legislative Decree No. 286/1998, in accordance with international standards referred to, is unbreakable.

5. As a consequence, the Territorial Commissions for the Recognition of International Protection, during the examination of the application for international protection, do evaluate the framework of contraindications to repatriation, in accordance with the aforementioned Conventions signed and ratified by Italy, when the requirements of inclusion within the categories of refugees or subsidiary protection holders are not met.

6. At the outcome of this evaluation, the Commissions will send relevant documentation to the *Quaestor* for the issuance of the residence permit under reference of a one-year term, being renewable upon prior opinion by the Territorial Commission, as long as the conditions that justified its release persist. The residence permit will allow work activities, but not the convertibility into a different permit for work purposes, due to its temporary nature linked to the permanence of the conditions of release, without prejudice to the possibility of an undetermined number of renewals.

7. It is worthy of note that the protection deriving from the prohibition of refoulement applies, needless to say, also to those ones who have already obtained international protection. In fact, when revoking or terminating the already recognized international protection, it is the National Commission for the Right to Asylum to be entitled to assess the need for "special protection" pursuant to Article 33, paragraph 3, of Legislative Decree No.25/2008, which expressly refers to the new provision contained in the amended Article 32, paragraph 3, of the same Legislative Decree.

### **“Special cases” under which to release residence permit for humanitarian purposes**

8. Alongside the special protection, the Law-Decree under reference identifies special cases under which to issue a residence permit for humanitarian purposes. Mention has to be made in particular of the following types:

- i. Residence permit for medical treatment (Art. 1, paragraph 1, lett. G) issued to the foreign citizen, who is in particularly serious health conditions - which would cause a significant prejudice in the event of return to the country of origin or provenance - for the time certified by suitable health certification, in any case not exceeding a one year term (under the phase of first release); and renewable (without any limits) as long as the particularly serious health conditions persist. This permit

does not allow to work, given the health conditions of the beneficiary of the permit; and it cannot be converted into a work permit either.

- ii. Stay permit due to natural disaster (Article 1, paragraph 1, letter H), issued in the event of exceptional natural disaster in the country of origin, which does not allow the return and stay under conditions of safety. Should the conditions of exceptional natural disaster remain, this permit of a six-month duration is renewable for a further six months. It allows to work. Nevertheless, due to the temporary nature of the conditions that justify its release, it cannot be converted into a work permit as such.
- iii. Residence permit for acts of particular civic value (Article 1, paragraph 1, letter Q), the release of which by the Quaestor is authorized by the Minister of the Interior, upon proposal of the competent Prefect: of a renewable two-year duration, it allows working activities and can be converted into a work permit. For the type of documents on which the recognition of this residence permit may be based, the Law-Decree under reference recalls Article 3 of Act No.13/1958, in order to identify the acts of exceptional courage already worthy of a reward of a civic value nature (e.g. to save people exposed to serious danger; to prevent or reduce the damage deriving from a serious disaster, etc.).

9. The Law-Decree under reference also frames in special cases attributable to humanitarian needs, also the pre-existing residence permits issued to victims of trafficking, domestic violence and labor exploitation, as already regulated in compliance with EU law (Directive 2011/36/EU; Directive 2009/52/EC) or international law (Warsaw Convention; and Istanbul Convention). It is to be emphasized that as for these latter types of special cases, Law-Decree No.113/2018 - while formally rewriting the relevant discipline when it referred to the case of generic humanitarian permit pursuant to Art.5, paragraph 6 of Legislative Decree No. 286/1998 - leaves them unchanged if compared to the previous normative framework, with regard to both the contents of the recognized protection and the duration and the possibility to apply for them, including the possibility to convert this type of special permits into a work permit.

### **Victims of trafficking**

10. In particular, the special residence permit for social protection purposes is released for the victims of trafficking, upon proposal by the Public Prosecutor or the social services from the local authority concerned, to allow the victim to exit violence and participate in a program of assistance and integration: The residence permit has a duration of six months; and can be renewed for one year or for a longer period, if necessary, for reasons relating to the judicial proceeding; It allows the access to work and study; and can be converted into a permit for work or study purposes.

11. It should be pointed out that the release of the residence permit under reference is not subjected to the victim's willingness to collaborate with the investigative mechanisms. The peculiarity of Art.18 of Legislative Decree No. 286/1998 (Unified Text on Immigration, in Italian *TUI*), as amended by Law-Decree under reference, consists precisely in considering the protection of victims of trafficking not as an instrument of criminal action, but as a primary objective to be achieved regardless of their collaboration. This can also be inferred from the possibility that the proposal originates not only from the Judicial Authority but also from the social services of local Authorities, when situations of violence and severe exploitation emerge during the support interventions.

12. Moreover, should the situation of the victim of trafficking emerge during the interview before the Territorial Commissions for the recognition of international protection, Article 32, para.3bis, of Legislative Decree No.286/1998 envisages a specific duty of the Commission to report it to the *Quaestor*, for follow-up measures.

13. The framework of assistance and integration measures established in particular by Act No.228/2003 and subsequent amendments remains unchanged. It establishes a Fund (Art.12) intended for financing assistance and integration programs and for the purposes of social protection referred to in the aforementioned Art.18, besides establishing a special single program of emergence, assistance and social integration, which provides for first aid measures, besides ensuring, on a transitional basis, adequate accommodation, food and health-care and, subsequently, the continuation of assistance and social integration pathways.

- The assistance and integration program, set forth by Act No. 228/2003 and referred to in Article 18 TUI, also expressly refers, for the reception of victims of trafficking, to Article 17, paragraph 2, of Legislative Decree No. 142/2015, on the reception of asylum-seekers.

## **Victims of domestic violence**

14. The special residence permit for victims of domestic violence (Art.18 bis *TUI*<sup>1</sup>) amended by Article 1, paragraph 1, letter F of the Decree under reference is issued upon proposal or positive opinion by the judicial authority competent for certain crimes committed in the context of domestic violence, when a danger for the safety of the victim emerges as a result of the choice to exit violence. This permit of a one-year term allows access to work and study and can be converted into a permit for work or study purposes.

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<sup>1</sup> Standing for, Unified Text on Immigration.

15. The special residence permit for victims of serious labor exploitation (Art.22 TUI) as amended by Article 1, paragraph 1, letter I, of the aforementioned Decree is issued upon proposal or the positive opinion of the Public Prosecutor to the foreigner who files a complaint and cooperates within the criminal proceedings initiated against his/her employer. It has a duration of six months and can be renewed for one year or for the longer period being necessary for the definition of the criminal procedure. It allows to work and can be converted into a work permit. Both the discipline and requirements of these last two special cases remain substantially unchanged if compared to the previously existing normative framework - albeit amended from the formal point of view more incisively as long as previously it was identified with the indistinct humanitarian permit.

### **Additional forms of protection**

16. To confirm the extent of protection granted by the Legislator by the new forms of residence permit for humanitarian purposes, Law-Decree No.113/2018 (Article 1, paragraphs 3 and 5) entrust the competence for disputes concerning the refusal of release, denial of the renewal and revocation of such permits - including the pre-existing forms relating to victims of trafficking, of serious labor exploitation, and of domestic violence - to the judicial specialised sections (at the ordinary Courts) in international protection and immigration, as already established by Law-Decree No.13/2017 converted with amendments by Act No.46/2017, given their linkage with constitutional and international obligations and their nature of subjective rights.

17. In addition to the protection and guarantees-related provisions illustrated above, Law-Decree No.113/2018 also provides (Article 12, paragraph 1, letter A) that the holders of the aforementioned special residence permits can access the reception services set up by local Authorities pursuant to Article 1 sexies of Legislative Decree No. 416/1989 converted with amendments by Act No. 39/1990 (formerly SPRAR), for holders of international protection and for unaccompanied foreign minors (acronym, UAMs) if they do not access specifically dedicated protection systems, such as the programs mentioned above for victims of trafficking.

### **Reception System**

18. As for the provisions of the Law-Decree under reference (Art.12), which provide for the reception into the protection System referred to in the aforementioned Article 1-sexies (formerly SPRAR) for the holders of international protection and for the minors, these provisions specify that the asylum-seekers will be welcomed in the centers dedicated to them and activated pursuant to Articles 9 and 11 of Legislative Decree No.142/2015, with the methods envisaged by the aforementioned Decree, which also explicitly envisages specific measures for people with special needs, i.e. for members of vulnerable categories (Articles 10 and 17 Legislative Decree No.

142/2015), in compliance with European standards on the reception of asylum-seekers (Articles 17, 21 and 22, Directive 2013/33/EU, implemented by Legislative Decree No.142).

- Therefore, material conditions and essential reception services, such as accommodation, food, pocket money, health-care, legal and social assistance, information services and linguistic mediation are assured, in full compliance with the above EU Directive and with Articles 11 and 12 ICESCR.

19. The new Decree also retains the guarantees pursuant to Article 10 of Legislative Decree No.142/2015, i.e. the measures necessary for people with special needs pursuant to Art. 17, in addition to appropriate measures to prevent all forms of violence, including gender-based violence, and to guarantee the safety of asylum-seekers.

- Specifically, people who have suffered damage as a result of torture, rape or other serious acts of violence continue to be guaranteed assistance, appropriate medical and psychological care, according to the guidelines set out in Article 27, paragraph 1-bis, of Legislative Decree No. 251/2007, as prepared by the Ministry of Health and adopted on March 22, 2017.

20. No changes as regard the right of children of asylum-seekers received in reception centers to access the national education system, as well as the provision of school material in reception centers, in light of their best interests and in line with Article 14 of Directive 2013/33/EU.

21. As for UAMs, it is expected that they will remain in the system referred to in Article 1-sexies, even after the coming of age, up to the definition of their protection application (Article 12, paragraph 5-bis, Decree - Law) and, if their application is accepted, for the time reserved to the holders of international protection.

- Within the current legislative framework, the protection and reception measures for those who have come of age can be extended up to the age of 21, upon authorization by the juvenile court, in accordance with Article 13, para.2, of Act No. 47/2017.

22. More generally, as far as unaccompanied foreign minors are concerned, Law-Decree No.113 has not innovated the discipline, which provides for the prohibition of expulsion and refoulement (Art.19, paragraphs 1bis and 2, Legislative Decree 286/1998) and the issuance of a residence permit for minor age or for family reasons, depending on whether the minor is received in a dedicated facility or cohabits with an Italian citizen or with a legally resident foreigner to whom s/he is entrusted (Art.10, Act No. 47/2017).

- The principle of the best interests of the child informs all Italian legislation (Article 28, paragraph 3, Legislative Decree No. 286/1998), which envisages pathways of inclusion; and regulates, at the coming of age, the



possibility of continuing these paths (Article 13, Act No. 47/2017) and the relating conversion of the related stay permit (Article 32, para. 1 bis, TUI).

23. To complement the normative framework outlined above, with regard to family reunification, the national system gives due consideration to the right to family unity (Article 29, Legislative Decree No.286/1998), by a provision of a general nature (Article 5, paragraph 5, Legislative Decree No. 286/1998), which provides that by a refusal measure, including revocation or denial to renew the residence permit of the alien who exercised his/her right to family reunification or of the right of the reunited family member pursuant to Article 29, it is to be taken into account also the nature and effectiveness of the family ties of the person concerned and the existence of family and social ties with his/her country of origin, as well as the duration of the stay in the national territory, as regards the alien already present on the national territory”.

24. With reference to the lack of access to social integration services and language training for asylum-seekers as previously assured, it should be noted that these are services, the lack of which cannot be considered contrary to the right to an adequate standard of living, pursuant to Articles 11 and 12 ICESCR. Moreover, it also remains confirmed the possibility for asylum-seekers to carry out work activities after just 60 days from when the application was submitted - thus not hindering the opportunity already provided for by law<sup>2</sup>.

25. It should be noted that, with transitional provisions, the Law-Decree under reference (Article 12, paragraphs 5 and 6) ensures the completion of the reception projects underway within the aforementioned Protection system for asylum-seekers and holders of humanitarian protection, in order to guarantee the continuity of the interventions already started.

### **SPRAR /SIPROIMI system**

26. Access to the so-called Protection System for Holders of International Protection and Unaccompanied Foreign Minors (in Italian, SIPROIMI) (which replaces the reception system for asylum seekers and refugees) - in which integration and orientation services are provided for to promote social inclusion and personal autonomy – is ensured to UAMs and to those ones whose international protection procedure has ended with a favorable outcome, only.

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<sup>2</sup> Legislative Decree No. 142/2015 establishes that asylum seekers are allowed to work after 60 days from the day the asylum application has been lodged. This permit allows asylum-seekers to work; and cannot be converted into a permanent working permit. Article 13 of Law-Decree No.113/2018 has amended the provisions of Legislative Decree No.142/2015 governing the registration and access to the services of applicants for international protection. According to the new provisions, the residence permit issued to asylum seekers does not give them the right to be enrolled on the Civil Register, however they are allowed to access public services in the place they have elected domicile or where the reception centre is placed. Therefore, as regards the access of asylum-seekers to public or private local services, Law-Decree No.113/2018 establishes that domicile produces the same effects of registered residence.

27. In particular, the following categories are admitted to SIPROIMI: holders of international protection; unaccompanied foreign minors; holders of residence permits for medical treatment (Article 19, paragraph 2, letter D-bis); holders of residence permits for special cases issued pursuant to Article 18 (social protection), Article 18 bis (victims of domestic violence), Article 22, para.12-quater (labor exploitation), Article 20-bis (natural disaster), Article 42-bis (acts of particular civic value) of Legislative Decree No. 286/98, if they do not access specifically dedicated protection systems.

### **Retention of foreign citizens**

28. Provided that the relevant provisions of Law-Decree No.113 comply with European provisions on the retention of foreign citizens (Art.15, Directive 2008/115/UE "repatriations") and of asylum-seekers (Art.8, Directive 2013/33/EU "reception"), the extension in particular up to 180 days of the maximum duration of administrative detention in the centers for repatriation (Art.2, paragraph 1 of the aforementioned Decree, which updates Article 13, paragraph 5-bis, of Legislative Decree No. 286/1998) is in line with Article 15, paragraph 5 of the aforementioned Directive 2008/115.

29. The Decree under reference does not reduce the safeguards - which include the periodic review by the Judicial Authority - and the right to defense assured to the foreign citizen, by Article 13, paragraph 5 bis, as amended.

- The extension of the maximum duration of retention responds to the average duration of the time necessary for the completion of the procedures aimed to ascertaining identity and nationality, i.e. the acquisition of travel documents for the foreigner.

30. As for the possibility that foreign citizens may be temporarily held in suitable facilities under the authority of the public security other than the Centers for Repatriation, in the event of unavailability in the aforementioned Centers or in suitable premises at the border office (Art. 4 of the aforementioned Law-Decree), it is to be clarified that this temporary stay cannot in any case exceed the time necessary for the validation of the compulsory execution of the expulsion by the Judicial Authorities, i.e. at most 48 hours pursuant to Article 13, paragraph 5bis, TUI - in which the new provisions are inserted in compliance with Article 13 of the Italian Constitution: The possible retention in the suitable premises of the border offices pending the execution of the removal measure cannot exceed 48 hours following the validation of the above compulsory execution measure by the Judicial Authority. In any case, the competent Judicial Authority authorizes the stay under reference.

31. Finally, with regard to the possibility of retaining asylum-seekers in special areas at Hotspots for the time strictly necessary for the determination or verification of identity or citizenship - in any case for a period not exceeding 30 days - and the possibility that the retention then continues, for the same purposes, at the Retention

Centers (Article 3 of the aforementioned Law-Decree), it should be noted that this is only possible ("may be withheld") and is not mandatory, as erroneously reported in the Communication under reference.

- This possibility complies with the provisions of Article 8, paragraph 3, letter A of the aforementioned Directive 2013/33 EU; and is assisted by all the guarantees provided for by Article 13 of the Italian Constitution, in terms of timely communication and validation by the Judicial Authority, as well as legal assistance, in accordance with the rules established by Article 6 paragraph 5, Legislative Decree No. 142/2015 on the retention of the asylum-seeker, within which the new provision falls (paragraph 3 bis).

32. It should be emphasized that in this, as in the other cases, retention is maintained (subject to periodic review by the Judicial Authority), only, as long as the reasons that justified the use of the measure exist (Article 6, paragraph 9, Legislative Decree No.142/2015) and, pursuant to Article 7 of Legislative Decree No. 142, the applicants whose health or vulnerability conditions are incompatible with the retention cannot be held in the centers referred to in Article 6.

- Specific projects have also been launched to promptly identify victims of trafficking and vulnerable individuals since their arrival, in order to avoid their stay in the Hotspots.

33. Moreover, mention has to be made of the ongoing project (funded by the FAMI Fund), called ADITUS, within which IOM provides migrants and applicants for international protection arriving by sea, in landing sites, Hotspots and reception centers, with information aimed at early identification of victims of trafficking and labor exploitation and with identification of the risks associated with irregular immigration.

34. Moreover, it should be added that the European Commission with the emergency resources from within the Internal Security Fund has financed the SAVE project (Support Action for Vulnerability Emergence), having the Ministry of the Interior as leading body and the following stakeholders as partner Institutions: the Ministry of Health; Sicily, Calabria and Apulia Regions; INMP; FNAS.

- Launched on 1 July 2018, this project has a two-fold objective: to integrate the services provided for in the Hotspots aimed to the timely identification of the vulnerability already at the time of the transition of migrants to the centers; and to guarantee measures such as ascertaining the age of the UAMs, when their age is not certain, within Hotspots.

35. As for the remaining services and guarantees provided for the victims of trafficking, including in phases subsequent to the disembarkation, it should be noted that the aforementioned Article 17 of Legislative Decree No.142/2015 expressly includes the victims of trafficking among persons with special needs, for whom they

are guaranteed throughout the reception phase, appropriate care and medical care measures, as well as specific psychological support, which is also provided for by the new contract (*capitolato*), as one of the essential services to be provided to all asylum-seekers who are at Hotspots.

36. Moreover, the National Commission on the Right to Asylum and UNHCR drafted specific Guidelines on the identification of victims of trafficking among asylum-seekers and referral procedures, for the Territorial Commissions.

37. Finally, the specific competences of the Equal Opportunities Department of the Presidency of the Council of Ministers (in Italian, *DPO*) remain unaffected. Identified as the body in charge of coordinating, monitoring and assessing the outcomes of the prevention, fight and social protection policies of the victims, DPO has a role of guidance and coordination of social prevention interventions of this phenomenon, in addition to assistance to the victims, as well as the planning of financial resources for assistance and social integration of the victims-purposes.

## **Proceedings**

38. Accelerated procedures have been set up - as also envisaged at the border and in the transit areas - to be activated in the event of a manifestly unfounded application (Art. 7-bis) and of applications submitted for the solely purpose of delaying or preventing adoption or execution of an expulsion or removal measure (Article 9 paragraph 1-ter and 1-quater); in Art. 9, it has been also identified as a cause of inadmissibility of the examination of the application: the repetition of an identical application when a negative decision had been previously taken by the Commission without proposing new elements regarding the personal conditions or the situation of the country of origin; and the following application is submitted during the execution phase of a removal order (new Article 29-bis of Legislative Decree 25/2008)

39. Finally, Article 10 of Law-Decree under reference converted into law by Act No.132/2018 provides for the mechanism of immediate examination of the application, in the event that the applicant for international protection is subjected to criminal proceedings for one of the crimes recognized as particularly serious (and for which it is envisaged the refusal of refugee status).

40. With a view to simplifying and speeding up proceedings, Article 7-bis paragraph 1 letter A of Act No.132/2018 establishes the list of "safe countries of origin". The inclusion of a third country in the aforementioned list determines a presumption of manifestly groundlessness of the application for protection, which will be treated on a priority basis, by an accelerated procedure. In this event, it is the applicant who will have to prove the "non-security" of his/her country of origin.

41. In Article 7, it has been broadened the number of crimes, in the event of a final conviction or in the hypothesis of a defendant considered socially dangerous, involving the revocation or denial of international protection. For these types of crimes, it is to be expected the suspension of the proceeding of granting protection and the expulsion of the foreign citizen in the event of a conviction at a first instance trial level. Furthermore, for cases of cassation of refugee status, it is specified that in the event that the refugee has voluntarily re-established himself /herself in the country s/he has left, every return to the country of origin is relevant, “when not justified by serious and proven reasons” (Article 15, paragraph 2-ter of Legislative Decree, dated November 25, 2007, No. 251, as introduced by Article 8, paragraph 2, of Act No. 132/2018).

## **Repatriation**

42. As regards assisted voluntary repatriation, the economic resources allocated to the relevant programs have been increased: 500 thousand Euros, for 2018; one and a half million Euros for 2019; one and a half million Euros, for 2020 (Article 6). Regarding citizenship, Article 14, paragraph 1, lett.A-bis, subordinates the granting of citizenship (pursuant to Articles 5 and 9 of Act No. 91/1992) to the possession of an adequate knowledge of the Italian language.

43. The Legislator has intervened in the Italian migratory system, not only with Law-Decree No.113/2018, as converted into Law, by Act No.132/2018, but also with other laws concerning legal migration and mobility. In particular:

- ✓ EU Directive 2016/801 implemented by Legislative Decree, dated 11 May 2018, No.71, (18G00097) (Official Gazette, General Series No.141, dated 20-06-2018), concerning the conditions of entry and stay of third-country nationals for research, study, training, volunteering, student exchange programs or educational projects and au pair placement purposes;
- ✓ 2018 Flows Decree (Prime Ministerial Decree, dated 15 December 2017, published in the Official Gazette No. 12, dated 16 January 2018), which sets 30,850 units of third-country nationals who may enter Italy for work purposes;
- ✓ Budget Law 2018 (Act No. 205, dated 27 December 2017), which provides for incentives for the recruitment by social cooperatives of individuals under international protection.

## **Disembarkations**

44. In Italy, the illegal migration by sea has been managed by patrols along the external coasts and, more specifically, with the intervention by the Navy under the EUNAVFORMED operation and with the joint operation "THEMIS 2018" under the aegis of the FRONTEX Agency, respectively. In light of the above, data on migrants

landed in the period 2016-2017-2018 and 2019 as well as data on the corpses recovered following shipwrecks are reported below:

2016		2017		2018		2019 (as at 11/02)	
Events	Disembar	E.	D.	E.	D.	E.	D.
1.580	181.436	1.451	119.369	601	23.370	9	215

	2016	2017	2018	2019
Corpses recovered	390	210	23	1
Dead migrants and missing people in the Mediterranean	5.096*	3.139*	2.275*	212*
*UNHCR source as at 04/2/2019				

45. The identification procedures following the landings are carried out in full compliance with the fundamental rights of migrants, who have access to full information on the right to asylum and immigration legislation.

46. More specifically, when the Italian Maritime Rescue Coordination Center (IMRCC) receives a distress call, it coordinates the SAR event and then involves the competent Administrations for the identification of the place of safety. Conversely, when the SAR events occur outside its region of responsibility, IMRCC acts in accordance with the cooperation between States, as required by the SAR Convention.

47. Labour exploitation and illegal employment of third-country nationals, in particular in agriculture, are a source of concern for Italy. Article 25 quater of Law-Decree No.119/2018 sets up the "Institutional group" to devise a new strategy to fight against this phenomenon. This WG/Table is chaired by the Ministry of Labour and Social Policy and is composed by representatives of: the Ministry of Interior; the Ministry of Justice; the Ministry of Agricultural, Food and Forestry Policies and Tourism; the Ministry of Infrastructure and Transport; ANPAL; the National Labor Inspectorate; INPS; the Carabinieri Command for the employment protection; the *Guardia di Finanza*; Regional Administrations; and ANCI (standing for, National Italian Municipalities Association).

48. Main challenges are the vigilance and repression of the phenomenon of illegal employment; price regulation of agricultural products; intermediation between labour demand and supply; enhancement of the role of Public Job Centres; transport; provision of temporary accommodation; and strengthening of the quality of the agricultural network.

49. Under the above Strategy, in January 2019 the Ministry of Labour and Social Policy launched a Public Call for the promotion of regular employment in agriculture and the fight against labour exploitation and “*Caporalato*”. The Call is financed by the 2014-2020 Asylum, Migration and Integration Fund (AMIF), and the European Social Fund (ESF) –National Operational Program "Inclusion".

50. In particular, the specific objectives are: to promote legal working conditions and to support the labour reintegration of victims of exploitation in agriculture; and to prevent exploitation of potential victims through the implementation of innovative measures, such as social farming. Project-related applications submitted under this Call are intended for activities involving the improvement of employment services as well as accommodations, access to health services, and transportation.

### **Conclusion**

Italian Authorities take this opportunity to reiterate their full cooperation with UN Special Procedures and all other relevant monitoring mechanisms.