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Committee on Migration, Refugees and Population

Ad Hoc Sub-Committee on the large-scale arrival of irregular migrants, asylum-seekers and refugees on Europe's southern shores

**Report on the visit to Lampedusa (Italy) ¹
(23-24 May 2011)**

I. Introduction

1. Alarmed at the large-scale arrival of migrants, asylum-seekers and refugees on the shores of southern Europe, the Parliamentary Assembly held an urgent debate on the question at its April 2011 session².
2. Following this debate, the Assembly's Committee on Migration, Refugees and Population set up an Ad Hoc Sub-Committee on the large-scale arrival of irregular migrants, asylum-seekers and refugees on Europe's southern shores, comprising a representative of each of the Assembly's five political groups.
3. The Ad Hoc Sub-Committee has proposed to establish a constructive dialogue and build a relationship of trust with the authorities of the Council of Europe member states in southern Europe which are faced with these mixed migration flows at their borders. The Ad Hoc Sub-Committee decided to undertake visits to the countries concerned to gain a better understanding of the situation and the problems facing those countries and help them to find solutions. It began its work by undertaking a fact-finding visit to Lampedusa (Italy) on 23 and 24 May 2011, at the invitation of the Italian delegation to the Assembly.
4. The members of the Ad Hoc Sub-Committee wish to thank the Italian authorities for their co-operation and their help in organising the visit. They had the opportunity to meet all the actors involved in managing arrivals of migrants, asylum-seekers and refugees on the island of Lampedusa and to visit the island's two reception centres.
5. Since the visit of the ad hoc Sub-Committee, the situation has not improved on the island. As the arrivals have continued, both from Libya and Tunisia, tensions have grown exponentially. On 20 September a riot followed by arson in the main reception centre brought about severe damage to the reception centre, reducing the centre's capacity and undermining the local population's understanding and patience. Following this incident there was violence in the streets on the island.
6. As a consequence, the Italian authorities have declared Lampedusa an unsafe port and refugees, asylum seekers and migrants will not be brought to Lampedusa but to Sicily.

¹ Declassified by the Committee on 3 October 2011

² See [Resolution 1805 \(2011\)](#), [Recommendation 1967 \(2011\)](#) and [Doc. 12581](#); see also http://assembly.coe.int/Mainf.asp?link=/Communication/MigrantsAfrigueDuNord/default_EN.asp

II. History of Lampedusa as a destination for mixed migration flows

7. The island of Lampedusa, with an area of scarcely more than 20 km², lies about 100 kilometres off the coast of Tunisia (whereas it is about 200 kilometres away from Sicily).

8. Its 4 500 inhabitants live mainly from fishing and tourism. The island is wholly dependent on imports to meet the needs of its population, including freshwater supplies. It is important to make this point because it explains the difficulties encountered following the recent significant and (initially at least) unexpected increase in the number of people on the island.

9. Because of its geographical location close to the African coast, Lampedusa has experienced several episodes in which it has had to cope with a large influx by sea of people wanting to go to Europe (31 252 in 2008; 11 749 in 2007; 18 047 in 2006; 15 527 in 2005).

10. The numbers arriving fell sharply in 2009 and 2010 (2 947 and 459, respectively) following an agreement between Italy and Muammar Gaddafi's Libya. This agreement drew strong criticism because of the human rights violations in Libya and the appalling living conditions of migrants, refugees and asylum-seekers in the country. It also drew criticism, subsequently validated by UNHCR, that it risked denying asylum seekers and refugees access to international protection. It did however prove extremely effective in halting the influx and as a result, the island's reception centres were then closed and the international organisations active in Lampedusa withdrew their field presence.

11. In 2011, following the uprisings in Tunisia and then in Libya, the island was confronted with a fresh wave of arrivals by boat. Arrivals resumed in two stages. The first to arrive on the island were Tunisians³, followed by boats from Libya, among which many women and young children. The influx began on 29 January 2011 and the population of the island was quickly multiplied by two.

12. Following these arrivals, Italy declared a humanitarian emergency in Lampedusa and called for solidarity from the European Union member states⁴. The Prefect of Palermo was given emergency powers to manage the situation.

13. As of 21 September 2011, 55 298 people had arrived by sea in Lampedusa (27 315 from Tunisia and 27 983 from Libya, mainly nationals of Niger, Ghana, Mali and the Côte d'Ivoire)⁵.

14. During the visit of the ad hoc Sub-Committee, both the authorities and the local population have clearly stated their intention of honouring Lampedusa's humanitarian mission by continuing to rescue and take in the desperate people arriving regularly on the island by boat.

III. Belated official response early 2011

15. Starting in February 2011, Lampedusa was faced with an emergency. Thousands of people arrived on the island by boat from Tunisia. These people found themselves on the streets with no shelter from the rain and the low temperatures and in appalling conditions of hygiene which were condemned at the time, particularly by UNHCR⁶. This situation was due to the fact that the national authorities were slow both to re-open the island's reception centres and then to organise transfers to other centres in Sicily or mainland Italy.

16. At the end of March the situation was still critical, with some 3 000 people sleeping rough or at the docks. According to the Mayor of Lampedusa, as many as 6 000 people were stuck on the island for 58

³ Mostly young economic migrants.

⁴ The Italian Minister of the Interior asked for 100 million euros from the European Union to manage the influx.

⁵ Source: UNHRC

⁶ See UNHCR briefing notes of 22.03.2011 "UNHCR calls for action to alleviate humanitarian situation on Lampedusa".

days because no efficient transfer system had been put in place. The pictures made headlines on many television news programmes around Europe and were damaging to the image of the island and its key economic activity, namely tourism.

17. During the delegation's visit, several theories were put forward to explain the chaos, with some claiming that the situation was deliberately neglected by the national authorities in order to put pressure on the European Union. The Mayor of Lampedusa himself was critical of the response, although he pointed out that the problem was primarily in relation to Tunisians⁷, whom other regions were not prepared to accept.

18. Questions do indeed arise concerning the delay in re-opening the reception centres on Lampedusa and in organising transfers to other locations in Italy. Furthermore, no temporary material (such as tents, for example) was made available on the island to provide shelter for those arriving or ensure sufficient access to sanitary facilities⁸. Once efficient transfers had been put in place, the situation was resolved in a matter of days.

19. It might therefore be thought that if the centres had been re-opened and an efficient transfer system had been immediately put in place, the situation would not have degenerated in the way it did (both for those arriving on the island, who were forced to live in unacceptable conditions, and for the island's image)⁹.

IV. Recent developments

20. On 20 September, a fire broke out in one of the island's main reception centre "Contrada Imbriacola" and destroyed two of the three main housing units. Reportedly, a group of migrants set the building on fire. At that time, over 1 000 Tunisians were accommodated in the overcrowded Centre. It is said that the fire was lighted to protest against the lengthy detention conditions on the island and to avoid supposed imminent forced returns to Tunisia.

21. As a result of the destruction of the reception centre, a number of migrants left the centre and roamed the streets of Lampedusa. An escalation of tension followed, with violence breaking out between police, migrants, the local population and media crews.

22. While no-one was injured by the fire, several persons were injured during the clashes.

23. These acts of violence are to be strongly condemned. It does not acknowledge the efforts of both the local population of Lampedusa and the Italian coastguards, who day after day do their utmost to rescue people at sea and to offer them temporary shelter on the island.

24. On the other hand, this increase of violence is not a real surprise. Italy's detention policy for Tunisian migrants on Lampedusa is problematic, as the reception centre on Lampedusa is not a suitable holding facility / detention centre for irregular migrants. The uncertainty of the migrants as to the duration of their detention was certainly an additional factor that increased tension in the centre .

25. The damage caused by the fire and by the tensions on the island will add to the plight of those in need of protection and will further reduce the already insufficient reception capacities on the island, but it will also add to the disproportionate burden carried by the population of the island of Lampedusa.

⁷ Although they were not prepared to take in economic migrants, the other regions of Italy are willing to receive refugees and asylum-seekers arriving from Libya.

⁸ See in this connection the report on the visit to Lampedusa by an Amnesty International delegation at the end of March 2011, <http://www.amnesty.org/en/library/asset/EUR30/007/2011/en/51602263-7363-4dae-84f5-fa650e66a55f/eur300072011en.html>

⁹ The Mayor of Lampedusa drew the Ad Hoc Sub-Committee's attention to the fact that Lampedusa had received 36 000 "boat people" in 2008 without that creating an emergency on this scale, owing to efficient organisation of transfers.

V. The players on the ground and their responsibilities

26. The Prefecture of the province of Agrigento¹⁰ is responsible for all questions relating to the reception of persons arriving on the island until they are transferred elsewhere. The prefecture also oversees the *Accoglienza* private co-operative which manages the island's two reception centres. The immigration police office of the province of Agrigento is responsible for identifying new arrivals, transferring them and repatriating them if necessary. Since 13 April 2011, the Italian civil protection department has been co-ordinating the management of migration flows from North Africa¹¹.

27. The international community is also active on the ground. The Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Red Cross, the Order of Malta and the NGO Save the Children have teams on the spot.

28. UNHCR, the IOM, the Red Cross and Save the Children are part of the "Praesidium Project"¹² and are helping to manage the arrivals of mixed migration flows by sea on Lampedusa¹³. These organisations are authorised to maintain a permanent presence inside the Lampedusa reception centres and have interpreters and cultural mediators available. They dispatched teams to Lampedusa straight away in February 2011 (as noted earlier, their operation had been suspended when the arrivals decreased)¹⁴. The Praesidium Project, which has since been extended to other centres in Italy, stands as an example of good practice in Europe and the organisations involved have jointly published a handbook on management of mixed migration flows arriving by sea (for the time being in Italian only, but soon to be translated into English)¹⁵.

29. The members of the Ad Hoc Sub-Committee found that all these players are working on good terms and are endeavouring to co-ordinate their efforts, with the shared priority of saving lives in sea rescue operations, doing everything possible to receive new arrivals in decent conditions and then assisting in rapidly transferring them to centres elsewhere in Italy.

VI. Lampedusa's reception facilities

30. It is essential for transfers to centres elsewhere in Italy to be effected as quickly as possible because the island's reception facilities are both insufficient to house the number of people arriving and unsuitable for stays of several days.

31. Lampedusa has two reception centres: the main centre at Contrada Imbriacola and the Loran base.

32. The main centre is an initial reception and accommodation centre (CSPA). The Ad Hoc Sub-Committee was informed by the director of the centre that its capacity varies from 400 to 1000 places¹⁶. At the time of the visit, 804 people were housed there. Reception conditions were decent although very basic. The rooms were full of mattresses placed side by side directly on the ground. The buildings, which are prefabricated units, are well ventilated because the rooms have windows and the sanitary facilities seem sufficient when the centre is operating at its normal capacity.

¹⁰ which represents the Ministry of the Interior locally.

¹¹ Decision n° 3933 of the President of the Council of Ministers, 13 April 2011.

¹² co-financed since March 2006 by the Ministry of the Interior and the European Commission.

¹³ assistance with interception, medical care, providing information to new arrivals, identifying them and transferring them.

¹⁴ The agreement between these organisations and the Ministry of the Interior was valid until the end of February 2011.

¹⁵ For more information about the project, see

http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/managing_return_migration_042108/presentations_speeches/lampedusa.pdf

¹⁶ According to Médecins Sans Frontières and Amnesty International, 800 people can be housed in this centre.

33. At the time of the Ad Hoc Sub-Committee's visit, the centre was divided in two. One part was reserved for persons arriving from Libya and unaccompanied minors (including unaccompanied Tunisian minors). The other part, a closed centre within the centre (itself closed), was reserved for Tunisian adults¹⁷.

34. The second centre, the Loran base, is located on the premises of an old NATO base. This centre, described by the director of the centres as a "satellite" facility, is in a precarious state. Its capacity of 180 places was exceeded by far, with 380 people housed there at the time of the Ad Hoc Sub-Committee's visit (a number of them being women – some of them pregnant - and very young children). This centre far from satisfies the relevant international requirements and standards. The rooms were full of mattresses placed directly on the ground, but in much greater numbers than at the main centre. Sanitary facilities were inadequate, with only five provisional units (each comprising 3 showers, 3 toilets and 3 washbasins), which were situated outside the building. The people housed at this centre complained about the difficulty of communicating by telephone with their next of kin. The director of the centre confirmed that the Loran base had only one landline and that the mobile phone signal was very weak in that part of the island. The centre does not meet all the safety standards either (it would seem in particular that the fire alarm is defective and that the electric circuit is dangerous) and men, women and children are not properly separated.

35. Nobody denies the limited capacity of the two centres, their unsuitability for keeping unaccompanied minors separate from adults or the provisional nature of the Loran base¹⁸. It is also generally agreed that the boats arriving in Lampedusa in 2011 have been carrying far more people than in the past. For example, a single boat carrying 840 people arrived in Lampedusa on 22 June 2011. This is not an isolated case but part of a trend which has been repeatedly confirmed. The arrival of just one boat can therefore saturate Lampedusa's reception facilities. In view of this trend, it would be wise to give prompt consideration to ways of increasing Lampedusa's reception capacity. The situation has obviously become even more critical, following the fire in the main reception centre.

36. Given that the facilities in Lampedusa are not designed for lengthy stays¹⁹, it should be possible to find temporary solutions for increasing the island's reception capacity. The authorities could make mobile reception units available, using tents, for example, to house new arrivals for short periods of time.

37. Like all reception centres in Italy, the Lampedusa centres are run by a private company. It is essential that the public authorities ensure regular and strict scrutiny of the running of these centres and that there should be specifications detailing their obligations (including on certain basic issues such as the number and thickness of blankets) in line with international standards, particularly those set by UNHCR²⁰.

¹⁷ Some 190 Tunisians were present on the island at the time of the visit.

¹⁸ Conditions in the island's two reception centres have been strongly criticised. This was especially the case until efficient transfers were put in place. MSF called on Italy to drastically improve these conditions (see declaration dated 3 May 2011), which it described as "falling short of humanitarian standards" (01.04.2011).

¹⁹ The authorities now arrange for people to be transferred as quickly as possible to reception centres in Sicily or elsewhere in Italy.

²⁰ On 29 July 2011, the Chair of the Ad Hoc Sub-Committee received a letter from the Italian authorities providing the following explanations: "With regard to the conditions in the Reception Centres and their management, it should be noted that the Unit for Civil Liberties and Immigration (*Dipartimento per le Libertà Civili e l'Immigrazione*), which is competent in the matter, is conducting very careful oversight over the liveability conditions in all the structures for immigrants through the network of Prefectures, to ensure that the whole management system is rigorously compliant with current legislation, and meets the quality and quantity standards laid down in the Consolidated Tender Specifications governing the operation and management of these Centres, that were adopted by decree of the Minister for Home Affairs dated 21 November, 2008.

For these specifications require the managers to comply with a set of formalities designed to guarantee the maintenance of appropriate standards of reception.

More specifically, successful contractors are required not only to ensure an appropriate administrative management of the Centre but also to provide the inmates with services including not only board and lodging, but also linguistic and cultural mediation, social-psychological support, an information service regarding immigration law, health care services which also includes, whenever necessary, hospitalisation in appropriate facilities, and the provision of meals in compliance with the constraints imposed by the various religious dietary laws.

VII. Interception and rescue operations at sea

38. These operations are carried out by the coastguard and customs services, both of which are present on the island. 7 boats are available for these operations, including 4 suitable for all-weather use.

39. One official told the Sub-Committee that since the Libyan coast has become a conflict zone, NATO has informed them of every boat leaving the Libyan shore. Sea rescue operations are not confined to Lampedusa's search and rescue zone: coastguards have operated outside those limits on several occasions.

40. The actors involved told the Ad Hoc Sub-Committee that they co-operated closely with Frontex. In the context of that co-operation, resources around the island have been reinforced with three 27-metre patrol vessels and 1 helicopter.

VIII. Health checks

41. The many health teams of the various organisations present (Red Cross, MSF, Order of Malta) and the numerous regional teams are co-ordinate by the Head of the Palermo Health Unit²¹.

42. As soon as coastguards become aware of a boat arriving, they advise the medical co-ordinator and inform him of the number of people on board. All the persons concerned are then immediately informed and put on alert whatever the time of day or night.

43. Initial checks on the state of health of persons arriving are carried out in the port, as soon as they have disembarked. Prior to that, Order of Malta members/doctors accompany the coastguard or customs services on interception and rescue operations at sea. They inform the medical teams on hand at the port of any cases possibly requiring specific and immediate medical treatment²².

44. On reaching the port, the new arrivals are quickly classified according to their needs using a clear colour-coding system. People requiring hospital treatment are transferred by helicopter to Palermo or elsewhere. The hospitals are obliged to accept these patients, even if their capacity is exceeded.

45. Sometimes there is not enough time to carry out initial checks on all those arriving at the port, and checks therefore have to be continued at the reception centres²³. Emphasis has been placed on the need also to achieve maximum standardisation of the procedures used at the centres.

46. The most common problems are: sea sickness, disorders of the upper respiratory tract, burns (fuel, sea water, sun or a combination of the three), dehydration, generalised pain (due to posture in the boat), psychological disorders or acute stress (because of the high risk of losing one's life during the crossing)²⁴. Some people arriving from Libya were suffering from acute stress even before starting the

The Ministry of Home Affairs, both at the central and the regional levels through the Prefectures, carefully monitors and oversees the Centres by ensuring that the standards of reception identified in the above mentioned Specifications are being met.

This includes monitoring the services delivered, through regular reports, notwithstanding the possibility for the Prefectures to request the Management to provide all relevant information for these purposes, or demand access to the facilities to conduct on-site inspections."

²¹ Adding together their resources, the teams offer a very comprehensive range of practitioners and nurses covering all specialities from cardiology to gynaecology-obstetrics. 2 helicopters are available for emergencies 24 hours a day, 7 days a week. A detailed intervention protocol has been established. The medical teams on the spot extend their care provision to the population of Lampedusa.

²² For example, the imminent birth upon arrival in port.

²³ The island's reception centres also have medical units, including access to dentists, psychologists, etc.

²⁴ Doctors informed the members of the Ad Hoc Sub-Committee that some new arrivals are in such a state of shock that they cannot recognise their own children.

crossing. New arrivals are extremely vulnerable people who may have suffered physical and/or psychological violence and their trauma is sometimes due to the way they have been treated in Libya. There are also many pregnant women who require closer examination. Some cases of tuberculosis have been detected. The persons concerned are immediately placed in quarantine in a hospital.

47. Only a general evaluation is made of the state of health of new arrivals in Lampedusa. An individual assessment is not possible on the island and is carried out elsewhere after transfer. Anyone wishing to be examined can be, and no request to this effect is refused. A regular inspection of the sanitary facilities and food at the centres is carried out by the Head of the Palermo Health Unit.

48. MSF and the Red Cross voiced concerns regarding health conditions in the centres when they are overcrowded. It was also pointed out that the Tunisians were separated from the other new arrivals by a closed barrier and did not have direct access to the reception centre's medical teams.

IX. Information about asylum procedures

49. The UNHCR team provides new arrivals with basic information about existing asylum procedures, but it was stressed that Lampedusa was not the place to provide potential refugees and asylum seekers with exhaustive information on this subject. Relevant information and help with asylum application procedures are provided once the new arrivals have been transferred to other, less provisional reception centres elsewhere in Italy. If people express the wish to seek asylum, UNHCR passes on the information to the Italian police.

50. However, when large numbers of people arrive at the same time (which is increasingly the case) and transfers are carried out very quickly, the new arrivals are sometimes not informed about their right to request asylum. They receive this information at the centre to which they are transferred. This shortcoming in the provision of information about access to international protection may present a problem insofar as people of some nationalities are liable to be sent straight back to their countries of origin. As a rule, however, new arrivals are not in a position to be provided immediately with detailed information about access to the asylum procedure. They have other priorities: they are exhausted and disoriented and want to wash, eat and sleep.

X. Tunisians

51. In the recent spate of arrivals, they were the first to arrive in Lampedusa in February 2011. These arrivals were problematical for several reasons. As stated above, this was because arrivals by sea had decreased significantly in 2009 and 2010, and the island's reception centres had been closed. Tunisian migrants therefore found themselves on the streets, in appalling conditions. When the centres re-opened, they were immediately saturated. The Tunisians were subsequently transferred to holding centres elsewhere in Italy, then, once these were saturated, to open reception centres designed for asylum-seekers.

52. The fact that the vast majority of Tunisians are economic migrants and the difficulty of organising immediate returns to Tunisia, prompted the Italian authorities to issue a decree on 5 April 2011 granting them temporary residence permits valid for 6 months. Although 25 000 Tunisians had already arrived in Italy on that date, only 12 000 took advantage of this measure (the other 13 000 having already disappeared from the centres). The consequences of this measure are well-known: tensions with France and a serious re-assessment of freedom of movement in the Schengen area.

53. On 5 April 2011, Italy signed an agreement with Tunisia providing for a certain number of daily returns of Tunisian migrants arriving in Italy after that date. The text of the agreement has never been made public, but quotas of between 30 and 60 returns per day have been mentioned. At the time of the Ad Hoc Sub-Committee's visit, returns to Tunisia were suspended²⁵.

²⁵ No clear explanation was given for this suspension, but it would seem that the agreement with Tunisia also set a maximum quota (the figure of 800 people was mentioned), which had been reached at that time.

54. As a result of this suspension of returns, some 190 Tunisians were being held on the island at the time of the Ad Hoc Sub-Committee's visit. Some of them had been there for more than 20 days, in a closed centre inside the closed Contrada Imbriacola centre.²⁶ Despite the authorities' claim that the Tunisians were not detainees because they were not in cells, the members of the Sub-Committee found that the conditions to which they were subjected were similar to detention and deprivation of freedom.

55. While the members of the Ad Hoc Sub-Committee appreciate the Italian authorities' concern to contain this wave of irregular immigration from Tunisia, some rules have to be observed where detention is concerned. The Contrada Imbriacola centre is not a suitable holding facility for irregular migrants. In practice, they are imprisoned there without access to a judge. As already pointed out by the Parliamentary Assembly in its Resolution 1707 (2010), "*detention shall be carried out by a procedure prescribed by law, authorised by a judicial authority and subject to periodic judicial review*". These criteria are not met in Lampedusa and the Italian authorities should transfer irregular migrants immediately to appropriate holding facilities, with the necessary legal safeguards, elsewhere in Italy.

56. Another key point made in this resolution is access to information. All detainees must be informed promptly, in a language that they can understand, "*of the essential legal and factual grounds for detention, their rights and the rules and complaints procedure in detention*". While it is true that the Tunisians interviewed by the Ad Hoc Sub-Committee were perfectly aware that they had entered Italian territory illegally (in fact, it was not the first attempt for some of them and a number had already been sent back to Tunisia on previous occasions), the same is not true of information about their rights and procedures. The Italian authorities themselves were unable to tell the Ad Hoc Sub-Committee when returns to Tunisia would resume. As well as being a significant stress factor, this uncertainty highlights the inappropriateness of holding Tunisians on Lampedusa for long periods without access to a judge.

57. As mentioned earlier, on 20 September a fire severely damaged the main reception centre. It is reported that Tunisian migrants carried out the arson in protest to their detention conditions and their forthcoming forced return to Tunisia. It should be noted that on 20 September, more than 1 000 Tunisians were kept in detention on the island, 5 times more than at the time of the visit of the ad-hoc Sub Committee.

58. With less than 200 Tunisians on the island, the ad hoc Sub-Committee was already not allowed to visit the closed part of the reception centre in which the Tunisians were kept. The authorities informed the members of the ad hoc Sub-Committee that for security reasons such a visit was not possible. They reported tensions inside this part of the Centre, as well as attempt of self harm by some of the Tunisians.

59. Considering that the authorities were already worried by a tense situation with less than 200 Tunisians in the Centre, the question occurs as to why more than 1 000 were kept in this very Centre on 20 September. As a matter of fact, this centre is neither designed nor legally designated as a detention centre for irregular migrants.

60. From a more general standpoint, concerning not only Italy but Europe as a whole, the members of the Ad Hoc Sub-Committee were struck by the accounts given by Tunisians who, although married to citizens of European Union member states (notably in the Netherlands and Denmark), had not succeeded in entering the European Union by legal means. These accounts point to shortcomings in legal migration channels, especially where family reunification is concerned.

61. Furthermore, the great majority of the Tunisians who had come to Italy did not intend settling there but hoped to reach other countries of the European Union, especially France, but also Belgium, the Netherlands and the Nordic countries.

²⁶ On 29 July 2011, the Chair of the Ad Hoc Sub-Committee received a letter from the Head of the Italian delegation stating that a few of the 196 Tunisian nationals on the island at the time of the visit have since been transferred to the National Identification and Expulsion Centres, but virtually all of them have been repatriated. The letter also confirms that the agreement signed between Italy and Tunisia on 5 April is still effective.

62. Lastly, the members of the Ad Hoc Sub-Committee are concerned about recent moves to extend the period for which irregular migrants may be detained. Whereas, previously, that period could not exceed 6 months, it could now be increased to 18 months if Parliament approves a decree to that effect issued by the government²⁷. After that period, the normal procedure provides for the possibility of forced returns to the country of origin.

XI. Unaccompanied minors

63. The reception of unaccompanied minors is one of the difficulties facing Lampedusa. The two reception centres, which are both closed centres, are unsuitable facilities for minors because there is no proper separation between them and adults.

64. To remedy this situation, the members of the Praesidium Project have asked the authorities to find a place outside the centres where minors can be accommodated. Nearby premises close to the church were made available but had to be evacuated following acts of self-mutilation by some of the minors and a deliberate fire.

65. The fact that the local authorities have to cover the cost of caring for unaccompanied minors seems to present problems and to account for the lack of available facilities for them. Midway through May, the Italian authorities published a plan relating to the placement procedure for unaccompanied minors. 500 places will be financed by the government²⁸. The NGOs welcomed the adoption of this plan but thought that 500 places would not be enough and described it as incomplete.

66. There are still several hundred minors on Lampedusa. Some of them have already been there for nearly a month and a half because of the shortage of places elsewhere in Italy. This is a worrying situation to which Italy must find a solution as quickly as possible.

XII. Better co-ordinated situation and effective large-scale transfer system

67. Since the Italian civil protection department took charge of managing arrivals and transfers, the situation seems to be better organised. A migrant reception plan has been drawn up.

68. All Italian regions (apart from two, Sicily²⁹ - already under heavy pressure – and Abruzzi – because of the earthquake) have been called upon to help and quotas have been set³⁰ so that up to 50 000 people can be received³¹. New arrivals are therefore transferred as quickly as possible (depending in particular on weather and shipping conditions) to centres in one of the 20 regions participating in the operation.

69. Transfers are effected mainly by two boats which can carry up to 1 500 people. The journey lasts 5 days on average (depending on the region in which the centre is located). One boat is therefore enough to alleviate overcrowding at the centres on Lampedusa. But if people were to arrive in greater numbers and at shorter intervals, fresh problems might arise.

70. Asylum-seekers and vulnerable persons are transferred on scheduled ferry services and persons in need of urgent care are transported by helicopter. UNHCR, for its part, is calling for asylum-seekers to be transferred immediately to appropriate centres, regardless of nationality.

²⁷ Legislative decree n° 89, 23 June 2011.

²⁸ See Article 5 of Decision n° 3933 of the President of the Council of Ministers, 13 April 2011.

²⁹ Sicily has however stated its readiness to take in another 4 000 people at a later stage.

³⁰ The quotas were set in proportion to the population of each region.

³¹ According to documents which the authorities made available to the Ad Hoc Sub-Committee during its visit to Lampedusa, 6 779 people had been transferred to these 20 regions as of 20 May 2011.

71. During the Ad Hoc Sub-Committee's visit, the civil protection department said that, out of all the new arrivals present on the island, 639 were considered "transferable". And they were actually transferred once weather conditions allowed the boat chartered for this purpose (which was waiting off shore) to dock in the port of Lampedusa.

XIII. People smugglers

72. The members of the Sub-Committee expressed concern about the conditions under which migrants, refugees and asylum-seekers embark on dangerous crossings in dilapidated boats.

73. The answers received varied. Where Tunisians are concerned, apparently some pay as much as 5 000 euros for the crossing while others pay nothing at all. Among the Tunisians interviewed by the Ad Hoc Sub-Committee, one had paid 1 500 dinars (around 760 euros) and another 5 000 dinars (around 2 500 euros). Some unaccompanied minors said that they had paid 500 euros, while others said that they had been allowed to travel free of charge in exchange for finding 5 people to board the boat.

74. Some people fleeing Libya paid 600 dollars while others told the Ad Hoc Sub-Committee that they had been forced at gunpoint to board the boat. This confirms the most pessimistic theories about Libyan militias forcing people to leave the country by sea at the risk of their lives³².

75. The Ad Hoc Sub-Committee was informed about the difficulties encountered by the authorities in identifying the people smugglers. Many boats have no "captain" on board. Or the "captain", where there is one, throws the radio over board as soon as the rescue vessels come close, so as not to be identified.

76. However, some ten people smugglers operating in this context have already been tried in Italy and are now in prison. In all, some twenty have been arrested and the others are awaiting trial. To give other member states the benefit of this experience, the Sub-Committee has asked the Italian delegation for further information on this subject to be shared with other member states³³.

XIV. A disproportionate burden for the island of Lampedusa

77. The inadequate and belated management of the crisis early 2011 as well as the recent events will unquestionably have irreparable consequences for the inhabitants of Lampedusa. The 2011 tourist season will be a disaster. Whereas 2010 had seen a 25% increase in the number of visitors, from February 2011 onwards all advance bookings were cancelled. At the end of May 2011, none of the island's hotels had a single booking. Tourism industry professionals conveyed their feeling of helplessness to the Ad Hoc Sub-Committee. They had incurred expenditure on renovating or improving tourist facilities using the money paid for advance bookings. They had had to repay these sums when the bookings were cancelled and now find themselves in a precarious position, in debt and with no prospect of little money coming in for the 2011 season.

78. The members of the Ad Hoc Sub-Committee also saw the work involved in cleaning and in removal of the boats (or what remains of them, which is clogging up the harbour) and the potential danger that these boats or wrecks pose to water quality around the island, which has to meet strict environmental standards. These operations are also very costly (half a million euros for the 42 boats still afloat at the time of the visit, not to mention the 270 wrecks littering the island)³⁴. Steps have been taken by the civil protection department to ensure that the boats are dismantled and any liquid pollutants are pumped out.

³² The fastest crossing time from Libya is 36 hours.

³³ On 29 July 2011, the Chair of the Ad Hoc Sub-Committee received a letter from the Italian authorities stating that, between 1 January 2011 and 13 July 2011, the police has arrested 199 people committing the crime of aiding and abetting illegal immigration.

³⁴ According to information received from the Italian civil protection department, the estimated costs are as follows: "By itself, the direct cost of disposing of the ships present in Lampedusa is estimated at approximately € 3.5 million, plus the cost of disposing of ships in other places (nearly € 15 000 per boat). Overall, the cost of disposal could amount to over € 5 000 000." (unofficial translation)

79. The dilapidated state of these boats reflects the degree of despair felt by people who are prepared to risk their lives crossing the Mediterranean on such vessels. The coastguards told the Ad Hoc Sub-Committee that only 10% of the boats arriving were in a good state of repair.

80. During the delegation's visit, representatives of the island's inhabitants (in particular people representing the hotel and restaurant trade) and the Mayor of Lampedusa put forward their ideas for remedying this disaster for the local economy. At no time did they say that they no longer intended to take in people arriving by boat - on the contrary. They did however ask for fair compensation for the losses entailed by their island's role as a sanctuary.

81. They therefore drew up a document containing several proposals, which they forwarded to the delegation. The key proposal is for the island to be recognised as a free zone³⁵. The delegation took due note of this proposal and of that concerning a one-year extension of the deadline for the inhabitants' tax payments. While recognising that these matters fall outside its mandate, the Ad Hoc Sub-Committee calls on the relevant Italian authorities to consider these requests in view of the heavy burden borne by the island and its inhabitants in the face of the influx of irregular migrants, refugees and asylum-seekers arriving by sea.

XV. Conclusions and recommendations

82. Much of the work observed by the delegation on Lampedusa warrants admiration, praise and broad support, even if some of the images provided in the media in the past have conveyed a rather more negative image. However some of the underlying problems noted by the delegation during its visit have manifested themselves in recent events, notably the arson attacks on the centre and the rising violence. Unfortunately what happened recently was foreseeable by the authorities and was inherent in the challenges of handling mixed flows of migrants and asylum seekers in the context of detention in a centre designed for reception.

83. What's done is done, but lessons can usefully be learnt from the episode which has been painful both for Lampedusa and for the migrants, refugees and asylum-seekers who have been subjected to appalling conditions.

84. Lampedusa is still in the front line for arrivals of mixed migration flows by sea, in particular from Libya. The arrivals have not decreased in intensity and Italy and Europe must be ready to face up to a potentially even larger influx.

85. However, if we look at the number of arrivals so far, this is not a crisis for Italy or for Europe, but it is for Lampedusa.

86. In the immediate future, as soon as the situation is settled and the port is again considered safe, Lampedusa must remedy its limited reception capacity as the centres are immediately saturated by the arrival of boats with more and more people on board.

87. In the possibly very near future, if the number and frequency of arrivals increase, reception capacities in Italy will have to be brought into line. At the time of the visit, the Vice-Prefect and the Mayor were optimistic and convinced that the transfer system put in place was working, and that the situation would not deteriorate to the point reached earlier in the year. Furthermore, they considered that the transfer capacity could be increased through the planned provision of an additional boat. The members of the Sub-Committee at the time was confident that the Italian authorities would continue to do everything necessary to manage arrivals, even if their number were to increase. However, these measures – mostly designed for dealing with refugees and asylum-seekers fleeing Libya - have been proved insufficient to handle the challenge of handling the situation of the Tunisian migrants.

³⁵ http://ec.europa.eu/taxation_customs/customs/procedural_aspects/imports/free_zones/index_en.htm

88. The Ad Hoc Sub-Committee wishes to voice its concern regarding a new agreement which the Italian authorities are reported to have signed with the authorities in Benghazi in Libya³⁶. The situation in Libya is not safe enough for people to be returned there and UNHCR's position on this question remains unchanged. Furthermore, any attempt to deny access to persons entitled to international protection (and there are many of them in Libya) would be a clear breach of Italy's international obligations.

89. There remains the issue of minimising loss of lives at sea and the need to ensure that all states fulfill their obligations of rescue at sea and the provision of access to international protection following any intervention.

90. Due to its proximity to North-Africa, Lampedusa is a key island to avoid even greater deaths at sea. If the boat people cannot hope to reach Lampedusa, their already highly dangerous journeys will become longer and therefore even more unsafe. To avoid more tragedies, Lampedusa's reception capacities must be rebuilt and improved as soon as possible.

91. The Ad Hoc Sub-Committee urges the Italian national, regional and local authorities to maintain their co-ordinated effort to manage arrivals of mixed migration flows in Lampedusa while complying with the relevant international standards and in co-operation with the international organisations and NGOs present on the island.

92. On the basis of its observations, the Ad Hoc Sub-Committee calls on the Italian authorities:

- i. to continue to comply immediately and without exception with their obligation to rescue persons in distress at sea and to guarantee international protection, including the right of asylum and non-refoulement;
- ii. to introduce flexible measures for increasing reception capacities on Lampedusa;
- iii. to improve conditions at the existing centres, and in particular the Loran base, while ensuring as a matter of priority that health and safety conditions meet existing standards – even when the centres are overcrowded – and carrying out strict and frequent checks to ensure that the private company responsible for running the centres is complying with its obligations;
- iv. to ensure that new arrivals are able to contact their families as quickly as possible, even during their stay on Lampedusa, particularly at the Loran base, where there are problems in this regard;
- v. to provide appropriate reception facilities for unaccompanied minors, ensuring that they are not detained and are kept separate from adults;
- vi. to clarify the legal basis for the *de facto* detention in the reception centres in Lampedusa;
- vii. where Tunisians in particular are concerned, only to keep irregular migrants in administrative detention under a procedure prescribed by law, authorised by a judicial authority and subject to periodic judicial review;
- viii. to continue to guarantee the rapid transfer of new arrivals to reception centres elsewhere in Italy, even if their number were to increase;
- ix. to consider the requests by the population of Lampedusa for support commensurate with the burden it has to bear, particularly in economic terms;

³⁶ On 29 July 2011, the Chair of the Ad Hoc Sub-Committee received a letter from the Italian authorities stating that this agreement had been initiated by the Minister for Foreign Affairs.

x. not to conclude bilateral agreements with the authorities of countries which are not safe and where the fundamental rights of the persons intercepted are not properly guaranteed, as in Libya.

93. Recalling the Assembly's [Resolution 1820 \(2011\)](#) on "Asylum-seekers and refugees in Europe: sharing responsibilities", the Ad Hoc Sub-Committee also recommends that all Council of Europe member states, and particularly the European Union member states, display greater solidarity by providing direct assistance to the countries, including Italy, which are currently faced with arrivals from the southern Mediterranean, and by accepting relocations within Europe where appropriate.

94. The Sub-Committee also urges member states to follow the example of the close co-operation between the Italian authorities and the member organisations of the "Praesidium Project" (UNHCR, IOM and the Red Cross) in managing arrivals and reception centres.

95. The Ad Hoc Sub-Committee invites the Italian authorities, through the Italian Delegation to the Parliamentary Assembly, to keep the Committee on Migration, Refugees and Population, apprised of progress on the 10 specific issues raised above on a six monthly basis.

APPENDIX

List of members of the Ad Hoc Sub-Committee
Liste de membres de la sous-commission ad hoc

Chairperson / Président

M. CHOPE, United Kingdom/Royaume-Uni, EDG alternate/remplaçant :
Mr CLAPPISON, United Kingdom/Royaume-Uni,
EDG

Members / Membres

Ms ACKETOFT, Sweden/Suède, ALDE

Ms GROTH, Germany/Allemagne, UEL

Mr SANTINI, Italy/Italie, EPP/CD

Ms STRIK, Netherlands/Pays-Bas, SOC alternate/remplaçant :
Mr DÍAZ TEJERA, Spain/Espagne, SOC