

**Submission to the UN Committee on the Elimination of Racial Discrimination regarding the main
review of Italy**
July 2023

Introduction

1. The Global Alliance against Traffic in Women (GAATW) is an alliance of almost 100 NGOs from Asia, Africa, Europe, Latin America and the Caribbean, and North America. These NGOs work to promote the rights of migrant women and survivors of trafficking.
2. Comitato per i diritti civili delle prostitute aps (The Committee for the Civil Rights of Prostitutes - CDCP ApS) is a member of GAATW, and an Italian organisation that was founded in 1983 with the goal of advocating for the recognition of the human, social, and labour rights of sex workers at the local, national, and international levels. Since 2000, CDCP ApS has implemented a social reintegration programme for victims of trafficking and exploitation in Trieste. It is one of three organisations in its region to implement the regional anti-trafficking project 'Il Friuli Venezia Giulia in rete contro la tratta' in Northeastern Italy.
3. This submission focuses on the situation of migrants and the extent to which the Government of Italy is providing adequate protection and assistance to persons in a situation of vulnerability (including victims of trafficking).

Context

4. Comitato is based in Trieste in the Friuli Venezia Giulia region. This area receives huge numbers of people who are travelling to Europe overland via the Balkans. According to official estimates the number of people who entered Italy through the Friulian border has increased exponentially in the last two years. In October-December 2021, 1,194 people crossed the border. In the same period in 2022, 5,690 people entered Italy via this land border. 2022 also saw an increase in people arriving from Asia, particularly India, Bangladesh and Nepal.
5. On arrival in Trieste, some people choose to travel onwards immediately, whilst others choose to stay in Trieste, some because they have no means of travelling further, and others because they choose to stay and try and settle in Italy.
6. The impact of the Dublin Regulation has also been felt in recent years. This is an EU law which gives Member States the power to deport third country nationals who wish to claim asylum back to the first country they entered the EU in. There are now significant numbers of people, particularly women with young children, who have been returned to Italy from other EU countries.

Submissions

1. *The response from local and national government to the increase in people arriving in Trieste has been inadequate*

Despite the dramatic rise in the number of people arriving in Trieste via the Balkans route in the last year, there has been either no action, or very inconsistent action, on the part of the competent authorities to offer assistance and protection to people in situations of vulnerability.

In particular, the local authorities have failed to take any specific action to provide assistance and protection to families, women and children. Since June 2022, there has been a marked increase in the numbers of women with young children arriving in Trieste. As of 8 June 2022, there were 130 women and 161 children living in shelters for victims of trafficking. The majority of the women with children are young, aged between 18-30, and the vast majority are African. 83.8% of the women and children come from Nigeria and 4.6% are from the Cote D'Ivoire.

Whilst the law requires the local government to provide accommodation and assistance "*from the moment of the manifestation of the will to seek international protection,*" many people seeking asylum and/or who are potential victims of trafficking, are made to wait between 30-70 days before they can access any accommodation or assistance.

During this period many people are forced to live on the street. In the winter months, this puts people in a life-threatening situation. Access to dormitories is only given to the elderly, women and those with acute medical needs, and even for people who meet this criteria, there is an inadequate number of beds. There have been no efforts to build additional shelters to house people, including children, who are currently homeless.

Also of great concern is the practice of fining people who are found to be living on the street. Many people have been forced to stay and gather in a square in front of Trieste train station, due to there being no accommodation or shelters made available to them. People are gathering in this particular square in order to provide assistance to each other, as well as to obtain a sense of community in what is otherwise an extremely hostile environment. However the municipal authorities have begun fining people, including children, for sitting in the square. These fines are for €100.

II. There is inadequate coordination between the competent authority for asylum claims and the competent authority for identifying victims of trafficking.

Many women who are being returned to Trieste from other EU countries (pursuant to the Dublin Regulation) were not identified as potential victims when they first arrived in Italy many years ago. These women do not always openly define themselves as trafficking victims, and anti-trafficking agencies are failing in their duty to investigate whether women returned pursuant to the Dublin Regulation have experienced trafficking. Many of these women indeed experienced trafficking some years ago and then broke free from exploitation on their own; whilst others are still exposed to more subtle forms of re-trafficking. The great complexity of these stories, and the lack of formal recognition, results in many bureaucratic obstacles for the women to access assistance.

In addition, asylum cases are resolved by the Ministry of Interior, whilst responsibility for trafficking lies with the Department for Equal Opportunities. There appears to be very little coordination between the two institutions and many women seeking asylum have failed to be identified as potential victims of trafficking. For example, the Government of France has reported receiving Nigerian women who were trafficked in Italy whilst awaiting for the asylum claims to be determined, yet there is no record of these cases with the competent authority in Italy. When women in this situation are returned to Italy, from

countries like France, they face difficulties to access support for victims of trafficking, because no case was registered when they first arrived.

III. There is evidence that the Italian authorities are engaging in pushback practices towards migrant people that violate international and EU law.

In 2021, the Court of Rome ruled that the practice of returning people who had expressed an intention to claim asylum back to Slovenia, was illegal on the basis that it violated domestic and European law on access to asylum, as well as the EU Dublin Regulation. However, to date these practices continue.

Similarly, on 4 November 2022, the Government of Italy resumed its practice of rejecting asylum seekers at sea. On 4 November, a boat carrying 179 shipwrecked people was stopped from docking on Italian shore and forced to exit territorial waters. This is a clear violation of the 1951 Refugee Convention.

IV. People in immigration detention are denied access to assistance from lawyers, doctors and civil society

It is very difficult for external actors, including civil society, lawyers and medical professionals, to access people detained in immigration detention centres (known as Centri di Permanenza per il Rimpatrio). Only in two cities in Italy (Turin and Gradisca d'Isonzo) is it possible for people under administrative detention to have a smartphone, so they can communicate with the outside world. Like many other associations, CDCP ApS has never been permitted to enter the detention centre in the Trieste region (Friuli Venezia Giulia) or to meet with people detained there.

From reports compiled by civil society associations and social movements, we know that human rights violations in CPRs are very frequent, which has led to riots. As recently as March 2023, the Turin CPR was closed (temporarily) after fires broke out as a result of riots. From 2019 to 2022, 9 people died in administrative detention in Italy (4 of them in Gradisca d'Isonzo, Friuli Venezia Giulia region).

V. The authorities are failing to protect the rights of migrant sex workers

In 2020, CDCP participated in a survey on the rights of sex workers in Europe, noting that: a crucial factor of victimisation is the criminalisation of sex work and consequently the lack of safe workplaces.¹ The criminalisation of sex workers, their clients, or third parties results in fear of the police and authorities, and limits the ability of sex workers to report crimes, including exploitation and trafficking. The criminalisation of migration, and the resulting fear of arrest and deportation, further negatively impacts sex worker's access to justice.

The majority of the sex workers surveyed have been subjected to police identity checks (57 percent) or police residence checks (30 percent). This high level of surveillance and profiling negatively impacts the confidence placed by the migrant sex worker community on law enforcement. Thirty-six percent of respondents reported only negative experiences with the police, a crucial fact that influences the decision to report or not to report crimes.

¹https://d3n8a8pro7vhmx.cloudfront.net/eswa/pages/108/attachments/original/1629229589/Report_summary_-_Italian.pdf?1629229589&sa=D&source=docs&ust=1689240202975639&usg=AOvVaw1Lr4lvzrxAFwkEOrFzrGNl

For example, in the case of Maria (not her real name), a trans woman from a Latin American country and undocumented who approached CDCP to ask for health care, informed us that she had been assaulted and robbed by a client. The client had, at the end of the service, refused to pay Maria and threatened her with a knife, before beating and robbing her. The woman, being undocumented at the time of the incident, felt she could not report the incident to the police for fear of being deported. Even if she had had a valid visa and work permit, she says that she still would have been afraid to report the crime due to her general fear of law enforcement.