



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

1932

Geneva, 16 OCT. 2017

Madam Special Rapporteur,

I make reference to your letter dated 8 August 2017 concerning the Code of Conduct for Non-Governmental Organizations involved in migrant rescue operations at sea.

I am pleased to transmit herewith attached the Italian Government's response to your queries.

Please accept, Madame Special Rapporteur, the assurances of my highest consideration.

LE REPRÉSENTANT PERMANENT
Amb. Maurizio Enrico SERRA

Mrs. Callamard,
Maurizio + Sun

Mrs Agnes Callamard
Special Rapporteur on Extrajudicial,
Summary or Arbitrary Executions
OHCHR
GENEVA

ITALY



MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION
Inter-ministerial Committee for Human Rights
Comitato interministeriale per i diritti umani

**Italy's Reply to
Communication from Ms. Agnès Callamard,
UN Special Rapporteur on Extrajudicial,
Summary or Arbitrary Executions**

October 11, 2017

Italy's Reply

To the attention of registry@ohchr.org

Following to your query, dated August 2017, Italian Authorities are in a position to provide the following information:

1. According to the latest data provided by IOM, between January and July 2017, 2,224 deaths were recorded at sea along the Central Mediterranean Sea route corresponding to 2% of migrants landed in Italy. This figure represents 93% of the total deaths along the three migratory routes that lead to Europe. In this respect, the recent reversal trend appears to be also significant, with a meaningful reduction in both deaths in June 2017 and large-scale incidents, if compared to the first half of 2017.
2. As regards support initiatives for the Libyan Authorities in the field of border management and assistance to migrants and refugees in Libyan territory, as set out in the Guidance Act of Africa Fund, Article 3, paragraph 2, all activities funded under this Fund "must comply with European and international standards on fundamental rights, including the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms".
3. In addition to the above, it is to be mentioned the support of Italy - always within Africa Fund - for the activities of IOM and UNHCR, to protect migrants and international protection applicants in Libya and other countries of migration flows.
4. The alleged reduction in Italian engagement in Search and Rescue activities (SAR), also as a consequence of the cessation of the *Mare Nostrum* operation, does not reflect the situation on the ground, as evidenced - on the contrary - by the constant daily commitment of the competent Italian Authorities engaged in rescue operations.
5. Likewise, the reference to the modalities of the planning of the obligations' fulfillment of Italy in preventing the loss of human lives in the Mediterranean Sea does not reflect the reality either. It is all likely that Italy is in fact the State in the world that, at present, also through the provision of its ports to non-national vessels, coordinates and guarantees the positive conclusion of the largest number of Search and Rescue operations in the various States. This highlights the constant level of commitment of Italy to complying with the international standards in force.
 - It would be interesting if the report elaborated by the UN Special Rapporteur could provide data on a comparative basis, with regard to search and rescue activities by various States so that the constant Italian engagement in respecting the international normative frameworks in force would be highlighted.
6. By the constant pressure from Italian Authorities, it is worthy of mention the

involvement of means of the European Union in the waters of the Central Mediterranean Sea - thus drawing the attention of the international community to a humanitarian tragedy, the effects of which have been - and *de facto* continue - to be borne by Italy, alone.

7. Even today, despite the efforts of the European Commission, the EU has been unable to relieve the very strong pressure on the national reception system, which continues to provide assistance to dozens of thousands of people, in order to fully respect international obligations, including those ones relating to search and rescue.

8. With regard to the Code of Conduct for NGOs operating in the Mediterranean Sea, the following clarifications should be made - on issues, which perhaps, were not yet clear at the time of the request by the Special Rapporteur (during the first weeks of August 2017).

9. Contrary to what has been reported, there is no implicit logic behind the relevant initiative - which would entail a trade-off between migration deterrence and acceptance of the risk of the increase in dead people at sea. Indeed, the Code follows a strict - opposite - rationale, as it aims to increase co-ordination in the context of a complex activity, the primary objective of which remains the rescue of people exposed to concrete danger - in a scenario where it is also necessary to combat traffickers of human beings, who daily violate basic human rights.

10. Italy has therefore acted precisely to ensure the effectiveness and transparency of rescue activities, as recognized by the European Commission and the other Member States - stakeholders with whom a preventive advisory activity has been carried out.

11. The Code is also perfectly in line with the provisions of the relevant international conventions: a fact, confirmed by the Code's subscription by most NGOs operating in the Central Mediterranean Sea: SOS Méditerranée, MOAS, Proactive Open Arms, Save the Children, Sea-eye. The latter were preliminarily consulted on the draft Code and contributed pro-actively to its final drafting by providing observations, which have been largely transposed, precisely to improve coordination between the parties involved in the pursuit of the common goal of saving people who are in a situation of real danger at sea.

12. It should be also noted that the most recent Italian strategy, which is also based on - and not limited to - support for the Libyan Authorities responsible for border control and flows management - unlike what has been mentioned by the Special Rapporteur -, does not favor the increase of deaths at sea.

13. The considerable reduction in sea crossings reduces objectively the risk of accidents and shipwrecks - a risk which can be reset with the interruption of departures, only.

14. With regard to the respect for human rights in Libya, this is a matter that Italy considers crucial and constitutes an essential component of the overall strategy developed

by the Government.

15. The objective of the Italian action is, in fact, two-fold: to prevent crossings that pose a risk to human lives (given the commitment and without prejudice to search and rescue operations when this risk occurs); and to ensure compliance with international standards of reception in Libya, also and above all by strengthening the presence and activities of UNHCR and IOM.

16. In this respect, the relevant Interior Ministry project, as mentioned by the Special Rapporteur, for the development of an Integrated Migration Border Management System in Libya, foresees the involvement of IOM and UNHCR as irreplaceable partners - with whom there is, moreover, a constant dialogue that demonstrates the utter common intent and commitment to strengthening respect for human rights in Libya.

17. Furthermore, Italy has vigorously brought this issue to the EU's attention – including lastly, at the recent Justice and Home Affairs Council Meeting, held on September 14, 2017.

18. Respect for the international standards for the reception of migrants is also at the heart of the dialogue between Italy and the Libyan Authorities, precisely to foster more and more structured operational forms of cooperation with UNHCR and IOM.

19. Strengthening the migrant reception capacity in Libya is not, however, the only target which the Italian Government is directed to. The essential presence of UNHCR and IOM in the field - that Italy is trying to support with the Libyan Authorities – is also preparatory and leads to reducing the presence of migrants in Libya, especially with regard to the most vulnerable categories and asylum-seekers.

20. Against this background, it should be emphasized that - aside from and given the Italian Government's action in this respect - the issue requires a commitment and assumption of international responsibility with a crucial role for the United Nations, for example with regard to assisted voluntary repatriations and resettlement, as well as to prevent flows passing through Libya.

21. A greater holding of southern Libyan borders is in fact an objective that Italy is pursuing strategically, including with the essential involvement of neighboring African countries.

22. In this regard, the Ministry of Foreign Affairs and International Cooperation (acronym in Italian, *MAECI*) has reinvigorated bilateral cooperation with the main countries concerned, including through the use of Africa Fund, amounting to about 200 million Euros, to re-launch bilateral cooperation in the field of migration. Through this Fund, Italy also supports the activities of UNHCR and IOM in the African countries concerned.

- Through Africa Fund, Italy contributes to the activities of the IOM for the

implementation of voluntary assisted repatriations from Niger and Libya, as well as IOM's activities of assistance and information to migrants who are in Libya. Likewise, Italy finances refugee and migrant protection-related activities and support programs for Libyan communities, as carried out by IOM and UNHCR.

23. Within this framework, we recall the conference organized by the Ministry of Foreign Affairs and International Cooperation (acronym in Italian, *MAECI*) on July 6, 2017, with some European partners and the main African countries of transit, to strengthen dialogue on migration.

24. The involvement of European partners is also very intense in the context of the new partnership framework with third countries, under the European Migration Compact, where initial results are to be reported with some of the five pilot-countries (Nigeria, Niger, Senegal, Mali and Ethiopia).

25. Other forms of European dialogues, in particular the Khartoum Process and the Rabat Process, are also to be mentioned. These Processes have contributed to the joint management of the migratory phenomenon with respect to African countries of origin and transit.

In conclusion, allow Italian Authorities to reiterate their commitment to fully cooperating with Ms. Agnès Callamard, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, and all other international human rights mechanisms and bodies.