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Permanent Mission of Italy
UN - Geneva

NOTE VERBALE

The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has the honour to transmit herewith Italy's reply to the UN Joint Communication from Special Procedures AL ITA 4/2025 dated 30 April 2025.

This Permanent Mission would be grateful for kindly confirming receipt of this Note Verbale and of the attached document.

The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurance of its highest consideration.

Geneva,

21 JUL. 2025



Office of the United Nations
High Commissioner for Human Rights
GENEVA



Ministero degli Affari Esteri
e della Cooperazione Internazionale

COMITATO INTERMINISTERIALE PER I DIRITTI UMANI

Italy's reply to UN Joint Communication AL ITA 4/2025

June 2025

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Italy's reply to UN Joint Communication AL ITA 4/2025

Further to UN Joint Communication (AL ITA 4/2025) sent by three UN Special Procedures (The Special Rapporteur on trafficking in human being, especially women and children, the Working Group on Arbitrary Detention, and the Special Rapporteur on the human rights of migrants), Italian Authorities are in a position to provide the following information.

1. Introduction

The International Organization for Migration (IOM) is currently the main international organization operating in Libya Assisted Voluntary Return and Reintegration (AVRR) procedures which, in the sensitive local context, is referred to as “Voluntary Humanitarian Return” (VHR). These programmes are implemented by IOM with financial support provided by the Government of Italy.

IOM Libya is operating the VHR programme which provides lifesaving, safe, dignified and expedited return assistance to migrants caught in complex security and operational contexts, where standard Assisted Voluntary Return and Reintegration (AVRR) is not possible. The programme includes specific criteria which must be met, safeguarding protection for international migrants and their rights, before its activation and implementation.

The IOM Constitution and several IOM Council documents provide a basis for a rights-based and protection-centred approach for all the Organization's activities and programming, including across the entire return, readmission, and reintegration spectrum.

The preamble and Article 1, subparagraphs 1(c) and (d) of its Constitution mandate IOM to provide voluntary return and reintegration migration services. Article 1, subparagraph 1(c) also provides the possibility for IOM to offer a broad range of non-movement related migration and advisory services, while Article 1, subparagraph 1(e) broadly mandates IOM to serve as a “*forum to States as well as international and other organizations for the exchange of views and experiences, and the promotion of cooperation and coordination of efforts on international migration issues, including studies on such issues in order to develop practical solutions.*”

It is essential to highlight the distinction between, on the one hand, forced returns and, on the other hand, AVRR and VHR. Forced returns result from a deportation order by the competent national authority, which may be issued for various reasons; for instance, the order may follow the end of a foreign national's prison sentence or be based on his/her irregular presence in the national territory. With the cooperation of the authorities of the country of origin, the foreign national is forcibly transported from the host country to the country of origin and handed over to those authorities.

By contrast, both **AVRR and VHR** are characterised by the **entirely voluntary nature of the procedure** to return to the country of origin. The beneficiaries are always migrants located in a host or transit country (regardless of whether their status is regular or irregular), who, for various reasons, are willing but unable to return home on their own. These reasons may include geographical distance, lack of financial means to afford the journey, or any situation that makes it difficult to leave the host

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country. In all these cases, IOM — while providing the daily assistance to migrants that is part of its statutory objectives — informs them of the possibility to use the assisted or humanitarian voluntary return services available. If the migrant expresses the wish to return home through assisted or humanitarian voluntary return, IOM assumes all necessary costs and administrative responsibilities for the procedure (such as passport applications, exit visa requests, medical examinations, and so forth), organizes the means of transport, and arranges for the beneficiary's return home. It also ensures the provision of a package of reintegration measures of various types (including financial) in the country of origin.

It is therefore evident that forced return is a measure legally enforced on the migrant and sometimes perceived as detrimental, while **IOM's AVRR and VHR are voluntarily chosen procedures with positive effects on the beneficiary.**

The IOM website¹ contains various documents that illustrate in detail the operational procedures of AVRR-VHR. Of particular note are the document "*A Framework for Assisted Voluntary Return and Reintegration*"² and the annual reports "*Return and Reintegration Key Highlights*."³ The document "*A Framework for Assisted Voluntary Return and Reintegration*" outlines the standard procedures for voluntary return operations and explores the different activities conducted. Additionally, the document "*IOM's Policy on the Full Spectrum of Return, Readmission and Reintegration*"⁴ presents the modalities for return operations as well as the core principles established by IOM for implementing assisted or humanitarian voluntary returns.

Furthermore, the IOM website hosts a series of publications on assisted voluntary return operations, including operational manuals on return and reintegration and an entire interactive digital platform dedicated to the subject⁵. This demonstrates the significant number of informational documents and digital tools through which IOM explains to the public how voluntary return procedures are carried out.

2. Voluntary Humanitarian Return Operations from Libya

IOM's VHR is part of broader protection services provided by IOM Libya which includes vulnerability screening and identification, provision of various specialised protection services, food and non-food items, health, mental health and psychosocial support (MHPSS) services and facilitation of administrative procedures, delivered by trained psychologists, protection and health professionals, while keeping the migrant informed throughout the process.

First of all, it must be emphasised that the migrants themselves independently express to IOM their willingness to return to their countries of origin, and only following this expression of will does the Organization begin the procedure. The initial impetus always comes from the return beneficiary, who can revoke the decision to be transferred up until the last moment.

IOM's VHR programme has stringent safeguards in place to ensure voluntariness and full compliance with the principle of non-refoulement. Migrants receive individualised, multilingual counselling designed to support informed decision-making based on their rights, available options, and the conditions in their countries of origin.

As specified in various IOM policies, including the Return, Readmission and Reintegration Policy (RRR), IOM ensures, through multiple steps, the genuine will of migrants to return to their countries

¹ <https://www.iom.int/>

² <https://publications.iom.int/books/framework-assisted-voluntary-return-and-reintegration>

³ [Return and reintegration key highlights 2022 | Migrant Protection Platform \(iom.int\)](https://publications.iom.int/books/return-and-reintegration-key-highlights-2022-migrant-protection-platform)

⁴ [IOM's Policy on the Full Spectrum of Return, Readmission and Reintegration](https://publications.iom.int/books/iom-policy-on-the-full-spectrum-of-return-readmission-and-reintegration)

⁵ <https://returnandreintegration.iom.int/en>

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of origin. The local IOM offices provide telephone or home consultations, followed by a detailed interview that screens for vulnerabilities, assesses the individual's best interest, and verifies whether the return can be conducted safely and with dignity.

It is thus clear that **voluntary adhesion** is an essential condition to access the service. Respect for free, prior, and informed consent is a core principle in all of IOM's return and reintegration operations. The applicant may withdraw at any time, even at the point of departure. Numerous pre-departure interviews allow migrants to be informed and exercise their autonomy⁶.

IOM also provides assistance to migrants in detention centres under the UN Principled Framework for Interventions in Detention Centres (PF), developed to ensure adherence to human rights by humanitarian actors operating in these centres, including other UN agencies, in response to deterioration of conditions or to grave violations perpetrated therein. The PF defines interventions considered essential to respect for core humanitarian and human rights principles while saving lives in detention. The PF also provides for ongoing monitoring and reporting of detention conditions and return activities, ensuring transparency and accountability.

As part of a shared commitment to accountability, UN agencies in Libya have established in 2020 an inter-agency Common Feedback Mechanism (CFM). This enables two-way communication between beneficiaries and humanitarian actors, granting access to information, allowing feedback, and guiding migrants to appropriate services.

The VHR programme in Libya, apart from having its own hotlines, uses the interagency CFM, active 24/7 and supported by multilingual staff, to collect feedback on protection services and make sure beneficiaries can be referred to proper and relevant assistance depending on their needs and on where they are located in the country. This ensures that migrant needs and concerns are considered in programmatic decisions, making responses more effective and targeted.

3. On the intervention titled "*Multisectoral support for vulnerable migrants in Libya*"

Before funding the project, the Directorate-General for Italian Citizens Abroad and Migration Policies at the Ministry of Foreign Affairs and International Cooperation of Italy (from now on, "DGIT") conducted numerous in-depth reviews of IOM's procedures as part of its planning process, following a prudent due diligence approach.

The IOM's 'Concept Note' titled "*Multisectoral Support for Vulnerable Migrants in Libya*", submitted to DGIT in 2024 by IOM, provides an extensive illustration of the intervention to be funded. This document comprehensively describes the context in which the intervention would take place, the operational modalities, specific areas of action, the activity evaluation process, the requested budget, and the planned timeline for the operations.

With regard to monitoring and Evaluation activities (from now on, "M&E"), the document states: "*Monitoring will be an important part of the implementation of this project and will be crucial in ensuring timely learning, reporting and continuous improvement in the project implementation. M&E efforts will be led by IOM's Programme Development Support Unit based that provides strategic and thematic assistance to the programmes as well as programme development, reporting and M&E support. The M&E and programme teams will conduct regular data collection through interviews, surveys and assessments and field visit reports to ensure that activities are monitored, results and progress are captured. The primary function of M&E will be to ensure a continuous measurement of the progress made towards achieving the short- and long-term results as set out in the results matrix*

⁶ See also the "Return Counselling Toolkit", which defines IOM's approach to pre-return counselling: [Return Counselling Toolkit | IOM Publications Platform](#)

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through the routine tracking of indicators. The implementation of project M&E will also involve routine collection of timely feedback from project stakeholders, particularly beneficiaries during periodically organized site monitoring visits. Relevant feedback and recommendations for improvement, emanating from field visits, will inform project management teams' decision on areas that need improvement and provide early warning on potential risks and possible mitigation strategies”.

DGIT took into consideration this indispensable documentary foundation as well as many other sources of information available, including those on IOM's website, which describe in detail the standard procedures followed by the Organization in managing voluntary returns and, subsequently, reintegration in the countries of origin.

The M&E of projects financed through the “Migration Fund” continues throughout their implementation. As stipulated in Article 6 of the Project Agreement dated 13 June 2024, IOM every six months sends reports on activities carried out with the funds received from the Ministry. Additionally, a final narrative and financial report is submitted within three months after the conclusion of the project (“6. Reports 6.1. IOM shall provide the Donor with the following reports during implementation of the Project: (a) Progress narrative reports on the implementation of the Project every 6 (six) months from the start of the Project which shall be submitted to the Donor within 1 (one) month from the end of each reporting period. IOM shall also give, upon request, and as allowed by its internal rules and regulations, subject to its privileges and immunities, operational briefings to representatives of Italian Cooperation, the Italian diplomatic and consular network and the Italian Local Technical Cooperation Offices. (b) A final narrative and financial report on the implementation of the Project at the end of the duration of this Arrangement, to be submitted to the Donor within 3 (three) months after the end of the Project implementation period. 6.2. Further to the reporting requirements stipulated above, IOM agrees to keep the Donor informed of key issues, progress and problems relating to the Project, as appropriate. 6.3 The Donor may ask for any reasonable clarifications or details on produced documentation to the extent necessary to comply with its responsibilities under this Arrangement. 6.4 All project reports shall be issued by IOM in the Project Currency and in accordance with its regulations, rules, directives, policies and procedures and using IOM's standard project reporting templates. 6.5 The timely submission of the project reports and the evaluation of the results achieved will be preconditions for considering the extension of the Project by the Donor for an additional period.”).

As appears above, DGIT has conducted a thorough due diligence procedure in the definition of the project “*Multisectoral Support for Vulnerable Migrants in Libya*”, selecting IOM as the implementing agency, being the best, if not the sole, entity with extensive multi-year experience in voluntary assisted and humanitarian return activities. It is important to reiterate that IOM applies procedures recognised at the United Nations level as the best and most specific for this sensitive type of operation in environments characterised by **possible risks** of human rights violations. These procedures **fully respect** the rights of individuals and are entirely based on the **voluntary decision** of the beneficiaries throughout the entire process, from the planning phase to the actual return to the countries of origin, arranged also to ensure a dignified reintegration into the social and economic context of the beneficiaries' countries of origin.

4. **Monitoring and data collection**

The communication also highlights that IOM's displacement tracking matrix (DTM) raises human rights concerns related to the collection, analysis and dissemination of migration data, including regarding the privacy and protection of personal information of migrants, refugees and asylum seekers.

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DTM was established by IOM in Libya in 2016 to provide timely and accurate data on the mobility, needs, and vulnerabilities of internally displaced persons (IDPs), returnees, and migrants across the country, for essentially humanitarian purposes. DTM does not collect any personally identifiable information — such as names, phone numbers, or addresses — from migrants, IDPs, refugees, or asylum seekers. Instead, DTM Libya conducts regular data collection through assessments and flow monitoring, in coordination with national and local authorities. This information is strictly non-personal and handled securely, in line with IOM's Data Protection Principles⁷. The Government understands that all IOM data collection activities, including DTM's methodology, are firmly grounded in the Do No Harm principle⁸.

5. As it is well known, the international regulatory framework regarding search and rescue operations at sea is established by the International Convention on Maritime Search and Rescue, adopted in Hamburg on April 27, 1979. This convention stipulates that each State must designate an area of responsibility within which it is responsible for coordinating search and rescue operations at sea.

Italy adhered to the aforementioned convention, through Law No. 147 of April 3, 1989, and, with the subsequent implementing regulation issued by Presidential Decree No. 662 of September 28, 1994, entrusted the Minister of Transport and Navigation (now the Ministry of Infrastructure and Transport) with the responsibility for executing the convention. The Italian Coast Guard Headquarters (ITCG HQ) is entrusted with the coordination of maritime rescue services. For this purpose, the aforementioned ITCG HQ was designated as the national maritime rescue coordination centre (namely “Italian Maritime Rescue Co-ordination Centre” – I.M.R.C.C.).

Furthermore, this decree identified the Italian “Search and Rescue Region,” within which, according to the provisions of the Hamburg Convention, search and rescue services are provided and SAR operations are coordinated by the I.M.R.C.C..

It is worth noting that this area of responsibility does not extend to the entire Central Mediterranean, as areas of responsibility declared by other coastal States also exist within this maritime region. Nevertheless, in accordance with the provisions of the Hamburg Convention and relevant international SAR procedures, the I.M.R.C.C. guarantees cooperation with Maritime Rescue Co-ordination Centres (MRCCs) of other coastal States, particularly neighbouring ones. This cooperation also aims to provide information about any vessels or persons at risk within respective areas of responsibility and to enable the timely coordination of search and rescue operations by the competent MRCC.

It should be emphasized that rescue operations coordinated by the I.M.R.C.C. are carried out in full compliance with international law, without any discrimination based on age, gender, nationality, religion, political opinions, etc., of those in need of assistance. Within its entire area of responsibility, Italy ensures full and effective SAR service provisions through the deployment of highly specialized SAR units assigned to the Italian Coast Guard, as well as the effective coordination of SAR operations by the I.M.R.C.C., in full compliance with international maritime law and human rights regulations.

6. Coming back to the cooperation with IOM, it should be emphasized that IOM's activity in this specific sector is always part of a broader range of interventions aimed at alleviating the conditions of extreme hardship experienced by irregular migrants in Libya, particularly those who are most vulnerable, for which the inclusion in assisted voluntary repatriation represents only one of the possible options. IOM offers them the possibility of benefiting from concrete forms of assistance and support, such as health and psychological care, as well as of receiving the information necessary to access international

⁷ IOM Data Protection Principles: https://publications.iom.int/system/files/pdf/iomdataprotection_web.pdf

⁸ DTM “Do No Harm” Guide: <https://dtm.iom.int/dtm-partners-toolkit/guide/how-can-we-do-no-harm-when-collecting-storing-sharing-and-analysing-data>

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protection channels. It is only in this context that IOM, among the possible solutions, offers migrants, where the conditions exist, the possibility of voluntarily returning to their respective countries of origin – thus, helping them to escape the conditioning and various forms of criminal exploitation that characterize the so-called "journeys of hope" towards Italy and Europe.

Moreover, the adjective “humanitarian”, which qualifies these return mechanisms (VHR), clearly explains, beyond any doubt, the real nature of the activity conducted by IOM in Libya in support of migrants and the ways in which the Organization relates to them. It should be noted that the assisted voluntary repatriation operations conducted by IOM systematically include concrete measures for the reintegration of migrants into the economic and social fabric of their country of origin. These measures consist in the provision of small sums of money, professional training initiatives and access to forms of microcredit, which should allow the individual concerned to settle in a dignified manner in their community of origin, improving their personal and family conditions.

Conclusion

Italy reaffirms its commitment to continued engagement with the United Nations Human Rights mechanisms.