



Sant'Anna
School of Advanced Studies – Pisa

MASTER IN HUMAN RIGHTS AND CONFLICT MANAGEMENT
XVI EDITION

**CAN CITIZENS ACT AS PRINCIPAL ACTORS IN THE
INTEGRATION POLICIES IN ITALY?**

Supervisor: Prof. Chiara Macchi

Giorgia Galli

17 October 2019

A.Y. 2017/2018

Statement of authenticity:

I declare that this submission is my own work and incorporates my own ideas, and in every case where I have drawn on the work of other authors, this is fully and specifically acknowledged. All information contained in this dissertation is true, correct and accurate to the best of my knowledge; I am aware that plagiarism is a crime and can be ground for expulsion.

Acknowledgements:

I would like to express my sincere gratitude to my supervisor, Prof. Macchi, for her precious advice and teachings; to my Master's friends for their unconditional support; to my lovely friend Martina for having my back over the last months.

Dedication:

To all the persons who cherish small pieces of my heart;

To my family who let me go but still holds me with endless love;

To those who fight;

To all the oppressed people, with the hope that in the future you will be free again.

Abstract:

This dissertation analysed the correlation between the lack of a forward-looking legal immigration and integration policy and the increasing climate of hate and discrimination against migrants in the Italian context.

The purpose of this analysis, through comparative research and data collection, is to show that it is possible to realise different and more inclusive processes of integration, by engaging locals and empowering migrants in a way to encourage dialogue, mutual exchange and respect for human rights. The study will report on local innovative reception and integration projects, built on mutual exchange and understanding between migrants and Italian citizens, which can help to combat discrimination and prejudices.

Table of Contents

Introduction	1
Methodology	2
1. Legal Framework of the Right to Asylum: from an international to a national perspective	3
Asylum in international law	3
The European Union and the Right to Asylum	5
Italian Asylum System	11
How the Italian legal system and politics deal with migration	13
The failure of the national reception System	19
2. The role of media and politics in the Italians' perception of immigration	28
Hate speech and false representations about immigration	28
How disinformation influences Italians' attitudes towards immigration	34
3. How to engage Italians in the integration process	38
Why it is so important to invest in integration	39
Refugees Welcome	41
Conclusion	47
Bibliography	48

Introduction

Despite since 2017 the numbers of arrivals and asylum requests have dramatically decreased (from official data collected by Minister of the Interior¹), Italy is experiencing a widespread wave of racism and xenophobia, which leads to violence – physical and verbal – against migrants, refugees and asylum seekers. Italy has the world's highest rate of disinformation on migration; it emerged from the 2017 final report of the Jo Cox Commission – a parliamentary committee chaired by Laura Boldrini – that investigated causes and effects of hate speech. This report showed the existence of “a hate pyramid” consisting of two main levels: stereotypes, false and misleading representations and insults at its base and discriminations, hate speech and crimes on the top.²

Furthermore, the lack of an open-minded and pluralist political approach, which looks at migration from a scientific point of view, has contributed to boost this general climate of mistrust and discrimination against migrants. As evidence, the fact that, in the last years, the Italian legislator and politicians have focused on short-term policies, often matching two different concepts – migration and national security - , which do not aim towards active inclusion nor towards equitable integration of migrants in our society. Indeed, after the adoption of Decree no. 113/2018 “Decree-Law on Immigration and Security”, thousands of migrants became illegal, so deprived of most of the basic rights. This mistaken approach has caused numerous problems of segregation and marginalization from the social, political, economic and cultural life of the country.

This research will analyse the correlation between the lack of a forward-looking legal immigration and integration policy and the increasing climate of hate and discrimination against migrants in the Italian context. The purpose of this analysis, through a critical research, is to show that it is possible to realise different and more inclusive processes of integration, by engaging locals and empowering migrants in a way to encourage dialogue, mutual exchange and respect for human rights.

The first chapter will describe the legal framework of the right to asylum in the international law system, with a particular focus on the lack of a binding definition, and in the European

¹ Ministry of the Interior, Cruscotto statistico giornaliero, 31 July 2018. Retrieved from: http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31-07-2018_0.pdf

² Jo Cox Commission. (2017), *The Hate Pyramid in Italy*. Rome: Camera dei Deputati. Retrieved from <https://www.camera.it/leg17/1313>

Union law. After, the analysis will move towards the Italian context, in particular the immigration laws and the evolution, in the last decades, of the national reception system. The research will focus on the Italian legislator and politics' approach to the topic and how it has changed over the years. In the second chapter, the research will focus and evaluate the amount of discrimination, hate speech and violence against migrants, describing how it is mainly generated by false representations on immigration disseminated by media and certain political discourses. Afterwards, the analysis will assess how disinformation influences Italians' attitudes towards migration and which factors contribute to increase this climate of hatred. The final chapter will highlight the reasons of investing in integration policies and will report on local innovative reception and integration projects, realised by the Association Refugees Welcome. The study will demonstrate how positive experiences of Italian families who host refugees or beneficiaries of other forms of international protection could represent an important "weapon" against discrimination, intolerance and hatred.

Methodology

The methodology employed in this dissertation was based on an accurate and critical survey of secondary sources, such as specialized literature on the international law on asylum, European Union asylum system, Italian asylum laws and migration policies, alongside primary sources such as Italian legislation, official document and policy statements. In addition, this research involved the assessment of Italian legislative instruments, Parliamentary documents and reports. Furthermore, to evaluate the compliance of these provisions with international standards, a number of reports from UN institutions and expert bodies were examined. Then, the analysis on the correlation between hate speech, disinformation and their impact on Italians' attitude towards migrants involved the study of several reports and in-depth reviews from independent bodies, NGOs and research centres. In conclusion, a case study was introduced and disserted in order to support the main argument of this study.

Chapter 1

1. Legal Framework of the Right to Asylum: from an international to a national perspective

Hannah Arendt in her celebrated essay “The Origin of Totalitarianism” writes that asylum is a *border* right, because it gives those who lost all their qualities and specific relations, except for humanity, a place in the world. Her words seem to define asylum, as everyone’s inherent right to its human condition. The specificity of this right lies also in the fact that its exercise involves crossing a border.³ The importance of this right has been recognized after the Second World War; indeed, it has been included in most of the postbellum constitutions and in the Universal Declaration of Human Rights (UDHR) of 1948.

The following paragraphs will briefly describe the legal framework of the right to asylum in the international law system, with a particular focus on the lack of a binding definition, and in the European Union law. After, the analysis will move towards the Italian context, in particular the immigration laws and the evolution, in the last decades, of the national reception system. The research focuses on the Italian legislator and politics’ approach to the topic and how it has changed over the years.

1.1 Asylum in international law

Traditionally, doctrine has distinguished between territorial asylum and extra-territorial or diplomatic asylum. The Institute of International Law, in 1950, defined asylum as follows: “*the protection which a State grants on its territory or in some other place under the control of certain of its organs to a person who comes to seek it.*”⁴ The reason behind the claim for asylum is a state of persecution for political reasons perpetrated by a State. After the two World Wars and the subsequent mass migrations, States focused on the concept of territorial asylum and its relation with rights of refugees, which, at that time, were forming as a systematic and separate body of rules. Today, “asylum” reflects a confluence between two different elements: on one

³ Sciarba, A. (2018). Ai confini dei diritti. Richiedenti asilo tra normativa e prassi, dall’hotspot alla decisione della Commissione territoriale. *Questione Giustizia*, 2, (145-166).

Retrieved from http://questionegiustizia.it/rivista/pdf/QG_2018-2_13.pdf

⁴ Institute of International Law: Resolutions Adopted at its Bath Session, September 1950. (1951). *The American Journal Of International Law*, 45(2), 15.

hand, a set of rights regulated by international law and national law, on the other hand, the state of objective persecution of asylum seekers.⁵

Despite the right to asylum is based on three different body of rules – international law, European law and domestic legislations - there is no a generic obligation under international law for States to guarantee asylum in their own territories to date. Furthermore, there is no a consensus on the content and scope of this right. Indeed, not even thanks to the ontological progresses made in the UDHR and in the Geneva Convention Relating to the Status of Refugees (or 1951 Refugee Convention) we have a binding definition of asylum.⁶

The UDHR, in its article 14, states *“Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.”* According to the wording of this norm, this right does not encompass the right to be granted asylum. Nevertheless, the preliminary text states as follows: *“Each individual has the right to seek and to be granted asylum.”* It is clear that drafters – States – wanted to keep a broad margin of discretion in relation to the authority to grant asylum⁷ and to whom to grant it. Therefore, from an international law perspective, asylum seems to lay on two fundamental principles: the full liberty of a State to grant this right and the lack of a real individual right to asylum.⁸ The UDHR is the first international legal instrument to declare and affirm the right to asylum – even if, formally, it creates no obligation for States - and sets some principles that are recalled in the 1951 Convention.⁹

The 1951 Convention on Refugees recognizes asylum as a universal human right and sets a clear number of obligations for States to protect and safeguard the rights of refugees. The UNHCR, which works to ensure the implementation of the Convention, has established three fundamental principles of the right to asylum. The first one is the principle of non-discrimination that is strictly connected to the universality.¹⁰ The second principle is the non-penalization, meaning that: *“refugees should not be penalized for their illegal entry or stay”*¹¹ to a State Party to the Convention. This also recognizes that seeking asylum could excuse breaching immigration laws. Finally, the principle of *non-refoulement*, stated in article 33 of

⁵ Rescigno, F. (2011). *Il diritto di asilo* (1st ed., pp. 49-50). Roma: Carocci Editore.

⁶ Ibidem, pp. 51-52.

⁷ Ibidem, pp. 60-62.

⁸ Ibidem.

⁹ Ibidem.

¹⁰ Sciarba, A. (2018).

¹¹ UNHCR, *Introductory note by the Office of the United Nations High Commissioner for Refugees (UNHCR) to the Convention and Protocol relating to the status of refugees*, 2010, p. 2.

the Convention, “provides that no one shall expel or return a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom.”¹² In particular, the principle of *non-refoulement* represents a connecting point between international refugee law and human rights law, as its content reflects the scope of protection of the articles 2 (right to life) and 3 (prohibition of torture) of the European Convention of Human Rights. The relevance of these three principles is that they are immediately applicable to anyone who crosses a border to seek asylum, even before the competent authorities assess their legal status.¹³ Nevertheless, the 1951 Convention shows some gaps that States have to fill, by implementing laws and policies. Indeed, despite all the European Member States ratified the Convention and the Additional Protocol, they decided to set a body of rules to strengthen the international norms relevant to refugee protection.

1.2 The European Union and the Right to Asylum

In 1992, the Treaty of Maastricht established that European Asylum system should be built in compliance with the European Convention on Human Rights and the 1951 Convention, and that States remained the principal actors in this process.¹⁴ The development of the European Union asylum policy consists of three phases, which started in 1999 with the adoption by the European Council of the Tampere Programme, foreseen by the Treaty of Amsterdam. European institutions declared, for the first time, the intention to develop a common policy. According to article 73 of the Treaty, the Council was to adopt a number of measures on asylum, criteria and mechanisms for determining the Member States responsible of assessing asylum requests. Furthermore, the Council has to set minimum standards concerning the definition of refugee, the procedures governing asylum process, the reception of refugees and for ensuring temporary protection to displaced persons and persons who need international protection. Despite this effort to build a common approach among Member States, the decision-making process was not completely “communitarized”.¹⁵

¹² Ibidem; Sciurba, A. (2018).

¹³ Sciurba, A. (2018).

¹⁴ Kaunert, C. and Léonard, S., (2012), The European Union Asylum Policy after the Treaty of Lisbon and the Stockholm Programme: Towards Supranational Governance in a Common Area of Protection?, *Refugee Survey Quarterly*, Vol. 31, No.4, pp 1-20.

¹⁵ Indeed, the European Commission had to share the right to initiative on this matter with Member States during a 5-years period (transitional). The Treaty of Amsterdam also strengthened the role of the Court of Justice. Kaunert, C. and Léonard, S., (2012).

From 1999 to 2004, the European Commission issued several legislative measures that constituted the pillars of the first phase asylum system. The *Temporary Protection Directive* – 2001/55/EC – laid down provisions on temporary protection for displaced persons in the context of mass influx of persons seeking protection. The *Reception Conditions Directive* – 2003/9/EC – provided for minimum standards for various aspects of the reception of asylum-seekers in the European Union Member States (health care, freedom of movement, employment, education). The *Dublin II Regulation* – 343/2003 – fixed the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third- country national. The Dublin System laid on a basic principle: the State of first entry is the one responsible for processing an application and for the asylum-seekers’ presence in the European Union territory. This system relies on EURODAC, a database containing the fingerprints of asylum-seekers.¹⁶ The *Asylum Qualification Directive* – 2004/83 – laid down minimum standards for the qualification of third country nationals or stateless persons as refugees or as persons who otherwise need international protection, and the content of the protection granted.¹⁷ Finally, the *Asylum Procedure Directive* – 2005/85 – set several minimum procedural standards, regarding for instance access to asylum procedure, the right to remain in the Member State pending the examination of the application and legal assistance. It also codifies two important concepts: “safe state of origin” and “safe third country.”¹⁸ Nevertheless, its provisions were vague and ambiguous, and gave Member States a broad margin to derogate and apply lower national standards.¹⁹ These critical issues must have been overcome in the second phase, through the adoption of a common procedure and a uniform legal status, valid throughout the European Union.²⁰

In 2004, European Union Member States adopted the so-called The Hague Programme – that inaugurated the second phase of the process. This document aimed to increase the minimum standards to develop a Common European Asylum System (CEAS), which should be based on the “full and inclusive application of the Geneva Convention on Refugees and other

¹⁶ The Dublin regulation also tackled two major problems: “asylum-shopping” and “refugees in orbit”. “Asylum-shopping” is when a same person lodges multiple applications for asylum across European Union. “Refugees in orbit” means when asylum seekers are unable to find a State accepting their requests in the European Union. Ibidem.

¹⁷ Kaunert, C. and Léonard, S., (2012).

¹⁸ Ibidem.

¹⁹ European Commission (Internal Affairs). (2014). *Un Sistema europeo comune di asilo*. Lussemburgo: Ufficio delle Pubblicazioni dell’Unione Europea.

²⁰ Del Guercio, A., (2014), La seconda fase di realizzazione del sistema europeo comune d’asilo, *Osservatorio Costituzionale*, ACI.

relevant Treaties.”²¹ The European Council called for the adoption of the second-phase measures necessary for the establishment of the CEAS by the end of 2010. On June 2008, the European Commission developed a Policy Plan on Asylum, which defined the three main pillars of the new asylum system: legislative harmonization, practical cooperation, and solidarity amongst Member States. Therefore, the Commission discussed several legislative proposals and, in 2009, proposed to establish a permanent structure to support practical cooperation amongst EU Member States – the EASO (European Asylum System Office). The Treaty of Lisbon, entered into force in the same year and had an impact on EU asylum policy for three main reasons. First, it has granted EU new competences on asylum. Secondly, it reinforced the role of EU institutions, in particular the EU Parliament and the Court of Justice. Thirdly, the Treaty has rendered the Charter of Fundamental Rights legally binding on all Member States.²² This means that all the EU’s secondary legislation on asylum will have to comply with the provisions of the Geneva Convention and the 1967 Protocol.

The legal framework of the current asylum policy is built on some relevant provisions of the Treaty on the Functioning of the European Union – articles 67 (para.2), 78, 79 and 80 – and of article 18 of the European Charter of Fundamental Rights. It is worth saying that none of these instruments illustrates the terms “refugee” and “asylum”, but they both refer to the 1951 Convention and the Protocol definition.²³ The articles 78, 79 and 80 provide a detailed description of the legal, substantial and procedural elements, which constitute the common asylum policy and govern subsidiary and temporary protection cases. It is also of great importance the provision of article 80: *“The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility (...)”*. In an interesting article, Gaetano Silvestri – Former President of the Constitutional Court – highlighted some lacks in the applicable regulations. According to him, the complexity of the procedures, the breaches of the norms by some States, the lack of cooperation at the borders of the Union generate divergences and unbalances among States. He

²¹ Council of the EU, Presidency Conclusions of the Brussels European Council, 4-5 November 2004, Annex I, 17.

²² Thus, according to Gil-Bazo, the binding character of the Charter means that there is now a “subjective and enforceable right of individuals to be granted asylum under the Union’s law”, except in the 4 countries – Poland, The UK, The Czech Republic and the Republic of Ireland - that do not recognize the legally binding nature of the Charter.

Gil-Bazo, M.T., (2008), The Charter of Fundamental Rights of the European Union and the Right to be Granted Asylum in the Union’s Law, *Refugee Survey Quarterly*, 27, 2008.

²³ Forte, A.C., (2018), *Il Diritto dell’immigrazione. La condizione giuridica dello straniero nell’ordinamento italiano*, Roma, Duepuntozero.

suggested that we should be concerned about the growth of racist, extreme right wing and xenophobic trends that undermine not only the founding principles of the European Union, but all European democratic constitutions.²⁴

In 2009, European institutions launched the third phase programme – The Stockholm Programme– for the period of 2010-2014. This document envisaged the development of a common area of protection and solidarity based on common asylum procedures and a uniform status for those granted international protection, but it did not foresee any “burden-sharing” mechanism.²⁵ In 2013, European Commission approved the so-called “asylum package”, which consists of two directives and two regulations that amended the previous discipline. There were some important challenges. The *revised Asylum Procedures Directive* – 2013/32 –, which has replaced the Directive 2005/85, aims at improving and harmonizing protection norms among Member States. Indeed, it establishes very precise terms for asylum procedures. Once the asylum seeker has lodged his/her claim, he/she has the right to stay in the state – where he/she made the application – until the end of the first-instance procedure. Furthermore, the assessment of the request should be concluded by six months from the submission. Actually, the most problematic elements of this instrument are the concepts of “safe origin country” and “safe third country”, which are phrased in very broad terms.²⁶ ²⁷ The *revised Reception Conditions Directive* - 2013/33 - establishes provisions for granting and withdrawing international protection, and aims at fairer, quicker and better quality asylum decisions. It is worth saying that these norms have to be applied in all phases and all types of procedures, as well as in all places and reception centres.²⁸ The Directive focuses also on the treatment of vulnerable groups (minors, unaccompanied minors, disabled, pregnant women, victims of torture) that will receive a strengthened protection. Nevertheless, one of the most criticized aspects is the possibility to admit detention also for them.²⁹ The *revised Qualifications Directive*

²⁴ Silvestri, G., (2018), Il diritto ad una tutela giudiziaria effettiva dei richiedenti protezione internazionale, Catania 12-14 settembre 2018, *Diritti senza confini*, ASGI.

²⁵ It also assigns an important role to the EASO for the implementation of the CEAS. Concerning, the “solidarity dimension”, the Programme notes that effective solidarity with the MSs facing particular pressure should be promoted and that this should be achieved through a broad and balanced approach. The Programme also contains a section on the external dimension of the asylum, and states that any initiative in this area should be taken in close cooperation with the UNHCR. Kaunert, C. and Léonard, S., (2012).

²⁶ Del Guercio, A., (2014)

²⁷ Asylum seekers coming from a “safe third country”, according to the directive criteria, may see their applications rejected. Several studies and international reports highlighted different risks connected to this kind of restrictions, which de facto violates international refugee law (principle of non-discrimination). Sciarba, A. (2018).

²⁸ This provision should dissuade some States, as Italy, from disregarding the above-mentioned directive in the detention centres or in airport or port transit zones.

²⁹ Del Guercio, A., (2014)

-2011/95 (approved 2 years before)-, which replaces the 2004/83, improved the legal conditions of refugees, equating their status to the foreignness.

In conclusion, the cornerstone of this reform is the *Dublin Regulation* 604/2013 – Dublin III. Specifically, Dublin III's basic principle is the following: each asylum request must be assessed by the State of first entry, except in case of familiar reunion.³⁰ The new Regulation introduced several important amendments. First, the scope of application has been extended to those who were granted subsidiary protection. Secondly, domestic authorities have to examine also the applications lodged in transit zones (airports, ports) as a practice to avoid unlawfully rejections.³¹ Meanwhile, the European Parliament and the European Council approved the Regulation 603/2013, which instituted EURODAC: a common European fingerprints database.³² Its primary objective is to serve the implementation of Regulation (EU) No. 604/2013 and together these two instruments make up what is commonly referred to as the 'Dublin system'. The principle aim of this instrument is to simplify existing procedures to ensure police authorities a faster fingerprints comparison in order to fight “asylum shopping”.³³

In order to provide a clearer perspective, it is worth reporting some critics moved to the Dublin system, which today is still under a complex process of reform. Indeed, after the increase of migration flows of the last years, Dublin III has proved beyond doubt its critical elements and inefficiencies to face humanitarian crises³⁴; furthermore, its application has worsened asylum seekers life conditions.³⁵ The most evident critical point of the Dublin system is that border States are the ones that automatically become responsible for the majority asylum applications, having this a negative effect on asylum seekers themselves, because they are not able to choose the State to claim asylum to. In 2015, the LIBE Committee of the European Parliament issued a turning point report “*Enhancing the common European asylum system and alternatives to Dublin*”, where described all the inefficiencies and weaknesses of the European asylum system and proposed recommendations and alternative solutions to overcome the gaps created by the implementation of the Dublin system. In particular, it analysed the good impact of the application of the mutual recognition of the positive decisions on asylum requests and

³⁰ Forte, A.C., (2018).

³¹ Del Guercio, A., (2014)

³² When someone applies for asylum, no matter where they are in the European Union, their fingerprints are transmitted to the EURODAC central system.

³³ Forte, A.C., (2018).

³⁴ Peri, C., (2018), *Migranti: l'Europa cambia? La riforma del Sistema europeo comune d'asilo*, *Aggiornamenti sociali*, (05/2018), pp. 396-405.

³⁵ Forte, A.C., (2018).

proved the need to arrange alternative legal ways to access Europe.³⁶ These clear weaknesses have led the Commission to start a process of reform of the Common European Asylum System. In 2016, the Commission proposal's focal point is the amendment of the four legislative pillars: the Dublin Regulation, the Reception Conditions Directive, the Procedures Directive and the Qualification Directive. Nevertheless, the keystone of the Dublin system – first entry criterion – remains virtually unchanged; moreover, the Commission's proposal provides for the application of severe sanctions to discourage secondary movements, which seem to be inconsistent with the European Convention on Human Rights' principles. On the contrary, the European Parliament made a more innovative proposal (contained in the LIBE Committee) that would adopt a different basic principle: asylum seekers enter in the European Union's territory seen as a whole, not in a specific State. Therefore, according to this rule, the state responsible for examining asylum request would be determined based on objective criteria through a shared-distribution mechanism of quotas.³⁷ However, due to political divergences among States on some critical issues, such as an equitable distribution of asylum seekers, the process of reform is still having difficulties. In particular, the Parliament's proposal, approved on November 2017, received the opposition from Eastern Member States – Visegrad Group –; it also seems that this proposal was not taken into consideration either by the Council. If the ultimate aim is to create an equal and human rights oriented asylum system, the first step has to be to overcome the stalemate in which the European Union is currently mired due to the opposition of some nationalist and “sovereignistic” countries.

This stalemate has provoked dramatic consequences for Italy and other border countries (Spain, Greece, and Malta). Indeed, in the period from 2015 to 2017, Italy has become one of the countries with the highest number of asylum applications. Looking at the Eurostat statistics, in Italy, within the year 2015-2016, total asylum applications (including first asylum applications) were 122,960.³⁸ Instead, in the period from the first four months of 2017 to the first four-month period of 2018, 110,170 applications were submitted, whereas in 2019 numbers have dramatically dropped: the total applications submitted in the first four-month period were only 10,570, ten thousand less than the same period of the last year. The closing borders process,

³⁶ Forte, A.C., (2018).

³⁷ Peri, C., (2018).

³⁸ Marchetti, C. (2017). L'accoglienza in Italia dalla nascita dei primi programmi nazionali alla situazione attuale, in *Minori Rifugiati Vulnerabili e Senza Voce, Report Fondazione Migrantes 2017* (pp. 145-166). Todi: Tau Editrice. Retrieved from <http://www.cestim.it/argomenti/28rifugiati/2016-Fondazione-Migrantes-Report-2017-Il-diritto-dAsilo.pdf>

started in 2012, and the elimination of almost all legal entry channels, combined with some strict administrative practices³⁹, have turned the asylum application process into the only possibility for migrants to become “legal”. This led to an overload of the asylum application processes, while many claims would have been assessed through other instruments. Moreover, because of the 2016 agreement between the European Union and Turkey, which closed the so-called Balkan route, the Mediterranean sea has become the only “gateway” to Europe, even if the most dangerous.^{40 41}

1.3 Italian asylum system

In the Italian legal system, the fundamental norm affirming the right to asylum is the article 10 para.3 of the Constitution, which states that: *“Lo straniero, al quale sia impedito nel suo Paese l’effettivo esercizio delle libertà democratiche garantite dalla Costituzione italiana, ha diritto d’asilo nel territorio della Repubblica, secondo le condizioni stabilite dalla legge.”* This norm applies immediately and provides for those foreigners who satisfy the above-mentioned conditions of the right to asylum.⁴² Thanks to this norm, the legal status of foreigners can be determined and regulated only by legislative provisions and cannot be less favourable than international customary or conventional standards.⁴³ According to the Court of Cassation (Sez. Un. sent. n. 4674/1997), the right to asylum, as described in this article, derives from a specific condition: the impossibility for these people to exercise effectively fundamental freedoms recognized by the Italian Constitution.⁴⁴ The drafters wanted to affirm the universality of the Italian Constitution, based on liberties and justice, granting those who cannot exercise democratic freedoms in their origin country the right to seek asylum in Italy and protection from expulsion. By the virtue of this article, in 1970, Italy ratified the 1951 Geneva Convention and its Additional Protocol, and from that moment on it must respect and apply the law protecting refugees as declined in these documents. The norms regulating the legal status of

³⁹ The obligation to present a valid passport to issue the residence permit is also valid for minors.

⁴⁰ According to UNHCR, in 2016 5000 people (migrants) died in the Mediterranean. (available at: <https://www.unhcr.it/news/aggiornamenti/nuova-tragedia-nel-mediterraneo-circa-100-persone-disperse-oltre-cinquemila-morti-nel-2016.html>)

Moreover, from 2014 to 2019, 14768 people lost their life trying to reach Europe through the Mediterranean. (available at: <https://www.amnesty.it/giornata-mondiale-rifugiato-strage-mediterraneo/>)

⁴¹ Scirba, A. (2018).

⁴² Di Muro, A. (2019), *Il diritto dell’immigrazione: guida aggiornata alla Legge n. 132/2018*, Giappichelli.

⁴³ Forte, A.C., (2018).

⁴⁴ Di Muro, A. (2019).

foreigners have to consistent with both international norms, rights and obligations that Italian Constitution grants all individuals regardless their nationality (articles 13, 14, 15, 19, 21, 24 and 27 of the Constitution). The Constitutional Court often intervened on some questions of constitutionality raised against immigration laws and confirmed that citizenship cannot hamper those mandatory rights stated in the Constitution. Moreover, fundamental human rights, as universally recognized, must be granted all individuals who liaise with the State; for that reason, the Court considered constitutional guarantees and fundamental rights applicable also to foreigners (sent. n. 62/1994).⁴⁵ The so-called “*constitutional right to asylum*”, affirmed in the article 10 para.3, has not been converted into a legislative provision yet, but since 90s it has been judicially implemented in a four phase processes.⁴⁶

The right to asylum is substantially different from the status of refugee. Moreover, individuals applying for the refugee status has to prove they satisfy the conditions required in the article 1 of the 1951 Geneva Convention.⁴⁷ The Italian legal system, transposing international laws concerning international protection, provides for a body of rules protecting asylum seekers and regulating the recognition of, alternatively, the status of refugee, subsidiary protection or humanitarian protection (the Decree on Immigration and Security D.L. 113/2018 recently amended the latter).

Below are the legislative provisions regulating international protection:

- Decree no. 251/07 sets the specific conditions for granting international protection and other forms of protection, identifies the impeding reasons against the recognition and reasons behind cessation or revocation;
- Decree no. 25/08 defines the procedures for granting the international protection, the legal status of asylum seekers during the procedure and remedies to use in case of denial.

The authority in charge of examining the asylum application is the Territorial Commission, (established by the Law Bossi-Fini in 2002) which, within thirty days from the request, has the obligation to convene a hearing with the asylum seeker. Subsequently, the Territorial Commission, within three days, will take one of the following decisions:

⁴⁵ Forte, A.C., (2018).

⁴⁶ For further information, please refer to the following article: Benvenuti, M. (2018), La forma dell’acqua. Il diritto di asilo costituzionale tra attuazione, applicazione e attualità, *Questione Giustizia* 2/2018, (pp.14-27).

⁴⁷ Article 1, Convention relating to the Status of Refugees, (1951).

- recognition of the status of refugee (five-years renewable residence permit);
- recognition of the subsidiary protection status (five-years residence permit, renewable after the verification of the residence conditions);
- rejection of the application (the applicant must leave the national territory as soon as possible);
- rejection of the application, and before the entry into force of the Decree no. 113/2018 in case of a real dangerousness derived from the return of the applicant to his/her country of origin, the Territorial Commission ask the competent Police Headquarters to issue a special residence permit for humanitarian protection reasons (valid for 2 years and renewable).

According to article 19 (para. 4 and 5) of the Decree no. 150/2011, after the asylum application, the competent Police Headquarters has to issue a residence permit valid for six months and renewable until the final decision of the Commission (the procedures takes 1 year on averagely). The procedure to identify the state responsible for examining the asylum request (Dublin III) starts after the application lodged by asylum seekers, which will be probably accommodated in one of the immigration facilities or in detention centres. When asylum seekers see their application rejected, they can bring an action to the competent tribunal, which may suspend the application of the decision until the final sentence (article 35 bis para 3, Decree no. 25/08). In addition, asylum seekers who were granted the status of refugee, after five years of residence, might request, through a specific procedure, Italian citizenship.

1.3.1 How the Italian legal system and politics deal with migration

Immigration laws and policies have always been influenced by the trends of migratory flows. Firstly, the legislator implemented a number of rules aimed at ensuring a progressive process of social and employment integration through the recognition of fundamental rights to foreigners. Due to the increase of the flows and a growing sense of insecurity among the population, the legislator adopted a different approach, focusing just on the moment of entry in the Italian territory and the need to limit entries; it introduced a new sanctioning mechanism that contributed to make immigration a public order problem/issue. Indeed, two divergent kind of approaches were adopted: the first one aimed to regulate migration *ab origine*, the other one

directed to exacerbate the sanctions for illegal immigration. This second approach led to the implementation of several provisions that are not completely consistent with constitutional standards.⁴⁸

The guidelines of the Italian immigration policies were established by the Law no 40/1998 –Turco/Napolitano – and consolidated by the Decree no. 286/1998 – Consolidated Act on Immigration (Testo Unico sull’immigrazione e sulla condizione dello straniero). This law disciplines the following issues: immigration law and integration law. Furthermore, it is based on three fundamental principles: the planning of immigration flows, the fight against illegal immigration and the recognition of a number of fundamental rights to “legal” migrants aimed at their integration.

In the last 2 years, the political and legislative approach to this phenomenon has become more stringent with the adoption of the Law no. 47/2017 - Minniti-Orlando – and the 2018 Decree on Immigration and Security. In 2017, migration has been placed at the heart of the media and political debate in Italy. In particular, the debate focused on asylum seekers conditions, on their access to the national territory and on the national reception system. Indeed, this overexposure and the “refugee crisis” led the Government to enact specific provisions to stop or limit migrants’ arrivals, to accelerate examining procedures of their asylum applications and expulsions. In order to restrict migration flows, the Government concluded some agreements with the countries of origin and of transit.⁴⁹ After the agreement between the European Union and Turkey has been concluded in 2016, the Mediterranean route became the only gateway to Europe. However, following the sign of the MoU between Italy and Al Sarraj on 2 February 2017 and the policy of political and criminal persecution of the several NGOs that conduct SAR operations in the Mediterranean, this gateway is partially closed.⁵⁰ On the domestic side, the Government, as said above, adopted restrictive provisions.

The Decree Minniti-Orlando – converted in the Law no. 47/2017 – introduced some measures aimed to distinguish between “economic” migrants and asylum seekers and establish faster examination procedures to grant asylum or order expulsion from the national territory. These rules, when implemented, did not have the expected outcome, but they revealed to be just quick fix solutions. The Minister Minniti himself declared that the aim of this law was to

⁴⁸ Forte, A.C., (2018).

⁴⁹ IDOS, (2017), *Dossier Statistico Immigrazione*. Roma: Centro Studi e Ricerche IDOS.

Actually, the Italian Government has started to conclude these readmission agreements many years ago, in particular with Libia, Tunisia, Egitto, Marocco e Nigeria.

⁵⁰Sciurba, A. (2018).

reassure public opinion and react to the widespread feeling that perceived migrants as a threat.⁵¹ It is important to focus the analysis on some key provisions contained into this document. First of all, the institution of the hotspots as places of “detention” for illegal migrants (meaning those who illegally crossed borders or were rescued by SAR operations) and the provision stating that those with risk of absconding should be detained in specific facilities, the so-called CPR (Centres for Repatriation) proved the new trend of the politics agenda and policies. This kind of approach lacks of a foresight and systematic perspective. Secondly, the most criticized norms are those concerning asylum seekers’ judicial protection, norms that wanted to accelerate judicial times and relieve the burden on courts. Despite the positive aim, this legislative measure cut protection norms and guarantees. Briefly, the most relevant amendments are the following:

- change from interlocutory to chamber proceeding;
- abolishment of the appeal;
- oral hearing only in exceptional circumstances.

In particular, the abolishment of the appeal (an exceptional norm in the Italian scenario) is inconsistent with constitutional principles, in particular article 3. Moreover, this provision prevents asylum seekers who see their application rejected to file an appeal to the Court of Appeal and may risk to be expelled to non-safe countries because of “wrong” decisions.⁵² In conclusion, this law, in line with a repressive approach, seems to be in conflict with the principle of cross-examination and the right to defence.⁵³

It is important to report some data from the Ministry of the Interior: in 2018, 53.596 asylum applications have been lodged, almost 60% less than 2017; most of the asylum seekers came from Pakistan (7.368 requests), Nigeria (6.336) and Bangladesh (5.026). Furthermore, ISPI (an Italian think tank) found a year-on-year rise in rejected asylum applications from 17,500 between October 2017 and January 2018. According to the data collected by the Ministry of the Interior, only the 7% was granted refugee status, 5% obtained subsidiary protection and 21% humanitarian protection.⁵⁴ The majority of the people whose asylum requests were denied in recent months arrived in Italy in 2017. It can take an average of 19

⁵¹ IDOS, (2017).

⁵² Sciurba, A. (2018).

⁵³ IDOS, (2017).

⁵⁴ Ministry of the Interior, Cruscotto statistico giornaliero. Retrieved from: <http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/documentazione/statistica/cruscotto-statistico-giornaliero>

months for Italian authorities to respond to an asylum application.⁵⁵ The International Organization for Migration (IOM) estimated that 23,126 people arrived in Italy in 2018, compared with 118,914 in 2017. These hard-line policies had and still have devastating effects on migrants and their legal and life conditions. The situation became worse when at the end of 2018 the Government adopted the Decree no. 113/2018, which amended the previous legislation. First, it abolished the concept of “humanitarian protection” and replaced it with the residence permit for “special cases”, which may be granted only in predetermined circumstances (art.1). Secondly, two new forms of detention have been introduced:

- detention in the hotspots facilities for identification;
- detention in the CPR when it is not possible to determine identity or the nationality of the asylum seeker. Moreover, it has been prolonged the maximum term of detention from 90 to 180 days.⁵⁶

These restrictive policies and the closure of the borders, pursued also through the criminalization of the SAR operations, led to a drop of the arrivals.

On 15 June of the 2019, the Decree on Immigration and Security II (53/2019) entered into force, introducing measures in continuity with the above-mentioned provisions; on 5 August, this Decree has been converted into law. This legislative measure contains a series of novelties concerning the fight against illegal immigration, public order and security. The ratio behind this law is: to contrast violations of international laws and norms concerning public order and security; to strengthen police investigations on the crimes of illegal immigration; to reinforce the implementation of the laws regarding repatriations.

Before analysing the critical aspects of these legislative acts, the study, briefly, mentions the novelties introduced by the reform. Firstly, the article 1 confers to the Minister of the Interior⁵⁷ the faculty to limit or prohibit vessels from entering, passing through or staying in territorial waters, if two alternative circumstances arise: i) reasons of public order and security; ii) conditions laid down in the article 19 para.2 g) of the Montego Bay Convention.⁵⁸ In case of

⁵⁵ Tondo, L. (2019). Italy rejects record number of asylum applications. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2019/feb/14/italy-rejects-record-number-of-asylum-applications>

⁵⁶ Studi Camera – Istituzioni, (2019), *Cittadinanza e Immigrazione, Giustizia, D.L. 53/2019 disposizioni urgenti in materia di ordine e sicurezza*, Camera dei Deputati. Retrieved from: https://temi.camera.it/leg18/area/18_1_OCD26-15/cittadinanza-e-immigrazione.html

⁵⁷ In consultation with the Minister of Defence and the Minister for Transport and after informing the Prime Minister.

⁵⁸ “Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following activities: (...)”

violations, the article 2 provides for specific sanctions (administrative fine and as accessory sanction seizure and confiscation) and modifies the constitutive elements of the crime of facilitating irregular immigration (art. 12 Consolidated Act).⁵⁹ In the last months, these sanctions have been imposed on the shipowners and the captains of the ships of several NGOs conducting SAR operations. Nevertheless, courts, in specific circumstances (causes of exemption: fulfilment of a duty and state of necessity) excluded criminal liability.⁶⁰ The law has also introduced three new cases of entry that do not need residence permit (mission, sport competition and scientific research) and created a special fund of 2 billion euros to finance re-admissions policies aimed to support cooperation initiatives or bilateral agreements.⁶¹

Afterwards, it is important to highlight some of the critical aspects of this new legal framework. This study, in particular, reports the opinions expressed on the content of the Decree no. 113/2018 by ASGI and on the D.L. no.53/2019 by Zirulia.

By way of introduction, ASGI noted that the Decree on Immigration and Security lacks of the requirements foreseen by the article 77 para 2 of the Constitution (extraordinary need and urgency) for such reasons:

- the causes listed in the Preamble are too vague;
- the scope of the amendments are extremely broad and deep;
- heterogeneity of the addressed issues;

According to the sentence n. 171/2007 of the Constitutional Court, lack of the constitutional conditions led to the constitutional illegitimacy of the whole decree. Furthermore, the Professor of Constitutional Law, Alessandro Pace, highlighted that the heterogeneity of the topics addressed by the decree – migration, public security and organisational rules concerning public security – is inconsistent with several sentences of the Constitutional Court.⁶² ASGI noted that

g)the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State;”

⁵⁹ Studi Camera – Istituzioni, (2019).

⁶⁰ In the case of fulfilment of a duty, court recalled the SAR Convention and the article 98 of the Montego Bay Convention. These two instruments impose on the master of the ship to render assistance to “any people found at sea in danger of being lost” and conduct them to a place of safety, meaning a place where their fundamental rights are guaranteed. Furthermore, courts used also state of necessity to exclude the responsibility of the rescuers; in this case, the Minister himself act unlawfully and in violation of international obligations. Zirulia, 2019

⁶¹ Studi Camera – Istituzioni, (2019).

⁶² The Constitutional Court holds that the content of a decree has to be uniform. (sent. n. 22/2012; sent. n. 237/2013; sent. n. 32/2014), in Pace, A., (2018), Parere pro-veritate sulla legittimità costituzionale del cd decreto legge “sicurezza ed immigrazione”, ASGI, (22/10/2018). Retrieved from: <https://www.asgi.it/wp-content/uploads/2018/10/AP-Parere-decreto-sicurezza-18-10-2018.pdf>

the abolishment of the humanitarian permit together with the introduction of new cases of residence permits, which, substantially, do not replace the ratio and the scope of the previous ones, violate the Constitution and international obligations (through article 10 para. 2 and 117 para. 1). Indeed, the new form of residence permit does not include all the cases previously qualified as humanitarian protection, therefore the latter will be out of the “protection system” guaranteed by the constitutional and international norms. In conclusion, in terms of life conditions, the residence permit will be valid only for 6 months or 1 year and social assistance benefits together with access to work will be reduced.⁶³

Similar critics may be moved against the Decree on Immigration and Security II. Indeed, this provision lacks of the specific requirements stated in the Constitution and its scope and aims seem to be broad and generic. Moreover, it seems that the objective of the measure does not reflect the reality and the data on arrivals. Indeed, the Former Minister Matteo Salvini, while presenting it in a press conference, talked about a reduction of irregular arrivals, of the asylum applications and of the migrants in reception centres. According to the Ministry’s data, in the first semester of the year only 1.561 arrived on the Italian coasts (208 unaccompanied minors), 88% less than 2018 and 97% less than 2017. On May 2019, asylum applications have been 3.307, whose 81% of them have been rejected, whereas on the same month in 2018 5.172. Only 1% of asylum seekers were granted humanitarian protection, 11% refugee status and 7% subsidiary protection. Migrants in immigration facilities are 112.906 (data of 31 May 2019).⁶⁴ For the purposes of this research, it is worth to emphasize that Minister of the Interior’s data has shown also a reduction of the anti-social crimes (murders, rapes and attempted murder) respect to last year. Hence, it is logically hard to justify the aims of this legislative provision.

The content of this and other legislative provisions reflects the so-called “*politica dei porti chiusi*”, adopted by the Minister of the Interior that, in order to manage migration flows, refuse access to ports to vessels who conduce SAR operations in violation of the international law of the sea and endangering public security of the coastal State.

International bodies, such as the High Commissioner for Human Rights, have denounced this policy. In a letter of 15 May 2019, the Special Rapporteur on the human rights of migrants

⁶³ ASGI. (2018). *Manifeste illegittimità costituzionali delle nuove norme concernenti permessi di soggiorno per esigenze umanitarie, protezione internazionale, immigrazione e cittadinanza previste dal decreto-legge 4 ottobre 2018, n. 113*. ASGI. Retrieved from: <https://www.asgi.it/asilo-e-protezione-internazionale/d-l-113-2018-i-profil-di-manifesta-illegittimita-costituzionale-secondo-lasgi/>

⁶⁴ Ministry of the Interior, Cruscotto statistico giornaliero. Retrieved from: <http://www.libertacivilimmigrazione.dlci.interno.gov.it/it/documentazione/statistica/cruscotto-statistico-giornaliero>

jointly with other UN human rights experts have condemned the draft decree (before entered into force): “*The right to life and the principle of non-refoulement should always prevail over national legislation or other measures purportedly adopted in the name of national security.*”⁶⁵

The letter has also highlighted the fact that this measure would have been inconsistent with many international obligations from UNCLOS, SOLAS and SAR Conventions and the principle of non-refoulement. The UN experts affirmed that the approach of the Italian Government is misleading, and that restrictive migration policies contribute to exacerbating migrants’ vulnerabilities and serve to increase trafficking in persons.⁶⁶

Finally, it is worth to mention the opinion expressed by Giovanni Maria Flick, Former President of the Constitutional Court, who stated that this decree undermines the fundamental human rights and all the measures aimed to discourage rescue operations at sea are deeply inconsistent with international conventions and with the solidarity principle of our Constitution. Furthermore, Flick criticizes the political approach that looks at migration as a public security issue.⁶⁷

1.3.2 The failure of the national reception system

Since 90s, Italy has always been as a place of transit and arrival for migrants. The first law dealing with the reception of asylum seekers was the legislative provision n.39/1990, which provided for basic reception measures. From the mid-90s, when arrivals from Balkans multiplied, the Italian legislator built the basis of a national reception system. In 1998, the Law Turco-Napolitano instituted reception centres for asylum seekers, refugees or those granted other forms of protection; moreover, it defined the guidelines for local authorities and volunteer associations to manage these centres in cooperation. This early experience wanted also to ensure legal orientation and social support to those in need of protection through all the asylum procedure. Two years later, the Ministry of the Interior jointly with ANCI (National Association of the Italian Municipalities) and UNHCR concluded the National Plan on Asylum that defined

⁶⁵ OHCHR, News, 20 May 2019. Available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24628&LangID=E>

⁶⁶ Ibidem.

⁶⁷ Caiffa, P. (2019). Decreto sicurezza bis. Flick (presidente emerito Corte Costituzionale): “Inaccettabile. In gioco i diritti fondamentali della persona”. *Sir Agenzia Di Informazione*. Retrieved from <https://www.agensir.it/italia/2019/08/06/decreto-sicurezza-bis-flick-presidente-emerito-corte-costituzionale-inaccettabile-in-gioco-i-diritti-fondamentali-della-persona/?fbclid=IwAR1o70mi7tkMGQKDDSFHkYijxGpBYhci9w8dPuYK9WguhE6BIUNVKSdVpU>

the structure of a public reception system with these features: a multi-level responsibility system integrated and spread throughout the territory.

A turning point was the creation of the SPRAR system in the 2002 with the Law Bossi-Fini that shaped a hybrid system: combining detention measures to reception ones. Indeed, this law gave life to CIDI (centres for the identification). The SPRAR (Protection system for refugees and asylum seekers) – institutionalized as the national reception system - is a unique model that focuses on the protection and social inclusion of asylum seekers and those granted international protection. Furthermore, a national fund was created to finance asylum policies and interventions. According to the law, local authorities, especially municipalities, were the key actors in the reception system; indeed, they had to establish reception facilities for refugees, asylum seekers and those granted temporary protection. A few years later, the Decree no. 142/2005 regulated procedural issues and affirmed that immigration facilities of the SPRAR system had to offer specific services for vulnerable persons (minors, old people, disabled people, victims of torture or rapes, victims of psychological, physical or sexual violence, pregnant women o single parents).

The Decree no. 25/2008 modified the structure defined by the previous legislation; in particular, CIDI were replaced by CARA (reception centres for asylum seekers). During the period from 2002 and 2008, CIDI, CARA, CDA (reception centres) and CPSA (First Aid and Assistance Centres) – governmental centres - accompanied the SPRAR system, becoming *de facto* parallel and extraordinary reception facilities. The main aim of these facilities were to offer first aid to irregular migrants and accommodate them until the determination of their legal status for a maximum period of 48 hours, which normally might be extended. Therefore, all these centres should had served as temporary and auxiliary reception mechanisms, but in practice, they offered more places than the SPRAR centres. This discrepancy was caused by a delay in the implementation of the SPRAR system.

Between 2008 and 2014, the reception system experienced a tragic fragmentation due to different factors:

- increase of the arrivals and asylum applications;
- reception system managed with emergency measures;
- reinforcement of the governmental centres.

This emergency management has led to the creation of different types of reception centres, which, however, have lower standards compared to the SPRAR. In 2014, because SPRAR

structures were unable to tackle the increase of migration flows (170,000 arrivals), the Government decided to institute CAS – centres for extraordinary reception – managed by associations or private citizens.⁶⁸ The fragmentation that characterized this period has affected the asylum system to date.

To manage migration flows, a coordination network between Government, Regions and local authorities was built and, for the first time, a multi-phases process of reception was defined. Indeed, a new agreement between these subjects led to the adoption of a National Plan that aimed to manage the extraordinary increase of the flows and establish a national coordination table.⁶⁹⁷⁰ The outcome of this new agreement was implemented through the adoption of the Decree no. 142/2015 that has divided the system into three stages. The first stage includes first aid and assistance, and the identification, which takes place in the hotspots (normally located near ports). In the hotspots, migrants received assistance, legal orientation and are subjected to a health check.⁷¹ Afterwards, they are accommodated in one of the governmental facilities for the time necessary for the identification procedures, the recording of the application. Finally, asylum seekers and refugees are accommodated in one the SPRAR centres, where they remain for the whole examination process and in case of appeal. The primary objective of this legislative provision was to build a new model of reception spread and equally distributed across the national territory. Despite the positive aspects, this model still has shown several weaknesses: fragmentation, unbalance distribution of asylum seekers and misuse of the extraordinary reception structures. In the same period, also due to a manipulation of the fears and concerns felt by local population, which had a completely distorted perception of the migration phenomenon, there were many episodes of violence against asylum seekers. According to Eurostat, in 2014, the percentage of refugees in our country was 0,11%.⁷²

At the end of 2016, the Ministry of the Interior jointly with ANCI elaborated and adopted a national plan aimed to balance the allocation of refugees and asylum seekers to each region, taking into consideration the population density. Thanks to this approach, the number of

⁶⁸ Peri, C. (2015), Il sistema di accoglienza per richiedenti asilo e rifugiati in Italia: punti di forza e criticità, in *Dossier Statistico Immigrazione 2015*, IDOS, (129-134).

⁶⁹ Ibidem.

⁷⁰ One of the serious weaknesses of the system was and still is the reception procedures and the assistance to unaccompanied minors. According to Save the Children's data, in the first semester of 2015, 4000 unaccompanied minors arrived to Italy. However, the national Plan was not able to respond to their vulnerabilities in an efficiently and timely manner. Peri, C. (2015).

⁷¹ Osservatorio Camera dei Deputati, (2019), Diritto di asilo e accoglienza dei migranti sul territorio, Camera dei deputati. Retrieved from: https://temi.camera.it/leg18/temi/tl18_accoglienza_dei_migranti_sul_territorio.html

⁷² Peri, C. (2015).

municipalities involved in the reception has increased from 2.722 in October 2016 to 3.424 in March 2018. Indeed, the benefits of this policy have also been shown also in a report of the Ministry of the Interior, showed in August 2018 to the Chamber of Deputies. The principal aim of this strategy was to improve the integration with the local realities. However, from its institution, the SPRAR model has not been able to cope with great numbers of migration flows and reception's needs, even if, in the first decade 2002-2013, the available places have increased from 1.365 to 3.979. Indeed, one of the negative aspect has always been the non-uniform geographical distribution, since the project is based on voluntary participation from local authorities. Despite this, this model had a positive impact both on the asylum seekers/refugees and on the local communities; its focus on targeted and individualized paths promoted social inclusion and mutual support (as the study will prove).⁷³

Unfortunately, this trend stopped with the implementation of the Decree no. 113/2018 that reshaped the asylum system and distinguished between reception procedures and social integration activities. This recent legislative provision transformed the SPRAR system into a residual apparatus, where reception is defined by the legal status of migrants. Therefore, there are two different and separate pathways. As stated in the decree, beneficiaries of the reception system are only those granted international protection, unaccompanied minors and other "special" cases (described in the following lines); whereas asylum seekers and those granted other forms of protection are excluded. SPRAR are replaced by SIPROIMI, a network of reception facilities reserved to the above-mentioned categories. According to the article 1, those granted a new form of residence permit can access to SIPROIMI; this permit may be granted for medical care, natural disasters, actions of a particular civil value, special cases and unaccompanied minors. This new legislation stated that asylum seekers (expressly identified in some categories) can have access to governmental centres and extraordinary reception facilities until the assessment of their legal status. One of the most evident weakness of this decree is the lack of interventions aimed at the integration, psychological support and orientation on the territory. Furthermore, there is no longer a provision for vulnerable persons with targeted interventions, with the risk that vulnerabilities will no longer be taken into consideration and it will be difficult for cases of violence or trafficking to emerge. It is also a matter of serious concern the fact that those granted special protection are excluded from the reception system.⁷⁴

⁷³ Marchetti, C. (2017).

⁷⁴ The most evident consequences of this political choice are the increase of irregular migrants, the marginalization of hundreds of people, especially young ones, who do not have any kind of social or legal support, employment orientation and are deprived of their fundamental rights.

The Decree no. 113/2018 cut the financial support to these centres: per capita expenditure has been reduced from 35 to 18-26 euros depending on the size and type of structure. Indeed, some of the essential services, as linguistic mediation, legal orientation and those specific for vulnerable people, have been limited or excluded.⁷⁵

This legislative provision partially provides for those accessed to a SPRAR center before the entry into force of the new decree; this category includes both asylum seekers and those granted humanitarian protections. There is no provision dealing with those accommodated in a governmental center or in a CAS facility. Specifically, asylum seekers (including young people just over the age of maturity) will remain in the structure until the end of the shelter project, whereas those granted humanitarian protection would remain not later than the established term or the end of the project as well. When those accommodated in a governmental facility (CAS) will be granted residence permit, they will have to leave the structure. After due analysis, it appears that these norms could lead to discriminatory treatments – in violation of the article 3 of the Constitution - between identical situations, which are based on mere chance (to be sheltered in a SPRAR center or not). Therefore, it will be necessary to adopt a constitutionally oriented interpretation as meaning that humanitarian protection holders should be allowed to move from a governmental facility to a SPRAR center. Furthermore, as the right to asylum realized before the entry into force of the Decree no.113, at the moment of the manifestation of the will, a supervening regulation cannot be applicable.⁷⁶ In conclusion, this analysis reports some critics moved against the reception system, in particular the evident weaknesses of the “emergency approach” adopted by the Italian legislator and politics.

In 2016, the Italian association *LasciateCIEntrare* issued a report “*Accogliere: la vera emergenza*” that highlights the failure of this model to address migration flows and to adopt social inclusion policies. This report specifically analyses the reasons behind the malfunction of the CIE and reception facilities. Furthermore, it emerges that two of the negative aspects are the non-uniform geographical allocation of these structures, mostly located in Sicily or Campania, and the fact that 72% of the migrants in the country are accommodated in extraordinary reception facilities (CAS). According to Gabriella Guido, spokesperson of the

Brambilla A., (2019), Il diritto all'accoglienza dei richiedenti asilo in Italia: quali sfide dopo la legge 132/2018, *Rubrica Diritti Senza Confini*, ASGI. Retrieved from: <https://www.asgi.it/asilo-e-protezione-internazionale/asilo-accoglienza-dopo-legge-132-2018/>

⁷⁵ Ibidem.

⁷⁶ The Court of Cassation expressed this principle in a recent sentence (n.4890/2019), which ruled that the abolishment of the humanitarian protection does not apply retrospectively. Furthermore, the Court affirmed that the residence permit for special cases replaces the humanitarian one, if the relevant criteria are met. Osservatorio Camera dei Deputati, (2019).

Association, the Government's about turn on the abolishment of the crime of irregular immigration and other proposed reforms was due to the need for politics to stem the insecurities and fears of Italians regarding migration flows. Furthermore, the creation of CIE has not proved to be effective as well as the hotspot approach. Indeed, this kind of strategy has renounced legality and humanity in favour of an acceleration of the expulsion procedures.⁷⁷

In his first report, released in 2017, the National Ombudsman for detainees and persons deprived of their personal liberty addressed the deprivation of liberty in the context of migration flows management, the hotspot approach and forced repatriations. According to the study, the role of the centres for identification and expulsion in repatriation procedures is marginal; indeed, only half of the migrants who transit through these structures are actually repatriated. Moreover, the total number of these structures decreased from thirteen in 2011 to only 4 actually working in 2017 (Torino, Rome, Brindisi and Caltanissetta), which can host 359 persons. As for their nature, the Ombudsman highlights that people hosted in these centres are deeply diverse and their fundamental rights are not respected. Indeed, asylum seekers, de facto, remain there for almost one year, while, according to the law⁷⁸, their permanence should last a maximum of three months. The report focused also on the hotspot approach and its weaknesses, which can be summarized as follows:

- the unclear legal status of the hotspots;
- the detention modalities and the lack of control by the judicial authority;
- the length of the permanence in the centre is longer than 72 hours (as prescribed by law);
- the conditions of detention of minors.⁷⁹

After a due analysis, it emerges that the implementation of this policy at the borders has revealed dramatic consequences in terms of violations of the right to asylum. As a point of fact, hundreds of migrants, detained in these structures, were rejected through decrees of deferred expulsion (article 10 para. 2, Consolidated Act) that were issued without a real assessment of the individual conditions of the applicant. Indeed, a competent Territorial Commission should

⁷⁷Lanni A., (2016), La (mala)accoglienza in Italia di migranti e rifugiati, 21 marzo 2016, *Open Migration* Retrieved from: <https://openmigration.org/analisi/la-malaaccoglienza-di-migranti-e-rifugiati/>

⁷⁸ Decree Law No. 286 of 25/07/1998.

⁷⁹ Open Migration, (27 marzo 2017), Migrazione e libertà, il punto del Garante Nazionale. Available at: <https://openmigration.org/analisi/migrazione-e-liberta-il-punto-di-un-anno-di-monitoraggio-da-parte-del-garante-nazionale/>

conduct this kind of examination during a hearing and the applicant should be assisted by an interpreter or a linguistic mediator. Thanks to the reports of several NGOs and the appeals of Sicilian lawyers, this irregular practice has decreased.⁸⁰ It is also important to report that thousands of migrants coming from Maghreb countries are automatically excluded from the right to seek asylum, because of the bilateral secret agreements concluded between Italy and these States. The High Commissioner for Human Rights noted that irregular migrants coming from Egypt and Tunisia, after summary investigations, are expelled and repatriated within 48 hours from the arrival. Therefore, notwithstanding the lack of a list of “third safe countries”, migrants have access to asylum procedure based on their country of origin⁸¹ in violation of the principle of non-discrimination.

The conformity of the Italian legislations and policies with international human right standards is periodically evaluated by international monitoring bodies, which verify the correct implementation of international treaties by State parties and issue recommendations. In the light of the above-mentioned standards, Italian provisions dealing with immigration, right to asylum and legal status of migrants have been recently criticized by these monitoring bodies, which call on the Italian Government to respect and implement international human rights. Monitoring and safeguarding the correct implementation of the rights of refugees, in particular, is one of the key actions of UNHCR, which can release reports on the refugees’ rights situation in a State and issue recommendations or advocacy papers.

In June 2012, UNHCR issued its “Recommendations on important aspects of refugee protection in Italy” addressed to the Italian authorities with a view to further strengthening and aligning Italian asylum policies and practices with international and European standards.⁸² This document highlighted the necessary reforms in terms of services granted to asylum seekers and refugees whose local integration should be fostered. Furthermore, it stressed the limited capacity of the SPRAR system, urging “*the Italian authorities to strengthen the capacity of the network and to ensure that services provided by SPRAR are mainly geared towards support to refugee integration.*”⁸³

⁸⁰ Sciurba, A. (2018).

⁸¹ Sciurba, A. (2018). For further information about the weaknesses of the asylum procedure, please refer to the article by Alessandra Sciurba.

⁸² UNHCR, Recommendations on important aspect of refugee protection in Italy, June 2012.

⁸³ Ibidem.

As for the detention conditions of the migrants, the Committee against Torture, in its concluding observations issued on December 2017, while commending the establishment of the National Authority for the Rights of Persons Detained or Deprived of Personal Liberty, expressed its concerns about the reported violation of fundamental legal safeguards during detention period. In particular, it was concerned “*about consistent reports indicating that detainees are often not informed about their rights (...)*” and about the limited access to legal aid.⁸⁴ The Committee was also worried about the forcible returns of irregular migrants in application of readmission agreements, which may constitute a violation of the principle of *non-refoulement*. The Committee further recommended Italian Government to “*take the measures necessary to ensure appropriate reception conditions for asylum seekers and irregular migrants*” detained in crisis centres and centre for unaccompanied minors.⁸⁵

As said in the above paragraphs, Italy adopted the hotspot approach pursuant to the recommendation of the European Commission in 2015, but this policy revealed to be in violation of basic human rights. Indeed, the Committee on the Elimination of Racial Discrimination, in its concluding observations issued on February 2017, highlighted several unlawful aspects of this policy:

- the lack of a legal basis for their establishment and the prolonged detention of migrants and asylum seekers beyond 48-hour period;
- the insufficient numbers of reception centres and their inadequate conditions;
- the lack of specific measures for unaccompanied minors;
- the lack of preventive measures against *refoulement*.⁸⁶

The Committee recommended Italy to ensure that reception centres conditions are adequate and reflect the human rights needs of migrants and asylum seekers.⁸⁷

Furthermore, UNHCR expressed serious concerns relating to the provisions introduced by the Decree no. 113/2018. According to the UN agency, the new norms may be inconsistent with international refugee law and human rights law. In a comment on the above-mentioned decree, it highlighted several weaknesses and analysed their possible impact on the asylum system at whole. In particular, it expressed its concerns about the elimination of the humanitarian

⁸⁴ Committee against Torture (CAT), Concluding Observations on Italy, December 2017.

⁸⁵ Ibidem.

⁸⁶ Committee on the Elimination of Racial Discrimination, Concluding Observation, February 2017.

⁸⁷ Ibidem.

protection, the new accelerated identification procedure at borders, the detention conditions in the centres for repatriation and the new reception system.⁸⁸ The UN has also expressed concern over the climate of hatred and discrimination that Italy has been experiencing in the last years.⁸⁹ Indeed, the Committee on the Elimination of Racial Discrimination, in the above-mentioned document, highlighted the increase of *“racist discourse, stigmatization and negative stereotypes in political debates, which are directed against migrants, Muslims, people of African descent and Roma, Sinti and Camminanti communities and which are also perpetrated by the media.”*⁹⁰ It therefore condemned the dissemination of hate speech and hateful ideas perpetrated also at the highest political level; called on Italy to ensure the prohibition of racist hate speech on Internet and ratify the Additional Protocol to the Convention on Cybercrime.

In the subsequent chapter, the study will focus on the amount of discrimination, hate speech and violence against migrants, mainly caused by disinformation and “fake news”. It will be analysed the relation between disinformation, political agenda and Italians’ attitudes towards migration.

⁸⁸ UNHCR, Regional Representation Southern Europe, Technical Note, 2018.

⁸⁹ The Local. (2018). UN condemns Italy's anti-migrant decree and 'climate of hatred'. Retrieved from <https://www.thelocal.it/20181122/un-italy-anti-migrant-decree-climate-of-hatred>

⁹⁰ Committee on the Elimination of Racial Discrimination, Concluding Observation, February 2017.

Chapter 2

2. The role of media and politics in the Italians' perception of immigration

According to the 2019 report on racial discrimination of the OHCHR, over the last years, the political discourse in Italy has portrayed migrants and persons belonging to minorities as “outsiders, enemies, competitors and others”. Indeed, as showed in the previous chapter, the Decree-Law on Immigration and Security connects immigration, citizenship and security, strengthening a discriminatory narrative that associate migrants with criminality.⁹¹ The report highlights that this link is leading to an increase of racial discrimination, hateful speech and hate crimes.

This climate of hatred and discrimination was structurally analysed in the final report of the Jo Cox Commission, approved on July 2017 after fourteen months of auditions and research. What is emerged is that Italy has the world's highest rate of disinformation on migration. Most Italians believe that migrants are 30% of the population, while they are only the 8%, less than in other European countries (Spain, UK, Germany and Luxembourg).⁹² Therefore, even though Italians fear of “an invasion”, the data tell us differently: IDOS estimates that the actual numbers of foreign “regular” citizens are 5,333,000, 26,000 less than 2016.⁹³

In the following pages, this study evaluates the amount of discrimination and hate speech against migrants, describing how it is mainly generated by false representations on immigration disseminated by media and certain political discourses.

2.1 Hate speech and false representations about immigration

There is no a binding definition of hate speech in international human rights, however, for the purposes of this dissertation hate speech is “*the use of one or more particular forms of*

⁹¹ OHCHR, Report of mission to Italy on racial discrimination, with a focus on incitement to racial hatred and discrimination, 28 January – 1 February 2019.

⁹² Liberati C., (28 febbraio 2019), L'immigrazione e la percezione di una crisi. La distorsione nella cultura di massa, *Open Migration*. Retrieved from: <https://openmigration.org/analisi/immigrazione-e-la-percezione-di-una-crisi-la-distorsione-nella-cultura-di-massa/>

⁹³ Redattore Sociale. (2018). In Italia non c'è un'invasione di migranti: numeri stabili dal 2013. Retrieved from https://www.redattoresociale.it/article/notiziario/in_italia_non_c_e_un_invasione_di_migranti_numeri_stabili_dal_2013.

*expression – namely, the advocacy, promotion or incitement of the denigration, hatred or vilification of a person or group of persons, as well any harassment, insult, negative stereotyping, stigmatization or threat of such person or persons and any justification of all these forms of expression – that is based on a nonexhaustive list of personal characteristics or status that includes “race”, colour, language, religion or belief, nationality or national or ethnic origin, as well as descent, age, disability, sex, gender, gender identity and sexual orientation”.*⁹⁴

In the last two decades, hate speech and intolerance are on rise in Europe; they become part of the political debates and discourses, mostly among populists and extremist groups that make use of technology to amplify their standing and take power and votes.⁹⁵ Counting on a struggling economy and high levels of unemployment, they create simple narratives about immigration and migrants, portraying them as economic, cultural and social threats.⁹⁶ To do so, they often use online communication, especially social media, disseminating intolerance and discriminatory ideas. Despite in 2001 the Council of Europe adopted the Convention on Cybercrime followed in 2003 by an Additional Protocol, which provides for a series of measures to contrast hate speech online, today contrasting hate speech online is extremely complicated. Especially, it is difficult to identify the authors, develop ad hoc legal measures and apply existing norms.⁹⁷

In its report, the OHCHR expressed concerns about the dissemination and increase of racist discourses, stigmatizations and negative stereotypes against migrants, Muslims, people of African descent and RSC (Roma, Sinti and Caminanti) communities in Italy, especially in the political discourses and media. Furthermore, the UN body depicted an alarming situation, which in some cases is allowed or encouraged by political leaders or members of Government.⁹⁸ Leaders of right-wing parties use words as “security and national identity” to justify hateful and racist speeches and a criminalization of migrants.⁹⁹ According to a study conducted by Amnesty International during the Italian electoral campaign in 2018, Italy was “steeped in hatred, racism

⁹⁴ European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No 15 on “hate speech” 8.12.2016.

⁹⁵ Bona, M., Dioli, I., Ferrari, L. et al. (2018), Hate speech: what it is and how to contrast it, Osservatorio Balcani e Caucaso transeuropa. Retrieved from: <https://www.balcanicaucaso.org/eng/Occasional-papers/Hate-speech-what-it-is-and-how-to-contrast-it>

⁹⁶ Dixon, T., Hawkins, S., Heijbroek, L. et al. (2018). *Attitudes towards National Identity, Immigration and Refugees in Italy*. More in Common. Retrieved from <https://www.moreincommon.com/>

⁹⁷ Bona, M., Dioli, I., Ferrari, L. et al. (2018).

⁹⁸ OHCHR, Report of mission to Italy on racial discrimination, with a focus on incitement to racial hatred and discrimination, 28 January – 1 February 2019.

⁹⁹ OHCHR, Report of mission to Italy on racial discrimination, with a focus on incitement to racial hatred and discrimination, 28 January – 1 February 2019.

and xenophobia, and unjustified fear of the other”. This study identified that 95% of discriminatory and racist ‘hate speech’ on the Internet originated from the three centre right parties: North League led by Matteo Salvini - 50% of such speech, Brothers of Italy led by Giorgia Meloni - 27% of such speech, and Forza Italia led by Silvio Berlusconi - 18% of such speech.¹⁰⁰ The report found also that 91% of the monitored messages were about immigration and migrants or refugees, which have been identified with the following words “*clandestini, irregolari, profughi, stranieri*”, a language that clearly refers to certain political propaganda that builds a “*noi contro di loro*” e “*loro contro di noi*” narrative.¹⁰¹ The 32% of reported statements conveyed fake news, and or incorrect statistics; a high number of these statements based on misrepresentations, altered or amplified data used to suggest or confuse the audience.¹⁰² Moreover, UN experts noted that during and after the 2018 electoral campaign, 169 racially motivated incidents occurred, including 126 cases of hate speech and propaganda and 19 cases of racist violence.¹⁰³ Data and statistics indicate that hate crimes – racist incidents or attacks – have increased since 2016. The Italian Association Lunaria, which has been monitoring racism episodes since 2007, documented 628 cases of racism in 2018, including physical and verbal violence and xenophobic or racist episodes of discrimination. In particular, verbal violence includes hate speech online, disseminated through social media or media.¹⁰⁴ Racism, hate speech and discriminatory phrases are becoming the norm; public and political debates have been “minimizing and normalizing” these kind of speeches that demonise migrants, refugees and foreigners.¹⁰⁵ As OHCHR noted, contrasting hate speech is not at the centre of political debate in Italy, nor have been legislative initiatives taken following the recommendations to fight and prevent hate speech, hate crimes and discrimination issued by the Jo Cox Commission.¹⁰⁶ Indeed, the Commission addressed 56 recommendations to the Government, the monitoring bodies (UNAR – National Office against Racial Discrimination – and OSCAD – Observatory for Security against Acts of Discrimination), EU institutions,

¹⁰⁰ Amnesty International, Barometro dell’odio, 2018. Available at: <https://www.amnesty.it/barometro-odio/>

¹⁰¹ Ibidem.

¹⁰² Ibidem.

¹⁰³ OHCHR, News, Legal changes and climate of hatred threaten migrants’ rights in Italy, 21 November 2018. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23908&LangID=E>

¹⁰⁴ Lunaria. (2019). *Il razzismo nel 2018 tra rimozione ed enfattizzazione*. Retrieved from https://www.lunaria.org/wp-content/uploads/2019/03/Focus_1_2019ilrazzismoel2018.pdf

It is worthy saying that this study cannot be used as an official source, but it only reported what the Association observed.

¹⁰⁵ Catozzella, G. (2018). Il razzismo è diventato la normalità in Italia. *L’espresso*. Retrieved from <http://espresso.repubblica.it/visioni/2018/12/18/news/razzismo-italia-1.329768>

¹⁰⁶ OHCHR, Report of mission to Italy on racial discrimination, with a focus on incitement to racial hatred and discrimination, 28 January – 1 February 2019.

media, the Association of Journalists and other associations for them to implement specific measures, such as:

- Developing a national comprehensive strategy to counter racial hatred and discrimination and promoting social inclusion of marginalized communities (Roma and Sinti people);
- Reinforcing the observation and data collection at national level;
- Punishing hate campaigns moved against groups or individuals;
- Reinforcing UNAR's mandate and autonomy;
- Considering the possibility that online platforms may auto-regulate to remove online hate speech;
- Making media and politicians aware about hate speech, misinformation and fake news;
- Creating a national observatory body to monitor the accuracy of information;
- Encouraging politicians and media to adopt ethical standards of conduct.¹⁰⁷

Print media and online media have a key role in countering hate speech. In 1978, the UNESCO stressed the responsibilities of mass media and highlighted their role in giving voice to the oppressed populations with no distinction of race, sex, religion, language or nationality. In 1993, the Council of Europe adopted a resolution that emphasized the role of media in opposing violence and hate speech.¹⁰⁸ Despite the existence of monitoring mechanism (AGCOM and National or Regional Press Councils) or legislative provisions (Gasparri Law, Press Law, Code of Conduct) addressing hate speech in media – broadcast or print – in Italy¹⁰⁹, in the last few years, the majority of 'hate speech' appeared online, either on traditional media websites, via social network platforms (e.g. Facebook or Twitter), or on video sharing platforms (e.g. YouTube).¹¹⁰ Instances of the key role played by media is that certain media webpages

¹⁰⁷ These recommendations are very similar to the ones issued by the OHCHR in its 2019 Report. Jo Cox Commission. (2017).

¹⁰⁸ Parliamentary Assembly of the Council of Europe, Res. n. 1003/93 on Ethics of Journalism, 1993. Bona, M., Dioli, I., Ferrari, L. et al. (2018).

¹⁰⁹ Article 19 (2018). *Italy Responding to Hate Speech*. [online] London: Article 19. Available at: <http://www.article19.org>

¹¹⁰ Article 19, (2018).

and newspaper connected immigration with criminality, or health emergency¹¹¹, distorting facts and data and generating alarm among the population.

This kind of misrepresentation of reality, which may turn into fake news, have a dramatic negative impact on the perception Italians have of immigration and migrants. Although immigration has been one of the most debated topic, especially since the last electoral campaign, public opinion has access to fragmented and misrepresented data that, often, contribute to show a distorted “truth”.¹¹² In the last years, hundreds of fake news have circulated about the numbers of migrants in Italy, their impact on economy, the increase of crimes, the alleged relationship between NGOs and traffickers in human beings. To demolish this erroneous information, Mediterranean Saving Humans listed ten of the most common fake news on its Facebook page with a view to contradict it and raise awareness among web population.¹¹³

In 2016, the Journalists’ Ethical Code of Conduct has incorporated the Charter of Rome, which is a specific code of conduct for journalists who write on migration and refugee-related themes. The Charter requires that “*when writing about people of other nationalities, journalists should adopt legally accurate terminology as laid out in an annexed glossary, in order to avoid spreading incorrect or misleading information about migrants, asylum-seekers, refugees and victims of human trafficking.*”¹¹⁴ Nevertheless, sanctions have been rarely applied; indeed these provisions have been strongly criticised and prompted discontent.¹¹⁵

What is important for the purpose of this research is to stress that there are positive initiatives, led by government, civil society and the media to fight disinformation and hate speech. One of the most important is the Carta di Roma’ Association created in 2011 to monitor the implementation of the Charter of Rome for journalists writing on migration and refugee-related themes. Members of the association include Cooperation for the Development of Emerging Countries, Amnesty International, the Association for Legal Studies on Immigration

¹¹¹ Alessia, P. (2018). Noi spendiamo e loro scappano: così regaliamo alle bande criminali oltre 5000 baby migranti. *La Verità*. Retrieved from <https://www.laverita.info/noi-spendiamo-e-loro-scappano-cosi-regaliamo-alle-bande-criminali-oltre-5-000-baby-migranti-2624737620.html>

Biloslavo, F. (2018). Scabbia, tubercolosi e Aids. Dai migranti bomba sanitaria. *Ll Giornale*. Retrieved from <http://www.ilgiornale.it/news/politica/scabbia-tubercolosi-e-aids-dai-migranti-bomba-sanitaria-1604988.html>

¹¹² Istituto Cattaneo. (2018). *Immigrazione in Italia tra realtà e percezione*. Istituto Cattaneo. Retrieved from <http://www.cattaneo.org/wp-content/uploads/2018/08/Analisi-Istituto-Cattaneo-Immigrazione-realt%C3%A0-e-percezione-27-agosto-2018-1.pdf>

¹¹³ Facebook. (2019). *Fake news on Immigration* [Image]. Retrieved from https://www.facebook.com/pg/Mediterraneaescue/photos/?ref=page_internal

¹¹⁴ Art. 7, Journalists Ethical Code of Conduct, 2016.

¹¹⁵ Article 19, (2018).

and, representatives from the United Nations High Commissioner for Refugees, UNAR and the International Organisation for Migration. The association organize training courses for media organisations on the implementation of the Charter of Rome and give special awards to encourage accurate and responsible reporting about migration and minorities.¹¹⁶

As reported above, political speeches have a great influence on the population's perception of this topic. Over the last years, authoritarian and nationalist discourses have been on rise, benefiting from the economic, socio-cultural crisis that has weakened trust in established institutions.¹¹⁷ Due also to a generalized sense of discontent and frustration, Italians became more vulnerable to divisive narratives that portray migrants and refugees as “others” and “threats”. In particular, extreme right parties have been using this persuasive language, targeting migrants and refugees in a way to manipulate emotions and identity. Negative episodes have been exaggerated, distracting attention from factual circumstances and real data.¹¹⁸

It is worth to note that is difficult to address hate speech or hate crimes to date. Despite criminal law provisions (Law No. 654/1975, amended twice in 1993 by the Mancino Law and in 2006 by Law No. 85) prohibiting hate speech and introducing measures to punish racial, ethnic, and religious discrimination, more effort is needed to be in line with international standards. Indeed, Italian parliament should amend current relevant norms in order to address specifically hate speech. In particular, the protective scope of any measures addressing hate speech should encompass all protected characteristics recognised under international human rights law (Art. 2.1 and Art. 26, ICCPR).¹¹⁹ Furthermore, the challenge is to hold politicians accountable for their words. According to the OHCHR, parliament should adopt “*codes of conduct against all form and manifestation of racist hate speech and encourage media and political parties to do the same, with respect to public speech*”.¹²⁰ The report also recommend to organising trainings for parliamentarians, government authorities on human rights, discrimination, freedom of expression and hate speech. Indeed, politicians and media have to be aware of their leading role in speaking against intolerance, racism and discrimination. They

¹¹⁶ Ibidem.

¹¹⁷ Dixon, T., Hawkins, S., Heijbroek, L. et al. (2018).

¹¹⁸ Ibidem.

¹¹⁹ Article 19, (2018).

¹²⁰ OHCHR, Report of mission to Italy on racial discrimination, with a focus on incitement to racial hatred and discrimination, 28 January – 1 February 2019.

should refrain from creating divisive narratives and putting at risk the social cohesion, especially in a time of crisis or high-tension or during election.¹²¹

An innovative and interesting initiative, born in 2012 to monitor the accuracy of Italian politicians' discourses or statements, is the project "*Pagella Politica*". The staff, composed by independent journalists, political analysts, international relations experts, linguistics, monitor politicians' statements by constantly reviewing the main Italian newspapers, both print and online, at a national and local level, the leading press agencies, politicians' websites and Twitter profiles. Then, they choose a statement containing data or facts that they fact-check, accurately quoting all the sources.¹²² Despite this not lead to any sanction, it could be a way to raise awareness on the importance of conveying correct information and show real data. Indeed, not well-educated or informed people, who watch mainstream television programmes or visit media or social media webpages, often have a distorted perception of the immigration phenomenon. According to some data collected by the Cattaneo Institute, those who did not graduate believe that migrants are the 28% of the population, whereas graduated ones affirm migrants are the 17,9%.¹²³ Another driving factor is the political orientation: those voting left parties tend to have a more realistic view rather than right parties supporters.¹²⁴ Further, employment position and geographical residence have some impact. Moreover, people who do not high-qualified jobs usually perceive migrants as a threat to their condition, whilst those who live in areas with greater presence of migrants tend to have a more accurate perception.¹²⁵

This final consideration leads to the next paragraph in which it will be described the link between disinformation – conveyed by certain political discourses and certain media – and Italians' attitudes towards migrants and refugees.

2.2 How disinformation influences Italians' attitudes toward immigration

A report issued in 2019 by Friedrich Ebert Stiftung, based on a European Social Survey, analysed how European citizens' attitudes have changed from before to after 2015 migration

¹²¹ Article 19, (2018).

¹²² Pagella Politica Website available at: <https://pagellapolitica.it/progetto/index>

¹²³ Istituto Cattaneo. (2018).

¹²⁴ Ibidem.

¹²⁵ Ibidem.

crisis, due to rise of populism and xenophobic political and public discourse in Europe.¹²⁶ The aim of this study is to identify the main factors “heightening or dampening anti-migrant sentiments”. To do so, it was important to understand what triggers the fear of migrants and if there is any causal link between social attitudes towards migrants and the rise of anti-migrant speeches. Furthermore, the research has connected different attitudes to different social groups and demonstrated that the prevalence of certain values links to pro and anti-migrant sentiment. One important conclusion is that two set values influence attitude towards migrants: security and humanitarianism.¹²⁷ This means that those who give greater importance to a stable and secure surrounding and a strong government tend to be the most negative towards migration. On the contrary, those who value most equality and respect of other people are the least fearful of migrants. According to this study, Italy is one of the country where people attribute more value to security and the rate of rejection of migrants is higher. Indeed, if you feel safe, you give more value to humanitarianism because you trust State and institutions.¹²⁸ In this connection, an interesting study, published in 2017 by More in Common, reported that Italians feel frustrated with their governing classes, corruption and inequality. Further, they are disappointed in the European Union’s failure to support them in sea borders control.¹²⁹ These sentiments of discontent and distrust of State and politicians reflect on the approach toward immigration and migrants. Indeed, only 18% of Italians believe that immigration has had a positive impact, while 57% believe it has had a negative impact.¹³⁰ It is noteworthy that there are little regional difference and, contrary to common perception, southern regions are more anti-immigration than southern ones.¹³¹ The lack of job and pessimism about persistent unemployment shows that economic concerns play a greater role in shaping attitudes towards migrants in Italy. Overall, 52% of Italian citizens believe that the impact of immigration on economy is negative, while just 23% believe it is positive.¹³² During the presentation of the 2018 Immigration Report, Franco Pittau, coordinator of the centre IDOS, highlighted that, in the last 10 years, media have showed only the costs of immigration, fostering fear and hatred, which have impeded integration. On the contrary, immigration has extremely positive effects

¹²⁶ Messing, V, Sagvari, B., (2019), *Still Divided but More Open*, Friedrich Ebert Stiftung, Budapest. Retrieved from: <http://library.fes.de/pdf-files/bueros/budapest/15322-20190505.pdf>

¹²⁷ Messing, V, Sagvari, B., (2019).

¹²⁸ Ibidem.

¹²⁹ Dixon, T., Hawkins, S., Heijbroek, L. et al. (2018).

¹³⁰ Ibidem.

¹³¹ Messing, V, Sagvari, B., (2019).

¹³² Dixon, T., Hawkins, S., Heijbroek, L. et al. (2018).

also on the Italian economy. Indeed, migrants workers payed around 11,9 billions of contributions, which benefit health, education and national social security system.¹³³ Then investing in integration policies will have beneficial effects on the welfare at whole.

Fake news and disinformation as well contribute to build negative sentiments and amplify fear of “the other”. In this context, populism and extreme right parties have found fertile ground for developing their divisive strategies. In particular, these political movements are supported by specific segments of the society – the so-called closed group – that reflect specific values and beliefs around identity, belonging and Italian’s relationship to the outside world.¹³⁴ Hostile Nationalists and Cultural Defenders hold closed views and oppose immigration of any kind. They both perceive migrants and refugees as different from them, holding negative views also towards Islam, adopting a security approach.¹³⁵ Hostile Nationalists are traditionalist and strongly identify themselves as right or centre-right (supporter of Lega) and are deeply concerned about immigration, crime, unemployment. They are part of lower-middle groups. Similarly, Cultural Defenders support right or centre-right parties and have the same concerns; on the contrary, the majority come from high-income groups. Further, the latter have a higher level of education.¹³⁶ What is important to stress is that these two categories, even with some differences, share similar opinions and are influenced by the simple narratives offered by right or extreme right and populist parties. The correlation between anti-migrant feelings and support for political populist has been demonstrated in the study “Still Divided but More Open”: those with negative attitude toward migrants are more likely to vote for right-wing populist parties.

All the mentioned factors – disinformation, hate speech, discontent, distrust, fear of the other – are some of the major drivers of xenophobic and discriminatory behaviours, and sometimes, of racism. Therefore, it is fundamental to address them at all levels and build a comprehensive strategy that involves all stakeholders (Government, institutions, media, civil society, schools). It is necessary to show Italian citizens a different perspective on immigration, which highlight economic, socio-cultural benefits deriving from migrants’ presence.

Despite media, civil society and institutions are all genuinely aware of the problem and have already undertaken or proposed to adopt legislative, policy, and campaign initiatives to reverse the trend, more effort is needed. At the same time, politics should refrain from using hatred language and disseminating fear among population, on the contrary it should approach

¹³³ Liberati C., (28 febbraio 2019).

¹³⁴ Dixon, T., Hawkins, S., Heijbroek, L. et al. (2018).

¹³⁵ Ibidem.

¹³⁶ Ibidem.

such a complex issue – immigration – with a forward-looking strategy and build integration and inclusion policies.

In the next chapter, the dissertation will report on local innovative reception and integration projects, built on mutual exchange and understanding between migrants and Italian citizens, which can help to combat discrimination and prejudices.

Chapter 3

3. How to engage Italians in the integration process

In the conclusion of the previous chapter, it emerged that more inclusive and forward-looking reception and integration policies are needed. Working for the integration of migrants is not just a political or ethical aim, but it needs concrete and targeted actions to encourage their insertion into the Italian society.¹³⁷ Politics and the Italian Government should abandon the last-years approach that has presented immigration as an emergency and addressed the migration flows and reception with short-term policies. Instead, they should support and invest more resources in the integration processes.¹³⁸

These kind of actions would reduce risks of poverty, social marginalization and criminality, which are the major problems faced by migrants when they arrive to Italy.¹³⁹ Further, they would lower Italians' xenophobia, intolerance¹⁴⁰ and racist attitudes. Indeed, Italians' negative attitudes about immigration and the erosion of Italian identity came from generalized concerns about integration (only 29% agree with the statement that migrants generally make efforts to integrate into Italian society).¹⁴¹ Another noteworthy element is that, usually, people who have few contacts with migrants tend to have negative sentiments towards them.¹⁴² This has created a vicious circle in which the distance and the gap between locals and migrants will become huger. Stopping this trend is necessary to build social cohesion and contrast the rise of hatred and racism. To do so, all stakeholders are needed and citizens could be the principal drivers.

This chapter reports on local innovative reception and integration projects, realised by the Association Refugees Welcome, and built on mutual exchange and understanding between migrants and Italian citizens. The study demonstrates how positive experiences of Italian families who host refugees or beneficiaries of other forms of international protection could represent an important “weapon” against discrimination, intolerance and hatred.

¹³⁷ Villa, M., Emmi, V., Corradi, E., (2018), *Migranti: la sfida dell'integrazione*, ISPI and CESVI. Retrieved from: <https://www.ispionline.it>

¹³⁸ Ibidem.

¹³⁹ Ibidem.

¹⁴⁰ Echeverria, G., (2018), *Migranti: i limiti della politica, le opzioni della politica*, Centro per la Cooperazione Internazionale. Available at: <https://www.cci.tn.it/CCI/Notizie/Migranti-i-limiti-della-politica-le-opzioni-della-politica-189303>

¹⁴¹ Dixon, T., Hawkins, S., Heijbroek, L. et al. (2018).

¹⁴² Messing, V, Sagvari, B., (2019).

Dixon, T., Hawkins, S., Heijbroek, L. et al. (2018).

3.1 Why it is so important to invest in integration

According to the Migration Policy Institute, *“Immigrant integration is the process of economic mobility and social inclusion for newcomers and their children. As such, integration touches upon the institutions and mechanisms that promote development and growth within society, including early childhood care; elementary, postsecondary, and adult education systems; workforce development; health care; provision of government services to communities with linguistic diversity; and more.”*¹⁴³ Integration process involves many aspects of the social life of a person, so it needs an integrated approach and the engagement of all levels of government. In 2018, the European Commission and the OECD issued a report providing a checklist for public action in the field of local migrant integration, identifying twelve key points for local, regional and national policy-makers to take into consideration as they develop integration programmes.¹⁴⁴ Examples and best practices are from nine large European cities (Athens, Amsterdam, Barcelona, Berlin, Glasgow, Gothenburg, Paris, Rome and Vienna), which may inspire others to do the same. These are the most interesting points:

- Improving the coordination of integration policies across government levels with the goal of increasing mutual knowledge of integration processes;
- Improving the coherence of integration processes to address the needs of migrants to guarantee access to services;
- Making financial resources available for local actors;
- Closing the spatial gap between migrants and native-born people in order to contrast segregation and discrimination;
- Enhancing monitoring mechanisms and improving data collection on the effectiveness of integration programmes;
- Ensuring access to adequate housing;
- Developing education programmes to address segregation and providing access to professional trainings.¹⁴⁵

¹⁴³ Migration Policy Institute, (2019) Immigrant Integration. Available at: <https://www.migrationpolicy.org/topics/immigrant-integration>

¹⁴⁴ European Commission and OECD, (2018), Report on the local integration of migrants, Factsheet. Retrieved from: <https://www.oecd.org/cfe/regional-policy/OECD-migration-local-factsheet.pdf>

¹⁴⁵ Ibidem.

Yet, in Italy, “the costs of non-integration” are high and if the Government do not embrace a different approach on the topic, immigration will remain a burden on society generally and on the State.

In 2018, ISPI and CESVI issued a paper that analyses the impact of the decrease of arrivals¹⁴⁶ in terms of public resources and how much of these resources could be allocated to integration programmes. The study provides an accurate description of the gaps deriving from the lack of integration and the misuse of public resources. The aim of this research is to demonstrate that, on a mid-term basis, increasing public expenditure for integration generates positive effects both for migrants and for the welfare of the hosting society.¹⁴⁷ According to this study, integration is to be realized in four interconnected contexts: access to employment, access to healthcare, education and social marginalization. To address each of this aspect a comprehensive approach is needed and precise actions should be implemented. As for the access to employment, the Decree no. 142/2015 established that asylum seekers can start working after sixty days from the submission of the asylum application (this norm is still applicable notwithstanding the amendments of the Decree no. 113/2018). In concrete terms, asylum seekers have many difficulties in finding a job, due to the lack of knowledge of the language and the uncertainty of their status. Even if the level of employment of refugees is slightly higher than of the Italian citizens is, their salary are lower and they often do underqualified jobs.¹⁴⁸ The second relevant aspect is education. In 2017, more than 60% of migrants living in Italy completed just primary or secondary level of education, while only 10% had tertiary education.¹⁴⁹ Two factors are linked to this: the level of learning of the Italian language and school performance. School performance is assessed also through two phenomena, which negatively affect integration (of minors and their families): the gap between native-born and migrant students and early school leaving. Indeed, 12,6% of foreigners minors (born abroad) and 8,3 % of those born in Italy leave school before high-school; these data indicate a low level of integration.¹⁵⁰ Access to healthcare is as well fundamental for a full integration. The relevant law (Testo Unico on Immigration) provides for the right to access essential healthcare for migrants with no discrimination based on their status (actually, those

¹⁴⁶ From the summer of 2017, arrivals have been decreased by 80%; however in the last five years the number of refugees and beneficiaries of other forms of international protection has increased by 180,000 (data from 2018). Villa, M., Emmi, V., Corradi, E., (2018).

¹⁴⁷ Villa, M., Emmi, V., Corradi, E., (2018).

¹⁴⁸ Ibidem.

¹⁴⁹ Ibidem.

¹⁵⁰ Ibidem.

who have residence permit can register to the National Health System). In practice, this right is not fully guaranteed, because of several problems in accessing healthcare. In particular, migrants with vulnerabilities, such as those who have psychological trauma (provoked by violence, abuses, tortures experienced during their stay in Libyan detention centres), have major integration problem, if their trauma are not properly treated.¹⁵¹ Finally, a high level of social marginalization and poverty impede integration into the hosting society, increasing the gap between migrants and locals, which, due to this, continue to have negative attitudes towards them.

This brief focus shows that integration is composed of many interdependent elements, which, beyond doubt, influence the relation between the hosting communities and migrants. It has been proved that local projects of reception and integration¹⁵², when disseminated all over the territory, encourage dialogue and the insertion of migrants into the Italian social context. In the next paragraph, the dissertation presents a case study on this regard: the projects of reception and integration of “Refugees Welcome”.

3.2 Refugees Welcome

On December 2018, Refugees Welcome Italy presented the first report of its first three years of activities and the Guidelines about housing refugees in private accommodations, which are available on the internet with the aim of disseminating this new culture of open doors and social inclusion.¹⁵³

Refugees Welcome is an association, created in 2015 and part of an international network, which in Europe counts 15 national branches. Professionals in the field of reception and social inclusion policies (project managers, social workers, psychologists, legal advisors, researchers, communication experts, journalists and photographers) compose the staff. One of the main feature of the association is its local branches that help spreading this model of reception across all the country. Twenty-two cities from North to South are involved, 160 flat-shares have been realized with the essential contribution of 200 activists.¹⁵⁴ Lazio and Lombardia are the most “welcoming” regions in Italy, and Rome is the most “welcoming” city, where 30 flat-shares

¹⁵¹ Villa, M., Emmi, V., Corradi, E., (2018).

¹⁵² SPRAR projects until the entry into force of the Decree no. 113/2018.

¹⁵³ Refugees Welcome, News, 18/12/2018. Available at: <https://refugees-welcome.it/presentati-roma-nostro-primo-rapporto-attivita-le-linee-guida-accoglienza-famiglia/>

¹⁵⁴ Refugees Welcome, Chi siamo. Available at: <https://refugees-welcome.it/chi-siamo/>

started. Further, in 2018 hundreds of people registered on the online platform to take part in this project and speak up against the Government policy of closing the borders.¹⁵⁵

The project is born to fill a gap in the Italian reception system. When a person who granted refugee status or another form of protection has to leave the reception facility and find himself/herself without any kind of support in the process of inclusion. This moment is extremely critical for unaccompanied minors who just became adults. Hence, Refugees Welcome intervenes preventing the outbreak of a condition of marginalization.

The aim of the association is to promoting a social and cultural change and a new model of reception, which actively involve Italian families. Indeed, the participation of citizens, as proved in the previous chapter, fosters social inclusion of refugees (or beneficiaries of other forms of protection) and contrast discrimination and prejudices. Instead of being stigmatized and excluded from society, refugees live with natives and easily integrate into Italian social context, learning also its cultural traditions. Thanks this, refugees create social networks, learn the language, go to school, start a professional training or find a job. All these factors allow refugees to be autonomous and realize their objectives and dreams. At the same time, flat-share has positive effects also on hosting families, which have the opportunity to know different cultures and become aware of their duties as citizens. Mutual exchange and reciprocity are the key words of the project.¹⁵⁶

Methodology

Refugees Welcome built an innovative model that combine technology and active citizenship in a way to improve the engagement of Italians in a solidarity network, which could encourage a change in public integration policies.¹⁵⁷ Indeed, people who want to take part in the project and offer their hospitality have to register to an online platform that connects them with the association's team. Then, the team match hosts with refugees based on needs and characteristics of both. When someone register him/her flatshare, the team will ask him/her for more details about his/her living situation, such as the number of flatmates, the languages he/she speak, his/her city and surroundings. This information will help the team of professionals match

¹⁵⁵ Refugees Welcome, News, 18/12/2018. Available at: <https://refugees-welcome.it/presentati-roma-nostro-primo-rapporto-attivita-le-linee-guida-accoglienza-famiglia/>

¹⁵⁶ Refugees Welcome, Cosa facciamo. Available at: <https://refugees-welcome.it/cosa-facciamo/>

¹⁵⁷ Refugees Welcome, (2018), Guidelines for housing accommodation. Retrieved from: <https://refugees-welcome.it/wp-content/uploads/2018/12/Linee-Guida-accoglienza-in-famiglia.pdf>

families with refugees.¹⁵⁸ The process, which starts with registration and ends when flat-share concludes, is monitored and facilitated by local teams, which support constantly families and refugees. Indeed, activists are facilitators; they promote the concept of shared responsibility, understanding and mutual support between families and hosted persons.

The Guidelines describe in details how the process works, the actors involved and the methodology. Further, this handbook is intended for non- profit organizations, local authorities, institutions and citizens generally, as the association believes that this model could be adapted on different realities and shared as a good practice.¹⁵⁹

“Families”¹⁶⁰

“Families” are those who offer hospitality and open the doors of their house. They could be couples with or without children, single citizens, flatmates or pensioners. They have a fundamental role in supporting refugees in their integration process, helping them to realize their dreams and strengthen their capacities. When families register, they have to pass a “screening” through which the association’s team assess if they share the same values of the association and are suitable to start a flat-share. Most of all, families are actors of change, driving new forms of “welcoming” and addressing the weaknesses of the Italian reception system.

“Hosted persons”¹⁶¹

According to the Statute of the Association, the term “hosted persons” include anyone who needs hospitality. Actually, the majority are beneficiaries of humanitarian protection (58%), followed by those who granted refugee status (20%) or subsidiary protection (16%), who have been living in Italy for three years.¹⁶² Normally, these are men or women between 18 and 35 who have a residence permit.

¹⁵⁸ Refugees Welcome International Website. Available at: <https://www.refugees-welcome.net/#details>

¹⁵⁹ Refugees Welcome, (2018), Guidelines for housing accommodation.

¹⁶⁰ Ibidem;

¹⁶¹ Ibidem.

¹⁶² Refugees Welcome, News, 18/12/2018. Available at: <https://refugees-welcome.it/presentati-roma-nostro-primorapporto-attivita-le-linee-guida-accoglienza-famiglia/>

How it works¹⁶³

Before starting a flat-share, there are some steps to undertake. The whole process consists of three main phases. The first one is the “profiling”, which involve families, hosted persons and activists. The profiling consists of two interviews conducted by the association’s team, by telephone and in person. Telephone interviews with families are extremely important, because they are the first contact between facilitators and families who registered to the platform. Thanks to this step, facilitators can assess if families share the association’s values, collect quantitative and qualitative data, explain the aim of the project and finally start creating trust between these two fundamental actors.

After this very first phase, facilitators conduct in-person interviews. When facilitators meet families, they make them aware of all the difficulties that reception could involve, and at the same time give them support. After an accurate analysis of the situation, the expectations and motivations, facilitators really understand if a family is suitable to start a flat-share. On the other side, interviews with hosted persons are crucial as well. During the interview, facilitators show the association’s methodology and values, ask for the personal reasons behind the choice to take part in the project and collect relevant data. Further, they should stimulate the person and re-activate his/her capacity to be autonomous with the aim of helping him/her build his/her own life projects.

After this assessment, facilitators start working on matching families with hosted persons, based on the information collected. During this phase, facilitators need to interpret very carefully the collected information and look for the best match. It is very important to take into considerations past experiences to avoid mistakes. In particular, facilitators need to collect expectations but as well show what could happen (hosted persons, due to their traumatic experiences, are not immediately open to the new family or families could have too “high” expectations at the beginning).

Once families and hosted persons match, a flat-share can officially start. This period of adaptation needs to understand if a match works. During a flat-share, which usually lasts six months, facilitators constantly monitor the “project of integration” and progresses made by the hosted person. The last phase of the process – end of the flat-share – is a delicate moment that can destabilize emotionally families and hosted persons; therefore, facilitators have to:

¹⁶³ Refugees Welcome, (2018), Guidelines for housing accommodation.

- Find a “supplementary” family, if the hosted person is not become autonomous or the flat-share was not successful;
- Promote a moment of reflection on the positive effects of this experience and on the results obtained;
- Evaluate the impact of the project on all the actors involved.

Hundreds of flat-shares have become new multicultural and open families that put themselves on the front line in welcoming refugees and fighting discrimination and intolerance. Their stories¹⁶⁴ are clear examples of how engaging citizens could be the first step to build a new national model of reception, which look at immigration as a resource not an emergency. These families are drivers of change across Italian society, because they can disseminate and tell an alternative narration on migrants. The idea behind this project is that citizens are active part in the integration process and that mutual exchange and reciprocity are key points for success.

Nevertheless, the climate of hatred and intolerance that Italy has been experiencing may undermine these kind of projects. Indeed, mainstream media and certain politics offer simplistic narrations and describe immigration and migrants as “the out-groups”. This kind of narration may influence people who are more “vulnerable”, who feel abandoned by institutions and live in unstable social and economic conditions. As described these people tend to develop negative attitudes towards migrants, believing that immigration has negative impact on the national economy. They perceive migrants as threats. Changing this attitude needs an integrated approach and targeted actions, which firstly have to address needs and claims of these people. Despite actions at institutional level are needed, this study wants to highlight the power of people who experience reception and open their doors and mind. To build an inclusive society does not mean only to housing refugees, but it could involve hundreds of little actions.¹⁶⁵ Quoting Mahatma Gandhi “Be the change you want to see in the world”, every single action can strengthen this network of solidarity and inspire others to do the same.

¹⁶⁴ Stories and experiences can be found in this report: “Ogni persona è una storia”, published by Refugees Welcome in 2018. Retrieved from: <https://refugees-welcome.it/wp-content/uploads/2018/12/Ogni-persona-%C3%A8-una-storia.pdf>

¹⁶⁵ Thanks to the example of family, member of Refugees Welcome, the whole city started to be “welcoming” and more inclusive. Varagona, V. (2019), Pesaro. In famiglia c'è una mamma in più e tutto il paese «adotta» la bambina, *Avvenire*. Retrieved from: <https://www.avvenire.it/attualita/pagine/in-famiglia-c-una-mamma-in-pi-e-tutto-il-paese-adotta-la-bambina>

Conclusion

“As long as geographical and physical walls exist and hundreds of persons will be forced to live in immigration centres without any contact with society, it will be hard to break those walls. When, in our neighbourhood, an immigration centre opened, people started to protest. So, we thought that the best thing we could do was to open our doors.” These are the words of Alessandro and Ludovica, two citizens living in Rome, which decided to join Refugees Welcome and open their house to Yusuf. In the report “*Ogni persona è una storia*”, issued by Refugees Welcome, it is possible to read about hundreds of stories and experiences of those who chose to look at immigration as an opportunity, a chance. A chance to change, to learn, to be active citizens and to support the fight against discrimination, mistrust and hatred that, over the last years, Italy is experiencing. Each story narrates the integration process of a man or a woman, a boy or a girl, who arrived to our coasts and risked to be marginalized. Thanks to the help of these families and the effort of thousands of activists and volunteers, their story had a happy ending.

Starting from a description of the legal framework of the right to asylum in the international law system and in the European Union law, this research moved to the Italian context. In particular, the study wanted to describe the legislative and political approach toward immigration and, critically, evaluate how Italian legislator has been dealing with reception. Afterwards, this research analysed the correlation between the last-years political and legislative approach to immigration and the rise of discriminatory and hate discourses against migrants, mainly disseminated by certain media and politics.

In conclusion, it demonstrated that positive experiences of Refugees Welcome could become a model for a change in the national reception and integration system and could help reducing the gap between migrants and locals. The recommended strategy is based on the acknowledgement that integrated actions on different levels (national, regional and local) and the engagement of all relevant stakeholders (institutions, politics, the Government, the legislator, media, civil society) are needed.

Bibliography

Alessia, P. (2018). Noi spendiamo e loro scappano: così regaliamo alle bande criminali oltre 5000 baby migranti. *La Verità*. Retrieved from <https://www.laverita.info/noi-spendiamo-e-loro-scappano-cosi-regaliamo-alle-bande-criminali-oltre-5-000-baby-migranti-2624737620.html>

ASGI. (2018). *Manifeste illegittimità costituzionali delle nuove norme concernenti permessi di soggiorno per esigenze umanitarie, protezione internazionale, immigrazione e cittadinanza previste dal decreto-legge 4 ottobre 2018, n. 113*. ASGI. Retrieved from: <https://www.asgi.it/asilo-e-protezione-internazionale/d-l-113-2018-i-profil-di-manifesta-illegittimita-costituzionale-secondo-lasgi/>

Amnesty International, Barometro dell'odio, 2018. Available at: <https://www.amnesty.it/barometro-odio/>

Article 19 (2018). *Italy Responding to Hate Speech*. [online] London: Article 19. Available at: <http://www.article19.org>

Benvenuti, M. (2018), La forma dell'acqua. Il diritto di asilo costituzionale tra attuazione, applicazione e attualità, *Questione Giustizia* 2/2018, (pp.14-27).

Biloslavo, F. (2018). Scabbia, tubercolosi e Aids. Dai migranti bomba sanitaria. *Ll Giornale*. Retrieved from <http://www.ilgiornale.it/news/politica/scabbia-tubercolosi-e-aids-dai-migranti-bomba-sanitaria-1604988.html>

Bona, M., Dioli, I., Ferrari, L. et al. (2018), Hate speech: what it is and how to contrast it, Osservatorio Balcani e Caucaso transeuropa. Retrieved from: <https://www.balcanicaucaso.org/eng/Occasional-papers/Hate-speech-what-it-is-and-how-to-contrast-it>

Brambilla A., (2019), Il diritto all'accoglienza dei richiedenti asilo in Italia: quali sfide dopo la legge 132/2018, *Rubrica Diritti Senza Confini*, ASGI. Retrieved from: <https://www.asgi.it/asilo-e-protezione-internazionale/asilo-accoglienza-dopo-legge-132-2018/>

Caiffa, P. (2019). Decreto sicurezza bis. Flick (presidente emerito Corte Costituzionale): "Inaccettabile. In gioco i diritti fondamentali della persona". *Sir Agenzia Di Informazione*. Retrieved from <https://www.agensir.it/italia/2019/08/06/decreto-sicurezza-bis-flick-presidente-emerito-corte-costituzionale-inaccettabile-in-gioco-i-diritti-fondamentali-della-persona/?fbclid=IwAR1o70mi7tkMGQKDDsfFHkYijxGpBYhci9w8dPuYK9WguhE6BIUNVKSdVpU>

Catozzella, G. (2018). Il razzismo è diventato la normalità in Italia. *L'espresso*. Retrieved from <http://espresso.repubblica.it/visioni/2018/12/18/news/razzismo-italia-1.329768>

Committee against Torture (CAT), Concluding Observations on Italy, December 2017.

Committee on the Elimination of Racial Discrimination, Concluding Observation, February 2017.

Council of the EU, Presidency Conclusions of the Brussels European Council, 4-5 November 2004, Annex I, 17.

Del Guercio, A., (2014), *La seconda fase di realizzazione del sistema europeo comune d'asilo*, Osservatorio Costituzionale, ACI.

Di Muro, A. (2019), *Il diritto dell'immigrazione: guida aggiornata alla Legge n. 132/2018*, Giappichelli.

Dixon, T., Hawkins, S., Heijbroek, L. et al. (2018). *Attitudes towards National Identity, Immigration and Refugees in Italy*. More in Common. Retrieved from <https://www.moreincommon.com/>

Echeverria, G., (2018), *Migranti: i limiti della politica, le opzioni della politica*, Centro per la Cooperazione Internazionale. Available at: <https://www.cci.tn.it/CCI/Notizie/Migranti-i-limiti-della-politica-le-opzioni-della-politica-189303>

European Commission and OECD, (2018), *Report on the local integration of migrants*, Factsheet. Retrieved from: <https://www.oecd.org/cfe/regional-policy/OECD-migration-local-factsheet.pdf>

European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No 15 on "hate speech" 8.12.2016.

European Commission (Internal Affairs). (2014). *Un Sistema europeo comune di asilo*. Lussemburgo: Ufficio delle Pubblicazioni dell'Unione Europea.

Forte, A.C., (2018), *Il Diritto dell'immigrazione. La condizione giuridica dello straniero nell'ordinamento italiano*, Roma, Duepuntozero.

Gil-Bazo, M.T., (2008), *The Charter of Fundamental Rights of the European Union and the Right to be Granted Asylum in the Union's Law*, *Refugee Survey Quarterly*, 27, 2008.

IDOS, (2017), *Dossier Statistico Immigrazione*. Roma: Centro Studi e Ricerche IDOS.

Institute of International Law: Resolutions Adopted at its Bath Session, September 1950. (1951). *The American Journal Of International Law*, 45(2), 15.

Istituto Cattaneo. (2018). *Immigrazione in Italia tra realtà e percezione*. Istituto Cattaneo. Retrieved from <http://www.cattaneo.org/wp-content/uploads/2018/08/Analisi-Istituto-Cattaneo-Immigrazione-realt%C3%A0-e-percezione-27-agosto-2018-1.pdf>

Jo Cox Commission. (2017), *The Hate Pyramid in Italy*. Rome: Camera dei Deputati. Retrieved from <https://www.camera.it/leg17/1313>

Kaunert, C. and Léonard, S., (2012), The European Union Asylum Policy after the Treaty of Lisbon and the Stockholm Programme: Towards Supranational Governance in a Common Area of Protection?, *Refugee Survey Quarterly*, Vol. 31, No.4, pp 1-20.

Lanni A., (2016), La (mala)accoglienza in Italia di migranti e rifugiati, 21 marzo 2016, *Open Migration* Retrieved from: <https://openmigration.org/analisi/la-malaaccoglienza-di-migranti-e-rifugiati/>

Liberati C., (28 febbraio 2019), L'immigrazione e la percezione di una crisi. La distorsione nella cultura di massa, *Open Migration*. Retrieved from: <https://openmigration.org/analisi/immigrazione-e-la-percezione-di-una-crisi-la-distorsione-nella-cultura-di-massa/>

Lunaria. (2019). *Il razzismo nel 2018 tra rimozione ed enfattizzazione*. Retrieved from https://www.lunaria.org/wp-content/uploads/2019/03/Focus_1_2019ilrazzismone12018.pdf

Marchetti, C. (2017). L'accoglienza in Italia dalla nascita dei primi programmi nazionali alla situazione attuale, in *Minori Rifugiati Vulnerabili e Senza Voce, Report Fondazione Migrantes 2017* (pp. 145-166). Todi: Tau Editrice. Retrieved from <http://www.cestim.it/argomenti/28rifugiati/2016-Fondazione-Migrantes-Report-2017-Il-diritto-dAsilo.pdf>

Messing, V, Sagvari, B., (2019), *Still Divided but More Open*, Friedrich Ebert Stiftung, Budapest. Retrieved from: <http://library.fes.de/pdf-files/bueros/budapest/15322-20190505.pdf>

Migration Policy Institute, (2019) Immigrant Integration. Available at: <https://www.migrationpolicy.org/topics/immigrant-integration>

Ministry of the Interior, Cruscotto statistico giornaliero, Available at: http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31-07-2018_0.pdf

OHCHR, Report of mission to Italy on racial discrimination, with a focus on incitement to racial hatred and discrimination, 28 January – 1 February 2019.

OHCHR, News, 20 May 2019. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24628&LangID=E>

OHCHR, News, Legal changes and climate of hatred threaten migrants' rights in Italy, 21 November 2018. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23908&LangID=E>

Open Migration, (27 marzo 2017), Migrazione e libertà, il punto del Garante Nazionale. Available at: <https://openmigration.org/analisi/migrazione-e-liberta-il-punto-di-un-anno-di-monitoraggio-da-parte-del-garante-nazionale/>

Osservatorio Camera dei Deputati, (2019), Diritto di asilo e accoglienza dei migranti sul territorio, Camera dei deputati. Retrieved from:

https://temi.camera.it/leg18/temi/tl18_accoglienza_dei_migranti_sul_territorio.html

Pace, A., (2018), Parere pro-veritate sulla legittimità costituzionale del cd decreto legge “sicurezza ed immigrazione”, ASGI, (22/10/2018). Retrieved from: <https://www.asgi.it/wp-content/uploads/2018/10/AP-Parere-decreto-sicurezza-18-10-2018.pdf>

Peri, C., (2018), Migranti: l'Europa cambia? La riforma del Sistema europeo comune d'asilo, *Aggiornamenti sociali*, (05/2018), pp. 396-405.

Peri, C. (2015), Il sistema di accoglienza per richiedenti asilo e rifugiati in Italia: punti di forza e criticità, in *Dossier Statistico Immigrazione 2015*, IDOS, (129-134).

Redattore Sociale. (2018). In Italia non c'è un'invasione di migranti: numeri stabili dal 2013. Retrieved from

https://www.redattoresociale.it/article/notiziario/in_italia_non_c_e_un_invasione_di_migranti_numeri_stabili_dal_2013.

Refugees Welcome, (2018), Guidelines for housing accommodation. Retrieved from: <https://refugees-welcome.it/wp-content/uploads/2018/12/Linee-Guida-accoglienza-in-famiglia.pdf>

Rescigno, F. (2011). *Il diritto di asilo* (1st ed., pp. 49-50). Roma: Carocci Editore.

Silvestri, G., (2018), Il diritto ad una tutela giudiziaria effettiva dei richiedenti protezione internazionale, Catania 12-14 settembre 2018, *Diritti senza confini*, ASGI.

Sciurba, A. (2018). Ai confini dei diritti. Richiedenti asilo tra normativa e prassi, dall'hotspot alla decisione della Commissione territoriale. *Questione Giustizia*, 2, (145-166). Retrieved from http://questionegiustizia.it/rivista/pdf/QG_2018-2_13.pdf

Studi Camera – Istituzioni, (2019), *Cittadinanza e Immigrazione*, *Giustizia*, D.L. 53/2019 disposizioni urgenti in materia di ordine e sicurezza, Camera dei Deputati. Retrieved from: https://temi.camera.it/leg18/area/18_1_OCD26-15/cittadinanza-e-immigrazione.html

UNHCR, Regional Representation Southern Europe, Technical Note, 2018.

UNHCR, Recommendations on important aspect of refugee protection in Italy, June 2012.

UNHCR, *Introductory note by the Office of the United Nations High Commissioner for Refugees (UNHCR) to the Convention and Protocol relating to the status of refugees*, 2010, p. 2

The Local. (2018). UN condemns Italy's anti-migrant decree and 'climate of hatred'. Retrieved from <https://www.thelocal.it/20181122/un-italy-anti-migrant-decree-climate-of-hatred>

Tondo, L. (2019). Italy rejects record number of asylum applications. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2019/feb/14/italy-rejects-record-number-of-asylum-applications>

Varagona, V. (2019), Pesaro. In famiglia c'è una mamma in più e tutto il paese «adotta» la bambina, *Avvenire*. Retrieved from: <https://www.avvenire.it/attualita/pagine/in-famiglia-c-una-mamma-in-pi-e-tutto-il-paese-adotta-la-bambina>

Villa, M., Emmi, V., Corradi, E., (2018), *Migranti: la sfida dell'integrazione*, ISPI and CESVI. Retrieved from: <https://www.ispionline.it>

WEBPAGES

Facebook. (2019). *Fake news on Immigration* [Image]. Retrieved from https://www.facebook.com/pg/Mediterraneaescue/photos/?ref=page_internal

Pagella Politica Website available at: <https://pagellapolitica.it/progetto/index>

Refugees Welcome International Website. Available at: <https://www.refugees-welcome.net/#details>

