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**La condizione delle donne migranti in
Italia nel Rapporto Grevio 2019.**

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Il 13 gennaio del 2020 è stato pubblicato il rapporto redatto dal Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), un Gruppo di esperti indipendenti incaricato appunto di procedere alla valutazione periodica dei livelli di adempimento da parte degli Stati parti degli obblighi scaturenti dalla Convenzione di Istanbul dell'11 maggio 2011. L'Italia è stata uno dei primi paesi a ratificare la Convenzione di Istanbul il 10 Settembre 2013, che è entrata in vigore per l'Italia il 1° agosto del 2014.

La procedura di valutazione, prevista dall'articolo 68, si è aperta con l'invio il 31 ottobre 2017 di un questionario al quale l'Italia ha risposto inviando il proprio rapporto il 22 ottobre 2018. Dopo l'esame del rapporto, il GREVIO ha inviato dal 13 al 20 marzo 2019 una propria delegazione in Italia per una visita di conoscenza. La delegazione era composta da Biljana Branković e Helena Leitão, componenti del GREVIO, da Paola Degani e Jane Freedman, in qualità di esperte e da Liri Kopaçi-Di Michele e Christina Olsen, funzionarie internazionali.

Nel corso della visita, la delegazione ha incontrato numerosi interlocutrici e interlocutori impegnati nella lotta contro la violenza di genere e nell'assistenza alle vittime e ha poi redatto nel mese di novembre 2019 il rapporto che qui presentiamo.

Il rapporto riconosce l'importanza e la qualità delle riforme legislative poste in essere dalle autorità italiane con la legge del 2009 sullo stalking e la 119 del 2013 che prevede finanziamenti dei servizi di supporto alle vittime della violenza. Ma segnala però le difficoltà culturali che si oppongono nella società italiana alla diffusione di una autentica cultura anti-violenza, inclusa la propensione evidente a reinterpretare la mentalità anti-violenza di genere nella direzione di politiche della famiglia e di tutela della maternità.

Al contrario, il GREVIO ritiene necessarie politiche di awareness raising e di women empowerment che aiutino a comprendere che la violenza di genere è radicata in un tessuto di relazioni uomini-donne ancora dominato dalla figura dell'uomo. Per quello che riguarda poi le politiche di protezione e di sostegno alle vittime, il rapporto raccomanda un migliore coordinamento strategico delle varie iniziative, molte delle quali sono gestite da associazioni non governative.

Pubblichiamo qui di seguito la parte del Rapporto che riguarda la condizione delle donne migranti (MMP)

VII. Migration and asylum

253. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or at risk of violence (Article 60).

254. As a general consideration, GREVIO stresses that it is fully aware of the challenges facing Italy as a state of first arrival of migrants. While commending Italy's efforts in past years aimed at the reception and integration of asylum seekers and refugees, GREVIO voices its strong belief in the importance of solidarity between European states to ensure that Italy and other states of first arrival are not left to deal with this situation alone.

A. Residence status (Article 59)

255. In Italy, the provision set forth in Article 59, paragraph 1, of the convention requiring that victims of domestic violence be provided with autonomous residence permits in the event of particularly difficult circumstances is implemented through Article 18-bis of Legislative decree No. 286/98 (Consolidated Act on Immigration). Under this article, a residence permit of one year can be issued for humanitarian reasons where law-enforcement authorities or social services ascertain a situation of violence against a foreign national, threatening his or her safety. The permit is valid for one year and can be renewed if the dangerous conditions that caused it to be issued persist. In theory, this provision is protective, but its restricted scope limits its application: the residence permit can be issued only in cases of serious and repeated domestic violence and provided the victim faces a “real and present danger”

to her safety. The existence of an incumbent risk for the woman's safety is often difficult to prove, especially in the case of psychological or economic violence which the authorities often fail to acknowledge as qualifying high-risk situations. Furthermore, as noted earlier in the section of this report regarding measures taken in Italy to implement Article 51 of the convention, policies and practices of risk assessment and risk management are not generally efficient and often fail to involve all responsible statutory agencies and relevant stakeholders. Women who separate from a violent partner have even more difficulties in obtaining a residence permit because of the erroneous assumption that the separation is enough to put an end to the risk of violence. Moreover, practitioners report that the opportunity foreseen in the law to obtain a residence permit without having to press charges is virtually non-existent because social services lack the required specialist knowledge and skills to produce the required reports. Information about obtaining such a permit is not widely available or circulated and it appears that many migrant women victims of violence are unaware of their rights in this respect. These issues seriously limit foreign victims' access to their entitlement to a residence permit under the law, as attested by available figures regarding the exceptionally low numbers of permits issued.¹

256. GREVIO recalls that the purpose of Article 59, paragraph 1, of the convention is that migrant victims whose residence status is conditional on marriage or on being in a relationship should not fear losing their residence status for leaving an abusive and violent marriage or relationship. States parties should consider being a victim of the forms of violence covered by the scope of the convention committed by the spouse or partner or condoned by the spouse or partner as a particularly difficult circumstance. The conditions relating to the granting of the residence permit, which are left to the discretion of states parties, include establishing which public authorities are competent to decide if the relationship has dissolved as a consequence of the violence endured and what evidence is to be produced by the victims.² In GREVIO's opinion, such conditions should not, however, further limit the scope of application of the residence permit, for instance by requiring that the victim be routinely exposed to acts of violence and/or that she face an incumbent risk to her safety. Besides not complying with the definition of domestic violence given in Article 3*d* of the convention, GREVIO considers that such a restrictive application of

¹ Data provided by the Ministry of Interior to the Senate Committee on Femicide showed that since the enactment of Article 18-bis of the Consolidated Act on Immigration in 2013, only 111 such residence permits had been granted in five years.

² Explanatory report to the Convention, paragraph 303.

Article 59, paragraph 1, runs counter to the spirit of this provision, which is to allow victims to escape from violence before it becomes routine and/or before it becomes so serious that it poses an immediate threat to the safety of the victim.

257. GREVIO did not find any evidence that Italy has taken any measure to implement paragraph 3 of Article 59: this provision requires that a renewable residence permit be issued to victims where their stay is considered necessary owing to their personal situation on account of such factors as the victim's safety, state of health, family situation or the situation in her country of origin, and/or for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings. GREVIO recalls that the objective of this provision is to offer protection to foreign victims, regardless of their legal status. It is intended to benefit, among others, undocumented victims and may apply to victims of domestic violence who have been prevented by their violent partner from renewing their dependent residence status, as a result of violence.

258. Moreover, there is no specific provision in the Italian laws on immigration giving effect to the requirement under paragraph 4 of Article 59 of ensuring that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status. The loss of a residence permit due to the departure from Italy for a period of more than six months (or, in case of residence permits lasting more than two years, for a period of time exceeding half the duration of the residence permit) can be reverted where such a departure is attributable to "serious reasons", in pursuance of the applicable regulation;³ however, forced marriage is not mentioned as qualifying as a serious reason, nor is it recognised in practice as such.

259. GREVIO strongly encourages the Italian authorities to take the necessary measures, including legislative amendments, to:

- a. ensure that the applicable legislation and/or the implementation thereof affords foreign women an autonomous residence permit in the event of particularly difficult circumstances, bearing in mind that such**

³ See Article 13, paragraph 4, of the Regulations concerning the provisions for implementing the Consolidated Act on Immigration, adopted by Presidential Decree no. 394 of 31 August 1999.

circumstances should include being a victim of the forms of violence covered by the scope of the Istanbul Convention committed and/or condoned by the spouse or partner;

b. ensure foreign women victims have access to a renewable residence permit in one of the two or in both the situations described in paragraph 3 of Article 59 of the convention; c. ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status, in accordance with the requirement of Article 59, paragraph 4, of the convention.

260. Italy has implemented Directive 2004/83/EU on international protection by Legislative Decree No. 251/2007. Article 7, paragraph 2*a*, of this decree refers to “acts of physical or psychological violence including sexual violence”, while Article 8, paragraph 1*d*, refers to “acts directed against a particular social group” for the purposes of qualifying acts of persecution. Legislative Decree No. 18/2014, which transposed the EU Asylum Qualification Directive 2011/95/EC, explicitly acknowledges the relevance of gender to substantiate asylum claims and recognises female genital mutilation as grounds for the recognition of refugee status. In addition to refugee status and subsidiary protection and until recent legislative changes introduced in November 2018,⁴ Article 5, paragraph 5, item 6, of the Consolidated Act on Immigration contemplated the humanitarian protection status: under this form of protection, police headquarters (questure) could issue a residence permit for foreign citizens seeking asylum who were deemed not to qualify for refugee status under the terms of the 1951 UN Refugee Convention but still required protection. From a procedural point of view, the legislation further provides for the prioritisation of cases involving people with specific needs, including survivors of gender-based violence, and for women seeking asylum to be interviewed, as much as possible, by female interviewers and interpreters.

261. Italy received over 130 000 new asylum applications in 2017, in addition to a backlog of over 150 000 applications waiting to be assessed. In 2018 there were approximately 53 500 asylum claims. Women and girls account for 22% of the total of

⁴ Humanitarian protection was abrogated by Law No. 132/2018. The effects of this law are examined below in this chapter. ²⁰⁵ The UNHCR report “Desperate journeys – Refugees and migrants arriving in Europe and at Europe’s borders, January to December 2018” (available at: www.unhcr.org/desperatejourneys/) describes the dire conditions faced by women transiting through Libya, which represents the main country of departure of women arriving in Italy by sea.

asylum applicants. The lack of data regarding asylum claims made on the basis of gender-related forms of persecutions makes it impossible to ascertain clearly how many women make claims on this basis, and how many of these claimants received refugee status or other forms of international protection. GREVIO understands that women survivors of gender-based violence – including domestic violence, forced marriage, killings related to so-called honour and female genital mutilation – are generally afforded refugee status on the basis of their belonging to a particular social group. Recognised refugees originate from various countries such as Afghanistan, Albania, Cameroon, Cote d'Ivoire, the Democratic Republic of Congo, Ethiopia, Iraq, Libya, Mali, Morocco, Nigeria, Senegal, Somalia and Ukraine. Often, refugee women have been exposed to more than one act of gender-based violence (for instance, sexual violence and forced marriage). In some cases (especially for Somali and Ethiopian women), an additional link besides membership of a particular social group is established, for example race, political opinion and/or religion. Many of the women arriving have experienced violence including torture along the route and/or are victims of trafficking and sexual exploitation. As a result of rape, many are pregnant and have sexually transmitted diseases.²⁰⁵ Until November 2018, humanitarian protection was granted to women who may have experienced gender-based violence in transit countries or was granted based on the consequences of trauma and psychological conditions of gender-based violence survivors, especially when medical-psychological reports were available. The figures provided in the state report⁵ show a high rejection rate for women's asylum claims, and that of those who receive protection, the majority gain only humanitarian or subsidiary protection rather than refugee status.

262. While the authorities have adopted guidelines for the standardisation of identification and the referral of potential victims of trafficking that are seeking asylum, similar comprehensive guidelines have not been issued for survivors of gender-based violence, including sexual violence. The refugee status determination (RSD) procedures carried out by the competent territorial commissions therefore tend to vary from region to region, making it impossible to provide an overall judgment about the integration of gender-sensitive procedures into these procedures at a national level. GREVIO acknowledges, nevertheless, that good practices exist in many areas, such as in Bari where the RSD officers in the territorial commission have received

⁵ Page 103 of the state report indicates for instance that in 2016, there were 9 351 women applicants of which 1 475 received refugee status, 1 150 subsidiary protection and 2 840 humanitarian protection; protection was rejected in 3 273 cases (566 applicants did not pursue their claim).

substantive training on gender issues in asylum claims, and on how to ensure a gender-sensitive RSD procedure, including training on how to look for “hidden” violence which the asylum seeker might not immediately divulge during an interview. Interpreters within the territorial commission have also received training on gender sensitivity during interviews. Women asylum claimants in Bari are interviewed by female staff with female interpreters except in cases where it is impossible to arrange this because of a lack of staff. In these cases, the women asylum applicants concerned are asked to provide express consent to being interviewed or to having their interview interpreted by a man. Special attention is provided to persons identified as vulnerable (including women who have been victims of sexual violence). These vulnerable persons have protected interviews with a specially trained interpreter present. The territorial commission in Bari has concluded protocols with local anti-trafficking organisations in the region, and if trafficking is suspected, the asylum procedure is suspended while the case is assessed by these organisations.

263. Given the above and despite the existence of a legislative framework giving effect to the requirements of Article 60, paragraph 1, of the convention, which provides the grounds for the development of good practices, GREVIO remains concerned that gender-based violence-related claims may not emerge during the refugee status determination process, due to the lack of a systematic and co-ordinated identification process. Moreover, in the light of the available data showing that most women obtaining international protection achieved such protection under the abrogated humanitarian residence permit, GREVIO is concerned that the abrogation of humanitarian protection may have serious consequences on women asylum seekers who are victims of gender-based violence.

2. Reception and accommodation facilities

264. Directive 2013/33/EU on minimum standards for the reception of asylum applicants and Directive 2013/32/EU on common procedures for the recognition and revocation of the status of international protection were implemented by Legislative Decree No. 142/2015. Pursuant to this decree and prior to the entry into force of Law No. 132/2018, the reception system for asylum seekers, which is co-ordinated by the Ministry of the Interior, was organised into two phases: (1) the first reception phase, which takes place in specialist centres where asylum seekers remain for the length of time necessary for the identification procedure – first aid and reception centres (CPSA), accommodation centres (CDA), centres for

accommodation of asylum seekers (CARA) and emergency (“extraordinary”) reception centres (CAS); and (2) the second reception phase, managed by SPRAR (“System for the protection of asylum seekers and refugees”) with the direct participation of the local authorities, which aims at the social integration of the asylum seekers/refugees. The SPRAR system was abrogated by Law No. 2018, the effects of which are examined below in this report. Legislative Decree No. 142/2015 requires that measures be taken in first-line reception centres to respect applicants’ privacy, as well as gender differences. Article 17, paragraph 1, of the decree requires further that proper arrangements be made during the asylum application procedure to protect individuals with specific needs such as pregnant women and victims of female genital mutilation.

265. Migrants are often detained in so-called hotspots until they have gone through the fingerprinting and initial identification processes and until a place is found in another reception centre. NGO reports⁶ unveil the numerous deficiencies of the hotspot approach (overcrowded and mixed facilities, lack of private spaces for conducting interviews in a confidential manner, insufficient numbers of qualified intercultural mediators and interpreters, inaccurate legal information provided to applicants) and the dangers they pose for women in terms of exposure to repeated violence and hindered access to international protection. The hotspot approach officially incorporates a screening for vulnerability of new arrivals, and those who are vulnerable include women who have been victims of violence. This vulnerability screening does not, however, appear to be applied consistently and, in one case, about 20 young Nigerian women were immediately repatriated on arrival in Italy, even though they had physical signs of violence visible on their bodies.⁷

266. The conditions within accommodation and reception centres vary depending on the region and the organisation running the centre. The first-line reception system for asylum seekers is mostly characterised by the presence of large collective facilities, prone to patterns of promiscuity and overcrowding, especially in times of greater pressure and higher numbers of arrivals. There is no guarantee that women will have safe spaces and separate bathroom and toilet facilities. In some centres it has been

6 Samira Report, Dire, 2017. <https://terredeshommes.it/comunicati/pozzallo-preoccupazione-per-le-condizioni-diaccoglienza/>.

7 GRETA (Group of Experts on Action against Trafficking in Human Beings) (2016)29, “Report on Italy under Rule 7 of the Rules of Procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Beings”, published on 30 January 2017.

reported that there are no locks on bedroom doors, and no separate bathroom facilities, exposing women to the risk of violence. Women who feel unsafe or who are victims of violence in such accommodation centres frequently do not have the means to report the violence. Contract specifications provide for a general duty by associations managing the facilities to provide training opportunities to personnel. However, the overall trend seems to reflect very limited training opportunities for reception personnel, even more so for specific thematic training.⁸ This is exacerbated by a lack of specialisation in many of the organisations that run these centres – some of which have been suspected of infiltration by the mafia⁹ – and a high turnover of staff. Within reception centres and the asylum system in general there is a lack of cultural mediators who might support women victims of gender-based violence in their claims. Specialist NGOs who work on violence against women have very limited access to reception and detention facilities. Because of a lack of places in migrant reception centres, many are forced into other types of accommodation in slums, squats and abandoned buildings where women have limited access to basic services and are exposed to a heightened risk of violence. A report by Médecins sans frontières published in February 2018¹⁰ points to the fact that about 10 000 migrants and refugees are living in what they called “inhumane conditions” in Italy.

267. Under Article 60, paragraph 3, of the convention, states are required to develop support services for asylum seekers that provide assistance in a gender-sensitive manner and that cater to their particular needs. This could include taking measures such as providing additional psychosocial and crisis counselling, as well as medical care for survivors of trauma, since many female asylum seekers have been exposed to sexual or other forms of abuse and are therefore particularly vulnerable. Support services should also aim to empower women and enable them to actively rebuild their lives.

268. Under applicable contract specifications, large collective reception facilities include an internal medical service: as a rule, reception personnel in first-line reception facilities include social workers, medical doctors and nurses – with a disproportionately limited number of working hours compared to the number of people

8 The International Organization for Migration reported that the management staff in accommodation centres are often not well trained in the rights of migrant women victims of violence and do not know how to deal with these cases.

9 See decision no. 4087 dated 28 January 2019 of the Court of Cassation, I criminal section, confirming suspicions of mafia infiltration in a CARA in the Province of Crotone.

10 “Out of sight – Informal settlements, social marginality, obstacles to access to healthcare and basic needs for migrants, asylum seekers and refugees| (2nd edition), Médecins sans frontières, February 2018.

accommodated at the facility. Contrary to previous contract specifications, however, the services in reception centres are no longer obliged to include psychological counselling, although some centres have developed good practice in taking measures to ensure minimum standards of protection of mental health. Asylum-seeking and migrant women within reception and accommodation centres therefore do not have access to specialist services unless they are referred to anti-violence networks. GREVIO notes in this respect that effective multidisciplinary co-ordination between the asylum system and specialist services is still limited, to the extent that a codified mechanism of information sharing and standard operating procedures regulating interplay between relevant actors is missing. This opens up the possibility of protracted chronic consequences, in terms of physical and mental health for women victims of gender-based violence, including those who have been granted international protection.

269. In December 2017, the National Commission for the Right of Asylum sent a circular to the Territorial Eligibility Commissions encouraging them to establish referral mechanisms for the support of gender-based violence survivors in co-operation with associations that are part of the anti-violence network D.i.Re. At present, few territorial commissions have ad hoc referral systems in place, although increasing attention seems to be paid to them and to ways to provide them with adequate support. In some cases, informal mechanisms are functioning, while in other instances referrals are made possible through anti-trafficking organisations. In other cases, protocols and agreements are in place. For example, the Crotone territorial commission has a protocol in place on the medical-legal aspect of claims concerning gender-based violence survivors; in the Turin territorial commission, victims of gender-based violence are referred to a hospital and to a centre for dedicated psychological support; in the Milan and Monza-Brianza territorial commissions, there is a service in place through the Niguarda's ethno-psychiatric unit.

270 Following the submission of Italy's state report to GREVIO, Decree Law No.113/2018 on international protection, immigration and public security was passed by the Italian Government in October 2018 and converted into Law No. 132 in November 2018. Besides abrogating humanitarian protection, extending the detention period of asylum seekers in hotspots for up to 30 days and doubling that of irregular migrants in repatriation holding centres (CPRs) from 90 to 180 days, Law 132/2018 replaced the SPRAR system for protection of asylum seekers and refugees with the SIPROIMI ("System for the protection of beneficiaries of international

protection and foreign national unaccompanied minors”), a system of protection reserved solely for beneficiaries of international and subsidiary protection, foreign unaccompanied children and holders of residence permits for special reasons. A consequence of this legislative change is that many vulnerable asylum seekers, including Dublin returnees, such as pregnant women, women victims of trafficking or gender-based violence, will only have access to first reception centres and CAS, which offer support limited to emergency health care.¹¹ The reform has prompted certain EU states to re-examine the legality of the Dublin procedures vis-à-vis Italy, with some domestic courts suspending individual transfers on account of an increasing hostile environment on migration.¹² Considering the limitations of reception facilities at present provided by first-line reception centres, GREVIO is concerned that the reception conditions of women victims of gender-based violence are likely to deteriorate.

271 Another consequence of Law 132 of November 2018 is that some prefects have requested that centres included in the SPRAR network only host beneficiaries of international protection and unaccompanied children. This has seen a number of migrants already holding the humanitarian protection permit, including women with small children, to be left on the streets. This appears to be due to an incorrect interpretation of the law¹³ and has prompted the Ministry of the Interior to issue a circular¹⁴ to all prefects in order to establish a coherent understanding of the implementing measures of the law. Some local authorities are resisting the new legislation and refusing to expel migrants from accommodation centres. The mayors of Palermo, Naples, Florence and Parma have announced they will not enforce parts of decree, which they consider as infringing constitutional rights.¹⁵

272 In light of these considerations, GREVIO shares the concerns expressed by the Council of Europe Commissioner for Human Rights in December 2018 about a

11 See the concerns expressed by many national NGOs dealing with health rights (HR Commissioner).

12 A [recent report](#) by the Swiss and Danish Refugee Councils on the situation of persons with special reception needs transferred to Italy under the Dublin III Regulation has found that risks of destitution and exposure to unacceptable reception conditions upon return to Italy from other countries have been exacerbated by the entry into force of the decree.

13 See statement of the NGO Associazione per gli studi giuridici sull’immigrazione (ASGI) dated 11 December 2018, available at: <https://altreconomia.it/conseguenze-decreto-salvini/>.

14 The text of the circular can be consulted on the following web page: www.interno.gov.it/sites/default/files/circolare_05155420181218191523.pdf.

15 See www.thelocal.it/20190103/salvini-furious-as-italian-mayors-defy-new-immigration-rulesitalian-mayors-defy-salviniover-immigration.

possible retrogression that would go against Italy's tradition of receiving people in need of protection.¹⁶

273 GREVIO strongly encourages the Italian authorities to take measures to:

- a. further standardise refugee status determination procedures which afford a gendersensitive interpretation of each of the UN's 1951 Refugee Convention grounds and ensure their harmonised application throughout the country;**
- b. collect quantitative and qualitative data on (1) the number of asylum requests grounded on gender-based violence; (2) how these grounds – including female genital mutilation – for international protection are interpreted and what conditions of protection are offered to victims; (3) the number of decisions granting or refusing protection on such grounds;**
- c. step up efforts to guarantee gender-sensitive reception procedures and accommodation facilities and increase the number of places in reception centres which provide suitable reception standards for women and girls;**
- d. ensure that staff operating in initial landing settings, hotspots and reception facilities have received appropriate training for the early detection, protection and referral of women victims of gender-based violence, including female genital mutilation;**
- e. guarantee that adequate information is provided, in all phases of reception, to all women seeking asylum, with the aim of increasing their awareness of their vulnerabilities and their rights, and facilitating their access to general and specialist protection and support services;**
- f. ensure reception centres are integrated into a long-term perspective and a multiagency approach, involving health and social services as well as women's NGOs and anti-violence centres;**
- g. closely monitor the impact of Law No. 132/2018 on women asylum seekers and beneficiaries of international protection on gender-based violence-related grounds.**

16 Commissioner's full statement to the news agency [ANSA](#).

Measures taken to this effect should be supported by adequate financial means and the deployment of mechanisms to monitor the conditions faced by women and girls in the different stages of the asylum-seeking process, including forced repatriation, as well as to enforce gender-sensitive contract specifications upon the entities managing reception centres.

C. *Non-refoulement* (Article 61)

274. Article 61 of the convention entails the obligation under international law for states to respect the principle of *non-refoulement* in relation to victims of gender-based violence who may fear persecution if returned. According to this principle, states shall not expel or return an asylum seeker or refugee to any country where their life or freedom would be threatened. Article 3 of the European Convention of Human Rights also prevents a person being returned to a place where they would be at real risk of being subjected to torture or inhuman or degrading treatment or punishment. The *non-refoulement* principle also includes not prohibiting access to the territory of a country to asylum seekers who have arrived at its borders or who are prevented from accessing its borders.¹⁷ The obligation to respect the *non-refoulement* principle applies equally to victims of violence against women who are in need of protection, irrespective of the status or residence of the women concerned.²²⁰

275. The failures of vulnerability assessments to properly detect victims of gender-based violence discussed above in this report in relation to Article 60 can lead to deportations or returns in violation of the obligation of *non-refoulement*. Furthermore, the current policies of abandoning sea rescue and strengthening deterrence at sea, together with the closure of Italian ports to boats carrying rescued migrants (both commercial and NGO boats), poses a serious risk of *refoulement* of women migrants who have experienced violence and who have a right to claim asylum in Europe.¹⁸ Returning sea migrants to Libya where there is evidence of large-scale sexual violence against women can be seen as abusing the right to *non-refoulement* and places women migrants at serious risk of revictimisation.

¹⁷ Explanatory report to the convention paragraph 320. ²²⁰ Ibid. paragraph 322.

¹⁸ “Sea arrivals to Italy -The cost of deterrence policies”, Italian Institute for International Political Studies, M. Villa, October 2018.

276. GREVIO is fully aware of the overwhelmingly disproportionate burden that Italy faces as a state of first arrival and trusts that the Italian authorities will continue to work co-operatively with other European countries to find a solution to this issue. GREVIO commends Italy for the efforts it has made in saving lives at sea and in receiving asylum seekers and migrants arriving on its shores over the years. It shares, however, the concerns expressed by the Council of Europe Commissioner for Human Rights¹⁹ about recent measures hampering and criminalising the work of NGOs who play a crucial role in saving lives at sea, banning disembarkation in Italian ports and relinquishing responsibility for search and rescue operations to authorities which appear unwilling or unable to protect rescued migrants from torture or inhuman or degrading treatment or are themselves in a state of civil war.

277. GREVIO urges the Italian authorities to uphold their obligation to respect the principle of *non-refoulement* of victims of violence against women, including by ensuring that the human rights of victims rescued at sea are never put at risk because of disagreements about disembarkation.

¹⁹ Letter dated 31 January 2019 from the Council of Europe Commissioner for Human Rights addressed to the Prime Minister of Italy, Mr Giuseppe Conte.