The Failure of the Italian Government to Honor the Human Rights of Migrants

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by John Kerins*

I. Introduction

Italian Prime Minister Giorgia Meloni’s Parliament, feckless in the harsh waters of European politics, looks to be breaking on the very beaches where Allied forces once landed almost 80 years ago. The small island of Lampedusa remains a pricking thorn in the Italian government’s side, further complicating the testy waters with migrants coming in from the Mediterranean. To solve this, the Italian government has begun to violate the human rights of migrants and workers alike. Giorgia Meloni’s government has called for an ‘EU Naval Blockade’1 of the Mediterranean, prompting outcry from human rights groups who correctly see what the rest of the European community sees: further quashing of human rights and increased detentions, violations, and abuses directed toward migrants in the name of national security.

Migrant travelers into the Eurozone are an incredibly divisive topic in what some call ‘The Gateway to Europe.’ For over two decades, Lampedusa, a small island in the middle of the Mediterranean has served as the threshold to Europe, with many of those arriving being unaccompanied minors.2 Since 2004, the Italian government has worked with the Libyan and Tunisian governments to prevent migrants from traveling to Lampedusa, a practice that leaves migrants open to abuse, rape, and even death at the hands of autocratic governments.3 This practice was only revealed when the European Parliament passed a resolution in 2005, condemning the Italian government’s actions as counter to the stated goals of the Eurozone and European Union as a collective.4 The Italian government has done little since receiving rebuke. In 2013, one of the largest migrant disasters in Italian history occurred when a boat sank carrying upwards of 350 migrants, many of whom perished in the ocean.5 The Italian government has since continued its nefarious ways, violating the rights of migrant travelers by confining them to inadequate, inhospitable conditions, threatening deportation to states who are not party to relevant human rights treaties,6 and are accused of

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intentionally delaying the rescue of sinking migrant vessels, a gross negligence charge which has stuck to multiple members of the Italian Navy. The U.N. has directly criticized the Italian governments’ past and present actions related to migrants, with former U.N. Secretary-General Ban Ki-moon calling for “the vulnerability and human rights of migrants” to stand as central pillars to a united Eurozone in response to historical Italian barbarity. NGOs have also called out these practices. Amnesty International has criticized the modern Italian government’s aggressive deportation and growing allegiance with the authoritarian President Kais Saied of Tunisia. Meloni’s Parliament is in direct conflict with both the U.N. and Article 2 of the Italian constitution.

II. Background

The Italian government has the concept of human rights baked directly into its constitution. Article 2 is titled ‘Human Rights’ and recognizes that the Republic guarantees the inviolable rights of man (further expanded on in subsequent articles). Italy’s actions in the Mediterranean do not reflect their constitution. In January 2023, the Italian government passed a slate of anti-migrant decrees that limit the power of NGOs to aid and protect migrant travelers and their rights, continually utilizing emergency decree measures to bypass oversight entirely.

According to the litany of legal evidence provided by multiple international organizations, the Italian government is committing human rights abuses against migrants attempting to enter the EU. Eugenio Cusumano, professor at Leiden University, lays out clear terms under which the Italian government has violated the human rights. Specifically, Cusumano says that Italy’s policies are an ‘organized hypocrisy’ meant to curb irregular immigration through a bad-faith ‘humanitarian’ mission rather than aid migrant travelers. Human rights watchdogs have repeatedly filed complaints and appeals to the European Court of Human Rights, demanding transfers from ‘hotspots’ due to the negligent standard of care present within

10 CONSTITUTION OF ITALY [IT] [CONSTITUTION] Dec. 22, 1947, art. 2 (Italy).
them.17

Additionally, the Italian government, in conjunction with the EU’s border security force Frontex, has poured hundreds of millions of euros and thousands of hours of training into supporting an autocratic regime in Tunisia.18 Von der Leyen has repeatedly promised additional support for Italy, adding additional Frontex security to Lampedusa while reconfirming that Italy can rely on the EU; unfortunately, it seems as if neither the EU nor Italy can rely on Frontex. Frontex has made multiple headlines this year for failure to alert Italian authorities of a sinking migrant vessel,19 failure to alert Greek authorities of a sinking migrant vessel,20 appearing in front of the General Court of the European Union for failing to disclose information which could have saved migrants.21

The laws that continue to oppress and subjugate the population of Lampedusa are in direct violation of the Italian constitution. Repeatedly, parliament passes rules that are not subject to the oversight of the electorate, and often override the votes of elected members of the oversight committees.


III. Conclusion

The Italian government must comply with domestic and international human rights law to stem the tide of human rights abuses in the Mediterranean. Meloni’s parliament could begin this process by allowing the parliamentary oversight committee to do its legislatively-mandated job, and review the laws currently enforced by the Italian government, establishing informal electoral oversight through the election process. Given the current rhetoric extending...
from the top of the party, the Italian majority does not care about the wills of the electorate, nor does it seek to represent them. The Italian government’s failure to effectively legislate has resulted in their overusing of a constitutional loophole to legislate without the need for popular support; the judicial system in Italy has repeatedly rebuked the post-Fascist Brothers of Italy party, most recently declaring that the Decree outlined in this column was unconstitutional, as it violated a migrant’s right to seek asylum by imposing harsh financial burdens on an individual which an NGO was barred from paying.\textsuperscript{26} The legislature has spoken; Decree-law No.1 violates both the constitution of Italy, which allows private citizens to engage in private enterprise provided it does not cause direct harm, and broader European Union legislation for the protection and care of migrants entering the EU.\textsuperscript{27} A further step would be to increase public spending on care services and shelters for displaced migrants and Italian citizens alike; further funding to help the floundering island community on Lampedusa and the inundated fishing trade off the southern coast of Italy could potentially house two birds with one home. Migrant workers could instead be rehomed and reemployed in one of Italy’s hardiest pastimes while also allowing for a more interconnected, marketable economy in the region that is less reliant on direct aid from the mainland or the government in Rome. Rather than forcing children and young adults to a watery grave, Italy should attempt to model for the world how to co-exist with a migrant population while taking steps to embrace an interconnected Mediterranean world.
