



AN INHUMANE BORDER

Saving Lives in the Mediterranean Sea



EMERGENCY
MEDICINE, HUMAN RIGHTS AND EQUALITY



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**Contents of this report were finalised
on 1 March 2025**

EMERGENCY ONG ETS
is an independent non-governmental organisation founded in Italy in 1994 with two objectives: to provide free, high-quality medical and surgical treatment to victims of war, landmines and poverty, and to promote a culture of peace, solidarity and respect for human rights.

EMERGENCY believes that treatment is a fundamental human right and should be recognised as such for every individual. For treatment to be truly accessible, it must be completely free of charge; for it to be effective, it must be of high quality.

Since 1994, EMERGENCY has worked in 21 countries around the world, providing free care to more than 13 million people.





1



INTRODUCTION



1.1

SITUATION IN THE MEDITERRANEAN

For more than a decade now, the Mediterranean Sea has been the scene of a **humanitarian crisis**, which the world still has yet to acknowledge. Thousands of people have attempted to cross it, fleeing war, persecution, human rights violations and natural disasters made ever more frequent by climate change, or simply in search of a better life.

The phenomenon is now a structural one. The European Union and its member states, including Italy, have responded to it with policies that, besides externalising their borders, continue to call into question the rights to migration and international protection. They have insisted on treating it as an emergency and a matter of border security, to the detriment of migrants' human rights and contrary to their own obligations under international law, to aid people at sea. The EU's decision to outsource management of these migration flows, to countries outside the bloc has not only been shown to be ineffective; it has also managed to **feed the human trafficking business**, made the routes more dangerous and funded people who violate human rights.

In 2024, the number of people landing on Europe's coasts fell to a total of **199,400**,¹ compared to 259,404 the previous year. Nevertheless, **2,476 people died or went missing on the sea journey**, according to the International Organization for Migration (IOM) – an average of six per day. Since 2014, the total number of dead and missing is 31,000.² Of course, these figures are underestimates, since it is difficult to detect every boat wrecked at sea, many of which simply remain “invisible,” and because coastal countries are gradually stepping back from the search and rescue (SAR) regions for which they are each responsible. In any case, the statistics cannot account for the sense of the loss felt by the families of those who die at sea, who often remain unidentified and faceless, never receiving a proper burial.

Given the **lack of legal channels** into the continent and the many obstacles on the more well-trodden routes, like the practice of pushbacks, migrants are looking for new ways to reach Europe's coast. The Atlantic route, the scene of many tragedies in 2024, saw an 18% rise in migration flows over the previous year.³ People set out from the coasts of West African countries like the Gambia, Senegal and Mauritania on dilapidated boats, hoping to land on the Canary Islands, part of Spain. The strong ocean currents, scant monitoring by the authorities and the poor quality of the boats have resulted in countless sinkings. According to data from NGOs that monitor this stretch of ocean, almost 10,000 people died here in 2024 alone.⁴

Italy is the most common country of landing for migrants taking the central Mediterranean route. Last year, **66,317 people landed on its coast**, 8,043 (about 12.1%) of whom were unaccompanied children.⁵ The decrease both in arrivals and in departures is in part due to a Memorandum of Understanding signed between Tunisia and the EU in July 2023, coming into full effect. This co-operation agreement promised, among other forms of support, greater funding to stop departures and detain people on the African side of the Mediterranean. At the same time, the establishment of a Tunisian SAR region⁶ in June 2024 further legitimised the **interceptions and pushbacks** by Tunisian National Guard, while allowing European authorities to step even further back from rescue efforts along the Tunisian route.

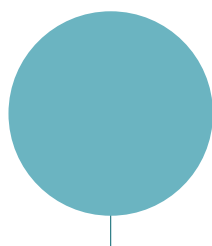
In Italy, meanwhile, the government went further than ever in its **policies to criminalise both the NGOs** that save lives in the Mediterranean and **the migrants** who attempt the crossing. The enactment of the Italy-Albania Protocol, a costly and ineffective exercise in political propaganda, is a glaring example: people who originally come from “safe countries” and are rescued from the Mediterranean by Italian vessels are then transported to Albania.

The space for humanitarian work in the Mediterranean Sea where the civil fleet of NGO vessels can provide assistance is constantly shrinking, despite that very assistance being an obligation under international law and often shirked by European coastal states. The continued and arbitrary practice of **assigning distant ports** only to humanitarian vessels and the threat of **administrative detention** for ships that breached the Piantadosi Decree are further obstacles to SAR efforts. There were 12 such detentions in 2024, lasting a total of **323 days**.⁷ (In many cases, these were suspended by judges after appeals by the NGOs). In total, NGOs' ships sailed an **extra 117,000 km**, requiring **293 extra days**, to reach distant ports last year⁸ – precious time and resources that could have been used to save lives at sea and fill what has been labelled the **“rescue gap”** in the central Mediterranean. Lastly, by approving and converting into law the Flussi Decree, the Italian government further restricted humanitarian presence in the Mediterranean, effectively extending the Piantadosi Decree to cover the SAR aircraft used by NGOs and making it easier the confiscation of ships.

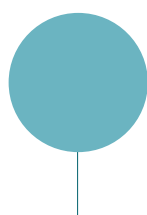




SEA ARRIVALS IN ITALY IN 2024



LIBYA
41,484



TUNISIA
19,238



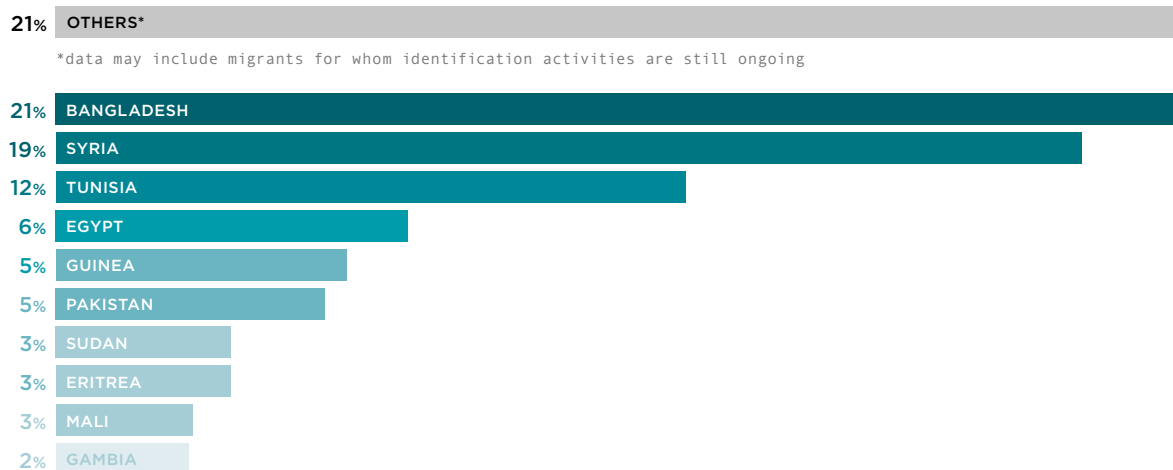
TÜRKIYE
3,495



ALGERIA
1,257

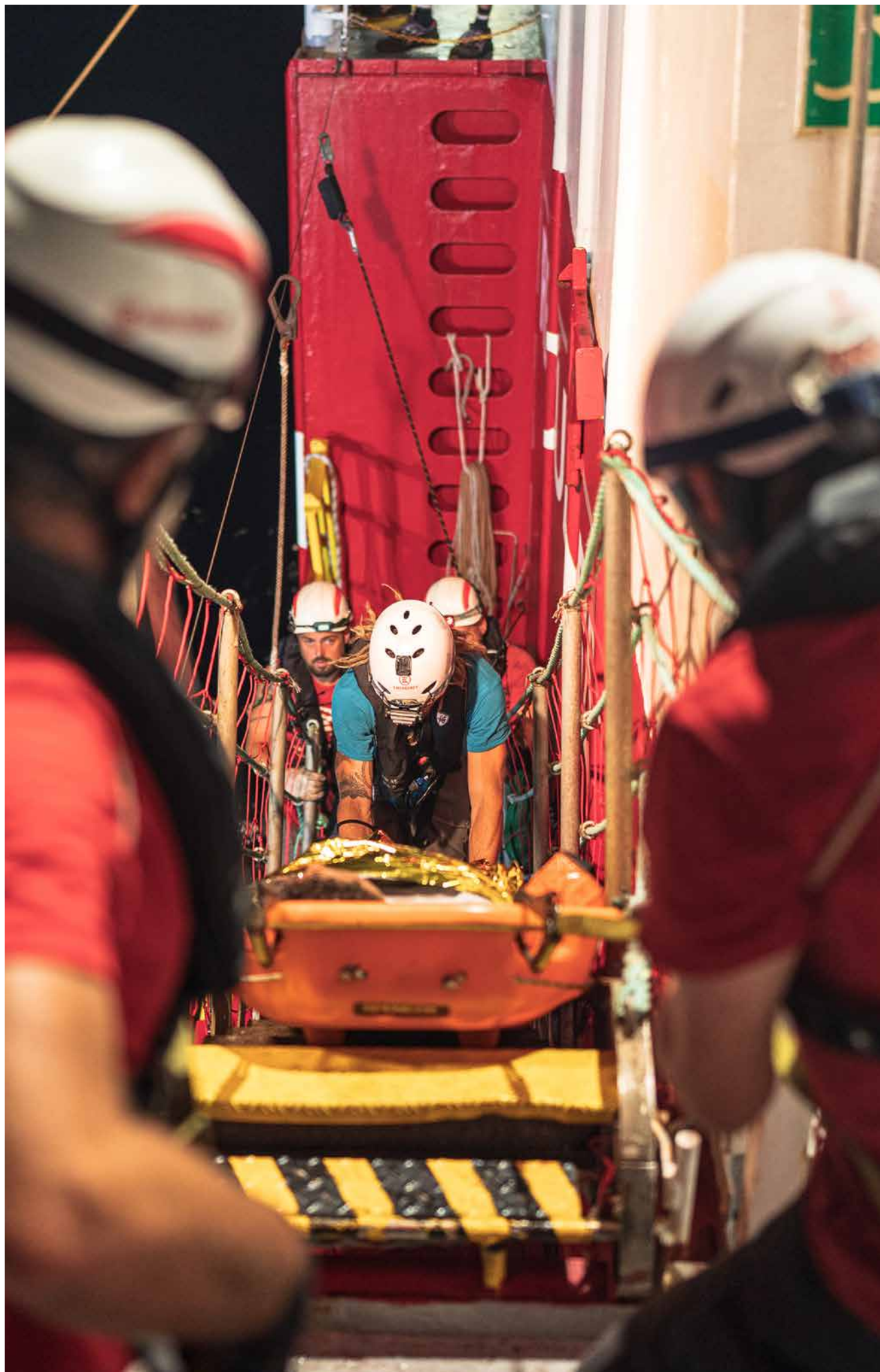
Source: UNHCR – Data as at 29 December 2024

NATIONALITIES DECLARED AT TIME OF DISEMBARKATION



Source: Department of Public Security of the Ministry of the Interior - Data as at 31 December 2024







2

EMERGENCY'S ACTIVITIES





2.1 FIGURES FROM LIFE SUPPORT IN 2024

In 2024, *Life Support* went on **13 missions** in the central Mediterranean, sailing just under **39,000 km for 139 days** in total. These missions involved 25 SAR operations at sea (one of which did not result in a rescue), which saved **1,232 people**. In just over two years of activities, *Life Support* has rescued **2,451 people**.

Each of last year's operations was carried out in international waters, mainly in the Maltese (13) and Libyan (11) SAR regions. All the rescued boats had left from the Libyan coast, from Zwara (5), Al Zawiya (4), Misrata and Tajura (on the outskirts of Tripoli). None left from Tunisia, contrasting the previous year when six of the boats that were rescued had departed Sfax.

13
MISSIONS

25*
RESCUE OPERATIONS

Rescue operation

Italian SAR region

Maltese SAR region

Libyan SAR region

Tunisian SAR region

Overlap of Italian and Tunisian SAR regions

Overlap of Italian and Maltese SAR regions

Overlap of Maltese and Tunisian SAR regions

Overlap of Tunisian and Libyan SAR regions

* ONE OPERATION WITHOUT RESCUE



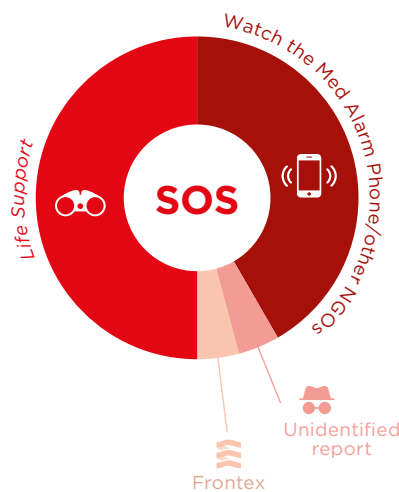


This was a significant change due in part to the 80% decrease in boats leaving the Tunisian coast since 2023, when Tunisia was the most common country of departure among people landing in Italy. Contributing to this drastic drop were the criminalisation of sub-Saharan Africans by the government of Tunisian President Saïed, which deported many people to the deserts on Tunisia's borders; the **more than 20,000 interceptions** at sea by the Tunisian National Guard in the first four months of the year alone;⁹ and the measures introduced by the EU through the Memorandum of Understanding (MoU).

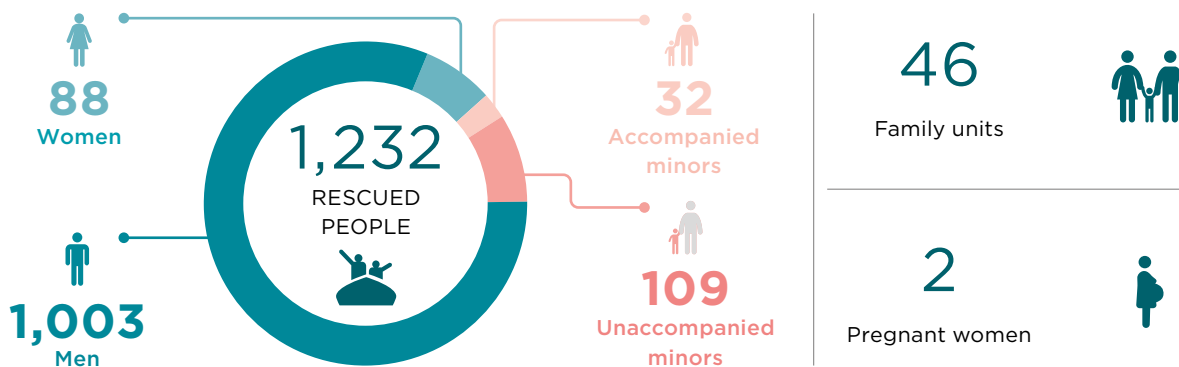
Prompt reports of boat in distress are essential to reach them as quickly as possible and prevent people from drowning or being caught and arrested. Half (12) of the boats rescued in 2024 were spotted from the deck of *Life Support*, demonstrating that not only the rescue activities but also the watching activities performed by the crew are very important. Ten boats were reported by aircraft belonging to other NGOs or by *Watch the Med Alarm Phone*, underlining the need for constant coordination and rapid communication between all warning systems and ships at sea, so they may update each other on the state and coordinates of vessels in distress.

Only one boat in distress was reported by the European Border and Coast Guard Agency (Frontex), despite their assets of four aeroplanes and a surveillance drone. One anonymous report arrived via radio. Either Italian or Maltese Coast Guards did not share a single report of a vessel in distress and instead restricted themselves to assigning Places of Safety (POS).

SOURCE OF DISTRESS CASE REPORTS

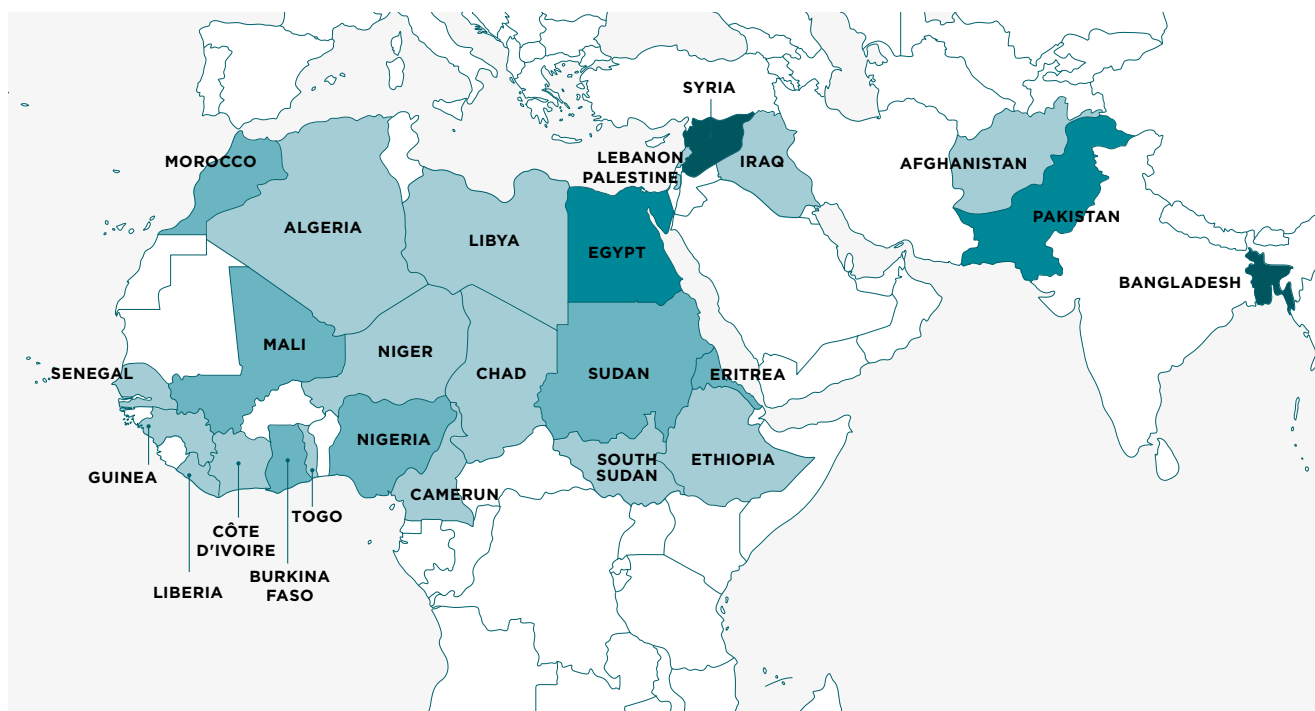


RESCUED PEOPLE



COUNTRIES OF ORIGIN

Number of rescued people: ● 1-10 ● 11-50 ● 51-90 ● 91-140 ● >140





FORGOTTEN CRISIS: SUDAN

The latest period of **political instability** in Sudan began in 2019, when head of state Omar al-Bashir was overthrown in a military coup following widespread protests. Civil war ultimately broke out in 2023.

Since April 2023, the conflict in Sudan has killed over 28,700 people, wounded 33,000, and forced 12 million to flee their homes. Of the latter, 8.8 million are internally displaced and 3.2 million have left Sudan to seek safety in neighbouring countries, which are already struggling economically and politically. The crisis garners little attention around the world despite its devastation: 25 million Sudanese people are in urgent need of **humanitarian aid**.

The war is one of the main causes of migration, yet the lack of safe, legal routes into Europe has led many people to embark on very dangerous journeys across the Sahara in order to cross the Mediterranean. They often fall victim to people traffickers and travel in inhumane conditions.

Before the outbreak of the conflict, Sudan was already hosting over one million refugees from several African countries.

EMERGENCY, which has been present in Sudan since 2003, has published a briefing paper on the challenges and consequences of yet another year of war.



SCAN THE QR CODE
TO READ THE BRIEFING PAPER
**The Neglected War: Operational
challenges during one year of
conflict in Sudan**

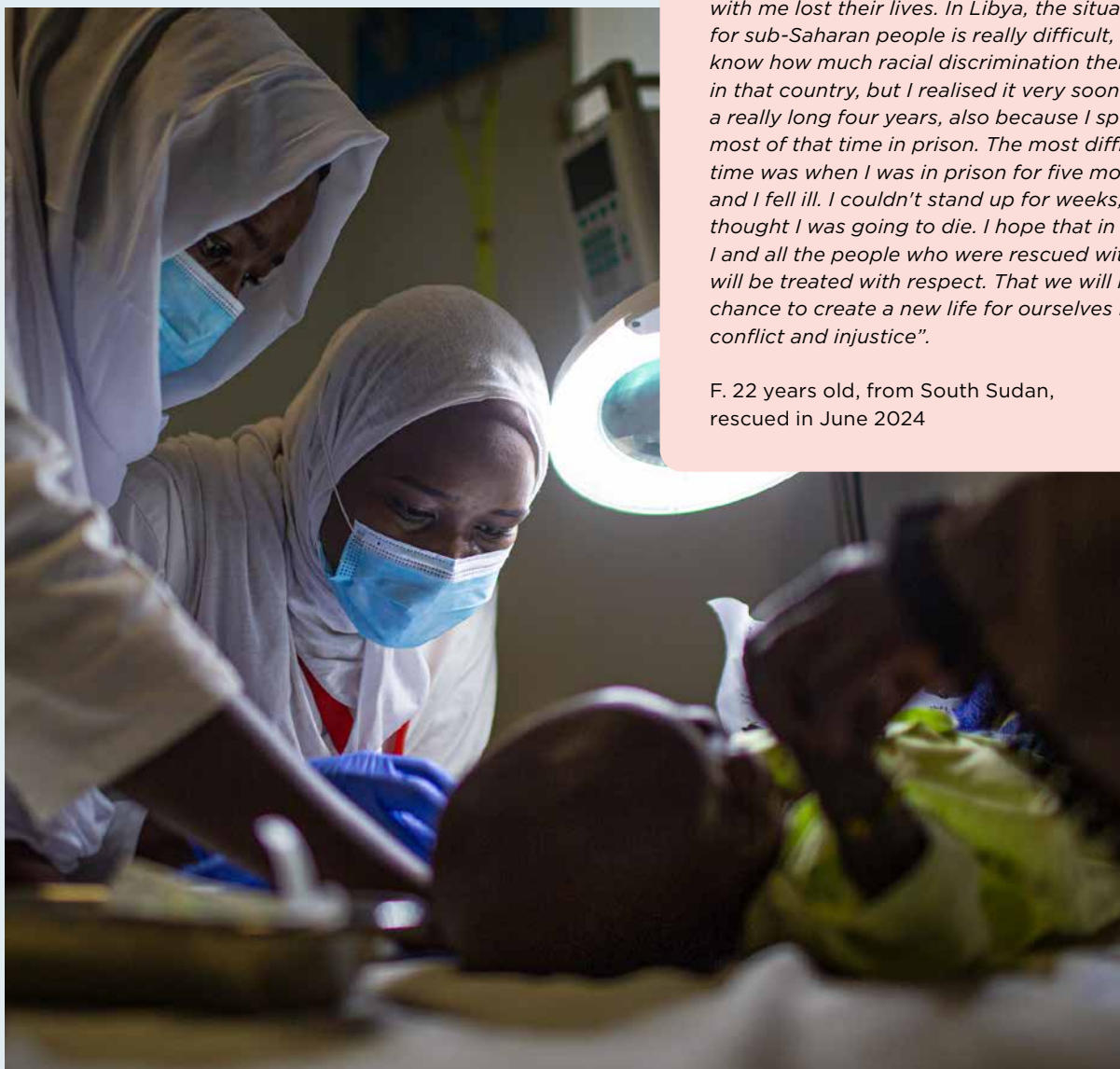
YOU CAN DOWNLOAD THE REPORT [HERE](#)



"I am from South Sudan, but since 2011 I left to escape the conflicts in my country. My family and I first went to a refugee camp in Kenya, then to one in Uganda and finally in 2017 we went to Sudan, to Khartoum. They were very difficult years, without stability or security, and I always felt estranged from the situation around me. In Khartoum, we lived in the Mayo camp, where I remember EMERGENCY had a hospital for children. Luckily, I never had to go there, but I have friends who were treated there.

In 2020, I decided to go to Libya to try to reach Europe, I could see no opportunity for me in Khartoum. From Sudan to Libya was a difficult and dangerous journey, especially in the desert area in between where many people travelling with me lost their lives. In Libya, the situation for sub-Saharan people is really difficult, I didn't know how much racial discrimination there was in that country, but I realised it very soon. It was a really long four years, also because I spent most of that time in prison. The most difficult time was when I was in prison for five months and I fell ill. I couldn't stand up for weeks, I thought I was going to die. I hope that in Europe, I and all the people who were rescued with me will be treated with respect. That we will have the chance to create a new life for ourselves far from conflict and injustice".

F. 22 years old, from South Sudan,
rescued in June 2024





“In my country, I was threatened several times for my ideas. I was afraid for my safety and of being disappeared like so many others in Syria in the past years, so I decided to leave to try to reach Europe. The journey lasted more than two years and only now did I manage to leave Libya, where from the beginning my experience was marked by violence and exploitation, at the mercy of traffickers, militiamen, police.

I tried to make the journey nine times and eight times I was arrested, or our boat broke down shortly after departure and we had to swim back. During these two years and counting, with my companions in misfortune we were beaten, tortured, sold like merchandise from one militia group to another. In Libya, every foreigner is seen as a commodity for the traffickers: through ransoms or by reducing people to slavery, they profit off of the thousands of migrants who go to Libya to seek a better future. In these two years I have seen everything, but I have always kept a hope alive: that one day I would be able to reach Europe. And, thanks to you today, I can finally set foot in a safe country for the first time in my life”.

D. 27 years old, from Syria,
rescued in August 2024

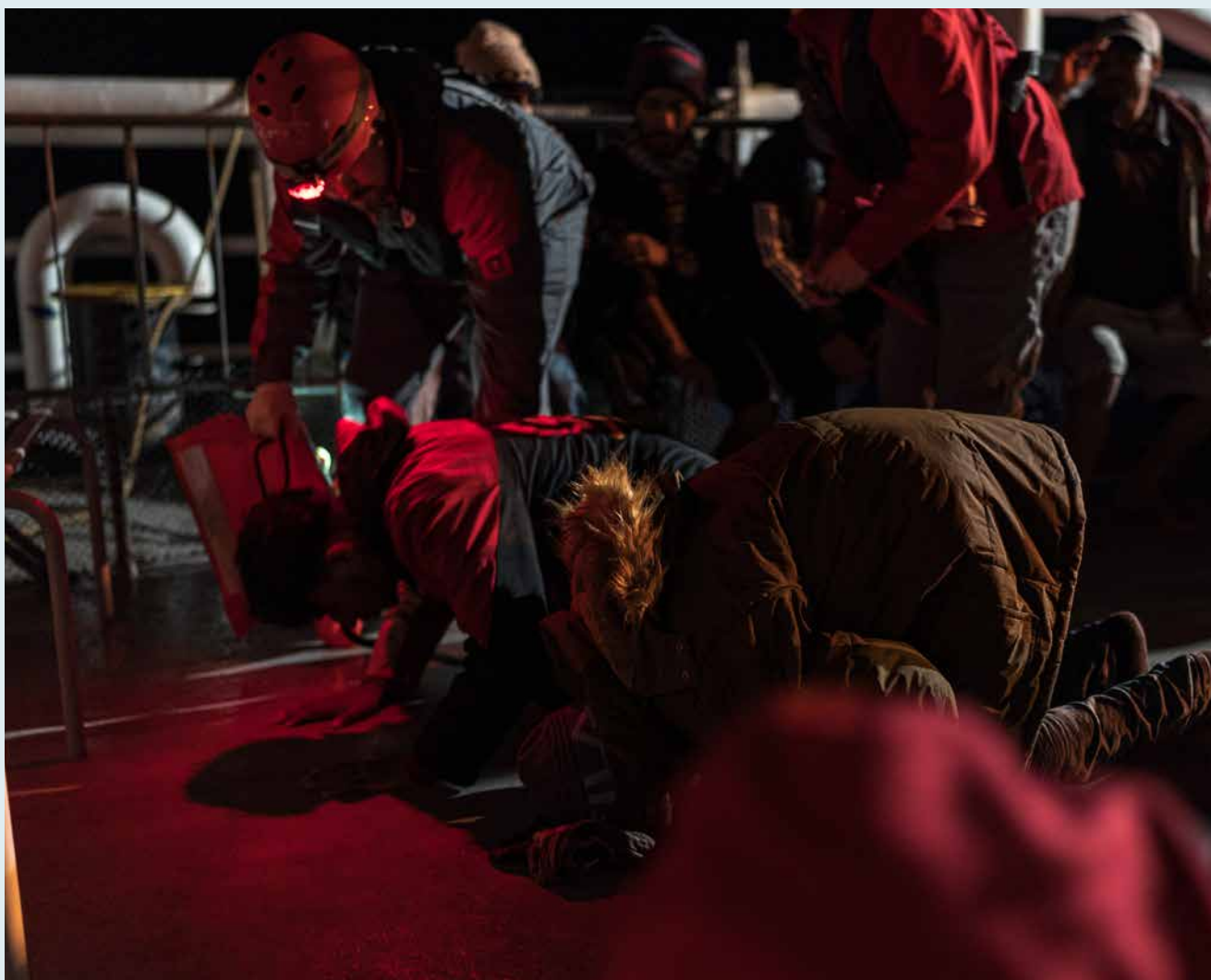
FORGOTTEN CRISIS: SYRIA

In just over two years of work at sea, *Life Support* has rescued 629 Syrians, who represent the most common nationality among the people rescued. Many of them tell of the **violence and threats** they have suffered, and that they have been the **victims of exploitation** – yet more evidence of the atrocities that are part of these dangerous journeys.

Over the last decade, despite the serious ongoing humanitarian crisis in Syria, attention to the conflict there has gradually waned. Syria has remained **chronically unstable**, its people trapped in extreme poverty, the victims of constant human rights violations, lacking both protection and lasting solutions.

In December 2024, the Assad regime unexpectedly fell, leaving a coalition of anti-government forces in control of the country and beginning a new chapter of instability and uncertainty.

In an even more worrying development, several European countries, including Italy, have suspended the processing of asylum requests by Syrians. These decisions have worsened the situation for Syrian asylum seekers, who were already extremely vulnerable. They are now at risk of being forcibly repatriated to a country that remains deeply unstable.





2.2 MEDICAL ACTIVITY ON BOARD

Providing free, high-quality care is one of EMERGENCY's priorities, particularly for psychologically and physically vulnerable people like those rescued on *Life Support*. The medical team on board the ship is composed of a **doctor** and **two nurses**, who provide medical assistance both during the rescue and throughout the following days of navigation.

A member of the medical team is always on the RHIB (rigid-hull inflatable boat) during rescue operations to make an initial assessment of the rescued people's conditions, and to promptly communicate any critical cases to the ship's command to prepare accordingly.

Once on board, the rescued people undergo medical triage to assess their clinical conditions. Only after this can they move to the shelter area, where the clinic is located. Most outpatient activities at the clinic consists of basic medicine, with the main causes of admission being **skin conditions** and **respiratory illnesses** brought on by the dangerous conditions of their journey, **motion sickness**¹⁰ after days at sea, **skin burns** from the mixture of saltwater and fuel that gathers in the hulls of the boats, **gastrointestinal illnesses** and **dehydration**.

Over the course of 13 missions in 2024, the medical team performed **867 visits** on a total of **519 patients**, nearly half of the people rescued that year. 58 patients were women (two pregnant) and 47 were children. Thanks in part to the invaluable work of the **cultural mediators** on board, six patients reported they had suffered violence, torture or other abuses, and were identified as particularly vulnerable cases to the health authorities present upon disembarkation. On board a ship, **it is not possible to conduct a fully adequate assessment of vulnerabilities**, which requires experienced and properly trained personnel, a protected atmosphere and enough time for patients to reveal them. Cases of vulnerability and abuse are reported to the **competent authorities** so they may continue the assessment following disembarkation.

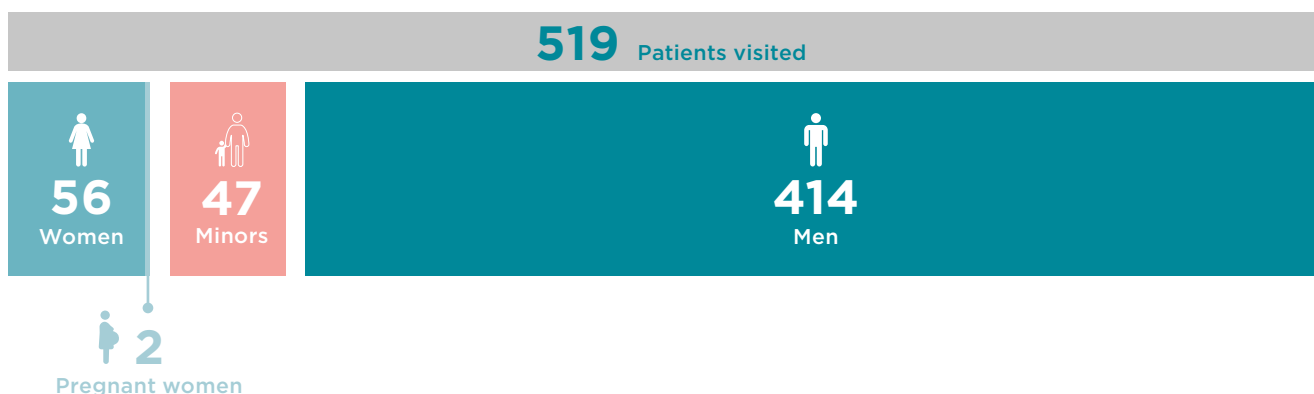
MAIN REASONS FOR CLINIC VISITS



867

VISITS IN LIFE SUPPORT'S CLINIC

PATIENTS VISITED IN LIFE SUPPORT'S CLINIC





You can't just improvise a mission. Since the list of things that could happen is almost endless, you have to be prepared for every possible situation, above all on the medical front, and every member of staff on board is ready. That's why we hold training sessions lasting several days before every mission on *Life Support*. 13 times in 2024, all of us – mediators, medical staff, rescuers and crew – found ourselves practising CPR and defibrillation for adults and children, simulating what to do in a mass casualty scenario, practising moving and evacuating patients on stretchers, and reviewing the protocol for controlling and preventing infection and contagion. We do these in the hope they will remain just exercises. Aware that if they are needed, everyone will know how to do their part.

Roberto Maccaroni ~ Medical Director on *Life Support*

MEDICAL EVACUATIONS

Careful, constant monitoring of the rescued people by our medical team is essential **to ensure continuity of care**, as well as to prevent or manage any worsening conditions. In the event of an emergency, *Life Support* has established procedures for evacuating critical cases, and staff and crew are properly trained for such operations.

Life Support had to perform **medical evacuations** (medevac) on two separate occasions in 2024, when three rescued people's medical conditions deteriorated. The first evacuation was for an unaccompanied minor who was suspected to have been intoxicated by fuel vapours. While sailing to its assigned POS, *Life Support*

contacted the Italian authorities, who authorised a medevac with a Coast Guard patrol boat, just off Roccella Jonica in Calabria. The second evacuation followed three rescue operations. Two people presented with breathing problems, probably also related to fuel vapour intoxication. Again, the Italian authorities answered the urgent request from *Life Support's* command and authorised the medevac of the two patients using a Coast Guard helicopter due to their critical conditions. The evacuation request is only sent after authorisation by the captain, who is responsible for everything that happens on board, and a **clinical assessment by the doctor**, taking into account the patient's **medical condition** and the **days of navigation** needed to reach the port.





2.3 IMPACT OF THE PIANTEDOSI DECREE AND DISTANT PORTS

The practice of assigning ports far away from SAR regions greatly limited the activities of NGO vessels in the Mediterranean. In 2024, *Life Support* was assigned the following ports: Ravenna (3 times), Ancona (2), Livorno (2), Ortona (1), Civitavecchia (1), Naples (2), Vibo Valentia (1), Catania (1). The practice is by now well-established by the Italian government and has forced *Life Support* to sail on average an extra **630 nautical miles** per mission, requiring over **three extra days of navigation**.

Spending extra days to reach distant ports and then sail back to SAR regions meant higher costs for EMERGENCY of 13,165 euro per day, totalling **789,840 euro**. These precious resources could have funded other life-saving missions by *Life Support*.

This arbitrary practice has repercussions for rescued people, who are forced to endure **unnecessary extra days at sea** that put their physical and mental health at risk and delay their ability to access essential services, like psychological support, or to request international protection. As required under international law, states must coordinate and co-operate on rescue operations and on **identifying a safe port as quickly as possible** (SOLAS Convention, Chapter V, Regulation 33; SAR Convention, paragraph 3.1.9; MSC Resolution 167(78), paragraph 6.12; EU Regulation No. 656/2014, Article 2.12), at which disembarkation must be made **as soon as reasonably possible** (MSC Resolution 153(78)).





ASSIGNED PORTS

● Assigned ports ● Nearby port as reference



EXTRA DAYS OF NAVIGATION*

+30

for the rescued people



+59

for the staff and crew



EXTRA KILOMETRES OF NAVIGATION*

+20,500 KM



--- Circumference of the Earth (40,075 km)

— Extra km covered by *Life Support*

*return trip to and from a distant port than a closer one, e.g., Augusta

RESCUED PEOPLE*



👤 rescued people

👤 people who could have been rescued



+1,043

rescued people

*reaching maximum capacity (175)

According to the Italian government, distant ports are assigned because there are **not enough places** for rescued people in reception centres in Southern Italy. However, no official documents have ever been released to support the claim that these centres are at maximum capacity. Furthermore, the practice is only applied to SAR vessels belonging to the civil fleet, which were responsible for just **18% (12,410) of the people landing in Italy in 2024**.¹¹ Most rescues are made by the Italian authorities, mainly the Coast Guard and Financial Guard, who are assigned ports much closer to the areas of operation.

The effects of the Piantedosi Decree on humanitarian activities at sea are continuing **to limit NGOs' rescue operations**. In particular, the requirement that ships head immediately to the assigned POS – enforced with administrative sanctions and the detention of the ship – often prevents them from conducting multiple rescues, and risks cases of distress going unattended. Too often, humanitarian ships arrive at their assigned ports with just a few dozen people on board, despite having capacity for many more. *Life Support* is certified for up to 175 people but

in 2024 rescued an average of **95 people per mission**, just over half its capacity. If the maximum capacity had been possible, *Life Support* could have saved **at least 1,043 more people** through multiple rescues.

Finally, on 11 October 2024, an appeal that SOS MÉDITERRANÉE filed against the administrative detention of *Ocean Viking* was referred by the Court of Brindisi to the national Constitutional Court, calling the constitutionality of the Piantedosi Decree into question.¹² According to the Italian authorities, *Ocean Viking* failed to co-operate with the so called Libyan Coast Guard during its rescue operations, thereby breaking the relevant Code of Conduct. The judge in Brindisi not only accepted the NGO's appeal but also raised doubts about the compatibility of the Piantedosi Decree with the Italian Constitution, specifically, the principle of **proportionality and reasonableness**, which should guide legislators when restricting fundamental rights, and the principle of **legal certainty**, which is contravened when the power to assess the lawfulness of punishable conduct is granted to a non-EU state such as Libya, a country that does not respect human rights.





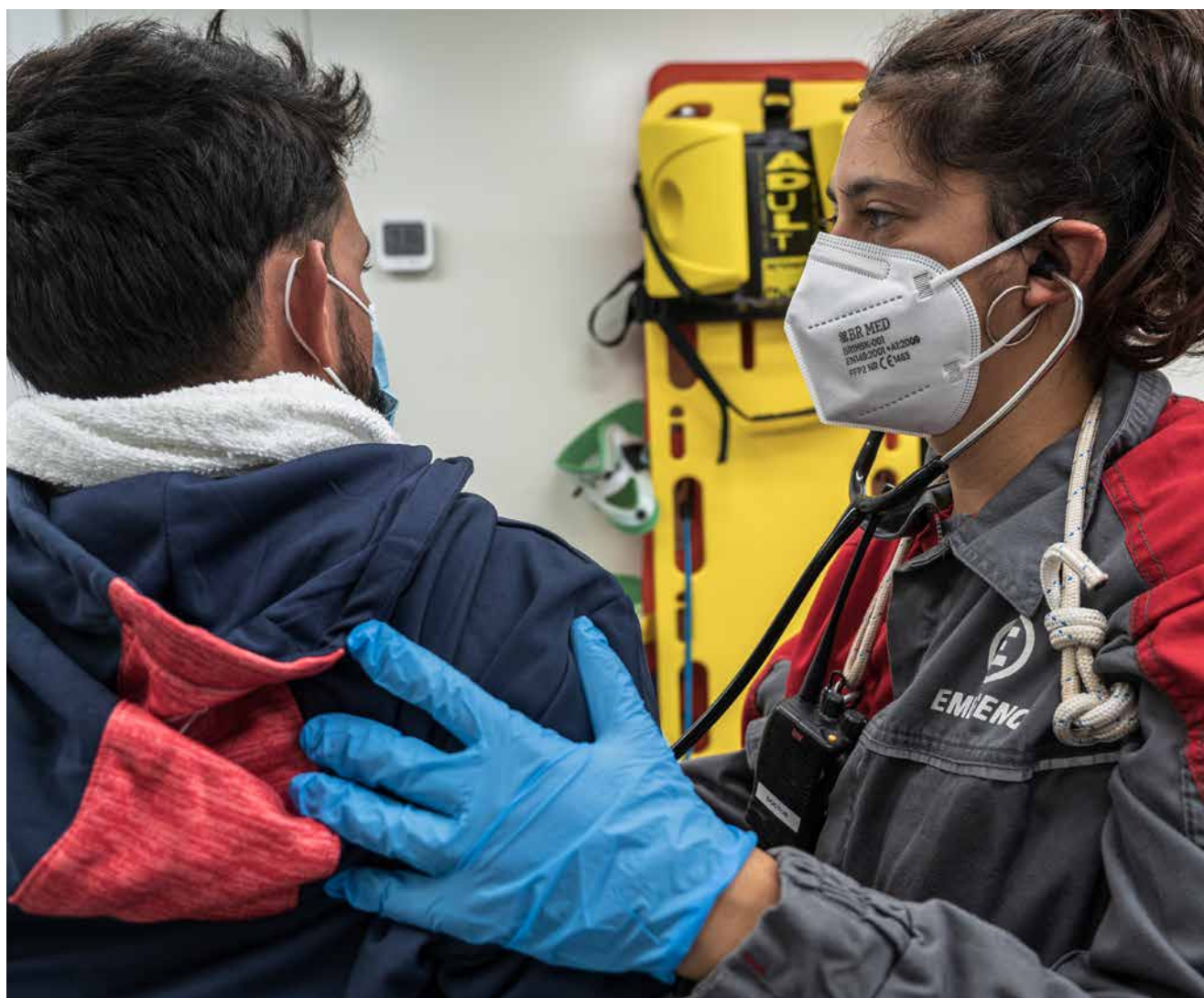
2.4 COMMUNICATION, ADVOCACY AND LEGAL ACTION

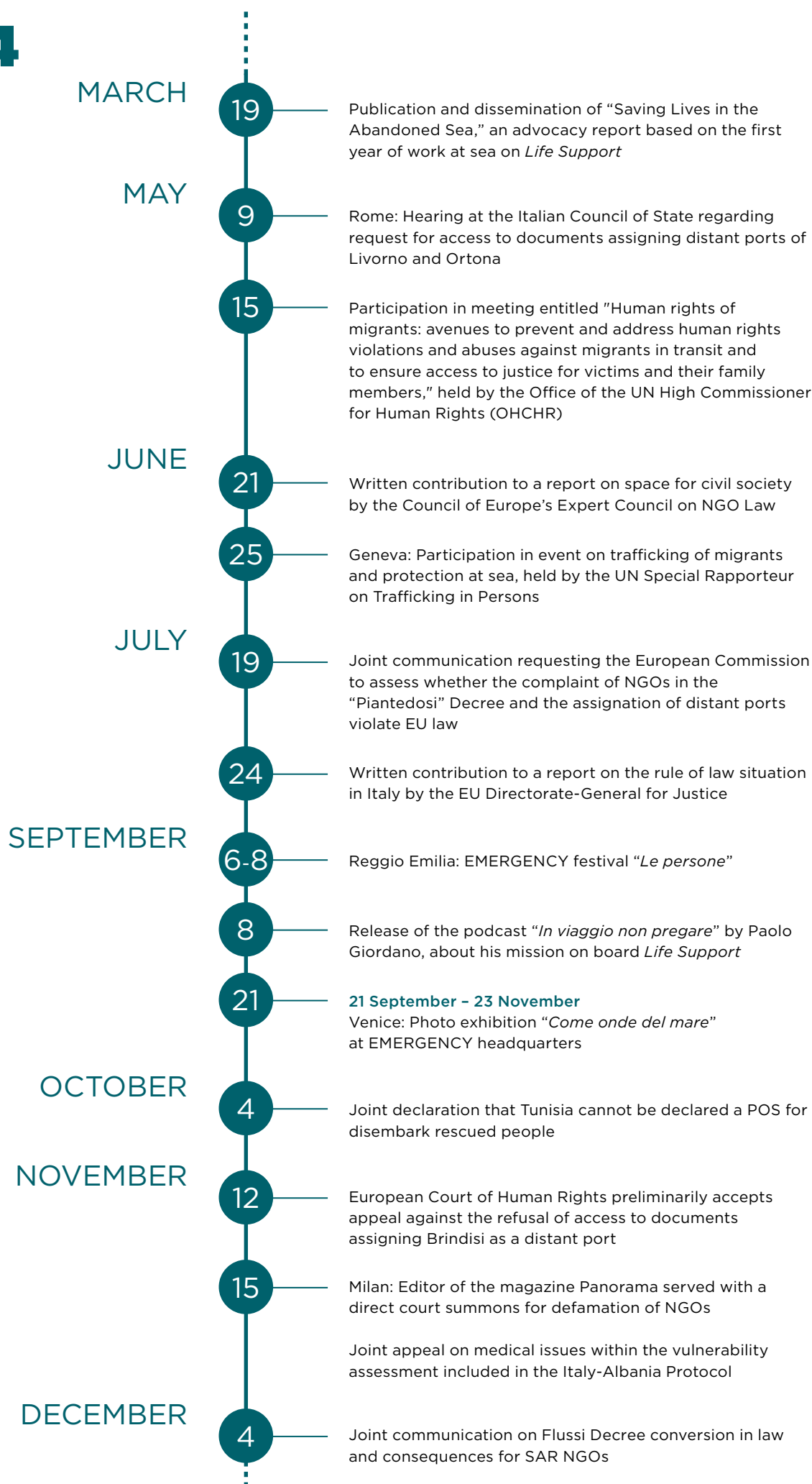
In addition to rescuing people at sea, EMERGENCY is present along the central Mediterranean route to bear witness to the consequences of the authorities' **continued failure to rescue people** and to **potential violations of international law and human rights**. Collecting personal statements, raising awareness among the general public and stimulating political debate are all essential to changing the narratives about migration and what is happening at sea.

By participating in high-level meetings within European and other international institutions, discussions with international organisations, and publishing and distributing

advocacy materials, EMERGENCY seeks to put pressure on political decision-makers to protect **the right to life at sea** and acknowledge the **role of NGOs**, proposing concrete solutions based on human rights and international law to protect people on the move.

EMERGENCY has also turned to judicial and other legal means at both the Italian and European level, **to contest laws and practices** that criminalise NGOs and hinder their work.









3



POLITICAL AND LEGAL DEVELOPMENTS



3.1 ESTABLISHMENT OF THE TUNISIAN SEARCH AND RESCUE REGION



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On 19 June 2024, the Tunisians informed the Secretary-General of the International Maritime Organization (IMO) of the establishment of a Tunisian Search and Rescue Region (SRR). The official announcement document provided the coordinates of the region and identified the authorities who would be in charge, as well as the resources available to conduct rescues.

This decision falls within a broader **strategic political plan** by the EU aimed at externalising its borders to the countries of North Africa. Together with **strengthening the Tunisian Rescue Coordination Centre (RCC)**, the objectives were already set forth in a 2021 document on border management.¹³ The **MoU** signed by the EU and Tunisia in

July 2023 confirmed the path the EU intended to follow. This co-operation agreement revolves around five aims: macro-economic stability, economy and commerce, the green transition, rapprochement of peoples, and migration.¹⁴ More precisely, it promises 150 million euros of funds to Tunisia and 105 million euros for border management, including in the form of spare parts and motors for Tunisian naval assets as well as training for the Tunisian National Guard. The creation of a Tunisian SRR is the result of years of **technical and financial support** from the EU, in which the Memorandum is merely the latest chapter, all aimed at further externalising the bloc's borders, as has already been done in Libya.




OPERATIONAL RISKS

The new Tunisian SRR raises various concerns for the NGOs working in the central Mediterranean, including about the rights of people on the move attempting the crossing. The main risk is a repetition of the infamous consequences of the Libyan model, established by a Memorandum signed with Italy in 2017.

The European RCCs recognising that Tunisian authorities are responsible for distress cases within their own SAR region encourages the **gradual and continued disengagement of Italian and other European rescue assets** in the central Mediterranean, leaving the field open to actors with a record of serious human rights violations.


In this way, the criminal, violent practices of the Tunisian National Guard are **formalised, legitimised and normalised**. There is abundant evidence indicating that the Tunisian authorities fail to perform rescues; conduct interceptions and collective push-backs; inflict various forms of violence, torture and other mistreatment; and, perform dangerous manoeuvres with their own vessels, which have sunk several boats.^{15,16} In many cases, the people intercepted, either at sea or in Tunisia, are deported to remote deserts on the borders with Algeria and Libya, without food or water.¹⁷ Through the testimonies of 30 victims of trafficking, the ‘StateTrafficking’ report denounces both the trafficking of human beings along the border by the Tunisian police and military, as well as the interconnections between this push-back infrastructure and the kidnapping industry within Libyan prisons.¹⁸

 Libya declared the establishment of its own SRR in 2017. Since then, arrests and pushbacks have risen, which has in turn caused an increase in both human trafficking and reliance on irregular migration channels. An independent mission by the UN in March 2023 found strong reason to believe that crimes against humanity have been committed against migrants in the detention centres under official or de facto control of the Directorate for Combating Illegal Migration, the Libyan Coast Guard and the Stability Support Apparatus. All these entities have received technical, logistical and financial support from the EU and its Member States to intercept and repatriate migrants.

A recent ruling by the Italian Court of Cassation (case 4557/2024) declared that Libya is not party to the 1951 Geneva Refugee Convention and therefore cannot be considered a place of safety. It is therefore illegal to repatriate people rescued at sea to Libya.

The **establishment of the Tunisian SRR has also restricted the humanitarian space** for NGOs engaged with search and rescue activities. While operating in the Mediterranean, some humanitarian ships have received orders, from both European RCCs and the Tunisian authorities, to disembark the rescued people in Tunisia or transfer them to a Tunisian vessel – orders they have refused, not considering the country a POS. Disembarking rescued people in Tunisia would violate international law, yet failing to co-operate with Tunisian authorities risks administrative detention for ships under the Piantadosi Decree, thus limiting the operations of the civil fleet.

Much of this **has already come to pass in the Libyan SRR**, where failure to collaborate with the Libyan authorities is often the reason given for administrative detention. The same penalty could well be applied for refusing to follow instructions from the Tunisian National Guard. As in Libya, disembarking rescued people in Tunisia or handing them over to the national authorities means condemning them to abuse and violence, as well as breaking the principle of non-refoulement enshrined in the Geneva Convention.

 On our first mission of 2024, at 5:33 p.m. on Saturday, 9 March, *Life Support* received a mayday relay from SPARROW 4, a Frontex plane, reporting a sighting of about **40 people on the Tunisian MISKAR gas platform** in the Gulf of Gabes, within international waters of the **Maltese SAR region**.

Life Support, only a few nautical miles away, arrived on scene and noted people crowded on the lower part of the platform, near the water, where a broken dinghy was floating. After informing SPARROW 4, *Life Support* radioed the platform, described the situation and received permission to approach. *Life Support* also tried to contact the Maltese and Italian RCCs, with no reply.

After the two RHIBs were lowered into the water and were within a few hundred metres, *Life Support* received another call from the platform, **now denying permission to approach**, contrary to previous communication. The platform added that a Tunisian Navy vessel was arriving to carry out a rescue.

When asked to transfer the 40 or so people from the platform to the Tunisian vessel, ***Life Support* refused because Tunisia is not a POS where rescued people can be returned.**

Despite worsening weather, *Life Support* stayed all night awaiting further communication, which never came. The next day, the people were no longer on the platform, presumably intercepted and illegally returned to Tunisia by the authorities’ asset.



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TUNISIA IS NOT A PLACE OF SAFETY

A **Place of Safety (POS)**, as defined in the Annex to the SAR Convention (para. 1.3.2) of 1979 and MSC Resolution 167(78) of 2004, is where a rescue operation is considered to have ended. The notion of safety should go beyond **mere physical safety**, to encompass **the state of human rights** in the proposed place of disembarkation.¹⁹ In accordance with MSC Resolution 167, potential threats to the life and liberty of people fleeing persecution must be taken into account. Disembarking people in places where their safety might be jeopardised should never be considered. This principle is recognised under international law and maritime conventions, which oblige states to ensure that rescue operations end in a place where **human rights are protected**.

Collective pushbacks of rescued people to Tunisia would breach Article 4 of Protocol 4 of the European Convention on Human Rights. Such actions would put NGOs at serious legal risk and could set a dangerous precedent for future rescue operations by undermining the basic principles of human rights and maritime law. The European Court of Human Rights has ruled that asylum seekers cannot

be returned to countries where they risk inhuman or degrading treatment, and has affirmed that the principle of non-refoulement also applies to actions on the high seas. Furthermore, because of the deterioration and violation of human rights in Tunisia, it cannot be considered a POS, let alone a safe country, despite Italy retaining it on its list of safe countries of origin (as per Decree-Law 145/2024).

Last October, in an official communication sent to the Tunisian government and only published recently, a group of experts from the UN, including the Special Rapporteurs on Trafficking in Persons and the Human Rights of Migrants, expressed great concern about the respect for the human rights of people on the move, including refugees and asylum seekers, and the failure to protect victims of trafficking.²⁰ They also stated that: **“Tunisian ports cannot be considered a POS for people rescued at sea**, according to the guidelines of the Maritime Safety Committee.”²¹ They referred specifically to documented cases in which the Tunisian National Guard’s conduct may have caused shipwrecks and deaths at sea, and expressed serious doubts about its ability to either rescue people at sea or properly conduct SAR operations.



3.2

ITALY-ALBANIA PROTOCOL

On 6 November 2023, Italian Prime Minister Meloni signed a **Protocol**, to last for five years, with her Albanian counterpart Rama's government, **to build migrant detention centres** subject to Italian jurisdiction on Albanian soil.²² The centres include: a **hot-spot** for identifying migrants at the port of Shëngjin, a **detention centre**, a **repatriation centre**, and a **prison** at Gjadër. Under the agreement, people rescued in international waters by Italy's naval assets (i.e., belonging to the Coast Guard or Financial Guard) can be transferred to Albania. The agreement does not allow for the involvement of NGO ships and applies only to adult men from **safe countries of origin**, as defined by the Italian government and updated yearly through decree.²³ **Vulnerable individuals**, namely women, children, families, trafficking victims and those who are fragile due to illness or experiences of torture and violence, cannot be transferred. Asylum seekers who are taken to the Albanian centres go through an **accelerated procedure**²⁴ for requesting international protection (in line with Article 28-*bis* of Decree-Law 25/2008).²⁵ This shortens the assessment period to only 28 days and reduces the legal guarantees in the event of appeal to within seven days of refusal.

In the agreement, Italy sets out estimated funding of more than **800 million euros**²⁶ over five years, for building the centres, transferring rescued people on its own naval assets, paying the Italian police personnel responsible for security at the centres, establishing a system for remote hearings at Italian courts, and overall management of the centres, the contract for which was awarded to the co-operative Medihospes for 133 million euros.²⁷ These funds could instead have been invested in the Italian **system of reception centres**, to improve the critical condition it is in, or in **development projects** in the countries of origin and transit, rather than furthering the policy of externalising borders to non-EU countries. Regrettably the Albania initiative has become a source of inspiration to many EU Member States who see it as a model for migration policy, as 15 of them, including Italy, have stated in an open letter to the European Commission.²⁸

There are serious concerns about the **respect of the fundamental rights** of the people detained in these centres, including their right to legal defence, the legal guarantees in the accelerated procedures, and the doubtful possibility of meeting the standards for asylum seekers under EU law, as noted by the Council of Europe's Commissioner on Human Rights, Dunja Mijatović.²⁹ In addition, there are the ongoing issues of distant ports and selective disembarkation.

As with NGO SAR vessels, reaching a distant port like Shëngjin subjects the rescued people to extra days of navigation without good cause. This risks **further**

traumatisation and deterioration of already fragile physical and mental states, and delays their ability to access essential services and request international protection. **Albania cannot therefore be considered a POS** according to international law, precisely because it cannot be reached quickly in order to spare rescued people further suffering.

Perhaps the most controversial provision in the agreement is for **screening for vulnerability** and the subsequent **selective disembarkation** of rescued people, a completely illegal procedure for selecting who has the right to enter Italy and who must be transported to Albania. Nowhere in its text does the Protocol specify how vulnerability will be assessed nor who will be responsible for assessing it. Only after the first transfers, in October and November last year, was the nature of the procedure revealed: once people have been rescued in international waters by a vessel of the Italian Coast Guard or Financial Guard, they are given an initial screening on board by medical workers from *Corpo Italiano di Soccorso dell'Ordine dei Cavalieri di Malta*. People assessed to be vulnerable are disembarked on the island of Lampedusa, and the rest are transferred onto a naval ship in the middle of the Mediterranean just outside Italian territorial waters, where a second screening takes place, carried out by medical workers from the IOM, monitored by UNHCR staff³⁰ (by deciding to play this part, these international organisations risk lending legitimacy to the vulnerability assessment procedure provided for in the Protocol). A third and final screening is performed by staff from the Italian Ministry of Health once the rescued people arrive at the hot-spot in Shëngjin. If they are found to be vulnerable, they are taken to Italy – after having sailed an additional, pointless two days.

EMERGENCY and several other organisations made an appeal³¹ in which they firmly stressed the **risks posed to people's physical and mental health** by the selection procedure, denouncing the institutions responsible for enacting the Protocol and asked the medical workers performing the screenings to publicly distance themselves. Mental and physical conditions cannot be properly assessed on board a boat, as many vulnerabilities cannot immediately be identified, such as in cases of violence or torture. In any case, **everyone rescued at sea must be considered equally vulnerable** precisely because of the terrible conditions they have had to endure on their long journeys and the dangerous crossing.





DECISION OF THE COURT OF JUSTICE OF THE EUROPEAN UNION AND FIRST TRANSFERS

On 4 October 2024, the Court of Justice of the European Union (CJEU) ruled on an appeal by a Moldovan citizen against the Czech Republic's refusal of his request for international protection.³² In their ruling,³³ the judges said Article 37 of EU Directive 2013/32 should be interpreted as meaning that a country cannot be considered safe if "**certain parts of its territory** do not satisfy the material conditions for such designation." Specifically, there must be no persecution, torture or other form of inhumane and degrading treatment or punishment anywhere in the territory, for any category of person.

Italy also considers **Bangladesh, Egypt and Tunisia** safe – even though they do not meet the above requirements – as specified in the lists of countries attached to an inter-ministerial decree on safe countries approved last May.^{34,35} It is surely no coincidence that most migrants coming to Italy by sea are from precisely these countries and can therefore be transferred to the Albanian centres. The CJEU's ruling is, then, highly relevant when it comes to enacting the Protocol.

On 16 October, the Italian navy ship *Libra* docked at Shëngjin harbour with 16 people from Bangladesh and Egypt on board. They had been rescued in international waters two days earlier by Financial Guard patrol boats. Despite having gone through an initial screening on board the *Libra* performed by medical workers from the IOM, it was only after the vulnerability assessment at the "hot-spot" for identification in Shëngjin, by medical workers from the Italian Ministry of Health, that four people – two unaccompanied minor and two adults with health problems – were taken to Italy. This event emphasises that it is impossible to conduct proper, accurate screenings on board a ship.

The remaining 12 people were informed that they were to be detained, on the orders of the Italian State Police in Rome. They then made their requests for international protection and were transported by bus to the centre in Gjadër, where those requests were subject to hearings, held very quickly and with limited legal guarantees. The outcome of each application was negative. After the asylum seekers had spent **48 hours of unjustified detention** in Albanian centres, the judges from the specialist chamber for migration at the Court of Rome did not approve their detention, ordering their **release and immediate transfer to Italy**. The judges used the CJEU's ruling as their basis, stating that Bangladesh and Egypt could not be considered safe countries according to the interpretation of the European judges.

On 24 October, the Italian government issued Decree-Law 158/2024,³⁶ updating the list of safe countries to a total of 19, at odds with the CJEU's recent interpretation of EU Directive 2013/32. Cameroon, Colombia and Nigeria were removed from the list as they did not meet the requirements to be defined safe. In progressing from an inter-ministerial decree to a decree-law (which has the force of law and is therefore a primary legal source), the government was hoping for a different decision by the judges regarding detentions in the Albanian centres. Reference to the attached sheets that described the problems in the countries under discussion was removed.

A few weeks after the decree-law was issued, on 8 November, *Libra* transferred a second group to Albania, this time with just eight people from Bangladesh and Egypt who had been rescued in international waters. As before, they were screened for vulnerability at the "hot-spot" in Shëngjin on the day they disembarked and one person with psychological issues was transported to Italy – further proof of the ineffectiveness of health assessments on board a naval asset. Besides the huge financial cost to the public purse, the process infringes on the rights of rescued people and forces them to undergo extra days sailing for no justifiable reason. After being taken to the centre in Gjadër, the seven other rescued people had their requests for international protection rejected. As before, the specialist chamber for migration at the Court of Rome did not approve their detention. However, it suspended its decision and **referred the case to the CJEU for a preliminary ruling**. In a press release,³⁷ the judges in Rome stressed the need to clarify the compatibility of national legislation and supra-national EU law. Once again, the asylum seekers were transported to Italy after three days of illegal detention.



In collaboration with a delegation of Italian parliamentarians, *Tavolo Asilo e Immigrazione* (TAI) – an **Italian network of organisations** working on humanitarian and migration issues in which EMERGENCY participates – organised monitoring missions in the Albanian centres **to denounce the serious issues and potentially illegitimate aspects of the Protocol**. Through evidence and direct testimonies collected during the transfers of people in Albania, TAI published a report highlighting the possible violations of people's fundamental human rights and the risks toward respect for the right to claim asylum, including: the inadequate assessment of vulnerabilities, the generalised application of accelerated procedures and the restriction of guarantees to exercise one's right to legal defence.



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3.3 CONSEQUENCES OF THE FLUSSI DECREE

The latest act approved by the Italian government on the issue of migration in 2024 is the **Flussi Decree** (Decree-Law 145/2024),³⁸ converted into law (Law 187/2024) after a vote of confidence on 4 December. This legislative instrument is supposed only to govern single, specific matters, yet the Flussi Decree ("*flussi*" meaning flows) contains measures affecting several areas: in addition to regulating the flows of foreign workers entering Italy, it makes modifications to the Piantedosi Decree, and includes the earlier decree on safe countries as an amendment, in order to speed up its conversion into law and limit parliamentary debate.

Article 11 of the Flussi Decree modifies several provisions in the Piantedosi Decree and further criminalises the work of NGOs in the Mediterranean, as publicly denounced in a joint statement.³⁹ Specifically, it amends point (f) of the so-called Code of Conduct, the violation of which has led to administrative detentions and various sanctions on ships in the civil fleet. The earlier text read: "[...] the ship's methods of search and rescue at sea do not contribute to creating **situations of danger** on board or impede it from reaching the port of disembarkation in a timely manner." The new decree replaces the words "**on board**" with the broader, vaguer "**to the safety of the migrants.**" In some distress cases, the so-called Libyan Coast Guard or unidentified vessels have arrived and acted violently, driving people on the vessel in distress to throw themselves into the sea, endangering their lives and preventing humanitarian ships from carrying out rescue operations. The Decree's new wording to make NGOs responsible for what happens in the water, not just on board, increases their risk of breaking the Code of Conduct precisely when Libyan authorities interfere or act violently.

Article 11 also further restricts the humanitarian space for NGOs. It makes not just ships' captains but also their owners liable for **violations of the Piantedosi Decree**, and allows for the **confiscation** of a ship after repeated violations. By extending liability to ships' owners, it makes it harder and riskier to charter ships to NGOs, which often do not have the funds to purchase a ship themselves. Lastly, the article extends the Piantedosi Decree and its sanctions to the aircraft used to monitor the Mediterranean, which are essential for reporting distress cases and documenting human rights violations and illegal pushbacks.

Under Article 15-*bis* of the Flussi Decree, government contracts to sell or lend vessels and materials to non-EU countries and provide related services to help the latter manage and control migration flows on their territory

and carry out search and rescue at sea are made secret. This massively restricts the public's ability to **control and monitor** the patrol boats provided, staff trained, and funding sent to countries like Libya and Tunisia, who, through increasingly opaque agreements, have been essential partners to Italy and the EU in their policy of border externalisation.

Finally, there are two articles (12-*bis* and 16) relating specifically to the enactment of the Italy-Albania Protocol. To speed up the ratification of the new decree and greatly limit opportunities to propose changes, the Italian **government has inserted the earlier decree on safe countries as an amendment**. In response to earlier unsuccessful attempts to transfer rescued people to the Albanian centres, the government also provides that **approval for detaining asylum seekers** will now rest with the **courts of appeal** and not with the specialist chamber for migration, belonging to the civil courts. This article risks evading the decision of judges in the specialist chamber who have not approved detentions of people in the Albanian centres. As stated in a letter⁴⁰ from the presidents of all 26 courts of appeal in Italy to Prime Minister Meloni and Minister of Justice Carlo Nordio, this is a disaster waiting to happen: it could have serious repercussions and risks greatly slowing the courts of appeal, giving them excessive case-loads and delaying the objectives of the National Recovery and Resilience Plan.⁴¹





4

CONCLUSIONS AND RECOMMENDATIONS





4.1

CONCLUSIONS

In a little over two years of operations at sea, *Life Support* has rescued 2,451 people attempting to cross the central Mediterranean Sea. The rescued people, often survivors of **violence and torture** in detention camps or **victims of human traffickers**, have faced long, dangerous journeys before boarding dilapidated boats to reach Europe's shores. While a humanitarian crisis lacking international recognition unfolds in the Mediterranean, the EU and its Member States **treat the phenomenon of migration as an emergency** and a matter of border security, to the detriment of human rights.

In 2024, EMERGENCY chose to continue its commitment **to protecting the right to life** of people in danger at sea through search and rescue – an **unavoidable duty**, enshrined in international law. During our sea rescue operations, *Life Support's* staff and crew bore witness to all the negative effects of the policies made by Italy and the EU: the legitimisation of the actors responsible for interceptions, collective pushbacks and human rights violations; the reiteration of illegal practices that restrict humanitarian space in the central Mediterranean; and the criminalisation of people on the move and the infringement of their fundamental human rights.

The establishment of the Tunisian SAR region, combined with the agreement signed with the EU in 2023, has enabled **gradual disengagement** of European assets from the Tunisian route. The EU is pursuing the policy it began in Libya of **externalising its borders**. In so doing, it is legitimising refoulement practices and delegating the management of migration flows to countries outside the bloc, where the human rights of migrants are systematically violated. Funding the Tunisian authorities – through opaque agreements – means more migrants are intercepted and returned to Tunisia, where they are often subjected to violence, discrimination and collective pushbacks to the deserts on the country's borders. For these reasons, **neither Libya nor Tunisia can be considered a POS** for disembarking rescued people.

On top of all this comes **the Protocol signed between Italy and Albania**, which has set a dangerous precedent within the EU for the transfer of people rescued in the Mediterranean to a non-EU country, using Italian assets, in breach of international maritime law. Rescued people – all of whom should, by definition, be considered vulnerable – are forced to undergo extra days of sailing after inadequate vulnerability assessments on board naval ships, which unnecessarily and unjustifiably delays their access to essential services. All of this is a costly and ineffective exercise in **political propaganda**, which

has compromised the legal guarantees and infringes on the fundamental rights of the asylum seekers, who were brought to Italy after days of unlawful detention in the Albanian centres.

Italy, meanwhile, **continues to criminalise NGOs** working in the Mediterranean through oppressive practices, like assigning distant ports and extending the Piantedosi Decree to cover aircraft used by NGOs. These measures have further hindered the work of people saving lives at sea by removing their ships from the rescue areas and limiting their presence in the central Mediterranean route with illegitimate administrative detention. The consequences of Italian policy making are paid for not just by NGOs, but above all by people on the move, who are perceived as **threats to national security** rather than people in danger, seeking help and protection.





4.2 RECOMMENDATIONS

To protect the right to life at sea, put an end to the criminalisation of NGOs and people on the move, and ensure an approach to migration founded on respect for human rights, EMERGENCY is asking **Italy**, the **EU** and its other **Member States**, and relevant **international organisations** to act on the following recommendations:

1 Place protection of life at sea at the centre of every decision concerning the central Mediterranean, **strengthen maritime SAR capacity** and launch a **European SAR mission**;

2 Recognise the humanitarian role of NGOs, abandon all attempts at criminalising them, revoke Piantedosi Decree (Law 15/2023) and ensure the assignment of nearest available port;

3 Revoke the Italy-Albania Protocol (Law 14/2024), close the Albanian migrant centres and instead use the funds to strengthen the Italian system of reception centres, providing effective paths to social inclusion;

4 Cease every action that supports pushbacks to Libya and Tunisia, which cannot be considered safe places to disembark rescued people, **revoke Memoranda of Understanding with Libya and Tunisia** and do not replicate border externalization policies in third countries;

5 Invest in long-term aid programmes to strengthen communities and services in countries of origin and transit, and **ensure and expand safe, legal channels of access into Europe**.



DD Experience





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