



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



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Mr. Roberto MARONI

Minister of the Interior of the Republic of Italy

Strasbourg, 25 August 2009

Dear Minister Maroni,

I am addressing you about the recent incident involving a boat which set off from Libya and was adrift for twenty days, apparently without any help from several passing vessels. Reportedly, only five survivors reached the Italian coasts out of the 73 people, mainly Eritreans, who were on board. Regrettably, this incident is but the latest of many similar tragedies which have occurred in the Mediterranean.

I am informed that investigations are initiated into these developments and am confident that they will clarify the facts and help to hold accountable those responsible. However, one element is already evident: these people have not benefited from international humanitarian protection. In particular, the responsibility to rescue persons at sea appears to have been neglected. The Italian Coast Guard and other agencies - as well as fishermen - have shown until recently a laudable record of rescuing at sea hundreds of irregular migrants attempting to reach Italy. What happened this time? Have the provisions set out in the new security package played a deterrent role? Is the cooperation with the Coast Guards of other countries not functioning properly, thereby preventing boats in distress from being spotted and rescued?

Migratory flows present major challenges to many European countries. Meeting those challenges requires responsibility-sharing, where every country is ready to contribute in a spirit of solidarity, not only with regard to the reception capacities of other countries, but also *vis-à-vis* migrants themselves. Indeed, many migrants are human beings in dire circumstances who deserve our attention and respect. A substantial number of them are fleeing persecution or violence; this necessitates the provision of international protection. All European countries, not only Italy, must grant protection to migrants and cooperate more effectively to handle migration flows in a coherent manner, with full regard to humanitarian principles.

I hope that the Italian government will take all necessary measures to avoid such tragedies in the future. In this context, a constructive cooperation with the authorities in Malta, to develop sea patrolling which is duly respectful of human rights and humanitarian principles, would be highly beneficial.

The survivors of such tragedies should of course not be criminalised. Instead, they should be provided with all the necessary assistance. Their right to apply for asylum should be fully respected, and their request examined with the utmost attention. The situation of their country of origin and of departure should also be taken into account.

I deeply believe that it is both wrong and counterproductive to politicise migration issues. It is much more in keeping with our common values – and, ultimately, more effective - to address them based on a comprehensive and cooperative approach, guided by human rights and humanitarian principles.

I stand ready to contribute to all the efforts which will be undertaken in this direction.

Yours sincerely,

Thomas Hammarberg