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4.1.5. Situation at the Central Mediterranean route

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The Central Mediterranean route continued to be characterised by boat disembarkations in Italy and Malta, with rescue operations by NGO vessels continuing unabated.399 Illegal border-crossings detected on the Central Mediterranean route exhibited similar trends over the course of 2021 as in 2020, with most being detected in the second half of the year *(see Figure 4.5)*. However, levels were significantly higher than in 2020 in every month after January 2021.

As a consequence, asylum applications lodged in Italy (53,000) doubled from 2020 and were the highest in three years. In 2021, the largest applicant groups were Pakistanis, Bangladeshis, Tunisians and Nigerians. All of these as well as several other main nationalities lodged substantially more applications than in 2020. In contrast, applications in Malta (1,500) decreased compared to 2020 by about two-fifths.

Applications doubled in Italy

Figure 4.5. Asylum applications in Italy and Malta (left) and detections of illegal border-crossings (right) on the Central Mediterranean route, 2021 compared to 2020

Figure 4.5. Asylum applications in Italy and Malta (left) and detections of illegal border-crossings (

Source: Eurostat [migr_asyappctza] as of 22 April 2022 and Frontex [Detections of illegal border-crossings] as of 8 March 2022.

The Italian authorities issued a tender for the rental of five private vessels to accommodate migrants rescued at sea during the quarantine period. Issues were reported concerning the confinement of migrants on quarantine vessels, with the National Guarantor for the Rights of Persons Deprived of Liberty expressing concern about the protection of fundamental rights, especially of minors and vulnerable persons.400 ASGI criticised the conditions onboard the

vessels which allegedly led to the death of two minors and an adult who drowned. They also noted the lack of medical staff and lack of support to victims of trafficking and other vulnerable people.401

Government authorities entered into an agreement with the Italian Red Cross to provide support to the persons onboard the vessels and initiated the identification of vulnerable persons.402 In October 2021, the authorities started accommodating unaccompanied minors in dedicated reception centres during the quarantine period.

With regard to Italy's land borders, the Tribunal of Rome ruled that the practice of informal readmissions from Italy to Slovenia, based on the readmission agreement between the two countries concluded in 1996, were illegal. Such readmissions must be ordered by a reasoned administrative decision, notified to the person and be open to challenge before the appropriate judicial authorities in order to ensure an effective remedy. The case concerned an asylum seeker who applied for international protection in Italy but was returned to Slovenia, then to Croatia, where he was forcefully removed to Bosnia and Herzegovina *(see Section 4.1.2*).

Civil society organisations also raised concerns about this practice. In June 2021, Save the Children claimed that, based on the 1996 bilateral agreements, 1,301 readmissions were conducted to Slovenia, including minors.403 ASGI issued a statement raising concerns about the discretionary power given to border police to establish the age of migrants during a border control.404

Civil society organisations reported issues with access to the procedure in Italy, citing illegitimate practices, long delays, inaccessible administrative offices and a lack of interpretation services *(see Section 4.11)*.405 Some of the issues mentioned included the lack of an appointment system in the police headquarters (*questure*) to lodge an application for international protection, leading to long queues and delays in accessing reception conditions; the lack of interpretation services in the *questure* where services are sporadic and led to a reliance on the interpretation services provided by the reception centres; and the 'illegitimate requests' for documentation which was not required to lodge an application (including work permits, passports, birth certificates and rental agreements).

Malta made several changes to practices to improve access to the procedure, including operating from new premises which are more accessible and allow for flexibility in the rearrangement of frontline procedures. Efforts were also made to condense the time between the making and lodging of an application. The application form was optimised to gather information for the examination of the application at the lodging stage and a new data protection section was added. Updated registration guidelines were issued and information on specialised services were made available to applicants with a sexual orientation or gender identity claim.

Improvements were also made to the registration and lodging processes, and the electronic database was further optimised to avoid the duplication of work and streamline processes. Steps were also taken to transition part of the Eurodac office into the offices of the International Protection Agency. Dividing Eurodac personnel between the police headquarters and the IPA

premises make it possible to take fingerprints for Eurodac purposes on the same day an application is lodged, facilitating the Dublin process.

No changes were observed with Malta's position on the disembarkation of migrants rescued by NGO vessels, which was published in a government press release in 2020 stating that NGOs conducting rescue operations in the Mediterranean Sea facilitate, directly or indirectly, the business model of people smugglers.406 No changes were noted either with the Memorandum of Understanding signed between Malta and Libya in 2020.407 In comments to the Report of the Commissioner for Human Rights of the Council of Europe, Maltese authorities reaffirmed their adherence to international obligations to rescue persons in distress at sea inside the country's area of responsibility. In principle, Malta considers it a duty to work with Libyan authorities on border management and the fight against people smuggling.408

In October 2021, the Council of Europe's Commissioner for Human Rights called on the Maltese authorities to ensure that their actions do not lead, either directly or indirectly, to returns to Libya, which is not a safe place for disembarkation.409 In the report on her visit to Malta, the Commissioner for Human Rights expressed concern about the deterioration of Malta's approach to search and rescue in recent years. Specifically, she regretted the view, shared by the Maltese authorities during her visit, that cooperation on the return of migrants and asylum seekers to Libya is indispensable for the effective management of sea arrivals in Malta, and that this position is irreconcilable with the principle of *non-refoulement*.410

The European Parliament's LIBE Committee commissioned a report in 2021 to examine the approach to arrivals from the Mediterranean Sea, covering developments from the 2015 refugee crisis up to the COVID-19 pandemic.411 The report recommends that the European Parliament should evaluate the European Commission's practice of infringement procedures against Member States that do not fully apply the directives in the area of migration and asylum. It also recommends establishing a permanent search and rescue observatory for the Mediterranean route to monitor human rights violations in the context of maritime interventions.

Specifically on the situation on the Central Mediterranean route, UNHCR highlighted the need to establish a more functional system for search and rescue operations, since due to the deteriorating situation in Libya, people will continue to resort to desperate measures to seek safety.412 UNHCR also expressed concern about the loss of life at sea and underlined that the vast majority of interventions performed by the Libyan Coast Guard in their search and rescue region meant that the intercepted migrants who are disembarked in Libya are transferred to overcrowded detention centres in unsanitary conditions.413

In June 2021, Amnesty International, ECRE and Human Rights Watch jointly offered their recommendations for a plan of action comprising 20 steps toward protecting people on the move along the Central Mediterranean route.414

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