

## ORIGINAL ARTICLE

# Ferry quarantine: The pandemic as a pretext to deny healthcare access to undocumented migrants and asylum seekers in Italy

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**Abstract**

The outbreak of COVID-19 forced national governments and health authorities worldwide to adopt measures aimed at protecting population health, most of which resulted in prolonged restrictions to individual freedom(s) and fundamental rights. In some cases, the pandemic represented a pretext for macroscopic and unjustified human rights violations, as in the case of the “ferry quarantine,” that is the use of commercial boats by the Italian Government to forcibly isolate migrants and asylum seekers from the rest of the population. Such a measure does not have any rationale at the epidemiological level and poses serious obstacles to the provision of adequate care to vulnerable people such as migrants and asylum seekers. The pandemic has been used as a pretext to implement discriminatory and disproportionate measures whose effect has been denying healthcare access to undocumented migrants and asylum seekers.

**BACKGROUND**

As is known, the outbreak of COVID-19 forced national governments and health authorities worldwide to adopt measures such as travel restrictions, lockdown, quarantine and self-isolation which were aimed at protecting population health. Most of these resulted in prolonged restrictions to individual freedom, including freedom of circulation and meeting. The need to balance the protection of population health with individual prerogatives has slowly and subtly legitimized a rationale of “permanent emergency” that, in some cases, became the perfect arena for

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macroscopic and unjustified human rights violations. This is the case of “ferry quarantine,” that is the use of commercial boats by the Italian Government to forcibly isolate migrants and asylum seekers from the rest of the population, under the pretext of health protection.

## CASE PRESENTATION

On 7 April 2020, an inter-ministerial decree endorsed by the Ministry of Health declared that Italian ports were not safe for welcoming people rescued from ships flying foreign flags beyond the Italian Search and Rescue Area.<sup>1</sup> Five days later, on 12 April 2020, another decree<sup>2</sup> from the *Protezione Civile* (an emergency force within the Italian Interior Ministry) established that newly arrived undocumented migrants and asylum seekers would have to be quarantined on commercial ferries to safeguard the population from the COVID-19 risk they would bring.<sup>3</sup> However, in January 2021, this measure was extended to migrants and asylum seekers that were already hosted in reception–identification centres (on land) that were found to be COVID-19 positive. As witnessed by some NGO representatives (ASGI, 2021; Buffa et al., 2021; MeltingPot, 2021), most of them were forcibly and collectively transferred without any notice, even in the middle of the night. It has been reported that the length of quarantine on the ships varies between 2 and 3 weeks per person, and no lawyers, state officers or policemen are allowed on board. The Italian Red Cross (CRI) was assigned the task of providing health and social assistance, including psychological care, guaranteeing linguistic and cultural mediation and identifying pregnant women and vulnerable people. However, the CRI was barely able to logistically manage the people detained on the ferries (MeltingPot, 2021). Indeed, the conditions on the ferries have been reported as dire. Migrants interviewed after being released said that “many people, including some with health problems, were forced to shout, to protest and to act with violence, just to get the attention of the personnel. People shouting, beating on doors, hunger striking or harming themselves just to get to talk with someone, which rarely occurred” (Gianguzza & Karkouri, 2020).

To date, three young men have died because of ferry detention: two of them died from health complications (unrelated to COVID-19), while one threw himself into the sea in an attempt to reach land. From April to November 2020, at least 10,000 people were detained on the ferries and at least six ships were rented for this purpose by the Italian Government (ASGI, 2021; MeltingPot, 2021), which announced its intention to rent four more ferries in May 2021.<sup>4</sup> In May 2022, the Government approved the termination of this measure, many weeks following the cessation of the “state of emergency,”<sup>5</sup> which occurred on 31 March 2022.

## DISCUSSION

Even before the COVID-19 outbreak, the assumed association between international migration and the spread of infectious diseases, particularly HIV, had been used to legitimize initiatives and politics that strengthen border controls and push back undocumented migrants and asylum seekers.<sup>6</sup> It is undeniable that the association between human movement and the spread of infectious diseases can be a serious threat for public health, as shown not only with COVID-19 pandemic but also with Sars-CoV-1, Middle East respiratory syndrome (MERS), and West African Ebola. However, a huge body of literature demonstrates that this association between migration flows and new infectious diseases is epidemiologically unfounded (Arnold et al., 2015; Castelli & Sulis, 2017; CNB Italy, 2017; Pfortmueller et al., 2016; WHO, 2017a). Although migration is commonly thought to be associated with infection risks, evidence shows that infectious diseases detected among undocumented migrants have a negligible impact on the epidemiology of receiving countries. As confirmed by a study conducted by Castelli and Sulis (2017), “infectious diseases are not at all a health priority at hotspots and first arrival sites, where traumatic, obstetrical and psychological disorders are most prevalent.” In this regard, even the Italian National Health Institute (ISS Italy, 2015) has reported that the infectious diseases detected among undocumented migrants when they disembark in Italy are mostly just dermatological infections like scabies and other controllable diseases like measles and varicella. In contrast, it has been emphasized

that “when importation occurs, it involves regular travellers, tourists or health care workers rather than refugees or migrants” (ISS Italy, 2015). In addition, the adoption of stigmatizing measures towards undocumented migrants could induce them to hide their status or their health conditions because they are afraid of being sent back. Indeed, it is widely acknowledged (IOM, 2010; Soto, 2009; WHO, 2017b, 2021) that the key factor for detecting and neutralizing infection threats is the implementation of adequate surveillance systems and specific screening programs that benefit undocumented migrants and asylum seekers.

Since the beginning of the pandemic, the Italian Government has adopted severe measures to curb the spread of the virus, including travel restrictions, prolonged lockdowns, the use of facemasks, as well as quarantine and self-isolation obligations. However, very little has been done to protect the most vulnerable populations, namely detainees, the homeless and undocumented migrants (Sanfelici, 2021).

The only attempt at enhancing the protection of migrants during the pandemic has been a regularization reform promoted by the Italian Government with Decree no. 34/2020. This provided employers the opportunity to legalize the positions of irregularly hired Italian or foreign workers in the primary sector (i.e. agriculture, farming, fishing, zootechnics) as well as in domestic and care work. For undocumented migrants, access to this benefit would also mean achieving a legal status, at least temporarily. However, despite the intensity that surrounded the launch of the regularization—which was announced by the former Minister of Agriculture as a historical step for overcoming labour exploitation in Italy<sup>7</sup>—it has been reported that a very limited number of migrants actually had access to this opportunity (Zorzella, 2020). The regularization programme has been criticized because of its features (Caprioglio & Rigo, 2020; Santoro, 2021) and considered insufficient to provide adequate protection to a large number of foreign citizens that, despite being criminalized and marginalized, still represent a “key workforce” in the Italian economy (Sanfelici, 2021). Most of the undocumented migrants living in Italy are indeed forced to live in “ghettos,” that is run-down shelters located in abandoned peripheral sites without access to electricity and clean water, and without the possibility of getting health assistance except for what is provided by local NGOs. Most of them are employed—or rather, exploited—on the huge black market for their work in the construction and agriculture sectors (Sanfelici, 2021). Italian scholars have referred to the concept of slavery to describe the conditions in which these migrants live (Santoro, 2009; Torre, 2019). Indeed, they are often literally worked to death.<sup>8</sup> Both their living and working conditions therefore have made it impossible for them to fulfil the most basic hygienic norms that were suggested or imposed to fight the viral outbreak.

The case of the quarantine ferries raised indignation worldwide, particularly from human rights advocates and NGOs. It has also been expressly condemned by Dunja Mijatović,<sup>9</sup> Commissioner for Human Rights at Council of Europe. From an ethical point of view, such a measure sounds like a pure pretext, especially when considering that it does not have any rationale at the epidemiological level. On the contrary, it represents a serious obstacle to the provision of adequate care to vulnerable people such as migrants and asylum seekers, who have already experienced trauma and suffering throughout their illegal migration routes. Paradoxically, implementing this measure has been found to be economically disproportionate, as the costs for renting the ferries ended up being significantly higher than what would have been necessary to ensure adequate assistance to those people on land.<sup>10</sup>

The use of commercial ferries by the Italian Government must be coupled with the recent attempt to criminalize the search and rescue (SAR) operations carried out by NGO boats in the Mediterranean Sea area, particularly on the route from Libya. The role of NGOs in SAR operations has progressively increased since the end of 2014, when the Italian Government ceased to fund the “Mare Nostrum.” This was a program led by the Italian Navy with the aim of saving lives of migrants intercepted in the Mediterranean Sea (Masera, 2018). Consequently, NGO commitment to rescue operations unofficially became part of the SAR management held by the Italian naval authorities. This is confirmed by the fact that from July to December 2016, up to 40% of SAR operations were carried out by NGOs under the coordination of the Italian Coast Guard (Masera, 2018).

This started to change in 2017, when a report issued by Frontex (2017)—the EU force assigned to border control—depicted NGO support in the sea as a potential pull factor for migrants to leave their countries, as well as a substantial benefit to migrant smugglers. A short time later, a public prosecutor from Catanzaro released declarations revealing potential contacts between smuggling bands and NGOs (Masera, 2018). This was a trigger for Italian right-

wing political parties which rode the wave of indignation seen among public opinion. They ended up asking for the NGO boats to be blocked and their volunteers to be prosecuted. The Italian Government endorsed this stance with the adoption of a “Conduct Code for NGOs committed to rescuing migrants in the sea,”<sup>11</sup> which was imposed as a condition for obtaining support from the Italian naval authorities during their activities. Most of the NGOs criticized this move and refused to adopt the Code because—among other things—it forced them to accept the presence of police officers on board and to cooperate with the Libyan Coast Guard (Arpinati, 2021).

In the following months, prosecutions against NGOs increased and several boats were blocked at port entrances in the Mediterranean Sea and then sequestered by the Italian authorities. However, despite the huge number of procedures against these NGOs, most of them did not go to trial (Arpinati, 2021).

The Italian Government's attempt at criminalizing solidarity must be considered as an attempt at “managing” migration flows by cutting the number of migrants that depart from Libya. This resonates with the wider European Union (EU) policy for managing migration flows from the Mediterranean Sea<sup>12</sup> (Botrugno, 2014). Upon their arrival on EU soil, undocumented migrants and asylum seekers are usually sent to “identification centres,” where they are forced to stay for months, in conditions that have been compared to those of concentration camps (CNB Italy, 2013). The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has repeatedly highlighted that most of the EU detention centres are overcrowded and lack even the most basic hygienic conditions (CPT, 2017). As has been reported (MEDU, 2013; MSF, 2016), this form of detention is highly pathogenic, given that diseases, violence and trauma proliferate within centres like these, and multiple human rights violations occur (Botrugno, 2018). As for Italy, the use of benzodiazepines has been reported as a way of punishing detainees that try to escape, manifest dissent or show attitudes that are considered to be inadequate by professionals working for the centres (MEDU, 2013). Furthermore, a report issued by the National Committee for Bioethics in 2017 (CNB Italy, 2017) confirmed that the conditions of these centres are inhumane and incompatible with the need to protect life and health of migrants and asylum seekers and thus recommended their closing.

Outside the identification centres, the marginality to which most of the undocumented migrants forced is also a significant barrier for adequate access to healthcare services, except for emergency treatments (Botrugno, 2018). Over past years, multiple attempts to restrict undocumented migrants' access to healthcare have been reported across Europe (Red Acoge, 2015; REDER, 2017). Regardless of whether these attempts are legitimate, they turn into a significant deterrent for undocumented migrants to seek access to healthcare services, and thus dramatically impact their conditions.

As also reported by the WHO (2013; 2017b), the conditions experienced by migrants in receiving countries has a negative impact on their health, thus increasing exposure to psychosocial disorders, reproductive problems, infant mortality, nutritional disorders, noncommunicable diseases and drug and alcohol abuse.

While the Italian Government's political rhetoric claims the use of these ferries is justified by the COVID-19 outbreak, such a measure is completely disproportionate and represents a serious attempt to undermine fundamental human rights. As has been emphasized, COVID-19 has “sparked authoritarian political behavior worldwide, not merely in regimes already considered to be disciplinarian or tyrannical but also in well-established liberal democracies with robust constitutional protections of fundamental rights” (Thomson & Ip, 2020). Despite this, as highlighted by the UN Office of the High Commissioner for Human Rights, this condition of emergency cannot be used as “a cover for repressive action under the guise of protecting health nor should it be used to silence the work of human rights defenders” (OHCHR, 2020a). With regard to the discriminatory nature of ferry quarantine, it must be considered that compliance with the International Covenant on Civil and Political Rights (ICCPR) “might require the adoption of specific measures that make the basic rights of vulnerable people as effective as the rest of the population” (Lebret, 2020). The ICCPR Human Rights Committee remarked that, even during the pandemic, national authorities must “treat all persons, including persons deprived of their liberty, with humanity and respect for their human dignity, and they must pay special attention to the adequacy of health conditions and health services in places of incarceration” (OHCHR, 2020b). Similarly, the CPT also emphasized that the protective measures adopted to fight the pandemic “must never result in inhuman or degrading treatment of persons deprived of their liberty” (CPT, 2020). Therefore, even in an emergency situation such as a pandemic, restrictions to fundamental rights must be strictly

necessary. This means they should be unavoidable and proportionate to the aim of protecting population health (Lebret, 2020). Ferry quarantine measure must be looked at as a de facto deportation. Indeed, Italy seems to be continuing to avoid its duty of protecting migrants, regardless of their status, as shown by their lack of inclusion in the COVID-19 vaccination programme.<sup>13</sup>

## CONCLUSIONS

The pandemic is shedding further light on the physical containment of undocumented migrants and asylum seekers in the EU. Overall, they are looked at as an "infection risk," in a large racist view in which everything—e.g. morality, values, culture and individual prerogatives—can be infected (Botrugno et al., 2023). The protection of migrants as a vulnerable population, regardless of whether or not they are workers, and whether or not they are documented, would require a consistent strategy coordinated by the Government. Not only that, but it would also require the involvement of Regions and Municipalities, in order to quickly identify the protection needs and respond accordingly, which was also recommended by the WHO (2021). Such a strategy would also protect Italian citizens, given that the living conditions of most undocumented migrants prevents them being able to protect themselves and their families. In contrast, the pandemic has been used as a pretext to implement discriminatory and disproportionate measures whose main effect has been denying healthcare access to undocumented migrants and asylum seekers.

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## CONFLICT OF INTEREST STATEMENT

None.

## DATA AVAILABILITY STATEMENT

Information and data included in this paper are publicly available.

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## ENDNOTES

- <sup>1</sup> Decree n. 150 of 07 April 2020 adopted by the Italian Ministry of Infrastructure and Transportation, the Ministry of Foreign Affairs and the International Cooperation, the Ministry of Interior, and the Ministry of Health. Available at: [http://www.immigrazione.biz/upload/decreto\\_interministeriale\\_n\\_150\\_del\\_07-04-2020.pdf](http://www.immigrazione.biz/upload/decreto_interministeriale_n_150_del_07-04-2020.pdf). Accessed 20 June 2022.
- <sup>2</sup> Decree of Head of Department of *Protezione Civile*, n. 1287 of 12 April 2020. Available at: <http://www.latrexentaonline.it/wp-content/uploads/2020/04/attivita-emergenziali-sorveglianza-sanitaria-migranti.pdf>. Accessed 20 June 2022.
- <sup>3</sup> *Bando per 4 navi-quarantena da 300-400 posti*, May 17, 2021. Available at: [https://www.ansa.it/sito/notizie/topnews/2021/05/17/migranti-bando-per-4-navi-quarantena-da-300-400-posti\\_35d2259d-f2b9-4fc5-83d5-eed91514bd41.html](https://www.ansa.it/sito/notizie/topnews/2021/05/17/migranti-bando-per-4-navi-quarantena-da-300-400-posti_35d2259d-f2b9-4fc5-83d5-eed91514bd41.html). Accessed 20 June 2022.
- <sup>4</sup> As declared by Italy's Interior Minister Lamorgese, this measure was adopted "to protect local communities from the risk of infection," particularly because "people were worried about the spread of COVID-19 by migrants." The interview released by the Minister on 08 September 2020. Available at <https://www.interno.gov.it/it/ministro-lamorgese-sulle-navi-quarantena-sorveglianza-sanitaria-dei-migranti>. Accessed 20 June 2022.
- <sup>5</sup> This was declared at the beginning of pandemic to offer the government extra power to manage the outbreak of the virus.

- <sup>6</sup> HIV infection risk was a fundamental part of the anti-immigrant discourse by Donald Trump both before and after the 2016 US presidential election, especially against migrants in transit from Mexico. With regard to the EU, similar arguments have been repeatedly used by political parties such as the Polish *Prawo i Sprawiedliwość*, the Italian *Lega Nord*, and the UK's Independence Party during the 2016 Brexit campaign.
- <sup>7</sup> Former Italian Minister of the Agriculture, Teresa Bellanova cries while announcing the launch of the regularization reform. Available at: [https://www.ilmessaggero.it/politica/bellanova\\_piange\\_conferenza\\_stampa\\_dl\\_rilancio\\_si\\_commuove\\_cosa\\_e\\_successo-5225961.html](https://www.ilmessaggero.it/politica/bellanova_piange_conferenza_stampa_dl_rilancio_si_commuove_cosa_e_successo-5225961.html). Accessed 20 June 2022.
- <sup>8</sup> The last episode reported is of June 2021, when a 27-year old undocumented migrant died while working the land. Available at: <https://www.ilfattoquotidiano.it/2021/06/25/brindisi-bracciante-muore-dopo-4-ore-nei-campi-sotto-il-sole-il-sindaco-vieta-il-lavoro-agricolo-dalle-12-alle-16/6241904/>. Accessed 20 June 2022.
- <sup>9</sup> See The New Humanitarian. Italy's use of ferries to quarantine migrants comes under fire <https://www.thenewhumanitarian.org/news-feature/2020/11/9/italy-migration-ferries-coronavirus-quarantine-health-asylum>. Accessed 20 June 2022.
- <sup>10</sup> News AGI, *Quanto costano allo Stato le navi quarantena per i migranti*, 15 July 2020 Available at: <https://www.agi.it/cronaca/news/2020-07-15/costo-stato-navi-quarantena-migranti-9164639/>. Accessed 20 June 2022.
- <sup>11</sup> The Conduct Code was issued by the former Ministry of Interior on August 2017. Available at: [https://www.interno.gov.it/sites/default/files/codice\\_condotta\\_ong.pdf](https://www.interno.gov.it/sites/default/files/codice_condotta_ong.pdf). Accessed 20 June 2022.
- <sup>12</sup> It must be noted that EU migration policy has often leveraged the distinction between economic migrants and asylum seekers to legitimize pushback of migrants at their border. There is a huge debate on the meaning of forced migration I cannot give account here (see for instance, McLeman & Gemenne, 2018; Mandić, 2021).
- <sup>13</sup> See the letter sent to Italian Commissioner for the COVID-19 Emergency by the National Office against Discrimination (UNAR) and the NGO L'Altro Diritto. Available at: <http://www.adir.unifi.it/odv/adirmigranti/lettera-unar-figliuolo-esclusi-vaccinazioni.pdf>. Accessed 20 June 2022.

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