Joint Statement | Italy Must Review its Decision to Classify Egypt as a “Safe Country of Origin”

Joint Statements · Egypt · 4 June 2024

41 civil society organizations express their deep concern for Italy’s decision to classify the Arab Republic of Egypt as a “safe country of origin” under Legislative Decree No. 25/2008, paragraph 2-bis. We urge the Italian government to publicly disclose the criteria followed in their country review of Egypt and reconsider the decision.

On 7th May, 2024, the Italian Ministry of Foreign Affairs, the Ministry of Interior, and the Justice Ministry issued a decree updating and expanding the list of safe countries of origin for applicants for international protection. The list has now increased from 16 to 22 countries to include Bangladesh, Cameroon, Colombia, Egypt, Peru and Sri Lanka, with very problematic consequences for asylum seekers from countries on the list, a tool that ultimately limits legal safeguards and access to asylum.

The inclusion of Egypt among the countries of origin deemed safe by Italy deeply concerns us, as it seriously jeopardizes the possibility for Egyptian asylum seekers to obtain international protection. However, it comes as no surprise in light of the activism of the Italian state throughout the past decade in strengthening ties between Egypt and the EU through initiatives in the field of police cooperation and border management.

Italy’s standard international protection procedure affords a set of guarantees to the applicant, including the right to legally remain within the territory until the application is evaluated. Instead, the applications of those coming from ‘safe countries of origin’, are subjected to accelerated procedures, characterized by strict deadlines both for the territorial commission, which is the competent authority for examining applications for international protection, and for presenting appeals to the judicial authority in case of rejection. In addition, the likelihood increases that the application will be declared manifestly unfounded if the applicant does not invoke “serious” enough reasons in their particular situation for considering their stay in the country of origin unsafe. In fact, it is reasonable to assume that to declare a country safe, the situation in the said country has been evaluated in such a way that requests of international protection from that country are considered groundless.

Under Legislative Decree No. 25/2008 (D.Lgsl. 25/2008), “a non-EU state may be considered a safe country of origin if, on the basis of its legal system, the application of the law within a democratic system, and the general political situation, it can be demonstrated that, on a general and consistent basis, there are no acts of persecution, as per art. 7 D.Lgsl. 251/2007, nor torture or other forms of inhuman or degrading punishment or treatment, nor danger due to indiscriminate violence in

situations of internal or international armed conflict."

Given Egypt's appalling human rights record, we believe that the country does not meet these criteria, particularly concerning acts of politically motivated persecution and torture. Rather, the decision to classify it as "safe" leaves several open questions on how the assessment that was undertaken could have led to recognizing Egypt as a safe country.

Since 2013, the government of President Abdel Fattah al-Sisi has breached several obligations under the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. Security forces executed mass killings of protesters with complete impunity, while physical abuse such as acts of torture inflicted by the state security forces and inhumane detention conditions amounting to torture remain routine. The authorities continued to carry out executions and hand down death sentences following mass, grossly unfair trials. The authorities have for years subjected individuals to torture and ill-treatment based on their actual or perceived sexual orientation and gender identity. Refugees and asylum seekers are occasionally deported from Egypt to places where there is risk of torture. In addition, in October 2023 a coalition of international and Egyptian NGOs reported to the UN Committee against Torture that the Egyptian authorities' use of torture is so widespread and systematic as to amount to a crime against humanity.

In 2023 alone, Egyptian authorities released 834 political prisoners, but in the same year they imprisoned 2504 critics or opponents of the government and refused to release 251 detainees, who had received provisional release orders issued by a judge or a prosecutor, or had completed their sentence.

The decision to consider Egypt as a "safe country of origin" could have dramatic repercussions on asylum seekers, whose applications would be examined in an accelerated procedure by the Territorial Commission taking up to 9 days, with a significant risk of rejection of all cases considered manifestly unfounded. Applicants whose claims are found to be manifestly unfounded or rejected under the accelerated procedure (except under a related border procedure) do not have the right to remain in Italy while they appeal. Fast-track examinations are more likely to result in rejection, particularly when the applicant is unable to corroborate their case through adequate evidence, including documentation issued by the country of origin. Egyptian authorities are known to actively seek to compromise political exiles' chances to be granted international protection abroad by denying them their right to obtain their documents from Egypt in the absence of embassy staff, particularly concerning identification documents, prison sentence records, and other documents that could support claims for asylum.

Since the expansion of the list of safe countries affects some of the nationalities arriving in highest numbers in Italy (such as Bangladesh and Egypt), the recognition of these specific countries as safe could be instrumental to the opening of extraterritorial processing centers in Albania. Meloni's government recently signed a controversial agreement with Albania for two facilities, effectively detention centers, to hold migrants and asylum seekers picked up at sea by Italian Coast Guard and military ships. These centers on Albanian territory may be designated for asylum seekers from "safe" countries of origin channeled into a fast-track determination procedure, as pointed out by

judge and human rights expert Silvia Albano.

We urge the Italian Government and the Ministries directly involved in this decision, namely the MFA, the Ministry of Interior, and the Justice Ministry, to disclose and publish the assessments behind the inclusion of Egypt in the list of safe countries, detailing the conditions that allowed for such a decision, as recently requested through the Parliamentary Question No. 5-02379 (PDF) of May 15th, 2024.

We call on the European Commission to assess whether the Italian procedure for designating a "safe country of origin" comports with EU law, including with respect to the criteria and the range of relevant information taken into consideration.

Signature:

1. A Buon Diritto
2. AMERA International
3. Amnesty International Italia
4. ARCI
5. Association for Juridical Studies on Immigration (ASGI)
6. Cairo Institute for Human Rights Studies
7. Comitato Pace e Diritti Circondario Imolese
8. Committee for Justice
9. Comunità Papa Giovanni XXIII
10. coordinamento nazionale comunità d'accoglienza
11. DAWN
12. E.L. Foundation
13. Egyptian Front for Human Rights
14. Egyptian Human Rights Forum (EHRF)
15. EgyptWide for Human Rights
16. EuroMed Rights
17. From the Sea to the City
18. Greek Council for Refugees (GCR)
19. HIAS Greece
20. Human Rights Watch
21. HuMENA for Human Rights and Civic Engagement
22. I Have Rights
23. Inter Alia

24. International Rescue Committee Italy
25. International Service for Human Rights (ISHR)
26. Mediterranea Berlin e.V.
27. MEDITERRANEA Saving Humans
28. Middle East Democracy Center (MEDC)
29. Mimetis migration research
30. Moving Cities
31. Osservatorio permanente sulle armi leggere – OPAL
32. ReCommon
33. Refugees in Libya
34. Refugees Platform in Egypt (RPE) منصة اللاجئين في مصر
35. Sinai Foundation For Human Rights
36. Station to Station 2 Agosto
37. Tesserae urban social research
38. The Tahrir Institute for Middle East Policy (TIMEP)
39. Un Ponte Per ETS
40. UNIRE (Unione Nazionale dei Rifugiati ed Esuli)
41. Yoga and Sport with Refugees

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HuMENA for Human Rights and Civic Engagement · info@humena.org