

europasilo

RETE NAZIONALE PER IL DIRITTO D'ASILO

DECLARATION OF INTENT

Considered that assuring adequate protection to those who flee from persecutions, conflicts and serious violation of human rights represents a fundamental human right recognized by article 14 of the Universal Declaration of Human Rights that states: “1. Everyone has the right to seek and to enjoy in other countries asylum from persecution. 2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations”;

Considered the fact that the 1951 Geneva Convention relating to the Status of Refugees and its related protocol of 1964 shall be interpreted in the framework of all international norms on human rights;

Considered that European laws have contributed to a deep innovation of the framework of asylum in Europe by introducing more uniform protection standards but still have very considerable critical aspects, reason why it is necessary to make lots of steps forward to ensure a better and more uniform international protection to asylum seekers throughout the territory of the Union;

Considered that the 1948 Constituent Assembly decided to emphasize the right of asylum by including it among the founding principles of the democratic system of the Italian Republic, as stated by art. 10 par. 3 “A foreigner who, in his home country, is denied the actual exercise of the democratic freedoms guaranteed by the Italian constitution shall be entitled to the right of asylum under the conditions established by law”;

Considered that Constitutional dispositions have never been translated into an organic law and a renewed engagement by the whole Italian society is necessary to make up for the intolerable delay;

Considered that it is necessary to strengthen the true respect of the right of asylum in Italy and in Europe, which is often threatened by excessively restrictive policies and practices as well as by indifferent or hostile social attitude;

Recognized the value of long-time experiences of various associations, social organizations and authorities that have contributed to the promotion and the protection of the right of asylum as well as human fundamental rights through the

implementation of projects, initiatives and campaigns to protect the fundamental rights of the human being;

Taken cognizance of the differences in terms of legal obligations and statutory purposes, the promoters of this Declaration of Intent commit themselves to build up a national network on the right of asylum called “**europasilo**” that shares the following basic objectives:

Objectives

1. Promoting an adequate evolution of European law in terms of asylum to respond to the challenges caused by changes due to the evolution of international scenarios hence guaranteeing more efficient protection forms to those who flee from serious risks due to serious and extended violations of human rights and environmental disasters in home countries;
2. A real legal and social protection for asylum seekers and refugees in European and Italian law is to be strengthened with a particular attention to the following aspects:
 - a) Guarantee asylum seekers a real access to protection, with a particular attention to frontiers within and outside the E.U. to prevent serious *refoulement* risks and ensure an effective legal protection;
 - b) Guarantee high standards of guidance, legal and social protection to asylum seekers;
 - c) Ensure asylum seekers a real and timely access to the measures aimed at welcoming seekers in ordinary reception centers spread over the territory and managed by civil society organizations during the time necessary to define the asylum procedure, including the legal protection phase, excluding or significantly reducing the application of custodial measures as well as measures limiting the freedom of movement;
 - d) Overcome the Dublin Regulation III, a norm that has turned out to be unjust, inefficient and not suitable to respond to the real needs of protection of asylum seekers and to pursue the need of a common policy in terms of asylum in the EU based on solidarity among Member States and on justice towards citizens of third countries;
 - e) Coming to the definition of a Single European Union Programme for the reception and the acceptance of victims of tortures aimed at concretely supporting people in their way to autonomy and avoiding any form of ghettoization.
3. The promotion of a new organic legislation on asylum that implements art. 10 p. 3 of the Constitution of the Republic of Italy also considering in particular:
 - a) the introduction of adequate information, orientation and legal protection services for refugees at sea borders and airport frontiers;
 - b) a reform of composition and functioning of the relevant decision-making bodies in charge of examining asylum applications to ensure a just and competent examination of asylum applications and a higher independence from the governmental bodies;

c) a deep reform of the reception system for asylum seekers, which also includes the establishment of a national system for the protection of asylum seekers, including foreign unaccompanied minors, which bases upon the typical roles of State, Regions and Local Authorities. Such reforms shall opt for a decentralized reception system by using ordinary reception centers managed by local authorities to avoid big concentrations of asylum seekers in inadequate, isolated and ghettoized structures. The reception standards that are now considered both in the norms and in the administrative provisions are too general and too often not respected, that is why they should be redefined. Reception system should include monitoring system (with the publication of periodic reports) managed by independent bodies. The reform of the public reception system of asylum seekers should consider the over ten-year experience of SPRAR (*System of Protection for Asylum Seekers and Refugees*) but also overcome its structural limits that prevented it from fully developing its capacities. As a consequence, CARA reception centers were abolished since they proved to be incapable to guarantee adequate protection to asylum seekers and not connected with the local health/social services. Moreover, they also dissipated huge amounts of public resources;

d) the overcome of the present separation of asylum policies from the more general welfare policy planning and from the organization of the related services;

e) The set up of a specific national plan for the reception and the rehabilitation of victims of torture. These interventions should be carried out in the framework of the ordinary planning of the welfare services of the territory. The competences of the Local Authorities on the management of the aforementioned patients should be strengthened.

f) the introduction of a primary standard including an adequate reception period and support to social inclusion for those enjoying international or humanitarian protection after the legal recognition of the protection, aimed at overcoming the present situation, where refugees are abandoned and Italy is target of serious and motivated critics also in international bodies;

4. Promoting awareness-raising campaigns as well as cultural and political initiatives to include the crime of torture in the Italian penal code;
5. Promoting interdisciplinary studies and research both in form of regional monitoring units and other forms by making the most of what has already been done by the member already in the network aimed at implementing adequate cultural, political and legal actions at national and European level;
6. Promoting relation and coordination opportunities by implementing common projects and campaigns with associations and authorities in charge of protecting fundamental human rights of migrants and refugees at European and national level;
7. Sharing experiences, good practices and methods used to manage the reception of asylum seekers, sharing social inclusion practices for beneficiaries of international or humanitarian protection to develop innovative intervention models to be shared at European level;
8. Supporting and organizing educational and cultural activities aimed at strengthening

the awareness of the protection of the fundamental human rights and a culture open to immigrants and to a multicultural society.

Local bodies, public authorities, national and regional institutions may promote the aforementioned objectives by supporting the activities carried out by **europasilo** in the forms they deem most appropriate.

Europasilo operating tools and work methodology

In order to pursue the aforementioned objectives, **europasilo** is committed in the following intervention fields:

- *Implementation* of common advocacy and collaboration actions as well as project plans together with associations, cooperative companies and authorities based in Italy, EU countries and third countries sharing the same objectives and set of values;
- *Publication* of studies, reports and researches on the protection of fundamental human rights for asylum seekers and beneficiaries of international or humanitarian protection and on the organization of reception and assistance services;
- *Promotion* of cultural and social initiatives aimed at spreading the culture of welcome, respect of asylum right and fundamental human rights both in the Italian and European society;
- *Promotion and implementation* of local, national or European innovative projects with all institutions involved in the fields of reception, social and legal protection, social integration of asylum seekers and beneficiaries of international or humanitarian protection;
- *Promotion*, through the involvement of all levels of government, of new local policies in terms of reception and social inclusion aimed at asylum seekers and beneficiaries of international or humanitarian protection to strengthen intervention capacity of public services, also enhancing good practices and operating models tested in some areas with positive results.
- *Implementation* of training programs for Public Administrations and territorial associations on territorial planning, the management of reception programs as well as on the social and legal protections for asylum seekers and beneficiaries of international protection.
- *Participation* to the definition and the consolidation of policies, interventions and measures promoted by public bodies in their functions (such as local authorities, local health authorities etc.) and driven by the principles mentioned in this declaration.

In order to implement the objectives set out above, provided that each member is autonomous in decision-making, the undersigned institutions/associations commit to:

- Elaborate and implement a common annual operational program including the appointment of a reference coordinator;
- Give visibility to the common membership to europasilo by including the name and europasilo logo on the websites of the members and in all on-line or paper communications;
- Form working groups composed by the representatives indicated by the

members. Experts, researchers and representative of international authorities/bodies may also be invited to these groups.

- Inform other europasilo members on the most significant cultural, social and political initiatives organized by each member;
- Promote all events and political, cultural and social initiative at local, regional and national level aimed at promoting the objectives of this declaration of intent.

Promoters and first supporters of the present declaration of intent:

- Associazione Asilo in Europa (Bologna)
- Associazione per l'Ambasciata della Democrazia Locale a Zavidovici onlus (Brescia)
- Associazione Progetto Accoglienza (Borgo San Lorenzo – Firenze)
- CIAC ONLUS –Centro Immigrazione Asilo e Cooperazione internazionale di Parma e Provincia Onlus (Parma)
- Società Cooperativa Sociale Camelot –Officine Cooperative (Ferrara)
- Cooperativa Sociale Ethica (Cassino)
- Gruppo Lavoro Rifugiati Onlus (Bari)
- ICS Ufficio Rifugiati (Trieste)
- Associazione Culturale Multietnica La Kasbah (Cosenza)
- Cooperativa Sociale K-Pax – (Breno -BS)
- Coordinamento Non solo Asilo (Piemonte)
- Cooperativa Sociale Promidea (Cosenza)
- Associazione Il mondo nella città o.n.l.u.s. (Schio- VI)

