

5 - European outsourcing policies: focus on judgment No .22917/19 of the Civil Court of Rome

Some input from the speech held by Loredana Leo, ASGI's lawyer, this morning at the International Conference in Lagos. In this podcast, Loredana illustrates the European outsourcing policies through a focus on ruling No. 22917/2019 of the Civil Court of Rome.

The whole speech can be heard on the Facebook page of the Association Spazi Circolari.

Audio No. 5

Claudia Paladini: We are in Lagos, Nigeria, as part of the international conference organized by ASGI on the outsourcing of borders. Today we are going to focus together with the lawyer Ms. Loredana Leo, on the speech that this morning was made within the conference and in particular we will focus on the judgement No. 22917/2019 of the Civil Court of Rome that talks about European outsourcing and the denial of the right of asylum.

Loredana Leo: With the judgment of the Court of Rome, the right to asylum is being rebalanced. It goes, in fact, to recover a principle that in the view of an illegal conduct of the Italian State, in particular in this case consisting in the direct rejection of some Eritrean citizens in Libya, had been compromised. In the view of the unlawful conduct of the Italian State, the right to asylum, which had been compromised because these people had not been given access to the application for international protection, must be reaffirmed. The case concerned, as I have already said, Eritrean citizens who were intercepted at sea between 2009 and 2010 by the Italian Navy and returned to the Libyan coast guard. The Court of Rome, in taking up the arguments already used by the European Court of Human Rights in the well-known Hirsi judgment - namely that the conduct of the Italian state was to be regarded as unlawful conduct - goes even further and tells us that the right to access international protection of persons who had been rejected and who had therefore suffered this unlawful conduct must be guaranteed. This judgment is a flagship decision and it is a ruling that can also be used in other situations because, basically, it tells us that the outsourcing policies implemented by European states are affecting and undermining a right that should be universally recognised as the right of asylum.

Claudia Paladini: We thank Loredana and remind you that you can find the entire intervention on the Facebook page of the Association Spazi Circolari.