



THE TREATMENT OF PEOPLE HELD IN ITALIAN HOTSPOTS IN RECENT ECtHR CASE LAW

In recent judgments by the European Court of Human Rights, Italy was found to be in breach of articles of the European Convention on Human Rights. Specifically, they concern the: prohibition of torture (art. 3), right to liberty and security (art. 5, paras 1, 2 and 4), and prohibition of collective expulsion of migrants (art. 4, Prot. 4 to the Convention). The above-mentioned rulings spotlight violations of critical human rights in the treatment of migrants within Italian hotspots. In particular, these focus on detention conditions, legality of detention, and the expulsion processes for Tunisian migrants from the Lampedusa hotspot.

This paper seeks to deepen the analysis of the juridical innovations of the aforementioned decisions. Indeed, they represent a key enhancement of migrants' human rights protection. Furthermore, this paper delves into the recognition of the prohibition of inhumane treatment as absolute right, the legislative loopholes in the Italian system regarding hotspots, and the right to an individual examination prior to expulsion decisions. Finally, it scrutinizes the Italian legislative responses aimed at clarifying the hotspots legal framework and addresses potential concerns arising from the recent agreement on migrant reception between Italy and Albania.