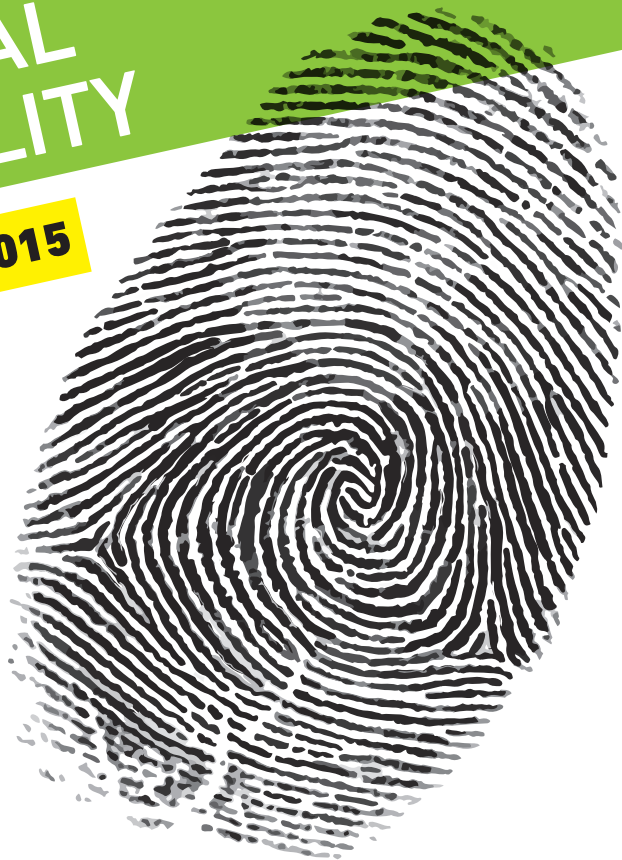


# INTERNATIONAL HUMAN MOBILITY

**CHARTER OF PALERMO 2015**

From the migration  
as suffering  
to mobility  
as an inalienable  
human right



Città di Palermo



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From the migration  
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**The right to mobility as the right of the human being. Towards citizenship. For the abolition of the residence permit.**

The problems related to present migration flows must and can be solved only if they are seen in the frame of mobility as a right. We need to change approach: from migration as suffering to mobility as a right. No human being has chosen, or chooses where to be born; everyone must have recognized the right to choose where to live, live better and without dying. The migration process is often an emergency, a dramatic emergency. But it is just the tip of the iceberg of the ineluctable ordinary displacement of millions of human beings; this phenomenon is related to globalization and to long run economic and political crises.

**Coming out from the emergency, -from the many emergencies, is a must. I am human.**

We must avoid making emergencies chronic -this is due to a structural feature: the inability to prevent millions of human beings from moving.

Then, the solution to emergencies -present all over the world and not in the Mediterranean alone, can not be separated from the vision where the recognition of the migrant as a person is the core. I am human.

Therefore, mobility must be recognized as an inalienable human right.

Everything else, including the concept of "security," too many times and improperly invoked, must be coherent with this approach.

Similarly each legislative, administrative, organizational and behavioral solution cannot avoid assuming we must

recognize the human right to mobility to all people. This set up has inspired the Palermo conference entitled "IO SONO PERSONA" (I AM HUMAN). Next to the title of the Conference of Palermo there is a fingerprint: a reminder that every need, starting with safety, must be respectful of the migrant –a human being- and of mobility as a right. Abolishing the residence permit is not a provocation, not an unrealistic slogan. It claims a choice and a value, which requires eliminating regulatory emergency and inhuman apparatuses. History is full of emergency norms inhibiting the value of safety and the respect for human beings. History is full of inhumane laws. It's enough mentioning the death penalty, which still persists in many countries that claim to be civilized and democratic, and slavery, as provided by laws that allowed – just as example – the great Voltaire to get rich by buying and selling human beings. An important role should and can be carried out by the European Union that can fulfill its vision making it reality and everyday life. The European Union – too often we underestimate or distort its meaning due to an accounting, speculative and financial logic – is an extraordinary example of the will of coexistence and cohesion since it is a "union of minorities". In Europe no one is a majority due to reasons of identity: not the Germans or the Muslims, not the Jews nor the French. No identity is a majority. In Europe, slavery and the death penalty have been accordingly and coherently rejected. It is time that the European Union abolishes the residence permit for all those who migrate, reaffirming the freedom of movement of people, as well as of capital and goods, in the globalized world. A strong solicitation on a global scale, not just within the Schengen area, must be sent out from Europe to recognize the mobility of all human beings as a right. Obviously, all this would implies adequacy, method and time. It is equally clear that there's the need to act right now "as if" mobility already were an inalienable human right. This means, in practice and in daily life, implementing standards and organizational models radically different from the ones used today thus avoiding to consider the mi-

grant a danger thus resigning to see migration as suffering and excusing it in name of safety, racism, selfishness, torture and colonialism as is done today, in the third millennium, according to an emergency logic. Migration can no longer be considered as a border, cultural, religious and identity problem –a problem of social policy and access to the labor market. The emergency logic and the policies that have lasted for decades, must be left behind. Human mobility is a structural factor in our society and not a safety issue. Human mobility should be liberalized and appreciated as a resource and a value and not as an additional burden for the destination countries. In our country, it's matter of enforcing Articles 2 and 3 of the Constitution in a practical way, making the fundamental rights of the person effective and, at the same time, removing the obstacles that prevent their full realization. It has to be noticed an increasing number of people asking international or humanitarian protection and the considerable mobility of those already living in the different countries of the Schengen area, in particular in Italy, where many migrants live with the hope of moving to those states where is still possible to find better employment opportunities and a satisfactory welfare level. In time of crisis, the prejudice that "foreigners" worsen the problems faced by the less affluent classes of a population spreads. Yet immigrants have not certainly chosen where to be born and often have not moved to improve their position; they only defend their right to life. In this instance, the art. 10 of the Constitution recognizing the right of asylum to all those who are forced to flee from countries where their fundamental rights are not guaranteed must be fully implemented. Faced with defensive reactions that increasingly characterize our society, our institutional bodies must react by applying policies and practices that foster mutual understanding, equal treatment & democratic participation. These are the factors that can ensure greater safety. The migrants' effective access to the human fundamental rights, starting with the right to residence and movement, seems an unavoidable aim to be pursued with multilevel interventions, not only at European and national levels, but also with the contribution of local authorities and non-governmental organizations thus ensuring a peaceful coexis-

tence and the appreciation of cultural differences as a resource.

Therefore the long term focus is moving from migration seen as suffering to mobility seen as a human right. Current international policies hypocritically guarantee the right to emigrate but not the corresponding right to access through a specific duty to reception by the states.

We need to build a new civil society on everyday behavior and not on ideological advocacy or simple assimilation processes. The exclusionary logic of the residence permit must be overcome; this logic reduces people's existence to a mere survival conditioned by the periodic and discretionary release of a document.

This mechanism is often trapped in a bureaucratic process of unpredictable duration, during which the migrants, even if present for years in the country, are at risk of falling back into conditions of insecurity and marginalization.

Growing out the residence permit means considering migrants as people, as human beings, regardless of the document that establishes their status, it also means not seeing them as "social burdens" or "resource consumers": whether they be jobs, social assistance or housing, but it means seeing them as active citizens able to develop value for the community and for the place where they live.

In perspective, abolishing the residence permit is crucial to build a new citizenship based on sharing and mutual respect, on implementing policies of empowerment, autonomy, on setting up entry channels that do not allow the arrival of people tried and offended by violence suffered at the borders and in long journeys organized by criminal organizations that allow them to avoid border procedures.

## The borders. The right to life. The right to asylum.

The analyzes and proposals -here reported are addressed to Europe, and to the individual states that make it up, are a benchmark that can and should be applied to mobility on a global scale.

In today's global mobility environment, those who are forced to leave are, in the majority of cases, victims of wars, internal conflicts and violence. People are fleeing the same horrors that today feed fears throughout the world. They are refugees, asylum seekers, who have the right to be protected --not only in Europe.

Faced with this objective reality, the recent proclamations of the European Union can not be accepted: it asks to open up channels of legal entry just to "qualified talents" and, at the same time to outsource asylum, making partnerships with same regimes from which people are fleeing.

It is necessary to clarify the processes of Rabat and Khartoum now underway.

The proposal to outsource the right to asylum to transit countries and create camps in Africa is not respectful of the right to asylum as ratified in international conventions and the European legislation.

The effective access to the right of asylum is the absolute priority, by opening routes where arrival is safeguarded, thus allowing people to safely reach the European territory where to request international protection.

The European Union has to reconsider its policy on visas by opening legal entry channels for work -at a time of crisis in which many migrants are moving towards other areas of the world, and on asylum (international protection) to counteract the action of outlaws, that today, especially for those who are forced to migration, represents the main entry channel.

## The European legislation should be substantially modified.

There is the need to change FRONTEX and the Dublin Regulation as well as to ensure a European lifesaving mission, such as the mission "Mare Nostrum", which unfortunately remained only an Italian initiative.

There should be a mutual recognition of the decisions establishing the right to international protection by eliminating the procedure requirements in the country of first landing.

The right to freedom of movement of refugees in Europe must be guaranteed through an acceleration and a simplification of the procedures. All those who are readmitted in Italy from other European countries, due to the application of the Dublin Regulation, are to be faster assisted through special social and legal measures and psychological support which ensure future opportunities for mobility, the right to appeal and the right to family reunification.

## The right to protection and the right to hospitality.

The situation of the Italian hospitality system is already very critical. If hospitality and integration processes (e.g. language learning, psychological recovery, orientation and willingness to work) are not guaranteed, the protection system is likely to reproduce favor-seeking behaviour and become a factory of marginalization that will impinge on all of us.

Both situations are deleterious not only to immigrants but to the entire community. Investing on integration and the ability of people: regardless of their status is correct because it enhances the dignity of the person and is also profitable. Furthermore the spaces of centers SPRAR (National Service of Protection for Asylum Seekers and Refugees) are to be incremented and decent standards for the other emergency and first reception centers and for the CARA are to be guaranteed avoiding opaque management, and concentrations of people in places that defy possibility of control.

The different types of reception centers now existing in the territory should be monitored. In particular, there's the need to check the suitability between the staffing and the skills required by the standard agreements signed by the managing bodies.

In particular, transferring modes between the different centers that interrupt integration processes and lengthen the bureaucratic process of issuing a final status of stay are to be avoided.

## The right to political participation and cultural contamination.

Territorial immigration councils are to be activated again and opportunities for periodic comparison has to be established with foreign central police headquarters in order to speed up procedures through the cooperation of associations, municipal offices and professionals.

There is the need to return functionality to the existing bodies by increasing channels of participation. In this sense we intend to enhance and make available the experience of the Council of the Cultures of the City of Palermo –an example of the political commitment of the community and a place of exchange and intercultural contamination.

The Council of the Cultures of the City of Palermo is the practical application of a model where citizenship rights are related only to residence.

## Work. The right to dignity.

Over the last two decades, the production of 'irregular' migrants has gradually taken hold as the backbone of our social system since the irregularities-amnesties cycle has become the pivot point of policies of political legitimacy and of the labor market.

Concerning the former, immigrants' repression is turned into one of the major political arenas where electors' votes are contended; on the latter, the condition of illegality of migrants encourages their poorly remunerated exploitation thus allowing the permanence of businesses that otherwise could not afford to pay their workers regularly, but also meets the basic needs of Italian families since the welfare state can not adequately provide for their needs.

At the same time, a kind of creeping economic racism has spread and, starting with seeing migrants as "resources" needed to the production system of goods and services as well as people excluded from the welfare and social security circuits, has imperceptibly led to create a social

inclusion model of neo-slavery.

Breaking the link between residence permit and employment contract –in view of the elimination of the residence permit, is a necessary step among others towards a full realization of the objectives.

Forms of regular entry and actual possibilities of permanent regularization have to be established in the presence of certain and objectively confirmable requirements. The instrument of hypocritical periodic regularization that emerged through the annual flow decrees –now suspended, should be replaced with the possibility of a permanent regularization for those who mature the requirements of stability and inclusion in Italy.

The provision on the loss of a residence permit due to the loss of work should be eliminated. It is an unjustified attribution of power to employers, who become arbiters of the fate and often of the life of human beings, feeding even more the widespread illegal market characteristic of exasperated prohibitionism.

The integration agreement that in the present praxis risks to become a differentiating selection tool should also be abolished.

All the recognition and residence permit renewal practices should be checked at the territorial level.

There should be an independent observatory on integration policies, at the regional level and, in perspective, at the national level to prevent social exclusion, detect and disseminate good practices, provide support to local governments and counter racism and discrimination.

## **The house. The right to housing and the enrollment registry.**

In Italy, the entry in the registry lists of the resident population in a municipality pertains to the constitutional right to move and live freely within the national territory (Const. art. 16) which is an essential requirement to exercise other fundamental rights. It is a precondition for any process of integration of foreigners, including the beneficiaries of international protection and asylum seekers.

All the registration procedures including the asylum seekers and refugees -guests in reception centers should be simplified. Inclusion and assistance policies ensure decent housing solutions to immigrants as to other disadvantaged groups of the native population. The housing right should be granted to people as members of a single community of persons permanently living in a given territory and should not become reason for umpteen social conflicts or other "wars among the poor." Processes of self improvement with the direct involvement of immigrants, also though the cooperative management of public spaces in disuse, even with the recourse to the use of confiscated property should be enhanced; the aforementioned should be addressed not only to migrants but also to the entire resident community, by also ensuring work spaces and areas for the communication to associations.

## **Health. Public and individual indivisible goods.**

Every person in need should be guaranteed, under conditions of equality between immigrants and natives; the right to free health care; simplified procedures should be established for the enrollment to the National Health Service. The effective implementation of the principles contemplated in Const. Art. 32 must be safeguarded since they do not distinguish between immigrants and citizens, instead they concern all the people anyway present on the national territory. "The Republic protects health as a fundamental right of the individual and as a collective interest, and guarantees free medical care to the indigent."

Special attention should be paid to people who lose the right to enroll in the municipality registry and therefore the right of access social benefits, among them there is also a growing number of Italian citizens. All the rules and practices denying the full enjoyment of the right to health to EU citizens present in Italy must be removed.

## **Victims of torture and inhuman or degrading treatment. Invisible wounds.**

Torture and inhuman and degrading treatment take place daily and are an affront to human dignity. A growing number of victims are confused and are hiding in our midst, hoping to build a new life, a new dignity, a new story not marked by violence and lack of freedom.

In this respect, A key tool is to recognize the refugee status to all those individuals who are entitled, who, in the state of origin, risk physical and mental integrity for their political and/or religious choices, for their sexual orientation or ethnic belonging. Starting from the first reception, specific and timely treatment has to be provided for the numerous foreign children arriving in Italy and bearing the physical and psychological signs of torture or other inhuman or degrading actions where promiscuity with



adults should be avoided to the applicants due to other possible violence.

Every path leading to assigning a guardian and confirming residence documents even after the age of eighteen have to be eased, also when the case foresees the recognition of an international protection or humanitarian status.

In Italy, the asylum right to victims of torture is recognized almost exclusively to those who present a medical certificate. The applicant must produce "justified" traumatic evidences showing the possibility of having experienced violence. There is the need of a broader concept of torture that takes into account the serious violence increasingly inflicted to migrants, women in particular, during their journeys in transit countries.

However, taking care of these particular patients can not be a problem of the individual worker or professional, often working in conditions of invisibility and loneliness, but it is a larger problem, which directly involves and concerns the institutions.

Services should be provided for the immediate detection of victims of torture and inhuman or degrading treatment. It is necessary to activate a specialized structure that can deal with the after-effects of trauma suffered during the trip, both from a physical and a psychic point of view. Acknowledgment and support must be given to the work done over the years by competent, multidisciplinary teams who have specialized and synergistically acted and act in this field with the aim of "healing from torture."

## The unaccompanied foreign minors.

### The right to future.

The Italian system for the reception of unaccompanied foreign minors sees the main problems not from the regulatory framework, rather from its praxes. Situations such as those that are periodically recorded in the CPSA (reception center) of Lampedusa and other Sicilian ports, or in hosting communities, are in clear violation with international and national standards for the protection of childhood and adolescence. Besides being damaging to the dignity of the children involved, the risk is that the mentioned minors move away from

the structures where they are accommodated, thus they may be exposed to danger. Delays in appointing guardians or transferring them to adequate shelters slow down the onset of paths for social integration of the children and adolescents. The minors' interests should prevail in every procedure concerning unaccompanied minors. This principle should guide any worker committed in the different sectors of the care, assistance and acceptance of these vulnerable people. Since this principle, to be fully realized, requires that the individual with all its peculiarities, with its individual history and its most urgent needs be considered the most important element and the final target of any endeavour. As the Italian Constitutional Court and the European Court of Human Rights have consistently reiterated, children and adolescents are primarily foreign minors and, as such, should benefit from enhanced protection that could offer them shelter from the vulnerability they face.

Guardians assignment needs to be faster ensured, thus activating processes of training and monitoring, and the procedures for the renewal of residence permits should be simplified for minors of an age that's less than eighteen.

Requiring passports issued by the country of origin shouldn't hinder the integration paths taken by children after their arrival in Italy.

A substantial change is needed on migration in the national and regional legislation. The drafting of an organic regional law on immigration can no longer be postponed. Sicily is the only Italian region that is still lacking one. Also a constant commitment is needed towards those practices applied at the administrative level that restore effectiveness to the rights and duties and that are upheld more often than not, only on paper. A particular attention has to be given to the conditions of the most vulnerable, such as asylum seekers and refugees, unaccompanied minors and victims of illegal trades.

## A new law on citizenship. Citizenship rights. Paths to citizenship.

Citizenship rights can be understood as the right to legal residence, protection against unlawful processes of expulsion and administrative detention, access to the labor market, access to public services, the right to live together in a family group, access to education and vocational training, the right to security and social security, freedom of assembly and association, the right to participate to the political life, the right to participate to European elections and to use the organs of Justice, the right to mobility within the country and within the different EU countries. There is no need to disturb universal declarations or actions of other countries to carry out a radical reform of the citizenship law, always postponed for decades by the Italian Parliament. The archaic reference to *jus ius sanguinis* has to be abandoned; recognition of a fast acquisition of the right to citizenship to the "second generations" has to be facilitated without obstructing in any way the paths to citizenship due to the so-called naturalization process and transparency, promptness and legality has to be promoted in recognising citizenship through marriage.

Time and red tape that hinder the recognition of Italian citizenship has to be reduced without leaving it to the discretion and/or the sensitivity of the local administrations. Time and cumbersome procedures should be shortened by avoiding constant transference from one office to another.

Ensuring the automatic acquisition of citizenship to those born in Italy and allowing residents the possibility to acquire citizenship and rights at the national and/or European level has become an urgent necessity.

In perspective of a full implementation of the principle of non-discrimination, the possibility of achieving Italian citizenship should be enhanced, by overcoming regulations and administrative practices that lengthen the times and make formal recognition very difficult.

The mayor of Palermo  
LEOLUCA ORLANDO

PALERMO 13 -15 March 2015

Cantieri Culturali alla Zisa

**IO SONO PERSONA (I AM HUMAN)**

From migration as suffering to mobility as right



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