With its ruling No 5450/2026, the Council of State found that the Ministry of the Interior had only partially implemented the previous judge's orders and must, within 6 months, conduct a thorough investigation into the health conditions in the Repatriation Detention Centres (CPR) in order to issue new tender specifications.

The judges concluded that the ministry had only formally aligned the specifications with the ministerial directive of 19 May 2022, while evading the obligation to assess the actual living conditions within the facilities. The court highlighted the complete lack of a proper investigation into healthcare and psychological care, the protection of people with psychiatric vulnerabilities, and suicide prevention measures.

With its new ruling, the Council of State imposed a 6-month deadline within which the Ministry of the Interior must conduct a detailed assessment of the situation. This must include an analysis of healthcare, staff training shortages and critical incidents that have occurred over the past 5 years, all in close collaboration with the Ministry of Health and the National Guarantor.

The case stems from ruling No 7839/2025 of the Council of State, which partially annulled the previous draft tender specifications, requiring the introduction of essential changes to ensure health protection and prevent suicide risks in the centres. On 11 March 2026, ASGI and Cittadinanzattiva filed a new appeal, denouncing how the ministerial action had proven to be "a merely formal operation". The associations challenged the persistent and serious gap in the regulations, exacerbated by the lack of active involvement of the health and regulatory authorities.

Source(s)

- Association for Juridical Studies on Immigration | Associazione per gli Studi Giuridici sull'Immigrazione (10 July, 2026), CPR, vittoria di ASGI e Cittadinanzattiva al Consiglio di Stato: il Ministero dell’Interno ha sei mesi per rifare il capitolato d’appalto a tutela di salute e vulnerabilità [ASGI and Cittadinanzattiva win a victory at the Council of State: the Ministry of the Interior has six months to revise the tender specifications to protect health and vulnerable groups.], https://www.asgi.it/allontamento-espulsione/asgi-e-cittadinanzattiva-il-consiglio-di-stato-accoglie-il-ricorso-per-lottemperanza-sul-capitolato-cpr/

Related development(s)

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The Council of State rejects the CPRs tender due to inadequate health protection for detained migrants

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