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

The coalition formed by CILD and all the organizations that participated in the appeal by Asgi and Cittadinanzattiva, together with A buon Diritto, ActionAid, Arci, Be Free, Giuristi Democratici, Psichiatria Democratica, and Spazi Circolari, intervened in the legal action that led to the Council of State's recognition—after an initial rejection in the first instance—of the illegitimacy of the tender specifications for the Repatriation Detention Centers (CPRs). These specifications fail to guarantee adequate standards for the right to health of those detained in CPRs, especially due to the lack of suicide prevention.

The Council of State's ruling upheld the appeal against the Ministry of the Interior, declaring the Ministerial Decree of March 4, 2024, which defines the draft tender specifications for the CPRs, to be unlawful. Despite the initial rejection in the first instance, the Council of State finally ruled in favor of the associations, marking a crucial step towards protecting the fundamental rights of detainees.

In Italy, the management of administrative detention of migrants in CPRs is entrusted to private entities, often large multinationals, where every aspect of fundamental rights is entrusted to the managing bodies, which prioritize profit over the detainees. This system was exposed in the investigative report, " The CPR Affair: Business at the Expense of Migrants ." The management system differs from the penitentiary system, where management is carried out directly by the Ministry of Justice. In the case of CPRs, however, the Ministry of the Interior establishes the guidelines through the tender specifications, on the basis of which tenders are drawn up.

As the associations promoting the appeal, ASGI and Cittadinanzattiva, stated: "*The Council of State's ruling highlighted the inadequacy of the specifications with respect to the standards required by the Lamorgese Directive, as well as the need for more stringent healthcare protection. Specifically, the ruling emphasizes that prison provisions regarding healthcare and suicide prevention must*

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Document generated on 25-11-2026
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constitute a minimum benchmark for CPRs. While it is not mandatory to apply identical prison healthcare standards in CPRs, prison facilities can serve as a model for improving standards of healthcare and psychological care in CPRs. The decision implies that the tenders drawn up on the basis of these specifications are unlawful, and consequently, people detained in CPRs are not adequately protected in terms of their right to healthcare."

Source(s)

- Coalizione Italiana per le Libertà e i Diritti civili | Coalition for Civil Liberties and Rights (9 October, 2025), Il Consiglio di Stato boccia il capitolato di appalto dei CPR [The Council of State rejects the tender specifications of the CPR], https://cild.eu/blog/2025/10/09/il-consiglio-di-stato-boccia-il-capitolato-di-appalto-dei-cpr/

Date of development
09.10.2025
Country
Italy
Thematic area(s)
Detention
Development type
Jurisprudence

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