



Prisons in Italy at the time of the Coronavirus

Antigone's work

Updated to March 27th 2020

February 22nd, 2020. Due to the emergency caused by the spread of Covid-19, **the Department of the Penitentiary Administration issued an internal regulation** according to which all prison workers, volunteers and relatives of inmates who live in the "red zones" should not enter prisons as a precautionary measure. Transfer of inmates to and from the Regional Penitentiary Administrations of Milan, Bologna, Turin, Padua and Florence are also suspended. In the following days of the emergency outbreak, penitentiary institutes reacted by denying access to the outside world (thus suspending the activities carried out by outsiders) in order to preserve the health of detainees. These suspensions were accompanied by even tougher restrictions on family visits. Restrictions in this area were not adopted homogeneously throughout the Italian territory, on the contrary, in the areas most affected by the virus, family visits were totally suspended, in other parts of the country, each detainee could meet only one family member at a time.

The suspension of activities has become, from day to day, a reality for all penitentiary institutes. On the other hands, family visits - as far as we know - are still being handled differently from prison to prison. Family visits were suspended in the institutes located in the regions most affected by the virus, but also in prisons located in the South, while other institutes opted for a reduction in the number of family members admitted (usually one family member per detainee).

March 5th, 2020. Antigone submitted to the attention of the Minister of Justice, Bonafede, and to the Head of the Department of the Penitentiary Administration, Basentini, some urgent propositions to increase the possibilities for prisoners to maintain contacts with their families. Contacts that are inevitably different from a family visit. We proposed to increase the number of phone calls for each prisoner (the penitentiary law usually allows one phone call per week for 10 minutes) suggesting to allow one phone call per day, to use as much as possible Skype (or whatsapp) for video calls. Video calls should not replace phone calls but rather family visits.

March 7th, 2020. Antigone publishes a **map** of the suspensions applied in various institutes and of the first revolts and protests taking place in the evening.

March 8th and 9th, 2020. With ministerial decrees of March 8th and 9th, 2020, the Council of Ministers ordered the total suspension of family visits throughout the country and indicated to all penal institutions to increase access to telephone calls for prisoners, to allow them to video call their family members. Telephone calls and video calls were therefore recognised as important at a time of great urgency such as this, when the fear of total isolation added up to the fear of contagion. Not all institutions promptly adapted to these changes.

In those same hours, several protests exploded in Italian prisons with different degrees of gravity. In some cases, detainees have beaten the bars of their cells, burned mattresses, gotten out of the sections and on the roofs. Some of them have managed to escape from the Foggia prison. The authorities have confirmed that twelve detainees have died during a revolt in the Modena penitentiary institute, where inmates broke in the infirmary, managed to get a hold on medicines and overdosed on those for addiction treatment. Riots or protests have been taking place in 27 prisons throughout Italy, among which there are the penitentiary institutes of Naples (Poggioreale), Frosinone, Salerno, Ancona, Foggia, Milan (San Vittore), Rome (Rebibbia), Palermo (Ucciardone), and Pavia. By the end of Monday, the situation had calmed down in many of the prisons also thanks to the mediation of civilian authorities.

As the protests and riots spread from prison to prison, Antigone's president, Patrizio Gonnella, urged all detainees to immediately halt all forms of violence and to resort only to peaceful protest. He also urged the penitentiary personnel to calmly explain to inmates the reasons behind the limitations that had to be imposed to contain the Coronavirus and to grant them more phone calls to reach their families that they can now no longer meet in person. He also asked Surveillance Judges to help ease the tension by taking up other reasonable measures such as home detention and probation.

March 1 1th, 2020. Overcrowding of the Italian penitentiary system has been chronic for years and as of February 29th, there were 61,230 detainees for 50,931 available places, which means a prison population rate of 120.2%. Antigone has estimated a rate of 130%, keeping into account unavailable places in some prisons. As a meter of comparison, the White Paper on Prison Overcrowding recommends starting to address the issue when the prison population rate reaches 90%. In practice, this means adding one or two beds to many cells, it means cramped spaces and too little activities and jobs for too many people. To this already critical and tens situation, other already-mentioned limitations were imposed to contain the spread of the Coronavirus. The danger of a Coronavirus outbreak in a penitentiary institute is clear: overcrowding makes a separation of inmates, hence the containment of the disease, practically impossible.



In order to quickly relieve the pressure from the prison system, **Antigone has drawn up some proposals** and sent them to the Prison Administration, Surveillance Judges, the Minister of Justice and the Commissions on Justice of the Senate and the Chamber of Deputies.

These proposals were then broadened and, in the following days, ANPI, ARCI, CIGL and Gruppo Abele as well as other local civil society organizations added their voice to ours (see March 14).

In those same hours, we have received information that the Surveillance Tribunals of Rome, Naples and Palermo have decided to apply home detention at night to people with a semi-freedom measure so that they do not have to return to the penitentiary institute in the evening. The Surveillance Tribunal of Milan has taken action to try to "free" the prisons "as much as possible".

1 2nd March, 2020. The Department of Penitentiary Administration, with an internal regulation addressed to the Regional Penitentiary Administrations of Piedmont and Valle D'Aosta, has decided that inmates belonging to "medium security" and "high security 3" can take advantage of remote meetings via Skype to allow them to take university exams and meet with professors in order to continue their studies. They have been also allowed to use e-mail to communicate with professors and families.



During these very tense days we have received and continue to receive phone calls, emails and messages via social media from family members of prisoners.

Some of them report to us about the measures taken by each prison to contain the virus, ranging from the limitation of family visits to only one person per detainee to their total suspension, from the replacement of family visits with video calls via Skype to the increase in phone calls. Others contact us expressing their desperation because they have not seen or heard from their loved ones for days or weeks due to the suspension of all family visits and in some cases even of phone calls (the latter suspended in some sections as a result of the riots). Others report cases of violence and retaliation carried out by the penitentiary police in some of the institutions that were involved in the riots. In some cases lawyers contacted us to report the interruption of consultations with their clients.

We will continue to provide to anyone all the information available to us while our work to collect information goes on.

Antigone's Ombudsman is active to respond to requests for help from relatives of prisoners who can write to the following e-mail address:

difensore@antigone.it

March 14th, 2020. These proposals were then broadened and, in the following days, **ANPI, ARCI, CGIL e Gruppo Abele** nonché altre realtà locali:

To reduce the number of inmates and protect the most vulnerable,

- ★ Probation in special cases (Affidamento in prova in casi particolari) ex art. 47-bis of Law 354/75 to be extended to persons who have health problems that could be aggravated by the Covid-19 virus. The scope of this measure can also be a therapeutic one.
- ★ Home detention ex Art. 47-ter, paragraph 1, of Law 354/75 to be extended to persons (without distinction of length of sentence) who have health problems that could be aggravated by the Covid-19 virus.
- ★ All prisoners who benefit from the measure of semi-freedom (Semilibertà envisages spending the day outside prison engaged in work or educational activities and spending the night in prison) can spend the night in home detention.
- ★ The judiciary will, except in exceptional cases duly justified, transform prison sentences of people who are awaiting the execution of the sentence without a pre-trial detention measure, in home detention measures.
- ★ Extension of home detention (ex Law 199 of 2010 and subsequently confirmed by Law 146 of 2013) to detainees serving sentences (or with a remaining part of a sentence) of up to thirty-six months.
- ★ Early release (liberazione anticipata) to be granted for up to 75 days per semester (instead of up to 45) of good conduct. This will apply retroactively up until the end of 2018.

To reduce the isolation of prisoners in this very difficult phase

- ★ The management of each penitentiary institute will purchase one smartphone every hundred prisoners - with activation of a mobile data card to be paid for by the administration - so as to allow, under the visual control of a penitentiary police officer, a daily phone call or video-telephone call lasting a maximum of 20 minutes to each prisoner to already authorized mobile phone numbers or landline numbers.
- ★ E-mail correspondence for detainees will be granted with relatives who are already authorised to visit them.

To prevent the contagion and support the prison staff

- ★ Immediate and extraordinary supply of personal protective equipment (PPE) to all prison staff.
- ★ Immediate and progressive sanitization of all prison areas, starting from the communal social spaces, those used as barracks by the penitentiary police and staff offices, working areas for detainees and warehouses.
- ★ Extraordinary and immediate plan to recruit prison staff.
- ★ Put the issue of health in prison at the centre of national and territorial health policies, through the extraordinary recruitment of doctors, nurses and social workers to provide health care in prison. It is necessary to create specific health and prevention plans for each prison. The path, principles and aims contained in the law must be resumed and strengthened: the quality and uniformity of operations and healthcare services for prisoners, internees and detained minors must be guaranteed.

March 17th, 2020. Publication of the **decree law** (the so-called **Cura Italia**), which contains insufficient regulations on penitentiary matters. With a **Statement, Antigone** si pronuncia sull'insufficienza delle norme presenti nel decreto e in un **an article** presents a detailed analysis of the measures also making a hypothesis on how many prisoners could actually access the measure of home detention thanks to the rules contained in the

March 19th, 2020. with a statement, **Antigone announced** that it had submitted two formal complaints: one to the Modena Public Prosecutor's Office and one to the Milan Public Prosecutor's Office for the events that took place in the Modena and Milan (Opera) prisons and asked that a serious internal investigation be launched by the Penitentiary Administration.

March 21st, 2020. Antigone publishes the first weekly update on Prison and Covid-19. **Video by Michele Miravalle.**

March 22nd, 2020. The DAP issues an internal regulation extending the suspension of family visits until April 3, encouraging the dialogue between the prison administration and prisoners, and pushing video calls and telephone calls.

March 26th, 2020. Antigone, Anpi, Arci, Cgil, Gruppo Abele, Ristretti, Conferenza Nazionale Volontariato Giustizia-CNVG, Diaconia Valdese, Uisp Bergamo, InOltre Alternativa Progressista present proposals to amend articles 123 and 124 of the law converting the decree law of 17 March 2020, n. 18 (so-called Cura Italia) into law. The proposals for amendments were drawn up on the basis of the proposals presented previously (see above). The proposals are sent to the Justice Committees and group leaders of the Chamber of Deputies and the Senate.

March 24th, 2020: Antigone translates and publishes an excerpt from the WHO Coronavirus Guide to Prison.

According to WHO, preventing the outbreak of COVID-19 in prisons is a challenging but essential task for the authorities. WHO hopes that less use will be made of pre-trial detention at all stages of criminal justice, preferring alternative measures to detention. It also suggests that in this particular and difficult time, more psychological support be provided to persons deprived of their liberty.

March 25th, 2020: Antigone translates and publishes the CPT recommendations concerning the Coronavirus.

While there is an unquestionable need for the CPT to act decisively to combat the spread of Covid-19, the prohibition of torture and inhuman and degrading treatment remains imperative.

The health and safety of all persons deprived of their liberty must be guaranteed and protected and, in the view of the CPT, all competent authorities should make efforts to limit the use of deprivation of liberty, especially in situations of overcrowding.

March 25th, 2020: the European Prison Observatory published on its website "Covid-19: what is happening in European prisons?", a collection of information on how European countries are dealing with the Coronavirus in the prison setting. To make these information available to anyone, EPO has written a full report and an interactive map with only brief information for each country.

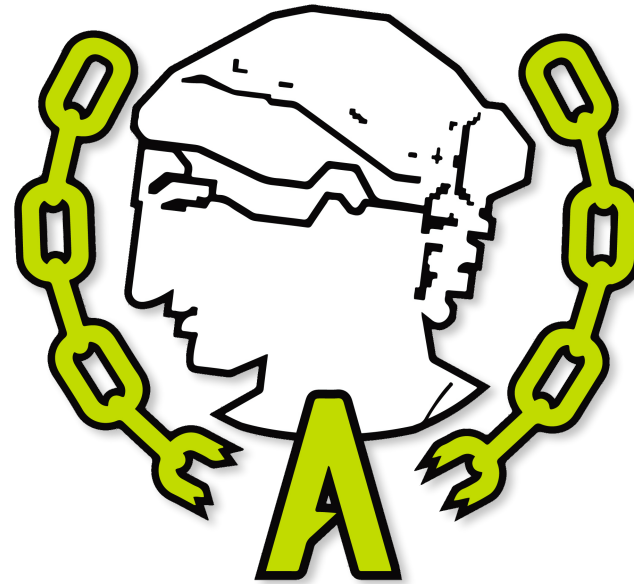
March 25th, 2020: Antigone **published an extract** of the statement made by Minister of Justice Bonafede in the Chamber of Deputies on the occasion of the Question Time.

He announced that 1600 smartphones have been distributed to the penitentiary institutes and another 1600 are about to be bought (also thanks to the important contribution of Compagnia di San Paolo). Antigone had asked to equip prisons with mobile phones in order to guarantee greater telephone contact than in the past since the first decree of the government that suspended the family visits.

The fear of contagion between prisoners and the personnel is an issue to be tackled with greater urgency. The 200,000 masks delivered to the prisons and the 760,000 disposable gloves are not enough. It is necessary to decongest our prisons in order to free some cells thus making medical isolation for infected prisoners possible and quarantine effective. To that date, according to the minister, there were 15 detainees positives to Covid-19 and 260 people were quarantined. But the numbers will unfortunately increase.

In the last few weeks, the number of people detained has fallen by about 2,500. As the Minister said, only about 200 of them were released thanks to Articles 123 and 124 of the recent Decree while the others were released thanks to the pre-existing legislation and thanks to the extraordinary work of Surveillance Judges, Guarantors of detainees, and prison Directors. Moreover, they are not on the loose: they are benefitting from home detention.





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