

Prison conditions in Italy

Susanna Marietti

2nd edition



With financial support from the
Criminal Justice Programme of
the European Union



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THE EUROPEAN PRISON OBSERVATORY

The European Prison Observatory is a project coordinated by the Italian Ngo Antigone, and developed with financial support from the Criminal Justice Programme of the European Union. The partner organizations are:

Università degli Studi di Padova - Italy

Observatoire international des prisons - section française - France

Special Account of Democritus University of Thrace Department of Social Administration (EL DUTH) - Greece

Latvian Centre for Human Rights - Latvia

Helsinki Foundation for Human Rights - Poland

ISCTE - Instituto Universitário de Lisboa - Portugal

Observatory of the Penal System and Human Rights - Universidad de Barcelona - Spain

Centre for Crime and Justice Studies – United Kingdom

The European Prison Observatory studies, through quantitative and qualitative analysis, the condition of the national prison systems and the related systems of alternatives to detention, comparing these conditions to the international norms and standards relevant for the protections of detainees' fundamental rights.

The European Prison Observatory highlights to European experts and practitioners 'good practices' existing in the different countries, both for prison management and for the protection of prisoners' fundamental rights.

Finally it promotes the adoption of the CPT standards and of the other international legal instruments on detention as a fundamental reference for the activities of the available national monitoring bodies.

www.prisonobservatory.org

PRISON CONDITIONS IN EUROPE

The collection and organization of available data on the penitentiary systems of each country has been coordinated by the Università degli Studi di Padova, that developed and tested a comprehensive data collection grid to collect the information required to describe the different national penitentiary systems. The data collection grid has been developed having in mind as main reference the European Prison Rules (Council of Europe. Recommendation Rec(2006)2. Adopted on 11 January 2006), and the informations collected in every country monitored by the Observatory, and presented in these Reports on prison conditions, describe every national penitentiary system, focusing in particular on its compliance with the European Prison Rules.

The research activities have been carried out by the project partners, that drafted a report on prison conditions in their country. Further information and all the national reports can be found on the project website.

GENERAL DATA*

* updated to December 2017 for daily data and to the entire 2017 for flow data

1. **Total population of the country:** 60.483.973
2. **Total prison population rate per 100,000 inhabitants:** 95,24

Adult prisons. All data come from the Ministry of Justice, except when a different source is explicitly mentioned.

3. **Number of prisoners (including pre-trial detainees):** 57.608
4. **Number (and % in the number of inmates) of detainees serving a final sentence (i.e. excluding pre-trial detainees)** 37.451 – 65,01% (excluding all detainees without a final sentence)
5. **Total capacity of penal institutions (with reference to legal criteria):** 50.499
6. **M² provided for prisoner (legal criteria):** there are not specific criteria for prisons. The only law that is taken into account is a Department of Health rule (1975, July 5th) that establishes the space criteria for housing. It states that a one-person sleeping room must have a minimum surface of 9 square meters, while a two-person sleeping room must have a minimum surface of 14 square meters.
7. **Actual surface for prisoner (m²) (i.e. m² available divided per total number of prisoners):** the Ministry of Justice never calculated this datum. It is impossible for us to calculate it, as we don't know the overall surface of the sleeping rooms in the 190 Italian prisons.
8. **Prison density: total number of prisoners in relation to the number of places available (%):** 114,08 %
9. **Number of foreign prisoners (and % in the number of inmates):** 19.745– 34,3%
10. **Number of foreign pre-trial detainees (and % in the number of inmates):** 8.082 – 14.03%
11. **Number (and % in the number of inmates) of female detainees:** 2.421 – 4,2%
12. **Number of female foreign inmates:** 901
13. **% of female foreign prisoners in the number of female prisoners:** 37,22%

- 14. % of female foreign prisoners in the number of foreign prisoners:** 4,56%
- 15. Number of prisoners (including pre-trial detainees) from 18 years old to less than 21 years old (and % on total prison population):** 866 (up to 20 years old) – 1,5%
- 16. Total number of entries:** 48.144
- 17. Total number of death in penal institutions:** 126
- 18. Total number of suicide in penal institutions:** 48 (52 according to the Ngo Ristretti Orizzonti: the Ministry of Justice considers only people died inside the prisons, while the Ngos considers also prisoners died outside).
- 19. Budget for the Justice System and % of Gross Domestic Product:**8.390.212.343 Euros; 0,48% of the Gdp (2018 Provisional Budget Law).
- 20. Specific budget aimed at penal institutions and % of the previous:**2.797.413.453 Euros; 33,34% of the budget for the Justice System (2018 Provisional Budget Law).
- 21. Specific budget for staff and % of budget for penal institutions:**2.193.855.052 Euros; 78,42% of the budget for penal institutions (2018 Provisional Budget Law).
- 22. Specific budget for prison facilities and % of budget for penal institutions:**207.997.878 Euros; 7,43% of the budget for penal institutions (2018 Provisional Budget Law).
- 23. Specific budget for inmates (support, activities, etc.) and % of budget for penal institutions:**273.685.507 Euros; 9,78% of the budget for penal institutions (2018 Provisional Budget Law).

Juvenile prisons. All data come from the Ministry of Justice.

- 24. Number of prisoners (including pre-trial detainees):** 425
- 25. Number (and % in the number of inmates) of detainees serving a final sentence (i.e. excluding pre-trial detainees):** 230 (54,12%)
- 26. Total capacity of penal institutions (with reference to legal criteria):** 594 - Official datum from ISTAT (the National Statistical Institute) updated to 31.12.2013 - last official data available.
- 27. M² provided for prisoner (legal criteria):**there are not specific criteria for prisons. The only law that is taken into account is a Department of Health rule (1975, July 5th) that establishes the space

criteria for housing. It states that a one-person sleeping room must have a minimum surface of 9 square meters, while a two-person sleeping room must have a minimum surface of 14 square meters.

28. Actual surface for prisoner (m²) (i.e. m² available divided per total number of prisoners):

as for the adults, we don't have this datum. However, in the case of juvenile prisons we can affirm that the penitentiary system is not overcrowded.

29. Prison density: total number of prisoners in relation to the number of places available (%):
71,55 %

30. Number of foreign prisoners (and % in the number of inmates): 192 (45,18%)

31. Number of foreign pre-trial detainees (and % in the number of inmates): 98 (23,06%)

32. Number (and % in the number of inmates) of female detainees: 31 (7,29%)

33. Number of female foreign inmates: 23

34. % of female foreign prisoners in the number of female prisoners: 74,19%

35. % of female foreign prisoners in the number of foreign prisoners: 11,98%

36. Number of prisoners (including pre-trial detainees) from 18 years old to less than 21 years old (and % on total prison population): the Ministry of Justice does not collect this datum. As a juvenile who has committed the offence as a minor can remain in a juvenile prison until the age of 25, the disaggregated datum related to young adults in juvenile institutions is available. The number of prisoners aged between 18 and less than 25 is 244 (57,41%)

37. Total number of entries: 1.057

38. Total number of death in penal institutions: 0

39. Total number of suicide in penal institutions: 0

GENERAL DESCRIPTION OF THE ITALIAN PENITENTIARY SYSTEM

The Italian prison system is ruled by a law issued in 1975, which has since then been modified many times, becoming more or less rigid according to contingencies and to the various real or claimed emergencies. In 2018 a general reform of the penitentiary law has been issued, which has concerned among other things some aspects of the health care, of the prison daily life, of the access to work for inmates. The law is based on the concept of penitentiary treatment aiming at reeducation. Therefore, a 'scientific observation of the personality' of each prisoner is to take place in order to identify the best individual path to reintegrate the detainee into society. The punishment given by sentences is 'flexible', that is to say it can be reduced if the prisoner behaves according to prison and treatment rules. Treatment and security are at the opposite limits of the system. Prison staff is in charge either of the one or of the other. The warden, who has accomplished a civilian course of studies, is at the top of the entire hierarchy. He or she is responsible for security and for treatment matters, as well as for the budget. The warden is supposed to be something like a manager looking for funds outside the prison system. The prison police is responsible for the inner security. The policemen wear a uniform. They are not soldiers. They are employed by the Ministry of Justice and are unionized. They are also responsible for the prisoner transfers outside jail. The heads of the sections have to account for their actions and decisions to the warden. Educators and social assistants are responsible for whatever concerns social issues and reeducation. They also, like the chaplain, are employees of the Ministry of Justice. Educators compose the so-called 'pedagogical area' and they work inside prison. Social assistants work outside and are in charge of the relationships between prisoners and their families as well as the whole territorial community. Psychologists are in some cases employed by the Ministry of Justice while in others by the National Health Service. Physicians and healthcare assistants are employed by the National Health Service. School teachers are employed by the Ministry of Education. All the other operators are occasional workers employed by the local authorities or by cooperative societies. The penitentiary system is unique but it is structured in regional branches. There are 190 prisons. Some of them are located in historical buildings (old fortresses or monasteries) and some others in more recent buildings. In the late Eighties the last prisons have been built. The construction of them has been the object of penal inquiries concerning corruption. In a few years entire sections have become useless as a consequence of the poor quality of the material employed.

(In what follows, we refer to a generic prisoner using 'he' instead of 'he or she'. Our choice, that simplifies the text, is due to the consideration of the much higher number of male detainees with respect to female ones in Italian prisons).

CONDITIONS OF IMPRISONMENT

ADMISSION

a. At admission many details concerning the prisoner shall be immediately recorded (for example, the identity of the prisoner, the reason for commitment, etc.). What kinds of data are recorded? Among the information collected are any visible injuries and complaints about prior ill-treatment also recorded?

The law states that on entering prison the prisoner should be searched and his fingerprints should be taken. It also states that the prisoner should be visited by a physician not later than the following day and that a psychologist will examine him to check if there are problems to be pointed out to the authorities (for example to the competent health services if he is a drug addicted). The law states that the physician must immediately take note of any possible sign that leads to the presumption that the prisoner has suffered violence. The warden or, as it often happens, an educator delegated by him, interviews the prisoner to gather the necessary information in order to fill in his personal folder. The law states also that in every prison there should be a section for new arrivals where particular attention is given to new arrivals. What really happens is that only in a few prisons such a section exists. The physician visits the patient, takes note of his visits but not always he relates the signs of violence that could be related to arrest. Sometimes he does it and transmits his information to the court prosecutor while other times he limits himself to a superficial visit. Sometimes the psychologist also limits himself to warn bureaucratically about the risk of suicide in order to suggest a special police monitoring.

b. At admission all prisoners shall be informed in writing and orally, and in a language they understand, of the regulations governing prison discipline as well as of their rights and duties within prison. Do the institutions in Italy follow this rule?

The law states that – on his admission into jail and, if necessary, also later – prisoners should be informed about the general and specific regulations concerning their rights and duties, discipline and treatment. Foreign prisoners should be informed in their own languages. This not always happens. In many jails prisoners may undergo disciplinary punishments because they do not know that they are breaking the regulations.

c. Upon admission to prison, in the event of a prisoner's death, serious illness, serious injury, or the transfer to a hospital, the authorities shall, unless that prisoner expressly requested them not to do so, immediately inform the spouse or partner of the prisoner, or, if the prisoner is single, the nearest relative or any other person previously designated by the prisoner. Do the institutions in Italy follow this rule?

The law states that relatives should be informed that the prisoner has been arrested and also when he is seriously ill or in case of death. This not always happens. In some cases death is communicated in a cold and brutal way. Instead sometimes happens that, for his higher sensitivity and humanity, the chaplain of the prison is delegated to give the information about the death of the prisoner. It may also happen that the relatives are not informed by the prison authorities that the prisoner has been moved to another jail and desperately look for him.

d. As soon as possible after admission, the information about the health of the prisoner on admission shall be supplemented by a medical examination (in accordance with rule 42 of EPR). Does this examination really happen in Italy? How long does it take for the medical examination to be accomplished?

The first medical examination is performed rather rapidly.

e. In Italian prison are there measures in place aimed at the prevention of prisoner self-injury and suicide?

The prison administration has issued a great number of regulations and has sign many agreements with the National Health Service for preventing suicide. A jail section for new arrivals has been imposed to the institutions, in order to give higher psychological attention to new prisoners, as it has been noted that they are more at risk. But few are the prisons having such sections and what can happen is that new prisoners are given a bureaucratic interview by a psychologist. In the past years the Ministry of Justice has appointed a group of experts for suicide prevention. This group has written some guidelines. Some projects has been activated in single prisons, some of them run by the penitentiary administration and some other by the national health service: psychological help, removal of alcohol from prisons (prisoners often mix it with psychopharmacological drugs), self help groups. However only in very exceptional cases a more open community life has been experimented and it has never been inquired how much the penitentiary regimen (permanence in the open air, open cells) had an influence on suicides and self injury. Prisoners at risk of suicide or self injury are deprived of all objects with which they could injure themselves (stove and gas cylinder, sheets). If the risk is high prisoners are sight controlled or located with other prisoners. Thus, the person risking suicide is sometime even more desperate.

f. In Italian detention facilities are there some sections used for solitary confinement of the prisoners? What is it used for (for example, punishment, protection etc.)? Are there different kinds of solitary confinement?

The law allows three types of solitary confinement: for disciplinary reasons (during the sanction of the 'exclusion from common activities'). It cannot exceed 15 days; for health reasons (according to the physician's decision); for judiciary reasons (as prescribed by the judge when the trial makes it necessary). Furthermore, the law prescribes daily confinement as an additional punishment for prisoners with more than one life sentence. The law states that disciplinary solitary confinement should usually take place in the prisoner's cell but this does not always happen. In fact there still exist confinement sections. The law states that no limitations are allowed during confinement to ordinary life conditions, except for those limitations that are functional to the reasons that determined isolation, and that isolation does not preclude the rights to receive visits of authorized persons.

ALLOCATION AND ACCOMMODATION

a. Prisoners shall be allocated, as far as possible, to prisons close to their homes or places of social rehabilitation. Allocation shall also take into account the requirements of continuing criminal investigations, safety and security and the need to provide appropriate regimes for all prisoners. Does this happen in Italy?

The law gives inmates the right to be assigned, except in case of specific circumstances, to a prison as close as possible to the permanent home of their family or, if identifiable, to where their relevant social relationships take place. It is also stated that the allocation of convicted inmates must consider reeducation needs as well as the need to avoid mutual harmful influences. People just arrested should be allocated, except for particular crimes like mafia and terrorism, close to where criminal investigation is going on. What really happens is that in many cases prisoners are not located near their homes. Because of overcrowding – this is the administration’s justification – prisoners can be transferred to institutions that are very far from their families and from where they could experience social rehabilitation. Many prisoners come from Southern Italy and are sent to the North or to Sardinia. Rarely the fact that a prisoner is attending courses or has contact with volunteers is taken into account. Collective transfers can take place at dawn to avoid the prisoners’ opposition. Again this is justified with overcrowding. Usually to be transferred are the prisoners considered more dangerous or more troublesome, without any attention to their educational and affective needs.

b. As far as possible, prisoners shall be consulted about their initial allocation and any subsequent transfers from one prison to another. Does this happen in Italy?

At admission it is taken care that co-indicted prisoners or prisoners belonging to rival criminal organizations are not put together. The prisoners are asked to mention the people they don’t want to meet in order to avoid conflicts and violence. The prisoner can ask to be transferred but he has to motivate his request. As a matter of fact, he rarely receives an answer from the penitentiary administration. Exceptionally the answer is in the positive. The criteria for making decisions are not transparent and often depend on the relationships of the prisoners or the persons protecting him. Individual and collective transfers are never decided together with the prisoner. Not rarely a prisoner who is considered dangerous is periodically, even monthly, transferred from one jail to another. A telling example is what happened some years ago at Spoleto, where a group of lifers who had been together engaged for years in study was dismembered. Some of them have been transferred very far, in prisons where they could neither study nor take university exams.

c. Do the accommodations of penitentiary institutions respect human dignity and, as far as possible, privacy, as well as meet the requirements of health and hygiene, with due regard being given to climatic conditions and especially to floor space, cubic air space, lighting, heating and ventilation?

Too often the life conditions in jail do not respect human dignity. On January 8th 2013, Italy has been condemned on the Torreggiani case with a pilot sentence by the European Court of Human Rights for violating the third article of the 1950 European Convention of Human Rights. This condemnation did not concern only the jail which hosted the pleading prisoners but many other Italian institutions, since almost nowhere the minimal space was guaranteed. The law imposes a separate bathroom with a shower in the cells, natural light, a bidet for women. In many places we don’t find that. In some prisons located in big

cities there are dormitories. Often cells are overcrowded. In some prisons there is no running water in the cells during the summer. Hot water is not always available. In some prisons artificial light is always on because the meshes on the grating at the windows are very narrow in order to avoid objects been thrown out of the windows. Many jails are made of concrete and it is very cold during the winter and very hot during the summer. In some jails there are unheated sections. Air conditioning is nowhere.

d. In all buildings where prisoners are required to live, work or congregate, are there alarm systems that enable prisoners to contact the staff without delay?

No alarm system that enables prisoners to contact the staff is imposed in buildings where they live or work. Only in some prisons it is possible in the cell to switch on an alarm to ask for help. Usually prisoners cannot but shout. During the nights it may happen that there are no agents available for all the sections, so that even if a prisoner shouts he cannot be heard since the cells are closed.

e. Prisoners shall normally be accommodated in individual cells during the night, except where it is preferable for them to share sleeping accommodations. Does this happen in Italy?

The law states that pre-trial prisoners should be accommodated in individual cells. Due to overcrowding, this is a rare occurrence. The same holds for lifers, for whom it is more likely to find single cells. For the other prisoners, the law gives no specific provisions. As institutions for prisoners with a final sentence are usually less overcrowded than institutions for pre-trial prisoners, it may more often happen that a prisoner condemned to a long sentence be accommodated in a individual cell. It may happen that a prisoner needing assistance be accommodated with another prisoner who has the task to assist him. Some prisons structurally don't consent prisoners be hosted in individual cells.

f. Are untried prisoners separated from sentenced prisoners?

The law states that untried prisoners should be kept separated from sentenced prisoners and hosted in specific sections or jails ('case circondariali'). Only prisoners condemned with final sentences can be the object of penitentiary treatment aimed at reeducation. As a matter of fact in many 'case circondariali' prisoners have to undergo a harder penitentiary regimen with a high number of hours spent in closed cells. Sometime overcrowding makes it necessary a less rigid separation between sentenced prisoners and untried prisoners.

g. Are male prisoners separated from females prisoners?

The law states that women should be hosted in separate institutions or separate sections. This disposition is been complied to. In few institutions particularly careful to social reintegration men and women can be engaged in common activities such as theater, music, learning.

h. Are young adults prisoners separated from older prisoners?

The law states that young adults, namely people having an age between 18 and 25, must be kept separate from the rest of the prisoners. However, overcrowding makes that a very rare occurrence.

HYGIENE

a. When prisoners are admitted to prison the cells or other accommodation to which they are allocated shall be clean. Does it happens in the institutions of your county?

It is not explicitly expected that when a prisoner is admitted to prison the cell or other accommodation in which he is allocated has already been cleaned by someone else. Prisoners clean their own cells. They should be given what is needed to keep it clean. Disciplinary measures have been taken punishing a lack of cleaning of the cell. Because of the lack of funding, what is needed for the cleaning of the cells is been given more and more rarely.

b. Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy. Does it happens in the institutions of your country?

In most prisons privacy is not guaranteed because of the overcrowding. The penitentiary police can always look through the spy-hole, even in the bathroom. This is justified by saying that the cell is considered, also by the judges, as a public place. In fact, sexual relations between prisoners is considered a crime as it is an indecent act performed in a public place. In every cell we find a toilet and a sink. Because of the lack of funding in many institutions prisoners don't receive enough toilet paper. Soap, shampoo and toothpaste are always doled out.

c. Can prisoners have access a bath or shower, at a temperature suitable to the climate, if possible daily but at least twice a week (or more frequently if necessary) in the interest of general hygiene?

A law passed in 2000 states that there should be a shower in every cell, in order not to limit the number of showers prisoners can take. However, this does not always occur. In many prisons no restructuring works have been made in order to comply with the law and the showers are still common to the whole section. In such cases, often prisoners can take only two or three showers a week, excepting those who work, who are allowed to take a shower when they finish work. In many prisons the rooms where the showers are installed are cold, humid and shabby. Hot water is not always available.

d. Do the prison authorities provide them with the means for the cleaning, including toiletries and general cleaning implements and materials?

The law states that the administration should give prisoners what they need for hygiene. However, because of the lack of funding they each are sometimes given only one roll or even less of toilet paper per month. Volunteers often buy what the administration cannot provide for.

CLOTHING AND BEDDING

a. Prisoners who do not have adequate clothing of their own shall be provided with clothing suitable for the climate. Does it happens in your country?

The law states that prisoners who do not have clothing of their own are to be given suitable clothing, in particular pajamas and underclothing. In some jails there are textile manufactories producing them out of poor material. This is increasingly rarer while at the same time there has been an increase in the

number of very poor prisoners. Much support comes from volunteers, mainly catholic, who take clothing to prisons. During the winter overcoats are often lacking, so that the poorest prisoners give up going out in the open air.

b. Are this clothing degrading and humiliating?

Clothing is not degrading. It is very simple. Coveralls are given to prisoners who work. It is not allowed to wear expensive clothes in order to avoid the risk of creating a social elite in prison.

NUTRITION

a. Prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work. Does it happens in your country?

In particular cases – diabetics, for example – specific and medically authorized diets are allowed. Religious reasons are also taken into account. During Ramadan prisoners are allowed to eat after sunset and are given raw food which they can cook for themselves at night. Nothing else can be taken into account.

b. How many meals a day are there? How many warm meals?

Meals are three for adults and four for minors. With adults, supper happens to be cold. Overall, the administration allots around four euros per prisoner for the three daily meals. The cooking is assigned either to prisoners who work in the kitchen employed by the administration or to external companies which often employ prisoners as well.

c. How are decided the requirements of a nutritious diet?

The quantity and quality of the food is decided by the Health Department according to the current nutritional standards and on the basis of what is prescribed by the law. A commission of prisoners, supposedly selected at random, controls that the nutritional standards are respected and supervise meal preparation.

LEGAL ADVICE

a. Is there a recognized scheme of free legal aid?

Although in Italy there is a law for free legal aid, free legal aid is not easily accessed. The State pays for the lawyer after a long time. Free legal aid is not consented for what concerns the access to reduction of reclusion time or in the other cases in which technical legal assistance is not compulsory.

b. Where there is a recognized scheme of free legal aid, do the authorities bring it to the attention of all prisoners?

In some jails the admission office may inform prisoners thorough a leaflet about free legal aid. In others, there may be volunteers giving advice on this subject.

c. Are the consultations and other communications (including correspondence about legal matters) between prisoners and their legal adviser confidential?

The legal adviser may meet the prisoner alone face to face. There can be no free telephone calls between them, but they can write each other confidentially. For prisoners under the special regimen '41 bis' (defined highly dangerous prisoners) limitations are prescribed even in communications with their legal advisers.

d. Have the prisoners access to, or be allowed to keep in their possession, documents relating to their legal proceedings?

All the documents relating the trial is kept in the admission office. Prisoners can apply for a copy but they must pay for it. In some jails they have to wait for a long time. This creates tension and lowers the opportunities of legal aid. Calculation of the time of reclusion pertains to the admission office that informs the judge.

CONTACTS WITH THE OUTSIDE WORLD

a. How many phone calls can a prisoner made a week (specify length)? Are there a limited number for the letters that can be send? Are there other form of communications that prisoners can use?

Usually a prisoner can make one ten minute longtelephone call per week. He can call his relatives or, only if there are reasonable grounds, someone else. He cannot receive phone calls. In many institutes the prisoner is given a telephone card consenting him to make the allowed phone calls. In these cases he can call whenever he likes, with more chances to find the person required. In many jails, however, it is still the policeman who decides when to give the prisoner the line, thus reducing considerably, particularly for foreign prisoners, the chances of success. Conversations on the phone are listened to by a policeman only when the competent judges order it. Prisoners have no fax, e-mail or the internet.

b. How many visits can a prisoner receive a week (specify length)? The arrangements for visits allow prisoners to maintain and develop family relationships?

A prisoner can receive six visits per month, one hour each. He can cumulate them and even meet three people at one time. He can see relatives, cohabitees and friends if these have been authorized. When there are children, the visit may take place in gardens in order to make their experience less traumatic. For 41 bis prisoners, a dividing glass is prescribed. In many prisons visits can be booked in advance, so to avoid long queues. In many prisons a few visits are allowed also during afternoon and on Saturday or Sunday in order to facilitate children attending school and working people. Cohabitees, including gays and not regular immigrants, can usually enter, except in prisons where the administration is very rigid.

c. Whenever circumstances allow, can prisoner be authorized to leave prison either under escort or alone in order to visit a sick relative, attend a funeral or for other humanitarian reasons?

In such cases the law consents that a permit be allowed to the prisoner. The judge must evaluate the situation and decide. It happens that a prisoner is not allowed to visit a very sick relative or to go to a

funeral. It also happens that the judge allows him to go only under escort and the prisoner, ashamed to be seen in such a situation, decides to give it up.

d. Can prisoners keep themselves informed regularly of public affairs by subscribing to and reading newspapers, periodicals and other publications and by listening to radio or television transmissions?

Prisoners can buy all freely sold newspapers and magazines. In some cases they can even buy pornographic magazines. They can have a radio. In some jails old regulations still prohibit digital radios. A color television is in every cell. Satellite channels cannot be seen, and therefore in Italy all the most important sport events.

e. Can prisoners communicate with the media (unless there are compelling reasons to forbid this for the maintenance of safety and security, in the public interest or in order to protect the integrity of victims, other prisoners or staff)?

Prisoners can usually communicate with the media, except for those who have been explicitly forbidden by the judge. They can be interviewed with the consensus of the administration. Indicted prisoners need also an authorization of the judge. For some years the administration has been consenting journalists, even with television cameras, to enter jails without many restrictions. The new provisions entered into force in 2018 explicitly state that prisoners have the right to have access to a free information and to express his opinions.

f. Can prisoners participate to elections and referenda?

Prisoners condemned to more than five years of jail lose the right of vote. The others can vote. The administration must inform the Municipalities in order to set special polls. As a matter of fact, only a very small percentage of prisoners votes. It often happens that they are not concretely given the opportunity to vote also when they would be formally allowed.

PRISON REGIME

a. Does the prison regime offers a program of activities?

The Italian Constitution states that punishment should tend to the reeducation of the sentenced prisoners. Italian prisons have differentiated standards. In each jail the quality and the quantity of the organized activities depend on various factors: the good will of the warden, the dedication of the operators, the attitude of the local institutions, the presence of volunteers and cooperatives. There are jails where the activities are many and well organized, while there are jails where the prisoners have nothing to do and stay in their cells watching tv all day long or walk up and down the section corridor.

b. How many hours a day prisoners spend outside their cells to improve human and social interaction?

The law states that it should be consented to prisoners who do not work in the open air to spend outside at least four hours a day. Such a period of time can be reduced to no less than two hours a day only for exceptional reasons. These provisions are usually respected. After the Torreggiani judgment, prison administration has arranged for the detainees (except those in high security circuits) to spend at least 8 hours per day outside their cells engaged in various activities. However, what concretely happened is

that very often the activities are not organized and the inmates walk back and forth through the corridor without leaving their prison section.

c. Are there a particular attention to the needs of prisoners who have experienced physical, mental or sexual abuses?

There is nothing specific written in the law. In some prisons individual or group psychological support is provided.

WORK

a. Do prison authorities provide work opportunities (either on their own or in co-operation with private contractors, inside or outside prison)?

The law consents both work for the penitentiary administration and work for private companies. The work outside the prison is allowed, except for crime considered of great entity. As a matter of fact less than one third of prisoners works and in many cases only for a limited amount of hours. The most part of them works for the penitentiary administration, often employed in unskilled jobs. The law states that general and specific (on the basis of the professional competences) lists be drawn according to precise criteria by a commission formed among others of prison staff and representatives of the trade unions. It rarely happens. Usually the head of the police in the institution decides, occasionally consulting the educator. The law provides that prisoners may request to be admitted to community service (unpaid work).

b. Is provided a work that encompasses vocational training for prisoners able to benefit from it (especially for young prisoners)?

Personal vocational training is rarely taken into account. To be allowed to work is considered good luck whatever work it is. Work is sometimes used to befriend prisoners or to convince them to become informers of the police.

c. The organization and methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life. Does it happens in your country?

It does not happen for what concerns work under the penitentiary administration. It is unqualified work, even named disparagingly. Prisoners are not allowed to strike and cannot join trade unions. However, they have holydays and weekly breaks.

d. Are prisoners remunerated fairly with relation to the outside world? Are there some restrictions in the use of remuneration?

By law prisoners must be given a salary equal to the two thirds of that stated for the same job by the national contract. Parts of the salary is kept to pay for food and fines. Salaries have been blocked for many years and more, in spite of very many petitions of prisoners who regularly win at court.

e. Are there some health and safety precautions for prisoners in order to protect them adequately? Are them the same of those that are applied to workers outside?

Prisoners are guaranteed the same health and safety precautions of outside workers.

f. Are prisoners who works included in national social security systems?

Prisoners are regularly employed so that they have the right to social security.

EXERCISE AND RICREATION

a. Have every prisoners the opportunity of at least one hour of exercise every day in the open air, if the weather permits?

All prisoners can practice physical activity during the hours that they spend in the open air. In some cases the open air spaces however are very narrow. In some jails there are soccer or basket grounds regulated by a weekly program.

b. Are there appropriate installation and equipment, in order to facilitate such activities?

In some jails there are also gymns. But in some prisons everything is lacking, even soccer balls, and prisoners must confide in the volunteers.

EDUCATION

a. What kind of educational programs are there in the institutes of your country?

Almost everywhere we can find literacy courses for foreigners as well as primary and post primary school courses. In almost all institutions for sentenced prisoners there are high school courses (a few 'licei' and many technical institute courses). There are also some standing agreements (involving 22 universities in the whole of Italy) between prisons and universities, according to which a small jail section is appointed for student prisoners. The university assures tutoring and exams.

b. How many prisoners are attending an educational program (for each kind of educational program)?

The prisoners enrolled in university were around 200 in 2017. During the year, 31 prisoners graduated. Professional training courses were 165 with 2.184 enrollments and 1.260 passing from one course to the next. Many professional training courses, however, are little useful for finding a job. As to the other courses, the last available data refer to the school year 2015-2016: 3.044 were enrolled in literacy courses (among which 2.963 foreign prisoners), 2.938 in primary school (2.346 foreigners), 4.136 in post primary school (2.137 foreigners) and 8.039 in secondary school (1.961 foreigners).

c. Does this educational programs take place under the auspices of external educational institutions?

High school courses are run by the Department of Education, more rarely prisoners are taught by volunteers. The rest of the schooling system is always run by the Department of Education. It is usually volunteers who help university students.

d. Do every institution of your country have a library? Is it adequately stocked with a wide range of both recreational and educational resources, books and other media? Are books available in different languages? Is it connected with the other public library of the outside community?

There is a library in almost all Italian jails. There is a commission, partly composed by prisoners, who select the books on the basis of cultural pluralism. All external donations are accepted. Some libraries are well equipped, others are very poor. In some cases prisoners can go to the library and easily choose a book, in others they have to apply for a book and wait till it is brought to them. In some cases there is only one central library. In the case of big jails, there are small libraries within the sections. Foreign language books are often missing, particularly in the Arabic and Slavic languages. Only rarely there is a computerized catalogue. Even more rarely the library is connected on line with external libraries.

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

a. Is prison regime organized so far as is practicable to allow prisoners to practice their religion and follow their beliefs, to attend services or meetings led by approved representatives of such religion or beliefs, to receive visits in private from such representatives of their religion or beliefs and to have in their possession books or literature relating to their religion or beliefs?

Each prison is to have a catholic chaplain and access to other religious ministers is to be allowed. This happens also in practice. Although it should be said that jails are not frequently attended by the Imams. The catholic chapel is often where all religions celebrate. Muslims are consented to pray in their cells and to celebrate Ramadam. There are not enough copies of the Alcoran.

INFORMATION

a. Are all prisoners informed about any legal proceedings in which they are involved and, if they are sentenced, the time to be served and the possibilities of early release?

Prisoners can receive information about their trial in the admission office where they can find police agents specialized in judicial subjects. They can also receive information from the educators concerning the consented legal benefits.

PRISONERS' PROPERTY

a. Are prisoners entitle to purchase or obtain goods, including food and drink for personal use? Are the price of these goods similarly of those in free society? Are the quality of these goods the same of those in free society?

Prisoners can purchase goods, including food and beverages, chosen from a list provided by the warden. Prices should be the same as those in a big supermarket near the jail and it should be monitored by the Municipality. An external company runs the shop. The quality changes from jail to jail. Many are the complaints about high prices, low quality and a narrow choice.

RELEASE OF PRISONERS

a. Are released prisoners provided with immediate means of subsistence, be suitably and adequately clothed with regard to the climate and season, and have sufficient means to reach their destination?

The law states that, if the released prisoner has not the means to reach his home, the warden, if required, gives him the necessary travel tickets. As a matter of fact, this rarely happens. In the case of a person whose residence is abroad, the warden should provide for the tickets necessary to reach the Consulate of the Country of which the released prisoner is a resident. However, as a matter of fact this is also a rare occurrence. The law also states that the social services and the volunteers cooperate to contact the family he is going to stay with. Nothing else is provided.

b. Are released prisoners assisted in finding suitable accommodation and work?

Practically never, excepting when the volunteers look to it.

WOMEN

a. Are in your country made some special provision for the sanitary needs of women?

The law does not state anything specific for female prisoners' sanitary and hygienic needs, except that women must be allocated in cells provided with a bidet. As a matter of fact, the bidet sometimes lacks. There is not a special law for female detention. The law only states that in every prison for women there should work special sanitary services for pregnant women and for women with babies.

b. Are prisoners allowed to give birth outside prison?

Yes, they are. And almost always they do. In 2007, a woman gave birth in the female prison of Rebibbia (Rome).

JUVENILE PENITENTIARY SYSTEM

a. Are minors (aged less than 18) detained in establishments specially designed for the purpose?

There are special prisons destined to minors that commit a crime when they are between 14 and 18 years old. They stay in these special prisons until they reach the age of 25, when they are transferred in adult prisons. Justice administration for minors is separated from that dealing with adults.

b. Does every prisoner who is a child and is subject to compulsory education have access to such education?

It may happen that the shortness of the period spent in prison does not permit the child to be inserted in a school class. The law gives a juvenile the possibility also of attending an external educational course.

INFANTS

a. How many infants are there in the institute of your country?

Children aged less than three years who live in jail with their mothers are something more than 50. According to the law, special institutions for mother prisoners with children (Icam) shall be realized. Up to now there are five Icam working.

b. How many years after the birth can the infants stay in the institution?

When a child becomes three years old he or she must leave the prison. According to the law, the mother can leave the prison with her child in a special form of house detention when she has served a definite portion of the sentence, except in case there is a risk that the woman will commit the crime again or when she has not the opportunity to live with the child. As a matter of fact, the women obtain this special form of house detention too rarely.

c. Are there nurseries, staffed by qualified persons, where the infants shall be placed when the parent is involved in activities where the infant cannot be present?

Not everywhere there are nurseries and qualified persons for infant care. Usually the mother is the only one that has to take care of the baby. There are playground areas. The children sleep close to their mothers. In some cases children can attend an outside public baby school. The worst situations concern those children living not in a female prison but in a female section hosted in a male prison, where there are not services for them. Usually the administration tries to avoid that those situations last for long periods.

d. Are there special accommodations in the prison to protect the welfare of the infants?

The cells in which children live are not too different from the others. In the nurseries, they live with other mothers with children who have access to some cooking facilities, to a common room with toys and to a small garden. Policemen wear the uniform. The good will of the staff makes the difference in taking care of the babies.

FOREIGN NATIONALS

a. Can prisoners who are foreign nationals request contact and be allowed reasonable facilities to communicate with the diplomatic or consular representative of their state?

Foreign prisoners can always request to have a contact with the diplomatic or consular representatives of their Country, who should visit him in prison. However, these representatives not always come to visit him soon.

b. Are prisoners who are foreign nationals informed of the possibility of requesting that the execution of their sentence be transferred to another country?

The information regarding the possibility of executing the sentence in the Country of origin (Strasbourg Convention) or the information regarding the expulsion as an alternative measure to detention for people who has to serve a less than two year sentence is not automatically given by the Italian authorities. There is not an explicit obligation about that. Educators or policemen in the admission office may sometimes give such information.

c. Are prisoners who are foreign nationals divided by country of origin in the sections of the institution?

When it is possible, the direction of the institution prefers to keep together those prisoners who speak a common language, in order to avoid troubles. But something like ethnic sections are tried to be avoided as well.

d. Are there in prison facilities of your countries interpreting services available for foreign nationals?

There are interpreters and cultural mediators, but they are very few with respect to the needs. The law does not impose the employment of cultural mediators, but it maintains that they play a very relevant role.

ETHNIC MINORITIES

a. In the prison population of your country are there some particular ethnic minorities? What is their percentage on the total prison population?

Roma, Sinti and Camminanti are the only ethnic minorities in Italian prisons. Their number are not calculated by the penitentiary administration. There are many (around 2.600) Romanian prisoners and there are also Bosnian (around 200) prisoners. We may think that some of them are Roma. There is a high percentage of Roma in the juvenile prison system because they have hardly access to the alternative to detention. There is as well a high percentage of Roma in the woman prison system. Many mother prisoners are Roma.

HEALTH

a. Are medical services in prison organized in close relation with the general health administration of the community or nation?

Since 2008 medical services in prison belong to the National Health Service. The law is inspired to the principle of universality and of the same health treatment as free people.

b. Are all necessary medical, surgical and psychiatric services (including those available in the community) provided to the prisoners?

As a matter of fact, medical, surgical and psychiatric services are insufficient. Not in every prison you can find a physician along the whole of the 24 hours. In some prisons, there are services of micro-surgery. Very often the medical services has not a high quality and pay not enough attention. Health care is the big problem of Italian prisons. There are not enough prevention, diagnosis and therapy.

c. Are there in every institution at least one qualified general medical practitioner?

In every institution there is at least one general medical practitioner who is responsible of the medical services.

d. Are the service of qualified dentists and opticians available to every prisoner?

Dentists and opticians go to prison both periodically and when they are called by the general physician. The prisoners' needs are not satisfyingly met. Many prisoners, in particular drug addicted prisoners, have dental problems. In the past years dental prosthesis used to be freely distributed in great number. Nowadays, because of the lack of funding, this happens very rarely.

e. Are prisoners suspected of infectious or contagious conditions isolated for the period of infection and provided them with proper treatment?

Solitary confinement for health reasons is prescribed by the law and it is assured in the practice. There are special sanitary sections devoted to this kind of solitary confinement.

f. Are sick prisoners who require specialist treatment transferred to specialized institutions or to civil hospitals, when such treatment is not available in prison?

The law states that visits and hospitalizations outside prison are possible. Inside prison, in fact, there are not enough health services (rarely micro-surgery, rays, eco and tac in the institutions where there are clinical centers). However, the visits in external hospitals are effectuated with great delays. This is justified by saying that there are not enough police staff for the transfers. Sometimes the delays cause bigger health problems in the patients and even death. Some cities have special sections for prisoners in the public hospitals.

h. Persons who are suffering from mental illness and whose state of mental health is incompatible with detention in a prison should be detained in an establishment specially designed for the purpose. Does your country follows this rule?

Persons who are suffering from mental illness, who have been acquitted because unfit to plead but at the same time who are considered dangerous, are hosted in special establishments called Rems (residences for the implementation of security measures). Inmates who develop mental distress while in prison should be hosted in special prison units that however offer unsatisfactory assistance. Psychopharmacological drugs are used in a high quantity.

j. What is the treatment available for drug users and for drug addicts in the institutions of your country? Are there harm reduction programs?

Drug addicted prisoners are in charge of special health services, provided with physicians and psychologists. The methadone is given, often according to a graduated therapy progressively decreasing the doses. Somewhere a preventive information is given, about drugs and connected risks. There is nowhere syringes distribution.

ORDER

a. Are there in the institutions of your country some special commission composed by prisoners with the aim of discussing issues related to detention conditions? How are they composed?

The law states that some prisoners should constitute the commission devoted to the evaluation of the food cooked in prison. Some prisoners should attend the meetings of the commission devoted to the evaluation of the lists for the admission to the work (but it happens that the lists do not follow the law). The law also states that some prisoners should be part – together with the warden, the educators, the social assistants and the cultural mediators – of the commission that organizes the cultural, sporting and recreational activities. This not always happens. It should also be said that the prisoners chosen for being inserted in the commissions are often those prisoners who are considered less troublesome.

SECURITY

a. What are the main security measures applied to individual prisoners used in the institutions of your country? How are they applied?

Prisoners are controlled many times a day. In some prisons they are searched after every activity (school, meeting with relatives, etc.). In some prisons there still exist the habit of beating the bars in order to be sure that a jailbreak is not been planned. For the last years (especially since the Torreggiani pilot judgment) the penitentiary administration has been experimenting the ‘dynamic security’, that is to say a form of control based on prisoner’s responsibility, where it is no more disposed that one policeman follow a single prisoner in all his movements. This presupposes that the police staff be acquainted with the prisoners. However, also because of the changes in the cultural climate and of the contrariety of the penitentiary police unions, the experimentation has being reduced.

b. According to the course of training of the prison staff, how should the security measures be applied?

For several years in the recent past the training courses for law officers have entirely concerned the ‘dynamic security’. These training courses had been reaching a very high standard, being not based on traditional notions of security measures. Lately the courses could have taken a more traditional direction.

SEARCHING AND CONTROLS

a. How are the visitors (such as legal representatives, social workers, volunteers etc..) controlled by the prison staff? Are used special objects such as metal detector?

All authorized visitors must pass through the metal detector. They must be identified and they must leave their mobile phones. They are not manually searched. On the contrary, the prisoners' relatives are sometimes manually searched, even through internal body searching.

DISCIPLINE AND PUNISHMENT

a. Are disciplinary procedures used as mechanism of last resort?

Disciplinary procedures are not used as a mechanism of last resort. In many cases, they constitute the ordinary form of prison management. It can be sufficient to answer a policeman for receiving a disciplinary punishment.

b. Which are the main kind of punishment against the prisoners used in the institutions of your country? How are they applied?

The range of the punishments goes from the simple note written by the warden to the exclusion from the common activities (with solitary confinement). Every punishment is communicated to the surveillance judge, who almost automatically cancel the reduction of the period of detention (45 days every six months) that the law assigns to the prisoners who behave correctly.

c. Can a prisoner who is found guilty of a disciplinary offence appeal to a competent and independent higher authority?

Yes, the prisoner can appeal to the surveillance judge.

INSTRUMENTS OF RESTRAINT

a. Which are the main instrument of restraint that are used in the institution of your country? How are they used?

Detainees are not tied in any way when in prison. Often handcuffs are used during transfer. The use of handcuffs should be justified, but it does not always happen.

WEAPONS

a. In the institutions of your country can prison staff hold and use lethal weapons within the prison perimeter?

The policemen working inside the institutions cannot hold weapons except in exceptional cases when the warden disposes it. As a matter of fact, policemen never hold weapons in prison.

USE OF FORCE

a. At which condition can prison staff use force against prisoners?

Prison staff cannot use force except when it is necessary in order to prevent or avoid violent acts, to prevent jailbreaks or to contrast a prisoner who resists, even passively, to the execution of some order that he received. Prison staff that, for some reason, has used physical force against a prisoner should immediately inform the warden, who should suddenly dispose a medical visit and start suitable investigations. No instrument of physical restraint can be employed that is not explicitly mentioned by the law and, in any case, it cannot be employed for disciplinary reasons. The use of the force should last only for the strictly necessary while and should be always monitored by a physician. Unfortunately, violence is used in many cases.

b. Can other law enforcement agency be involved in dealing with prisoners inside prison? In which circumstance?

In the case of a very extreme riot, the warden – and only him – can ask for the help of external police enforcement. This is never happened during the last decades.

REQUESTS AND COMPLAINTS

a. Have prisoners (and their families) the opportunity to make requests or complaints to the director of the prison or to any other competent authority?

Prisoners (but not their families) can present a complaint to the warden, to the surveillance judge or to other authorities listed by the law. The surveillance judge has to carry on a procedure that furnishes the due guarantees.

MANAGEMENT AND STAFF

a. Give number of administrative staff, prison officers, educational staff (per prisoner) that work inside prison facilities?

In Italy there are about 32.000 penitentiary policemen working inside prison facilities (about 1,8 per prisoner). Many policemen are employed in activities not related with the internal prison security. The number of educators expected is around 1.000 (about 1 per 60) but in reality fewer are those who actually work inside prisons. The wardens and deputy wardens are around 250 (about 1 per 230 prisoners). The cultural mediators are 223 (1 per around 90 foreign prisoners).

b. Percentage of different staff per gender

We don't have certain data on this topic. We guess that about one tenth of the police staff is composed by women. In recently employed police staff, the percentage of women is much higher. In the rest of the prison staff, the percentage of women is much higher and it is more than 50% among educators and social assistants.

c. Are there some special units among prison officers?

There are special groups dealing with terrorism and mafia prisoners.

SENTENCED PRISONERS

a. Are there individual sentence plans for sentenced prisoners (including work, education, other activities and preparation for release)?

According to the law, every sentenced prisoner should be 'scientifically observed' in his personality by a team composed by the warden, the educator and the social assistant (to which sometime the psychologist, the head police officer and some experts are invited), and should receive an individual penitentiary treatment. The team should program an individual plan for the prisoner's social reintegration. As a matter of fact, this is usually accomplished but with difficulty because of the lack of not custodial staff. Often the reintegration programs consist only in indications telling if the prisoners have or not have enough merits to make access to some alternative measure.

b. Are sentenced prisoners encouraged to participate in drawing up their individual sentence plans (that should include work, education, other activities and preparation for release)?

It rarely happens that sentenced prisoners are encouraged to participate in drawing up their individual sentence plans. Sometimes is the educator who tries to encourage the prisoner to participate.

c. Is there a system of prison leave as an integral part of the overall regime for sentenced prisoners?

There are temporary leaves to which prisoners can access when they behave correctly. There are not courses organized with the aim of preparing prisoners to be released.

d. Can prisoners be involved in programs of restorative justice and in making reparation for their offences?

There are not structured programs of restorative justice. Sometimes the surveillance judges prescribe – among the prescriptions to be respected during an alternative measure or in order to have access to it or to a pre-release measure – reparation measures or prescribe that the prisoners ask the victims for forgive. It may happen that the volunteers organize programs of restorative justice with the victims and the authors of the crimes.

e. How many prisoners are serving a sentence of more than 10 years of imprisonment?

10.518, included prisoners serving life sentence.

LIFE SENTENCE

a. Is life sentence provided in your criminal justice system?

Yes, it is. In 1981 there was a referendum for abrogating it, but it fails. People voted for maintaining life sentence.

b. In your criminal justice system are provided alternative measures for prisoners serving life sentence?

Both alternative measures (semi-liberty, a custodial measure allowing part-time outside prison, after having served 20 years) and 'liberazione condizionale' (suspended sentence, after having served 26 years) are provided.

c. In your country are there prisoners serving *actual life sentence* (i.e. a life sentence without any possibility of reduction or admission to leaves or any measure alternative to life imprisonment)?

Prisoners condemned for specific crimes (among which mafia and terrorism) have access to alternative measures only if they cooperate with justice. Then, if a prisoner serving life sentence for one of those crimes does not cooperate with justice, maybe because he has no information to provide to the judges, he will be an 'actual lifer'. 'Actual life sentence' in Italian is called 'ergastolo ostativo'. The number of prisoners serving 'ergastolo ostativo' is not exactly calculated but it seems to be around two third of the total lifers.

d. How many detainees with life sentence are there in your country (and their percentage on the total prison population)?

1.735 (3% on the total prison population).

e. Are provided special sentence plans (regarding work, education and other activities) for the prisoners serving life sentence? Are these sentence plans drawn up individually, taking into account the needs of each prisoners?

As for the other convicts, the sentence plans for lifers are drawn up individually. There are not special plans, but there is a specific attention due to the long sentence. When lifers are considered reliable, they are more often collocated in a working position where they benefit from the trust of the warden.

f. Do they stay in a single cell or share it with others detainees?

They should be allocated in a single cell, but not always overcrowding permits such an allocation.

ALTERNATIVE MEASURES

a. How is the notion "alternatives" defined in your country?

An alternative measure is a not custodial measure or a partly custodial measure (to stay in prison during the night) to which a prisoner can have access when he has served a definite portion of the sentence if he is considered to be ready for an external reintegration program. Some prisoners that have committed

a certain kind of crimes (e.g. mafia and terrorism) can have access to alternative measures only if they cooperate with justice.

b. What are the main alternative measure to detention that are used in your country? (Give the absolute numbers)

The alternative measures in Italy are: to be involved in social service programs (14.535), semi-liberty (850), house detention (10.487). Technically, the possibility of spending some days outside prison ('permesso premio') and the possibility of working outside prison ('lavoro all'esterno') are considered elements of the penitentiary treatment and not alternative measures.

c. Are they sentenced before (as alternative to punishment) or during conviction (as alternative to prison)?

They are decided by the surveillance judge during conviction, as alternative to prison.

INSPECTION AND MONITORING

a. Has your country signed/ratified/acceded the OPCAT? If yes - when?

Yes. Italy signed Opcat in 2003 and ratified it at the end of 2012. Formally Opcat is entered into force in April 2013.

b. Is the National Preventive Mechanism (NPM) set up, designated or maintained in your country? If yes - when?

The decree-law setting up the NPM was issued by the Government on December 2013, 23th. It was converted by the Parliament on February 2014, 21th. The NPM was appointed on February 2016.

c. If the NPM exists in your country, which type of the NPM is it? (A separate body; a separate department within the National Human Rights Institution (NHRI)/Ombudsman's Office; NHRI or Ombudsman's Office itself; NHRI or Ombudsman's Office together with non-governmental organisations/experts; several separate bodies etc.).

The Italian NPM constitutes a separate body.

d. Are the mandate and powers of the NPM clearly set out in a constitutional or legislative text?

Yes it is. The relevant laws are Law No 10 of 21 February 2014 (Art. 7); Law No 208 of December 2015 amending Art. 7 as well as the implementation regulation No 36 (31 March 2015).

e. Is the visiting mandate of the NPM extended to all places of deprivation of liberty?

Yes it is.

f. Has the NPM in your country its own budget? If yes - please, indicate its annual amount. If not, please, specify the way how the NPM is financed.

Yes, it has. The amount for the first year (2016) was Euros 200.000. It should be noted that for the personnel assigned to the NPM, the costs (salaries, costs for international missions, etc.) are covered by the relevant administration. The Ministry of Justice covers also all the costs concerning the NPM (including the maintenance costs). The budget assigned is thus much higher than it could seem at a first sight. Furthermore, in order to strengthen the independence of the current financial availability which the Ministry of Justice, as cash office (*"ufficio di cassa"*), may have during the year, the budget availability has been raised on August 2017 with additional Euro 40.000 for the payments of the mission costs directly by the same NPM. This increase will result that in the 2018 financial law Euro 300.000 are provided (then, with an increase of 50%) comprehensive of the mission costs of the personnel, which in the past (in 2016 and partially in 2017) were held directly by the competent Ministry. In addition, the NPM presented a project concerning the activity of protection of human rights carried out in the context of the "forced returns" (FAMI – migration and integration asylum fund). The project has been approved in 2016 and, consequentially, the NPM received a financing of Euro 799.000 to be distributed over more than one financial year, from half of 2017 until the end of March 2019.

g. Has the NPM in your country its own staff? If yes, how many people are employed there, and what is their professional background? If not, please, specify who fulfils the duties of the NPM?

Yes, it has. The ONPM office is assigned personnel of the Ministry of Justice in the number of twenty-five units. Where necessary, the NPM may use additional staff units by stipulating appropriate agreements also with other State administrations. The staff to be assigned is selected by the NPM on the basis of the knowledge and experiences acquired in the relevant areas.

h. Are there any other inspection and monitoring bodies dedicated to prisons in your country, and if so what are they?

Yes, there are. The law states that one of the tasks of the surveillance judges is the legal supervision of prisons. The surveillance judges have a visiting mandate and can talk with prisoners, who can also file a complaint to them. However, traditionally the surveillance judges have not fully accomplished their mission of prison supervision, because of the many other tasks the law assigns them (to evaluate the possibility of admission to alternative measures, to authorize volunteers to enter prisons, to evaluate the request of sending a prisoner to an external hospital, etc.). National and regional parliamentarians can visit all prisons without restrictions. Since 2003, some Municipalities and some Regions have been appointing local and regional prison Ombudsmen. However they can intervene only on issues depending on Municipalities or Regions. For instance, regional Ombudsmen can intervene on matters related to the Health System but none of them has any power on security issues. A law gives them visiting power in the prison facilities of their Municipality or Region. The Ong Antigone is authorized year by year by the Ministry of Justice to visit the prisons with the same power that the law gives to the parliamentarians and other figures.

ILL-TREATMENT

a. Who investigates prisoners complaints on ill-treatment by the prison staff/by prisoners (inter-prisoner violence) in your country? (Internal investigative body of the prison; external investigative body; prosecutors office etc.).

The public prosecutor's office is in charge of the penal investigations. There are no specialized investigative corps who carry on these kinds of investigations. An investigative body is also active within the penitentiary administration. It can start disciplinary proceedings against members of the staff. The warden can also start disciplinary proceedings against members of his or her staff while he or she can enforce disciplinary proceedings against prisoners.

b. Is it possible for a prisoner to appeal the decision of the investigative body? If yes - to whom?

There are three degrees in Italian penal trials. Like everybody, also prisoners can appeal as far as the third degree. After a penal sentence which recognizes that the prisoner has been ill-treated, he can obtain an economic redress in a civil suit.

c. Are statistics available in your country on the number of prisoner complaints of ill-treatment by the prison staff/ by prisoners (inter-prisoner violence)? If yes, please, provide the numbers.

No.

d. Are statistics available in your country on disciplinary/criminal proceedings initiated with regard to ill-treatment by the prison staff/by prisoners (inter-prisoner violence)? If yes, please provide the numbers.

As to penal actions, as a specific crime of torture has been introduced in the Italian penal code only in July 2017 it is very difficult to classify the cases of ill-treatment against prisoners. However, judicial statistics gather data concerning all penal lawsuits. As to the disciplinary ones, the penitentiary administration certainly takes note of them, but the information has never been made public on a systemic basis.

e. Are statistics available in your country on the outcome of disciplinary/criminal proceedings with regard to ill-treatment by the prison staff/ by prisoners (inter-prisoner violence)? If yes, please provide how many proceedings have resulted in disciplinary/criminal sanctions. If possible, please specify which kinds of sanctions (fines, suspended sentence, imprisonment, etc.) are mostly applied.

No.

EFFECTS OF THE ECONOMIC CRISIS

It is not easy to evaluate the effects of the economic crisis on the Italian penitentiary system. Prison population is slowly but progressively decreasing. On December 31st 2013, Italian prisons hosted 62.536 detainees (being less than 62.000 at mid-January 2014, according to unofficial data), while on December

31th 2012 they were 65.701. The economic crisis played a role in that process, as it reshaped the Government priorities as well as the social worries. Thus, it has become possible to assume some reformative measures because of the reduced concentration on the moral panic regarding individual security. Furthermore, the lack of resources has worsened the quality of penitentiary daily life – also affecting overcrowding, as many prison sections have been closed because of the lack of funds for their maintenance – inducing media to talk about very degrading prison conditions. In 2011, at the core of the economic crisis, robberies have increased of 15% with respect to 2010 and house thefts of 28%. On the whole, the number of crimes reported to the authorities has increased of 5.4% (murders are stable around 500-550 for year, while during the Eighties were around 2.000).

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