

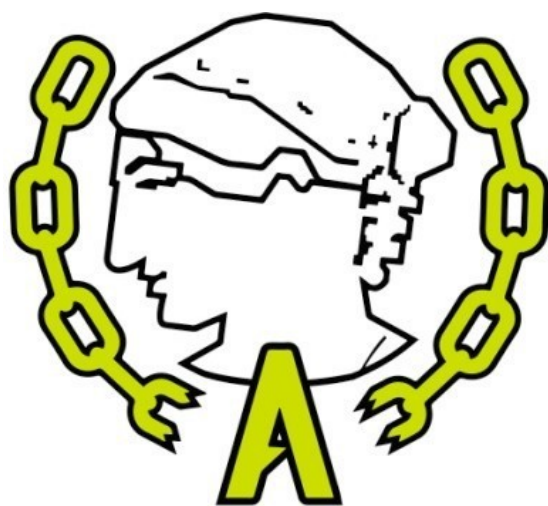
# ANTIGONE

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N. 1

**Have prisons learnt from Covid-19?  
How the world has reacted to the pandemic  
behind bars**



ANTIGONE



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## N. 1/2020 HAVE PRISONS LEARNT FROM COVID-19? HOW THE WORLD HAS REACTED TO THE PANDEMIC BEHIND BARS

edited by Susanna Marietti and Alessio Scandurra

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# University and prison. A complex but unavoidable (more than ever in time of Covid-19) institutional and cultural interweaving

*Iñaki Rivera Beiras<sup>1</sup>*

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## 1. The criminal (and prison) system as an object of study of the sociology of penal control

The Covid-19 pandemic has dramatically brought to light the critical aspects of mass incarceration systems all around the world, stressing their failure to guarantee the fundamental rights of detained people, first of all the right to health. The health crisis has prompted to reflect further on the role that the university, as a place of production of critical knowledge, can and must have in promoting the protection of the rights of a category at risk such as that of people in the custody of public authority. In this article I will report some significant experiences in that direction and propose some reflections on the topic.

As is well known, in states governed by the rule of law the penal system is responsible for the exercise of legal-punitive control in the social order. It has a monopoly on the ability to produce binding rules and to ensure compliance with them. Its authority is based on the concentration in its hands of all

means of physical violence. However, as Roberto Bergalli wrote, the exercise of this violence, presented as legitimate, is not in itself sufficient to guarantee the obedience of the subjects or reaching a certain social order. It is indeed necessary that the members of the community voluntarily submit to the precepts of its laws. However, this requires that they believe in the legitimacy of the state's rules. The monopoly of the exercise of physical force must therefore be exercised according to a criterion of legal-rational legitimacy that allows citizens to submit to impersonal laws. Legal-criminal control, Bergalli points out, applying certain categories of Max Weber, can only be understood when criminal law guarantees and protects public interests: the so-called common good (R. Bergalli, 1999).

It is necessary to begin from this Weberian perspective, Bergalli suggests, to analyse the so-called penal system in its two dimensions: static and dynamic. To analyse the former, it is necessary to examine the moment of legislative production, which makes it possible to know the interests that can



condition such production. The second is accompanied by the need to analyse the instances of interpretation and application of the criminal system, namely the organisation and action of law enforcement agencies, criminal jurisdiction (and, in general, the administration of justice) and prison (and, more generally, prison institutions). This type of theoretical and cultural analysis has sometimes been used in the field of research to go beyond the mere study of *legal* prison - the one conceived in the legal norms, which establish how the penitentiary institution *should be* - and to focus on the *real* prison - and to know *how this is*, how concrete life in penitentiary institutions takes place (L. Ferrajoli, 1989, 1999, 2004). Among the works that the sociology of criminal control has dedicated to the analysis of these instances, I would like to focus on those that have prison as their object, because I believe that what I have indicated as the necessary development of a *critical penology* should be further deepened (I. Rivera Beiras, 2008 and 2009, 2017). The critique of prison treatment programmes - defined by Bergalli as penitentiary fallacy (R. Bergalli, 2003) and criticised by Massimo Pavarini in 1999 as an exponent of *penitentiary reformism* - has highlighted the impossibility of understanding the functioning of these instances without taking into account the history and the economic, cultural and political transformations of the societies in which they operate.

By taking this into account, it is possible to understand that the agencies of the penal system really belong to the structure in which they are called to operate, revealing their role in the very reproduction of the

social order. Or, better, it is possible to understand the role of the state in the exercise of the legal-criminal control at the heart of our society.

To exemplify this, and regarding the work carried out within and by the University of Barcelona, I must point out that twenty years ago, at the beginning of 2001, a group of professors, researchers and students decided to create the Observatory of penal system and human rights as a research centre of the University of Barcelona (hereinafter, Ospdth). The Ospdth, among other fields of research, has strongly focused its work on the study and monitoring of the penitentiary system, intended as a last resort employed by the penal system. Thus began a strong commitment to safeguarding the fundamental rights of people deprived of their liberty, following a path that had been (relatively) followed by other professors in other countries and that, at the intersections between abolitionism and reformism, had led to the study of the history of collective social actions in European prisons over the last half-century (I. Rivera Beiras, 2010). It is worth knowing some precedents of this alternative cultural-political tradition.

## 2. Prison research carried out by society and university. A short European overview<sup>2</sup>

There are not many accounts of interest or accredited commitment of the university to *the prison problem*. Unfortunately and in general, with a few exceptions, the lack of interest that the prison world has had from the political and cultural authorities has also manifested itself in the university institution. Not even in the law faculties has significant attention been paid to the



problems that have to do with the application and execution of custodial sentences. Traditional *penalism* (despite its very name alluding cognitively to the study of punishment), has continued to focus on the study of crime, without dedicating significant space to the study of punishment, or so-called penology, or criminal execution, or prison law, all terms that still today translate a (gnoseological) debt that legal culture has yet to pay.

However, there are some examples of the opposite in some contexts and at different times. We recall the participation of emblematic teachers in social movements for the fight against prison and/or for the fundamental rights of people deprived of their liberty in the Scandinavian and Nordic context, the participation of eminent abolitionists in the early days of the formation of organisations such as *Krim, Krom o Krum*, in the 1960s (T. Mathiesen, 1974; I. Rivera Beiras, 2010)<sup>3</sup>.

In this critical direction, it is worth mentioning, in particular, the involvement of the very Michel Foucault, in France, in the so-called *Groupe d'information sur les prisons* (Gip), of which he is co-founder together with the historian Pierre Vidal-Naquet and the journalist Jean-Marie Domenach. The Gip aimed to investigate and denounce the poor living conditions in prisons and, as in the Scandinavian movements, to give a voice to prisoners and former prisoners of French society. The movement was very critical of the criminal justice system, highlighting how it turned petty offenders into crime professionals. The Gip was very active in holding press conferences and also in participating in protests related to prison riots and their repression, such

as those concerning the Toul prison in December 1971. All this resulted in discredit, both from the police force and from cultural and political spheres, but also led to widespread participation in the Gip, a group that came to have more than three thousand active members, representing an important precedent for what would later be called social movements for the rights of people deprived of their liberty. In the course of his study of criminal justice, Foucault investigated the problems of punishment, the death penalty and the origins of detention systems, leading to the publication in 1975 of *Discipline and punish. The birth of the prison*. As is well known, in this work Foucault examines the evolution from corporal punishment and capital punishment to the prison system that began in Europe and the United States at the end of the 18<sup>th</sup> century. The link between intellectual and academic interest in the prison universe found in Foucault (but not in the university institution as such) a considerable materialisation.

In the British cultural sphere, in 1968 the *National deviance conference* (Ndc) was founded, a group of radical British criminologists oriented from within the university to give a clear response to the conservative tradition of British criminology. From this group a few years later (in 1973), after an internal elaboration, Taylor, Walton and Young's work *The new criminology. For a social theory of deviance* was born, which would become a sort of *manifesto* of the critical criminology that was emerging at that time. In this countercultural context, and particularly concerning the prison problem, two movements dedicated to the

defence of prisoners' rights emerged: Rap (*Radical alternatives to prison*), in 1970, and the Prop (*Preservation of the rights of prisoners*). In this regard, van Swaaningen points out that the establishment of the Rap collective in October 1970 was the logical extension of the academic *National deviance conference* (R. van Swaaningen, 1997, p.138), which strongly challenged British detention facilities.

Regarding the Netherlands, van Swaaningen points out that, in a certain sense and in a similar way to what happened in other European countries, numerous collectives emerged in the 1970s, between the university and social action spheres. Although the author observes a subsequent decline in their incidence, in the second half of the 1980s activism kept existing despite going through transformations. In this sense, he mentions the existence of four representative movements, which presented some differences, both for ideological and strategic reasons, as well as for their very composition: *Coornhert Liga* (mainly composed of academics), *Voices* (whose essential aim was the search for alternatives to the criminal justice system), *Bwo* and *D&S* (real movements composed of prisoners). Despite these differences, the abolitionist perspective was common to all four.

The German cultural context also experienced a considerable movement ferment of prison criticism, with the appearance and activities of *Krak*, which echoes many issues raised by *Krom* in Scandinavia, especially intellectual and academic ones. Van Swaaningen adds that in his Introduction to the translation of Thomas Mathiesen's *The politics of abolition*, Karl Schuman establishes a link

between the lessons of German anti-detention activism and the works of Mathiesen and Foucault. In particular, he emphasises the existence of a common philosophy readable *between the lines* in the works of Mathiesen and Foucault, which leads to the social function of prison in maintaining discipline within the working class of a given society. Consequently, both authors should be read together. Faced with such a statement, the opportunities to change the state of the art would not be many<sup>4</sup>.

As far as Italy is concerned, again in the seventies, Bergalli underlines how three well-defined and very rich traditions came together in this country: one Catholic, one lay and one Marxist; "each of them with its own background, they have made an invaluable contribution to the consolidation of cultural richness and freedom" (R. Bergalli, J. Bustos Ramírez, T. Miralles, 1983, pp. 238, 239). This freedom, interrupted only in its external expressions during Fascism, generated a *culture of resistance* of unprecedented intensity in those years.

Towards the end of the 1960s, numerous expressions converged in Italy, giving rise to a very particular context in which the numerous collectives who fought for the promotion of prisoners' rights and against the very existence of prison were to be located. Indeed, the great workers' and students' struggles of 1968, together with the importance achieved by the trade union movement in the general management of the country and the prestige acquired by the left (which won over various regional and local administrations), created a climate in which numerous projects in the field of social control, promoted and guided by the

grassroots organisations themselves, were implemented. Bergalli pointed out that it was at this time that structures were created for the prevention and treatment of deviance which, guided by the principles of decentralisation, attempted to give an integral vision of the various phenomena of social marginality, from the problem of the elderly to that of women, from that of the mentally ill to that of the disabled and prisoners and, in general, to that of all people characterised by their separation from the world of production (R. Bergalli, J. Bustos Ramírez, T. Miralles, 1983, p. 240). It is sufficient to say, in this regard, that one of the first institutions to be questioned in Italy was the mental asylum. Under Franco Basaglia's guidance, a group of psychiatrists came not only to criticise the logic of the asylum but also to doubt the very existence of mental illness and to understand it as a product of society and relations of production, in which a device for controlling those who are outside these production processes is introduced.

In this climate, one of the problematic institutions has been the prison. Here we will highlight only the aspects that gave rise to the expression and movement known as "freeing oneself from the need for prison".<sup>5</sup>

As is well known, in the second half of the seventies, the important bibliographic production around the prison, starting from the classic *The prison and the factory*, by Dario Melossi and Massimo Pavarini, just to mention one of the seminal works, opened a very wide and fruitful cultural path. Shortly afterwards (in the mid-1980s), the publication *Antigone. Bimestrale di critica dell'emergenza* appeared, which later became an association and

which, at the intersection between civil society and the university, has been playing a very important role in the research and monitoring of the prison system in Italy for about three decades (Antigone, 2000a; Antigone, 2000b).<sup>6</sup>

Outside Europe, the Argentinian experience and the role played by the University of Buenos Aires (Uba) since 1983 after the restoration of the democratic regime following the civil-military dictatorship deserve a special mention. A group of professors, from that moment on, has managed to get the Uba to promote a project that was gradually consolidating (not without resistance from the Federal prison department) consisting of the construction of classrooms inside some prisons, such as Villa Devoto, aimed at the installation of the so-called *Polo universitario*, where inmates could go to gradually undertake courses of study in law, psychology, computer science and other disciplines, with a reproduction of the university space inside prisons (*Centro universitario Devoto*, 1992).<sup>7</sup>

### 3. Spain. University, civil society and commitment to the prison situation

In the case of Spain, first through an association and then through the Observatory of penal system and human rights of the University of Barcelona, a little over 20 years ago we created the project *Abrir la cárcel*, with which a group of teachers decided to approach some prisons in Catalonia to develop cultural and academic activities. We then thought about the important role that other public institutions could play in establishing channels of circulation and communication between people deprived of their liberty and the community. In this context, we felt that it was particularly

important to obtain the university being able to enter prison. We were then convinced that this *intersection between institutions* could lead to positive results, including: the education of the prison population that would have allowed diversification in access to culture; the construction (with all its symbolic meaning) of *free spaces* inside the prison where university dynamics could be reproduced (teacher-student duo) without the presence of prison officials (reconfiguring the university *class* inside the prison); the possibility of allowing prisoners leave to be present, together with other students, in university classrooms; finally, the possibility of really taking advantage of *prison dead time* to carry out activities that are not absorbed by the punitive-reward logic of the classic correctionalist models.

Thus, towards the end of the 1990s, a group of teachers and young researchers<sup>8</sup> founded the *Associacions espai de treball universitari* and *Asociación contra la cultura punitiva y de exclusión social*, managing to get the then Catalan Prison administration to approve the *Abrir la cárcel* project, which included a series of seminars that we held during the 1999-2000 academic year<sup>9</sup>.

In a first phase, the project was developed in the Brians penitentiary centre in a multi-purpose space that was set up to allow the presence of almost two hundred inmates from different sections who attended classes together; they were not separated by gender and there was no need for supervision by an officer during the period of academic activity, without any disturbance to order or incidents of any kind. Despite the favourable reception of the prisoners, the resistance of sectors

of the trade union movement within the prison system led to the termination of the project (and later also to the resignation of the prison director). Despite the attempt of the then Vice-rector for Research of the University of Barcelona, Marius Rubiralta, to reactivate the paralysed project, it was not possible to continue it. The immediate consequence of that incident was the creation of the Observatory of penal system and human rights which, as a research centre of the same university, was created to carry out the work of monitoring an institution like the prison that had shown an opacity and resistance that surprised (negatively) the university authorities of the time, who trusted us enough to create the Ospdih. This was the real reason for the creation of our research centre, which realised almost prophetically the Foucauldian intuition that where there is power, possibilities of resistance can arise.

In addition to all this, still in the Spanish context, it can be pointed out that in this period many steps were taken towards greater coordination at the national level of the various actions of social movements and professionals, researchers and activists committed to the rights of people deprived of their liberty. Some of them can be listed in a very synthetic and descriptive way.

From the point of view of the emergence of a means of expression of social movements, it is worth mentioning the publication of the journal *Panóptico*, which brought together many organisations, allowing them to have a publication that would channel and spread their campaigns, strategies and issues<sup>10</sup>.

It is also worth mentioning at first the creation of the *Coordinadora de solidaridad*



*con las personas presas*, and afterwards the *Coordinadora para la prevención de la tortura* ([www.prevenciontortura.org](http://www.prevenciontortura.org)), collective platforms in which many organisations committed to the defence of human and social rights have participated, and which have carried out important work in recent decades, mainly in denouncing the most serious violations of the fundamental rights of prisoners (death, torture, ill-treatment, etc.), work that has cost them on several occasions interdictions, denunciations and criminalisation of their members (Á. Elías Ortega, 1993).

It can therefore be said that the social movements that have been working for years in defence of prisoners' rights, together with the contribution of some (very few) university research groups and (some) commissions of bar associations active in this field, have increasingly achieved some important objectives, showing a certain degree of articulation and consolidation of these bodies and groups, which have always worked with scarce resources and with many problems and resistance. This can be seen both regarding the denunciation of violations of the fundamental rights of prisoners and in the presentation of concrete proposals and recommendations for the eradication of institutional violence.

The issue of ill-treatment and torture in places of deprivation of liberty (especially prisons, juvenile centres, police stations, detention centres for foreigners and military facilities) has been at the centre of many concrete actions and strategies over the last two decades (R. Bergalli, I. Rivera Beiras, 2006). Without wishing to make an exhaustive list, which would go well beyond this article, it is possible to group them as follows:

- The campaign launched at the time to obtain the signature and ratification by the Spanish state of the Optional protocol to the Convention against torture and other cruel, inhuman or degrading treatment or punishment of the United Nations (Un). As is well known, this protocol has been an unprecedented innovation in the fight against torture, allowing national bodies - independent of the three branches of government - to work under the protection of the Un, with the power to enter these places of detention and to reveal any violations of the Convention against torture. As is well known, this Protocol was finally signed, ratified and published by the Spanish government years ago, and then began its implementation process, in respect of which social organisations have always remained vigilant, especially regarding the action of the Ombudsman, who was designated as the National preventive mechanism against torture.
- The publications of the dossiers *Deaths in custody*, promoted by the *Coordinadora de solidaridad con las personas presas* and presented annually. They have produced quantitative results on deaths in detention institutions that can no longer be ignored (*Coordinadora de solidaridad con las personas presas*, 2005).
- The submission of parliamentary questions, promoted by political groups sensitive to petitions and claims by the *Coordinadora para la prevención de la tortura*, the motions that resulted from the questions asked in the Spanish parliament, the

political, legal and social proposals for the prevention and fight against torture in detention centres (*Coordinadora para la prevención de la tortura*, 2005).

- In particular, the constant work of the *Coordinadora para la prevención de la tortura* is to be highlighted (both in its Spanish national dimension and in its specific work in Catalonia) regarding the annual publication of reports on torture, ill-treatment and deaths in prison, which have become a very important national and international reference (especially with the Committee for the prevention of torture of the Council of Europe).

#### 4. The importance of international monitoring and reporting

In this overview of the different mechanisms aimed at channelling the demands of people deprived of their liberty, implemented by universities and social organisations, some mention should also be made of the international sphere, which in this case is limited to the European continent (we are not entering here into an analysis of similar mechanisms present in the Americas or within the Un). In this regard, it may be important to better specify some concepts: what kind of deprivation of liberty are we talking about? It is indeed a broader concept than that which takes place in the prison environment.

We can recall the words of Mauro Palma, written when he was President of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter Cpt), who warned that “the area of deprivation of liberty is wider than we

might think. It includes, above all, prison, which is the place to which the very idea of deprivation of liberty immediately leads us; a place that is still everywhere opaque, even though many national systems provide for the possibility to access it to people who play an institutional role. But the area of deprivation of liberty is not limited to prison alone. It includes the many different police holding cells and barracks of the various police forces provided for by national systems; it includes places of interrogation, whether formally qualified or not. It includes detention centres for irregular immigrants present on the territory - in many cases euphemistically called *reception centres*-awaiting identification or the execution of expulsion orders; it includes places at the borders (even in stations or airports) where people declared inadmissible are waiting to be returned to their country of origin. It includes places of compulsory health treatment and, in almost all European countries, also psychiatric hospitals and places of involuntary hospitalisation or designated to host abandoned children” (M. Palma, 2006).

For all these reasons, and continuing with the analysis that Mauro Palma makes on the *space of rights* in Europe, it can be recalled that the structure of the protection of rights in Europe is based on two pillars:

- one of a jurisdictional nature, related to all the rights declared in the Convention and to all persons, free or detained. This pillar is affirmed through the European court of human rights. The Strasbourg court has the task of verifying any violations and, consequently, imposing a sentence



on the state responsible. It acts as a supranational court, based on an appeal by a citizen of one of the member states who claims to have been deprived of one of the rights protected by the Convention and who has unnecessarily gone through national legal channels to obtain a remedy in response to what has happened. This is a judicial body which acts not on its own initiative, but following a complaint, after all domestic remedies have been exhausted and, consequently, not in the immediacy of the facts but after an inevitable lapse of time (M. Palma, 2006).

- The other, of a preventive and monitoring nature, is specifically related to the area of deprivation of liberty. This second pillar is the European Committee for the prevention of torture and inhuman or degrading treatment or punishment. As stated by Mauro Palma, since the early 1980s it has been considered to integrate the monitoring system provided for by the Convention with a subsequent body, not of jurisdictional but rather preventive nature, aimed at avoiding situations of ill-treatment or torture. A body that could act on its own, even in the absence of a complaint by an individual, and that had all places of deprivation of liberty under constant observation. This provision was the basis for a new European Convention, centred on Article 3 of the previous one and with the objective of its implementation. It was opened for signatures by states on 27 November 1987. It is the Convention for the

prevention of torture and inhuman or degrading treatment or punishment. Ratified by states at the time of their accession to the Council of Europe, the Convention provides for the establishment of a Committee, composed of one member from each state, elected by the Committee of Ministers for a four-year term of office, which visits the states that have acceded to it, either through regular visits or through *ad hoc* visits when required by a particularly critical situation. The Committee has freedom of access to people and information; it is not a judging body but prepares a report for the national authorities in which it lists the recommendations and monitors their implementation in an ongoing dialogue with the national authorities (M. Palma, 2006).

However, despite the *a priori* and *a posteriori* mechanisms of action described, and the importance of the field of international denunciation, we must admit that protection is insufficient, that on many occasions the system of visits is slow and that there is a lack of willingness on the part of member states to comply with their international obligations when there is even no resistance to internal interference in the field of human rights in prison institutions.

##### 5. Towards a greater degree of articulation: the creation of the System for recording and reporting institutional violence (Sirecovi)

Continuing with this chronological evolution, it should be noted that four years ago, within the framework of the Observatory of penal system and human

rights of the University of Barcelona, a *System for the registration and communication of institutional violence* (Sirecovi) was designed, to make the work of prison monitoring initiated and carried out by the university over the last two decades more rigorous.

We understood that it was imperative to visit and inspect the prison by the university and that a register of institutional violence suffered by those subject to arbitrary, disproportionate or deviant punishment, in flagrant violation of the principle of legality, had to be established. The task of registration and warning was to be our academic imperative. What is it, and how does Sirecovi work? In short, it is a device that receives complaints about situations of institutional violence through letters, telephone calls and visits (from prisoners, family members, lawyers, Ngo members, etc.). Once we receive a communication, we immediately go to interview the alleged victim, as well as the management of the centre and, if possible, its health officials. After duly informing the private person of the personal freedom of our mission, they can sign a document allowing us to give notice and alert the prison administration, the Ombudsman, the National preventive mechanism against torture, national social organisations, the European Committee for the prevention of torture, the Un Special rapporteur on torture, the World organisation against torture, or other stakeholders to whom we communicate the details of the cases identified so that they can take an interest in the alleged victims.

Sirecovi is, therefore, a useful tool to channel and send reports of torture and

ill-treatment taking place during the deprivation of liberty which, once known and duly verified by its members, can be transmitted to the relevant national and international authorities so that each of them, according to its mandate, can take appropriate measures. Sirecovi should therefore be seen as a system that seeks cooperation with national and international authorities, as well as social organisations, and to complement their efforts to strengthen a culture of respect for the rights of persons deprived of their liberty and to contribute to the protection of victims of institutional violence. The implementation of the instruments adopted by Sirecovi pursues the following objectives:

- To strengthen institutional efforts aimed at the protection and rehabilitation of the victims of institutional violence.
- To improve cooperation and articulation between human rights organisations working on the prevention of torture, increasing their potential.
- To formulate recommendations for public policy decisions and to promote democratic reforms based on up-to-date, reliable and systematic information on risk situations that generate greater vulnerability in prisoners.
- To build comparative knowledge on the conceptualisation and extent of torture and cruel, inhuman and degrading treatments.

The effective operation of Sirecovi is based on the development of various tools:

- A central case register, at the Catalan

level.

- The communication and warning and case monitoring system.
- An interactive map (of the Catalan territory) freely accessible that allows understanding the dimension of institutional violence to be mapped.

At the end of 2018 we presented the first biennial report, in which a monographic and separate space was reserved for three different situations:

1. the regime of solitary confinement in prisons (which in Spain continues to go well beyond the maximum 15-day limit set by the Mandela Rules of the United Nations);
2. the right to health (both physical and mental);
3. the problem of the right to defence and legal assistance of persons deprived of their liberty in prisons, especially as prisoners.

All the cases referred to are recorded in the System's register. Those for which victims have expressed their consent are also published on the freely accessible map. In total, in absolute figures, more than 500 cases have been registered in the System over the last four years for the territory of Catalonia.

Following the presentation in public meetings, press conferences and on Tv3 of the works mentioned, unfortunately, several complaints have been filed by federations of prison officials from three unions<sup>11</sup>, who accuse us of defamation of their bodies.

This response is an example of the current intolerance and denialism that continues to prevail when working, in-depth, to denounce institutional violence and/or abusive detention conditions. Of course, all the material we investigate and denounce is not only public but is also duly verified and presented before international organisations that investigate what has been communicated to them. Attention to the direct victims of such violence and the families who suffer from it, despite attempts at criminalisation, will continue to be the academic task we will stick to.

With the outbreak of the Covid-19 pandemic, and despite the resulting restrictions on visits to prisons, Sirecovi has continued to work by adopting different methodologies that now allow us to have a dynamic picture of the evolution of coronavirus incidence in prisons (throughout Spain), published and regularly updated on our website ([www.ospdh.ub.edu](http://www.ospdh.ub.edu)) and which gives attention to the basic needs of prisoners in the face of the health emergency (I. Rivera Beiras, 2020). The work presented in this publication by Professor Alejandro Forero gives an account of this latest phase of the work.

These reflections, as shown, are intended to contribute to the essential discussion on the opportunity and limitations of developing a genuine policy for reducing the harm caused by deprivation of liberty. The university and the scientific and academic community have a task of research and civil commitment that is still awaiting effective implementation, beyond the experiences indicated here. The challenge is immense, but as we have seen there are many ways to promote and

protect the rights and channel the demands of people deprived of their liberty. To that effect, this presentation aims to call on political and academic leaders so that, at last, in a determined and committed way, they work with the social agents in the search for instruments to safeguard these rights. The struggle for civilisation is at stake in this tension, and the academic world must not continue to be absent from it.

## Notes

<sup>1</sup> **Iñaki Rivera Beiras**: is PhD in Penal Law and Criminology and Director of the Observatory of the Penal System and Human Rights of the University of Barcelona.

<sup>2</sup> Due to the limited space, only a brief and panoramic description will be given here. For detailed information on the European social and academic abolitionist movement from the post-war period onwards, see I. Rivera Beiras, 2010.

<sup>3</sup> Bergalli points out that it was undoubtedly in these countries that concrete proposals and alternatives to traditional criminological thinking began to be formulated. To explain in what context some of these proposals were formulated and, specifically, those dedicated to the field of imprisonment, the author states that “it is right to point out that the Institute of Criminology at the University of Oslo (Norway), since its foundation in 1954 by John Andenaes, within the Faculty of Law, but even more so since Nils Christie became its director, has been working with a different angle. Its first works are little known because their scope was limited to those who knew Scandinavian languages. But as the *Scandinavian Studies in Criminology* were published, the alternative orientations within contained spread (...). The most famous work published so far is contained in Thomas Mathiesen’s *The Politics of Abolition*, in which the author analyses the movements and groups of prisoners in Scandinavian prisons who claim their human rights and the possibility of forming trade unions in order to be able to fight for the protection of the rights granted to them” (R. Bergalli, J. Bustos

Ramírez, T. Miralles, 1983, pp. 231, 232).

<sup>4</sup> Some members of Krak stressed that the possibilities for strengthening activism in this field depended heavily on the use of the press and journalistic dissemination, both the traditional left-wing one and bourgeois media. Therefore, everything possible had to be done to publish news about prisons, to amplify events happening within the facilities, the problems of their workers, etc., with the intention of gradually changing public opinion through this informational and cultural struggle.

<sup>5</sup> “Freeing oneself from the need for prison” was an expression coined within the Italian debate and referred to a group of democratic psychiatrists whose first initiatives were aimed at segregated penal institutions, in a perspective that could be defined as *institutional abolitionism*.

<sup>6</sup> As Patrizio Gonnella pointed out, Antigone is an association founded at the beginning of the 1990s that originated from the magazine with the same name against emergency legislation and promoted, among others, by Massimo Cacciari, Stefano Rodotà, Mauro Palma and Rossana Rossanda. In particular, since 1998 Antigone has been authorised to enter all Italian prisons. About 100 observers, divided by region, can visit Italian prisons and then report to the public what is happening. All the information is collected in a report on detention conditions published every year. Since 2013 Antigone has been allowed to enter prisons with cameras. A few years ago, it published a webdoc, *insidencarceri.com*, which shows life in prison through images and narratives (overcrowding, violence, health, work...).

The videos had more than a million views in a short time. Antigone is also involved in the preparation of draft laws and the definition of possible lines of proposed amendments to approved laws; it promotes information and awareness campaigns on human rights and the fight against torture, also through the publication of the biannual magazine *Antigone*. The association is a national reference point for the European Committee for the prevention of torture (Cpt) and is constantly engaging with the realities of other European countries (P. Gonnella, 2016).

<sup>7</sup> It was not easy to maintain this project, which has been contested on several occasions by the Federal prison service, which proposed its dismantling. This provoked a national and international campaign in favour of maintaining it. It was very important that both Argentinian and foreign professors carried out academic activities within the project. On more than one occasion, Massimo Pavarini and I, together with other colleagues, went to strengthen the permanence of the Devoto university centre with lectures, seminars and book presentations.

<sup>8</sup> Among them, Roberto Bergalli, Miquel Izard, Mónica Aranda, Iñaki Rivera and Pep García Borés.

<sup>9</sup> The lessons were based on the fundamental rights of people deprived of liberty, psychology, music and hygiene.

<sup>10</sup> In the two issues in which the magazine *Panóptico* was published (the first issues were produced by the *Salhaketa* association in the Basque Country and the last ones by the Observatory of penal system and human rights of the University of

Barcelona), it became, sometimes more *de facto*, an important reference of the *movement*.

<sup>11</sup> Criminal charges have been filed by the trade unions *Comisiones obreras*, *Csif* and *Acaip-Ugt*.



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