

ANTIGONE

Per i diritti e le garanzie nel sistema penale

**HEALTH, TECHNOLOGIES, SPACES, INDOOR
LIFE**

**THE PRISON TO THE
TEST OF PHASE 2**

- 10 AUGUST 2020 -

THE EFFECT OF THE MEASURES TO FIGHT THE PANDEMIC IS REDUCING: OVERCROWDING IS AT 106%. IN TARANTO AND IN LARINO IT IS OVER 170%, WHILE IN LATINA IT'S ALMOST 200%.

On 8 March, with the "Cura-Italia" decree, the first measures to limit the numbers of the prison population to combat the spread of the Coronavirus in prison came into force. In the following months the number of people in prison, which had already begun to fall before the implementation of these measures, reached 53,904 by the end of April. Three months later, **at the end of July, the number of detainees, with 53,619, remained substantially stable.**

The **official prison population rate** has stopped at 106.1% for now (it was 119.4% a year ago) but in no less than 24 prisons it is still over 140% and in 3 it is over 170% (in Taranto it is 177.8%, in Larino 178.9%, and in Latina 197.4%). Moreover, the real prison population rate is higher than the official one, as a few thousand places are currently unavailable due to the fact that some sections are not currently in use.

In one year, the prison population dropped by 11.7% on average, but the **figure at the regional level** is very uneven: -19.8% in Emilia-Romagna, -15.2% in Campania, -13.9% in Lombardy, -11.0% in Piedmont, -7.4% in Sicily, -7.3% in Veneto. Marche is the only region in Italy where the prison population has increased over the last year, with a growth of 1.1%.

It is necessary the number of detainees decreases under 50,000 to ensure space and physical distancing.

THE DECREASE IN THE NUMBER OF PRISONERS HAS AFFECTED WOMEN AND FOREIGNERS IN A GREATER WAY

Today there are 2,248 **women prisoners**, 4.2% of the total prison population. A year ago they were 4.4%: the decrease of these months has affected them more than the average number of prisoners. The same thing happened with **foreigners**. Today there are 17,448 foreign detainees, 32.5% of the total prison population. A year ago they were 33.3%. Despite the fact that for foreigners it is generally more difficult to benefit from alternative measures to detention and for them the application of pre-trial detention is more frequent, the decrease of the number of inmates (that has mainly affected people detained for less serious crimes) has concerned foreigners more than Italians.

287 TOTAL CASES OF CORONAVIRUS AMONG INMATES. 4 DEAD INMATES, 2 POLICE OFFICERS AND 2 PRISON DOCTORS

According to the latest available data, the total number of cases in prison up to 7 July was 287 with a peak on the same day of 161 positive people. A small number, but not to be underestimated: compared to the total prison population, it is in fact higher, although only slightly, than the rate of infection in the rest of the country. The measures taken in March at a local level were decisive.

Overcrowding in prisons must not be allowed to return, otherwise there is a risk of turning them into places at high risk, as the Residences for elderly people have been.

Outbreaks of the virus took place in Saluzzo, Turin, Lodi (where detainees were later transferred to Milan), Voghera, Piacenza, Bologna and Verona. In some cases inmates were infected for a long time, even up to three months.

A total of 4 prisoners, 2 police officers and 2 prison doctors lost their lives due to the Coronavirus.

More than in the past months, personal protective equipment is available for staff and prisoners.

Antigone, with the support of Cild, donated thousands of masks to the management of the following prison institutes: Milan San Vittore, Trieste, Bari, Rebibbia NC, Regina Coeli as well as family homes for women inmates and communities where minors are detained.

52.6% OF PRISONERS HAS LESS THAN THREE YEARS TO SERVE AND SOME MAY HAVE ACCESS TO ALTERNATIVE MEASURES. ONE IN FIVE SENTENCED INMATES HAS ONLY ONE YEAR TO SERVE.

19.1% of prisoners have a residual sentence of less than one year, **out of 18.856 PRISONERS 52.6% still have less than three years to serve.** These percentages rise sharply for foreign prisoners, reaching respectively 26.3% and 66.6%.

There has been an increase of the percentage of **people detained for the most serious crimes** following the releases of people with short sentences that took place between March and May. At the end of June 2019, inmates with a final sentence of over 10 years, including life imprisonment, were 26.8% of the total prison population. At the end of June 2020, they were 29.8%. On 30 June there were **7,262 inmates detained for mafia-type association (416-bis)**: only 128 were women and 176 were foreigners.

As of 6 November 2019, the latest official data available, there were 747 people held under the 41bis regime (735 men and 12 women), to which must be added 7 internees, for a total of 754 people distributed in 11 Italian penitentiary institutions, with only one women's section and a workhouse for people with a security measure.

Another trend to be noted is the increase of the **average age** of inmates. Prisoners over 50 years of age were 25.2% at the end of June 2019. One year later they were 25.9%.

INVESTING IN ALTERNATIVE MEASURES COULD SAVE 500 MILLION EUROS

Assuming that a prisoner costs on average of about €150 per day (costs that include staff remuneration), while an alternative person costs ten times less, at least €500 million could be saved (along with a gain for the collective security given that a person in alternative measure has a recidivism rate three times lower than a person serving a full sentence in prison) if half of these people could serve their sentence outside.

THE RAISING NUMBER OF PRE-TRIAL DETAINEES, 33% OF THE TOTAL PRISON POPULATION

An overview of the **legal position** of the people detained in our prisons: one year ago, at the end of July 2019, 68.6% of inmates (64.5% among foreigners alone) had a final sentence. At the end of April 2020, after a sharp drop of the number of inmates, detainees with a final sentence were 68.8% (66% among foreigners). Despite the fact that the measures to reduce the prison population concerned only prisoners with a final sentence, the percentage of people in pre-trial detention in this interval had even fallen slightly, and the decrease was more significant among foreigners.

At the end of July 2020, 66.8% of inmates had a final sentence (64.8% among foreigners). In these past few months, therefore, although the detained population as a whole is substantially unchanged, those with a final sentence continue to decrease, but the number of people in pre-trial detention increases, a sign that the number of people entering the prison is increasing once again. This is particularly true for foreigners. This has happened in the past every time the detained population has increased, and probably soon enough the signs of this growth will become more evident.

THE NUMBER OF FOREIGNERS IN PRISON IN THE LAST 12 YEARS HAS DECLINED SHARPLY. IN 12 YEARS A DECREASE OF 4.5%.

There are 17,448 foreigners in prison as of 31 July 2020, 32.5% of the total prison population. This percentage reached 37% in 2008, when (on 31 December) there were 21,562 foreigners detained. As of 31 July 2020, **the 5 penitentiaries with the highest concentration of foreign prisoners** in absolute numbers were: Turin Lorusso Cutugno (663 foreign prisoners - 48.4% of the total number of detainees), Milan San Vittore (542 foreign prisoners - 58.3%), Rome Regina Coeli (496 foreign prisoners - 49.5%), Florence Sollicciano (494 foreign prisoners - 66.8%) and Rome Rebibbia NC (466 foreign prisoners - 32.9%).

Of these 5 institutes, only Florence Sollicciano is among the top ten with the highest percentage of foreigners and is in sixth place. **The top five institutes with the highest percentage of foreigners** are the two Sardinian prisons, Onani where foreigners represent 81.7% of the total number of

inmates and Arbus Is Arenas where 80.9% of the inmates are not Italians. Following are the prisons of Bolzano (70.1%), Aosta (68.4%), Padova (67.4%).

The five regions with the highest percentage of foreigners held in prisons are Valle d'Aosta (68.8%), Trentino-Alto Adige (63.1%), Liguria (53.1%), Veneto (53%) and Tuscany (49.9%). Above the national average (32.5% on 31 July 2020) it is also possible to find: Emilia-Romagna (48.3%), Lombardy (43.7%), Friuli Venezia Giulia (35.3%) and Piedmont (40.5%).

While well below the national average there are Calabria (18.4%), Abruzzo (17.6%), Sicily (18.7%), Campania (13.6%), Puglia (13.7%) and Basilicata (12.3%). As far as the **most represented nationalities** in the Italian prisons system, it is useful to distinguish between men and women. As far as men are concerned, the five most represented foreign nationalities are (percentages calculated on the total of foreign prisoners): Morocco (18.5%), Romania (12.2%), Albania (11.7%), Tunisia (10.2%), Nigeria (8.6%).

Numbers change in the case of foreign women who represent 35.3% of detained women as of 31 July 2020. In fact, the first nationality is Romania with 23.3% of the total of foreign women, followed by Nigeria (20.1%), Bosnia and Herzegovina (5.4%), Morocco (4.5%) and Brazil (4.3%).

FOREIGN PRISONERS ARE ON AVERAGE YOUNGER THAN ITALIANS, PERPETRATE LESS SERIOUS CRIMES AND ARE MORE FREQUENTLY HELD IN PRE-TRIAL DETENTION.

On average, **foreign prisoners are younger than Italians**. In fact, data as of 30 June 2020 show that 79.2% of foreign prisoners were between 21 and 44 years of age while Italians in the same age group represent 50.7% of Italian inmates. Also, foreigners between the ages of 18 and 20 years are 2% of the total number of foreign prisoners (Italians of the same age are 0.8%).

With regard to the **legal position of foreign prisoners**, it can be noted that as of 31 July 2020, 34.7% of foreigners were in pre-trial detention, compared to 31.5% of Italians. The use of pre-trial detention is clearly more frequent for foreigners.

Foreigners commit less serious crimes which are punished on average with lower sentences. 57.8% of foreign convicted prisoners have a sentence of 5 years or less. For Italians this percentage is 35%.

DETAINED WOMEN ARE A SLIM MINORITY BUT SUFFER FOR THE OVERCROWDING CAUSED BY MEN. 75% OF WOMEN PRISONERS ARE ALLOCATED IN WOMEN'S SECTIONS IN MALE PRISONS, WHICH LIMITS THEIR ACTIVITIES

On 31 July 2020, women in Italian prisons were 2,248 out of a total of 53,619 detainees. At the end of April there were 2,224 women out of 53,904 inmates. Historically, imprisoned women are a very slim minority of the total prison population; currently, the percentage of detained women is 4.19% and in the last thirty years it has fluctuated between 4% and 5% of the total prison population..

There are only **4 all-female prisons**, which host a total of 554 women, a quarter of the total female prison population. They are located in Rome (Casa circondariale "G. Stefanini" - Rebibbia Femminile) which houses 307 women but has a capacity of 206 places (prison population rate of 167%), in Pozzuoli, where there are 106 people (100% of the places occupied), in Trani, where there are 30 women and 42 places, in Venice ("Giudecca") the capacity is 75 places and there are 111 women (population rate of 167%).

However, 75% of detained women are in the **43 women's sections in male prisons**, scattered across all regions of the country, with very different capacities and organizational models: the smallest is in Palliano (Lazio) where there are 2 women, the largest ones, hosting more than one hundred prisoners, are Milan Bollate (118), Turin (110) and Florence Sollicciano (114).

There are 793 foreign women prisoners, 35% of the total number of women prisoners. The percentage of foreign men detainees is lower.

By analyzing the access to alternatives to detention, in particular, home detention ex Law 199/2010, to which the decree "Cura-Italia" also referred during the months of the lockdown, it is possible to note that women benefit from home detention more than the men. Out of over 28,000 prisoners who have been granted home detention from the entry into force of the law until 31 July 2020, 7% are women, 9% of whom are foreigners.

STILL 33 CHILDREN ARE IN PRISON OR IN ICAMs WITH THEIR MOTHERS.

As of 31 July, there are 33 children under the age of three living with their mothers in prisons or ICAM (low security prisons for mothers with children). The largest group (8 children) is in Turin, 6 are the children in female prison of Rebibbia and 7 in the Lauro ICAM, in the region of Campania. There are 31 mothers in prison with children (15 foreigners and 16 Italian). At the end of April there were 40 children while they were 59 at the end of February.

ALTERNATIVE MEASURES TO DETENTION INTRODUCED BY THE THE "CURA-ITALIA" DECREE EXPIRED ON 30 JUNE

Articles 123 and 124 of Decree-Law No. 18 of 17 March 2020 (so-called Cura-Italia) introduced, on the one hand, special procedures for access to home detention and, on the other, the extension of permits for detainees in semi-freedom. Both of these special procedures were valid until 30 June 2020. The aim was to quickly deal with the current health emergency, contributing to the **reduction of the prison population.**

3,379 PEOPLE PLACED IN HOME DETENTION. ONLY 975 AVAILABLE ELECTRONIC BRACELETS OUT OF THE 5,000 FORESEEN BY THE "CURA-ITALIA" DECREE.

As of 20 May, 3,379 people had been placed in home detention during the health emergency. 975 of them were wearing an electronic bracelet (Source: National Guarantor). The number of electronic bracelets is way below those promised by the agreement between the Ministry of Interior and the Ministry of Justice (300 per week), which confirms that this is a costly measure with a difficult implementation. Detainees whose **semi-freedom** permit was extended were 561.

100,000 PEOPLE IN ITALY ARE UNDER THE CONTROL OF THE CRIMINAL JUSTICE SYSTEM. SOCIAL SERVICES AND HOME DETENTION MEASURES INCREASED BY MORE THAN 400% SINCE 2008.

It is important to underline that, as we already pointed out in other reports, in the last few years, **the use of alternatives to detention has greatly increased**, contributing on the one hand to limit the numbers of the detained population, but, on the other hand, to increase the total number of people under criminal control, which as of 15 April 2020 included about 110,000 people (considering both detainees and people with an alternative measure). The numbers are very eloquent. In 2008, there were 4,000 people in probation under the care of social services; at the end of 2013, there were 11,109, at the end of 2018, 16,612, at the end of 2019, 18,179 and finally on 15 April 2020, there were 18,598. A similar increase concerned people in home detention, which in 2008, were 2,257 and 5 years later, in 2013 (therefore after the arrival of Law 199/2010), 10,173, and reached 10,826 on 15 April 2020.

IN 2020, ALREADY 34 SUICIDES IN ITALIAN PRISONS. 63% WERE UNDER 40. THE YOUNGEST WAS 23

The number of suicides that took place from the beginning of 2020 until 1 August was 34, last year in this period they were 26, when the detained population was several thousand more. In about 60% of the cases people who committed suicides are Italians and in 40% of the cases they are foreigners. 20% of them were between 20 and 29 years old (the two youngest were only 23), 43% were between 30 and 39, for both age groups 40-49 and 50-59 we find 17% of suicides, the oldest

prisoner was 60 years old. 40% of suicides took place in a prison institute in northern Italy, 36% in the south and 23% in the centre; two suicides took place in three institutions: Como, Napoli Poggioreale and Santa Maria Capua Vetere. In January, March and April there were 9 suicides (3 for each month), in February and July there were 12 (6 for each month), while in May and June there were 4 and 5 respectively. The prevailing method of taking one's own life remained the tragic method of hanging (26 people).

In **2019 a total of 53 suicides were committed in Italian prisons** for a rate of 8.7 per 10,000 prisoners on average, compared to a rate in the country of 0.65 suicides per 10,000 inhabitants. In prison in 2019, 13.5 times more people took their own lives than on the outside.

ACTS OF AGGRESSION AND SELF-HARM IN LINE WITH PREVIOUS YEARS

Other critical events are reported by the National Guarantor in its annual report. The data as of 30 April 2020 indicate a sharp increase - caused by the events of the first months of 2020 - in the number of riots, which rose from 2 in previous years to 37 this year. At the same date, solitary confinement for health reasons (1,567) is even almost four times the number implemented during the previous year (425). The same applies to collective protest demonstrations (859), which account for three-quarters of all collective protests last year (1,188). In proportion, the numbers of physical assaults on prison police personnel were also slightly higher - 311 compared to 827 in 2019, of acts of containment - 220 compared to 488 in 2019, and of other individual protests - 4,388 compared to 12,146 in 2019. On the other hand, the number of other acts of aggression, acts of self-harm, disciplinary infractions and attempted suicides are proportionately in line with previous years. Finally, the number of disciplinary solitary confinements was proportionally lower - 519 compared to 1,908 in 2019 and the number of urgent hospital transfers was drastically reduced - 2,781 compared to 12,361 in 2019. It is interesting to note that in 2019 the DAP added a category of critical event, i.e. beatings reported at the time of arrest, of which 248 were reported in 2019 and 49 in the first four months of 2020.

ANTIGONE'S LOOK ON POST COVID PRISON: A STUDY ON 30 OF THE LARGEST PRISON INSTITUTES IN ITALY

To try to describe the current state of the national prison system in the time of Covid-19, and in particular the current state of application of the restrictions adopted since the end of February, we tried to snap a picture of the situation of 30 prison institutes scattered throughout Italy.

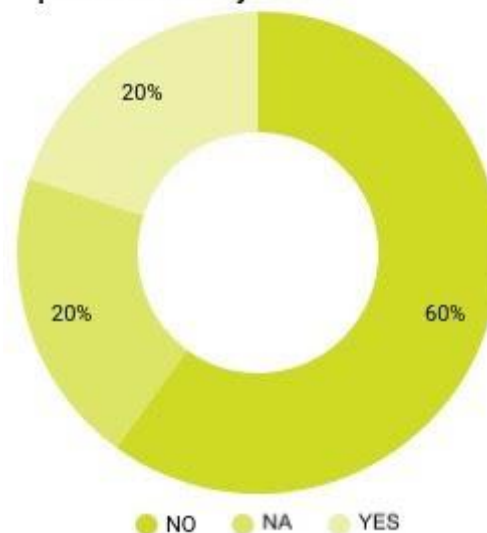
The sample is not intended to be representative in a technical sense, but it is certainly significant, given that it includes many of the largest institutions in the country. **Of the 30 institutes monitored**, 6 are in Lombardy, 5 in Sicily, 5 in Lazio and 5 in Campania, 2 in Puglia, 2 in Tuscany, 2 in Piedmont, 2 in Umbria and 1 in Calabria: Augusta, Avellino, Bergamo, Biella, Caltagirone, Catanzaro, Civitavecchia, Firenze "Sollicciano", Lecce, Milano "Bollate", Milano "Opera", Milano "San Vittore, Monza, Napoli "Poggioreale", Naples "Secondigliano", Palermo "Ucciardone", Pavia, Prato, Roma "Rebibbia NC", Roma "Regina Coeli", Salerno, Santa Maria Capua Vetere, Siracusa, Spoleto, Taranto, Terni, Torino, Trapani, Velletri, Viterbo.

Distributed in 9 regions, these 30 institutes alone host 23,601 inmates, 44% of the entire Italian prison population. In this sense, the sample identified is certainly significant and the information collected since July 20 is useful and up-to-date.

FAMILY VISITS HAVE BEEN RESUMED. ONLY 6 PRISONS GRANT ONE FAMILY VISIT PER MONTH.

Thanks to our observers, the staff of the penitentiary institutes, local guarantors, and civil society organizations, we tried to understand first of all whether and how **family visits** - their suspension was the heaviest of the restrictions in force - were resumed. Family visits were resumed everywhere and only in six of the institutions monitored, mostly in Lazio and Umbria, the number of family visits granted is the minimum prescribed by the law: one.

Is the number of family visits limited to the one prescribed by law?



In 60% of the cases, family visits were resumed in the number of two per month.

Family visits are carried out by adopting various preventive measures (plexiglass separations, masks, temperature control, etc.) but the number of people admitted to interviews varies significantly. Very often only one family member is allowed but in some institutions the family

members can be two, one adult and one minor (e.g. in Lecce, Caltagirone or Regina Coeli) or 3 as in Viterbo.

IN ALMOST ALL THE INSTITUTES CALLS AND VIDEO CALLS GRANTED DURING THE EMERGENCY PHASE WERE MAINTAINED. HOWEVER, THE LATTER ARE CONSIDERED ALTERNATIVES TO FAMILY VISITS

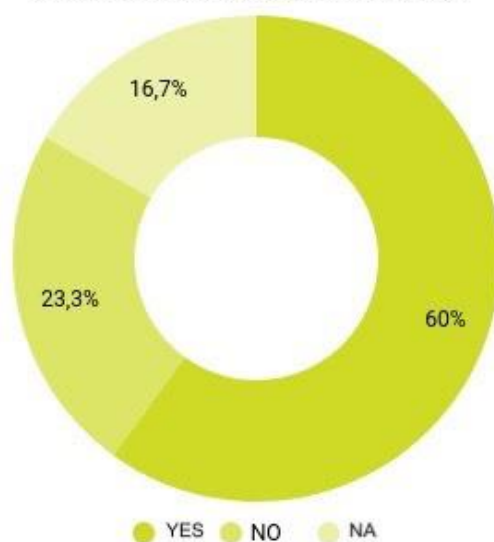
Despite the lift of the suspension of family visits, in 19 institutes, 63% of our sample, **telephone calls** continue to be granted beyond the limits in force before the pandemic.

As far as video calls are concerned, they are still essentially made in all the institutions monitored (86,7%). In most of them, however, they have in fact become alternatives to family visits, which can be summed with them and counted within the maximum number of family visits allowed. In practice, it is now up to the inmates and their families to decide whether they prefer to have the in-person family visit or a video call. It would be desirable that, given the success of the measure and the few security problems encountered, video calls should be added to in person visits and not be an alternative to them. These are, moreover, modes of communication that often reach different people. The long commute for family visits is often excessively tiring for elderly parents or young children, who may in this case prefer video calls without influencing the count of the maximum number of visits that a prisoner can have with other family members.

PEOPLE FROM THE OUTSIDE ARE STILL NOT ALLOWED TO ENTER IN 23% OF THE MONITORED INSTITUTES.

In most of the monitored institutions the suspension of activities that require the entry of people from outside was lifted, but in 7 (23%) no one has entered since March or if someone enters the prison, as in Prato, Monza or Syracuse, it is only to supply clothing for prisoners in need, there is still no contact with the prisoners.

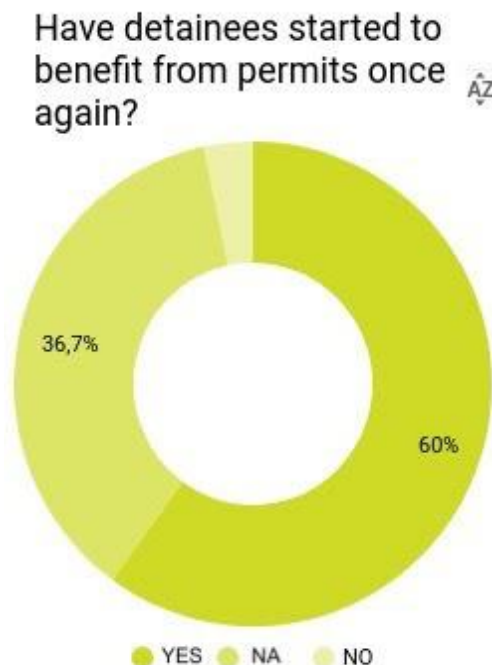
Have activities that require the entrance of people from the outside resumed?



Where volunteers enter, however, the numbers are often (but not always) limited and in any case all the necessary measures for the prevention of contagion are implemented.

IN 60% OF PRISONS, PRISONERS HAVE STARTED TO BENEFIT FROM PERMITS AGAIN. EVEN THOUGH THE MANDATORY 14-DAY QUARANTINE DISCOURAGES PEOPLE FROM GETTING OUT OF PRISON

In 60% of the monitored institutes we have found that detainees are once again benefitting from permits.



However, the measures taken upon return to prison vary greatly. In many institutions (e.g. Pavia, Velletri, Civitavecchia), 14 days of quarantine are compulsory upon return, which discourages many prisoners from benefittings from permits. In other cases, such as in Puglia, prisoners are subject to 72 hours of fiduciary isolation once they return. They are then tested for Covid-19 and the result come back within a few hours. And at this point, if negative, they are placed back into their section

THE USE OF VIDEO CALLS FOR EDUCATIONAL AND TRAINING PURPOSES IS AT RISK

There are some worrying signs regarding the **use of video calls after the end of the emergency**. In most of the institutions monitored, it is not clear whether this tool, which has proved to be valuable in ensuring contact with the outside world, will be maintained in the future to facilitate those activities that it is not possible, or reasonable, to carry out in presence. Only one institute expressly answered no to this question (Trapani) but most of the others were unable to provide clear indications. In many cases, however, video calls in recent months have only been used for family visits and not (for example) for distant learning. However, there are exceptions. For example, in Caltagirone, 9 classrooms have been equipped with an internet access and the plan is, as well as in other institutes (Bergamo, Catanzaro), to keep going some distant learning activities, enriching the training offer available to prisoners.

In some cases the institutions, on this as on other issues, have declared that they are waiting for **indications from the Department of the Penitentiary Administration**. We hope that, as it has already happened in the past for family visits, and especially after so many recent positive experiences, the DAP will urge the institutions to extend the use of video calls as much as possible to support treatment activities.

THERE ARE CURRENTLY EIGHT ONGOING CASES OF TORTURE INVOLVING PRISON POLICE OFFICERS.

1. Monza

The facts date back to August 2019 and concern the violent physical assault suffered by a prisoner perpetrated by several prison police officers. At the end of September, Antigone filed a complaint, which is accompanied by a complaint filed by the victim. In the course of the proceedings, the prosecutor acquired video recordings of what happened. In February 2020, proceedings for torture against some officers were initiated. The investigation is currently ongoing.

2. San Gimignano

In October 2018, a Tunisian prisoner was allegedly brutally beaten up. In October 2019, the Prosecutor's Office of the Court of Siena charged fifteen prison police officers of the San Gimignano prison with the crime of torture. The Prosecutor's Office also banned four officers from serving in the prison and, following this order, the Penitentiary Administration also suspended them. At the end of the suspension they regularly returned to service. Antigone is in the proceedings because in December 2019 it filed its own complaint on the facts. The preliminary hearing was set for 23/04, but due to the health emergency it was then postponed to 10/9/2020.

3. Turin

The facts date back to 2017, when dozens of episodes of brutal violence were reported by the Municipal Guarantor to the Public Prosecutor's office. Twenty-five officers are involved and, in a different capacity, also the commander of the prison police and the prison director. Antigone files a complaint about what happened at the "Lorusso e Cutugno" prison, following the one presented by the National Guarantor. The investigation is conducted by the NIC, Investigative Group of the Prison Police. The investigation is currently underway. Officers are being investigated for torture. The prison director, the prison police commander of a section of the prison, who was also a union leader, are also under investigation for other crimes. The prison administration took disciplinary measures against all of them at the end of July 2020. Prison director and commander were moved to another institution.

4. Palermo

In January 2020, Antigone learns of an episode of ill-treatment of a detained person, who spontaneously gives an account in the Court of Appeal of Palermo, denouncing the violence suffered on arrival in prison. The Court, having seen the marks on his face and heard the account, sends the documents to the Public Prosecutor's Office. Antigone then filed a complaint against the officers for torture and against the doctors for not having recorded the injuries. The investigation is currently underway.

5. Milan

In March 2020, during the health emergency caused by COVID-19, Antigone was contacted by many relatives of people detained at the Opera Prison, for the violence, abuse and mistreatment suffered by their detained relatives as a punishment for the revolt that broke out in Section 1. Antigone then filed a complaint for torture.

6. Melfi

In March 2020, Antigone was contacted by the families of many people detained in the Melfi prison, who reported serious violence, abuse and mistreatment suffered by their relatives during the night between 16 and 17 March 2020, around 3.30 a.m., as a punishment for the protest that broke out on 9/03/2020 following the restrictions resulting from the state of health emergency. The testimonies

speak of prisoners stripped, beaten, insulted and placed in solitary confinement. Many of the victims were reportedly transferred. During the transfers, they would not even be allowed to go to the bathroom. They would be made to sign statements stating that they had fallen accidentally. In April 2020, Antigone filed a complaint for violence, abuse and torture.

7. Santa Maria Capua Vetere

In April 2020, Antigone was contacted by several family members of people detained in the "Nile" section of the Santa Maria Capua Vetere prison who reported that their detained family members had reported abuses, violence and tortures. The violence allegedly took place on the afternoon of 6 April 2020 in retaliation for the protest that had taken place the previous day after the news spread that there was a Coronavirus positive person in the institution. The doctors, according to the report, had visited only some of the detained people placed in isolation, but had not reported their injuries. At the end of April 2020, Antigone filed a complaint for torture and beatings, failure to report, forgery and abetting to commit the crime.

8. Pavia

In March 2020, Antigone was contacted by family members of people detained in the Pavia prison who reported violence, abuse, and arbitrary transfers suffered by their detained family members following some protests that took place a few days earlier. The police allegedly used violence and humiliated several detainees, hitting them, insulting them, stripping them of their clothes and leaving them without food. During the transfers, detainees would not have been allowed to bring any of their personal belongings or to notify their families. At the end of April, Antigone filed a complaint for violence, abuse and torture. The investigation is currently underway. Several people have reportedly already been heard by the investigating authorities.

TO COUNTERACT THE VIOLENCE IN PRISON. ANTIGONE'S PROPOSAL FOR A PRISON IN LINE WITH THE CONSTITUTIONAL: OPENNESS, KNOWLEDGE, INCLUSION, ACTIVITIES AND NON-VIOLENCE

Life in prison must be inspired by the principles of responsibility, normality, humanity and utility. It must be filled with meaning and opportunities to give substance to prospects of resocialization but also to ensure collective security. It is in everyone's interest that prison does not become a factory of criminals. In recent decades we have witnessed cultural and political ups and downs around the prison issue: prospects for reform towards a more humane prison system alternated with drives inspired by a clear regression.

The best way to enhance the difficult and important work of those who have surveillance tasks in prisons is to free them from a purely custodial logic and build an integrated professionalism capable of dealing with complex situations, with security but also psychological, social, educational, and linguistic skills. The prison police would thus be much more rewarded.

Dynamic security is defined by the Council of Europe (Rec(2003)23, 18. a.) as the development by staff of positive relations with prisoners based on firmness and fairness, together with an understanding of their personal situation and any risks posed by individual inmates. This requires careful staff who interact positively with the prisoners and involve them in constructive activities to prevent problems before they arise in sometimes dramatic forms.

Training, work, recreational activities and sports play a key role, helping to make sense of the prison sentence and keeping prisoners out of cells, where they should spend as little time as possible (Rule 25.2 of the 2020 European Prison Rules). For several years in Italy, particularly after the adoption of the Ministry of Justice's internal regulation of 13 July 2013 "Guidelines on Dynamic Surveillance", the model of dynamic surveillance has been interpreted in parallel with the **opening of cells during the day**. In fact, the aforementioned internal regulation states that "knowledge of prisoners would be severely limited if the perimeter of their life remained confined within the few square meters of the cell or corridor". The final report of November 2013 of the Ministerial Commission for Prison Affairs identified as a decisive point of intervention the substantial extension of the hours of opening of the cells, providing as a benchmark the **opening of cells for at least 8 hours a day**, starting from the sections of medium security and providing for a gradual extension of the provision to the pre-trial institutes and selected high security sections.

Since then, regime of the open cells has spread, but not everywhere. There has been resistance at the local level. Of the 98 institutes visited by Antigone in 2019, in 35.7% of cases not all sections were open at least 8 hours a day. In more than a third of the institutes, prisoners continued to remain in their cells for too many hours a day.

The application of this measure in the institutes we visited can be related to other indicators. In prisons where this measure was applied, during the previous year an average of 13 disciplinary isolation measures (a clear indicator of internal conflict) were given every 100 prisoners; on the other hand, in prisons in which not all sections were open for at least 8 hours a day, the average rose to 15.5. Something similar happened for acts of self-harm, of which an average of 15 per 100 inmates were recorded, but the figure rose to 18.2 in institutes where cells were not open 8 hours a day in all sections. An even clearer assessment can be obtained by looking at the revolts that broke out in March 2020. Among the institutions visited in 2019, considering only the prisons where a riot broke out, the percentage of those in which not all cells were open at least 8 hours a day rose from 35.7% to 64.3%.

It is therefore **difficult to say that the system of open cells represents a threat to well-ordered life in prisons**. If anything, the opposite seems to be true.

But the opening of the cells alone is not enough. The day in prison must be filled with meaningful relations and activities. The world of work should be as similar as possible to that of the free society

and prepare for future professional life (Rule 26 of the European Prison Rules). This is not the case. Prisoners who work (25.8% of the total prison population at the end of 2019) do so largely for the prison administration, performing unprofessional activities. Only 1.5% of prisoners work in prisons for outside employers. In the 98 institutions visited by Antigone in 2019, only 6.2% of prisoners had been involved in **vocational training**, and in 35% of prisons no courses had taken place. In 34.7% of the prisons visited, not all prisoners were granted access to a **gym** at least once a week, while in 30.6% of cases not all had access to a sports ground at least once a week. Only 27.2% of inmates were involved in **school courses**, which are often held at the same time of day as other activities, forcing inmates to skip school. Too few students are enrolled in university courses, 714 at the end of 2018.

For all these activities it can be essential the use of those **distance communication tools** made available by the new technologies with which, during the COVID-19 emergency, all the penitentiary institutes became familiar. These represent the ordinary mode of communication in contemporary societies and cannot be dismissed if the administration wants to prepare the person for the free society. Art. 18 of the penitentiary law, reformed in October 2018, also establishes the **right to free information**, to be guaranteed by means of informational websites. Computer illiteracy is the furthest from the possibility of social reintegration.

Prison is not governed with mere discipline but with reasonableness, dialogue and inclusion. Without going into the merits of the regimes selected on the basis of criminal dangerousness, a **proliferation of different treatments and regimes based on the behaviour in prison must be avoided**. Particular surveillance (art.14bis of the Penitentiary Law), as well as article 32 of the Regulation implementing the Penitentiary Law, should be used very sparingly, if not completely eliminated. Difficult cases should be handled with the help of a team of prison workers, not in de-facto isolation. Similarly, the **use of force** should be residual and should follow standardised protocols. The vicious circle of violence must be broken and punitive transfers must never be used. There has recently been a debate about the use of the *Taser* gun in prison. The UN and the Council of Europe have repeatedly stigmatised the *Taser* as **potentially fatal** and never really a substitute for firearms. A report by the Reuters agency reports that since 2000 there have been more than 1,000 deaths in the USA because police forces used a *Taser*. The same manufacturer, *Taser International Incorporated*, has recognized a fatal risk factor of around 0.25%. Authoritative medical studies recognize that *Taser* guns can produce cardiac arrest and serious collateral damage. In the penitentiary context in particular, **the presence of weapons inevitably constitutes a tension-generating factor**, which goes in the opposite direction to the creation of a serene internal climate, a prerequisite for a fruitful return to society. Accidents that may occur put the staff themselves at risk. The United Nations and the Council of Europe reaffirm (Rule 54 of the Mandela Rules and Rule 69 of the European Prison Rules) that weapons must be prohibited within the prison perimeter, except in special emergency operations linked to specific incidents. Art. 41 of the Penitentiary Law states that officers on duty inside the prison may not carry weapons except in exceptional cases when ordered to do so by the Director. This 1975 reform is the result of a reform that wanted to make the prison a less violent and conflictual place, more in conformity with the Constitution. **The reduction in the rate of conflict can be achieved by promoting a peaceful prison climate**, open treatment, entertainment, training, education and information. Much more than with electroshock discharges.

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