

EXECUTIVE SUMMARY

The purpose of the CPT's 2019 ad hoc visit was to review the situation of inmates placed in medium- and high-security regimes, the special "41-bis" regime and prisoners subjected to various measures of isolation and segregation such as court-imposed isolation of life-sentenced prisoners ("*isolamento diurno*"). To this end, the CPT's delegation visited Biella, Milan Opera, Saluzzo and Viterbo Prisons. The co-operation provided by the Italian authorities was generally excellent, with the exception of Viterbo Prison where it appeared that the management of the establishment was unaware of the Committee's mandate.

The CPT notes positively the adoption of the amendments to the Prison Law in October 2018. At the same time, the CPT is concerned by the steady increase in the prison population since the 2016 periodic visit, and by the fact that a large number of prisoners are not provided with the minimum standard of 4 m² of living space in multiple-occupancy cells. A further noteworthy development is the recent European Court of Human Rights (ECtHR) judgment in the case of *Marcello Viola v. Italy* (No. 2) regarding life imprisonment in accordance with Article 4-bis of the Prison Law in which the ECtHR found that the current system focuses solely on the lack of co-operation with justice by the concerned life sentenced prisoners without paying due consideration to their resocialization path.

In the prisons visited, the great majority of prisoners met by the delegation stated that they were treated correctly by staff. However, a few allegations of excessive use of force and physical ill-treatment were received at Biella, Milan Opera and Saluzzo Prisons. Further, at Viterbo Prison, a considerable number of allegations of physical ill-treatment were received and the CPT's delegation identified a pattern of deliberate infliction of ill-treatment by staff. The report describes several cases where the injuries observed and the medical evidence recorded were compatible with the allegations of ill-treatment made by the inmates. The Italian authorities should exert increased vigilance on staff, effectively investigate complaints made by prisoners and improve staff training, notably on the professional application of control and restraint and de-escalation techniques.

The conditions of detention for inmates under the medium-security regime varied at the prison establishments visited. In general, cells offered sufficient living space and adequate conditions of detention in terms of access to natural light, ventilation and state of repair. That said, material deficiencies were still visible, in particular in relation to the dilapidated and unhygienic common shower facilities, the austere design of the courtyards and in some cases the poor quality of food in terms of lack of variety and low protein content. The authorities are recommended to remedy these deficiencies. In terms of regime, the CPT observed that both the out-of-cell and outdoor exercise entitlements offered to inmates were generous, but prison staff still did not engage in constructive relations with prisoners. Staff still misunderstood the concept of dynamic security. There is also the necessity to improve the programme of activities and vocational training opportunities at Biella and Saluzzo Prisons and to fill the vacant positions of educators.

The report describes the situation of 28 internees subject to a court-imposed security measure who were accommodated in an ordinary section of Biella Prison in poor material conditions and provided with an impoverished regime. The CPT requests further information on the announced transfer of the internees to another establishment in order to provide them with adequate care and treatment in view of their specific legal status.

As regards inmates subject to the high-security regime, the CPT found certain material deficiencies such as absence of ventilation in the sanitary annexes and persistent problems with the provision of heating and hot water. The regime on offer was similar to the one in force for the medium-security population except that the range of work, vocational and educational activities and the visiting and telephone call entitlements were more limited. The CPT considers that more needs to be done to expand the range of activities on offer to high-security prisoners. The CPT also recommends that the

Italian authorities review the classification and declassification criteria for the placement of prisoners into the high-security regime, given the lack of a clearly defined procedure and legal certainty.

Turning to the various forms of isolation and segregation of prisoners, the CPT considers that the accessory punishment of court-imposed solitary confinement pursuant to Article 72 of the Criminal Code (“*isolamento diurno*”) is anachronistic and should be abolished. Such an additional punishment of prolonged solitary confinement can have harmful effects and is contrary to the principle of re-socialisation of prisoners, particularly as it is usually imposed several years after the commencement of imprisonment. As regards the regime of special surveillance (“*sorveglianza particolare*”) pursuant to Article 14-bis of the Prison Law, the Committee found that prisoners subjected to this regime were *de facto* held in conditions of solitary confinement for prolonged periods. Given the potentially harmful effects of subjecting inmates to prolonged solitary confinement, the Committee calls upon the authorities to provide such prisoners with an appropriate regime (i.e. at least two hours of meaningful human contact per day).

The report also describes other separation measures of inmates for reasons of good order and criticises the lack of a regular review of such measures and the impossibility to appeal against them. Further, the report also includes concrete recommendations in order to improve material conditions in the isolation and segregation units of the establishments visited.

The CPT again examined the extensive restrictions imposed on inmates subjected to Article 41-bis of the Prison Law at the detention units of Milan Opera and Viterbo Prisons. The CPT calls upon the Italian authorities to engage in a serious reflection on the current configuration of the “41-bis” regime by providing inmates throughout the prison system with a wider range of activities and increasing visiting and telephone entitlements, as well as remedying the observed deficiencies. It also considers that placement in the so-called “*aree riservate*” should be limited in time in light of their very restrictive conditions.

As to prison health-care, the CPT gained a generally positive impression of the quality of primary health-care provided to prisoners in the establishments visited. However, once again, regional disparities were found. The Committee recommends that vacant health-care posts at Biella and Saluzzo Prisons be filled, and that access to specialised and dental care in these prisons be improved. Further, the deficiencies concerning dental care and the conditions at the infirmary of Viterbo Prison should be remedied. It is also essential that measures be taken to ensure that confidentiality of medical examinations of inmates is respected.

The report also criticises the prolonged accommodation of mentally ill persons in a prison setting due to the absence of places in appropriate facilities (such as the so-called Residences for the Execution of Security Measures or REMS and the specialised psychiatric sections in prisons or ATSM). Measures should be taken to ensure that mentally ill prisoners are transferred to a health-care facility without delay. From the official statistics on suicide provided to the CPT and from the findings of its delegation, it appeared that persons who were placed in *de facto* solitary confinement were at much greater risk of committing suicide. Even persons who were assessed as being suicidal were often isolated from other prisoners, rather than being placed under direct staff supervision and offered both meaningful contact with other staff members and prisoners and access to activities, as appropriate.

The report also addresses the essential role of staff in prisons, and the necessity for staff to be better allocated throughout the prisons to ensure an effective presence on every section. The notion of dynamic security needs to be better promoted, and the training of staff enhanced, notably as concerns inter-personal skills. Finally, recommendations are made to increase telephone entitlements and family contacts for high-security prisoners, and to reinforce legal safeguards surrounding disciplinary proceedings for inmates.