

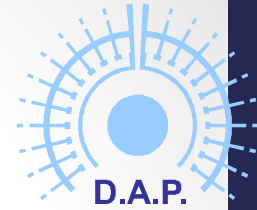


Ministero della Giustizia
DIPARTIMENTO DELL'AMMINISTRAZIONE PENITENZIARIA

ITALY

Ministry of Justice

Department of Penitentiary Administration



The recent positive developments in the fight
against overcrowding in the Italian penitentiary
system: some good practices

Mr. Santi CONSOLO

Head of Department of Penitentiary Administration

21° CDPSS

Zaandam, 14-15 June 2016

The *Torreggiani and others vs. Italy* judgment

- 28 May 2013: Judgment of **European Court of Human Rights** on the *Torreggiani and others vs. Italy* affair
- A **pilot-judgment: structural reforms** were necessary for our Country
- It represented a **decisive boost** to the adoption of several different measures for dealing with prison overcrowding

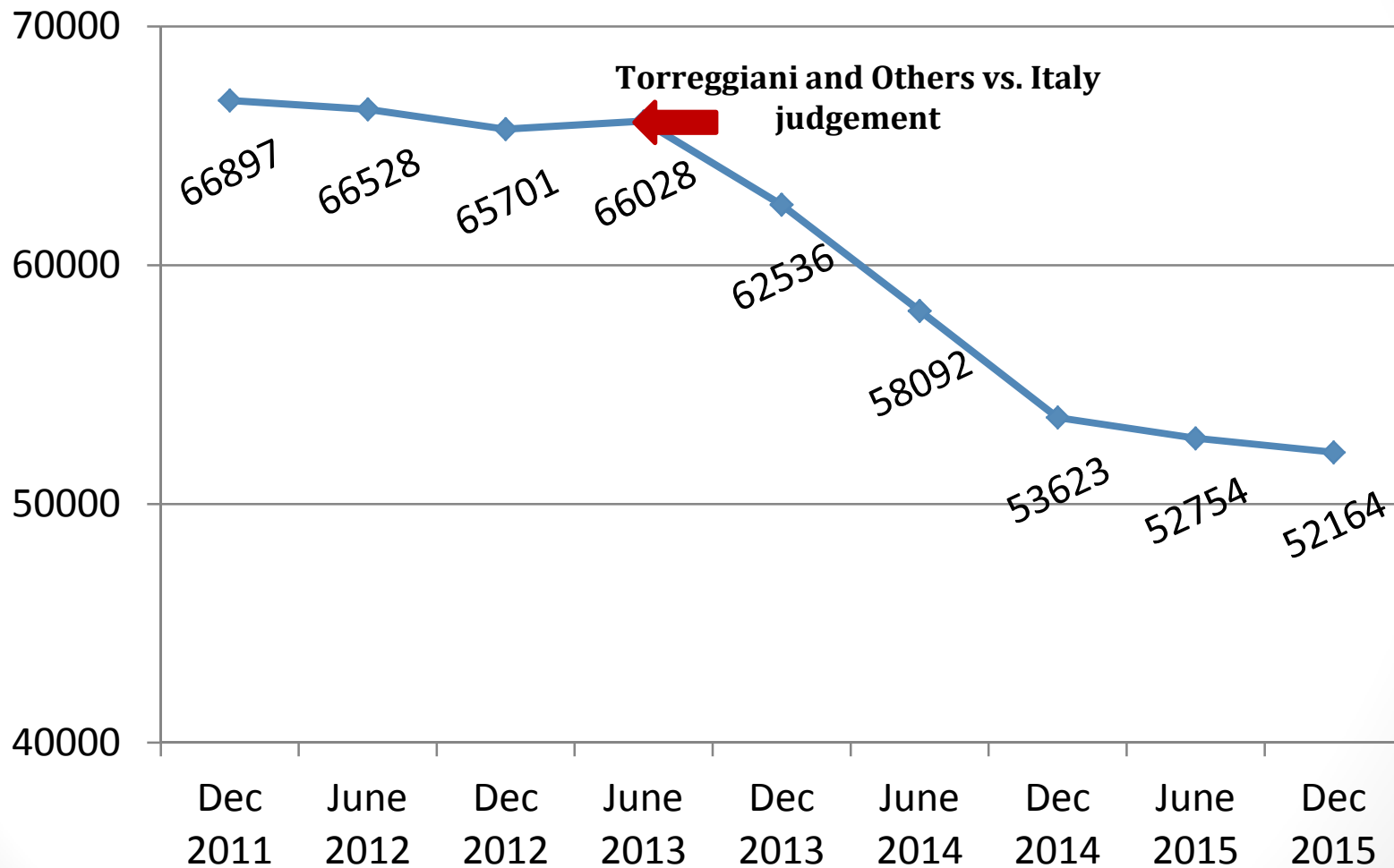
Measures taken : legislative changes and innovations

- The following measures positively affected the flows of entries and exits from prisons:
 - **Different forms of punishments are introduced**
 - **Recourse to pre-trial detention is made more difficult**
 - **Conditions to access alternative measures are widened**

And led to:

DECREASE IN THE NUMBER OF PRISONERS

Evolution of prison population 2011 - 2015



Management and organization actions

- Establishment and development of a **software for monitoring detention spaces**
 - No prisoner is anymore assigned to a cell with less than 3 m² at his disposal
 - ALERT system in case of anomalous situation
 - Can be accessed also by Supervisory Judges
- Database for **detention conditions monitoring** for a periodically updated picture of the current situation of the whole system

Software for Detention Spaces Monitoring

From the national level ...

RIEPILOGO NAZIONALE

Monitoraggio celle e spazi di detenzione |

Dati al: 17.11.2015 - 19.00.27

PROVVEDITORATO	Capienza Regolamentare definita da D.G.D.T.	Capienza Regolamentare calcolata come da indicazione DGGT			SIAP/AFIS: dati inseriti da Istituto							Parametri Corte Europea Diritti dell'Uomo					Indici (%)	
		Capienza	Posti Reg non disp.	Posti Reg disponibili	(a) Superficie Detentiva in mq	(b) Totale Num. Celle Uso Detentivo	(d) Celle non Disp.	(f) Presenti in archivio	(g) di cui registrati in celle	(h) Conta h.24	Diff h-g	Detenuti allocati in mq < 3	Detenuti allocati tra mq >= 3 e <= 4	Detenuti allocati in mq > 4	Out	In	CEDU	(i) Affollamento
PRAP PIEMONTE E VALLE D'AOSTA - (PR01)	4.019	* 4.034 *	201	3.833	32.402	3.037	152	3.766	3.758	3.764	6	0	686	3.072	0	5.570	0,00	98,20
PRAP LIGURIA - (PR02)	1.159	1.159	12	1.147	9.144	586	10	1.370	1.340	1.371	31	0	87	1.253	0	1.410	0,00	119,53
PRAP LOMBARDIA - (PR03)	6.133	* 6.175 *	352	5.823	52.573	4.382	290	7.647	7.597	7.649	52	0	1.464	6.133	0	7.378	0,00	131,36
PRAP EMILIA ROMAGNA - (PR04)	2.802	2.802	266	2.536	24.054	2.240	153	2.871	2.840	2.876	36	0	63	2.777	0	4.137	0,00	113,41
PRAP VENETO - (PR05)	2.686	2.686	117	2.569	21.792	1.675	68	3.227	3.200	3.230	30	0	862	2.338	0	3.420	0,00	125,73
PRAP TOSCANA - (PR06)	3.404	3.404	493	2.911	28.485	2.410	372	3.287	3.200	3.293	93	0	595	2.605	0	4.301	0,00	113,12
PRAP UMBRIA - (PR07)	1.324	1.324	129	1.195	10.625	1.018	99	1.251	1.246	1.252	6	0	226	1.020	0	1.662	0,00	104,77
PRAP MARCHE - (PR08)	853	853	51	802	7.260	652	49	852	845	850	5	0	155	690	0	1.106	0,00	105,99
PRAP LAZIO - (PR09)	5.259	5.259	159	5.100	42.639	3.401	129	5.734	5.693	5.721	28	0	1.006	4.687	0	6.904	0,00	112,18
PRAP ABRUZZO E MOLISE - (PR10)	1.843	1.843	28	1.815	15.843	1.417	15	1.996	1.983	1.996	13	0	126	1.857	0	2.926	0,00	109,97
PRAP CAMPANIA - (PR11)	6.066	6.066	385	5.681	46.357	3.192	263	6.804	6.785	6.789	4	0	1.441	5.344	0	6.472	0,00	119,50
PRAP PUGLIA - (PR12)	2.364	2.364	113	2.251	20.147	1.711	62	3.270	3.231	3.267	36	0	510	2.721	0	2.632	0,00	145,14
PRAP BASILICATA - (PR13)	470	470	15	455	3.423	272	7	472	469	472	3	0	34	435	0	589	0,00	103,74
PRAP CALABRIA - (PR14)	2.661	2.661	5	2.656	19.768	1.447	5	2.336	2.327	2.336	9	0	460	1.867	0	3.552	0,00	87,95
PRAP SICILIA - (PR15)	5.839	5.839	1.077	4.762	47.239	3.369	544	5.702	5.623	5.694	71	0	1.212	4.411	0	5.897	0,00	119,57
PRAP SARDEGNA - (PR17)	2.724	2.724	418	2.306	19.641	1.250	196	1.983	1.974	1.990	16	0	32	1.942	0	3.179	0,00	86,30
Totali	49.606	49.663	3.821	45.842	Mq 401.392	32.059	2.414	52.568	52.111	52.550	439	0	8.959	43.152	0	61.135	0,00	114,63

Note

Totale num.Celle "Destinate ad Altro Uso": 471

* Istituti in fase di configurazione, per cambio tipologia sezioni *

Censimento Spazi ad uso dei detenuti

Software for Detention Spaces Monitoring

... to the individual inmate level

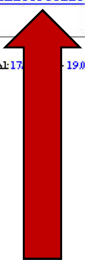
RIEPILOGO ISTITUTO
 Monitoraggio celle e spazi di detenzione

Situazione detenuti presenti alle ore 24,00 del 16.11.2015,
 dislocati in cella il 17/11/2015 alle ore 19.09.27

Istituto : CC "N.C." CIVITAVECCHIA (EE32)
 Sezione IP3: EE32 CC "N.C."
 Sezione/Dislocazione: CIRCONDARIALE - REGIME APERTO M.S.
 Reparto: FEMMINILE
 Piano: 1
 Num.Cella: 9

progr.	Matricola	Cognome	Nome	Data Ingresso in cella	Stato Cittadinanza	Tipo Detenuto	Stato Giuridico	Data Scarr. Provv.	Data Scarr. Def.	Num. Colloqui Famiglia negli ultimi 12 mesi	Incomp. con altri Sogg. Presenti	Consultazione
1	EE281500220	Prisoner's name		18.09.2015 - 19:30	ITALIA	COMUNI	APPELLANTE	10.12.2015		6		M-C-A-U-L-P-T-D-L-RS-RC-ST -Ev critica 4

Elaborazione al: 17/11/2015 - 19.09.27



Clicking on this link, the inmate's personal details will appear with his/her photograph and fingerprints



Information on: legal status, visits, lawyers appointed, parcels received, telephone calls, movement of money, cohabitation with other inmates, disciplinary punishments, critical events ...

Management and organization actions

- **95 %** of medium security **prisoners** today spend at least **8 hours a day outside their cell** in work / study / training / school / sport or leisure activities;
- The system and the premises for **family visits and contacts** were **improved**:
 - removal of remaining separations in visits halls,
 - possibility of visits in afternoon and on holidays,
 - possibility of visits reservation and telephone cards for inmates

Management and organization actions



- Care of **children of imprisoned parents**, by arranging special rooms and spaces dedicated to children visiting their parents;
- Organization of visits in the **afternoon or in holydays** to respect children's school needs;
- Improvement of outdoor “green areas” where inmates can also have a meal with their families.

Building and employment actions

- 267 projects of building, refurbishment and restructuring works in many penal establishments in 2015, aimed at:
 - eliminating the toilets in open sight and to build separate toilets in every cell;
 - Installation of showers in each in-cell bathroom;
 - Etc.
- Establishment of several workshops and factories (shoes, machine shops, etc.);
- Works involved prisoners remunerated workforce



Prisoners' access to the Internet

Circular letter dated 2nd November 2015

- Use of PCs and of Internet connection for **study, education and vocational training**
- Use of **Skype** for family contacts



Perspectives of farm work in Sardinia



- To restart the functioning of some prison farms in Sardinia, with very large State properties for a total amount of 6,000 hectares;
- to be transformed into modern and productive organic and bio-energetic farms producing food for the penitentiary Administration

Unavailable cells

- January 2015: number of unavailable places: about 5,000 (9.14% of total places);
- April 2016: **more than 1,000 places recovered**. The number of unavailable places amounts now to 8% of total places;
- **Next objective:** decrease of unavailable places to 6% out of the total

Proposal of new calculation of regular capacity

- Current calculation criteria: 9 m² per single cells, + 5 m² per further inmate in multiple cells
- **New proposal: 7 m² per single cells, + 4 m² per further inmate in multiple cells**
- Advantages:
 - possibility to provide each cell with a separate in-cell toilet
 - Joining two cells transforming them into a small “flat” for 2-3 inmates

Transfer of foreign prisoners to their country of origin

- Percentage of foreign inmates in Italy: 34%
- Penal judgements should be enforced in inmates' countries of origin in order to ensure their social reintegration at best.
- Need to implement the enforcement of Strasbourg Convention and of **EU Framework Decision 909/2008**.
- Implement **bilateral agreements** with Albania and Romania for the transfer of the prisoners even **without their consent**.
- A similar agreement is under construction with Morocco.

Preventive and compensatory remedies

- New articles introduced in the Penitentiary Act : 35-b and 35-c
- Inmates deeming to suffer or to have suffered detention conditions contrary to article 3 of ECHR can **address the Supervisory Judge**, in order to get
 - A reduction of the sentence still to be served of **1 day every 10 days served** under those conditions
 - Or a **money compensation of 8 Euros for each day** of violation suffered

National Ombudsman of persons imprisoned or deprived of their liberty

- Establishment of the Office of the National Ombudsman of persons imprisoned or deprived of their liberty.
- Mr. Mauro Palma was appointed in that position



Appreciation by European authorities

- In March 2016, the Committee of Ministers of the Council of Europe **finally closed** the monitoring on the cases *Sulejmanovic*, the first judgment against Italy for overcrowding, and *Torreggiani and others*.
- The Italian Plan of Action was cited as an “**example of serious measures** taken to deal with prison overcrowding” by the CDPC in its *White Paper on prison overcrowding*