
Prison overcrowding - the Italian case
1) Italy's response after *Torreggiani and others*
a) Accelerate releases
Special early release scheme - liberazione anticipata speciale
b) Expand access to non-custodial measures
The Italian enforcement system
Range of alternatives to imprisonement
The Enforcement-order Suspension Mechanism
Exceptions - Article 4-bis Prison Act
Raised threshold for probationary supervision
c) Introduce judicial remedies
Preventive remedy (Article 35-bis)
Compensatory remedy (Article 35-ter)
2) Impact of the measures adopted
Initial significant results
European Court of Human Rights in Stella and Others v. Italy
Committee of Ministers closed supervision in 2016
3) Current situation
Rising prison population
Limitations of official capacity figures
Quality of detention factors
Reasons for renewed overcrowding
a) Temporary nature of special early release scheme
b) Community enforcement expansion without increased releases
Expansion of criminal law and Article 4-bis
Resource constraints
c) Judicial remedies effectiveness questioned

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1. 2) Impact of the measures adopted

1.1. Initial significant results

Prison population fell markedly between 2010 and 2015.

1.1.1. European Court of Human Rights in Stella and Others v. Italy

Remedies considered prima facie effective.

1.1.2. Committee of Ministers closed supervision in 2016

Acknowledged measures and positive trend.

2. 3) Current situation

2.1. Rising prison population

65,661 prisoners vs. 51,220 official capacity (128.2% occupancy). Some prisons near or above 200% occupancy.

2.1.1. Limitations of official capacity figures

Official capacity uses generous space standards; does not reflect CPT standards or temporarily unavailable places.

2.1.2. Quality of detention factors

Sanitation, healthcare, structural conditions, activities, family contact affect real conditions.

2.2. Reasons for renewed overcrowding

2.2.1. a) Temporary nature of special early release scheme

Special early release ended; new bill not enacted.

2.2.2. b) Community enforcement expansion without increased releases

30,000 alternative measures yearly but stable probation/home detention releases (10,500-12,800 yearly).

2.2.2.1. Expansion of criminal law and Article 4-bis

More offences and wider 4-bis catalogue increase prison admissions and reduce release possibilities.

2.2.2.2. Resource constraints

Insufficient staff and coordination delay decisions and releases.

2.2.3. c) Judicial remedies effectiveness questioned

Florence Court case on preventive remedy delays; compensatory remedy remains principal but limited.

3. 1) Italy's response after *Torreggiani and others *

3.1. a) Accelerate releases

3.1.1. Special early release scheme - liberazione anticipata speciale

Ordinary early release: 45 days reduction per six-month period with rehabilitative participation.

Special early release: Increased sentence reduction from 45 to 75 days per six-month period.

- Temporary 1st January 2010 - 23 December 2015
- and now ceased.

3.2. b) Expand access to non-custodial measures

3.2.1. The Italian enforcement system

3.2.1.1. Range of alternatives to imprisonement

Link: https://www.mindmeister.com/app/map/4102298951

3.2.1.2. The Enforcement-order Suspension Mechanism

3.2.1.2.1. Exceptions - Article 4-bis Prison Act

Expanded from 2 to over 30 offences, limiting access to alternatives for serious crimes.

3.2.2. Raised threshold for probationary supervision

From 3 to 4 years sentence or remaining sentence, probation is most used alternative.

3.3. c) Introduce judicial remedies

3.3.1. Preventive remedy (Article 35-bis)

Prisoners can challenge serious current rights violations; judge orders corrective actions.

3.3.2. Compensatory remedy (Article 35-ter)

Sentence reduction or monetary compensation for detention violating Article 3 ECHR.