



National Guarantor for the Rights of Persons Detained or Deprived of Liberty



National Preventive Mechanism under the OPCAT

The National Guarantor in the context of Covid-19 outbreak

Rome, 25 March 2020

The European networking

Organised by the Association for the Prevention of Torture in Geneva, a video-conference meeting took place yesterday with 29 participants, mostly representatives of the European National Preventive Mechanisms (NPMs), which agenda was the impact of the measures taken to contain the virus (at regional or national level) and the challenges that the current situation poses for the NPMs' activities. Many of the participants reported about their suspension of monitoring visits. The general situation of monitoring activities being hindered by the present conditions made more valuable the control activity undertaken so far by the National Guarantor which, together with the network of local Guarantors, has continued having availability of minute and updated information. Furthermore, in this critical time it conducted two visits, one to Regina Coeli prison (Rome), immediately and during the prisoners' riots, and one to Rieti prison to check the material damages consequent to the recent unrest and to monitor the prisoners' and staff's rights being respected.

The international meeting has been the occasion to put on the table the issue of the legal detention, in compliance with the Return Directive 2008/115/EC, of migrants who cannot be forcibly returned at the end of their pre-removal detention in the Immigration Removal Centres because of borders being sealed.

Another discussion opened on the measures adopted to increase capacity in the many facilities so to prevent and contain infection. As we all know, Spain has closed three removal centres for migrants in consequence of the government's decision to close borders and stem air or sea connections while the NPMs of Albania, Switzerland and Italy (i.e. the National Guarantor) have asked their respective Governments to assess the situation of the risk of illegal detention of those migrants who — most likely — cannot be repatriated.

Immigration Removal Centres (CPRs)

The Department for Civil Liberties and Immigration at the Ministry of the Interior has provided the National Guarantor with the requested information relating to the measures envisaged for CPRs and *hotspots* to tackle the spread of the epidemic from Covid-19.

In addition to adopting robust hygienic measures, ensuring the availability of personal hygiene, cleaning products, and providing personal protective gears, the Prefects were invited to identify specific spaces for carrying out health care monitoring or precautionary isolation. With reference to contact visits, they were said to guarantee the established distance of two metres and the availability of dedicated rooms. The National Guarantor is monitoring these provisions are being implemented.

Prisons

Thanks to the contribution of the local Guarantors, the National Guarantor is always getting up-to-date information from prisons. On one side, there are still some problems on prisoners receiving personal care packages from their families — in which regard some possible alternatives are under evaluation. On the other,

the National Guarantor is renewing the invitation to prison governors and the Supervisory Judges to foster the release of prisoners who fall within the conditions established by the Decree-Law n.18 of March 17th through a swift implementation of its provisions.

In this critical context, we all need to acknowledge that group dynamics and team building are paramount. Healthcare professionals, prison governors, rehabilitation staff, and officers are all working for the same clear common goal: to ward off the spread of the epidemic and reduce those feelings of anxiety nurtured by the likelihood of contamination. The Prison Administration is carrying out the administration of mobile phones, which are proving to be a more flexible means of communication in facilitating contacts with the outside world.

However, the ongoing downward trend in prison population is a positive result: tonight the number of prisoners is of 58,386, 238 inmates less than yesterday.

Today, during his Question Time in Parliament, the Minister of Justice — with whom the National Guarantor is engaged in continuous dialogue - provided the number of infected persons among prison population. For this reason, we now feel free from the commitment that we have to confidentiality about the real number of cases, which characterised our communication of the past few days. To date, 13 people have been tested positive for coronavirus in prisons; in addition, a person was found positive last December and is — since then — assigned to a hospital; another prisoner, who has developed the disease, has been given an alternative to imprisonment. Many prisons have set up preventive health care isolation wards, for special cases accessing the facility or for imposed separation from those with fever symptoms. Currently, there are 248 people accommodated in these structures waiting for the necessary quarantine. We go over again in saying that this number is in no way referring to people with manifested symptoms or undergoing a test, but it simply speaks of those who have been put into preventive quarantine after they arrival — or else were already restricted in prison but have accused doubtful, albeit slight, symptoms.

Residences for people with disabilities or the elderly

The effects of the ongoing health emergency on older people are well known. This situation is even more serious in closed residential homes that host people suffering from serious chronic neurological diseases or having specific disabilities, which are concentrated in the northern part of the country, where the epidemic is more widespread.

In fact, according to *GNPL National Register* — the National Guarantor's database created for the geolocation of social and health care homes nationwide — there are 4,629 nursing homes (so called *Residenze sanitarie assistenziali - RSA*), of which 2,651 are in the north, 668 are in the centre and 493 are in the south, 817 are in the main islands. Only in Lombardy, the region most affected by the pandemic, there are 689 RSAs. The Piedmont region is second with 616 RSAs, Emilia-Romagna third with 565 and Veneto fourth with 324 RSAs. Tuscany has 315 RSAs and is the first region in central Italy, while in the south the region Apulia scores the highest number of RSAs.

Furthermore, it should be highlight that the risk of coronavirus spreading in residential social and health care homes, for minors and adults, is particularly high. Just think that the total number of places available in these structures is of 340,593. In northern Italy, there are 226,516 places, in central Italy they are 45,124, in the southern part they are 36,562. Finally in the islands 32,391 places are available (source *GNPL National Register*). These facilities fall within the mandate of the National Guarantor, as a National Preventive Mechanism (NPM) in the UN context.

Its being established NPM enhances the importance of the research project which it launched in collaboration with the National Health Institute and is addressed to RSAs. In this regard, the high commitment of the professionals involved in the administration of the questionnaires allows us to achieve some first results within this week.

At the time of publication of this bulletin, out the 2,591 RSAs to which the questionnaire was delivered, 150 have already replied the survey. As previously stated, the questionnaire is aimed at acquiring information on the management of any suspected cases or patients being tested positive to Covid-19. Collected information will help adopting strategies for enhancing prevention programmes of infections related to the health delivery

service. The survey also concerns those critical issues that could jeopardize the enforceability of people's fundamental rights. The National Guarantor renews the invitation to the managers of the RSAs, involved in the project, to ensure a high participation in the *survey*, by giving exhaustive answers to the questionnaire in order to achieve the results necessary to support the scientific research that the emergency of the moment makes indispensable for the protection of everyone's health.

As it is evident to all, the areas of competence of the National Guarantor are manifold. Its scope derives from its mandate, which is established by law. Instead, today, this high Institution — in particular its Chairman — have been under the dirty trick of an Italian weekly magazine. It was written that the monitoring and controlling activity of the Italian NPM has been arbitrarily and “creatively” extended to areas, other than prisons. To this verbal attack, many other shabby considerations addressed to its President were added to the article.

Clearly, a reply was sent to the magazine and its publication claimed. However, if the purpose of that article is to deliver information in order to diminish the National Guarantor's resolution to fulfill its mandate, we are quite sure they would be disappointed.