



# 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, 16 April 2020

#### **The international networking**

Let us get back to the international affairs which were somehow interrupted with the festive period of Easter.

On 9 April, an informal conversation between the Human Rights Council and the UN High Commissioner for Human Rights, Michelle Bachelet, has taken place to witness how international bodies continue to perform their functions at the present time of crisis.

The High Commissioner made a lengthy statement stressing that Covid-19 represents a "colossal test of leadership" that requires coordinated action at all levels. Ms. Bachelet stressed the importance of protecting economic and social rights. She also highlighted the imperative of respect for civil and political rights during this crisis, with particular attention to all vulnerable groups: people in places of detention and in psychiatric institutions, people with disabilities, ethnical minorities, migrants, refugees and internally displaced people and those in conflict zones; and, in particular, older people, especially those living alone or in institutions.

Specific guidances to tackle the virus outbreak among vulnerable persons were partially published or are about to be published. In particular, Ms. Bachelet refers to the United Nations interim guidance on persons deprived of their liberty in places of detention, the number of which should be reduced to avoid the escalating risk of contagion in closed and overcrowded environments.

The Commissioner also mentioned how many migrants are at high risk of infection given their living conditions and reduced access to health services. In this context, she stressed positively the decision taken by Portugal to grant full citizenship rights to all migrants so that they could have access to health care.

Link to WHO guidance: [http://www.euro.who.int/\\_data/assets/pdf\\_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1](http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1)

Link to the UN High Commissioner's statement:

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25785&LangID=E>

The UN Subcommittee on the Prevention of Torture (SPT) is gathering information through the National Preventive Mechanisms (NPMs) on how they are responding to the challenge of tackling Covid-19 in places where persons are deprived of liberty, also in view of an overall outline of the different strategies implemented by the NPMs in carrying out their mandate.

The National Guarantor's Office is ensuring the translation of the some documents published from international bodies, like recently, the *Advice of the UN Subcommittee on the Prevention of Torture (SPT) to the National Prevention Mechanism of the United Kingdom of Great Britain and Northern Ireland regarding compulsory quarantine for Coronavirus, adopted at its 40th session (10 to 14 February 2020)*; the *Statement of 25 March 2020 of the UN High Commissioner for Human Rights, Michelle Bachelet*, and

the *Statement of 26 March 2020 of the Commissioner for Human Rights of the Council of Europe*, Dunja Mijatović.

### **The local Guarantors' networking**

Today, Mr. Giuseppe Fanfani has been appointed as regional Guarantor for the rights of prisoners in Tuscany. He received votes from the majority of the regional council's members after his post was left vacant for almost three months, which were overwhelmed by the current Covid-19 emergency. The National Guarantor welcomes the new regional Guarantor and is confident in his ability to read into people's needs and to lean on his predecessor's legacy, Franco Corleone, to whom shall we send our best wishes and express appreciation for his past activities in the field of criminal detention and the protection of the rights of persons deprived of liberty.

### **Residences for the execution of security measures (REMS)**

Recently, the National Guarantor has reported the situation in the "Anton Martin" REMS in San Maurizio Canavese [Turni, Piedmont], where two patients were tested positive for coronavirus and immediately sent to the local hospital. Unfortunately, one of them has died. Four other patients in the REMS were showing flu-like symptoms with fever and swab tests were carried out on all four guests. Although they had their fever brought down, they are kept in isolation until their test result is available. A request has already been made to swab all patients. Most of the staff were undergoing tests as well. Two people from the REMS' staff are still to be tested.

### **Prisons**

Today, prison population is up to 54,998 inmates.

The number of prisoners tested positive is stable: still, they are concentrated in some prisons in northern Italy. No cases tested positive were found in 10 regions — Abruzzo, Basilicata, Calabria, Lazio, Liguria, Marche, Molise, Sardinia, Sicily and Valle d'Aosta) — and in the Autonomous Province of Bolzano.