



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



National Preventive Mechanism under the OPCAT

Prisons

Another day has passed, a day of attendance that echoes the almost paralysed feeling of the arrested time in the outside world. If, on one side, it is positive that no particularly significant critical event has occurred, on the other hand, no general provisions have been issued to help prisoners and prison staff approaching the forthcoming days with a more positive attitude.

Hypotheses have been formulated for regulatory interventions aimed at making available additional places in prison establishments so to face the unfortunate necessity to isolate the infected ones. Up to now, the isolation for health reasons have rather concerned testing the newly arrived and isolating prisoners coming from the facilities located in particularly risky areas.

The provisions envisaged range along the rules provided by law (namely, the Prison Act), while exploring access to forms of alternatives to imprisonment addressed to those who have a short time left to spend in custody and behaved well during their prison time, thus considering these last as low-risk offenders. Yet the government's position on this point is not well determined. At the same time, however, some justices, prison staff and local ombudsmen tell us of a certain dynamic enforcement of already existing rules and regulations: the purpose of all is to speed up procedures, although the supervisory justices are already stressed by robust workloads and their situation is known to all.

However, the National Guarantor believes that the problem has to be consistently tackled - and therefore a uniform norm be followed - to avoid interpretative differences, different cultures within the varied and uneven panorama of penal execution and the impossibility of adapting these measures to the fast-moving epidemic.

Today, the prison population is 60,109, but we know very well that the availability of places is difficult to assess since the damages inventory is still ongoing.

As announced, the National Guarantor communicated the Public Prosecutor about the decision to exercise its rights of appearing as injured party in the criminal proceedings relevant to the deaths occurred in prison during the riots.

Residences for the execution of security sentences (REMS)

The National Guarantor has received feedback information about the contacts between the Residences and the community outside, and their developments after the outbreak of the virus, in particular which measures have been adopted in terms of family contacts and visits. The answers obtained have been different and range from a decrease in the number of visits and of family members to different modalities being applied to visits (for example, they can take place outdoors), to visits being suspended, thus applying automatically what is foreseen for the prison world. The National Guarantor underlines that the REMS are not to be considered in the same way as a prison facility and the automatic application of what has been so far established for prisons to REMS is wrong: all reference made to internees in the decree-law of March 8th is to be understood as addressed to the penal labour colonies which, indeed, are always reported in the printouts

of prison capacity and population. On the contrary, the REMS are healthcare facilities and as such, they do not appear in the Prison service database.

From today, a blog is available for the patients in the REMS "Merope" (Rome) to tell the outside world about their life experience inside the facility in this critical moment (<https://storiedirems.wordpress.com/>).

Immigration Removal Centres (CPRs)

As for the CPRs, the National Guarantor is waiting from the Ministry of the Interior a reply to the question raised yesterday regarding the administrative detention of those who, although approaching the maximum length of pre-removal detention, cannot be repatriated given the flight lockdown (return operations stopped) in the current situation. The number of migrants being present in the CPRs as of today is 425.

The next "National Guarantor's Bulletin during the Covid-19 alert" will come back on Monday 16th.