



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, 15 April 2020

Prisons

Many letters from prisoners' families have been sent to the National Guarantor. They expressed their fear of contagion in prison establishments. Worries that the National Guarantor is been upholding in these times and which are not diminishing despite the downward trend in prison population data and the stable value of people being infected.

Today, prisoners being held in cells are 55,030. It is an important value if seen in its constant decrease. It is close to the number in prison population as in mid-2016 but far from the figures registered in 2015 (52,184). Actually, the situation in 2015 made it possible for Italy to close the infringement procedure before the Strasbourg Court and prevent the enforcement of the pilot judgment (the Committee of Ministers declared the procedure closed on 8 March 2016 because of the data reached in 2015).

To date, there are 105 prisoners tested positive for coronavirus (11 are held in local civil hospitals); two inmates have died and 19 have overcome the infection. The number of cases tested positive is clustered in three or four prisons in northern Italy, where some foci of infection have been detected. On the other hand, in 11 regions — Abruzzo, Basilicata, Calabria, Friuli-Venezia Giulia, Lazio, Liguria, Marche, Molise, Sardinia, Sicily, Valle d'Aosta) — and in the Autonomous Province of Bolzano no cases tested positive were found.

Much attention is to be paid to staff working in prison, since the number of people infected is now of 209 cases, out of which 204 are prison police officers; two have died and six recovered from the disease. Moreover, we shall stay focused on staff — in particular correctional officers who have daily direct contacts with prisoners in wards. Are they supplied with personal protective equipment, as well as support in these difficult times? A situation even more complicated is envisaged for those who live in the prison compound because their home and family are far away. The National Guarantor has positively welcomed the circular note issued by the *Ente assistenza* [an internal office at the Prison Service headquarters which plans and performs supportive actions in favour of prison staff], which will provide prison officers and civil servants affected by Covid-19 — in a period of time starting from 1 February 2020 — with a subsidy. The financial aid will be gradually distributed to all those who have applied and will be assessed on a case-by-case basis and the severity of illness.

Without prejudice to the need for carrying out incisive strategies to bring prisons to a capacity condition capable of adequately tackling the difficulties with which prison staff and population are confronted, the National Guarantor has acknowledged the information given by Commissioner Arcuri [the special commissioner for virus emergency] relevant to an additional supply of electronic monitoring bracelets. Furthermore, it hopes that the conversion of the Decree into Law by the Parliament could become the propitious moment for amendments that will result in more effective and targeted actions to counter the risk Italy is now facing. To date, 1,904 people have benefited from home detention from March 18,

while 420 prisoners on semi-liberty have been granted extended license pursuant to article 124 of Decree-Law 18/2020.

Particular attention is paid to some prisons, in particular the one in Bologna, where — due to the damages resulting from the riots occurred in 9 and 10 March — it has been impossible for prisoners of two prison units to have their daily time of outdoor activities. The National Guarantor sent a letter to the prison governor and asked for information (in carbon copy, the Regional Prison Director-General and the President of the Supervisory Court of Bologna). The reply from the prison governor was immediate. She has committed herself to speed up the reconstruction works as much as possible, at least in one of the two yards, and to continue with the second one. Nevertheless, the National Guarantor is firm in its warning about the fact that preventing prisoners from accessing the exercise yards for outdoor activities even below the minimum of one hour is below any standard accepted by national and international bodies.

Migrants

These are complicated days, when the effects of the ongoing epidemiological emergency are intertwined with new sea arrivals of migrants at the Italian coasts. For this reason, the National Guarantor, since last week, has asked the Department for Civil Liberties and Immigration [at the Ministry of the Interior] for information on the many quarantine places set up nationwide.

The overall picture shows a drop in the number of migrants in the Immigration Removal Centres (CPRs), which have decreased from 425 on 12 March to 282 to date. At the same time, however, numbers have boosted in the hotspots where, sometimes, new arrivals are held in quarantine. Currently, 111 people are housed in the Lampedusa *hotspot*, where it is certain that quarantine cannot be carried out in total separation. Around 30 new arrivals are actually quarantining since early April and the rest of them are separated since April 8th. In Pozzallo hotspot, there are 50 migrants, all in quarantine as they are part of the sea arrival, which took place on 7-8 April in Lampedusa. In Messina hotspot, there are 57 migrants but they are not quarantined: they are waiting for relocation to other European countries, which is most unlikely that be carried out due to borders closure.

The National Guarantor got to know about the medical evacuation of a family that was on board the ship "Aita Mari" (belonging to a Spanish NGO), which two days ago rescued migrants at sea on four drifting boats. From a direct contact, the National Guarantor learned that the Spanish NPM is having contacts with the Spanish government to engage in a coordinated solution with Malta and Italy. Indeed, the commitment of the Spanish government is deemed acknowledgeable due to the ship being registered in Spain, hence be considered as an extension of its territory.