



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, 17 April 2020

Prisons

In the morning, the National Guarantor met the Coordinator of the Supervisory Court Office in Santa Maria Capua Vetere [Caserta], Giuseppe Provitera and judge Marco Puglia. The meeting key issue was the commitment of the Supervisory Court Office in ascertaining facts reported by multiple sources regarding ill-treatments on prisoners following a protest in the town's prison and an 'exceptional' search.

The National Guarantor acknowledged the strong and immediate commitment of the Supervisory Office in ascertaining facts and also issued its press release today about the meeting.

As of yesterday, the National Guarantor has analysed the figures relevant to the decrease in prison numbers of about 6,000 people, occurred from 1 March: in 2,078 cases, prisoners were granted home detention (436 were also monitored with electronic bracelets) while 425 prisoners were on semi-liberty licenses until June 30.

Youth Offender Institutes (IPMs) and communities

There are no cases tested positive for coronavirus among youth offenders in detention centres and governmental communities and not one among prison officers. Nationwide among prison officers working in IPMs, 11 cases have been quarantined, 8 were self-isolating, and 39 were tested.

The monitoring carried out by the National Guarantor on IPMs has shown that no protests were started by juveniles after their contact visits were suspended (they were put on hold for precautionary reasons to box in Covid-19 contagion). Most probably, it could happen thanks to a constant information campaign, support and uphold for detained youngsters carried out in all detention institutions to face the challenges that these times have brought about. In this perspective, meetings were also held with the local health authorities to cater for detailed information on the reasons behind government provisions to youth offenders, with particular regard to those taken to protect their health and families.

In order to maintain constant relationships with family members and to support emotional relationships, especially between parents and children, compensation alternatives to contact visits were envisaged since February 25 in all IPMs. The extension of phone call duration and number, the use of tablets and mobile phone for video conversations (through *Skype for business* platform) were provided, the Department for Youth and the Community informed.

The use of video calls also allowed unaccompanied migrant minors to carry out remote calls with family members in other countries, thus fostering the exercise of rights of this specific category of users, for whom restrictions imposed for health reasons are difficult to understand because of their migratory experience and individual needs.

The IPMs were urged to stipulate specific Memoranda with local Health Authorities for any suspected cases, compulsory quarantines and precautionary health isolations and each IPM has located spaces for managing said cases. Furthermore, the supply of personal protective equipment was ensured to staff and detained youth offenders.

Great attention has been paid by the Department for Youth and the Community (DGMC) to juveniles held in facilities run by non-profit social enterprises which house youngsters subject to penal sanction issued by the Juvenile Court — hence in the competence of the MoJ social services — and others subject to civil and administrative sanctions, thus entrusted to the social services of the local authorities.

According to the DGMC, these residential communities operate to meet regional regulations and carry out activities aimed at empowering and participating youngsters in the social life of the territory, which is why difficulties arise in the management of sanitary isolation. Sometimes specific and unambiguous operational indications are lacking from the competent Health Authorities regarding the management of new arrivals, of suspected cases or full-blown infections, as well as the management of any quarantined personnel. Moreover, these structures rarely have rooms with the characteristics indicated for any precautionary purposes, such as single room with a private bathroom. Consequently, more and more frequently, the managers of the communities have decided to reduce availability of places for new arrivals or to bring back those who have moved away from the facility, to protect their guests from contagion.

In light of these difficulties, the DGMC is working to create a wider support network, capable of holding up the current reception system.

Foreign nationals

Isolation and quarantine measures adopted on people rescued at sea, in times of health emergency, are entrusted to the responsibility of the Civil Liberties and Immigration Department of the Ministry of the Interior.

In particular, by making use of the operational assistance of the Italian Red Cross, the Department provides housing and medical checks for people who have found their way to Italy and for those rescued at sea, since the inter-ministerial Decree of 7 April 2020 established that no Italian port is a *Place of Safety*.

In this regard, the National Guarantor is in close contact with the Department, to monitor the situation of the 149 people rescued from the "Alan Kurdi" vessel and quarantined on board an Italian ship in Italian waters. According to the information acquired, the group is made of 108 men, 3 women and 38 minors.

For those who have recently disembarked, in addition to the hotspots of Pozzallo and Lampedusa, which — to date — are housing respectively 50 and 115 third-country nationals, the facilities identified for quarantines are the following: in Siculiana (Agrigento), with 73 people; in Comiso (Ragusa), 101 people; in Trapani, where there are 19 people (out of which 6 are housed in the Immigration Removal Centre-CPR¹ and 13 in Marsala); in the Immigration Removal Centre in Monastir (Cagliari), where there are 6 migrants.

According to data provided by the Ministry of the Interior, there has been one case tested positive for Covid-19 among those landed in recent weeks.

Residences for persons with disabilities or the elderly (RSAs)

The National Institute of Health (ISS) has announced today the results of the third survey update (dated April 14) on the leading causes of the many deaths from Covid-19 in nursing homes (RSA), carried out in

¹ At the moment, the CPR it is not operational as a detention facility.

collaboration with the National Guarantor. It is relevant to 33% of the 3,276 RSA (96% of the total number of RSAs) that have been involved in the survey, evenly distributed nationwide. We will give a thorough analysis of data in our next bulletin.

The international networking

Wednesday, April 15, we announced the coordination initiative launched by the Spanish NPM regarding the support to be offered to the ship "Aita Mari" during the sanitary evacuation operation, which became necessary on a family on board the boat.

And it is precisely this need not to escape the recovery at sea of people left adrift in makeshift boats and to put in place effective coordination actions in the central Mediterranean to which Duna Mijatović, the Council of Europe Commissioner for Human Rights appeals, in yesterday's statement, April 16. Above all, the Commissioner said, it must be clear to everyone that the Covid-19 emergency cannot be brought to justify the refusal to dock - in the ports of the Member States overlooking that strip of sea - ships carrying people rescued in the waters that separate our countries from northern Africa.

The Commissioner urges the Member States of the Council of Europe not to leave coastal countries alone in the management of rescue operations and new landings by leaning on the feeling of European solidarity and sharing responsibility in the protection of human rights.

Below The link to the statement of the Council of Europe Commissioner of Human Rights of 16 April ("States should ensure rescue at sea and allow safe disembarkation during the COVID-19 crisis"):

<https://www.coe.int/en/web/commissioner/-/states-should-ensure-rescue-at-sea-and-allow-safe-disembarkation-during-the-covid-19-crisis>

Furthermore, it is worth giving account of another statement coming as well from the Council of Europe, precisely from its Committee on Bioethics: the statement of 14 April 2020 on "human rights considerations relevant to the COVID-19 pandemic".

The main concept is that human rights must be considered when health decisions are undertaken. The Committee reminds Member States that medical decisions and practices in the context of Covid-19 must meet the fundamental requirement of respect for human dignity and that human rights are upheld.

The Committee's statement underlines the importance, now more than ever, of the Council of Europe Convention on Human Rights and Biomedicine (the Oviedo Convention), which represents the only binding international legal instrument in this field. In particular, this Convention provides a single framework for the protection of human rights, also in a context of management of emergencies and health crises, to guide decisions and practices both in the clinical field and in the research sector.

Below is the link to the declaration of the Council of Europe Committee on Bioethics of April 14 (DH-BIO *Statement on human rights considerations relevant to the COVID-19 pandemic*): <https://rm.coe.int/inf-2020-2-statement-covid19-and/16809e2785>

From next week, the National Guarantor Bulletin will be released on Tuesdays and Fridays.