

REPORT FROM ANTIGONE

Exchange of views on "Inhumane prison conditions in the EU - before and during the pandemic"

Monday 28 June - 16.45 - 18.00

An overview of the effects of the pandemic on penitentiary systems at international level can be found in the n.1 issue of Antigone's 2020 journal "Have prisons learnt from Covid-19? How the world has reacted to the pandemic behind bars" edited by Susanna Marietti and Alessio Scandurra. The journal is attached to this report and can also be found at this [link](#).

ANTIGONE

[Antigone](#) is an Italian organisation that since 1991 works for the promotion of human rights in the criminal justice system. Antigone carries out cultural work on public opinion through campaigns, education, media, publications and the academic journal "Antigone". It conducts many studies and researches on penal and penitentiary issues and it cooperates in writing normative texts on relevant topics. Antigone is committed to monitoring prisons. Its [Observatory on Italian prisons for adults](#) and [minors](#) involves around 100 people and has been active since 1998, when Antigone received from the Ministry of Justice special authorizations to visit prisons with the same power that the law gives to parliamentarians. Every year, Antigone's Observatory publishes a [Report on the Italian penitentiary system](#). Antigone's prison Ombudsman collects complaints from prisons and deals with dozens of individual cases per week. Antigone's lawyers and physicians also operate in some Italian prisons through legal clinics in some cases established in cooperation with universities. Antigone also carries on investigations about ill-treatments and is at times formally involved in the related trials. Antigone is also a member of the World Organisation Against Torture's [SOSTorture Network](#).

THE EUROPEAN PRISON OBSERVATORY

Antigone is the leading member of the [European Prison Observatory](#), a network gathering organisations from 13 Member States. The European Prison Observatory studies, through quantitative and qualitative analysis, the condition of the national prison systems and the related systems of alternatives to detention, comparing these conditions to the international norms and standards relevant for the protections of detainees' fundamental rights. The European Prison Observatory highlights 'good practices' existing in the different countries, both for prison management and for the protection of prisoners' fundamental rights. Finally, it promotes the adoption of the CPT standards and of the other international legal instruments on detention as a fundamental reference for the activities of the available national monitoring bodies.

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THE REACTION TO THE PANDEMIC IN PRISONS

The pandemic constitutes a strategic observation point for looking at both the past and the future of the prison systems in Europe. On the one hand, it has shown the widespread and long-standing criticalities of prison life; on the other hand, it has indicated possible ways of reform and change.

The reaction to the pandemic in Italy can be summarized in the following 6 points, some of which are significantly shared by several other European countries:

1. The adoption of provisions aiming at **reducing the prison population**. At the **beginning of March 2020**, Italian prisons hosted 61.230 inmates for an official capacity of 50,931 places (but Antigone estimated real capacity of around 47,000 places due to temporarily unavailable or closed sections). In only two months, the prison population was reduced by almost 8,000 people. At the **end of May 2020**, there were 53,387 prisoners, 7,843 fewer than at the end of February 2020. This was the case of many other countries of the European Union. Indeed, according to the **second Covid-special issue** of the Annual Penal Statistics of the Council of Europe, on 15 June 2020 in the EU area, there were at least 36,000 fewer detainees than at the beginning of the year.
2. The sudden and radical **closure of prisons** in terms of contacts with the outside world and limitations in the inner life was partly counteracted by an opening up to **new technologies**. Incredibly, the pandemic has been necessary for the prison system to come out of its cyber illiteracy and move closer to the technological life of the outside world.
3. A **lack of transparency** of prison systems, due to a double isolation. In the context of the closure mentioned, this led in Italy to the dramatic **riots that broke out in March 2020** in as many as 49 prisons. 13 detainees died from ingestion of drugs during the riots. Prison authorities did not explain the measures taken to prevent contagion, creating a great anxiety among inmates. It was possible to perceive the same anxiety also outside prison. Antigone was **flooded with requests** for help from relatives of detainees who were desperate for lack of information about their beloved. The only official information was available thanks to the extraordinary work of the **Italian National Preventive**

Mechanism. To respond to this general lack of information, Antigone published on its website a [map](#) that was continuously updated showing prison by prison the situation regarding contagions, the health measures taken, the possibility to have access to video and phone calls. Antigone also organized [weekly social media lives](#) to share all the information.

4. An alleged **violent reaction** to the riots. Antigone received several reports from prisons about [violent retaliations](#) that allegedly occurred well after the end of the riots. Following these reports, Antigone's legal working group filed 4 complaints for torture related to 4 different prisons. The proceedings are now ongoing. The possibility to file a complaint for torture has been introduced only in 2017, when Italy introduced this crime in its penal code. The introduction of the crime of torture in the penal code is the result of an advocacy campaign carried out by Antigone since 1998, when it presented the first bill. In 2021, the first two convictions for torture took place in relation to events that took place in two prisons.
5. The pandemic highlighted even more the **inhomogeneity** that can be found among the different prison facilities in terms of inner daily life, transparency, respect of human dignity and abuses. Two very different but relevant examples: in prisons where the measures adopted to prevent the contagion were clearly explained to the inmates, they have been peacefully accepted and no disorders occurred; in prisons where prison staff was active in organizing the use of technology, school courses and other activities continued remotely, while elsewhere they were interrupted and never resumed. Prisons lack a centralised message.
6. The extremely relevant role played by **civil society** all around Europe since the beginning of the pandemic can be summarized in 3 words: **advocating, supporting, informing**. Some examples can be drawn from Antigone's experience. **Advocating:** at the beginning of the pandemic, Antigone called for immediate measures to combat overcrowding and contagions, [suggesting suitable lines of interventions](#) that were partly followed by the Government. In the following phase, Antigone carried out a strong campaign asking the Government to insert prisons among the [vaccination priority categories](#).

If at the beginning they were not considered, prisons were later inserted in the vaccination plan immediately after the over-80s category. Today the number of inmates is around 52.500 and more than 50.000 doses have been administered.

Supporting: in March 2020 Antigone set up a legal working group composed of around 60 between lawyers and experts to help prisoners to submit applications for home detention or for other needs. Only during the first lockdown (March-April 2020), this legal group dealt with around 400 cases. **Informing:** adding to the already-mentioned maps and videos to inform general public opinion, Antigone also worked to keep relatives of inmates informed of what was happening in prisons during the pandemic thanks to the work of its staff and volunteers.

Many other civil society organisations around Europe have restlessly worked with all the available means to advocate, support and inform throughout the pandemic and achieve results that vary from country to country.

A LOOK TO THE FUTURE

What can we learn from these reactions for the future of penitentiary systems?

1. **Many people** who were in prison at the beginning of the pandemic **should not have been imprisoned** in the first place. They could have benefited from an alternative to detention even before, especially in the two large areas of pre-trial detention and drugs-related crimes. In Italy in the last decades, alternatives to custody have grown without corresponding to an equal decrease of detention numbers. Thus, the overall area of penal control has grown. The principle of imprisonment as a last resort must be strongly reaffirmed.
2. **New technologies** can be used in prison without a risk for security. If the prison environment should reproduce external life in order to prepare prisoners to reenter society, the lack of access to new technologies strongly contrasts with the objective of social reintegration. There is also a risk that the closures imposed by the pandemic on prison life become normal, so it is critical to monitor the reopening of prisons to the outside world, but also that they become even more open than before thanks to technologies employed for education, activities, contacts with the outside.

3. A strong message is still needed from the public authorities against the use of **violence in prison**, which has not always been the case in Italy in the past. Besides the prosecution of torture, more prevention is needed at various levels: staff training, prohibition of the use of weapons including tasers, video surveillance of detention areas, identifiability of custody staff. Antigone's experience also brought to light the crucial role of the physician, both in reporting the events and in protecting people with psychiatric problems towards whom violence is often directed.

4. At a time of dramatic difficulty such as the one that the pandemic has brought, the intervention of a **civil society aware of and expert in penitentiary issues** has proved to be fundamental. Prison monitoring by the civil society has different prerogatives than those of the independent control bodies (Cpt, Spt, Npm) and should not be thought of as an alternative to it. Antigone, with the strong support of the European Prison Observatory and of the World Organisation Against Torture, strongly hopes that throughout Europe civil society organisations will be guaranteed access to prisons and given the opportunity to develop the necessary expertise to support prison processes. Antigone, the **European Prison Observatory** and the **World Organization Against Torture** believe that the European Parliament should put pressure on the Commission to urge Member States to expand the presence of civil society in prison and to encourage the emergence of bottom-up processes in every country.