



## THE PRISON SEEN FROM INSIDE

### Antigone's XVIII Report on detention conditions

On 28 April 2022, Antigone presented its XVIII Report on detention conditions in Italy: "Il carcere visto da dentro" (The prison seen from inside). The Association received its first authorizations to visit Italian prisons in 1998 to monitor prison conditions and over the past 24 years has made around 2,000 visits to all 189 Italian prisons. 97 visits were made in 2021 alone. This monitoring activity is carried out by the Observatory on prison conditions which involves around 100 volunteers scattered on the whole Italian territory.

The full Report is freely available [here](#).

### NUMBERS ON DETAINEES AND OVERCROWDING

The total **number of detainees**, which dropped significantly during the first year of the pandemic, has started to grow again. Detainees went from 53,364 at the end of 2020 to 54,609 at the end of March 2022. The official average occupancy rate was 107.4%; however, due to small or large maintenance works in several prisons, the actual capacity of the institutions is often lower than the official one.

On the same date, **foreign detainees** were 17,104, which corresponds to 31.3% of the prison population. The percentage of foreign detainees has decreased by 5.8% since 2011 and the detention rate of non-Italian citizens has seen a decisive decrease, from 0.71% in 2008 to 0.33% in 2021. Data on their judicial position tells us that they are more affected by pre-trial detention than Italians: while pre-trial inmates represent 15.6% of the total (i.e. Italians and foreigners), foreign inmates awaiting trial represent 17% of foreign inmates.

As of 31st March 2022 there were 2,276 **women** in Italian penitentiaries, that is 4.2% of the total prison population. Of the 2,276 women prisoners, 576 are housed in the four all-female prisons in Italy. With the exception of the Venice Prison, the other three all-female institutions are significantly overcrowded. Three quarters of the detained women are hosted in all-female sections within prisons for men, where services for women are not always available.

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PER I DIRITTI E LE GARANZIE NEL SISTEMA PENALE

As of 31 March 2022, there were 19 **children** under the age of three living with their 16 mothers inside a penitentiary institution. Of these, the largest group consists of 8 children housed in the Lauro Low Security Institute for Detained Mothers.

There are 63 **transgender people**, all women, currently in prison. There are a total of 12 institutes that accept transgender people: of these, 7 have a dedicated protected section, almost always in open custody, while only 3 have "mixed" sections that host different kinds of protected inmates.

The inmates that have declared themselves **homosexuals** to the penitentiary administration are 64. There are currently 20 prisons that host "protected homosexuals": of these, 15 provide for allocation in "mixed" sections, 2 in the section for offenders with crimes that cause social disapproval, 3 have a separate section for homosexuals.

## JUDICIAL POSITION, CRIME AND LENGTH OF SENTENCES

With regard to the **judicial position**, as of 31st December 2021, inmates with a final sentence were 69.6% of the total while 31.1% of prisoners were without a final sentence. Detainees awaiting trial (i.e. pre-trial detainees) are 15.6% of the total. Despite a constant trend towards a reduction in the use of pre-trial detention, the numbers of pre-trial detainees are still very high.

With regard to the **number of incarcerations** per detainee, as of 31<sup>st</sup> December 2021, only 38% of all inmates were on their first incarceration. The remaining 62% had already been in prison at least one other time. 18% had already been there 5 or more times before.

After a sharp drop of recorded **criminal offences** in 2020 due to the lockdown, 2021 saw a slight increase. The data shows a 12.6% decrease from 2019: 1.8 million crimes in 2021 compared to 2.1 million in 2019. There were 289 homicides in 2021, 4 more than in 2020 but 25 fewer than in 2019. In 1990, there were 3,012, 10 times more than today.

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Data as of 31<sup>st</sup> December 2021 shows that the **length of sentences** has increased in the past few years. While 10 years ago 40% of sentenced inmates had a final sentence of 5 years or more, today this percentage is 50%. The same goes for those with a sentence of 10 years or more: they were 21% in 2011 and are now 29% of those with a final sentence. Despite the drop in homicides in Italy, the number of life-sentenced detainees has grown 4.4 times in 30 years: lifers were 408 in 1992 and are now 1,810.

Finally, the **average age** of inmates has been rising for years now. Inmates under the age of 40 have been less than 50% since 2015. Their percentage as of December 31, 2021 stood at 45%. The over-40s were thus 55%, the over-60s 9.5% (whereas 10 years ago they did not even reach 5%).

## COVID-19

As of 26th April, 1,210 inmates were positive to Covid-19 out of the 53,723 inmates. Among the 40,960 members of personnel, including prison police, administrative and managerial staff, there were 1,192 positive people. The vaccination against Covid-19 was offered to detainees and personnel on a voluntary basis. According to NGO Ristretti Orizzonti deaths from Covid-19 have been 16 in 2020 and 5 in 2021.

## DEATHS AND SUICIDES

In 2021, according to the Penitentiary Administration 148 people died in prisons and suicides were 57. That is 10.6 suicides per 10,000 inmates. As a comparison, the World Health Organization reports for Italy an overall suicide rate of 0.67 cases per 10,000 people in 2019. According to Ristretti Orizzonti, as of 23rd April 2022, there have been 21 suicides since the beginning of the year and 45 inmate deaths overall.

## MENTAL HEALTH IN PRISON AND SECURITY MEASURES

In 32 penitentiary institutes there are 34 **specific sections** (29 for men and 5 for women) **for detainees with mental health issues** that currently host 261 men and 21 women. In some of them, such as the **now famous Sestante section** in the Turin prison, Antigone's Observatory discovered undignified conditions and the Prosecutor's Office has opened

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an investigation to verify the commission of crimes by prison and health workers. This case leaves open the question of how to "regulate" these sections.

There are 572 internees (of which 104 foreigners and 62 women) in **Residences of the Execution of Security Measures** (REMS - institutions that replaced judicial psychiatric hospitals). Only 300 of them have a definitive security measure. Internees under provisional security measures are increasing: from 198 in 2016 to the current 247. Because REMS are managed by the Ministry of Health, they do not operate over their capacity; therefore, there are now many people on a **waiting list for a place in a REMS**. However, precise data on the number of people on the waiting lists is not available because health is managed at the regional level. As far as it is known, there are at least 204 people on the waiting list to enter a REMS and at least 49 of them are in prison.

As of 28 February 2022, there were 280 internees (61 of whom were foreigners) in Italian prisons, 0.5% of the total number of detainees. They are given a security measure either because of security reasons or because they are habitual criminals. They are hosted in several prisons in Italy, but the only official workhouse (the prison where internees should be rehabilitated) is the Vasto prison in Abruzzo, but there are other sections in other prisons around Italy that are indicated as workhouses. The Vasto workhouse actually presents a paradox: many of the inmates are formally declared unfit to work due to psychiatric problems and, therefore, many of the workshops are actually unused for a lack of working detainees.

## DETENTION CONDITIONS OBSERVED BY ANTIGONE IN 2021

In 2021, Antigone's Observatory visited a sample of **96 penitentiary institutes** out of the 189 currently operational prisons.

39% of all the institutions visited in 2021 were **built before 1950**, 26% **before 1900**. These present considerable limitations both from the point of view of detention spaces and from that of common spaces or for activities. However, the most recent institutes, generally located in remote suburbs, completely detached from city life, often present hygienic and structural problems that are no less than those of the oldest institutes.

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With regard to **hygienic conditions**, in 5% of the institutes visited there are still cells where the toilet is not in a separate room, but in a corner of the cell, isolated by a partition. Also, in 25%, there are cells in which **3 square meters** of walking space per prisoner were not guaranteed, creating conditions of overcrowding that were clearly unlivable.

Only in 44.8% of the visited prisons, inmates had weekly access to the **gym**, but in 30.2%, they did not. In addition, in 17.7% of cases, some sections did not have access to the gym. 40.6% of the visited institutes provide access to a **sports court** weekly, while 36.5% do not. Yoga, rugby, soccer and the gym represent the sport activities generally most offered in penitentiary institutes.

There is also a lack of **spaces** for work activities in 32% of the visited institutes, while in 17% there are sections that do not have common areas for socialization; hence detainees resort to walking in the corridor or spend the whole day in the cell.

With regard to **contacts with the outside world**, only 39% of the visited institutes allowed family visits on both Saturdays and Sundays. In 13%, neither Saturday nor Sunday. In 29%, visits were never allowed in the afternoon, creating problems for family members who work or attend school. In only 22% of the visited prisons, more than half of the inmates made in-person visits. Before the pandemic, this percentage was 40%. On average, in 67% of the visited institutes, more than half of the detainees were allowed to make video calls with family members. In most cases, the average duration of video calls was longer than 30 min. Apart from video calls, in 74% of the prisons visited there was still no access to the internet for inmates. In the prisons where limited internet access is possible, it usually relates to attending forms of distance learning or accessing email services for a fee.

In 35% of the visited prisons, a **green area for outdoor visits** with family members, as required by regulation, was not present.

## WORK, EDUCATION AND VOCATIONAL TRAINING

Data of the Penitentiary Administration as of 31<sup>st</sup> December 2021 indicates that nearly 17,000 detainees, less than a third of the total, **work**. The vast majority works for the

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prison administration in domestic services. Many work a few hours a day or a few days a month. The budget does not allow for full employment and efforts are made to distribute the working hours. The average gross monthly salary of inmates working for the prison administration is approximately 620 Euros. Those who are employed by external companies are 4.3% of the total number of inmates.

**Vocational training** is also lacking. In the second semester of 2021, 222 courses were activated in the penitentiary system and 188 courses were completed. 2,279 inmates were enrolled, while 1,937 completed the course during the semester and 1,608 of them were promoted.

Those who end up in the penitentiary system have very low **educational levels**. The statistics of the Penitentiary Administration report the educational level of about half of the prison population. 2.9% of this sample of inmates were illiterate, 2.2% had no educational qualification and 17.5% had only an elementary school diploma. As a comparison with the free population, the National Institute of Statistics reports that in 2020, 15.9% of the population over 15 years of age had no educational qualification or only an elementary license.

Yet, there has been a decrease by 5,000 inmates in **school enrollment** between 2020 and 2021. Around 15,000 detainees were enrolled in a school course in the 2020/2021 school year. Half were enrolled in first level courses (literacy and Italian language, elementary and middle schools); the other half in the second level (high school). Around half of them successfully completed the course.

Finally, there are 1,246 inmates enrolled in **university courses** in the 2021-2022 academic year. 1,071 are taking bachelor's degree courses, 150 are taking master's degree courses, and 25 are enrolled in postgraduate courses.

## PRISON STAFF

According to data collected by the Observatory during its visits, there are many staffing problems in the penitentiary system.

In only 49% of the institutes visited there was a **director** responsible only for that prison.

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With regard to **educators**, the average was of 1 educator every 83 inmates with substantial differences between the different institutes: in the 20 "richest" prisons, there was an average of one educator for every 31 inmates while in the 20 "poorest" institutions, one for every 152. With a planned staff of 896 units, to date there are 733 educators actually present in penitentiary institutions.

Finally, in the visited prisons there was an average of one **prison police officer** for every 1.6 inmates, and the inequality between geographical areas of the country appears to be less striking than in the case of educators. According to the Annual Criminal Penal of the Council of Europe, Italy is an almost unique case: it has more prison officers than other countries both in relation to prisoners and in relation to the rest of the staff.

## COSTS

The **funds** allocated to the Prison Administration for 2022 are 3.2 billion Euros. 63% of the total are allocated to prison police personnel, who are those numerically more present in the prison system. The daily cost per inmate has increased over the years, from 128.28€ in 2017 to 164.33€ in 2022. Affecting these numbers is the number of inmates, that decreased compared to 2017, and the increase in the Prison Administration's budget in recent years.

Also, the annual budget for **compensations** to prisoners for conditions of detention in violation of Article 3 of the European Convention on Human Rights is set at 800,000 Euros per year. In 2020, this expenditure amounted to 617.5 million euros.

Finally, the sums for compensation for unjust imprisonment in cases of miscarriages of justice amount to 50 million, while the sums for reparation for violation of the reasonable duration of the trial amount to 64 million.

## ALTERNATIVE MEASURES TO DETENTION

As of 15<sup>th</sup> March 2022, there were 32,460 persons serving an alternative measure to detention. Of these, 20,347 (62.7%) were in **probation** with social services, 11,241 (34.6%) in **home detention** and 872 (2.7%) in **semi-liberty**. 9.3% of those in alternative measures (i.e. 3,017) were women. This is a higher percentage than that of women in prison, due to the short sentences generally imposed on women and to their low social

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dangerousness. In addition, the measure of **parole** concerned 24,402 persons and the measure of **community service** (given almost exclusively for traffic violations) concerned 8,860 persons. In 2021, the numbers of alternative measures have increased, after a slight decrease in 2020 due to the decrease in probation with social service and semi-liberty not fully compensated by an increase in home detention.

Home detention with **electronic monitoring** has seen a sharp increase in 2020 (when 2,605 measures were applied) compared to 2019 (when only 251 measures were applied) and a slight decrease in 2021 (with 1,897 measures applied). A critical issue is represented by the costs and effectiveness of electronic monitoring. After some initial difficulties with Telecom and very high costs, in 2018, following a European tender procedure, Fastweb was awarded the contract to provide in the three-year period 2018-2021 about 1,000 bracelets per month for a cost of about 23 million Euros in total. In reality, the number of activations was much lower, but this also depended on the decisions of the competent jurisdictional authorities. The question to be asked is about the actual ability of electronic monitoring to have a significant impact on the numbers of the prison population. The English experience shows how electronic monitoring has not produced any effect of prison deflation, but has rather contributed to the phenomenon of net widening of penal control.

## ACKNOWLEDGEMENTS

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