

WORKSHOP ON FOREIGN NATIONAL OFFENDERS

FOREIGN OFFENDERS IN ITALY: RESPONSE OF PRISON
AND PROBATION SERVICES

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SOME DATA – 31° OCTOBER 2016, www.giustizia.it

54.912 - prisoners in Italian facilities

18.578 - foreign prisoners (33,8% of total prison pop.)

- Morocco: 17,4%
- Romania: 15,1%
- Albania: 13,1%
- Tunisia: 10,8%
- Nigeria: 4,6%
- Egypt: 3,8%
- Senegal: 2,4%

CONTEXT (1)

- January 2013 – Italy was sentenced by ECHR under article 3 of the Convention for the situation of serious and permanent overcrowding of its prisons (Torreggiani et al. C. Italy)
- The Court issued a pilot judgement and gave one year to Italy to apply measures to solve the problem before considering the huge number of applications that prisoners sent from Italy in regard of prison conditions.
- To face the situation and the imminent risk to be sentenced to a just satisfaction for each prisoners, the Italian Government strengthened the system of the alternative sanctions, increased the discount of 45 days every six month of good behaviour to 75, introduced a new procedure to appeal to national courts in case of violation of rights and a new system of compensation in case of overcrowding.

CONTEXT (2)

- In addition, in May 2015, the Italian Ministry of Justice, Andrea Orlando, gave birth to the «General Consultation on the enforcement of the sentence»
- This initiative was realized for the first time in the field of Justice and, above all, in the field of the enforcement of the sentences.

200 experts in different fields



18 discussion groups

- ▶ **Group 1: Prison Architecture**
- ▶ **Group 2: Life in prison**
- ▶ **Group 3: Women in Prison**
- ▶ **Group 4; Ethnic Minorities and addictions**
- ▶ **Group 5: Young Offender**
- ▶ **Group 6: Social links and territorialization of the sentence**
- ▶ **Group 7: Foreigners in prison**
- ▶ **Group 8: Work and training**
- ▶ **Group 9: Education, culture and sport**
- ▶ **Group 10: Health and mental health**
- ▶ **Group 11: Security measures**
- ▶ **Group 12: Community Sanctions**
- ▶ **Group 13: Restorative Justice, mediation, victim protection**
- ▶ **Group 14: Enforcement of the sentences, european comparation and international rules**
- ▶ **Group 15: Prison officers and training**
- ▶ **Group 16: Prison treatment**
- ▶ **Group 17: Prison resettlement and role of the society**
- ▶ **Group 18: Organization and administration of the enforcement of the sentence phase**

PROPOSALS FROM THE «FNP GROUP» FOR THE MINISTRY OF JUSTICE (1)

PROPOSAL N.1

- To strenghten the literacy courses inside prisons to reduce the languages barriers among foreign prisoners and prison administration/italian criminal system.

PROPOSAL N. 2

- To implement telephone contacts and skype calls inside prisons to reduce the geographical isolation
- To distribuete the *Prisoners' Rights and Duties Chart*, translated in the relevant languages, to all the foreign prisoners as soon as they enter into prison,

PROPOSALS FROM THE «FNP GROUP» FOR THE MINISTRY OF JUSTICE (2)

- **PROPOSAL N. 3**

For foreign prisoners that have to leave the Country after the end of the sentence, the Group was shared into two different positions:

a) If the re-socialization path started in prison has given good outcomes : there should be the possibility for the competent Authority (Magistrate of Surveillance) to ask to the entitled immigration authority for a «special permit to stay on the Italian soil». (This is something already existing for young offenders that completed in a positive way their sentence)

b) This proposal can't be considered because in this way, foreigners that are irregular on the Italian soil but have never committed a crime would be discriminated, would find themselves in worse situation than the one of foreign offenders

PROPOSALS FROM THE «FNP GROUP» FOR THE MINISTRY OF JUSTICE (3)

- **PROPOSAL N. 4:**

According to points 11, 12, 21.1, 21.2 e 21.3 of the CM/Rec (2012)12 :

Cultural mediators should become an integral part of the prison administration (This could be reached by implementing the number of experts that works with prisons, according to the Italian Penitentiary Law, or with specific agreement with local authorities)

Today in Italy we only have : 379 cultural mediators working in prison

- **PROPOSAL N. 5**

To implement the correct use of legal instruments that allow the transfer of foreign prisoners in their Country as well as the expulsion as alternative sanction, in case of specific serious crimes (set by law)

- **PROPOSAL N. 6:**

To implement in the whole Country the social housing system for foreign prisoners on the model of the City of Brescia (to grant their access to alternative sanctions)

PROPOSALS FROM THE «FNP GROUP» FOR THE MINISTRY OF JUSTICE (4)

- **PROPOSAL N. 7**

PREVENTION OF THE RADICALIZATION IN PRISON

- A) To plan specific training for prison staff in regard of the special needs of foreign prisoners
- B) To plan specific training for prison staff in regard of how to manage the risk of radicalization inside prisons
- C) To facilitate the sessions with psychologists, psychiatrists, criminologists and ethno psychiatrists
- D) To facilitate the access to educational opportunity for foreign prisoners
- E) To work in collaboration with the outside foreign society and to involve well recognized Imam inside the prisons
- F) To create permanent research group that can help in the individualization of good practices and in the monitoring of the situation
- G) To strenghten the collaboration with the diplomatic authority that can be involved in repatriation/deportation procedure
- H) To provide for good model of deradicalization approach inside prisons

MUSLIMS IN PRISON IN ITALY

- Number of muslim prisoners: 5781
- Number of religious leader among prisoners (Imam): 181
- Official religious leader (Imam) that come from the outside: 30
- Radicalized prisoners: 19
- Prisoners under control. 200
- Number of cultural mediators working in prison: 379 (less than 2 every 100 foreign prisoners)
- Specific place in which muslim prisoners can pray: only $\frac{1}{4}$ of the total number of Italian facilities has a place that is used as a Mosque

Source: Antigone

CONCLUSIONS

- 24 sept. 2015 - Draft law n. 2067, of the Senate of the Republic:

Art. 31, l. n) to provide for rules that take into consideration the rights, the social, cultural, linguistic, religious needs as well as the specific needs linked to health and emotional situation of foreign prisoners.

The Draft Law is still under consideration : how many proposals will be accepted?

Thank you

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