

# Italian penitentiary system



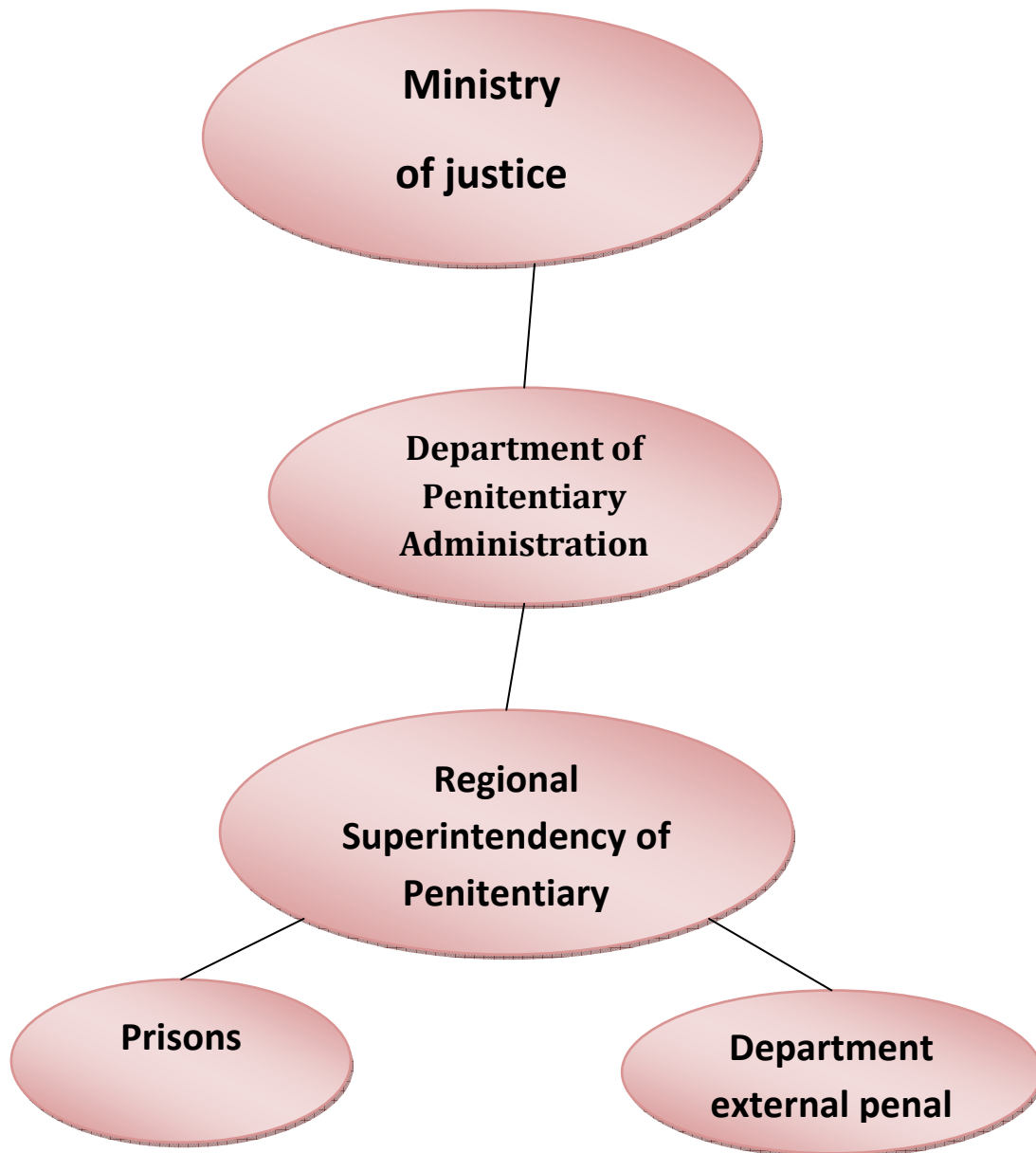
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## Italian penitentiary system: how it is structured the Italian prison system

### Prison Administration Organization

In the Italian system, the prison administration is structured in a number of central and peripheral organs:





At the top of the organization penitentiary, there is the **Ministry of Justice**. Which department of the Italian government, besides taking care of judicial organization and shall perform the functions relating to the management of personnel and assets of the prison, he competence also in the field of security and order institutions and prison services and treatment of prisoners and persons eligible for alternative measures to detention.

Follows the **Department of Penitentiary Administration**, which performs the functions of the department, then dealing with the organizational aspects of sentence in prisons and those relating to performance alternative to detention and management of the administrative staff and prison officers.

According to plans, the guidelines and directives prepared by the Department of Penitentiary (also in order to ensure the uniformity of the prison in Italy), operating at the district level, **Regional Superintendency of Penitentiary** . It is, in particular, decentralized bodies of the Penitentiary Administration, which have competence within the region or multiple regions (16 are on the whole national territory), in terms of staff, organization of services and institutions, treatment *intramoenia* and execution of prisoners in penal outside.

From Regional Superintendency of Penitentiary depend **Prisons**: Currently in Italy places of detention are 207.

From Regional Superintendency of Penitentiary depend also **Offices Penal Execution External**. It is local authorities (more than 80) who take care of services related to:

- The implementation of non-custodial sentences (outside of prison);
- The treatment of custodial sentences (in prison);
- Security measures (measures applied to people who have served their sentence but are still considered dangerous socially).



Italian penitentiary system is based on the principle of rehabilitative purposes of punishment, the principle laid down in the first place by the Italian Constitution, where it states, the 3rd paragraph of art. 27, that the "Punishment can't consist in treatment contrary to human dignity and must aim at rehabilitating the offender"

The principles of the educational system are based on the rehabilitation of the prisoner to a life in society. The methodology that is used is the scientific observation of the personality, which must be arranged at the start of those convicted (after final judgment)<sup>1</sup>.

The **observation activity** is conducted by the team, formed, as a rule, the director of the penitentiary, who shall preside, the educator, the commander of the prison service, the social worker employee by the Office of Penal Execution External, and, if necessary, by expert professionals in psychology, social service, education, psychiatry and clinical criminology.

The observation team can be, in some cases, open to volunteers, medical personnel, chaplain, teachers or other persons within the prison interacting with the inmate.

The process of observation of the personality provides:

- a) acquisition documents;
- b) interviews with the prisoner.

## **THE PRISON IN ITALY: THE CONTEXT**

The Italian criminal system leads mainly drug addicts in prison, the poor and immigrants, for minor offenses: the 38,023 convicted prisoners in prison, almost half (51%) to serve a sentence of less than five years. Violations of the laws on drugs are the most common type of crime for prisoners exist in 2011 (27,459). The following are the crimes against property, for which there are 17,285 inmates who had committed robbery and theft 13,109. 62.7% of

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<sup>1</sup> According to the Italian law there is a principle of the presumption of innocence. A person, while being in prison, should be considered not guilty until the final sentence. Consequently, it can not be associated with the work of rehabilitation; since presumed innocent, you can not talk about recovery or reintegration into society..



inmates was born in Italy, 32% in the South head the Campania region of birth which is the most common for both males and females in detention. Among the detainees entered the prison from the state of freedom foreigners now account for 43%. 62.7% of inmates was born in Italy, 32% in the South head the Campania region of birth which is the most common for both males and females in detention<sup>2</sup>.

The condition of overcrowding in Italian prisons is a problem that affects the whole country, a question of civilization in a democratic country. There are about 68 thousand prisoners of a capacity of 47 thousand seats. Italy was condemned by the European Court of Human Rights in Strasbourg, to inhuman and degrading treatment of prisoners in the prison of 7 Busto Arsizio and the Piacenza. The problem of overcrowding affects the entire prison system, and all the prisons throughout the country, with about 20,000 more people than the actual capacity.

In the last period due to the economic crisis inmates in Italian prisons are increasing. there are currently 68,795 people held in 207 institutions of our country. Compared with 44,962 actual seats, inmates are about 24 thousand more.

Region of detention	Number of prison	Capability	Total presents
<b>Abruzzo</b>	8	1.455	<b>1.952</b>
<b>Basilicata</b>	3	408	<b>563</b>
<b>Calabria</b>	12	1.871	<b>3.207</b>
<b>Campania</b>	17	5.527	<b>7.813</b>
<b>Emilia Romagna</b>	13	2.492	<b>4.378</b>
<b>Friuli Venezia</b>	5	548	<b>886</b>
<b>Lazio</b>	14	4.661	<b>6.424</b>
<b>Liguria</b>	7	1.139	<b>1.751</b>

<sup>2</sup> This should be attributed in part to the presence of the Camorra in the Campania region: rather be related to the high percentage of the population with low incomes, but also to the low qualifications and basic skills of the majority of the persons detained.



<b>Lombardia</b>	19	5.652	<b>9.354</b>
<b>Marche</b>	7	764	<b>1.131</b>
<b>Molise</b>	3	354	<b>458</b>
<b>Piemonte</b>	13	3.445	<b>5.340</b>
<b>Puglia</b>	12	2.528	<b>4.719</b>
<b>Sardegna</b>	12	1.970	<b>2.307</b>
<b>Sicilia</b>	26	5.393	<b>8.094</b>
<b>Toscana</b>	18	3.219	<b>4.664</b>
<b>Trentino Alto Adige</b>	3	258	<b>402</b>
<b>Umbria</b>	4	1.132	<b>1.744</b>
<b>Valle d'Aosta</b>	1	181	<b>283</b>
<b>Veneto</b>	10	1.965	<b>3.325</b>
<b>Totale</b>	<b>207</b>	<b>44.962</b>	<b>68.795</b>

Situation at March 31, 2013

This overcrowding of prison facilities inevitably affect, in a negative way, the quality of life within the Institutes in terms of:

- deterioration of health service,
- growth of internal security problems,
- but above all, in terms of difficulty in achieving an effective rehabilitation treatment.

**Currently the Italian prison system has many weaknesses:** the use of excessive pre-trial detention;

The restriction of personal freedom before the final sentence, it can be ordered only when it is not possible to implement other measures. This principle, known as *extrema ratio*, however, is challenged by data on the legal position of individuals held in Italian prisons. 43.6% of people who are in prisons Italian, in fact, is composed on remand.



## Convicted by Position Legal

(a)	(b)	(a+b)
on remand	custodial sentence	total detain
<b>29.986</b>	<b>36.904</b>	<b>68.795</b>

A criticality of the Italian prison system is the low use of specialized figures, such as the linguistic and cultural mediator. Use the more necessary when you consider that 37% of the prison population is represented by foreigners, among other things, from the majority of prisoners, several difficulties encountered during the execution of the sentence: those of communication and understanding, both linguistic and cultural, the absence of relationships with families, the lack of means of economic livelihood

<b>Detained</b>				<b>foreigners</b>
<b>Situation at March 31, 2013</b>				
<b>Region of detention</b>	<b>Number of prison</b>	<b>Capability</b>	<b>Total presents</b>	<b>Foreigners</b>
<b>Abruzzo</b>	8	1.512	<b>1.860</b>	304
<b>Basilicata</b>	3	441	<b>441</b>	60
<b>Calabria</b>	12	2.151	<b>2.879</b>	395
<b>Campania</b>	17	5.794	<b>8.296</b>	981
<b>Emilia Romagna</b>	13	2.465	<b>3.631</b>	1.871
<b>Friuli Venezia Giulia</b>	5	548	<b>838</b>	462
<b>Lazio</b>	14	4.834	<b>7.231</b>	2.974
<b>Liguria</b>	7	1.088	<b>1.881</b>	1.098
<b>Lombardia</b>	19	6.051	<b>9.289</b>	4.095
<b>Marche</b>	7	777	<b>1.200</b>	558
<b>Molise</b>	3	391	<b>520</b>	63
<b>Piemonte</b>	13	3.679	<b>4.979</b>	2.497
<b>Puglia</b>	11	2.459	<b>4.078</b>	741



<b>Sardegna</b>	12	2.257	<b>2.010</b>	785
<b>Sicilia</b>	27	5.559	<b>7.081</b>	1.279
<b>Toscana</b>	18	3.261	<b>4.124</b>	2.225
<b>Trentino Alto Adige</b>	2	280	<b>395</b>	281
<b>Umbria</b>	4	1.332	<b>1.628</b>	681
<b>Valle d'Aosta</b>	1	181	<b>271</b>	199
<b>Veneto</b>	10	1.985	<b>3.199</b>	1.887
<b>Total</b>	<b>206</b>	<b>47.045</b>	<b>65.831</b>	<b>23.436</b>

<b>Foreign prisoners distributed by nationality</b>			
<b>Situation at March 31, 2013</b>			
<b>Nationality</b>	<b>Women</b>	<b>Men</b>	<b>Total</b>
AFGHANISTAN	0	21	21
AFRICA DEL SUD	1	7	8
ALBANIA	35	2.853	<b>2.888</b>
ALGERIA	1	615	<b>616</b>
ANGOLA	0	5	5
ARGENTINA	3	26	29
ARMENIA	1	2	3
AUSTRALIA	0	2	2
AUSTRIA	1	5	6
AZERBAIJAN	0	3	3
BAHAMAS	0	3	3
BANGLADESH	3	76	79
BELGIO	4	14	18
BENIN	0	11	11
BIELORUSSIA	0	6	6
BIRMANIA (MYANMAR)	0	1	1
BOLIVIA	8	24	32
BOSNIA E ERZEGOVINA	59	154	213
BOTSWANA	1	0	1
BRASILE	37	139	176





BULGARIA	47	295	342
BURKINA FASO	1	28	29
BURUNDI	1	8	9
CAMERUN	0	7	7
CANADA	0	5	5
CAPO VERDE	1	7	8
CECA, REPUBBLICA	1	21	22
CECOSLOVACCHIA	1	3	4
CIAD	0	4	4
CILE	10	120	130
CINA	27	282	309
CIPRO	0	2	2
COLOMBIA	19	120	139
COMORE	0	1	1
CONGO	2	15	17
CONGO, REP. DEMOCRATICA DEL	1	2	3
COREA, REPUBBLICA DI	0	1	1
COSTA D'AVORIO	1	87	88
COSTA RICA	1	9	10
CROAZIA (Hrvatska)	24	86	110
CUBA	6	41	47
DOMINICA	0	4	4
DOMINICANA, REPUBBLICA	36	192	228
ECUADOR	13	214	227
EGITTO	1	478	479
EL SALVADOR	2	32	34
ERITREA	1	23	24
ESTONIA	1	10	11
ETIOPIA	3	17	20
FAEROER, ISOLE	0	1	1
FILIPPINE	10	68	78
FRANCIA	7	115	122
GABON	1	163	164
GAMBIA	2	143	145
GEORGIA	9	177	186



GERMANIA	7	71	78
GHANA	6	180	186
GIAMAICA	0	3	3
GIORDANIA	0	8	8
GRAN BRETAGNA	3	24	27
GRECIA	1	76	77
GUATEMALA	0	7	7
GUIANA	0	1	1
GUINEA	0	46	46
GUINEA BISSAU	1	12	13
GUINEA EQUATORIALE	0	1	1
HONDURAS	0	2	2
INDIA	0	115	115
IRAN	2	42	44
IRAQ	0	90	90
IRLANDA	0	6	6
ISRAELE	0	17	17
KAZAKHSTAN	1	3	4
KENIA	3	13	16
KYRGYZSTAN	0	1	1
LAOS	0	1	1
LETONIA	3	12	15
LIBANO	0	14	14
LIBERIA	3	71	74
LIBIA	0	41	41
LITUANIA	4	73	77
LUSSEMBURGO	0	2	2
MACAO	0	4	4
MACEDONIA	5	111	116
MADAGASCAR	0	1	1
MALDIVE	0	1	1
MALESIA	0	4	4
MALI	0	39	39
MAROCCO	38	4.425	4.463
MAURITANIA	0	19	19



MAURITIUS	0	6	6
MESSICO	2	10	12
MOLDOVA	9	203	212
MONGOLIA	1	0	1
MONTENEGRO	1	8	9
MOZAMBICO	0	1	1
NICARAGUA	0	1	1
NIGER	2	12	14
NIGERIA	132	878	1.010
OCEANO INDIANO, TERR.BRIT.	0	1	1
OLANDA	6	32	38
PAKISTAN	1	125	126
PANAMA	0	2	2
PARAGUAY	11	31	42
PERU	23	211	234
POLINESIA FRANCESE	0	1	1
POLONIA	26	169	195
PORTOGALLO	3	22	25
RIUNIONE	0	1	1
ROMANIA	284	3.416	3.700
RUANDA	1	13	14
RUSSIA, FEDERAZIONE	9	58	67
SENEGAL	3	404	407
SERBIA	6	75	81
SIERRA LEONE	2	38	40
SINGAPORE	0	1	1
SIRIA	0	27	27
SLOVACCHIA, REPUBBLICA	4	27	31
SLOVENIA	1	26	27
SOMALIA	4	105	109
SPAGNA	23	144	167
SRI LANKA	0	39	39
STATI UNITI	3	21	24
SUDAN	1	55	56
SURINAME	0	2	2



SVEZIA	1	3	4
SVIZZERA	1	28	29
TANZANIA, REPUBBLICA	5	55	60
TERRITORI DELL'AUTONOMIA PALESTINESE	1	70	71
TOGO	2	15	17
TOKELAU	0	1	1
TRINIDAD E TOBAGO	0	1	1
TUNISIA	21	2.906	2.927
TURCHIA	0	76	76
UCRAINA	17	171	188
UGANDA	0	1	1
UNGHERIA	8	39	47
URUGUAY	5	19	24
VENEZUELA	8	36	44
VIETNAM	1	1	2
YUGOSLAVIA	55	405	460
ZAIRE	0	1	1
ZAMBIA	0	1	1
TOTALE	1.144	22.292	23.436

**Work and detention are not words that go together. Official statistics on work in prison say that only 13,201 inmates work.**

Among the major problem areas of the prison system we can finally mention the lack of job opportunities for the prison population, despite legislation that assigns to work in prison a central role among the educational elements aimed at the rehabilitation of sentenced persons. To carry out a job within the Institutes Penitentiary is about 24% of the population held in total. However, this percentage is likely to decrease because of the cuts made by the government to vocational training and the budget allocated to work in prison.

This percentage over 80% of the workers, it is used in so-called services of the Institute, in the employ of the Prison Administration. It is housework (cook, help cook, laundry attendant, Serving tables, attendant expense, warehouseman) which, on the one hand represent an



opportunity for employment for the subject recluse, contributing at the same time to the operation of the Institute of Pena, on the other hand appear misaligned with respect to existing dynamics in the free labor market.

These types of work do not acquire skills put to use later on in the labor market to detainees. Contribute only to the management of the prison.

An interesting point to ponder is that, according to some estimates, about 70% of those affected the entire sentence in prison without integration measures, in company returns to commit crimes. The recurrence drops to 19% for those who are released from prison following a path of gradual reintegration.

To improve this situation it is essential to work on the social reintegration of prisoners, thus favoring the use of alternative measures. This is possible by building hope for a future "legal" at the end of the sentence. Inmates can be a part of society. The challenge is to break the link that exists between exclusionary closure, contrasting the latter a process of actions and interventions of social inclusion, which can take over especially the local community as a whole, in a spirit of collaboration and responsible.

## **FOCUS ON FEMALE PRISONS**

The Women's Prison Pozzuoli is located in an area severely disadvantaged by socio-economic perspective in which women in particular find it difficult to enter and remain in the labor market. In southern Italy, the female unemployment rate reached in the second quarter of 2012, alarming levels. The female unemployment rate has reached a percentage of 15, 4%, more than double that of women living in the north of Italy. In particular, the Campania region has recorded an unemployment rate higher than the average of the south of the country.



## Female unemployment rate

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	Men and women	Men	Women
Campania	15,50	13,6	19,0
South of italy	13,01	11,6	15,6
Italy	7,8	6,9	9,8

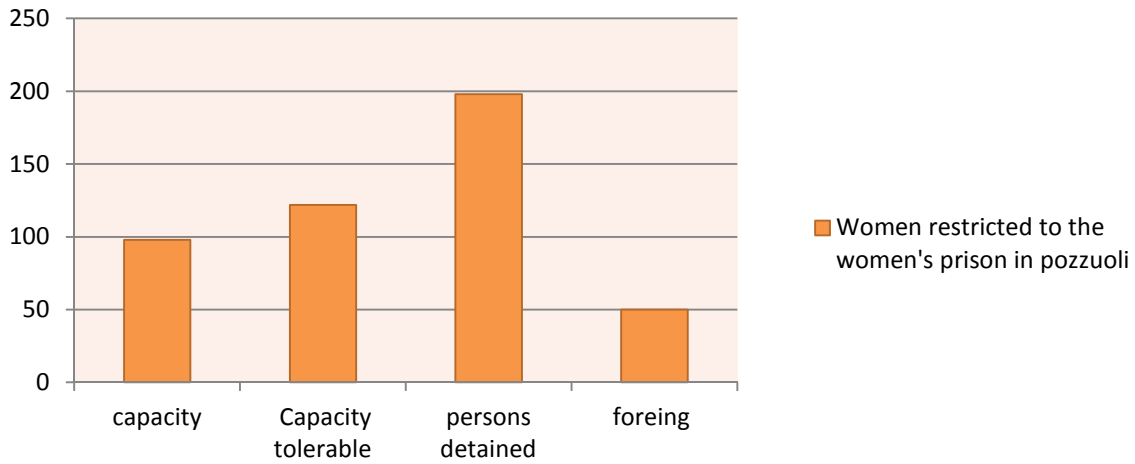
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The women's prison in Pozzuoli is the greatest female institution of Campania. The Women's Prison Pozzuoli not born as a prison, but it is a monastery that dates back to 1300, adapted to prison in the late nineteenth and early twentieth century.

The prisons exclusively for women in Italy are seven, but they reclude is less than a third of the total population held. All the others are scattered in small sections female male prisons, where they can often be even less than ten women. Women currently present in Italian prisons are 2,995, of which 268 in Campania. In the women's prison in Pozzuoli there are 198 women, 38 of them foreign, in the face of such a structure that would accommodate a maximum of 91.

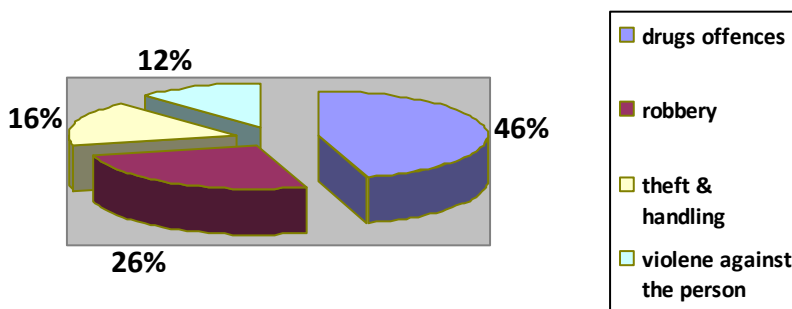


## Women restricted to the women's prison in pozzuoli



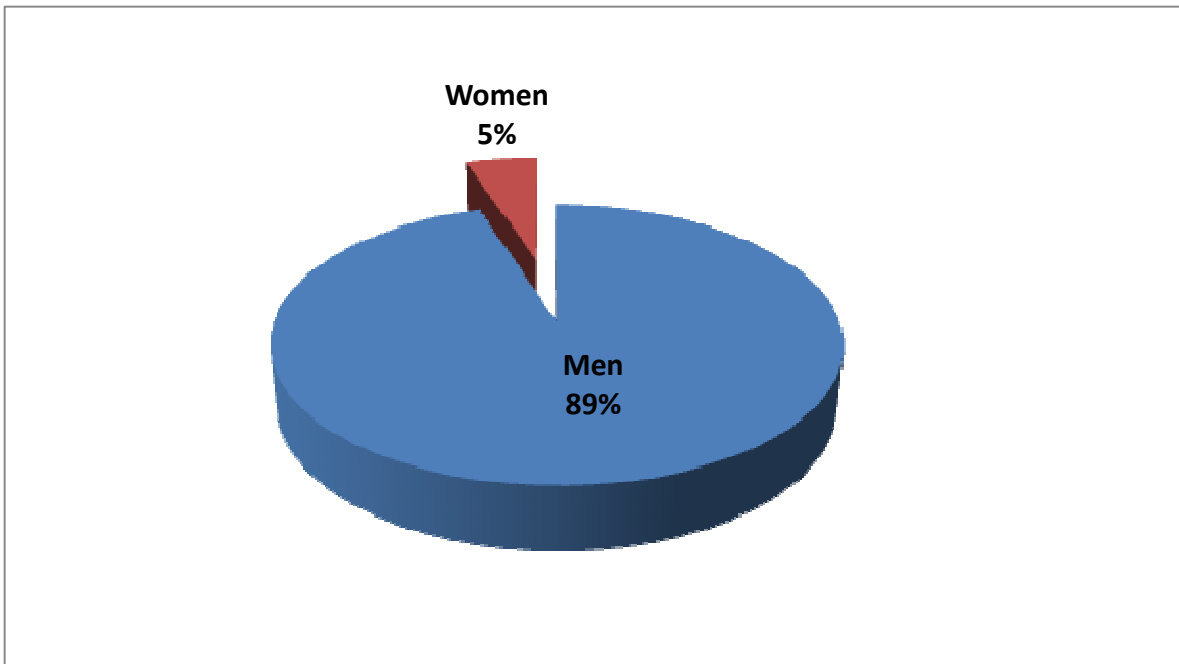
When thinking of the women's detention over which we must begin is the low number of crimes committed by women, and consequently, their insignificant presence in prisons than men.

Women tend to commit less crime and their offences are generally less serious.





The female prison population, in fact, 5% of the total that has reached end of 2012, 67,961 share. the percentage is steadily since the early nineteenth century.



The low number of women prisoners and their dispersion in 68 prisons is the basis of a general tendency to ignore the problems of detention of women and the difficulty of entering into serious policies for release.

Being a minority within a minority, to be equal but different, be forgotten because non influent to the statistics: this is the condition of the few women locked up in prison, forced to serve along with the sentence, and the discomfort that comes from being a minority in a universe designed and organized on the needs and characteristics of the prisoner average male.

The female inmates, deprived of affection, of her femininity, a decent living space, struggling to shake off the mark affected and to find a "place" in the social context.





The reoffending rate is in fact very high, especially among women convicted of drug-related crimes, the most common crime along with crimes against property.

Most of the inmates serve a term of imprisonment that ,not exceeding five years. The small numbers in the detention of women, their dispersion into many small women's sections, which are housed in male prisons, and the few institutions exclusively for women, involving a general inattention to the detention of women and its specificity. The few economic resources are made available, in most cases, are used for male prisons, more numerous.

The relatively small number of women prisoners and their dispersion in the various institutions is the basis of a general tendency to ignore the problems of the prison, including the difficulty to practice serious problems to initiate policies for release.

As well as, in the absence of a prison organized to manage the presence of foreigners, it is difficult to ensure the effective respect of the rights formally provided for by law for the penitentiary held abroad.

And this difference in the performance penalty also reflects the difference reported in the free world. If a free woman is harder than a man to find a prestigious and well-paid job at the same time a woman has held more difficult to access the possibility of external work and social reintegration. There is a general condition of difficulty of the entire prison system, which manages numbers and higher levels of inmates with resources that decrease each year.

## **IMPRISONED MOTHERS AND THEIR CHILDREN**

It is estimated that more than 17,240 children were separated from their mother in 2013 by imprisonment.

It is estimated that four out of 10 young women in prison are mothers.



Only half of the women who had lived, or were in contact with, their children prior to imprisonment had received a visit since going to prison.

Maintaining contact with children is made more difficult by the distance that many prisoners are held from their home area. This is particularly acute for women given the limited number of women's prisons; in 2009 there were 753 women held over 100 miles from home.

A study showed that for 85% of mothers, prison was the first time they had been separated from their children for any significant length of period. It also showed that 65% of mothers in prison were serving their first custodial sentence.

**Children visiting prisons: Children are allowed to visit their mothers in prison in the same way as other visitors.**

In conclusion, we want to point out that the detention of women is characterized by two essential aspects and paradoxically conflicting. The first in deep continuity of the past, and another in deep discontinuities. The continuity is given by an objective fact: the number of crimes committed (and even less for crimes committed acts of violence), and the consequential low number of women in prison. The female universe is, after all, much less "violent" than the male. The discontinuity is instead characterized by the transformations of the female prison population, today consists of two large segments of society, drug addicts and immigrants. It is necessary to invest resources, but also invest in the idea that it is possible interventions to improve the living conditions of women inmates and to reduce the recourse to forms of detention for certain types of crimes.

It our belief is that all these women inmates, another destiny was possible. But the alternative is only possible if you understand the fact that you do not make the prisons of forgotten places and even today women are forced to a condition of social vulnerability that sees them, against their will and in spite of their resources and their intelligences , prisoners of stereotypes and forms of male domination.