

UNIVERSITY OF TARTU

European Master's Programme in Human Rights and Democratisation
A.Y. 2019/2020

Prisoners' Rights in times of pandemic:

An analysis to the extraordinary measures implemented in prisons in
Italy, Portugal, and the UK

Author: Maria do Carmo Pires de Lima da Cunha Coutinho
Supervisor: Jaan Ginter

ABSTRACT

The COVID-19 pandemic is a threat of unprecedented proportions that has severely affected our societies worldwide. Governments are under pressure to respond wisely, and prisoners are particularly affected by the policies and effects of this public health crisis. This dissertation will contribute to a deeper reflection on how to manage the balance between prisoners' rights and public health protection, by identifying and critically analysing the anti-COVID measures taken in the prison system, in Italy, Portugal and the UK. This research considered the official information provided by the national authorities, and the information published by the media. The measures restricting the prisoners' rights and freedoms received particular attention. A content analysis was undertaken, and the measures identified as the most controversial were analysed by reference to the ECtHR case-law. The findings of this research indicate that Article 3 and Article 8 of the Convention were the ones most at risk regarding the anti-COVID measures. This work illustrates the need to remain vigilant in particular during emergency times. State interferences can occur, but it is fundamental to uphold human rights throughout the crisis, with particular attention to the most vulnerable, such as incarcerated people.

Key words: COVID-19, prisons, Human Rights, ECtHR, prisoner's rights; Italy, Portugal, UK, Health crisis

ACKNOWLEDGEMENTS

This dissertation is, above all, an exercise of empathy, a proposal for all who are in a privileged place to put ourselves in the position of the most vulnerable, to understand their challenges, fears, risks, and document the violation of rights that may be covered up.

We are living extraordinary times through an unprecedented crisis. The COVID-19 pandemic has presented each one of us, personally and as part of a larger community, new challenges and reflections. For me personally, this dissertation was one of them. The initial proposal had to be reformulated while trying to identify meaningful and urgent topics relevant to our current times so that it could bring some value to the present reality.

I am very grateful to my supervisor – Professor Jaan Ginter - who was available to support this project. Even before any of us knew he would become my supervisor his questions, during the first interview, stimulated my curiosity and interest about the prison world. I would also like to thank the EMA Director of Tartu University – Professor Lauri Mälksoo for being constantly available, always finding solutions and providing the confidence to become an independent thinker and researcher by following my interests and aspirations.

I am very grateful for the opportunity to become part of the Global Campus of Human Rights community and for the whole experience of studying and living in Venice, which gave me the chance to gain inspiration from all the brilliant teachers and from the cultural diversity of students, who contributed to make it a wonderfully enriching learning experience. In particular, I feel indebted to the colleagues who became special friends, with whom I spent long days and nights, sharing doubts, fears, hopes and dreams.

To Johnson, whose experience as a person who has been in prison moves me, for his courage to share it - a testimony that makes me realize how critically vital is the world of rehabilitation and reintegration and heartily believe in the power of relationships as life changing - “Because every man is greater than his own mistake”.

To Cláudia Assis Teixeira I appreciate and thank for all the support while planning the interviews with prisoners and staff, when this dissertation was to follow different objectives. To Miguel I am thankful for the inspiration concerning the voluntary work inside prisons.

To Wolfgang, for his friendship, for all his support and trust. For the availability to reflect with me on what this project could be about, when struggling to define a plan. For his continuous professional guidance and for being present at crucial times.

To Tia Nicas, for the incredible support, for constant availability, for the interest and suggestions, for always transmitting security and motivation while believing in the purpose of this research.

To all my friends, people who constantly inspire me through life and to the Professors who challenges us to become better version of ourselves.

To my family, that through unconditional love, made it possible for this dream to come true.

To Avô António, for being a living example of justice, who will always guide me through life.

To Tio Quiqui for his courage and audacity, for taking over the mission of being a human rights defender and for daring to believe that this is worth fighting for.

To João for being always present, for encouraging and strengthening each one's dreams and the ones we share together, for his unlimited generosity, constant help, always and in every single moment. Because every victory is shared.

To Pilar, who even without knowing, is already a sign of hope, bringing with her the will to go further and the wisdom to distinguish the essential.

TABLE OF ABBREVIATIONS

ANEPC	National Emergency and Civil Protection Authority
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DGRSP	Directorate-General of Reintegration and Prison Services
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
EUROPRIS	European Organisation of Prison and Correctional Services
HRW	Human Rights Watch
IMF	International Monetary Fund
ICESCR	International Covenant on Economic, Social and Cultural Rights
IT	Italy
nCoV	novel coronavirus
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
PT	Portugal
SARS-CoV-2	Severe acute respiratory syndrome coronavirus 2
TB	tuberculosis
UK	United Kingdom
WHO	World Health Organization
WPB	World Prison Brief

TABLE OF CONTENTS

1. INTRODUCTION	
1.1.COVID-19	7
1.2.Countries' responses to COVID-19	10
1.3.COVID-19 in prisons and human rights	12
1.4.Dissertation aims	18
2. EXTRAORDINARY MEASURES TAKEN IN PRISONS DURING THE COVID-19 OUTBREAK	
2.1.Introduction	20
2.2.Methodology	22
2.3.The Anti-COVID-19 measures implemented in Portugal, Italy, and the UK prisons	24
2.3.1. Measures according to Europris	24
2.4.Comparison of the information provided by Europris and the Media, regarding Italy, Portugal, and the UK	28
2.4.1. Measures according to the Media	28
2.4.2. Impact of the Measures	40
- Positive Impact	40
- Negative Impact	41
3. DISCUSSING ECtHR CASE LAW	
3.1.Controversial measures' analysis according to the ECtHR case-law	45
3.1.1. Overcrowding and jail population reduction (Type A)	46
3.1.2. Blanket ban on prison visits (Type B)	54
3.1.3. Security and the use of force (Type B)	61
3.1.4. Activities, out-of-cell time reduction and confinement (Type B)	65
4. LIMITATIONS AND FUTURE RESEARCH	70
5. CONCLUSION	72
6. BIBLIOGRAPHY	78
7. APPENDICES	
Appendix I Measures – EuroPris	
Appendix II Media Analysis	
Appendix III Media Sources	

1. INTRODUCTION

1.1. COVID-19

A new normal is emerging worldwide, making 2020 an unprecedented year. The World Health Organization (WHO) officially announced a COVID-19 pandemic on 11 March 2020¹. According to the WHO this new infectious disease is caused by a novel coronavirus – the SARS-CoV-2 – which was detected for the first time in December 2019, in Wuhan, China². The disease caused by this new virus has led to 27.738.179 confirmed cases and 899.916 deaths around the world, and 4.645.519 cases and 224.145 deaths in Europe by September 10, 2020³.

The COVID-19 pandemic is a threat of historic proportions that has severely affected the world globally, with dramatic economic and social effects.

COVID-19 spreads mostly from person to person when someone with the disease coughs, speaks or sneezes⁴. As is well known, this disease has been recently discovered and, despite the huge scientific investment in studying this disease, many questions remain unanswered and uncertainty prevails. It is believed that another way of acquiring the virus is by touching surfaces that have been exposed to droplets expelled by infected people, and subsequently touching with the contaminated hands on the mouth, nose, or eyes⁵.

Regarding the COVID-19 case-fatality risk, a range of 0.25%-3.0% reflects the diversity of resources and health care in different contexts⁶. Even though COVID-19 is not considered to be highly lethal it is extremely contagious and fast-spreading⁷. This is what makes this virus so feared, as it compromises the response speed capacity, which may lead to grave consequences. Therefore, a crisis with a “potential to create devastating social, economic and political effects” makes⁸ it fundamental to adopt certain behaviours in order to prevent the spread of the virus. According to WHO,

¹ ‘WHO Timeline - COVID-19’ (WHO).

² ‘Q&A on Coronaviruses (COVID-19)’ (WHO).

³ ‘WHO Coronavirus Disease (COVID-19) Dashboard’ (WHO).

⁴ ‘Q&A on Coronaviruses (COVID-19)’ (n 2).

⁵ *ibid.*

⁶ Nick Wilson and others, ‘Case-Fatality Risk Estimates for COVID-19 Calculated by Using a Lag Time for Fatality’ (2020) 26 *Emerging Infectious Diseases* 1339, 1339.

⁷ Mirco Nacoti and others, ‘At the Epicenter of the Covid-19 Pandemic and Humanitarian Crises in Italy: Changing Perspectives on Preparation and Mitigation’ 1, 3.

⁸ ‘Coronavirus Disease COVID-19 Pandemic | UNDP’.

everyone should ensure respiratory and hand hygiene by frequently washing hands with water and soap or using an alcohol-based hand sanitizer⁹. Moreover, the WHO guidelines recommend maintaining physical distance of at least one meter in relation to other persons¹⁰.

Some risk factors that might affect the disease's severity have been identified. People with co-morbidities such as asthma, chronic lung and chronic kidney disease, diabetes, heart and liver disease, obesity and people who are immunocompromised¹¹, as well as people who have hypertension seem to have more intensified symptoms¹². Not only do these medical conditions increase the risk for severe illness, but older adults seem to be exposed at a higher risk¹³. People under 30 years old and older than 59 were considered respectively to be 0.6 and 5.1 times more likely to die after showing symptoms¹⁴.

The large scale spread of SARS-CoV-2 infection led to an unparalleled demand worldwide for health-care equipment and supplies¹⁵. Healthcare services all over the world have been struggling while facing a severe lack of medical equipment such as mechanical ventilators and critical care beds¹⁶. This pressure on the national healthcare services has led to the urgent need of preventing and controlling the disease. Estimates suggest that if strong public health measures are not implemented or vaccines provided, more than half the population will have the disease¹⁷. Research also points out that controlling the spread of the disease is very demanding¹⁸. Wu, et al.¹⁹, indicate that more important than completely avoiding the spreading of the infection is to define measures that would “flatten the epidemic curve” and reduce the infection peak in order to ease the pressure on healthcare systems, until a vaccine or appropriate medication are available.

⁹ ‘Q&A on Coronaviruses (COVID-19)’ (n 2).

¹⁰ *ibid.*

¹¹ CDC, ‘Coronavirus Disease 2019 (COVID-19)’ (*Centers for Disease Control and Prevention*, 11 February 2020).

¹² Fei Zhou and others, ‘Clinical Course and Risk Factors for Mortality of Adult Inpatients with COVID-19 in Wuhan, China: A Retrospective Cohort Study’ (2020) 395 *The Lancet* 1054.

¹³ CDC (n 11).

¹⁴ Joseph T Wu and others, ‘Estimating Clinical Severity of COVID-19 from the Transmission Dynamics in Wuhan, China’ (2020) 26 *Nature Medicine* 506, 506.

¹⁵ ‘COVID-19: Situation Report - 127 (26 May 2020) - World’ (*ReliefWeb*) 2.

¹⁶ See for example Andrea Remuzzi and Giuseppe Remuzzi, ‘COVID-19 and Italy: What Next?’ (2020) 395 *Health Policy* 1225.

¹⁷ Wu and others (n 14) 506.

¹⁸ *ibid* 508.

¹⁹ *ibid.*

Over time there have been numerous pandemics with devastating consequences. The impact of SARS-CoV-2 virus is more dramatic because of the abundance of people affected, implementing social distancing²⁰ and its unpredictability²¹. Another relevant difficulty in controlling the spread of the virus is related to the scientific discovery that shows up to 80% of the infected people with COVID-19 either remaining asymptomatic or displaying mild symptoms, while able to infect others²².

The novel coronavirus went global very quickly. After having been identified in People's Republic of China in the end of 2019, reported cases date from January 2020 in Thailand and Japan²³. By the end of the same month, France had confirmed 3 cases of SARS-CoV-2, officially marking the appearance of the virus in Europe²⁴. On 13 March 2020, WHO declared the pandemic epicentre in Europe. In April, Europe and North America went through the larger outbreaks, soon followed by Latin America and Asia²⁵. The UK stands out as the country with more reported deaths (45.053); followed by Italy with approximately 35.000; France 30.029 and Spain 28.413, according to European data from 15 July 2020²⁶. However, if we consider global data by Johns Hopkins University, from the same period, the US corresponds to one quarter of the total of cases²⁷. The same country has the world's highest death toll of 137.237, followed by Brazil with 75.366, the UK, Mexico, Italy, France, Spain, India, Iran, and Peru²⁸.

A minimum of 4.5 billion people, which represents more than a half of the entire population, were restrained by the social measures implemented at the peak of the outbreak in Europe, according to the news agency France-Press²⁹. These constraints dramatically affected the economy worldwide, leading the IMF to present a dark scenario comparable to the 1930s Great Depression³⁰. While trying to find a balance between safeguarding public health and protecting the economy, different countries have adopted different strategies to deal with the challenges posed by the novel coronavirus.

²⁰ Grace Thompson, 'Reflecting on Relational Needs in the Context of a Global Health Crisis' (2020) 29 *Nordic Journal of Music Therapy* 197, 197.

²¹ Martin Wolkewitz and Livia Puljak, 'Methodological Challenges of Analysing COVID-19 Data during the Pandemic' (2020) 20 *BMC Medical Research Methodology* 1, 1.

²² Tenu Avafia and others, 'A Rights-Based Response to COVID-19: Lessons Learned from HIV and TB Epidemics' (*Health and Human Rights Journal*, 24 March 2020).

²³ 'Timeline of WHO's Response to COVID-19' (*WHO*, 30 June 2020).

²⁴ *ibid.*

²⁵ 'Coronavirus Pandemic: Tracking the Global Outbreak' (*BBC News*, 15 July 2020).

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ *ibid.*

²⁹ *ibid.*

³⁰ *ibid.*

1.2 COUNTRIES' RESPONSES TO COVID-19

WHO considered that the COVID-19 crisis is more than a public health problem as it will have deep repercussions at all levels³¹. This international organisation urged nations worldwide to aggregate governments as cohesive entities and to mobilize society as a whole in order to design and implement a far-reaching prevention and mitigation plan, so as to reduce harmful consequences, and save lives³².

Several different responses were taken from states all over the world, at various moments³³. Governments made difficult decisions restraining personal freedom and rights, sometimes even taking advantage of this public health crisis as a strategy to strengthen its power³⁴. The variety of implemented measures comprised closing borders, shutting down non-essential businesses, closing schools, investing in healthcare services and social welfare provisions, restrictions on social contact and public gatherings, contact tracing and provision of financial packages, among others³⁵.

When comparing the adoption of stricter lockdown measures by Norway and Denmark with the softer approach taken by Sweden, the conclusion shows that more aggressive measures taken by the former countries had a significant impact reducing the number of hospitalized and intensive care patients, possibly avoiding their health care systems working at full capacity³⁶.

A study on 11 European countries revealed that most of the measures taken had a strong impact in limiting the number of COVID-19 infections in countries at a more advanced epidemic stage³⁷. It is believed the implemented measures prevented 38.000 deaths in Italy, and 59.000 deaths in all the 11 analysed countries, up to the end of March³⁸.

Countries have sometimes adopted contrasting strategies, and some of them have changed and corrected plans. The initial UK strategy on COVID-19 that focused on the

³¹ 'Timeline of WHO's Response to COVID-19' (n 23).

³² *ibid.*

³³ Thomas Hale and others, 'Variation in Government Responses to COVID-19 Version 6.0'.

³⁴ See for example Rob Picheta and Stephanie Halasz, 'Hungarian Parliament Votes to Let Orbán Rule by Decree' (*CNN*, 30 March 2020).

³⁵ Hale and others (n 33); Ian Bremmer, 'The Best Global Responses to the COVID-19 Pandemic' (*Time*, 12 June 2020).

³⁶ Steffen Juranek and Floris T Zoutman, 'The Effect of Social Distancing Measures on the Demand for Intensive Care: Evidence on COVID-19 in Scandinavia' 10.

³⁷ S Flaxman and others, 'Report 13: Estimating the Number of Infections and the Impact of Non-Pharmaceutical Interventions on COVID-19 in 11 European Countries' (Imperial College London 2020).

³⁸ *ibid* 1.

isolation of symptomatic individuals and social distancing of people over 70 was to be extended to the general population as the first plan resulted in an overloading the national health system³⁹. Some so-called populist presidents, from countries such as Brazil, Mexico and Nicaragua have adopted highly controversial responses by underestimating the severity of the problem and by neglecting science⁴⁰. Bolsonaro and Trump have been criticized due to the lack of national coordination of the crisis, insufficiency of test kits provision as well as due to the poor and confusing strategy of communication adopted⁴¹. In contrast, other countries have been praised by their interventions, such as Germany, considered to be a European model⁴², some Latin American countries like Argentina⁴³, and other countries such as Taiwan, Singapore and South Korea leading the best global responses regarding healthcare, financial management and politics⁴⁴.

The prevention measures attempting to control the disease implied significant social costs. Even though most measures were broadly implemented, the most vulnerable suffered the most under this crisis⁴⁵. It is fair to accept that while waiting for the scientific community to develop a vaccine or effective medication, governments must act quickly, deciding wisely to implement measures that can make a difference saving lives, preventing, and controlling the disease⁴⁶. However, it is also of paramount importance to understand how people are being affected, especially those more vulnerable and exposed to abuse. In light of the strong belief that human rights should be enforced at all times it is essential to manage a fair balance between public health needs and fundamental rights. Following this reflection, we intend to devote particular attention to some of the most vulnerable – those deprived of liberty – more specifically people in prisons.

³⁹ Elisabeth Mahase, 'Covid-19: UK Starts Social Distancing after New Model Points to 260000 Potential Deaths' [2020] *BMJ* m1089, 1.

⁴⁰ Christopher Sabatini, 'Latin America's COVID-19 Moment: Differences and Solidarity' (*Chatham House*, 30 April 2020).

⁴¹ Janice Hopkins Tanne and others, 'Covid-19: How Doctors and Healthcare Systems Are Tackling Coronavirus Worldwide' [2020] *BMJ* m1090, 1; Hu Yiwei, 'Graphics: What's Gone Wrong for Brazil's COVID-19 Response?' (*CGTN*, 6 June 2020).

⁴² Bremmer (n 35).

⁴³ Sabatini (n 40).

⁴⁴ Bremmer (n 35).

⁴⁵ Thompson (n 20) 197.

⁴⁶ Patrick GT Walker and others, 'The Impact of COVID-19 and Strategies for Mitigation and Suppression in Low- and Middle-Income Countries' [2020] *Science* eabc0035, 7.

1.3. COVID-19 IN PRISONS AND HUMAN RIGHTS

People who are deprived of liberty, such as people in prisons are considered to be particularly vulnerable to infectious diseases such as the one caused by SARS-CoV-2⁴⁷. Available estimates indicate there are 11 million people in prisons worldwide⁴⁸. It is fundamental to implement measures to prevent and control the novel coronavirus (2019-nCoV) dissemination in prisons and jails⁴⁹.

The underlying goals of penitentiaries include the duty to provide protection, guaranteeing each person's safety and his/her security⁵⁰. However, COVID-19 poses significant risks not only to the health and safety of people who live in confinement but also to the staff of correctional institutions⁵¹.

Social distancing has been broadly recognized as a key factor to control the spread of the disease⁵². While several sectors of society have adopted measures to practice social distancing, protecting people in the community⁵³, it should not be forgotten that practicing social distancing within prison facilities is a near-Herculean task⁵⁴. This helps to explain a higher incidence of infectious diseases such as HIV and TB in prisons compared to the general population⁵⁵. Another factor that has been associated with the spread of contagious diseases is the widely reported problem of overcrowding prisons in many countries in Europe⁵⁶ and worldwide, with 125 countries showing a prison occupancy level of more than 100%, and 23 of them over 200% of its capacity⁵⁷. Other factors that may increase risks significantly are the lack of access to health care, facilities in poor conditions and life in confinement for long periods⁵⁸, a population with chronic diseases

⁴⁷ David C Pyrooz and others, 'Views on COVID-19 from Inside Prison: Perspectives of High-Security Prisoners' [2020] *Justice Evaluation Journal* 1, 1.

⁴⁸ 'Rights in the Time of COVID-19 — Lessons from HIV for an Effective, Community-Led Response' [2020] *UNAIDS Joint United Nations Programme on HIV/AIDS* 20, 12.

⁴⁹ Pyrooz and others (n 47) 1.

⁵⁰ Mark E Fleisher, *Warehousing Violence*, vol 3 (Sage 1989).

⁵¹ Joan Stephenson, 'COVID-19 Pandemic Poses Challenge for Jails and Prisons' (2020) 1 *JAMA Health Forum* e200422.

⁵² Thompson (n 20) 197.

⁵³ *ibid.*

⁵⁴ Catarina Fróis, 'Covid-19 Pandemic and Social Distancing in Prisons' (2020) 36 *Anthropology Today* 25, 26; Prison Policy Initiative, 'Prison Policy Initiative COVID-19 Resources'

⁵⁵ Virginia Barbour and others, 'The Health Crisis of Tuberculosis in Prisons Extends beyond the Prison Walls' (2010) 7 *PLoS Medicine* e1000383, 1; 'Health in Prisons, a WHO Guide to the Essentials in Prison Health' 61.

⁵⁶ See for example 'Prison Statistics' (October 2019).

⁵⁷ 'Highest to Lowest - Occupancy Level (Based on Official Capacity)' (*WPB*).

⁵⁸ Matthew J Akiyama, Anne C Spaulding and Josiah D Rich, 'Flattening the Curve for Incarcerated Populations — Covid-19 in Jails and Prisons' (2020) 382 *New England Journal of Medicine* 2075, 2075.

and comorbidities⁵⁹, as well as ageing population⁶⁰. Adding to that the lack of ventilation of some places in which inmates live and the lack of personal resources and cleaning products which compromise the maintenance of personal hygiene⁶¹. Limited resources of food and water and the lack of hand sanitiser are other factors contributing to increase the potential to spread infectious diseases⁶². Scott illustrates the dramatic dehumanization that can occur behind bars by exposing how alcohol-based hand sanitizers can be banned because of its inebriating effects⁶³, probably without resorting to safe alternatives. This highlights the urgency to monitor the measures that are being implemented in prisons and the need to oversee prison life specially in these extraordinary times.

As a matter of fact, in order to adequately respond to this global public health crisis it is fundamental to consider the strategy concerning the prison systems as crucial to address the undeniable connection between penitentiary establishments and communities⁶⁴.

It is not hard to imagine that a public health emergency can lead to increasing authoritarian measures in prisons⁶⁵. All over the world the 2019 novel coronavirus triggered “lockdowns, segregation and visitation restrictions”, which can be considered similar reactions to the ones that occurred while facing other pandemics such as the Swine Flu⁶⁶.

The effects of the more recent pandemic have already been felt in the daily routines of people behind bars. Moreover, the pressure a pandemic like COVID-19 poses associated with more restrictive measures can lead to challenging reactions from the prison population. To corroborate this idea at least 40 prison uprisings have been identified around the globe⁶⁷.

An interesting research on the prisoner’s perspectives concerning the prison system and how it is affected by the COVID-19 pandemic was undertaken by Pyrooz, et al., who found out that the interviewed prisoners believed it was a matter of time until the disease would be disseminated in the prison where they were confined⁶⁸. A strategy is therefore

⁵⁹ *ibid* 2076.

⁶⁰ Stuart A Kinner and others, ‘Prisons and Custodial Settings Are Part of a Comprehensive Response to COVID-19’ (2020) 5 *The Lancet Public Health* e188, e188; Zachary Psick and others, ‘Prison Boomers: Policy Implications of Aging Prison Populations’ (2017) 13 *International Journal of Prison Health* 57, 57.

⁶¹ Kinner and others (n 60) e188.

⁶² Jason Bartholomew Scott, ‘A Pandemic in Prisons’ n/a *Social Anthropology* 1

⁶³ Scott (n 62).

⁶⁴ Pyrooz and others (n 47) 2.

⁶⁵ Scott (n 62) 1.

⁶⁶ *ibid*.

⁶⁷ *ibid*.

⁶⁸ Pyrooz and others (n 47) 8.

needed in order to mitigate the effects of the COVID-19 spread in penitentiaries as it would pose even higher pressure on the healthcare services⁶⁹. Several criminal justice system actors at distinct levels have called for the quick implementation of measures that would control the spread of COVID-19 in prison facilities and prevent its dissemination to the general population⁷⁰.

While considering the measures that should be implemented as well as the ones that can hinder fundamental rights it is important to take into account the lessons taken from other public health crises, namely from HIV and TB epidemics. Learning from these past experiences must consider human rights as firmly rooted in the COVID-19 response⁷¹.

Lessons from HIV and other infections such as hepatitis B and C and TB in the prison context inform that far-reaching prevention actions and the provision of treatment and access to health services are crucial, as well as reducing the number of incarcerated people⁷² amongst other prison conditions affecting inmates' health⁷³. On the other hand, experience has shown that health services may not meet the same standards applicable to the broad population when addressing the prevention and treatment of prisoners⁷⁴.

A human right's well-established COVID-19 response should include the right to health, equality, and non-discrimination, privacy, and confidentiality, right to benefit from scientific progress, participation, freedom of expression or access to information⁷⁵. Incarcerated people have lost the right to liberty⁷⁶, but inmates still hold their human rights⁷⁷. Under international human rights law, the States have a duty to respect, protect and fulfil human rights⁷⁸. Therefore, governments "must refrain from interfering with (...)

⁶⁹ Amanda Holpuch, 'Calls Mount to Free Low-Risk US Inmates to Curb Coronavirus Impact on Prisons' *The Guardian* (13 March 2020).

⁷⁰ 'COVID-19 in Prison: More than 50 European NGOs Ask International Organisations to Take Immediate Action' (*European Prison Litigation Network*, 18 March 2020).

⁷¹ 'Rights in the Time of COVID-19 — Lessons from HIV for an Effective, Community-Led Response' (n 48) 2; Gregg S Gonsalves and others, 'Achieving A Fair and Effective COVID-19 Response: An Open Letter to Vice-President Mike Pence, and Other Federal, State and Local Leaders from Public Health and Legal Experts in the United States'.

⁷² Ralf Jürgens, Manfred Nowak and Marcus Day, 'HIV and Incarceration: Prisons and Detention' (2011) 14 *Journal of the International AIDS Society* 26, 6.

⁷³ *ibid* 13.

⁷⁴ 'Rights in the Time of COVID-19 — Lessons from HIV for an Effective, Community-Led Response' (n 48) 12.

⁷⁵ *ibid*.

⁷⁶ Jürgens, Nowak and Day (n 72) 5.

⁷⁷ Leonard S Rubenstein and others, 'HIV, Prisoners, and Human Rights' (2016) 388 *The Lancet* 1202, 1212.

⁷⁸ 'International Human Rights Law' (*UNOHCHR*)

the enjoyment of human rights”, they have the obligation to protect against human rights violations and to take concrete steps towards the full enjoyment of human rights⁷⁹.

Among the universal human rights instruments related to the administration of justice and the protection of persons subjected to imprisonment are the *UN Standard Minimum Rules for the Treatment of Prisoners* (the Mandela Rules)⁸⁰. The *European Prison Rules* reflected an effort to set European standards by adapting the United Nations Standard Minimum Rules for the Treatment of Prisoners⁸¹. This document, adopted by the Committee of Ministers of the Council of Europe, plays an important role contributing to the European legislation⁸². It is aligned with the ECHR and the ECtHR case-law and it declares the state’s obligation to provide care referring that “prison authorities shall safeguard the health of all prisoners in their care” while considering the need of “ensuring prison conditions which do not infringe human dignity”⁸³. The prisoners’ rights are reiterated in numerous international and regional treaties and human rights mechanisms endorsed by entities such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The OPCAT currently counts with 90 state parties⁸⁴, establishing standards and demanding the introduction of monitoring mechanisms regarding the prison system⁸⁵.

The state has a duty to provide “the highest attainable level of physical and mental health” as enshrined in Article 12 of the ICESCR, which comprised “The prevention, treatment and control of epidemic, endemic, occupational and other diseases”⁸⁶. The “principle of equivalence” declares that imprisoned people “have a right to a standard of health care equivalent to the available” one to the general population⁸⁷. This principle is recognized in international instruments such as the Basic Principles for the Treatment of Prisoners, 1990; World Health Organization, 1993; Council of Europe Committee of Ministers, 2006⁸⁸. The UN Human Rights Committee has stated that: “the State [...]by

⁷⁹ *ibid.*

⁸⁰ ‘OHCHR | Universal Human Rights Instruments’.

⁸¹ Council of Europe, *European Prison Rules* (Council of Europe Publishing 2006) 39.

⁸² ‘COVID-19 in Prison: The CoE Must Lead on Policies to Address the Covid-19 Challenges’ (*European Prison Litigation Network*, 6 April 2020).

⁸³ ‘Rec(2006)2-Rev’ (*CoE - Committee of Ministers*, 1 July 2020).

⁸⁴ ‘- OHCHR Dashboard’ (*UNOHCHR*).

⁸⁵ ‘OHCHR | CAT’

⁸⁶ ‘ICESCR’ (*UNOHCHR*, 1966).

⁸⁷ Rick Lines, ‘From Equivalence of Standards to Equivalence of Objectives: The Entitlement of Prisoners to Health Care Standards Higher than Those Outside Prisons’ (2006) 2 *International Journal of Prisoner Health* 269, 269.

⁸⁸ *ibid.*

arresting and detaining individuals takes the responsibility to care for their life” (*Lantsova v. Russian Federation*, 2002) as “the State party remains responsible for the life and well-being of its detainees” (*Fabrikant v. Canada*, 2001)⁸⁹.

The high complexity of health matters inside prisons has led to a discussion defending that a response in the prison system equivalent to the one taken regarding the general population is not sufficient⁹⁰. The African Commission on Human and People’s Rights defended that the State’s duty to fulfil the right to health “is heightened in cases where an individual is in its custody” because the person’s “integrity and well-being is completely dependent upon the actions of the authorities.” (*International PEN and Others vs Nigeria*, 1998)⁹¹. Incarceration will, consequently, bring increased obligations on States, which if not complied will represent a violation of human rights by the State⁹².

Occasionally, states fail to guarantee the prison conditions and treatment of prisoners as envisaged in international human rights law, violating human rights such as the right to health, non-discrimination, privacy, due process of law, sometimes even not complying with the prohibition of torture, cruel or inhuman treatment or the right to life⁹³. Rights regarding informed consent, and access to records must also be respected and fulfilled⁹⁴. A set of rules concerning prison conditions are part of prisoners’ rights, among them is included the right to clean water and food, accommodation, conditions related to minimum space, adequate ventilation, and sanitation⁹⁵.

The ECtHR has a consistent body of case-law regarding prisoners’ human rights⁹⁶. An individual complaint can be lodged by prisoners or by their legal representatives, which quite often may reveal situations and conditions experienced by other prisoners⁹⁷. Considering the present public health crisis it is worth recalling some illustrative cases. Regarding that prisoners should benefit from preventive steps related to the spread of disease, the ECtHR argued that concrete preventive actions should be taken by the people in charge to protect prisoners’ health (e.g. *Pantea v. Romania*, 2005); and the absence of preventive measures for TB spreading can be considered inhuman and degrading

⁸⁹ *ibid* 277.

⁹⁰ *ibid*.

⁹¹ *ibid* 274.

⁹² *ibid* 276.

⁹³ Rubenstein and others (n 77) 1202.

⁹⁴ UNGA, ‘Resolution Adopted by the General Assembly on 17 December 2015’ (8 January 2016).

⁹⁵ *ibid*.

⁹⁶ Stefan Enggist and others, *Good Governance for Prison Health in the 21st Century: A Policy Brief on the Organization of Prison Health*. (2014) 12.

⁹⁷ *ibid*.

treatment (*Staykov v. Bulgaria*, 2006)⁹⁸ or according to *Concluding Observations on Moldova* (UN Human Rights Committee, 2002) not quickly enough tackling the risk of a contagious disease might violate the right to liberty and security⁹⁹, some judgments pointed out the failure to safeguard healthy prisoners from TB patients that were not in isolation (e.g. *Logvinenko v. Ukraine*, 2010; *Vasyukov v. Russia*, 2011)¹⁰⁰. The jurisprudence examples showcase how that State has a legal obligation to adopt preventive measures concerning the spread of an infectious disease¹⁰¹.

Governments all over the world are under pressure to respond wisely to the COVID-19 public health crisis, which has triggered the implementation of various measures. An alarmed and scared population might lead to the adoption of “politically-driven, restrictive, stigmatizing and punitive measures”¹⁰² which in turn can result in human rights violations, affecting more susceptible groups¹⁰³. Considering the possibility of limitation or derogation of some rights, restrictions to safeguard public health must be anchored in a legitimate aim, be proportionate, necessary, and evidence-based, non-arbitrary, of limited duration and in accordance with the law¹⁰⁴. On very few occasions will it be justifiable to impose complete and strict bans¹⁰⁵.

Whenever a government’s interventions or the lack of such measures have implications on the enjoyment of people’s rights it is possible to lodge an appeal with a court of law¹⁰⁶. Facing the COVID-19 emergency it is particularly crucial that people question states’ role when suspecting of an unlawful action. Accountability mechanisms, such as courts can investigate human rights concerns, holding states accountable, providing redress to victims, protecting the most vulnerable and contributing for better policies¹⁰⁷.

This dissertation will reflect on the interconnection between COVID-19 mitigation strategies in prison settings and human rights, by identifying and critically analysing prevention and control measures taken to contain COVID-19 in the prison systems or whether critical actions were not taken.

⁹⁸ Rubenstein and others (n 77) 1203.

⁹⁹ *ibid.*

¹⁰⁰ Enggist and others (n 96) 14.

¹⁰¹ Lines (n 87) 276.

¹⁰² ‘Rights in the Time of COVID-19 — Lessons from HIV for an Effective, Community-Led Response’ (n 48) 3.

¹⁰³ *ibid.*

¹⁰⁴ *ibid* 1, 5.

¹⁰⁵ *ibid* 1.

¹⁰⁶ *ibid* 15.

¹⁰⁷ *ibid.*

1.4. DISSERTATION AIMS

It is our intention to identify, analyse and reflect on the lawfulness of the extraordinary measures taken in the context of COVID-19 times in prisons, considering the underlying human rights involved. In light of this goal we will focus on the human rights law, specifically how the ECtHR case-law can inform and support a legal interpretation of the implemented measures. Some countries under the jurisdiction of the ECtHR will be selected in order to gather a varied sample.

The extraordinary measures implemented in prisons by the selected countries (Italy, Portugal, and the UK) will be identified from the information provided by the national authorities and published in the European Organisation of Prison and Correctional Services (Europris)¹⁰⁸ as well as from the media.

We are aware of the limitations and difficulty of interpreting data related to recent extraordinary measures taken in the context of the COVID-19 crisis as it is a global emergency that poses unprecedented challenges to governments worldwide. The recent measures adopted by the three selected countries must therefore be considered within this unique and challenging context.

The state's duty to ensure that non-derogable rights are respected in times of COVID-19 crisis, including in prison contexts, have been emphasised by human rights bodies¹⁰⁹. We will, therefore, analyse the state's compliance with obligations regarding the care and treatment of prisoners during the COVID-19 crisis.

The Council of Europe is known by its prominent role establishing human rights standards and "guiding criminal and prison policies"¹¹⁰. The Strasbourg Court was selected as a key organisation that has judged over the years numerous cases on the treatment of prisoners and conditions of imprisonment¹¹¹. In this sense, an analysis will be carried out by taking into account the ECHR and case-law from the ECtHR to assess the lawfulness of the most controversial measures adopted or considered to be in need. The ECtHR cases will be selected according to the criterion previously mentioned, i.e., people deprived of liberty such as people in prisons or detention centres.

¹⁰⁸ 'COVID-19 | Prevention Measures in European Prisons'.

¹⁰⁹ 'COVID-19 in Prison: The CoE Must Lead on Policies to Address the Covid-19 Challenges' (n 82).

¹¹⁰ *ibid.*

¹¹¹ *ibid.*

This work intends to find out the most ethical and efficient measures implemented in prisons as examples of best practice to be followed in future similar situations and to critically identify problematic measures. Therefore, soft law, including guidelines and recommendations, will also be considered in order to draw the lines that should be followed in the particular case of prisons.

The risk of other new infectious diseases on a worldwide scale had already been predicted by the scientific community¹¹². Furthermore, the global social and ecological transformations which enable diseases' outbreaks that can be caused by pathogenic microorganisms, such as viruses, are rapidly increasing¹¹³. Under this public health threat governments all over the world should join their efforts to prevent and control the next pandemic¹¹⁴. The struggle to manage the COVID-19 crisis has underlined how crucial it is to invest in a stronger plan design¹¹⁵. On the one hand, it is vital to invest in scientific knowledge related to the disease, understand its evolution, monitor the spread of the virus, and identify its severity¹¹⁶. On the other hand, human rights must be upheld throughout the crisis. Both areas will contribute to improve the design of public health measures simultaneously considering societal and economic costs¹¹⁷.

We, therefore, hope to contribute to a necessary and deeper reflection on how to manage the balance between public health protection and prisoners' rights.

¹¹² Patrick Labonté and Nabil G Seidah, 'Emerging Viruses: Risk of Pandemic' (2008) 6 Expert Review of Anti-infective Therapy 581, 582.

¹¹³ Stephen S Morse and others, 'Prediction and Prevention of the next Pandemic Zoonosis' (2012) 380 The Lancet 1956, 1963.

¹¹⁴ *ibid.*

¹¹⁵ Nacoti and others (n 7) 1.

¹¹⁶ UN, 'Coronavirus Global Health Emergency' (UN).

¹¹⁷ Wu and others (n 14) 506.

2. EXTRAORDINARY MEASURES TAKEN IN PRISONS DURING THE COVID-19 OUTBREAK

2.1 INTRODUCTION

The extraordinary measures taken in prisons during the Covid-19 crisis will be considered according to two different sets of rights and freedoms. In this dissertation we will consider the measures taken to support the prisoners' right to health, such as the provision of protective masks, the improvement of hygienic conditions, among others, under group A. Those measures were taken given that States have to guarantee that people's health is not unduly threatened. On the other side, we will consider all the measures restricting the prisoners' freedoms, inter alia, the suspension of visits and isolation, under group B. In this regard, two perspectives can be considered:

1. To what extent are States failing regarding prisoners' right to health due to the lack of measures or problems in its implementation.
2. To what extent are States infringing prisoners' freedoms and fundamental rights in the attempt to preserve life and the right to health and whether in some cases these infringements constitute violation of human rights.

A central question is to what degree can a State restrict group B freedoms to protect the rights covered under group A. And ultimately, under what conditions a threat to the prisoners' rights and freedoms is so extreme that a state should rather free the prisoners so that their rights and freedoms are not unduly restricted.

In this dissertation we will focus on the measures taken under group B, analysing in-depth some of the States' decisions regarding possible violations of prisoners' freedoms and fundamental rights. Notwithstanding, we will also consider specific measures related to the state's failure regarding the prisoners' right to health due to the lack of measures or problems in its implementation, as well as measures related to releasing prisoners, which will be considered under group A. In regard to type B measures which restrict the prisoners' freedoms, a subgroup of measures will be included that represent an attempt to balance restrictions and can be considered a form of compensation. For instance, following the suspension of family visits, the implementation of alternative forms of communication between prisoners and their relatives will be considered under the type B – compensation measures.

This chapter will present the extraordinary measures taken in prisons, as well as the ones that according to the media should have been implemented during the COVID-19 outbreak.

2.2. METHODOLOGY

In this dissertation the ECtHR case-law will be analysed in order to assess the legality of the extraordinary measures implemented in prisons. A comparative analysis was undertaken, and some countries under the jurisdiction of the ECtHR, in particular Italy, Portugal and the UK were selected in order to get and analyse information regarding contrasting contexts and diverse approaches adopted by some states to fight COVID-19 (e.g. Italy v. UK); various levels of pressure on the respective national healthcare service (e.g. Italy v. Portugal); and legal systems - Common law (UK) v. Civil law (Italy and Portugal).

The extraordinary measures implemented in prisons by the selected countries were first identified by researching the data made available by each of the official governmental entities through the European Organisation of Prison and Correctional Services (Europris)¹¹⁸. The official documentation allowed us to identify the measures published by each government and the subsequent assessment regarding its lawfulness according to international human rights standards.

Secondly, 61 news in total were selected, a minimum of 20 news from each of the three countries, Italy, Portugal, and the UK. We considered that 20 news per country on the prison context at time of the pandemic was a sufficient amount as it was possible to reach saturation of the information given that a repetition of several topics and ideas was identified. The news that were not in English were first translated. The analysed news were published between 8 March 2020 and 10 August 2020. The 61 news were selected from 33 different sources comprising newspapers, and online platforms¹¹⁹. The information gathered from the media sources enriched the research material helping to depict the national realities and the problems underlying the measures (e.g. concerning its implementation, unexpected negative effects, amongst other issues). Moreover, the media analysis enabled to point out discrepancies between the law and the practice, i.e. between the official regulation and its application.

A content analysis was undertaken in regard to the information provided by Europris as well as to the one provided by the media. Following the content analysis procedures, texts were broken into small meaningful units. In total 420 text units were categorised (58

¹¹⁸ 'COVID-19 | Prevention Measures in European Prisons' (n 108).

¹¹⁹ See Appendix III - Media Sources

related to Europris, and 362 related to the media). Instead of using a more sophisticated content analysis software such as NVivo or MAXQDA, a simpler format was chosen, and the data were manually registered in the Excel. This option was based on the assumption that the central aim of this stage of our research was to identify the most relevant measures taken or needed, and that the frequency of each topic was not so relevant. In this case, a more complex software would have meant a higher time consumption without being able to integrate any additional benefits in the analysis.

Firstly, in order to enable an overall comparison across the selected countries, a table related to “Measures – Europris”¹²⁰ was organised using several criteria to systematize the collected information: *Measures taken; Type of measure; Measures general topic*¹²¹; *Country; Source* and *Source's last update*.

Secondly, a table entitled “Media Analysis”¹²² contains information regarding the selected news, according to the following categories: *Country; Measure taken; Type of measure taken; Measure that should be taken (measures proposed by the author of the new/Article or people interviewed); Type of measure that should be taken; Measures general topic*¹²³; *Impact (Positive/Negative); Further considerations; Source (link); Date; Title (of the news); Code*. Additionally, a table is provided with a short summary of the “Media Sources”¹²⁴, specifying the *Country* to which the piece of news refers to, *the Date* when it was published, the *Link*, the *Source* which identifies the name of the newspaper or platform where it was published, and the *Code* that categorises the piece of news in other tables provided in the appendices.

¹²⁰ See Appendix I - Measures – EuroPris. This document provides the content analysis undertaken regarding the measures taken in prisons according to Europris

¹²¹ The column “Measures general topic” provides information about the main topic of the measures, for example the measure “Temporary release of 4.000 inmates” is part of the “Measures general topic” named “Jail Population Reduction”.

¹²² See Appendix II - Media Analysis. This document provides the content analysis undertaken regarding the measures taken in prisons according to the media.

¹²³ In the Media Analysis the Column “Measures general topic” concerns both the measures that were taken and the measures that should have been taken.

¹²⁴ See Appendix III - Media Sources

2.3. THE ANTI-COVID-19 MEASURES IMPLEMENTED IN PORTUGAL, ITALY, AND THE UK PRISONS

2.3.1. Measures according to Europris

An analysis was undertaken considering the information announced by the selected countries' responsible entities: Ministry of Justice: Department of Prison Administration (IT)¹²⁵; DGRSP - Directorate-General of Reintegration and Prison Services (PT)¹²⁶; Her Majesty's Prison and Probation Service (UK)¹²⁷. This information, provided by the Europris allowed the identification of the extraordinary measures published by Italy, Portugal, and the UK (England and Wales) authorities. The information from the different countries was last updated in Europris at different times: 27 March for Italy¹²⁸; 6 May for Portugal¹²⁹; and 17 June 2020 for the UK¹³⁰. These differences could be connected to the time variations of the COVID-19 spread in the respective country and consequently the time the measures were implemented.

In this section a summary of these measures will be presented by considering the structure proposed at the beginning of the chapter, which categorizes each measure according to type A or type B. The measures were also categorized according to the underlying thematic topics.

Considering the three countries altogether, a total of 58 measures were identified.

¹²⁵ 'Ministry of Justice: Department of Prison Administration (IT)' (*EuroPris*, 6 July 2020).

¹²⁶ 'DGRSP' (*EuroPris*).

¹²⁷ 'Her Majesty's Prison and Probation Service (UK)' (*EuroPris*).

¹²⁸ 'Ministry of Justice: Department of Prison Administration (IT)' (n 125).

¹²⁹ 'DGRSP' (n 126).

¹³⁰ 'Her Majesty's Prison and Probation Service (UK)' (n 127).

- **Measures according to Europris - Type A**

As explained before, the measures which were categorized under type A support the prisoners' right to health, given the states' obligation to guarantee that the individuals' health is not improperly threatened.

The measures classified under type A were grouped according to the following general topics: (1)General preventive Measures, (2)PPE (Protective Clothing; Masks), hygiene products, and tests; (3) Jail Population Reduction - Home detention; (4)New Arrivals¹³¹; (5)Healthcare services; (6)Prison Visits¹³²; (7)Staff.

The subsequent analysis showed that Portugal and the UK published use of exclusively measures that were related only to PPE (Protective Clothing; Masks), hygiene products, and tests. Portugal published use of 3 measures: the intensification of cleaning procedures; a delivery of 22 thousand masks; and the use of masks by all employees. In contrast, the UK mentioned one generic measure which was the adoption of Safe Operating Procedures (SOPs) to instruct staff on when they should use PPE such as face masks, gloves, and aprons (for staff working in isolation units). Italy provided more detailed information on this type of measures when compared to the other two countries analysed. A possible explanation could be the higher level of pressure felt in the Italian health system resulting from the coronavirus crisis¹³³ and the urgent need for measures related to the right to health. According to Italian authorities, 16 measures were taken under type A, which can be summarised as follows: general preventive measures, such as the increase of the 2020 budget to cover costs such as extra-time hours of staff working in prisons; the provision of PPE, hygiene products, and tests, comprising the provision of dispensers with disinfecting solutions and thermo-scanners as well as protection kits; the provision of tests to symptomatic prisoners and people contacting with them; new arrivals protocols such as the use of PPE when first screening an inmate; and the arrival check up by a physician. Information is also given on how PPE should be used for visitors to prisoners undergoing the Maximum-Security Regime as well as for symptomatic staff departing from prison and the obligation to share information with healthcare authorities; as well as entry interdiction of symptomatic staff. It is also stated that sentences under 18 months of imprisonment are to be served at the home of the convict with electronic

¹³¹ The column "New arrivals" concerns for example safety procedures for prisoners who just arrived.

¹³² The column "Prison Visits" when related to type A measures means for example safety procedures regarding prison visitors.

¹³³ Nacoti and others (n 7) 2.

surveillance, excepting all minor offenders and adult offenders who must serve a sentence up to six months.

- **Measures according to Europris - Type B**

The measures classified under Type B, as the ones restricting prisoners' rights and freedoms, were grouped according to the following general topics: (1) Placement and treatment of infected or suspected cases; (2) New Arrivals¹³⁴; (3) Prison Visits; (4) Transfers; (5) Prisoners' entry-exit regime; (6) Parcels from outside prisons; (7) Activities & Education; (8) Communication.

Comparing the type B measures adopted by each selected country it is possible to notice more similarities amongst them, visible either in the number of measures adopted: 9 in Italy, 7 in the UK and 6 in Portugal or in the content of the measures which were more equally distributed when compared to the type A measures. Some measures were adopted in all three countries such as the suspension of visits. Measures such as the placement and treatment of infected or suspected cases, as well as restrictions to transfers were also published by the three countries, with only slight variations. For instance, while the three countries suspended prison transfers, Italy offered some exceptions as well as the UK which provided a detailed list of exceptional circumstances.

While the isolation of symptomatic prisoners was a common measure in the 3 countries, some variations include a 14-day quarantine period to a sentenced person who enters or returns to prison in Portugal, or the creation of small cohorts that would group prisoners together for daily activities ensuring social distancing in the UK.

There were also specific restrictions such as the open regime suspension in risky areas in Portugal or the group activities suspension in the UK.

- **Type B – Compensation Measures**

Some measures were considered to be related to Type B, as they relate to the measures that imposed restrictions on prisoners' rights and freedoms. However, because of the fact that they were implemented as an attempt to compensate some restrictions, they were included in a subgroup under type B – Compensation, which encompasses the following topics: (1) Communication; (2) Activities & Education.

¹³⁴ The column "New arrivals" in regard to type B measures refers for example to measures that impose particular restrictions for prisoners who are just arriving.

All countries implemented additional alternative forms of contact with the respective families, which seems to be a compensation of the suspension of visits. While Portugal gave permission to three daily telephone calls lasting five minutes each, the UK provided communication tools such as the use of voicemail, email, and the provision of information to visitors. Similarly, Italy also provided several communication tools such as email, video-calls, skype, while assuming the compromise of acquiring more than 3.200 mobile phones to be distributed in prisons, and increasing free of charge phone calls. Italian authorities published other measures that seem to support the prisoners' specific difficulties during the present crisis such as alternative methods related to following educational courses, the free use of the prison laundry service; permission of online bank transfers and the increase of the expenses limit.

2.4 COMPARISON OF THE INFORMATION PROVIDED BY EUROPRIS AND THE MEDIA, REGARDING ITALY, PORTUGAL, AND THE UK

In this section inconsistencies between the measures assumed by each country will be identified, available through Europris and the information provided by the media.

Even though we should be careful analysing frequencies while undertaking a qualitative analysis, it is interesting to make a few remarks. Regarding the information provided in the Europris a total of 58 text units were analysed. From these, 36 were related to Italy, 11 to Portugal and 11 corresponded to the UK. While in respect to the information provided by the media a total of 362 text units were analysed. From these, 180 were related to Italy, 77 to Portugal and 105 corresponded to the UK.

2.4.1. Measures according to the Media

From the text units analysed: 36 text units were categorized as type A measures in Italy, 19 in Portugal and 15 in the UK, while in relation to type B measures (excluding type B – compensation measures) there were 42 referring to Italy, 32 to Portugal and 29 to the UK. Considering the type B compensation measures 11 text units corresponded to Italy, 3 to Portugal and 9 to the UK.

Overall it seems that the media focused more on the measures that restrict prisoners' rights and freedoms (type B). Specially if we take into account the data from Europris regarding Italy, according to which 16 measures were taken under type A, and just 9 under type B. However, while in Italy the difference regarding the media focus on the prisoners' right to health (type A) measures and the ones restricting prisoners' rights and freedoms (type B measures, excluding the compensation ones) was smaller. Proportionally, the media emphasis in type B measures was higher in the UK and Portugal, which is in line with the data from Europris.

Through the media analysis it seems that there was more available information on the extraordinary measures affecting prisoners in Italy, when compared to Portugal or the UK. This might be explained by the level of pressure in the health system felt in Italy¹³⁵, which was significantly higher when compared to the other countries analysed, and

¹³⁵ Nacoti and others (n 7).

consequently the fear that was felt related to the impact of coronavirus in the prison system was visible in the riots and the public opinion discussions.

This subset also presents the measures that were mentioned by the media as being insufficient or in need of. The news analysed show a greater focus of the media on the measures that should have been taken regarding the right to health (type A) when compared to the ones restricting prisoners' freedoms (type B). Considering the measures that should have been taken, as noticed in the selected news, we identified 67 text units corresponding to type A in Italy; 34 in the UK and 17 in Portugal. As for type B measures, excluding the compensation ones, there were 27 text units regarding Italy, 7 the UK and 4 Portugal. Considering the type B compensation measures that should have been taken, 17 text units were identified in relation to Italy and 3 relating to the UK.

- **Measures taken according to the media - Type A**

One of the most relevant areas of intervention concerning the countries' support to the prisoners' right to health refers to PPE, hygiene products, and tests. In fact, this was the only topic that was common to the three selected countries according to the information by the Europris. This was equally a common topic in the media. In Italy the news reported that tests were made available for detainees and thousands of masks were delivered¹³⁶. In Portugal, according to the media, the provision of tests for two prisons and the donation of medical equipment comprising 20 tents, 260 beds, and 520 blankets was covered by the National Emergency and Civil Protection Authority (ANEPC)¹³⁷. The UK announced the provision of 50.000 protective masks for the staff as well as the lifting ban on hand sanitiser inside prisons¹³⁸.

Important constraints regarding the implementation of one of the measures were indicated both in Italy and Portugal concerning the prohibition of wearing masks and sometimes other PPE, imposed on the prison staff¹³⁹. According to the reports, that order was justified by the authorities in charge because of the fear that use of PPE by prison staff could produce among the detainees¹⁴⁰. In Portugal, this was publicly condemned in

¹³⁶ Paola Rolletta, 'O covid-19 destapou a panela de pressão nas cadeias italianas' (*PÚBLICO*)

¹³⁷ 'Covid-19: Pelo menos três infetados no hospital prisional de Caxias e no EP Porto' (*Sábado/Lusa*)

¹³⁸ 'Coronavirus: Inmates Could Be Freed to Ease Virus Jail Pressures' (*BBC News*, 25 March 2020)

¹³⁹ 'Ci sono anche le carceri' (*Il Post*, 7 May 2020); 'Expresso | Guardas Prisionais Dizem Que Obrigações Do Estado de Emergência São Violadas' (*Expresso*, 27 March 2020)

¹⁴⁰ 'Expresso | Guardas Prisionais Dizem Que Obrigações Do Estado de Emergência São Violadas' (n 139).

March by the Prison Guard's Union as a violation of the state of emergency regulations¹⁴¹. In June, news reported that the national director of the prison services gave a warning call, criticising the staff and the prison directors for not respecting the use of PPE and requesting their collaboration¹⁴².

The measures related to jail population reduction were considered in the present dissertation as being type A measures, having the underlying aim of protecting prisoners' right to health while avoiding the imposition of restrictions to their freedoms. While these measures were hardly mentioned in the Europris announcements, only addressed by the Italian authorities when referring to home detention and electronic surveillance¹⁴³, it should be said that jail population reduction is a topic extensively addressed in the media. Portugal seems to be a good example in this regard given the release of 1.874 inmates as a result of the alternative measures implemented to address the COVID-19 crisis¹⁴⁴, becoming the fourth European country with the highest percentage (15%) of prisoners released.¹⁴⁵ In this respect, the UK announced the intention of temporary releasing 4.000 prisoners¹⁴⁶. However, as reported in the media, this scheme was suspended at some point due to the fact some inmates were mistakenly freed¹⁴⁷. Despite higher expectations, according to the press, less than a hundred inmates were released¹⁴⁸. It is noteworthy that the available information provided in the UK media transmits a cautious approach, e.g. offering multiple declarations related to a risk-assessment regarding the prisoners, providing information on the fact that no prisoners who did not have health support or accommodation would be released, nor would those who were symptomatic, as well as the importance of shared information about the use of electronic tags enabling to trace the ones that pose a reason for concern¹⁴⁹. A possible explanation can be related to the fact that one of the four pillars of the present UK government manifesto¹⁵⁰ is grounded in

¹⁴¹ *ibid.*

¹⁴² Vanessa Cruz and Rita Tavares, 'Diretor Dos Serviços Prisionais Diz Que "Há Funcionários a Abrandar" Regras e Repreende Responsáveis' (*Observador*, 26 June 2020)

¹⁴³ 'Ministry of Justice: Department of Prison Administration (IT)' (n 125).

¹⁴⁴ *Observador*, 'Medidas anti-Covid-19 acabam com a sobrelotação nas prisões, mas as condições continuam a ser más' (*Observador*)

¹⁴⁵ 'Portugal entre países com maior percentagem de presos libertados' (*SNCGP*)

¹⁴⁶ Alasdair Lane, 'British Prisoners And Their Families—The Forgotten Victims Of COVID-19' (*Forbes*, 23 July 2020).

¹⁴⁷ Jamie Grierson, 'UK Coronavirus Prison Plan on Hold after Six Inmates Freed in Error' *The Guardian* (18 April 2020)

¹⁴⁸ Jamie Grierson, 'Only 33 Prisoners in England and Wales Released under Anti-Coronavirus Measures' *The Guardian* (27 April 2020)

¹⁴⁹ 'Coronavirus: Low-Risk Prisoners Set for Early Release' *BBC News* (4 April 2020)

¹⁵⁰ 'Safer Streets | Conservatives'.

enhanced security. As for the Italian measures related to jail population reduction, a significant amount of information was made available in the media. In order to alleviate Italian prison overcrowding some measures were announced such as “(...) home detention for those who have to serve a sentence of or whose remaining sentence is up to 18 months¹⁵¹. However, if the remaining sentence is more than 6 months, an electronic bracelet is required”¹⁵². In addition, the Article 124 of the “Cura Italia” Decree¹⁵³ granted bonus permits for semi-released prisoners, enabling people in a semi-release regime to not return at the end of the day until 30 June 2020, to avoid the risk of spreading the virus¹⁵⁴. The information that 3.489 people benefited from home detention as well as justifications about who was eligible to benefit from that measure, were provided¹⁵⁵. A decrease in the number of admissions resulting from a greater use of alternative measures to prison and the lower number of crimes committed during the lockdown was also confirmed¹⁵⁶. An overcrowding reduction of 7.000 inmates since the beginning of the crisis was reported. However, it should be highlighted that despite the official capacity of 50.931 places in the Italian prisons, at the end of February 2020 there were 61.230 inmates¹⁵⁷ and that even adopting a conservative expectation, the belief pointed to 120 percent over capacity¹⁵⁸.

A controversial issue broadly reported in the Italian media was the prisoners’ release and the possibility of remaining in home detention that 376 mafia members would benefit from¹⁵⁹. However, following public outrage it was decided to reimprison the released mafia members¹⁶⁰. It seems that this episode contributed to the slowdown of the pace of the prisoners’ release scheme¹⁶¹. It also illustrates the impact of public opinion.

Other measures that were not published in the Europris database but that were valued by the media, consisted of the UK bonuses offer to prison staff for the efforts made during

¹⁵¹ Hannah Roberts, ‘In Italy’s Overcrowded Prisons, Fear of Coronavirus’ (*POLITICO*, 30 March 2020).

¹⁵² Claudia Torrisi, ‘COVID-19 ed emergenza nelle carceri: “Come abbiamo paura noi fuori, hanno ancora più paura loro dentro”’ (*Valigia Blu*, 11 April 2020).

¹⁵³ The Cura Italia Decree was published on March 17, 2020 and it introduced the Italian Government measures to address the COVID-19 crisis.

¹⁵⁴ Torrisi (n 152).

¹⁵⁵ ‘Covid-19 in Italia: il lavoro del Garante nazionale dei diritti delle persone detenute o private della libertà personale’ (*Amnesty International Italia*, 11 June 2020).

¹⁵⁶ ‘Ci sono anche le carceri’ (n 139).

¹⁵⁷ Italian Coalition for Civil Liberties and Rights, ‘COVID-19 Emergency in Italian Prisons: Antigone Releases Annual Report’ (*Liberties.eu*).

¹⁵⁸ ‘Wider Steps Needed to Protect Prisoners’ Health in Italy | Human Rights Watch’

¹⁵⁹ ‘Escándalo En Italia Por Salida de La Cárcel de 376 Mafiosos’ (*Cadena 3*, 7 May 2020)

¹⁶⁰ *ibid.*

¹⁶¹ Massimo Razzi, ‘Coronavirus, La Fase 2 Nelle Carceri: Il Sovraffollamento è Ancora Un Problema’ (*La Repubblica / Diritti Umani*, 10 August 2020).

the crisis such as covering shortages and being redeployed to cover front-line services, as well as the reduction of the number of prison guards per shift in order to prevent the virus spread¹⁶². A controversial situation, addressed in the media, exposed the difficulty to isolate a COVID-positive prisoner in one Italian prison, and after an unsuccessful search for a safe alternative the prison director released that person¹⁶³.

- **Measures that should be taken according to the media - Type A**

Following the presentation of the type A measures taken to deal with the coronavirus crisis, the proposals for improvement that appeared in the media regarding the right to health will now be analysed.

Although in all the examined countries the governments had reported and made efforts to protect the prisoners' health, there was an overall need of medical supplies. The shortage of personal protective equipment, and the demand for the provision of tests was reported in Italy, Portugal, and the UK. In all these countries the need to improve the facilities' conditions and hygiene was pointed out. In all the three countries gloves, masks, and antiseptics were requested; while in the UK apart from general references to the shortage of PPE, the need of sanitizing gel or wipes and coveralls was also highlighted¹⁶⁴. In Italy, the authorization to use PPE, as foreseen in the law when contacting with COVID-positive cases, was demanded¹⁶⁵. Considering safety procedures, it was suggested in Portugal that the temperature of those who enter the prisons should be taken¹⁶⁶.

The topic regarding jail population reduction and the underlying measures was broadly explored by the media, resulting in very polarized reactions from the public opinion. In the three countries, there were strong recommendations regarding the urgency of reducing overcrowding. In Portugal, the fact that some cells placed up to 30 prisoners was pointed out¹⁶⁷. Regarding Italy, the temporary transfer of part of the prisoners to alternative facilities such as barracks and unused hotels was suggested¹⁶⁸. Similarly, in the UK, the transfer to bail hostels of some of the 9.000 inmates who were on remand, awaiting trial,

¹⁶² Nick Eardley, 'Coronavirus: Emergency Coronavirus Plan for Prisons' *BBC News* (14 March 2020).

¹⁶³ 'Ci sono anche le carceri' (n 139).

¹⁶⁴ Lane (n 146).

¹⁶⁵ 'Ci sono anche le carceri' (n 139).

¹⁶⁶ 'Expresso | Guardas Prisionais Dizem Que Obrigações Do Estado de Emergência São Violadas' (n 139).

¹⁶⁷ *ibid.*

¹⁶⁸ 'Ci sono anche le carceri' (n 139).

was proposed¹⁶⁹. In the end of July 2020, the press mentioned the need to increase the number of prisoners released as there was an initial expectation that 4.000 would benefit from the “End of custody temporary release” scheme and only 200 were benefiting from it.¹⁷⁰ The need to ease COVID-19 pressures has also been broadly recognized¹⁷¹. In Italy, several voices were raised demanding the implementation of broader measures to guarantee a quicker reduction of prison overcrowding, arguing that the prison capacity should at least match the number of presences¹⁷². According to Antigone – an Italian leading prisoners’ rights organization – the expectation of releasing 3.000 prisoners was not sufficient¹⁷³. Therefore, supporters of a change of mentality urged institutions to consider alternative measures to prison, proposing a move from a security-based approach towards a framework that places the prisoners’ health at the centre¹⁷⁴.

Taken together there were similar suggestions coming from the three countries regarding who should be eligible for early or temporary release: those in pretrial detention or convicted for nonviolent and minor offenses, older prisoners, those with underlying health conditions at high risk of suffering serious effects by the virus; inmates with up to three years left of their sentence, pregnant women and mothers detained with their minor children. The suspension of short sentences was also recommended¹⁷⁵. The postponement of the execution order of sentences of up to four years was proposed in order to limit new arrivals in times of crisis¹⁷⁶. An important reflection relates to the request for alternative measures to detention for people in immigration centres when safe deportations are suspended¹⁷⁷.

Regarding home detention curfew (HDC) the UK Ministers announced the intention to extend the period during which inmates can be released, for up to six months¹⁷⁸. In Portugal, there were voices requesting the end of the alternative measures to prison that

¹⁶⁹ ‘Coronavirus: Inmates Could Be Freed to Ease Virus Jail Pressures’ (n 138).

¹⁷⁰ Vincent Wood, ‘Prisoners Effectively Held in Solitary Confinement during Coronavirus Pandemic, MPs Told’ (*Independent*, 27 July 2020)

¹⁷¹ ‘Urgent Action Needed to Prevent COVID-19 “Rampaging through Places of Detention” – Bachelet’ (*UN - OHCHR*).

¹⁷² ‘Wider Steps Needed to Protect Prisoners’ Health in Italy’ (*Human Rights Watch*, 20 March 2020).

¹⁷³ *ibid.*

¹⁷⁴ Francesco Brusa and Gaetano De Monte, ‘Carceri e Covid-19: se il problema resta “l’ossessione securitaria”’ (*DINAMOpress*, 30 May 2020)

¹⁷⁵ David Pegg and Eric Allison, ‘Release Inmates or Face Jail Pandemic, Say Prison Governors’ *The Guardian* (25 March 2020).

¹⁷⁶ Luigi Iorio, ‘Emergenza carceri al tempo del coronavirus’ (*Altalex*, 2 April 2020).

¹⁷⁷ ‘Dimensões de direitos humanos na resposta à COVID-19’ (*Human Rights Watch*, 23 March 2020).

¹⁷⁸ Danny Shaw, ‘Plan to Extend Early Prisoner Release Scheme’ *BBC News* (17 March 2020).

resulted from the strategy to deal with the pandemic¹⁷⁹. In addition, there was also some criticism on the absence of criteria as to when prisoners should be released, arguing that the ones to be released should be the prisoners at risk of suffering the most in the case of infection¹⁸⁰.

In Italy, the lack of electronic bracelets, needed for the implementation of home detention was reported¹⁸¹. Regarding the measures related to individuals released or on parole, the three countries identified the need to provide assistance to those who do not have family support or a place to live¹⁸². Indeed, in the UK, almost 1.000 offenders were found out to have been released during the coronavirus crisis from prisons in England and Wales without a known address to go to, despite the eminent risk of contagion¹⁸³. As for Italy the need to improve coordination with the municipalities to find accommodation for those released that are in need was identified¹⁸⁴.

Concerning the placement and treatment of infected or suspected cases in Italy, difficulties in isolating the patients or suspected cases were reported and the need for alternative measures such as release was acknowledged¹⁸⁵. The lack of coordination between several Italian entities in a specific situation related to the release of a COVID-19 positive inmate was also denounced¹⁸⁶. In light of this situation the need of improving coordination between prison administration, civil protection, and regions authorities was identified¹⁸⁷. The need to improve coordination with trade unions, resulting, inter alia, in sharing security protocols was also recognised¹⁸⁸. The lack of adequate health facilities in Italy where prisoners can be safely hospitalized, and the implementation of the right to health for people at 41 bis prison regime (a special regime employed for prisoners serving sentences for crimes related to the mafia) in Sardinia were also identified¹⁸⁹.

¹⁷⁹ Lusa, ‘PSD quer fim de medidas excecionais para reclusos quando terminar calamidade’ (*Observador*).

¹⁸⁰ *ibid.*

¹⁸¹ ‘Ci sono anche le carceri’ (n 139).

¹⁸² Arlinda Brandão, ‘Liberdade “antecipada” em tempos de reclusão’ (*Liberdade ‘antecipada’ em tempos de reclusão*, 28 April 2020); Charles Hymas, ‘Nearly 1,000 Prisoners Raise Covid Risk after Being Released during Pandemic without a Home to Go To’ (*The Telegraph*, 31 July 2020); Torrisi (n 152).

¹⁸³ Hymas (n 182).

¹⁸⁴ Torrisi (n 152).

¹⁸⁵ ‘Ci sono anche le carceri’ (n 139).

¹⁸⁶ *ibid.*

¹⁸⁷ *ibid.*

¹⁸⁸ *ibid.*

¹⁸⁹ ‘La situazione nelle carceri. Parla Mauro Palma’ (*il manifesto*, 8 May 2020).

Regarding staff there were difficulties in the implementation of protocols by the prison officers in Italy and Portugal¹⁹⁰. In Italy, the need to recruit additional penitentiary staff and medical professionals was acknowledged. In Portugal the need to introduce new shifts that would guarantee a second line of personnel in case of large-scale spreading of the virus was also admitted¹⁹¹.

- **Measures taken according to the media - Type B**

In this section the type B measures taken by the selected countries as published by the media will be considered. Similarly to what was communicated to the Europris, the media referred the prison visits suspension or restrictions (e.g. in some Portuguese prisons there was a weekend visit suspension and one-week visit allowed; whereas in the UK from August 15 one visit of 45 minutes was allowed, not including children under 10) implemented in the 3 countries¹⁹².

As regards the placement and treatment of infected or suspected cases, the news corresponded to the information provided by the national authorities, foreseeing the isolation of prisoners returning from leave. Cohorting measures, were also addressed by the UK authorities which appeared in the media in more detail¹⁹³. In this regard, there were accounts of isolation taking place with 15 more people on the same wing, and of prisoners with flu symptoms forced to share cells¹⁹⁴. There was a report denouncing at least 100 symptomatic prisoners isolated in their cells for up to 14 days without the possibility of taking a shower or practising physical exercise¹⁹⁵. The group activities suspension in the UK was a topic already covered by the Europris platform¹⁹⁶. Even though Portugal and Italy did not cover that aspect, it circulated through the media. In general, the interruption of the connections with the outside world was announced as well as the fact that several activities ranging from educational and work activities, training and leisure activities were broadly affected. In Italy restrictions led to prisoners staying

¹⁹⁰ Cruz and Tavares (n 142); ‘Ci sono anche le carceri’ (n 139).

¹⁹¹ ‘Expresso | Guardas Prisionais Dizem Que Obrigações Do Estado de Emergência São Violadas’ (n 139).

¹⁹² Ana Dias Cordeiro, “Nada mudou na prisão” e a revolta é grande com o fim das visitas’ (*PÚBLICO*, 15 March 2020); Kate Proctor, ‘Ban on Prison Visits in England and Wales Breaches Children’s Rights, Say Lawyers’ (*the Guardian*, 31 July 2020).

¹⁹³ Eric Allison and Rowena Mason, ‘UK Prisoners with Flu Symptoms Forced to Share Cells with Those with Covid-19’ (*The Guardian*, 31 March 2020).

¹⁹⁴ *ibid.*

¹⁹⁵ Jonathan Metzger, ‘Are “Squalid” Prison Conditions and the Response to the Covid-19 Pandemic Breaching Human Rights?’ (*UK Human Rights Blog*, 6 July 2020).

¹⁹⁶ Lane (n 146).

22 hours per day in the cell¹⁹⁷, while in the UK news circulated about the out-of-cell time reduction, sometimes referring a cell confinement of 23 hours a day, or even an out-of-cell time cut to 30 minutes a day¹⁹⁸. In Portugal prisoners were divided into groups in order to enjoy unattached recreational moments¹⁹⁹.

In Italy and in Portugal some restrictions have affected the prisoners' possibility to leave facilities temporarily. In Italy limitations to probation and special permits as well as restrictions to the semi-release regime were announced²⁰⁰. Similarly, in Portugal most of the short duration exits were suspended²⁰¹. In Portugal and the UK there were some changes on legal procedures. While in Portugal there was an indefinite postponement of trials, in the UK the restrictions imposed made it unlikely for prisoners to get free legal representation for applications requesting the release on compassionate grounds²⁰².

Finally, it is fundamental to consider the reports of violence perpetrated by law enforcement agents against detainees that researchers from Antigone disclosed²⁰³. According to prisoners' testimonies there were violent reprisals, abuses, and beatings to the ones demanding health protection²⁰⁴. Episodes of torture and violence against prisoners in several prisons, in Turin, Milan, Melfi, Santa Maria Capua Vetere and Pavia, were denounced, and allegedly took place after the prisoners' protests in March²⁰⁵. In Santa Maria Capua Venere 400 police officers severely attacked the physical integrity of the prisoners leading to "people beaten to death, fainted in blood or urinating blood, head trauma, broken ribs and teeth"²⁰⁶. According to the press, a prosecutor is investigating the case²⁰⁷.

- Measures that should be taken according to the media - Type B

In Portugal the visits reinstatement was requested²⁰⁸. In the UK the blanket ban on visits since March, which affected relationships between mother and their children,

¹⁹⁷ Torrisi (n 152).

¹⁹⁸ 'Coronavirus: Inmates Could Be Freed to Ease Virus Jail Pressures' (n 138).

¹⁹⁹ Tiago Rodrigues Alves, 'Cadeias Separam Recreios Para Evitar Contágio Entre Reclusos - JN' (*JN*, 27 March 2020).

²⁰⁰ Torrisi (n 152).

²⁰¹ Cordeiro (n 192).

²⁰² 'Portugal: Prisoners "of All Kinds" to Be Released as Courts Fail to Meet Judicial Deadlines' (*Prison Insider*, 30 March 2020).

²⁰³ Carmine Gazzanni, 'Da detenuti a ostaggi' (*Left*, 11 July 2020).

²⁰⁴ *ibid.*

²⁰⁵ Razzi (n 161).

²⁰⁶ Our translation of the original: 'Ci sono anche le carceri' (n 139).

²⁰⁷ *ibid.*

²⁰⁸ Cordeiro (n 192).

triggered the request for data collection on children separated from their mothers due to the mother's imprisonment as well as on pregnant women who would give birth in prison²⁰⁹. Besides this, in the UK the reinstatement of visits as well as the improvement of conditions were asked in order to enable the possibility of implementing social distance when visiting (e.g. larger waiting rooms and different paths enabling the guests' separation) as well as the introduction of a booking system²¹⁰.

The media analysis showed that there were shortcomings in all the selected countries regarding the communication between the prison administration representatives and the prisoners or their families. In Italy, according to the Italian National Preventive Mechanism representative a "lack of effective communication on the nature and scope of the measures taken"²¹¹ was detected, while in Portugal people complained about the lack of information available²¹². The same happened in the UK, where a lack of transparency was felt regarding the emergency management as well as the need to access reliable data on infections, and access to information by the prisoners on internal rules and practices²¹³.

Regarding the placement and treatment of infected or suspected cases there was some criticism from the press in the 3 countries. In the UK the need to limit the scope and duration of isolation was reported²¹⁴; in Portugal the need to separate older prisoners was noted²¹⁵, while in the Italy the lack of conditions enabling isolation for vulnerable and symptomatic inmates or positive cases, due to the lack of beds and free rooms was criticised²¹⁶. Other criticisms concern the need of resuming educational and recreational activities, restoring the possibility of practising physical activity as well as the need to reopen cells for eight hours a day.

In Portugal there were requests for the improvement of the implementation of isolation during recreational periods given the fact that approximately 50 prisoners in prophylactic isolation were being taken together to the courtyard, regardless of the different isolation periods of time already completed²¹⁷.

²⁰⁹ Metzer (n 195).

²¹⁰ *ibid.*

²¹¹ Alexis Comminos, 'COVID-19 in Prison' (*APT*).

²¹² Cordeiro (n 192).

²¹³ Metzer (n 195).

²¹⁴ Wood (n 170).

²¹⁵ 'Expresso | Guardas Prisionais Dizem Que Obrigações Do Estado de Emergência São Violadas' (n 139).

²¹⁶ 'Ci sono anche le carceri' (n 139).

²¹⁷ Alves (n 199).

- **Type B – Compensation measures taken according to the media**

The media reported the positive outcomes resulting from the countries' efforts to compensate the visits restrictions by implementing alternative forms of contact. In all those countries the increase of phone calls was reported. In Italy, the media mentioned the provision of mobile phones and tablets²¹⁸, while in the UK the purchase of approximately 1,000 mobile phones and extra phone credit were reported²¹⁹. These two countries have also made an effort to provide alternative ways of contact. Accordingly, the introduction of video calls in more than 50 prisons in the UK was mentioned²²⁰, something that became part of normalcy in 86.7% of the monitored institutions in Italy²²¹. In the UK there were reports on the introduction of small peer groups to socialise and to exercise, as well as the provision of materials such as books and magazines to alleviate those facing the decrease of out-of-cell time and activities²²².

- **Type B – Compensation measures that should be taken according to the media**

Considering the measures that were adopted as a compensation of the restrictions imposed to prisoners' freedoms, identified in this dissertation as Type B – compensation measures, the following suggestions were made.

In the UK the media mentioned the need to allow prisoners to attend funerals virtually, whenever a close family member died, and it was not possible to attend in person²²³. The need to improve technology tools that enable video calls and more telephone handsets was also referred²²⁴. Concerning alternative forms of contact, the suggestions provided in the media, regarding Italy, consisted in the need to enhance telematic tools, and to standardize the access to it, enabling video calls and more phone calls between prisoners and their people of reference, as well as the permission of long-distance communication²²⁵. Finally, the importance of maintaining these innovations in order to combine visits and alternatives to it, increasing the contact opportunities between inmates and their loved ones, was also highlighted. The importance of using technological

²¹⁸ Razzi (n 161).

²¹⁹ Proctor (n 192).

²²⁰ *ibid.*

²²¹ Razzi (n 161).

²²² Lane (n 146).

²²³ Metzger (n 195).

²²⁴ Lane (n 146).

²²⁵ Iorio (n 176).

solutions to implement educational and voluntary activities was pointed out. The balance between a physical presence of teachers and the incorporation of remote work, enabled by the use of technology was valued. Access to online classes and resources was requested, as well as the use of online tools that enable conferences, meetings, and debates remotely for inmates who are studying as well as the support of the Ministry of Education²²⁶. Regarding Portugal, there was no reference to need of improvements regarding these measures in the analysed news.

²²⁶ Torrasi (n 152).

2.4.2. Impact of the Measures

While addressing the extraordinary measures taken in prisons, it was sometimes possible to notice some associations with the positive or negative impact of it in the media. This analysis must acknowledge the subjectivity that can underly that information according to the author, and publication. Nevertheless, the impact of the measures was considered in the analysis as it can provide clues for the future.

Firstly, the analysis shows that in general the media tend to focus on the negative impact of the measures. This is particularly noticeable in the case of Italy, displaying 60 text units categorized as measures with a negative impact, while only 7 units corresponded to a positive impact. If considered in proportion, this does not represent a significant variation when compared to the cases of Portugal and the UK. In Portugal 10 text units were connected to negative impact and 2 with positive impact, while in the UK the difference was of 11 to 5. The high number of references corresponding to a negative impact, in the case of Italy, must be considered in the light of the riots that took place in the Italian prisons that might have been the result of a combination of factors. According to the information from the media, these factors include type A and B measures or the lack of measures, as our analysis will subsequently show.

Regarding the positive impact of the measures, the data indicates that in Italy the media focused on the measures that tried to compensate restrictions to prison freedoms, contrasting with Portugal and the UK where this type of measures were not valued. Once again, that might be linked to the fear and frustration felt by prisoners and their families regarding the implemented measures in Italy, a situation that might have contributed to interpreting compensation measures as especially important. In Portugal there was an equal distribution of the positive impact of both type A and B measures, while in the UK there was a slight difference, in which the type B measures were more valued.

Positive Impact

The common measures that were valued in the 3 countries as having a positive impact were the alternative measures to prison, regarding prisoners' release. In Italy a reduction of 7.000 people in prison was reported, while in Portugal 1.874 inmates were officially released²²⁷. Regarding the later this measure is credited for having solved the

²²⁷ Lusa, 'Covid-19: Portugal entre países com maior percentagem de presos libertados' (*PÚBLICO*).

problem of prison overcrowding. It should be recalled that both countries had been already earlier condemned for detention conditions and overcrowding by the ECtHR, in *Petrescu v. Portugal* (2019) the Court found that the applicant had been subjected to inhuman and degrading treatment due to inadequate conditions of detention; and in *Torregiani and Others v. Italy* (2013) the Court identified structural problem of overcrowding in prisons²²⁸. In the UK a process aiming at releasing 4.000 prisoners was initiated, which was seen as a strategy to protect the prisoners' health²²⁹. According to what was pointed out before, in Italy the positive impact of measures that tried to compensate restrictions to prison visits, by implementing measures to guarantee the communication between prisoners and their families or other significant people was highlighted²³⁰. In this regard, these measures included under type B- compensation, were valued for enabling the continuous contact with the outside world, avoiding the prisoner's isolation and loneliness, as well as contributing to reassure prisoners and their families²³¹. With respect to the UK measures referred in the media as having positive impact it is interesting to notice how various type B measures related to restrictions to prisoners' freedoms were recognized as important. Among them some cohorting measures were included, such as grouping prisoners; the visits' suspension and the curtailment of educational activities, the decrease in out-of-cell time, the practising of physical distancing and the reduction in prison transfers²³². Those measures were believed to be important to protect the prison population as well as the general public health and were seen as having positive outcomes visible through the low numbers of deaths and cases occurring in the prison system²³³.

Negative Impact

Despite the importance of understanding the factors inherent to the implementation of the extraordinary measures taken in prisons and its negative impact, it is fundamental to bear in mind its underlying complexity. Instead of analysing the associations made in the press through a simplistic cause and effect relationship between the measures and the

²²⁸ *Petrescu c Portugal* [2019] ECtHR 23190/17; *Torregiani et Autres c Italie* (ECtHR).

²²⁹ Grierson (n 148).

²³⁰ Italian Coalition for Civil Liberties and Rights (n 157).

²³¹ *ibid.*

²³² Grierson (n 148).

²³³ *ibid.*

outcomes, it is proposed that different factors resulting from the interaction of several measures might have contributed to negative outcomes.

From the 3 countries, Italy suffered the most negative reactions resulting from the coronavirus impact and possibly from the prison system strategy to handle it. For instance, numerous news reported protests and riots in 49 prisons linked to anxiety about COVID-19 and anger over the restrictive measures imposed²³⁴. The riots led to 13 deaths among detainees and dozens of injuries among prisoners and police officers²³⁵. Fires were started²³⁶, workers were taken as hostages²³⁷, and dozens of detainees escaped²³⁸. It was reported a great suffering for most of the detainees and their relatives was reported as well as a sense of fear, anxiety, and exasperation²³⁹.

Possible explanations relate to a combination of several measures or the lack of measures from type A such as the lack of PPE, and type B, such as the visits suspension. Adding to that the serious Italian problem of prison overcrowding²⁴⁰. We should also be aware that Italy was the 1st European country being severely affected by the coronavirus crisis, and that the underlying uncertainty and fear did not contribute to reassure prisoners and their relatives. Taking into account all the above factors it becomes particularly relevant to consider the measures that should be taken instead as well as future needed improvements relating to the process of implementation. For instance, a problem of communication can be identified when the measures were being introduced: "If the administration had delivered the protective masks against the coronavirus before the suspension of conversations with family members, the situation would probably not have reached this point"²⁴¹ stated an Italian prison officer. Even though a lower level of severity was seen in Portugal, as there were only a few protests undertaken by the prisoners' families with no report of deaths or injuries, a similar problem was reported: "Nothing has changed in prison"²⁴², "They cannot protect us just by preventing contact with our

²³⁴ Italian Coalition for Civil Liberties and Rights (n 157).

²³⁵ 'Wider Steps Needed to Protect Prisoners' Health in Italy' (n 172).

²³⁶ PÚBLICO, 'Vaga de motins prisionais em Itália por causa do coronavírus' (*PÚBLICO*).

²³⁷ Rolletta (n 136).

²³⁸ *ibid.*

²³⁹ 'Covid-19 in Italia: il lavoro del Garante nazionale dei diritti delle persone detenute o private della libertà personale' (n 155).

²⁴⁰ 'Lockdown in Lock-up: Italy's Prison System Has Been Plunged into Crisis by the Pandemic – and by the Mafia.' (*Global Initiative*, 20 May 2020).

²⁴¹ Our translation of the original: Inês Alexandre, 'Consciência comunitária em tempo de coronavírus: fazemos a diferença' (*PÚBLICO*).

²⁴² Our translation of the original: Cordeiro (n 192).

families,”²⁴³, “They walk inside without gloves or masks. There is nothing. Not a single disinfectant (...)”²⁴⁴. Through the several testimonies it seems that the interaction of factors linked to visits suspension, lack of PPE, cleaning procedures, and tests contributed to trigger the reported outcomes.

When assessing the Italian crisis management in the prison system, the importance of the communication between prisoners and the official representatives of the prison system is noticeable. The lack of accessible information and transparency as well as the lack of reliable data on infections contributed to the prisoners’ feelings of abandonment, fear, and bewilderment triggering some of prisoner’s reactions which in some prisons ended in riots²⁴⁵.

The lack of PPE, hygiene products and tests were indeed a common problem felt in the three countries leading to the prisoners’ concern and fear. Another common problem resulting in different challenges according to each country regarded the placement and treatment of infected or suspected cases. The UK adopted some cohorting measures by joining symptomatic prisoners in the same cells triggering the inmates’ fears of contracting the coronavirus²⁴⁶. In Italy, the lack of conditions to isolate positive cases and symptomatic prisoners led to the release of a COVID-positive prisoner and posed other people at risk of becoming infected²⁴⁷. In Portugal, there is a mandatory 14-day prophylactic isolation for authorized exits²⁴⁸. However, there is the fear that prisons will not have the capacity to isolate those arriving from abroad, which led some prisoners to request not to benefit from the exits²⁴⁹. Another peculiar situation happened in the same country when a prisoner illegally detained for three months, preferred to stay in jail until he could return home, as there was no proper means to ensure the return trip to Cape Verde, and the prisoner refused to go to the temporary installation centre at the Lisbon airport managed by the Foreigners and Borders Service²⁵⁰. These cases illustrate the importance of the discussion on creating alternatives to detention when safe and legal deportations are suspended due to the virus and keeping people detained becomes an issue of lawfulness²⁵¹.

²⁴³ *ibid.*

²⁴⁴ *ibid.*

²⁴⁵ Brusa and De Monte (n 174).

²⁴⁶ Allison and Mason (n 193).

²⁴⁷ ‘Ci sono anche le carceri’ (n 139).

²⁴⁸ JN, ‘Saídas de curta duração dos presos estão suspensas’ (*Head Topics*, 25 March 2020).

²⁴⁹ *ibid.*

²⁵⁰ ‘Recluso Pediu Para Não Sair Da Cadeia’ (*RTP Notícias*, 21 April 2020).

²⁵¹ ‘Dimensões de direitos humanos na resposta à COVID-19’ (n 177).

The UK reported some specific measures related to negative outcomes. Regarding the release of prisoners there were reports on accommodation problems, that raised concerns about the possibility of homelessness, which could pose a public health risk, also increasing the likelihood of reoffending²⁵². The reduction of out-of-cell time, sometimes amounting to only thirty minutes²⁵³, was associated with mental health deterioration²⁵⁴. The visits suspension affecting the child relationship with mother and father lead to cases of self-harm and other emotional signals of disturbance²⁵⁵. In some situations, the compensation measures were unable to avoid the negative impact of restrictions²⁵⁶. For instance, there was an ineffective attempt of introducing adequate compensation measures for visits suspension such as the establishment of alternative forms of contact between children and their parents²⁵⁷. Numerous examples of children who did not benefit from the use of video technology with their mothers were reported²⁵⁸. It was also concluded that phone calls were frequently an inadequate substitute for visits, as children's reactions such as crying, and nightmares were reported²⁵⁹. A visible negative impact as explained by a 10-year-old child: "Mum phones every day. I cannot explain how it makes me feel. It makes me feel sad and confused"²⁶⁰. This measure and its respective impact should lead to a reflection on the importance of the measures being adequate to the age and needs of those directly affected by them.

²⁵² Nick Eardley, 'Emergency Coronavirus Plan for Prisons in England and Wales' *BBC News* (14 March 2020).

²⁵³ Wood (n 170).

²⁵⁴ Lane (n 146).

²⁵⁵ *ibid.*

²⁵⁶ Metzger (n 195).

²⁵⁷ *ibid.*

²⁵⁸ *ibid.*

²⁵⁹ *ibid.*

²⁶⁰ 'British Prisoners and their Families—The Forgotten Victims Of COVID-19'.

3. DISCUSSING ECtHR CASE LAW

3.1 CONTROVERSIAL MEASURES' ANALYSIS ACCORDING TO THE ECtHR CASE-LAW

In this section, the most controversial situations related to the measures taken in prisons or the lack of it, will be presented. This section presents a summary of the case, followed by an analysis that will consider the ECtHR case-law in order to understand to what extent are States infringing prisoners' freedoms and fundamental rights, and whether these infringements are justified by specific circumstances or constitute a violation of human rights. The ECtHR has stressed that its case-law persistently assumes that a prisoner continues to enjoy all the fundamental rights and freedoms declared in the ECHR, excluding the right to liberty, and any suffering must go well beyond the fact of being in detention²⁶¹.

The following cases would be analysed after assuming that they meet the admissibility criteria under Article 34 and 35 of the Convention²⁶². The following discussion takes into account that Italy, Portugal and the UK are contracting parties to the European Convention of Human Rights, and the jurisdiction of the ECtHR has been recognized by the three countries. Each case will be analysed according to the merits.

²⁶¹ *Khoroshenko v Russia* [2015] ECtHR 41418/04.

²⁶² 'European Convention on Human Rights' 34, 21.

3.1.1. Overcrowding and jail population reduction (Type A)

Case Presentation

Several warnings have been made by international organizations in order to alert for the urgent need of releasing prisoners, as an effort to avoid the spread of the virus in prisons, with consequences for the broader community. In line with this, the World Health Organization advised that prisons should expect “huge mortality rates” when not implementing measures that would limit the COVID-19 spread in prisons²⁶³.

A report on the numbers of prisoners released in European countries announced that Portugal was the 4th country displaying the highest percentage (15%) of prisoners released, while Italy was the 7th highest (9,4%)²⁶⁴. Considering the absolute number of prisoners released, Italy comes on the 2nd place with 5.739, and Portugal on the 4th with 1.874²⁶⁵.

United Kingdom

The issue of releasing prisoners has been a turbulent process in the UK. In the beginning of April the Prison Service declared the plan to release up to 4.000 prisoners²⁶⁶. However, by 12th May only 57 prisoners had been released²⁶⁷. The media also reported, on 27 July 2020, that even though thousands of inmates could have been temporary released, only 200 had been effectively released²⁶⁸. In the meantime, the scheme of prisoners’ release was temporarily suspended due to a mistake related to the release of inmates that were freed in error²⁶⁹.

Several organizations have pointed out that the releasing process has been insufficient. According to Jo Becker, an advocate at HRW, “Prisoner releases have been too few and too slow, contributing to preventable suffering and death”²⁷⁰. A situation of prisons’ overcrowding has also been reported, with “thousands of cells containing more than one inmate, against the advice of Public Health England”, presenting a risk to the health system and the broader community²⁷¹.

²⁶³ Pegg and Allison (n 175).

²⁶⁴ ‘Portugal entre países com maior percentagem de presos libertados’ (n 145).

²⁶⁵ *ibid.*

²⁶⁶ Grierson (n 147).

²⁶⁷ ‘Covid-19 Prisoner Releases Too Few, Too Slow’ (*Human Rights Watch*, 27 May 2020).

²⁶⁸ Wood (n 170).

²⁶⁹ Grierson (n 147).

²⁷⁰ ‘Covid-19 Prisoner Releases Too Few, Too Slow’ (n 267).

²⁷¹ Grierson (n 147).

Legal action was launched by the Howard League for Penal Reform and the Prison Reform Trust, two distinguished penal reform organisations, against the justice secretary, Mr. Buckland²⁷². They charge against the unlawfulness of the measures taken to deal with the risk of contagion in the prison system, given its “manifestly insufficient impact”²⁷³. A letter written by the organisations’ lawyers issue an alert demanding for effective measures stating that: “the rate of releases has been too slow and too limited to make any substantial difference to the prison population and the plans as we understand them are incapable of achieving what the secretary of state has publicly acknowledged is required”²⁷⁴. The media reported that the justice secretary “accepted publicly that the number of people in prison must be reduced significantly in order to save lives”²⁷⁵. However, it has been argued that the implemented measures are still not sufficient and that what has been provided regarding the penitentiary system has been “too little, too late”²⁷⁶.

Italy

The Italian government has announced on 16th March the adoption of a decree to deal with the challenges posed by the coronavirus crisis. A set of measures was approved, including the “early release of prisoners with less than 18 months left to serve on their sentence”²⁷⁷. Despite the intentions to reduce prison overcrowding, some voices believe that considering the high numbers of Italian prison population, it was not enough. Among them, Patrizio Gonnella, from Antigone Association, declared in an interview published in March 2020, that action might amount to the early release of a maximum of 3.000 inmates²⁷⁸. However, he argues that at best the Italian prison system is 120% over capacity, as there are 61.230 prisoners and only 50.931 available places²⁷⁹.

When comparing data before and during the pandemic, it can be said that overall overcrowding has been substantially reduced²⁸⁰. In an interview published in June 2020, Mauro Palma, President of the National Guarantor of the rights of detained persons or

²⁷² *ibid.*

²⁷³ *ibid.*

²⁷⁴ *ibid.*

²⁷⁵ ‘Minister Faces Legal Action over Virus in Prisons’ *BBC News* (17 April 2020).

²⁷⁶ *ibid.*

²⁷⁷ ‘Wider Steps Needed to Protect Prisoners’ Health in Italy’ (n 172).

²⁷⁸ *ibid.*

²⁷⁹ *ibid.*

²⁸⁰ ‘Covid-19 in Italia: il lavoro del Garante nazionale dei diritti delle persone detenute o private della libertà personale’ (n 155).

people deprived of freedom stated that in the end of February the data indicated the existence of 61.000 prisoners compared to 52.636 which correspond to the updated figures²⁸¹. It should also be considered that although the official numbers refer 50.400 available places, taking into account the damages after the pandemic riots and the non-available ones the real number is 46.700 places²⁸².

Portugal

According to the Directorate-General for Reintegration and Prison Services (DGRSP) 1.874 prisoners were released earlier as a result of the measures to deal with the pandemic. As a consequence of the prison population being reduced, the overcrowding problem was solved²⁸³. The information provided, referring to 1st July 2020, indicates a prison population of 10.842 corresponding to an occupational rate of 83,9%²⁸⁴.

Case Analysis

The CPT has, at different times, pointed out the negative effects of overcrowding resulting in prisoners being subjected to human and degrading conditions²⁸⁵. The ECtHR has underlined that it is not possible to specify a number of square metres that should be granted to a prisoner as a guarantee of compliance with the ECHR²⁸⁶. The Court has stressed the importance of other factors such as opportunities for outdoor exercise, the period of imprisonment, and the overall health condition of the prisoner as crucial to understanding if the conditions of detention respect Article 3 of the Convention²⁸⁷.

Regarding space standards, there are different considerations. In *Orchowski v. Poland* “The applicant stressed that already the statutory space of 3 m² per person was much lower than the standards existing in other European countries. Referring to the Constitutional Court’s reasoned judgment of 26 May 2008 he noted that [...] the minimum statutory occupancy rate per person was [...] in Portugal – 7 m²; Italy - 9 m²”²⁸⁸.

²⁸¹ *ibid.*

²⁸² *ibid.*

²⁸³ Observador (n 144).

²⁸⁴ *ibid.*

²⁸⁵ ‘7th General Report on the CPT’s Activities’ (CPT 1997).

²⁸⁶ ‘Guide on Case-Law of the European Convention on Human Rights – Prisoners’ Rights’ 12.

²⁸⁷ *Muršić v Croatia* [2016] ECtHR 7334/13 [103].

²⁸⁸ *Orchowski v Poland* [2009] ECtHR 17885/04 [145].

In *Muršić v. Croatia*²⁸⁹ the Court stated that the prevailing standard “of 3 sq. m of floor surface per detainee in multi-occupancy accommodation as the relevant minimum standard under Article 3 of the Convention”. The Court added that the presumption of a violation can only be refuted, if “the reductions in the required minimum personal space of 3 sq. m are short, occasional and minor; such reductions are accompanied by sufficient freedom of movement outside the cell and adequate out-of-cell activities; and the applicant is confined in what is [...] an appropriate detention facility, and there are no other aggravating aspects of the conditions of his or her detention”.²⁹⁰ In the separate opinions of the same judgement, there is an assertive note stating that “Whenever the adequate size of the personal living space is coupled with inadequate conditions of sleeping, lighting, ventilation, heating, sanitation and health care, the ill-treatment of the prisoner must still unequivocally be censured”²⁹¹.

The data provided by the media related to overcrowding raised more serious concerns in the case of Italy, where this has been identified as a systemic problem incompatible with the ECHR²⁹². Indeed, in *Torreggiani and Others v. Italy*, the Court found a violation of Article 3 - prohibition of torture and inhuman or degrading treatment²⁹³. In this pilot-judgement, the Court warned the authorities about the need to implement the necessary remedies providing redress related to overcrowding within one year²⁹⁴. Furthermore, in this case the Court concluded that it represented a cumulative effect resulting from the shortcomings such as the lack of hot water over a long period or insufficient conditions in terms of light and fresh air²⁹⁵. When considered isolated each of these conditions is not considered to be inhuman or degrading, however, taken together, these factors have exacerbated the space limitations leading to a violation of Article 3²⁹⁶.

Regarding the UK and Italy cases in times of COVID-19, the general data does not enable a rigorous analysis, given that it is not possible to identify specific situations where there is a clear combination of overcrowding and other factors that exacerbate the condition of a detainee leading to his/her additional suffering. On the other hand, the exact square meters that prisoners are subjected to are not provided, only general information

²⁸⁹ *Muršić v. Croatia* (n 287) paras 136–141.

²⁹⁰ *ibid.*

²⁹¹ *ibid.* 100.

²⁹² *Torreggiani et Autres c. Italie* (n 228).

²⁹³ *ibid.*

²⁹⁴ *ibid.*

²⁹⁵ *ibid.*

²⁹⁶ *ibid.*

of the level of overcrowding. Instead of assuming a position that states unequivocally whether there was a violation, a discussion is proposed on the arguments favour and against.

According to the WPB data, in the case of Italian prisons, the occupancy level based on official capacity is 106%²⁹⁷. However, the same source refers the official capacity is 50.558²⁹⁸, when it has already been stated that the real number is only 46.700 places²⁹⁹. In line with the latter source of information, Italian prisons would be at a minimum of 120% over capacity³⁰⁰. In the UK the information provided by the WPB points to 105.6% occupancy level³⁰¹. Adding to that, the Chief Inspector's Annual Report 2018-19³⁰² identified situations of overcrowding³⁰³ and extreme living conditions³⁰⁴.

In *Orchowski v. Poland* the Court found a violation of Article 3 of the Convention³⁰⁵, and considered the fact that the applicant had been only allowed one daily hour of outdoor exercise and some short recreational periods, had exacerbated his overall situation negatively. When facing overcrowding, the prisoners from both countries have experienced a combination of harmful factors resulting from the COVID-19 crisis that aggravated their suffering. For instance, the fear of the spread of the virus and the guidelines of social distance that can hardly be followed in a prison context, illustrate this aspect. The visits and activities suspension and the reduction on out-of-cell time, which in the UK was reported to be sometimes of thirty minutes, is another concrete example. In this regard, this dissertation argues that the cumulative effect of aggravating circumstances has highly intensified the prisoners' suffering. Indeed, the CPT clearly assumes that "all prisoners without exception" should be allowed to enjoy at least one hour of outdoor exercise every day³⁰⁶. In addition, the CPT has expressed concern "when it finds a combination of overcrowding, poor regime activities and inadequate access to

²⁹⁷ 'Italy | WPB' (WPB, 31 July 2020).

²⁹⁸ *ibid.*

²⁹⁹ 'Covid-19 in Italia: il lavoro del Garante nazionale dei diritti delle persone detenute o private della libertà personale' (n 155).

³⁰⁰ 'Wider Steps Needed to Protect Prisoners' Health in Italy' (n 172).

³⁰¹ 'United Kingdom: England & Wales | WPB' (WPB, 31 July 2020).

³⁰² 'HM Chief Inspector of Prisons for England and Wales: Annual Report 2018 –19' (HM Inspectorate of Prisons 2019) HC 2469.

³⁰³ *ibid.* 11.

³⁰⁴ *ibid.* 27.

³⁰⁵ *Orchowski v. Poland* (n 288).

³⁰⁶ CPT, '2nd General Report on the CPT's Activities: Covering the Period 1 January to 31 December 1991' (CoE 1992) 3 14.

toilet/washing facilities in the same establishment. The cumulative effect of such conditions can prove extremely detrimental to prisoners”³⁰⁷.

In *Muršić v. Croatia*³⁰⁸ the Court declared a violation of Article 3 as the result of a situation of confinement in one cell of 2.62 square meters for 27 successive days. Current reports mention symptomatic prisoners being isolated for up to 14 days without the possibility of going out of their cells (reported in the UK)³⁰⁹. In this case, authorities should consider that the same prisoners might show symptoms for a longer time or fall ill after recovering, which could lead to a longer period under those extreme conditions. When coupled with overcrowding this circumstance might amount to a breach in Article 3.

In *Sulejmanovic v. Italy* the applicant complains about the detention period in two prisons³¹⁰. The Court considered that after the detainee’s transference in May 2003, despite the regrettable situation of overcrowding it did not reach the minimum level of stringency and concluded there was no violation of Article 3³¹¹. According to the Court’s reasoning conditions related to hygiene or heating were not alleged by the applicant as precarious and there were no complaints on detrimental effects to his health.³¹² In this regard, the high risk of contagion that prison contexts pose at COVID-19 times and the fact that this disease does not have yet a treatment, result in the possibility of effective negative consequences to the prisoners’ health. In addition, the much higher rate of mortality amongst this high-risk group³¹³ might support the claim that this group, with the needed security safeguards, should be elected to enjoy alternative measures to imprisonment such as home detention.

In *Kalashnikov v. Russia* the Court sustained that the serious overcrowding and the severe lack of hygienic conditions had negative consequences for the health of the applicant, which taken together with the period of time under those conditions (4 years and 10 months) indicated a degrading treatment.³¹⁴ Furthermore, the Court observed with great concern that Mr. Kalashnikov had sometimes shared his cell with prisoners suffering from infectious diseases (e.g. syphilis and tuberculosis)³¹⁵, despite the national

³⁰⁷ *ibid.*

³⁰⁸ *Muršić v. Croatia* (n 287).

³⁰⁹ Metzger (n 195).

³¹⁰ *Sulejmanovic c Italie* [2009] ECtHR 22635/03.

³¹¹ *ibid.*

³¹² *ibid.*

³¹³ ‘Estimating Mortality from COVID-19’ (*WHO*, 4 August 2020).

³¹⁴ *Kalashnikov v Russia* (ECtHR).

³¹⁵ *ibid.*

authorities stating there was no contagion.³¹⁶ Therefore, the Court shows a strong cause for concern in the case of COVID-positive prisoners in a context of overcrowding that limits the possibility of isolation and forces a symptomatic prisoner to be in a cell with a healthy inmate.

Finally, in *Orchowski v. Poland* a strong statement can be found, as follows: “If the State is unable to ensure that prison conditions comply with the requirements of Article 3 of the Convention, it must abandon its strict penal policy in order to reduce the number of incarcerated persons or put in place a system of alternative means of punishment”³¹⁷. Facing the challenges posed by the COVID-19 the prisoners release would reduce the risk of contagion within prisons. The specific characteristics of the COVID-19 disease adding to the fact there is no treatment should also be considered.

In the case of Italy there was a high number of detainees released as result of the anti-COVID measures. However, as stated above, Italy has a structural problem of overcrowding³¹⁸. In the case of the UK reports show that the scheme of prisoners’ release was ineffective, taking too long to be implemented³¹⁹. The complexity inherent to considering the role of overcrowding with a combination of other factors does not allow, through this analysis, to say unequivocally whether there was a violation of Article 3. However, the ECtHR case-law points out the need of considering a harmful and risky combination of factors whenever there is no clear information indicating whether the required minimum personal space of 3 sq. m has been respected. Following this reasoning, even though it has been argued by several human rights leading institutions³²⁰ that alternative measures to detention should be promptly implemented in the UK, it is not possible to state that delaying the implementation of the prisoners’ release scheme, taken on its own, can be considered a violation of Article 3.

Furthermore, a careful analysis of the particular conditions of prisoners should be undertaken in order to clarify if the allegations reported by the media amount to a breach of Article 3. Indeed, it would be relevant to investigate if the prisons which present serious overcrowding problems were the same which posed a combination of other factors such as severe limitations to out-of-cell time and outdoor exercise, insanitary conditions, that

³¹⁶ *ibid.*

³¹⁷ *Orchowski v. Poland* (n 288) para 153.

³¹⁸ *Torreggiani et Autres c. Italie* (n 228).

³¹⁹ ‘Minister Faces Legal Action over Virus in Prisons’ (n 275).

³²⁰ ‘COVID-19, Prison Overcrowding, and Serving Sentences for Serious Human Rights Violations’ (OHCHR).

taken together have posed detrimental effects to the health and well-being leading to severe suffering and breach of Article 3.

3.1.2. Blanket ban on prison visits (Type B)

Case Presentation

A controversial measure concerns the blanket ban on visits introduced by the UK as an attempt to better control the spread of coronavirus³²¹. This imposition was introduced on 24th March with no clarification regarding its suspension date. Despite the Government having declared that the visits reinstatement would be a priority once the threat level would decrease to 3, when this happened, on the 19th June, that measure had not yet been revised³²².

The Parliamentary Joint Committee on Human Rights has reacted to the UK Government's response as well as to the lack of efficient mitigation measures by considering that it has "put at risk the right to family life of up to an estimated 17.000 children of mothers in prison"³²³. To counterbalance the effects of the visits' suspension, several measures were said to have been implemented. Among them, the use of video technology, the provision of extra phone credit and the purchase of 900 telephones to be delivered to prisoners³²⁴. However, despite these measures, the children questioned by the Committee did not benefited, at the time of their interviews, from a "virtual visit with their mother"³²⁵. In addition, from the children and their relatives' testimonies, the committee concluded that, in general, phone calls were not a successful alternative³²⁶. Actually, a negative impact on mental health was referred and is visible in the examples shared by the affected families, which reported to feel: "[...] sad and confused", "frequently crying and suffering from nightmares", describing the separation as "harrowing and distressing"³²⁷. In addition, the report identifies that even though there is a duty of data collection related to dependents by the court, there was a "complete lack of reliable quantitative data on the number of mothers in prison, the number of children whose mothers are in prison, and the number of women who are pregnant and give birth in prison", compromising the responsible entities' capacity to consider the role of family life³²⁸.

³²¹ Metzger (n 195).

³²² *ibid.*

³²³ *ibid.*

³²⁴ *ibid.*

³²⁵ *ibid.*

³²⁶ *ibid.*

³²⁷ *ibid.*

³²⁸ *ibid.*

Case Analysis

While analysing this case, Article 8 of the ECHR will be considered, which enshrines the right to respect for private and family life³²⁹.

The CPT has stated that “The guiding principle should be the promotion of contact with the outside world; any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations”³³⁰. Furthermore, the CPT has stressed that “Above all, a prisoner must be given the means of safeguarding his relationships with his family and close friends”³³¹. Regarding the prisoner’s right to family visits according to international law, the Court stated that “sentenced prisoners are generally accorded the right to family visits between one and four times every month”³³². In *Trosin v. Ukraine* “the Court notes that no issue arose under the Convention where a detainee was restricted to not more than two family visits per month by the provisional application of a special regime”³³³. In *Khoroshenko v. Russia*, the joint concurring opinion of judges Pinto de Albuquerque and Turković considered “that the fact that a large majority of countries allow for more than one family visit per month to sentenced prisoners and eleven countries allow for weekly visits are of the utmost relevance”³³⁴ and that “there is a growing European consensus that [...] sentenced prisoners are generally accorded the right to family visits between one and four times every month”.³³⁵

The *Khoroshenko v. Russia*³³⁶ case presents some differences in relation to the 2020 blanket ban on prison visits, as it relates to the restrictions imposed to life sentenced prisoners. However, it also entails some similarities that are important to be considered. In that case, the Court found a violation of the Article 8, and argued that a complete ban of physical contact with visitors had undermined the applicant’s ability to develop a close relationship with his son during a decisive period of his life.³³⁷ The Court concluded that there was a disproportionate interference with Mr. Khoroshenko’s rights under Article 8 of the ECHR, in relation to the objectives alleged by the Russian authorities³³⁸. It can be argued that one common element with the blanket ban on family visits in the UK concerns

³²⁹ ‘ECHR’ (n 262) 11.

³³⁰ CPT (n 306) 14.

³³¹ *ibid.*

³³² *Khoroshenko v. Russia* (n 261) para 20.

³³³ *Trosin v Ukraine* [2012] ECtHR 39758/05 [42].

³³⁴ *Khoroshenko v. Russia* (n 261) 55.

³³⁵ *ibid.*

³³⁶ *Khoroshenko v. Russia* (n 261).

³³⁷ *ibid* 147.

³³⁸ *Khoroshenko v. Russia* (n 261).

the disproportionate interference regarding the right to respect for private and family life. The UK prohibition of visits imposed to all prisoners did not take into account: a) differences in the risk of contagion according to the prison location and prison conditions (e.g. in Portugal there were variations on visits restrictions according to each prison³³⁹); b) specific needs and respective impact, such as the importance of establishing close bonds between a mother/father and child at a crucial period such as the early age of a child. Similarly to the *Khoroshenko v. Russia* case it seems that the alternative means of communication was an inadequate substitute for the visits taking into account the age of the children and their needs. On the other hand, in *Khoroshenko v. Russia* the applicant had the possibility of having a family visit once every six months³⁴⁰ but it lasted for a 10 year period, which can be argued as a more severe measure due to its longer impact.

When considering the prisoners' protection right to maintain contact with family, which is envisaged in the Article 8 of the Convention, it is fundamental to understand that not only the prisoners, but their relatives must be included in this reasoning³⁴¹. The particular significance of visits not only for prisoners but also for their families is emphasised in the European Prison Rules³⁴². In the light of this, and considering the UK ban on family visits, an impact assessment of the children's well-being should be undertaken³⁴³. The Court has stated that the UN Rules for the Treatment of Women Prisoners³⁴⁴ stress that in the best interest of the children the decision to allow children to stay with their mothers in penal institutions must be underlined³⁴⁵. This dissertation argues that this principle should also be contemplated regarding decisions on the prohibition of family visits, since the prohibition of visits between children and mothers is an infringement of the right set forth in Article 8 of the ECHR. There is a need to guarantee that any restrictions of the right to respect for private and family life must be necessary and proportionate to the needs of each specific case³⁴⁶. In *Khoroshenko v. Russia*, the Joint concurring opinion of judges Pinto de Albuquerque and Turković underlined that "The cornerstone of a penal policy aimed at resocialising prisoners is the individualised sentence plan, under which the prisoner's risk and needs in terms of health

³³⁹ Cordeiro (n 192).

³⁴⁰ *Khoroshenko v. Russia* (n 261) paras 23–26.

³⁴¹ Metzger (n 195).

³⁴² *Khoroshenko v. Russia* (n 261) 52.

³⁴³ Metzger (n 195).

³⁴⁴ 'The Bangkok Rules' (UNODC 2011).

³⁴⁵ *Korneykova and Korneykov v Ukraine* [2016] ECtHR 56660/12 [129].

³⁴⁶ Metzger (n 195).

care, activities, work, exercise, education and contacts with the family and outside world should be assessed”³⁴⁷. However, the Joint Committee on Human Rights report raised the need to “collect and publish data on the number of children whose mothers are in prison and the number of mothers in prison”³⁴⁸ given the “complete lack of reliable quantitative data”³⁴⁹. As a result, it is expected that the lack of data jeopardises the elaboration of an individualised sentence plan that takes into account the needs and particularities of each prisoner regarding their family life.

The Court underlined that even if a detainee, by the very nature of his situation, must be subjected to various limitations of his rights and freedoms, every such limitation must be nevertheless justifiable as necessary in a democratic society. It is the duty of the State to demonstrate that such necessity really existed, that is, to demonstrate the existence of a pressing social need”³⁵⁰. In *Horych v. Poland* “the notion of necessity for the purposes of Article 8 means that the interference must correspond to a pressing social need, and, in particular, must remain proportionate to the legitimate aim pursued. Assessing whether an interference was necessary the Court will take into account the margin of appreciation left to the State authorities but it is a duty of the respondent State to demonstrate the existence of the pressing social need behind the interference”³⁵¹. Indeed, Article 8 states that “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”³⁵². In this regard, it seems the coronavirus crisis can be considered as a pressing social need due to the risks it poses to public health. However, the importance of the principle of proportionality must still be considered³⁵³. In *Hirst v. The UK* the applicant complained about a blanket ban on voting in elections³⁵⁴. Even if Mr. Hirst did not rely on Article 8, discussed in this analysis³⁵⁵, it remains an important case regarding prisoners’ rights. In this case the Judges ruled “that the measure

³⁴⁷ *Khoroshenko v. Russia* (n 261) para 10.

³⁴⁸ Joint Committee on Human Rights, ‘Human Rights and the Government’s Response to COVID-19: Children Whose Mothers Are in Prison’ (2020) 13.

³⁴⁹ *ibid* 12.

³⁵⁰ *Lind v Russia* [2007] ECtHR 25664/05 [94].

³⁵¹ *Horych v Poland* [2012] ECtHR 13621/08 [123].

³⁵² ‘European Convention on Human Rights’ (n 262) 11.

³⁵³ *Horych v. Poland* (n 351) para 123.

³⁵⁴ *Hirst v The UK (No 2)* [2005] ECtHR 74025/01 [3].

³⁵⁵ *ibid*.

lacked proportionality, essentially as it was an automatic blanket ban imposed on all convicted prisoners which was arbitrary in its effects [...]”³⁵⁶. A comparison between the *Hirst v. The UK* case with the blanket ban on prison visits should be cautious due to their inherent differences. However, a similar restriction affecting all convicted prisoners in custody must be noted as exceeding any acceptable margin of appreciation. Furthermore, considering whether the measure was necessary in a democratic society, in the case of *Khoroshenko v. Russia*, the court stated that “the State does not have a free hand in introducing restrictions in a general manner without affording any degree of flexibility for determining whether limitations in specific cases are appropriate or indeed necessary”³⁵⁷. In *Trosin v. Ukraine* “the domestic law introduced automatic restrictions on the frequency, duration and various modalities of family visits for all life-sentence prisoners for a fixed period of ten years”³⁵⁸. In respect to the same case it was observed that although “the amendment to the legislation of 21 January 2010 [...] has improved the situation with the frequency of family visits to life prisoners. [...] the new frequency of the family visits is still automatically applied to all life prisoners without involving the assessment of the necessity of such restriction in the light of particular circumstances of each prisoner”³⁵⁹. A violation of Article 8 of the ECHR³⁶⁰ was found based on fact that “the State did not take the necessary measures to ensure that the applicant’s private interest in meeting with his family was properly balanced against the relevant public interest in restricting prisoners’ contact with the outside world. It further holds that the restrictions complained of were not justified as regards the frequency and length of the family visits, the number of persons admitted per visit, and the manner of conducting these visits”.³⁶¹ This case shows that more than the restrictions that were imposed, which could be acceptable in regard to a specific case, it was the blanket ban that did not offer any flexibility to be adapted to the needs of a particular prisoner that was problematic.

The ECtHR case-law shows that there have been some measures controlling the inmate’s contacts with the outside world that were considered to respect the ECHR³⁶². Nonetheless, a prolonged privation of direct contact can only be maintained when facing

³⁵⁶ *ibid* 76.

³⁵⁷ *Khoroshenko v. Russia* (n 261) para 126.

³⁵⁸ *ibid*.

³⁵⁹ *Trosin v. Ukraine* (n 333) para 44.

³⁶⁰ *ibid* 47.

³⁶¹ *ibid*.

³⁶² *Aliiev v Ukraine* [2003] ECtHR 41220/98 [187].

an ongoing genuine danger³⁶³. Regarding the *Khoroshenko v. Russia* case the judges Pinto de Albuquerque and Turković considered “that the interference with the applicant’s Convention right, in addition to being without any legitimate aim, was disproportionate on the sole basis of the low frequency of family visits”³⁶⁴ and added “This must be stated unequivocally: a rule that permits family visits to prisoners only once every six months is per se inhuman”³⁶⁵. It was already stated that limitations on Article 8, relating to family visits can be lawful. However, any limitations “must remain proportionate to the legitimate aim pursued”³⁶⁶. This particular topic can be controversial. In respect to the ban on family visits during the coronavirus crisis it is understandable that the government was concerned about the risks of contagion within prisons. It can be contended that restrictions on family visits were justified on the bases of the prisoners’ and public health protection. However, even considering that some level of state interference would be acceptable, it is a central matter whether a balance between the individual and public interests was found. This study maintains that the underlying risks of family visits in prison contexts can be mitigated by respecting safety guidelines such as the use of PPE and practicing social distance. An important reflection reminding that mental health is part of the broader concept of health should also be contemplated, especially when it is related to early childhood. In addition, individual risk and needs assessment should be taken into account as the CPT emphasises³⁶⁷. In areas where the spread of the virus is controlled restrictions should be adapted. In *Khoroshenko v. Russia*, judges Pinto de Albuquerque and Turković³⁶⁸ have expressed that they “do not consider regular family visits as a privilege that can be withdrawn, but as an Article 8 right of an inmate and of his or her family, in order to maintain their family relationships” and “The lives of prisoners and their families are deeply affected by visitation policies [...]”; “Restrictions on visitation rights should have a rational basis. Deprivation of these rights should be related to legitimate penological interests and the protection of safety and security”³⁶⁹. In *Kuimov v. Russia* the contact between a prisoner and his daughter was affected by the State’s interference due to several factors, the influenza quarantine being one of them.³⁷⁰

³⁶³ *Khoroshenko v. Russia* (n 261) para 125.

³⁶⁴ *ibid* 50.

³⁶⁵ *ibid*.

³⁶⁶ *Horych v. Poland* (n 351) para 123.

³⁶⁷ *Khoroshenko v. Russia* (n 261) 53.

³⁶⁸ *ibid* 45.

³⁶⁹ *ibid*.

³⁷⁰ *Kuimov v Russia* [2009] ECtHR 32147/04 [103].

In this case, commenting on the 3 months quarantine period, the Court stressed that this measure did “not last an unreasonably long time and, in addition, the applicant was allowed to come and see A. through the glass window on a weekly basis”³⁷¹. If it is true that the COVID-19 crisis has not until now posed restrictions that go significantly beyond the duration in this case, a fundamental difference was the possibility of providing some face-to-face contact every week, even if under physical distance rules that are understandable. Equally, the imposition of restrictions is justifiable under the threat that COVID-19 posed. However, this dissertation argues that instead of a complete ban the imposition of physical distancing practices when visiting should have been implemented. The suspension of visits had a negative impact on the children and their families, and the mitigation measures were not effective³⁷².

In view of the above considerations, this dissertation claims that a blanket ban on prison visits was an extreme measure that lead to preventable suffering. Furthermore, the measures taken regarding civil society did not force a continuous and complete social isolation, nor cutting family ties but instead promoted the adoption of necessary safety measures and the implementation of social distancing practices. All considered, this study argues that the UK has breached the Article 8 of the ECHR while applying a blanket ban on family visits, which has affected approximately 17.000 children and their families.³⁷³

³⁷¹ *ibid.*

³⁷² Joint Committee on Human Rights (n 348) 7.

³⁷³ Metzger (n 195).

3.1.3. Security and the use of force (Type B)

Case Presentation

In Italy, prisoners complained against prison staff for violent behaviour and torture. From the eight cases open, 3 of them relate to isolated episodes in Monza, San Gimignano and Palermo prisons³⁷⁴. However, 5 of the cases, concerning Turin, Milan, Melfi, Santa Maria Capua Vetere and Pavia prisons, show a higher level of complexity, involving full departments, where the violence perpetrated was partly linked to a punitive nature as a response to the prisoners' protests and riots³⁷⁵. The Antigone Association provided information regarding Santa Maria Capua Vetere's incident, which took place in the beginning of April. In the aftermath of a prisoner's positive diagnose the prisoners protested, demanding for PPE, "by banging on the bars of the cells and hiding behind a barricade of cots demanding protection for their health"³⁷⁶. According to the reports, the following day, a judge of surveillance visited the prison to find out the reasons underlying the protest. Soon after the judge left the facilities³⁷⁷ and despite an apparently smooth resolution process, "400 penitentiary prison officers would have entered the department in riot gear, with their faces covered by helmets, and there, in groups of seven, entered the cells taking the prisoners with slaps, kicks, punches and blows with truncheons"³⁷⁸. The reprisals to prisoners have been described by their relatives and lawyers: "people beaten to death, fainting in blood or urinating blood, head trauma, broken ribs and broken teeth"³⁷⁹. According to the same source the responsible prosecutor is investigating the case.

Several reports of the violence that took place in several prisons noted that fears of the coronavirus contagion triggered the demand for greater health protection. This, according to Antigone's researchers, lead to peaceful protests (e.g. the delivery of letters) in the majority of the occasions³⁸⁰. Antigone's President, Patrick Gonella argued that there was an "underestimation of the anxiety and the desperation" that was being felt by the prisoners³⁸¹. As a result of the prisoners' protests law enforcement agents responded with

³⁷⁴ Massimo Razzi, 'Coronavirus, La Fase 2 Nelle Carceri: Il Sovraffollamento è Ancora un Problema' (*La Repubblica | Diritti Umani*).

³⁷⁵ *ibid.*

³⁷⁶ 'Ci sono anche le carceri' (n 139).

³⁷⁷ Gazzanni (n 203).

³⁷⁸ Author's translation from 'Ci sono anche le carceri' (n 139).

³⁷⁹ *ibid.*

³⁸⁰ Brusa and De Monte (n 174).

³⁸¹ Gazzanni (n 203).

reprisals. Among several testimonies coming from the “Opera” prison in Milan, one said that “They threw us to the ground and beat us with clubs, keeping us stuck with the feet [...]”³⁸². The wife of a prisoner in Pavia prison referred that: “My husband has been beaten, put in his underwear, no clothes or anything”³⁸³. In the Opera prison, reports indicate that the riot police came to beat all detainees³⁸⁴.

Case Analysis

According to the ECtHR case-law the Court is aware that violence can happen in prison contexts and that detainees’ insubordination can escalate to more aggressive situations³⁸⁵. The European Court accepts that in order to maintain security the use of force in penal institutions might be required³⁸⁶. Notwithstanding, the Court emphasised that the use of force must be indispensable and not excessive³⁸⁷. In *Ribitsch v. Austria*³⁸⁸ the Court stressed that regarding imprisoned people “any recourse to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is in principle an infringement of the right set forth in Article 3 (art. 3) of the Convention”.

The measures that were taken in Italian prisons resorting to physical force, should be analysed separately. More data needs to be collected regarding the use of force in several prisons. However, the media coverage of the various riots, reporting deaths amongst the detainees and numerous police officers injured³⁸⁹, fires³⁹⁰, hostages³⁹¹ and escaped detainees³⁹², indicates that resorting to physical force with a view to maintaining order and security, and to protecting detainees and prison personnel might have been necessary. Nevertheless, some testimonials, such as one from a wife of a prisoner who is in Pavia prison, raise suspicion of whether the use of force was limited to the strictly necessary, when referring to his husband being “beaten, put in his underwear, no clothes or anything”³⁹³ which seems to be disproportionate to the maintenance of security, and an unjustifiable humiliation.

³⁸² Brusa and De Monte (n 174).

³⁸³ Gazzanni (n 203).

³⁸⁴ *ibid.*

³⁸⁵ *Gömi c Turquie* [2019] ECtHR 38704/11 [77].

³⁸⁶ ‘Guide on Case-Law of the European Convention on Human Rights – Prisoners’ Rights’ (n 286) 40.

³⁸⁷ *Tali v Estonia* [2014] ECtHR 66393/10 [59].

³⁸⁸ *Ribitsch v Austria* [1995] ECtHR 18896/91 [38].

³⁸⁹ ‘Wider Steps Needed to Protect Prisoners’ Health in Italy’ (n 172).

³⁹⁰ PÚBLICO (n 236).

³⁹¹ Rolletta (n 136).

³⁹² *ibid.*

³⁹³ Gazzanni (n 203).

In the case of Santa Maria Capua Vetere, more information is provided, which enables a deeper analysis. In *Cirino and Renne v. Italy*³⁹⁴ the Court stressed that the ill-treatment inflicted on the two detainees – “had been deliberate and carried out in a premeditated and organised manner while they were in the custody of prison officers – had amounted to torture”. Considering the case of Santa Maria Capua Vetere, there was a peaceful resolution of the situation following the prisoners’ protests, according to reports. Despite this, the day after “400 penitentiary prison officers would have entered the department in riot gear with their faces covered by helmets, and there, in groups of seven, they would have entered the cells taking the prisoners with slaps, kicks, punches and blows with truncheons”³⁹⁵. Considering the temporal distance between the protests and the use of force by the prison officers³⁹⁶ it seems that despite the prisoners being under control, in their cells, without presenting a security risk, there was a premeditated and organised intervention undertaken by the prison officers, which can be considered to be disproportionate and retaliatory in nature. According to the CPT “instruments of restraint should be removed at the earliest possible opportunity; they should never be applied, or their application prolonged, as a punishment. Finally, a record should be kept of every instance of the use of force against prisoners”³⁹⁷. With regard to the nature of disciplinary measures and punishment the Court has noted that “punishments must be compatible with the requirements of Article 3 of the Convention”³⁹⁸. In some cases, the Court found a violation of Article 3 of the Convention on account of ill-treatment. In *Blair and Others v. Italy* and in *Azzolina and Others v. Italy* the applicants, who were demonstrators at the time of the G8 Summit in Genoa in 2001, filed complaints about having been subject to violence by law-enforcement officers while in detention³⁹⁹.

In *Tali v. Estonia*, 2015⁴⁰⁰ the Court sustained that even though the use of special equipment to restrain a prisoner might be lawful under some circumstances, it could be a violation in other occasions. In this case, the Court concluded that the “use of pepper spray should never be deployed against a prisoner who had already been brought under control”. Similarly, in the case of the incident in Santa Maria Capua Vetere even though

³⁹⁴ *Cirino and Renne v Italy* [2017] ECtHR 2539/13 and 4705/13.

³⁹⁵ ‘Ci sono anche le carceri’ (n 139).

³⁹⁶ *Brusa and De Monte* (n 174).

³⁹⁷ CPT (n 306) 15.

³⁹⁸ *Ramishvili and Kokhreidze v Georgia* [2009] ECtHR 1704/06 [82].

³⁹⁹ *Blair et Autres c Italie* [2018] ECtHR 1442/14; *Azzolina et Autres c Italie* [2018] ECtHR 28923/09 et 67599/10.

⁴⁰⁰ *Tali v. Estonia* (n 387).

initially lawful while the law enforcement agents faced an imminent risk being in riot gear and making use of special equipment, that action did not seem justified under the circumstances, if conclusions confirm that there had been an early peaceful resolution with prisoners actually being under control.

An important matter, whenever there is appropriate evidence of ill-treatment in prisons, concerns the need of a proper investigation. In this respect, the CPT emphasises the need for inspection procedures, particularly regular visits carried out, inter alia, by a supervisory judge.⁴⁰¹ According to the reports shared by the media, that was the case in Santa Maria Capua Vetere. However, despite the positive fact that there was an independent body inspecting the situation, this did not prevent the use of force, seemingly as punishment. According to the information circulated in the media, a responsible prosecutor is investigating the case. Even though there will be a set of principles and steps to ensure a proper investigation is conducted, which can be followed in *Cestaro v. Italy*⁴⁰², this is a positive signal that could avoid a violation of Article 3 in its procedural limb. Indeed, Article 3 demands the implementation of an effective official investigation whenever there is an individual making an arguable claim that he or she has suffered treatment infringing Article 3 by State authorities⁴⁰³.

In conclusion, data from the media should be properly investigated. However, in view of the above, if the information is confirmed, it seems the use of force against detainees by law enforcement agents may have led to the violation of Article 3 of the Convention.

⁴⁰¹ CPT (n 306) 15.

⁴⁰² *Cestaro v Italy* [2015] ECtHR 6884/11 [205–212].

⁴⁰³ *Bouyid v Belgium* [2015] ECtHR 23380/09 [115–116].

3.1.4. Activities, out-of-cell time reduction and confinement (Type B)

Case Presentation

In order to contain the spread of the virus, some of the measures taken, directly affecting prisoners' rights and freedoms were the activities suspension and the out-of-cell time reduction. In the UK, according to some testimonials shared by the media, prisoners were locked up nearly 23 hours a day⁴⁰⁴, sometimes allowed to spend only 30 minutes outside the cell⁴⁰⁵.

With the intention of limiting the pandemic effects in prisons, prisoners saw a daily-life impact through the restrictions limiting the time outdoor, and the practice of activities such as exercising or studying⁴⁰⁶. The Chief Inspector's report into local prisons, analysed the situation in 3 prisons regarding the coronavirus crisis⁴⁰⁷. In some cases prisoners were forced to choose between a shower or exercise during the out-of-cell 30 minutes time⁴⁰⁸. It also reported that more than 100 symptomatic prisoners at HMP Wandsworth "had been isolated in their cells without any opportunity to come out for a shower or exercise for up to 14 days"⁴⁰⁹.

From the reports, the confinement measure was implemented in several prisons and juvenile centres, resulting in mental health deterioration⁴¹⁰. One of the testimonials collected from detainees in a juvenile centre, highlighted how that measure "was turning his mind into bad things"⁴¹¹.

Case Analysis

Measures related to the suspension of activities and out-of-cell time reduction, as well as the media reports of confinement, should be analysed in relation to Article 3 of the Convention, which enshrines the prohibition of torture, and declares that: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment"⁴¹². According to the media, the gravest situations have been reported in the UK. Therefore,

⁴⁰⁴ 'Inmates Could be Freed to Ease Virus Jail Pressures' (*BBC News*, 25 March 2020).

⁴⁰⁵ Wood (n 170).

⁴⁰⁶ 'British Prisoners and their Families—The Forgotten Victims Of COVID-19'.

⁴⁰⁷ Metzger (n 195).

⁴⁰⁸ *ibid.*

⁴⁰⁹ *ibid.*

⁴¹⁰ 'British Prisoners and their Families—The Forgotten Victims Of COVID-19' (n 145).

⁴¹¹ *ibid.*

⁴¹² 'European Convention on Human Rights' (n 262).

the following considerations regard these specific measures in that particular country. The CPT pays significant attention to the importance of considering the combination of multiple factors in order to assess the overall conditions of detainees, and how they relate to Article 3⁴¹³. Specifically “it is particularly concerned when it finds a combination of overcrowding, poor regime activities and inadequate access to toilet/washing facilities in the same establishment. The cumulative effect of such conditions can prove extremely detrimental to prisoners”⁴¹⁴. The CPT refers the importance of an adequate set of activities such as professional, educational and recreative to the well-being of the inmates⁴¹⁵. Principally in relation to the outdoor exercise the CPT stresses “The requirement that prisoners be allowed at least one hour of exercise in the open air every day is widely accepted as a basic safeguard [...]”⁴¹⁶ to “all, without exception”⁴¹⁷. Considering the UK prisoners in the present case, data revealed that for the most times the inmates were forced to be in their cells for almost the entire day, and that occasionally they had the possibility to be thirty minutes outside their cell⁴¹⁸. It was also reported that in some cases symptomatic prisoners were isolated for up to 14 days without any possibility to go out of their cells⁴¹⁹. These facts should be considered in relation to the overall conditions of detention in order to globally assess whether a humane treatment was provided⁴²⁰. In some cases the Court noted that the constraints posed to the enjoyment of outdoor exercise to one hour a day was an element considered to aggravate the overall conditions of the applicants who were forced to be locked up in their cells for the remaining time.⁴²¹

There is a clear need to assess the specific conditions of detention of the prisoners who have been exposed to more severe restrictions during the COVID-19 pandemic in the UK prisons. In this regard, there are considerable limitations to the extension of this analysis. However, by considering the Chief Inspector’s Annual Report 2018-19⁴²² there are concerns on the overall conditions given that it is stated that: “Living conditions for many prisoners were poor or not sufficient good, and some were extremely squalid.”⁴²³; “far

⁴¹³ CPT (n 306) 14.

⁴¹⁴ *ibid*.

⁴¹⁵ *ibid* 13.

⁴¹⁶ *ibid* 14.

⁴¹⁷ ‘Guide on Case-Law of the European Convention on Human Rights – Prisoners’ Rights’ (n 286) 17.

⁴¹⁸ Wood (n 170).

⁴¹⁹ Metzger (n 195).

⁴²⁰ *Gladkiy v Russia* [2011] ECtHR 3242/03 [69].

⁴²¹ *ibid*; *Tunis v Estonia* [2014] ECtHR 429/12 [46].

⁴²² ‘HM Chief Inspector of Prisons for England and Wales: Annual Report 2018 –19’ (n 302).

⁴²³ *ibid* 27.

too many prisoners still ensure very poor and overcrowded living conditions”⁴²⁴, which in some situations include “broken windows, unscreened lavatories in shared cells, vermin and filth”⁴²⁵. In addition, it must be considered that more than 100 symptomatic prisoners at HMP Wandsworth “had been isolated in their cells without any opportunity to come out for a shower or exercise for up to 14 days”⁴²⁶ and that the media reported that there were “Prisoners effectively held in solitary confinement during coronavirus pandemic” for almost four months.⁴²⁷ Regarding solitary confinement the CPT stresses that the principle of proportionality must be considered and that under some circumstances “solitary confinement can amount to inhuman and degrading treatment; in any event, all forms of solitary confinement should be as short as possible”⁴²⁸. It should be noted that a right to “mix socially with other prisoners at any particular time or place” in regard to penal institutions is not enshrined in the Convention (*Bollan v. the UK*, 2000)⁴²⁹.

It has been stated that solitary confinement per se does not amount to a breach of Article 3. In *Ramirez v. France*, the Court held that “A prohibition of contact with other prisoners for security, disciplinary or protective reasons does not in itself amount to inhuman treatment or punishment”⁴³⁰. Referring to the same case, the Court argued that “a complete sensory isolation, coupled with total social isolation, can destroy the personality and constitutes a form of inhuman treatment which cannot be justified by the requirements of security or any other reason”⁴³¹. In this regard, the case concerning the UK prisoners during the COVID-19 crisis indicates a period of approximately 4 months of conditions akin to solitary confinement⁴³². Collection of data concerning its duration needs to be carried out, as there is the possibility of an extension of these measures due to a hypothetical coronavirus second wave. When considering the conditions of solitary confinement, some cases showed that in order to understand if this measure leads to a breach in Article 3 of the ECHR, specific aspects must be assessed, such as its duration, the severity of the measure, the inherent aims and its impact on the individual affected by

⁴²⁴ *ibid* 11.

⁴²⁵ *ibid*.

⁴²⁶ Metzger (n 195).

⁴²⁷ Wood (n 170).

⁴²⁸ CPT (n 306) 15.

⁴²⁹ ‘Guide on Case-Law of the European Convention on Human Rights – Prisoners’ Rights’ (n 286) 17.

⁴³⁰ *Ramirez Sanchez v France* [2006] ECtHR 59450/00 [123].

⁴³¹ *ibid* 109.

⁴³² Wood (n 170).

it⁴³³. It can be argued that the intention to safeguard prisoners and prison personnel by isolating prisoners who are potentially COVID-positive could be a legitimate aim. On the other hand, considering the need that it would be as “short as possible”⁴³⁴ it should be taken into consideration that the UK authorities intend to provide tests for the prisoners in order to avoid unnecessary measures of confinement or other restrictions whenever possible. However, the media reported that a source inside the prison context had revealed that there was no intention to acquire more tests as the plan was to put the symptomatic prisoners in isolation⁴³⁵. In *Csüllög v. Hungary* “the Court found that no substantive reasons had been given by the authorities when the solitary confinement was applied or extended”⁴³⁶, leading the Court to consider it was an arbitrary restriction. Even though the prisoners isolation, which in some cases might lead to conditions akin to solitary confinement, might be justified by the risk of COVID-19 contagion, authorities must clarify for how long it will affect some of the prisoners and what the severity of their overall conditions was. Otherwise, in the presence of more severe conditions the provision of tests might be necessary to avoid unnecessary suffering.

Undeniably, the Court has sustained that in respect to solitary confinement, even when it concerns only partial isolation “it should be based on genuine grounds” and “substantive reasons must be given when a protracted period of solitary confinement is extended”⁴³⁷. According to what was reported by the media the isolated prisoners did not have the possibility of taking a shower or exercise for up to 14 days⁴³⁸. In this regard, the Court “considered that a possibility to shower no more than once every ten days or fifteen to twenty minutes once a week has been manifestly insufficient for maintaining proper personal hygiene”⁴³⁹ and limitations concerning the possibility of taking a shower may lead to a degrading treatment⁴⁴⁰. Adding to that the principle of proportionality, it can be argued that the prohibition of going out of the cell for taking a shower or exercise, was beyond reasonable need.

Overall, the inherent difficulties of dealing with symptomatic prisoners in penal institutions that can be considered high risk contexts for the spread of the virus must be

⁴³³ *Rohde v Denmark* [2005] ECtHR 69332/01 [93]; *Rzakhanov v Azerbaijan* [2013] ECtHR 4242/07 [64].

⁴³⁴ CPT (n 306) 15.

⁴³⁵ *Allison and Mason* (n 193).

⁴³⁶ *Csüllög v Hungary* [2011] ECtHR 30042/08 [37–38].

⁴³⁷ *AT v Estonia (No 2)* [2019] ECtHR 70465/14 [73].

⁴³⁸ *Metzer* (n 195).

⁴³⁹ ‘Guide on Case-Law of the ECHR – Prisoners’ Rights’ (n 286) 14.

⁴⁴⁰ *ibid.*

acknowledged. However, from what has been reported by the media, even though the measures taken in isolation do not seem to constitute a break of Article 3, when taken together it seems highly likely that some situations amount to ill-treatment.

4. LIMITATIONS AND FUTURE RESEARCH

This dissertation was carefully planned in order to meet the objectives it set forth. However, after all the choices being made, it is important to realistically acknowledge any inherent limitations and leave suggestions and recommendations for future research that could bring valuable results.

Firstly, the analysis of media news does not enable straight contact with the people directly affected by these measures. Having the media as a facilitator, made it possible to quickly gather a great amount of relevant information and develop this research during the COVID-19 emergency. However, this does not supersede the awareness of the importance of conducting a more direct research, if possible, without intermediaries, by collecting data directly from prisoners and their families. This is particularly relevant when considering the vulnerability of these persons, who frequently face environments where there is lack of transparency, such as the prison system. Thus, by being closer to the reality in the field, through direct contact with those that are directly affected by the extraordinary measures in prisons during the COVID-19 crisis, the loss of relevant information would be avoided. Actually, the need to include the prisoners' perspectives in the discussion on the approaches to the 2020 coronavirus crisis has been identified⁴⁴¹. Moreover, the negative impact of the pandemic has been noted through the numerous riots, deaths, hostage-taking, escapes and other violent reactions reported by the media⁴⁴². There have also been voices pointing out legitimate concerns from the incarcerated population that were not addressed⁴⁴³. Those testimonials underline the role of cooperation inside the prison context in order to overcome the challenges posed by this crisis.⁴⁴⁴

Another review concerns the fact that the content analysis undertaken on the data provided by the media coverage, as a source, does not include a category related to the author of the collected statements. Even though, at several times it is possible to identify the author behind the argument, it should be noted that the criticisms or recommendations may originate from a variety of actors. For instance, a specific information might come from state bodies representatives, human rights defenders or from the public opinion in

⁴⁴¹ Pyrooz and others (n 47) 2.

⁴⁴² Rolletta (n 136).

⁴⁴³ *ibid.*

⁴⁴⁴ Pyrooz and others (n 47) 2.

general. A more sophisticated analysis, with more detailed information, would allow the identification of the author of the recommendations making it possible to clearly assess information that could be biased due to a conflict of interest or identify information provided by a neutral source.

The limitations inherent to the information provided from the media coverage might have influenced the thoroughness and precision of the analysis. The situations identified through the content analysis as being more controversial regarding human rights were selected and analysed according to the ECtHR case-law. However, at times there was a need to gather more information on a certain case in order to reach a deeper reflection.

Finally, this dissertation considers the extraordinary measures that were implemented in 3 countries, Italy, Portugal, and the UK. The selection of countries also took into consideration time constraints and the language skills of the author. However, it would be interesting to consider countries such as Sweden due to the different approach adopted by this country while addressing the COVID-19 crisis, as well as considering countries, under the ECtHR jurisdiction, where human rights are expected to be more at risk, such as Russia.

5. CONCLUSION

People deprived of their liberty, such as incarcerated people constitute a particularly vulnerable group in respect of human rights matters. While human rights' concerns regarding other particular groups seem to have more visibility in the media and are frequently discussed within the public opinion, the prison context is shrouded in secrecy. Actually, the lack of transparency in prisons has already been noted⁴⁴⁵. There is a pressing need to bring the prison system to the debate by the broader community and hold a public discussion about how specific measures impact the people who are directly affected by them. The work of NGOs, journalists, independent inspection bodies, human rights defenders, and ultimately each and every citizen are crucial to make prisoners' concerns and the needs of the system a more visible part of our society. Avoiding misinformation and prejudice is fundamental to promote inclusion and to achieve the full potential of prisoners' rehabilitation.

The COVID-19 crises posed tremendous challenges to the entire society. Naturally, prisoners are particularly affected by the policies and effects of this public health crisis. On the one hand, those who are imprisoned may feel acutely vulnerable in this context, facing the imminent risk of becoming infected with an unknown disease, with difficulties of access to information, prohibited from seeing their families and uncertain of when the ban will be lifted and of when they would be with their loved ones again. On the other hand, the decision-makers play a decisive role in this context. The governments must be, generally, praised for their efforts attempting to control the pandemic. But it is essential to reflect and assess whether the different states have exceeded the bounds of their power and clarify the limits of states' interference during these exceptional times. It is conceivable to expect that after this turbulent period, time will be found to promote a deeper discussion based on more accurate information regarding the extraordinary measures taken in prisons, while acknowledging its real impact regarding human rights and holding states accountable.

This dissertation intended to be a step further in drawing attention to how prison contexts addressed the COVID-19 crisis and to the importance of learning from it. Waves of contagion are expected to come and by acknowledging these issues and shortcomings we gain the possibility of avoiding similar mistakes in dealing with this or the next

⁴⁴⁵ Brusa and De Monte (n 174).

pandemic. The crisis shed light on the importance of rethinking the prison system, and the alternative measures to prison. Even though prison overcrowding has been previously reported as a structural problem⁴⁴⁶ in some countries, the COVID-19 crisis showed the dangers of facing a prison system that was already on the verge of collapse⁴⁴⁷. Instead of allowing these challenges to happen again, it is possible to prevent future rash decisions concerning prisoners release. But in order to protect the system in the long run, it is fundamental to introduce a penal reform.

Additionally, concerning the alternative measures to imprisonment and prisoners' release schemes in times of the COVID pandemic the problem of releasing people that present a risk of becoming homeless⁴⁴⁸ was identified, posing a risk of contagion in the community and demanding a coordinated response. Also regarding alternative measures to detention, in respect to detention centres for immigrants, this crisis calls for the need to develop a deeper reflection on the problem of legitimacy inherent to keeping people in detention, at pandemic times, waiting indefinitely to be deported⁴⁴⁹.

While analysing the measures taken in prisons and the negative reactions from prisoners, the importance of investing in communication in times of crisis became evident. The lack of access to reliable data⁴⁵⁰ and to trustworthy information has contributed to increase the level of distress and fear inside prisons⁴⁵¹. From the testimonials in the press, more frequent and transparent communication between decision-makers and prisoners and their families could have prevented some negative reactions⁴⁵². Another matter of great concern was the lack of PPE in prison contexts, though justified by the overall shortage of medical equipment. However, important lessons for the future should be learned. Firstly, there is the need to detect the main shortcomings. It is imperative to identify what the real needs of the prison system are, assess if priorities were well defined and design protocols to be implemented in the future that promote an efficient distribution and use of the medical equipment within the prison system.

⁴⁴⁶ *Torreggiani et Autres c. Italie* (n 228).

⁴⁴⁷ 'Urgent Action Needed to Prevent COVID-19 "Rampaging through Places of Detention" – Bachelet' (n 171).

⁴⁴⁸ *Eardley* (n 252).

⁴⁴⁹ 'Dimensões de direitos humanos na resposta à COVID-19' (n 177) 19.

⁴⁵⁰ 'Ci sono anche le carceri' (n 139).

⁴⁵¹ *Torrise* (n 152).

⁴⁵² 'Wider Steps Needed to Protect Prisoners' Health in Italy' (n 172).

Another lesson that emerges from this analysis is the positive impact of the implementation of alternative means of communication such as video calls, as a form of compensation if family visits suspension is necessary. The use of technology, and the investment in communication between prisoners and their relatives was pointed out as a good practice that should continue also after the visits are reinstated when the crisis will be overcome⁴⁵³.

This dissertation proposed the use of categories to separately consider the measures taken. As a result, measures to support the prisoners' right to health were considered under group A and all the measures restricting the prisoners' rights and freedoms under group B. In general, more measures were reported regarding Italy, both by the national authorities in the Europris and in the media. As was noted the measures to protect health were more common in Italy. A possible explanation concerns the higher level of pressure in the healthcare system due to the COVID-19 crisis felt in the country⁴⁵⁴. The measures restricting prisoners' rights and freedoms seemed to be distributed in a more balanced manner throughout the 3 countries. A probable justification is that facing the risk of the spread of the virus through Europe, the countries adopted measures to prevent contagion.

One of the aims of this dissertation concerned the identification of the most controversial measures taken in prisons and the critical actions that were not taken. In this regard, prison overcrowding in Italy and the UK and the constraints in implementing the prisoners' release scheme in the UK; the blanket ban on family visits in the UK; the security interventions and use of force in Italy and the activities suspension; the out-of-cell time reduction and confinement reported in several countries but specially covered by the media in the UK, were the most prominent measures. The situations listed above were identified in this dissertation as the ones that have threatened the prisoner's rights the most.

For that reason, those cases were analysed by considering the ECtHR case-law. Regarding overcrowding, the Court underlined the need to consider several factors in order to decide if the overall conditions amount to degrading or inhuman treatment⁴⁵⁵. In *Orchowski v. Poland* the Court blatantly declared that whenever the State cannot guarantee the compliance of prison conditions with the prohibition of torture or inhuman or degrading treatment or punishment "it must abandon its strict penal policy in order to

⁴⁵³ Italian Coalition for Civil Liberties and Rights (n 157).

⁴⁵⁴ Nacoti and others (n 7).

⁴⁵⁵ *Muršić v. Croatia* (n 287) para 103.

reduce the number of incarcerated persons or put in place a system of alternative means of punishment.”⁴⁵⁶. This clearly points out to a needed proactive attitude from the States to implement alternative measures to imprisonment at COVID-19 times. Even though this intention was shared by Italy, Portugal and the UK, in the latter that the implementation seemed to be more difficult. However, even though the press reports seem to identify a possible violation, it seems that only the collection of further data, would enable to assess the overall conditions and offer more concrete positions regarding possible violations.

It is expected that the blanket ban to family visits in the UK has affected approximately 17.000 children and their families⁴⁵⁷. This dissertation argues that the UK has breached the right to respect for private and family life of the ECHR. Despite the Court accepting that States adopt some measures to control prisoners’ contacts with the outside⁴⁵⁸, in *Trosin v. Ukraine*, it should be noted that it is not the restrictions in itself that are questioned but the blanket ban. The latter did not attend the particular needs of the prisoner, which was unacceptable.⁴⁵⁹ Similarly to *Khoroshenko v. Russia*, in the case of the blanket ban on family visits, the dissertation argues that there was disproportionate interference to prisoners’ rights under Article 8 of the ECHR. While whether there was or not a violation in the case of the blanket ban on family visits imposed by the UK can be arguable, the infringement of the right set forth in Article 8 should be noted, and an impact assessment must be conducted, especially regarding how children were affected by this measure. Reports also point out the lack of efficient mitigation measures⁴⁶⁰. Those measures need to take into consideration the needs and age of the child. A plan on how to introduce social distancing practices during visits can be an important contribution to avoid the extension of visits suspension in a subsequent wave of COVID-19, or similar emergency.

In relation to the security interventions in Italy, in particular in regard to the alleged use of force by 400 prison officers in Santa Maria Capua Vetere⁴⁶¹ the collected data seems to point to a violation of Article 3 of the Convention due to an excessive use of force (*Tali v. Estonia*, 2015)⁴⁶². This is a very serious reason of concern, and it is now

⁴⁵⁶ *Orchowski v. Poland* (n 288) para 153.

⁴⁵⁷ Metzger (n 195).

⁴⁵⁸ *Aliiev v. Ukraine* (n 362) para 187.

⁴⁵⁹ *Trosin v. Ukraine* (n 333) para 47.

⁴⁶⁰ Metzger (n 195).

⁴⁶¹ ‘Ci sono anche le carceri’ (n 139).

⁴⁶² *Tali v. Estonia* (n 387).

fundamental to guarantee that an effective official investigation is undertaken⁴⁶³, and that the procedural limb of Article 3 is respected. Concerning the analysis to the most controversial measures Article 3 and Article 8 of the Convention were the ones most at risk in regard to the anti-COVID measures. Regarding activities suspension, out-of-cell time reduction and confinement, some reports show that prisoners faced restrictions that seem to go beyond what has been recommended. For instance, the possibility of at least one hour of outdoor exercise⁴⁶⁴ has not been respected as it has been reported that sometimes prisoners were only allowed thirty minutes outside the cell⁴⁶⁵. Another example concerns the prohibition of isolated prisoners to take a shower or exercise for up to 14 days⁴⁶⁶, which seems to go beyond what would be acceptable⁴⁶⁷. Moreover, the ECtHR case-law noted the importance of the “cumulative effect” of the overall conditions⁴⁶⁸.

Even though, in general the measures taken in Portuguese prisons did not appear so controversial it can also be argued that there was not so much information provided by the media compared to the two other countries. However, there were reports of a controversial situation regarding the prohibition of using PPE inside prisons, despite the national emergency regulation⁴⁶⁹, in Portugal, and in Italy. Allegedly the prison management had ordered this, as a result of concerns regarding the lack of PPE and the belief its use could increase fear⁴⁷⁰. In the future it is fundamental to clarify the exact circumstances of these cases and assess the underlying human rights concerns. Another controversial measure concerns the cohorting strategy that took place in the UK. According to it, prisoners with flu symptoms were compelled to share cells with prisoners who tested positive to COVID-19⁴⁷¹. As a result, inmates were afraid of becoming infected, given the real risk that some individuals with only respiratory symptoms were facing by being exposed to infected detainees⁴⁷². There is a pressing need for a deeper reflection on how the ECtHR addresses the risk of contagion inside prison contexts. This is a critical matter as we are frequently dealing with infectious diseases that have

⁴⁶³ *Cestaro v. Italy* (n 402) paras 205–212.

⁴⁶⁴ CPT (n 306) 14.

⁴⁶⁵ Wood (n 170).

⁴⁶⁶ Metzger (n 195).

⁴⁶⁷ ‘Guide on Case-Law of the European Convention on Human Rights – Prisoners’ Rights’ (n 286) 14.

⁴⁶⁸ CPT (n 306) 14.

⁴⁶⁹ ‘Expresso | Guardas Prisionais Dizem que Obrigações do Estado de Emergência São Violadas’.

⁴⁷⁰ *ibid.*

⁴⁷¹ Allison and Mason (n 193).

⁴⁷² *ibid.*

treatment, and it seems the ECtHR traditionally places a greater emphasis on the obligation to provide adequate healthcare to prisoners compared to the prevention of infectious diseases⁴⁷³. The *Gladkiy v. Russia* case illustrates this idea as “the Court reiterates its constant approach that even if an applicant had contracted tuberculosis while in detention, this in itself would not imply a violation of Article 3, provided that he received treatment for it”⁴⁷⁴. New infectious diseases are expected to appear⁴⁷⁵. The scope of the impact of COVID-19 crisis, posing international challenges and demanding for international cooperation is unprecedented. The possibility of new waves of contagion or new pandemics in the short term could be catastrophic. The evolving nature of the interpretation of the Convention⁴⁷⁶ and the Court willingness to adopt a progressive interpretation might shed light on this discussion. Meanwhile there is an urgent need for a serious reflection on the States’ obligations regarding health prevention and protection, specifically as regards prison contexts.

Overall the media analysis emerged as crucial, as it contributed with valuable information to somehow complement the data officially shared by the national authorities. It underlines the importance of maintaining a close contact with the reality in the field and highlights frequent gaps between law and practice.

This research illustrates the need to remain vigilant in particular at emergency times. When individuals and society as a whole are more fragile, governments are expected to control imminent dangers and human rights can be at stake. State interference can occur at pandemic times, but it is the role and responsibility of the broader community and of each individual to denounce human rights abuses so accountability mechanisms and institutions - such as the ECtHR - can accomplish their mission by holding states accountable, advancing human rights, and protecting the ones who are more vulnerable.

⁴⁷³ *Gladkiy v. Russia* (n 420).

⁴⁷⁴ *ibid.*

⁴⁷⁵ *Labonté and Seidah* (n 112) 582.

⁴⁷⁶ *Demir and Baykara v Turkey* [2008] ECtHR 34503/97 [146].

6. BIBLIOGRAPHY

‘OHCHR Dashboard’ (*United Nations Human Rights Office of the High Commissioner*) <<https://indicators.ohchr.org/>> accessed 26 July 2020

‘7th General Report on the CPT’s Activities’ (CPT 1997) <<https://www.atlas-of-torture.org/entity/mgaz39oa12?file=1548857966830juku65yy5y.pdf&page=1>> accessed 13 September 2020

Akiyama MJ, Spaulding AC and Rich JD, ‘Flattening the Curve for Incarcerated Populations — Covid-19 in Jails and Prisons’ (2020) 382 *New England Journal of Medicine* 2075

Alexandre I, ‘Consciência comunitária em tempo de coronavírus: façamos a diferença’ (*PÚBLICO*) <<https://www.publico.pt/2020/03/13/p3/cronica/consciencia-comunitaria-tempo-coronavirus-facamos-diferenca-1907612>> accessed 1 September 2020

Allison E and Mason R, ‘UK Prisoners with Flu Symptoms Forced to Share Cells with Those with Covid-19’ (*The Guardian*, 31 March 2020) <<https://www.theguardian.com/society/2020/mar/31/uk-prisoners-covid-19-symptoms-forced-share-cells>> accessed 6 September 2020

Alves TR, ‘Cadeias Separam Recreios Para Evitar Contágio Entre Reclusos - JN’ (*JN*, 27 March 2020) <<https://www.jn.pt/justica/cadeias-separam-recreios-para-evitar-contagio-entre-reclusos-11992512.html>> accessed 6 September 2020

‘Archived: WHO Timeline - COVID-19’ (*World Health Organization*) <<https://www.who.int/news-room/detail/27-04-2020-who-timeline---covid-19>> accessed 9 July 2020

Avafia T and others, ‘A Rights-Based Response to COVID-19: Lessons Learned from HIV and TB Epidemics’ (*Health and Human Rights Journal*, 24 March 2020) <<https://www.hhrjournal.org/2020/03/a-rights-based-response-to-covid-19-lessons-learned-from-hiv-and-tb-epidemics/>> accessed 20 July 2020

Barbour V and others, ‘The Health Crisis of Tuberculosis in Prisons Extends beyond the Prison Walls’ (2010) 7 *PLoS Medicine* e1000383

Brandão A, ‘Liberdade “antecipada” em tempos de reclusão’ (*Liberdade ‘antecipada’ em tempos de reclusão*, 28 April 2020) <https://www.rtp.pt/noticias/pais/liberdade-antecipada-em-tempos-de-reclusao_a1224327> accessed 17 September 2020

Bremmer I, ‘The Best Global Responses to the COVID-19 Pandemic’ (*Time*, 12 June 2020) <<https://time.com/5851633/best-global-responses-covid-19/>> accessed 18 July 2020

‘British Prisoners and their Families—The Forgotten Victims Of COVID-19’ <<https://www.forbes.com/sites/alasdairlane/2020/07/23/british-prisoners-and-their-families-the-forgotten-victims-of-covid-19/#62a14d809803>> accessed 1 September 2020

Brusa F and De Monte G, ‘Carceri e Covid-19: se il problema resta "l’ossessione securitaria”’ (*DINAMOpress*, 30 May 2020) <<https://www.dinamopress.it/news/carceri-covid-19-problema-lossessione-securitaria/>> accessed 5 September 2020

CDC, ‘Coronavirus Disease 2019 (COVID-19)’ (*Centers for Disease Control and Prevention*, 11 February 2020) <<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-increased-risk.html>> accessed 3 July 2020

‘Ci sono anche le carceri’ (*Il Post*, 7 May 2020)
<<http://www.ilpost.it/2020/05/07/carceri-coronavirus-italia/>> accessed 3 September 2020

Comminos A, ‘COVID-19 in Prison’ (*APT*) <<https://www.apr.ch/en/blog/covid-19-prison>> accessed 2 September 2020

Council of Europe, ‘The European Convention on Human Rights’ [1952] Council of Europe 34

Cordeiro AD, ‘“Nada mudou na prisão” e a revolta é grande com o fim das visitas’ (*PÚBLICO*, 15 March 2020)
<<https://www.publico.pt/2020/03/15/sociedade/noticia/nada-mudou-prisao-revolta-fim-visitas-1907783>> accessed 1 September 2020

‘Coronavirus Disease COVID-19 Pandemic | UNDP’
<<https://www.undp.org/content/undp/en/home/coronavirus.html>> accessed 3 August 2020

‘Coronavirus Disease (COVID-19): Situation Report - 127 (26 May 2020) - World’ (*ReliefWeb*) <<https://reliefweb.int/report/world/coronavirus-disease-covid-19-situation-report-127-26-may-2020>> accessed 2 July 2020

‘Coronavirus: Inmates Could Be Freed to Ease Virus Jail Pressures’ (*BBC News*, 25 March 2020) <<https://www.bbc.com/news/uk-52029581>> accessed 12 September 2020

‘Coronavirus: Low-Risk Prisoners Set for Early Release’ *BBC News* (4 April 2020)
<<https://www.bbc.com/news/uk-52165919>> accessed 17 September 2020

‘Coronavirus Pandemic: Tracking the Global Outbreak’ (*BBC News*, 15 July 2020)
<<https://www.bbc.com/news/world-51235105>> accessed 15 July 2020

Council of Europe, *European Prison Rules* (Council of Europe Publishing 2006)

‘COVID-19 | Prevention Measures in European Prisons’ (*EuroPris*)
<<https://www.europris.org/covid-19-prevention-measures-in-european-prisons/>> accessed 4 September 2020

‘Covid-19 in Italia: il lavoro del Garante nazionale dei diritti delle persone detenute o private della libertà personale’ (*Amnesty International Italia*, 11 June 2020)
<<https://www.amnesty.it/covid-19-in-italia-il-lavoro-del-garante-nazionale-dei-diritti-delle-persone-detenute-o-private-della-liberta-personale/>> accessed 6 September 2020

‘COVID-19 in Prison: More than 50 European NGOs Ask International Organisations to Take Immediate Action – EUROPEAN PRISON LITIGATION NETWORK’

(*European Prison Litigation Network*, 18 March 2020)

<<http://www.prisonlitigation.org/covid19-prison/?lang=en>> accessed 19 July 2020

‘COVID-19 in Prison: The Council of Europe Must Lead on Policies to Address the Covid-19 Challenges’ (*European Prison Litigation Network*, 6 April 2020)

<<http://www.prisonlitigation.org/covid-19-opinion/?lang=en>> accessed 20 July 2020

‘Covid-19: Pelo menos três infetados no hospital prisional de Caxias e no EP Porto’

(*Sábado / Lusa*) <[https://www.sabado.pt/lusa/detalhe/covid-19-pelo-menos-tres-](https://www.sabado.pt/lusa/detalhe/covid-19-pelo-menos-tres-infetados-no-hospital-prisional-de-caxias-e-no-ep-porto)

[infetados-no-hospital-prisional-de-caxias-e-no-ep-porto](https://www.sabado.pt/lusa/detalhe/covid-19-pelo-menos-tres-infetados-no-hospital-prisional-de-caxias-e-no-ep-porto)> accessed 6 September 2020

‘COVID-19, Prison Overcrowding, and Serving Sentences for Serious Human Rights Violations’ (*OHCHR*)

<<https://www.ohchr.org/EN/Issues/TruthJusticeReparation/Pages/infonotecovid.aspx>>

accessed 13 September 2020

‘Covid-19 Prisoner Releases Too Few, Too Slow’ (*Human Rights Watch*, 27 May 2020)

<<https://www.hrw.org/news/2020/05/27/covid-19-prisoner-releases-too-few-too-slow>>

accessed 6 September 2020

CPT, ‘2nd General Report on the CPT’s Activities: Covering the Period 1 January to 31

December 1991’ (CoE 1992) 3 <<https://rm.coe.int/1680696a3f>> accessed 8 September

2020

Cruz V and Tavares R, ‘Diretor Dos Serviços Prisionais Diz Que “Há Funcionários a Abrandar” Regras e Repreende Responsáveis’ (*Observador*, 26 June 2020)

<[https://observador.pt/2020/06/26/diretor-dos-servicos-prisionais-diz-que-ha-](https://observador.pt/2020/06/26/diretor-dos-servicos-prisionais-diz-que-ha-funcionarios-a-abrandar-regras-e-repreende-responsaveis/)

[funcionarios-a-abrandar-regras-e-repreende-responsaveis/](https://observador.pt/2020/06/26/diretor-dos-servicos-prisionais-diz-que-ha-funcionarios-a-abrandar-regras-e-repreende-responsaveis/)> accessed 6 September 2020

‘DGRSP – Directorate-General of Reintegration and Prison Services’ (*EuroPris*)

<[https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-](https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/)

[services/](https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/)> accessed 5 September 2020

‘Dimensões de direitos humanos na resposta à COVID-19’ (*Human Rights Watch*, 23

March 2020) <<https://www.hrw.org/pt/news/2020/03/23/339654>> accessed 1 September

2020

Eardley N, ‘Coronavirus: Emergency Coronavirus Plan for Prisons’ *BBC News* (14

March 2020) <<https://www.bbc.com/news/uk-politics-51879952>> accessed 17

September 2020

‘Emergency Coronavirus Plan for Prisons in England and Wales’ *BBC News* (14 March

2020) <<https://www.bbc.com/news/uk-politics-51879952>> accessed 16 September 2020

Enggist S and others, *Good Governance for Prison Health in the 21st Century: A Policy Brief on the Organization of Prison Health*. (2014)

‘Escândalo En Italia Por Salida de La Cárcel de 376 Mafiosos’ (*Cadena 3*, 7 May 2020)

<[https://www.cadena3.com/noticia/juntos/escandalo-en-italia-por-salida-de-la-carcel-](https://www.cadena3.com/noticia/juntos/escandalo-en-italia-por-salida-de-la-carcel-de-376-mafiosos_259564)

[de-376-mafiosos_259564](https://www.cadena3.com/noticia/juntos/escandalo-en-italia-por-salida-de-la-carcel-de-376-mafiosos_259564)> accessed 17 September 2020

- ‘Estimating Mortality from COVID-19’ (*WHO*, 4 August 2020) <<https://www.who.int/news-room/commentaries/detail/estimating-mortality-from-covid-19>> accessed 14 September 2020
- ‘Expresso | Guardas Prisionais Dizem Que Obrigações Do Estado de Emergência São Violadas’ (*Expresso*, 27 March 2020) <<https://expresso.pt/coronavirus/2020-03-27-Guardas-prisionais-dizem-que-obrigacoes-do-estado-de-emergencia-sao-violadas>> accessed 1 September 2020
- Flaxman S and others, ‘Report 13: Estimating the Number of Infections and the Impact of Non-Pharmaceutical Interventions on COVID-19 in 11 European Countries’ (Imperial College London 2020) <<http://spiral.imperial.ac.uk/handle/10044/1/77731>> accessed 18 July 2020
- Fleisher ME, *Warehousing Violence*, vol 3 (Sage 1989)
- Fróis C, ‘Covid-19 Pandemic and Social Distancing in Prisons’ (2020) 36 *Anthropology Today* 25
- Gazzanni C, ‘Da detenuti a ostaggi’ (*Left*, 11 July 2020) <<https://left.it/2020/07/11/170191/>> accessed 5 September 2020
- Gonsalves GS and others, ‘Achieving A Fair and Effective COVID-19 Response: An Open Letter to Vice-President Mike Pence, and Other Federal, State and Local Leaders from Public Health and Legal Experts in the United States’ <https://law.yale.edu/sites/default/files/area/center/ghjp/documents/final_covid-19_letter_from_public_health_and_legal_experts.pdf> accessed 24 July 2020
- Grierson J, ‘UK Coronavirus Prison Plan on Hold after Six Inmates Freed in Error’ *The Guardian* (18 April 2020) <<https://www.theguardian.com/society/2020/apr/18/uk-coronavirus-prison-plan-suspended-after-six-mistakenly-released>> accessed 6 September 2020
- ‘Only 33 Prisoners in England and Wales Released under Anti-Coronavirus Measures’ *The Guardian* (27 April 2020) <<https://www.theguardian.com/society/2020/apr/27/only-33-prisoners-in-england-and-wales-released-under-anti-coronavirus-measures>> accessed 17 September 2020
- ‘Guide on Case-Law of the European Convention on Human Rights – Prisoners’ Rights’ <https://www.echr.coe.int/Documents/Guide_Prisoners_rights_ENG.pdf> accessed 11 September 2020
- Hale T and others, ‘Variation in Government Responses to COVID-19 Version 6.0.’ <www.bsg.ox.ac.uk/covidtracker> accessed 18 July 2020
- ‘Her Majesty’s Prison and Probation Service (UK)’ (*EuroPris*) <<https://www.europris.org/her-majestys-prison-and-probation-service-uk/>> accessed 15 September 2020
- ‘Highest to Lowest - Occupancy Level (Based on Official Capacity)’ (*World Prison Brief*) <https://www.prisonstudies.org/highest-to-lowest/occupancy-level?field_region_taxonomy_tid=All> accessed 24 July 2020

‘HM Chief Inspector of Prisons for England and Wales: Annual Report 2018 –19’ (HM Inspectorate of Prisons 2019) HC 2469

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814689/hmip-annual-report-2018-19.pdf> accessed 12 September 2020

Holpuch A, ‘Calls Mount to Free Low-Risk US Inmates to Curb Coronavirus Impact on Prisons’ *The Guardian* (13 March 2020) <<https://www.theguardian.com/us-news/2020/mar/13/coronavirus-us-prisons-jails>> accessed 2 July 2020

Hymas C, ‘Nearly 1,000 Prisoners Raise Covid Risk after Being Released during Pandemic without a Home to Go To’ (*The Telegraph*, 31 July 2020)

<<https://www.telegraph.co.uk/news/2020/07/31/nearly-1000-prisoners-raise-covid-risk-released-pandemic-without/>> accessed 17 September 2020

‘ICESCR’ (*UN - OHCHR*, 1966)

<<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>> accessed 26 July 2020

Initiative PP, ‘Prison Policy Initiative COVID-19 Resources’

<<https://www.prisonpolicy.org/virus/>> accessed 7 July 2020

‘International Human Rights Law’ (*UN - OHCHR*)

<<https://www.ohchr.org/en/professionalinterest/pages/internationallaw.aspx>> accessed 26 July 2020

Iorio L, ‘Emergenza carceri al tempo del coronavirus’ (*Altalex*, 2 April 2020)

<<https://www.altalex.com/documents/news/2020/04/02/emergenza-carceri-coronavirus>> accessed 17 September 2020

Italian Coalition for Civil Liberties and Rights, ‘COVID-19 Emergency in Italian Prisons: Antigone Releases Annual Report’ (*Liberties.eu*)

<<https://www.liberties.eu/en/news/covid-19-italian-prisons-antigone-annual-report/19390>> accessed 2 September 2020

‘Italy | World Prison Brief’ (*World Prison Brief*, 31 July 2020)

<<https://www.prisonstudies.org/country/italy>> accessed 13 September 2020

JN, ‘Saídas de curta duração dos presos estão suspensas’ (*Head Topics*, 25 March 2020)

<<https://headtopics.com/pt/sa-das-de-curta-durac-o-dos-presos-est-o-suspensas-12061153>> accessed 17 September 2020

Joint Committee on Human Rights, ‘Human Rights and the Government’s Response to COVID-19: Children Whose Mothers Are in Prison’ (2020)

Juraneck S and Zoutman FT, ‘The Effect of Social Distancing Measures on the Demand for Intensive Care: Evidence on COVID-19 in Scandinavia’

Jürgens R, Nowak M and Day M, ‘HIV and Incarceration: Prisons and Detention’ (2011) 14 *Journal of the International AIDS Society* 26

Kinner SA and others, ‘Prisons and Custodial Settings Are Part of a Comprehensive Response to COVID-19’ (2020) 5 *The Lancet Public Health* e188

‘La situazione nelle carceri. Parla Mauro Palma’ (*il manifesto*, 8 May 2020) <<https://ilmanifesto.it/la-situazione-nelle-carceri-parla-mauro-palma/>> accessed 17 September 2020

Labonté P and Seidah NG, ‘Emerging Viruses: Risk of Pandemic’ (2008) 6 *Expert Review of Anti-infective Therapy* 581

Lane A, ‘British Prisoners And Their Families—The Forgotten Victims Of COVID-19’ (*Forbes*, 23 July 2020) <<https://www.forbes.com/sites/alsadairlane/2020/07/23/british-prisoners-and-their-families-the-forgotten-victims-of-covid-19/>> accessed 5 September 2020

Lines R, ‘From Equivalence of Standards to Equivalence of Objectives: The Entitlement of Prisoners to Health Care Standards Higher than Those Outside Prisons’ (2006) 2 *International Journal of Prisoner Health* 269

‘Lockdown in Lock-up: Italy’s Prison System Has Been Plunged into Crisis by the Pandemic – and by the Mafia.’ (*Global Initiative*, 20 May 2020) <<https://globalinitiative.net/italy-prisons-covid/>> accessed 4 September 2020

Lusa, ‘Covid-19: Portugal entre países com maior percentagem de presos libertados’ (*PÚBLICO*) <<https://www.publico.pt/2020/06/18/sociedade/noticia/covid19-portugal-paises-maior-percentagem-presos-libertados-1921003>> accessed 4 September 2020

‘PSD quer fim de medidas excecionais para reclusos quando terminar calamidade’ (*Observador*) <<https://observador.pt/2020/05/04/psd-quer-fim-de-medidas-excecionais-para-reclusos-quando-terminar-calamidade/>> accessed 17 September 2020

Mahase E, ‘Covid-19: UK Starts Social Distancing after New Model Points to 260 000 Potential Deaths’ [2020] *BMJ* m1089

Metzer J, ‘Are “Squalid” Prison Conditions and the Response to the Covid-19 Pandemic Breaching Human Rights?’ (*UK Human Rights Blog*, 6 July 2020) <<https://ukhumanrightsblog.com/2020/07/06/are-squalid-prison-conditions-and-the-response-to-the-covid-19-pandemic-breaching-human-rights/>> accessed 5 September 2020

‘Minister Faces Legal Action over Virus in Prisons’ *BBC News* (17 April 2020) <<https://www.bbc.com/news/uk-politics-52329822>> accessed 6 September 2020

‘Ministry of Justice: Department of Prison Administration (IT)’ (*EuroPris*, 6 July 2020) <<https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/>> accessed 15 September 2020

Morse SS and others, ‘Prediction and Prevention of the next Pandemic Zoonosis’ (2012) 380 *The Lancet* 1956

Nacoti M and others, ‘At the Epicenter of the Covid-19 Pandemic and Humanitarian Crises in Italy: Changing Perspectives on Preparation and Mitigation’ 1

Observador, ‘Medidas anti-Covid-19 acabam com a sobrelotação nas prisões, mas as condições continuam a ser más’ (*Observador*)

<<https://observador.pt/2020/07/06/medidas-anti-covid-19-acabam-com-a-sobrelotacao-nas-prisoas-mas-as-condicoes-continuam-a-ser-mas/>> accessed 6 September 2020

‘OHCHR | Optional Protocol to the Convention against Torture’
<<https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>> accessed 26 July 2020

‘OHCHR | Universal Human Rights Instruments’
<<https://www.ohchr.org/en/professionalinterest/pages/universalhumanrightsinstruments.aspx>> accessed 3 August 2020

Pegg D and Allison E, ‘Release Inmates or Face Jail Pandemic, Say Prison Governors’ *The Guardian* (25 March 2020)
<<https://www.theguardian.com/society/2020/mar/25/release-prisoners-or-face-jail-pandemic-says-chief>> accessed 6 September 2020

Picheta R and Halasz S, ‘Hungarian Parliament Votes to Let Orbán Rule by Decree’ (*CNN*, 30 March 2020) <<https://www.cnn.com/2020/03/30/europe/hungary-viktor-orban-powers-vote-intl/index.html>> accessed 3 July 2020

‘Portugal entre países com maior percentagem de presos libertados’ (*SNCGP*)
<<http://www.sncgp.pt/2020/06/26/portugal-entre-paises-com-maior-percentagem-de-presos-libertados/>> accessed 2 September 2020

‘Portugal: Prisoners “of All Kinds” to Be Released as Courts Fail to Meet Judicial Deadlines’ (*Prison Insider*, 30 March 2020) <<https://www.prison-insider.com/en/portugal-prisoners-of-all-kinds-to-be-released-as-courts-fail-to-meet-judicial-deadlines>> accessed 17 September 2020

‘Prison Statistics’ (October 2019) <https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Prison_statistics#Almost_two_prisoners_per_prison_employee> accessed 10 July 2020

Proctor K, ‘Ban on Prison Visits in England and Wales Breaches Children’s Rights, Say Lawyers’ (*the Guardian*, 31 July 2020)
<<http://www.theguardian.com/society/2020/jul/31/ban-on-prison-visits-in-england-and-wales-breaches-childrens-rights-say-lawyers-coronavirus>> accessed 17 September 2020

Psick Z and others, ‘Prison Boomers: Policy Implications of Aging Prison Populations’ (2017) 13 *International Journal of Prison Health* 57

PÚBLICO, ‘Vaga de motins prisionais em Itália por causa do coronavírus’ (*PÚBLICO*)
<<https://www.publico.pt/2020/03/09/mundo/noticia/vaga-motins-prisionais-italia-causa-coronavirus-1906999>> accessed 11 September 2020

Pyrooz DC and others, ‘Views on COVID-19 from Inside Prison: Perspectives of High-Security Prisoners’ [2020] *Justice Evaluation Journal* 1

‘Q&A on Coronaviruses (COVID-19)’ (*World Health Organization*)
<<https://www.who.int/news-room/q-a-detail/q-a-coronaviruses>> accessed 2 July 2020

Razzi M, ‘Coronavirus, La Fase 2 Nelle Carceri: Il Sovraffollamento è Ancora Un Problema’ (*La Repubblica / Diritti Umani*, 10 August 2020)
<https://www.repubblica.it/solidarieta/diritti-umani/2020/08/10/news/coronavirus_la_fase_2_nelle_carceri_il_sovraffollamento_e_an_cora_un_problema-264326827/> accessed 5 September 2020

‘Rec(2006)2-Rev’ (*Council of Europe - Committee of Ministers*, 1 July 2020)
<https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809ee581>
accessed 26 July 2020

‘Recluso Pediu Para Não Sair Da Cadeia’ (*RTP Notícias*, 21 April 2020)
<https://www.rtp.pt/noticias/pais/recluso-pediu-para-nao-sair-da-cadeia_v1222600>
accessed 17 September 2020

Remuzzi A and Remuzzi G, ‘COVID-19 and Italy: What Next?’ (2020) 395 *Health Policy* 1225

‘Rights in the Time of COVID-19 — Lessons from HIV for an Effective, Community-Led Response’ [2020] UNAIDS Joint United Nations Programme on HIV/AIDS 20

Roberts H, ‘In Italy’s Overcrowded Prisons, Fear of Coronavirus’ (*POLITICO*, 30 March 2020) <<https://www.politico.eu/article/in-italys-overcrowded-prisons-fear-of-coronavirus/>> accessed 17 September 2020

Rolletta P, ‘O covid-19 destapou a panela de pressão nas cadeias italianas’ (*PÚBLICO*)
<<https://www.publico.pt/2020/03/15/mundo/noticia/covid19-destapou-panela-pressao-cadeias-italianas-1907611>> accessed 11 September 2020

Rubenstein LS and others, ‘HIV, Prisoners, and Human Rights’ (2016) 388 *The Lancet* 1202

Sabatini C, ‘Latin America’s COVID-19 Moment: Differences and Solidarity’ (*Chatham House*, 30 April 2020)
<<https://www.chathamhouse.org/expert/comment/latin-america-s-covid-19-moment-differences-and-solidarity>> accessed 19 July 2020

‘Safer Streets | Conservatives’ <<https://www.conservatives.com/our-priorities/police>>
accessed 2 September 2020

Scott JB, ‘A Pandemic in Prisons’ n/a *Social Anthropology*
<<https://onlinelibrary.wiley.com/doi/abs/10.1111/1469-8676.12857>> accessed 2 July 2020

Shaw D, ‘Plan to Extend Early Prisoner Release Scheme’ *BBC News* (17 March 2020)
<<https://www.bbc.com/news/uk-51920443>> accessed 3 September 2020

Stephenson J, ‘COVID-19 Pandemic Poses Challenge for Jails and Prisons’ (2020) 1 *JAMA Health Forum* e200422

Tanne JH and others, ‘Covid-19: How Doctors and Healthcare Systems Are Tackling Coronavirus Worldwide’ [2020] *BMJ* m1090

‘The Bangkok Rules’ (UNODC 2011) <https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf> accessed 13 September 2020

Thompson G, ‘Reflecting on Relational Needs in the Context of a Global Health Crisis’ (2020) 29 *Nordic Journal of Music Therapy* 197

‘Timeline of WHO’s Response to COVID-19’ (*World Health Organization*, 30 June 2020) <<https://www.who.int/news-room/detail/29-06-2020-covidtimeline>> accessed 15 July 2020

Torrisi C, ‘COVID-19 ed emergenza nelle carceri: “Come abbiamo paura noi fuori, hanno ancora più paura loro dentro”’ (*Valigia Blu*, 11 April 2020) <<https://www.valigiablu.it/emergenza-coronavirus-carceri/>> accessed 2 September 2020

UNGA, ‘Resolution Adopted by the General Assembly on 17 December 2015’ (8 January 2016) <<https://undocs.org/pdf?symbol=en/A/RES/70/175>> accessed 26 July 2020

‘United Kingdom: England & Wales | World Prison Brief’ (*WPB*, 31 July 2020) <<https://www.prisonstudies.org/country/united-kingdom-england-wales>> accessed 13 September 2020

United Nations, ‘Coronavirus Global Health Emergency’ (*United Nations*) <<https://www.un.org/coronavirus>> accessed 3 July 2020

‘Urgent Action Needed to Prevent COVID-19 “Rampaging through Places of Detention” – Bachelet’ (*UN - OHCHR*) <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>> accessed 4 September 2020

Walker PGT and others, ‘The Impact of COVID-19 and Strategies for Mitigation and Suppression in Low- and Middle-Income Countries’ [2020] *Science* eabc0035

‘WHO Coronavirus Disease (COVID-19) Dashboard’ (*WHO*) <<https://covid19.who.int>> accessed 11 September 2020

WHO, ‘Health in Prisons, a WHO Guide to the Essentials in Prison Health’ (*World Health Organization* 2007)

‘Wider Steps Needed to Protect Prisoners’ Health in Italy’ (*Human Rights Watch*, 20 March 2020) <<https://www.hrw.org/news/2020/03/20/wider-steps-needed-protect-prisoners-health-italy>> accessed 6 September 2020

‘Wider Steps Needed to Protect Prisoners’ Health in Italy | Human Rights Watch’ <<https://www.hrw.org/news/2020/03/20/wider-steps-needed-protect-prisoners-health-italy>> accessed 2 September 2020

Wilson N and others, ‘Case-Fatality Risk Estimates for COVID-19 Calculated by Using a Lag Time for Fatality’ (2020) 26 *Emerging Infectious Diseases* 1339

Wolkewitz M and Puljak L, ‘Methodological Challenges of Analysing COVID-19 Data during the Pandemic’ (2020) 20 *BMC Medical Research Methodology* 1

Wood V, 'Prisoners Effectively Held in Solitary Confinement during Coronavirus Pandemic, MPs Told' (*Independent*, 27 July 2020)
<<https://www.independent.co.uk/news/uk/politics/uk-prisons-coronavirus-solitary-confinement-inquiry-deaths-a9639156.html>> accessed 3 September 2020

Wu JT and others, 'Estimating Clinical Severity of COVID-19 from the Transmission Dynamics in Wuhan, China' (2020) 26 *Nature Medicine* 506

Yiwei H, 'Graphics: What's Gone Wrong for Brazil's COVID-19 Response?' (*CGTN*, 6 June 2020) <<https://news.cgtn.com/news/2020-06-16/Graphics-What-s-gone-wrong-for-Brazil-s-COVID-19-response--Rn0ZueKCMo/index.html>> accessed 19 July 2020

Zhou F and others, 'Clinical Course and Risk Factors for Mortality of Adult Inpatients with COVID-19 in Wuhan, China: A Retrospective Cohort Study' (2020) 395 *The Lancet* 1054

Case Law

Aliev v Ukraine App no 41220/98 (ECtHR, 29 April 2003)

AT v Estonia (No 2) App no 70465/14 (ECtHR, 13 November 2018)

Azzolina and Others v Italy App 28923/09 et 67599/10 (ECtHR, 26 October 2017)

Blair and Others v Italy App no 1442/14 (ECtHR, 26 October 2017)

Bouyid v Belgium App no 23380/09 (ECtHR, 28 September 2015)

Cestaro v Italy App no 6884/11 (ECtHR 7 April 2015)

Cirino and Renne v Italy App no 2539/13 and 4705/13 (ECtHR, 26 October 2017)

Csüllög v Hungary App no 30042/08 (ECtHR, 7 June 2011)

Demir and Baykara v Turkey App no 34503/97 (ECtHR, 12 November 2008)

Gladkiy v Russia App no 3242/03 (ECtHR, 21 December 2010)

Gömi v Turkey App no 38704/11 (ECtHR, 19 February 2019)

Hirst v The UK (No 2) App no 74025/01 (ECtHR, 6 October 2005)

Horych v Poland App no 13621/08 (ECtHR, 17 April 2012)

Kalashnikov v Russia App no 47095/99 (ECtHR 15 July 2002)

Khoroshenko v Russia App no 41418/04 (ECtHR, 30 June 2015)

Korneykova and Korneykov v Ukraine App no 56660/12 (ECtHR, 24 March 2016)

Kuimov v Russia App no 32147/04 (ECtHR, 8 January 2009)

Lind v Russia App no 25664/05 (ECtHR, 6 December 2007)

Muršić v Croatia App no 7334/13 (ECtHR, 20 October 2016)

Orchowski v Poland App no 17885/04 (ECtHR, 20 October 2009)

Petrescu v Portugal App no 23190/17 (ECtHR, 3 December 2019)

Ramirez Sanchez v France App no 59450/00 (ECtHR, 4 July 2006)

Ramishvili and Kokhreidze v Georgia App no 1704/06 (ECtHR, 27 January 2009)

Ribitsch v Austria App no 18896/91 (ECtHR, 4 December 1995)

Rohde v Denmark App no 69332/01 (ECtHR, 21 July 2005)

Rzakhanov v Azerbaijan App no 4242/07 (ECtHR, 4 July 2013)

Sulejmanovic v Italy App no 22635/03 (ECtHR, 16 July 2009)

Tali v Estonia App no 66393/10 (ECtHR, 13 February 2014)

Torreggiani and Others v Italy App no (ECtHR, 8 January 2013)

Trosin v Ukraine App no 39758/05 (ECtHR, 23 February 2012)

Tunis v Estonia App no 429/12 (ECtHR, 19 December 2014)

APPENDIX I

APPENDIX I | MEASURES – EUROPRIS

Text	Measures taken	Type of measure: - A. Prisoners' rights regarding health - B. Restrictions to prisoners' rights and freedoms	General topic	Country	Source	Source's last update
"In case of a suspected case the Internal Contingency Plan foresees the isolation of the detainee in the Prison Hospital."	Isolation of the suspected case (detainee) in the Prison Hospital	Type B	Placement and treatment of infected or suspected cases	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020
"All sentenced person's that enters the prison or return to the prison environment resulting from the exceptional measures implemented, have to comply with a 14-day quarantine period, under the terms determined by the Internal Contingency Plan."	14-day quarantine period to sentenced person that enters or returns to the prison	Type B	New arrivals & Placement and treatment of infected or suspected cases	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020
"the definition of internal plans of contingency in each prison establishment"	Contingency plans definition for each prison	Unspecified	General prevention measures	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020
"the temporary suspension of visits to all prisons and educational centres"	Suspension of visits	Type B	Prison visits	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020
the suspension of transfers of prisoners between prisons	Suspension of prisons transfers	Type B	Transfers	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020

"the suspension of the open regime to the outside in areas identified as at risk"	Open regime Suspension to risky areas	Type B	Prisoners' entry-exit regime	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020
"the temporary suspension of all entries inside prison of persons and vehicles except prison staff and authorized personnel"	Temporary suspension of entries of people and vehicles except staff and authorized people	Type B	Prison visits	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020
"the number of telephone calls allowed for family and other significant persons were triplicated during the period of suspension of visits"	Permission to triplicate family/significant persons contacts	Type B - Compensation	Communication	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020
"the increasing safety procedures of cleaning and hygiene of common and private facilities for the detainees"	Increase of cleaning procedures	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020
"Since March, 22 thousand masks were received, of which 13,900 were distributed throughout the country, and the stock of masks and other contagion prevention materials will be renewed as needed."	22 thousand masks were received, of which 13,900 were distributed throughout the country	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020
Likewise, in March an order from the General Director was issued, reinforcing that the masks must be worn by all employees – they are given a mask whenever they start their daily duties."	Use of masks by all employees	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests	Portugal	EuroPris DGRSP - Directorate-General of Reintegration and Prison Services https://www.europris.org/dgrsp-directorate-general-of-reintegration-and-prison-services/	06-05-2020
"for inmates, provide the following details: date of entry, allocation, co-inmates sharing the cell, participation in group activities, if any, placement in healthcare confinement, actions and interventions carried out, possible hospitalization"	Provision of inmate detailed information	Type B	General prevention measures	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-	27-03-2020

"for staff members: type of service performed; contacts with other staff or with prisoners; whether they are accommodated in barracks; actions and interventions carried out, possible hospitalization."	Provision of staff detailed information	Non applicable	General prevention measures	Italy	of-justice-department-of-prison-administration-it/ EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"to allow Headquarters a constant monitoring of the national situation." (...) "All the information above shall be then forwarded to the crisis unit at the Headquarters"	Provision of inmates and staff detailed information to the Headquarters Crisis Unit allowing its monitoring	Type B	General prevention measures	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"Until 30 June 2020, the sentence to imprisonment is to be executed, upon request, at the sentenced person's home or in other public or private healthcare centre, where the sentence to be served is under 18 months, even if it is the remaining part of a longer sentence. Following offenders are excluded from that measure: persons sentenced for crimes of criminal mafia association, national and international terrorism, kidnapping for ransom, international drug trafficking; persons sentenced for crimes of domestic violence and harassments; habitual offenders; the inmates who participated in the recent riots in prisons.	Sentence to imprisonment is to be executed at the convicted's home or other healthcare centre (whenever the sentence is under 18 months)	Type A	Jail population reduction / Home detention	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
All offenders on home detention, except all minor offenders and those adult offenders who have to serve a sentence up to six months, shall undergo electronic surveillance"	Electronic surveillance in home detention	Type A	Jail population reduction / Home detention	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"The Italian law provides for the possibility for inmates to receive parcels from outside the prison. Specific instructions are issued upon the COVID-19 emergency with regard to checking the parcels and disinfection measures. For further details see update of 27 March."	Possibility to receive parcels under COVID-19 emergency guidelines	Type B	Parcels from outside prisons	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"Where an inmate, already in the prison, shows symptoms compatible with SARS-CoV 2, he will be transferred to a dedicated room, previously identified by the prison governor. Here the medical doctor shall visit him.	Symptomatic prisoners should be isolated and seen by a doctor.	Type B	Placement and treatment of infected or suspected cases	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020

					of-justice-department-of-prison-administration-it/	
The co-inmates sharing the cell with the sick prisoner or those ones who had contacts with him shall undergo the medical screening and tests, as ordered by the medical doctor."	People contacting with the symptomatic prisoner should be tested	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
Pharyngeal swab sample taking: this procedure shall be carried out by the Local Healthcare Agency medical or nursing staff, who will access the prison and go in the cell of the inmate to take the sample.	Testing prisoners	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
Positive outcome of the swab test: the healthcare staff, coordinated by the chief medical doctor of the prison, shall assess, based on clinical conditions of the prisoner, whether he should stay in a healthcare confinement in dedicated premises inside the prison or he should be hospitalized.	Whenever there is a positive outcome of the swab test the healthcare staff should assess if the prisoner should be in confinement or should be hospitalized	Type B	Placement and treatment of infected or suspected cases	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
Negative outcome of the swab test: the inmate shall stay in a healthcare confinement until the date set by the healthcare authorities.	Prisoner's confinement decided by healthcare authorities whenever there will be a negative outcome of a swab test	Type B	Placement and treatment of infected or suspected cases	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
Where a prisoner who is to be transferred to another prison needs to undergo a swab sample test, it will be necessary to wait until the negative outcome of said test, before transferring him/her.	Prohibition of direct contacts with confined inmates	Type B	Placement and treatment of infected or suspected cases	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
Provision of tensile structures which have been placed at the entries of the penal establishments, for the staff will carry out the procedures to check the arrivals;	Provision of tensile structures for the procedures to check arrivals	Type A	New arrivals	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020

Upon their entry into the prison facility, the staff shall make a first screening (triage) of the inmate. – The staff will be wearing the personal protection equipment (DPI) Such examination will occur, where possible, in the tensile structure outside the prisons	Use of PPE when first screening an inmate	Type A	New Arrivals & PPE (Protective Clothing; Masks) / Hygiene products / Tests	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
The prison physician, during the first entry medical examination, shall make all the necessary healthcare interventions;	Prison physician	Type A	New Arrivals / Healthcare services	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
In the cases where the healthcare confinement of the inmate is ordered, it will be enforced by placing the inmate in a specific wing – already chosen by the prison governor. The confinement shall be in a single cell, with in-cell toilet, under the ordinary precautions of healthcare confinement. The staff working in those health confinement wings shall wear DPIs (FFP2 masks, gloves and visor)."	In case of a confinement order, it shall be in a single cell, with in-cell toilet, under the ordinary precautions of healthcare confinement. The staff working in those health confinement wings shall wear DPIs (FFP2 masks, gloves and visor).	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"The stop to family visits in all our prisons is based on the Laws by decree approved by the Government last week, providing strong restrictions to the movement of the national population."	Family visits suspension	Type B	Prison visits	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
Prisoners assigned to the Medium and High security level are authorized to communicate with their families through electronic mail. High security inmates are immediately authorized to have contacts with their families through authorized mobile phones numbers. They are allowed to use the Skype for business to make video calls with their family members who are entitled to visits. Video talks of inmates with defence counsels are always allowed through Skype for business.	Alternative forms of contact with family (electronic email, mobile phones, skype)	Type B - Compensation	Communication	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
Prisoners undergoing the Maximum-Security regime will continue to receive visits; such visits are in premises separated from the	Use of PPE for visitors to prisoners undergoing the	Type A	Prison visits & PPE (Protective	Italy	EuroPris Ministry of Justice: Department of	27-03-2020

visitors by a glass partition. Visitors shall be invited to wear masks. Rooms will be sanitized after the visit."

Maximum-Security Regime and additional room cleaning measures.

clothing; masks) / Hygiene products / Tests

Prison Administration (IT) <https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/>

Escorted transport of inmates: only the transfer of inmates for reasons of health and those ones grounded on situation namely: • transfers for reasons of order and security, in consequence of the recent riots and troubles occurred in penal establishments; • transfers for reasons of justice (where it is not possible to participate in the hearing through the video-conference system)."	Escorted transport of inmates only for health reasons and for reasons of order and security, for reasons of justice (where it is not possible to participate in the hearing through the video-conference system).	Type B	Transfers	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"each inmate leaving a prison shall undergo a swab sample test, taken by the competent healthcare staff."	Each inmate leaving a prison shall undergo a swab sample test, taken by the competent healthcare staff	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"Continuation of the ongoing school and education courses, final exams and tests: interviews between teachers and detained students are allowed through video-conference and Skype. That is valid for prisoners assigned to the Medium and High security level."	Alternative forms of contact for school and education courses (through videoconference and Skype)	Type B - Compensation	Activities / Education	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"For university courses the correspondence through electronic mail is allowed.""	Alternative forms of contact for university courses (electronic mail)	Type B - Compensation	Activities / Education	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"The procurement of more than 1,600 mobile phones and the next purchase of 1,600 more by the Penitentiary Administration. The possibility to make telephone calls also to mobile phone numbers. The increase in the telephone calls, beyond the limits set by the legislation currently in force, free of charge for all inmates."	Alternative forms of contact (Acquisition of more than 1.600 mobile phones and next purchase of 1.600 more. Increase in the phone calls, free of charge, and possibility to call to mobile phones.)	Type B - Compensation	Communication	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"The remote conversation between inmates and their relatives will be made through Skype video-connection as well as through video-	Alternative forms of contact with family	Type B - Compensation	Communication	Italy	EuroPris Ministry of Justice: Department of	27-03-2020

calls between mobile phones. The possibility to have video talks free of charge for all inmates, even belonging to High Security category."	(skype mobile phones and video-calls)					Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	
"The use of the prison laundry service without expenses for prisoners."	Free use of the prison laundry service	Type B - Compensation	Activities / Compensation measures	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020	
"The possibility for inmates to receive bank transfers online."	Bank transfers online authorization	Type B - Compensation	Activities / Compensation measures	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020	
"The increase in the limits of expenses for all inmates."	Increase of the expenses' limit	Type B - Compensation	Activities / Compensation measures	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020	
"Staff members shall not enter the prison if they have flu-like symptoms or fever."	Prohibition of entrance for symptomatic staff	Type A	Staff	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020	
"If flu-like symptoms arise while they are on duty, they shall wear a protection mask, leave the prison and inform their medical practitioner and the healthcare authorities. "	Use of PPE for symptomatic staff, prison leave and share of information with healthcare authorities	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests & Staff	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020	
"Minister Bonafede undersigned a decree providing for an early conclusion of the training basic courses which the newly recruited staff is attending; with this measure new agents of the Penitentiary Police will join their colleagues in many prisons throughout the country."	Early conclusion training basic courses for staff	Non applicable	Staff	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020	

"Outside the health confinement wings entrance and inside those wings, dispensers with disinfecting solutions shall be put in place in an adequate quantity."	Provision of sanitary material: dispensers with disinfecting solutions shall be put in place in an adequate quantity	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"Procure thermo-scanners to all prisons, in order to check the temperature of the staff entering the penal establishments."	Provision of thermo-scanners to every prison to check the staff temperature	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"The protection kit includes googles, ffp2 mask (with filter), gloves and protective coat; all are disposable items.""	Provision of PPE (Protection kit includes googles, ffp2 mask (with filter), gloves and protective coat)	Type A	PPE (Protective clothing; masks) / Hygiene products / Tests	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"The previsions have been issued by a law by decree, signed by the Prime minister; Law by Decree of 17 March 2020, n. 18."	Law by decree of 17 March 2020, n. 18	Unspecified	Legal measures	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
"An increase is provided in the 2020 budget for paying extra-time hours to Penitentiary Police staff and to prison governors in penal establishments for adults and in prisons for minors, to cover other costs connected with the temporary prolonged stay far from their homes of staff working in prisons, as well as to pay for the sanitization and disinfection of all the premises and facilities, for the protection of both inmates and staff."	Increase in the 2020 budget to cover extra-time hours to Penitentiary Police staff and to prison governors and other costs connected with the temporary prolonged stay far from their homes of staff working in prisons, as well as to pay for the sanitization and disinfection.	Type A	General prevention measures	Italy	EuroPris Ministry of Justice: Department of Prison Administration (IT) https://www.europris.org/ministry-of-justice-department-of-prison-administration-it/	27-03-2020
Mirroring community measures, each establishment introduced prisoner households consisting of groups of prisoners sharing a cell or dormitory. Close contact between prisoners sharing a cell is inevitable and social distancing (the requirement to remain two metres apart at all times) cannot be achieved within a cell	Introduction of prisoner households (consisting of groups of prisoners sharing a cell or dormitory)	Type B	Placement and treatment of infected or suspected cases	UK (England & Wales)	EuroPris Her Majesty's prison and probation service (UK) https://www.europris.org/her-	17-06-2020

environment. Therefore prisoners sharing a cell must do as members of a house-hold are required to do in the community – if one family member becomes symptomatic, all must isolate themselves for a period of fourteen days to prevent them transmitting the virus to others.

In case of a symptomatic prisoner, the other prisoners in the group must isolate for fourteen days.

majestys-prison-and-probation-service-uk/

"Beyond this establishments also introduced regime groups – grouping prisoners together into small cohorts that would be unlocked together for meals, medications, welfare services (including time in the open air and access to showers) and family contact (access to wing phones or temporary in-cell telephony). Each cohort was designed to be sufficient size to enable all prisoners to have fair access to regime across the core day and week but to ensure social distancing could be maintained during all aspects of the restricted regime."

Creation of small cohorts that would be group prisoners together for meals, medications, welfare services (including time in the open air and access to showers) and family contact (access to wing phones or temporary in-cell telephony) ensuring social distancing.

Type B

Placement and treatment of infected or suspected cases

UK (England & Wales)

EuroPris
Her Majesty's prison and probation service (UK)
<https://www.europris.org/her-majestys-prison-and-probation-service-uk/>

17-06-2020

TRANSFERS

As of 31 March 2020, a new model was introduced governing Inter-Prisons Transfers (IPT) reducing movements between prisons. Responsibility for all prisoner movements reverted to Gold Command from the end of March. All IPTs were suspended except for cases that met exceptional circumstances. Any establishment wanting to transfer a prisoner must now submit representations to Gold Command and satisfy the exceptional circumstances criteria listed below. Small numbers of transfers are being approved but movements have been greatly reduced. Exceptional circumstances criteria are listed below:

- Exceptional compassionate circumstances (e.g. to be with a family member).
- Exceptional legal circumstances (e.g. to access virtual court / PVCL).
- Exceptional operational circumstances (e.g. due to a security concern such as a category reversion or escape risk).
- Operational Emergency (e.g. movement post incident when accommodation is compromised).
- Transfer to a secure mental health facility or return to prison custody from such.
- Transfers between Prisons and the Immigration Removal Estate (Home Office approved).

Under a further revision on 14th April 2020, additional transfers of small groups of prisoners ("drafts") were reintroduced on a limited basis where such moves were required to alleviate population

All Inter-Prisons Transfers (IPT) were suspended except for cases that met exceptional circumstances. Any establishment wanting to transfer a prisoner must now submit representations to Gold Command and satisfy the exceptional circumstances criteria listed below:

- Exceptional compassionate circumstances (e.g. to be with a family member).
- Exceptional legal circumstances (e.g. to access virtual court / PVCL).
- Exceptional operational circumstances (e.g. due to a security concern such as a category reversion or escape risk).
- Operational Emergency

Type B

New arrivals / Transfers

UK (England & Wales)

EuroPris
Her Majesty's prison and probation service (UK)
<https://www.europris.org/her-majestys-prison-and-probation-service-uk/>

17-06-2020

pressures in individual sites or regions. This has particularly supported Reception Prisons which continue to serve courts that remained open, therefore have continued to receive new prisoners on a regular basis. As part of the strategy, prisoners who are symptomatic or those in isolation having been in close proximity to a symptomatic person cannot be transferred under any circumstances. Prisoners in the most vulnerable cohort who are shielding for their own protection – as explained in the next section – can also not be transferred. Any prisoners approved for transfer must be seen by a healthcare practitioner prior to discharge and declared ‘fit for transfer’ before moving. Healthcare staff at the receiving establishment must also re-assess each prisoner after transfer.

(e.g. movement post incident when accommodation is compromised).

- Transfer to a secure mental health facility or return to prison custody from such.
- Transfers between Prisons and the Immigration Removal Estate (Home Office approved).

Prison visits are temporarily suspended following instructions for people to stay at home.	Visits suspension	Type B	Prison visits	UK (England & Wales)	EuroPris Her Majesty's prison and probation service (UK) https://www.europris.org/her-majestys-prison-and-probation-service-uk/	17-06-2020
There are a number of other ways to contact someone in prison if you are unable to visit them. For example, you might be able to leave a voice message using the Prison Voicemail Service or send them an email using the email a prisoner service. You can also write to them.	Alternative forms of contact (e.g. writing, using the Prison Voicemail, email prisoner service)	Type B - Compensation	Communication	UK (England & Wales)	EuroPris Her Majesty's prison and probation service (UK) https://www.europris.org/her-majestys-prison-and-probation-service-uk/	17-06-2020
There are also a number of other helplines that can provide guidance.	Provision of guidance through helplines	Type B - Compensation	Communication	UK (England & Wales)	EuroPris Her Majesty's prison and probation service (UK) https://www.europris.org/her-majestys-prison-and-probation-service-uk/	17-06-2020
As of 23 March 2020 HMPPS immediately suspended group activities in prisons including social visits, education, work and physical education programmes.	Group activities suspension (social visits, education, work, physical education programmes)	Type B	Activities	UK (England & Wales)	EuroPris Her Majesty's prison and probation service (UK) https://www.europris.org/her-majestys-prison-and-probation-service-uk/	17-06-2020
Regime restrictions were required on a national basis, not to counter staff shortages but as a medical imperative to prevent the spread of the virus. Public Health England (PHE) and Government guidance meant that social distancing was required in every prison and	Practicing of social distancing and Isolation of symptomatic prisoners	Type B	Activities & Placement and treatment of	UK (England & Wales)	EuroPris Her Majesty's prison and probation service (UK) https://www.europris.org/her-	17-06-2020

<p>establishments needed robust measures to isolate any symptomatic prisoners and to shield the vulnerable cohort in our care.</p>		<p>infected or suspected cases</p>	<p>majestys-prison-and-probation-service-uk/</p>			
<p>In line with Government guidelines, HMPPS policy currently does not require that staff wear face coverings or face masks in their day to day duties. A number of Safe Operating Procedures (SOPs) have been produced by the HMPPS Health and Safety team to instruct staff on when they should don PPE such as face masks, gloves and aprons, along with instructions on how to do this safely. This includes instructions and guidance for staff working on isolation units, who may come into contact with prisoners who are suspected/confirmed to be COVID-19 positive.</p>	<p>Safe Operating Procedures (SOPs) have been produced to instruct staff on when they should use PPE such as face masks, gloves and aprons (for staff working on isolation units). A face covering or face masks is not required in staff day to day duties.</p>	<p>Type A</p>	<p>PPE (Protective clothing; masks) / Hygiene products / Tests</p>	<p>UK (England & Wales)</p>	<p>EuroPris Her Majesty's prison and probation service (UK) https://www.europris.org/her-majestys-prison-and-probation-service-uk/</p>	<p>17-06-2020</p>
<p>If there are changes to the general advice for visitors or the operation of the prison system, we will:</p> <ul style="list-style-type: none"> • Update advice on this guidance page • Issue updates on Twitter @HMPPS and @MoJGovUK <p>If there are changes to the operation of individual prisons, you can stay up to date by:</p> <ul style="list-style-type: none"> • Going to the individual prison page on the Prison Finder • Following the prison's Twitter account 	<p>Provision of information to visitors (e.g. updates on Twitter @HMPPS and @MoJGovUK) or about the operation of individual prisons (e.g. individual prison page on the Prison Finder, the prison's Twitter account)</p>	<p>Type B - Compensation</p>	<p>Communication</p>	<p>UK (England & Wales)</p>	<p>EuroPris Her Majesty's prison and probation service (UK) https://www.europris.org/her-majestys-prison-and-probation-service-uk/</p>	<p>17-06-2020</p>
<p>To support the revised population management strategy, mitigate the risk of the virus spreading within establishments and protect those most vulnerable as much as possible, a new Cohorting Strategy was also introduced in to prisons on 31 March 2020.</p> <p>Cohorting is the Public Health England (PHE) strategy for the care of large numbers of people who are ill or who present heightened infection risk by gathering all those who are symptomatic into one area (or multiple designated areas) and establishing effective barrier control between this group and the wider population. HMPPS's approach extends the concept of 'cohorting' to include shielding in a way which leads to effective compartmentalisation of prisons. (For detailed measures please consult attached document from May 2020)</p>	<p>Introduction of a new Cohorting Strategy (strategy for the care of large numbers of people who are ill or who present heightened infection risk by gathering all those who are symptomatic into one area (or multiple designated areas) and establishing effective barrier control between this group and the wider population.)</p>	<p>Type B</p>	<p>Placement and treatment of infected or suspected cases</p>	<p>UK (England & Wales)</p>	<p>EuroPris Her Majesty's prison and probation service (UK) https://www.europris.org/her-majestys-prison-and-probation-service-uk/</p>	<p>17-06-2020</p>

APPENDIX II

APPENDIX II | MEDIA ANALYSIS – SECTION A

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
1	C1 UK	The government is drawing up emergency plans to avoid disruption in England's prisons, with unions saying prison officers face "unprecedented" challenges.	UK (England and Wales)	Emergency plan for prisons in England and Wales	Unspecified	-	-
2	C1 UK	Prison staff will be offered bonuses to cover shortages - and staff could be redeployed to cover front-line services.	UK (England and Wales)	Offering of bonuses for prison staff (to cover shortages and be redeployed to cover front-line services)	Type cA	-	-
3	C1 UK	The Prison Officers Association has compared conditions in England's prisons to those found on cruise ships and the Prison Governors Association has said cases of the virus are inevitable.	UK (England and Wales)	-	-	-	-
4	C1 UK	BBC News has seen advice issued to prisons, which says inmates who had contact with a known coronavirus patient should be isolated in single accommodation.	UK (England and Wales)	-	-	Isolation for inmates who had contact with a known coronavirus patient.	Type B
5	C1 UK	It is understood plans being drawn in up in Whitehall involve communicating regularly with inmates, making sure they can contact their families and providing extra materials - like books and magazines - to those isolating to try to avoid boredom.	UK (England and Wales)	Communicating regularly with inmates Making sure they can contact their families Making sure it is provided extra materials - like books and magazines - to those isolating to try to avoid boredom	Type B - Compensation	-	-
6	C1 UK	There is, however, significant concern about the impact on older prisoners with underlying health issues. Ministers are thought to have not ruled out releasing vulnerable inmates most at risk, but the instinct in government is that they should serve their sentences.	UK (England and Wales)	-	-	-	-
7	C2 UK	Two workers at London's Pentonville prison died from Covid-19 Two staff members at north London's Pentonville prison have died after suffering Covid-19 symptoms, the Prison Officers' Association (POA) said.	UK (England and Wales)	-	-	-	-

Section B

	Code	Measures General Topic	Impact	Information on infections	Further considerations
1	C1 UK	General Prevention Measures	-	-	-
2	C1 UK	Staff	-	-	-
3	C1 UK	-	-	-	Similarity of conditions in England's prisons to those found on cruise ships / Inevitability of coronavirus patients in prisons
4	C1 UK	Placement and treatment of infected or suspected cases	-	-	-
5	C1 UK	Communication / Activities	-	-	-
6	C1 UK	-	-	-	There is a concern about the impact on older prisoners with underlying health issues - the releasing of vulnerable inmates most at risk was considered but "the instinct in government is that they should serve their sentences."
7	C2 UK	-	-	2 deaths (after COVID-19 symptoms) of staff members at a prison	-

Code	Text	Country	Measure taken	Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:	
				A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms	
8	C2 UK	Up to 4,000 inmates to be temporarily released in England and Wales	UK (England and Wales)	Temporary release of 4.000 inmates	Type A	-	-
9	C2 UK	Fairhurst told the Guardian that 7,900 prison staff in England and Wales, including officers, support grade staff and governors, were self-isolating, and a further 15 had confirmed cases of coronavirus. He also said that 90 prisoners had been confirmed as having Covid-19, with another 1,200 prisoners self-isolating.	UK (England and Wales)	-	-	-	-
10	C3 UK	The government is considering releasing some offenders from prisons in England and Wales to ease pressures caused by the coronavirus pandemic: The justice secretary told the Commons justice committee he was "keen" to make use of release on temporary licence - where prisoners are let out for short periods, after a risk assessment.	UK (England and Wales)	-	-	Offenders release (to ease COVID-19 pressures)	Type A
11	C3 UK	Offenders release: possible prisoners: whether or not 50 pregnant prisoners could be released. He also indicated some of the 9,000 inmates who are on remand, awaiting trial, could be transferred to bail hostels, if it was safe to do so.	UK (England and Wales)	-	-	Offenders release: - possible prisoners: 50 pregnant prisoners could be released - some of the 9,000 inmates who are on remand, awaiting trial, could be transferred to bail hostels	Type A
12	C3 UK	(...)as all visits to prisons were cancelled, as part of measures to curb the spread of the virus. Outside visitors, group activities and education classes have all been banned and inmates have been confined to their cells for 23 hours a day.	UK (England and Wales)	Visits suspension + Group activities & education classes suspension + Confinement to cells for 23 hours a day	Type B	-	-
13	C3 UK	The Ministry of Justice (MoJ) said 55 prisons across England and Wales would be given 900 phones to allow prisoners to stay in touch with family members during the ban. The phones will not have internet access and would only be handed out to risk-assessed prisoners on a temporary basis, the MoJ said.	UK (England and Wales)	Alternatives to family visits, enabling contact with the family (Provision of 900 phones)	Type B - Compensation	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
8	C2 UK	Jail Population Reduction	-	-	-
9	C2 UK	-	-	Situation / Data: -7,900 prison staff in England and Wales, were self-isolating -15 confirmed cases of coronavirus -90 prisoners confirmed cases of coronavirus -1,200 prisoners self-isolating	-
10	C3 UK	Jail Population Reduction	-	-	A risk assessment previous to the release of prisoners is being considered.
11	C3 UK	Jail Population Reduction	-	-	-
12	C3 UK	Activities & Prison Visits	-	-	-
13	C3 UK	Communication	-	-	-

Code	Text	Country	Measure taken	Type of measure taken:		Type of measure that should be considered taken:	
				A. prisoners' rights regarding health	B. prisoners' freedoms	A. prisoners' rights regarding health	B. prisoners' freedoms
14	C3 UK About 50,000 protective masks have been delivered for staff to use + a ban on bringing hand sanitiser into prisons has been lifted.	UK (England and Wales)	Provision of 50,000 protective masks – for staff + Lifting of the ban on hand sanitiser inside prisons	Type A	-	-	-
15	C3 UK 13 inmates had tested positive for coronavirus. The confirmed cases were in nine prisons although more jails are suspected to have had cases.	UK (England and Wales)	-	-	-	-	-
16	C3 UK Mr Buckland said more tests for the virus were needed in prisons, and more personal protective equipment (PPE) was needed for staff.	UK (England and Wales)	-	-	-	Provision of more tests for the virus in prisons and more personal protective equipment (PPE) for staff.	Type A
17	C3 UK Mr Buckland said the prison service must "balance the protection of life with the need to protect the public", but releasing prisoners early could help to "alleviate some of the pressures" the virus was having on the system. Amnesty International UK's head of policy and government affairs, Allan Hogarth, said elderly prisoners and those with underlying medical conditions should "immediately" be considered for release "if they do not pose a threat to themselves or society". Prisons are holding more inmates than they should	UK (England and Wales)	-	-	-	Early release of prisoners. Need to consider elderly prisoners and those with underlying medical conditions to be release if not posing a threat to themselves or society.	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
14	C3 UK	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
15	C3 UK	-	-	13 inmates testes positive to COVID-19 (in 9 prisons)	-
16	C3 UK	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
17	C3 UK	Jail Population Reduction	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
18	C4 UK <p>The government is planning to extend a scheme which allows some prisoners to be freed early to ease pressures in jails across England and Wales. Under the programme, certain inmates jailed for less than four years can be let out before the halfway point of their sentence. They are made to wear an electronic tag and abide by a curfew.</p> <p>Ministers want to increase the maximum period for which they can be released from four-and-a-half to six months.</p> <p>Last Friday, 2,718 prisoners were on the scheme, which is known as home detention curfew (HDC).</p> <p>HDC does not apply to offenders serving four or more years in jail or less than 12 weeks, those liable to deportation and registered sex offenders. A number of other prisoners are also considered unsuitable including people convicted of terror-related offences and cruelty to children.</p>	UK (England and Wales)	Home detention curfew (HDC). (certain inmates jailed for less than four years can be let out before their sentence)	Type A		Home detention curfew (HDC) (increase the maximum period for which they can be released from four-and-a-half to six months)	Type A
19	C5 UK <p>In Italy seven prisoners died as riots spread through crowded jails across Italy over measures imposed to contain the coronavirus, including restricting family visits. Italy's prisons are among the most overcrowded in Europe. "The spread of the virus is a real concern," said Andrea Oleandri of the Italian prison rights group Antigone. Riots spread through crowded jails across Italy over measures imposed to contain the coronavirus.</p>	Italy	Measures imposed to contain the coronavirus, including restricting family visits.	Type B	-	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
18	C4 UK	Jail Population Reduction / Home detention	-	-	-
19	C5 UK	Prison Visits	Negative: Riots (7 prisoners died)	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
20	C5 UK Prisons experts in the UK are also concerned that overcrowded jails could create a "perfect storm" for spreading disease The Howard League for Penal Reform, a leading UK prisons charity, has written to the Ministry of Justice demanding a statement on precautions being taken to protect people in prison, and thereby the wider population, from coronavirus. "Should anyone enter a prison already infected with coronavirus it would spread and multiply like wildfire inside the establishment and in the community," states the letter, signed by chief executive Frances Crook. "Many prisons are filthy and disgustingly unhygienic. Staff, visitors and inmates are not able to wash and soap is frequently impossible to obtain. Lavatories and sinks in cells are ingrained with years of human waste. There are rarely facilities for staff or visitors to hand-wash on entry or exit, which is contrary to current government advice."	UK	-	-	-	Statement demand on precautions being taken to protect people in prison, and thereby the wider population, from coronavirus. Need to improve right to health.	Type A
21	C6 UK On Tuesday, the Ministry of Justice announced that all visits to prisons would be suspended On Tuesday the Ministry of Justice announced that all prisons in England and Wales would be closed to visitors. Family members would be encouraged to use the prison voicemail service, or to email or write (...)	UK (England and Wales)	Visits suspension (encouragement of alternatives to maintain the family contact: e.g. Voicemail service, email, etc.)	Type B	-	-	-
22	C6 UK (...) and inmates would be confined to their cells in an effort to prevent the spread of Covid-19.	UK (England and Wales)	Cells confinement	Type B	-	-	-
23	C6 UK Albutt said jails were already severely overcrowded, with prisoners sharing cells designed for a single person. "We've lots of prisoners, two people in a cell built for one," she said, adding that around 80% of prisoners in Swansea were currently doubled up. "We have that all across the country."	UK (England and Wales)	-	-	-	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
20	C5 UK	General Preventive Measures	-	-	-
21	C6 UK	Prison Visits	-	-	-
22	C6 UK	Activities & Placement and treatment of infected or suspected cases	-	-	<p>Comments https://rm.coe.int/16806cc449</p> <p>The CPT's minimum standard for personal living space in prison establishments is: Ø 6m² of living space for a single-occupancy cell + sanitary facility Ø 4m² of living space per prisoner in a multiple-occupancy cell + fully-partitioned sanitary facility Ø at least 2m between the walls of the cell Ø at least 2.5m between the floor and the ceiling of the cell</p>
23	C6 UK	Jail Population Reduction	-	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
24	<p>C6 UK Release inmates or face jail pandemic, say prison governors</p> <p>Head of Prison Governors Association says crowding and staff shortages mean Covid-19 could overwhelm system Prison staff say they will struggle to cope unless some inmates are released before the end of their sentences.</p> <p>Prisoners should be released in order to prevent UK jails being overwhelmed by the coronavirus pandemic, the head of the Prison Governors Association has told the Guardian. Andrea Albutt said prisons were facing “unprecedented risk” and the release of some prisoners would help prevent disorder and slow the spread of the virus.</p> <p>Albutt warned that a combination of prison overcrowding, prisoner lockdown and staff shortages as a result of prison workers needing to isolate themselves meant that the system was facing unprecedented pressure. “Overcrowding, poor regime, reduced contact with family because we’re not having visits anymore – these are all things that can introduce instability,” she said. “If we can take one of them away, if we can reduce the level of overcrowding in our prisons, it will help towards the coming months.” She added: “To reduce our population is always a good thing: it helps to stabilise prisons, it helps to calm prisons, it means that staff have got the greatest staff to prisoner ratio. If we have less prisoners doubled [up in cells], it will be easier to isolate those who’ve been confirmed as having the virus or have the symptoms, so we can delay the spread.” The justice secretary, Robert Buckland, told a parliamentary committee on Tuesday that he was considering whether to release prisoners so as to reduce pressure. The former justice secretary David Gauke last week called on the government to suspend short sentences to avoid the virus spreading.</p>	UK (England and Wales)	-	-	Release inmates	Type A

24	Code	Measures General Topic	Impact	Information on infections	Further considerations
24	C6 UK	Jail Population Reduction	-	-	<p>Important to consider warnings that have been made e.g. "Prisoners are particularly at risk because they are typically held in confined or overcrowded conditions, where the coronavirus can easily spread. The World Health Organization has warned prisons to expect "huge mortality rates" unless they act to prevent the disease from infiltrating jails. . The Guardian has been told prisons in the UK have begun preparing for a possible rise in deaths."</p>

				Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:	
Code	Text	Country	Measure taken	A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms	
25	C6 UK	Thirteen cases of Covid-19 have been confirmed in UK prisons so far	UK (England and Wales)	-	-	-	
26	C7 UK	<p>UK prisoners with flu symptoms forced to share cells with those with Covid-19</p> <p>Fears inmates with coughs and respiratory problems face risk of contracting coronavirus</p> <p>Prisoners who have symptoms of Covid-19 are being placed in the same cells as those who have tested positive for the virus, the Guardian has learned.</p> <p>The strategy, known as cohorting, has prompted fears that inmates with conventional flu symptoms risk contracting the more serious coronavirus.</p> <p>Last Thursday and Friday, 12 inmates at Wandsworth prison in south-west London tested positive for the disease and were moved to a designated isolation wing.</p> <p>A further 40 inmates, who presented with coughs and respiratory problems, are now resident on the same landings. All the prisoners in "isolation" are sharing cells. Meals are brought to them and some report not being allowed out for showers.</p> <p>the Ministry of Justice (MoJ). "If facing multiple cases of those displaying symptoms, 'cohorting', or the gathering of potentially infected cases into a designated area, may be necessary,"</p> <p>A source at HMP Wandsworth told the Guardian that there were no plans for further testing at the jail, and prisoners who display symptoms are instead being placed on the isolation wing.</p>	UK (England and Wales)	<p>Cohorting measures (prisoners with flu symptoms are forced to share cells)</p> <p>Isolation for symptomatic prisoners with the ones that tested positive.</p> <p>Any prisoner or detainee with a new, continuous cough or a high temperature should be placed in protective isolation for seven days."</p>	Type B	More tests (that would avoid unnecessary people being in the isolation wing and avoiding the risk of contamination)	Type A
27	C7 UK	Last week, the MoJ announced that all prison visits in England and Wales were cancelled until further notice. All prisoners are confined to their cells apart from cleaners, kitchen staff and other key prisoner workers. All inmates who normally work are being paid regardless	UK (England and Wales)	Prison visits suspension	Type B	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
25	C6 UK	-	-	Thirteen cases of Covid-19 have been confirmed in UK prisons so far	-
26	C7 UK	Placement / Treatment of infected Detainees & PPE (Protective Clothing; Masks), hygiene products, tests	<p>Positive: According to MoJ to "protect the rest of the prison population</p> <p>Negative: The strategy, known as cohorting, has prompted fears that inmates with conventional flu symptoms risk contracting the more serious coronavirus.</p>	12+40 inmates with flu symptoms were put in "isolation", sharing cells	<p>Controversial issues:</p> <ul style="list-style-type: none"> - "some [prisoners] report not being allowed out for showers. - "A source at HMP Wandsworth told the Guardian that there were no plans for further testing at the jail, and prisoners who display symptoms are instead being placed on the isolation wing."
27	C7 UK	Prison Visits	-	-	Controversial issues: "Lubia Begum-Rob, the director of PAS, said placing prisoners who tested positive for coronavirus alongside those with only symptoms breached prison service guidelines, which state: "Any prisoner or detainee with a new, continuous cough or a high temperature should be placed in protective isolation for seven days.""

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
28	C7 UK The Prisoners Advice Service (PAS) on Monday published a template for prisoners and their families to refer to in the event that they contracted coronavirus and needed to ask for release on compassionate grounds, under the Criminal Justice Act 2003. Current restrictions on legal aid means prisoners are unlikely to get free legal representation for such applications.	UK (England and Wales)	Restrictions on legal aid means prisoners are unlikely to get free legal representation for applications asking for release on compassionate grounds.	Type B	-	-	
29	C7 UK A report, published in 2018, found 15% of the prison population had respiratory issues. In 2019, inspectors found that 10 out of 35 prisons inspected failed to meet minimum standards of cleanliness and infection control compliance. Last month a report from the National Audit Office revealed a chronic state of disrepair across the prison estate, from leaking roofs and failed heating systems to broken cell windows and rat infestations. He added that decisions on testing for Covid-19 on prisoners were taken by Public Health England.	UK (England and Wales)	-	-	-	Need of improvement of facilities conditions and hygiene (e.g. leaking roofs and failed heating systems to broken cell windows and rat infestations).	Non applicable
30	C7 UK The MoJ said inmates who could not access the telephones on the wings had access to secure phone handsets, in order to contact relatives and friends on pre-authorised contact numbers. The MoJ said: "(...) are issuing secure phone handsets to help offenders keep in touch with their loved ones."	UK (England and Wales)	Alternatives to family visits, enabling contact with the family (Access to secure phone handsets to contact relatives and friends on pre-authorised contact numbers)	Type B - compensation	-	-	
31	C7 UK An 84-year-old man became the first British prisoner to die after contracting coronavirus last week. As of Sunday night, 2 prisoners had died from Covid-19, while 55 had tested positive. Thirteen prison staff had tested positive across seven prisons, while four Prisoner Escort and Custody Services staff had tested positive.	UK (England and Wales)	-	-	-	-	
32	C8 UK Marie said Khan had had pleurisy, which affects the lungs, and was currently isolated in Oakwood as he was classed as vulnerable.	UK (England and Wales)	Preventive isolation	Type B	-	-	
33	C8 UK (...)say Oakwood had its first confirmed case. The guy is in healthcare in isolation, and there's another 15 people in isolation, on lockdown, on the same wing."	UK (England and Wales)	Isolation – with 15 more people on the same wing	Type B	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
28	C7 UK	Legal procedures	-	-	Despite the good intentions related to the provisions on "a template for prisoners and their families to refer to in the event that they contracted coronavirus and needed to ask for release on compassionate grounds, under the Criminal Justice Act 2003." The current restrictions on legal aid means prisoners are unlikely to get free legal representation for such applications, which can be problematic.
29	C7 UK	-	-	-	"A report, published in 2018, found 15% of the prison population had respiratory issues. In 2019, inspectors found that 10 out of 35 prisons inspected failed to meet minimum standards of cleanliness and infection control compliance. Last month a report from the National Audit Office revealed a chronic state of disrepair across the prison estate, from leaking roofs and failed heating systems to broken cell windows and rat infestations. He added that decisions on testing for Covid-19 on prisoners were taken by Public Health England."
30	C7 UK	Prison Visits & Communication	-	-	-
31	C7 UK	-	-	3 prisoners died and 55 prisoners and 13 prisoner staff +4 (Prisoner Escort and Custody Services staff) tested positive	-
32	C8 UK	Placement and treatment of infected or suspected cases	-	-	-
33	C8 UK	Placement and treatment of infected or suspected cases	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
34	C8 UK The person concerned had already been self-isolating since last Tuesday, in accordance with national guidance, and will remain in isolation and in regular consultation with our on-site health professionals. His family have been contacted and will be kept up to date."	UK (England and Wales)	Isolation + Regular consultation with health professionals + Family access to updated information		Type B + Type A + Type B - Compensation	-	-
35	C8 UK in Cambridgeshire, where a man died from coronavirus 19 prisoners infected across 10 prisons. Wolverhampton, where a coronavirus case has been confirmed	UK (England and Wales)	-		-	-	-
36	C8 UK "I'm quite disgusted with the prison and fearful for Roger. He should be released on medical grounds." The death and rising number of cases behind bars has prompted calls for those with underlying health conditions to be at least temporarily released.	UK (England and Wales)	-		-	Prisoners' temporary release (of those with underlying conditions)	Type A
37	C8 UK Appeal, a charity law practice that specialises in fighting miscarriages of justice, has called for the temporary or early release of the following groups: prisoners convicted of non-violent offences whose appeal applications have passed the single judge screening stage; prisoners on remand charged with non-violent offences; prisoners aged over 70; prisoners with pre-existing serious health conditions; pregnant women, and all prisoners in category D minimum security open prisons.	UK (England and Wales)	-		-	The temporary or early release of the following groups: prisoners convicted of non-violent offences whose appeal applications have passed the single judge screening stage; prisoners on remand charged with non-violent offences; prisoners aged over 70; prisoners with pre-existing serious health conditions; pregnant women, and all prisoners in category D minimum security open prisons.	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
34	C8 UK	Placement and treatment of infected or suspected cases & Healthcare services & Communication	-	-	-
35	C8 UK	-	-	in Cambridgeshire, where a man died from coronavirus 19 prisoners infected across 10 prisons. Wolverhampton, where a coronavirus case has been confirmed	-
36	C8 UK	Jail Population Reduction	-	-	-
37	C8 UK	Jail Population Reduction	-	-	Death risk for vulnerable prisoner's (e.g. health conditions, aged over 70, etc.) that are not temporary released early: "Emily Bolton, Appeal's legal director "Britain is better than this, and time is running out to avoid minor offences becoming capital crimes, and life sentences from becoming death sentences.""

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
38	C9 UK This weekend David Gauke, a former justice secretary, called for the suspension of short sentences and the early release of some prisoners to avoid coronavirus spreading through prisons.	UK	-	-	-	Suspension of short sentences and prisoners early release	Type A
39	C9 UK "There is a strong case for releasing some of those coming towards the end of their sentence a few months earlier. One should not overstate how significant that could be in reducing risks."	UK	-	-	-	Releasing inmates towards the end of their sentence	Type A
40	C9 UK The UK government's advice for prisons last Wednesday recommended "protective isolation" for inmates displaying symptoms. However, this has been updated following discussions with Public Health England to introduce "robust contingency plans". Andrew Hayward, professor of infectious disease epidemiology at UCL, said: "Isolating suspected cases is important but because some people spread infection before they develop symptoms. Outbreaks can still start easily and spread rapidly through overcrowded prisons	UK	-	-	-	"Protective isolation" for inmates displaying symptoms.	Type B
41	C9 UK Moving the most vulnerable prisoners to less-crowded parts of the prison system, where outbreaks are easier to prevent and contain, and reducing mixing with other prisoners could save many lives.	UK	-	-	-	Preventive isolation (reducing vulnerable prisoners contacts with other prisoners)	Type B
42	C9 UK So far, two people in UK prisons have tested positive for the virus	UK	-	-	-	-	-
43	C9 UK Failure to protect the most vulnerable inmates in the UK prison system from coronavirus could result in more than 800 avoidable deaths, experts have warned. Provisional estimates from epidemiologists at University College London suggest that uncontrolled outbreaks of infection could lead to the deaths of up to 1% of the prison population but that this could be substantially reduced if steps are taken to protect elderly prisoners and those with chronic illnesses.	UK	-	-	-	Need to protect prisoner's health	Unspecified

	Code	Measures General Topic	Impact	Information on infections	Further considerations
38	C9 UK	Jail Population Reduction	-	-	-
39	C9 UK	Jail Population Reduction	-	-	-
40	C9 UK	Placement and treatment of infected or suspected cases	-	-	-
41	C9 UK	Placement and treatment of infected or suspected cases	-	-	-
42	C9 UK	-	-	2 people tested positive in UK prisons	-
43	C9 UK	General Prevention Measures	-	800 possible deaths resulting from a failure to protect	Failure to protect can result in 800 deaths in the prison system

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
44	C10 UK UK coronavirus prison plan on hold after six inmates freed in error Temporary scheme to release 4,000 inmates to control spread of virus is suspended The Prison Service said it was aware of a small number of low-risk offenders who were freed too early but have since returned to jail. Photograph: Anthony Devlin/PA Six inmates were mistakenly freed from prison under the government's temporary release scheme to combat the spread of the coronavirus, it has emerged, prompting an urgent suspension of the programme.	UK	Temporary release of 4.000 inmates' suspension (Inmates freed in error - Temporary release scheme suspension)	Type A	-	-	
45	C10 UK The Prison Service announced earlier this month that it would temporarily release up to 4,000 low-risk inmates who were within two months of their release date on electronic tags following a safety assessment.	UK	Temporary release of 4.000 inmates	Type A	-	-	
46	C10 UK Coronavirus cases have been confirmed in more than half of the prisons in England and Wales. A total of 255 prisoners had tested positive for Covid-19 in 62 jails as of 5pm on Thursday, the MoJ said, and 13 were known to have died. A total of 138 prison staff have also contracted the virus in 49 prisons, as well as seven prisoner escort and custody services staff.	UK	-	-	-	-	
47	C10 UK The revelation comes after two of the country's biggest penal reform charities launched legal action against the justice secretary, claiming measures taken so far to address coronavirus behind bars are unlawful because they will have a "manifestly insufficient impact". Lawyers acting for the Howard League for Penal Reform and the Prison Reform Trust wrote to Robert Buckland on Friday with details of a proposed application for judicial review, should urgent action not be taken to address their concerns. The letter said "the rate of releases has been too slow and too limited to make any substantial difference to the prison population and the plans as we understand them are incapable of achieving what the secretary of state has publicly acknowledged is required". The Prisoners' Advice Service has also threatened legal action against the government unless vulnerable and elderly prisoners are immediately released to protect them from contracting Covid-19.	UK	-	-	-	Prisoners release (the rate of releases has been too slow and too limited)	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
44	C10 UK	Jail Population Reduction	-	-	-
45	C10 UK	Jail Population Reduction	-	-	-
46	C10 UK	-	-	255 prisoners had tested positive. 13 have died. 138 prison staff have tested positive as well as seven prisoners escort and custody services staff.	-
47	C10 UK	Jail Population Reduction	-	-	<p>Legal action against the justice secretary - claiming measures taken so far are unlawful because they will have a "manifestly insufficient impact"</p> <p>The letter said "the rate of releases has been too slow and too limited to make any substantial difference to the prison population and the plans as we understand them are incapable of achieving what the secretary of state has publicly acknowledged is required".</p> <p>The Prisoners' Advice Service has also threatened legal action against the government unless vulnerable and elderly prisoners are immediately released to protect them from contracting Covid-19.</p>

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
48	C11 UK Only 33 prisoners in England and Wales released under anti-coronavirus measures Ministry of Justice said this month that up to 4,000 prisoners would be freed early Only 33 prisoners have been released under emergency measures announced by the government to combat the spread of Covid-19 in jails in England and Wales, MPs have heard. In response to a question by the shadow justice secretary, David Lammy, Buckland told the House of Commons: "With regard to the question of early release, progress has been careful and slow but we've reached a position now where, also taking into account the release of pregnant women, a total of 33 prisoners have been released.	UK (England and Wales)	-	-	-	Need to release more prisoners (only 33 prisoners were released)	Type A
49	C11 UK The justice secretary, Robert Buckland, told the Commons that those released included pregnant prisoners and women in mother and baby units (MBUs).	UK (England and Wales)	Release of pregnant prisoners and women in mother and baby units	Type A	-	-	-
50	C11 UK He said physical distancing and reduction in prison transfers could be behind the fact the reproduction rate of the virus in prisons was below one, meaning each case of infection passed the bug on to no more than one other person. Buckland said: "We have restrictive regimes in prisons and have minimised inter-prison transfers to reduce the spread of the virus. We're implementing units to protect the sick, to shield the vulnerable and to cohort new arrivals to reduce risk.	UK (England and Wales)	Restrictive regimes in prisons: Physical distancing + reduction in prison transfers + implementing units to protect the sick, to shield the vulnerable and to cohort new arrivals to reduce risk.	Type B	-	-	-
51	C11 UK Lammy said: "He will recognise, too, that with the restricted regime he talked about earlier, we cannot keep prisoners in their cells for 23 hours a day. It puts prison staff at risk, never mind potentially breaching very serious human rights. "What's his exit strategy in terms of tracing, upping testing and moving back to a degree of order in our prisons? Or we could be seeing rising tensions across the country."	UK (England and Wales)	-	-	-	Need of tracing, increase the number of tests and improve security.	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
48	C11 UK	Jail Population Reduction	-	-	-
49	C11 UK	Jail Population Reduction	-	-	-
50	C11 UK	Placement and treatment of infected or suspected cases & Transfers	Positive: There are positive signs that our carefully implemented approach is limiting the impact of this initial phase of the pandemic, that cases and deaths are much lower than originally predicted, but we will continue to do everything possible that this remains the case.”	-	-
51	C11 UK	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	Safety risk for the staff - prisoners should not be kept in their cells for 23 hours a day. Risk of breaching human rights. Need of tracing, increase the number of tests and improve security. - Important fo the safety and security of prison population.

	Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
52	C11 UK	<p>There have been 321 confirmed cases of coronavirus among prisoners in England and Wales and 293 among staff.</p> <p>As of 5pm on Saturday, five members of prison staff and 15 prisoners had contracted Covid-19 and died. There have been 321 confirmed cases of coronavirus among prisoners and 293 among staff. There are 81,500 prisoners in England and Wales and about 33,000 staff working in public-sector prisons.</p>	UK (England and Wales)	-	-	-	-
53	C11 UK	Buckland said prisons had sufficient supplies of most personal protective equipment, but the service was low on coveralls.	UK (England and Wales)	-	-	Need of PPE (more coveralls)	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
52	C11 UK	-	-	321 cases of prisoners 293 cases of staff five members of prison staff and 15 prisoners died	-
53	C11 UK	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
54	<p>C11 UK</p> <p>The Ministry of Justice had said on 4 April that the Prison Service would free up to 4,000 prisoners who were within two months of their release date and had passed a risk assessment.</p> <p>On 15 April the justice minister Lucy Frazer told MPs on the justice select committee that a “few hundred” prisoners were set for release the next day.</p> <p>However, days later the release scheme was temporarily suspended after six inmates were mistakenly freed and then recalled. (...)</p> <p>Late on Monday the Ministry of Justice published analysis by a Public Health England (PHE) expert that said early data suggested the “explosive outbreaks” of Covid-19 that were feared at the beginning of the pandemic were not being seen.</p> <p>Frances Crook, the chief executive of the Howard League for Penal Reform, which along with the Prison Reform Trust has threatened Buckland with legal action over the government’s handling of the crisis in prisons, said: “It was originally anticipated that some 4,000 prisoners would be released. It is inexplicable that over three weeks later less than 1% of that figure has been achieved.”</p> <p>Peter Dawson, director of the Prison Reform Trust, said: “To release just 33 people in three weeks suggests either that there is no serious intention to implement the policy, or incompetence in carrying it out. Either way, the same lives are at stake and the clock is still ticking.”</p>	UK (England and Wales)	Temporarily release scheme suspended	Type A	-	-

Code	Measures General Topic	Impact	Information on infections	Further considerations
54	C11 UK Jail Population Reduction	-	-	<p data-bbox="1482 440 2119 488">Possibility of measures taken so far being unlawful because of having insufficient impact:</p> <p data-bbox="1482 517 2119 660">Frances Crook, the chief executive of the Howard League for Penal Reform, which along with the Prison Reform Trust has threatened Buckland with legal action over the government’s handling of the crisis in prisons, said: “It was originally anticipated that some 4,000 prisoners would be released. It is inexplicable that over three weeks later less than 1% of that figure has been achieved.”</p> <p data-bbox="1482 689 2119 783">Peter Dawson, director of the Prison Reform Trust, said: “To release just 33 people in three weeks suggests either that there is no serious intention to implement the policy, or incompetence in carrying it out. Either way, the same lives are at stake and the clock is still ticking.”</p>

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
55	<p>C12 UK The prison estate has been in a state of lockdown for 15 weeks, and it is concerning that prisoners have not yet begun to transition from that state,' Commons committee says</p> <p>UK prisoners detained during the coronavirus pandemic have been kept in conditions akin to social confinement for almost four months, MPs have been told.</p> <p>The Ministry of Justice (MoJ) implemented harsh restrictions on the movement of inmates during the height of the nation's outbreak.</p> <p>In an inquiry into the response of British prisons, NGOs have that conditions remain consistent with international definitions of solitary confinement – with some people only allowed out of their cells for half an hour a day.</p> <p>Dame Anne Owers, national chair of the Independent Monitoring Board (IMB), stated in a letter to the committee that some prisons were “providing as little as 30 minutes a day out of cell, or exercise only every other day”.</p> <p>During the inquiry, the Howard League for Penal Reform told members the conditions in prisons were “consistent with, or very close to, international definitions of solitary confinement (22 hours or more alone each day)”.</p>	UK	<p>Conditions akin to social confinement (some people only allowed to go out of the cells for half na hour)</p> <p>such as: movement restrictions</p>	Type B	-	-	
56	<p>C12 UK Twenty-three prisoners and 9 staff members eventually died after testing positive for the virus.</p>	UK	-	-	-	-	
57	<p>C12 UK Tough measures restricting family visits and communal time in prisons were implemented to limit the spread of the virus among the prison population</p>	UK	<p>Visits suspension + Communal time Restrictions</p>	Type B	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
55	C12 UK	Activities	-	-	<p>"Meanwhile, MPs have said they are concerned by the longevity of the measures, which have been in place for almost four months, and the lack of transition out of the restrictions."</p> <p>In their report, the MPs concluded: "We are concerned about how long lockdown measures have been in place, and while we recognise the increased complexities of moving a prison out of lockdown, we are concerned about the effect severe restrictions will have on prisoners. "The prison estate has been in a state of lockdown for 15 weeks, and it is concerning that prisoners have not yet begun to transition from that state."</p> <p>The committee has called on the MoJ to set out how it plans to mitigate against any negative effects on those who have been locked up for most hours of the day.</p>
56	C12 UK	-	-	23 prisoners and 9 staff died	-
57	C12 UK	Prison Visits & Activities	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
58	C12 UK The Commons Justice Committee was told that while no mass outbreak among the prison population occurred, and the majority of elderly inmates were effectively shielded, a policy that could have seen thousands of prisoners offered temporary release to limit overcrowding was offered to just 200. It also queried why, after introducing an "End of custody temporary release" scheme in late April, which was designed to reduce overcrowding in prisons in light of the pandemic, the MoJ released just 200 prisoners despite declaring up to 4,000 would have been eligible.	UK	Prisoners release scheme		Type A	Need to better implement the prisoners release scheme (just 200 benefit from it)	Type A
59	C13 UK We would hope that wings at Littlehey can isolate their prisoners effectively and would insist that any interaction between staff and prisoners utilises full personal protective equipment.	UK	-		-	PPE + Isolation	Type A + Type B
60	C13 UK Fellow HMP Littlehey prisoner, the paedophile Edwin Hillier, 84, was the first serving British inmate to die with coronavirus, on 22 March. A second inmate at the same prison - and the third in the UK overall - has died after contracting coronavirus. The 77-year-old inmate at HMP As of 17:00 BST on Monday, 65 inmates had tested positive for coronavirus in 23 prisons, the MoJ said.	UK	-		-	-	-
61	C14 UK Many governments have been slow to carry out announced releases. In the United Kingdom, where Covid-19 cases have been identified in the majority of prisons, Justice Ministry authorities announced in early April that up to 4,000 prisoners would be eligible for release, but only 57 had been released by May 12. Governments are releasing from jails and prisons far too few people whose continued detention in the context of the Covid-19 pandemic is not justified Prisoner releases have been too few and too slow, contributing to preventable suffering and death," said Jo Becker, an advocate at Human Rights Watch. "Governments should urgently accelerate the releases – whether early, temporary, or conditional. Many detainees have not been convicted of any crime, and don't pose a security risk."	UK	-		-	Prisoners' Release "quickly enough" (only 54 prisoners were released in 4,000)	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
58	C12 UK	Jail Population Reduction	-	-	-
59	C13 UK	PPE (Protective Clothing; Masks), hygiene products, tests & Placement and treatment of infected or suspected cases	-	-	-
60	C13 UK	-	-	3 deaths 65 inmates had tested positive for coronavirus in 23 prisons	"Its national chair Mark Fairhurst said that coronavirus "places everyone in our secure establishments at risk".
61	C14 UK	Jail Population Reduction	-	-	Slowness in prisoners' release - can it be considered unlawful?

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
62	<p>C14 UK</p> <p>On March 25, the United Nations high commissioner for human rights, Michelle Bachelet, warned governments of “catastrophic consequences” if they neglected prison populations in their Covid-19 response, and urged them to work quickly to reduce the number of people in detention. She called for the release of vulnerable detainees and low-level offenders, among other measures.</p> <p>The UN Subcommittee on the Prevention of Torture also called on governments to “reduce prison populations and other detention populations wherever possible” by utilizing early, provisional, or temporary release for detainees when it is safe to do so.</p>	UK and globally	-	-	-	Work quickly to reduce the number of people in detention.	Type A
63	<p>C14 UK</p> <p>Authorities should take urgent steps to prevent or limit the spread of Covid-19 in detention facilities, to protect the physical and mental health of all detainees, and to isolate and treat any detainees who do become infected.</p> <p>These steps include screening and testing for Covid-19 according to the most recent recommendations of health authorities; providing adequate hygiene, sanitary conditions, and medical services; and reducing density to allow social distancing and to allow placing all who are ill or their close contacts in non-punitive isolation or quarantine, with access to appropriate medical care</p> <p>Governments need to move quickly to avoid disastrous consequences and massive loss of life,” Becker said. “Releasing people who don’t need to be in prison will not only protect incarcerated people, but staff and the broader communities as well.”</p> <p>Governments should act urgently to achieve necessary reductions in jail and prison populations, prioritizing for release as eligible:</p> <ul style="list-style-type: none"> • those held for minor offenses • those nearing the end of their sentence • those jailed for technical violations of probation or parole • incarcerated children, older, and otherwise medically vulnerable people, and people who are caregivers to vulnerable people • detainees who have not been charged • detainees held in pretrial detention, unless they pose a serious and concrete risk to others 	UK	-	-	-	Act urgently to achieve jail and prisons reductions	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
62	C14 UK	Jail Population Reduction	-	-	-
63	C14 UK	Jail Population Reduction	-	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
64	<p>C14 UK Globally, abusive laws that criminalize non-criminal conduct and policies that prioritize incarceration, including pretrial detention, have led to an unacceptably large global prison population estimated at 11 million. Media, government, and other reports suggest that approximately 580,000 detainees from at least 80 countries have been authorized for release, a mere 5 percent, and many release orders have not been fully carried out.</p> <p>Government release orders have often prioritized older prisoners, low-level offenders, those who have served the majority of their sentence, women, and those in ill health</p> <p>Expanding release orders to include all pretrial detainees as eligible, unless their release poses a serious and concrete risk to others, could substantially reduce the prison population in most countries, Human Rights Watch said.</p> <p>Arresting people for violating Covid-19 emergency measures may increase disease transmission if the authorities place people in crowded detention facilities where the virus could spread easily, Human Rights Watch said.</p> <p>Human Rights Watch recommends that governments refrain from new custodial arrests, absent an assessment that they pose a serious danger to others. Governments should act urgently to achieve necessary reductions in jail and prison populations, prioritizing for release as eligible:</p> <ul style="list-style-type: none"> • those held for minor offenses • those nearing the end of their sentence • those jailed for technical violations of probation or parole • incarcerated children, older, and otherwise medically vulnerable people, and people who are caregivers to vulnerable people • detainees who have not been charged • detainees held in pretrial detention, unless they pose a serious and concrete risk to others <p>“Governments need to move quickly to avoid disastrous consequences and massive loss of life,” Becker said. “Releasing people who don’t need to be in prison will not only protect incarcerated people, but staff and the broader communities as well.”</p>	UK	-	-	Act urgently to achieve jail and prisons reductions	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
64	C14 UK	Jail Population Reduction	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
65	C15 UK Coronavirus: Low-risk prisoners set for early release Up to 4,000 prisoners in England and Wales are to be released in an effort to control the spread of coronavirus, the Ministry of Justice has said Inmates with two months or less still to serve will be released on temporary licence in stages. The selected low-risk offenders will be electronically tagged and can be recalled at the first sign of concern.	UK (England and Wales)	Early release (Inmates with two months or less still to serve) of (up to) 4,000 prisoners Use of electronic tag (The selected low-risk offenders will be electronically tagged and can be recalled at the first sign of concern.) The MoJ also said no prisoners with symptoms of coronavirus would be released, nor would those who do not have housing and health support in place.		Type A	-	-
66	C15 UK Across 29 jails, 88 prisoners have tested positive for the virus with a further 1,200 believed to be self-isolating.	UK (England and Wales)	-		-	-	-
67	C15 UK So an emergency early release scheme, which means that almost 5% of the prison population of England and Wales will be let out before they've even reached the halfway point of their sentence, was not an easy decision for Number 10 to make. The danger for the government of this scheme (...) is that some of those released will commit further, possibly horrendous, crimes. Ultimately, ministers decided the alternative - infected prisoners overwhelming hospitals - was even worse.	UK (England and Wales)	-		-	Prisoners' release	Type A
68	C16 UK UK prison experts have already expressed concern that overcrowded prisons may be conducive to the spread of disease.	UK	-		-	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
65	C15 UK	Jail Population Reduction	Positive: It is seen as a way to avoid thousands of prisoners - many of whom share cells - becoming infected.	-	-
66	C15 UK	-	-	88 prisoners tested positive and 12000 believed to be self-isolating	-
67	C15 UK	Jail Population Reduction	-	-	-
68	C16 UK	Jail Population Reduction	-	-	Risks resulting from overcrowding

	Code	Measures General Topic	Impact	Information on infections	Further considerations
69	C16 UK	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
70	C17 UK	Prison Visits	Negative: They estimated up to 17,000 youngsters may have gone without physical visits during the pandemic.	-	<p>Legal action taken against Ministry of Justice over coronavirus jail restrictions</p> <p>Clare Evans, of MW solicitors, which issued the letters before claim to the MoJ, said: “Children have a right to enjoy a family life, whether their parents are imprisoned or not. “The ongoing lack of action to protect these forgotten victims is not only of great legal concern, but also morally reprehensible in a society which so values human rights and promotes mental health.” In a joint statement, barristers Jake Richards and Jonathan Metzger, who are representing the children, said the government was “failing these innocent children”. (...) In July, calls were made by MPs on the joint committee on human rights to end the Covid-19 visiting ban on children in England and Wales whose mothers are in prison.</p>
71	C17 UK	Prison Visits	Negative: Babies and children's prohibition to have physical contact with their fathers.	-	-
72	C17 UK	Prison Visits	Positive: Protection of public health	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
73	C17 UK	Some prisoners were issued with mobile phones so they could keep up regular contact with their families (...)	UK (England and Wales)	Alternative forms of contact with the family - provision of mobile phones	Type B - compensation	-	-
74	C17 UK	HMP Manchester is to allow visits in person from 15 August but not for children under 10, which most of the children in the cases are. They will also be restricted to one per month and will last a maximum of 45 minutes.	UK (England and Wales)	Visits restrictions (one visit in person, for a maximum of 45 minutes will be allowed from 15 August but not for children under 10, which most of the children in the cases are.)	Type B	-	-
75	C17 UK	"We have introduced secure video calls at more than 50 prisons across the estate, provided more than 1,000 mobile phone handsets, and given extra phone credit to help prisoners maintain important family ties during the pandemic."	UK (England and Wales)	Alternative forms of contact with the family - introduction of secure video calls at more than 50 prisons, provision of more than 1,000 mobile phone handsets, and given extra phone credit	Type B - compensation	-	-
76	C18 UK	Justice Secretary Robert Buckland is facing legal action over his handling of the coronavirus outbreak in prisons across England and Wales. Two charities claim his plans to tackle the spread have been "too slow" to make an impact, making them "unlawful". The government says up to 4,000 prisoners could be let out up to two months early to create more space - but on Tuesday, only 18 had been released.	UK (England and Wales)	-	-	Prisoners' release	Type A
77	C18 UK	By Wednesday, 232 prisoners had tested positive for Covid-19 across 60 jails. A total of 96 staff had also been infected so far, with coronavirus detected in over half of all prisons across the two countries.	UK (England and Wales)	-	-	-	-
78	C18 UK	The Prison Governors' Association has called for the prison population to be reduced by 15,000. The Howard League for Penal Reform and the Prison Reform Trust issued a formal legal letter - the first step in judicial review proceedings - on Friday. The charities said it came after "weeks of urgent correspondence" between them and the government, calling for faster action.	UK (England and Wales)	-	-	Prisoners release	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
73	C17 UK	Communication	-	-	-
74	C17 UK	Prison Visits	-	-	-
75	C17 UK	Communication	-	-	-
76	C18 UK	Jail Population Reduction	-	-	<p>But Labour's shadow justice secretary David Lammy said: "Time is of the essence to prevent our prisons from becoming Covid-19 hotspots."</p> <p>Labour's Mr Lammy said: "We hope the secretary of state for the Justice takes this warning shot by these leading criminal justice[organisations] very seriously. "Urgent action is needed to prevent a public health disaster in the justice system."</p>
77	C18 UK	-	-	232 prisoners had tested positive - across 60 jails 96 staff tested positive	-
78	C18 UK	Jail Population Reduction	-	-	<p>Chief executive of the Howard League, Frances Crook, said Mr Buckland had "accepted publicly that the number of people in prison must be reduced significantly in order to save lives". But she said it could not be achieved by the measures the government has in place. "The rate of infection is accelerating, and the window of opportunity to protect people is vanishing," she added. "Ministers must rise to this challenge and act immediately to avert a public health catastrophe." Peter Dawson, director of the Prison Reform Trust, said the government's actions when it came to prison had been "too little, too late".</p>

	Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
79	C18 UK	A spokesman (from the Minister of Justice) "As part of the national plan to protect the NHS and save lives, we have already announced up to 4,000 risk-assessed prisoners who are within two months of their release date will be temporarily released from jail, along with pregnant women."	UK (England and Wales)	Prisoners release 4,000 risk-assessed prisoners to be temporarily released (who are within two months of their release date along with pregnant women)	Type A	-	-
80	C18 UK	But Labour's Mr Lammy said there were still a number of issues, including inadequate PPE for staff and sparse testing of inmates.	UK (England and Wales)	-	-	PPE needs for staff + More tests for inmates	Type A
81	C19 UK	<p>Since the pandemic, the Government has introduced measures to address the risk of contagion including a blanket ban on visits since around 24th March which has still not been revisited despite the Covid-19 threat level having been reduced to level 3 on 19th June.</p> <p>The conclusion of the Parliamentary Joint Committee on Human Rights is that the Government's response and the deficiencies in the measures to mitigate the impact of this "have put at risk the right to family life of up to an estimated 17,000 children of mothers in prison".</p> <p>In the view of this author, the evidence indicates that in several respects the UK may well be in breach of vital protections for prisoners and their families under Articles 3 and 8 of the European Convention on Human Rights (ECHR). This extended piece will examine these issues in detail.</p>	UK	Blanket ban on visits	Type B	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
79	C18 UK	Jail Population Reduction	-	-	-
80	C18 UK	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
81	C19 UK	Prison Visits	-	-	<p>"the evidence indicates that in several respects the UK may well be in breach of vital protections for prisoners and their families under Articles 3 and 8 of the European Convention on Human Rights (ECHR)."</p> <p>Government's response and the deficiencies in the measures to mitigate the impact of this "have put at risk the right to family life of up to an estimated 17,000 children of mothers in prison".</p> <p>"The latest reports of HM Chief Inspector of Prisons and the Parliamentary Joint Committee on Human Rights lay bare the conditions in some British prisons."</p>

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
82	<p>C19 UK</p> <p>The report of the Parliamentary Joint Committee on Human Rights</p> <p>The 21-page report of the Parliamentary Joint Committee on Human Rights examines in detail the effect of the Government's response to the pandemic on the relationships between prisoners and their families. It notes that in response to the pandemic, prison authorities have imposed a blanket ban on prison visits since March. No date has been fixed for these to be resumed. Although the evidence of the Minister of State, Lucy Frazer MP, was that their resumption would be a priority once the Covid-19 alert level was reduced to 3, the Government does not seem to have provided any further update on visits since the necessary reduction in the alert level was made on 19th June (p. 6).</p> <p>The report states that the curtailment of all visits and the deficiencies in the measures to mitigate the impact of this "have put at risk the right to family life of up to an estimated 17,000 children of mothers in prison" (p. 3). It concludes that:</p> <p>The current lack of meaningful contact between mothers in prison and their dependent children due to the suspension of visits to prison risks breaching both groups' right to private and family life. The Government must not impose blanket restrictions on visiting rights. In order to comply with Article 8 ECHR, they must ensure that any restriction on visiting rights is necessary and proportionate in each individual case. Children must be allowed to visit their mothers in prison on a socially distanced basis, where it is safe for them to do so. (p. 15)</p>	UK	Blanket ban on prison visits since March.	Type B	-	-	
83	<p>C19 UK</p> <p>In order to mitigate the impact of the curtailment of all visits, the Government stated that 900 extra telephone handsets had been provided to prisoners without in-cell telephony, that prisoners' phone credit had increased by £5 a week (though it should be noted also that prisoners are also likely to be earning less in the present circumstances where increased restrictions reduce the hours they can work), and that the use of video technology was to be "expedited".</p>	UK	Alternative forms of contact (provision of 900 extra telephone handsets, prisoners' phone credit had increased by £5 a week, and that the use of video technology was to be "expedited").	Type B - Compensation	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
82	C19 UK	Prison Visits	-	-	<p>Problems with the measure related to "the blanket on family visits": No date has been fixed for these to be resumed. "Although the evidence of the Minister of State, Lucy Frazer MP, was that their resumption would be a priority once the Covid-19 alert level was reduced to 3, the Government does not seem to have provided any further update on visits since the necessary reduction in the alert level was made on 19th June (p. 6)." + it put at risk the right to family life of up to an estimated 17,000 children of mothers in prison" (p. 3).</p> <p>The Government must not impose blanket restrictions on visiting rights. In order to comply with Article 8 ECHR, they must ensure that any restriction on visiting rights is necessary and proportionate in each individual case. Children must be allowed to visit their mothers in prison on a socially distanced basis, where it is safe for them to do so. (p. 15)</p>
83	C19 UK	Communication	<p>Negative: But none of the children whom the Committee heard evidence from or about had yet been able to benefit from a virtual visit with their mother. The Committee also found that telephone calls were "rarely a good substitute for visits" (p. 7). For example, a 10-year-old gave evidence that: "Mum phones every day. I cannot explain how it makes me feel. It makes me feel sad and confused. (p. 7)" A grandmother stated that her five grandchildren were being affected "in a bad way", with the youngest (aged six) frequently crying and suffering from nightmares. Another stated that the ongoing separation of her daughter from her baby son was "harrowing and distressing" (p. 6).</p>	-	<p>Comments: Gap between the measure and what have in practice (e.g. families that are not benefiting from the measure). Adding to that there is a negative impact of the measure that can be noted through the children's reactions.</p>

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
84	<p>C19 UK</p> <p>The report also identifies other significant problems. It notes that despite the courts being under a duty to collect information relating to dependents and to take this into account when sentencing, the Minister was “unable to tell us how many children were separated from their mother by their mother’s imprisonment” and that there was an “absence of an action plan for collecting this data [which] is both disappointing and concerning”.</p> <p>As such, there is a “complete lack of reliable quantitative data on the number of mothers in prison, the number of children whose mothers are in prison and the number of women who are pregnant and give birth in prison”, which significantly affects the authorities’ ability to take family life into account (pp. 3-4, 10, 12).</p>	UK	-	-	-	<p>Quantitative data collection (on children separated from their mother by their mother’s imprisonment)</p> <p>Need to gather information related to how many children were separated from their mother by their mother’s imprisonment (data on the number of mothers in prison, the number of children whose mothers are in prison and the number of women who are pregnant and give birth in prison).</p>	Type B
85	<p>C19 UK</p> <p>Moreover, despite indications from the Government that early temporary release measures would be implemented at the outset of the pandemic, “[o]nly a limited number of prisoners are eligible for release, and only a limited number of those have been released”. Notwithstanding the measures, as of 29th June only 23 women who are pregnant or residing in Mother and Baby Units, less than five medically vulnerable women and seven women within two months of the end of their sentences have been temporarily released (p. 3, 10).</p> <p>The report urges the Government to “immediately and as announced temporarily release from prison all remaining pregnant women and those in Mother and Baby Units, and all mothers with dependent children and who are within two months of their release date who have been appropriately risk assessed” (p. 15).</p>	UK	-	-	-	<p>Need to better implement the measures, as of 29th June (only 23 women who are pregnant or residing in Mother and Baby Units, less than five medically vulnerable women and seven women within two months of the end of their sentences have been temporarily released (p. 3, 10).)</p>	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
84	C19 UK	Prison Visits	-	-	-
85	C19 UK	Jail Population Reduction	-	-	Slowness in prisoners' release - can it be considered unlawful?

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
86	<p>C19 UK Finally, the report notes that evidence was heard of “an instance where a prisoner was not able to join the funeral of a close family member either in person or remotely”. It recommends that in order to comply with the right to respect for private and family life, where in-person attendance is not possible “[a]ll prisoners, both men and women, should be able to attend funerals virtually where a close family member has died” (pp. 14-16).</p>	UK	-	-	<p>Attending funerals virtually: Where in-person attendance is not possible “[a]ll prisoners, both men and women, should be able to attend funerals virtually where a close family member has died”</p>	Type B - Compensation
87	<p>C19 UK One of the fundamental human rights is the right to family life. It is children for whom this right is most important. Yet when the government banned children from visiting their mother in prison they trampled over that right.</p> <p>They can put that right now by early release for those mothers who can safely go back home with their children and re-instating visits for the rest. COVID-19 causes lasting injury. But so does separating a child from its mother. The way to protect public health is not to damage children but to release low risk mothers and reinstate socially distanced visits.</p> <p>The findings of the independent Chief Inspector and the Parliamentary Joint Committee are striking. Some of the conditions described in the reports even prior to the pandemic appear to reach the high threshold for inhuman and degrading treatment under Article 3 or a disproportionate breach of the right to private and family life under Article 8.</p> <p>Moreover, the response to the Covid-19 pandemic has had a significant further effect on living standards. Further, the blanket ban imposed on visits and the deficiencies in mitigating measures have jeopardised the family life shared between prisoners and their loved ones, especially where there has been a heavy impact on young children or those with special needs.</p> <p>There is now a real prospect that conditions have become so poor and the continuation of family life has been so curtailed that the UK is failing in its obligations under Articles 3 and 8 of the ECHR.</p>	UK	Visits suspension	Type B	<p>Prisoners release (Release low risk mothers) & Prison visits (Reinstate socially distanced visits)</p>	Type A + Type B

	Code	Measures General Topic	Impact	Information on infections	Further considerations
86	C19 UK	Communication	-	-	-
87	C19 UK	Jail Population Reduction & Prison Visits	-	-	<p>Right to a family life / Children's rights</p> <p>There is now a real prospect that conditions have become so poor and the continuation of family life has been so curtailed that the UK is failing in its obligations under Articles 3 and 8 of the ECHR.</p> <p>One of the fundamental human rights is the right to family life. It is children for whom this right is most important. Yet when the government banned children from visiting their mother in prison they trampled over that right.</p> <p>They can put that right now by early release for those mothers who can safely go back home with their children and re-instating visits for the rest. COVID-19 causes lasting injury. But so does separating a child from its mother. The way to protect public health is not to damage children but to release low risk mothers and reinstate socially distanced visits.</p> <p>The findings of the independent Chief Inspector and the Parliamentary Joint Committee are striking. Some of the conditions described in the reports even prior to the pandemic appear to reach the high threshold for inhuman and degrading treatment under Article 3 or a disproportionate breach of the right to private and family life under Article 8.</p> <p>Moreover, the response to the Covid-19 pandemic has had a significant further effect on living standards. Further, the blanket ban imposed on visits and the deficiencies in mitigating measures have jeopardised the family life shared between prisoners and their loved ones, especially where there has been a heavy impact on young children or those with special needs.</p>

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
88	<p>C19 The Chief Inspector's report into local prisons</p> <p>UK The Chief Inspector's 17-page report into local prisons dated 28th April examines the response to the Covid-19 pandemic at HMP Wandsworth, HMP Elmley and HMP Altcourse.</p> <p>In order to minimize the spread of the virus, the "vast majority [of prisoners] were locked up for nearly the whole day with usually no more than an hour out of their cells".</p> <p>But the inspectors also "found some examples of even greater restrictions" (p. 7). It was noted that in certain cases "symptomatic prisoners had been isolated in their cells without any opportunity to come out for a shower or exercise for up to 14 days", with over 100 prisoners going through this process at HMP Wandsworth (pp. 7, 12).</p>	UK	<p>Prisoners were locked up for nearly the whole day with usually no more than an hour out of their cells.</p> <p>(Locked up nearly 23 hours a day)</p>	Type B	-	-	
89	<p>C19 The Chief Inspector's report into local prisons</p> <p>UK The Chief Inspector's 17-page report into local prisons dated 28th April examines the response to the Covid-19 pandemic at HMP Wandsworth, HMP Elmley and HMP Altcourse.</p> <p>But the inspectors also "found some examples of even greater restrictions" (p. 7). It was noted that in certain cases "symptomatic prisoners had been isolated in their cells without any opportunity to come out for a shower or exercise for up to 14 days", with over 100 prisoners going through this process at HMP Wandsworth (pp. 7, 12).</p>	UK	<p>Reported cases: symptomatic prisoners (at least more than 100 prisoners) had been isolated in their cells without any opportunity to come out for a shower or exercise for up to 14 days" (pp. 7, 12).</p>	Type B	-	-	
90	<p>C19 There were other cases of prisoners having to choose whether to use their</p> <p>UK 30 minutes for exercise or for a shower and some shower rooms being too dilapidated to be cleaned to a safe standard, with soap not always being available to all prisoners in their cells (pp. 11, 14).</p> <p>Moreover, this author would suggest that if a prisoner at another prison in similar circumstances lacked an in-cell telephone and was dependent on a wing telephone, they would also have to weigh up whether to use this very limited time outside their cell to contact their family, or, if appropriate, to access support from prison staff.</p>	UK	Out-of-cell time decrease	Type B	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
88	C19 UK	Activities	-	-	-
89	C19 UK	Placement and treatment of infected or suspected cases	-	-	Can it be considered unlawful: Reported cases: symptomatic prisoners (at least more than 100 prisoners) had been isolated in their cells without any opportunity to come out for a shower or exercise for up to 14 days” (pp. 7, 12).
90	C19 UK	Activities	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
91	C19 UK In a finding which would be echoed by the Parliamentary Joint Committee, this report also found that “[v]ery few prisoners had been released through the early release scheme” and the population of the prisons “had not been significantly reduced” (p. 7). This meant that all three prisons inspected “were still overcrowded”, with some cells having three occupants (p. 10).	UK	Prisoners release scheme		Type A	Need to better implement the prisoners release scheme	Type A
92	C19 UK As to access to their families, the report’s findings also chime with those of the Parliamentary Joint Committee. The report states that the suspension of social visits has had a “dramatic impact” on prisoners. Whilst the loss of visits was addressed to a degree by the availability of in-cell phones in all three prisons, the report finds that there was a “significant missed opportunity” to implement facilities for video calling (p. 15). Although not discussed in the report, it seems likely that the “dramatic impact” on prisoners may have significant effects on morale, wellbeing and perhaps safety. It is likely that this would interact with underlying staffing issues and problems with bullying identified by the 2018-19 Annual Report.	UK	Visits suspension		Type B	Need to implement facilities for video calling	Type B - Compensation
93	C20 UK Nearly 1,000 offenders have been released from prisons in England and Wales during the Covid-19 pandemic without a known address to go to despite the potential risks of spreading the disease. Figures published by the Ministry of Justice show that a total of 6,961 offenders were freed from custody between May 1 and June 8 this year. Of those, 947 (14%) were identified as homeless on their first night out of custody, 98 of whom were young offenders (aged between 18 and 24). A total of 209 of those offenders were identified as sleeping rough - 20 of them young offenders. Of the total number of offenders released during the period, the accommodation circumstances of 880 offenders was not known.	UK (England and Wales)	-		-	Need to provide a accommodation (Nearly 1,000 offenders have been released from prisons in England and Wales during the Covid-19 pandemic without a known address to go to despite the potential risks of spreading the disease.)	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
91	C19 UK	Jail Population Reduction	-	-	-
92	C19 UK	Communication	Negative: Mental health problems	-	-
93	C20 UK	Jail Population Reduction + Home provision	-	-	"The release of nearly 1,000 prisoners into homelessness during the Covid pandemic has raised concerns over community infection risk"

				Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken	A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
94	<p>C20 UK</p> <p>Helen Berresford, Director of External Engagement at Nacro, said: "For far too long the scandal of people leaving prison homeless with little chance to turn their lives around has been overlooked.</p> <p>"We see through our work on the ground that the need for action during the coronavirus pandemic has been even greater. In order to protect the health of communities having somewhere to stay is absolutely critical."</p> <p>The Labour MP for West Ham said: "Releasing hundreds of people from prison into homelessness at the height of the pandemic is an abdication of responsibility and a clear public health risk. "With the temporary accommodation scheme due to end in just three days, the Government needs to get a grip on this problem urgently."</p> <p>It is also a disaster for rehabilitation because people released from prison into homelessness have almost double the rate of reoffending.</p>	UK (England and Wales)	-	-	Need to provide accommodation	Type A
95	<p>C20 UK</p> <p>In May, the Government allocated funding of up to £8.5 million to provide accommodation for those released from prison who are at risk of homelessness during the coronavirus pandemic.</p> <p>A spokesman for the Ministry of Justice said: "Having a safe and secure place to live is a crucial factor in cutting reoffending, and the Probation Service works closely with councils to fulfil its duty to help prison leavers into stable accommodation. "We have introduced new teams dedicated to finding housing, are increasing spaces in approved premises, and our £6.4 million pilot - part of the Government's Rough Sleeping Strategy - has helped hundreds of offenders stay off the streets. "We are also reviewing our referral process to help prevent homelessness."</p>	UK (England and Wales)	<p>Steps towards the provision of accommodation: Funding of up to £8.5 million to provide accommodation for those released from prison who are at risk of homelessness during the coronavirus pandemic + Introduction of new teams dedicated to finding housing + £6.4 million pilot - part of the Government's Rough Sleeping Strategy - has helped hundreds of offenders stay off the streets + referral process review</p>	Type A		-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
94	C20 UK	Jail Population Reduction + Home provision	Negative: Public health risk + Puts rehabilitation at risk: link between homelessness and likelihood of reoffending	-	-
95	C20 UK	Jail Population Reduction + Home provision	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
96	C21 UK With little notice, prison visits were cancelled, exercise and education activities curtailed, and out-of-cell time cut to as little as thirty minutes a day.	UK	Prison visits suspension + Exercise and education activities curtailed, + Out-of-cell time cut to as little as thirty minutes a day	Type B	-	-	
97	C21 UK But there is another side to the story. In the quest to preserve life, authorities have ridden roughshod over human rights , campaigners argue. And though, in recent weeks, Britain's wider population has emerged euphorically from coronavirus confinement, penitentiaries seem unable—or unwilling—to keep apace.	UK	Measures restricting prisoners' freedoms	Type B	-	-	
98	C21 UK Last week, I chatted with a prisoner's mother—we'll call her Laura*—whose son is serving time in Scotland. He would, in normal times, be away from his cell for most of the day—exercising outdoors, coaching other inmates in the gym, working towards a university degree. Today, under the rigours of lockdown, he's lucky to be out for more than three-quarters of an hour.	UK	Out-of-cell time cut to three-quarters of an hour or less	Type B	-	-	
99	C21 UK "His mental health has plummeted," Laura told me, voice charged with emotion. Her son, Chris*, suffers from PTSD and chronic anxiety, conditions that have deteriorated markedly since the new restrictions were announced. Making matters worse, his access to the outside world—specifically, to her—has been all but severed.	UK	Out-of-cell time decrease + Visits suspension	Type B	-	-	
100	C21 UK Though a phone service is available, the handset is shared by 62 inmates, with no sanitizing gel or wipes provided. CC e.g. Chris is asthmatic, and the fear of contracting coronavirus is so acute that he scarcely calls once a fortnight	UK	-	-	-	Right to Health - Lack of PPE / Hygienic conditions (sanitizing gel or wipes in need)	Type A
101	C21 UK Regrettably, similar stories are bubbling to the surface right across the UK. "In May, an official inspection of female institutions reported a rise in self-harm, noting that the visitor ban had hit jailed mothers—unable to see their children—particularly hard. Concerned that the human right to a family life was under threat, a parliamentary enquiry last month took evidence from youngsters deprived of maternal contact. "It makes me feel sad and confused," said one 10-year-old, while a grandmother shared how her imprisoned daughter's baby boy crawls from room to room "looking for Mummy".	UK	Visits suspension affecting mother and child relationship	Type B	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
96	C21 UK	Prison visits & Activities	Positive: "COVID-19 has claimed just 44 prisoners' lives - it seems their drastic action was vindicated."	-	-
97	C21 UK	General Prevention Measures	-	-	Comments: Human rights breach due to the preservation of life and public health?
98	C21 UK	Activities	-	-	-
99	C21 UK	Activities & Prison Visits	Negative: Mental health deterioration	-	-
100	C21 UK	PPE (Protective Clothing; Masks) / Hygiene products / Tests	Negative: "Chris is asthmatic, and the fear of contracting coronavirus is so acute that he scarcely calls once a fortnight"	-	-
101	C21 UK	Prison Visits	Negative: Negative impact of visits suspension: e.g. self-harm + Negative reactions in children: e.g. emotional disturbance	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
102	C21 UK In an effort to mitigate the risk of estrangement, authorities had planned to let some 4,000 prisoners—including pregnant women and mothers of babies—out on early release. A good idea, undoubtedly - but the scheme never took off, with fewer than a hundred eligible inmates freed to date.	UK	4000 prisoners release (expected to be released but only fewer than a hundred effectively released)	Type A	Prisoners release (should not be so slow)	Type A	
103	C21 UK Alarmingly, some juvenile detainees are being granted as little as 40 minutes out of their cells a day, an independent investigation recently revealed, with one boy telling researchers how confinement was turning his mind to "bad things".	UK	Out-of-cell time decrease (e.g. only 40 minutes)	Type B	-	-	
104	C21 UK Rightly worried by the findings, officials have sought to form 'family units' within child prisons—small peer groups that can socialise and exercise together. So-called 'distraction packs' have also been provided, supplying youngsters with school-style workbooks, puzzles, and games to keep them occupied.	UK	Alternatives due to out-of-cell time decrease: Creation of small peer groups (to socialise and to exercise) + Provision of "distraction packs"	Type B - Compensation	-	-	
105	C21 UK Hundreds of extra telephone handsets were, for instance, slated for delivery across the prison estate to help alleviate inmate isolation; but anecdotal evidence suggests the rollout has been at best inconsistent. Progress on virtual visiting technology has been equally halting, with perennial funding cuts and a series of pilot schemes proving fruitless.	UK	Alternative forms of contact (provision of extra telephone handset)	Type B - Compensation	Need to improve the implementation of virtual visiting technology and extra telephone handset	Type B - Compensation	
106	C21 UK (...) promises that restrictions will in time be eased. A gradual approach like this is sensible—the spectre of COVID-19 still looms, after all. But prisons have been told to move at their own pace, with no central timetable guiding the resumption of visits. For the likes of Laura—exhausted and largely ignored—this only compounds the agonizing uncertainty. "Prisoners' families are always dismissed," she told me. "We are completely forgotten."	UK	-	-	Lack of a central timetable guiding the resumption of visits	Type B	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
102	C21 UK	Jail Population Reduction	-	-	Comments: Problems applying the measure (slowness and less than what was expected)
103	C21 UK	Activities	Negative: Mental health deterioration	-	-
104	C21 UK	Activities	-	-	"This sense of unfulfilled potential is felt throughout Britain's pandemic-adjusted penal policy."
105	C21 UK	Communication	-	-	-
106	C21 UK	Prison Visits	Negative: Mental health affected: frustration and feelings of being ignored and exhausted	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
107	<p>C1 IT Covid-19 uncovered the pressure present in Italian jails. Last week, a series of riots in several Italian prisons lead to at least 13 deaths. The covid-19 outbreak exposed a problem that was already explosive.</p> <p>While Italy is focused on fighting the new coronavirus, with alarming numbers of fatalities in hospitals across the country, prisons are the place where an anomalous peak of deaths is also recorded. According to official data, 13 detainees died during the riots in 27 Italian prisons last Tuesday.</p>	Italy	-	-	-	-	-
108	<p>C1 IT In the Modena prison in northern Italy alone, nine detainees died, who, according to Italian media, are said to have died from an overdose of psychotropic drugs after having taken the infirmary by force. "The [detainees] drug addicts robbed the infirmary and literally swallowed the methadone that was stored there, as well as the drugs used in therapies against drug addiction, such as benzodiazepines." "It was very tough, we had to use shields and batons, with the riot police out of prison to avoid evasions," said the guard.</p> <p>In an attempt to stop the coronavirus, the Italian authorities suspended all authorizations, such as the weekly meeting with family members, which made the problem of overpopulation in prisons even more explosive, in itself already very worrying. "If the administration had delivered the protective masks against the coronavirus before the suspension of conversations with family members, the situation probably would not have reached this point", comments the guard.</p>	Italy	Visits suspension	Type B	Need to provide PPE (E.g. deliver protective masks)	Type A	
109	<p>C1 IT In Rieti, central Italy, three people died for the same reasons.</p>	Italy	Visits suspension	Type B	Need to provide PPE (E.g. deliver protective masks)	Type A	
110	<p>C1 IT (...)In Melfi, southern Italy, detainees held prisoner police officers, doctors and nurses for many hours.</p>	Italy	Visits suspension	Type B	Need to provide PPE (E.g. deliver protective masks)	Type A	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
107	C1 IT	-	-	-	<p>Riots, deaths, etc.</p> <p>"In a letter of appeal addressed to all Italian prisoners, Father Raffaele Grimaldi, national coordinator of prison chaplains, wrote: "In view of the manifestations of violence that occurred in several Italian prisons, I wondered how it was possible that such uncontrolled violence could have exploded, with anger, inside the prison walls. There are certainly valid reasons for the demands that have not been heard for some time and to which an immediate response has not been given. We all know that bureaucratic slowness kills hope."</p> <p>The tight control of the authorizations was only the spark of an explosive situation in the Italian prisons, which can accommodate 50,931 prisoners, but which actually have 61,230, which is, 10,299 more people.</p> <p>The warning of several civil society organizations has never been heard. It was underestimated or even denied by the authorities of the Italian prison system, as the head of the Department of prison administration, Francesco Basentini, who in a recent hearing in Parliament stated: "We are able to accommodate not only 60,000 detainees, but even more." Now the covid-19 uncovered the pressure."</p>
108	C1 IT	Prison Visits & PPE (Protective Clothing; Masks), hygiene products, tests	Negative: Riots and drug ingestion: 9 deaths	-	<p>Comments: Importance of taking into account the procedures when implementing a measure such as family visits suspension: Importance of communication and presenting a coherent strategy - in this case the importance of providing PPE.</p> <p>"If the administration had delivered the protective masks against the coronavirus before the suspension of conversations with family members, the situation probably would not have reached this point", comments the guard</p> <p>(Similar problem also in Portugal)</p>
109	C1 IT	Prison Visits & PPE (Protective Clothing; Masks), hygiene products, tests	Negative: 3 detainees died due to an overdose caused by the ingestion of psychotropic drugs	-	-
110	C1 IT	Prison Visits & PPE (Protective Clothing; Masks), hygiene products, tests	Negative: Detainees held hostages of police officers, doctors, and nurses	-	-

Code	Text	Country	Measure taken	Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
				A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
111	C1 IT (...) In Foggia, in southern Italy, dozens of detainees managed to escape. At the moment, there are still ten escaped detainees	Italy	Visits suspension	Type B	Need to provide PPE (E.g. deliver protective masks)	Type A
112	C1 IT It was decided test detainees and prison guards for coronavirus, as well as the delivery of thousands of masks to all operators. Some of the detainees, as well as some guards, tested positive.	Italy	Tests (for detainees and staff) + Delivery of thousands of masks	Type A	-	-
113	C2 IT Restrictions on family visits have sparked protests across the country. Six prisoners died and dozens managed to escape.	Italy	Restrictions on visits	Type B	-	-
114	C2 IT Italy is experiencing a wave of riots that have already affected 27 prisons, motivated by the coronavirus epidemic and the restrictions imposed on contact between prisoners and family members	Italy	Restrictions on visits	Type B	-	-
115	C2 IT In Modena prison there were six deaths, and there were escapes in several prisons. At the Modena prison in the Emilia-Romagna region on Sunday, about 80 prisoners revolted during the transfer of a group of prisoners and assaulted the prison infirmary. Five of the dead may have been victims of drug abuse, including methadone, says the newspaper La Stampa. In addition to the deaths, there are still 18 people hospitalized as a result of this revolt.	Italy	Restrictions on visits	Type B	-	-
116	C2 IT There was an evasion attempt on Sunday at the Ucciardone prison in Palermo was.	Italy	Restrictions on visits	Type B	-	-
117	C2 IT This Monday about 50 prisoners managed to escape from the Foggia prison, in the Apulia region, also in the south. There is a manhunt to catch them. "Some kidnapped a mechanic in a workshop, who was beaten and threatened. They stole cars and tools that they can use as blunt objects," the police union told Italian television RAI.	Italy	Restrictions on visits	Type B	-	-
118	C2 IT In Matera, also in the south, a dozen prisoners refused to enter the cells, always in protest against restrictions on family visits. They ask for pardon, or amnesty for everyone, as the tracks say, in some cases, managed to do.	Italy	Restrictions on visits	Type B	-	-
119	C2 IT At the San Vittore prison in the center of Milan, a historic and overcrowded building, a group of prisoners managed to reach the roof and shout "freedom".	Italy	Restrictions on visits	Type B	-	-
120	C2 IT In Rome, in Rebibbia prison, some prisoners set fire to mattresses, and abroad, a score of family members protested.	Italy	Restrictions on visits	Type B	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
111	C1 IT	Prison Visits & PPE (Protective Clothing; Masks), hygiene products, tests	Negative: Dozens of detainees fled - 10 are still escaped	-	-
112	C1 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
113	C2 IT	Prison Visits	Negative: 6 dead and dozens of escaped detainees	-	Important to consider negative impact of implementing visits restrictions which lead to riots and deaths (see what was referred by guards in similar news related to the importance of implementing measures related to right to health at the same time - such as the provision of PPE)
114	C2 IT	Prison Visits	Negative: Riots in 27 prisons 6 dead and dozens of escaped detainees	-	-
115	C2 IT	Prison Visits	Negative: 6 dead (5 deads seem to be caused by overdose) multiple escapes in several prisons 80 people revolted during the transfer of a group of prisoners and assaulted the prison infirmary. 18 people hospitalized	-	Restrictions on family visits Negative impact (deaths, escapes, overdose, hospitalized persons)
116	C2 IT	Prison Visits	Negative: Riots	-	-
117	C2 IT	Prison Visits	Negative: Riots 50 prisoners managed to escape from the Foggia prison "Some kidnapped a mechanic in a workshop, who was beaten and threatened. They stole cars and tools that they can use as blunt objects"	-	-
118	C2 IT	Prison Visits	Negative: Riots	-	-
119	C2 IT	Prison Visits	Negative: Riots	-	-
120	C2 IT	Prison Visits	Negative: Riots, set fire to mattresses, family protests	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
121	C2 IT	In Prato, Tuscany, the cells themselves were set on fire.	Italy	Restrictions on visits	Type B	-	-
122	C2 IT	In Turin, prisoners barricaded themselves in various sections of the prison.	Italy	Restrictions on visits	Type B	-	-
123	C3 IT	A total of 12 inmates have now died in prison riots across Italy triggered by emergency restrictions imposed amid the COVID-19 coronavirus outbreak.	Italy	Emergency restrictions imposed amid the COVID-19 coronavirus outbreak.	Type B	-	-
124	C3 IT	another three detainees were found dead in their cell in Rieti prison, 70 kilometres north of Rome, after taking drugs looted from the prison infirmary, the authorities said	Italy	Emergency restrictions imposed amid the COVID-19 coronavirus outbreak.	Type B	-	-
125	C3 IT	(The rule changes) have sparked unrest in a total of 20 prisons across Italy	Italy	Rule changes	Type B	-	-
126	C4 IT	As the first cases of coronavirus start to spread in Italy's overcrowded prison system, prison staff and welfare monitors are warning of a public health emergency among inmates and a potential repeat of a series of violent protests that broke out in 24 prisons earlier this month, when 13 inmates died and 70 escaped. At least 15 inmates have tested positive for the virus, creating a buildup of panic and anger among inmates. Two prison guards have died from the virus and unions say at least 150 others are ill, although there are no official figures.	Italy	-	-	-	-
127	C4 IT	The government has attempted to head off the crisis and cut prisoner numbers by permitting non-violent prisoners with less than 18 months left to serve to be released on house arrest. The move has been met with criticism on all sides.	Italy	Prisoners release scheme (permitting non-violent prisoners with less than 18 months left to serve to be released on house arrest)	Type A	-	-
128	C4 IT	Others have argued that the measures don't go far enough. Few prisoners are eligible for release under the new scheme, as many have committed crimes in prison or have bad disciplinary records. In the first week after the measure was introduced, the state released only 50 prisoners. Vittorio Sgarbi, a liberal MP and former minister in former Prime Minister Silvio Berlusconi's government, has called for a criminal investigation into Justice Minister Alfonso Bonafede as "a plague spreader" for keeping so many prisoners in cramped conditions.	Italy	-	-	Need to implement more ambitious measures: e.g. Not enough prisoners are being released	Type A

	Code	Measures	General Topic	Impact	Information on infections	Further considerations
121	C2 IT	Prison Visits		Negative: Riots	-	-
122	C2 IT	Prison Visits		Negative: Riots	-	-
123	C3 IT	General Prevention Measures		Negative: Riots A total of 12 inmates have now died in prison riots e.g. In Modena's Santa Ana prison, fires were started, and workers were taken hostage. Over the past three days, a total of nine prisoners have died.	-	Inmates deaths in riots triggered by COVID-19 extraordinary measures
124	C3 IT	General Prevention Measures		Negative: Three deads due to overdose	-	-
125	C3 IT	General Prevention Measures		Negative: Unrest in 20 prisons	-	-
126	C4 IT	General Prevention Measures		-	-	-
127	C4 IT	Jail Population Reduction		-	-	"The move has been met with criticism on all sides. Relaxing the rules amounts to "a surrender" by a "very weak government" and will only lead to more riots, said Jacopo Morrone, a member of parliament for the far-right League and a former undersecretary for justice. "If a child cries and the mum gives it a sweet, it will cry again to get chocolate." Freeing inmates also risks creating "unnecessary disorder during a national emergency," he added. "They are not going to wake up tomorrow and start going to church."
128	C4 IT	Jail Population Reduction		-	-	Vittorio Sgarbi, a liberal MP and former minister has called for a criminal investigation into Justice Minister Alfonso Bonafede as "a plague spreader" for keeping so many prisoners in cramped conditions.

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
129	C4 IT Delays in the court system also mean that prisoners wait for their trial in jail for months or years, said Valentina Calderone, director of civil rights NGO A Buon Diritto, which champions an urgent and wider release of inmates with two or three years left on their sentence. Thirty percent of people in prisons are in custody pending trial, well above the European average, and some of the most crowded prisons are in the northern regions of Lombardy, Veneto and Emilia Romagna, where outbreaks of the virus have been most severe. "Can you guarantee the safe distance of one meter in prison when they are three, four, five to a cell?" Sgarbi asked Bonafede in parliament last week. "You have judicial and moral responsibility."	Italy	-	-	-	Need to release inmates with two or three years left on their sentence.	Type A
130	C4 IT There is a high level of anxiety among inmates at the prospect of being trapped in a confined space with so many others while a lethal virus spreads through the country, said Calderone.	Italy	-	-	-	-	-
131	C4 IT "Even in normal circumstances prison is a place you get ill," said Calderone. "It could be a public health bomb. We need a courageous approach from politics."	Italy	-	-	-	Need of more ambitious measures	Unspecified
132	C4 IT National prisoner rights ombudsman Mauro Palma is "extremely worried" about a repeat of the riots, he said. "I have seen no measures to prevent the spread of the virus, such as a reduction in inmate numbers, cleaning of prisons and testing."	Italy	-	-	-	Need of prisoners release (reduction in inmate numbers) + Cleaning of prisons and testing	Type A
133	C4 IT More than 6,000 inmates took part in the last round of riots, which began as a protest against a ban on prison visits to slow the spread of the coronavirus.	Italy	Visits suspension	Type B	-	-	-
134	C4 IT The riots started at Fuorni prison, in the southern Italian city of Salerno, and spread like wildfire through the penal system. Detainees fashioned makeshift weapons from bedposts, ripped bars off the windows and took to the roofs, clashing with police tear gas and taking guards prisoner.	Italy	Visits suspension	Type B	-	-	-
135	C5 IT Government's Coronavirus Response in Prisons Leaves Thousands at Risk	Italy	-	-	-	Lack of measures regarding Right to Health	Type A
136	C5 IT Inmates stage a protest against new rules to cope with coronavirus emergency, including the suspension of relatives' visits, on the roof of the San Vittore prison in Milan, Italy.	Italy	Restrictions on visits	Type B	-	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
129	C4 IT	Jail Population Reduction	-	-	-
130	C4 IT	-	-	-	Mental health issues: high level of anxiety among inmate
131	C4 IT	General Prevention Measures	-	-	-
132	C4 IT	Jail Population Reduction & PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
133	C4 IT	Prison Visits	Negative: Riots (6.000 inmates taking part in it)	-	-
134	C4 IT	Prison Visits	Negative: Riots (Detainees fashioned makeshift weapons from bedposts, ripped bars off the windows and took to the roofs, clashing with police tear gas and taking guards prisoner)	-	"Prison guards were not in a fit state to respond, he said, with many working extra-long 20-hour shifts. "We are like doctors, we are destroyed.""
135	C5 IT	General Prevention Measures	Negative: Thousands at risk	-	"Government's Coronavirus Response in Prisons Leaves Thousands at Risk"
136	C5 IT	Prison Visits	Negative: Riots	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
137	C5 IT With news that four prisoners in Italy tested positive for COVID-19, the disease caused by the new coronavirus, bolder steps to protect the health of detainees and guards and alleviate overcrowding in its penitentiary system are all the more urgent.	Italy	-	-	-	-	-
138	C5 IT On March 16, the government adopted a decree that, among other measures, will allow for early supervised release of prisoners with less than 18 months left to serve on their sentence. While an important measure, it doesn't go far enough.	Italy	Early release of prisoners (with less than 18 months left to serve on their sentence)	Type A	-	Need of Prisoners release Antigone (leading prisoner rights organization) estimates that the the measure can release of 3.000 prisoners which is not enough.	Type A
139	C5 IT There were riots in almost 50 prisons throughout Italy in early March linked to anxiety about COVID-19 and anger over restrictive measures imposed by prison authorities. The unrest led to 13 deaths among detainees and 59 injured guards. The prisoner deaths, which authorities attribute to overdoses after detainees raided prison pharmacies, are under investigation.	Italy	Restrictive measures imposed by prison authorities. (visits suspension and limitation of the possibility for detainees to get probation and special permits to leave facilities)	Type B	-	-	-
140	C5 IT The outbreak is likely to increase isolation for prisoners. On March 8, as it was imposing restrictions on freedom of movement on the general population in northern Italy (later extended to the entire country), the Italian government ordered the suspension of outside visits, including by lawyers and family members, and limited the possibility for detainees to get probation and special permits to leave facilities.	Italy	Visits suspension (including by lawyers and family) + Limitation of the possibility for detainees to get probation and special permits to leave facilities	Type B	-	-	-
141	C5 IT Defender of the Rights of Detained Persons Mauro Palma has stressed that prison authorities should guarantee to all detainees access to video calls as a substitute for visits.	Italy	-	-	-	Alternative forms of contact (video calls)	Type B - compensation

	Code	Measures General Topic	Impact	Information on infections	Further considerations
137	C5 IT	-	-	Four prisoners tested positive	-
138	C5 IT	Jail Population Reduction	-	-	"Patrizio Gonnella, head of Antigone, Italy's leading prisoner rights organization, estimates the measure could lead to the release of at most 3,000 detainees. Yet Italy's penitentiary system is, by the most conservative estimate, 120 percent over capacity, holding 61,230 prisoners with only 50,931 available beds." "In 2013, the European Court of Human Rights ordered Italy to take steps to alleviate overcrowding, including minimizing pretrial detention and greater recourse of alternatives to deprivation of liberty in sentencing."
139	C5 IT	Prison Visits & Prisoners' entry-exit regime	Negative: Riots in almost 50 prisons linked to anxiety about COVID-19 and anger over restrictive measures imposed by prison authorities. (The unrest led to 13 deaths among detainees and 59 injured guards.)	-	"Riots in almost 50 prisons linked to anxiety about COVID-19 and anger over restrictive measures imposed by prison authorities. (The unrest led to 13 deaths among detainees and 59 injured guards.)"
140	C5 IT	Prison Visits & Prisoners' entry-exit regime	Negative: Isolation	-	-
141	C5 IT	Communication	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
142	C5 IT In addition to taking steps to prevent or limit the outbreak of COVID-19 in prisons – like monitoring the temperature of everyone who enters and ensuring staff and detainees have masks and gloves and medical care for those who fall ill – authorities should consider further measures to reduce the overall prison population. This could include releasing those in pretrial detention for nonviolent and lesser offenses as well as older prisoners and prisoners with underlying health conditions who do not pose a risk to the general public. Prisoners' health deserves protection.	Italy	-	-	-	Measures to reduce the overall prison population, such as releasing those in pretrial detention for nonviolent and lesser offenses as well as older prisoners and prisoners with underlying health conditions who do not pose a risk to the general public.	Type A
143	C6 IT In Italy, authorities have taken decisive 'lock-down' measures applicable to the entire country, as well as specific restrictive measures for the penitentiary system. Such measures include the temporary suspension of all family visits and activities with outside persons, such as sport, professional or vocational training.	Italy	Visits suspension + Activities with outside persons (e.g. sport, professional or vocational training) suspension	Type B	-	-	-
144	C6 IT Following rights groups demands, some of these measures have been mitigated by alternative arrangements, such as extended phone call privileges (10 to 20 min daily) the use of video-conference calls, and even home detention in certain circumstances.	Italy	Alternative forms of contact (extended phone call privileges (10 to 20 min daily), the use of video-conference calls) + Home detention (in certain circumstances)	Type B - Compensation & Type A	-	-	-
145	C6 IT Despite such efforts, prison protests sparked by the announcement of the restrictive measures have already led to the death of several prisoners. The representative of the Italian National Preventive Mechanism (NPM) pointed to lack of effective communication on the nature and scope of the measures taken, and called for appeasement.	Italy	Restrictive measures: (e.g. Visits suspension) + Activities with outside persons (e.g. sport, professional or vocational training) suspension)	Type B	-	Lack of effective communication on the nature and scope of the measures taken, and called for appeasement (Pointed out by the representative of the Italian National Preventive Mechanism (NPM))	Type B
146	C7 IT In Italy, prisoners in more than 40 prisons protested fears of contagion in overcrowded facilities and prohibitions on family visits and supervised release during the coronavirus pandemic.	Italy	Visits suspension + Supervised release	Type B + Type A	-	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
142	C5 IT	Jail Population Reduction	-	-	-
143	C6 IT	Prison Visits & Activities	-	-	-
144	C6 IT	Communication & Jail Population Reduction	-	-	-
145	C6 IT	Prison Visits & Activities & Communication between prisoners, their families and decision-makers	Negative: Death of several prisoners	-	-
146	C7 IT	- Prison visits + Jail Population Reduction	Negative: Protests fears in more than 40 prisons (due to fears of contagion and restrictive measures) resulting from: Prison visits + Prisoners release (Supervised release)	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
147	C7 IT In response, the authorities authorized for the first time the use of e-mail and Skype for contact between prisoners and their families and for educational purposes, and announced a plan to release and place under house arrest prisoners with less than 18 months remaining in sentence. The main prisoner rights organization in Italy, Antigone, estimated that the measure could benefit more than 3,000 prisoners, while the prison system has about 14,000 people above its capacity.	Italy	Alternative forms of contact (E-mail and Skype for contact with the family and educational purposes) + House arrest prisoners (with less than 18 months remaining in sentence).	Type B - Compensation & Type A	-	-	
148	C7 IT The organization called for broader measures to ensure the release of more detainees, including, in particular, older prisoners and those with health profiles at risk, among other measures. Civil society organizations have also called for alternatives to imprisonment for all people currently detained in immigration detention centers in Italy due to the increased risk of infection and no prospect of deportation.	Italy	-	-	-	Need of broader measures to ensure the release of more detainees (e.g. older prisoners and those with health profiles at risk) + Alternatives to imprisonment for all people currently detained in immigration detention centers (due to the increased risk of infection and no prospect of deportation)	Type A

Code	Measures General Topic	Impact	Information on infections	Further considerations
147	C7 IT Communication & Jail Population Reduction	-	-	
148	C7 IT Jail Population Reduction	-	-	<p>"If safe and legal deportations are suspended due to the virus, the legal justification for keeping people detained until their deportations may not survive. In such cases, the authorities must release detainees and institute alternatives to detention."</p> <p>"The authorities that manage prisons, prisons and detention centers, including detention centers for migrants, must publicly disclose their action plans to reduce the risk of coronavirus infection on their premises and the measures that will be taken to contain the infection."</p>

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
149	C7 IT Government agencies with authority over prisoners, in prisons and in detention centers for migrants should consider reducing their populations through appropriate or early supervised release of detainees in the low-risk category, including, for example, those whose release is scheduled to occur soon, those who are in provisional detention for non-violent and minor offenses or whose continued detention is equally unnecessary or not justified. Prisoners at high risk of suffering serious effects of the virus, such as the elderly and people with comorbidities, should also be considered for similar release after considering the detention center's ability to protect their health, including guaranteed access to treatment and taking into account factors such as gravity of the crime committed and the length of time served.	Italy	-	-	-	Prisoners / detainees release (low-risk category, e.g. those whose release is scheduled to occur soon, those who are in provisional detention for non-violent and minor offenses or whose continued detention is equally unnecessary or not justified); Prisoners at high risk of suffering serious effects of the virus.	Type A
150	C7 IT If safe and legal deportations are suspended due to the virus, the legal justification for keeping people detained until their deportations may not survive. In such cases, the authorities must release detainees and institute alternatives to detention.	Italy	-	-	-	Alternatives to detention (when safe and legal deportations are suspended due to the virus)	Type A
151	C7 IT The authorities that manage prisons, prisons and detention centers, including detention centers for migrants, must publicly disclose their action plans to reduce the risk of coronavirus infection on their premises and the measures that will be taken to contain the infection. and protect prisoners, prison officers and visitors, if there are cases of the virus or exposure to it. People in any form of detention have the same right to health as the non-incarcerated population and are entitled to the same standards of prevention and treatment. The prison population and the general population have an irrefutable interest in knowing in advance about the plans that the authorities have implemented to deal with COVID-19.	Italy	-	-	-	The authorities that manage prisons, and detention centers, including detention centers for migrants, must publicly disclose their action plans to reduce the risk	Type B

	Code	Measures General Topic	Impact	Information on infections	Further considerations
149	C7 IT	Jail Population Reduction	-	-	-
150	C7 IT	Jail Population Reduction	-	-	-
151	C7 IT	Communication between prisoners, their families and decision-makers	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
152	C7 IT Authorities should take steps to ensure that they are properly coordinating with public health departments and communicating openly with officials and persons held in custody.	Italy	-	-	-	Authorities should coordinate with public health departments and communicating openly with officials and persons held in custody.	Type B
153	C7 IT They must also perform diagnostic tests for COVID-19 according to the latest recommendations from health authorities.	Italy	-	-	-	Provide tests for COVID-19	Type A
154	C7 IT They should provide adequate training and hygiene materials and ensure that all areas susceptible to harboring the virus and accessible to weights, prison staff and visitors are regularly disinfected in accordance with accepted best practices.	Italy	-	-	-	Provide adequate training and hygiene materials and ensure that all areas susceptible to harboring the virus and accessible to weights, prison staff and visitors are regularly disinfected in accordance with accepted best practices.	Type A
155	C7 IT They must develop plans to house people exposed to or infected by the virus.	Italy	-	-	-	Develop plans to house people exposed to or infected by the virus.	Type B
156	C7 IT They must ensure that released or parole individuals have access to adequate accommodation and health care.	Italy	-	-	-	Released or parole individuals should have access to adequate accommodation and health care.	Type A
157	C7 IT Any plans for confinement or isolation should be limited in scope and duration, based on the best scientific arguments available, and should not be or appear punitive, as fear of being placed in confinement or isolation can make people slow to notify staff if they have symptoms of infection.	Italy	-	-	-	Confinement or isolation should be limited in scope and duration	Type B

	Code	Measures General Topic	Impact	Information on infections	Further considerations
152	C7 IT	Communication between prisoners, their families, and decision-makers	-	-	-
153	C7 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	
154	C7 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	
155	C7 IT	Placement and treatment of infected or suspected cases	-	-	
156	C7 IT	Jail Population Reduction	-	-	
157	C7 IT	Placement and treatment of infected or suspected cases	-	-	

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
158	C7 IT Detention centres should consider alternative strategies, such as video conferencing, so that individuals can connect with their family or their lawyer.	Italy	-	-	-	Alternative strategies (such as video conferencing to connect with their family or lawyer)	Type B - Compensation
159	C7 IT Governments seeking to contain the spread of the virus must assess and modify, as necessary, during the outbreak period, measures to comply with legal immigration obligations, including court hearings and periodic consultations with authorities as alternatives to detention. The authorities must publicly inform that there will be no negative repercussions for missed hearing or consultation dates during the outbreak period. Authorities should end arbitrary detention of migrants, seek alternatives to detention for people currently detained for immigration and opt for release whenever possible,	Italy	-	-	-	Publicly inform there will be no negative repercussions for missed hearing or consultation dates during the outbreak period + Alternative to detention for migrants (for people currently detained for immigration and opt for release whenever possible)	Type B + Type A
160	C8 IT In the report entitled "Prison in the time of the Coronavirus" (here the press kit in English) Patrizio Gonnella, Antigone's president, points out how the granting of video calls and more phone calls to keep in touch with relatives during this hard time should be seen as a vital victory for inmates that helps them to avoid isolation and loneliness. The hope is that this win could soon become a right for prisoners.	Italy	Alternative forms of contact (video calls and more phone calls to keep in touch with relatives)	Type B - Compensation	-	Alternative forms of contact (video calls and more phone calls to keep in touch with relatives) - This should become a right for prisoners.	Type B - Compensation
161	C8 IT As of 15 May, 119 inmates and 162 prison staff members had tested positive for coronavirus in Italy, which has caused the death of four prisoners, two penitentiary officers and two doctors.	Italy	-	-	-	-	-
162	C8 IT Antigone's report also tries to analyse the protests that took place in 49 prisons between 7 and 9 March, when the first decree that greatly limited prison life was introduced, which caused the deaths of 13 inmates because of overdose.	Italy	-	-	-	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
158	C7 IT	Communication	-	-	
159	C7 IT	Communication between prisoners, their families, and decision-makers & Jail Population Reduction	-	-	-
160	C8 IT	Communication	Positive: Alternative forms of contact (video calls and more phone calls to keep in touch with relatives) - Helps them to avoid isolation and loneliness	-	-
161	C8 IT	-	-	Deaths and positive cases: (As of 15 May) 119 inmates and 162 prison staff members had tested positive (in Italy) which has caused the death of four prisoners, two penitentiary officers and two doctors.	<p>"At the end of February 2020 official figures showed that there were 61,230 inmates in Italian prisons, even though the official capacity is only 50,931. The average occupancy rate was 130.4%, reaching a peak of 194.7% in Larino, which means Italy has the second most overcrowded prisons in Europe."</p> <p>"Antigone's observers visited 98 prisons over the course of 2019 and the analysis of the data they collected showed that in 45 facilities there was no hot water, while 25 institutions failed to fulfil the minimum standard of three square meters per prisoner in each cell. In fact, there were even prisons that housed 12 inmates in the same cell (Poggioreale, Pozzuoli and Bolzano)."</p> <p>"Italy has the second highest rate in Europe of inmates over 50 years old (25%). And during the last ten years there has also been an increase in the length of sentences, with about 27% of them lasting more than 10 years."</p>
162	C8 IT	-	Negative: Protests in 49 prisons (between 7 and 9 March), which caused the deaths of 13 inmates because of overdose.	-	Prison restrictions: The first decree that greatly limited prison life was introduced

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
163	C8 IT Antigone's proposals for the future Antigone has made some proposals with the aim of improving the current situation in correctional facilities: 1. Reduce the number of offences	Italy	-	-	-	Antigone's proposals for the future Antigone has made some proposals with the aim of improving the current situation in correctional facilities: 1. Reduce the number of offences	Non applicable
164	C8 IT 2. Reduce the prison population by overcoming a prison-centric view of the penal system	Italy	-	-	-	2. Reduce the prison population by overcoming a prison-centric view of the penal system	Type A
165	C8 IT 3. Change the law on drugs by reducing its repressive impact	Italy	-	-	-	3. Change the law on drugs by reducing its repressive impact	Non applicable
166	C8 IT 4. Allow smartphones and long-distance contacts to maintain prisoners' contacts with families and for educational purposes and activities related to inmates' personalized plans	Italy	-	-	-	4. Allow smartphones and long-distance contacts to maintain prisoners' contacts with families and for educational purposes and activities related to inmates' personalized plans	Type B - Compensation
167	C8 IT 5. Investing in new technologies	Italy	-	-	-	5. Investing in new technologies	Type B - Compensation
168	C8 IT 6. Transparency of information to the outside world	Italy	-	-	-	6. Transparency of information to the outside world	Type B
169	C8 IT 7. Informing prisoners on all internal rules and practices	Italy	-	-	-	7. Informing prisoners on all internal rules and practices	Type B

	Code	Measures General Topic	Impact	Information on infections	Further considerations
163	C8 IT	-	-	-	-
164	C8 IT	Legal Measures / Jail Population Reduction	-	-	-
165	C8 IT	-	-	-	-
166	C8 IT	Communication & Activities	-	-	-
167	C8 IT	Communication	-	-	-
168	C8 IT	Communication between prisoners, their families, and decision-makers	-	-	-
169	C8 IT	Communication between prisoners, their families, and decision-makers	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
170	C8 IT 8. A more active role of the health system, new doctors, and stable personnel	Italy	-	-	-	8. A more active role of the health system, new doctors, and stable personnel	Type A
171	C8 IT 9. Recognizing the role of volunteering	Italy	-	-	-	9. Recognizing the role of volunteering	Non applicable
172	C8 IT 10. Hiring 300 prison directors.	Italy	-	-	-	10. Hiring 300 prison directors.	Non applicable
173	C9 IT What meaning does this pandemic and its subsequent phase of lockdown have for the people held in places of deprivation of liberty? We start from the common element: the moment when they interrupted the connections with the outside world, in the sense of closure, and the fact that to the anxiety that already exists in these structures, it is added the fear of being in a place forgotten by the external world. A double anxiety that has ended up turning in anguish.	Italy	Interruption of the connections with the outside world: Visits suspension + Activities (with people from the outside) suspension	Type B	-	-	-
174	C9 IT Different consequences as you are tested according to the capacity of communication with the people: in the institutions where there was a good communication of the measures taken for the containment of the pandemic, the reaction of the detainees has been more calm, instead, where the communication did not work, the feeling of being in a trap has been very strong and, in fact , we have seen that in some situations, as in the prison of Salerno and the day after in the one of Modena, there have been riots which then are extended to other institutions prisons .	Italy	Good communication vrs bad communication of the measures to contain the pandemic	Type B	-	Need of a good communication of the measures - in some places	Type B
175	C9 IT (...) a substantial evasion in Foggia, and especially a number of deaths that have never happened inside of a jail, which seems to be forgotten too soon, they were almost considered " collateral damage".	Italy	-	-	-	-	-
176	C9 IT The situation is then improved by the use of technology tools, such as the smartphone, which have facilitated the communications with the families. This has been a "positive experience", the detainee have been able to review their own places and their relatives and this has calmed much anxiety, it has given peace of mind and, finally, technology entered in jail (...).	Italy	Provision of technology (e.g. smatphones, etc.) + Alternative forms of communication	Type B - Compensation	-	-	-
177	C9 IT (...) Centers for the repatriation where people are deprived of freedom in waiting to be repatriated, but while the borders are closed for the lockdown what is the meaning of those places? (...) In these cases it is instead a problem of legitimacy (...)	Italy	-	-	-	Alternative solutions for people waiting to be deported	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
170	C8 IT	Staff and healthcare services	-	-	-
171	C8 IT	-	-	-	-
172	C8 IT	-	-	-	-
173	C9 IT	Prison Visits & Activities	Negative: Fear, anxiety and anguish	-	"Interview with Mauro Palma , President of the National Guarantor of the rights of persons detained or deprived of personal freedom."
174	C9 IT	Communication between prisoners, their families and decision-makers	Negative: Bad communication has affected some prisoner's reactions which in some prisons ended in riots	-	Importance of the communication of the measures taken as it can influence prisoners reactions (which in some cases can end in riots)
175	C9 IT	-	-	-	Evasion and riots (deaths) + Overall Silence
176	C9 IT	Communication	Positive: Positive feelings such as calm and contact with the family	-	-
177	C9 IT	Jail Population Reduction	Negative: Problem of legitimacy	-	Comment: It is an interesting argument related to the discussion and the facts occurred in Italy and Portugal related to the people waiting to be deported (e.g. in Portugal one of them asked to be kept in jail even after the Supreme Court announced that it was an unlawful detention)

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
178	C9 IT In general terms, the access to medical care, in the structures of detention (...) was guaranteed. (...)	Italy	Provision of medical care access	Type A	-	-	
179	C9 IT Given that there was also an interest in decreasing the density of these places (I mean the problem of crowding), this has helped. In many situations even the surveillance of the judiciary has positively contributed to house arrest. As we speak, the data relating to home detention granted since March 18, which is, from the date of the decree containing specific measures in this direction, currently concerns 3,489 people.	Italy	Prisoners release - House arrest (benefited by 3,489 people)	Type A	-	-	
180	C9 IT Different for many aspects of the possibilities of communication / information medical that instead it has suffered. The setting is always founded on an approach in my opinion wrong: invest little on information and on prevention. (...) little is the attention towards the construction of a well-being (...) and all the attention is instead turned to the response to the pathologies that have already manifested by themselves. In summary, a reactive approach (...) much less formative. It is important to know how to respond to cases of disease, the apparent disorder, but especially in a situation pandemic, are just as important - and maybe even more - the issues of information, education and prevention. So there has been this kind of shortage, which is endemic to these systems anyway. The Ombudsman receives letters from all the sectors. The more profound anguish for the people in prisons and in other places of deprivation of liberty is not having had faster news.	Italy	-	-	Invest more on information education and prevention + More formative approach instead of reactive	Type B	
181	C9 IT Then there have been also different experiences: places in which generously it has been supplied smartphones to patients and inmates to continue to communicate with the family	Italy	Alternative forms of communication (Provision of smartphones)	Type B - Compensation	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
178	C9 IT	Healthcare services	-	-	-
179	C9 IT	Jail Population Reduction	-	-	-
180	C9 IT	Activities & General Preventive Measures	-	-	Importance of quicker information: "The Ombudsman receives letters from all the sectors. The more profound anguish for the people in prisons and in other places of deprivation of liberty is not having had faster news."
181	C9 IT	Communication	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
182	C9 IT The overcrowding present in 191 Italian prisons is less compared to the pre-pandemic period. As of 29 February, there were about 61 thousand prisoners, now they will be 52,636, there was a significant decrease. Currently there are three regions at the bottom of 100% considering occupied seats: the Sardinia that has the 88,20% of admissions compared to the available seats, the Sicily which has 96.56% and Calabria with 97,33%. The others are all at the top. The places officially in hand would be 50,400 even if of these 4,611 are currently not available and, this number has increased after the riots of beginning of March (that have caused damage in mote sections). So, the actual number of available seats is still around 46,700. We have done a lot but there is a lot to do.	Italy	-	-	-	Prisoners release - overcrowding reduction	Type A
183	C9 IT The number of people infected in the prisons is at the bottom of the 300, the 270 and never simultaneously. The situation now is certainly improved and on 9 June the number of people positive to COVID-19 present in prison has dropped to 65 and has dropped even among the staff, currently at 54. There have been done 6,830 swabs. There have been four deaths (...).	Italy	-	-	-	-	-
184	C9 IT You should always explain so it can be understood what is being done, because the communication - as you said initially - is increasingly the vehicle for each measure to be shared, particularly those less simple to be accepted .	Italy	-	-	-	Need of a good communication of the measures - in some places	Type B
185	C10 IT It was for health reasons and to avoid the spread of coronavirus. As it turned out, leaders of the four mafias were benefited by house arrest. In the framework of the coronavirus pandemic, Italy granted house arrest to 376 members of the mafia. As it transpired, the Department of Penitentiary Administration (DAP) of the Ministry of Justice sent them to their homes, in the last month and a half, for health reasons and the risk of coronavirus. Many of them are bosses who are convicted by court rulings that describe them as leaders of the four main Italian mafias: Cosa Nostra from Sicily, the 'Ndrangheta from Calabria, the Neapolitan Camorra and the Sacra Corona Unita from the Apulia region.	Italy	Prisoners release - House arrest (benefited by 376 mafia members)	Type A	-	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
182	C9 IT	Jail Population Reduction	-	-	"The overcrowding present in 191 Italian prisons is less compared to the pre-pandemic period. As of 29 February, there were about 61 thousand prisoners, now they will be 52,636, there was a significant decrease. (...) the actual number of available seats is still around 46,700. We have done a lot but there is a lot to do."
183	C9 IT	-	-	Positive cases and deaths: The number of people infected in the prisons is at the bottom of the 300, the 270 and never simultaneously. Positive cases in prison has dropped to 65 and among the staff has dropped to 54. . 6,830 swabs have been made. There have been four deaths.	-
184	C9 IT	Communication between prisoners, their families, and decision-makers	-	-	Importance of the communication of the measures taken, particularly those less simple to be accepted.
185	C10 IT	Jail Population Reduction	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
186	C10 IT Among the beneficiaries, the one that generates the most outrage is that of Cataldo Franco, sentenced to life imprisonment for the kidnapping and murder of the child Giuseppe Di Matteo, the son of a repentant of the mafia who in 1994 strangled and put him in a can of acid. The exit of the gangsters to be surveilled in their homes has created a great scandal, to the point that the Minister of Justice, Alfonso Bonafede, has had to back down. Bonafede has announced that the government will issue a decree for the 376 gangsters to be taken back to jail.	Italy	Decree that will take the 376 mafia members released back to jail.	Type A	-	-	
187	C11 IT In recent weeks, several cases of escapes, assaults, deaths, damage, healthcare emergencies have occurred in 27 prisons. Certainly, a reality accelerated by the extraordinary nature of the events we are experiencing but which is a consequence of previous distortions.	Italy	Restrictive measures (+ previous problems)	Type B	-	-	
188	C11 IT The figures are simple and explanatory. The number of Italian detainees is equal to 61,230, compared to a capacity of 50,931 seats (data, updated on 29/02/20, from the Ministry of Justice), of these 19,889 are foreigners, 2,072 are women, and almost a third is awaiting trial. For this reason, in a historic moment like this, the reduction of the number of people confined in jail should not be read as a weakness of the State after the numerous uprisings of the past weeks, but as an act of safeguarding the health of all. Also because the prisons have not only the prisoners but also the agents of the prison police (31992 - Sappi data), the administration personnel, legal practitioners, health personal and volunteers, numbers that reach more than 100 thousand units.	Italy	-	-	-	Prisoners release - overcrowding reduction	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
186	C10 IT	Jail Population Reduction	-	-	Comments: The importance of public opinion, which reaction influenced the creation of a decree to change the release of mafia members
187	C11 IT	General Prevention Measures	Negative: Several cases of escapes, assaults, deaths, damage, healthcare emergencies have occurred in 27 prisons.	-	<p>"The emergency linked to "Covid19" has brought many difficulties of our penitentiary system back to the center of the country's political agenda."</p> <p>"Prison overcrowding has long been a social scourge that affects our country, a fact determined by the lack of investment in prisons, the lack of implementation of alternative measures to detention, the progressive shortage of staff and the failure to approve the reform of the penitentiary system"</p> <p>"It is not by chance that Italy has already been condemned by the European Court of the Human Rights (Torreggiani and Others v. Italy) for the inhuman and degrading conditions to which numerous prisoners have been subjected and compensated with huge sums of public money."</p>
188	C11 IT	Jail Population Reduction	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
189	C11 IT After the emergency, the Government has introduced some provisions in D.L. 17 March 2020, n. 18. It is the art.li 123 and 124. Article. 123, in particular, provides that "subject to exceptions for certain categories of crimes or the condemned, to the senses of the law n. 199/2010 and up to 30 June 2020, the custodial sentence not exceeding 18 months , even if the residual part of the greater sentence, is carried out, upon request, at the domicile". The art. 124, on the other hand, establishes that, "Extraordinary premium licenses for prisoners in a semi-liberty regime in derogation from art. 52 ord. penit., may last until June 30, 2020". Appreciable replies that highlight the attention of the Government to prison problems, but that at the moment still negligible. The prison environments compel an entire population to live in narrow spaces and close contact, resulting in the need to take urgent temporary measures to neutralise the emergency.	Italy	Prisoners release: House arrest (the custodial sentence not exceeding 18 months, even if the residual part of the greater sentence, is carried out, upon request, at the domicile) + "Extraordinary premium licenses for prisoners in a semi-liberty regime in derogation from art. 52 ord. penit., may last until June 30, 2020"	Type A	-	-	
190	C11 IT It should then be postponed (to the emergency end) the issuance of the execution order of sentences of up to four years. In this way, new arrivals in prison would be limited in the current phase of emergency. Expand the scope of application of art. 124 D.L. n. 18/2020 would also grant the possibility for all semi-free and the ones allowed to work outside, that have already given proof of good conduct, to remain at home or other accommodation place.	Italy	-	-	-	Postponement of the issuance of the execution order of sentences of up to four years. (to limit new arrivals during the emergency) + House arrest (Expand the scope of application of art. 124 D.L. n. 18/2020 would also grant the possibility for all semi-free and the ones allowed to work outside, that have already given proof of good conduct, to remain at home or other accommodation place.)	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
189	C11 IT	Jail Population Reduction	-	-	"The prison environments compel an entire population to live in narrow spaces and close contact, resulting in the need to take urgent temporary measures to neutralise the emergency."
190	C11 IT	Jail Population Reduction / New Arrivals	-	-	"Time is short. For this reason, the number of detained people should be communicated as soon as possible within the limits of the ordinary capacity and in terms of execution, considering the extraordinary emergency situation, it should be raised the application of D, L. imprisonment from 18 to 24 months, even if residual; all the more so because it is a temporary discipline."

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
191	C11 IT At last, the hiring of new medical professionals, socio-health and penitentiary staff and the enhancement of telematic tools for increase of distance communications between prisoners and relatives, could ease the social tensions that pose a risk, as happened, of escalating even more.	Italy	-	-	Hiring staff (medical professionals, socio-health and penitentiary staff) + Enhancement of telematic tools (increase of distance communications between prisoners and relatives)	Type A + Type B - Compensation
192	C12 IT The report of the Antigone association on Italian prisons has been released. From the "riots" to overcrowding, an analysis of the lack of transparency with which the health emergency has often been managed	Italy	-	-	Need of transparency in the emergency management	Type B
193	C12 IT If, at the beginning of the Covid-19 emergency, the World Health Organization had indicated the uncontrolled proliferation of news and alarmist messages as a possible cause of social panic. In regard to our prison system, the problem was instead the scarce transparency, the absence of any communication between internal and external prison context . "I am very worried that the virus could spread" - wrote the wife of an inmate to the Antigone association in early March, who reports this and other testimonies in the long and in-depth report on the prison system published last Friday - "but equally worried about 'abandonment and the increasing isolation that the prisoners are experiencing at the moment». And again: "I have not received any calls since 8 March", "we are on 25 March and I still have no news from him", "a few more calls would only give you some peace of mind". These are the voices of family members, all obviously worried about not receiving any news from the structures where their loved ones are detained. "I'm not asking for something absurd: I'm begging not to let him die in prison for an unforgiving contagion," finally said the mother of a boy in custody.	Italy	-	-	Access to information and communication with the detainees	Type B

	Code	Measures General Topic	Impact	Information on infections	Further considerations
191	C11 IT	Staff & Healthcare services & Communication	Positive: Could ease the social tensions that pose a risk, as happened, of escalating even more.	-	-
192	C12 IT	Communication between prisoners, their families and decision-makers	-	-	-
193	C12 IT	Communication between prisoners, their families and decision-makers	Negative: Fear, feelings of abandonment	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
194	<p>C12 IT</p> <p>Meanwhile, four inmates in Italian prisons have officially died due to the Covid-19 epidemic. The first death, which involved the 77-year-old man, Vincenzo Sucato, took place the last 1 April inside the Bologna prison. Another death due to Covid-19, that of Antonio Ribecco, on the other hand, occurred on 10 April in the Voghera prison, while David Antonio Rivera Costa died after three weeks of hospitalization at the San Paolo Hospital in Milan, transferred there after the infection inside the San Vittore prison, where he was imprisoned for a series of thefts. The man's lawyer, Massimiliano Migliara, commented in the press in the aftermath of his death as follows: "I hope that events like this make us reflect on those who have, in recent days, shouted at serious magistrates who released common prisoners for serious reasons of health". The reference, here, is to the controversy unleashed among the political forces and in some newspapers on the granting of house arrest to some seriously ill and untreatable "mafia bosses" in the cell. We are in the days when the former magistrate at the head of the Department of Penitentiary Administration of the Ministry of Justice - the Dap - Francesco Basentini, resigns from his role precisely as a result of those pressures, communicating, at the same time, a list of over 150 positive inmates and as many agents or officials infected inside the prisons. And again, on 7 May, Giovanni Marzoli, a 67-year-old inmate dies of the virus inside the Covid ward of the Sant'Orsola hospital in Bologna, where he had been transferred from the Bologna prison of Dozza. Yet, despite sixty deaths in penitentiaries since the beginning of the year, of which a third classified as suicides by the Centro Studi Ristretti Orizzonti which in twenty years of activity has calculated (with the data updated to last May 14) 3,087 deaths, of which over 1100 suicides; although in just one day, last March 7, there were 13 deaths in protest events related to the Covid-19 emergency hastily classified as "riots". Of the causes, both contingent and structural, and of what has happened in Italian prisons from the first signs of the pandemic to today, however, too little has been talked about and even written about.</p>	Italy	Prisoners release - House arrest	Type A	-	-

194	Code	Measures General Topic	Impact	Information on infections	Further considerations
	C12 IT	Jail Population Reduction	<p>Negative: Lack of information and public interest on serious events occurred in prisons + Negative reactions such as public anger (related to the house arrest of mafia bosses) + Resignation of Francesco Basentini - the head of the Department of Penitentiary Administration of the Ministry of Justice - the Dap</p>	Positive cases in prisons (e.g. 150 positive inmates and as many agents or officials infected inside the prisons)	"The basic belief is that, as in many areas of our society, the crisis generated by Covid-19 has highlighted pre-existing problems, leading to their extreme consequences."

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
195	C12 IT The best known and clearly correlated with the spread of the virus is the chronic overcrowding of our prison facilities. In fact, Italy has an official prison crowding rate of 120% (one of the highest in Europe, together with France and Belgium): at the end of February - according to the Antigone report - there were 61,230 inmates compared to a regulatory capacity of 50,931 places (with Puglia and Lombardy which were two of the regions with the highest crowding rate, respectively 153.5% and 140.7%). An element, that of overcrowding, which not only favoured the possibility of a rapid and extensive contagion among the prison population, but which also exacerbated a particularly compromised health situation even before the spread of Covid-19.	Italy	-	-	-	Overcrowding reduction	Type A
196	C12 IT They explained from the association: "In eight institutions among those visited there were cells in which the toilet was visible in the cell, rather than in a separate room. All this can let us imagine the difficulties of life in prison also from a hygienic point of view and the obvious consequences for the spread of infectious diseases ».	Italy	-	-	-	Need of improvement of hygienic conditions (e.g. toilets in a separate place)	Type A
197	C12 IT To these serious health deficiencies of the Italian prisons is added what the Ministry of Health itself recognized, which highlighted how "67.5% of the confined have at least one pathology", with a prison population that in 8.6% of cases is over sixty years old. And it is thus that the overcrowding, the unhealthy environments, the consequent previous pathologies and the advanced age of many inmates are all factors that at the outbreak of the pandemic have placed the prison population in a situation of high health risk and, as such, particularly in need of protection.	Italy	-	-	-	Overcrowding reduction + Need of improvement of hygienic conditions	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
195	C12 IT	Jail Population Reduction	-	-	"In this sense, the report continues: «In 25 of the 98 prisons Antigone visited in 2019 we found cells in which the criterion of 3 m2 per prisoner was not even respected. [...] In 45 institutions visited, about half, there were also cells without hot water for washing and in 52, well over 50%, there were cells without shower, which forces the inmates to use shared showers "."
196	C12 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
197	C12 IT	Jail Population Reduction & PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
198	<p>C12 IT</p> <p>The images of the night between 8 and 9 March went around the world, defined as the most serious and dramatic protests since the post-war period, when in 49 prisons, a quarter of the total of Italian prisons, the scenes of the inmates on the roofs were seen, police officers placed behind shields to face the family members lines in front of prisons, burnt mattresses, uprooted beds, escapes, ransacked infirmaries, with thirteen dead, all of whom with methadone overdoses, but in some of the cases judicial investigations are in progress. However, the researchers of Antigone have also added information. In fact, while the most spectacular images had taken up all the space, it also happened that most of the protests were in fact peaceful: letters were written, we spoke to the surveillance magistrates (...). But there is more. Antigone's researchers and lawyers also collected reports of this type in the following days: «They threw us to the ground and beat us with clubs, keeping us stuck with the feet. Three / four went into the cells». This was only the first of numerous reports that would come from the "Opera" prison in Milan and, in the following days, also from other prisons: Pavia, Santa Maria Capua Vetere and Melfi. "Over the course of a month we presented four presentations" a association reported again. «The competent prosecutors are carrying out investigations to reconstruct what happened. In the meantime, it is worth dwelling on a fact that emerged, which concerns the genesis of the facts, and in particular the temporal distance between the protests of the restricted and the violence that would have been carried out by members of the law enforcement agencies".</p>	Italy	Violence perpetrated by law enforcement agents against detainees (reported on the prisoners testimonies according to Antigone's researchers)	Type B	-	-

Code	Measures General Topic	Impact	Information on infections	Further considerations
198	C12 IT Security	<p>Negative: Negative reactions from the prisoners (in 49 prisons - e.g. inmates on the roofs, burnt mattresses, uprooted beds, escapes, ransacked infirmaries, thirteen dead)</p>	-	<p>Comments: According to Antigone's researchers: "most of the protests were in fact peaceful: letters were written, we spoke to the surveillance magistrates (...)."</p> <p>There were testimonies of violence perpetrated by law enforcement agents (e.g. «They threw us to the ground and beat us with clubs, keeping us stuck with the feet. Three / four went into the cells», etc.</p>

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
199	<p>C12 IT "Security obsession", defines Patrizio Gonnella, the president of Antigone. «Intrusive security is never a targeted security. The orgy of mass control is only functional to symbolic reassurance, to the construction of an illiberal model of society, but it has nothing to do with the real needs of individual and community security". This is echoed by Alessio Scandurra, the association's spokesperson, who does not hesitate to accuse part of the Italian press, including the newspaper "La Repubblica" and the weekly "L'Espresso", where he remembers that "the 17 (April, ed) starts, with an Article by Lirio Abbate in "L'Espresso", a campaign then carried out mainly by "Repubblica" which relates the decline in the prison population, determined to counter the spread of Covid in prison-9, with the interests of organized crime, even insinuating equivocal attitudes on the part of politics or the heads of the Department of the Penitentiary Administration». A campaign that shows its effects and that Scandurra explains with the release data, as follows: "If, with the decree of 8 March and the subsequent" Cura Italia "of 17 March, the Government, the judicial authorities and the management and prison operators have actually made efforts to reduce the number of inmates and to implement alternative measures to detention, at a certain point this trend undergoes a sudden change. The presences in prison are starting to drop at a much slower rate than before, passing from an average of 158 fewer people per day in the period March 17-April 16 to an average of 77.3 in the period April 16-May 15 ". It is the effect of a mentality that sees prison as an exclusively punitive place, to be left completely isolated from the rest of society and whose counterpart is precisely the lack of transparency, often of humanity, even at the time of the pandemic.</p>	Italy	Prisoners release	Type A	<p>The numbers of prisoners released should be higher and at a quicker pace + Lack of transparency and humanity</p>	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
199	C12 IT	Jail Population Reduction & Communication between prisoners, their families and decision-makers	<p>Negative: Construction of an illiberal model of society</p> <p>+</p> <p>Italian press (e.g. newspaper "La Repubblica" and the weekly "L'Espresso") developed a campaign which relates the decline in the prison population with the interests of organized crime</p> <p>+</p> <p>The reduction on the number of inmates and the efforts to implement alternative measures to detention was a trend that suffered a sudden change (e.g. The number of prisoners started to drop at a much slower rate than before: passing from an average of 158 fewer people per day in the period March 17-April 16 to an average of 77.3 in the period April 16-May 15 ".</p>	-	<p>Comments - according to the critics, a campaign was undergone to counter the reduction in the number of prisoners:</p> <p>"It is the effect of a mentality that sees prison as an exclusively punitive place, to be left completely isolated from the rest of society and whose counterpart is precisely the lack of transparency, often of humanity, even at the time of the pandemic."</p>

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
200	C13 IT Abuses, reprisals, beatings would have been made by penitentiaries agents in respect of those who demanded protection for their health during the Covid-19 emergency. It is what emerges from the survey from exposed association Antigone and victims' relatives.	Italy	Abuses, reprisals, beatings (made by penitentiaries agents in respect of those who demanded protection for their health)	Type B	-	-	
201	C13 IT "Help, my father has been beaten to death" a girl complains with tears of anger for the father held in Santa Maria Capua Vetere. "My husband has been beaten, put in his underwear, no clothes and with nothing" a woman echoes, whose partner is in prison of Pavia. "The riot police came to beat in all detainees. Many people have been taken to their cells because they could not walk" says the sister of another boy imprisoned in Opera prison, the prison of Milan. These are only a part of the testimonies following the warm days of the coronavirus emergency: the prisoners feared that the contagion from Covid-19 could also arrive in prisons and if this had happened, it would have been a massacre. Hence the request for greater guarantees, often resulting in reprisals which, however, have often been quelled with beatings and violence. "What happened in March - says Patrick Gonella, president of the Antigone Association - constitutes a unique tragedy in the Republican history, with protests, deaths, reprisals. There was an underestimation of the anxiety and the desperation that had been simmering in the prisons."	Italy	Abuses, reprisals, beatings (made by penitentiaries agents in respect of those who demanded protection for their health)	Type B	-	-	
202	C13 IT According to Left, inquiries are underway in all of Italy, after many testimonies presented now by the family of the victims, now from Antigone. Just after a detailed denunciation of the association, which is responsible for the rights of detainees, 44 penitentiaries agents ended up in the register of suspects in Santa Maria Capua Vetere. It is on 5 April when it spreads among the prisoners the rumour according to which the spesino department would have contracted Covid-19 (three cases in prison will be investigated). Inevitably the protest explodes: the overcrowding, on the other side, does not guarantee the minimal security. It is not by chance that in the first afternoon of 6 April the judge of surveillance goes to jail to understand the reasons for the protest. And here happens something incredible: according to what emerges from the testimonies exposed to the prosecutor, as soon as the judge goes away, between 15 and 16, about 400 agents enter in the "Nile department" sections (where the day before had broken the riot), divided into groups of seven agents with anti-riot equipment and with the face covered by helmets. Some policemen would be entered in the cells and ...	Italy	Abuses, reprisals, beatings (made by penitentiaries agents in respect of those who demanded protection for their health)	Type B	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
200	C13 IT	Security	Negative: Violence: abuses, reprisals, beatings (made by penitentiaries agents in respect of those who demanded protection for their health)	-	-
201	C13 IT	Security	Negative: Violence: abuses, reprisals, beatings (made by penitentiaries agents in respect of those who demanded protection for their health)	-	-
202	C13 IT	Security	Negative: Violence: abuses, reprisals, beatings (made by penitentiaries agents in respect of those who demanded protection for their health)	-	"It is not by chance that in the first afternoon of 6 April the judge of surveillance goes to jail to understand the reasons for the protest. And here happens something incredible: according to what emerges from the testimonies exposed to the prosecutor, as soon as the judge goes away, between 15 and 16, about 400 agents enter in the "Nile department" sections (where the day before had broken the riot), divided into groups of seven agents with anti-riot equipment and with the face covered by helmets. Some policemen would be entered in the cells and ... "

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
203	C14 IT Chaos in the "Don Bosco" prison in Pisa. The tension is very high. But this time it is not the inmates who rise up, as two weeks ago, but the agents of the prison police. The situation is incandescent now that, since March 24, two policemen and a doctor have tested positive for Covid-19. The fear is that the virus has entered the prison and may have infected prisoners (six would have a fever these days) and other agents: about forty of them would have fallen ill in these hours. It all stems from the Covid-19 emergency management inside the prison, which risks becoming a new, uncontrolled, and uncontrollable outbreak.	Italy	-	-	-	-	-
204	C14 IT The direction of Don Bosco is accused, who allegedly "prevented" the use of personal protective equipment, ie masks, gloves, to the staff on duty. "To avoid - these would be the reasons - to trigger a negative reaction from the prisoners". Masks and gloves that those who have come into contact with positive people at Covid-19 must wear by law.	Italy	The direction of Don Bosco is accused of preventing the use of PPE (e.g. masks, gloves, to the staff on duty) + Masks and gloves that those who have come into contact with positive people at Covid-19 must wear by law.	Type A		Authorization to use of PPE when contacting with positive cases as it is enshrined in the law	Type A
205	C14 IT But there are not enough of them for the entire prison population - is the complaint - and it would have been preferred not to let the officers wear them in order not to spread the conviction among the prisoners of the need for protective devices, triggering any reactions for their failure to grant them."	Italy	-	-		Lack of PPE - not enough of them for the entire prison population	Type A
206	C14 IT However, the management of ASL Toscana Nord-Ovest is also in the sights, "aware - writes the union - together with the director, of the outcome of the doctor's test that tested positive for Covid-19". "Everything is silent", denounces the union, despite "the employer's obligation to take all necessary measures to guarantee the physical integrity and moral personality of its employees". Yesterday a state of agitation was proclaimed, subject to a white strike, while the prison management was asked to "urgently initiate the procedure of swabs for all the agents of the Penitentiary Police, already prepared and agreed by the ASL".	Italy	-	-		Swab Tests for all the agents of the Penitentiary Police	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
203	C14 IT	-	-	two policemen and a doctor have tested positive for Covid-19. six prisoners and about forty agents are symptomatic	
204	C14 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	The direction of Don Bosco is accused of preventing the use of PPE (e.g. masks, gloves, to the staff on duty) - "to avoid - these would be the reasons - to trigger a negative reaction from the prisoners" + Masks and gloves that those who have come into contact with positive people at Covid-19 must wear by law. Comments: The same complaint is made by the prison staff in Portugal
205	C14 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
206	C14 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
207	C14 IT The prison police who work in prisons in Tuscany sound the alarm and ask the regional health service for the swab for the staff. And the appeal rises loudly, behind the bars of Don Bosco: to prevent the spread of the coronavirus infection among the prisoners. "" If the outbreak breaks out among the prisoners it will be a defeat for the State, "warn the representatives of the prison police. A huge risk for the security inside the Institute and for the health of Pisa: there are 248 inmates there and 40 guards with fever. (...) The situation is really serious.	Italy	-	-	-	Swab Tests for the staff	Type A
208	C15 IT On April 2, the first death of an inmate in Italy officially linked to coronavirus was recorded: a 76-year-old man who was serving his sentence in the Dozza prison in Bologna. In recent weeks, the progress of the infection in prisons has been a topic little talked about, and on which information has arrived largely confused and partial, or in any case neglected, as often happens with things concerning prisons.	Italy	-	-	-	-	-
209	C15 IT The problems encountered in these first two months of the epidemic have been many, from the difficulties of isolating the sick or presumed sick to the protocols to be followed by the prison guards, and have been linked to a radical suspension of some fundamental rights of prisoners. In some ways, however, these difficulties are only an anticipation of those that will come after the emergency phase. Current organizational models, from those that regulate family visits to those of educational and recreational activities, are based on the continuous entry and exit of people from prisons. Something that for a long time will no longer be possible with the same modalities and the same serenity as the world before the coronavirus.	Italy	-	-	-	Difficulties of isolating the sick or presumed sick + Difficulties to the protocols to be followed by the prison guards + Need to create new organizational models to regulate family visits and related to educational and recreational activities	Type A + Type B

	Code	Measures General Topic	Impact	Information on infections	Further considerations
207	C14 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
208	C15 IT	-	-	-	Lack of information and public attention to prison needs
209	C15 IT	Placement and treatment of infected or suspected cases & Staff & Prison Visits & Activities	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
210	<p>C15 IT According to the National Guarantor for the ones deprived of liberty, 159 cases of COVID-19 had been registered among Italian prisoners, and 215 among prison staff: but at least the former, the bulletin says, are still growing. The dead were at least three: the first in Bologna, another shortly after detained in Voghera, and a third in San Vittore, in Milan. To the people who died from the coronavirus, then, those who died in the protests at the beginning of March in various Italian prisons should be added, for a total of 12.</p> <p>This official toll of the contagion seems a bit low to the Antigone association, which deals with justice and the rights of prisoners: its coordinator of the observatory on detention conditions Alessio Scandurra explained to the Post. But having confirmed news is complicated, also because in several cases some alarmed and worrying stories coming directly from the detainees have turned out to be exaggerated or inaccurate, he explained. In cases where Antigone has managed to get further news, through trusted contacts in the institutes, there has been confirmation of the official data, says Scandurra.</p> <p>However, there is the problem that there are no public data on how many detainees were subjected to the swab, says Gennarino De Fazio, national secretary of the UILPA Penitentiary Police union. In mid-April, De Fazio warned that 50 percent of the tests carried out on the inmates of the Dozza in Bologna were positive: a very high percentage, which suggests the possibility that in other institutions the infections are more numerous than those ascertained.</p>	Italy	-	-		Difficulties accessing information + Lack of public data on how many detainees were subjected to the swab tests	Type B
211	<p>C15 IT It is not difficult to imagine why an epidemic is a particularly alarming circumstance for prisons. The well-known problem of overcrowding in prisons, for which Italy was condemned in 2013 by the European Court of Human Rights in Strasbourg, makes them sadly fertile places for the spread of a virus. With cells of a few square meters that house 3, 4 or 5 prisoners each, with a single bathroom, the social distancing so proclaimed as indispensable for those who are free is not a possibility. In a prison, many contacts between prisoners and staff are unavoidable, and the lack of protective equipment, detected by most of the professional categories that have had to deal directly with the infection, has also involved prison operators and obviously prisoners.</p>	Italy	-	-		Overcrowding reduction + Lack of PPE	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
210	C15 IT	General Prevention Measures & Communication between prisoners, their families and decision-makers	-	159 positive cases among the prisoners 215 positive cases among prison staff Three deads (at least) from the infection and 12 deads resulting from the protests	Comments: A relevant concern related to the possibility of a lot of infections that are not being accounted for "In mid-April, De Fazio warned that 50 percent of the tests carried out on the inmates of the Dozza in Bologna were positive: a very high percentage, which suggests the possibility that in other institutions the infections are more numerous than those ascertained. "
211	C15 IT	Jail Population Reduction & PPE (Protective Clothing; Masks), hygiene products, tests	-	-	"It is not difficult to imagine why an epidemic is a particularly alarming circumstance for prisons. The well-known problem of overcrowding in prisons, for which Italy was condemned in 2013 by the European Court of Human Rights in Strasbourg, makes them sadly fertile places for the spread of a virus." "Lack of protective equipment, detected by most of the professional categories that have had to deal directly with the infection, has also involved prison operators and obviously prisoners"

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
212	C15 IT In Italy the prisoners in prisons as of May 4 were 53,139, for about 47 thousand places actually available. Overcrowding remains but has dropped dramatically since late February, when 61,230 inmates were in prison. It was a combined result: a decrease in admissions, due to the lower number of crimes committed during the lockdown, was joined by a greater use of alternative measures to prison in the sentences handed down by judges in the last two months. To this were added the releases for the coming of the end of the sentence or for the use of benefits preceding the epidemic or planned later: usual but increased. As he explained Scandurra, there have been many cases where the health of the detainees have become suddenly incompatible with imprisonment: a person who needs dialysis once a week, for example, can most certainly go back and forth between the institute and the hospital, due to the obvious risks of contagion. The lack of electronic bracelets, however, has slowed in part these scarcerazioni, limiting them to those prisoners against whom could be allowed.	Italy	Overcrowding reduction (on late February, when 61,230 inmates were in prison) + Prisoners release (for the coming of the end of the sentence or for the use of benefits preceding the epidemic or planned later: e.g. when health of the detainees becomes incompatible with imprisonment) + Decrease in admissions (due to the lower number of crimes committed during the lockdown and greater use of alternative measures to prison in the sentences)		Type A	Lack of electronic bracelets	Type A
213	C15 IT The problem of the lack of beds and free rooms has proved particularly serious when the institutions have had to isolate the coronavirus positive inmates or those presenting symptoms. This has forced in several cases to transfer part of the prisoners to other institutions, with the risk - which in some cases has materialized - of carrying the infection elsewhere. It happened, for example, with the Dozza prison in Bologna: after the revolt in early March, in which two inmates died of overdose after gaining access to drugs from the clinic, many people had been transferred to other prisons. Some, taken to Saluzzo, in the province of Cuneo, have probably infected other inmates: now there are twenty positive coronaviruses among prisoners and four among prison officers, plus several others in solitary confinement. Contacted by the Post, the guarantor of the prison Paul Allemanno has confirmed that at least two positive people came from Bologna. In Tolmezzo, in the province of Udine, five detainees transferred from Bologna tested positive for the swab days after being placed in solitary confinement. "Obviously the host protocols have not worked," explains Scandurra, "but the transfers were inevitable: the infected prison he needs to have more space, and then you have to move the detainees."	Italy	-		-	Lack of beds and free rooms + Difficulties isolating positive or symptomatic prisoners	Type B

212	Code	Measures General Topic	Impact	Information on infections	Further considerations
212	C15 IT	Jail Population Reduction / Home detention & New Arrivals	-	-	-
213	C15 IT	Placement and treatment of infected or suspected cases	Negative: Need to transfer prisoners to other institutions - putting other people at risk	-	-

Code	Text	Country	Measure taken	Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
				A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
214	C15 IT	Italy	-	-	-	-
215	C15 IT	Italy	Prohibition to the prison staff to use PPE ("at the beginning of the emergency, the management said they do not like the use of masks because this could generate concern among the detainees.")	Type A	-	-
216	C15 IT	Italy	Release of a positive case without a safe alternative (guarantee of isolation)	Type A	Lack of conditions enabling prophylaxis isolation	Type B
217	C15 IT	Italy	-	-	Lack of PPE	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
214	C15 IT	-	-	At least 60 of the 1,250 inmates had tested positive for the swab	-
215	C15 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	29 cases in Verona Prison	-
216	C15 IT	Placement and treatment of infected or suspected cases & Jail Population Reduction	Negative: Danger of infecting other citizens	-	-
217	C15 IT	PPE (Protective Clothing; Masks), hygiene products, tests	Negative: Fear resulting from lack of PPE and risk of covid-19 contagion	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
218	C15 IT After an initial peaceful resolution of the protest, according to Antigone's reconstruction, "about 400 prison police officers would have entered the department in riot gear, with their faces covered by helmets, and there, in groups of seven, they would have entered the cells taking the prisoners with slaps, kicks, punches and blows with truncheons». According to the testimonies collected, the detainees reported to family members and lawyers "people beaten to death, fainted in blood or urinating blood, head trauma, broken ribs and teeth". The prosecutor of Santa Maria Capua Venere is investigating what happened.	Italy	Violent reprisals from police officers to prisoners protests (400 prison police officers have "entered the cells taking the prisoners with slaps, kicks, punches and blows with truncheons"; "people beaten to death, fainted in blood or urinating blood, head trauma, broken ribs and teeth". The prosecutor of Santa Maria Capua Venere is investigating what happened.	Type B	-	-	
219	C15 IT (...)person visits to prisons have been suspended since 8 March. This measure, which is necessary from a health point of view, has resulted in great suffering for most of the detainees and their relatives.	Italy	Visits suspension (since 8 March)	Type B	-	-	
220	C15 IT The visits have generally been replaced by a greater number of monthly calls and video calls over Skype or WhatsApp. But the introduction of these tools has not been homogeneous, and prisoners have been able to resort to them above all in those institutions where such possibilities were already foreseen. In some cases, when no video call stations were available, smartphones purchased on purpose or received as a donation were used. However, there were often technical problems: "prisons are places where no one has ever bothered to bring the mobile signal and the Internet: indeed, perhaps the opposite," explains Scandurra. Despite the widespread hostility to the introduction of technology in prisons, the effort in most cases was adequate to the emergency, and in some cases it had unexpected positive implications. Ornella Favero, director of the magazine Shrunken and president of the National Conference of Volunteer Justice, has told the Post that "video calls are a beautiful thing, because there were people who were not familiar with the talks even before. Then they could review distant relatives: someone has seen her mother in years, perhaps because they live in another part of Italy or abroad more often." Favero's hope is that the technology introduced during the emergency will remain operational even when the health situation has been resolved.	Italy	Alternative forms of contact (monthly calls and video calls over Skype or WhatsApp)	Type B - Compensation	Need to standardize the access to alternatives forms of contact + Need to improve technical solutions to enable alternatives forms of contact	Type B - Compensation	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
218	C15 IT	Security	-	-	Very serious testimonials reporting violence performed by prison officials: "people beaten to death, fainted in blood or urinating blood, head trauma, broken ribs and teeth". The prosecutor of Santa Maria Capua Venere is investigating what happened."
219	C15 IT	Prison Visits	Negative: Great suffering for most of the detainees and their relatives (resulting from the visits suspension)	-	-
220	C15 IT	Communication	-	-	<p>Comments:</p> <p>Importance of maintain and increase the use of technology to enable communications between the prisoners and their relatives.</p> <p>"Ornella Favero, director of the magazine Shrunken and president of the National Conference of Volunteer Justice, has told the Post that "video calls are a beautiful thing, because there were people who were not familiar with the talks even before. Then they could review distant relatives: someone has seen her mother in years, perhaps because they live in another part of Italy or abroad more often." Favero's hope is that the technology introduced during the emergency will remain operational even when the health situation has been resolved."</p>

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
221	C15 IT The person visits, for example, should gradually return to ensure the prisoners a fundamental right, report the experts. In many cases, however, there are not the structural conditions to set up sufficiently large waiting rooms, and protected paths that separate guests from prisoners, but also guests from each other. For this reason, interview booking systems will have to be organized, which are already active in certain prisons, alongside an extension of the times and days in which they are allowed. Mauro Palma, president of the National Guarantor for the rights of detainees, explained to the Post that it will necessarily be a gradual process, which will begin with shorter and spaced out visits over time and which could be easier with the arrival of summer by organizing visits. in the open spaces of the institutes.	Italy	-	-	-	Need of structural conditions (such as sufficiently large waiting rooms, protected paths that separate guests from prisoners, guests from each other) + Need to create a booking system for the visits and to extend the times and days in which they are allowed	Type B
222	C15 IT Favero is concerned that the rethinking of the organizational models of prisons is taking place by excluding the dozens of educational and voluntary associations that operate, or rather worked, on a daily basis in Italian institutions. In addition to the visits, in fact, from the long and monotonous days of the prisoners, educational activities have also disappeared in the last two months, from language lessons to theater lessons to other initiatives and assistance that the associations take on. If on certain rare occasions they were restored by videoconferencing, in most cases it was not possible.	Italy	-	-	-	Educational and voluntary activities (such as language lessons, theatre lessons, other initiatives and assistance) + Need of alternative forms of implementing educational and voluntary activities (e.g. videoconferencing)	Type B + Type B - Compensation

	Code	Measures General Topic	Impact	Information on infections	Further considerations
221	C15 IT	Prison Visits	-	-	"worries those who follow and deal with the Italian prison system is mainly what will happen once the initial spread of the coronavirus is contained: "we are still in a preparation phase, nothing is ready," explains Scandurra. The health protocols prior to the epidemic proved inadequate, especially when applying them, as well as the facilities available. "To use a metaphor, the prison was a ship that took on water when the sea was calm: with the coronavirus the storm came, and it started to sink," says De Fazio."
222	C15 IT	Activities	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
223	<p>C15 IT Another complicated issue will be studying a way to resume working activities outside the prison for prisoners on semi-release, that is, who return to prison in the evening after working outside during the day. Claudio Paterniti Martello explained in the Gazette that "some surveillance courts went out of their way to serve their sentence at home at least until June 30", but "sometimes the magistrates have preferred to follow the irresponsible path already marked by the government and Parliament, denying licenses. Then the half-freedom turned back into complete imprisonment ».</p> <p>According to Palma, the emergency could serve to rethink this type of detention, which - effectively denying many reasons for detention - often requires a person to work all day outside the prison, returning late at night and leaving early in the morning: "the possibility not to burden prison systems for the simple return to sleep, perhaps we should rethink in a more stable way».</p>	Italy	Prisoners release - House arrest at least until June 30 (for prisoners on semi-release, having working activities outside the prison)	Type A	Need of more licenses allowing house arrest + Increase the number of prisoners release - House arrest	Type A	
224	<p>C15 IT The same problem will apply to exit permits: entering and exiting a prison will likely pose a major risk for a long time, and there is currently great uncertainty as to which path to take to keep these important concessions to inmates. At the moment, the protocols foresee that inmates returning from leave to be placed in solitary confinement for 15 days, with all the difficulties and limitations of this type of operation in a prison.</p>	Italy	Protocols foresee that inmates returning from leave to be placed in solitary confinement for 15 days	Type B	Lack of conditions to implement solitary confinement (Difficulties of placing prisoners in solitary confinement for 15 days) + Need to think in alternative measures (e.g. related to exit permits and the need of solitary confinement)	Type B + Type A	

Code	Measures General Topic	Impact	Information on infections	Further considerations
223	C15 IT Jail Population Reduction / Home detention	-	-	-
224	C15 IT Placement and treatment of infected or suspected cases & Jail Population Reduction	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
225	C15 IT As for the prison police, however, one of the first things to do according to De Fazio would be a sharing of security protocols with the trade unions, and a reduction in the crowding of prisons, temporarily transferring part of the prisoners to alternative structures such as barracks and unused hotels.	Italy	-	-	-	Overcrowding reduction Temporarily transferring part of the prisoners to alternative structures such as barracks and unused hotels + Improve coordination with the trade unions: e.g. sharing security protocols with the trade unions	Type A + Unspecified
226	C16 IT Interview with Mauro Palma. The National Guarantor excludes ministerial responsibilities for the release of some inmates for the Covid-19 emergency and, on the contrary, raises the alarm for the continuing overcrowding, inviting politics to maintain some innovations of these days while always maintaining a "high thought" on punishment and alternative measures	Italy	-	-	-	Overcrowding reduction + Alternatives to detention	Type A
227	C16 IT The situation of prisons in Italy has long been grappling with three latent issues, one of which has exploded in recent days. The first is linked to the persistence of overcrowding. What is the main recommendation to avoid contagion, that is to maintain the distance between people, becomes impracticable in situations of overcrowding such as that which is present in Italian prisons. We recall that when Italy was condemned by the European Court of Human Rights due to the overcrowding of its prisons, in 2013, there were about 63,000 prisoners. Today, after some interventions made after that important sentence which had brought the number of detainees to 52,000, we have risen up to 61,230 detainees as of February 29th for a number of places equal to about 50,000, of which only about 47,000 actually available.	Italy	Prisoners release	Type A		Overcrowding reduction + Social distance practice	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
225	C15 IT	Jail Population Reduction & General Prevention Measures	-	-	-
226	C16 IT	Jail Population Reduction	-	-	"interview with Mauro Palma, National Guarantor of persons deprived of personal liberty(...)."
227	C16 IT	Jail Population Reduction	-	-	"The Coronavirus epidemic has exploded all the contradictions present for a long time and long ignored in our society. This is what happened, for example, in prisons, where Covid-19 has aggravated an already extremely difficult situation."

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
228	<p>C16 IT The second latent issue concerns the fact that the prison population, which in public opinion is always made to coincide with the almost 9,000 high security inmates, or with the 750 who are at 41 bis, is actually made up entirely predominantly of sentenced to small penalties.</p> <p>As of February 29, for example, about 2,000 detained people were sentenced to a sentence of less than one year, who therefore not only did not commit major crimes, but who could also benefit from alternative measures to prison which they obviously do not enjoy due to problems of different nature: they are, for example, homeless, or foreigners, or people without defense. This reveals how the prison has actually become the place where the results of other social contradictions, other failures of the support networks converge.</p> <p>Also as of February 29, about 23,000 people were detained in Italian prisons who had to serve less than 3 years in prison between the given sentence or residual sentence. People for whom it might have been useful to think of alternative programs.</p>	Italy	-	-	Alternatives to custodial sentences (e.g. for detainees who had to serve less than 3 years, etc)	Type A
229	<p>C16 IT The third question concerns the fact that the Italian prison is very emphatically invested with ideological debates. So much so that every time you try to put forward proposals for modulation of penalties or for alternative forms for their execution, you are accused of "forgiveness" or of wanting to let your guard down with respect to the fight against crime.</p> <p>When measures began in March to reduce the prison population by intervening on people who had a low residual sentence or specific pathologies, the accusation of wanting to limit the fight against organized crime exploded. Given that on the front of the fight against organized crime we must not retreat an inch, it must however be said that not everything can be read through that lens.</p>	Italy	-	-	Need to change mentality over alternative measures to prison	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
228	C16 IT	Jail Population Reduction	-	-	-
229	C16 IT	Jail Population Reduction	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
230	C16 IT It was precisely the interventions made despite the flare-up of these controversies to lead today to 53,174 inmates, with a reduction of about 7,000 people in prison.	Italy	Prisoners release - alternative measures to prison	Type A	-	-	
231	C16 IT What has been done to address the situation in prisons with the outbreak of the epidemic? In the first place, a provision was made, on March 18, which provides that those who still have less than 18 months of sentence can take advantage of a simplified procedure for accessing home detention. In reality, it is a measure provided for by a law, the 199 of 2010, which, through the provision of 18 March, made it possible for those who did not respond to crimes 4 bis, the most serious and related to organized crime, to take advantage of the simplified procedure, and had not taken part in the prison violence of the previous weeks.	Italy	Prisoners release - House arrest (provision of 18 March) (those who still have less than 18 months of sentence, had not taken part in the prison violence on the previous weeks, and did not respond to crimes 4 bis can take advantage of a simplified procedure for accessing home detention)	Type A	-	-	
232	C16 IT In addition to these specific measures, two other indications have been implemented. On the one hand, faced with the risk of viruses in prison, to speed up the procedures in the surveillance courts. The March measure in fact provided for the application of the electronic bracelet for those who had to serve more than 6 months. An always complicated procedure. As a result of the law and the resulting acceleration of procedures, we currently have 3,030 home detentions and 798 cases of application of the electronic bracelet.	Italy	The application of the electronic bracelet for those who had to serve more than 6 months + Indication to speed up the procedures in the surveillance courts + Prisoners release - House arrest (3,030 home detentions and 798 cases of application of the electronic bracelet)	Type A	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
230	C16 IT	Jail Population Reduction	Positive: Reduction of about 7,000 people in prison. Negative: (accusation of wanting to limit the fight against organized crime exploded)	-	-
231	C16 IT	Jail Population Reduction	-	-	-
232	C16 IT	Jail Population Reduction	-	-	"A further cultural signal then intervened, which was also contributed by an indication from the Attorney General of the Cassation who invited us to remember that the precautionary measure in prison represents a last resort, and that other measures should therefore be preferred to it."

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
233	C16 IT Of the more than 7,000 fewer inmates than at the beginning of the infection, if 3,000 are house detentions, the rest is also made up of fewer entrants to prisons, both because there have been fewer crimes in this lockdown phase, and because there was less recourse to pre-trial detention, and finally due to the acceleration given to the examination of alternative measures still available. The survey aimed at detecting those cases which, due to age or the presence of pathologies, could be more susceptible to contagion, was also added to this picture and to re-examine their case. People referable to forms of organized crime were also included in this survey.	Italy	Overcrowding reduction (7,000 fewer inmates than at the beginning of the infection) + House detentions 3,000 + Fewer entrants to prisons (due to the acceleration given to the examination of alternative measures, less recourse to pre-trial detention and because there have been fewer crimes in this lockdown phase) + Survey (detecting cases which, due to age or the presence of pathologies, could be more susceptible to contagion)	Type A	-	-

Code	Measures General Topic	Impact	Information on infections	Further considerations
233	C16 IT Jail Population Reduction	-	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
234	<p data-bbox="331 443 943 491">C16 IT The number that you read in the newspapers, which refer to 376 people, must be examined carefully and making some necessary distinctions.</p> <p data-bbox="331 520 965 639">Among these there are only 3 people classified as Article 41 bis, and therefore belonging to the major mafia crime, only one classified as "high security 1", that is until recently classified 41 bis, and then 372 people classified as "high security 3 ", ie inserted in the culture broth of organized crime.</p> <p data-bbox="331 668 954 812">However, it must be borne in mind that these people, if they were able to take advantage of home detention, it is because they had a residual sentence of up to 18 months. Furthermore, since the aforementioned provision did not apply to mafia crimes, it means that these subjects had already served the entire part of the sentence relating to belonging to organized crime.</p> <p data-bbox="331 841 958 984">Of the latter 372, however, as many as 195 were people not yet convicted with a final sentence, for which, therefore, the benefit consisted in the conversion of the precautionary measure in prison into one of arrest at home. Moreover, these cases fall within the competence of the judicial courts and not the surveillance judiciary, which is competent only for definitively sentenced prisoners.</p> <p data-bbox="331 1013 954 1155">For the measures taken by the surveillance judiciary, which examines the path taken by the individual prisoner, a re-examination of the path taken, which is indeed already foreseen , cannot be excluded . For those given by the trial judge, on the other hand, it would be serious if one thought that the executive could intervene with indications on decisions that instead belong only to the trial judge.</p>	Italy	<p data-bbox="1122 443 1406 762">Prisoners release - House arrest (e.g. cases with a residual sentence of up to 18 months) 3 people classified as Article 41 bis (e.g. already served the entire part of the sentence relating to belonging to organized crime) 195 people have not yet been convicted with a final sentence, for which, therefore, the benefit consisted in the conversion of the precautionary measure in prison into one of arrest at home.</p>	Type A	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
234	C16 IT	Jail Population Reduction	-	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
235	<p>C16 IT About the three aforementioned cases that benefited from the measures provided for the Coronavirus even if under the 41 bis regime, some clarifications must also be made.</p> <p>Given that I believe that the need to interrupt communications between criminal organizations and the persons detained connected to them is a must if the measures actually respond to the need to interrupt this communication and not simply for oppressive purposes, and that I believe it is wrong that a person is at 41 bis until the last day of detention because I believe a path of knowledge of the reaction of this person to return to society must be experienced, it must be considered that the first of these people, aged 78, had a residue sentence to be served of only 9 months.</p> <p>If the judge, in consideration of the age and the other specific elements evaluated, considered it necessary to anticipate the exit from prison, I do not think there is any element to arise.</p>	Italy	-	-		-
236	<p>C16 IT About the second of the cases that have caused a stir, that of Zagaria, we are faced with a detainee who had to undergo chemotherapy cycles that in the hospital of Sassari, to which he was addressed, it was not possible to do in that emergency from Covid -19. For years, however, as guarantor of the rights of prisoners, I had raised the problem of the right to care for people at 41 bis in Sardinia, where there are no health facilities where prisoners can be hospitalized in complete safety.</p> <p>In the specific case of Zagaria, the competent magistrate claims to have asked several times for the indication of an adequate structure for safe hospitalization, without receiving an answer. Therefore, in that specific case and in the face of an inefficiency of the system that cannot be attributed to it, the need to protect health over safety prevailed. Adequate facilities must always be in place for a person, even if in prison, to receive appropriate care. Our Constitution, in Article 32 on the protection of health says that it is a fundamental right that applies to everyone, including prisoners.</p>	Italy	-	-	<p>Need to provide health facilities where prisoners can be hospitalized in complete safety</p> <p>+</p> <p>Implementation of the right to care for people at 41 bis in Sardinia</p>	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
235	C16 IT	-	-	-	Change of mentality from a punitive + paradigm to a rehabilitative one (that prepares for reality outside the prison) + Need to trust in the judge decision
236	C16 IT	Healthcare services	-	-	A very important case that shows that the right to health was respected: "the need to protect health over safety prevailed." "Our Constitution, in Article 32 on the protection of health says that it is a fundamental right that applies to everyone, including prisoners."

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
237	<p>C16 IT The third of these striking cases concerns a decision that concerned a person in 41 bis but not definitively convicted, who did not take the surveillance magistrate but a specific court which, having made its assessments, will have deemed it able to take it.</p> <p>In essence, it seems to me that a great alarm has arisen around things that have specific reasons which, rather than the clamor of the effective declaration, would instead deserve political capacity in the higher sense, that is the ability to govern processes, to check that there are no abuses without using shouted tones and making the community understand that safety and protection of people's health are not rights in contrast with each other.</p> <p>In this I feel like saying that there is no ministerial responsibility in feeding the shouted tones, but also that it would be a mistake to give in to this type of pressure with measures that risk marking a step back in the path taken.</p>	Italy	Prisoners release - House arrest (person in 41 bis but not definitively convicted)	Type A	Overcrowding reduction - house arrest + Need to trust in the competent court decision	Type A	
238	<p>C16 IT Now that we ask ourselves about the resumption of activities, about a reopening that is also seen as a new beginning, being able to indicate three priorities from which to start again, which ones would you identify?</p> <p>First of all, gradually resume a detention normality, but with great caution because the same indications apply inside the prison as outside it, namely that it would be a mistake to think that everything is over.</p> <p>When other people continue to enter a system, such as the prison system, all necessary precautions must be taken. I also believe that the prison must experiment, step by step, also the hypothesis of reopening towards the loved ones and towards the resumption of activities within it.</p>	Italy	-	-	Need to reopen family visits and resumption of activities	Type B	
239	<p>C16 IT Precisely during the lockdown, the inmates were able to use, albeit limited, smartphone connections with their loved ones; a measure that helped calm the waters when they were more agitated in conjunction with the interruption of visits.</p>	Italy	Alternative forms of contact (use of smartphones)	Type B - Compensation	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
237	C16 IT	Jail Population Reduction	-	-	General pattern adopted related to the overcrowding reduction
238	C16 IT	Prison Visits + Activities	-	-	-
239	C16 IT	Communication	Positive: Important measure that contributed to calm down prisoners and relatives after the visits suspension	-	-

				Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken	A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
240	C16 IT Secondly, to continue with the reduction in the numbers of the prison population, because even now we are, with 53,000 inmates, well beyond the limits of capacity provided. We should not be caught unprepared by a possible resumption of the infection. Instead of saying "all back" we must continue on the path of reduction, to make at least the available places and presences coincide. And above all, we must guarantee all the protections to the people who work in prisons, prison police and educators, who deserve the same applause that we reserved for health personnel.	Italy	-	-	Continue the overcrowding reduction (at least to make the available places and presences coincide) + Guarantee protection to people who work in prisons (e.g. prison police and educators)	Type A
241	C16 IT Finally, we must not abandon some innovative practices that we have experienced to be positive, starting with the aforementioned connection with families via smartphone. Communicating with families for those 44,000 inmates who have nothing to do with high security and carrying out some forms of communication with their environments of origin, knowing how to grasp positive elements even from a negative experience like the one we lived.	Italy	Alternative forms of contact with the family (e.g. use of smartphone)	Type B - Compensation	Need to maintain alternative forms of contact with the family (e.g. use of smartphone)	Type B - Compensation
242	C17 IT Between 7 and 9 March, as the COVID-19 epidemic spread more and more in Italy and the government was preparing for the general lockdown in the country, riots and protests broke out in more than twenty prisons, in some particularly violent structures. The toll was 14 dead inmates - according to the authorities officially all from overdoses, but the associations have received reports of violence that will be deepened - and dozens of injured, including some among prison police officers. The tensions were largely triggered by fear of contagion due to confined and promiscuous spaces and anger at the measures taken by the Department of Penitentiary Administration to contain the virus, including the suspension of physical interviews with family members, award permits and the semi-release regime. "A sense of exasperation due to many things: isolation, lack of information and the terror of being away from loved ones," explained Susanna Marietti, national coordinator of the Antigone association shortly after. "As we are afraid outside, they are even more afraid inside."	Italy	Measures taken by the Department of Penitentiary Administration to contain the virus: suspension of physical interviews with family members (visits suspension) + award permits suspension + Restrictions to the semi-release regime	Type B	Access to information + Alternative forms of contact: Need to communicate with the outside (there was a feeling of isolation and terror of being away from loved ones)	Type B + Type B - Compensation

	Code	Measures General Topic	Impact	Information on infections	Further considerations
240	C16 IT	Jail Population Reduction	-	-	-
241	C16 IT	Communication	-	-	-
242	C17 IT	Prison Visits & Prisoners' entry-exit regime & Access to information & Communication	Negative: Prisoners anger and a sense of exasperation + Riots: 14 deads and dozens of injured (prisoners and police officers)	-	"A sense of exasperation due to many things: isolation, lack of information and the terror of being away from loved ones," explained Susanna Marietti, national coordinator of the Antigone association shortly after. "As we are afraid outside, they are even more afraid inside."

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
243	C17 IT Several days earlier, human rights organizations and experts denounced the need for the government to deal with the risks of the health emergency in prisons, protecting contact with the outside world through an increase in telephone and video calls (which was later granted) and reducing the pressure on prisons, where the problem of persistent overcrowding makes it difficult for social distancing and possible isolation of any infections. Recommendations which, together with the need to provide inmates with correct and timely information, are similar to those of the World Health Organization.	Italy	Alternative forms of contact (e.g. telephone and video calls)	Type B - Compensation	Alternative forms of contact (Protect contact with the outside world) (increase in telephone and video calls) + Overcrowding reduction + Access to correct and timely information	Type B - Compensation + Type A + Type B	
244	C17 IT Some rules to lighten attendance in prisons are contained in the "Cura Italia" decree of 17 March. However, measures considered too timid and insufficient for the purpose that they had set for themselves by associations, jurists and by the National Guarantor of the rights of persons detained or deprived of personal liberty.	Italy	Prisoners release ("Cura Italia" decree)	Type A	Need of further measures regarding overcrowding reduction	Type A	
245	C17 IT The associations and operators say that the tension inside the prisons remains high. "Because of the social distancing measures, we volunteers are out of prison, we don't enter. But I am in contact with cooperatives that still have access, I receive texts and letters and I can say that there are tensions and difficulties, because the prisoners are afraid", explains Ornella Favero, president of the National Conference of Voluntary Justice and director of Ristretti Orizzonti to Valigia Blu (...). Those in prison are afraid of being infected, and also of not being protected or informed enough about what is happening. "Since the prison is a total institution - continues Favero - there is mistrust on the official news on the number of infections, and every day it is feared that the situation is very different, worse than what is referred".	Italy	-	-	Need of protection measures - increase the feeling of being protected + Access to information	Type A + Type B	
246	C17 IT The issue of transparency also emerges from the dozens of letters that the Antigone association has received since 8 March from family members of prisoners worried about their loved ones. "They wonder who is really sick, what happens. There are wives who write, for example, saying they heard from their husband that the cell neighbour was taken away with a high fever, but no one has given them information. It is clear that concern is increasing, it is understandable", says Michele Miravalle, national coordinator of the observatory on prisons for Antigone.	Italy	-	-	Access to information + Need of transparency	Type B	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
243	C17 IT	Communication + Jail Population Reduction + Access to information	Positive: Protect contact with the outside world	-	-
244	C17 IT	Jail Population Reduction	-	-	-
245	C17 IT	General Preventive Measures & Access to information	Negative: Fear, tensions and difficulties, because the prisoners are afraid	-	-
246	C17 IT	Internal Communication	Negative: Growing concern among prisoners	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
	Code	Text	Country	Measure taken	A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
247	C17 IT	The numbers of infections in prison for the moment are limited: among the inmates there are just over 50 positive, while there are over one hundred prison policemen. Figures provided by the Guarantor but in any case relative, because they are affected by the number of swabs carried out, exactly as happens in the world outside the cells. «This situation of uncertainty in numbers - adds Miravalle - causes bewilderment especially within prisons where we know that there are positive cases. The detainees convey the concern to the outside, among other things, not in direct meetings, more reassuring, but inevitably through telephone or video calls».	Italy	-	-	Need of reliable data on infections + Access to information + Provision of tests	Type A + Type B
248	C17 IT	A second issue concerns personal protective equipment, such as latex gloves, masks. "And this is a problem that affects both inmates and officers, because after removing a few pre-triage tents placed in front of prisons, there are situations in which there is a shortage of everything: I'm talking about coffee cups. Coffee with sanitizer inside delivered to each cell to sanitize the environment. Obviously it is a patchy situation, but the health of the people in prison and those who work in prison is not being protected". In recent days, several police unions have complained about the lack of adequate personal protective equipment. According to Miravalle, from this point of view «many shortcomings are also the result of this intertwining of competences between the prison administration, civil protection, regions. The result is that the main supplies of Dpi are the result of individual donations or foundations, charities. On the organizational level there is little or nothing».	Italy	-	-	Need of PPE (such as latex gloves, masks) + Possible need to increase coordination prison administration, civil protection, regions.	Type A

Code	Measures General Topic	Impact	Information on infections	Further considerations
247	C17 IT General Prevention Measures & Access to information & PPE (Protective Clothing; Masks), hygiene products, tests	Negative: Concern and bewilderment	50 inmates positive Over one hundred prison policemen positive	-
248	C17 IT PPE (Protective Clothing; Masks), hygiene products, tests + General Prevention Measures	-	-	Comments: Importance of the lack of PPE on the health of prisoners and staff "the health of the people in prison and those who work in prison is not being protected". "In recent days, several police unions have complained about the lack of adequate personal protective equipment."

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
249	<p>C17 IT At the end of February, the number of inmates in Italian prisons was 61,230, resulting in 50,931 places available, with an overcrowding rate of 120% that was not homogeneous throughout the country, with peaks of 140% in regions such as Lombardy. A situation in which any social distancing is unthinkable.</p> <p>«Overcrowding means having no living space, it means for example sharing 10 square meters and a single shared bathroom in 3-4 people, sleeping on a bed on the third floor of a bunk bed, or sharing a shower with 50, 100 people. And in any case be considered numbers and not people because it is difficult for the few operators to be able to intercept the needs, the desperation of the inmates. This is why we must do it immediately», the president of Antigone, Patrizio Gonnella , said on a Facebook live broadcast .</p>	Italy	-	-	<p>Negative: Overcrowding reduction + Need of further measures</p>	Type A

249	Code	Measures General Topic	Impact	Information on infections	Further considerations
249	C17 IT	Jail Population Reduction	Negative: Imates desperation and fear	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
250	<p>C17 IT The "Cura Italia" decree provides home detention for those who have to serve a sentence or a residual sentence of up to 18 months. However, if the residual sentence is more than 6 months, an electronic bracelet is required. As explained by an in-depth analysis of the Antigone association, with this Article, the 123, we have done nothing but derogate "in a cautiously extensive" the limits of the law 199 of 2010, the so-called "Empty prisons", which provided for the rule of 18 months, though, not allowing everyone access to this alternative measure. The new rule removes some of those foreclosures and adds more until June 30, 2020.</p> <p>Article 124, on the other hand, concerns bonus permits for semi-released prisoners, which can be granted without limits until 30 June 2020. "The aim is to ensure that those who leave prison during the day in semi-release to work do not have to return in the evening, with the risk of contagion that this entails, and can instead stay at home in the evening until June 30 ", writes Antigone.</p>	Italy	<p>Prisoners release - Home detention</p> <p>"Cura Italia" decree (home detention for those who have to serve a sentence or a residual sentence of up to 18 months. However, if the residual sentence is more than 6 months, an electronic bracelet is required) (The new rule removes some foreclosures and adds more until June 30, 2020.)</p> <p>Article 124, on the other hand, concerns bonus permits for semi-released prisoners, which can be granted without limits until 30 June 2020. "The aim is to ensure that those who leave prison during the day in semi-release to work do not have to return in the evening, with the risk of contagion that this entails, and can instead stay at home in the evening until June 30 "</p>	Type A	-	-

250	Code	Measures General Topic	Impact	Information on infections	Further considerations
250	C17 IT	Jail Population Reduction / Home detention	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
251	C17 IT The measures have been criticized and considered ineffective by guarantors of the detainees, organizations, experts. Justice Minister Alfonso Bonafede said that around 6,000 detainees could benefit from the measure. A number already insufficient according to the organizations for real decongestion. In any case, the audience is also very restricted by other factors. The alternative measure can only be given if you have a suitable domicile. According to Miravalle, looking at the current prison population, "especially in the large metropolitan prisons in the north that are suffering most now - Milan, Turin, Bologna - many people don't have a place to go: they are homeless, they lived on the street, have families who cannot host them and so on. So, if that measure is already aimed at the few who can access, you must even remove this large group of people who ask the judge to send them home, but they don't have a home ». The association is putting pressure on the municipalities to give these people a home and overcome this "highly discriminatory measure".	Italy	-	-	-	Provision of home - need of coordinaton with the municipalities (for those benefiting od home detention) + Overcrowding reduction	Type A
252	C17 IT Secondly, there is the question of bracelets: according to the implementing measure of the decree, there are 5 thousand devices, of which 920 are already available. As underlined by the Superior Council of the Judiciary, the measure comes out "strongly weakened by the unavailability of electronic control tools, the lack of which, not from today, constitutes one of the major criticalities of our system". The measure provides for the installation of a maximum of 300 appliances per week. With these numbers, according to Gonnella, "the last inmates will be released from prison in over three months, when we hope the acute phase linked to the spread of COVID-19 will already be well behind us".	Italy	-	-	-	Need of electronic bracelets	Type A

Code	Measures General Topic	Impact	Information on infections	Further considerations
251	C17 IT Jail Population Reduction / Home detention	-	-	-
252	C17 IT Jail Population Reduction / Home detention	-	-	<p data-bbox="1485 823 1854 845">Important constraint affecting the measure:</p> <p data-bbox="1485 874 2107 970">"As underlined by the Superior Council of the Judiciary, the measure comes out "strongly weakened by the unavailability of electronic control tools, the lack of which, not from today, constitutes one of the major criticalities of our system". "</p>

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
253	C17 IT The part of Cura Italia dedicated to prison «paradoxically betrays a bit the reason for which it was written: to deal with the health emergency. Instead we continue to pursue a security, justicialist line, and the health of the prisoners and of the people who work in prison is not at the center », comments Miravalle. "Many people, perhaps sick or elderly, will ask for access to the alternative measure of home detention, this is denied to them, and will mount anger and concern". According to data collected by Antigone, 67% of inmates have at least one health pathology. Of these 11.5% were affected by infectious and parasitic diseases, 11.4% by diseases of the cardio-circulatory system, 5.4% by diseases of the respiratory system. In addition, 62% of inmates are aged 40 or over, and as of December 31, 2019, 5,221 people were over 60.	Italy	-	-	-	House arrest measures + Need to change mentalities from a security, justicialist line, to one that puts the health of the prisoners at the center	Type A
254	C17 IT On April 2, the first inmate died of COVID-19 was recorded: a 77-year-old man, imprisoned in the Dozza prison in Bologna and hospitalized for a few days at the Sant'Orsola hospital after testing positive. An event that confirmed the fears of many, including many prison officers. Another prisoner died yesterday: he was confined in the Voghera prison, he had been taken to a hospital in Milan for about a week. In a letter to member states, the Council of Europe Commissioner for Human Rights, Dunja Mijatovic, wrote that "reducing the prison population across Europe is essential to ensure effective implementation of health regulations, to reduce growing pressures on prison staff and on the prison system as a whole ". For this reason, Mijatovic has called on all countries "to use all the alternatives to detention in all possible cases and without discrimination", especially where there are situations of overcrowding. https://twitter.com/CommissionerHR/status/1247083713525174273?s=20	Italy	-	-	-	Alternatives to detention + Overcrowding reduction	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
253	C17 IT	Jail Population Reduction / Home detention	Negative: Anger and concern (resulting from the denial of the measure of home detention)	-	Comments: Importance to change mentalities from a security, justicialist line, to one that puts the health of the prisoners at the center
254	C17 IT	Jail Population Reduction	Negative: 2 prisoners deaths reported	-	"In a letter to member states, the Council of Europe Commissioner for Human Rights, Dunja Mijatovic, wrote that "reducing the prison population across Europe is essential to ensure effective implementation of health regulations, to reduce growing pressures on prison staff and on the prison system as a whole ". For this reason, Mijatovic has called on all countries "to use all the alternatives to detention in all possible cases and without discrimination", especially where there are situations of overcrowding. https://twitter.com/CommissionerHR/status/1247083713525174273?s=20 "

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
255	C17 IT The National Guarantor of the rights of prisoners has made it known that by 9 April the number of people in Italian prisons had dropped by a few thousand, reaching 55,939. Too little and too slowly for the times of the COVID-19 emergency. Despite the decline, the rate remains above 100% which the monitoring bodies of the international prison systems recommend not to reach. "It follows - reads a statement from the Guarantor - that despite some steps taken that should not be devalued, it is necessary to intervene significantly, bearing in mind both the dimensions that the intervention must have: the size of the numerical consistency so that crowding does not exceed 98% of availability; the dimension of the speed so that decongestion interventions produce effects at a rate comparable to the disturbing and accelerated one of any epidemic spread".	Italy	-	-	Overcrowding reduction should be higher and quicker	Type A	
256	C17 IT The Attorney-General of the Cassation Giovanni Salvi urged all the prosecutors of the Court of Appeal to reduce and reduce the pressure on prisons in this moment of health emergency: "Never as in this period should it be remembered that in our system the prison is the extreme ratio. It is therefore necessary to encourage the decision of alternative measures suitable to relieve the pressure from unnecessary presences in prison: this is limited to crimes that go beyond the predictive perimeter of danger and with the further exception linked to the 'red code' crimes".	Italy	-	-	Alternatives to detention + Overcrowding reduction	Type A	
257	C17 IT According to the Guarantor and the associations there are still at least 10 thousand people - including sick and people at risk - who should be sent home in order to achieve a situation of real health protection, and for this reason they have asked for more incisive measures. Over 15 thousand inmates have a residual sentence of less than two years and, says the Guarantor, "for our legal system they could have already had access to alternative measures for some time. At the same time, 17,468 people are also in prison without any definitive sentence (of these 8,854 are still awaiting the first degree of judgment)". And there are also mothers that still detained with their minor children. These are numbers, writes the Guarantor, "which we provide not to indicate that all of them could in hypothesis be no longer behind bars, but to indicate that the sectors to intervene, discretionally but consistently, are large. And that the new regulatory steps to be taken have wide space to be meaningful".	Italy	-	-	Alternatives to detention - home detention (e.g. inmates with a residual sentence of less than two years; people in prison without any definitive sentence (some of these are still awaiting the first degree of judgment; mothers detained with their minor children) + Overcrowding reduction	Type A	

Code	Measures General Topic	Impact	Information on infections	Further considerations
255	C17 IT Jail Population Reduction	-	-	-
256	C17 IT Jail Population Reduction	-	-	-
257	C17 IT Jail Population Reduction	-	-	<p>Comments: Opportunity to go further in the implementation of alternatives to detention:</p> <p>"And that the new regulatory steps to be taken have wide space to be meaningful".</p> <p>Alternatives to detention - home detention (e.g. inmates with a residual sentence of less than two years; people in prison without any definitive sentence (some of these are still awaiting the first degree of judgment; mothers detained with their minor children)</p>

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
258	C17 IT A final issue concerns the life of prisoners, who in times of social distancing risks being more isolated than ever. According to Ornella Favero, it is positive and important that inmates can see - even if only on video - their loved ones: «It was what had to be done before what happened [the riots of 7 March ed]. How could you not think that if you tell the inmates that they don't see their families and you don't know for how long; the uproar doesn't break out? It is inevitable. Probably something would have gone differently.'	Italy	-	-	-	Alternative forms of contact (e.g. video calls)	Type B - Compensation
259	C17 IT For Miravalle di Antigone too, the entry of technology «is certainly a step forward. We've been asking for it for years, we didn't understand why it should remain a taboo. In ten days, the matter was resolved, and it was also shown that getting Skype in prison does not lead to who knows what security problems. We are confident that it will be difficult to go back on this ». In addition to video calls, online classes for university students were also authorized for the first time. "A revolution for the prison, and to think that before, those who were enrolled, and paid taxes could not access the many resources that were put online by the universities".	Italy	Alternatives forms of contact (skype, video calls, etc.) + Online classes	Type B - Compensation	-	-	-
260	C17 IT Distance learning is more difficult for inmates attending school courses - today blocked in prisons because teachers are not allowed to enter. A few days ago, the Guarantor of the prisoners wrote a letter to the Ministry of Education underlining that only in very few institutes did video conference lessons start. In almost half of the prisons the students had received only paper material, while a large part "had failed to ensure even this slightest possibility".	Italy	-	-	-	Need of online classes and online resources for inmates who are studying (need of Ministry of Education support)	Type B - Compensation
261	C17 IT Favero confirms that online teaching has not yet started in several institutes. "Prison has the sacred terror of technology. I just hope that with this disaster they will understand that the technologies as they entered must no longer come out, they must remain an integral part. Also, because people who know nothing have been kept out of the Internet and all these tools, when they come out of prison they are 'digital homeless', misfits in today's world. So I hope at least that this thing about the introduction of technologies remains as a defining moment of life in prison » .	Italy	-	-	-	Need of technological resources + Need of online classes and online resources for inmates who are studying	Type B - Compensation

	Code	Measures General Topic	Impact	Information on infections	Further considerations
258	C17 IT	Communication	Negative: Riots; lack of alternative forms of contact seem to have contributed to the riots	-	Comments: Important lesson to be taken about the visits suspension and how to improve communication at the same time as alternatives should have been offered "How could you not think that if you tell the inmates that they don't see their families and you don't know how long the uproar doesn't break out? It is inevitable. Probably something would have gone differently." "
259	C17 IT	Communication & Activities	Positive: Positive reaction and desire that it will be maintained (The alternatives forms of contact such as skype, video calls, etc. as well as the online classes, etc.)	-	-
260	C17 IT	Activities	-	-	-
261	C17 IT	Activities	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
262	<p>C17 IT Like teachers, many other workers and volunteers can no longer enter prison for health reasons. And most of the activities, even the work ones, have stopped. Favero stresses that at this moment "there is almost nothing left standing.</p> <p>There are few business activities that continue with cooperatives, but they are exceptions. We had asked as a volunteer for a sort of crisis unit on prisons on these aspects, we must be involved. We did it once in the Padua prison, it was not done elsewhere. Prisons without volunteering, without school, without activities are the desert». After the general closure, a drug addict inmate who participates in the editorial staff of the magazine Ristretti Orizzonti a few days ago sent her a message: "Here everything has stopped, not even the agents know how the days will unfold from now on, so go inside I have a sense of anguish, anxiety, depression, sadness and bewilderment because we are at the mercy of events over which we have no control and this makes everything worse".</p>	Italy	Activities suspension + School suspension + Volunteering suspension	Type B	-	-	
263	<p>C17 IT The increase in isolation and the closure of the prison is an element of concern in associations. «The activities are suspended, no one enters prison outside the penitentiary police, in some structures not even educators. And in the sections at this time there has been a huge step backwards on what was dynamic surveillance, open cells", explains Miravalle, who believes that today 95% of the prison sections are closed again: "22 hours in the cell, without doing anything, 2 hours of air». The situation is obviously the result of the health emergency, but a more closed prison is also present in the future. "We too as Antigone's observatory cannot make visits at this time, as all the exteriors are blocked. For now, civil society cannot enter. We will return to do so, but we do not know when and if there will be restrictions. We must also think about this, afterwards. Today, however, the urgency is to prevent prisons from turning into health bombs, because the risk is there and it is enormous».</p>	Italy	Activities suspension + Visits and surveillance suspension + Restrictions such as only 2 hours of air (22 hours in the cell)	Type B	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
262	C17 IT	Activities	<p>Negative: Negative reactions resulting from the activities suspension/ lack of contact with the outside:</p> <p>Sense of anguish, anxiety, depression, sadness and bewilderment</p>	-	-
263	C17 IT	Activities	<p>Negative: A huge step backwards on what was dynamic surveillance, open cells</p>	-	-

				Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken	A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
264	C18 IT Antigone dossier presented. 287 inmates were infected: 4 victims, in addition to another 4 agents and prison doctors. Cell attendance was reduced, but in some structures the spaces are occupied by over 170 percent. And one in four institutes has not yet allocated to external teachers and social workers	Italy	-	-	-	-
265	C18 IT The numbers and crowding - The numbers of the prison and the pandemic remain the best starting point for photographing the situation. At the end of February 2020, inmates (in the 190 Italian prisons) were 61,230 compared to a regulatory capacity of 50,931 places with a crowding of more than 119.4%. With the "Cura Italia" Decree (8 March 2020), provisional rules came into effect to contain the infection and to reduce crowding. Acting on the inmates affected by definitive sentences and thanks to the use at home and the extension of permits, the numbers have significantly reduced and, at the end of April, the number of detainees had dropped to 53,904. At the end of July there were 53,619 with a crowding rate of 106.1%. Some facilities, however, continue to show disastrous levels: 24 prisons still exceed 140%. Taranto scores 177.8%, Larino 178.9% and Latina 197.4%. All this in a situation in which, faced with the possible arrival of a phase 2 of the pandemic, there would be a vital need for free spaces through which to carry out the movement and isolation of prisoners who, possibly, were infected.	Italy	Prisoners release - "Cura Italia" Decree (8 March 2020)	Type A	Overcrowding reduction	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
264	C18 IT	-	-	<p>287 inmates were infected: 4 victims, in addition to another 4 agents and prison doctors.</p> <p>Cell attendance was reduced</p> <p>Overcrowding (in some structures the spaces are occupied by over 170 percent)</p>	<p>"The Italian prison has passed phase 1 of the Covid-19 emergency quite well. But, like all other "closed" structures, it must be prepared for phase 2 (and any other), it must restart in its relations (educational and socializing) with the outside world and from phase 1 it has "learned" some positive news that could and they should also be developed and implemented in the future. In summary, this could be a reading of the mid-year report on the situation of Italian detention facilities, presented today by Antigone (live on Facebook by Patrizio Gonnella, Susanna Marietti and Alessio Scandurra) and available on the website of the Association that deals with rights and the guarantees of the Italian criminal system. The report has a very significant title: "Health, technology, spaces, internal life. Prison undergoing phase 2 ". It deals with the topics listed above and proposes, in the final part, a part (as interesting as it is worrying) on torture and violence in prison."</p>
265	C18 IT	Jail Population Reduction	-	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
266	<p>C18 IT In the first weeks of the implementation of the "Cura Italia" decree, surveillance judges, directors and social and health personnel worked hard and a little less than two hundred prisoners a day left the prisons (with adequate security measures). Then, with the controversy over the possible release of some mafia bosses, the system became "scared" and the pace of the exits suffered a strong slowdown. Once again, politics have chosen not to scare the justicial public opinion and has missed a good opportunity to bring the crowding rate of prison facilities back to an acceptable level.</p> <p>In the prison facilities there are 6,833 people with a residual sentence of less than one year and over 12,000 who must serve less than three years. All, or at least part of these, could usefully be placed under house arrest bringing the crowding rate below 50 thousand. Of course, it becomes difficult if fundamental control tools such as electronic bracelets are missing. Of the 3,379 people who went to house arrest during Covid, only 972 were able to use the bracelet. It seems that five thousand have been purchased, but the mystery of their shortage remains impenetrable.</p>	Italy	Pace of the prisoners release suffered a strong slowdown - (After the controversy over the possible release of some mafia bosses following the "Cura Italia" Decree (8 March 2020))	Type A	Overcrowding reduction: Increase people benefiting from house arrest + Need to increase the number of electronic bracelets	Type A
267	C18 IT The infections - At the end of July, the data on Covid in prisons are rather comforting. The cases of positive prisoners, in total, were 287 although in some realities (Saluzzo, Turin, Lodi with transfer to Milan), Voghera, Piacenza, Bologna and Verona have developed "clusters" of a certain importance that have been effectively contained. Four victims of the pandemic among prisoners, two among prison police officers and two among prison doctors.	Italy	-	-	-	-
268	C18 IT The post Covid - Antigone focus has taken an in-depth look at around thirty prisons scattered across nine regions that host 44% of the total number of inmates. The idea is to begin to check what happens in our prisons in a phase 2 in which, with due attention, we should return to normal. If the interviews have resumed, if the video calls continue (important news partly due to the lockdown), if the prison is once again open to activities (scholastic, social, cultural, etc.) coming from outside. The result is an interesting picture not devoid of lights and shadows.	Italy	-	-	Importance of interviews + video calls (important news partly due to the lockdown) + activities (scholastic, social, cultural, etc.) coming from outside	Type B - Compensation

	Code	Measures General Topic	Impact	Information on infections	Further considerations
266	C18 IT	Jail Population Reduction	Negative: Controversy over the possible release of some mafia bosses	-	-
267	C18 IT	-	-	287 Positive prisoners Four victims of the pandemic among prisoners, two among prison police officers and two among prison doctors.	"Of course, looking at the contagion data with respect to the total population, it emerges that the prison rate (0.46%) is slightly higher than that of the national population (0.41%). But it must be said that certainly the infected (including the asymptomatic) in the free population are at least seven times more (data from the Istat study on 60 thousand serological tests), a proportion that should not have correspondences in prison where the control was much more widespread." " A hard balance to digest, but if you think about what happened in the nursing homes, it could have been much worse. In this regard, just take a look at the (frightening) data of American prisons to realize the difference. A Reuters study of 37 state prisons speaks of ten thousand cases out of 44 thousand inmates tested. In federal prisons (150,000 inmates, three times those of Italian prisons) tests were carried out only on symptomatic people, finding 4,200 positives (14.5 times in Italy) with 52 deaths (13 times the Italian prison system)."
268	C18 IT	Prison Visits & Communication / Activities	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
269	C18 IT Interviews and video calls - In all prisons, inmates' interviews with family members are resumed. Only six out of thirty still at least one per month. Almost everywhere they try to do better. On average, phone calls are granted to a greater extent than before the lockdown. Video calls, which were perhaps the best and fastest response to the riots in March, have become part of normalcy (86.7% of the institutions monitored): prisons have equipped themselves with mobile phones and tablets that are provided to prisoners to video call relatives. In most cases, however, alternatives to the direct interview remain. There would seem to be nothing wrong with integrating and combining the two systems of contact between inmates and their loved ones.	Italy	Alternative forms of contact (Interviews and video calls - e.g. in general phone calls are granted to a greater extent than before the lockdown, inmates' interviews with family members are resumed, video calls have become part of normalcy (86.7% of the institutions monitored), prisons have equipped themselves with mobile phones and tablets that are provided to prisoners to video call relatives)	Type B - Compensation	Need to integrate and combine the two systems of contact between inmates and their loved ones (alternatives to the direct interview and direct interviews).	Type B - Compensation	
270	C18 IT Opening to the outside - Activities with the outside world have also resumed. But in 23% of cases (7 institutions out of 30) the prison is still closed even to those who, as teachers and social workers, bring a discourse of growth and hope. Also for this reason it would be necessary to resume and relaunch the discourse of using tools to carry out lessons, conferences, meetings and debates remotely. The integration between the physical presence of teachers and operators and the use of technological tools for remote work would be ideal. It is about making available tools that exist and equipping classrooms and spaces. It is (as almost always) about availability and good will.	Italy	Activities with the outside world have resumed.	Type B	Need to use tools to carry out lessons, conferences, meetings and debates remotely (integration between the physical presence of teachers and operators and the use of technological tools for remote work)	Type B - Compensation	
271	C18 IT Torture - Eight cases are open in Italy against prison staff for torture and violence against prisoners. In three cases (Monza, San Gimignano and Palermo) there are single episodes of violence against a detainee. In the other five (Turin, Milan, Melfi, Santa Maria Capua Vetere and Pavia) we are dealing with more serious episodes involving entire departments where actual beatings and "punitive" expeditions were carried out partly following the revolt and protests of the early March. The situation in Turin is particularly serious where, since 2017, unspeakable violence would have occurred with the involvement of a large part of the guard body (25 under investigation for torture) of the commander and director (already removed).	Italy	Torture and violence against prisoners (e.g. In Turin, Milan, Melfi, Santa Maria Capua Vetere and Pavia there are testimonies about episodes involving entire departments where actual beatings and "punitive" expeditions were carried out partly following the revolt and protests of the early March)	Type B	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
269	C18 IT	Prison Visits & Communication	-	-	"video calls, which were perhaps the best and fastest response to the riots in March"
270	C18 IT	Activities & Communication	-	-	
271	C18 IT	Security	-	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
272	C18 IT Cells open - Cells open eight hours a day, cultural meetings, school and higher education, right to information, right to physical activity (gyms) and communication. These are some of the issues that Antigone strongly emphasizes, recalling that prison is governed with reasonableness and inclusion that are alternatives to punishment, transfers, violence. Where work has been done in this regard, the positive results in terms of serenity of prison life and much lower recidivism rates are evident.	Italy	-	-	Cells open eight hours a day + Cultural meetings, school and higher education + Right to information + Right to physical activity (gyms) + Communication. + Alternatives to punishment, transfers, violence.	Type B
273	C19 IT From 7 to 9 March, a crisis rocked Italy when the country witnessed a number of prison riots, in some cases leading to outbreaks. The violence was triggered by two main catalysts: a COVID-related ban on family visits and increasing risk of contagion among the prison population.	Italy	Visits suspension	Type B	-	-
274	C19 IT But these were not the only factors that led to Italy's prison crisis: around six weeks later, the announcement that there would be an imminent release of numerous mafia bosses on health grounds caused widespread outrage.	Italy	Prisoners release (imminent release of numerous mafia bosses on health grounds)	Type A	-	-
275	C19 IT (...)violent riots spontaneously erupted in Italian prisons across the peninsula on Saturday 7 March. The protests, linked to overcrowding and fears surrounding the spread of the disease, would continue throughout the weekend, with sporadic episodes of violence erupting for several weeks afterwards. Italian citizens, now confined to their homes by law, watched images broadcast of jailbreaks, prisons ablaze and battalions of law-enforcement officers struggling to maintain law and order, both inside prisons and outside. During those few days, it appeared as though the worst-case scenario was materializing – that the country's democratic order was on the brink of collapse.	Italy	-	-	Overcrowding reduction	Type A

	Measures General			Information	
	Code	Topic	Impact	on infections	Further considerations
272	C18 IT	Activities & Access to information & Communication & Security & Transfers	-	-	-
273	C19 IT	Prison Visits	Negative: Riots resulting from the fear of the risk of contagion and from the visits suspension	-	"The damage caused by the virus, both to public health and the economy, is unprecedented in more than a century. And, as with all national emergencies, the mafia have added to the disruption, and taken advantage of it."
274	C19 IT	Jail Population Reduction	Negative: Public reactions of widespread outrage	-	<p>"Italy has one of the largest prison populations in Europe and has long struggled with overcrowding in its correctional facilities, largely as a result of the high number of pre-trial detainees. This is one of the greatest challenges facing the prison system in Italy. In 2013, the European Court of Human Rights ruled that overcrowding in the country's prisons violated basic rights."</p> <p>"Another contentious issue in the Italian prison system is the so-called '41-bis' regime, a special high-security detention system for prisoners convicted of mafia-related or terrorist offences. The regime (which gets its name from Article 41b of the Prison Administration Act) is reserved for the most dangerous mafia bosses and provides for the complete isolation of prisoners, who are permitted no contact with the outside world."</p> <p>"As of November 2019, just a few months before the outbreak of the pandemic, there were 753 prisoners (741 male and 12 female) in Italy detained under this high-security regime. The vast majority had been convicted for mafia-linked offences."</p> <p>"The most recent case to reignite the heated debate was that of mafioso Marcello Viola in 2019, in which the European Court of Human Rights (ECtHR) decided that the provision of prison benefits should be afforded to even those prisoners who did not cooperate with the authorities, who were hitherto excluded from such benefits. It was argued that collaboration with the state cannot be the only means of evaluating a prisoner."</p> <p>"However, the 41-bis prison regime is not only constitutional, it is deemed by many as necessary. Italy is home to a number of high-profile criminals, hence the uniqueness of the country's anti-mafia legislation, and decisions by the ECtHR, or a judge from the United States, might appear to some as underestimating the potential risks associated with the loosening of restrictions on mafia bosses."</p>
275	C19 IT	Jail Population Reduction	Negative: Fear of Covid-19 contagion + Riots - jailbreaks, prisons ablaze and battalions of law-enforcement officers struggling to maintain law and order, both inside prisons and outside.	-	-

				Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken	A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
276	C19 IT By 11 March, 14 prisoners had died during the riots and hundreds of prison officers were injured. The damage to property amounted to tens of millions of euros and reduced the prison system's capacity by 2 000, the first tangible consequence of the riots. However, in the mind of the public, one of the most critical events was the escape of 72 inmates from a prison in the south-eastern town of Foggia, including a number of dangerous mafiosi. In the 48 hours that followed, law enforcement was able to round up 61 of them in an unprecedented manhunt, the likes of which had never been seen in the history of the Italian Republic.	Italy	-	-	-	-
277	C19 IT The timing could not have been more inauspicious. Just weeks after the prison uprising, a memo sent by the department of penitentiary administration alluding to the potential release of mafia bosses from prison on grounds of ill-health came as a second blow for the Italian public, still reeling from the recent riots in which scores of prisoners had managed to escape. The memo from the department requested prison directors to disclose the names of all detainees with underlying health conditions in order to assess appropriate measures to be taken should the prison service not be able to provide necessary healthcare. Adequate health facilities are severely lacking in Italy's straining prison system. As a source from the Ministry of Justice (under which the department of penitentiary administration falls) clarified: 'The document in itself does not release the prisoners – this is clear. But facing us is a mafia that knows how to take advantage of every tiny concession made. ... Prisoners detained under the 41-bis regime are safe, they are isolated. But many of them are in ill-health and need care, which means, if the prison authorities cannot provide it, it is down to us.' Although the department of penitentiary administration, in response to public outcry at the notion of a potential release of a number of mafiosi, sent a statement on 20 April clarifying that it had not issued any provision regarding the release of high-security prisoners (and claiming it was just a 'monitoring exercise'), it seems likely that mafia bosses' lawyers identified a gap in the regulations that has permitted them to submit release requests for their clients, especially those above the age of 70.	Italy	Prisoners release (including of mafia bosses)	Type A	Lack of adequate health facilities	Type A

Code	Measures General Topic	Impact	Information on infections	Further considerations
276	C19 IT -	-	-	<p>Riots: 14 prisoners died Hundreds of prison officers injured Property damage amounted to tens of millions of euros Reduction of the prison system's capacity by 2 000 + Escape of 72 inmates (including a number of dangerous mafiosi; in the 48 hours that followed, law enforcement was able to round up 61 of them) + Public panic</p> <p>"I have no doubt that it was the mafia that orchestrated the meticulously planned riots,' said a veteran investigator specializing in the prison system, who wished to remain anonymous. 'As soon as the riots started, the relatives of the prisoners were immediately outside protesting – it was almost as if they knew. They did know, that is certain. They coordinated and attacked as a group."</p> <p>"That mafia inmates may have started the riots is a credible theory – after all, mobile phones have been discovered in high-security sections in some prisons holding 41-bis prisoners, and investigations are ongoing into the mechanisms that enabled them to be smuggled in."</p>
277	C19 IT Healthcare services	-	-	<p>Comment: A very relevant data is that "Adequate health facilities are severely lacking in Italy's straining prison system." which relates to the need to implement alternatives to detention such as house arrest measures</p> <p>"Although the department of penitentiary administration, in response to public outcry at the notion of a potential release of a number of mafiosi, sent a statement on 20 April clarifying that it had not issued any provision regarding the release of high-security prisoners (and claiming it was just a 'monitoring exercise'), it seems likely that mafia bosses' lawyers identified a gap in the regulations that has permitted them to submit release requests for their clients, especially those above the age of 70. "</p>

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
278	<p>C19 IT Several were released. On 10 April, Rocco Santo Filippone, on trial for ordering the bombings that killed two Carabinieri in 1994, was allowed free. Sick and elderly, the 'Ndrangheta boss was placed under house arrest without so much as an electronic tag. On 22 April, Francesco Bonura, due for release 11 months later, was freed on the grounds of serious health issues. Two days later, on 24 April, Pasquale Zagaria, the economic brains of the Casalesi clan, was set free. Zagaria, who was serving his sentence under the 41-bis regime, has cancer. However, given there is no hospital capable of treating him, as a result of hospital beds being prioritized for Italy's acute COVID-19 emergency, Zagaria was sent to serve the rest of his sentence under house arrest in Ponteviso, Lombardy.</p> <p>Since the beginning of the crisis, a total of 376 prisoners either convicted of mafia-type offences or in pre-trial detention have been released under house arrest, four of whom were detained under the 41-bis high-security prison regime, including Camorra boss Pasquale Zagaria, two Cosa Nostra bosses, Francesco Bonura and Vincenzo Di Piazza, and an 'Ndrangheta boss, Vincenzo Iannazzo. A further 456 prisoners submitted requests to be released under house arrest.</p>	Italy	Prisoners release (including of mafia bosses) (on the grounds of serious health issues) House arrest	Type A	-	-	
279	C20 IT Twenty-nine coronavirus positive inmates, about twenty infected guards, an agent who ended up in resuscitation for respiratory crisis. And among the sick, even the two doctors and the nurse of the institute. The situation in the Verona-Montorio prison lies in these numbers that probably make it the Italian prison most exposed to Covid 19.	Italy	-	-	-	-	
280	C20 IT The situation has gotten out of hand, cuts short Aldo Di Giacomo, general secretary of the Prison Police Syndicate (Spp). In recent days he presented a complaint to the prosecutor in Verona where he rattles off a long list of alleged errors that would have been committed by the management of the prison in these weeks of emergency. "And since it's getting worse, I'm also preparing a second complaint," he anticipates.	Italy	-	-	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
278	C19 IT	Jail Population Reduction	<p>Negative: The decision to release these prisoners has provoked severe criticism from many, including one anti-mafia magistrate: 'It is absolute insanity, a grave error. [Zagaria] could have been moved to a military plane in order to provide him with all necessary treatment, and then returned to the prison. Or a different high-security prison with the capacity to treat him could have been found. Under no circumstances should he have been offered any concessions whatsoever. It sends such a terrible message to the country. ... we're talking about a criminal economics mastermind, so he is even more dangerous than most.</p>	-	<p>"Italian mafia groups have managed the emergency to perfection. Their resolute determination and capacity to coordinate activities illustrates not only the danger they pose, but also their ability to seize opportunities as soon as they arise. Just two weeks after the first confirmed coronavirus case in Italy, the mafia orchestrated some of the most extensive prison riots in Italy's history, showing how they are attuned to the difficulties facing the country in a state of emergency. They have also shown their intricate knowledge of the country's legislation governing the regulations of prisons. They were able to secure access to communication and information, resulting in a number of prison releases for senior members of their syndicates."</p> <p>"On 2 May, the head of the department of penitentiary administration, under whose watch the riots and the prison releases occurred, resigned."</p>
279	C20 IT	-	-	Twenty-nine coronavirus positive inmates, about twenty infected guards.	-
280	C20 IT	-	-	-	"Complaint to the Verona prosecutor about errors committed by the management of the prison in these weeks of emergency. "

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
281	C20 IT (...) On one thing, however, all parties agree: the risk of contagion inside the Verona prison is now unmanageable. To the point that the Triveneto Department of Penitentiary Administration (Dap) sent a circular to the magistrates. "It is written that no new inmates can be assigned to the Montorio prison" explains the prosecutor Angela Barbaglio, who in fact had to write to the other Venetian institutes asking for availability to welcome people who, eventually, will be arrested in Verona from here forward. In practice, the entire prison was "frozen" due to the infection.	Italy	Overcrowding + Prohibition of acceptance of new inmates in the Montorio prison	Type A	-	-	
282	C20 IT This is demonstrated by the story told by the Corriere del Veneto: an Indian inmate was released from prison because he was positive for Covid 19, and for 24 hours he quietly wandered around the capital until he was stopped by the carabinieri while he was at the station. The Venice Court of Appeal released him last Friday, based on a note in which the same director admitted the need to remove him from prison as soon as possible since it is "impossible to comply, in the context of the penitentiary system, with measures of suitable prophylaxis to avert the danger of contagion for prisoners and for the people who work there ". For the union "it was a very serious episode, which put the citizens in danger". But that's just the tip of the iceberg.	Italy	Release of a positive case without a safe alternative (guarantee of isolation)	Type A	Lack of conditions enabling prophylaxis isolation	Type A	
283	C20 IT PPE (Protective Clothing; Masks), hygiene products, tests	Italy	Prohibition of the use of PPE for the staff in prison	Type A	Need of social distance	Type A	
284	C20 IT "Now that we're finally free to wear them, there aren't any masks for everyone: I had to buy them."	Italy	-	-	Lack of PPE (masks)	Type A	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
281	C20 IT	New arrivals + Jail Population Reduction	-	-	-
282	C20 IT	Jail Population Reduction & Placement and treatment of infected or suspected cases	Negative: Danger of infecting other citizens	-	Serious situation that puts other citizens at risk: Release of inmate, which was positive and for 24 hours he quietly wandered around the capital (due to thee need to remove him from prison as soon as possible since it is "impossible to comply, in the context of the penitentiary system, with measures of suitable prophylaxis to avert the danger of contagion for prisoners and for the people who work there".
283	C20 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
284	C20 IT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
285	C20 IT Margherita Forestan is the Guarantor for the prisoners of Verona, and puts it in these terms: "The episode of the Indian released from prison is very serious, but for days the director had written to the mayor, prefecture and Usl without receiving a reply". More generally, on the management of the emergency, Forestan has no doubts: "We have done everything possible, but let's not forget that prison is a world apart: we live together in cells of 12 square meters, where it is impossible to impose isolation and social distance. The football matches? I don't think the risk of contagion increases, given that in any case the prisoners also spend the rest of the day in close contact with each other ». The position of the mayor of Verona, Federico Sboarina, is very different: "Two meetings of the Public Order Committee had been held on the issue of the Indian detainee positive for Covid 19 and there were several letters between the institutions involved. But in the end, do you know what happened? That the director did what she wanted. No citizen can move if he is infected. This detainee, on the other hand, was put on the street without worrying about the need to arrange his medical isolation. Since we did not have spaces available, I moved with the Curia to find accommodation for him but, without waiting for everyone's commitment to be successful, the director proceeded alone and without informing anyone ".	Italy	Release of a positive case without a safe alternative (guarantee of isolation)		Type A	Need of PPE - and antiseptics + (Lack of coordination on the situation related to the release of the COVID-19 positive inmate) Lack of conditions enabling prophylaxis isolation	Type A
286	C1 PT In a statement, SIM says that in the last few days it added two formal alerts to the Minister of Health regarding the situation in prisons, in particular at the São João de Deus Prison Hospital (Caxias, Oeiras municipality), where it says that there is a lack of personal protection equipment and disinfectants.	Portugal	-		-	Need of PPE - and antiseptics	Type A
287	C1 PT The Independent Union of Doctors (SIM - Sindicato Independente dos Médicos) revealed today that there is a medical assistant (staff) to the prison hospital in Caxias infected with covid-19, which brings the total number of cases in the prison system to three.	Portugal	-		-	-	-
288	C1 PT It was taken to the prison hospital in Caxias the woman detained on Thursday near the border of Caia, in Elvas (Portalegre), in possession of 5,080 doses of cocaine, who is infected with covid-19. This detainee is, according to DGRSP, "in isolation and treatment".	Portugal	Isolation		Type B	-	-

Code	Measures	General Topic	Impact	Information on infections	Further considerations
285	C20 IT	Jail Population Reduction & Placement and treatment of infected or suspected cases & PPE (Protective Clothing; Masks), hygiene products, tests	Negative: Danger of infecting other citizens	-	-
286	C1 PT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
287	C1 PT	-	-	3 cases in the prison system	-
288	C1 PT	Placement and treatment of infected or suspected cases	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
289	C1 PT In the note released today, the Independent Union of Doctors (SIM - Sindicato Independente dos Médicos) says that there was no response from either the Ministry of Health or the Ministry of Justice to the warnings it issued and that the director-general of Reinsertion and Prison Services was also informed about the situation of the prison hospital in Caxias. "To combat the pandemic, it is essential to protect and test in prisons and not to confine themselves to emptying prisons administratively, as defended by the director-general of Reinsertion and Prison Services", adds SIM.	Portugal	-	-	-	Need of protection and tests in prisons	Type A
290	C2 PT The Ministry of Internal Affairs announced today that it has made available "20 tents and 260 beds to be installed in prisons, as part of preventive measures to mitigate the contagion associated with the COVID-19 disease pandemic among the prison population". The ministry led by Eduardo Cabrita said that "through the National Authority for Emergency and Civil Protection (ANEPC), 14 tents with the capacity to install 200 beds and six more inflatable tents with capacity for another 60 beds were assigned". In addition, it was added in a statement that "260 camp beds and a total of 520 blankets were made available".	Portugal	Donation of medical equipment material from the National Emergency and Civil Protection Authority (ANEPC) -20 tents -260 beds -520 blankets	Type A	-	-	-
291	C3 PT A demonstration by the inmates' wives in Paços de Ferreira this Sunday calls for greater protection for prisoners and an end to the suspension of visits.	Portugal	-	-	-	Request to end the visits suspension + Need of more protection for prisoners	Type B + Unspecified
292	C3 PT "Nothing has changed in prison" and the revolt is great with the end of visits	Portugal	Visits suspension	Type B	-	Need of increasing prisoners' protection	Unspecified
293	C3 PT At Leiria Prison-School, weekend visits were suspended and only one during the week was maintained	Portugal	Visits restrictions (Weekend visits suspension and one week visit allowed)	Type B	-	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
289	C1 PT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	Comments: It is possible to note communication/ collaboration difficulties between the the Independent Doctors Union (SIM) and the Ministries of Health, Justice and General Directorate for Reintegration and Prison Services
290	C2 PT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
291	C3 PT	Prison Visits & General Preventive Measures	-	-	-
292	C3 PT	Prison Visits & General Preventive Measures	Negative: Revolt	-	-
293	C3 PT	Prison Visits	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
294	C3 PT "Someone has to do something for them," says Paula Santos. She does not understand or accept the rules: "If there are no visits, then why do teachers, technicians and educators, guards, cooks and other kitchen professionals come and go every day? These, too, from abroad, may come infected. "In prison, nobody protects anyone from the coronavirus," she complains. This is the main source of the current revolt that only increases but does not explode with the conditions in the prisons, the difficulties in benefiting from precarious exits or of parole. "They are bitter all over there," says Paula Santos in a painful lament that she repeats at the end of each answer.	Portugal	Visits suspension + Restrictions on precarious exits or of parole.	Type B	Need to implement other measures + Increase prisoners protection	Unspecified	
295	C3 PT Paços de Ferreira and Vale do Sousa are among the northern prisons where visits were totally interrupted. In the rest of the country, one visit per week was maintained.	Portugal	Visits suspension or restrictions on visits	Type B	-	-	
296	C3 PT Contacted, DGRSP justifies the "immediate suspension" in some establishments because "it is facing a dynamic situation". And he adds that, "seeking to facilitate contact with family and friends, it was allowed to make three daily telephone calls lasting five minutes each."	Portugal	Alternative forms of contact (three daily telephone calls lasting five minutes each)	Type B - Compensation	-	-	
297	C3 PT They feel wronged. "They cannot protect us just by preventing contact with our families," says Bartolomeu. "And everyone who works and have contact with colleagues who come from abroad?", He asks. "They walk inside without gloves or masks. There is nothing. Not a single disinfectant. We are treated like cattle. "	Portugal	Visits suspension	Type B	Need of PPE (gloves, masks, disinfectant, etc.) + Increase prisoners protection	Type A + Unspecified	
298	C3 PT "The virus is not in there. It can come from the outside in ", stresses Jorge Alves, who warns of the vulnerability of the prison population. "Many have HIV-AIDS, Tuberculosis or Hepatitis C, and many are over 70 years old. It is an aging population ", he says. "Where is the concern of the Directorate-General [for Reintegration and Prison Services]?"	Portugal	-	-	Increase prisoners protection	Unspecified	
299	C3 PT And he added that in the event that there is a need to hospitalize inmates who "come to be positive", DGRSP created two wards, one in the Porto Prison and the other in the São João de Deus Prison Hospital in Caxias.	Portugal	Two prepared wards for the need to hospitalize inmates tested positive	Type A	-	-	
300	C3 PT Prisoners who return prisons from the outside will be kept in isolation, quarantined, for a period of not less than two weeks, as well as new convicts or new preventive prisoners, who will be sent to units emptied for this purpose.	Portugal	Isolation of at least two weeks (for prisoners returning from the outside, new convicts or new preventive prisoners)	Type B	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
294	C3 PT	Prison Visits + Prisoners' entry-exit regime	Negative: Incomprehension and frustration resulting from the belief on the lack of consistency	-	Problem of inconsistency: Prisoners and their families do not accept the visits suspension at the same time that other safety measures are not being implemented. "She does not understand or accept the rules: "If there are no visits, then why do teachers, technicians and educators, guards, cooks and other kitchen professionals come and go every day? These, too, from abroad, may come infected. "In prison, nobody protects anyone from the coronavirus," she complains."
295	C3 PT	Prison Visits	-	-	-
296	C3 PT	Communication	-	-	"The telephone - inside or outside of what is authorized - is the only way in which prisoners can express what no longer fits in them: the fear of contagion and its possible lack of control. "We don't talk about anything else between us."
297	C3 PT	Prison Visits & PPE (Protective Clothing; Masks), hygiene products, tests+ & General Preventive Measures	Negative: Incomprehension and frustration	-	Problem of inconsistency: Prisoners and their families do not accept the visits suspension at the same time that other safety measures are not being implemented "They feel wronged. "They cannot protect us just by preventing contact with our families," says Bartolomeu. "And everyone who works and have contact with colleagues who come from abroad?", He asks. "They walk inside without gloves or masks. There is nothing. Not a single disinfectant. We are treated like cattle. ""
298	C3 PT	General Preventive Measures	-	-	-
299	C3 PT	Placement and treatment of infected or suspected cases	-	-	-
300	C3 PT	Placement and treatment of infected or suspected cases	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
301	C3 PT Whoever is in jail, like Bartolomeu or Paulo, says that everything remains the same. The only cleaning, they see is the usual cleaning with the soap and bleach that they are given to wash their cells. "Nothing has changed inside here," says Paulo, by phone, from the Paços de Ferreira prison. "Nobody informed us about the virus, about the care we have in here. They just put up a placard explaining how to wash hands."	Portugal	-	-	-	Access to information (about the virus, needed care, etc.) + Prisoners protection measures	Type B + unspecified
302	C4 PT The general director of Reinsertion and Prison Services, Rómulo Mateus, has suspended visits to prisoners in the Lisbon area due to Covid-19, similarly to what has been in force since March 7 in prisons in the Northern region.	Portugal	Visits suspension	Type B	-	-	
303	C4 PT "Regarding the effort of doing everything possible to protect you, I now decide to temporarily suspend the entry of your visits", affirms, in the letter, Rómulo Mateus, noting that, to "soften this deprivation", they will be entitled to more time on the phone . "I ordered that each of you will be allowed three phone calls a day, for five minutes each, so that the voice of your loved ones can accompany you in this period that we want to be as brief as possible", he assures.	Portugal	Alternative forms of contact (three daily telephone calls lasting five minutes each)	Type B - Compensation	-	-	
304	C4 PT Prisoners will still continue to receive laundry washed by their relatives, but only 24 hours after it is delivered, "for mere security reasons related to the virus".	Portugal	24 hours quarantine for delivers (e.g. laundry)	Type B	-	-	
305	C5 PT Among the complaints, the union of prison guards complains about the lack of personal protective equipment and hygiene and cleaning products in the jails. The prison guards union accuses the Directorate-General of "violating the State of Emergency compliance obligations" and complains about the lack of personal protective equipment and hygiene and cleaning products in the jails.	Portugal	-	-	-	Lack of personal protective equipment and hygiene and cleaning products	Type A
306	C5 PT National Union of the Prison Guard Corps (SNCGP) says it "has no doubt" that "the Directorate-General for Reinsertion and Prison Services (DGRSP) is violating the obligations to comply with the state of emergency".	Portugal	-	-	-	Lack of personal protective equipment and cleaning products	Type A
307	C5 PT The union says that guards are not allowed "to wear masks inside prisons to avoid creating social alarm among prisoners", but that they "are alarmed because guards (potential transmitters) do not use protection when contacting with them".	Portugal	Prohibition of wearing a mask in prisons	Type A	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
301	C3 PT	Access to information & General Preventive Measures	-	-	-
302	C4 PT	Prison Visits	-	-	-
303	C4 PT	Communication	-	-	-
304	C4 PT	Parcels from outside prisons	-	-	-
305	C5 PT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	Complaint (National Union of the Prison Guard Corps (SNCGP) - Sindicato Nacional do Corpo da Guarda Prisional) about the breach of obligations by DGREP
306	C5 PT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	Complaint (National Union of the Prison Guard Corps (SNCGP) - Sindicato Nacional do Corpo da Guarda Prisional) about the breach of obligations by DGREP
307	C5 PT	PPE (Protective Clothing; Masks) / Hygiene products / Tests	-	-	<p>Comment / Reflection:</p> <p>At this time there was still no system prepared to react to the current pandemic situation. But it is essential that this system will be created and that there are clear lines that must be mandated by the CoE as a transnational unit.</p> <p>Even if some laws were not designed, it is essential to look at the experience of this epidemic and realize that rules, guidelines and laws must be created to guide a better response to an upcoming pandemic crisis.</p> <p>Check it there is a violation by the Portuguese State:</p> <p>In March, the use of a mask does not seem to be mandatory (confirm). At the end of the state of emergency, the use of a mask on public transport has become mandatory. However, it is essential to realize whether the use of a mask was already recommended - for risk groups such as doctors or vulnerable people. If that was the case then that prohibition would not make sense.</p>

Code	Text	Country	Measure taken	Type of measure taken:		Measure that should be considered taken	Type of measure that should be considered taken:
				A. prisoners' rights regarding health	B. prisoners' freedoms		
308	C5 PT DGRSP only takes the temperature of inmates who are protected, but it does not take the temperature of those who enter prison ", when, they say," the potential transmitters are the guards and other officials who enter and circulate in prisons without any control and protection " .	Portugal	-	-	-	Need to take the temperature of those who enter prison	Type A
309	C5 PT The contingency measures taken in prison establishments are also the target of criticism by the union structure, namely the entry of clothing and food for prisoners, the lack of equipment and disinfectant gel and the difficulty in separating older prisoners in the same space.	Portugal	-	-	-	Need to control entry of clothing and food for prisoners + Lack of equipment and disinfectant gel + Need to separate older prisoners	Type B + Type A + Type B
310	C5 PT The maintenance of normal working hours is another issue addressed in the letter sent to Marcelo Rebelo de Sousa, the union says that these prevent the existence of a second line of personnel in case of contagion. "Of the six shift teams that exist in each prison establishment, plus the staff having a rigid schedule - Monday to Friday -, every 24 hours, five have contact with each other" and "in a hypothetical scenario of contagion" in one day " 90% of the EP's staff can be contaminated, leaving only 10% ". The schedule of hours, considers the union structure, makes most of the staff move almost every day to prison establishments, forcing contact between professionals who enter with those who leave the service and who have a close contact with the prisoners.	Portugal	-	-	-	Implementing new shifts / schedules to guarantee the existence of a second line of personnel in case of contagion.	Type A
311	C5 PT The union also recalls that several prisons are overcrowded and that the majority of the prison population is "allocated in dormitories with several prisoners (10, 20 and even 30 prisoners in the same space), who share the same bathroom, and outside the dormitory. the same cafeteria, spa, gym, social rooms and patios ".	Portugal	-	-	-	Need of social distancing or decreasing overcrowding (dormitories with several prisoners (10, 20 and even 30 prisoners in the same space))	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
308	C5 PT	New Arrivals	-	-	"In the union's view, the director general of prison services is looking at the covid-19 issue "from the inside out and not from the outside in" of the remaining services, namely the security forces and services."
309	C5 PT	Parcels from outside prisons & PPE (Protective Clothing; Masks), hygiene products, tests & Placement and treatment of infected or suspected cases	-	-	-
310	C5 PT	Staff	-	-	-
311	C5 PT	General Prevention Measures & Jail Population Reduction	-	-	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
312	C5 PT According to the general directorate of prison services, the Contingency Plan for the covid-19 of prison services requires that prisoners who now enter prisons be required to comply with a "14-day prophylactic quarantine", with daily clinical monitoring.	Portugal	Isolation for prisoners who now enter prisons (14-day prophylactic quarantine, with daily clinical monitoring.)	Type B	-	-	
313	C5 PT At the beginning of the last week, visits to prisoners were banned and three daily telephone calls lasting five minutes each were allowed.	Portugal	Visits suspension + Alternative forms of contact (three daily telephone calls lasting five minutes each were allowed)	Type B & Type B - Compensation	-	-	
314	C5 PT Transfers of prisoners between establishments are also prohibited, "except for security reasons".	Portugal	Prohibition of transfers of prisoners between establishments (except for security reasons)	Type B	-	-	
315	C5 PT In the DGRSP response, sent on Tuesday to the Lusa agency, it is said that work activities with external entities, school activities, training and leisure activities involving the gathering of people are suspended, which contradicts the union.	Portugal	Work activities (with external entities), school activities, training and leisure activities (involving the gathering of people) suspension	Type B	-	-	
316	C5 PT Short-term (precarious) departures are also suspended.	Portugal	Short-term (precarious) departures suspension	Type B	-	-	
317	C6 PT Approximately 2.000 prisoners are being released earlier than expected due to the pandemic and exceptional measures of the state of emergency. The Directorate-General for Reinsertion and Prison Services reveals that between 11th and 27th of April, 1,179 prisoners were released for pardon. 674 orders for authorization of the Extraordinary Administrative Exit License were also sent to the prison establishments. The process of evaluating and sending orders is being concluded.	Portugal	Prisoners release (approximately 2.000)	Type A	-	-	
318	C6 PT It was not possible to develop a preparatory work to support, especially those who do not have family help or a home to live.	Portugal	-	-	-	Provision of support for those who do not have family care or a home to live	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
312	C5 PT	New Arrivals & Placement and treatment of infected or suspected cases	-	-	-
313	C5 PT	Prison Visits + Communication	-	-	-
314	C5 PT	Transfers	-	-	-
315	C5 PT	Activities	-	-	-
316	C5 PT	Prisoners' entry-exit regime	-	-	-
317	C6 PT	Jail Population Reduction	-	-	-
318	C6 PT	Jail Population Reduction + Home provision	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
319	C6 PT This Monday afternoon the President of the Republic granted 14 pardons to prisoners over 65 years of age and with health problems. It was one of the measures foreseen in the exceptional regime for the execution of sentences because of the pandemic. A release that mainly serves to reduce the risk of contagion in Portuguese prisons.	Portugal	Prisoners release (14 pardons to prisoners over 65 years of age and with health problems)	Type A	-	-	
320	C7 PT Prisoners who enter or return to prisons are having separate recreational moments depending on the time of isolation in order not to compromise clinical surveillance. At the Lisbon Prison (EPL), newly admitted and quarantined prisoners are divided into four groups to avoid contagion.	Portugal	Prisoners are divided into 4 groups to enjoy separate recreational moments	Type B		-	
321	C7 PT "Despite applauding the creation of a wing with individual cells for quarantine, the Portuguese Association of Support to Prisoners (APAR) warned yesterday that the approximately 50 prisoners in prophylactic isolation at the EPL were being taken together to the courtyard, regardless of the isolation time already completed." In a statement, the secretary general of APAR, Vítor Ilharco, denounced the "lack of common sense" of the jail by gathering all the prisoners in the courtyard "both those who have been there for fourteen days and those who entered that day". In his opinion, it would be a "prison-style quarantine".	Portugal	-	-		Better implementation of prophylactic isolation during recreational periods (e.g. approximately 50 prisoners in prophylactic isolation were being taken together to the courtyard, regardless of the isolation time already completed)	Type B
322	C7 PT It is recalled that short-term exits, granted by the directors of prison establishments, are suspended, leaving only the judicial exits	Portugal	Short-term exits suspension (only judicial exits remain allowed)	Type B		-	
323	C7 PT No positive case According to an official DGRSP source, until yesterday afternoon there was no record of any positive case of Covid-19 in the prison and guardianship educational system.	Portugal	-	-	-	-	
324	C8 PT Short-term exits from prisoners are suspended	Portugal	Suspension of short duration exits	Type B		-	
325	C8 PT Precarious exits, authorized by the Penal Execution Courts (TEP) continue to be granted, but the Directorate-General for Reinsertion and Prison Services (DGRSP) obliges prisoners who arrive from abroad to preventive isolation for 14 days. (subject to prophylactic isolation for 14 days, with due clinical follow-up)	Portugal	Mandatory 14-day prophylactic isolation for authorized precarious departures	Type B		-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
319	C6 PT	Jail Population Reduction	-	-	-
320	C7 PT	Activities & New Arrivals & Placement and treatment of infected or suspected cases	-	-	"APAR has criticised the fact that the recreational moments are being enjoyed by groups of prisoners with different times of prophylactic isolation."
321	C7 PT	Activities & New Arrivals & Placement and treatment of infected or suspected cases	-	-	"To the JN, a source from the Directorate-General for Reinsertion and Prison Services (DGRSP) denied that clinical surveillance is being compromised by the common recreational moments. According to DGRSP, inmates entering the Lisbon Prison are being divided into four different groups to avoid contagion. "The recreation periods for entrants are divided into two different times and include four groups of prisoners, organized according to the respective isolation time. In each recreational period, two groups are in separate yards and under the surveillance of the prison guard, this way social avoidance is promoted", explains the DGRSP."
322	C7 PT	Prisoners' entry-exit regime	-	-	-
323	C7 PT	-	-	No positive cases in the prison and guardianship educational system	-
324	C8 PT	Prisoners' entry-exit regime	-	-	-
325	C8 PT	Placement and treatment of infected or suspected cases & Prisoners' entry-exit regime	<p>Negative:</p> <p>There are prisoners who have already asked not to benefit from the exits already requested and remain in jail, for fear of contagion.</p> <p>There is a fear that prisons will not have the capacity to isolate those arriving from abroad.</p> <p>Fearing this type of contagion, some prisoners from 49 Portuguese prisons have already expressed their intention to refuse the exits they had requested. "</p> <p>They realized that, at this point, it would be better to postpone the exits ", says the same source.</p>	-	-

Code	Text	Country	Measure taken	Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
				A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
326	C8 PT With the same objective of avoiding contagions "the work activities with external entities are suspended, as are the school, training and leisure activities that involve the gathering of people", explained the source of the DGRSP to JN	Portugal	Suspension of work activities with external entities; school, training and leisure activities that involve gathering people.	Type B	-	-
327	C8 PT Family visits have also been suspended in all prisons since the 16th.	Portugal	Visits suspension	Type B	-	-
328	C8 PT Even so, prisoners can receive non-perishable food, in the original packaging, and washed clothes. The goods have to be left at the entrances of the prisons and remain in a prophylactic quarantine 72 hours, until they are delivered. Initially, the deadline was 24 hours.	Portugal	72h prophylactic quarantine for non-perishable food, laundry washed	Type B	-	-
329	C9 PT Covid-19: 1,130 prisoners have already been released in Portugal Fifty-five inmates have now been released due to the application of the exceptional standards for easing penalties resulting from the coronavirus pandemic, joining 1,080 other prisoners released since Saturday, the Superior Council of the Judiciary said.	Portugal	Prisoners release (1,130 prisoners)	Type A	-	-
330	C10 PT Prison services director says "there are officials slowing down" rules and berates officials In the week in which there are six cases in prisons (Caxias and Carregueira), an official sent an internal email to inform that some employees were removing masks and putting the prison population at risk. "I do not understand that a professional in functions, inside the establishment, or abroad on a mission, loosens the rules of prevention, risking illness and becoming a focus of spreading the pandemic", he writes saying even less he realizes that "Directors, Commissioners, Chiefs, Coordinators, do not immediately repress an attitude as irresponsible as this". He also asked that all the directors and heads of the prison system promote "vigilance and civic discipline for the protection of all" and that they prevent the misuse of personal protective equipment.	Portugal	Correct utilization of PPE (Reprimand regarding the carelessness in the use of personal protective equipment)	Type A	-	-
331	C10 PT The letter was sent in the week in which the first positive cases emerged inside prisons. First three employees at the Prisional Hospital in Caxias and now three more workers at the Carregueira Prison. In Caxias, tests were carried out on people who had contact with the infected and all were negative. In Carregueira, tests were carried out only on workers in direct contact with contaminants and only afterwards will tests be carried out on prisoners.	Portugal	Provision of tests (in Caxias) Provision of tests (in Carregueira) on workers in direct contact with the positive case	Type A	Tests on prisoners in contact with a positive case (will be tested but it seems there is a delay)	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
326	C8 PT	Activities	-	-	-
327	C8 PT	Prison Visits	-	-	-
328	C8 PT	Parcels from outside prisons	-	-	-
329	C9 PT	Jail Population Reduction	-	-	<p>"The CSM [Conselho Superior da Magistratura - Superior Council of the Judiciary] refers that adding to the 55 inmates released today "there is an approximate number of 1,080 release court orders determined since the entry into force of Law 9/2020", which means that since Saturday, the date of entry into force of the law, 1,135 prisoners will have left the Portuguese jails."</p> <p>"The CSM reiterates that the five Penal Execution Courts (TEP) in Lisbon, Porto, Coimbra, Évora and Ponta Delgada were once again in full operation, with the reinforcement of staff that seemed necessary for the application of exceptional standards concerning the referred law."</p>
330	C10 PT	PPE (Protective Clothing; Masks), hygiene products, tests	-	-	<p>The Director-General for Reintegration and Prison Services sent an email this Thursday to regional directors and prison directors across the country with a warning: officials are "softening the rules of prevention" for Covid-19, removing masks from the face, and are not being directly scolded. "This is not the time to let your guard down," he wrote in the message sent.</p> <p>Rómulo Mateus begins the text to which the Observer had access to say that he has received "diffuse reports" that report "workers who relax the rules of prevention and remove the face mask, inside the prison". And he says that if this is really happening, "it calls into question all the efforts that we have been making for several months to prevent the pandemic from entering and spreading inside our facilities".</p>
331	C10 PT	PPE (Protective Clothing; Masks), hygiene products, tests	-	6 positive cases - Staff	-

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
332	C10 PT ...However, the visits that are scheduled for this Friday ended up cancelled.	Portugal	Visits cancelation	Type B	-	-	
333	C10 PT Just three days ago, the Minister of Justice visited Carregueira prison where she guaranteed that the overwhelming majority of prison establishments were already prepared to re-establish visits to prisoners, in "health security conditions". Cited by Lusa, Francisca Van Dunem said that this had required "an enormous effort to adapt spaces", in that visit she intended to mark the resumption of visits to establishments and educational centres. That day the minister was accompanied by Rómulo Mateus.	Portugal	Effort to re-establish visits to prisoners (adaptation of spaces to meet health security conditions)	Type B	-	-	
334	C10 PT "The distancing rules are strictly enforced, and we do not have a case within the prison system," said the minister, adding that the 21 cases that exist are external, including those recorded in prisoners.	Portugal	Social distancing rules	Type A	-	-	
335	C10 PT That same month [April], the Government proposed and the President of the Republic agreed to grant 14 pardons for the extraordinary release of prisoners due to the Covid-19 pandemic, addressing prisoners serving prison terms, who are over 65 and who are sick.	Portugal	Prisoners release (14 pardons addressing prisoners over 65 and who are sick)	Type A	-	-	
336	C11 PT Portugal: prisoners 'of all kinds' to be released as courts fail to meet judicial deadlines Prisoners of all kinds – held on remand awaiting trial – are set to be released in the coming weeks because the courts have gone into basic paralysis. The trend has already started.	Portugal	Prisoners 'of all kinds' – held on remand awaiting trial – to be released	Type A	-	-	
337	C11 PT A couple of weeks ago, the trial of dozens of Hells Angels was 'post-poned indefinitely' as defendants – many of which had already been let out of jail due to the sloth of justice – failed to attend hearings for fear of contracting Covid-19. Last week, defendants held over the 'Tancos' 'theft of military hardware' affair were also released.	Portugal	Trials postponed indefinitely + Prisoners release without criteria	Type B + Type A	-	-	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
332	C10 PT	Prison Visits	-	-	-
333	C10 PT	Prison Visits	-	-	-
334	C10 PT	General Prevention Measures	-	-	-
335	C10 PT	Jail Population Reduction	-	-	<p>"At the beginning of April, the country was still in a state of emergency, the Minister of Justice was being heard in the Parliamentary Committee on Constitutional Affairs about the Government's intention to release some prisoners for a better management of space, in prison establishments, in the strategy prevention of disease in prisons. The idea was to guarantee the means to fulfill the physical distance.</p> <p>At that time, Francisco Van Dunem was clear on the consequences that were expected if the new coronavirus entered prisons. "Studies indicate that a case of Covid-19 in prisons allows contamination of 200 prisoners in one week, and from there, the data are geometric. Therefore, it is necessary to create spaces in prison establishments that favor social separation", defended the minister, who considered that "the spread of the virus in a prison is like a fuse"."</p>
336	C11 PT	Jail Population Reduction	Negative: Argument related to the lack of criteria on the release of prisoners	-	
337	C11 PT	Legal procedures + Jail Population Reduction	-	-	-

				Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken	A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
338	<p>C11 PT It goes without saying that generally people are held on remand pre-trial as they are considered 'serious offenders', or flight risks.</p> <p>Explains tabloid Correio da Manhã: "Cases for murder have very tight deadlines. Charges have to be brought within six months and the instruction phase (first part of the trial phase) has to take place within four".</p> <p>But with courts not holding sessions, for reasons of 'health and safety' – and witnesses refusing to attend for the same reasons – "there are more and more problems in terms of these deadlines".</p> <p>Says the paper: "The situation is likely to repeat itself in hundreds of other cases where deadlines are close to closing".</p>	Portugal	Postponed court sessions - cases' deadlines close to closing	Type B	-	-
339	C11 PT	Portugal	Prisoners transport restrictions	Type B	Lack of PPE	Type A
340	<p>C12 PT There are more than 30 health units and 10 prisons with suspended visits, after the measure implemented by the Government to contain the coronavirus outbreak in Portugal.</p> <p>There are more than 30 health units - including hospitals, maternal and child centers, rehabilitation center and palliative care unit - and 10 prisons in the Northern region that are no longer receiving visits. The Government announced yesterday that visits to homes, hospitals and prisons would be temporarily suspended in the North from this Sunday.</p> <p>The announcement of the temporary suspension of visits to homes, hospitals and prisons in this region was made on Saturday night by the Minister of Health - at a press conference attended by the Director-General of Health - and began to apply. this Sunday. This is one of the measures implemented to contain the new coronavirus in Portugal.</p>	Portugal	Visits suspension (10 prisons)	Type B	-	-

	Code	Measures General Topic	Impact	Information on infections	Further considerations
338	C11 PT	Legal procedures	Negative: "Notorious for its 'speculative' nature, CM on this occasion has played down the looming scenario in which serious offenders are looking at the possibility of being returned to the wider community at a time when all resources are already stretched to the limit."	-	-
339	C11 PT	Transfers + PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
340	C12 PT	Prison Visits	-	-	"Regarding prisons, these are the prisons that are not receiving visits, according to a source from the Directorate-General for Reinsertion and Prison Services (DGRSP): 1. Estabelecimento Prisional de Braga; 2. Estabelecimento Prisional de Guimarães; 3. Estabelecimento Prisional de Paços de Ferreira; 4. Estabelecimento Prisional junto da Polícia Judiciária do Porto; 5. Estabelecimento Prisional do Porto; 6. Estabelecimento Prisional de Santa Cruz do Bispo – Feminino; 7. Estabelecimento Prisional de Santa Cruz do Bispo – Masculino; 8. Estabelecimento Prisional de Vale do Sousa; 9. Estabelecimento Prisional de Viana do Castelo; 10. Estabelecimento Prisional de Aveiro."

Code	Text	Country	Measure taken	Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
				A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
341	<p>C13 PT Portuguese President Marcelo Rebelo de Sousa announced on Thursday the application of a decree approved by parliament a day earlier, granting partial pardon and facilitating the execution of sentences for convicts during the Covid-19 pandemic.</p> <p>The law will take effect on Friday. Portugal's Justice Minister Francisca Van Dunem said the decision could mean the release of 1,700 to 2,000 prisoners.</p> <p>According to the president, the decree addresses "ethical, humanitarian and public health reasons, as well as the recommendation from the United Nations and the Portuguese Catholic Church".</p> <p>The law grants partial pardon of prison sentences for less serious crimes (sentences of up to two years), provisional release and even anticipation of parole.</p> <p>The law does not apply to anyone who has committed crimes such as homicide, rape, domestic violence or child abuse, nor crimes committed by politicians, the military or magistrates during the course of their duties.</p> <p>The minister said earlier this week in parliament that a confirmed Covid-19 case in prison would lead to 200 infections among prisoners.</p>	Portugal	Prisoners release (expected release of 1,700 to 2,000 prisoners)	Type A	-	-
342	C14 PT The entry of bags containing foodstuffs had been banned but was re-authorized. The new guideline provides that they will be kept between 48h and 72h until they are handed over to prisoners.	Portugal	Bags containing foodstuffs will be kept in quarentine between 48h and 72h	Type B	-	-
343	C14 PT The professional who handles the packaging that family members bring from outside should wear nitrile or latex gloves, the DGS standard also reads.	Portugal	Use of PPE (wear nitrile or latex gloves) while handling with packages from the outside	Type A	-	-
344	C14 PT Inmates can thus receive clothing and food at a time when they cannot receive visitors.	Portugal	Authorization of packages (food and clothes) form the outside	Type B	-	-
345	C14 PT Initially, visits to EPs in the northern zone were suspended, but currently, since last March 16, family visits have been suspended in all of the country's prisons.	Portugal	Visits suspension	Type B	-	-

Code	Measures General Topic	Impact	Information on infections	Further considerations
341	C13 PT Jail Population Reduction	-	-	<p>"The law grants partial pardon of prison sentences for less serious crimes (sentences of up to two years), provisional release and even anticipation of parole.</p> <p>The law does not apply to anyone who has committed crimes such as homicide, rape, domestic violence or child abuse, nor crimes committed by politicians, the military or magistrates during the course of their duties."</p>
342	C14 PT Parcels from outside prisons	-	-	<p>First, bags of clothes and foodstuffs were banned from entering prisons due to the outbreak of the new coronavirus. Then, only those who had pieces of clothing could enter again. Now, the General Directorate of Reinsertion and Prison Services (DGRSP) has again allowed the entry of bags of food in the Prison Establishments (EP).</p>
343	C14 PT PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-
344	C14 PT Parcels from outside prisons	-	-	-
345	C14 PT Prison Visits	-	-	-

					Type of measure taken:	Measure that should be considered taken	Type of measure that should be considered taken:
Code	Text	Country	Measure taken		A. prisoners' rights regarding health B. prisoners' freedoms		A. prisoners' rights regarding health B. prisoners' freedoms
346	C14 PT At the end of last week, prisoners' holidays were also suspended due to the outbreak of the new coronavirus. In addition, the number of prison guards per shift will be reduced in order to prevent the spread of Covid-19.	Portugal	Prisoners' holidays suspension + Prison guards reduction per shift		Type B + Type A	-	-
347	C15 PT Jorge Alves, from the prison guards' union, says there are prisons without medication and money to give to prisoners who are being released. Four prisoners refused a precarious 45 days.	Portugal	-		-	Lack of preparedness (lack of medications or money) for short-term (precarious) departures	Non applicable
348	C15 PT Jorge Alves [from the prison guards' union]: "The penalty execution court has already sent 25 court orders for the release of prisoners. The General Director said to dispatch this between today and tomorrow which is causing a problem because these prisoners, especially those who are going for a short departure (precarious), need to bring money and medication - and the prisons at the moment are not sufficient prepared with money and medication to deliver to so many inmates at the same time (...). The general management does not seem to know how this works and taking this in a hurry over a weekend brings into question many aspects that inmates can even contest. Especially because there is no money to give them and medication for them to take.	Portugal	-		-	Lack of preparedness (lack of medications or money) for short-term (precarious) departures	Non applicable
349	C15 PT Jorge Alves: "Yes, above all, they should let the law be published, prepare the processes and calmly set people free because this is in a hurry, for example, we are aware of some prisoners who, in order to be entitled to the short departure (precarious), had to agree with it, and there are cases of prisoners who do not agree to go home in these conditions and stay indoors, prefer to stay in the prison (...). They refused to leave 45 days (...) because they possibly have to stay indoors and on return they have to comply with quarantine (14 days) because we do not know the conditions under which they are coming."	Portugal	-		-	Lack of preparedness (lack of medications or money) for short-term (precarious) departures	Non applicable

	Code	Measures General Topic	Impact	Information on infections	Further considerations
346	C14 PT	Prisoners' entry-exit regime & Staff	Positive: Prevention of Covid-19 spread	-	"So far, there is no record in the prison system of any positive case from Covid-19, the DGRSP also informed in a note sent to the Observer, where he also praises the "cooperative and civic understanding that the majority of workers, prisoners, young interned in educational centers and their family and friends have revealed to the constraints resulting from this emergency situation"."
347	C15 PT	-	Negative: Four prisoners refused a precarious 45 days.	-	"Short deadlines to release prisoners"
348	C15 PT	-	-	-	"They have to be released between today and tomorrow, as is the concern of the general director so that they do not let the government down. It is a process that clearly demonstrates that in the general direction no one knows how this works and what it involves with releases (...) prisoners' equipment, if they have it in their possession, citizen cards, etc. money, medication, there are a series of steps that have to be taken for the release of a citizen who in such a period is very difficult to be accomplished within the period in which the director general is demanding it to be taken (...)."
349	C15 PT	-	Negative: Prisoners refusal to go home for 45 days (preferring to stay in prison, because they possibly have to stay indoors and on return they have to comply with quarantine (14 days).	-	"Short deadlines to release prisoners"

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
350	C15 PT The general director wanted the release of prisoners between today and tomorrow. Here the problem arises that individuals who want to take all the medication and who want to take money with them and the prison does not have them, only can be set free during the week - there is a problem that arises because they are already outside the jurisdiction of prison services and we will have to set them free and there may be the problem here of creating some tension here for them to see satisfied some of their wills that we were unable to satisfy in this period that we are going through, which is the Easter period (...).	Portugal	-	-	-	Lack of preparedness (lack of medications or money) for short-term (precarious) departures	Non applicable
351	C16 PT The early departure of 1,874 inmates resolved overcrowding in prisons, says the Ombudsman, (...)	Portugal	Prisoners release (1,874 inmates)	Type A	-	-	-
352	C16 PT (...) the Ombudsman, who warns of continued lack of conditions. Prisoners are using dryers to warm beds.	Portugal	-	-	-	Lack of conditions (e.g. need of heaters)	Non applicable
353	C16 PT The Directorate-General for Reinsertion and Prison Services (DGRSP) ensured that the problem of overcrowding in prisons was resolved with anti-Covid-19 measures, which led to the early departure of 1,874 prisoners during the pandemic, reports Jornal de Notícias, this Monday, by releasing a report from the Ombudsman that warns of the lack of conditions in prisons.	Portugal	Prisoners release (1,874 prisoners)	Type A	-	-	-
354	C16 PT The report also stresses the fact that the prisons are very degraded, and often there is no separation between toilets and beds. In Santa Cruz do Bispo, for example, prisoners sleep with dryers on to warm their beds. "The accommodation spaces must [have] windows for natural light and ventilation, which is not the case in some cells in Alcoentre and Lisbon, which have little natural light and humidity", it appears in the report.	Portugal	-	-	-	Lack of conditions (e.g. need of heaters, unhygienic conditions - no separation of toilets and beds, lack of natural light and ventilation)	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
350	C15 PT	-	Negative: Problem because prisoners released would be outside of the prison services jurisdiction and there might be some tension resulting from the lack of medication and money that the prison services is supposed to provide.	-	"Short deadlines to release prisoners"
351	C16 PT	Jail Population Reduction	Positive: Prisoners release solved overcrowding in prisons: "there is, "on July 1, 2020", a prison population of 10,842 prisoners and an occupancy rate of 83.9% "	-	<p>"The volume of the prison population and the occupancy rates of the prison system", are today "profoundly different from those experienced" at the end of 2019, it says in the report, where it is explained that there is, "on July 1, 2020", a prison population of 10,842 prisoners and an occupancy rate of 83.9% "</p> <p>"At the end of 2019, 22 of the 28 prisons with an average degree of management complexity were overcrowded, with Torres Novas being the most worrying case, with 160% occupancy. Regarding the 22 prisons with a high degree of complexity, seven had more prisoners, and the individual cells had even received three prisoners."</p> <p>"For the Ombudsman, these figures show that, "in most cases", the facilities are "insufficient for the needs, requiring the use of common housing, which facilitates the daily interaction between inmates with different danger levels , in an experience that contradicts security conditions and the implementation of a social reintegration program".</p>
352	C16 PT	-	-	-	-
353	C16 PT	Jail Population Reduction	-	-	-
354	C16 PT	Facilities & PPE (Protective Clothing; Masks), hygiene products, tests	-	-	-

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
355	C17 PT Portugal was the fourth European country with the highest percentage (15%) of prisoners released as a measure to prevent the spread of Covid-19, behind Turkey (35%), Cyprus (16%) and Slovenia (16%), indicates a report today released by the Council of Europe.	Portugal	Prisoners release (Portugal was the fourth European country with the highest percentage (15%) of prisoners released as a measure to prevent the spread of Covid-19)	Type A	-	-

Code	Measures General Topic	Impact	Information on infections	Further considerations
355	C17 PT Jail Population Reduction	-	-	<p>"According to the report, the countries with the highest percentages of prisoners released as a measure to prevent covid-19 were Turkey (35% - 102,944 prisoners), Cyprus (16% - 121), Slovenia (16% - 230), Portugal (15% -1,874), Norway (13% - 401), Ireland (12% - 476), Italy (9.4% - 5,739) and Spain (7.4% - 4,356), in a table that considers only the states with more than 500 thousand inhabitants."</p> <p>"At the same time, the penitentiary administrations with the highest number of prisoners released to prevent the spread of the pandemic were Turkey (102,944 inmates), Italy (5,739), Spain (4,356) and Portugal (1,874)."</p> <p>In total, more than 122,000 prisoners were released by twenty European prison administrations as a measure to prevent Covid-19, rising to 132,000 including France, which allowed the release of prisoners unrelated to the prevention of the pandemic.</p> <p>In prison administrations that reported having released prisoners to limit the spread of covid-19, the process went through measures such as amnesty, early or provisional release and other alternative solutions to deprivation of liberty.</p> <p>On the other hand, European states are increasingly applying non-custodial sanctions and measures to offenders, according to the annual 2019 SPACE II survey carried out for the Council of Europe by the University of Lausanne.</p> <p>For years, the Council of Europe has urged member states to use, as soon as possible, prison as a last resort and to apply alternative measures to deprivation of liberty.</p> <p>The objective - recalls the report - is to promote the integration of criminals in society to reduce recidivism, prevent overcrowding in prisons, improve the functioning of prisons and promote a humane and effective treatment of prisoners.</p>

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
356	<p>C18 PT PSD wants the end of the exceptional measures for prisoners when the calamity situation ceases. "We don't know when prisoners have to go back to jail," said deputy Carlos Peixoto</p> <p>The PSD wants a new Article to be introduced in the law on exceptional measures in face of the pandemic so that the easing of sentences ceases to be in force "when the calamity situation would be ended".</p>	Portugal	-	-	-	Lack of an Article in the law on exceptional measures so it would be clarified that the penalties relaxation would cease to be in force "when the calamity situation ends	Type A
357	<p>C18 PT PSD argues that the exceptional measures for relaxation of the execution of sentences due to the Covid-19 pandemic must end when the calamity situation ceases, in one of the amendments proposed to the Government diploma delivered to parliament this Monday. Speaking to Lusa, deputy Carlos Peixoto said that in the Government's draft law that alters the exceptional and temporary measures to respond to the pandemic - approved on Thursday by the Council of Ministers and that will be debated in parliament on Thursday - the Government "removes any mention of the period it would be in force" from the diploma on the penalties relaxation. "In other words, we do not know when prisoners have to return to jail," he pointed out, referring, for example, to the cases which the short departure/ "precarious leave" was extendend.</p> <p>To prevent this situation, PSD wants a new Article to be introduced in the law so that the penalties relaxation ceases to be in force "when the calamity situation ceases".</p>	Portugal	-	-	-	Lack of an Article in the law on exceptional measures so it would be clarified that the penalties relaxation would cease to be in force "when the calamity situation ends	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
356	C18 PT	Jail Population Reduction	-	-	-
357	C18 PT	Jail Population Reduction	-	-	Comment: PSD - a centre-right partie has criticized the fact that it still not clear when the prisoners will have to return to jail (e.g. in the cases which the short departure/ "precarious leave" was extendend)

					Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
Code	Text	Country	Measure taken				
358	<p>C18 PT The diploma that established a partial pardon of prison sentences for less serious crimes, a special regime for pardons of sentences, an extraordinary regime for the administrative leave of prisoners and the extraordinary anticipation of the release on parole deserved the PSD opposition from the beginning, which voted against for disagreeing with pardon.</p> <p>Alternatively, the Social Democrats advocated an exceptional regime of house arrest that would apply only to prisoners aged 60 or over, to those with pathologies that health authorities classify as being the most at risk (such as immunocompromised or cancer patients)) and pregnant women or women accompanied by a child under three years of age.</p>	Portugal	-	-	House arrest (only to prisoners aged 60 or over, to those with pathologies that health authorities classify as being the most at risk (such as immunocompromised or cancer patients) and pregnant women or women accompanied by a child under three years of age.) instead of a special regime for pardons	Type A	
359	<p>C18 PT With regard to the functioning of the courts, the Social Democrats admit that certain steps, such as the examination of witnesses, can be done by videoconference, but they want this to happen, as a rule, in courts (or where the process is taking place or at the residence place of the person involved), considering that a video call made from home does not offer the same legal guarantees.</p> <p>The exception will be people who belong to the so-called risk groups, who could do so from their professional or legal address.</p> <p>PSD also argues that the courts should be provided with the necessary means, at the level of personal protective equipment, so that their lack cannot be invoked as a basis for postponing trials.</p>	Portugal	Postponement of trials	Type B	Examination of witnesses in the court as a rule - Videoconference as an exception for people from the risk groups + Need of PPE in the Courts	Non applicable	
360	<p>C19 PT A citizen from Cape Verde who succeeded in the appeal to the Supreme Court of Justice for immediate release ended up asking to remain detained in the Lisbon Prison. According to Jornal de Notícias, the Supreme Court ruled that the detention had been illegal, it ordered immediate release and also his expulsion from Portugal.</p> <p>The Foreigners and Borders Service has, in the current context of a pandemic, no way to ensure the return trip to Cape Verde and, therefore, the prisoner, illegally detained three months ago, refused to go to the temporary centre of the airport. He prefers to stay in jail until he can return home.</p>	Portugal	-	-	Lack of proper means to ensure the return trip to Cape Verde	Non applicable	

	Code	Measures General Topic	Impact	Information on infections	Further considerations
358	C18 PT	Jail Population Reduction	-	-	-
359	C18 PT	-	-	-	-
360	C19 PT	-	Negative: A prisoner even after being illegally detained for three months, preferred to stay in jail until he can return home, refusing to go to the temporary centre of the airport	-	<p>Comments: It should be noted that on March 12, a death of an uncranian citizen occurred at SEF's temporary facilities at the airport. Which should be considered as a possible factor influencing the request made from the citizen from Cape Verde.</p> <p>It raises a question about the needed support for the post release period. However, it seems to be an exception given the impossibility of returning to the country of origin. But maybe other solutions should have been considered.</p>

361	Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
	C20 PT	Law no. 9/2020 was published this Friday in the Diário da República, which approves an "exceptional regime for easing the execution of sentences and free measures, in the context of the COVID-19 disease pandemic". Let's look at its fundamental features.	Portugal	Prisoners release (Law no. 9/2020)	Type A	-	-

Code	Measures General Topic	Impact	Information on infections	Further considerations
361	C20 PT Jail Population Reduction	-	-	<p data-bbox="1288 440 2125 512">In Portuguese: "Foi publicada esta sexta-feira em Diário da República a Lei n.º 9/2020, que aprova um «regime excepcional de flexibilização da execução das penas e das medidas de graça, no âmbito da pandemia da doença COVID-19». Vejamos os seus traços fundamentais."</p> <p data-bbox="1288 539 2125 635">The mechanisms through which we will try to guarantee the existence of more space in prisons, due to Covid-19, are the partial pardon of prison sentences, a special regime of pardon of the sentences; extraordinary regime of administrative leave license for convicted prisoners; extraordinary anticipation of parole.</p> <ul data-bbox="1288 662 2125 1307" style="list-style-type: none"> • The crimes committed against members of the police and security forces, the armed forces and prison officials and guards, in the exercise of their respective functions are not covered ”; • Simple, qualified and privileged homicide; • Domestic violence and ill-treatment; • Threat, coercion, persecution, forced marriage, arbitrary medical-surgical interventions and treatments, kidnapping, slavery, human trafficking, abduction and hostage-taking; • Crimes against sexual freedom and self-determination, committed against major or minor; • Some more serious hypotheses of the crime of theft and violence after subtraction; • Discrimination and incitement to hatred and violence, torture and other cruel, degrading or inhumane treatment (simple and serious) and failure to report; • Willful crimes of fires, explosions and other especially dangerous conducts, nuclear energy and forest fire; • Criminal association; • Money laundering; • Undue receipt of advantage, active and / or passive corruption; • Offense to serious physical integrity and some cases of its qualified modality, which in this way allows to cover the chances of female genital mutilation that was not expressly consigned, as well as when there is aggravation due to death or offense to serious physical integrity, which it also covers the most objectionable hypotheses of the offense to simple physical integrity; • "Crime as a member of the police and security forces, the armed forces or prison officials and guards, in the exercise of their functions, involving violation of the rights, freedoms and personal guarantees of citizens, regardless of the penalty"; • "Crime as a holder of political office or high public office, judicial magistrate or prosecutor, in the exercise of functions or because of them"; • In the Drug Law, trafficking crimes and other illegal activities, precursors (manufacture of substances for trafficking) and criminal associations.

Code	Text	Country	Measure taken	Type of measure taken: A. prisoners' rights regarding health B. prisoners' freedoms	Measure that should be considered taken	Type of measure that should be considered taken: A. prisoners' rights regarding health B. prisoners' freedoms
362	<p>An inattention of the legislator, but that is also not covered by the measures of grace: when referring to crimes against cultural identity and personal integrity, it was forgotten that some of the crimes that were contained therein, with Law No. 31/2004 , of 7/22, became outside the Penal Code (CP).</p> <p>However, it would be incomprehensible for the rule to be interpreted as being subject to clemency measures for all crimes provided for, such as incitement to war, recruitment of armed forces, recruitment of mercenaries, genocide, crimes against humanity and war against civilians and destruction of monuments. Nor is terrorism and related crimes excluded, for the linear reason that we have not yet people convicted of such crimes, although they should be indicated for reasons of general prevention.</p>	Portugal	-	-	Loophole in the law "it was forgotten that some of the crimes that were contained therein, with Law No. 31/2004 , of 7/22, became outside the Penal Code (CP)."	Type A

	Code	Measures General Topic	Impact	Information on infections	Further considerations
362	C20 PT	Legal Measures	-	-	-

APPENDIX III

APPENDIX III | MEDIA SOURCES

Code	Country	Date	Title	Link	Source
C1 UK	UK	14-03-2020	Coronavirus: Emergency plan for prisons in England and Wales	https://www.bbc.com/news/uk-politics-51879952	BBC
C2 UK	UK	04-04-2020	Two workers at London's Pentonville prison die from Covid-19	https://www.theguardian.com/world/2020/apr/04/two-workers-at-londons-pentonville-prison-die-from-covid-19	The Guardian
C3 UK	UK	25-03-2020	Coronavirus: Inmates could be freed to ease virus pressure on jails	https://www.bbc.com/news/uk-52029581	BBC
C4 UK	UK	17-03-2020	Plan to extend early prisoner release scheme	https://www.bbc.com/news/uk-51920443	BBC
C5 UK	UK and Italy	12 -03-2020	Vulnerable prisoners 'exploited' to make coronavirus masks and hand gel	https://www.theguardian.com/global-development/2020/mar/12/vulnerable-prisoners-exploited-to-make-coronavirus-masks-and-hand-gel	The Guardian
C6 UK	UK	25-03-2020	Release inmates or face jail pandemic, say prison governors	https://www.theguardian.com/society/2020/mar/25/release-prisoners-or-face-jail-pandemic-says-chief	The Guardian
C7 UK	UK	31-03-2020	UK prisoners with flu symptoms forced to share cells with those with Covid-19	https://www.theguardian.com/society/2020/mar/31/uk-prisoners-covid-19-symptoms-forced-share-cells	The Guardian
C8 UK	UK	26-03-2020	Covid-19: UK prisoners with health issues 'face death sentences'	https://www.theguardian.com/world/2020/mar/26/covid-19-uk-prisoners-with-health-issues-face-death-sentences	The Guardian
C9 UK	UK	21-03-2020	Prisons 'could see 800 deaths' from coronavirus without protective measures	https://www.theguardian.com/uk-news/2020/mar/21/prisons-could-see-800-deaths-from-coronavirus-without-protective-measures	The Guardian
C10 UK	UK	18-04-2020	UK coronavirus prison plan on hold after six inmates freed in error	https://www.theguardian.com/society/2020/apr/18/uk-coronavirus-prison-plan-suspended-after-six-mistakenly-released	The Guardian
C11 UK	UK	27-04-2020	Only 33 prisoners in England and Wales released under anti-coronavirus measures	https://www.theguardian.com/society/2020/apr/27/only-33-prisoners-in-england-and-wales-released-under-anti-coronavirus-measures	The Guardian
C12 UK	UK	27-07-2020	Prisoners effectively held in solitary confinement during coronavirus pandemic, MPs told	https://www.independent.co.uk/news/uk/politics/uk-prisons-coronavirus-solitary-confinement-inquiry-deaths-a9639156.html	Independent
C13 UK	UK	02-04-2020	Coronavirus: Second HMP Littlehey inmate dies	https://www.bbc.com/news/uk-england-cambridgeshire-52137109	BBC
C14 UK	UK	27-05-2020	Covid-19 Prisoner Releases Too Few, Too Slow	https://www.hrw.org/news/2020/05/27/covid-19-prisoner-releases-too-few-too-slow	Human Rights Watch

C15 UK	UK	04-04-2020	Coronavirus: Low-risk prisoners set for early release	https://www.bbc.com/news/uk-52165919	BBC
C16 UK	UK	12-03-2020	Covid-19. Prisões são o elo fraco na cadeia do contágio Covid-19. Prisons are the weak link in the chain of contagion	https://www.rtp.pt/noticias/mundo/covid-19-prisoas-sao-o-elo-fraco-na-cadeia-do-contagio_n1211542	RTP
C17 UK	UK	31-07-2020	Ban on prison visits in England and Wales breaches children's rights, say lawyers	https://www.theguardian.com/society/2020/jul/31/ban-on-prison-visits-in-england-and-wales-breaches-childrens-rights-say-lawyers-coronavirus	The Guardian
C18 UK	UK	17-04-2020	Justice secretary faces legal action over coronavirus in prisons	https://www.bbc.com/news/uk-politics-52329822	BBC
C19 UK	UK	06-07-2020	Are "squalid" prison conditions and the response to the Covid-19 pandemic breaching human rights?	https://ukhumanrightsblog.com/2020/07/06/are-squalid-prison-conditions-and-the-response-to-the-covid-19-pandemic-breaching-human-rights/	Uk Human Rights blog
C20 UK	UK	03-07-2020	Nearly 1,000 prisoners raise Covid risk after being released during pandemic without a home to go to	https://www.telegraph.co.uk/news/2020/07/31/nearly-1000-prisoners-raise-covid-risk-released-pandemic-without/	Telegraph
C21 UK	UK	23-07-2020	British Prisoners And Their Families— The Forgotten Victims Of COVID-19	https://www.forbes.com/sites/aldasairlane/2020/07/23/british-prisoners-and-their-families-the-forgotten-victims-of-covid-19/#6095b1739803	Forbes
C1 IT	Italy	15-03-2020	O Covid-19 destapou a panela de pressão nas cadeias italianas Covid-19 uncovered the pressure in the Italian chains	https://www.publico.pt/2020/03/15/mundo/noticia/covid19-destapou-panela-pressao-cadeias-italianas-1907611	Publico
C2 IT	Italy	9-03-2020	Vaga de motins prisionais em Itália por causa do coronavírus Wave of prison riots in Italy because of the coronavirus	https://www.publico.pt/2020/03/09/mundo/noticia/vaga-motins-prisionais-italia-causa-coronavirus-1906999	Publico
C3 IT	Italy	10-03-2020	Death toll rises in Italian prisons as inmates riot over COVID-19 rules	https://www.euronews.com/2020/03/09/six-dead-as-coronavirus-restrictions-trigger-italy-prison-riots	Euronews
C4 IT	Italy	31-03-2020	In Italy's overcrowded prisons, fear of coronavirus	https://www.politico.eu/Article/in-italys-overcrowded-prisons-fear-of-coronavirus/	Politico
C5 IT	Italy	20-03-2020	Wider Steps Needed to Protect Prisoners' Health in Italy	https://www.hrw.org/news/2020/03/20/wider-steps-needed-protect-prisoners-health-italy	Human Rights Watch
C6 IT	Italy	12-03-2020	COVID-19 in prison	https://www.apr.ch/en/blog/covid-19-prison	APT - Association for the Prevention of Torture

C7 IT	Italy	23-03-2020	Dimensões de direitos humanos na resposta à COVID-19 Human Rights Dimensions of COVID-19 Response	https://www.hrw.org/pt/news/2020/03/23/339654	HRW - Human Rights Watch
C8 IT	Italy	09-06-2020	COVID-19 Emergency in Italian Prisons: Antigone Releases Annual Report	https://www.liberties.eu/en/news/covid-19-italian-prisons-antigone-annual-report/19390	Italian Coalition for Civil Liberties and Rights
C9 IT	Italy	11-06-2020	Covid-19 in Italia: il lavoro del Garante nazionale dei diritti delle persone detenute o private della libertà personale Covid-19 in Italy: the work of the National Guarantor for the rights of persons detained or deprived of personal liberty	https://www.amnesty.it/covid-19-in-italia-il-lavoro-del-garante-nazionale-dei-diritti-delle-persone-detenute-o-private-della-liberta-personale/	Amnesty IT
C10 IT	Italy	07-05-2020	Escándalo en Italia por salida de la cárcel de 376 mafiosos Scandal in Italy over 376 gangsters being released from prison	https://www.cadena3.com/noticia/juntos/escandalo-en-italia-por-salida-de-la-carcel-de-376-mafiosos_259564	Cadena 3
C11 IT	Italy	02-04-2020	Prison emergency at the time of the coronavirus	https://www.altalex.com/documents/news/2020/04/02/emergenza-carceri-coronavirus	Altalex
C12 IT	Italy	30-05-2020	Carceri e Covid-19: se il problema resta "l'ossessione securitaria" Prisons and Covid-19: if the problem remains the "security obsession"	https://www.dinamopress.it/news/carceri-covid-19-problema-lossessione-securitaria/	Dinamo Press
C13 IT	Italy	11-07-2020	Da detenuti a ostaggi From prisoners to hostages	https://left.it/2020/07/11/170191/	Left
C14 IT	Italy	28-03-2020	Pisa. Coronavirus, paura in carcere: 40 agenti e 6 detenuti ammalati Pisa. Coronavirus, fear in prison: 40 officers and 6 sick inmates	http://www.ristretti.org/index.php?option=com_content&view=Article&id=88610:pisa-coronavirus-paura-in-carcere-40-agenti-e-6-detenuti-ammalati&catid=220:le-notizie-di-ristretti&Itemid=1	Ristretti
C15 IT	Italy	07-05-2020	Ci sono anche le carceri There are also prisons	https://www.ilpost.it/2020/05/07/carceri-coronavirus-italia/	Il Post
C16 IT	Italy	09-05-2020	La situazione nelle carceri. Parla Mauro Palma The situation in prisons. Mauro Palma speaks	https://ilmanifesto.it/la-situazione-nelle-carceri-parla-mauro-palma/	Il Manifesto
C17 IT	Italy	11-04-2020	COVID-19 ed emergenza nelle carceri: "Come abbiamo paura noi fuori, hanno ancora più paura loro dentro" COVID-19 and emergency in prisons: "As we	https://www.valigiablu.it/emergenza-coronavirus-carceri/	Valigiablu

are afraid outside, they are even more afraid inside"

C18 IT	Italy	10-08-2020	Coronavirus, la Fase 2 nelle carceri: il sovraffollamento è ancora un problema Coronavirus, la Fase 2 nelle carceri: il sovraffollamento è ancora un problema	https://www.repubblica.it/solidarieta/diritti-umani/2020/08/10/news/coronavirus_la_fase_2_nelle_carceri_il_sovraffollamento_e_ancora_un_problema-264326827/	La Repubblica
C19 IT	Italy	20-05-2020	Lockdown in lock-up: Italy's prison system has been plunged into crisis by the pandemic – and by the mafia.	https://globalinitiative.net/italy-prisons-covid/	Global Initiative
C20 IT	Italy	22-04-2020	Coronavirus, contagiati poliziotti e detenuti. Verona «congela» il carcere Coronavirus, policemen and inmates infected. Verona "freezes" the prison	https://corrieredelveneto.corriere.it/verona/cronaca/20_aprile_22/coronavirus-contagiati-poliziotti-detenuti-verona-congela-carcere-c75e4a60-846e-11ea-9aa0-0c5f4c956f82.shtml	Corriere del Veneto
C1 PT	Portugal	29-03-2020	Covid-19: Pelo menos três infetados no hospital prisional de Caxias e no EP Porto Covid-19: At least three infected at Caxias prison hospital and EP Porto	https://www.sabado.pt/lusa/detalhe/covid-19-pelo-menos-tres-infetados-no-hospital-prisional-de-caxias-e-no-ep-porto?ref=insolito_ultimas	Sabado
C2 PT	Portugal	26-03-2020	Covid-19. Duas dezenas de tendas e 260 camas para as prisões Covid-19. Two dozen tents and 260 prison beds	https://sol.sapo.pt/artigo/690618/covid-19-duas-dezenas-de-tendas-e-260-camas-para-as-prisoas	Sol
C3 PT	Portugal	15-03-2020	“Nada mudou na prisão” e a revolta é grande com o fim das visitas “Nothing has changed in prison” and the revolt is great with the end of visits	https://www.publico.pt/2020/03/15/sociedade/noticia/nada-mudou-prisao-revolta-fim-visitas-1907783	Publico
C4 PT	Portugal	21-03-2020	Diretor-geral das cadeias suspende visitas em Lisboa e pede higiene a reclusos Prison director-general suspends visits to Lisbon and asks prisoners for hygiene	https://www.jn.pt/justica/diretor-geral-das-cadeias-suspende-visitas-em-lisboa-e-pede-higiene-a-reclusos-11966476.html	JN
C5 PT	Portugal	27-03-2020	Guardas prisionais dizem que obrigações do estado de emergência são violadas Prison guards say state of emergency obligations are violated	https://expresso.pt/coronavirus/2020-03-27-Guardas-prisionais-dizem-que-obrigacoes-do-estado-de-emergencia-sao-violadas	Expresso
C6 PT	Portugal	08-04-2020	Liberdade "antecipada" em tempos de reclusão "Early" freedom in times of reclusion	https://www.rtp.pt/noticias/pais/liberdade-antecipada-em-tempos-de-reclusao_a1224327	RTP

C7 PT	Portugal	29-03-2020	Cadeias separam recreios para evitar contágio entre reclusos Prisons separate recreational moments to avoid contagion among prisoners	https://www.jn.pt/justica/cadeias-separam-recreios-para-evitar-contagio-entre-reclusos-11992512.html	JN
C8 PT	Portugal	25-03-2020	Saídas de curta duração dos presos estão suspensas Short-term exits from prisoners are suspended	https://headtopics.com/pt/sa-das-de-curta-durac-o-dos-presos-est-o-suspensas-12061153	HeadTopics / JN
C9 PT	Portugal	15-04-2020	Covid-19: Já foram libertados 1.130 presos em Portugal Covid-19: 1,130 prisoners have already been released in Portugal	https://www.sabado.pt/portugal/detalhe/covid-19-ja-foram-libertados-1130-presos-em-portugal	Sabado
C10 PT	Portugal	26-06-2020	Diretor dos serviços prisionais diz que "há funcionários a abrandar" regras e repreende responsáveis Prison services director says "there are officials slowing down" rules and berates officials	https://observador.pt/2020/06/26/diretor-dos-servicos-prisionais-diz-que-ha-funcionarios-a-abrandar-regras-e-repreende-responsaveis/	Observador
C11 PT	Portugal	30-03-2020	Portugal: prisoners 'of all kinds' to be released as courts fail to meet judicial deadlines	https://www.prison-insider.com/en/portugal-prisoners-of-all-kinds-to-be-released-as-courts-fail-to-meet-judicial-deadlines	Prison Insider
C12 PT	Portugal	08-03-2020	Coronavírus. São estes os hospitais e as prisões que têm as visitas suspensas Coronavírus. São estes os hospitais e as prisões que têm as visitas suspensas	https://observador.pt/2020/03/08/coronavirus-sao-estes-os-hospitais-e-as-prisoos-onde-as-visitas-foram-suspensas/	Observador
C13 PT	Portugal	10-04-2020	Portugal soltará até 2 mil presos durante a pandemia Covid-19 Portugal will release up to 2,000 prisoners during the Covid-19 pandemic	http://portuguese.people.com.cn/n3/2020/0410/c309808-9678176.html	Portuguese People
C14 PT	Portugal	15-03-2020	Prisões voltam a aceitar entrada de sacos com comida. Mas ficam em quarentena antes de serem entregues aos reclusos Prisons again accept the entry of bags of food. But they are quarantined before being handed over to prisoners	https://observador.pt/2020/03/25/prisoos-voltam-a-aceitar-entrada-de-sacos-com-comida-mas-ficam-em-quarentena-antes-de-serem-entregues-aos-reclusos/	Observador
C15 PT	Portugal	11-04-2020	"4 reclusos não quiseram sair da cadeia para não terem de ficar em quarentena", diz líder do sindicato dos guardas prisionais	https://observador.pt/programas/resposta-pronta/libertacao-a-prensa-para-agradar-ao-governo/	Observador

"4 inmates did not want to leave the jail so they would not have to be quarantined", says leader of the prison guards union

C16 PT	Portugal	06-07-2020	Medidas anti-Covid-19 acabam com a sobrelotação nas prisões, mas as condições continuam a ser más Anti-Covid-19 measures end prison overcrowding, but conditions remain poor	https://observador.pt/2020/07/06/medidas-anti-covid-19-acabam-com-a-sobrelotacao-nas-prisoas-mas-as-condicoes-continuam-a-ser-mas/	Observador
C17 PT	Portugal	26-06-2020	Portugal entre países com maior percentagem de presos libertados Portugal among countries with higher percentage of released prisoners	http://www.sncgp.pt/2020/06/26/portugal-entre-paises-com-maior-percentagem-de-presos-libertados/	Sindicato Nacional Da Guarda Prisional SNCGP
C18 PT	Portugal	04-05-2020	PSD quer fim de medidas excecionais para reclusos quando terminar calamidade PSD wants end of exceptional measures for prisoners when disaster ends	https://observador.pt/2020/05/04/psd-quer-fim-de-medidas-excecionais-para-reclusos-quando-terminar-calamidade/	Observador
C19 PT	Portugal	21-04-2020	Recluso pediu para não sair da cadeia Prisoner asked not to get out of jail	https://www.rtp.pt/noticias/pais/recluso-pediu-para-nao-sair-da-cadeia_v1222600	RTP
C20 PT	Portugal	11-04-2020	Reclusos em tempos de pandemia: o que diz a Lei Prisoners in times of pandemic: what does the law says	https://www.publico.pt/2020/04/11/sociedade/opiniao/reclusos-tempos-pandemia-lei-1911945	Publico