

THE ONES "CAGED" IN ITALY: A FOCUS ON FOREIGNERS

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1. Europe at breaking point due to prison overcrowding: Italy gets in pole position.

This analysis focus on prison overcrowding and foreign inmates mostly in the aftermath of Strasbourg Court decision to reject the final appeal advanced by Italy and, consequently, adopt the former request of the European Court of Human Rights¹ which obliges the Italian country to rapidly resolve prison overcrowding (within a year from May 27th 2013) and provide for compensation the prisoners who are victims of that situation.

Indeed, Strasbourg Court has called on Italy to address overpopulation in prisons as the overcrowding rate ($O_v = P_p / P_c * 100$)² reached 142.5% in November 2012³ and - though slightly declined - touched the alarming level of 139.9% in March 2013, far exceeding the European one (99.6%). In other words, the 206 Italian prisons were housing 140 inmates for every 100 places of standard capacity.

2. Native and foreign inmates in Italian prisons

Italy has some of the worst prison overcrowding in Europe, with a current prison population of 65,831 units, which is 18.786 people above capacity (DAP⁴, 2013).

Among the ones "caged" in the Italian jails, there are great quotas of males (women do not exceed 4.3%) and foreigners⁵ (35.6% of the total inmates are

¹ According to the Court of Human Rights, Italy infringes Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment. Thus, the EU-court has fined Italy over violating inmates' basic rights. (La Stampa.it Cronache, 27/05/2013, Carceri, "Strasburgo rigetta il ricorso In Italia un anno per la soluzione").

² The Overcrowding rate (O_v) is given by the ratio of Total Prison Population and Standard Prison Capacity.

³ Higher levels were found in the jails of Mistretta in Messina-Sicily (270.0%), Brescia (255.0%) and Busto Arsizio in Varese (251.0%); in both last ones, the foreign inmates were many more than the Italian ones - Ansa.it Cronache (19/11/2012), *Carceri sovraffollate al 142,5%, maglia nera Ue*.

⁴ Dipartimento dell'Amministrazione Penitenziaria - Ministero Grazia e Giustizia.

foreigners, unlike the 20.0% share held by foreigners detained in the European Union).

According to DAP statistical information (updated to March 31st 2013, Tab. 1), the Italian prison population is concentrated through the regional territories of Lombardy (9,289), Campania (8,296), Lazio (7,231) and Sicily (7,081), thus collecting nearby 50.0% of the total inmates in the country. The Regions detaining the smallest numbers of inmates are Valle d'Aosta and Trentino Alto Adige (181 and 280 units, respectively).

Table 1 – *Inmates, regulatory capacity and overcrowding of Italian prisons by Region of detention - March 31st 2013*

Regions	Number Prisons	Standard Capacity	Prisoners*			O _v	Foreigners (%)
			Total	Females	Foreigners		
Abruzzo	8	1,512	1,860	79	304	123.0	16.3
Apulia	11	2,459	4,078	221	741	165.8	18.2
Basilicata	3	441	441	16	60	100.0	13.6
Calabria	12	2,151	2,879	72	395	133.8	13.7
Campania	17	5,794	8,296	360	981	143.2	11.8
Emilia Romagna	13	2,465	3,631	131	1,871	147.3	51.5
Friuli Venezia Giulia	5	548	838	28	462	152.9	55.1
Lazio	14	4,834	7,231	482	2,974	149.6	41.1
Liguria	7	1,088	1,881	72	1,098	172.9	58.4
Lombardy	19	6,051	9,289	572	4,095	153.5	44.1
Marche	7	777	1,200	35	558	154.4	46.5
Molise	3	391	520	0	63	133.0	12.1
Piedmont	13	3,679	4,979	168	2,497	135.3	50.2
Sardinia	12	2,257	2,010	34	785	89.1	39.1
Sicily	27	5,559	7,081	179	1,279	127.4	18.1
Tuscany	18	3,261	4,124	160	2,225	126.5	54.0
Trentino Alto Adige	2	280	395	22	281	141.1	71.1
Umbria	4	1,332	1,628	72	681	122.2	41.8
Valle d'Aosta	1	181	271	0	199	149.7	73.4
Veneto	10	1,985	3,199	144	1,887	161.2	59.0
<i>Total</i>	206	47,045	65,831	2,847	23,436	139.9	35.6

*The inmates in day-release are totaled in the number of prisoners.

Source: authors' processing based on DAP data.

As prison population is split into natives and foreigners, it's interesting to observe that the native inmates are mostly gathered in the south of the country while the foreign ones, in the north. More specifically, the Regions housing a large

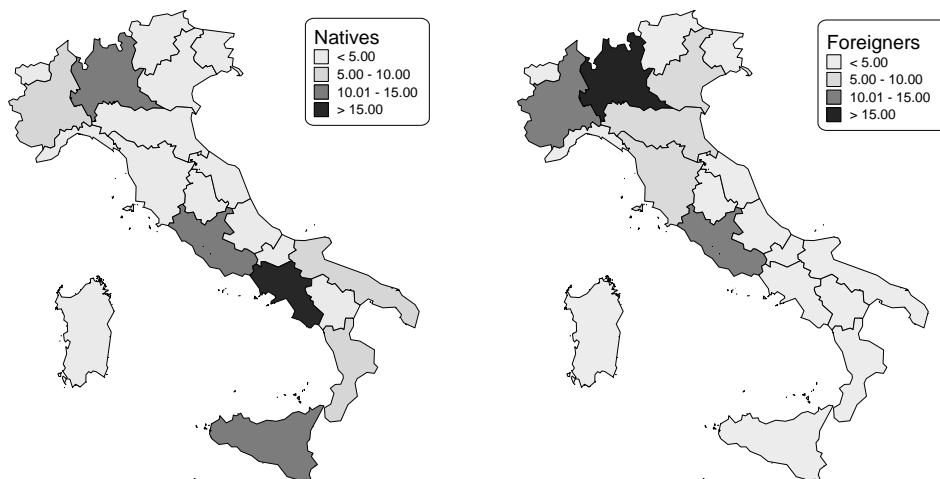
⁵ This connotation that has been established for several years now, although the Directive of Repatriation - which included imprisonment in case of breaches of the removal order - has been rejected by the European Court of Justice in April 2011. Indeed, in December 2010, the foreign inmates in Italian prisons reached 36.7%.

amount of Italian inmates are Campania, Sicily, Lombardy, Lazio, Apulia and Calabria. Among the regional areas with great numbers of foreigners stand out Tuscany, Veneto, Emilia Romagna and Piedmont. Yet, in Lombardy and Lazio, the quota of native prisoners is quite significant as the foreign one (Fig. 1).

As table 1 shows, the overcrowding phenomenon is an unlivable condition that, except for Basilicata and Sardinia, spares no Italian Region. Besides, only nine Regions are placed below the national overcrowding threshold ($O_v = 139.9\%$), which means that 61.2% (that is 40,309 units) of the total inmates is deeply affected by overcrowding.

In addition, there are several areas with a strong foreign connotation: as a matter of fact, only seven Regions (Abruzzo, Basilicata, Calabria, Campania, Molise, Apulia and Sicily) have a percentage of foreign inmates below the national average (that is, 35.6%). And even though the quota of foreign prisoners is quite high in Valle d'Aosta and Trentino Alto Adige (areas where $\frac{3}{4}$ of the total prisoners are foreigners), "foreign overrepresentation" may achieve greater impact in Regions with bigger capacity. That's the case of Veneto, Liguria, Friuli Venezia Giulia, Tuscany, Emilia Romagna and Piedmont, regional areas where indeed foreigner inmates exceed 50.0% of total detained population (Tab. 1, Fig. 1).

Figure 1 – Territorial distribution of the (native and foreign) population detained in the Italian prisons - March 31st 20130



Source: authors' processing based on DAP data.

Thus, this territorial analysis points out that only two Regions (Apulia and Campania) cause strong "unlivable suffering" for Italian prisoners while, instead,

six Regions (Liguria, Veneto, Emilia Romagna, Valle d'Aosta, Friuli Venezia Giulia and Trentino Alto Adige) mean the same for foreign detainees (Tab. 2).

However, by observing the different overcrowding rates of the above Regions, it looks like that the living-discomfort tolerated by foreigners is less threatening than the one suffered by the Italians in Campania and Apulia. Yet, in Lombardy and Lazio, overcrowding is (more or less) equally underwent by both natives and foreigners.

Table 2 - Inmates in Italian prisons by Regions with great O_v (above national average = 139,9%) - March 31st 2013

Region	O_v	Natives		Foreigners		Total	
		Units	%	units	%	units	%
Liguria	172.9	783	41.6	1,098	58.4	1,923	100.0
Apulia	165.8	3,337	81.8	741	18.2	4,160	100.0
Veneto	161.2	1,312	41.0	1,887	59.0	3,240	100.0
Marche	154.4	642	53.5	558	46.5	1,254	100.0
Lombardy	153.5	5,194	55.9	4,095	44.1	9,345	100.0
Friuli Venezia Giulia	152.9	376	44.9	462	55.1	883	100.0
Valle d'Aosta	149.7	72	26.6	199	73.4	298	100.0
Lazio	149.6	4,257	58.9	2,974	41.1	7,290	100.0
Emilia Romagna	147.3	1,760	48.5	1,871	51.5	3,679	100.0
Campania	143.2	7,315	88.2	981	11.8	8,384	100.0
Trentino Alto Adige	141.1	114	28.9	281	71.1	424	100.0
Total	-	25,162	62.4	15,147	37.6	40,371	100.0

Source: authors' processing based on DAP data.

3. A snapshot on foreigners caged in Italian prisons

The analytical focus on foreign detainees perfectly fits the progressive increase of immigrants in Italy, a phenomenon that is inevitably leading to significant changes in both demographic and socio-economic structures of the whole country.

According to table 3, among foreigners caged in Italian prisons, there is a clear prevalence of Africans (49.0% of the total amount of foreign prisoners), most of all coming from the Maghreb (35.8%). They are followed by Europeans, both members of EU (20.7%) and not (19.9%), and then Americans and Asians who certainly report much lower shares (respectively 5.7% and 4.9%) than the former ones.

In the above context does not go unnoticed the great female percentage among Nigerians, distinctive almost negligible in other African countries.

Table 3 – Foreign prisoners by geographical area of origin - March 31st 2013.

Area of Origin	Foreign Prisoners					
	M		F		Total	
	units	%	units	%	units	%
Africa	10,918	49.0	241	21.1	11,159	47.6
Maghreb	7,987	35.8	60	5.2	8,047	34.3
Nigeria	878	3.9	132	11.5	1,010	4.3
Egypt	478	2.1	1	0.1	479	2.0
rest of Africa	1,575	7.1	48	4.2	1,623	6.9
Europe	9,042	40.6	665	58.1	9,707	41.4
EU	4,606	20.7	436	38.1	5,042	21.5
out EU	4,436	19.9	229	20.0	4,665	19.9
America	1,276	5.7	187	16.3	1,463	6.2
Perù	211	0.9	23	2.0	234	1.0
Dominican Republic	192	0.9	36	3.1	228	1.0
Ecuador	214	1.0	13	1.1	227	1.0
rest of America	659	3.0	115	10.1	774	3.3
Asia	1,088	4.9	49	4.3	1,137	4.9
China	309	1.4	27	2.4	336	1.4
Pakistan	125	0.6	1	0.1	126	0.5
India	115	0.5	0	0.0	115	0.5
rest of Asia	539	2.4	21	1.8	560	2.4
Total	22,292	100.0	1,144	100.0	23,436	100.0

Source: authors' processing based on DAP data.

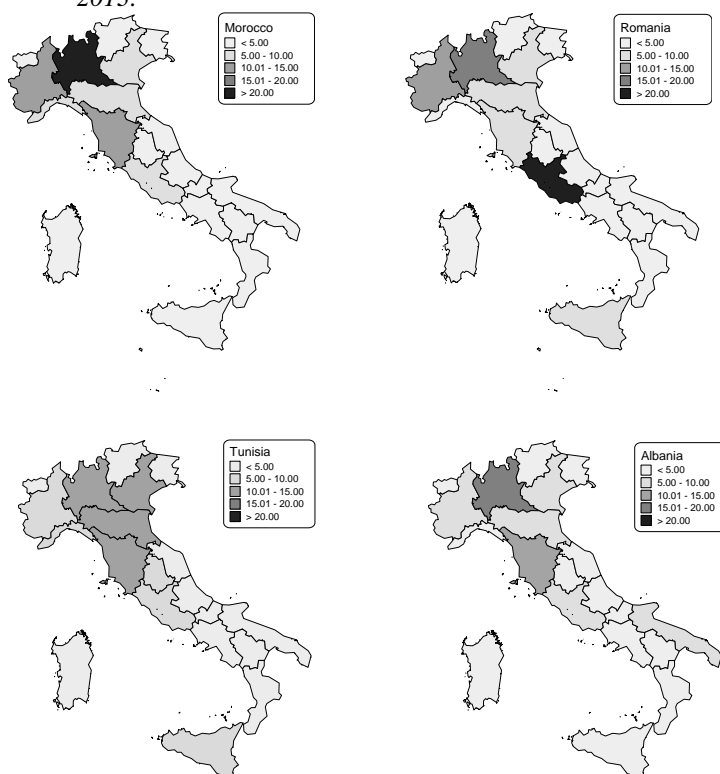
The most outstanding nationalities⁶ among the foreign inmates are the Moroccan (19.0%), the Romanian (15.8%), the Tunisian (12.5%) and the Albanian (12.3%) ones, which all together sum 60.0% of the total, that is, nearby 14,000 of the whole foreigners housed in Italian prisons.

Those four representative foreign inmates are differently distributed in the Italian territory (Fig. 2): a) Moroccan prisoners are mainly concentrated in the area of Lombardy, Tuscany and Piedmont; b) Romanian detainees are greatly located in Lazio, though their lesser extend presence in Lombardy and Piedmont cannot be completely ignored; c) Tunisian inmates are the most spread on land, as they are housed in Tuscany, Emilia Romagna, Lombardy and Veneto; d) the Albanian ones are essentially positioned in Lombardy and Tuscany.

Besides, the only Regions gathering significant presence of the four nationalities together (that is, more than 1,000 units) are Lombardy (2,358), Tuscany (1,540), Lazio (1,476), Piedmont (1,439), Veneto (1,262) and Emilia Romagna (1,254).

⁶ Due to scarce space available, this paper doesn't report the table showing the ten most representative foreign nationalities in Italian prisons which, specifically, are: 1) Morocco (19.0%), 2) Romania (15.8%), 3) Tunisia (12.5%), 4) Albania (12.3%), 5) Nigeria (4.3%), 6) Algeria (2.6%), 7) Egypt (2.0%), 8) former Yugoslavia (2.0%), 9) Senegal (1.7%), 10) Bulgaria (1.5%).

Figure 2 – Territorial distribution of the most outstanding foreign nationalities (Moroccan, Romanian, Tunisian and Albanian) in Italian prisons - March 31st 2013.



Source: authors' processing based on DAP data.

At this point, in order to deepen the study on the four major foreign nationalities, there have been selected those Regions having the following features in their penitentiary structure: i) a very high overcrowding rate, that is, above the national average (139.9%); ii) a percentage of foreign inmates greater than the national one (35,6%); iii) a considerable prison capacity (above 1,000 regulatory places)⁷.

By doing so, tables 4a and 4b allow to identified the six Regions (Lombardy, Lazio, Emilia Romagna, Veneto, Liguria and Marche) where major foreign

⁷ In this regard, three regions (Trentino Alto Adige, Valle d'Aosta and Friuli Venezia Giulia) have been discarded from this analysis as - though having a high overcrowding rate and a great foreign presence - have a small prison capacity, that is, below 1,000 places.

prisoners (Moroccans, Romanians, Tunisians and Albanians) may extremely suffer of “unlivable overcrowding”. More specifically, it comes up that each one of the above Regions:

1. holds a considerable amount of inmates coming from the four foreign countries, aggregates that range from nearby 50.0% in Lazio to 67.0% in Emilia Romagna (Tab. 4a);
2. likely causes “equal overcrowding distress” to nearby ½ of each foreign group. Basically, since the major foreign presences are hold by the six Regions at the same percentage (ranging from 52.3% for Moroccans to 54.6 for Romanians), it is certainly fair to say that there may be a kind of “prison unlivable homogeneity” among the four nationalities, yet, even inside each one of them (Tab. 4b).

Furthermore, table 4a shows that the “overcrowding-suffering” is territorially diversified:

- a) most of Moroccans are affected by that phenomenon in Lombardy, Emilia Romagna, Veneto and Liguria;
- b) a huge quota of Romanians experiences unlivable conditions in Lazio;
- c) a large amount of Tunisians has to tolerate living-discomfort in Emilia Romagna and Veneto, besides, quite as much as Moroccans do in the same Regions;
- d) many Albanians undergo same inadequacies in Marche.

Table 4a –*Distribution of Moroccans, Romanians, Tunisians and Albanians by Region with great capacity, O_v , and foreign presence - March 31st 2013.*

Region	A*	B**	C***	Morocco	Rumania	Tunisia	Albania	subtotal	rest for.	Total for.
Lombardy	9,289	153.5	44.1	23.1	14.2	7.9	12.3	57.6	42.4	100.0
Lazio	7,231	149.6	41.1	7.6	26.6	6.3	9.1	49.6	50.4	100.0
E. Romagna	3,631	147.3	51.5	23.4	10.6	21.1	12.0	67.0	33.0	100.0
Veneto	3,199	161.2	59.0	20.1	13.8	18.7	14.3	66.9	33.1	100.0
Liguria	1,881	172.9	58.4	24.8	11.6	15.6	12.5	64.4	35.6	100.0
Marche	1,200	154.4	46.5	14.2	10.4	18.3	23.1	65.9	34.1	100.0

A* Regulatory Capacity - B** Overcrowding rate - C*** Total Foreign inmates/Total inmates (x100)

Source: authors' processing based on DAP data

Table 4b – *Distribution of Moroccans, Romanians, Tunisians and Albanians by Region with great capacity, O_v and foreign presence - March 31st 2013.*

Region	Morocco	Romania	Tunisia	Albania
Lombardy	21.2	15.8	11.1	17.4
Lazio	5.1	21.4	6.4	9.4
Emilia Romagna	9.8	5.4	13.5	7.8
Veneto	8.5	7.1	12.0	9.3
Liguria	6.1	3.4	5.8	4.7
Marche	1.8	1.6	3.5	4.5
subtotal	52.5	54.6	52.3	53.1
rest of Regions	47.5	45.4	47.7	46.9
Italy	100.0	100.0	100.0	100.0

Source: authors' processing based on DAP data

4. Concluding remarks

Overcrowding in Italian prisons is still hardly finding plausible solutions. This analysis based on the combination “native-foreign prisoners” has allowed to go beyond the mere Italian inmate connotation, so reserving a focus on those who, having the legal “foreign status”, are in a weaker position compared to the native detainees. The conclusion of the Strasbourg judges, in our opinion, is irrefutable: Italy has to face and resolve the prison overcrowding for a rapid way out of it.

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SUMMARY

The ones "caged" in Italy: a focus on foreigners

The prison overcrowding victims in Italy are part of a structural and systemic problem which still struggling to find plausible solutions. By focusing on the combination “native-foreign inmates”, the overcrowding question is addressed in a perspective that goes beyond the Italian connotation thus focusing the ones who, having the legal “foreigner status”, are somehow in a weaker position in comparison with the native ones.

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