

Workshop on Foreign Nationals in Prison & Probation – The Hague, 2018

Foreign offenders in the Italian system of execution of sentences

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Foreign Nationals in Italy – an overview

General population

- ▶ Total population: over 60 millions, of which:
 - ▶ More than 5 millions («regular») foreigners residing in Italy (8.5 %)
 - ▶ More than 500,000 «irregular» foreign residents

Situation in the prisons

- ▶ Total prisoners in Italy (30 June 2018): **58,759**
- ▶ Foreign prisoners in Italy (30 June 2018): **19,868**
- ▶ Percentage of foreigners over the total prison population: **33.8 %**

Foreign Nationals in prisons

Data as of 30/06/2018	EU Countries	Non-EU European countries	Other countries	Total
Figures	3,338	3,815	12,715	19,868
Percentage	16.8 %	19.2 %	64 %	100 %

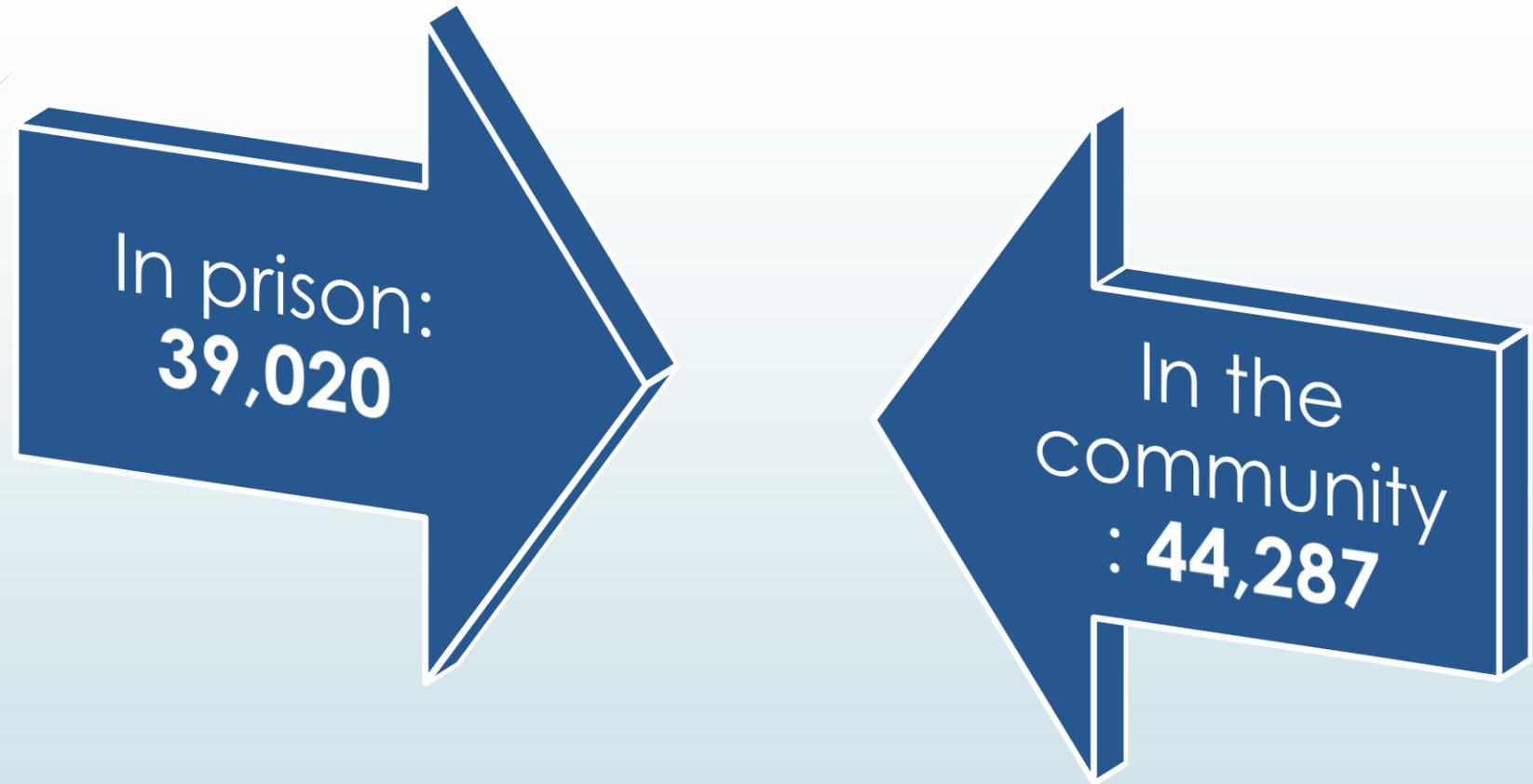
Most represented nationalities

- **Morocco** 3,700
- **Romania** 2,558
- **Albania** 2,505
- **Tunisia** 2,137
- **Nigeria** 1,251

Foreign Nationals – Probation

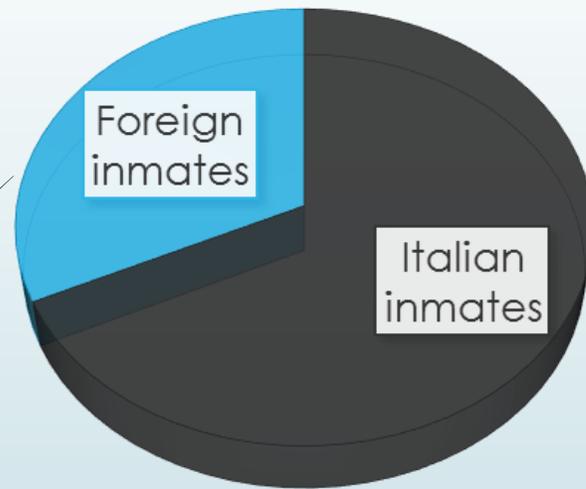
Type of measure	Italians	Foreigners from EU	Foreigners from other Countries	Total foreigners	TOTAL
Assignment of the offender to the probation service	20,143	724	3,079	3,803	23,947
Semi-liberty	1,101	37	129	166	1,267
Home detention	15,480	686	2,904	3,590	19,073
TOTAL	36,724	1,447	6,112	7,559	44,287

Finally sentenced offenders in the Italian penal system

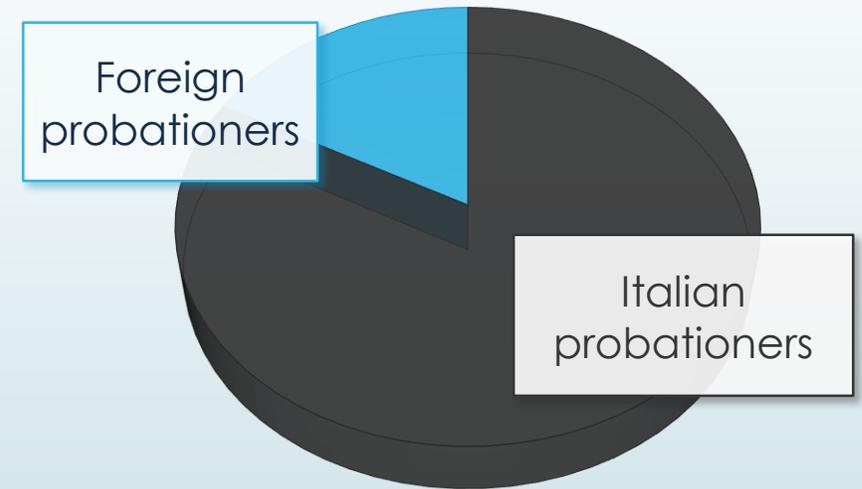


Foreign Nationals – finally sentenced offenders

ITALIAN VS FOREIGN INMATES



ITALIAN VS FOREIGN PROBATIONERS



The percentage of foreigners serving a sentence in the community (17.1 %) is lower than the percentage of alien nationals serving a sentence in prison (32 %)

Foreign offenders – the legislative framework

- ▶ Italian Constitution (approved in 1948), article 27
- ▶ Penitentiary Act (Law n. 354 of 1975)
- ▶ In line with Council of Europe Recommendation on the European Rules on Community Sanctions and Measures (2017)

The measures alternative to detention in Italy are:

- ▶ **The Assignment of the offender to the Probation Service**
- ▶ **The Assignment of the offender to the Probation Service in cases of drug-addicted and alcohol addicted subjects**
- ▶ **The Home detention**
- ▶ **The Semi-liberty**

The law provides for no distinction between alien nationals and Italian citizens to grant an alternative measure .

Measure intended only for foreigners: removal order as alternative measure

Countries	2016		2017		2018 (First Semester)	
	Prisoners removed	% on total of removed	Prisoners removed	% on total of removed	Prisoners removed	% on total of removed
ALBANIA	274	36.8%	297	36.9%	149	35.1 %
MOROCCO	125	16.8%	134	16.6%	80	18.8%
TUNISIA	82	11,0%	96	11.9%	48	11.3%
Sub-total	481	64.7%	527	65.5%	277	65.2%
Other Countries	263	35.3%	278	34.5%	148	34.8%
<u>Total prisoners removed</u>	<u>744</u>	<u>100%</u>	<u>805</u>	<u>100%</u>	<u>425</u>	<u>100%</u>

Requirements for the access to alternative measures

Type of measure	Length of sentence to serve	Personal condition & rehabilitation perspective	Situation
Assignment of the offender to the probation service	4 years	The measure shall contribute to the offenders' rehabilitation and reintegration	Housing Family Job
Assignment of the offender to the probation service in special cases	6 years	Certified state of addiction Agreed rehabilitation programme	Accommodation in a specialist structure for rehabilitation
Semi-liberty	Half of sentence already served	On his way to social reintegration	Housing Family Job
Home detention	4 years	<ul style="list-style-type: none"> • Mother(or father) of children under the age of ten • Persons seriously ill • Persons over 60 if disabled • Persons under 21 with specific needs 	Housing Possibly a job

Challenges: need of a primary network



Challenges: need to demonstrate a primary network

It is not uncommon that an alien national offender:

- Has no lawful presence in Italy (together with his family members);
- Has an accommodation not formally registered;
- Has an irregular job paid “under the counter”,
- and so on...

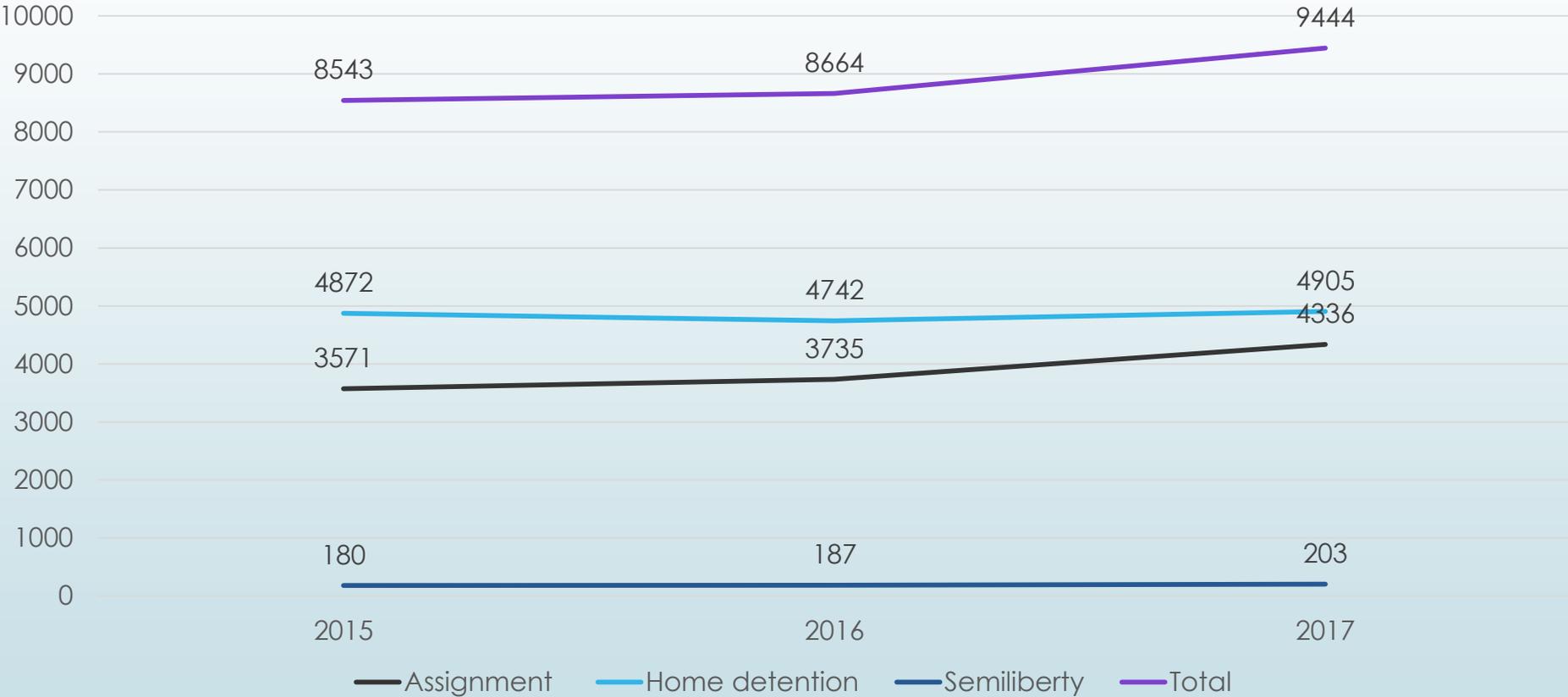
The network of references in the community is a basic element to draft the offender’s individual rehabilitation plan; the legal evidence is requested by the Courts.

Need of scientific study on crimes

- A scientific research should be carried out
- To analyze the **types of crimes** perpetrated by national citizens and by foreigners
- to determine whether can be find a discrimination in similar cases with no evident reason different from foreign citizenship
- when Courts decide upon CSMs applications

Current data: trends to increase

Foreigners in Probation 2015-2017



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THANK YOU FOR YOUR KIND ATTENTION!

Riccardo Turrini Vita