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Department of Political Science and International Affairs

Bachelor of Arts in International Affairs
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Behind Italian Bars: the “Caravan with Rusty Wheels”

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Abstract

This research explores the conditions of prisoners in the Italian prison system, specifically those of migrant prisoners. The research question of the thesis is: how are distinctions between “migrants” and “Italians” constructed in the Italian prison system? There are two main objectives. The first one is to understand how distinctions are constructed, and the first hypothesis is that migrants are treated differently from Italian prisoners due to distinctions made between these two categories of people in the system (Hyp. 1). The second objective is to understand whether prisoners’ formal rights are respected in every aspect of prison life. The second hypothesis is that prisoners’ rights are not always respected and that migrants face even more problems and inequalities than Italians (Hyp. 2). The research starts with a background chapter on the Italian penitentiary system. This is followed by a chapter dedicated to the existing, or better said, minimal literature on the matter. Consequently, the theory chapter looks at sociological and criminological perspectives which could be applied to the inmates, as only the inmate subculture was studied so far. The methodology chapter is dedicated to explaining the mixed methods, both quantitative and qualitative, and a second chapter is dedicated to the results. In the quantitative part, data was gathered from the reports of the association Antigone, complemented by an interview with Scandurra. In the qualitative part, eight interviews in total were conducted with people working in the prison system, who used to work in it; or who study it. A chapter is dedicated to possible ideas that could be implemented in the prison system, mainly taking inspiration from the Montessori method but also using Norway and Finland’s prison systems as examples. The research has tried to shed light on the main issues faced by inmates in the Italian prison system, and expose the main issues that prisoners deal with.

Keywords: migrants, prisons, prisoners’ rights, human rights, Italy

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1. Introduction

The Italian prison system is an intricate environment in which justice and punishment overlap to restore safety. On the one hand, prisons are necessary for crime control and society's safety from deviant individuals; on the other hand, the primary goal should be to reinstate people who have committed crimes. Although inmates' rehabilitation should be the primary goal, the recidivism rate does not decrease in Italy but rather increases, even as the number of prisoners decreases. In 2021, only 37% of prisoners had never been in prison previously, while 62% had been in prison once and 18% had been five times or more (Associazione Antigone, 2021a).

In the first three months of 2024, over 24 people committed suicide in prison, setting a record of one suicide every three days (Ristretti Orizzonti, 2024). Although the prison world seems not to be of particular interest in Italy, nor in the scholarly world, the number of suicides began to spark concern, when at the end of January 2024, the prison of Poggioreale, the most overcrowded prison in Italy and Europe, recorded three suicides in one week (Aversa, 2024). The last of the three was a prisoner scheduled to be released in one month. Several periodicals theorized that the man committed suicide due to his fear of being released and facing the "real" world, however, this was never confirmed (Aversa, 2024). This event sparked numerous speculations, starting with whether prison overcrowding is a potential motive, whether the fault lies within the prison system itself, with the conditions of the prisoners in the prison, and whether other forms of corrections should be implemented. However, with the amount of appalling news depicted in the media daily, events like this one become lost and quickly forgotten, and with them prisoners' rights and situations.

The concept of "Behind Italian Bars" started off as a metaphor to highlight the differences between what happens behind bars in the prison system and "in front" of them, in the real world. Although these two realities should be related, and the goal of being behind bars should be to be able to live freely in front of it, this does not always occur, as highlighted by the rising percentage of recidivism. The metaphor of the caravan with the rusty wheel, *il carrozzone con le ruote arrugginite*, on the other hand, emerged during one of the interviews. Padre Vittorio, the priest of the Regina Coeli prison, used it to explain the prison system, as a caravan that tries to move forward thanks to people who believe in it and put their efforts into it, but because of the rusty wheels, it is incapacitated to move on.

The thesis seeks to determine whether prisoners' rights in the prison system are respected and implemented. To do so, it examines various aspects of the prison system, such as religious life, physical and psychological healthcare, education and employment opportunities, and whether prisons are effective in reducing crime. Furthermore, the thesis focuses on a specific population within the prison system, namely migrants. The goal is to determine whether the fairly new phenomenon of immigration is being properly addressed in the Italian prison system.

The research question investigated in the thesis is: how are distinctions between "migrants" and "Italians" constructed in the Italian prison system? There are two main objectives. The first one is to understand how distinctions are constructed, and the first hypothesis is that migrants are treated differently from Italian prisoners due to distinctions made between these two categories of people in the system (Hyp. 1). The second objective is to understand whether prisoners' rights are respected in every aspect of prison life. The second hypothesis is that prisoners' rights are not always respected and that migrants face even more problems and inequalities than Italians (Hyp. 2).

In order to test Hypothesis 1 and 2, I will look at the existing literature on the topic, which is, however, scarce and mainly composed of secondary data and institutional reports. Although secondary data has been indispensable for the research, there are inherent challenges associated with its use. Firstly, understanding how other researchers analyzed and collected the data can present difficulties in interpretation. For instance, during the data collection from the Antigone reports, I needed to seek clarification from one of the two Antigone coordinators to ensure a thorough understanding of their data collection and methods. Furthermore, unlike scholarly sources, secondary data sources may not hold the same level of accountability.

A chapter is dedicated to the prison system, the main legislation governing it, the classification of the different prisons, in order to explain the terms that will be used in the research but also to explain the Italian penitentiary system to people who may not be acquainted with it. The existing literature focuses solely on the religious dimension within Italian prisons, overlooking the religious diversity among prisoners and the limited availability of religious ministers, as emphasized in the chapter titled "The (un)written body of literature." One other aspect that is mainly discussed in reports by the Italian governments or organizations that deal with prisoners' rights is the overcrowding of Italian prisons. Because of the scarcity of scholarly sources in Italy, it was essential to look at foreign cases, specifically in the United Kingdom and the United States, to understand how research should be executed in Italy as well. The third chapter is instead dedicated to sociological and criminological theories that could potentially be applied to the Italian penitentiary system, including the inmate subculture which has already been applied.

Secondly, the research explains the mixed methodology, as both quantitative and qualitative research was conducted. I conducted quantitative research by looking at the annual reports of Antigone, an Italian association that monitors rights and conditions in the penal

system. I tried to extrapolate the questions that Antigone might have asked to collect the data reported and to find an answer to this data. The graphs depict either the percentage and numerical data for a given year or compile all the reports to identify any changing patterns over the years. The graphs illustrate: the number of foreigners imprisoned in Italy; the percentage of foreigners imprisoned per region; the gender of the foreigners imprisoned; the country of origin of the male foreigner inmates; the number of religious ministers in the Italian prisons; the religion of the foreigners imprisoned; the education level and finally the main crimes committed by foreigners and the length of their sentences. In order to answer some of the questions that arose while looking at the existing data, I interviewed Alessio Scandurra, one of the two coordinators of Antigone's National Observatory on the conditions of adult detention. A second section is then dedicated to qualitative data, collected through interviews with a sample of eight people, all of which either work in the penitentiary system, used to work in it, or study it.

Finally, possible recommendations and solutions are advanced, among them, the application of programs like "Made in Carcere" or the application of the Montessori method in the prison system.

2. The Italian penitentiary system

The Italian penitentiary system is a complex world formed by legislations and infrastructures. As penitentiary systems are different in each country, it is important to understand specifically how the Italian one works. Not only is this chapter essential to explain the penitentiary system, but it is also important for subsequent analyses on whether the rights described in the different laws are guaranteed or not. In order to do so, this chapter first looks at the change in the concept of punishment, and the different documents and laws that guarantee prisoners' rights. Second, it looks at the classification of carceral institutions. Although commonly the term "prison" is used for every carceral institution, they have different classifications based on the crime committed and other factors. Third, the section explains the essential infrastructure that should be present in each prison to guarantee the prisoners' wellbeing.

The main bodies and laws governing the Italian penitentiary system

The classical school of criminology and its main exponent Cesare Beccaria argued that the punishment of the prisoner must be proportional to the crime committed, according to a principle of equality (Salvati, 2009). However, with the introduction of the welfare state, a political concept that sees the state as a guarantor and promoter of the social well-being of all citizens, the idea of punishment shifted to the concept of punishment in a correctional sense, and therefore to resocialize the prisoner so that she/he does not repeat deviant actions and is reinserted into society

(Salvati, 2009). With the change of perspective on the idea of punishment, the penitentiary system and laws have changed.

“L’ordinamento penitenziario 1975,” is the main body of rules on the penitentiary system and on measures depriving and limiting freedom, introduced to guarantee the social preventive function of the sentence and respect for the human dignity of the prisoner as expressed in article 27 of the Constitution (L. 26 luglio 1975, n. 354, n.d). The law is still in force today but has undergone various modifications.

The *L. Gozzini 663/86* attempts to reduce the number of prisoners by introducing a series of measures, based on the logic of less prison. The concept of less prisons is based on the idea of decreasing the number of prisons and prison time. The first measure is called “lavoro all’esterno”, which means that prisoners have the possibility to work outside of the prison, without a policeman escorting them. The second are “permessi premio.” These are special authorizations given to prisoners who behave in accordance with the prison’s rules, which can be used to see their loved ones but also for cultural or work reasons. Third, the “semi-libertà”: when prisoners are collaborative and behave as expected by the prison’s rules they can have more freedoms, like spending the day outside the prison and only going back during the night. Fourth, home detention: instead of spending the full sentence in prison they may stay at home while still being controlled. The law also implements Article 41-bis of the criminal code which punishes people sentenced for mafia and terrorism-related crimes, by placing detainees in isolation cells.

The *L. Simeone-Saraceni 165/1998* provides that, when the conviction becomes final, the public prosecutor suspends the execution of the prison sentence for a period of thirty days, during which the convicted person can submit a request for admission to an alternative measure to detention (Turchetti, 2010).

The *Decreto del Presidente della Repubblica 30 Giugno 2000, n. 230* tries to reorganize and collect in a single text the regulatory provisions concerning the Italian penitentiary system, including the execution of the sentences, the conditions of detention and prisoners' rights (*Decreto del Presidente della Repubblica 30 giugno 2000, n. 230 - Regolamento recante norme sull'ordinamento penitenziario e sulle misure privative e limitative della libertà, n.d.*).

In addition to “L’ordinamento penitenziario 1975,” essential to guarantee prisoners’ rights, is the “Italian Basic Principles for the Treatment of Prisoners.” The document states the rights prisoners should enjoy. These include equal respect and dignity that should be enjoyed by all human beings. Among these is the right to be treated equally no matter one’s gender, race, color, sex, religion, political ideas, or others. Prisoners shall have the same rights that are defined in other conventions including the *Universal Declaration of Human Rights*, and, where the State concerned is a party, the *International Covenant on Economic, Social and Cultural Rights*, and the *International Covenant on Civil and Political Rights* and the *Optional Protocol* thereto, as well as others (General Assembly resolution 45/111, 1990). Moreover, the General Assembly affirmed that all prisoners should have the right to take part in cultural and educational activities, employment, and access to health.

In 2012 the Italian Minister of Justice implemented the *Charter of Prisoners’ and Internees’ Rights and Duties*, which is provided to every prisoner when they are incarcerated. However, whether this document is also offered to inmates in other languages is unclear. With the Charter, they are also given the abstracts of *L. 354 of 26th July 1975*, Penitentiary Act and enforcement of liberty deprivation and restriction measures and the Presidential *decree No. 230, of 30th June 2000* regulations containing provisions on the Penitentiary Act and on measures entailing restrictions on, and deprivation of personal liberty as well as others like the *Convention*

for the Protection of Human Rights and Fundamental Freedoms. The Charter is mainly split into three parts: one part is dedicated to the duties and rights of prisoners; the second is a glossary that explains the different roles in the prison as well as legal terms used during trial; the third part lists the core principles of the Italian Constitution. The main part that we are interested in is the first one. This explains the rights of prisoners, including the right to receive primary and secondary education, and to spend at least two hours outdoors each day. An entire section is dedicated to foreign prisoners. Foreign prisoners shall have the right to a legal adviser; to receive rules and regulations in their languages; to make phone calls and receive their families in the presence of an interpreter; to receive meals based on their religious and/or spiritual obligations; the right to ask to be transferred to their country, instead of spending their jail time in Italy. To make sure that the prisoners' rights are respected, *L. 146 of 23 December 2013, art.7* has instituted figures called Garanti, both at a national and regional level. The Garante's role is to guarantee that the prisoners' rights are implemented in practice, both in the prisons, amongst the police force, and mental and physical healthcare providers, as well as quarantine provisions for COVID-19 (Garante nazionale e garanti territoriali, 2022).

Classification of prisons

Prisons or penitentiary institutions are the generic terms most widely used to talk about detention facilities. These are used for the execution of sentences and for the execution of security measures (Ristretti Orizzonti, n.d-b). These institutions are classified into different subtypes as follows:

- *Casa circondariale* is the prison in which primarily defendants or suspects awaiting trial are detained, but which also houses those who are serving sentences of up to five years in

the so-called “criminal sections” (Del Giudice, 2024). This is the most common prison center. Some examples include Regina Coeli, Rebibbia, Civitavecchia, and Poggioreale.

- *Casa mandamentale* is the prison that holds people convicted for no longer than one year (Del Giudice, 2024). However, most of these have been closed down. One example that is still in place is the casa mandamentale of Senorbi in Cagliari, Sardinia.
- *Casa di reclusione* is the institution in which only those who have received a final conviction are detained (Del Giudice, 2024). However, in some cases there may also be a specific section of the prison called "judicial" intended for preventive detention. One example is the casa di reclusione of Arbus in Sardinia.
- *L'istituto a custodia attenuata per detenute madri* (I.C.A.M.) is a detention facility for mothers and their children under the age of six. The ICAMs were established by law No. 62/2011 to allow mothers who have received a conviction or a precautionary custody order not to disrupt their relationships with their small children (Del Giudice, 2024). One of the few examples of this institution is the ICAM of Milan.
- *L'ospedale psichiatrico giudiziario* (O.P.G.) was an institution for people suffering from psychiatric conditions. However, it has now been replaced by “R.E.M.S” (residenze per l’esecuzione delle misure di sicurezza) to facilitate the rehabilitative process of psychiatric patients (Del Giudice, 2024).
- *L'istituto a custodia attenuata per il trattamento dei tossicodipendenti* (ICATT) only houses people with substance abuse issues detained as established by Presidential Decree 309/1990 (Del Giudice, 2024).

- *L'istituto penale minorile (IPM)* is a prison in which minors over the age of 14 are detained as a precautionary measure or after a final conviction (Del Giudice, 2024), such as the IPM of Casal del Marmo in Rome.
- The old “*supercarceri*,” the maximum-security prisons, which only housed prisoners convicted of terrorism and organized crime (e.g. members of mafia organizations Camorra and Ndrangheta), have been replaced. This category of prisoners is now detained in institutions specifically designed for them, in specific sections named *circuiti alta sicurezza* (high-security sections) and *41-bis circuits*.

Although all these institutions fall under the umbrella term of prisons, when referring to prisons in this research, the term is used to indicate the *casa circondariale* unless specified otherwise.

The layout of prisons

The layout of the prisons in Italy varies based on the type of prison and the availability of space. There are, however, some general measures that institutions must follow, as specified by the national guarantor of prisoners.

According to the *Regolamento di esecuzione dell'ordinamento penitenziario (d.p.r. 230/2000)* the prison cells must be made operational, meaning that they have to respect the following conditions and must have been adequately renovated in accordance with the standards of the provision (Garante nazionale e garanti territoriali, 2022). Inmates should have enough living space, guaranteeing the availability of a minimum number of square meters per person (usually a minimum of 3 walkable square meters) and the concrete possibility of moving freely within the room (Garante nazionale e garanti territoriali, 2022). The windows in the cell must allow air and

light to come through and they should all come with a separate bathroom with running water (Garante nazionale e garanti territoriali, 2022).

All prisons should provide the following spaces: isolation wing, department for mental health, spaces to socialize, external areas, areas to meet family and friends and minor children and the possibility to call, areas and materials for education and job opportunities, areas for sports activities (Garante nazionale e garanti territoriali, 2022).

According to *L. 26 July 1975, n. 354 art. 1*: “Penitentiary treatment must be in accordance with humanity and must ensure respect for the dignity of the person.” Moreover, it establishes that “treatment is based on absolute impartiality, without discrimination regarding nationality, race and economic and social conditions, political opinions and religious beliefs” (L. 26 luglio 1975, n. 354, n.d).

3. The (un)written body of literature

The dichotomy between Italians and migrants in the Italian prison system is a complex dynamic that is influenced by social and cultural factors. In order to analyze the topic, it is important to look at the existing literature on the subject. However, both Italian and international scholars have overlooked the problem, as the title of the chapter already points out. Not only is the matter overlooked but the little research that is present is mainly focused on white male inmates. To understand the issue, it was important to look at institutional reports and secondary data that deal with the living conditions of prisoners in the Italian prison system. The chapter focuses on three main areas. Firstly, I will analyze foreign cases, specifically in the United Kingdom and the United States, to understand what has been done abroad that could be implemented in Italy. Secondly, I will look at the only aspect of life in prison in Italy studied by scholars, that is religion. Thirdly, I will look at the main topic analyzed by secondary data and governmental reports, which is the issue of overcrowding.

Foreign cases

One of the most important criminological theories is the General Strain Theory (GST) by Robert Agnew (Ugelvik, 2015). He argued that in Western societies, people mostly commit crimes because of some strains that cause stress and frustration. He also argued that these strains do not always have the same effect on people, so two people who are affected by the same strains may react differently as one of the two may have developed the coping mechanisms to handle them.

These strains range from family background like child abuse to day-to-day problems like marital issues, and societal ones like racial, ethnic, or gender discrimination. In order to understand why minorities, especially African Americans, are over-represented in the criminal justice system, American scholars have applied the General Strain Theory (Piquero and Sealock, 2010). Scholars have shown that GST can be used to explain why some people are more likely to offend. African-Americans live in neighborhoods in which people suffer from poverty, stress and discrimination more than non-African Americans. GST was used to explain that African Americans commit crimes because of poverty, disrupted families, inadequate education, and discrimination, which are all strains that can cause stress. People could commit crimes because they might try to answer these negative strains with crimes, but also because they might lack coping mechanisms. In a similar way, GST could be applied in Italy. Migrants who do not have the proper documentation to live and/or work and rent in Italy, as reiterated later in the research, might have to live in poorer neighborhoods, renting informal housing or even be homeless. These strains could potentially influence migrants in Italy just as much as African Americans in Agnew's study.

In the United Kingdom, scholars started to study the difference in the treatment of foreign criminals between prisons and migrant detention centers (Turnbull and Hasselberg, 2017). Their findings showed that the English government was applying a double punishment: first imprisonment and later expulsion from the country, denying the main purpose of detention which should be rehabilitation. Indeed, foreigners are put in immigration detention for an indefinite time. Other scholars (Sen, et al., 2021), have also found that people held in immigration detention centers find themselves in a vulnerable position whereby not only do they not know how long they will be detained before being expelled from the UK, but they also have different physical and psychological needs compared to the other detainees, but this aid is not provided. In Italy, similarly

to the UK, non-EU citizens can apply to go back to their country to serve their sentence, but they could also be expelled from the country. Articles 13, 15, and 16 of legislative decree 23.7.1998 n° 286/98, Consolidated Text on Immigration, define under what conditions migrants may be expelled, including: "Those who pose a threat to the security of the State or public order..." Additionally, "those who have undergone criminal proceedings for any offense provided for in Article 380 of the Code of Criminal Procedure (mandatory arrest in flagrante delicto) or Article 381 (optional arrest in flagrante delicto) and are deemed socially dangerous by the Judge. The law grants the Judge complete discretion in this regard, regardless of the type of offense the defendant has committed" (Ristretti Orizzonti, n.d-a). Just like in the UK, foreigners in Italy might end up in immigration centers, which one of my interviewees defined as even worse than prison.

Moreover, research has been done on BAME (Black, Asian, and minority ethnic) people in the UK prison system (Osman, 2022). The research highlights several topics, including how the prison system affects BAME people. The first issue that it raises is the use of prisons as the first and main form of punishment, whether its main purpose should be aimed at rehabilitating the prisoner, or to keep society protected, or compensating the victims (Osman, 2022). Corporate Watch, an organization that educates people about corporate power, has for example suggested avoiding incarceration for people who have committed lower-level crimes to reduce overcrowding, which is a big issue in the UK (Osman, 2022). In Italy, a similar concept was introduced with the *L. Gozzini 663/86*, however a category of migrants who do not have a domicile are not eligible for house detention for minor crimes. The second main issue that the research highlights is the higher number of women in the UK prison system. Although incarcerated women are still a minority compared to men, in 2019 there was a higher proportion of women who were imprisoned that had never been convicted before (35%), compared to 22% of male prisoners who had already

committed crimes (Osman, 2022). In Italy, on the other hand, the phenomenon has not changed as the percentage of women has stayed at around 4% in the last 30 years (Marietti, 2023). The third and most important issue highlighted in the research is the absence of intersectionality in the UK prison system as it is taken for granted that prisoners have the same carceral experience, which is, however, not the reality. The researchers have shown that there is an increase in the BAME population, but prisons have not developed and adapted to the cultures of BAME inmates (Osman, 2022). In fact, BAME groups have expressed their disappointment in the system which has overlooked their cultures and racial identities, including providing appropriate food and the hiring on non-white staff (Osman, 2022). Muslim prisoners expressed their disappointment as they perceived being treated with less respect by staff compared to white British prisoners, as well as longer time spent in jail and a lack of understanding of their different needs compared to the white population (Osman, 2022). The most worrying aspect is that staff members do not regard prisoners' racist attitudes as a problem faced by BAME inmates (Osman, 2022). Furthermore, women feel a double violation of both race and gender identities (Osman, 2022). Because of the low percentage of women inmates, no gender-specific treatments have been put in place even though BAME women have different experiences and needs compared to white women and even more compared to white men (Osman, 2022). BAME women are more likely to plead not guilty to avoid the stigma of their community, facing harsher sentencing (Osman, 2022). Moreover, women prisoners have been found to have more mental health problems compared to men, including suicide, and more problems prior to entering prison, including addiction and sexual abuse (Osman, 2022). One solution to the problem has been introduced by Public Health England which has suggested prisons provide dietary requests, and professional awareness of cultural and religious practices (Osman, 2022). In Italy there is a lack of research on the issues the non-white

population can face in prisons. This raises the question of why: is it because the percentage of non-white and women prisoners is too small to spark the interest of researchers? Or is it because the Italian prison system has too many problems to face, and prisoners' rights are not a top priority?

Religion

The only issue concerning Italian prisons that is studied in scholarly works is the theme of religion, specifically the influence of Catholicism, in the Italian prison system. The main scholar who studies the subject is Irene Becci, professor of the Faculty of Theology and Sciences of Religions in Lausanne who wrote two main pieces about the role of religion in the prison systems of three countries: Italy, Switzerland, and Germany (Becci, 2015) (Becci, 2011).

Becci studied the impact resistance to religious diversity has in the prison systems, the profound Christian heritage of these systems, and how Durkheim's and Foucault's theories of punishment and religion can be applied (Becci, 2015). Although Italy's state is legally separated from the church, the church used to handle most educational, healthcare, and civic functions, and even now all Italian prisons have a Catholic prison chaplain. According to Becci, the primarily Christian nature of these prisons influences how people view punishment; yet, once religious freedom was instituted, the chaplaincy has been removed from the prison's punitive role but is rather essential for people's restoration and reintroduction in society. Becci considers two specific theories of punishment: the absolute theory of sentence and the relative theory of punishment. The first views retaliation as the aim of punishment necessary to rebalance the social order - punishment is the goal. The latter, instead, views crime as no longer the symbolic breach of the social order. Instead, religion has a practical role to achieve the goal of imprisonment. Punishment is seen as a mean to achieve certain specific aims that have a deterrent, preventive, or resocializing

effect. Durkheim considers religion to be an essential element of all societies because it is fundamentally linked to social cohesion. On the other hand, Foucault sees penance as the exercise of power, and the Christian religion is used by states to exercise power. Their insights into the prison system highlighted how a certain social form of religion (a Christian one) is seen as central and has an impact on the rehabilitation of the detainees. Christian chaplaincies are seen as central and universal, and become the only template for all religions. This way unrepresented religions must become acquainted with an institution that is not theirs. The Christian chaplaincies established a boundary between Christianity and other religions. However, these strict boundaries could raise tensions among inmates of other religions. The author, for example, highlights the different treatment Christian festivities like Easter, which are held in a church and guests from outside are allowed to enter while other festivities, like Ramadan, are usually held in empty rooms without guests.

Becci also studies the role of the chaplaincy in the prisons of the three countries: Italy, Switzerland and Germany (Becci, 2011). In the last decade, in Italy there was a rise in non-Christian prisoners, which challenged the prison system, and its daily organization as religious practices are organized around people's habits. The Catholic church is still seen as an indispensable tool in the prison system for the rehabilitation process. Article 1 of the 1975 new penal law stated that the treatment of prisoners must be absolutely impartial; no one should be discriminated against for his/her religious beliefs. Article 26 of the new law states that in all prisons one or more chapels are constructed and that every prison has at least one priest. Since 2000, there have been some improvements to include non-Catholic prisoners, like dietary options and allowing other religious figures inside the prison. Whether or not this happens is unclear, however, as Becci interviews the prison guards and not the non-Catholic inmates. So, although her research is essential as it raises

the important issue of lack of diversity and acceptance of different religions in the Italian prison system, the inmates' thoughts and experiences are not reported. They are mostly downplayed, as Becci highlights that chaplaincy is seen by inmates as a central informational role in the prison, but it is also important to note that a Christian priest is the only religious minister constantly present. Becci did not conduct interviews in any prison in which other ministers are present daily, and the reason is unclear.

Overcrowding

I primarily focused on the issue of overcrowding since this problem is frequently discussed in reports by NGOs and the Italian government. Several subtopics are however connected to this, including healthcare, hygienic conditions, religious rights, the right to rehabilitation, employment and education, and, ultimately, human rights.

The issue of overcrowding is a phenomenon that has been developing for a long time (Caputo & Ciuffoletti, 2018). After World War II, the number of people incarcerated decreased significantly, reaching a record low of 43 inmates per 100,000 people in 1966, from 143 in 1948. In the second half of the 1970s, the prison population started to rise again and, by 1985, it reached 70 inmates per 100,000. Moreover, a large trend of re-incarceration started at the beginning of the 1990s and reached a peak of 115 per 100,000 in 2010 (Caputo & Ciuffoletti, 2018). The reason why this reincarceration process happened and repeated itself in 2015 is unclear, but it is not related to penal policies. The numbers only started to go down when the Italian government undertook some deflationary measures, after the judgment procedure of the European Court of Human Rights

(ECtHR).¹ The issue of overcrowding is a problem that extends to different aspects of the prison system. The Italian Penitentiary Law does not specify the rights of the prisoners and the Surveillance Court could not enforce the protection of the inmates' rights until the Strasbourg Case. The reform was completed by Law No. 92 of 2014, which introduced the ability of the Surveillance Courts to order a compensatory remedy to refund prisoners who had been detained in conditions violating Article 3 of the European Convention on Human Rights which states, "No one may be subjected to torture or inhuman or degrading treatment or punishment" (Caputo & Ciuffoletti, 2018). However, Caputo and Ciuffoletti highlight that Article 3 is not always respected as highlighted by the physical ill-treatment of prisoners by prison officers, the material conditions of detention, the issue of prisoners subjected to the 41-bis regime, the provision and standard of health care in prison, mothers with children in prison, staff, contact with the outside world, disciplinary sanctions and prisoners subject to Section 72 of the Italian Penal Code. The 2010 Universal Periodic Review, by the UN Human Rights Council against Italy, made 92 recommendations to the Italian government, two of which regarded the prison system (Commissione straordinaria per la tutela e la promozione dei diritti umani, 2012). The two recommendations address the overcrowded condition of prisons, with Italy ranking first out of the countries Italy, and the absence of a law regarding the crime of torture. It is also argued that not only do inmates not have adequate space in cells but that sometimes they are not allowed to do their recreational activities or stay outside in the common area because of overcrowding. Moreover, the rehabilitative part of the prison is not fulfilled because of the lack of job opportunities, which goes against Article 27 of the Italian Constitution. The absence of

¹ The ECtHR judged Italian prisons to have a significant problem of overcrowding. However, in 2016 it declared that Italy had managed to reduce the number of inmates with the case Torreggiani, which introduced measures to lower overcrowding namely restructuring prisons. However, the issue of overcrowding is still critical.

rehabilitative and educational activities is caused both by the overcrowding and the scarcity of staff. The absence of a proper education and rehabilitative system is a big loss in the process that should allow prisoners to acquire the skills necessary to succeed after release and possibly reduce the recidivism rate.

The lack of staff also impacts inmates' mental health, which can cause them to be physically violent to themselves and others, as mentioned in Solivetti's report (Solivetti, 2003). For the same reason, most of the time, prisoners do not receive psychiatric and psychological help. The physical healthcare situation is not much better. Since prisoners' hours dedicated to housework are reduced, the cell conditions are extremely unhygienic. To fight overcrowding, law 199/2010 was introduced, which offers the possibility to serve the sentence not exceeding one year at home. This, however, could be problematic for foreigners who are homeless or who do not have a registered residence.

If the overcrowding situation in prisons was already inadequate, COVID-19 has only worsened the situation. A report by Openpolis (2022) is one of the few studies on the conditions of prisoners in Italy. Some prisons adopted restrictive measures by suspending interviews with external people as well as educational and training activities with staff members. However, this worsened the prisoner's mental health, resulting in an increase in suicide rates. Moreover, with the restriction of the entry of external people, the poor hygienic situation worsened. COVID clearly showed how the prison system is more focused on imprisonment rather than the re-education of prisoners. Even with COVID, the number of staff workers was higher in the penitentiary administration department than in the re-education department. For instance, in Italy, the penitentiary administration staff dedicated exclusively to custody is over 80%², compared to an

² Prison staff who take care only of custody supervise the inmates and the security of the prison facility, like guards. Other staff have also other roles, like educators or psychologists.

average of the Council of Europe countries of 54.6% (Openpolis, 2022). Some prison systems have tried to decrease the number of prisoners. For example, in Italy, a deflationary measure was applied in cases of sentences of less than 18 months with Legislative decree 18/2020, for which prisoners were moved to their homes for their detention. However, even with the fewer numbers after this decree was passed, the prisons were still overcrowded.

Italian prisons have seen an increase in the number of foreigners since 2015, especially asylum seekers (Openpolis, 2022). This information has often been exploited by people in Italy, especially politicians, by highlighting it as a social problem. However, the Openpolis research shows that there is no connection between the rise in migrants and the rise in criminality. It states that in Italy the number of people convicted has actually decreased by -15,1 % between 2010 and 2018, compared to the more than 129 thousand foreigners (Openpolis, 2022). Migrants are also more likely to commit less serious offenses and are more easily caught because they might live on the streets. The article also shows what could be the main causes of the rise of migrants in prisons. First, they note that there is a strong connection between poverty and criminality, and because migrants are more exposed to poverty and social exclusion, especially in Mediterranean countries, they are more likely to commit crimes. In addition, undocumented migrants with no residence permit do not have the possibility to access regular jobs and social security measures. Furthermore, migrants might not be able to access alternative measures such as house detention, probation, and parole because they may be homeless. The socioeconomic background of people has an impact on criminality (Solivetti, 2003). The reason why there is a high percentage of incarcerated non-Italians also has to do with the fact that they come from countries with very different economic and religious backgrounds and habits, as well as the language barrier and for some of them, even their irregularity as migrants precludes them from access to certain aspects of the society (Solivetti,

2003). Due to a combination of language barrier and economic disparity, foreign offenders can receive different legal treatments compared to nationals. Such foreigners are mainly men, with a female ratio that can vary. There is a lower percentage of women in prison when they come from Islamic countries. The highest proportion of women come from countries like Romania and Nigeria, as will be discussed further below.

Globalization has led to an increase in the prison population and foreign inmates (Ugelvik, 2015). Pickering and Ham suggest that although according to the European Provision Rules all prisoners should have the same rights, foreigners face more problems than nationals. The main problems are uncertainty, discrimination, and racism. As mentioned above, one of the main issues that foreigners face in prisons is the language barrier which causes a feeling of uncertainty and isolation that is exacerbated by the absence of sources of entertainment (like books, TV, etc.) in their own language. At the time of incarceration, inmates should be informed about their rights and the prison rules. Still, most of the time the staff does not speak their language, so they have to rely on fellow prisoners for translation. However, their translation might be imprecise and unprofessional. This can also create problems with the staff who are frustrated by the lack of time and resources available to work with the foreigners. In order to solve this problem, some European prisons have started to recruit prison guards of the same ethnicity and country of origin of the prisoners, established language courses, and sometimes even placed people from the same nationality in the same prison (this, however, could create a problem by creating a subculture).

Another major issue is the medical healthcare in the prison system because foreigners have access to the same healthcare as national prisoners, not taking into account the trauma and violence that foreign prisoners might have faced. Moreover, prisoners might face a language barrier in explaining their symptoms as well as expressing mental health needs. These struggles can then

lead to self-harm and suicide. Although foreign prisoners face all these problems, it might still be easier for them to access healthcare in prison than outside. Foreigners also face reintegration and rehabilitation issues. Because some European countries might try to deport foreigners to their countries to serve their time, most of the time they are kept in European detention centers. When inmates are imprisoned, deportation orders may be added to their terms, which may prevent them from reintegrating into society. However, they might not be deported either because the procedure requires a lot of time or because the state does not release the necessary documents. To prevent even the remote possibility of evasion, foreigners do not have access to rehabilitation such as being placed in semi-open institutions. Moreover, prisoners are imprisoned far from their home country, which goes against section 17 of the European Prison rules. As foreigner's families might live in other countries, they do not get the possibility to see them. Often prisoners cannot call their families because not all prison systems provide proper means, and in pre-trial detentions, they are not allowed to call in their own language at all. Pickering and Ham highlight important issues that have to do with discrimination in language, healthcare, rehabilitation and reintegration capacity of prison systems, which are not taken into account by any other report. However, the authors do not distinguish between undocumented or regular migrants who could face different problems, and they generalize about European countries, often basing their report on Scandinavian countries whose prison systems are better developed than Italy's.

The literature discussed here shows the absence of research on the Italian prison system, not to mention the distinction between migrants and Italians within it. The lack of scholarly sources forces me to focus on secondary data, such as reports, which is not enough to expose the issues of the system. The sources used in this chapter are mainly from the period before COVID-19, mostly before 2015, so they do not take into account the impact the pandemic had on the prison system.

Moreover, the constructed definition of foreigner, migrant, non-Italian, or non-national is quite unclear, as often the texts do not specify whether the migrants are documented or not. An important issue that is often overlooked in the literature is discrimination. Few sources mentioned how foreign prisoners may be treated differently from nationals. The only aspect mentioned concerns the language barrier that foreigners face, which is a problem that still needs to be tackled.

4. Theoretical Framework

In order to develop a theoretical framework, it is essential to analyze sociological and criminological perspectives. This interdisciplinary perspective helps to understand the complex issues prisoners face in the prison system and beyond. The research uses a novel method by applying theories that have never been applied in the context of the Italian prison system.

The main theories that will be analyzed are the deprivation model, the importation model, perspectives on inmate subcultures, the social identity theory and the three dimensions of prisons. These theories will help to explain the social structures and norms that may develop in prisons. Labeling theory, strain theory and critical criminology are essential aspects of criminology that help understand and explain deviant actions and behaviors as well as difficulties in the rehabilitation process. Finally, when reading scholarly sources, intersectional aspects like race, gender, and socioeconomic status are often forgotten aspects, which however have a great influence on prisoners' experiences.

Sociological perspectives

The **deprivation model**, introduced by Gresham Sykes, argues that inmates become more aggressive when imprisoned due to prison conditions (Thomas & Foster, 1973). Sykes calls these conditions the “pains of imprisonment”, which include: deprivation of liberty; of autonomy and independence, because rules and routines are established by others, which could cause the inmate to feel like a child who is controlled by their parents; of goods and services, which are rationed

amongst the population, although the prison must provide the necessary goods for people following specific dietary restrictions for cultural or religious reasons; of heterosexual intimacy, since it is forbidden for spouses to meet when one of the two is incarcerated, partners or others; and finally of security, as inmates may be scared of being attacked by their cellmates, or generally scared of inmates who have committed more violent crimes than them (Malizia, 2021). According to Sykes Model, these pains can cause negative feelings which can generate stress, and consequently aggression. One other factor can be overcrowding, which is an important problem in Italian prisons, as highlighted above. Although the model does not focus on migrant prisoners, these five pains of imprisonment could have an even greater impact on foreign inmates. Like other prisoners, they are deprived of their liberty; however, the distance from their homeland could make this even worse. The deprivation of goods and services could include the absence of adequate interpreters or cultural differences, which are issues analyzed in the qualitative section. The deprivation of autonomy, especially migration-related, like being deported, can have a great impact on the prisoners. The deprivation of security can be worsened by the possibility of facing racism and xenophobia.

In contrast to the deprivation model, the **importation model** advanced by Irwin and Cressey argues that inmates' aggression depends on their social norms and characteristics prior to imprisonment (Thomas & Foster, 1973). Characteristics can include social class, and as later argued by Kane and Janus, also race and age (Thomas & Foster, 1973). People who belong to lower social classes, who are young and non-white, are more likely to be aggressive once imprisoned, because factors prior to imprisonment can affect their pattern of adjustment and behavior in the prison (Thomas & Foster, 1973).

Strictly linked to the importation model is **inmate subculture**; that is the social norms and values that inmates develop in prison (Hanser, 2019). One theory that explains the inmate subculture is the importation theory, which argues that the subculture is brought in by prisoners via their pre-existing values and beliefs. It can be argued for example that if someone brings their own beliefs, including racist ideas, this could be dangerous for migrant and non-white prisoners.

However, the two primary criticisms contend that incarcerated individuals, when subjected to pressure and a changed environment, may be influenced by fellow inmates, disregarding their previous external stimuli before imprisonment (Hanser, 2019). The prison system is based on an imbalance of power in which the inmates have to follow the rules of the prison while the guards and staff need to enforce them. Furthermore, inmates have to face a new environment, inmates try different ways to adapt to the prison environment. Malizia finds two main categories of inmates. The first is the “strategist” or “tactician” who tries to adapt in the prison by interacting with inmates unlikely to create problems in prison or who generally keep a low profile. The second profile is the “submissive” or what in Italian would be called *omertoso*, from the word *omertà*, the code of silence, a person who does not speak up to guards out of their own interest, safety or even solidarity (Malizia, 2021). This commonly happens, according to scholars, in prisons in southern regions where there is a higher presence of organized crime and mafia clans (Malizia, 2021). However, a person who is not aware of how organized groups work, or is a foreigner, may not be aware of the code to obey when in the presence of mafia actors. The Gozzini Law in Italy introduced the bonuses to try and fight prison subculture. These benefits may vary, but they typically include the opportunity to leave prison temporarily in order to visit their loved ones or work outside the prison. Because inmates have to obey the rules of prison to obtain bonuses, the hope with the introduction of the law was that inmates would diminish actions that could prevent their path to reintegration

(Malizia, 2021). However, the law has not helped reduce the subculture, it has simply changed and adapted so that guards cannot identify it (Malizia, 2021).

Social identity theory, proposed by Tajfel and Turner, argues that people's ideas of themselves depend on the group they are part of (Leaper, 2011). Being part of a group is essential to individuals for their self-esteem. In prison systems, migrants may form a group of individuals coming from the same country. Although this is good for socialization and individuals' self-esteem it may marginalize and divide people based on their country of origin.

According to Herrity and Warr, prisons are made of **three dimensions: spectacle, space and science**. The dimension of spectacle is the lens through which the public perceives the form and function of punishment (Herrity and Warr, n.d.). In recent years and in pop culture prisons have been portrayed in the media as either extremely violent or over-fantasized, almost described as holiday destinations. Although prisons are generally on the outskirts of cities and society, with the media they are brought back as a central theme.

The second dimension of prisons is space, not only as a physical entity but also in the experience of inmates. It has several functions. First, a political function, it enforces control and whether inmates obey the rules depends on whether they see those in power as legitimate. Second a symbolic function, where political and cultural ideas clash (Herrity and Warr, n.d.).

The third dimension is science, which sheds light on how underlying assumptions concerning our relationship with the social world (ontology) influences assumptions on what and how the prison system can be interpreted (epistemology) (Herrity and Warr, n.d.). In today's capitalist societies, prisons and detention facilities are utilized to boost political standing, making the preference for punitive measures to address social issues a significant factor (Herrity and Warr, n.d.). Within criminological positivism, criminality is often attributed to inherent defects in the

morality, psychology, or personality of individuals (Herrity and Warr, n.d.). This perspective contributes to the framing of Black men as more violent and predatory than their white counterparts, even when their crimes are identical (Herrity and Warr, n.d.). These assumptions underscore the intricate interplay between societal assumptions, scientific inquiry, and the perpetuation of systemic biases within the realm of criminal justice.

Criminological perspectives

Labeling theory is a criminological theory that was proposed by the sociologist George Herbert Mead (Skaggs, 2024). Mead argued that people commit deviant acts as a consequence of the labels that society puts on them, or better said, because society puts negative labels this could potentially lead to marginalization and as a consequence migrants might be forced to commit crimes. It could be argued that if migrants are portrayed as wrongdoers, they may behave as such. Right-wing Italian politicians have often shared their opposition to migrants, especially those who do not have the proper paperwork. Italian politicians like Matteo Salvini and the current President of the Council of Ministers, Giorgia Meloni have based part of their political campaign on their ideas about migrants.



Image 1: Politician Matteo Salvini. The phrase on the stand says, "stop invasion: first our people," making a difference between the "real" migrants, Ukrainians, and the "fake" migrants that in his opinion are running away from "fake wars," which are mainly migrants coming from countries in Africa.



Image 2: Caricature by Marilena Nardi that shows politician Giorgia Meloni ignoring the capsized boat of migrants in Cutro, Calabria



Image 3: Image of politician Giorgia Meloni with a paper that says #blocktheboatsnow

This negative representation of migrants by politicians has affected non-white people and foreigners, through a rise in racist acts. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) files yearly reports on hate crimes in each country. Italy has been shown to not only have an increase in racist and xenophobic acts from 801 in 2018 to 1105 in 2022 (OSCE, 2022). Xenophobic and racist crimes are also much higher compared to anti-LGBTI hate crimes (97 in 2022) and disability hate crimes (191 in 2022) (OSCE, 2022).



Image 4: Graffiti that show the Nazi swastika and the phrase migrants are shits.



Image 5: Banner by Casapound “who runs away from the war, leaves behind parents, wives and sons does not deserve respect.”

The **strain theory** by Merton argues that people start to commit crimes because of social pressures including their low social class income and low education. Merton highlights that people’s main goals include economic success and earning a higher social status. In order to reach these goals however, people need to work high paying jobs. Migrants however might have a harder time obtaining these higher paying jobs due to discrimination, a language barrier, and missing legal documents necessary to work. Migrants are often trained for higher paying positions, but because of these factors do not have the same job opportunities as Italians. The OECD's 2017 data on the over-qualification of foreigner workers compared to native workers places Italy fourth in the world, with 51.7% of foreigners being overqualified.



Image 6: graph by OECD on overqualified foreign workers

In the years, it seems that the situation has not much changed. In a graph by the European Union on over-qualification rate for persons aged 20–64 years, showed non-EU citizens to be overqualified compared to EU citizens.

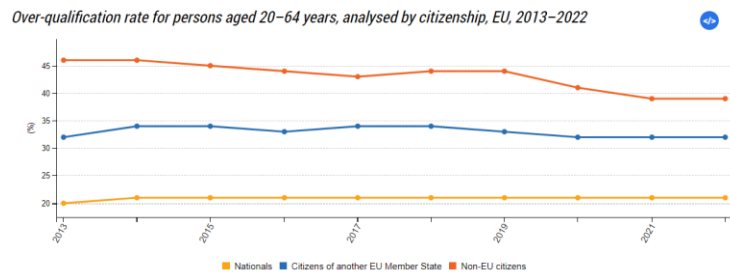


Image 7 over-qualification rate for persons aged 20–64 years, analyzed by citizenship, EU, 2013–2022

Since migrants are often overqualified for the jobs, but still do not manage to obtain one and there are no legitimate ways to obtain their goals, they face strain. This strain can be faced with five forms of adaptations, according to Merton: conformity, which means pursuing the goals in a way that is accepted by society; innovation, which means to pursue the goals in a way that is not accepted by society; ritualism, using socially acceptable methods to reach more accessible goals; retreatism, to reject both the goals and the means to obtain them and find a way to escape them; rebellion, reject both the goals and the means to achieve them to replace them (Thompson, 2023). Using innovation as a form of adaptation can lead migrants to commit criminal acts like drug dealing, leading to potential incarceration.

Moreover, **critical criminology** is a branch of criminology that emphasizes economic and social inequalities and tries to promote human rights, equality, and social inclusion by taking into account race, gender, and class. Critical criminology looks at crime as a consequence of a societal problem: the issue does not lie in the individual who commits the crime per se, but in the flaws of society like unequal class, race and gender (Long, 2015). It sees social inequalities as the underlying cause of people committing crimes. Critical criminologists mostly reject social control

means like prisons, but they think that in order to solve the issue it is essential to make structural and cultural changes, which however seems far from the truth in patriarchal societies. These changes include to solve economic, social and political inequalities, social class divisions, racism and any other form that could potentially discriminate against a person.

5. Methods

The research uses a mixed method approach, composed of a first phase that draws on and analyzes existing quantitative data and a second phase of interviews. In both cases the data was produced in Italian, and I then translated it into English. The quantitative material is made up of graphs produced by the NGO, Antigone. The qualitative data is instead made up of interviews I conducted with eight people working in/for the penal system.

Phase 1: Quantitative Study

In order to conduct quantitative research, the study analyzes Antigone's reports from 2008 to 2023, to see how trends evolve over time. Furthermore, in order to gain a better insight into the data and an explanation of the data findings, I interviewed Alessio Scandurra, one of the two coordinators of Antigone's National Observatory on the conditions of adult detention. Since 1998 Antigone has been authorized by the Ministry of Justice to visit almost 200 Italian penitentiary institutions. After each visit, the observers draw up a report describing the structural conditions, the compliance with penitentiary legislation, and other salient characteristics of the structure visited. All the information contained in the reports is verified by the observers and updated whenever they go and visit the prisons and flows into the report on detention conditions published every year.

I integrate my interview with Scandurra in the quantitative section of the study, as the questions regarded Antigone's data and its collection methods. The interview was conducted online, it was recorded and then transcribed, and it was composed of open-ended questions.

Scandurra provided informed consent for the interview to be recorded and his name published in the research.

Scandurra underlined that although Antigone mixes quantitative and qualitative data in its reports, the quantitative data is available for free online. Each annual report follows the same pattern of themes (numbers of prisoners, country of origin, etc.) but additional themes can also be included depending on topics of interest during the year.

My analysis addresses several aspects in the “foreigners” section of Antigone’s reports. First, I looked at the number of foreigners, especially the trend of the population to understand whether it ascends or descends. Second, the number of foreigners is broken down into the 20 Italian regions, grouping them into three main groups, northern, central, and southern regions. Third, the data shows the disparity between the number of women and men foreigners imprisoned. Fourth, it investigates the countries of origin of incarcerated foreigners. Fifth, the data identifies the main religious demographics of the foreigners incarcerated, and the availability of religious ministers. Sixth, it evaluates the education levels of foreigners. The two final graphs show the main crimes committed and length of detention. As the main source of quantitative data on prison conditions in Italy, these reports are crucial in providing an overview of the situation nationally. However, as my analysis will show, Antigone's data is at times ambiguous and difficult to interpret and also contains large gaps, highlighting how much of prison life in Italy is still under-explored.

Phase 2: Qualitative Study

The second phase of the research delves into the complexities and gaps in what quantitative data is unable to reveal, addressing some concerns that arise in the statistical data. It is based on eight interviews, with five men and three women, all white and Italian, carried out online (seven

out of eight) or in person. The interviewees were asked for verbal informed consent to be recorded (all of them did) and if they felt comfortable to have their names to be made public (one person did not: they will be referred to with a neutral pronoun “they/them” to guarantee their privacy). The conversations were recorded and transcribed, some of the answers were paraphrased to guarantee the text to flow, but the sense of the answers was not changed. The interviews lasted between 20 and 60 minutes. All interviewees expressed their interest in participating because they wanted the subject of prisons to receive more attention in scholarly research. Various felt that their jobs and functions are often overlooked, as are inmates’ rights and living conditions. None decided to withdraw or change their answers after being interviewed. The interviewees were: Alessio Scandurra (discussed previously); an anonymous interviewee, who worked as a psychotherapist in a prison in Rome; lawyer Andrea Palmieri, who takes on penal cases, especially concerning foreigners; Luciana delle Donne, founder of the non- profit organization Made in Carcere, which manufactures handmade products by prisoners; the authors of the book *Il carcere è un mondo di carta* written by social worker, Marica Fantauzzi, and Valentina Calderone, Garante dei diritti di Roma; Massimo Borgioni, psychologist at the prison of Civitavecchia; Padre Vittorio, chaplain of the Regina Coeli prison in Rome. All interviewees were asked open-ended questions based on their area of expertise. An important limitation is that all interviewees were white Italians. Consequently, their perception of what could potentially be discriminatory and/or racist may not fully encompass perspectives of individuals outside the Italian demographic. A second limitation is that no prisoners were interviewed for the research, even though it was one of the goals. I contacted three prisons: one refused because it was not interested in the project, one answered when the research was concluded and a third accepted but then never followed up.

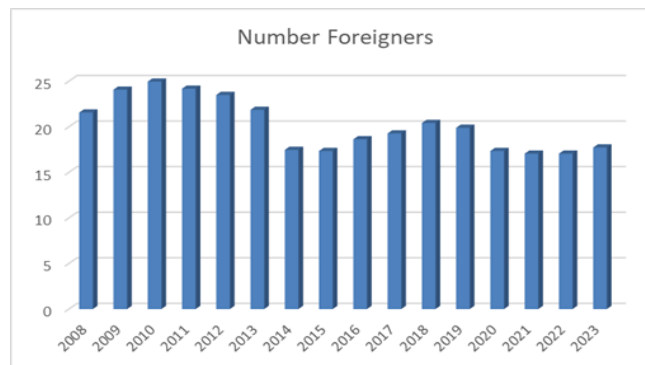
6. Results

Phase 1: Quantitative Study

The graphs shown in this section were created by me after collecting the data from the Antigone reports from 2008 until 2023.

Number of foreigners imprisoned

Table 1 shows the number of foreigners in Italian prisons, in which on the vertical axis 20 is the unit for 20,000 and the horizontal axis shows the time that was taken into account, from 2008 until 2023.

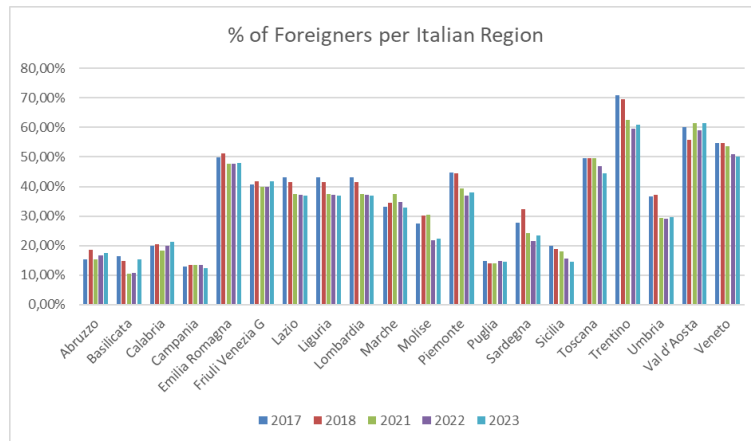


Tab. 1: Number of foreigners imprisoned

In the previous chapter, it was argued that there is a general misconception that there is a connection between the rise in migration and in criminality. As highlighted by Openpolis (2022), and this graph the number of foreigners is decreasing, but there is no correlation with crime and crime rate.

Percentage of foreigners per Italian region

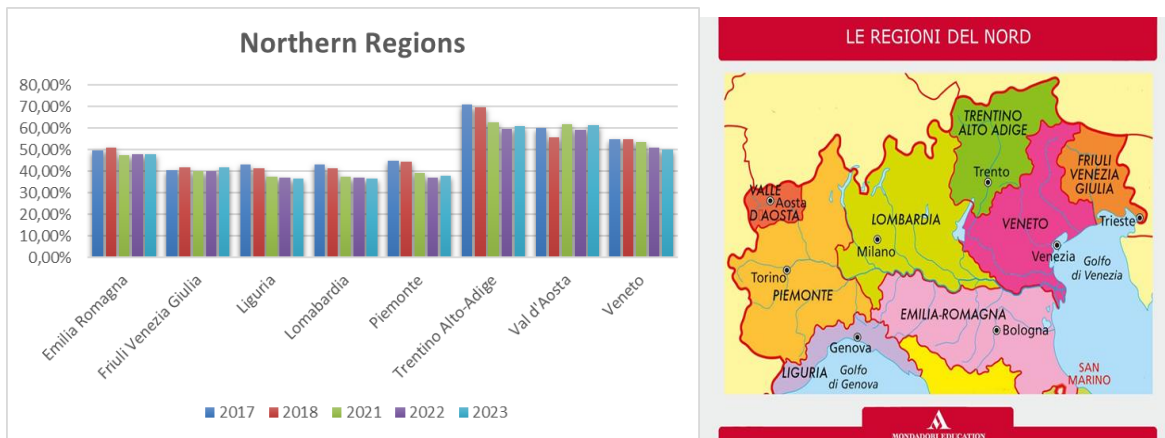
Table 2 shows the number of foreigners imprisoned per Italian region. The reports from Antigone do not explain why some regions have higher percentages than others. One of the reasons could be the mechanism whereby prisoners are assigned to different prisons. Inmates are assigned to a specific region based on several factors. First, prisoners are usually detained in the region where they were tried and condemned. Second, to avoid overcrowding, they might be sent to less full prisons. Third, other criteria include: the severity of the offense, the gender of the inmate, and closeness to their family.



Tab. 2: % of foreigners imprisoned per Italian region

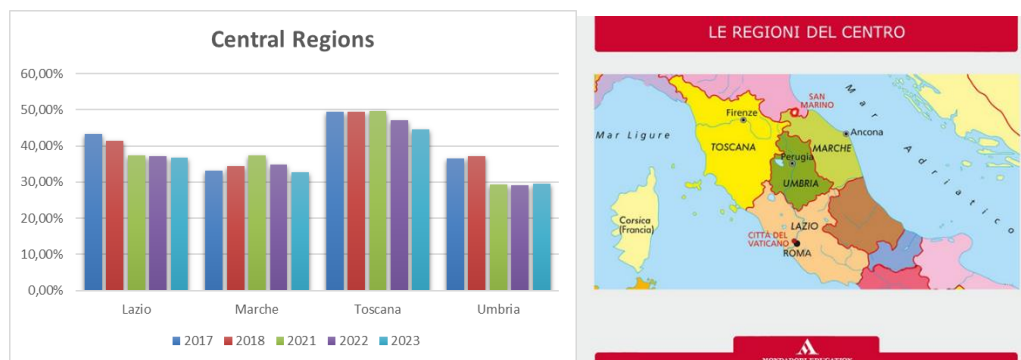
To take a better look at the different regions, Tab. 2 was split into three different tables, using the same data.

Table 3 takes into account Northern regions: Emilia-Romagna, Friuli-Venezia Giulia, Liguria, Lombardia, Piemonte, Trentino Alto-Adige, Val d'Aosta and Veneto. Northern regions have a much higher proportion of foreign prisoners compared to other regions, with a peak of 70% in Trentino Alto Adige.



Tab. 3: foreigners imprisoned in northern regions

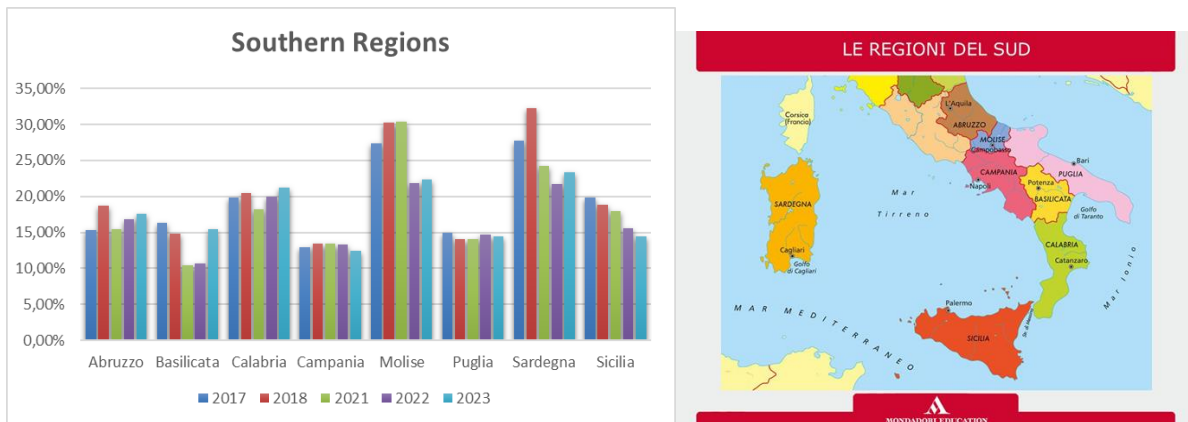
The Central Regions taken into account were Lazio, Marche, Toscana, and Umbria. Marche and Umbria are small regions, so they report the lowest numbers. I expected Lazio to have a higher number of foreign prisoners, being the third region in terms of number of prisoners after Lombardia and Campania.



Tab. 4: foreigners imprisoned in central regions

The Southern Regions taken into account include: Abruzzo, Molise, Puglia, Campania, Basilicata, Calabria, Sicilia and Sardegna. The most surprising data was in the Southern regions, especially Molise and Sardegna. As mentioned above, the report does not go in-depth into the statistics. It is important to know that these two regions have among the lowest numbers of prisoners in general (Italian and non-Italians). Therefore, the share of foreigners in an already small

population of prisoners appears very high in proportion to the small number of Italian prisoners. For example, in 2022 in Molise there were 390 prisoners out of which 11 were foreigners.



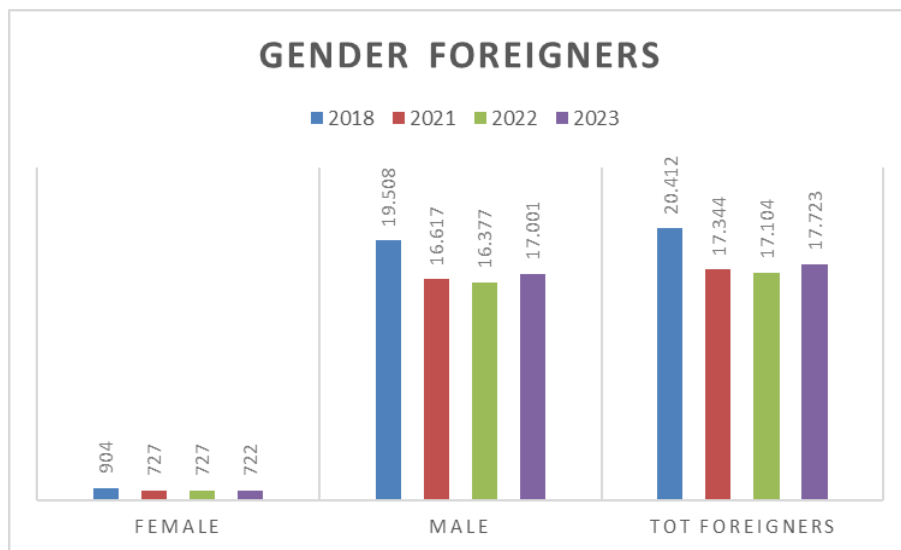
Tab. 5: foreigners imprisoned in southern regions

In my interview with Scandurra, he specified why some regions have a higher presence of migrants than others. The first reason, could be a regional matter, meaning that if some regions have a higher number of migrants the number of migrant prisoners will be higher. Secondly, migrants may be transferred if the institutions they were originally detained in suffer from overcrowding. Migrants are those most likely to be transferred because they are less likely to have family nearby. This assumption could contribute to one of the pains of imprisonment explained by Sykes (Thomas & Foster, 1973), as migrant prisoners although might have their family abroad could have built their own reality in the city where they got detained. Most of the time, prisoners are transferred from northern regions to southern regions. Scandurra specifically took as an example the region of Sardinia (Sardegna), which has several institutes but a lower rate of prisoners and migrant prisoners, which is why many prisoners get moved there.

Gender of foreign prisoners

Regarding the gender of prisoners, Table 6 shows that the number of foreign women prisoners is much lower than that of males. These findings confirm the data shown in the broader literature for which most of the time men commit crimes in public areas which increases their chances of ending up in prison (Openpolis, 2022).

Data on foreign women in Italian prisons is very scarce. Although there is a whole section dedicated to women in Antigone's reports, foreign women are barely mentioned. What the reports suggest, however, is that most women come from two countries: Nigeria and Romania. Nigerian women are mainly prosecuted for prostitution, while for Romanians the data is unclear. There have been improvements, however, since at the end of 2023 Antigone posted a report only dedicated to women, which needs however improvement and dedication to foreign women which are barely ever taken into account in the issues faced by women inmates.

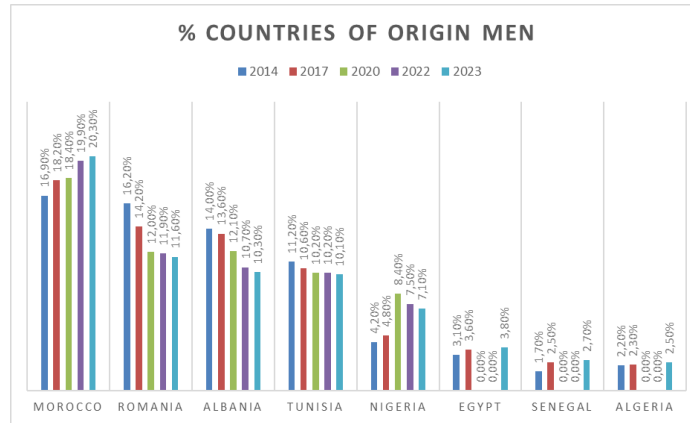


Tab. 6: gender of foreign prisoners

Country of origin of male foreigners

Table 7 only shows the country of origin of male inmates. Most come from African countries with the highest number coming from Morocco, followed by Eastern European countries such as Romania and Albania. These findings help us draw a trend of the countries with the highest number of prisoners. In the interview with Scandurra, it emerged that there is no linear explanation as to why some countries are more represented than others. In his opinion, though, migrants who have come to Italy and established themselves with their families are less likely to commit crimes because of the responsibility they have for their relatives.

A question that could be raised is whether the sample of foreign prisoners coming to Italy includes Italians without citizenship and Italians of second generation. Italians without citizenship include the category of people who do not have the Italian citizenship according to the concept of Jus Sanguinis. Jus sanguinis affirms that only people that were born from either an Italian mother or father can obtain the Italian citizenships but not the people either born and/or raised in Italy. Italians of second generation, is a term used to indicate people who were born from parents who migrated to Italy or who migrated to Italy at a young age. Most of the time Italians without citizenship and Italians of the second generation originate from the countries mentioned in the table. What has emerged with Scandurra is that being the number of Italians without citizenship and stateless people (apolidi) a low number it is not one that they count as relevant.



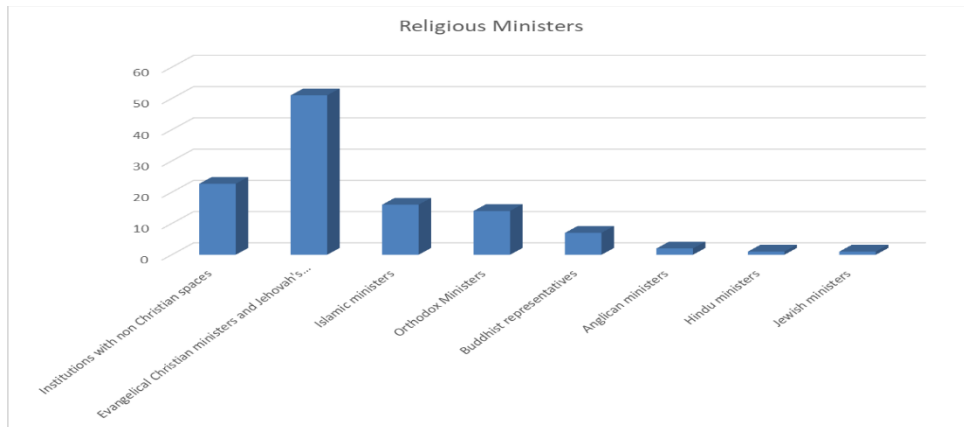
Tab. 7: % of the countries of origin of imprisoned foreigners

Religious ministers and prisoners' religions

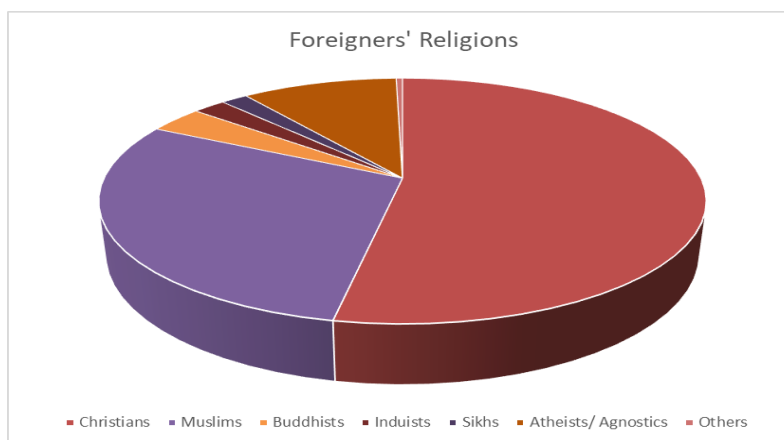
Table 9 shows the number of prisons with a minister that is non-Catholic. In the literature, researchers do not mention whether Italian prisons have stable non-Christian ministers. The Antigone reports show that only 22% of all Italian prisons have a space dedicated to other religions (that is a room, not a chapel). Out of 190 prisons, only 71 have non-Catholic ministers. Most of them (72%) are Evangelical Christians or Jehovah's Witnesses. Only 16 institutes present are Muslim ministers, even though Islam is the second highest religion among prisoners with 29.4% (following right after the 53,1% of Christians). It is however unclear from the Antigone reports whether it is easy for other ministers to access prisons. The literature on this matter is unclear as some scholars argue that ministers of other faiths can enter prisons while others argue that religions other than Catholicism are underrepresented (Becci, 2011) (Becci, 2014). These issues are tackled further in the qualitative section below.

Scandurra argues that the Catholic chaplain has a regular salary for their ministers, while ministers from other religions are unpaid and visit prisoners on a volunteer basis also during times which are usually office hours, that they would spend in their church or with their disciples.

Generally, however, religious ministers do not find hostilities with prisons, claims Scandurra. He mentions that Italy should follow France’s example, as they have a budget for the prison administration, so not only the Catholic chaplain is paid, but the State also pays for that service, has a budget available for that service, and the various religious communities in the area identify people who can do a few hours and have some financial recompense. Italy has this grave disparity between the Catholic chaplain who pays him the salary of the Ministry of Justice and all the others who are mostly volunteers. Data published by Statista shows that most Italians (around 80%) are Catholic, while 48% of foreign residents belong to other religions (Statista, n.d). While Italians are thus mostly represented by the priest in the penitentiary system, almost half of the foreign prison population do not have access to their religious ministers.



Tab. 8: religious ministers in prisons



Tab. 9: imprisoned foreigners' religions

Education level

Table 10 takes into account the education level of foreign prisoners in 2022 and 2023. The education system is split into two levels: level I and level II.

Level I is divided into three sections:

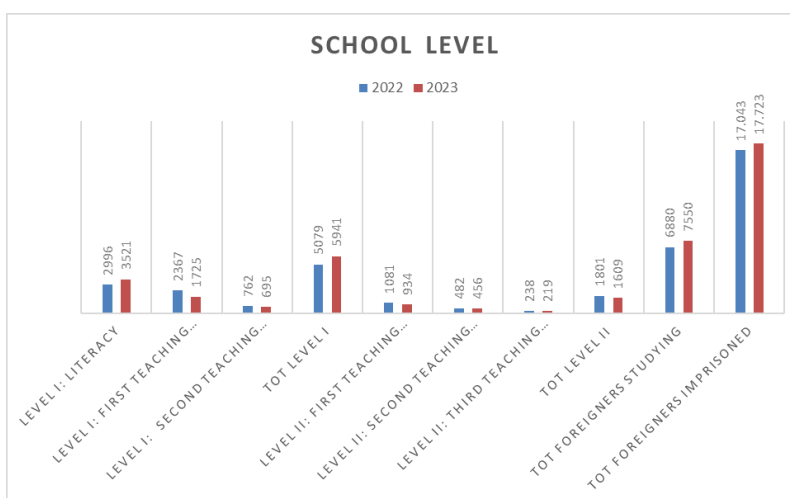
- Level I Literacy: especially created for foreigners to learn Italian to level A2
- Level I First teaching period = the course that brings prisoners to the level of knowledge of a student in the last year of elementary school
- Level I Second teaching period = the course that brings prisoners to the level of knowledge of a student in the last year of middle school

Level II, the second level education paths are aimed at obtaining the technical, professional, and/or artistic education diploma (high school) and are divided into three educational periods, respectively:

- Level II First teaching level: aims at acquiring the certification for admission to the two-year period of the artistic high school and/or the courses of technical or professional institutes, in relation to the address chosen by the student;

- Level II Second teaching period: has the goal of acquisition of the certification for admission to the last year of the artistic high school and/or the courses of the technical or professional institutes, in relation to the address chosen by the student;
- Level II Third teaching period: works toward the acquisition of an artistic high school diploma and/or technical or professional education, in relation to the major chosen by the student.

The data shown in Table 10 indicates a large gap in the prisoners' attending courses from level I to people enrolled in level II. The course with the most students is the first course of literacy, whereas the one with the least students is the last level. Unfortunately, the report does not specify who is defined as a foreigner, so we do not know the proportion of undocumented migrants, regular migrants, or Italians without citizenship. In the European Statistics it was shown that most migrants in Europe and Italy are much more qualified than nationals. However, in prison what has emerged is that education from the first level is the most attended by migrants. It could be argued - in accordance with Merton's strain theory - that inmates could potentially belong to a lower class, and because of that do not have access to higher paying jobs, and have started to commit crimes to gain a higher social status.



Tab. 10: school levels of imprisoned foreigners

Type of offences committed by foreigners

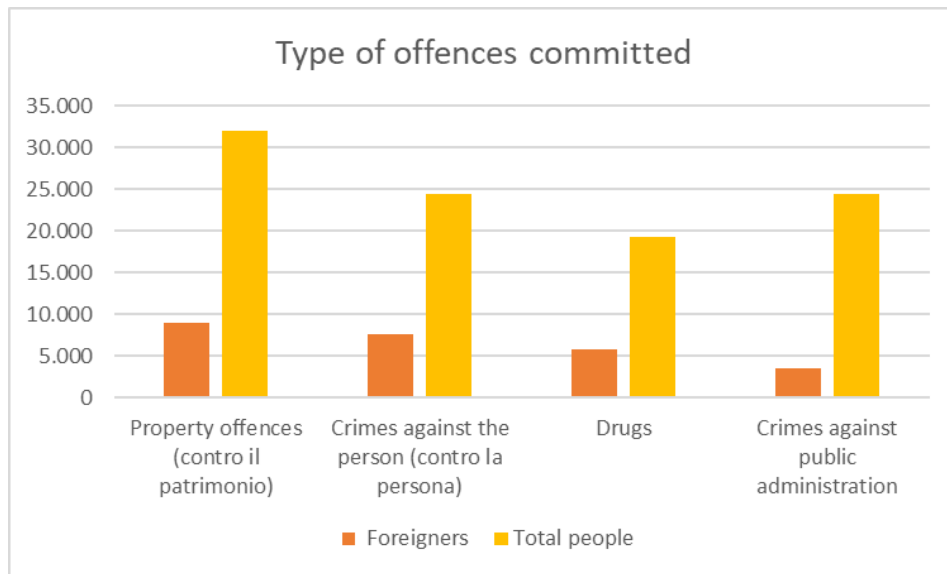
Table 11 shows the four main crimes committed by foreigners. The original report of 2023 also includes other crimes apart from the four mentioned in the graph, but the percentage of foreigners compared to the Italian population was not specified. The four crimes committed are in order of the most to the least frequent:

- **Property offenses**, which include theft, robbery, extortion, fraud, embezzlement, damage (to property or others)
- **Crimes against the person**, which are split into three main categories. Firstly, life and individual safety, which include homicide, beatings, and others. Secondly, honor, which mainly concerns defamation. Thirdly, individual freedom, which includes kidnapping, threats, illicit distribution of sexually explicit images or videos and others.
- **Drug-related crimes** include production, sale, distribution of narcotic substances, drug trafficking.
- **Crimes against public administration** include corruption, abuse of power, fraud, embezzlement, aiding and abetting, extortion and fraud against the State.

The four main categories of offences committed by foreigners range from smaller scale to bigger scale. In the case of property offences for example, inmates who have committed theft or embezzlement will not receive the same prison sentence.

The categories range from smaller-scale crimes to more important crimes. However, it is not specified in the reports which specific crimes migrants commit. The categories also include

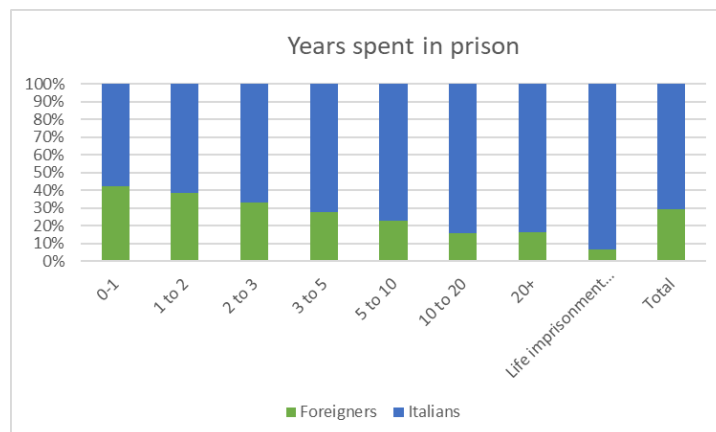
smaller-scale crimes, and even drug trafficking which is one of the adaptation model that Merton describes in strain theory.



Tab. 11: Type of offences committed by foreigners

Years spent in prison

Table 12 shows the length of prison sentences. The green portion shows foreigners, mainly spend between 0 to 2 years in prison. Undocumented migrants cannot apply for house arrest like their fellow Italian inmates. Moreover, the data shows that higher prison terms tend to go to Italians. This could confirm the idea that migrants may actually commit less serious crimes compared to Italians.



Tab. 12: years spent in prison

The reports of Antigone contain some data that can be useful to analyze the issues prisoners face. The main gap in the reports relates to how the section dedicated to foreigners is structured. First, there is no distinction in the foreigner section: it is not clear whether they are documented, undocumented, Italians without citizenship, or how many of them speak Italian. Second, foreigners are not always considered as a category. Especially concerning the issue of women and those with children, in most of the reports it is unclear whether the women mentioned are foreigners or Italians. Although there is now an entire report dedicated to women, in the annual reports there was barely any information about women. While it is true, as the Antigone coordinator argues, that people reading the report could make their own statistics from the data reported, this would require an extra step that not everyone may be willing to undertake. Third, an issue that is completely ignored is healthcare. In the chapter by Pickering and Ham, it is mentioned that foreigners may require different healthcare than Italian prisoners (Ugelvik, 2015). The healthcare situation in prisons is, however, unclear. One of the main scandals that has emerged in recent years in Italian prisons is the high suicide rates, which is an issue that is missing in the reports. Lastly, the reports never mention how and whether discrimination impacts the prisoners' living conditions.

The Antigone reports are essential to providing an overview of prisoners' conditions in the Italian prison system. There are, however, big gaps that still need to be fixed. Scandurra claimed that the main goal of these reports is not to provide an ethical-scientific study, but to be informative, and educational, trying to reach an audience.

Phase 2: Qualitative Study

The second phase analyzes the eight interviews that were conducted for the qualitative section. The aim of the interviews was to gather an insight in the multifaced issues faced by inmates especially issues that cannot be understood merely from data, such as psychological issues. The main objective was to try and provide a human dimension to the data.

Integration in the prison system

Lawyer Andrea Palmiero argued that the main problem in the prison system, apart from the lack of linguistic and cultural mediators, has to do with the integration in the prison system. He made the case of people who have to practice Ramadan, who not only have to follow the schedule of the prison, making it impossible for them to pray in a separate room at sunrise and eat before it as Ramadan establishes, but they are also deprived of the liberty of going to pray with a minister as it is not constantly present in the prison system (always depending on the flexibility of the prison). He added that most of the time inmates split themselves based on their country of origin, making it impossible for integration to happen. He also said that in his opinion the outside or other institutions like the *centri di accoglienza*, (immigration centers) are in much worse living conditions compared to prisons, as highlighted by UK research discussed previously, however he did not expand on this idea. The light however should not point to the worse option, but both should guarantee prisoners' and detainees' rights.

Massimo Borgioni is a psychologist, director in the Roma 4 ASL.³ He works at the Civitavecchia prison which is split into two institutions: the Civitavecchia *casa di reclusione* and the historic Civitavecchia prison. In particular, he deals with the drug addiction services of the SERD Servizio per la Cura delle Dipendenze (Service for the Treatment of Addictions), dealing with both prisoners and external people who are assigned by the ASL. Inside the *casa di reclusione* there are 147 inmates and seven staff members, five of whom work full-time, so he claims that "we are unable to follow up in a complete and adequate manner on all the therapeutic projects that need to be carried out." He adds that out of 147 38 are migrants. He shares that two are the main issues they face with migrant inmates: first a linguistic problem, as he believes that unless the staff can speak the language the communication with the inmate becomes much more complicated. Second, he claimed that many migrants do not use their real name but aliases, so they do not know their real name, age and do not have documentation. Their condition as undocumented migrants poses new challenges inside the prison. SERTs, for example, cannot take on undocumented migrants, they are also precluded the possibility to work the jobs opportunities offered by the prisons. Moreover, he claimed that integration of migrant inmates with Italian ones is not as easy. He claimed for example that there are not many job opportunities in prisons and if they are offered to foreign inmates, Italian inmates will claim that they do not deserve this and that migrants are stealing their jobs. He said, "it is just like outside... the prison is the mirror of society."

³ ASL stands for azienda sanitaria locale, local health unit, available for the citizens living in the district. The districts are split by number in this case number 4 which includes an area in the municipality of Rome close to the Lake Bracciano.

Religious freedom in prison

Padre Vittorio has been the chaplain of Regina Coeli since 1978. Regina Coeli is a prison situated in the neighborhood of Trastevere in Rome, unlike most prisons which are located far from the rest of the city. Padre Vittorio was assigned the role of chaplain by his diocese. He defines the role of the chaplain as a religious entourage in a different reality: the one of the prisons. Just like a parish, Padre Vittorio says that he has to organize events for the community, although he did not disclose which ones. He said, however, that special attention is given to specific situations or people in need either economically or when family is not present. When asked whether he was the only religious figure in the prison he explained that the State offers a chaplain for every 500 prisoners (in Regina Coeli there are currently around 900 inmates), so there are currently two chaplains. He explained that he mainly takes care of direct communications with the prison administration, and he handles two groups of volunteers. The first group is made up of twelve priests who voluntarily go to the prison according to their availability. Padre Vittorio assigns each of them a task, so they do not follow a spiritual path of an inmate, which type of task was not specified. A second group is made up of the association Vo.Re.Co, which is split in two subgroups. One works inside the prison: the volunteers have to participate in a training in order to be aware of the mechanisms of the prison, and they meet monthly to discuss how to proceed. Not only do they bring moral company but also objects like clothes and hygienic materials to the detainees. He explained however that the other religious figures are not constantly present like the chaplain, and they only follow the adepts of their religion. If other religious figures want to enter a prison, they will do so voluntarily and not paid. People from a religion, he made the example of Evangelical Christians, can present a list of their ministers to the Ministry of Domestic Affairs and they are then sent to prisons where they have adepts. He specified that generally other religious ministers

are present in the prison, but the Imam is the least present. However, they are usually present for big events like Ramadan but not daily, although some third generations Imam are starting to be more present. Padre Vittorio argued that this is mainly due to the religion, because in Christianity there is a clear division between the person and their mistakes, so they see a distinction between the crime of the inmate and the inmate itself; while in Islam the two are perceived as inseparable, making it immoral for Imams to go to prisons to give service to inmates. Generally, when raising the issue of Italians without citizens interviewees said that it is not as much of an issue in prison but more outside.

Borgioni also added that during the period of Ramadan staff members from ASL have issues as they have to administer drugs like methadone to drug addicts. However, Islamic inmates have claimed that the drug could not be administered during the day as usual but only at night when they could drink and eat.

The issue of language and cultural mediators

Padre Vittorio claimed that on a daily basis there is no need for cultural mediators, unless there is not a person who speaks a specific language or dialect. He said that with four languages including English, Arabic, French and Spanish they manage to talk to most people. On the other hand, lawyer Andrea Palmiero raised the issue of the absence of cultural mediators. and used the example of a person he defended, Alice Sebesta.⁴ Sebesta is a German inmate in the prison Rebibbia in Rome, Italy. She was detained in 2018 on drug-related charges. Because her husband was also detained in Germany, her two children were detained with her in Rebibbia. At arrival, Sebesta already showed psychiatric issues which had been diagnosed prior to imprisonment.

⁴ Alice Sebesta's case was highly covered by the [Italian media](#), which is why her name was included in the research.

However, her file was not translated and during the first meeting with the psychiatrist no cultural mediator was present. Moreover, the psychiatrist of the institution refused to visit her further or give her medicines. Sebesta threw both kids down the stairs because she said that she wanted to free them. Palmiero reported the psychiatrist for negligence and the husband asked for monetary compensation. The issue of absence of cultural mediators and the superficial treatment by the psychiatrist show not only a poor attention to migrants, who cannot talk in their language and ask for help, but generally of the poor attention posed to inmates' individual problems. As highlighted by my anonymous interviewee, prisons are more and more short-staffed, causing workers in the prison system to be more overworked and conducting poorer works with the inmates.

Legal issues

Lawyer Palmiero, when asked about the main crimes committed by migrants, confirmed the data above, as he mentioned the frequency of drug-related crimes and property offenses. He also mentioned that generally, even when people cannot afford a lawyer, they are offered one for free by patronage by the State. Although this would allow for all people to have a possibility of a fair trial, it raises the issue of whether lawyers provided by the State can manage to offer proper services to people, or if they are too overworked.

When asked about the difference situations that women and men can face in prison, he argued that women are usually linked to international circuits or organized crime while men can also commit crimes by themselves, which is not however something that emerged in the statistics. When asked about the main difficulties in the Italian penal system he replied that "It is precisely this, obviously there is great discrimination, but not linked to the administration of justice. The problem is that the lack of roots in the territory means that most of them (migrants) are in prison. For example, now I'm defending, imagine, I'm defending an Iranian who entered Italy with a false

document, that is, with an Israeli document. The possession of a false document of a European citizen is sanctioned with a fairly modest penalty and this person is in prison for two years and two months. He was not even able to have his sentence suspended, precisely because there is prejudice against, in this case, an Iranian foreigner who could also be a terrorist, so there are a whole series of things that go beyond the purely legal aspect of the case, which lead to prejudice and fear.”

When asked about the rights that are overlooked or forgotten, Lawyer Palmiero replied that “Inside the prison, for better or worse, everyone's the same, okay? It's not that there is racial discrimination. So, it is precisely the penitentiary system that in certain cases is unconstitutional...more than anything, there are differences in relation to the execution of the sentence, it is intended as an alternative measure and the foreigner is destined to do all the prison time and leave Italy” He mentioned for example how radical and important the Torreggiani sentence was. The sentence Torreggiani at the European Court of Human Rights established the overcrowding of prisons and the need to reduce overcrowding by offering measures alternative to imprisonment. Moreover, it introduced a law that would allow prisoners to ask for monetary compensation because of overcrowding, as it would go against inmates’ rights to compliant detention. Furthermore, he mentioned that from a legal point of view the main difference between Italians and migrants is in the type of sentence received. After spending their time in prison, migrants could be added accessory sanctions like expulsion from Italy. If the person committed a minor crime, they could also request the expulsion from Italian territory and the Schengen area moving permanently from Italy for 10 years, which is not something that Europeans can request. Moreover, article 16 of the Bossi fini decree of law guarantees that migrants can be provided with a different sanction that expulsion.

Rehabilitation

Padre Vittorio claimed that there are small things that can be done in prison to help the inmates when they are released. First inmates need to find trust in themselves. Second inmates have to reclaim their sense of responsibility and understand that if they are in prison there must be something they have done to be there. Third, have faith. When asked what pros and cons of the prison systems Padre Vittorio used the term that gave the idea of the title of describing the prison as a caravan with rusty wheels, in which as much as people want to push and work hard it does not manage to keep walking. He even mentioned that the Italian Constitution had two intuitions that he thought essential. A first, that the world of prison must continually recover the awareness it has of people, that the dignity of the person must be preserved. A second, prison, as a place of punishment, must be understood as an extreme aspiration for greater things and must always intend in everything to help the person recover. He also mentions that not everyone should end up in prison if, for example, they committed a small crime but rather than alternatives to prison should be established. He said, "This is my dream which I also formulated with some rather harsh jokes saying when in 150 years they will open our stories at least they will give us, they will tell us that we were stupid, that we wasted time, energy, when we could definitely have done."

Luciana delle Donne is the founder of Made in Carcere, a company that sells handmade products made specifically by women inmates. When talking about her project she said that it was trying to mix and combine elegance and beauty with recycling by reusing materials and people's rights, by giving the money as a payment to the inmates. She wants to give women the possibility to show that they can do something so that when they get out of prison, they will be financially independence and they will have acquired new skills instead of going back to prison. They mostly work in the south where there are not many activities inside the prisons. They usually do not

receive hostility from prisons, as inmates cost 60,000 euros per year but sometimes bureaucracy can make things harder. It even helps the staff which is usually made up of 5 people out of 1500 detainees. She also claimed, “they also call us Montessori for adults because we educate through the ability to create, to combine colors, we give the possibility of reconstructing a more stable, more secure identity and it is the creative ability to decide on combinations.”

The anonymous psychologist contradicted almost everything that was said by the other interviewees. They argue that there is a difference in the prison system starting for example from trans people who are discriminated against because they are put in the male or female area depending on their gender of birth, and they are discriminated against even by staff members who bring in stereotypes from the outside. They also think that ethnopsychiatric research, the study of psychological needs in different sociocultural contexts, is essential as it analyzes cultural behavior which could look odd or different from the outside. They said for example that there were Nigerian women inmates who would talk to the dead. If they had not taken into account the cultural factor, they would have diagnosed that behavior as odd and unnatural, or even as a psychiatric disorder. Moreover, they added that cultural mediators are not always available at all times for all languages, or even available at all, completely isolating these people, letting them “die” as they claimed. Furthermore, there are situations that people have experienced for which they would need special mental help, for example Kurds who have been tortured who then end up in prison, and while they do not get help on procedures internal to the prison like how to get a permit of stay or political asylum. They also mentioned that there are issues because if there were not there would not be a high number of suicides and recidivism rate. When asked whether it is harder to connect and/or help migrants due to cultural differences, they said that they would behave depending on the issue to address. When the war in Ukraine started, they looked at the inmate population to see if there

were Ukrainian inmates. When they found one who was Ukrainian but could also speak Italian, they met with a cultural mediator who offered to help the inmate by obtaining a permit to stay or to translate the necessary document to start university. They said however that this was a particular case and normally if inmates wanted this type of help, they would have to pay for it, but most inmates save the money to send it back to their families. They also mentioned the poor healthcare in the prison system, as most medical services like echography take months up to a year. They mentioned how important it is for people to receive proper treatment in prison as most people somatize for the enclosed spaces and the air they breathe and get sick. They mentioned that usually if prisons have sections where mothers stay with their children, they are better taken care of because of the presence of the child. Moreover, they highlighted the shortage of staff members compared to inmates. Before staff members with prior article 80 used to work 53 hours a month for more or less 200 inmates per staff member. In January the law changed for the “equo compenso” and started to pay them from 17 euros per hour to 33 euros per hour but with half the hours. By lowering the hours, workers’ work quality lowers because they can dedicate even less time to inmates, but they also get paid the same as the hours are cut in half. They also mentioned that in prisons inmates are not guaranteed the right to affettività, the right to spend private time with their partners. They also mentioned the scandal of sopravvitto, which refers to the food that prisoners can buy with their own money earned in prison. However, inmates are paying much more than people outside of prison for items such as zucchinis which cost 7 euros, due to rigged contracts.

Marica Fantauzzi adds her experience in the prison system, as for her book she interviewed some inmates from an IPM. She said that in her opinion prisons should be based on a different idea in which prisoners’ rehabilitation is highly focused on prisoners’ rights and experience in the

prison system. She highlights that psychological help and work experience in the prison system can make a great difference in inmates' experience and their possible rehabilitation. When talking to the IPM inmates she asked them to picture a different reality than the one of the prison systems, and they could not imagine one, because our society is so heavily focused on prisons that we cannot phantom something even remotely different than this.

Valentina Calderone as the Garante dei diritti di Roma (the guarantor of prisoners' rights for the Rome municipality) has several functions she needs to take on. She mentioned "the monitoring of all situations in which there is deprivation of liberty, therefore institutions for detention centers for repatriations, people subjected to compulsory health treatments within hospitals and therefore all those situations in which a person finds himself deprived of liberty in any place this happens. In addition, ... a whole series of skills that concern the promotion of the culture of rights that concern in my case, being a guarantor of a municipality (Rome), we attempt to support people who face issues concerning the deprivation of liberty in a very broad sense." Amongst the issues inmates face she highlighted the problem of overcrowding which makes it harder for them to be properly looked after by the staff. When asked what the main issues migrants are face, she mentioned that migrants most of the times do not have a permit to stay, making the sentence much harder for them. Moreover, some of them do not have a domicile, denying them the possibility to have house detention if they commit less violent crimes. Similarly to Fantauzzi, when asked about what the prison system should look like she replied, "it is not a social issue, but it is a security issue... the ideal prison should be the one within an ideal society for which social problems are effectively treated as social problems and not as police problems that lead to the incarceration of people."

Discussion

Several significant findings have emerged from both quantitative and qualitative phases of the research. First of all, what has been shown is a scarcity of an intersectional approach in the prison system, which critical criminology instead encourages. Intersectionality refers to how the different forms of inequalities race, gender, ethnicity, sexual orientation, class, and disabilities intersect shaping the experiences of each individual.

In the case of religion for example, non-Catholic inmates do not have the same possibility to profess their religion as Christian inmates who have the priest full time in the prison. Moreover, interviewees have claimed that Islamic inmates' needs are not taken fully into account. Psychologist Borgioni pointed out how during the period of Ramadan and inmates are given medicine during the day which however break their fast. Moreover, prisons do not adapt to Ramadan hours, so Islamic prisoners will receive food at the same time as the other prisoners against their religion.

In the research about BAME (Black, Asian, and Minority Ethnic) people in the UK (Osman, 2022), it was depicted that not everyone has the same experience in prison, with their sense of identity being overlooked, and the same seems to happen in Italy, as experienced by Islamic inmates. BAME individuals have claimed that not everyone has the same experience, and it would have been interesting to also see how foreign women experience prison life, but it was however not possible, due to the absence of information on them from the reports of Antigone. Additionally, the category of Italians without citizenship and second generation of Italians was overlooked by both the data and the interviewees. Scandurra for example claimed that because the number of this categories is low it is not relevant enough to add it in the reports.

Furthermore, what has emerged, especially from the interview with lawyer Palmiero, is that migrants often have to face a double punishment: first with the imprisonment followed by the expulsion from the country, just as it happens in the UK (Turnbull and Hasselberg, 2017).

Migrants seem to not be integrated in society just as much as in the prison. In addition to the pains of imprisonment from the deprivation model (Thomas and Foster, 1973), migrants seem to face even greater pains. The first one described before, is the constraint of not being able to freely profess their faith. The second one, is the language barrier, which seems to be a problem also with staff members as cultural mediators are not always present in prisons. The absence of cultural mediators, but also their sometimes status of undocumented migrants, deprives migrants from benefitting from the activities offered by the prison and to complete a rehabilitation path. Moreover, as it was also first theorized by social identity theory (Leaper, 2011), and as it was also testified by the interviewees, inmates mainly stay with people from their same country, further complicating the integration for migrant inmates.

What has also emerged, as Borgioni said, is that “prison is the mirror of society.” What was suggested from the importation model (Thomas and Foster, 1973) was that people from lower social class, young and non-white would be more aggressive once imprisoned. Although I did not have the possibility to interact with inmates, what has emerged from the interviewees is that oftentimes Italians are the first one to be aggressive towards migrants, disputing for example over the job opportunities. It is also true that inmate subculture (Hanser, 2019) claims that racist beliefs could be imported from outside and then applied just the same in prison. It would have been interesting to interview inmates to also see if the inmate subculture of *omertà* is a reality in prison as claimed by Malizia (2021) and if foreign inmates feel the need to keep silent not to face issues with their inmates, but it was however not possible.

Overcrowding seems to be the main issue scholars, reports, data and interviewee agree on (Caputo & Ciuffoletti, 2018). Overcrowding seems to have a huge impact on the efficacy of the rehabilitation of inmates, especially because the ratio of staff members is much lower compared to the number of prisoners. In the UK it has been suggested that in order to lower the number of inmates more people could avoid incarceration when committing minor crimes (Osman, 2022). In the quantitative part it has emerged that migrants are mainly imprisoned for a short time (mostly for less than 2 years). Although they could potentially spend their jail time in house arrest what was also testified by interviewees is that migrants might not have a domicile.

7. Possible Solutions

The research has shown the intricate Italian prison system, where overcrowding, inadequate infrastructure, overworked people and understaffed prisons, try to work together to reach the most important task in society: the rehabilitation of inmates. On top of all these issues, injustice and inequalities exacerbate migrant inmates' experience, bringing them to their most vulnerable state, where a lack of knowledge of the Italian language and the absence of cultural mediators, cultural differences, lack of proper documentation, on top of the distance from family and their home country can further complicate the living situation in the prison system. Trying to come up with solutions to solve the issue of prisoners' rights in the Italian prison system is rather complex, and this research on its own will not be able to address all the needs or possible solutions. Imagining a reality in which prisons do not exist seems too far from the truth, as the idea of prison is too rooted in our imagination, as Valentina Calderoni and Marica Fantauzzi reminded us. So, to propose a reality different than prison will not be considered in the research. On the other hand, the research will suggest possible solutions that could be implemented in the already existing prison system. The first part is dedicated to policies that should be implemented to prevent the incarceration of people and a second part is dedicated to policies to implement in the prison system.

Policies to prevent incarceration

One of the main issues found in the research is that migrants might not have a domicile in Italy and because of that they will not be able to access house arrest (domiciliari) but will have to go to prison. The alternative offered by the State is that people will have to go back to their country

of origin. Tackling this issue is rather complex and there is not a policy that could immediately be implemented to try and solve it. One possibility could be for unhoused migrants to have access to structures like migration centers in which to serve the sentence. On the other hand, a solution that tries to eradicate the problem would be much more interesting to analyze. For example, in the 1980s Finland started a project to try and eradicate homelessness. NGOs like the Y-Foundation started to rent apartments, rebuild them and give them to homeless people, who once properly moved in would then have to start paying rent (Kontrast, 2024). In the graph below we can see how much the percentage of homelessness has decreased in the past 40 years. If Italy implemented a project like this, migrants could have a domicile and start to work on getting the proper documents to stay in Italy.

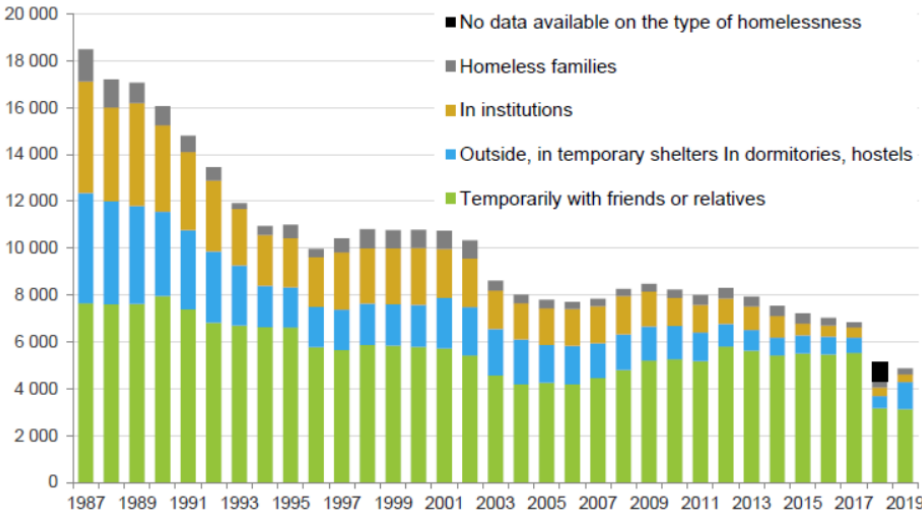


Image 8: percentage of homeless in Finland

Policies to implement in the prison system

Norway has one of the most interesting prison systems, which is based on the idea that offenders will be reintegrated in the community and society. In the 1990s, Norway had a recidivism

rate of 70%, driving the proposal of reforming the prison system. The changes have now helped reduce recidivism to 20% (What We Can Learn From Norway's Prison System: Rehabilitation & Recidivism, 2022). The entire prison system is based on the rehabilitation of the prisoners and the benefits that they could receive. Even the buildings look much different than the ones in Italy. Part of the public money invested in the Norwegian prisons is invested in creating art on the walls of the prison and because studies have shown the importance of nature, some prisons are built in the middle of forests so that prisoners can enjoy air and natural sunlight (Benko, 2015).



Image 9: image of the prison of San Vittore, Milan, Italy



Image 10 and 11: prison of Halden Norway

While in Italy prison guards have to pass an exam which includes subjects like Geography, Math and others, in Norway prison guards have to follow a 2-year university course where they are taught about human rights, ethics and law and they are pushed to bond with the inmates. Prison guards are expected to be humane to inmates but also to counsel them. In the research the theme

of prison guards was not analyzed as it was not possible to interview any, it is interesting to see how friendly prison guards could make inmates feel safer and more welcomed. Moreover, at the prison of Halden, there are 340 staff members and 245 inmates, which means that inmates are much more followed compared to Italy where some institutions only have 10 staff members at times (Gentleman, 2012).



Image 12: police officer playing with inmates in Norway.

In this research we have seen how essential it is to have a Garante on a national and regional level. However, with all the responsibilities they have, making sure that rules are respected in each prison is quite hard. Because of that, an idea could be to introduce a Garante that takes care only of certain prisons (for example 5 prisons) that they visit once every two weeks.

Moreover, in the research the absence of cultural mediators has been highlighted. It has been shown how essential cultural mediators can be for foreign inmates and their rehabilitative process in prison. One policy that could be implemented is the introduction of cultural mediators through university internships, as their absence is probably a consequence of poor funding.

Maria Montessori was the first female doctor in Italy, who invented a new method of teaching based on creativity and the cognitive, emotional, social, and physical development of

children (American Montessori Society, n.d). The teaching method has, however, expanded into different areas of life. In her interview, for example Luciana delle Donne explained that she was inspired by Maria Montessori for her project Made in Carcere, as she believes that creativity can inspire people to change their life upside down. Brian Welsh leads the offender education program for Peninsula College at two state prisons in Washington, and in a Ted talk he explains that he sees prisons just like preschools. Both children and inmates have to follow rules about their behavior (they cannot fight, spit, etc) but even a schedule to follow, kids have a set time for classes and inmates for exiting their cells. Because of these similarities he believes that just like in preschools, the Montessori method can be applied to the prison system in the jobs they offer but also in the education that is offered. He believes that both groups learn or relearn to live in society. By sparking inmates' interest, he believes that this could be the only way for them to actually enjoy the activities and then learn for the future. The Montessori method could be introduced in prisons both at the educational level but also for the job opportunities offered. The idea is that if inmates manage to find something they are interested in they will be inspired to perfect their skill and then use it in the workplace when they are released from prison.

8. Conclusion

This research has tried to fill part of the large gap in the scholarly studies of prisons in Italy, by looking at prisoners' conditions. The chapter on the penitentiary system has been essential in explaining the basic terms used in Italian penitentiary system but also by some of the interviewees. The chapter on the body of literature, has shown the huge gap in literature on the Italian prison system as the existing literature focuses solely on the religious dimension within Italian prisons, overlooking the religious diversity among prisoners and the limited availability of religious ministers. Moreover, because of the scarcity of scholarly sources in Italy, it was essential to look at foreign cases, specifically in the United Kingdom and the United States, to understand what is still missing in Italy. One of the main issues faced in the Italian prison system is also highlighted: overcrowding. The theory chapter portrayed sociological and criminological theories that I believe can be applied in the Italian penitentiary system. The main theories analyzed include the deprivation model, the importation model, perspectives on inmate subcultures, the social identity theory and the three dimensions of prisons for the sociological perspectives and labeling theory, strain theory and critical criminology for the criminological ones.

The research tested two hypotheses: Hypothesis 1 migrants are treated differently from Italian prisoners and the distinction between the two categories is one of the reasons. Hypothesis 2, prisoners' rights are not always respected, and migrants face even more problems and inequalities than Italians. In the research a mixed methodology was used. In order to test these two hypotheses a mixed methodology was used. In the quantitative phase, I collected the data from the Antigone reports to create graphs to understand how trend changed over time. The second

qualitative phase included eight interviews conducted to people who work or worked in the prison system.

The quantitative part showed first of all that the general misconception that migrants' percentage in the prison system is rising is false, as well as the misconception that they commit much more violent crimes than Italians. Moreover, it was shown that some migrants do not have a registered domicile or all the permits required, for which they do not have access to the same benefits as Italians, such as access to house arrest, even though they mainly commit smaller scale crimes for which an Italian could be assigned domicile detention proving hypothesis 1.

The qualitative part was instead quite controversial in the answer given by the interviewees, and it managed to prove both hypotheses. Although some people like Padre Vittorio believe that migrants do not suffer from major discrimination, the other interviewees do not seem to agree. What was shown in the interviews is that migrants do not have access to all the services Italians have access to. For example, the absence of cultural mediators obstructs migrants' integration in the prison system. It was also shown that because of the State's decision of only having priests full time not everyone has the same possibility to profess their religion with their religious ministers. Moreover, migrants often have to ask for legal help from the State's lawyers which are often overbooked and cannot help them as much as they would need.

Trying to draft possible solutions to this issue was not easy. Some people like Marica Fantauzzi and Valentina Calderone do not even believe that prisons should exist, however imagining a reality without prisons does not seem feasible, other measures were proposed in the research instead. By drawing on other penitentiary models, mainly the Norwegian and Finnish models, it was proposed to: introduce a project to give housing to migrants and homeless people

to gain access to house arrest; the introduction of a new course for prison guards; a higher number of cultural mediators; and the implementation of the Montessori method.

There were two main limitations in the research. First, all interviewees were white Italians. Consequently, their perception of what could potentially be discriminatory and/or racist may not fully respect perspectives of individuals outside the Italian demographic. Second, no prisoners were interviewed for the research, even though it was one of the goals. There remains considerable work to be done both in the prison system but also in scholarly research. The main hope and goal of this research was to try and take a significant step in addressing the issue, because it is crucial that inmates' rights should not be forgotten or overlooked.

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