

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Italy

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1 Measures taken by government/public authorities impacting on specific freedoms

1.1 Emergency laws/states of emergency

In **Italy**, the resolution of the Italian Government of 7 October 2020¹ extended the state of emergency until 31 January 2021. As reported in previous editions of this bulletin, the State of emergency was declared for the first time with the Resolution of the Italian Government of 31 January 2020² for a six-month period (until 31 July 2020) and then extended until 15 October 2020 with the Law-Decree No. 83 of 30 July 2020³. The Italian Civil Protection (*Protezione Civile*) was the public body entrusted with the mandate to manage and organise the activities necessary to deal with the emergency, as far as the support to the population and the re-organisation of public services are concerned (in compliance with the Legislative Decree No. 1 of 2 January 2018⁴, governing the activities of the Italian Civil Protection). With the Resolution, the Head of the Civil Protection was given the authority to issue Ordinances to deploy the interventions, in conformity with the in-force legislation.

1.2 Freedom of assembly

In **Italy**, the Decree of the President of the Italian Government of 7 September 2020⁵ – extending until 7 October 2020 the previous Decree of the same type adopted on 7 August 2020 – established in its Art. 1.6, *l*), that demonstrations and public assemblies are allowed only if in a static mode (parades and marches are therefore excluded) if the inter-personal 1-metre distance between participants is respected. This limitation was confirmed with the Decree of the President of the Italian Government of 13 October 2020⁶ (Art. 1.6, *i*)) and with the Decree of the President of the Italian Government of 24 October 2020⁷ (Art. 1.9, *i*)).

¹ Delibera del Consiglio dei Ministri 7 ottobre 2020, “Proroga dello stato di emergenza in conseguenza del rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili”, available at: www.gazzettaufficiale.it/eli/id/2020/10/07/20A05463/sg.

² Delibera del Consiglio dei Ministri 31 gennaio 2020, “Dichiarazione dello stato di emergenza in conseguenza del rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili”, available at: <https://www.gazzettaufficiale.it/eli/id/2020/02/01/20A00737/sg>.

³ Decreto-legge 30 luglio 2020, n. 83, “Misure urgenti connesse con la scadenza della dichiarazione di emergenza epidemiologica da COVID-19 deliberata il 31 gennaio 2020”, available at: www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2020-07-30&atto.codiceRedazionale=20G00112&elenco30giorni=true.

⁴ Decreto Legislativo 2 gennaio 2018, n. 1, “Codice della Protezione Civile”, available at: <https://www.gazzettaufficiale.it/eli/id/2018/1/22/18G00011/sg>.

⁵ Decreto del Presidente del Consiglio dei Ministri 7 settembre 2020, “Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, recante misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19, e del decreto-legge 16 maggio 2020, n. 33, recante ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/09/07/20A04814/sg.

⁶ Decreto del Presidente del Consiglio dei Ministri 13 ottobre 2020, “Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, convertito, con modificazioni, dalla legge 25 maggio 2020, n. 35, recante «Misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19», e del decreto-legge 16 maggio 2020, n. 33, convertito, con modificazioni, dalla legge 14 luglio 2020, n. 74, recante «Ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19»”, available at: www.gazzettaufficiale.it/eli/id/2020/10/13/20A05563/sg.

⁷ Decreto del Presidente del Consiglio dei Ministri 24 ottobre 2020, “Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, convertito, con modificazioni, dalla legge 25 maggio 2020, n. 35, recante «Misure

In **Italy**, the Decree of the President of the Italian Government of 24 October 2020 suspended conferences and any other public event, with the exception of those that are carried out using online platforms. Public ceremonies are allowed as long as they respect the safety measures in place (interpersonal distance and use of facial masks) and there is not public participating to the event. All meetings organised by public administrations must be held via online platforms, unless solid reasons require to do otherwise. Religious ceremonies are allowed, in compliance with the protocols signed by the Italian Government with the representatives of the religious groups (Annexes 1-7 to the Decree); the participants must respect the 1-metre interpersonal distance and avoid gatherings.

In **Italy**, the enforcement of the measures is delegated to local Prefects who must inform and cooperate with the Italian Ministry of the Interior. The Prefect's mandate is carried out through the activity of police officers with the support, if needed, of the firefighters. As per the monitoring of the situation at the workplace, the enforcement of the measures is carried out by the National Labour Inspectorates, with the cooperation, if needed, of the Italian Carabinieri (Art. 11 of the Decree of the President of the Italian Government of 24 October 2020). The Ministry of the Interior releases period data – on a daily, weekly and monthly basis – concerning the results of its enforcement activity⁸. For instance during the week 26 October – 1st November 2020⁹, 485,502 people were controlled by police officers: 2,809 were sanctioned for the violation of the Covid-19 emergency measures with a financial sanction amounting to EUR 400-3,000. 98 people were charged for the violation of the isolation period which applies to those tested positive to the Covid-19 test or presenting symptoms of the virus. During the same week, 80,291 commercial activities were controlled, as well: 364 were sanctioned for the violation of the Covid-19 emergency measures.

In **Italy**, judicial authorities (in particular Administrative Judges and Judges of peace) have assessed so far some applications of individuals complaining about the legality of the Covid-19 emergency measures, especially with regard of the violation of art. 13 (personal freedom), 16 (freedom of movement) of the Constitution and other issues.¹⁰ More specifically, these judicial decisions have challenged the legality of home-confinement dispositions as measures relevantly limiting personal freedom which is protected by Art. 13 of the Italian Constitution: according to this constitutional disposition, any limit to the individuals' personal freedom must be governed by ordinary law (and not by administrative decrees, as it is the case of the Decree of the President of the Italian Government) and authorised by judicial authorities. These two conditions are not foreseen as far the Covid-19 home confinement is concerned.

urgenti per fronteggiare l'emergenza epidemiologica da COVID-19», e del decreto-legge 16 maggio 2020, n. 33, convertito, con modificazioni, dalla legge 14 luglio 2020, n. 74, recante «Ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19», available at: www.gazzettaufficiale.it/eli/id/2020/10/25/20A05861/SG.

⁸ This data is available at the website of the Ministry of the Interior: www.interno.gov.it/it/coronavirus-i-dati-dei-servizi-controllo.

⁹ Data available at: www.interno.gov.it/sites/default/files/2020-11/settimana_26_ottobre_-_1_novembre_2020_.pdf.

¹⁰ See the decision n. 516 of the Frosinone Judge of Peace adopted on 15-29 of July 2020, available at: https://images.go.wolterskluwer.com/Web/WoltersKluwer/%7Be92d2f08-eef2-4e40-b571-af113b10a00e%7D_giudice-pace-frosinone-sentenza-156-2020.pdf.

1.3 Freedom of movement

In **Italy**, the freedom of movement within and outside the national borders was only partially limited. As per the freedom of movement within the national territory, people are generally discouraged to move – with public or private means of transport – except for work, health or other necessity reasons (Art. 1.4 of the Decree of the President of the Italian Government of 24 October 2020). Local authorities can decide to limit after 9 p.m. the access to specific areas of the city where gatherings are more likely to happen, ensuring the possibility to reach the shops and commercial activities that are allowed to remain open and individual dwellings (Art. 1.3 of the Decree of the President of the Italian Government of 24 October 2020). People with respiratory infections (with more than 37.5° body temperature) are compelled to stay home and contact their general practitioner (Art. 1.9 of the Decree of the President of the Italian Government of 24 October 2020).

As per the freedom of movement to and from other countries, Art. 4 of the Decree of the President of the Italian Government of 24 October 2020 introduced specific dispositions, differentiating the limits and conditions of movement depending on the Covid-19 situation in specific third-countries. More specifically, travels to and from the countries reported in the lists E and F¹¹ of the Annex No. 20 to the Decree are prohibited except for work, health and study reasons and other urgent reasons. According to Art. 4, being a family member of a EU citizen living in Italy is one of the reasons that can be mentioned to justify the travel to Italy. EU citizens are still allowed to go back to their places of residence and to reunify with their family members. Third-country citizens with an EU long-term residence permit are allowed to go back to their places of residence. People arriving to Italy from all the countries mentioned in the lists B-F of the Annex No. 20 to the Decree, must deliver to the carrier a declaration stating the countries and territories that have been visited in the 14 days previous to the entry in the Italian territory, the reason of the travel and the necessary contact details (Art. 5 of the Decree of the President of the Italian Government of 24 October 2020).

In **Italy**, some regional authorities introduced some stricter limits to the freedom of movement within the regional territory. The Lombardy region established the prohibition to leave the home after 11 p.m. until 5 a.m. except for work, health, or other urgent reasons¹². The Piedmont region introduced the same prohibition¹³. The Lazio region established a similar prohibition from midnight until 5 a.m.¹⁴ The infringement of these dispositions is punished with a sanction of EUR 400-3,000: if the violation is perpetrated using a vehicle, the sanction is increased by one third (Art. 4 of the Law-Decree No. 19 of 25 March 2020).

¹¹ These countries are: Armenia, Bahrein, Bangladesh, Bosnia and Herzegovina, Brazil, Chile, Kuwait, North Macedonia, Moldova, Oman, Panama, Peru, Dominican Republic, Kosovo, Montenegro, Colombia and all the countries not mentioned in lists A-D of the Annex No. 20.

¹² Ministero della Salute, Ordinanza 26 ottobre 2020, “Ulteriori misure per la prevenzione e gestione dell'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/10/27/20A05916/sg.

¹³ Ministero della Salute, Ordinanza 23 ottobre 2020, “Ulteriori misure per la prevenzione e gestione dell'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/10/26/20A05873/sg.

¹⁴ Ministero della Salute, Ordinanza 21 ottobre 2020, “Ulteriori misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/10/22/20A05833/sg.

2 Implications of Covid-19 and measures to contain it on specific social rights

Education

In **Italy**, differently from the first wave of the Covid-19, public authorities have strived to ensure that students could regularly attend the schoolyear 2020/2021. In June 2020, the Technical and Scientific Committee released a document¹⁵, providing guidelines on the safety measures and protocols to be implemented to re-open the schools of all grades in September. In August, the Ministry of Public Health, the National Health Institute (*Istituto Superiore di Sanità* – ISS) and the Ministry of Education adopted specific guidelines¹⁶ on how to handle Covid-19 cases in Italian schools and children-care services. A strict protocol must be followed¹⁷: students must be measured the temperature at home; in case of Covid-19 symptoms, the school director and the parents must be promptly informed and the student isolated in a specific area of the school facility waiting for the parents to bring them home; parents must inform the general practitioner and health authorities and assess the necessity for the student to undergo a Covid-19 test. If a student tests positive to Covid-19, their classmates and teachers must undergo a 14-day isolation period.

In **Italy**, the Law-Decree No. 111 of 8 September 2020¹⁸ was approved, on “Urgent Dispositions to provide the financial resources needed to start the school-year and to cope with the Covid-19 emergency”. The Law-Decree authorised the increase – up to EUR 300,000 – of the financial resources at the disposal of the local transport networks to be destined to the improvement of the local school-transports in order to ensure that students can safely reach the school facilities, respecting the interpersonal safety distance. The Law-Decree also earmarked EUR 3 million for 2020 and EUR 6 million for 2021 to be destined to local authorities to rent facilities aimed at increasing the spaces available for school-classes and respecting the interpersonal distance between students. Additional EUR 9 million for 2020 and 2021 is earmarked by the Ministry of Education to local authorities willing to finance structural refurbishment and maintenance of school facilities to comply with the Covid-19 legislation (for instance, wider schoolrooms are often needed to ensure the 1-metre interpersonal distance among students; individual school-desks are needed, whereas in Italy these are often double) (Art. 3 of the Law-Decree). Moreover, one of the parents is allowed to work in smart-working regime for part of or the entire isolation period of the child aged less than 14; if the job cannot be subject to this kind of regime, the parent is allowed an equivalent work-leave, benefitting from 50% of the salary (Art. 5 of the Law-Decree).

¹⁵ Piano Scuola 2020-2021 “Documento per la pianificazione delle attività scolastiche, educative e formative in tutte le Istituzioni del Sistema nazionale di Istruzione”, available at: www.miur.gov.it/documents/20182/2467413/Le+linee+guida.pdf/4e4bb411-1f90-9502-f01e-d8841a949429?version=1.0&t=1593201965918.

¹⁶ Istituto Superiore di Sanità (2020), “Indicazioni operative per la gestione di casi e focolai di SARS-CoV-2 nelle scuole e nei servizi educativi dell’infanzia”, August 2020, available at: www.salute.gov.it/imgs/C_17_pubblicazioni_2944_allegato.pdf.

¹⁷ The protocol is summarised at the website of the Ministry of Public Health: www.salute.gov.it/portale/nuovocoronavirus/dettaglioFaqNuovoCoronavirus.jsp?lingua=italiano&id=239.

¹⁸ Decreto-legge 8 settembre 2020, n. 111, “Disposizioni urgenti per far fronte a indifferibili esigenze finanziarie e di sostegno per l’avvio dell’anno scolastico, connesse all’emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/09/08/20G00134/sg.

In **Italy**, the increase of the number of Covid-19 cases resulted in the adoption of the Decree of the President of the Italian Government of 24 October 2020. Its Art. 1.9, s)¹⁹, established that primary and secondary schools must remain open, ensuring regular school activities. High-schools must increase the share of the activities offered through distance-learning techniques up to 75%; the classes' schedule must be organised in order to avoid overcrowding and the classes cannot start before 9 a.m. in order to avoid the congestion of public transports at the peak hour.

In **Italy**, even if the suspension of school activities was not established at national level, some regional authorities decided to switch to distance learning in order to cope with the increase of Covid-19 cases²⁰. This is the case of the Lombardy region which opted for a 100% distance-learning regime in high-schools²¹. The same decision was adopted by the regional authorities of Abruzzo²². The Emilia-Romagna region decided to opt for distance-learning in all regional schools during the period 30 October – 24 November 2020²³. The Campania region opted for distance-learning in all regional primary schools²⁴.

In **Italy**, the Law-Decree No. 137 of 28 October 2020²⁵ was adopted. Thanks to this legislative measure, EUR 85 million is earmarked and distributed to the Italian schools to enhance the purchase of technical devices that are needed for distance-learning and that must be made available to disadvantaged students.

Work

In **Italy**, Art. 1 of the Decree of the President of the Italian Government of 24 October 2020²⁶ introduced restrictions on some businesses and work activities. The following commercial activities

¹⁹ Decreto del Presidente del Consiglio dei Ministri 24 ottobre 2020, "Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, convertito, con modificazioni, dalla legge 25 maggio 2020, n. 35, recante «Misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19», e del decreto-legge 16 maggio 2020, n. 33, convertito, con modificazioni, dalla legge 14 luglio 2020, n. 74, recante «Ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19»", available at: www.gazzettaufficiale.it/eli/id/2020/10/25/20A05861/SG.

²⁰ SkyTG24(2020), "Covid, contagi nelle scuole e istituti chiusi: la situazione regione per regione", 29 October 2020, available at: <https://tg24.sky.it/cronaca/2020/10/29/scuole-chiuse-covid#00>.

²¹ Ordinanza Regione Lombardia n. 624 del 27 ottobre 2020, available at: <https://anci.lombardia.it/documenti/10891-ORDINANZA%20624%20del%2027%20ottobre%202020.pdf>.

²² Ordinanza del Presidente della Giunta Regionale n.92 del 26 ottobre 2020, available at: www.miur.gov.it/documents/919804/2167214/m_pi.AOODRAB.REGISTRO+UFFICIALE%28%29.0014893.27-10-2020.pdf/0b2d6709-646f-9ba7-a624-b5310c151d3f?version=1.0&t=1603873104675.

²³ Ordinanza Regione Emilia-Romagna n. 205 del 26 ottobre 2020, available at: www.regione.emilia-romagna.it/notizie/2020/ottobre/scuola-la-regione-recepisce-il-nuovo-dpcm-che-prevede-il-75-di-lezioni-alle-superiori-con-didattica-a-distanza/ordinanza-n-205-del-26-ottobre-2020.pdf.

²⁴ Ordinanza Regione Campania n. 85 del 26 ottobre 2020, available at www.regione.campania.it/assets/documents/ordinanza-n-85-del-26-ottobre-2020.pdf.

²⁵ Decreto-legge 28 ottobre 2020, n. 137, "Ulteriori misure urgenti in materia di tutela della salute, sostegno ai lavoratori e alle imprese, giustizia e sicurezza, connesse all'emergenza epidemiologica da Covid-19", available at: www.gazzettaufficiale.it/eli/id/2020/10/28/20G00166/sg.

²⁶ Decreto del Presidente del Consiglio dei Ministri 24 ottobre 2020, "Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, convertito, con modificazioni, dalla legge 25 maggio 2020, n. 35, recante «Misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19», e del decreto-legge 16 maggio 2020, n. 33, convertito, con modificazioni, dalla legge 14 luglio 2020, n. 74, recante «Ulteriori misure urgenti per fronteggiare

were completely suspended: fitness centres, swimming pools, game and betting centres, clubs and nightclubs, theatres, cinemas. Restaurants, pubs, and bars are allowed to work from 5 a.m. to 6 p.m.: no more than 4 people are allowed to sit at the same table, except for cohabitants. Home-delivery and take-away services are allowed until midnight: food cannot be consumed outside the facility or in the street.

In **Italy**, some support measures were introduced to reduce the negative impact of the above-mentioned restrictions on the workers of the concerned economic sectors. At this purpose, the Law-Decree No. 137 of 28 October 2020²⁷ was adopted. The Law-Decree earmarked EUR 5.4 billion as net debt – short-term public debt - and EUR 6.2 billion as financeable balance – long-term public debt to be included in the annual budget law –, to be destined to the compensation of business and working activities that are compromised during this second wave of the pandemic. Annex I to the Law-Decree provides the list of the commercial activities eligible to this emergency measure. More specifically, the activities that were suspended with the Decree of 24 October 2020 will receive a non-refundable contribution. Moreover, businesses whose activities were compromised because of the pandemic will receive the financial resourced needed to pay the lay-off to their employees for further six weeks: all businesses which have used the resources previously earmarked for the lay-offs (through the Law-Decree No. 104 of 14 August 2020, the so-called “August Decree”) and those that are subject to suspension of the activities or to restrictions can benefit from this provision. Employers whose activities were reduced or severely limited due to the Covid-19 emergency will be exempted for a 4-month period from the payment of social-security contributions. The rent payment of business facilities is suspended for the period October-December 2020. Workers of the tourism and show business will benefit from a EUR 1,000 financial contribution and from the extension of the paid lay-off. EUR 1 billion is to be destined to the economic sectors that were most severely compromised by the pandemic, including tour operators and travel agencies; publishers; hotel industry; export and international expos.

Some observers²⁸ stressed that Annex I to the Law-Decree excluded from the distribution of the earmarked resources some commercial activities that are nonetheless relevantly compromised by the pandemic. These include, for instance, museums, the non-for-profit sector, the event business, industrial laundries, tourist buses, schools’ canteens and bars. These commercial activities were then included in the Law-Decree introduced by the Italian Government on 6 November which earmarked additional resources to support the businesses during this emergency phase²⁹.

l'emergenza epidemiologica da COVID-19», available at: www.gazzettaufficiale.it/eli/id/2020/10/25/20A05861/SG.

²⁷ Decreto-legge 28 ottobre 2020, n. 137, “Ulteriori misure urgenti in materia di tutela della salute, sostegno ai lavoratori e alle imprese, giustizia e sicurezza, connesse all'emergenza epidemiologica da Covid-19”, available at: www.gazzettaufficiale.it/eli/id/2020/10/28/20G00166/sg.

²⁸ *IlSole24Ore* (2020), “Dalle rosticcerie alle pizzerie al taglio, ai bus turistici: ecco tutte le categorie escluse che sperano nei nuovi aiuti”, 5 November 2020, available at: www.ilsole24ore.com/art/dalle-rosticcerie-pizzerie-taglio-bus-turistici-ecco-tutte-categorie-escluse-che-sperano-nuovi-aiuti-ADzUMSO.

²⁹ At the moment of the revision of this report, the official text of the Law-Decree had not been published.

3 Negative impact on social rights for vulnerable groups including measures to address this

Please select and provide information concerning two groups whose social rights were particularly negatively impacted with respect to developments/measures adopted in relation to COVID-19, between 1 September – 31 October 2020. For each of the two groups selected – highlight which social rights were most impacted. Also, identify any government and related measures that were introduced to alleviate the negative impact on these groups.

Older people

As it was the case during the first wave of the pandemic, in **Italy** the Decree of the President of the Italian Government of 24 October 2020 established that the possibility for family members and other visitors to have access to institutions and hospices for older people can be limited, depending on the decisions and protocols adopted by the institutions' directors to limit the virus propagation.

In **Italy**, the public debate during the considered period focused on the opportunity to introduce lockdown measures on grounds of age. More specifically, on 30 October the Institute for International Politics Studies (*Istituto per gli Studi di Politica Internazionale* – ISPI) released a study³⁰, assessing the impact of an age-selective lockdown. According to the study, the country cannot afford a complete lockdown since its consequences on the economy would be devastating. Imposing a lockdown only to some age-groups – the study considers the hypothesis of home confinement of people aged 60+, 70+ or 80+ - would have a milder impact on the economy (since these are the age groups less represented in the Italian workforce) and relieve the pressure on the Italian healthcare system (since these are the population sub-groups who most likely need assistance at the hospital in case of infection, differently from other age groups who are more likely to recover at home). This point of view does not seem isolated. The Governor of the Liguria region posted a Tweet suggesting that an age-selective lockdown would be a viable option, also considering that the Elders are not necessary to the Italian productive and economic system since most of them are retirees³¹. The Governor later on apologised for the insensitive language: he also stressed, though, that Elders represent the highest percentage of people that need hospitalization because of the Covid-19 and that the healthcare system risks to collapse if the propagation rate is not properly controlled³². In the meanwhile, at local level this kind of measure was already adopted: the municipality of Volturara Irpina imposed the home confinement to people aged 70+, except for health assistance and other urgent reasons³³.

³⁰ Villa, M. (2020), "DATAVIRUS: il lockdown per gli anziani può servire?", ISPI, 30 October 2020, available at: www.ispionline.it/it/pubblicazione/datavirus-il-lockdown-gli-anziani-puo-servire-28032.

³¹ Genova24 (2020), "'Anziani non indispensabili', è bufera su Toti. Lo sdegno della politica e dei social: 'Dimissioni'", 1 November 2020, available at: www.genova24.it/2020/11/anziani-non-indispensabili-e-bufera-su-toti-lo-sdegno-della-politica-e-dei-social-dimissioni-245282/.

³² AGI (2020), "Toti chiede scusa per la frase sugli anziani che ha scatenato le proteste sui social", 1 November 2020, available at: www.agi.it/politica/news/2020-11-01/anziani-covid-tweet-toti-bufera-social-10141051/.

³³ La Repubblica (2020), "Covid: in Irpinia sindaco vieta a over 70enni di uscire da casa", 3 November 2020, available at: https://napoli.repubblica.it/cronaca/2020/11/03/news/covid_in_irpinia_sindaco_vieta_a_over_70enni_di_uscire_da_casa-272891025/.

Detainees

In **Italy**, the Law-Decree No. 137 of 28 October 2020³⁴ introduced some measures aimed at reducing the overcrowding of the Italian detention system and tackle the virus propagation among detainees and prisons' staff. More specifically, the Law-Decree allowed for the extension of the special leaves (*licenze premio*) for detainees in partial-freedom regime. Detainees charged for specific crimes – such as terrorism or criminal organisations – are excluded from this possibility. Moreover, detainees sentenced to up to 18 months of detention can serve the sentence in home-custody until 31 December 2020. Detainees charged for specific crimes – such as terrorism, criminal organisations – as well as those who are subject to specific surveillance regimes, those who are homeless, those who perpetrated severe disciplinary offences (such as those detainees who participated to riots or protests in prison, or damaged the detention facilities or attempted an evasion) are excluded from this possibility. The detainees who will be given the possibility to serve the sentence in home-custody will be monitored with electronic bracelets, with the exception of children or detainees with a sentence that is inferior to 6 months.

In **Italy**, the National Guarantor for the Rights of Persons Detained or Deprived of Liberty (*Garante nazionale dei diritti delle persone detenute o private della libertà personale*) resumed its period Bulletin on the situation in Italian detention facilities. On 28 October, the first bulletin was released³⁵. According to the Guarantor, 54,815 are detained in Italian prisons: 150 of them are currently registered as Covid-positive. 200 members of prisons' staff are positive as well. However, the bulletin also stressed that protection devices – such as facial masks – are now more easily accessible to both prisoners and prisons' staff, compared to the situation during the first wave of the epidemic. The Guarantor also reported the necessity to ensure adequate isolation wards in detention facilities to limit the virus propagation and to introduce specific legislative measures that allow vulnerable subjects to serve their sentence in more adequate spaces, such as in home-custody.

³⁴ Decreto-legge 28 ottobre 2020, n. 137, "Ulteriori misure urgenti in materia di tutela della salute, sostegno ai lavoratori e alle imprese, giustizia e sicurezza, connesse all'emergenza epidemiologica da Covid-19", available at: www.gazzettaufficiale.it/eli/id/2020/10/28/20G00166/sg.

³⁵ Available at: www.garantenazionaleprivatiliberta.it/gnpl/it/dettaglio_contenuto.page?contentId=CNG9597&modelId=10021.