



GÉNERO E CULTURA PRISIONAL: PASSADO, PRESENTE E FUTURO

DIREITOS HUMANOS, POLÍTICAS CARCERÁRIAS
E CONCEPÇÕES DE JUSTIÇA

Título:

Direitos Humanos, Políticas Carcerárias e Concepções de Justiça

Monografia temática:

“Gênero e Cultura Prisional: Passado, Presente e Futuro”

Volume: 5

Data:

Janeiro de 2022

ISBN:

978-989-54998-6-1

DOI:

<https://doi.org/10.51389/AMHD2790>

Organização:

Marco Ribeiro Henriques & Ana Guerreiro

Autores/as:

Airto Chaves Junior
Ana Teresa Carneiro
Claudine Freire Rodembusch
Carlos Velázquez
Dinnah Amaro de Lima
Fabrizio Bon Vecchio
Giorgio Pittella
Giovanni Allegretti
Henrique Alexander Keske
Jacques Fernando Pires Peiter Ackermann
Mário Simões Barata
Olívia Ricarte

Revisão:

Nadine Rita
Fernanda Romão

Formato:

E-book

Projeto Gráfico:

Carina Silva

Imagem de capa:

MicroStock Hub

Coleção:

Debates XXI

Coordenação:

Marco Ribeiro Henriques (Portugal)

Conselho Editorial:

Daniela Serra Castilhos & Marco Ribeiro Henriques

A coleção "Debates XXI" é editada pela chancela editorial JUS.XXI e pretende publicar textos e documentos originais com carácter interdisciplinar e multidisciplinar com interesse para Portugal e contexto europeu, África e América do Sul, especialmente nas áreas dos Direitos Humanos, das Relações Internacionais, da Economia, da Saúde, da Ciência Política, do Direito e das Ciências Sociais amplamente consideradas. Embora, esta coleção, se dirija prioritariamente ao espaço da América Latina e da Península Ibérica, bem como aos fenómenos de integração: MERCOSUL e União Europeia, não deixará de interessar também ao espaço científico, político e cultural africano.

Edição e distribuição:

JUS.XXI
DEE International Publishing, Lda

Morada:

HIESE - Habitat de Inovação Empresarial nos Sectores Estratégicos,
Quinta Vale do Espinhal, EM 558 1,
3230-343 Penela (Coimbra)

E-mail:

info@dee.pt
www.dee.pt

Facebook:

facebook.com/debateseequacoes
@dee.portugal

Feito na União Europeia

©copyright

Todos os direitos são reservados e o acesso à obra é totalmente aberto. Seja na totalidade ou em parte, este livro não pode ser reproduzido ou transmitido a título comercial sem a autorização por escrito da editora.

Edições JUS.XXI é uma chancela editorial registada de DEE Internacional Publishing, Lda.

Nota:

Os/as editores/as não são responsáveis pelas opiniões, comentários e manifestações contidas nos capítulos onde se expõe exclusivamente a opinião do/a respectivo/a autor/a enquanto manifestação do seu direito à liberdade de expressão académica e científica. Os textos estão publicados na sua versão original pelo que a responsabilidade por eventuais lapsos de escrita ou opção ou não pela utilização do novo acordo ortográfico é dos/as Autores/as.

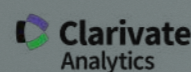
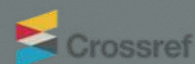
Poderá saber mais sobre a política de publicação em www.dee.pt

DIREITOS
HUMANOS

POLÍTICAS

CARCERÁRIAS

E CONCEPÇÕES DE JUSTIÇA



COMISSÃO CIENTÍFICA

Alessandra Rapaccio Mascarenhas Prado

Universidade Federal da Bahia

Ana Costa Almeida

Instituto de Contabilidade e Administração de Coimbra

Ana Roseira

Centro de Estudos Sociais da Universidade de Coimbra / Faculdade de Letras da Universidade de Coimbra

Ana Sani

Universidade Fernando Pessoa

Ana Teresa Carneiro

Universidade da Maia / Jorge Carneiro & Associados, Sociedade de Advogados, RL

André Paulino Piton

Universidade da Maia

André Pereira Matos

Universidade Portucalense Infante D. Henrique

António Dores

Instituto Universitário de Lisboa

Carlos Silva

Universidade Católica de Salvador

Carmen Hein de Campos

Centro Universitário Ritter dos Reis

Cristiane de Souza Reis

Universidade Federal Fluminense

Daniela Serra Castilhos

Universidade Portucalense Infante D. Henrique

Dora Resende Alves

Universidade Portucalense Infante D. Henrique

Fábio Veiga

Instituto Iberoamericano de Estudos Jurídicos

Fátima da Cruz Rodriguez

Faculdade de Direito da Universidade do Porto

Ilda Massano

Instituto Superior Miguel Torga

Isabelle Rocha Valença Figueiredo

Associação Tocantinense do Ministério Público

Isabel Dias

Faculdade de Letras da Universidade do Porto

Joana Almeida

Centro de Estudos Sociais da Universidade de Coimbra

João Proença Xavier

Universidade de Salamanca / Universidade Coimbra

Jorge Quintas

Faculdade de Direito da Universidade do Porto

Manuel Simas Santos

Universidade da Maia

Manuela Ivone Cunha

Universidade do Minho

Maria Creusa de Araújo Borges

Universidade Federal da Paraíba

Maria João Escudeiro

Instituto Politécnico de Lisboa

Maria João Leote de Carvalho

CICS.NOVA / Centro Interdisciplinar de Ciências Sociais

Miriam Silva Pina

Faculdade de Direito da Universidade do Porto

Olga Furriel de Souza Cruz

Universidade da Maia

Paulo Fraga

Universidade Federal de Juiz de Fora

Pedro Sousa

Faculdade de Direito Da Universidade do Porto

Rafaela Granja

CICS – Universidade do Minho

Raquel Matos

Universidade Católica Portuguesa

Sidney Guerra

Universidade Federal Fluminense

Sílvia Gomes

CICS -Universidade do Minho / Florida State University

Sónia Caridade

Universidade Fernando Pessoa

Susana Almeida

Instituto Politécnico de Leiria

Susana Costa

Centro de Estudos Sociais da Universidade de Coimbra

Vanessa Ribeiro Simon Cavalcanti

Universidade Católica de Salvador

Vera Duarte

Universidade da Maia

ORGANIZAÇÃO

Marco Ribeiro Henriques

Professor assistente convidado no Instituto Politécnico de Viseu do Instituto Superior Miguel Torga (Coimbra), e investigador na área do direito público, nomeadamente direitos humanos, sistemas prisionais e políticas públicas responsivas ao género integrando projetos de I&D internacionais e nacionais. É licenciado e mestre em direito e atualmente é doutorando na área do direito público pela NOVA School of Law, Universidade Nova de Lisboa. Preside atualmente à Mesa da Assembleia Geral do Observatório os Direitos Humanos de que também é membro associado desde a sua constituição. Foi ainda coordenador do Grupo de Juristas da Secção Portuguesa da Amnistia Internacional. É autor e coautor em diversas publicações científicas tendo diversos trabalhos publicados em Portugal e no estrangeiro na área dos direitos humanos e inclusão social.

Ana Guerreiro

Assistente convidada no ISMAI – Universidade da Maia e investigadora na área do crime e género. Doutoranda em Criminologia na Faculdade de Direito da Universidade do Porto (FDUP).

ÍNDICE

13

PREFÁCIO

PREFACE

Ana Guerreiro

17

**O ESTADO E O CRIME:
UM ESTUDO SOBRE A REINCI-
DÊNCIA CRIMINALE AS POLÍTICAS
PÚBLICAS**

**THE STATE AND CRIME: A STUDY ON CRI-
MINAL RECIDIVISM AND PUBLIC POLICIES**

Dinnah Amaro de Lima
Prof. Orientador:
Dr. Carlos Velázquez

31

**REBELIÕES NAS PRISÕES BRASILEI-
RAS: UMA ANÁLISE DAS VIOLÊN-
CIAS OBJETIVA (COMO CAUSA)
E SUBJETIVA (COMO SINTOMA)**

**REBELLIONS IN BRAZILIAN PRISONS:
AN ANALYSIS OF OBJECTIVE (AS A CAUSE)
AND SUBJECTIVE (AS A SYMPTOM) VIO-
LENCE**

Airto Chaves Junior

43

**DESINFORMAÇÃO E AÇÕES CON-
FLITANTES DA POLÍTICA CARCERÁ-
RIA BRASILEIRA EM FUNÇÃO DA
PANDEMIA**

**DESINFORMATION AND CONFLITING
ACTIONS OF BRAZILIAN PRISON POLICY
IN FUNCTION OF PANDEMIC**

Jacques Fernando Pires Peiter Ackermann
Henrique Alexander Keske
Claudine Freire Rodembusch

53

**“FLEEING IDEAS” (IIF):
REFLECTIONS ON A PARTICIPATORY
BUDGET EXPERIMENT, IN ITALY’S
BOLLATE PRISON**

**“IDEIAS A FUGIR” (IIF):
REFLEXÕES SOBRE UMA EXPERIÊNCIA DE
ORÇAMENTO PARTICIPATIVO, NA PRISÃO
DE BOLLATE EM ITÁLIA**

Giorgio Pittella
Giovanni Allegretti

67

**A INSERÇÃO DOS REEDUCANDOS
NAS PRESTAÇÕES DE SERVIÇOS
DENTRO DO SISTEMA PENITENCI-
ÁRIO BRASILEIRO: UMA PERSPEC-
TIVA DO COMBATE AO ÓCIO E DA
REINTEGRAÇÃO AO MERCADO DE
TRABALHO**

**THE INSERTION OF REEDUCATED
PERSONS IN THE PROVISION OF SERVICES
WITHIN THE BRAZILIAN PRISON SYSTEM:
A PERSPECTIVE OF COMBATING LEISURE
AND REINTEGRATION INTO THE LABOR
MARKET**

Olívia Ricarte
Fabrizio Bon Vecchio

77

**O RECURSO EXTRAORDINÁRIO DE
REVISÃO - A DERRADEIRA
GARANTIA PROCESSUAL CONTRA
A PRISÃO INJUSTA**

**EXTRAORDINARY APPEAL FOR REVIEW
- THE ULTIMATE PROCEDURAL GUARAN-
TEE AGAINST UNFAIR INCARCERATION**

Ana Teresa Carneiro

89

**DECISÃO EUROPEIA DE INVESTIGA-
ÇÃO: FUNDAMENTOS PARA O NÃO
RECONHECIMENTO OU NÃO
EXECUÇÃO E AS GARANTIAS DE
PROCESSO CRIMINAL**

**EUROPEAN INVESTIGATION ORDER:
GROUNDS FOR NON-RECOGNITION OR
NON-EXECUTION AND GUARANTEES IN
CRIMINAL PROCEEDINGS**

Mário Simões Barata

PREFÁCIO

A prisão é uma instituição tão normalizada de forma transversal, nas sociedades atuais, que parece difícil inferir que o uso das prisões e das políticas penitenciárias e carcerárias, enquanto instrumentos centrais da execução de penas, têm pouco mais do que dois séculos de existência. Não deixa de ser, pelo menos, curioso.

Paralelamente, a prisão tem na sua base histórica, cultural e identitária, a ideia do lugar de castigo, sendo por isso um sistema de opressão, não tendo inclusive evidenciado a minimização de práticas criminais, aliás, na prática não lida com os problemas que levam as pessoas à prisão, mas sim, promove uma falsa sensação securitária, ao mesmo tempo que revela as vulnerabilidades do Estado Social.

Os problemas a que as políticas penitenciárias e carcerárias se propõem intervir, mantém-se atualmente, nomeadamente a reincidência. Têm gerado mais violências e opressões, como o estigma e a discriminação em particular sobre pessoas privadas da liberdade e suas famílias, estas últimas na grande maioria mulheres e crianças vulnerabilizadas, mas também os maus-tratos, tratamentos cruéis, desumanos ou degradantes, a criminalização da miséria, a promoção do Estado Penal vs Estado Social, o reforço de discriminação sobre dimensões identitárias, a superlotação, novas formas de escravatura laboral, a banalização da prisão preventiva, o burnout de profissionais dos sistemas prisionais, entre outras. As próprias penas alternativas têm sido utilizadas para estender a dimensão do controlo penal, e consequentemente, restrições da liberdade.

A prisão deveria ser o último recurso na prática, sendo aliás perspetivada nesses termos em diversos ordenamentos jurídicos, contudo, a evidência é de uma banalização de recurso da mesma, a par da supressão de direitos em contextos prisionais, em particular relativa a seres humanos privados da liberdade. É possível inferir, as prisões existem à margem da lei. O sistema penal e o encarceramento não são soluções para intervir nas violências, considerando que são sistemas e mecanismos de reprodução e extensão das mesmas, o que tem resultado, por vezes, em ações de resistência das pessoas privadas da liberdade, familiares, movimentos sociais e até profissionais.

As concepções de justiça, nomeadamente assentes no direito penal, revelam um paradoxo na medida em que a resposta imediata do direito penal assenta ela mesma na negação de direitos sobre outros ou outras. Esta ideia, alimentada pelo desejo punitivo, resulta por isso num princípio contraditório. O desejo punitivo cria bodes expiatórios, serve inclusive de instrumentalização política e legitima uma concepção de justiça que não é compatível com a promoção de direitos humanos, na medida em que integra e promove uma concepção do/a outro/a com base num pressuposto desumanizador. Uma das consequências da ideia de justiça tradicional, alimentada pelo punitivismo, tem sido o fato de que o direito penal e consequentemente o sistema penitenciário e carcerário, desviam as atenções e até me-

CAPÍTULO IV

“FLEEING IDEAS” (IIF): REFLECTIONS ON A PARTICIPATORY BUDGET EXPERIMENT, IN ITALY’S BOLLATE PRISON

“IDEIAS A FUGIR” (IIF):
REFLEXÕES SOBRE UMA EXPERIÊNCIA DE
ORÇAMENTO PARTICIPATIVO, NA PRISÃO
DE BOLLATE EM ITÁLIA

AUTORIA

Giorgio Pittella ¹
BiPart
Giovanni Allegretti ²
Universidade de Coimbra (Portugal)

The authors wish to thank the staff, the detainees (in particular Biagio Aversano) and the volunteers who took part in this project. Special thanks go to Stefano Stortone and Giulia Barbieri from BiPart, to Alfredo Campos and Francisco Venes from CES, to Lev Shilov (EU University of Saint Petersburg), and to Marta Quagliuolo for her precious collaboration.

¹ BiPart (social enterprise start-up, Italy)

² Centre for Social Studies, University of Coimbra (Portugal).

“FLEEING IDEAS” (IIF): REFLECTIONS ON A PARTICIPATORY BUDGET EXPERIMENT, IN ITALY’S BOLLATE PRISON

“IDEIAS A FUGIR” (IIF): REFLEXÕES SOBRE UMA EXPERIÊNCIA DE ORÇAMENTO PARTICIPATIVO, NA PRISÃO DE BOLLATE EM ITÁLIA

ABSTRACT



The essay reflects on the first outcomes of a pioneer experiment of participatory budgeting (PB) in the experimental detention centre of Milan - Bollate, coordinated by BiPart social enterprise and named by detainees “Idee in fuga”, which aimed to collect and progressively refine ideas of interventions and projects made by prisoners for their benefit, while intensifying the relationship between them and the prison administration. The democratic practice – monitored through three surveys, completed by interviews to participants – hinged on the respect for detainees’ self-organizational and self-determination capacity in elaborating proposals of high quality, that could favour a major convergence of future external funding and support actions felt meaningful by the convicted community. The essay’s focus is the analysis of the projects emerged from the deliberative phase of the process involving the detainees, and the phases of

“appreciation and support” and voting of those ideas by the community of around 1200 inmates. Due to the unbalances existing among male and female sections of the detention centre, the project built two parallel participatory processes separated by gender, assuring to both communities a certain budget autonomy. Despite the complex rules of the prison, a series of inter-ward assemblies were made possible, to compensate the usual impossibility of different groups of detainees to communicate with each other and make a community-wide single PB process possible. 58 proposals, and their transformation into 10 more polished projects, are analysed, reorganising them in clusters referred to ideas focussed (1) on the transformation of internal facilities, (2) on programmes intended to bridge with the “future life of inmates after the end-of-sentence”, and (3) on transformations in the governance or regulations of the prisons.

The visible difference between the types of proposals emerged in male and female wards (and more supported in each one) point out to the role played by the disparity of physical conditions between the two.

Keywords: Participatory Budgeting; Prisoners’ Engagement; Bollate; Milan; Governance.

I. AN UNCOMMON EXPERIMENT

In 2016 - during a meeting with the Cultural Commission¹ of the experimental “open-cell” prison of Milan-Bollate², in Italy – some volunteer workers of the social start-up “BiPart”³, operating in the sector of facilitation and service provision for participatory practices had the idea of proposing to the prison administration a pilot-experiment of participatory budgeting (PB - Sintomer et al. 2012; Dias, 2018) which could be the first worldwide in a detention environment. The proposal came out from the dialogue with the inmates speakers who are part of the Commission, as they revealed their difficult position due to the fact that - in the prison subculture - the detainees who somehow collaborate with the institutions are often considered as “infamous” or “quisling”; so, their work is hindered by a social stigma that contributes to reduce the margins of the inner democratic life and the possibility of a major direct involvement of prisoners in the construction of the quality of their sentence plans and everyday life. In this perspective, a participatory budgeting experience (whose “open-door” methodology would give to all prisoners some decision-making power on a specific envelope of resources) could be seen as a “picklock” for revealing to inmates the power that single individuals – through direct involvement and collaboration with others - could have during their sentences, especially in Milan-Bollate prison’s case, which fully, attentively and effectively has integrated its detainees, over the years, also valuing the dimensions of active citizenship related to their capacity of interaction with democratic rules (Schmidt, 2020). The dialogue between BiPart members and the Commission, brought to the conclusion that – especially in a country as Italy, where 5-years sentences bring a loss of voting rights (Marietti, 2019) – a PB could represent an important added value to overcome the diffuse mistrust of many inmates, which is naturally associated to “representativeness” in structures which look to many as “inner circles” and “spaces of privilege” for some prisoners to get closer to the administrations and become themselves “kind of gatekeepers”⁴. In this perspective, the representative format of the commissions appeared as a necessary but insufficient tool for experiencing an intensification of democracy (Inderbitzin et al., 2016; Scharf’s, 1975) within institutions that – “despite the inherently public nature of their task” are often “impervious to democratic innovation (...) nontransparent, hierarchical, and nonparticipatory” (Dzur, 2015); and this happens despite such innovations have been multiplying around Europe especially since CoE Recommendation no. R (87) 3 on European Prison Rules (1987), and its revision operated by Rec 2006/2 (CoE, 2006).

A second reflection of inmates incentivised the experiment of a “PB behind bars”. In fact, BiPart professionals – convinced that “democratic professionalism” (Dzur, 2018) can be a sig-

¹ For a decade, the so-called Ward Commissions (or Committees) were experience in Bollate as representative structures of advocacy made up of delegates or floor representatives elected by other inmates and coordinated by educators, ward-heads and volunteers to guarantee “the smooth running of life within the section, collecting reports that included problems or requests from all inmates and proposed ideas or initiatives” to the administration (Coop. Art 3, 2012). In Bollate, the Joint Commissions and their thematic structures - who meet monthly with the director and the Prison Police to discuss the problems of the penitentiary, allowing representatives of different wards to overcome the barriers between departments and section which are usually separated – granted a mechanism of enlarged governance.

² See: Mastrobuoni and Terlizze, 2018.

³ <https://bipart.org>

⁴ Interview with a female inmate, collected by the CES of Coimbra University.

nificant leverage for reshaping the culture of penal institutions (Abrams et al., 2016) – proved concerned by the fact that rarely resources which enter prisons to support different socio/cultural projects, refer to activities co-designed with the participation of those which are imagined as beneficiaries. Therefore, the reflections of commission inmates’ speakers about the fact that “they are often inadequate in relation to our needs and priorities” and “disrespectful toward the people they declare they want to serve⁵” reinforced the conviction that a space which could increase the habit to show respect for detainees’ self-organisational and self-determination capacity, was needed. A PB experience could have improved pre-existing prison-based practices and modified this perspective, giving to detainees a direct final say on a budget, according to the results of a final voting session to be considered as binding by the involved administration.

From the two above-mentioned grounding reflections, the project “Idee in Fuga” or IIF (which can be translated as “Ideas on the run” or “Fleeing ideas⁶”) took shape, taking advantage of the experience of a country which has been already hosting several innovative experiences of citizens participation applied to budget planning and management (Sintomer & Allegretti, 2009; Stortone & Allegretti, 2018). Named by the detainees during the pre-project phase (meaning that “ideas can make fly outside the prison walls⁷”), the IIF Project started as a hybrid model of “actor-based” participatory budgeting (Cabannes, 2015) with a co-design phase that went on since 2017⁸, although it formally started with the open-to-all activities inside the prison in February 2019. Its “hybridity” comes from 3 elements: (1) it was conceived as a “learning by doing” project, with an initial and stable “core-structure” inspired by PB, but open to ongoing changes which could increase its “maieutic function” in relation to participants, and its added value of discussing issues related to democracy and citizenship; (2) it involved a public institution, but operated the binding-choices on an added extra-institutional budget, in order to ease approval procedures to allow the project to take off as a pilot for future improvements; (3) it limited its entitled participants to inmates (as PBs for schools do), but tried to maintain a constant-open dialogue with external audiences via IIF’s website, a board of supporting institutions and a civic crowdfunding platform through which BiPart did fund-raising in order to collect the resources to implement prisoners’ ideas.

A specificity of IIF - - where the authors of this essay were directly involved in different roles⁹ - is that it took shape as a totally grassroots project made up of a volunteering professional

5 These two statements were part of 16 interviews collected by CES researcher(s) during the project; some of which (included inmates upon their consent) have been filmed by 808 Film Production, as a reminiscence of the project. One of the proposals presented in IIF (which got 23 votes) was polemically entitled “Professional up to date relevant skilled work, not classic obsolete activities”.

6 <https://www.ideeinfuga.org>

7 Many of the 58 projects proposed also were given names referred to new activities as a way to “escape” from the prison’s daily routine (Sport Escape; Escaping with fashion; Let’s cut the rope! etc.).

8 The co-design work of the PB project was carried on with the Cultural Commission (as IIF was envisaged by the prison as a “cultural activity”) and the administration of the Prison House (represented by the Director and the Chief Commissioner) which – together – constituted the “coordination council” responsible for composing the rules and architecture of the process’ phases.

9 G. Pittella had the first idea, negotiated with the prisional institute since 2017 (a member of BiPart); G. Allegretti initially joined the project as just a testimonial (<https://www.ideeinfuga.org/testimonial-giovaniallegretti>), but later joined the team through a partnership with the Centre for Social Studies of the Coimbra University, to perform some monitoring/assessment functions on IIF.

institution, with no initial funding; so, all organisational costs were covered by BiPart professionals, while supporting entities gradually discovered the project and entered in its implementation phases. The preliminary decision of separating two tracks of action (for both female wards and male wards) was suggested by male prisoners, assuming different needs and an evident imbalance between male and female inmates (the women being 1/6 of men – around 200 out of about 1200 inmates) would generate incommensurable differences in their budget proposals and would under-represent women’s needs. In fact (1) the female area is detached from the central body of the prison (occupied by men’s wards but also by the working areas, the infirmary and the treatment area) and; (2) the ratio of the total of on parole women or women on work permit residing in Ward 5 (called Article 21 or “ex OP”, coming from legal framework) is higher, and this group is often absent from the prison when cultural activities are carried out, which could increase the underrepresentation of women in the process. Accordingly, the initial budget of 20,000 € of crowd-funded resources (due to implement the first priority most voted in the male and in the female PBs), was split into two equal parts, as no opposition to such a decision has emerged – opposite of what was expected¹⁰. The project – unlike the initial idea – established that this pot of resources, needed to assure at least a minimum concrete result to “encourage” inmates’ participation, were going to be collected among donors and granted since the beginning, while the online civic crowdfunding platform would add further resources to eventually implement priorities other than the first which established by male and female prisoners.

IIF’s development-timing exceeded all planned deadlines, due to slow negotiations (and several reassignments of tasks and roles) with the complex hierarchical chain-of-command¹¹ in charge of the prisional system in Italy. Then, the pandemic outbreak paralysed its activities and erased all direct contact between inmates and voluntary workers. This evolving time frame required several adaptations, and does not allow to present here (as the authors wished) the final assessment of the project and its first a posteriori impacts. Thus, this essay focuses on final outputs of the co-decisional process which involved inmates, with the facilitation of BiPart volunteers. It will attempt to analyse them in the light of some adaptive changes which have been implemented during its almost 2-years’ development. A series of 44 interviews and 3 different surveys were distributed during IIF’s different phases, and will be used to support a more accurate interpretation of results; but they will not be the focus of this analysis¹².

10 Both BiPart and the Prison administration expected the emergence of claims to divide the resources in parts proportional to the number of inmates of male and female sections.

11 During the development of IIF (February 2019- February 2021) three changes of Government occurred in Italy, with discontinuities at a high level in the Ministry of Justice (in charge of prisons).

12 During the “filtering phase”, a sample of 32 inmates (out of 58 who presented proposals) responded to satisfaction questionnaires distributed by the Centre for Social studies of Coimbra University. In the “voting phase” 177 surveys on satisfaction were answered (representing 34,7% of voters; 16,2% of inmates entitled to vote). Among women, the % of final survey respondents was much higher (63.77% of voters vs 30.15% in male wards).

II. THE EVOLUTION OF PROPOSALS THROUGH THE DIFFERENT PROJECT’S PHASES

The main goal of IIF in proposing a pilot-project of direct participation, within a detention institution, was that of check which diverse effects a path in which the incarcerated have some real budgetary power can generate, both for the detained population and on the administration. As literature underlines (Brosens, 2019; NACRO, 2014), very few are participatory experiences in prisons that reach the “devolving” stage – where prisoners are the decision makers of (some) choices regarding their lives in the institution - of the simplified version of Arnstein’s ladder of engagement and participation, which have been used in the last decade to classify different experiences of “democracy behind the bars” (Brosens, 2015; Taylor, 2014). This is why IIF seeks to remark its innovative nature.

The project developed through several stages, which included: 9 information meetings held in each of the 6 wards of the main prison block, in the female session and the infirmary; 9 co-planning meetings facilitated by BiPart, in order to help inmates to elaborate proposals to be presented and 3 final inter-ward meetings where inmates from different wards could interact with other inmates in respect to the proposed ideas. This phase of “brainstorming of ideas” lasted 2 months and was followed by the so-called “appreciation and support phase”, intended as a space open to all inmates to vote for their “favourite” among the first round of proposals in order to: rank them, filter their number and then proceed to merge the similar ones or compose complementary ideas¹³.

The ranking of proposals happened in April 2019 and consisted of selecting 10 proposals (the first 5 of male and female sections) to access the next phase of the process. A more “deliberative” process (called the “planning phase”) followed this filtering exercise, and it lasted from May 2019 to December 2019, being prolonged until early February 2020 as requested by detainees. In this phase, the proponent inmates (accompanied by other interested parties, included proponents of similar or complementary ideas left behind in the filtering phase) met with detention house management and experts to detail their proposals and transform them into polished finished projects. Unfortunately, the final voting session imagined for February 2020 (one year after the official start of IIF) was cancelled due to the restrictive measures determined by the pandemic outbreak of COVID-19, and could only be held at the end of September 2020¹⁴, when BiPart volunteers were allowed to re-enter in the prison premises. Although Bollate has been in the vanguard of Italian prisons during the first pandemic wave, adopting innovative measures to maintain the maximum possible connections with the outside world (Ripamonti, 2020)¹⁵, the project – much of which centred is in the face-to-face dialogue between the inmates and the volunteers, which had to come from outside the prison – was forcibly suspended, also due to general rules aimed to reduce the co-presence of many people in the same venue.

¹³ The voting method chosen provided a list of all proposals, among which each detainee could mark one or more (with no limitations) which (s)he considered meaningful for continuing the process.

¹⁴ Strong restrictions marked the participation of prisoners in the vote. In fact, it was only allowed in the morning, so that many prisoners who were working outside Bollate could not vote, and voting in the infirmary (where persons with COVID-19 or suspected of having it were held) was forbidden.

¹⁵ See also the issue n. 1 of Balthazar (July 2020): Testimonianza dal carcere di Bollate (p. 206-210).

Table 1 – Inmates’ participation in the “support” and “voting” phases

	Males		Females		Total	
	Support phase	Voting phase	Support phase	Voting phase	Support phase	Voting phase
Inmates Entitled to vote	1125	982	153	111	1278	1093
Voters	547 (48,6%)	441 (44,9%)	123 (80,3%)	69 (62,1%)	670 (52,4%)	510 (46,6%)

As Table 1 suggests, possibly the long interruption of seven months, which somehow co-ordinated the linear development of the project during 2020, explains why the numbers of participants in the two voting rounds (the “support” filtering vote on initial proposals, and the final vote on definitive projects) differ¹⁶. Anyway, the final vote on September 2020 sanctioned the projects that could immediately be realised with available resources.

III. DISCUSSING OUTPUTS

As far as it regards the outputs, the deliberative phase of IIF resulted in 58 proposals from inmates and prisoners (47 coming from male wards and 11 from female ones), whose emergence took a longer length of time and more support of the project voluntary workers than originally planned. As the detainees tried to explain themselves, this unexpected slowness could be a reflex of the fact that they were “not used to elaborating on ideas” as “projects in prison are mostly delivered as ready-to-wear packages conceived somewhere else” and “a change in attitude requires time and energy”; but also could derive from “a different pace of time in the prison that makes it difficult to imagine the rhythm which is required by those who come from the outside” and from “some embarrassment in having to put on paper needs and requests about what we talk about daily, but not expecting someone who will really listen to us”¹⁷.

Initially, we considered that proposals could be clustered into three categories, depending on whether they aimed to: (1) revamp facilities and services inside the prison in order to improve the “present life of detainees” (which we will call “in ward proposals”); (2) propose new (or enhance the quality of existing) programmes and training courses that bridge with a vision of the “tomorrow outside the prison” (which we will call “out of ward proposals”); (3) to visualise transformations in prison governance or regulations, and eventually in the broader legal framework.

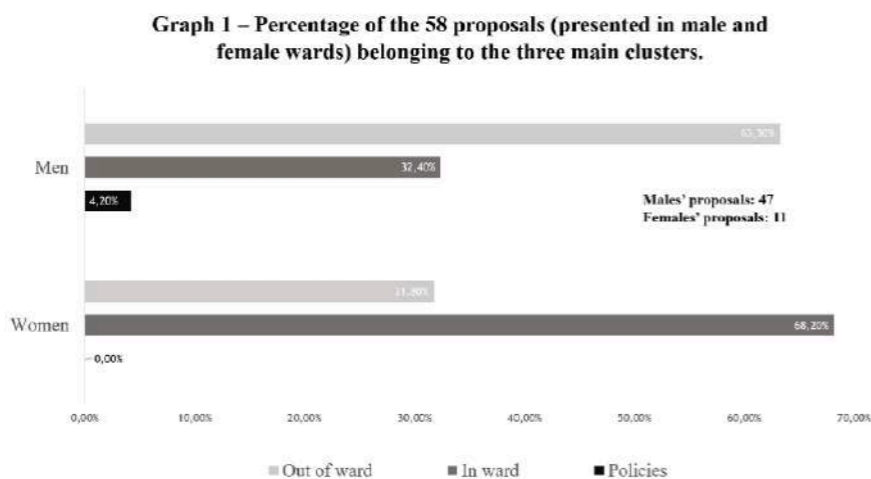
In these terms, a visible difference emerged – as showed by Graph 1 - between the type of proposals elaborated in male and female wards, and those more strongly supported in each of them. In fact, 34 out of 47 proposals provided and ranked by men, referred to as “out of ward”, were conceived to prepare detainees’ “tomorrow life” (and they got 1333 preferences, so 82.7% of the 1612 casted votes)¹⁸; conversely, 8 out of 11 proposals emerged from female wards supported in-

¹⁶ The filtering phase, managed almost entirely by the inmates with the support of BiPart facilitators, saw 670 inmates voting (out of 1278 entitled - a turnout of 52.4%). In the women wards had a turnout of 80.2%, while in the male wards it was around 48.6%.

¹⁷ These statements come from 4 different interviews realised to inmates by CES and 808 Collective.

¹⁸ In the male wards, the most supported proposals were two job centres to match external job demands and internal offers; a dairy that could sell products outside and inside the institution; a pet boarding and the res-tyling of the computer room.

ternal reforms of the prison’s spaces and services (resulting in 75.7% of the 557 votes cast), as the establishment of a self-managed laundry service (which is missing in the department but present in the male section), the renewal of showers, a horse riding course (already present in the institute, in the men’s part), an ice cream bar and the modernisation of the kitchens. In the long planning phase, where some proposals were discarded due to the lack of their feasibility and others merged, this trend consolidated, and an interesting debate grew around the “modernisation of the kitchens” and the “renovation of the showers”, which many considered a “due commitment” to be fulfilled through ordinary administration and did not need to “waste” extraordinary resources as those of IIF. During the debate among female inmates, several recurrent thoughts appealed, mainly to detainees’ personal responsibility, against the damage of common spaces (i.e. removing metal pieces for personal use in their cells), and it was explicitly said that the list of proposals could be used as a platform for collective future claims, to give the prison administration a clear view of the most consensual transformations required by inmates. Here, undoubtedly, the collective dynamics aimed to consensus building prevailed, gradually converging onto the need of prioritised investments that could – at the same time – respond to needs felt in the daily inner life (and asymmetric conditions in relation to male wards), without putting aside the possibility of learning skills which could help in the “outside world” dimension.



Conversely, in the male wards, the excessive ambition of some proposals prioritised in the filtering phase in relation to available budgets obliged to erase them (as in the case of the milk transformation into dairy) or resize them (i.e. the “pet hostel”, which became a dog training course). If none of the erased proposals were replaced with those immediately following in the ranking, it was because of the reduced feasibility was verified late, and too close to the final voting event. In general, the debate among male inmates reflected greater attention to an “out of ward” and “end-of-sentence” dimension.

The list of the five most voted proposals for the different areas confirms the above-mentioned different approaches between male and female wards: in fact, in the latter, none of the 5

most voted proposals were concerned with only imagined activities from an out of ward perspective, and 3 of them were merely referred to as transformations of inner spaces, while in the male wards only one proposal was explicitly aiming to infrastructural improvements, the remaining 4 all linked to an out of ward perspective. It is worth emphasising that the only proposal clusterable in the “policies” category came from Ward 5, which houses the so-called “Art. 21”, the semi-free detainees who can work outside: thus, inmates who “live” in the detention house for a limited time, who proved less interested in both the “indoor” present, as well as in a vision which can bridge them to a better future dimensions, which has been partially guaranteed to them.

In the light of the final outputs of the voting phase¹⁹, it is worth to re-cluster the 58 initial proposals through a larger series of families, considering - since the beginning – the existence of hybrid typologies where both in ward and out of ward elements coexisted, or policy perspectives mixed with transformations were applied to spaces and services inside the prison walls. In fact, the co-planning phase for elaborating and detailing the projects to be submitted to the final vote increasing the visibility of the original proposals’ “mixed nature”.

Table 2 – Re-clustered proposals: nº and votes received in male and female wards during the ranking of the “appreciation and support phase”

	Out of ward proposals		In ward proposals		Policy proposals		Hybrid proposals (Inward/Outward)		Internal governance proposals	
	Number of proposals	Votes received	Number of proposals	Votes received	Number of proposals	Votes received	Number of proposals	Votes received	Number of proposals	Votes received
Male	27	1174	11	230	1	7	6	153	2	48
Female	2	64	6	297	0	0	3	196	0	0

Tables 2 support last reflections, strengthened by Table 3, which analyses the final projects. Among the latter, the most voted in the female wards (the “bar in the female visitation area”, with 51 votes, and the “laundry service”, which collected 25 votes) were both imagined in connection with a new cooperative, which could manage them generating management skills and paid employment, including a component of professional training that could be spent outside. The recategorisation works also when applied to the winners of the male wards’ PB: the ex-aequo (with 185 votes each) to two job-centre projects, and the 142 votes cast for “Let’s get to know our animal friends better”, which was conceived (since the beginning, when it was a “pet hostel”) as a project of social responsibility, which could benefit society (being part of the fight against pets’ abandonment), but also inmates – offering a sort of “pet therapy” and skills for future jobs. In this case, it confirms the prevalence of projects “oriented to a life beyond punishment”, but remarks the importance of mixing in ward and out of ward perspectives, while the projects classified as

19 See: <https://www.ideeinfuga.org/vote>

Table 3 - Re-clustered projects: nº and votes received in male and female wards during the “voting phase”

	Outward projects		Inward projects		Policies		Hybrid projects (Inward/Outward)		Internal governance	
	Out of ward proposals	In ward proposals	Policy proposals	Hybrid proposals (Inward/Outward)	Internal governance proposals	Out of ward proposals	In ward proposals	Policy proposals	Hybrid proposals (Inward/Outward)	Internal governance proposals
Male	4	512	1	67	0	0	0	0	0	0
Female	0	0	1	14	0	0	2	76	0	0

third (the renewal of ICT classroom for men, and of the showers for women) underline that IIF could serve also as an occasion to “report” internal needs and stress asymmetries of quality and adequacy existing in different parts of the prisons or between spaces devoted to different activities. Somehow, this richer form of re-clustering proposals and projects seems more aligned with the discussion among detainees and volunteers during the development of the different PB phases

As confirmed by detainees in the interviews, the visible asymmetries among facilities in male and female areas – attributed to a “lack of attention to gender imbalances of the prison centre administration, more than to a structural problem in the prison creation²⁰” – have ended up attributing “a different meaning to the IIF process itself in the male and female wards”. This “possibly explains the differences in the commitment, participation and interaction with the volunteers on the part of the women, who saw the project as an anchor and a rare opportunity to present an articulated platform of claims- even if in the form of proposals- to the administration²¹”. Under this perspective, the model of participatory budgeting chosen for IIF expanded its potential uses, serving its purpose (especially in the female wards) in remarking on the “ontology” of existing problems, instead of sacrificing them to a mere “solution oriented” perspective (Heron & Reason, 1997). Therefore, it almost incorporated a vision typical of the participatory inquiry paradigm, a form of research which already had interesting applications and theoretical framings in detention environments (Brosens et al, 2015; Fine & Torre, 2006). In the case, even if a non-systematic form, IIF’s creators imagined the PB pilot-process as a practical opportunity to start answering a diverse set of questions related to different potentials of participatory practices, through a methodology of “learning by doing”, whose connotations relate to a maieutical Freirian perspective, where education represents “both a struggle for meaning and a struggle over power relations” (Giroux, 1985: xiii). As a detainee put it in an interview, the participatory budgeting experiment took the shape of “a gradual exercise of maturation for those who live here, as it mixed moments of strong realism and some utopian horizons” – thanks to its multiple and diverse horizontal interactions among detainees, its collaborative spaces of co-design with the pre-existent Commissions representative of inmates and the administration, and the permanent dialogue with the external BiPart volunteers.

20 Interview with a female detainee.

21 Interview with a male detainee

IV. AN OPEN CONCLUSION

At the time of writing this essay, IIF has still not produced its concrete results (implementation of winning priorities), slowed down by changes in the chain-of-command of the Italian prison system. Thus, unambiguous conclusions on its impacts are premature, as the “implementation phase” (beyond the cycle of co-decision) could affect the degree of satisfaction of detainees who took part in it. This is why the authors decided not to use here the rich material brought by the three surveys that accompanied the monitoring of IIF’s major phases. In fact, analysing how a space of participatory governance empowers (or not) its participants, largely depends on the extent to which the final concretisation of the project will happen as imagined or will appear fallacious.

The complexity of the project’s implementation, the path-dependency of its results and the tight connections of its outputs with pre-existing structural asymmetries between male and female subsections of Bollate, show that it remained heavily dependent on the volunteers’ presence, while the administration did still not take ownership of it. Therefore, IIF proves – in line with Schmidt’s recent studies (2020) - how difficult is, in the peculiar environment of correctional institutions, to increase their democratic intensity and reach higher emancipatory effects. However, insofar, IIF remains a relevant experience of participatory democracy in a “unlikely place” (Dzur, 2019) which dared to imagine collective spaces where inmates, whilst incarcerated, could contribute to their quality of life, informing on perceived priorities (collectively assessed) and, directly affect the use of resources devoted to this aim (Brosens, 2019). In this perspective, it fulfils the call of the Council of Europe and EPO Manifesto (2016) to increase respect for human dignity of detainees (which are often disenfranchised) also through innovative practices that value their knowledge and potential activism as citizens, increasing the respect for detainees’ self-organisational and self-determination capacity.

If the project is due to remain as an (albeit innovative) experiment, or it can aspire to replicability in improved conditions of major independence (from both prison administration and volunteering organisations) remains an open question. Insofar, hope is granted by the large number of institutions which declared their interest to emulate it.

V. REFERENCES:

- Abrams, L.S., Hughes, E., Meek, R., Inderbitzin M. et al. (2016, eds). *The Voluntary Sector in Prisons. Encouraging Personal and Institutional Change*. Palgrave Macmillan;
- Brosens, D. (2015). *Participation in prison programmes. Profile of (non-) participants, encouraging and discouraging factors*. PhD thesis, Vrije Universiteit Brussel, Belgium;
- Brosens, D. (2019). *Prisoners’ participation and involvement in prison life: Examining the possibilities and boundaries*. *European Journal of Criminology*, 16(4), 466–485;
- Brosens, D., De Donder, L., & Dury S (2015). *Building a research partnership in a prison context. From collaboration to co-construction*. *Sociological Research Online* 20(3);
- Cabannes, Y. (2015). *The impact of participatory budgeting on basic services: municipal practices and evidence from the field*. *Environment and Urbanization*, 27(1), 257–284;
- CoE (2006) *European Prison Rules*. Strasbourg: Council of Europe Publishing: <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>;
- Coop. Art. 3 (2012), *Tutto Bollate 2012. Guide. Articolo 3/Fondazione Cariplo*;
- Dias, N. (2018, org.), *Hope for Democracy. 30 Years of Participatory Budgeting Worldwide*. Oficina/Epopeia;
- Dzur, A. (2015). *Public Restorative Justice: The Participatory Democratic Dimensions of Institutional Reform*. *Raisons politiques*, 3(3), 51-71;
- Dzur, A.W. (2018). *Rebuilding Public Institutions Together: Professionals and Citizens in a Participatory Democracy*. Cornell University Press;
- Dzur, A.W. (2019). *Democracy Inside: Participatory Innovation in Unlikely Places*. Oxford University Press;
- EPO (2016), *MANIFESTO FOR A NEW PENAL CULTURE*, EU Prison Observatory: www.prisonobservatory.org/upload/Manifesto%20English%20variation%20202.pdf;
- Fine, M., & Torre, M. A. (2006). *Intimate details: Participatory action research in prison*. *Action Research*, 4(3), 253–269;
- Giroux, H. (1985). “Introduction.” In P. Freire, *The Politics of Education: Culture, Power, and Liberation*, Bergin and Garvey;
- Heron, J., & Reason, P. (1997). *A Participatory Inquiry Paradigm*. *Qualitative Inquiry*, 3(3), 274–294;
- Inderbitzin, M., Cain J., & Walraven, T. (2016). *Learning and practicing citizenship and democracy behind bars*. In: Abrams et al. (eds) *The Voluntary Sector in Prisons. Encouraging Personal and Institutional Change*. Palgrave Studies, 55–83;
- Marietti, S. (2019), *Prison conditions in Italy*. 2nd edition. European Prison Observatory. Antigone Edizioni;
- Mastrobuoni G.; Terlizzese, D. (2018), *Leave the door Open? Prison Conditions and Recidivism*. Carlo Albeerto Notebook, n. 580;
- NACRO (2014). *Prisoner Participation in Open and Training Prisons. A Toolkit for Prison Staff*. Nacro;
- Scharf, P. (1975). *Democracy and prison reform: A theory of democratic participation in prison*. *The Prison Journal*, 55, 21–33;
- Schmidt, B. (2020). *Democratising Democracy: Reimagining Prisoners as Active Citizens Through Participatory Governance* (Doctoral thesis);
- Sintomer, Y., & Allegretti, G. (2009). *I bilanci partecipativi in Europa*. Ediesse;
- Sintomer, Y., Herzberg, C., Röcke, A., & Allegretti, G. (2012). *Transnational Models of Citizen Participation: The Case of Participatory Budgeting*. *Journal of Public Deliberation*, 8 (2), Art. 9;
- Stortone, S., & Allegretti, G. (2018). *Participatory Budgeting in Italy. Towards a Renaissance?*. In Dias, N. (org.), *Hope for Democracy. 30 Years of Participatory Budgeting Worldwide*. Oficina/Epopeia, 289-309;
- Taylor, C. (2014). *Brain Cells. Listening to Prisoner Learners*. Prisoners’ Education Trust;