

Issue I: Use of the Internet for drug-related activities

Recommendation 1

Governments should be encouraged to ensure that their law enforcement agencies are well informed, professionally trained and suitably resourced so as to be effective in the investigation of cyber-related offences and the related use of the Internet for illicit trafficking.

Any action taken YES NO

Comments:

It is well known that the drug trafficking carried out through the web (Open and Deep) is constantly growing. It would be then appropriate to enhance the agencies dealing with such phenomenon, in order to guarantee more effective counteracting actions.

Recommendation 2

Governments must work together to overcome the obstacles encountered in undertaking the investigation of cyber-related trafficking offences across multiple jurisdictions and introduce the changes needed in legislation, practices and procedure to expedite information-sharing, enquiries with Internet service providers and the transfer of evidence.

Any action taken YES NO

Comments:

The international judicial and police cooperation is essential for combating the cyber-related trafficking offences.

Recommendation 3

Governments should encourage their law enforcement agencies to develop the specialist skills that will support the investigation of cyber-related offences and lead to successful criminal prosecutions.

Any action taken YES NO

Comments:

Seminars and workshops aimed at training and updating the operational personnel as to the new investigative techniques used on the web should be increased, in order to make the fight against this phenomenon more effective. In 2017 and 2018 the Italian Central Directorate for Antidrug Services (DCSA), organized in Italy and abroad 5 training courses and workshops on “online” drug trafficking in favor of 120 Italian and foreign law enforcement officers.

Issue II: Alternatives to imprisonment for certain offences as demand reduction strategies that promote public health and public safety

Recommendation 1

Governments are encouraged to make full use of alternatives to imprisonment for people with drug use disorders in contact with the criminal justice system, particularly at the time of their arrest and at the pretrial stage.

Any action taken YES NO

Comments:

The Italian law already envisages alternative measures to prison for drug addicts.

Recommendation 2

Governments are encouraged to promote and implement institutional mechanisms, including through induction and training programmes, that enable the police to screen, assess and refer appropriate cases to treatment facilities, taking into account their dual role as the first responders and the first criminal justice actors encountered by people with drug use disorders when they come into contact with the criminal justice system.

Any action taken YES NO

Comments:

Through the training initiatives the Police officers are offered an in depth description of the domestic legislation in force in this field, including the measures addressed to those who import, export, purchase, receive or anyhow detain narcotic drugs for personal use (see art 75 of Presidential Decree 309/90).

Recommendation 3

Governments are encouraged to adopt or amend legislation, policies, and guidelines that allow flexibility when handing down sentences for drug-related offences that take into account the nature and gravity of the offence as well as the personality and background of the offender.

Any action taken YES NO

Comments:

Recommendation 4

Governments are encouraged to employ a multidisciplinary approach in providing treatment and rehabilitation as an alternative to conviction or punishment and to promote and develop the capacity for institutional coordination between justice, health, and social services authorities.

Any action taken YES NO

Comments:

A multi-disciplinary approach is already envisaged by the Italian law and the Government encourages coordination among the parties involved through the National Observatory on Drug Addiction.

Recommendation 5

Governments are encouraged to implement measures to increase public awareness of the benefits of using alternatives to imprisonment.

Any action taken YES NO

Comments:

Such measures are already envisaged by the Italian law.

Recommendation 6

Governments are encouraged to collect and analyse gender- and age-disaggregated data on the use of alternatives to imprisonment and, if applicable, to undertake periodic evaluation of existing initiatives to provide treatment as an alternative to conviction or punishment for people with drug use disorders.

Any action taken YES NO

Comments:

Data collection is already envisaged in the Annual Report to the Parliament.

Issue III: Mainstreaming gender perspectives in drug-related policies and programmes

Recommendation 1

Governments are encouraged to collect and analyse gender-disaggregated data to obtain more information about the situation and circumstances of women drug users and the various roles women assume in drug-related crime and in organized crime groups with a view to developing and implementing effective and comprehensive policies and programmes.

Any action taken YES NO

Comments:

Every year, in collaboration with the Pompidou group of the Council of Europe, the Department for anti-drug policies organizes initiatives aimed at obtaining more information on situations and circumstances concerning women drug addicts.

Recommendation 2

Governments are encouraged to ensure non-discriminatory access to health-care services for women, including in prison, and to develop gender-sensitive prevention, primary care, treatment and reintegration policies and programmes, particularly for pregnant women and women with caretaking responsibilities.

Any action taken YES NO

Comments:

Recommendation 3

Governments are encouraged to ensure close cooperation and collaboration among all relevant national authorities in developing and implementing gender-sensitive drug policies and programmes that take into account the specific needs and circumstances faced by women and girls with regard to the world drug problem.

Any action taken YES NO

Comments:

The Anti-drug policy department develops activities aimed at gender protection for an increased awareness on the issue.

Issue IV: Money-laundering, illicit financial flows and effective countermeasures

Recommendation 1

In support of the investigation of money-laundering offences and the recovery of the proceeds of crime, Governments are encouraged to enable access by their law enforcement authorities to the information held by their financial intelligence units.

Any action taken YES NO

Comments:

We would like to underline that, based on the “ Consolidated Act on narcotic drugs and psychotropic substances, prevention, treatment and rehabilitation of drug addictions” under Presidential Decree no. 309 of October 9, 1990, the Guardia di Finanza, like the other Italian Police Forces, acts as criminal and administrative police in the fight against drug trafficking. With regard to the prevention of and fight against money-laundering, the G. di F. acts as criminal and administrative police, based on Legislative Decree no. 231/2007, as lately modified by Legislative Decree 90/2017, transposing the IV Directive AML/CFT 849/2015/UE. In this regard, the Guardia di Finanza receives reporting of suspicious transactions on money- laundering and terrorism financing from the Financial Intelligence Unit of the Banca d’Italia, in order to prevent e fight against such illicit activities.

Recommendation 2

Governments are encouraged to ensure that evidence gathered through investigations of money-laundering offences by their financial intelligence units has legal standing in their courts if used in prosecutions brought by other law enforcement agencies.

Any action taken YES NO

Comments:

Based on the Italian Law, the Financial Intelligence Unit is an administrative body and works within the Banca d’Italia. The G. di F. is the police force entrusted by the legislator with the fight against money-laundering. It receives the reports on suspicious operations as Economic-Financial Police, according to the legislative Decree 68/2001 and takes part in the Financial Security Committee at the Treasury Department of the Ministry of Economics and Finance. In order to combat money-laundering, the Guardia di Finanza carries out money-laundering inspections/controls on the administrative side, and in-depth checks on the reports for suspicious operations sent by FIU. Under the criminal point of view, the activities against money-laundering are carried out by the G. di F. through all investigative powers provided for by the Code of Criminal Procedure. Evidence gathered during money-laundering administrative investigations by the G. di F.(acquired during money-laundering inspections, controls and investigations following reports on suspicious operations) can be used in criminal proceedings. Judicial Authority is always informed by the Guardia di Finanza when reports on suspicious operations involve entities that are already under investigation. In such cases, the Judicial Authority can order by decree to include such suspicious operation report in its own criminal proceeding.

Recommendation 3

Governments are encouraged to make use of the tools available for training and building the capacity of their law enforcement authorities, financial investigators and prosecutors available through the Global Programme against Money-Laundering of the United Nations Office on Drugs and Crime (UNODC) and other training institutions.

Any action taken YES NO

Comments:

The Guardia di Finanza personnel is trained in 5-year courses (officers), 3-year courses (non-commissioned officers) and one-year courses (agents). All G. di F. members receive adequate technical-professional skills to carry out their tasks of economic and financial police. Furthermore, numerous follow-up training courses are organized at the Economic and Financial Police Academy in Ostia. Such courses regard all its institutional tasks, including the fight against money-laundering and drug trafficking. Moreover, the Economic and Financial Police Academy organizes many courses destined for police officers and agents from all over the world as International Academy for Tax Crime Investigation within the Organization for Economic Cooperation and Development OECD.

Recommendation 4

Governments are encouraged to share with UNODC the results of their national money-laundering risk assessments to facilitate a coordinated global response and to strengthen the capacity of competent authorities and financial institutions to thwart attempts at money-laundering.

Any action taken YES NO

Comments:

According to legislative Decree 231/07, the Financial Security Committee (the Guardia di Finanza is a member of this Committee), draws up N.R.A. – National Risk Assessment –, which is then shared with the European Commission and F.A.T.F. -Financial Action Task Force- through the Department of Treasury of the Ministry of Economics and Finance.