STATEMENT OF THE GOVERNMENT OF
THE REPUBLIC OF ITALY¹
TO THE EXPERT GROUP MEETING
ON STANDARD MINIMUM RULES FOR THE TREATMENT
OF PRISONERS²

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CONTRIBUTION
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In compliance with the principles governing the whole legislation system – starting from Article 27 of the Italian Constitution – the Italian Penitentiary Administration has always ensured the protection of human beings' dignity and fundamental rights and it therefore approves and supports the Recommendation on the Standard Minimum Rules for the treatment of prisoners.

In particular, the following is to be highlighted:

• The organization of the healthcare assistance in the prisons was some time ago transferred under the umbrella of the National Healthcare Service, and the basic criterion to ensure diagnosis and care is the principle of equality. Indeed, article 1 of the Legislative decree 230/1999 provides that prisoners and internees have the right, as every other free citizen, to the services of prevention, diagnosis and care and rehabilitation which have to comply with the basic levels of assistance, with similar levels of services provision.

• As for the availability of structures adequate to the imprisonment of persons with disabilities, there is currently one programme ongoing for the building of adequate spaces; the Italian penitentiary Administration is still committed in identifying further opportune spaces, as well as to find devices for overcoming architectural features denying access to persons with disabilities in those prisons where such needs arise.

• The Italian penitentiary Administration is fully aware of the difficulties coming from the general conditions of overcrowding existing in all Italian prisons and constantly follows that situation; it intervenes, also through the Regional Directorates, on the most difficult situations by adopting opportune deflationary measures. Organizational measures aiming at extenuating the immediately more negative consequences of the excessive concentration of prisoners have been adopted. This is carried out by identifying the differentiated paths implementing various more rewarding intramural regimes and open regimes for prisoners complying with regular conduct and re-educational issues.

• Further beneficial effects are expected from the completion of the prison building plan (best known as “prison plan”), bringing new detention places. Positive effects could surely derive from the application of law provisions (n. 199/2012 and n. 9/2012) issued to enable the execution at one's own residence of sentences not exceeding one year (then raised to 18 months), and by measures adopted by avoiding the so-called phenomenon of “sliding doors” through the obligation of not bringing in prison the persons submitted to summary trial.

• In compliance with the choices of European prison policy, Italian penitentiary Administration has paid for some years a particular attention to female detention, by recognizing the necessity to take into account gender differences. In 2008, once
concluded the project on “Female Detention” a sort of prison and female wings Regulation as specific legislative instrument was drafted. Significant projects have been carried out for the protection of mothers in prison with children, by providing indications for the establishment in female wings of nurseries equipped for the reception of mothers with children up to three years, in order to reduce at the least the troubles caused to children even if temporarily, by the life in a close institution. According to conventions with local bodies social-health and educational services for infants are offered in female prison structures, availing themselves of the cooperation given by voluntary associations and the external community. An important innovation concerning female detention has been introduced by Law 21 April 2011 n. 62, providing, starting from 1 January 2014, the stay of mothers with children up to 6 years in pre-trial detention in low security prisons, implementing Law 62/2011, in Triveneto, Piemonte, Toscana and Lazio. The building of family houses protected, structures not belonging to Prison Administration, provided for by Law 62/2011 to welcome pregnant women and mothers under house arrest of home detention, will be able to favour the assignment to alternative measures to women having law requirements, but without regular domicile and residence, minimizing the existing limitations against foreign women, Rom and those belonging to nomad communities.

• To the purpose of ensuring a dignified detention to transsexual prisoners (77 according to the last survey going back to October 2011), the competent Directorate General for prisoners and treatment of the penitentiary Administration Department has several times encouraged Prison Directorates to adopt solutions aiming at avoiding situations of promiscuity, by hosting persons within female wings, or separate wings, and at providing organizational measures such as to limit the occasions of danger for personal safety. A specific project has been carried out during 2009 to such category of prisoners, entitled “Drafting of a model of treatment for transsexual persons”.