



## **Response**

### **of the Italian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Italy**

**from 8 to 21 April 2016**

The Italian Government has requested the publication of this response. The CPT's report on the April 2016 visit to Italy is set out in document CPT/Inf (2017) 23.

Strasbourg, 8 September 2017

ITALY



MINISTERO DEGLI AFFARI ESTERI E DELLA COOPERAZIONE INTERNAZIONALE  
Comitato Interministeriale per i Diritti Umani

**Reply of Italy,  
Following Periodic Visit's Report,  
By the European Committee for the Prevention of Torture  
(CPT) - Council of Europe**

**(8-21 April 2016)**

*June 5, 2017*

*Following periodic mission to Italy, the Government of Italy is in a position to provide the following information.*

## **E. Crime of Torture**

1. Since July 14, 2016, Bill No. 10-362-388-395-849-874 B has been before the Senate. It envisages the introduction of crime of torture under Art.613-bis of the penal code.
2. The draft legislation before the Senate envisages it as a common crime, with the aim of punishing also those who are others than public officials. Therefore, the relevant provision has a broader scope - not to be considered negatively. Should the conduct be made by a public official, this draft legislation envisages an aggravating. The aggravating with special effect under Art.613-bis of the penal code envisages a detention penalty, ranging between 5 and 15 years. Moreover, should this crime be committed by a public official under the above Bill pending before the Senate, the statute of limitation is 15 years long: a time lapse is to be considered adequate to cover all judicial instances.
3. The relevant parliamentary debate is ongoing and has been reactivated over the last days. Two amendments have been submitted to the Text under reference before the Senate, to be eventually followed by sub-amendments in the ensuing parliamentary debate.
4. Within the Italian legal system, all criminal conducts are supplemented by statute of limitation save those crimes for which a life detention penalty is envisaged. With regard to the crime of torture, should the author of this crime cause the death of the victim intentionally, statute of limitation does not apply.

*Supplementary information (supplied on 4 September 2017):*

In July 2017, Italy introduced by Act No. 110/2017 (as published in the Official Bulletin, dated July 18, 2017), the crime of torture, under Art.613bis of its ordinary penal code and the crime of instigation of a public official to commit torture, under Art. 613ter. Moreover, with regard to the prohibition of *refoulement* (as a corollary to the prohibition of torture), the Act under reference has added, under Art.19 of the Unified Text on Immigration and Provisions on the Status of the Foreigner (Legislative Decree No. 286/1998), para.1.1:

*“No persons shall be returned or expelled or extradited to a State if there are reasonable grounds to deem that s/he is likely to be subjected to torture. The assessment of those grounds also takes into account the existence, in that State, of systematic and serious violations of human rights”.*

## **F. National Preventive Mechanism**

5. The "National Guarantor for the Rights of Persons Detained or Deprived of their Liberty (hereinafter NG)" was established by Law Decree No. 146/2013, with amendment, as converted into Law No. 10/2014, entitled "Urgent action for the protection of fundamental rights of prisoners and on monitored decrease in prison population"). Therefore, a Law adopted by the Parliament created the Institution, not a ministerial decree as reported in the paragraph. The further Justice Minister's Decree (No. 36/2015) provided for a "Set of regulations on the composition and organization of the Office of the National Guarantor for the Rights of Persons Detained or Deprived of their Liberty". Article 2 b states that the NG shall adopt a "Self-regulatory Code", in order to regulate its operational aspects, giving guiding procedural and behavioral principles to staff members and all those who, for whatever reason, collaborate with the NG.

6. These principles, set up in the adopted Code are fully in line with those enshrined under Part IV, Articles 17-23 of the UN OPCAT, ratified by Italy in May 2013. Therefore, the compliance with the OPCAT principles and rules is in the definition itself of the adopted regulatory acts. The GN adopted the "Self-regulatory Code" on May 31, 2016.

7. Law establishes the NG as a board of three personalities appointed by the President of the Republic, following the approval of the Parliament (both Chambers). A first Presidential Decree (February 1<sup>st</sup> 2016) appointed the Chairman and one of the two Members of the Board; a second Presidential Decree (March 3<sup>rd</sup> 2016) appointed the other member of the Board. The Office of NG has been operational since 25 March 2016.

8. NG is thus a collegial body, made of a President and two members, the mandate of whom last five years, not to be renewed. They are not from public administrations and ensure the utmost independence and expertise in the field of human rights protection. They are appointed upon deliberation by the Council of Ministers, by Decree of the President of the Republic (acronym in Italian, DPR), after having heard the competent parliamentary commissions. The following NG members have been appointed by DPR dated 1<sup>st</sup> February 2016 and 3<sup>rd</sup> March 2016, respectively: Prof. Mauro Palma; Avv. Emilia Rossi; and Ms. Daniela de Robert. They cannot cover either institutional or public offices, nor posts in political parties. They are promptly replaced in case of: resignation, death, incompatibility, ascertained physical or psychological impediment, serious violations of duties relating to their office; or should they get a definitive conviction for a crime intentionally committed.

9. The NG Office is located in Rome, in a venue, which has been provided by the Ministry of Justice, at Via di San Francesco di Sales n.34.

10. 25 Ministry of Justice staff members have been assigned to the Office of the NG, in accordance with human resources indicated by the NG itself, upon agreement with the Minister of Justice and after having heard trade unions.

11. Should service-related needs require it, the Guarantor (G) can use additional human resources, by assignment agreements also with other State administrations, as involved in the execution of institutional duties. The staff is selected by the G, who takes into account the skills and previous relevant experience. He manages and evaluates the work of the staff assigned to his Office. On its turn, this personnel works exclusively under the responsibility of the Guarantor

12. The Office includes the following units that can be changed/adapted in accordance with the operational needs: General Secretariat and Archive. Coordination with relevant administrations. Coordination of the Annual Reporting.

1. Budget, missions. Liaison with relevant administration with regard to reporting.
2. IT. Coordination and management of IT website. Media relations.
3. Monitoring and visits to facilities of Penitentiary Administration, Juvenile Justice and centres pursuant to let. c) of Art. 3 of the Code, as well as to health-care facilities and those for psychiatric security measures. Analysis of acts, requests for documentation, contacts with oversight magistrates and other judicial Authorities. Complaints in accordance with Art. 35 of Law No. 354/75.
4. Monitoring and visits to security rooms of law enforcement and of people under TSO.
5. Relations with territorial guarantors, regional and local Authorities, relevant international mechanisms (SPT in accordance with Art. 2 of UN OPCAT) as NPM, as well as with other international mechanisms that work within the system of protection of persons deprived of their liberty.
6. Verification of compliance with obligations under the Unified Text on Immigration (Legislative Decree No. 286/1998 et ff.), with monitoring and visits to relevant facilities in accordance with Art. 8, para.6. of EU Directive 2008/115.

13. The NG operates in compliance with the competences provided for by law and subsequent rules of procedure. The Board, together with the Office, regularly examines the conditions of persons deprived of their liberty, accommodated, even temporarily, in the places described by Art. 4 of the UN Protocol to the Convention Against Torture (OPCAT).

14. The staff has been recruited independently by the Board, through a call open to all the employees of the Ministry of Justice (about 80 thousands), only on the basis of professional competences developed in different areas (legal and educational, social services, administrative, IT and security). This Team operates exclusively for the NG and cannot be used for other commitments without his consent (Art. 4, para.2, of the Decree of the Minister of Justice dated March 11, 2015, No. 36) nor be returned to the previous activity. This is an element supporting the functional independence of the staff.

15. Obviously, in this second year of activities, it will be necessary strengthening the staffing, according to the extent of the mandate entrusted to the NG, in order to guarantee a multi-disciplinary approach to the complexity of the deprivation of liberty.

16. That said, it is important to underline that over the first year of activity, the NG carried out visits, monitoring activity and study in all the different areas of its interest. The activity is summarized in the first Report to the Parliament<sup>1</sup>.

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<sup>1</sup> <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/bc9d71fe50adf78f32b68253d189laae.pdf>

17. List of visits and monitoring conducted by the Italian National Preventive Mechanism (as of May 2, 2017)

a) Reception and detention facilities for migrants and monitoring of repatriations-related operations:

1. 7 March 2016: visit at the Hotspot in Milo-Trapani (1)<sup>2</sup>
2. 14 April 2016: monitoring of disembarkation and pre-identification at Reggio Calabria harbour (2)
3. 19 May 2016: monitoring a Ministry of Interior charter flight repatriating Tunisian citizens on the route Rome — Lampedusa Island – Palermo – Hammamet (5)
4. 26 May 2016: monitoring repatriation procedures concerning a Peruvian citizen expelled by the Prefect in Milan, in accordance with Art. 13, para.2, lett. a-b, Legislative Decree No. 286/98, at Fiumicino airport (Rome) (6)
5. 26 May 2016: visit to the temporary security rooms of the State Police for those irregular foreign citizens either put under arrest or to be extradited, at Fiumicino airport (Rome) (7)
6. 20-21 June 2016: visit to CIE (Identification and Expulsion Centres) in Brindisi and at the Hotspot in Taranto (9)
7. 14 July 2016: monitoring a Frontex flight for the repatriation of Nigerian citizens to their country of origin on the route Rome (CIE in Ponte Galeria) — Lagos (11)
8. 21 July 2016: monitoring a Ministry of Interior charter flight, in collaboration with Frontex, for the repatriation of Tunisian citizens on the route Rome – Palermo – Hammamet (14)
9. 3 October 2016: visit at the Hotspot in Lampedusa Island (15)
10. 20 October 2016: visit at the migrant reception centre “Parco Roja” managed by the Red Cross (16)
11. 3 November 2016: monitoring a Frontex flight for the repatriation of Nigerian citizens to their country of origin on the route Rome (CIE in Ponte Galeria) — Lagos (18)
12. 13-19 January 2017: thematic visit to the reception and detention facilities for migrants, specifically to a regional Hub (Villa Sikanìa) in Siculiana (AG), at the Hotspots in Lampedusa Island, Trapani and Pozzallo, to CIE in Caltanissetta and Torino; monitoring of disembarkation at Lampedusa Island harbour (25)
13. 26 January 2017: monitoring a Frontex flight for the repatriation of Nigerian citizens to their country of origin on the route Rome — Palermo — Rome — Lagos (28)
14. 23 February 2017: monitoring a Frontex flight for the repatriation of Nigerian citizens to their country of origin on the route Rome (CIE in Ponte Galeria) — Palermo — Rome — Lagos (32)

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<sup>2</sup> In brackets the progressive number of visited places.

15. 13 April 2017: monitoring a Ministry of Interior charter flight repatriating Tunisian citizens on the route Rome — Palermo – Hammamet (34)
  16. 25 April 2017: visit to CPR (Centre For Repatriation, former CIE) in Rome Ponte Galeria (35)
  17. 26 April 2017: visit at the Hotspot in Milo-Trapani (36)
- b) Visits and monitoring places of deprivation of liberty in the criminal justice system, namely penitentiary facilities (pre-trial detention facilities and prisons) and Police stations security rooms:
18. 2 April 2016: visit to the prison in Oristano-Massama, “Salvatore Soro” (1)
  19. 4 April 2016: meeting with prisoners at high security wing No. 1 of the prison in Padua (2)
  20. 5 April 2016: visit to the prison in Venice – Santa Maria Maggiore (3)
  21. 10-15 April 2016: visit to the facilities in Calabria region; the NPM visited three prisons (Catanzaro-Siano, Reggio Calabria-Arghillà, Reggio Calabria-Panzerà) as well as the security rooms at Police station in Catanzaro Lido and the Juvenile Detention Facility in Catanzaro (8)
  22. 2 May 2016: visit to the to-be-established foster home for female detainees with children up to the age of six (in Rome) (9)
  23. 6 May 2016: visit to the prison in Trento (10)
  24. 7 May 2016: visit to the prison in Gorizia, notably the wing to be intended for LGBTI detainees (11)
  25. 17 May 2016: visit to the psychiatric wing of the prison in Lecce (12)
  26. 23 May 2016: visit to the prison in Bollate (Milan), for an individual interview with a specific detainee (13)
  27. 26 May 2016: visit to the prison in Paliano (14)
  28. 9-10 June 2016: visit to the 41 bis wing of the prison in Viterbo (15)
  29. 28 June - 5 July 2016: visit to the facilities of the following Regions: Veneto, Trentino Alto Adige, Friuli Venezia Giulia. The detention facilities visited were in the following places: Belluno, Bolzano, Gorizia — follow up visit — Tolmezzo, Trento, Vicenza. The NPM also visited the security rooms at the State Police HQs. in Vicenza, the provincial Command of the Carabinieri Corps in Vicenza and the station of the same Corps in Dueville (VI). Moreover, it has been visited the Juvenile Detention Facility and the Reception Centre for minors in Treviso as well as the foster home for juvenile offenders “Giuseppe Olivotti” at Riese Pio X (TV) (26)
  30. 7 July 2016: visit to the prison in Viterbo with the local Prefect (27)

31. 28 July 2016: visit to the “Regina Coeli” prison in Rome (28)
32. 1 August 2016: visit to the psychiatric wing of the prison in Civitavecchia (RM) with the ASL (local health authority) Director General (29)
33. 11 August 2016: visit to the prison in Arezzo with the local Prefect (30)
34. 13 September 2016: visit to the prison in Cuneo, at the “Cerialdo” unit namely an high security wing (AS 3) (31)
35. 20 September 2016: visit to the prison in Verbania (32)
36. 16 October 2016: visit to the prison in Voghera to take information about a specific case and analyse the relevant file (33)
37. 17-21 October 2016: visit to the facilities in Liguria region; the NPM visited three prisons (Genova “Marassi”, Genova “Pontedecimo” and Sanremo “Nuovo Complesso” di Sanremo). The NPM also visited in Genova the security rooms at the Maddalena Carabinieri Station, the provincial Command of the Carabinieri Corps (Forte S. Giuliano), the Court of Genova (Penitentiary police) and at the Police station in Ventimiglia (IM) (40)
38. 25 October 2016: visit to the “Sestante” unit namely the psychiatric observation section at the prison “Lorusso e Cutugno” in Torino, to have a private interview with a specific inmate (41)
39. 29 October 2016: visit to the ward for persons with disabilities at the prison in Parma (42)
40. 9 November 2016: visit to visit to the prison in Latina at the high security wing (AS2) (43)
41. 22 November 2016: visit to the Juvenile Detention Facility in Bologna (44)
42. 22 November 2016: visit to the prison in Ivrea (45)
43. 28 November 2016: follow up visit to prison in Venezia (46)
44. 29 November-6 December 2016: visit to the facilities in Campania region; the NPM visited the prisons in Avellino, Benevento, Santa Maria Capua Vetere; the military prison in Santa Maria Capua Vetere; the security rooms at the provincial Command of the Carabinieri Corps in Avellino and at the Police HQs. in Avellino (52)
45. 5 December 2016: visit to the prison in Salerno (53)
46. 22 December 2016: visit to the prison in Roma “Rebibbia-Nuovo complesso” (54)
47. 16 January 2016: visit to the prison in Caltanissetta (55)
48. 17 January 2016: visit to the prison in Ragusa (56)



49. 15-19 January 2017: visit to the security rooms at the Police HQs. in Trapani as well as in Caltanissetta, at the station of the Carabinieri Corps in Pozzallo (RG), at the Police station “San Paolo” in Torino (60)<sup>2</sup>
50. 9 February 2017: visit to the therapeutic community (Residential home for drug addicts) “Sorella Luna” in Rome (61)
51. 23-31 March 2017: visit to the facilities in Campania region; in particular, the NPM visited the prisons in Napoli (“Poggioreale” and “Secondigliano”), Salerno and Pozzuoli (women’s prison); the hospital prison ward of the polyclinic “Antonio Cardarelli” in Napoli, the hospital “Domenico Cotugno” in Napoli and the university polyclinic “San Giovanni di Dio-Ruggi d’Aragona” in Salerno; the Juvenile Detention Facility in Nisida (Na) and Airola (Bn) as well as the Reception Centre for minors in Napoli and Salerno; the REMS (Residences for the enforcement of security measures) in Calvi Risorta (Ce) and San Nicola Baronia (Av); the therapeutic community (Residential home for drug addicts) “La Pagliuzza” in Salerno; the security rooms at the Police HQs. in Napoli and Salerno, at the City Police station in Napoli as well as the security rooms for minors at the Court of Napoli (79)
52. 23 April 2017: visit to the NeuroPsychiatric Observation Centre (CONP) at the medical unit of the prison in Milano-San Vittore (80)
53. 24 April 2017: visit to the 41 bis wing of the prison in Milano-Opera and individual interview with a specific detainee (81)<sup>2</sup>

## A. Law Enforcement Agencies

### Ill-treatment

18. With regard to Carabinieri Corps, as for cases reported under para.10, no penal proceedings have been initiated upon complaints of persons detained at Chivasso and Albenga Carabinieri Barracks.

19. With regard to the penal proceedings for alleged ill-treatment of prisoners (para.31 et ff. of the Committee's report):

- As for the reports by two prisoners relevant to alleged beatings occurred in Ivrea prison, the activity of investigating police is still ongoing;
- As for the penal procedure against one "vice-sovrintendente" of the Penitentiary Police, who was accused in January 2012 of having repeatedly struck one inmate at the Ivrea prison, the relevant hearings took place on 8 March 2017. The relevant outcomes are still to be issued, in order to restart the relevant disciplinary procedure, which was suspended in terms of article 9 of the Legislative Decree n. 449/92.
- At the Genoa Court, the penal procedure is still pending against one agent of the Penitentiary Police, who was committed for trial for ill-treatment against one prisoner, occurred in April 2015, at the Genoa Marassi prison. The preliminary hearings have been summoned on 2 May 2017. For those deeds, the Penitentiary Police officer underwent a precautionary suspension from duty, by a provision dated 9 June 2016.

20. The Italian legal system and the Supreme Court case-law indicate that the crime of intentional bodily harm (*lesioni personali volontarie*) as aggravated by the role of public official and the cause-effect nexus undergoes an ex officio proceeding rather than upon complaint. In this regard, mention has to be made of the case-law reported under footnote No. 12, at page 15 of the CPT report. As for developments concerning pending proceedings the Penitentiary Administration Department has already provided the available information.

21. As for failure to deliver "*Foglio dei diritti delle persone arrestate/fermate*", Carabinieri Corps stresses as follows: By Circular dated February 14, 2007, indications have been issued for the correct use and update of "*Registro delle persone ristrette nelle camere di sicurezza*" and "*Foglio dei diritti*". They have been also recalled by subsequent Circulars, dated November 17, 2008 and October 11, 2016, respectively.

22. In general, special guidelines drawn up by the Central Directorate of General Affairs of the State Police, have been recently disseminated following the establishment of the NG. In particular, the Circular dated November 23, 2016, included the provision that had been already issued on the occasion of the previous CPT visit, with regard to the correct use of the "Document on the rights of the arrested or detained persons" (as drawn up in different languages and reported at the end of the present Reply) and of the "Register of persons detained in security rooms (Ibidem). This Circular recommended the strict compliance with the legislation in force concerning temporary detention of people in security rooms and in any facility inside State Police offices, regardless the reasons why they have been detained. On March 20, 2017, the Central Directorate of the State Police Department (Ministry of Interior) disseminated the document drawn up by the National Guarantor, to all the local and central Police State offices: this document describes the NG's powers and tasks in its capacity as "NPM", and recommends again the strict compliance with the relevant requirements.

### **Safeguards against ill-treatment**

23. Art.104, paras.3 and 4 of the code of criminal procedure envisages the postponement of lawyer's meeting with person undergoing detention precautionary measure. The rationale is to protect the investigations from any contamination and declarations to be made before the preliminary investigation judge (in Italian, GIP) by those persons who are under investigations. In the following trial stages, the postponement measure can be verified by the judicial authorities (i.e. Re-examination Tribunal). Should the postponement measure be applied without a valid motivation, Restitutio in integrum measures for the person under arrest can be granted. Conversely, it is not always possible to adopt measures, as the ones suggested by the Committee (pages 16,17) , since from a legal standpoint it is not possible to replace the lawyer of one's choice with a Court-appointed lawyer, nor it could be introduced a provision in this respect, since this kind of provision could be contrary of Italian Constitution (Article 24) besides the contrary opinion of Bar associations.

24. Carabinieri Corps stresses that the medical personnel provides services every time the person apprehended or arrested needs it or so requests.

### **Conditions of detention**

25. Ascoli Piceno Questura has reported that security rooms have been made in compliance with criteria set out by Department Circular, dated 2001. The ventilation system, defined as inadequate, has resulted to be pursuant to law.

26. At Genoa Questura, no irregularities have emerged with regard to the management of the persons detained nor penal proceedings have been initiated upon complaint by persons detained at Questura. A video-surveillance system in the rooms where people are detained and in all security rooms is always active and regularly viewed.

27. Turin Questura has reported that at San Paolo Police station, the ventilation system has been built, in accordance with relevant legislation and is regularly maintained. They have changed mattresses and purchased new other material have been replaced with new ones (hygienic kits, bed kits, and blankets).

28. At Questura di Firenze, the rooms concerned are not in use since they have to be totally renovated.

29. As for security rooms with insufficient natural light, Carabinieri Corps stresses that the design of relevant infrastructures expressly reports and considers the indications provided for by the Committee with regard to security rooms. Moreover, relevant Carabinieri branches are engaged for any infrastructural changes indicated by the NG when visiting Carabinieri Barracks.

## **B. Prison establishments**

### **Preliminary remarks on the fight against overcrowding**

30. As of 26<sup>th</sup> March 2017, the number of prisoners present is 56,181.

31. That said, the Administration is continuing its improvement of the Detention Spaces Software (acronym in Italian, ASD), which allows, among other functions, the correct management of the prisons, highlighting the unused detention spaces and/or places, monitoring the refurbished wings and/or the pavilions of the newly built prisons. Through said software, the possibilities have been increased to manage the prisons and to make adequate interventions on situations of local and national overcrowding.

32. Another complex activity carried out to affect overcrowding in prisons-related structures is relevant to the increase in the interventions, aimed at enabling foreign prisoners to serve their sentences in their countries of origin.

33. Moreover, in light of the slow but constant increase in the prison population, since April 2017 the prison Governors have been invited to activate specific procedures of individual observation of the subjects with short sentences to serve, in order to make proposals - under the agreement of the Supervisory Judiciary - even ex-officio, in terms of article 76 of the Regulations of Enforcement of the Penitentiary Act, for the granting of measures alternative to detention and namely of the assignment of the offender to the probation service for all the deserving inmates with short sentences to serve.

34. Those initiatives are constantly monitored: the last monitoring showed a constant increase in the granting of those measures. Indeed, while on 1<sup>st</sup> January 2017 the total number of inmates released due to an alternative measure was 5343, of whom 603 upon the governors' proposal, as of 1st March 2017 the total number of inmates released due to an alternative measure was 6345, of whom 716 upon prison governors' proposal.

### **Conditions of detention**

35. Still concerning the improvement of detention conditions, the Administration is committed, throughout the Country, in increasing the number of detention places, regularly boosting the building works foreseen within the Prisons Plan (for a total number of 1498 new places in the current year), the works of refurbishment and of modernization of those prisons included in the Prisons Plan as well as to the interventions funded by the ordinary budget: items 7300 (investments) and 7301 (extraordinary maintenance) and with the Fines Fund, for the recovery, in the current year, of a total number of additional 1,800 detention places. We reiterate the willingness to facilitate, when feasible, the use of measures alternative to detention for all those prison inmates that deserve it.

36. Comoremand prison

- By a project financed by the Fines Fund the sports fields used by prisoners have been rebuilt.
- In the current month of March the project of the Fines Fund for the rebuilding and adjustment of the surgeries of the section infirmary and of those present in detention sections has started.
- Two projects have been presented to the Fines Fund, still to be approved, concerning the adjustment of ex mother-and-child units and of female wing cells at the ground floor as well as the adjustment of the kitchen and prison shop premises.
- The cell damaged by a fire in Wing I has been arranged
- Interventions of ordinary maintenance on showers in common in order to guarantee hygienic conditions are carried out.
- The disciplinary procedure against the prison governor is pending before the Disciplinary Board<sup>3</sup>. By a letter dated 29th March of this year, the competent Directorate General was urged to bring the procedure to an end without delay (See Letter below).

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<sup>3</sup> With regard to ill-treatment, please also refer to information under para.19 above.



**COPIA**

*Ministero della Giustizia*

**DIPARTIMENTO DELL'AMMINISTRAZIONE PENITENZIARIA  
UFFICIO DEL CAPO DEL DIPARTIMENTO**

Prot. 51981/6-47

Rotta 29 MAR 2017

Al Signor Direttore Generale  
del personale e delle risorse

SEDE

**OGGETTO:** Osservazioni del Comitato per la prevenzione della tortura del Consiglio d'Europa. Casa Circondariale di Como

Nel fornire risposte aggiornate al CPT in merito alle osservazioni formulate a seguito della visita presso l'Istituto di Como, si è preso atto che *"il procedimento disciplinare nei confronti della Direttrice è pendente avanti la Commissione di disciplina"*.

Tanto premesso, si prega voler sollecitare la definizione di tale procedimento facendo conoscere allo scrivente gli esiti dello stesso.

Si ringrazia sin da ora per la consueta collaborazione.

IL CAPO DEL DIPARTIMENTO

Santi Consolo

*Santi Consolo*

37. Ivrea remand prison

- Following the provision of 360 pillows and as many mattresses since 13 March 2016 the complete replacement of all mattresses and pillows of detention rooms, irrespective of hygiene and usury is ongoing.
- The Direction of said prison has ensured to cope with hot water supply through the recovery of the autoclave system in order to increase pressure at upper floors.
- If that intervention is not decisive, the use of hot water shall be rationalized through regulations of access to showers.
- With reference, then, to places of rest in courtyards, with renovation works of fields, provided for this month, the Direction will proceed simultaneously, to make masonry benches in the courtyards which don't have them.

38. Genoa Marassi remand prison

- As for renovating works of the cells of Section VI and of upper floors of Sections I and II, we point out that some detention rooms have already been painted and hygienized.
- The showers facilities of the cells of Section I are being completely renovated as for the extension of showers base and sanitization of walls.
- The technical Office of the Regional Directorate is studying the project of replacement of opaque shutters overlooking the football stadium with adequate devices allowing better air circulation.
- The Direction has replaced 30% of mattresses of prison population, and has requested the credit of funds for the purchase of the remaining mattresses.
- The works for building showers inside the cells in the IV and V wings have been completed.

39. Turin Lorusso and Cutugno remand prison

- Renovating works of the sections of Pavilion B have been completed. For the execution of such works we made use of the funding of Office Pio of Saint Paul company, with which the Direction of the prison has signed a convention: the works have been executed with working prisoners at low costs.
- We have renovated at low costs some cells, which were not used for failures mainly linked to the water system (water taps, dumping, etc.).
- As for water losses in the block B", the Directions, in cooperation with the company in charge of maintenance of the hydro-thermal system, has identified and eliminated various losses located mainly at the prison underground passages.
- Some rare losses present in some small courtyards and bathrooms fittings in shower facilities have been eliminated.

- The Regional Directorate has provided for the financing of 25 thousand € for the execution of a project, presented by the Directorate, aiming at removing all water losses.
- As for "Sestante" Unit, painting works of the whole section 8 have been executed (cells, corridors and offices) and partial painting of section 7 (offices and corridors), waiting for the implementation of more considerable interventions to be provided for within the building programme. As for the cell furniture of section 7 with closets and cabinets, it has to be pointed out that such furniture would imply a danger for the safety of such prisoners, being persons with psychiatric troubles, and as such prone to self-harm.

40. Ascoli Piceno remand prison

- Prisoners under an ordinary regime have access to 2 courtyards in groups not exceeding 15 prisoners.
- As for the renovation of healthcare equipment in the courtyards and the implementation of a shelter from bad weather, the issue is at the attention of the Regional Directorate which has involved the technical office for working planning.
- As for the removal of the double metallic grids, under the opinion of the technical office which has evaluated the possibility of removal of only one of the 2 anti-jet nets, the Directorate will do it starting from this month at cheap costs.

41. Sassari remand prison

- Relatively to the reduction of humidity levels of the ground floor and first floor of all prison sections, the Directorate is renovating at cheap costs, waiting for a more specific intervention already requested by the Directorate to the technical Office of the Regional Directorate.
- As for the water provision problem in that prison, the company Abbanoa started the preparation of projects and of the preparatory deeds for the assignment of the works for the implementation of the adduction system. Waiting for those interventions, in order to improve the quality of water, the prison governor is adopting a system of filtering which, along with the periodic regular cleaning of the tanks, will lessen the percentage of impurities affecting the water quality.

42. In light of D.D.A. in Palermo statement by which it has been reported that the reasons previously set out no longer exist, the Reserved Area of the prison in Ascoli Piceno was closed and the two inmates staying there were assigned to the corresponding area of the Terni prison.

43. Works are undergoing to recover detention places at the Messina prison: with reference to that, the re-opening of the female wing is foreseen by next month of April and of the 1<sup>st</sup> and 2<sup>nd</sup> floors cells wings by next month of December, for a total amount of 127 places.

44. The refurbishment works in the VII Wing of the Palermo Ucciardone prison are still ongoing; their completion is foreseen by next month of June, while for the VI wing, the competent Inter-regional Directorate for Public Works communicated that a completion expertise is necessary.



45. 172 places were recovered at the Palermo Pagliarelli prison.

46. More generally, during the two Meetings of the Fines Fund Board, held last November, some projects were approved for the adjustment of 140 places to the provisions of the Regulations of Enforcement of the Penitentiary Act.

47. The Competent Inter-regional Directorate for Public Works is currently carrying out the technical-administrative test of the new pavilion of 100 places in the Naples Poggioreale prison; by the end of the month of March 2017 the works for the new pavilion of 200 places enlarging the prison of Caltagirone will be completed. Last 29th March the competent Directorate General was requested to provide information, for both prisons, about the actual time foreseen for their activation, with a detailed timetable concerning all the initiatives to be carried out, underlining that all the preparatory procedures for prisoners' assignments can be started irrespective to the test.

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*Ministero della Giustizia*

**DIPARTIMENTO DELL'AMMINISTRAZIONE PENITENZIARIA  
UFFICIO DEL CAPO DEL DIPARTIMENTO**

Prot. 51432 / 6-4Z

Ro. 111 29 MAR 2017

Al Signor Direttore Generale  
del personale e delle risorse

SEDE

**OGGETTO:** Osservazioni del Comitato per la prevenzione della tortura del Consiglio d'Europa. Nuovo padiglione Napoli Poggioreale e Nuovo padiglione Caltagirone

Nel fornire risposte aggiornate al CPT in merito alle osservazioni formulate a seguito della visita in Italia, si è preso atto che è in corso il collaudo tecnico-amministrativo da parte del competente Provveditorato Interregionale alle OO.PP. della Campania del nuovo padiglione da 100 posti presso l'Istituto di Napoli Poggioreale e che entro la fine del corrente mese di marzo saranno ultimati i lavori del nuovo padiglione da 200 posti ampliativo della Casa Circondariale di Caltagirone.

Al riguardo, si prega voler far conoscere, per entrambi gli Istituti, i tempi previsti per la loro attivazione, con l'indicazione di un preciso cronoprogramma delle iniziative da assumere, significando che le procedure propedeutiche all'assegnazione dei detenuti possono essere avviate indipendentemente dal collaudo.

Si ringrazia sin da ora per la consueta collaborazione e si resta in attesa di riscontro entro il prossimo 5 aprile.

*Santi Consolo*

IL CAPO DEL DIPARTIMENTO

Santi Consolo

*Santi Consolo*

48. The equipment in Genoa Marassi prison was restored and, in some cases, repaired and is currently functioning. Some equipment was bought for food processing and a tender is ongoing for the procurement of trolleys for food distribution.

49. In consideration of the further resources allocated by the Budget Law 2017 - equal to 120 million Euros for the three-year period 2017-2019 - as well as of the requirement to urgently address the issue of the adjustment of prisoners' wages, the Department of Penitentiary Administration started the preparation deeds for summoning the Commission provided for by Article 22 of the Penitentiary Act.

50. As for the initiatives within the field of prison work, with a view of work requalification, the Administration is still encouraging the submission of projects, funded by the Fines Fund, which, for their implementation require prisoners' workforce; it promotes projects for the development of agricultural production with a particular focus on the possibilities offered by the penal farms in Sardinia and in Tuscany, so as to provide a wider number of inmates with better detention conditions and valuable job opportunities, to be used also in their free life while released;

51. The above process is involving more and more the entrepreneurs' world, as it is showed by the two recent agreements undersigned with two prestigious textile industries, providing for the establishment of two tailor's workshops: one in Biella prison, for the production of uniforms of the Penitentiary Police staff and the other in the female prison of Pozzuoli for the production of ties for the Penitentiary Police staff and of a number of other items to be used as institutional gifts.

52. The recruitment of 72 educators drawing from competition lists is about to be concluded.

### **Prisoners subjected to the “41-bis” regime**

53. A dedicated Circular letter was drafted which is intended to be a "consolidated act" on that matter and aims at achieving the full functioning of that regime, within the correct balance of the interests connected with prisons security and the dignity of the prisoners, who are still entitled to rights which must not fail because they are submitted to the special regime; said circular letter excluded every provision which could be interpreted as uselessly afflictive.

54. The uniformity of method, besides implementing the good practices already carried out in the respect of prisoners' unbreakable rights, will allow to provide univocal responses to the requests of intervention of the Supervisory Judiciary. The draft circular letter was submitted to the attention of the Minister of Justice and to his Chief of Staff (Capo di Gabinetto); the latter sent it back with the annotations of the National Ombudsperson of Prisoners. At the light of what above, last 8 February, the Head of Department had a Meeting with the Director General for Prisoners and their Treatment and with the Director of the Office for High Security Prisoners in order to assess the opportunity to bring further amendments. The newly amended text is going to be disseminated to all the local structures of the Administration.

## **Health-care services**

55. With regard to the issue of suicide considered under various paras. of the Committee's report<sup>4</sup>, a national Plan for the Prevention of suicide was drafted. Currently, it is under examination by the Permanent Table for healthcare in prisons in order to agree the enforcement guidelines with the Ministry of Health, the Regions and the local bodies.

56. On 6 March 2017, a request to further summon the Permanent Table/or healthcare in prisons was submitted to the Presidency of the Council of Ministers in order to give a new boosting to the activities, aimed at sharing the above-mentioned Plan.

57. During the last year, 39 suicides occurred, the same number as in 2015, despite the increase in the prison population: indeed, as of 31st December 2016 there were 54,653 prisoners present, in comparison with 52,164 prisoners present on the 31st December of the previous year.

58. In order to prevent that the subjects at suicide/self-harm risk suffer some sort of additional trouble because all the items considered to be dangerous for their safety (such as their bed-sheets) are taken out from their cells, a market inquiry was ordered for the procurement of bed-sheets in non woven fabric, which are already in use in hospitals, to be provided to every prison for those prisoners for whom special safety measures are ordered. On 29<sup>th</sup> March 2017, the competent Directorate General was urged to communicate the outcomes of said market inquiry, highlighting that the procurement of that kind of bed-sheets has to be made in large quantities, in order to encourage a widespread use of those items, so as to cover all the problematic situations occurred (See Request below).

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<sup>4</sup> Paras 30-31-54-64-68-70-79.

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COPIA



# Ministero della Giustizia

DIPARTIMENTO DELL'AMMINISTRAZIONE PENITENZIARIA  
UFFICIO DEL CAPO DEL DIPARTIMENTO

Prot. 51984/24-1

ROTA 29 MAR 2017

e. p.c.

Al Signor Direttore generale  
del personale e delle risorse

Al Signor Direttore generale  
dei detenuti e del trattamento

SEDE

**OGGETTO:** Utilizzo improprio degli effetti lettereci.

Nel far seguito a precedente nota, di pari oggetto, del 22 febbraio scorso, si prega voler far conoscere - entro il 4 aprile p.v. - gli esiti dell'indagine di mercato finalizzata all'acquisto del materiale in tessuto non tessuto (TNT) da fornire ad ogni istituto per la consegna a quei detenuti nei confronti dei quali siano state disposte eccezionali misure di sicurezza.

Consegna che dovrà avvenire in quantitativi considerevoli al fine di incentivare un utilizzo diffuso di tali beni, a copertura di tutte le situazioni di disagio riscontrate.

Si ringrazia per la collaborazione e si raccomanda il rispetto della scadenza sopra indicata, considerato che la conoscenza di tale informazione è estremamente utile in vista della prossima riunione sui suicidi, convocata dall'On.le Ministro.

IL CAPO DEL DIPARTIMENTO

Santi Consolo

59. In August 2016, an MoU between Federsanità and ANCI<sup>5</sup> was signed with the purpose of activating a telemedicine service on the entire national territory, to ensure the continuity of treatment of prisoners patients and more extensive healthcare within prisons, so as to ensure the timeliness of healthcare and to avoid, if possible, the transfer of prisoners in outside health resorts. The DGSIA (Directorate General of Automated Computerized Services), a branch of D.O.G. (Department of Judicial Organization), as financing body, has established a working group in which even representatives of the Department of Penitentiary Administration participate. In February 2017 some members of the Working Group visited some prisons of Reggio Calabria to test the concrete possibility of timely experimentation of the telemedicine project. New meetings with executives of Reggio Calabria to intensify the activities of conducting experimentation have already been planned. The Department of Penitentiary Administration is actively cooperating for the success of the project, which is very relevant from a security point of view.

60. As for Section 7 and CCTV use, the problem is under the direct responsibility of prison authorities. The Ministry of Health will suggest to solve it with competent Authorities.

61. The issue of “Register 99” could be raised also during discussions to be held by “Tavolo interistituzionale per la sanità penitenziaria” at Unified State-Regions Conference.

62. With regard to information under para.70, the Ministry of Justice has prepared a monitoring of all programs and protocols established in application of the mentioned Guidelines (2012). When it will be completed, analysis and evaluation will be performed together with the Ministry of Health and the Regions. Training of all actors is one of the crucial points addressed.

### **Other issues**

63. As for women prisoners with children, the protected family house in Rome, since 22 March 2017 has been hosting women prisoners with children and is operational.

64. As for the guaranteeing of the right of defense, the Penitentiary Act provides for a series of obligations of the Administration, such as: exactly formulate the charges; allowing the concerned person to justify himself; motivate the sanction. The right of defense is guaranteed by the concerned person even through the rightful respect of the minimum principles of cross-examination, provided for by art 38, paragraph 2 of the Penitentiary Act, according to which "No sanction may be inflicted except with motivated provision after bringing the presumed infringement to the attention of the person concerned, who is allowed to plead his own defense". The implementation of the right of defense is also provided for, during the hearing, by art. 81, paragraph S, of the Regulations of enforcement according to which ".... During the hearing, the accused prisoner shall have the right to be heard and to plead his own defense personally." The measure with which the disciplinary sanction is provided for, is promptly communicated by the Directorate to the prisoner, to the supervisory judge and to the proceeding judicial authority in case of accused person, and is written down in the personal file of the person who can view and request a copy of it.

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<sup>5</sup> Standing for National Association of Italian Municipalities.

65. Once inflicted the sanction, the prisoner may appeal against the measure to the Judicial Authority. The disciplinary procedure, already outlined in the Penitentiary Act and in the Regulations of Enforcement, has found a further protection in the possibility' offered to the prisoner to lodge an appeal to the Supervisory judge and lodge a jurisdictional complaint as per Art.35-b (measure introduced by l.aw 21-2-2014, No. 10) in the case of "non-compliance by the Administration of the provisions provided [or by this law and the relevant Regulations from which a real and serious prejudice to the exercise of rights results in the prisoner or in the internee".

66. Moreover, when a disciplinary sanction is decided, the prisoner can challenge it before the judicial authority (Reclamo), in accordance with Art. 35-bis of the Penitentiary System (Act No.354/1975)<sup>6</sup>. Therefore, the proceeding to challenge a disciplinary sanction is supplemented by all constitutional guarantees envisaged by the national legal system. When the appeal is accepted, the judge annuls the disciplinary sanction and can order the penitentiary administration to apply the restorative remedies - which the judge itself can indicate.

### C. Psychiatric Institutions

67. The failure of prompt fulfillment by the Regions, of a number of beds sufficient to receive the persons under security detention measures has not allowed to proceed to the transfer, as provided for by the law, of all the internees hosted in the Judicial Psychiatric Hospitals. As for the former Judicial Psychiatric Hospitals of Montelupo Fiorentino and Barcellona Pozzo di Gotto, we outline as follows:

- Montelupo does not host internees any longer since 7 February 2017 when the last patient was dismissed. The procedures for the redelivery of the property to the State bodies are ongoing. On March 6, 2017, it has been closed down.
- Likewise Barcellona Pozzo di Gotto does not host relevant patients, any longer.

68. As for indications under para.92, this issue is a matter of concern for Italian Authorities too, and has been underlined by the appointed OPG-related Commissioner. The experience of Castiglione is still of relevance.

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<sup>6</sup> Article 35-bis Ordinamento penitenziario envisages as follows: *Il procedimento relativo al reclamo di cui all'articolo 69, comma 6, si svolge ai sensi degli articoli 666 e 678 del codice di procedura penale.*

*Salvi i casi di manifesta inammissibilita' della richiesta a norma dell'articolo 666, comma 2, del codice di procedura penale, il magistrato di sorveglianza fissa la data dell'udienza e ne fa dare avviso anche all'amministrazione interessata, che ha diritto di comparire ovvero di trasmettere osservazioni e richieste.*

*2. Il reclamo di cui all'articolo 69, comma 6, lettera a) e' proposto nel termine di dieci giorni dalla comunicazione del provvedimento.*

*3. In caso di accoglimento, il magistrato di sorveglianza, nelle ipotesi di cui all'articolo 69, comma 6, lettera a), dispone l'annullamento del provvedimento di irrogazione della sanzione disciplinare. Nelle ipotesi di cui all'articolo 69, comma 6, lettera b), accertate la sussistenza e l'attualita' del pregiudizio, ordina all'amministrazione di porre rimedio entro il termine indicato dal giudice.*

*4. Avverso la decisione del magistrato di sorveglianza e' ammesso reclamo al tribunale di sorveglianza nel termine di quindici giorni dalla notificazione o comunicazione dell'avviso di deposito della decisione stessa. 4-bis. La decisione del tribunale di sorveglianza e' ricorribile per cassazione per violazione di legge nel termine di quindici giorni dalla notificazione o comunicazione dell'avviso di deposito della decisione stessa.*

*5. In caso di mancata esecuzione del provvedimento non piu' soggetto ad impugnazione, l'interessato o il suo difensore munito di procura speciale possono richiedere l'ottemperanza al magistrato di sorveglianza che ha emesso il provvedimento. Si osservano le disposizioni di cui agli articoli 666 e 678 del codice di procedura penale.*

*6. Il magistrato di sorveglianza, se accoglie la richiesta:*

*a) ordina l'ottemperanza, indicando modalita' e tempi di adempimento, tenuto conto del programma attuativo predisposto dall'amministrazione al fine di dare esecuzione al provvedimento, sempre che detto programma sia compatibile con il soddisfacimento del diritto;*

*b) dichiara nulli gli eventuali atti in violazione o elusione del provvedimento rimasto ineseguito;*

*c) LETTERA SOPPRESSA DALLA L. 21 FEBBRAIO 2014, N. 10;*

*d) nomina, ove occorra, un commissario ad acta.*

*7. Il magistrato di sorveglianza conosce di tutte le questioni relative all'esatta ottemperanza, ivi comprese quelle inerenti agli atti del commissario.*

*8. Avverso il provvedimento emesso in sede di ottemperanza e' sempre ammesso ricorso per cassazione per violazione di legge.)*

In particolare, nell'udienza che si celebra innanzi al magistrato di sorveglianza (ed al Tribunale di sorveglianza in caso di reclamo) è prevista la partecipazione necessaria del difensore del detenuto che abbia impugnato la sanzione disciplinare; è previsto che il detenuto, che ne faccia richiesta, sia sentito dal giudice; il giudice può acquisire tutti i documenti necessari e sentire testimoni e/o acquisire prove, nel contraddittorio tra le parti.

69. As for indications under para.100, it is responsibility of Lombardy Region. The approved reorganization of any single structure has only partially started since a number of patients from other Regions were still at Castiglione.

70. As for indications under para.105, it is responsibility of the Regions Emilia-Romagna and Lazio. The Ministry of Health is starting a program of regular visits to all REMS in Italy, in order to address all the critical points.

71. Under para.107, even though responsibility is of the Regions, the central Government is considering the possibility of supporting all needed changes. (i.e. The DGPRE has funded a project, in cooperation with IOM, for training and use of cultural mediators in all prisons/REMS).

72. As for information under para.111, this is a critical issue, which is under analysis at all psychiatric services. The philosophy guiding interventions is to eliminate any forms of restraint, yet there is a large debate on it. Against this background, mention has to be made of the following:

- On June 14, 2010, the inter-regional Group on Mental Health (GISM) at the Health Commission of Regions had prepared a document, entitled “Restraint in psychiatry: a possible prevention strategy”, under which a number of recommendations aimed at preventing the use of restraint. This document has been approved by the Conference of the Presidents of the Regions. Nevertheless, it has not been submitted to the Unified State-Regions Conference.

- In May 2013, the Ministry of Health (General Directorate on Programming) organized a conference on: “Restraints: from clinic risks management to the quality and security of cares”. On that occasion, an overview of both the international and Italian situations was provided and conclusions indicated the need to resume the above work under the framework of an Agreement between State and Regions. Nevertheless, following recent political institutional change, including ministers’ change and re-distribution of competences, no major events can be reported.

- It must be also considered that when territorial networks and services are efficient and effective, the use of restraint is greatly reduced - to zero.

- Moreover, high level cultural interventions must be considering taking place. In April 2015, the National Committee of Bio-Ethics (acronym in Italian, CNB) issued a document entitled “Restraint: bio-ethical problems”, under which it reiterates the need to overcome restraint.

73. With regard to paras.111 and 130, the newly-established Institutions for persons not liable for prosecution due to their incapability to understand (acronym in Italian, REMS) cannot be defined forensic. Forensic psychiatric hospitals, (the past OPG) were definitively closed by Law No. 81/2014. REMS are residential facilities for people with mental/psychiatric disorders under the direct responsibility of the Health-Care Service. The medical team defines a therapeutic program for each patient, which includes the gradual return to the community at large.

74. Presently, the total number of patients accommodated in 30 regional REMS is 571.



75. Possible resorting to physical or chemical restraint is a medical decision based upon specific protocols and extensively discussed by medical associations. The prevalent opinion, in line with the opinion of the above CNB (Bio-ethical Commission), supports the trend abolition of the mechanical restraints. However, this cannot lead to a broader resort to chemical/pharmacological restraint. So, we fully agree with the encouragement expressed by the Committee under paragraph 111.

76. As mentioned earlier, the NG mandate covers all type of liberty deprivations, including facilities where patients are accommodated either in REMS or under a compulsory treatment (in Italian, TSO), at SPDC (Servizi psichiatrici di diagnosi e cura) of civil Hospitals. The NG started visiting these Institutions in February. Visits to social care homes are also in the NG program for this year: a group of discussion and planning was established with the participation of experts from medical departments, NGOs operating in the field, and networks of patients and relatives.

77. As for information under para.113, the Ministry of Health is presently working on Agreements on this issue, since no general procedures exist. A restraint-related register should be in place at each relevant establishment.

78. As for information under para.116, the philosophy guiding interventions is to eliminate any forms of restraint, yet there is a large debate on it.

79. As for information under para.120, the reform of judicial psychiatry focuses on pillars, including the refusal of restraint.

80. As for social dangerousness (para.122), the system of presumed social dangerousness has been gradually overcome, following Constitutional Court and Legislator action (Art. 31 of Law No.663/1986 abolished Art. 204 of the penal code) and thus this situation must be ascertained (when a conduct is perpetrated and upon judge's order for a security measure). It must be added that the automatic application of a psychiatric security measure has been abolished, following Constitutional Court verdicts No.139/1982 and No. 249/1983.

81. Moreover, by additional verdicts No.253/2003 and No. 367/2004, declaring partial illegitimacy of Articles 222 and 206 of the penal code, it emerges that hospitalization at an Health-Care facility for individuals with total or partial mental incapability can be justified only when there is a high social dangerousness whereas other security measures should be prioritized when the person falls within the so-called attenuated dangerousness (Art. 3-ter of Law Decree No. 211/2011, as converted into Law No. 9/2012 and following amendments).

82. As known, OPG have been closed down on March 31, 2015 (the above Law Decree); and REMS have replaced previous relevant facilities.

83. With specific regard to the role of the oversight magistrate, s/he is required to conduct periodic verifications of the current social dangerousness of the person concerned. This assessment relies on the free appreciation of facts and all evidence which s/he deems to be useful in addition to those ones which are submitted to him/her. Moreover, from a procedural law standpoint, this proceeding is based upon an adversarial system, including hearings and legal defense. The lawyer can always request the magistrate for the appointment of an expert (perito).

84. With regard to information under para.128, the Ministry of Health is organizing a National Workshop with all Directors of REMS in order to collect all relevant problems they are currently facing, with the ultimate goal of suggesting the proper common solutions.

85. Under para.129, the issue has been discussed in the framework of the Coordination Body for OPG closure, and it has been observed that in the Law there is no reference to application of the Penitentiary rules in the REMS. Also this point will be addressed in the above-mentioned Workshop.

86. As for information under para.131, a leaflet with information on the health issues is part of the proposals of the Coordination Body, and is under development.

87. As for para.132, in the past, this has been recommended to all REMS. As far as “Casa degli Svizzeri” is concerned, the responsible Region Emilia-Romagna has already confirmed that the situation has been changed.

88. As for para.133, all training needs are considered crucial, and specific dedicated funds have been given by the Ministry of Health to each single Region, in order to organize training sessions for all those involved, from health staff to penitentiary staff and security personnel.

#### **Adult general psychiatry**

89. As for information under para.142, it seems that all the suggestions are already included in the written procedures defined according to Laws 180 and 833 as issued in 1978. If any problems arise, it is responsibility of the Region concerned to verify the correct application of norms. Only for very serious events (i.e. the death of a patient), the Ministry of Health has started direct investigations.

90. For TSO regime, please refer to previous national replies.