



National Guarantor
for the Rights
of Persons Deprived
of Personal Liberty

Report to
Parliament
2023



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Daniela de Robert (*Member of the Board*)

Emilia Rossi (*Member of the Board*)

National Guarantor
for the Rights
of Person Deprived
of Personal Liberty



Report to Parliament 2023

Credits

This Report to Parliament has been jointly prepared and assembled by the different Operations Units of the Office of the National Guarantor under the coordination of the Board.

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Abbreviations and Acronyms

ADIR	L'Altro Diritto	HRC	<i>Human Rights Council</i>
ADS	Support Administrator	ICAM	Low-custody institute for mother prisoners
AGENAS	National Agency for Regional Healthcare Services	ICMPD	<i>International Centre for Migration Policy Development</i>
AMIF	Asylum Migration and Integration Fund	IOM	<i>International Organization for Migration</i>
ANAC	National Anti-Corruption Authority	IPM	Juvenile Detention Centre
ANFT	National Association of the Treatment Officer	IRIS	<i>Institutional Research Information System</i>
APT	<i>Association pour la Prévention de la Torture</i>	ISS	Istituto Superiore di Sanità (National Institute of Health)
CAT	<i>Committee against Torture</i>	MSNA	Unaccompanied Third-national Minor
CC	(short for <i>Casa Circondariale</i>), prison where primarily defendants or suspects await trial, but it also houses convicts serving final sentences of no more than five years in the so-called 'penal sections'	NGO	<i>Non-governmental Organisation</i>
CED	International Convention for the Protection of All Persons from Enforced Disappearance	NHRI	<i>National Human Rights Institution</i>
CeRC	<i>Centre for governmentality and disability studies</i>	NPM	<i>National Preventive Mechanism</i>
CESP	Study Centre for Public Schools	ODIHR	<i>Office for Democratic Institutions and Human Rights</i>
CESPI	Centre for International Policy Studies	OPCAT	<i>Optional Protocol to the Convention Against Torture</i>
CIDU	Interministerial Committee for Human Rights	OPG	Judicial Psychiatric Hospital
CIE	Identification and Expulsion Centre	OSCE	Organization for Security and Cooperation in Europe
CNF	The National Bar Council	OSPDH	<i>Observatori del Sistema Penal i els Drets Humans</i>
CPIA	Provincial Centre for Adult Education	PCD	People with Disabilities
CPR	Immigration Removal Centre	POS	<i>Place of Safety</i>
CPT	Committee for the Prevention of Torture	PTPCT	Three-year Plan for Corruption Prevention and Transparency
CR	(short for <i>Casa di Reclusione</i>) prisons where are incarcerated those who have received a final sentence of conviction, but in some cases, they also host pre-trial detainees in a specific section known as the 'judiciary' section	REMS	Residences for the Execution of Security Measures
CRI	International Red Cross	RPCT	Transparency and Anti-corruption Officer
CRPD	Convention on the Rights of Persons with Disabilities	RPD	Data Protection Officer
DAP	Department of Prison Administration	RSA	Nursing Home
DCAF	<i>Geneva Centre for Security Sector Governance</i>	RSD	Healthcare Residences for the Disabled
DGMC	Juvenile and Community Justice Division	RSSA	Nursing Home for Non Self-sufficient Elderly
DPCM	Decree of the President of the Council of Ministers	SAI	Increased Assistance Service
DPO	<i>Data Processing Officer</i>	SMOP	Information System for Monitoring the replacement of OPGs
DPR	Presidential Decree	SOP	<i>Standard Operating Procedure</i>
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms	SPDC	Psychiatric diagnostic and treatment service
ECHR	European Court of Human Rights	SPT	<i>Subcommittee for the Prevention of Torture</i>
ECPE	European Code of Police Ethics	SSN	National Health Service
EU	European Union	T.U. Imm.	Immigration Consolidated Act
EuroMed	<i>Euro-Mediterranean Human Rights Network</i>	TSO	Compulsory Medical Treatment
FISH	Italian Federation for Overcoming Disability	TSV	Voluntary Medical Treatment
FRA	<i>Agency for Fundamental Rights</i>	UDHR	Universal Declaration of Human Rights
FREM III	<i>European Forced Return Monitoring III</i>	UIEPE	Interdistrict Office for External Criminal Enforcement
Frontex	<i>European Border and Coast Guard Agency</i>	UN	<i>United Nations Organisation</i>
		UNHCR	<i>United Nation High Commissioner for Refugees</i>
		UO	Operational Unit
		UOC	Complex Operational Unit
		WHO	<i>World Health Organisation</i>



Memo.

q. salabroni.

hinc septim rex qui ppeo nec minor eo in malitia

Over
the course
of a year

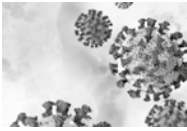


Over the course of a Year

2022

May

29.4-3.5 Thematic visit to the restricted prison regime wards (Ex Art. 41-bis of Penitentiary Law) of the prisons of Terni and Spoleto.



Easing of Covid-19 restrictions: Green Pass requirement to access workplaces expires; no masks required to enter bars and shops.

3 President's speech at the 4th national convention of the Chaplains and operators of pastoral care in prison on the topic: "La funzione del garante nella difesa della dignità e dei diritti della persona", Assisi.

5-6 Guarantor's lecture at the Scuola Allievi Carabinieri Marescialli e Brigadieri (Carabinieri Cadet School for Non-Commissioned Officers), Velletri.



7 **Afghanistan:** Taliban government orders women to wear burqa in public.

Monitoring of a joint charter flight for forced return to Nigeria.



8 **Elections in Great Britain:** in Northern Ireland, Sinn Féin republicans are the leading political force.

The National Guarantor participates in the award ceremony for the "Gara nazionale di diritto internazionale umanitario 2022" organized by the Italian Red Cross.

9 President Mauro Palma participates in the celebration of the Remembrance Day dedicated to the victims of terrorism, Palazzo Montecitorio, Rome.

9-14 Regional visit in Tuscany. During the visit, the National Guarantor conducted a series of institutional meetings with local authorities.

11 Lecture by President Mauro Palma to young judges in training (MOT) at Scuola Superiore della Magistratura, Scandicci.

11-12 The National Guarantor meets the delegation composed by Tunisian independent associations working on human rights under the Trust Project, sponsored by the Danish Institute for Human Rights.

Lecture by President Mauro Palma at the information seminar on the treatment of the persons deprived of liberty to the Commanders of the Local Units of the Carabinieri Corps, Perugia.



15 President Mauro Palma participates as a speaker at the conclusive lesson of the course “Diritto dell’esecuzione penale e tutela internazionale dei diritti e delle libertà fondamentali” on the topic “Obblighi inderogabili e diritti inalienabili nella privazione della libertà”, Pavia University, Pavia.

16 Visit to the custody rooms of the Pavia Police Headquarters.

18 The Board participates in the presentation meeting of the Project “Dal carcere alla libertà, lavorare in teatro” by Per Ananke Association at Spazio Rossellini, Rome.

20 President Mauro Palma’s speech at the convention “L’articolo 3 della Convenzione europea dei diritti dell’uomo e l’Italia” as part of the lecture series of the module Jean Monnet in “European Criminal Justice”, organised by Teramo University, online.

21 The Board participates in the training and update seminar “Carcere: il potere della cultura”, sponsored by CESP-Rete delle scuole ristrette at Salone Internazionale del Libro, Turin.

24 The Board participates in the commemoration ceremony of Judge Giovanni Falcone at the Training School of the Penitentiary Administration ‘Giovanni Falcone,’ Rome.

Lecture by President Mauro Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri Corps, Catania.

The Board participates in the meeting “Promoting the effective protection of LGBTI+ persons deprived of liberty”, organized by the Association for the Prevention of Torture, online.

25 Lecture by President Mauro Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri Corps, Palermo.

President Mauro Palma meets with Alessandra Scurba of the Department of Law of Palermo University, Palermo.

Visit to Termini Imerese Prison.

26 The National Guarantor participates in the meeting “LGBT e riforma dell’ordinamento penitenziario. Il carcere alla prova della differenza sessuale e di genere”, within the events for the 18th Antigone Report, Rome.

27 National Guarantor’s speech at the convention “Sovraffollamento e crisi del sistema carcerario. Il problema irrisolvibile” on the topic “Circoscrivere il fenomeno per la via meno battuta: spunti dalle fonti nazionali e internazionali”, organized by Bergamo University - Department of Law, Bergamo.



Over the course of a Year

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President Mauro Palma's speech at the course "Business and Human Rights" organized by the Unione Forense per la Tutela dei Diritti Umani at the National Council for Economics and Labour (CNEL), online.

30 National Guarantor's speech at the training event "Rimpatri forzati: garanzie e rimedi", organized in collaboration with Sardinia Regional Guarantor for monitors and regional stakeholders, Cagliari.

President Mauro Palma meets the Prosecutor General Giovanni Melillo regarding the Cooperation Agreement between the National Guarantor and the Public Prosecutor's Office at the Court of Naples.

June

7 Lecture by President Mauro Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri Corps, Potenza.

8 Lecture by President Mauro Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri Corps, Bari.

9 Lecture by President Mauro Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri Corps, Ancona.

Monitoring of a forced return operation by charter flight directed to Tunisia.

National Guarantor's speech at the convention "Arresto, fermo per identificazione e normativa in materia di privazione della libertà: il punto della situazione" organized together with Emilia-Romagna Region and the Scuola Internazionale di Polizia Locale (International School of Municipal Police) of Emilia-Romagna, Liguria, Tuscany Regions, and the municipality of Bologna.

10 President Mauro Palma participates in the convention "Pena detentiva e misure alternative" with a keynote lecture on "I diritti umani", organized by the University of the Republic of San Marino, San Marino.

12 Visit to the therapeutic community "Il Villino", Florence.

President Mauro Palma's speech at the annual pastoral update course for Prison Chaplains, organized by the Military Ordinariate in Italy, Assisi.

14 The National Guarantor's Board gives a speech at the webinar "Role of NPMs in Monitoring Places where Migrants are Deprived of Liberty", organized by the Subcommittee for the Prevention of Torture, online.



16 **First legally authorized assisted suicide in Italy.** Federico Carboni, 44 years old and tetraplegic, requested and was granted access to medically assisted suicide in accordance with Constitutional Court ruling no. 242/2019.



17 **Ukraine and Moldova are candidates for entry into the European Union.** In the aftermath of the Russian attack, the official recognition process for the candidate status of both countries has accelerated.

President Mauro Palma's speech at the national convention "Abitare il carcere. Gli spazi della pena nella società digitale" on the topic "Oltre il carcere che c'è, per un nuovo approccio all'esecuzione penale", organized by the Giovanni Michelucci Foundation and Rome "La Sapienza" University, at the Senate of the Republic, Rome.

20 **The National Guarantor presents its Report to Parliament 2022 in the presence of the President of the Republic, at the Senate of the Republic, Rome.**



22 **Earthquake between Afghanistan and Pakistan.** The quake, with a magnitude of 6.2, causes 1,163 deaths.

23 **President Mauro Palma participates in the presentation of the book "Il diritto all'affettività delle persone recluse", at the Senate of the Republic, Rome.**

The National Guarantor participates in the workshop "Good Practices in Monitoring Fundamental Rights Compliance in Forced Return by Scheduled Flights" with a research report on: "Monitoring of Forced Returns in Europe. Strategies, Critical Issues and Best Practices", Lisbon.



24 **The Supreme Court of the USA overturns the right to abortion.** The justices overturn the constitutional right to access pregnancy termination, restoring the authority of each States to determine women's reproductive rights without federal constraints.

Lecture by President Mauro Palma at the training course "Etica e sicurezza: coordinamento e gestione degli eventi critici" on the topic "La dignità della persona detenuta", at the Scuola di Esecuzione Penale "Piersanti Mattarella", Rome.

25 **President Mauro Palma's speech at the convention "Perché ne valga la pena - esperienze di reinserimento", "Rocco D'Amato" Prison, Bologna.**

Visit to the women section of San Vittore Prison, Milan.

26 **Visit to the women section of Bollate Prison, Milan.**



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27-30 National Guarantor's speech at the "First Word Conference on Health in Detention" on the topic "What Does Visible Mean?", organized by the International Committee of the Red Cross, Geneva.



27 **Russia's foreign debt is in default.** The last time happened during the Bolshevik Revolution.

Lecture by the Board at the "Management and migration flows" Summer School on the topic "Migranti e libertà negata. Lo sguardo del Garante nazionale", organized by the Law Department of the University of Bari "Aldo Moro", Bari.

28 The Board participates in the meeting in the presence of the President of the Conferenza delle Regioni e Province Autonome and the President of Cassa delle Ammende [Fines Fund] on the occasion of the signing of the Cooperation Agreement "Per l'attuazione delle linee di indirizzo per la realizzazione di un sistema integrato di interventi e servizi per il reinserimento sociale delle persone sottoposte a provvedimenti privativi o limitativi della libertà personale", Rome.

The National Guarantor meets with a Lebanese delegation operating in a joint international cooperation project coordinated by ARCS, Rome



30 **Ketanji Brown Jackson is sworn in as a Justice of the United States Supreme Court.** She is the first Afro-American woman to hold this role.

July

4-6 Board's lecture at Scuola Allievi Carabinieri (Carabinieri Cadets School), Reggio Calabria

6 President's hearing before the Council Commission of the Metropolitan City of Rome on the role of the Municipal Guarantor.



8 **Former Japanese Prime Minister Shinzo Abe is killed.** The attack has been committed by a former soldier during a rally.

The Board participates in the initiative "Io è un altro" on occasion of the Fourth edition of "Giornata nazionale del mondo che non c'è", organized by the CESP-Rete Scuole Ristrette, Spoleto.

President Palma participates in the presentation of the second edition of the volume "La giustizia e il senso di umanità. Antologia di scritti su carcere, OPG, droghe e magistratura di sorveglianza, Sollicciano Prison, Florence.



11 The National Guarantor publishes its Report on the visit to Poggioreale Prison.

12 Thematic visit to the restricted prison regime ward (ex Art. 41-bis of Penitentiary Law) of L'Aquila Prison, L'Aquila.



Trial for the violence occurred on 6 April 2020. in the Santa Maria Capua Vetere Prison. All the accused, including prison guards, officials from the Department of Penitentiary Administration, and local health authority's employees, are sent to trial. Twelve people are charged with involuntary manslaughter in the death of Lakimi Amine.

14 Lecture by President Mauro Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri Corps, Naples.



15 Hungary is referred to the EU Court of Justice. The European Commission contests the law on 'prohibition on the promotion of homosexuality' among minors, strongly advocated by Hungarian Premier Viktor Orban.



Regeni murder: the Cassation Court stops the trial. The appeal from the Rome prosecutor's office is rejected. Regeni's parents: "A wound for all Italians."

President Mauro Palma participates in the convention "Tortura e abuso di autorità", organized by Scuola Superiore di Magistratura, Naples.

18 Ad hoc visit to the "Regina Coeli" Prison, Rome.

19 Lecture by President Mauro Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri Corps, Padua.

Ad hoc visit to Padua Prison.

20 Lecture by President Mauro Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri Corps, Udine.

Thematic visit to the restricted prison regime ward (ex Art. 41-bis of Penitentiary Law) of Tolmezzo Prison, Udine.



21 Mario Draghi resigns as President of the Council of Ministers. The abstention of Movimento Cinque Stelle, combined with the exit of Forza Italia and Lega from the Chamber; during the vote on the 'Aiuti bis decree,' triggers the government crisis.

First Training Day of the Local Guarantors Network on the topic "Deprivation of liberty in healthcare, socio-healthcare and welfare facilities", Bologna.



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The National Guarantor meets with the Supervisory Judges and the Local Guarantors on the topic “L’area penale nella Relazione annuale al Parlamento”, Bologna.
Ad hoc visit to Bologna prison.

25 National Guarantor’s lecture at the Scuola Allievi Carabinieri Marescialli e Brigadieri, Velletri.

26 National Guarantor’s Training Day on “Profili di limitazione della libertà personale nei confronti dei minori nell’ambito dei procedimenti giudiziari in materia di affidamento e responsabilità genitoriale”, Rome.



31 **The CIA kills the leader of al-Qaeda.** Ayman al-Zawahiri is taken down by a drone strike in Afghanistan.

August

1 Thematic visit to the restricted prison regime ward (ex Art. 41-bis of Penitentiary Law) of L’Aquila Prison, L’Aquila.

2 President Mauro Palma meets with Luciana Lamorgese, Secretary of State for Home Affairs.

3 President Mauro Palma meets Gemma Tuccillo, Head of Department of the Juvenile and Community Justice.

4 President Mauro Palma meets the State Secretary for Labour and Welfare, Andrea Orlando.



8 **A search is conducted in former US president Trump’s resort in Florida.** Federal agents seize top-secret documents illicitly held by the former U.S. president.

President Mauro Palma meets with the Head of Department of the Penitentiary Administration Carlo Renoldi.

9 Monitoring of a forced return operation by charter flight directed to Tunisia.

11 Monitoring of a forced return operation by charter flight directed to Tunisia.



12 **Salman Rushdie is stabbed during an event in the USA.** The culprit, a twenty-four-year-old Islamic extremist, is arrested. The writer survives but will suffer severe permanent injuries.

Monitoring of a joint charter flight for forced return to Nigeria.

16 **President Mauro Palma visits the Florence-Sollicciano Prison with the Mayor of Florence, Dario Nardella.**



22 **Europe is hit by the most severe drought in 500 years.** According to a report from the Global Drought Observatory, more than 50% of the territory is at an alarming level, and water levels have reached unprecedented levels of stress.

23 **Ad hoc visit to the RSA “Residenza Stella” in Rome.**

24-25 **The National Guarantor intervenes at the Fourth Regional Meeting on Torture Prevention for National Preventive Mechanisms (NPM) and Civil Society Organizations (CSOs) on the topic “When does the use of force become excessive?”, organized by APT/ODIHR, Warsaw.**



30 **Mikhail Gorbachev dies.** The last leader of the Soviet Union, a key figure in the perestroika and Nobel Peace Prize laureate in 1990, passes away.

Monitoring of a forced return operation by charter flight directed to Tunisia.

September

Monitoring of a forced return operation by charter flight directed to Tunisia.

5 **National Guarantor’s speech in the “Global detention project webinar: the Role of the OPCAT, the SPT and NPMs in monitoring places of migration-related detention”, online.**



The short mandate of Liz Truss as Prime Minister begins in the United Kingdom, following the resignation of Boris Johnson. The English premier will step down in favour of Rishi Sunak, who will take office on the 25th of October.

6 **President Mauro Palma participates as a speaker in the webinar “I luoghi di segregazione” as part of the “Genesis Project. Arte e diritti umani”, organized by Università Cattolica del Sacro Cuore, online.**



Over the course of a Year

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Monitoring of a forced return operation by charter flight directed to Tunisia.

7 Lecture by President Mauro Palma at the training course for Pedagogical Officers of the Department of Juvenile and Community Justice on the topic “Garante dei diritti delle persone private della libertà personale: l’organizzazione e le funzioni”, Rome.



8 **Elisabeth II passes away. She is succeeded by her son Charles III.** The queen of the United Kingdom has held power for 70 years, making her the second-longest-reigning monarch in history.

9 **Ad hoc visit to the Bollate Prison, Milan.**

Monitoring of a charter flight for forced return to Egypt.

13 Lecture by President Mauro Palma at the training course “Etica e sicurezza: coordinamento e gestione degli eventi critici” on the topic “La dignità della persona detenuta”, at the Scuola di Esecuzione Penale “Piersanti Mattarella”, Rome.

14-15 President Mauro Palma’s speech on the topic “Misure di sicurezza privative della libertà personale e tutela dei diritti” at the Convention organized by the Summer School of the Antigone Association and the Department of Law at the Turin University on “Privazione della libertà e sui diritti fondamentali – i luoghi dell’incontro tra disagio psichico e privazione della libertà”, Avigliana (TO).

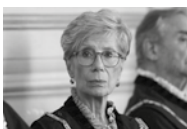
14 Monitoring of a joint charter flight for forced return to Nigeria.



16 **The morality police of the Islamic Republic of Iran beats Mahsa Amini to death.** The 22-year-old Kurdish-Iranian woman had been arrested in Tehran for not covering her hair with a veil. Protests spark in the country. The government brutally suppresses the protests, resulting in dozens of casualties among the demonstrators.

The President of the National Guarantor and the President of UNICEF Carmela Pace sign a Cooperation Agreement for the promotion of the rights of children, especially for those having one of their parents detained, Rome.

19 President Mauro Palma meets with Carlo Batini (Milan Bicocca University) and Marco Ruotolo (Roma Tre University) to kickstart the “Conceptual and logical Data Mart design on recidivism”, coordinated by the two universities, Rome.



20 **Constitutional Court:** Silvana Sciarra, a labour law expert, is the new president of the Constitutional Court. She is the second woman at the head of the institution, three year after Marta Cartabia.



The National Guarantor meets with Amnesty International Italy, Rome.

21 President Mauro Palma's speech at the convention "Nuove sofferenze, vecchi pregiudizi. Come tutelare i diritti delle persone con disagio psichico in contesti restrittivi", organized by the Department of mental health of the ASL Napoli I - Centro, Naples.

22 President Mauro Palma participates in the final event of the "Ti leggo" Project by Fondazione Treccani Cultura at the Airola Juvenile Prison (BN).

Visit at the Airola Juvenile Prison (BN).

Monitoring of a joint charter flight for forced return to Georgia.

23 Ad hoc visit to Santa Maria Capua Vetere Prison.

24 Ad hoc visit to the "Nursery Ward" of the Rome-Rebibbia Prison.



25 Centre-right parties win the Italian early general elections. The coalition led by Fratelli d'Italia, together with Forza Italia and Lega, takes the majority of seats in Parliament.

27 The Board gives a lecture at the Training Course for Penitentiary Officials on the topic "Garante dei diritti delle persone private della libertà personale: l'organizzazione e le funzioni", Scuola di Esecuzione Penale "Piersanti Mattarella", Rome

Monitoring of a forced return operation by charter flight directed to Tunisia.

28 The National Guarantor meets with a group of Nigerian jurists, experts in migration flows from Africa to Europe, Rome.

30 President Mauro Palma's speech in the international studies convention "Diritto funambolico: tra libertà personale e poteri dell'amministratore di sostegno e del giudice tutelare" on the topic "Le forme della totalità", Chieti University, Chieti.

October

Ad hoc visit to the "Regina Coeli" Prison, Rome.



Over the course of a Year

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Monitoring of a charter flight for forced return to Egypt.

3-5 Visit of the South-African NPM representative to the National Guarantor.

4-5 National Guarantor's lecture at the Scuola Allievi Carabinieri Marescialli e Brigadieri, Velletri.

5-6 The Board participates in the European NPM Conference "Monitoring the rights of specific groups of people deprived of their liberty", organized by the Council of Europe and by European Union, Strasbourg.

8 President Mauro Palma participates, together with the Secretary of State for Justice Cartabia, the Mayor of Milan Sala, and the Department of Architecture of the Milan Politecnico in the inauguration ceremony of the photographic exhibition "RI-SCATTI", organized by the Contemporary Art Section (PAC) and by Ri-scatti Onlus, Milan.

11 Lecture by President Mauro Palma at the course of Criminal Procedural Law and Criminal Execution Law of Guido Carli University (LUISS), Rome.

12 The Board of the National Guarantor participates in the convention "Don Luigi Di Liegro, l'attualità di una visione. 25° anniversario della morte", Campidoglio, Rome.

13-14 President Mauro Palma participates in the Global Mental Health Summit, organized by the Ministry of Health at the monumental complex of Santo Spirito in Sassia, Rome.

14 President Mauro Palma participates in 35th National Congress of the National Association of Judges on the topic "Diritti e giurisdizione al tempo della ripresa", Rome.

17 *Ad hoc* visit to Padua Prison.

18 *Lectio magistralis* of President Mauro Palma on the occasion of the convention "50 anni di CIDI (1972-2022, per una scuola di tutti" on the topic "Il sapere è plurale", Rome.



Pietro Ioià, Naples Guarantor of the persons deprived of liberty is arrested. He is accused of smuggling drugs and cell phones into prison.



20 Alfredo Cospito begins a hunger strike. The Abruzzese anarchist, detained under the 41-bis regime at the Bancali prison (Sassari), begins a hunger strike to protest against the detention conditions of the 41-bis regime.



21 **Georgia Meloni is the first woman President of the Council of Ministers in the history of Italy.** Fratelli d'Italia's leader is entrusted by the President of the Republic, Sergio Mattarella, to form the new government.

President Mauro Palma meets with the Head of Unit of the Migration Management of the European Commission, Rome.



23 **Xi Jinping is re-elected Secretary General of the Chinese Communist Party.** At the 20th National Congress of the Party, the Central Committee grants him the third mandate as the Supreme Leader of China.

24-27 **Higher training course of the National Guarantor, Scuola Grande di San Rocco, Venice.**



27 **Elon Musk acquires Twitter.** It won't be a good deal: the stock the social media giant will suffer depreciation in the following months.



28 **Paul Pelosi attacked with a hammer at home.** The husband of the Speaker of the U.S. House of Representatives was hospitalized, and the perpetrator was arrested.

29 **Ad hoc visit to the CPR in Gradisca di Isonzo.**

The National Guarantor Board meets with the Prefect of Udine.



30 **Lula re-elected as President of Brazil.** His predecessor and opponent Luis Bolsonaro flees abroad.

November



The implementation of the Reform of justice is postponed by two months. The Government introduces a ban on rave parties, with fines of up to 10,000 euros and imprisonment, the mandatory detention without benefits for mafia-related crimes, the reinstatement of non-vaccinated doctors, and the removal of vaccination requirements for hospital medical and paramedical staff (starting from the 1 September 2022). However, the mask mandate for everyone in hospitals and healthcare facilities stays in place.

3 **Visit to Rome "Regina Coeli" Prison by the Secretary of State for Justice Carlo Nordio, accompanied by the President of the National Guarantor.**



Over the course of a Year

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5 Monitoring of a charter flight for forced return to Egypt.

6-12 Regional visit in Piedmont. During the visit the National Guarantor has conducted a series of institutional meetings with local authorities.



6 The United Nations Conference on Climate Change opens in Sharm el-Sheikh. It will continue until the 18th of November.

7 President Palma's speech at the inauguration of the photographic exhibition "Disagio dentro – come gli operatori vedono il carcere dei suicidi", Lawyers Bar Library, Milan.

11 Board's speech at the Scuola Ufficiale Carabinieri, Rome.

12 President Palma's speech at the residential training course by Antigone Onlus, and at the roundtable organized within the same training event, Reggello (FI).



13 The third Netanyahu government is formed in Israel. The Prime minister's constitutional reform, criticized for undermining fundamental principles of the rule of law by several international, will faces strong opposition in the country in the following months. Protests will determine its suspension.

14 President Palma's speech at "I dialoghi del Farnese", Italian-French meetings on the world of tomorrow, with the participation of the *Contrôleur général des lieux de privation de liberté*, French Embassy, Rome.

The National Guarantor meets with the *Contrôleur général des lieux de privation de liberté*, Rome.

15 Lecture by President Mauro Palma at the training course for State Police operators for qualifying as escorts for forced return operations on the topic "Codice di condotta Frontex e attività di monitoraggio dei rimpatri forzati", organized by the Nettuno Police School, Rome.

15-16 Board's speech at the Scuola Ufficiali Carabinieri, Rome.

16 President Mauro Palma's speech at the convention "Situazione attuale delle carceri italiane anche a seguito di quanto avvenuto con l'emergenza sanitaria e sul sovraffollamento carcerario" on the topic "La condanna intervenuta nei confronti dell'Italia per la violazione dell'art. 3 CEDU nel 2014 e sulle vicende intervenute all'interno del nostro ordinamento a seguito di tale pronuncia", Bocconi University, Department of Law, Milan.



17 Deposition of the President in a hearing at the Court of Siena related to the ongoing process for the investigation of the events reported at the San Gimignano Prison.

18 Training workshop organized by the National Guarantor on “Le regole delle procedure di rimpatrio forzato nell’ambito della Direttiva del Ministro dell’interno del 19 maggio 2022”, Rome.

President Mauro Palma participates in 23th Congress of the SIMSPe Onlus, organized by Agorà Penitenziaria 2022, online.

19 *Ad hoc* visit to the Sassari-Bancali Prison (SS). The Board meets with Alfredo Cospito.

21 Lecture by President Mauro Palma at the training course for State Police operators for qualifying as escorts for forced return operations on the topic “Codice di condotta Frontex e attività di monitoraggio dei rimpatri forzati”, organized by the Nettuno Police School, Rome.

22 Hearing of the President Mauro Palma before the Senate’s second Commission as part of the examination of bill no. 274 on penitentiary benefits and other measures.

Lecture by the President Mauro Palma at the “Lelio Basso” School of Journalism on the topic ‘Human Rights’, Rome.

24 Presentation and signing of the Cooperation Agreement between the National Guarantor and the Department of Political Sciences at the University of Studies “Luigi Vanvitelli,” Caserta.

25 President Mauro Palma participates in the inauguration of the academic year at the Istituto Italiano di Studi Filosofici (Italian Institute of Philosophical Studies), Naples.



26 **A landslide hits Casamicciola Terme** on the island of Ischia: 12 casualties, 5 injured, and 230 displaced.

Il Presidente participates in the convention “Errore e Pregiudizio – Percorsi di ‘pericolosità sociale’ con variante artistica di inclusione sociale, la dialettica tra cura e custodia”, organized with the contribution of Regional Guarantor of Apulia Region, Bari.

28 Thematic visit to the special ward for prisoners detained under the Penitentiary Law, Art. 41-bis of L’Aquila Prison.

29 Lecture by President Mauro Palma at the “Lelio Basso” School of Journalism on the topic ‘Human Rights’, Rome.



Over the course of a Year

2021

30 The National Guarantor meets with the associations of the LGBTQI+ community.

December

2 President Mauro Palma participates in the roundtable “Il diritto agli studi universitari nel contesto del sistema dei servizi dell’esecuzione delle pene. Presente e prospettive” within the National Conference of Delegates of Rectors for University Penitentiary Centres, organized by CRUI and CNUPP, Naples.



Attack on Susanna Schlein, the first counsellor of the Italian embassy in Athens.

3 Monitoring of a charter flight for forced return to Egypt.



5 Nuclear fusion: historic laboratory experiment in the USA. For the first time, scientists at the National Ignition Facility in California have generated a nuclear fusion reaction that released more energy than it took to initiate.

The National Guarantor organizes together with the Regional Guarantor of Emilia-Romagna region the workshop “La barriera della residenza ai diritti delle persone sottoposte a limitazioni della libertà personale”. The initiative focused on third-country nationals deprived of liberty, the importance of their registration, and the rights and duties arising from it, Bologna.

President Mauro Palma’s speech at the convention “Le dimensioni della dignità nel lavoro carcerario”, organized by CNEL, Rome.

Lecture by the President Mauro Palma at the “Lelio Basso” School of Journalism on the topic ‘Human Rights’, Rome.

6 The National Guarantor publishes a study on suicide cases in prison: 85 in 2022, the highest figure in the last 10 years.

Ad hoc visit to Velletri Prison.



Indonesia. A law banning sex outside of marriage is approved.



7 The Peruvian Parliament removes President Pedro Castillo. He is succeeded by Vice President Dina Boluarte, the first woman to hold this role in the country’s history. Extremely violent popular protests erupt.



President Mauro Palma meets with the coordinating inspectors of the Gruppo Operativo Mobile (GOM), Rome.



9 **Corruption scandal Qatar EU:** A journalistic investigation accuses some members of the European Parliament of having received money from Qatar. Vice President Eva Kaili is involved, along with Italians Antonio Panzeri, Luca Visentini, Francesco Giorgi, and the head of the NGO No Peace Without Justice, Niccolò Figà-Talamanca.

12 The Board participates in the seminar organized by CESP-Rete Scuole Ristrette (School for detained persons) “Dieci anni con lo sguardo di dentro. Carcere: il potere della cultura”, “Raffaele Cinotti” Prison, Rome.

The National Guarantor participates in the final event of the project “Mapping on age assessment and voluntary guardianship and Psychological support to UAC in Catania, Milan and Turin”, in partnership with UNHCR, at CNEL, Rome.

12 President Mauro Palma meets with the Secretary of State for Home Affairs, Matteo Piantedosi.

14-15 Thematic visit to the restricted prison regime ward (ex Art. 41-bis of Penitentiary Law) of Novara Prison.

16 President Mauro Palma’s speech at the seminar “Il cantiere di via Spalato: Oltre i muri” on the topic “Il Punto sulla ristrutturazione del carcere”, organized by the Municipal Guarantor of people deprived of liberty of the Municipality of Udine, Udine.

19 President Mauro Palma’s speech at the convention “Malattia mentale, REMS e carcere: a dieci anni dal definitivo superamento degli OPG”, organized by Roma Tre University, Department of Law, Rome.

21 Hearing of President Mauro Palma at the Campobasso Court concerning the detention conditions in the special regime section under Article 41-bis of L’Aquila Prison.

22 The Board participates in the farewell ceremony for the Head of the Department of Juvenile and Community Justice, Gemma Tuccillo, in Rome.



25 **Escape from the “Cesare Beccaria” juvenile prison** in Milan. Seven inmates escape. They will be recaptured in the following days.



27 **Decreto sicurezza (Security Decree):** The Government approves the crackdown on NGOs and migrants. The Council of Ministers gives the green light to the new Security Decree that regulates the new code of conduct for NGO ships conducting rescue operations at sea.



Over the course of a Year

2023



29 **Israel:** Benjamin Netanyahu is elected for the sixth time in a row, after being prime minister for twelve years consecutively.



30 **The Decree-Law against rave parties, issued in October 2022, is converted into law.** To circumvent the obstructionism of the opposition it was necessary to apply the so-called “ghigliottina” expedient.

The National Guarantor publishes a Note on the Decree-Law “Disposizioni urgenti per la gestione dei flussi migratori e la semplificazione procedimentale in materia di immigrazione” (Urgent provisions for the management of the migration flows and the simplification of the procedure concerning immigration).



31 **Pope Emeritus Benedict XVI dies.** Pontiff from 2005 to 2013, the first of the contemporary age to resign.

January



Croatia adopts Euro as its currency. It is the 20th country to join the eurozone.



Mexico: assault, in armoured vehicles, on a prison in the northern city of Juarez, on the border with the United States: 14 fatalities, 24 prisoners escaped.



8 **Attack to the palaces of power in Brazil.** Lula's opponents close to Bolsonaro, after days of siege, manage to penetrate the presidential palace of Planalto, the palace of Congress, and the headquarters of the Supreme Court of Brasilia.

10 **Ad hoc visit to the Sassari-Bancali Prison, Sassari. The Board meets with Alfredo Cospito and, separately, with the medical staff.**

11 **The Board participates in the farewell ceremony for the Head of the Department of Penitentiary Administration, Carlo Renoldi, in Rome.**

President Mauro Palma's speech at the regional congress of CGIL - Civil Service of the Abruzzo Region, Francavilla al Mare, Chieti.

12 **President Mauro Palma meets with the Secretary of State for Justice Carlo Nordio.**



3 Thematic visit to the restricted prison regime ward (ex Art. 41-bis of Penitentiary Law) of L'Aquila Prison, L'Aquila.

The opinion of the National Guarantor on the registration in the registers of the resident population of foreign people detained or interned without a residence permit is published.

16-18 Study seminar organized by the National Guarantor at the Istituto Italiano di Studi Filosofici on "La misura dei diritti", Naples.



16 Mafia, Matteo Messina Denaro is arrested at a private hospital in Palermo. The *Cosa Nostra's* boss of bosses, on the run for decades, lived undisturbed in Campobello di Mazara, near his hometown.

18 President Mauro Palma speech's at the presentation event of the volume "Everyday Shoes", organized by the Unione forense per la tutela dei diritti umani, Rome.

19 President Mauro Palma participates as a speaker in the training days for legal-pedagogical officials, cultural mediators and UEPE directors in service at the penitentiary offices of the Campania Region on the topic "I diritti dei detenuti vivono ogni giorno", organized by the Law Department of the "Luigi Vanvitelli" University, Caserta.

20 Board's speech at the 4th national conference of the Social Workers Professional Body on "Institutional Violence", Florence.

President Mauro Palma's speech at the higher training course on "Profili teorici e pratici dell'esecuzione delle pene e delle misure di sicurezza" on the topic "Gli strumenti di rigore. Il regime dell'Art. 41-bis o.p.", organized by Milan "Bicocca" University, Milan.

22 Ad hoc visit to the juvenile prison in Bologna.

22 President Mauro Palma meets with the Chief of Staff of the Secretary of State for Justice Alberto Rizzo.

25 Lecture by the National Guarantor at the Scuola Allievi Carabinieri, Turin.



26 USA and Germany announce the sending of tanks to Ukraine. This represents a significant increase in military support for Kiev.



Over the course of a Year

2023

President Mauro Palma meets with the coordinating inspectors of the Gruppo Operativo Mobile (GOM), Rome.

President Mauro Palma participates in the commemorations for the Day of Remembrance, Chamber of Deputies, Rome.

27 Cospito Case: the National Guarantor requests the urgent transfer of Alfredo Cospito to a specialized healthcare facility for immediate medical intervention.

President Mauro Palma participates as a speaker at the convention for the presentation of the book “La privacy degli ultimi,” organized by the Department of Law at “Roma Tre” University.

President Mauro Palma meets with the Secretary of State for Health Orazio Schillaci.



30 **Alfredo Cospito is transferred to Milan.** The prisoner is moved to the Opera prison. Detention will alternate with periods of hospitalization in the detention ward of the San Paolo Hospital in Milan due to the prisoner’s precarious health conditions resulting from his hunger strike.

President Mauro Palma participates in the report on the activity of administrative justice of the Council of State for the inauguration of the new President Luigi Maruotti, Rome.

31 President Mauro Palma meets with the Chief of Police Lamberto Giannini.

Lecture by the National Guarantor at the Scuola Allievi Carabinieri, Rome.

February

1-3 February The National Guarantor delegates the Apulia Guarantor of the rights of the persons deprived of liberty Pietro Rossi to visit the CPRs in Bari and Brindisi, and the hotspot in Taranto. The visits are conducted together with experts, consultants of the National Guarantor (AMIF Project), and a member of its Office.

1 President Mauro Palma officially meets with the Head of the Department of Penitentiary Administration, Giovanni Russo.

3 Ad hoc visit to the Padua Prison.

President Mauro Palma meets with the Undersecretary of State for Justice Andrea Ostellari, Padua.



6-10 Visit of the Moroccan NPM to the National Guarantor.



6 A devastating earthquake in Turkey and Syria causes approximately 57,000 deaths. Two distinct shocks cause the disappearance of thousands of people.

The Board participates in the seminar “Il tempo ritrovato” organized by APS IPSilon, online.

7 The National Guarantor delegates Turin Municipal Guarantor of the persons deprived of liberty Monica Cristina Gallo to visit the CPR in Turin. The visit is conducted together with experts, consultants of the National Guarantor (AMIF Project), and a member of its Office.

8 Ad hoc visit to the Opera Prison, Milan. The Board meets with Alfredo Cospito and, separately, with the medical staff.

Open lecture by the President Mauro Palma for multiple courses of the Department of Law at the Milan “Statale” University on ‘41-bis e dintorni’ in dialogue with Davide Galliani and Angela Della Bella, Milan.

President Mauro Palma participates as a speaker at the seminar of studies on the topic “La forza di polizia - uno studio criminologico sulla violenza”, organized by the Milan Statale University.

9 President Mauro Palma’s meeting at the Foreign Press Room on the topic “Special prison regime under Article 41-bis of the penitentiary law”.

President Mauro Palma meets with the former Secretary of State for Labour Andrea Orlando.

The National Guarantor participates in the international event “20 Years of OPCAT and 15 Years of SPT” , organized by the Subcommittee for the Prevention of Torture, Geneva.



Cospito Case: The Secretary of State for Justice Carlo Nordio rejects the request for the revocation of the special detention regime 41-bis submitted by the defense attorney of Alfredo Cospito.

12-13 Ad hoc visit to the Airoldi and Muzzi RSA, Lecco. President Mauro Palma and a member of the Office of the National Guarantor meet with Carlo Giraldi. President Palma is heard on the case by the Lecco Court.

13 The Board participates in the inauguration ceremony of the Academic Year at the Scuola Ufficiale Carabinieri (Carabinieri Officers School), Rome.



2023

Over the course of a Year

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13-14 Lecture by President Mauro Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri Corps, Reggio Calabria.

14-15 National Guarantor’s speech at the workshop “Monitoring mental healthcare in prisons” on the topic “Approaching and treating mental disorders in prisons: the Italian NPM’s observations”, organized by the Association for the Prevention of Torture, online.

14 The National Guarantor delegates the Apulia Regional Guarantor of the persons deprived of liberty Luca Muglia to visit the Government Reception Centre in Isola di Capo Rizzuto (KR). The visits are conducted together with experts, consultants of the National Guarantor (AMIF Project), and two members of its Office.



15 The Italian government approves the ‘Anti-NGO’ Decree. New, stricter rules are defined for non-governmental organizations and their sea rescue operations.



“Reddito di cittadinanza” (Citizenship Income), EU infringement procedures against Italy: The welfare measure is not consistent with the EU laws on free circulation of workers, the rights of citizens, residents, and the persons under international protection. This is the motivation expressed by the European Commission, as it is an infringement procedure against Italy.

17 President Mauro Palma and a delegation of the National Guarantor meet with the Group of Experts on Action against Trafficking in Human Beings (GRETA) to make a report on a list of issues drafted by the Group, Palazzo Chigi, Rome.



20 USA: The body found on Saturday in the suburb of Hacienda Heights, thirty kilometres from Los Angeles, is that of David O’Connell, an auxiliary bishop of the city. In 1992, he was one of the main promoters of the peace between the police and the community following the riots caused by the beating of Rodney King.

President Mauro Palma participates in the presentation of the Report 2022 “Modelli ed esperienze di partecipazione condivisa tra cittadini, amministrazioni e imprese” by Italiadecide, Chamber of Deputies, Rome.

21 President Mauro Palma participates in the inauguration ceremony of the academic year 2022-2023 and in the keynote address “Educazione ai diritti e alla pace” by His Eminence Cardinal Matteo Maria Zuppi, President of the Italian Episcopal Conference, at Roma Tre University.



22 USA: A capital execution is carried out in Florida, the first in three years.

The National Guarantor delegates Milan’s Guarantor for the rights of persons Deprived of Liberty Francesco Maisto to visit the CPR in Milan. The visit is conducted together with experts, consultants of the National Guarantor (AMIF Project), and a member of its Office.



President Mauro Palma meets with the Chief of Staff of the Secretary of State for Justice Alberto Rizzo.



24 The Court of Cassation rejects Cospito's appeal, the prisoner remains under the 41-bis regime. His lawyer had requested the revocation of the strict prison regime against the decision of the Rome Surveillance Court.

Lecture by the National Guarantor at the Scuola Allievi Carabinieri, Campobasso.

President Mauro Palma meets with the Undersecretary of State for Justice Andrea Ostellari.

President Mauro Palma meets with the President of Republic Sergio Mattarella.



25 **Prison escape:** A high-security prisoner escapes from the Sardinian prison of Badu 'e Carros, Nuoro.



26 **Sea tragedy in Cutro: 91 deaths.** The deceased migrants were on a shipwrecked vessel, controversy sparks between Italy and Frontex over the delayed dispatch of the rescue mission.



28 **Finland:** construction work begins on the wall along the eastern border with Russia.

Lecture by the Board at the Scuola Ufficiale Carabinieri, Rome.

March

Lecture by President Mauro Palma at the “Scuola per una cittadinanza responsabile - conoscere per decidere 2022/2023” on the topic “Il senso del limite”, organized by Italiadecide, Rome.

2 The National Guarantor participates in the General Assembly of the Local Guarantors at the Carabinieri Legion Command of the Latium Region, Rome.

3 President Mauro Palma participates in the assembly of the conference of the Local Guarantors, Rome.

President Mauro Palma participates in the convention “I diritti negati delle donne”, Chamber of Deputies, Rome.

Visit of the State Undersecretary for Justice Andrea Ostellari to the National Guarantor.



Over the course of a Year

2022

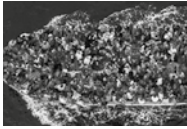
7 President Mauro Palma's hearing as an expert at the Authority for the Protection of Children and Adolescents for the launch of the commission works on the "Studio sulla condizione dei figli di genitori collaboratori di giustizia, con particolare riferimento a quelli ammessi allo speciale programma di protezione", online.

8 President Mauro Palma's speech at the presentation of the Report on the women detained in Italy "Dalla Parte di Antigone", Senate of the Republic, Rome.



9 Five police officers from the San Gimignano prison are convicted for torture.

President Mauro Palma's speech at the event "Diritti ristretti. Il ruolo del carcere e i diritti dei detenuti", organized by the Venice CGIL and the Movement in defence of Venetian public healthcare system, Camera del Lavoro Metropolitana, Venice.



10 The Decree-Law on Immigration is approved.

Ad hoc visit to the detention ward of the San Paolo Hospital in Milan. President Mauro Palma meets with Alfredo Cospito.

14-15 *Ad hoc* visit of the "Giuseppe Panzera" prison in Reggio Calabria and the Reggio Arghillà prison.

President Mauro Palma's speech at the seminar on the "41-bis special regime" and the Cospito Case, organized by the Department of Law and Social Sciences of Reggio "Mediterranea" University on the occasion of the inauguration of the Course in Penitentiary Law, Reggio Calabria.

15-16 The National Guarantor participates in the "Forced-Return Monitors' Network Spring Meeting", organized by Frontex Fundamental Rights Officer, Warsaw.

16 *Ad hoc* visit of the "Laureana di Borrello" prison, Reggio Calabria.



17 International arrest warrant for war crimes issued against Russian President Vladimir Putin. It has been issued by the International Criminal Court in The Hague on the basis of the illegal deportation of children from the occupied areas of Ukraine to Russia.

Board's lecture at the Scuola Ufficiali Carabinieri, Iglesias (CA).

Ad hoc visit to the Reggio Calabria prison.

President Mauro Palma meets the Undersecretary of State for Justice Francesco Sisto.



20 **China's President Xi Jinping visits Russia.** An event of strong symbolic significance in which several bilateral agreements are signed.

President Mauro Palma participates in the inauguration ceremony of the Judicial Year 2023, organized by the National Bar Council, MAXXI, Rome.

The Board meets with a delegation from the Scientific Research and Documentation Center (WODC) of the Netherlands's Ministry of Justice. The meeting focuses on the prison special regime under Article 41 bis.

21 President Mauro Palma's speech at the day dedicated to the activities of Roma Tre University in the penitentiary institutions of the Latium Region, titled "Missioni possibili: Roma Tre e il carcere", organized by the Penitentiary University Pole (PUP) of the Latium Region and the Roma Tre University, Rome.

President Mauro Palma participates in the Remembrance and Commitment Day in memory of the innocent victims of the mafia, organized by the Associazione Libera, online.

22 The Board participates in the ceremony marking the 206th Anniversary of the Foundation of the Penitentiary Police Corps, Rome.

President Mauro Palma meets with the new Head of the Department for Juvenile and Community Justice, Antonio Sangermano.

Lecture by the National Guarantor at the Scuola Allievi Carabinieri, Taranto.

23 President Mauro Palma meets with Senator Ivan Scalfarotto.

24 The European Committee for the Prevention of Torture (CPT) of the Council of Europe publishes its report on the periodic visit to Italy in 2022.

The President meets with the new President of SIMSPe Onlus, Antonio Maria Pagano.

27-28 President Mauro Palma's speech at the seminar for the presentation of the Associazione Observa, which monitors Catalan prisons, at the European Parliament Office in Barcelona.



28 The French Court of Cassation rejects Italy's extradition request for former members of terrorist organizations active in the seventies of the 20th century. The decision is based on the assessment that these individuals are now socially and professionally well-integrated into French society.



Over the course of a Year

2023



30 Based on the appeal of four Tunisian citizens, the European Court of Human Rights of the Council of Europe condemns Italy for the inhuman treatment suffered by migrants at the Lampedusa hotspot. Italy is also condemned for deprivation of liberty, and illegal pushbacks..

President Mauro Palma's speech at the event organized by the Municipality of Naples as part of "Senza Colpe," a photographic exhibition about ICAMs, organized by the Municipality of Naples at the Palazzo delle Arti.

3 | The National Guarantor meets with the Central Director for Migration Policies - Authority for Asylum, Migration, and Integration Fund, Deputy Department Head Prefect Maria Forte, Rome.

April

3 After visiting all the 41-bis wards in Itay, the National Guarantor publishes its Report on the special prison regime.

The Board presents the Report on the Article 41-bis special regime to the press at the National Federation of Italian Press, Rome.



4 Finland joins NATO, becoming the 31st member of the Alliance.

President Mauro Palma's speech at the presentation of the film "Nu juorno 'nzieme," premiered as part of the Human Rights Film Festival at the Naples-Poggioreale Prison.

President Mauro Palma meets with the President of the Istituto Italiano di Studi Filosofici, Gerardo Marotta, Naples.

5 President Mauro Palma meets with the Secretary of State for Justice Carlo Nordio and the Undersecretary of State for Justice Andrea Ostellari.



7 Israel: An attack involving a car driven into a crowd on the Tel Aviv waterfront results in the death of an Italian tourist, Alessandro Parini. Seven people are injured, including two other Italians.



1 | The Italian Government approves the State of "Migrants Emergency" following the extraordinary increase of the migrant flows through the Mediterranean routes. It will continue for 6 months.

12 The President participates in the 171st Anniversary of the founding of the State Police, Rome.



15 Coup d'état in Sudan. The Rapid Support Forces (RSF) under the command of the Transitional Vice President Mohamed Hamdan Dagalo launch an attack on the Presidential Palace.

The National Guarantor publishes the “Vademecum per le Forze di Polizia”.

16 Lecture by the National Guarantor at the Scuola Carabinieri per Marescialli e Brigadieri, Florence.

17 President Mauro Palma participates in the discussion on the opening of an Immigration Removal Centre (CPR) in Tuscany, organized by the Municipality of Florence and the Tuscany region, Florence.

Board's speech at the seminar “Gli organismi di tutela dei diritti umani: modelli a confronto tra Europa e America Latina”, organized by the Department of Political Sciences of the Bari “Aldo Moro” University, *online*.



18 Cospito case: the Constitutional Court declares illegitimate the prohibition on balancing in the case of recidivism, and remands the case to the Court of Appeal for the redefinition of the penalty.

20 President Mauro Palma participates in the presentation of the Second Six-Month Report (July/December 2022) of the Campania Guarantor of the persons deprived of personal liberty, Naples.

21 President Mauro Palma participates as a speaker at the presentation of the film “Karpeta Urdinak” as part of the Festival del Rifiuto della Tortura, organized by the Municipality of San Sebastian, Spain.

Lecture by the Board on the topic “La tutela dei diritti nell'esecuzione penale e la rieducazione come diritto soggettivo” as part of the course “Il principio rieducativo della pena, tra teoria e prassi”, at Scuola Superiore di Sant'Anna, Pisa.



24 **Italians return from Sudan.** 96 people return to Italy, repatriated due to the danger of civil war in the African country.

27 *Ad hoc* visit to the REMS of Calice al Cornoviglio, La Spezia.

28 *Ad hoc* visit to the detention ward of the “San Martino” Policlinico Hospital, Genoa.

29 President Mauro Palma participates in the graduation ceremony of the Scuola Ispettori e Sovrintendenti della Guardia di Finanza (Guardia di Finanza Inspectors and Superintendents School), L'Aquila.



The board
reports to
parliament

7 YEARS
WITHOUT GIULIO



15.06.2023

I wish to thank the President of the Chamber of Deputies that this year hosts the *Report to Parliament* of the *National Guarantor for the rights of persons deprived of personal liberty*, the authorities, and the persons who are here today to listen to my words, along with those who participate remotely thanks to the broadcasting service provided by RAI 3.

In the past years, I already had the opportunity to emphasize the importance for the National Guarantor to address the Parliament of our Republic with its reflections, and in so doing give voice to all those situations that it is called upon to see, observe and consider in their complexity. I have also said that this opportunity and this voice are not only the expression of the specificity of the mandate given to this Guarantee Authority, but they represent many voices that for different reasons cannot reach the external public, as they come from places that are mostly invisible to it, and often not seen by it. These places have vulnerabilities due to the deprivation of liberty, which frequently add up to pre-existing fragilities from an individual and social point of view.

In the past years, I already had the opportunity to emphasize the importance for the National Guarantor to address the Parliament of our Republic with its reflections, and in so doing give voice to all those situations that it is called upon to see, observe and consider in their complexity.

I also aim to connect with those individuals who are the focal point of this discourse, albeit from a distance, fostering their awareness of being represented in this setting. I revisit an analogy that, as a layperson, I invoked in my second Report to Parliament exactly five years ago. It draws inspiration from the narrative of Pentecost in the Acts of the Apostles, underscoring the astonishment of onlookers in Jerusalem. Despite their diverse origins, the Apostles from Galilee spoke in the native language of each observer, rendering the message universally comprehensible.

I draw upon this imagery to underline the National Guarantor's ability to communicate effectively with every individual deprived of personal liberty. The goal is to ensure that they grasp the essence of the message—a voice advocating for the safeguarding of rights that defines our democracy. In the context of a democratic society, the corresponding duties resonate as the native language for every person, forming an integral part of their collective identity.

I would also like to extend my respectful salutations and thanks to the Authorities and the institutions they represent with a tribute and a birthday wish for our republican Constitution, which turned 75 this year. It is the stronghold of our being here today, the one from which the action of this Board has taken strength until today, and it will continue to be such a stronghold for the new Board which will fill in our role. In fact, our Constitution does not only defines the limits of the exercise of power that the State -with in its various branches- have to fulfil, or the list of the fundamental rights recognized and protected for each person within their social community, along with the rights that descend from it, but it also addresses our task - that of each of us and, in particular, of those in an institutional role- to remove the obstacles the limit the opportunity of enjoying such rights for individual or groups. This, in turn, calls upon us to commit in the long term so that nobody stays behind on our collective journey. A Chart that provides a positive direction for political action, which must always be aimed



The board reports to parliament

at strengthening the culture of rights, their concrete effectiveness, and thus the construction of a cultural fabric in positive development. Therefore, politics should not be merely the acknowledgment the existing state of affairs, and even less so, should it perceive its role as simply going along with it.

For this reason, my foremost expression of gratitude naturally extends to the figure embodying it—the President of the Republic. Over the past seven years, the President has always followed with interest the initiatives of the National Guarantor. I also extend my appreciation to the Constitutional Court for their continuous efforts to uphold the legitimacy of laws and legal actions, along with the opportunity provided, after the regulatory changes, to external entities representing the social fabric to present their opinions—a practice akin to that in use of international forums—also in the informal role of *amicus curiae*.

A signal that the National Guarantor has perceived as indicative of a specific will to foster a dialogue between two different perspectives. The structural perspective of social complexity, with the work of the institutions, the intermediate bodies and the social organizations, represents a value. The perspective of legitimization for those who analyze the legislative composition within the framework of shared and established values is symmetrical.

A signal that the National Guarantor has perceived as indicative of a specific will to foster a dialogue between two different perspectives. The structural perspective of social complexity, with the work of the institutions, the intermediate bodies and the social organizations, represents a value. The perspective of legitimization for those who analyze the legislative composition within the framework of shared and established values is symmetrical. The dialogue between these two perspectives is essential. Further, it needs the legitimization perspective so that the regulatory context effectively takes on that set of rights—that the Constitution establishes as a guarantee—as a limit, and as precisely a cultural construction.

This is how the National Guarantor has constructed an ideal link between its visits, observations, and related recommendations not only for the intervention in the normative production phase but also for the evaluation during the implementation phase, ensuring consistency with the fundamental Charter. A *soft law* contribution based on empirical knowledge which can provide further element of analysis and interpretation to the structure of the *hard law*.

As you all know, this is the seventh and final Report that the current Board of the National Guarantor presents to Parliament, at the end of its mandate. The deadline certainly prompts us not only to report on what has happened in the year since the last time I addressed the Parliament, but also to cast a longer glance over these seven years to highlight the main changes that have occurred in the diverse world of institutions, where personal liberty is taken away based on a mandate given by the community.

Furthermore, this Report addresses a new Parliament, and therefore it is important to inform about the persistent issues, explain some expectations, and present the needs for intervention. This actually does not come as new to us. During its mandate, the National Guarantor has engaged with three different legislative assemblies and has established a dialogue based on independence and collaboration with six different Governments. We have always hold on to the principle that cooperation among the various components of the national system is essential even when perspectives and problem analyses may differ: we measure ourselves as parts of the same organism, almost in an organicist metaphor, despite the different tasks and cultural approach in problem management.

The perspective of the National Guarantor is certainly an intrusive one. It should go beyond the surface and exercise caution, make recommendations, to prevent multiple levels of risk. First and foremost, the risk of weakening the protection of the rights of less visible individuals who have less capacity to



act in their own name, but also the decline in collective awareness that the issues they face require solutions in line with our own tradition and history of civilization. Lastly, the risk for our Country to be internationally exposed to sanctions because it has not complied with the duties undersigned with other international entities in treaties, conventions or declarations.

To effectively carry out its preventive function, which is one of *prevention*, the National Guarantor has focused on three distinct yet interconnected directions. This institution is tasked with intervening ‘before’ rights are violated or commitments breached. This imperative arises not only from legislative mandates established a decade ago to align with sanctions mandated by the Strasbourg Court—specifically, the violation of the absolute prohibition of conditions offensive to personal dignity within our penitentiary institutions.

The National Guarantor, indeed, holds the significant role of being designated by our country as the National Mechanism for the Prevention of the Risk of Torture or Other Cruel, Inhuman, or Degrading Treatment. This independent body is a requirement outlined in the Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment, a commitment Italy ratified in December 2012 along with 91 other countries, following more than thirty years of debate.

Hence, the essential and fruitful dialogue that has developed over these years with the Judiciary, tasked instead with a *reactive* role in identifying violations, suppressing their potential recurrence, and defining a path of sanction and awareness for the offender in view of a possible restoration of the harm inflicted by the crime always on the victim and on society as a whole. This task also contributing to the *preventive* function.

Over seven years, this dialogue has encompassed diverse fields of the Judiciary’s action. The Public Prosecutors’ Offices, both in the mandatory reporting of violations observed or credibly reported as offences against the dignity of every confined person or their physical and mental integrity, and in the shared discussion on how to resolve critical issues in local facilities. The Cooperation Agreements signed with the Public Prosecutor’s Office of Naples and Bari have been constructed precisely within this discussion. The Supervisory Judiciary, both at the individual level, in the various districts, and at a more general level through discussions on the topics of detention and its compliance with constitutional provisions. Lastly, the Judiciary of Voluntary Jurisdiction, for reporting and analysis related to the challenging task of safeguarding individuals in need of special support, who still possess a limited capacity for their own autonomous actions, which should be always enhanced rather than restricted or replaced, in the pursuit of presumed greater protection.

The dialogue between the *preventive* and the *reactive* functions, between the action of an independent non-judicial body dedicated to the former and the judicial function exercised by the Judiciary, thus constitutes an enhancement of the protection of those persons at risk of greater vulnerability. And over these seven years, it has progressively strengthened. The Recommendations of the National Guarantor have been increasingly taken into consideration, within the provisions of the Judiciary, including the Court of Cassation, the Constitutional Court, and the European Court of Human Rights.

Nevertheless, the crux of the matter lies in the fact that these Recommendations do not spring from theoretical or ideological stances, which, though respectable, remain abstract. Instead, they derive from firsthand observations of the actual places, open dialogues with individuals, and the scrutiny of

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local regulatory documents that often characterize the totality of the day-to-day reality within detention facilities. These Recommendations aim to serve as foundational elements for establishing standards, grounded in the direct monitoring of the conditions in which the deprivation of liberty occurs.

This has been the golden thread of all the observations, recommendations, and reports that the National Guarantor has sent to the authorities during its seven-year mandate. Along this continuum, it has fostered a dialogue with those entrusted with the demanding responsibility of administering the deprivation of liberty, safeguarding personal rights, and simultaneously providing reassurance to the community. In this context, the task assigned to the *National Preventive Mechanism* by the aforementioned United Nations Protocol is essential. It involves engaging in dialogue during the process of approval of laws and other lower-rank acts related to deprivation of liberty, providing non-binding but certainly essential opinions to assess the potential impact of such legislative acts. Over these years, the National Guarantor has exercised this function on different occasions although not consistently because its opinion has not always been requested by the Parliament, especially for the conversion of the decree-laws –an extraordinary instrument which in fact has been used as an ordinary one– regulating the areas falling under the jurisdiction of the National Guarantor.

I want to emphasize this direction because we are now reaching a milestone. A new Board has already been appointed to take our place, ensuring continuity in the path that has been initiated, despite the differences that the character and cultures of each of us may bring, precisely because it is not about expressing a political stance but fulfilling a guarantee function. Politics supports, cooperates, but it does not rule over the Guarantee Institutions.

The journey will continue, but it will be a different one. As Italo Calvino wrote, “walking always presupposes that at every step the world changes in some of its aspects, and something in us changes too.” The author referred to the *Thousand Japanese Gardens* and observed that during the journey “the metamorphoses generated by space are added to those of time”, the path multiplies the context and makes it more complex, yet it still guides the step. I believe that this metaphor applies to the direction that those with institutional responsibilities must always hold steadfast, even when contexts change and complexity intensifies: the direction is that of a continuous pursuit of the greatest inclusivity and cohesion possible. A direction that overlooks the specific path chosen, its peculiarities and twists. In fact, the function of every public service should be regarded as tile in the mosaic composing the idea of a State. Something which is not only characterized by an ordinating and regulating principle, but also by a solid ethic-political inclusion of diverse social forces in one national design. This is how

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we can build an identity centred on the ability to include others, exploiting the potential of its own institutions and the dynamism of its social organization: an identity always affirmed as a value, but never adopted as an excluding identity factor.

Since its inception, this guiding principle has steered the path of this Guarantee Authority, influencing its attention across diverse areas where its activities unfold. The Authority has persistently honed its capacity to discern distinctions, and more significantly, to identify fundamental similarities among ostensibly remote issues. These issues are bound together by the imperative for heightened protection of rights, stemming from the inherent incapacity to determine one’s own time, movement, and actions.

Throughout the years, we have adhered to this approach in our Parliament Reports. In the initial year, we have focused our attention on new institution



to enhance its visibility and understanding. Subsequently, we have centred our interest in the diverse categories of individuals experiencing deprivation of liberty. This has included highlighting distinctions—some arising from their actions, others from administrative irregularities during the anticipation of returning to their place of origin, and further groups affected by issues of fragility, mental or behavioural distress, or life circumstances such as age or a lack of autonomy in expressing their abilities. Despite these differences, a common thread binds them all: residing in enclosed spaces, perceived as distinct from the environments of their everyday lives. The following Report has dealt with the specificity of these places, even in their detailed articulation, including an analysis of the external world, that is the language used to talk about them. And in the next year, we have gone through the language with which the rules regulate the lives of those restricted lives. Last year, the Report has delved into the intricacies of time, exploring its transformations during the shift from one temporal phase to another. It has grappled with the challenge of adapting to an external time that has, in the interim, forged its own distinct rhythm. This year, the focus shifts towards the current position of the National Guarantor and the trajectory this institution will follow. The Report provides a concise overview of the multitude of information and data within its pages, consistently highlighting what has evolved in these seven years and what areas still demand change. Simultaneously, individual sections authored by Units within the National Guarantor’s office are presented in a narrative context, offering a more nuanced exploration of specific aspects.

Starting from the work of the Units, the Board must make two premises when reporting to Parliament. The first premise is that all Units have worked with great dedication and professionalism over these years. They now represent a recognized knowledge asset, also acknowledged by international interlocutors. This asset will ensure support for the continuity of the National Guarantor’s actions. After this initial phase characterized by a voluntaristic impulse, these units should be placed in a proper employment scheme with a clear definition of their role. Furthermore - and this is the second premise - the working method that has constituted the professional growth of the different units lies in the non-sectoralization of skills. In fact, it is founded on the ability to read the elements of connection between specificities to construct a fabric that does not separate disciplinary knowledge from the understanding of interdisciplinary links.

The intricate web of connections becomes paramount in the realm of human rights. Maybe because, as Hannah Arendt put it in *The Origins of Totalitarianism*, “[it is] not the loss of rights by individuals, but that of a willing and capable community to ensure any right, that is the misfortune that can befall a society, and for this reason, the first right that humanity must guarantee is belonging to it.” In practical terms, this concept aligns with the constitutional mandate bestowed upon the Republic. It transcends the mere acknowledgment and assurance of rights, extending to the proactive elimination of “economic and social obstacles.” These obstacles, by restricting liberty and equality among citizens, impede the complete development of the human person and their meaningful participation in social organizations.

This paragraph of Art. 3 together with the previous paragraph on the affirmation of equal social dignity and equality before the law, along with the previous article highlighting “solidarity both as value and a duty, define the absolute belonging of each individual to the community. Not only this, it also clarify the duty of every public space to be constituted as a space for all, with each person considered in their individuality, leaving no one excluded.



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By the end of 2022, people detained in prison were 56,195, including 2,365 women (six year before they were 2,285). This data is generally comparable, even though there has been an increase of more than 1,500 detained individuals. The capacity, which was already insufficient at that time, has only increased by a thousand regulatory places over the course of seven years.

Criminal Area

In its first Report to Parliament, this Board reported 54,653 people detained in Italy as at 31 December 2016, with an increase compared to the two previous years, when the figure dropped by 2,000 units because of the provisions adopted after the landmark judgement of Strasbourg Court in the case *Torreggiani and others v. Italy*. In the subsequent years, the data has experienced fluctuations, considering the decrease resulting from measures adopted during the period of the pandemic emergency and the subsequent resurgence of an upward trend, albeit less significant than one might have expected. By the end of 2022, people detained in prison were 56,195, including 2,365 women (six year before they were 2,285). This data is generally comparable, even though there has been an increase of more than 1,500 detained individuals. The capacity, which was already insufficient at that time, has only increased by a thousand regulatory places over the course of seven years.

Two pieces of data indicate changes: the percentage of foreign individuals in prison has decreased from 34% to 31.4%. Particularly noteworthy, and this is a positive trend, is the percentage of those in prison without any final conviction, which has decreased from 35.2% to 28.3% over the same period.

Despite the ongoing debate on the topic, the individuals detained in prison for short sentences have been increasing. Currently, 1,478 individuals are in prison to serve a sentence - not a residual one - of less than one year, while another 2,741 serve a sentence comprised between one and two years. It is clear that a complex structure as the prison system cannot provide any rehabilitation programme for them because the time required for initial assessment and evaluation sometimes exceeds the duration of the planned detention. Not only that, but these short detention periods are destined to repeat themselves in a kind of serial pattern, with periods of freedom alternating with periods of detention, leading to an overall aggravation of the prisoner's marginalization. Furthermore, reducing the rehabilitative purpose to a mere statement without any actual implementation ends up projecting a sense of the uselessness of the rules, especially for those individuals who, having violated them, should be helped to understand their value. Lastly, this combination vividly represents the image of social marginalization that now resides within the prison. Current law system gives different opportunities of access to other measures than detentions for such short sentences: the inability to provide them reveals an overall deficiency of the system. This deficiency encompasses social support, legal assistance, often the understanding of the same laws, but it is also a material deficiency as it often the lack of a house or its inadequacy are the reasons why such alternative measures are not granted to people condemned to short sentences.

Therefore their presence in prison poses questions to our social fabric: such marginalization should have found other answers, so to reduce the risk of committing crimes. We should never forget that criminal law -and even more so deprivation of liberty- should have a subsidiary role; it should represent an extreme measure, taken only when other forms of support and conflict resolution, as well as difficulties within the collectivity, have failed. These lives should have found other forms of support, e.g. education, housing, the possibility of an income capable of making the rightly proclaimed protection of life an effective safeguard for a dignified life, not merely a biological one; they should have also found it in interventions aimed at preventing the first deviation towards criminal activities.

I believe it is now time to act and to take out from prison what should not fall within its field of action. Such fragilities and consequent minor crimes determining short sentences require different facilities,



and a closer relationship with the territory. Looking back over the years, Alessandro Margara, had envisaged the possibility of building structures under the territorial responsibility, where persons with such characteristics -for whom he spoke of “social detention”- could find support and control but, most of all, they could find a more attentive care and a reduced sense of the void they had suddenly reached: a feeling often paving the way for tragic outcomes. Therefore, I believe that a project of social responsibility and the envisagement of structures different from prison should be resumed. Otherwise, we face the risk to continue configuring the prison as the endpoint for subjective problems, non-conforming lifestyles, and marginalization that do not find elsewhere tools for resolution and regulation.

The Board of the National Guarantor trusts that the Parliament will commit to this project, taking advantage of the solicitation coming also from some mayors, to generate a step change with reference to the difficulties and the fragility that today are experienced within the prison walls. The significance that the number of suicides among incarcerated individuals has taken on in the last year and the current one cannot be overlooked. This figure is often accompanied by another equally important and increasing number -compared to the past- of suicides among those who work in detention facilities in direct contact with their inherent drama and violence.

Today, 21st of April, the day I am writing these pages before sending them to printing, while the sixteenth week of the year is passing, 20 prisoners have made the tragic choice to end their lives, while an additional 9 deaths linger with causes yet to be ascertained—some inevitably destined to be classified as suicides in the future. The National Guarantor has conducted a detailed analysis of the 85 suicides from last year (the data, classified according to various indicators, are reported in the *Maps* section of this Report, while the entire research is in the *Opinions and Recommendations* section): it gives a clear picture of the undeniable impact of the tension that, especially in recent times, pervades the Institutions. It highlights the impact of overcrowding in places and its repercussions on material conditions and subjective depersonalization; but above all, it reveals a picture of individual fragility that questions us - the external society, even more than the Penitentiary Administration. In reality, the symbolic significance of reaching the prison often appears to be a crucial factor influencing extreme decisions. It engenders a profound sense of having plunged into an existential ‘elsewhere,’ a territory detached and deemed irrelevant or heavily criticized by both the media and, sometimes, by the institutions. However, it is essential to acknowledge that these individuals arrived in prison after navigating lives fraught with difficulties, teetering on the precipice that progressively distances them from a sense of belonging to the community, placing them on the outermost fringes.

This should be starting point for a different public discourse on punishment. One that should be not limited to the few who have always been involved in this topic and, above all, not ideologically biased, but rather placed in the context of the utility of the penal function, its limits, and its requirements in terms of professional quality and alignment with the course of external life. All of this, even before addressing the, admittedly urgent, issue of the renovation of the structures. In fact, as previously mentioned, their undignified appearance is one contributing factors to an unbearable sense of emptiness that can lead to extreme choices, but not the main one.

We must reflect on how an unbalanced public discourse leaning towards populism and applied to the criminal field has led in recent years to the expansion of the area of criminal control, even in the presence of a numerical

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reduction in the most serious crimes. As mentioned above, the data in the first Report to Parliament indicates approximately 54,600 incarcerated individuals. Alongside them were 34,104 people under various types of alternative measures to prison, with an additional 10,097 in community measures: the so-called “probation,” which had recently been established. Today, seven years later, there are more than 56,000 incarcerated individuals, but they are accompanied by an additional 53,113 under alternative measures, and 25,409 under “probation”. Overall, we observe that alternative measures and community-based interventions have not reduced the prison population but have been added to it, expanding the scope of penal interventions from 98,854 to the current 135,073. Meanwhile, more serious crimes have progressively decreased (for example, voluntary homicides decreased by 25% during the same period, mafia association by 36%, and robberies by 33%; drug-related offences have remained constant or slightly increased).

The data regarding minors and young adults under alternative measures and probation are quite different, totalling 3,802 individuals, compared to those confined in juvenile prisons, which amount to 382 individuals, slightly above 10%. A heavily imbalanced ratio in favour of the former, which leaves incarceration in prisons with a truly residual dimension.

However, the data regarding minors and young adults under alternative measures and probation are quite different, totalling 3,802 individuals, compared to those confined in juvenile prisons, which amount to 382 individuals, slightly above 10%. A heavily imbalanced ratio in favour of the former, which leaves incarceration in prisons with a truly residual dimension.

In these seven years, we cannot forget that the criminal area has been marked by the dramatic conditions of the detention places during the application of the anti-Covid-19 measures. We all have felt this situation deeply from the outside, but even more so it was felt in detention facilities, especially in juvenile institutions. In addressing some of the signs of difficulty in juvenile institutions today, where in the past a positive project-oriented dynamism had developed, we must not forget the effects of the recent period of closure, especially for its impact on young people in the age of forming their still immature adult subjectivity. This consideration can help us to understand and avoid to make decisions which are not consistent with the positive tradition of the Italian juvenile justice system.

During that period, adult prisons, particularly in the initial days of closure to contain viral transmission, have faced riots and have witnessed lives lost as individuals sought to cope with the inherent despair fuelled by both general anxiety and the specific challenges of being in a confined environment that often fell short of recommended hygiene standards. Instances of serious mistreatment and violations against the dignity of prisoners were reported, prompting judicial intervention, including first-degree investigations and subsequent verdicts.

These distressing moments, as consistently emphasized by this Guarantee Authority, should not overshadow the overall efforts of those, in various roles, entrusted with the responsibility of administering sanctions with order, security, and the protection of the rights of all parties involved.

If, as is right, we must draw positive lessons from such episodes and the images that have rightfully impacted the community, we must also look at the positive aspects that they have brought about in terms of overall awareness. Primarily, our legal system’s ability to respond is notable, often aided by investigations conducted within the Penitentiary Administration itself. Secondly, we highlight the potential provided by the torture offence introduced in 2017 in our criminal code. This does not only aligns with a commitment made years ago at the international level with the ratification of the United Nations Convention against Torture but also adheres to the explicit provisions of Art. 13, para. 3 of our Constitution. Notably, this is the sole instance in the entire constitutional text where a provision of explicitly penal nature is articulated.



As we know, there has recently been a debate regarding the possibility of improving this legal provision, which, it must be said, has been the subject of lengthy discussion, challenging negotiations, and an agreement on a text that does not strictly reflect the international definition of the crime of torture defined by the Convention that was ratified at that time. However, its life in the legal process, weighed down with interpretative elements, is demonstrating the positivity of the choice made by Parliament at that time – a choice on which the National Guarantor, when officially consulted, had expressed a favourable opinion. It is also becoming clear, by distinction, how this provision effectively protects the professional dignity of almost all those who act professionally and dedicatedly when compared to situations where arbitrariness might become prevalent. A provision to defend precisely from this perspective, observing how certain judicial rulings, such as the recent one from the Siena Court, have highlighted the specificity of such a serious crime committed by a public official in the exercise of their functions, compared to a common crime of equal gravity but with a different characterization. This resolves the doubts of those who believed the newly introduced offence lacked specificity. Certainly, any attempt to reduce such a grave crime committed by those entrusted with the care of individuals in custody, in the exercise of the terrible power of depriving personal liberty, to a mere aggravating factor in common cases of abuse or violence would not correspond to the legal culture that has characterized our Country from Verri and Beccaria to the present day.

The Reports also includes some of the actions that the National Guarantor has taken in these years, particularly regarding the most difficult aspects of its work in this field. Such actions deal with sensitive questions, and in the National Guarantor's opinion, they still need further reflection and intervention.

The Reports also includes some of the actions that the National Guarantor has taken in these years, particularly regarding the most difficult aspects of its work in this field. Such actions deal with sensitive questions, and in the National Guarantor's opinion, they still need further reflection and intervention. This Report contains three Recommendations formulated in the aftermath of the publication of the images related to the so-called “search” conducted at the Santa Maria Capua Vetere Prison. The first pertains to advance confidential notification to the National Guarantor of planned extraordinary general searches – of an entire section, department, or institution; the second relates to the expansion of the surveillance camera system in all prisons and the retention of images for a duration compatible with the investigation of any subsequently reported incidents; the third concerns the effective traceability of equipment worn in situations of particular gravity, allowing for a comprehensive investigation of possible criminal actions. Too many cases are archived due to the impossibility of identifying the perpetrator, where the required and necessary equipment has, in practice, become a form of disguise. The first Recommendation has received an immediately positive response from the Penitentiary Administration; the second was also accepted, although its implementation is still ongoing and slow; the third Recommendation, instead, was not accepted. The *National Guarantor of the rights of persons deprived of personal liberty* reaffirms with due conviction the need for the traceability of equipment and, consequently, of those who have worn them in a specific situation, to be adopted as a criterion of trust and transparency for all law enforcement agencies, in ways that also protect all individuals operating in challenging contexts while simultaneously ensuring the effectiveness of investigations into unacceptable behaviours. The announced introduction of *bodycams* certainly represents an improvement, but it is not sufficient.

In the *Opinions and Recommendations* section, there are also documents prepared during the debate on the possibility of access to parole for incarcerated individuals who are charged with “impedimental crimes,” prompted by the indication of the Constitutional Court and the subsequent activity of Parliament that led to the Decree-Law of 31 October 2022, no. 162. This volume also contains a Report



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on the Special Regime ex art-41-bis, para. 2 of the Penitentiary Law. The National Guarantor believes these two topics are still to be debated.

The scope of action of the National Guarantor in criminal field is incomplete without a general recommendation: the first “rehabilitation” treatment should not consist of fanciful proposals and activities, but should prioritize education and training. Because these are the foundations of awareness that precede taking responsibility for one’s actions.

The first reason is that jurisprudence will shed light, in the upcoming years, on the effectiveness of the response to the necessity of preventing a sentence that leaves no room for hope. The second reason, as highlighted in the same Report, prompts a crucial dialogue about the special regime. This entails discussing its essential role in disrupting relations, connections, and orders within criminal organizations, while also addressing concerns about its current numerical extension, often indefinite duration, material detention conditions, individual measures, and the meticulous protection of individual rights—fundamental pillars of a democratic system. We should also recall that para. 2 of the Art. 41-bis is an additional measure introduced to face a specific issue in the perspective of gradually overcoming the issue itself. Otherwise, it would become decisive the *aporia* of a stable situation of special treatment that concretely modifies the configuration of the penal execution, excluding the possibility of “aiming at the rehabilitation of the convicted individual,” which is adopted through an administrative measure and only subsequently subject to judicial review. A political intrusion that bears consequences on a constitutional principles, despite the in-depth analysis and discussion that brought to its formulation in the Constitutional assembly.

The scope of action of the National Guarantor in criminal field is incomplete without a general recommendation: the first “rehabilitation” treatment should not consist of fanciful proposals and activities, but should prioritize education and training. Because these are the foundations of awareness that precede taking responsibility for one’s actions. Education cannot be a mute variable in the detention process, so that its absence upon entry remains unchanged over the years unless prompted by a request from the restricted individual. It is not acceptable that there are still nearly 5,000 people who have not completed their compulsory education. Even when considering only Italian citizens, there are 845 individuals who are illiterate, and an additional 577 who have not completed the first level of primary school (i.e., elementary school).

Regarding education, the National Guarantor asks Parliament for a special investment, which is not only the implementation of courses and the provision of related resources but also, and above all, the use of information and communication technologies. It also calls for a different organization of detention time that the Administration will have to implement accordingly, as it has the competencies to respond to this call.

Symmetrically, a positive sign that we believe it is necessary to inform Parliament about is the 1,426 individuals enrolled in university courses, including 166 foreigners, in various centres that are spreading across the Country and are coordinated by the National Conference of Rectors. This involves 95 institutes for adults, 3 juvenile prisons, 1 REMS and the military prison.

This is a sign that the ‘inside’ is not far removed from the outside world, and their effective complementarity must still be understood by institutions, including in some aspects the by the Supervisory Judiciary and the Penitentiary Administration. It should not be seen as something optional or as a possible concession but rather as an activity to be embraced without reservation. In fact, the construction of knowledge and the expression of culture, of which each individual is in some way a bearer, are areas of individual self-structuring. They converge towards the common goal of



giving meaning to the time of detention, freeing it from the connotation of time taken away from life or waiting time, and turning it into an opportunity for the acquisition, however limited, of some positive elements for one's own subjectivity and for the initiation of a path towards social reintegration.

Deprivation of Liberty - Migrants

This last statement cannot be applied to the time spent in detention by migrants, waiting for the consummation of their failure. In fact, their deprivation of liberty in CPRs is undoubtedly an empty time, spent within a space which is also empty. This double emptiness intensifies the feeling of having reached the negative conclusion of one's own project – whatever it might have been – and having to confront the third emptiness: the inner one.

The extension of administrative forms of detention has been a significant part of the National Guarantor's activities over these seven years and still constitutes a field where the debate is often marked by emotional elements, often overshadowing the need for a thorough examination of the rationality and effectiveness of these measures. Some premises are widely shared by more attentive observers and are now unavoidable when addressing this issue.

The first is that migrations towards Europe, and most of all, from populations coming from the Southern and Eastern world are not a temporary phenomenon, destined to drastically decrease in the medium term. Therefore, it requires that the destination countries, in the first place, and those more geographically exposed, develop a perspective view of the possible interlocutors, cohesion policies and resolution of the criticalities of integration. Conversely, it requires to adopt structural policies in addressing the challenges and identifying the potential of this process. The second is that the structural connotation of the phenomenon is increasingly confirmed by conflicts zones and climate crises. Additionally, the recurrent implementation of certain policies denies many countries the genuine opportunity to leverage their own resources, leading to pockets of poverty in regions with substantial natural wealth. The third emphasizes that the need to migrate to a European 'elsewhere' for reasons beyond isolated incidents or emergencies, with the prospect of a different life, requires a collective European policy capable of assuming shared responsibility. These premises that are all too evident and necessarily entail more articulated forms of protecting individuals and integrating them into a context that enhances their stabilization and aims to reduce their sense of insecurity. In addition to the traditional protection offered since the aftermath of World War II and enshrined as an obligation in our Constitution, which is essentially focused on the country of origin, there is a need to fully develop protection that considers the risks faced by individuals based on their personal profile in the country they come from. Furthermore, there is a need for protection that prevents the disruption of integration paths that have been initiated and may have been blocked by factors beyond the individual's control. I believe it is also time for Europe to question the definition of "economic immigration" that, detached from the contexts that determine the economy, ends up rejecting those who are victims of market models for which Europe itself bears responsibility. Only the risk of introducing criminal elements is a fair evaluation meter for a defensive policy.

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Yet, these premises persistently fail to translate into corresponding actions, both within the broader scope of European institutions and the political stances of European countries, including our own. The National Guarantor contends that many actions undertaken in recent years and still ongoing lack the required long-term vision, predominantly focusing on forced returns and various forms of restricting liberty leading to rejection and expulsion. Another prevalent approach involves supporting third countries in curtailing departures, even when such containment is consistently documented as an added burden on individuals already hailing from areas of suffering.

The data presented in the Maps section of this volume speaks for itself. In 2022, out of the 6,383 individuals restricted in CPRs, only 3,154 were successfully repatriated to their country of origin. Furthermore, the count of forced returns remained quite limited, with 3,916 instances, primarily concentrated in Tunisia (2,308), Albania (58), Egypt (329), and Morocco (189). These figures stand in stark contrast to the often fanfare of announced intentions. [Inizio modulo](#)

In Italy, the choice of detention –essentially of a custodial nature– is pursued even independently of the assessment of the actual possibility of removal within the expiration of the restriction period. The data presented in the Maps section of this volume speaks for itself. In 2022, out of the 6,383 individuals restricted in CPRs, only 3,154 were successfully repatriated to their country of origin. Furthermore, the count of forced returns remained quite limited, with 3,916 instances, primarily concentrated in Tunisia (2,308), Albania (58), Egypt (329), and Morocco (189). These figures stand in stark contrast to the often fanfare of announced intentions. [Inizio modulo](#)

In the context of the absolute principle stipulating that the deprivation of liberty, deemed “inviolable” by our Constitution, should only occur with a clear, legally provided purpose and subject to jurisdiction, the crucial point emerges. Approximately half of the detained individuals –precisely 50.6%– underwent custodial detention without the pursuit of its intended legal purpose. Frequently, the absence of a foreseeable purpose at the commencement of detention renders it an unjustified deprivation of crucial time, falling short of effectively justifying the objective outlined in the first paragraph of Article 5 of the European Convention on Human Rights. This situation is also deemed unacceptable under the 2008 European Directive on returns (Directive 2008/115/EC) as it lacks a credible prospect of achieving repatriation.

Moreover, this data has been proven to be unrelated to the potential duration of detention in CPRs, because, even in different periods when it has fluctuated considerably, the percentage of forced returns has never reached 60% percent of individuals held in these facilities, even for extended periods. The National Guarantor does not intend, with this statement, to intrude in political choices that are not within its competence. But, I consider it a duty to provide this data to Parliament and the Government at a time when the expansion of such facilities has been put forward as a strategic element. Given this, I believe it is important to always consider three fundamental safeguards that must be ensured for individuals detained in facilities such as CPRs, hotspots, “suitable premises” –used as a sort of support CPRs at police stations– or even quarantine ships that in recent years, during the necessary health precautions for the pandemic crisis, have also become places of *de facto* deprivation of liberty.

Judicial protection, under conditions of deprivation of liberty, is the primary and fundamental safeguard and cannot solely concern the validation by the Justice of the Peace of the detention in one of these facilities, as it must also encompass supervision over the course of such detention, in analogy with what occurs in the structures of penal detention and differently from what is currently provided for administrative detention by law.

The *fundamental* nature of healthcare protection for every individual is explicitly stated in our Constitution, which, often very succinctly, uses this qualification when addressing the right to such



protection in Article 32. Its effectiveness lies in the role of the National Health Service, as a public entity entrusted with this task by the community.

This role cannot be confined solely to the initial assessment aimed at determining compatibility with detention in these closed spaces. Instead, it must encompass the evolving health situation of the detained individuals, including their diagnostic and therapeutic needs, and the maintenance of the restrictive measure. This responsibility should not be delegated solely to the physician of the private entity managing the individual center, as is currently the practice.

The third safeguard revolves around the inherent relational connection integral to every individual, playing a pivotal role in ensuring the transparency of the detention process. The right to protection in this context is twofold: it pertains to the confined person, who should not be isolated from their broader context due to administrative irregularities, without being informed of the potential outcome of their situation, even in cases where their forced return is imminent.

But, it also extends to the community. This has the right to peer into these closed spaces, which, unlike prisons, lack openness to engagement with volunteer organizations, community groups, or the media. This disconnection is visually represented by the symbolic emptiness, both in terms of space and time. These spaces are designed solely for containment, devoid of any meaningful internal activities or relationships, with time passing marked by the uncertainty of its unfolding outcome. It creates a reality filled with anger, a sense of failure, and a desire for destruction or self-destruction.

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In the next pages, the action of the specific operational unit of the National Guarantor responsible for deprivation of liberty of migrants and the monitoring of forced return flights will be recounted. Therefore, the more specific aspects of this detained time will be considered. These activities have been the subject of periodic thematic reports published following numerous visits and the monitoring of numerous flights, also in cooperation with Local Guarantors, based on the delegation possibility granted to the National Guarantor by Legislative Decree of 21 October 2020, no. 130.

In these pages, I have chosen to focus on these three aspects of protection because I believe that the deficiencies in each of them shape the current form of administrative detention: it is increasingly widespread, in diverse locations, and often not open to external scrutiny, consistently lacking fundamental safeguards. Administrative detention currently tends to validate itself more as a reassuring measure for the community rather than serving as an effective component of a strategy that, as reasonably asserted even recently, successfully mitigates instances of irregular presence in the national territory and the associated risks, including potential criminal connections.

Yet, a crucial aspect demands attention in our report to Parliament. Even in this challenging thematic area, subjected to more critical analysis by the National Guarantor, the administrative authority—specifically, the Department for Civil Liberties and Immigration of the Ministry of the Interior—has consistently shown cooperation. They have provided data, pre-communicated scheduled forced return operations, and, although not always aligning in positions, have addressed recommendations raised by the National Guarantor after visits or monitoring activities. This collaboration is noteworthy, considering the thematic sensitivity to public image and approval. Instead, a solid relationship has been maintained, each party fulfilling their respective roles. Nevertheless, in certain years, the public



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representation of these issues and the language employed for this purpose differed. Regrettably, these differences have not contributed to enhancing social awareness regarding the structural nature of migration issues, both in a general sense and specifically concerning our Country. Consequently, there is a lack of conscious consideration of both the positive aspects and the problems associated with this phenomenon.

The most significant innovation that the establishment of a National Mechanism for the Prevention of Torture and Ill-Treatment has brought about in the public debate is perhaps the provision of an independent body, endowed with a specific mandate, aimed at all areas and places where individuals can be detained, included those concerning healthcare and social assistance services.

Healthcare in Places of Deprivation of Liberty

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The analysis of these facilities has been divided into three directions, each with its own distinct issues. However, even in this case, there is a conceptual and paradigmatic similarity that impacts the individual rights of the people accommodated. In summary, these are the facilities with a criminal connotation, psychiatric hospital services, and socio-healthcare and welfare residential facilities.

The first direction has included the Residences for the Execution of Security Measures, abbreviated as REMS. When this body assumed office in February 2016, these facilities were entirely new, yet to be constructed in certain regions, and possessed a provisional nature in others—a characteristic that, as of today, has not been entirely overcome.

Remarkably, this system remained untouched for over forty years, persisting since the transformation of psychiatric detention in 1978 and the subsequent closure of asylums, coinciding with the establishment of the National Health Service in the same year. For this reason, despite certain aspects that may still make REMS a subject of public debate, it is important to view the path taken positively, enhancing, where necessary, the effectiveness of taking care of individuals and outlining a rehabilitative therapeutic plan for each of them. Currently, such a plan has been defined for only 46% of the admitted permanent patients.

It is also necessary to recognize the difficulties that individuals present, which have an impact on their emotional sphere and the social environment they belong to. This recognition is a prerequisite for providing operational tools and resources to local services for definitively move past a purely custodial approach and implement a relational approach that requires time and investment. Otherwise, the perception of abandonment may be confirmed by reality, and there may be periodic attempts to revert to previous practices.

The National Guarantor has repeatedly called for better coordination among the various regional administrations and a greater ability to address difficulties on the part of the overall set of territorial health assistance and support services. It has noted how investments in the most marginalized sectors of the community, including detention facilities, remain inadequate. Additionally, there is a clear deficiency in ensuring the continuity of care for individuals with objectively challenging and complex paths. There is a clear need for increased investment because the right to health in challenging environments, particularly in situations of deprivation of liberty, cannot be limited to sporadic,



episodic, and sometimes delayed access to healthcare services in the presence of pathological symptoms or the resolution of acute moments of tension. It should be characterized by continuity in terms of prevention, treatment, and support towards achievable well-being. The implementation of such solutions may involve higher costs in the short term, but it will show its convenience in the long run. It also aligns with the constitutional principle of the fundamental right to health for all, including those perceived as the “last”.

Starting from this general consideration, the placement of patients in REMS facilities outside their region raises significant concerns, as it contradicts the necessary territorial care and support. In parallel, the National Guarantor maintains a critical stance, as previously expressed, towards formally polymodal facilities that, in practice, risk forming a cohesive cluster of issues that can recall the asylum model. On a positive note, the effort made by the Observatory established in recent years by the Ministry of Health to address disparities among different regional realities should be appreciated.

Two aspects are of concern when examining in detail the situation of the 632 individuals interned in the current 31 operational REMS facilities.

The first concern relates to the percentage of individuals admitted under provisional security measures: the figure of 46.7% of the total certainly impacts the number of those who, even when definitively placed, do not find adequate accommodation and attention.

The second concern pertains to the overall number of individuals who have been declared recipients of such measures, which significantly exceeds the number of those who were accommodated in forensic psychiatric hospitals at the time of their closure. There were 698 patients at that time (precisely on 25 March 2015, according to the official report of the Ministry of Health and the Ministry of Justice) who were still confined in those unacceptable facilities. This included not only those under security measures but also individuals who were experiencing psychiatric distress or illness and were placed there in accordance with Article 148 of our Criminal Code, as well as those under psychiatric observation. An indiscriminate mix of subjective situations, unsupported by any medical or legal basis - and unfortunately, lamented by some here and there - which, however, is incomparable to the current data that, in addition to the individuals already admitted to REMS, indicates another 675 individuals on the waiting list, of which 42 unlawfully detained in 25 prisons, without legal grounds for detention. In addition, there are numerous reports of difficulties in penitentiary institutions regarding individuals who exhibit significant behavioural issues and diagnosed mental disorders that are not adequately managed in the so-called “Mental Health Units” present in some of these institutions.

It is not the purpose here to analyze the reasons for this increase or to determine whether it is due to a greater use of custodial security measures - because the assignment, albeit temporary, to a REMS qualifies as such - or to a genuine underestimation of the increase in difficulties and distress in contemporary society, which is certainly marked by greater uncertainty and the consequent risk of developing non-conforming and even self- or hetero-aggressive behaviours. Nevertheless, the cultural process of gradually assuming territorial responsibility for these difficulties cannot afford to take steps backward; it must be encouraged and expanded, overcoming the regret for the invisibility of complex situations that often gains strength in public debates.

Ultimately, the placement in a separate universe, such as the Forensic Psychiatric Hospital, had

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a reassuring invisibility for those who believe that complexity should not disturb the community. Instead, they rely on the *falsely* reassuring characteristic that the concept of *totality* brings with it: total control over a person's time, spaces, movements, and daily life. These are, in essence, the risks and often the characteristics of all institutions, whether penal, administrative, or healthcare, to which the National Guarantor must direct its attention. Because *totality* always entails the reduction of rights and the weakening of individual responsibility, thus leading to greater difficulties and a greater reliance on even more totalizing criteria.

It is only within this perspective that the National Guarantor has interpreted the provision of a REMS where patients are admitted regardless of their region of origin, aiming to address the illegality of detaining individuals in prisons who are not prisoners but have been interned for psychiatric reasons. A measure that should be considered temporary, but that clearly removes the possibility of territorial interaction due to its specific and difficult-to-reach location. Regardless of the professionalism of those who work there and the dedication of the staff, it contradicts the very purpose of placement in a REMS as a step in a person's journey. The National Guarantor and the Guarantor of the Liguria Region have visited the REMS in Calice al Cornoviglio where 13 patients were hosted on the day of the visit. Significant safety modifications had been made to accommodate more challenging patients. Recommendations have been issued, and it is hoped that this facility does not represent a step towards the de-territorialization of more severe cases or an improper reorganization of REMS based on the security measures prescribed for each of them.

While my emphasis on REMS might suggest a primary focus for the National Guarantor, this is not the case. As articulated in this Report, attention to Psychiatric Diagnosis and Treatment Services (SPDC) has been ongoing, extending to the procedures for compulsory health treatment. This is not to imply that such treatments are confined to specifically designated and restricted locations. Instead, it underscores that the term "compulsory" inherently demands independent oversight.

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The novelty of this commitment has been the attention to residential situations, especially when they take on that paradigm of *totality* as their guiding principle. This attention, which the National Guarantor has extensively reported on in previous years, has now extended to various facilities where elderly or disabled individuals are accommodated. Sometimes, they remain for indefinite periods that do not always align with the initial expectation, nor with the expressed or subsequently affirmed will of the individuals. These situations have, at times, captured the media's attention, exacerbated during the closure of residential facilities for preventive measures amid the Covid pandemic. However, as we know and as confirmed by both scientific findings and legal assessments, these places have been environments where the anguish of isolation has not provided immunity from the risk of contagion, rather, quite the opposite.

In my reporting to Parliament two years ago, I emphasized how a "comprehensive reflection on the system itself of residential healthcare facilities is necessary, which in most cases are private accredited structures, as well as on the accreditation criteria, which, precisely because they are based on room organization and the corresponding number of beds, along with a few common areas, have ended up resembling small hospital wards where common activities could not be implemented because of the risk of contagion. In these settings, the bed became the 'place' for the day, spent in the absence of external



figures”. This is a recommendation that I believe needs to be reiterated.

Even last year, on a similar occasion, I observed how the area of protected residential care, in certain circumstances, ends up bordering on, and in some cases, effectively transforms into a deprivation of liberty, particularly for those lacking formally recognized caregivers. Therefore, the National Guarantor has identified this issue as a field of action of the Institution, in close collaboration with the highly active and associations network that has been operating in this sector for a long time. The implementation of a specific guarantee function for disabled individuals, introduced with the PNRR (NRRP - National Recovery and Resilience Plan), provides for a general and an *ad hoc* interaction between those admitted in those potentially closed structures. This envisages an overall strengthening of the system and the National Guarantor is ready to give its support in this regard.

The challenge always lies in ‘supporting autonomy,’ as enunciated in principle by the Law of 8 November 2000, no. 238, and reaffirmed in the programmatic statement as follows: “The Republic ensures to individuals and families an integrated system of social interventions and services, promotes actions to guarantee the quality of life, equal opportunities, non-discrimination, and citizenship rights, prevents, eliminates, or reduces conditions of disability, need, and individual and family discomfort [...]” in accordance with Articles 2, 3, and 38 of the Constitution. Everyone must contribute to enhancing self-determination, even that limited margin which in some cases may appear merely residual but constitutes the seed of the recognition of the rights of every person.

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Custody by Police Enforcement Agencies

The custody by Police Enforcement Agencies has historically been one of the first - if not the first - issues around which the attention of organizations defending the fundamental rights of individuals has been consolidated in the last decades of the last century, especially during that difficult and sometimes less transparent period that follows an arrest, detention, or detention in law enforcement facilities.

The first area of action of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, immediately after the start of its operations in 1989, based on the founding Convention, has been the visits to Police stations in various countries that had ratified it. It has thus begun to define both minimum standards of acceptability for the premises where detained or arrested persons could be held and procedural rules that allowed for external oversight in those places and during these phases.

This is the method followed to define the fundamental rights to be ensured to each person during the detention phase. These rights primarily consist of the possibility to notify a close person of the deprivation of liberty, except for specific and defined contraindications due to the need to maintain confidentiality regarding an ongoing investigation. Furthermore, the possibility of access to a doctor, especially considering the excitement that the arrest operation can sometimes entail, and finally, the possibility of access to a lawyer for a technical and supportive perspective, able to intervene - if necessary- also before performing a more direct legal defense function with regard to specific allegations. These rights, combined with the additional right for the detained person of being informed



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of their rights in a genuinely understandable language, have over the years formed the basis of the attention of international control bodies for the deprivation of liberty by law enforcement agencies. They have also been adopted by the National Guarantor as the foundation for any further observation and evaluation of the spaces, procedural rules, control of accurate records, and identification of any objects improperly present where a detained or arrested person may be held or, even more so, questioned.

These principles are shared by the authorities of the Carabinieri, the State Police, and the Guardia di Finanza, and they have been reiterated and explained in their meaning, also as a safeguard for those who operate during the extensive mutual training and joint activities that have developed over these seven years

These principles are shared by the authorities of the Carabinieri, the State Police, and the Guardia di Finanza, and they have been reiterated and explained in their meaning, also as a safeguard for those who operate during the extensive mutual training and joint activities that have developed over these seven years. In particular, the Cooperation Agreement signed with the successive Commanders General of the Carabinieri over the years has found concrete expression both in a series of twenty-five meetings with all the territorial authorities at various levels in all regions, conducted by the President of the National Guarantor, and in the training activities for Marshals and young recruits conducted by the dedicated operational unit of the Guarantor's Office. Simultaneously, common training activities have been carried out with the State Police at a general level, especially in the early years when it was more urgent to disseminate knowledge of the new Guarantor Authority. Additionally, specific training has been provided for those who are involved in escorting foreign individuals during forced returns operations. The importance of this joint activity should be emphasized, where the National Guarantor has not only given lectures but has also had members of its staff, in successive groups, directly participate in the courses as observers. The importance of this collaborative effort stems from the synthesis achieved through direct knowledge and observational insights gained during the monitoring of specific operations.

Certainly, the connection between different perspectives is beneficial when carrying out the 'intrusive' activity in this challenging area. Many recommendations have been formulated, and some still require effort for their full implementation, such as identifying those who operate at all times, even to determine individual responsibilities and avoid casting a general shadow of doubt on many; the recommendation for the dignity of the environments, despite the progress made in recent years on this issue; the recommendation for an accurate recording of every event, and the recommendation based on past empirical evidence of taking away any improper and dangerous objects in places where people are detained and interrogated. These are all shared objectives that can find the best opportunity to be achieved in the continued cooperation in the field of training. The positivity of the path undertaken remains.



A Conclusion Note

As evident in this conclusive report, prepared by a Board concluding its mandate and presented to the relatively young Parliament, all our activities have been underpinned by continuous study and relationships with national and international institutional associations and organizations. Each Unit has built these relationships, but they have had their specific coordination, propulsion, and arrangement in a specific Unit set up for this purpose from the beginning of the seven years. In addition, this Board has certainly had the solid support of the Secretariat, which has also overseen the preparation of today's presentation.

For this reason, the reflection and analysis of the seven years from the perspective of growth in the study and the construction of relationships are presented in the following pages as the first contribution among those of the various operational Units of the Office, entrusted to the Unit for Studies, National and International Relations.

At the end of the mandate, I extend my gratitude to all the personnel of the involved Administrations - from the various law enforcement agencies to social and educational support services, from care and assistance services to the local Guarantors - as well as to the operators of non-governmental organizations, and the volunteers who dedicate their intelligence and time to these sectors. These diverse contributions are indispensable, without them the action of the National Guarantor would be significantly limited. This gratitude is combined with the assurance to those who bear the responsibility for political decision-making and its legislative and administrative translation that the dialogue with the National Guarantor will continue to be, as it has been in these years, timely, perhaps sometimes uncomfortable, but certainly always collaborative and aimed at finding shared solutions to problems.

I conclude with a final thought, literally taking up what I had already expressed when presenting the previous report to the Parliament of the 18th Legislature that was concluding its journey. This is the thought I extend to the victims of many of the stories that are behind these pages and to those who daily undertake the challenging task of investigating, sanctioning, and managing the execution of penalties; to those who embark on arduous journeys in the hope of a better 'elsewhere' and to those who assist these individuals during the difficulties of these journeys, as well as to those who must positively and responsibly welcome them within local communities, or to those who must professionally and correctly repatriate those who have no right to stay: they all perform a task on behalf of all of us. Our thoughts also go to those who work daily in our communities to resolve the conflicts that affect the fabric of every complex society, particularly ours.

Before I finish, I want to add a thought and a wish for you, members of the still young Parliament, who are called to represent these desires for reconciliation and cultural growth through the challenging task that awaits you.

This text, which summarizes, albeit incompletely, the main features of the journey undertaken by the National Guarantor in recent years, is not the expression of personal elaboration; it is representative of the entire Board, which has found a way to harmonize its various perspectives, with the aim of fully

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equipping our Country with a strong, third-party institution that is also internationally recognized. For this reason, we thank all the Institutions that have collaborated with the same attitude and for the same purpose. With different roles and functions, the members of this Board will continue their work for the rights of all.

Mauro Palma



Seven years



Throughout these years, the Reports to Parliament have always been aimed at providing a key to understand the different realities that fall within the mandate of the National Guarantor. These encompass diverse contexts and fields sharing the same intrinsic vulnerability, that of the persons deprived of personal liberty, regardless of the cause behind it.

Over time, different topics have served as the fil rouge of this narration: places, words, persons, norms. This year, marking the end of the journey of the mandate of the first Guarantor's Board, we have chosen a diachronic key to understand the Guarantor Authority. We recount the beginning and the development of an Institution recognized and accredited at national and supranational level. It is a sort of journey through time starting from February 2016 with the appointment of the Guarantor's Board.

Our guides through this journey are the operational units of the National Guarantor—the fundamental building blocks of a new institution for our Country. Innovative in its preventive function, complex due to its triple mandate spanning the national, European, and UN levels, pioneering in methodology with its systematic visits.

It is a challenge that has opened up a new path, one that still requires many steps and many contributors to walk it.



Seven Years in Tibet

prepared by
the Studies, National and International Relations Unit

2023 is a climateric year¹ for the National Guarantor. A swift search on the Internet is enough to reveal the multitude of meanings and depths intertwined with the number seven. Universally acknowledged as an “archetypal” number, “it is the light that emerges from fire, the limit of knowledge, or rather, the *significant* [...] It enumerates the essential notes, preceding the initial repetition; it counts the fundamental movements, the seven polar stars and the seven openings of the heart, the months of the shortest pregnancy, the days of illness until the crisis, the musical intervals until the first dissonance [...], the planets until the ominous one”².

Uranus is the seventh planet of the solar system, discovered by a musician who initially mistook it for a comet. Frederick William Herschel discovered Uranus some years before the French Revolution and the publication of *Groundwork of the Metaphysics of Morals* by Immanuel Kant. In this seminal work, the philosopher initiated an important reflection on how human beings should not be regarded merely as means, emphasizing

1. “Astrological term used in ancient times to refer to critical moments in human life (climateric periods) marking a passage to a different phases. In ancient medicine, the *climaterium* coincided with each seventh year of life. They were considered dangerous because, during that year, a physiological cycle would close and a new one would begin.” [Courtesy translation] Definition of *climaterico* in www.treccani.it/vocabolario.

2. Zolla, E. (2005). *Archetipi*. Marsilio, (53). The author also adds that “the limit of 7 elements is the best for memorization”.



the respect for the individual and their dignity³.

In Greek mythology, Uranus represented a primordial deity who personified the “starry heavens”⁴ and was also the father of Cronus⁵. The same Cronus who played such an important role in the sixth Report to Parliament, chosen as an Ariadne’s thread, to help us unravel the events of the previous year and chart the course ahead, circled precisely around the concept of “time”⁶. Let’s continue to follow the thread à rebours, from Cronus to Uranus, under the sign of seven, as many as the years of the foundational mandate⁷ of the National Guarantor⁸.

In order to do this, we retrace the history through the filter of the Studies, National and International Relations

3. Kant, I. (1994). *Fondazione della metafisica dei costumi* (V. Mathieu, Ed.). Rusconi. Published in 1785 (after the accidental discovery of the planet Uranus in 1781 and before the French Revolution of 1789) by the Königsberg’s philosopher (today the city is an Russian *exclave* known as Kaliningrad), it anticipates the so-called *dignity of revolution*. Kant observes: “Humanity, and in general every rational being, *exists* as an end in itself and *not merely as a means* to be arbitrarily used by this or that will; in all his actions, whether they are directed towards himself or other rational beings, he must always be regarded *at the same time as an end*.” (Kant, 1785, p. 141); “Rational beings are called *persons* because their nature designates them as ends in themselves, that is, as something that cannot be used merely as a means to an end; and therefore, their nature places a limit on arbitrariness (and is the object of respect)” (ibid, p. 143). [courtesy translations] “The practical imperative will therefore be as follows: *Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end*. [...] humanity is not a thing, and thus is not something that can be used *merely* as a means; in all his actions, a person must always be considered at the same time as an end in itself. “I do not, therefore, dispose of the man in my own person to mutilate, damage, or destroy him” (Kant, 1785, p. 144 ff.); “All rational beings are subject to the law that each of them must treat himself and all others *never merely as a means, but always and at the same time as an end* [...] In the kingdom of ends, everything has a *price* or a *dignity*. What has a price can be replaced by something else as its *equivalent*; what on the other hand is raised above all price and therefore admits of no equivalent has a dignity [...] which constitutes the condition under which something can be an end in itself, thus it does not merely have a relative value, that is, a price, but an intrinsic value, that is, *dignity*.” This concept places the person “infinitely above all price,” identifying “the foundation of dignity” itself “in the *autonomy* of rational nature and of every rational being.” (Kant, 1785, p. 155 ff.) It is not an exaggeration to consider that on this philosophical framework rests not only the subsequent development of the concept of human dignity but also, broadly speaking, the culture of human rights, of which protection against torture is a significant bulwark.

4. In this context, it is still necessary to make a reference to Kant. In fact, we cannot help but think of one of the most well-known texts by the “principal philosopher of modernity,” which “appears to comprehensively encompass the fundamental elements of the entire Western philosophical and scientific reflection: the self and the world, the universe and morality, physics and metaphysics.” (Grimaldi, M. *Stelle. Dodici Parole. Un Anno con Dante*. www.treccani.it, 11 February 2022), in which Kant eloquently observes that “[t]wo things fill the mind with ever new and increasing admiration and awe, the more often and the more intensely the mind dwells on them: ‘the starry heavens above me and the moral law within me’” (these words are engraved on Kant’s grave in Kaliningrad). See Kant, I (1788). *Critica della ragion pratica*. p. 97 in <https://nowhere.files.wordpress.com/2016/11/critica-ragprat-2.pdf>.

5. Cf. Kerényi, K. (2009). *Gli dèi e gli eroi della Grecia. Il racconto del mito, la nascita della civiltà*, il Saggiatore, Milan, pp. 31 ff.

6. National Guarantor, *Report to Parliament 2022*, p. 5

7. Cf. Albano, A. (2021). Lo sviluppo del paradigma preventivo. L’esperienza del Garante nazionale dei diritti delle persone private della libertà personale (GNPL). Part II, in *Studium Iuris*, no. 11, p. 1300.

8. For an evaluation of the seven-year mandate, please refer to Palma, M. (2022). Il Garante nazionale dei diritti delle persone private della libertà personale in *Rivista della Corte dei Conti* - no. 1/2022, p. 149 ff.



Seven Years

The establishment of the National Guarantor that, on the one hand, addressed the need to strengthen the network of Local Guarantors, with the mandate to “promote and facilitate collaborative relationships” similar to any other institution dealing with the same issues. On the other hand, it facilitated the closure of the Torreggiani case by the Committee of Ministers of the Council of Europe, which positively recognized the establishment of the National Guarantor as an “independent internal mechanism for the supervision of detention facilities that allows competent authorities to promptly take necessary corrective measures.” Additionally, it allowed for Italy to designate an independent and accredited NPM (National Preventive Mechanism) in Geneva under the UN and to identify an effective mechanism for monitoring forced returns, leading to the closure of the infringement procedure regarding the improper transposition of the EU Returns

Unit, which says a lot on this institution that, in principle, was designed only to be the Guarantor of the detained persons (that would have been no small mission either).

It is no coincidence that the first Report to Parliament began with a section “Una Istituzione di Garanzia” (*A Guarantee Institution*) introducing and explaining the nature and scope of this new institution. It was divided into four parts, the first: *The International Scope*⁹ represented in many ways a manifesto for this institution. In the opening, it clarified the *origins* of the new Authority, marked in four phases: the proposals for the establishment of a national guarantor for detainees launched at the international seminar in Padua in mid-November 1997¹⁰, one of the concrete outcomes of which was the establishment of the first Italian local guarantor in 2003, appointed by the Municipal Administration of Rome¹¹, followed by the establishment of other local guarantors in the subsequent years; the need to close the proceedings against our country with the judgments *Sulejmanovic and Torreggiani*, in which the European Court of Human Rights (i.e., the Council of Europe) had condemned our Country for the serious and systemic violations of Article 3 of the European Convention on Human Rights for inhuman or degrading treatment. Italy’s obligation, through the ratification of the OPCAT, was to establish a national mechanism for the prevention of torture (NPM); the obligation for our Country to implement an effective monitoring system for forced returns, also emphasized by the initiation of an infringement procedure by the European Commission (meaning at the European Union level).

Four interconnected events, culminating in the establishment of the National Guarantor that, on the one hand, addressed the need to strengthen the network of Local Guarantors, with the mandate to “promote and facilitate collaborative relationships”¹² similar to any other institution dealing with the same issues. On the other hand, it facilitated the closure of the Torreggiani case by the Committee of Ministers of the Council of Europe, which positively recognized the establishment of the National Guarantor as an “independent internal mechanism for the supervision of detention facilities that allows competent authorities to promptly take necessary corrective measures.”¹³ Additionally, it allowed for Italy to designate an independent

9. National Guarantor (2017), *Report to Parliament 2017*, Rome, p. 20.

10. See Cogliano, A. (Ed.). (2000). Diritti in carcere. Il difensore civico nella tutela dei detenuti. *I Quaderni di Antigone*, No. 1, Rome; see also, Gonnella, P. (5/2017). Un’importante vittoria per i diritti umani, in www.antigone.it.

11. The first Municipal Guarantor was appointed by the Mayor of Rome Walter Veltroni on the basis of a “deliberation of the Municipal Council” (Meroni, G., 13 October 2003, Comune di Roma: Luigi Manconi garante dei detenuti, in www.vita.it, 13 October 2003).

12. Art. 7, para. 5 of the Decree-Law 23 December 2013 no. 146, converted with modifications into Law 21 February 2014 no. 10 (the law establishing the National Guarantor).

13. Resolution CM/ResDH(2016)28.



and accredited NPM (National Preventive Mechanism) in Geneva under the UN¹⁴ and to identify an effective mechanism for monitoring forced returns¹⁵, leading to the closure of the infringement procedure regarding the improper transposition of the EU Returns Directive¹⁶.

Each of these four aspects involved and still does key profiles of the complex mandates of the National Guarantor, which involve ongoing work in building institutional relationships, both at the national and international levels, and conducting in-depth studies. For these reasons, there is no wonder that the most suitable key for a correct understanding of the National Guarantor is the *internationalist* perspective.¹⁷

In this particular context, a detailed examination of¹⁸ all the activities of the three branches under the Studies Unit is unfeasible (which, quite ironically, is referred to as “number seven” in bureaucratic jargon). In fact, it is more valuable –and also more interesting– to focus on the significant activities that provide deeper insights into the National Guarantor, with an eye on the Unit’s brief history. The Unit initially grew from one to three individuals and then maintained the same composition, a result of internal harmony that serves as a natural antidote to turnover. During the pandemic period, it modified its name, becoming the “Studies, National and International Relations” Unit thus emphasizing the complexity of relations in the Covid era. Essentially, it evolved from a *line* Unit to a more aptly designated *Staff* Unit (reporting directly to the Board), in alignment with the internal structure of an Authority.

It is worth noting as a premise that the National Guarantor has maintained an interdisciplinary approach based on a *flexible* hierarchical structure (as befits highly professional non-military teams), conferred by the current Board. The National Guarantor’s fields of intervention are not exclusive to a single organizational unit, and this structure enables effective networking. Such approach, especially in the early stages, was also necessary. In March 2016, there were only 8 members in the Office (gradually growing to 25). Given the complexity of the tasks to be set up and carried out, it was necessary to adopt an approach in which everyone was aware of and involved not only in their formally assigned scope, which constituted the main function but also in all the facets of other areas. This promoted interchangeability of functions, without hindering specialized knowledge. It rather strengthened the professional growth of individuals and groups. At the same time, it increased awareness of belonging to a *unique* Authority.

Let’s take a look at these main activities, starting with the national Reports, whose main *partners* are the Local Guarantors. The complex, and never entirely resolved, balance of relations between the centre and the periphery¹⁹ has generated cooperative networks with positive and promising developments that are still in the

14. Cf. the *Verbal Note* 25 April 2014 addressed by Italy’s Permanent Representative at UN and the international organizations in Geneva, Art. 41-bis, para. 2-quater 1 and Art. 7, para. 1-bis of the law establishing the National Guarantor (the last two paragraphs introduced in 2020).

15. Cf. the *Note of the Presidency of the Council of Ministers* dated 12 March 2015 (DPE.0002621P-4.22.23).

16. Cf. *Infrazioni, update of 13 July 2017*, in www.politicheuropee.gov.it/attivita/procedure-dinfrazione/stato-delle-infrazioni/infrazioni-aggiornamento-del-13-luglio-2017.

17. Albano, A. (2021). Lo sviluppo del paradigma preventivo. L’esperienza del Garante nazionale dei diritti delle persone private della libertà personale (GNPL). Part One, in *Sudium Iuris*, 10, p. 1163.

18. Its activities can be reconstructed from the publications of the National Guarantor, starting with the Reports to Parliament 2016 to 2022.

19. It was noted in the *National Guarantor Report to Parliament 2020*, Rome, 2020, pp. 284 ff.



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In the early months of 2023, the National Guarantor entered into various agreements with regional and municipal Guarantors, facilitating visits by locally delegated guarantors. These delegations, consisting of Local Guarantors and experts from the National Guarantor, have managed to complete, in the previous months, the initial joint visits.

process of being consolidated. In this context, we consider five of them.

In comparison to the initial form of collaboration, it is important to underline that in its original planning, the NPM was supposed to be established through a network of Local Guarantors coordinated by the National Guarantor. This original construction faced various challenges, with the most notable one being the compliance of the Local Guarantors with UN standards, which allowed the accreditation in Geneva only for the part concerning the National Guarantor. The “NPMs network” was thus the first experimental form of collaboration between the National Guarantor and the Local Guarantors. This form was resolved in 2020 when the Legislature recognized that the NPM should be represented solely by the National Guarantor, possibly assisted by the Local Guarantors through a delegation mechanism that gave rise to two additional forms of cooperation (the second and the third)²⁰.

The second form of collaboration is the network of delegations (those provided for by the 2020 law) in the field of *migrants*. In the early months of 2023, the National Guarantor entered into various agreements with regional and municipal Guarantors, facilitating visits by locally delegated guarantors. These delegations, consisting of Local Guarantors and experts from the National Guarantor, have managed to complete, in the previous months, the initial joint visits.

The third form of collaboration is an *emerging* network that concerns *healthcare, socio-healthcare, and welfare* facilities. In April 2022, the National Guarantor initiated a review, announcing to all Local Guarantors the intention to exercise the delegation provided for by the law approved in 2020 in this area. Given the complexity of these facilities, their widespread presence across the entire country, and their overall number, the National Guarantor intended to carry out monitoring activities, based on its own delegation, in the facilities within its jurisdiction. Specific training initiatives for the Guarantors who expressed their willingness to collaborate have been already initiated. These initiatives are part of the delegation implementation process. The third form of collaboration also includes the network of delegations in the field of *healthcare*.

The fourth form of collaboration involves the participation, through specific agreements, of the Local Guarantors in the AMIF network (named after the European funds for asylum, migration, and integration used to establish it). This network is responsible for monitoring forced returns. Thanks to these Agreements, the Local Guarantors have been involved in training and subsequently in monitoring activities. This is the most stable and fruitful form of collaboration with the Guarantors, which has proved to be a model for the network of delegations in the field *migrants and healthcare*.

The fifth form of collaboration relates to the possibility for migrants to lodge a complaint, with the exclusive power of recommendation vested in the National Guarantor. Right from the beginning, the National Guarantor considered overseeing the utilization of this new tool by collaborating with Local Guarantors. It put forth a proposal for a flexible distribution of responsibilities, once again formalized through an agreement.

20. Something, therefore, survives from the old structure, as the 2020 Legislature (referring to Decree-Law of October 21, 2020, No. 130, converted with amendments by Law No. 173 of December 18, 2020, which modified the establishing law of 2013-2014 in this regard) granted the National Guarantor the power to delegate their powers to the Local Guarantors in less traditional areas of deprivation of liberty (*migrants and health*), in response to a proposal from the National Guarantor itself.



The underlying idea was that the National Guarantor should handle issues raised by complaints that tend to be of a systemic nature, while the *proximity* Guarantors, i.e., the territorial ones, should address issues that are more specific and localized in nature.

International Relations

As stated above, since 2016, the Unit took part in numerous international missions, particularly at the Council of Europe and the United Nations, as well as within the framework of European Union initiatives and projects, and the Organization for Security and Cooperation in Europe (OSCE), spanning Geneva, Strasbourg, and Vienna.

In particular, it directly represented the Italian NPM (at the Palais Wilson and the Palais des Nations in Geneva) in hearings or consultations before UN bodies dealing with human rights protection, such as the Human Rights Committee (HRC), the Committee against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), the Subcommittee on Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (SPT), the Committee on Enforced Disappearances (CED),²¹ and the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment²². In these contexts, the Unit's commitment entailed, on the one hand, promoting the gradual accreditation of the Italian NPM, and on the other hand, presenting the outcomes of the National Guarantor's monitoring and oversight work on various aspects of deprivation of liberty in our Country. This provided the opportunity to view Italian matters through the perspective of an organization compliant with United Nations standards.

In this regards, it is worth to mention the enduring cooperative relationship between the National Guarantor and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe. This collaboration involved a series of meetings, including those held in Italy, alongside the routine and *ad hoc* visits received by our Country.

The Unit was also involved in missions aimed at establishing and strengthening NPMs (National Preventive Mechanisms), enhancing consistency with the UN standards. These missions aimed at exchanging best practices with counterpart organizations and promote a culture of human rights on issues related to deprivation of liberty, thereby also strengthening the participating institutions.

Taking a chronological look back at some of the activities conducted throughout the mandate, it is crucial to emphasize that not only did the visits persist, but international missions also endured under all circumstances,

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21. These are four *treaty bodies* that monitor, respectively, the implementation of the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), the Optional Protocol to the Convention against Torture (OPCAT), and the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

22. The Special Rapporteur on Torture is part of the special procedures of the United Nations Human Rights Council (UNHRC). In general, these are independent experts in the field of human rights with a mandate to report on and provide advice on human rights issues from either a thematic perspective (thematic mandate) or a specific country-based perspective (country mandate).



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including the challenges posed by the pandemic. In fact, it could be argued, especially during the pandemic, considering the strong reaffirmation by international organizations, that activities of the Torture Prevention Mechanisms should persist precisely because heightened restrictions on inherently closed environments amplify the need for preventive checks.

In 2016, the National Guarantor participated in the meeting between the NPMs of the OSCE countries, in Vienna, organized by the Office for Democratic Institutions and Human Rights (ODIHR) and the Association for the Prevention of Torture (APT). The memory of this experience was particularly impactful because the organizers' reaction conveyed a sense of relief that the position of Italy's NPM was no longer vacant. Also in Vienna, there was a discussion with European judges and representatives from other NPMs, at the *Haus der Europäischen Union*, on the topic of strengthening cooperation in criminal matters between the judiciary and the *National Preventive Mechanisms* to ensure compliance with human rights in the implementation of European Union Framework Decisions related to detention.

In 2017, two missions in Tirana and Durazzo aimed to strengthen the protective network for the rights of individuals deprived of liberty in the Mediterranean context. During this mission, meetings were held with the President of the Republic and the Secretary of State for Justice, and visits were conducted to various places of detention alongside the *Avokati I Populit* (the Albanian NPM). During the same year, the Unit also participated in the advisory meeting with the Council of Europe at the Agora Building in Strasbourg concerning the draft European rules for the administrative treatment of migrants; it also participated in the discussion, held in Vienna, on the definition of the standards related to the detention conditions at the European Union Agency for Fundamental Rights, falling within a joint project EU and Council of Europe.

2018 was the year of the international conference promoted by the Armenia's Human Rights Defender in Yerevan and the first international conference on the monitoring of elderly homes held at the Academy of European Law in Trier, Germany, as part of a joint project between the European Union and the Council of Europe.

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In 2019, the Unit conducted activities with the Agenzia Italiana per la Cooperazione allo Sviluppo, the United Nations (particularly the United Nations Development Programme), and DCAF (Geneva Centre for Security Sector Governance). These missions encompassed visits to Jerusalem, Ramallah, Nablus, Jericho, and Geneva (at the Maison de la Paix). The objectives included training judges and officials, promoting the *rule of law*, contributing to a system that respects human rights and the dignity of individuals, and assisting in the establishment of the NPM (National Preventive Mechanism) of the Palestinian Authority. Additionally, several Palestinian prisons were visited as part of these efforts. In the same year, the Unit also performed

a teaching activity on the National Guarantor at the *Curso de Extensão em Direitos Humanos e Sistema Penal e Penitenciário* at the Universidade Federal de Pelotas in Brazil.

In 2020, the preparatory work for the cooperation agreement with the *Comité Nacional para la Prevención de la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes*, i.e., the Argentine NPM, was carried out. Additionally, participation in a project aimed at strengthening the NPM of the Republic of South Africa, the *South African Human Rights Commission*, took place.

In 2021, institutional meetings took place in Moscow during the *St. Petersburg International Legal Forum*, a major international symposium on the topics of justice, legality, and their impact on public opinion. This event involved the participation of hundreds of experts and thousands of attendees connected through a platform, with over two million people connected remotely. In this context, the National Guarantor engaged



in discussions with European prison administrations during the session dedicated to the modernization of the prison system.

In 2022, in Geneva, during the session dedicated to the theme “Making the invisible visible,” the report “What does visible mean?” was presented at the first *World Conference on Health in Detention* organized at the Centre International de Conférences in Geneva by the *International Committee of the Red Cross* in partnership with the University of Melbourne. Delegates from 80 countries participated in this conference. In 2022, the first bilateral *Cooperation agreement* between the National Guarantor and the Georgia’s *Public Defender*, two independent bodies, was signed. This agreement makes it possible, through a kind of relay, to monitor the respect of human rights throughout all phases of a forced return: from the country of expulsion to the country of return. This agreement positions Italy as a pioneer on an important issue like monitoring the return phase in the country of return. The same concern for the fate of third-country nationals after their repatriation inspired, also in 2022, the initiative of the National Guarantor to draw the attention of Italian authorities to the failure of our Country to make a declaration regarding the recognition of the competence of the UN Committee on Enforced Disappearances to receive and examine communications submitted by individuals within the jurisdiction of the State Party who allege a violation of the provisions of the Convention (Article 31 CED) or communications in which one State Party alleges that another State Party is not fulfilling its obligations under the Convention (Article 32 CED).

In 2023, also in Geneva, at the Palais des Nations of the United Nations, the Unit participated in the conference organized to commemorate the 20th anniversary of the signing of the Optional Protocol to the UN Convention against Torture (OPCAT) and the 15 years of operation of the Subcommittee on Prevention of Torture (SPT). Experts from around the world gathered to discuss the achievements and challenges of the SPT, National Preventive Mechanisms (NPMs), and other stakeholders in the field of torture prevention, prevention policies, synergy research, the status, and the crucial role of NPMs in torture prevention, and in the field of independent human rights institutions.

Last but not least, the Studies and Research part. This function is the eye of the National Guarantor on its own activities. It is the part of the institution that reflects upon itself, akin to “Der Vogel Selbsterkenntnis,” an icastic painting from the 17th century by an anonymous author, preserved in the Tiroler Volkskunstmuseum in Innsbruck. This painting depicts a bird with a human head, from which extends a neck, head, and beak of a bird, gazing at itself, symbolizing introspection²³.

This Unit conducted for the National Guarantor educational and training activities protection of individuals deprived of liberty and their fundamental rights, as well as the development of international and national

This Unit conducted for the National Guarantor educational and training activities on the protection of individuals deprived of liberty and their fundamental rights, as well as the development of international and national mechanisms for the prevention of torture and inhuman or degrading treatment. This involved collaboration with Italian and foreign universities, higher education institutions under ministerial oversight (such as the Scuola Superiore dell'Esecuzione Penale “Piersanti Mattarella”, the Scuola Superiore di Polizia, and the Scuola Superiore dei Carabinieri), training institutes for the police, schools of the Carabinieri, and training institutes of the prison administration, as well as some penitentiary institutes.

23. See Weiermair, P. (ed.) 1998, *The Bird of Self-Knowledge. Folk Art and Current Artists' Positions*, Stemmler, Zurich-New York. In fact, the oil painting on wood not only evokes the profound concept of self-awareness but also alludes to the popular proverb “Nimm dich selbst bei deiner Nase” (“take yourself by the nose”), which is a lighthearted reminder not to take oneself too seriously. On the iconographic type of the bird bearing a human face on its chest and using its beak to pinch its own nose, in folkloric literature see E. Grabner’s work, “Nimm dich selbst bei deiner Nasen...” which can be found at www.historischerverein-stmk.at.



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mechanisms for the prevention of torture and inhuman or degrading treatment. This involved collaboration with Italian and foreign universities, higher education institutions under ministerial oversight (such as the Scuola Superiore dell'Esecuzione Penale “Piersanti Mattarella”, the Scuola Superiore di Polizia, and the Scuola Superiore dei Carabinieri), training institutes for the police, schools of the Carabinieri, and training institutes of the prison administration, as well as some penitentiary institutes. This activity helped to make this Institution known, and at the same time, to raise awareness among students and professionals in the field, and especially the Police forces. It also represents a particularly sensitive profile when considering that human rights training within the Police Enforcement Agencies falls within the obligations imposed by Article 3 of the European Convention on Human Rights.

As we have to limit ourselves to the most significant activities in this area, we cannot refrain from mentioning some indispensable ones. We identified six of them.

The first one relates to that element of self-reflection mentioned above and concerns study days and training organized by the National Guarantor for its own staff. What and how to visit, how to take notes, and how to draft reports. It has been a crucial element of the journey of the National Guarantor since foundation 2016: we cannot think of carrying out such a complex task as preventive visits in various places of deprivation of liberty without nurturing a thought that brings together these diversities, calling on the members of the Board, those of the Unit, the heads of the supervised administrations, and some reputable voices, experts in matters also different from detention, to discuss together and broaden the perspective of a State institution with a unique task. Self-training sessions took place in the north, central, and southern regions, in training police schools, and authoritative institutions, representing the “finest Italian culture”²⁴ precisely with this aim. Among we would like to remember in this context the training activities performed in 2016 at the Verbania Institute of Education, in 2017 at the Scuola Superiore di Polizia di Stato in Rome, in 2018 at the Istituto di Perfezionamento Ispettori della Polizia di Stato, in 2019 in Bologna, in 2020 in Florence, in 2021 at the Istituto Italiano di Studi Filosofici in Naples, and in 2022 at the Scuola Grande di San Rocco in Venice.

The second one concerns the Conferences and Study Seminars organized by the National Guarantor, such as the Study Seminar and Technical-Legal In-Depth Seminar of 2016 on the *Muršič Judgment of the European Court of Human Rights Grand Chamber*, held in Rome at Palazzo del Gonfalone. The idea behind it was to reconstruct the state of the art of the Strasbourg jurisprudence on prison overcrowding in the wake of the closure of the Torreggiani case²⁵. In 2019, there was the Study Seminar on “Space and Denied Liberty,” organized in collaboration with the Istituto della Enciclopedia Italiana Treccani in Rome. This was a reflection not only on confined space (which encompasses very diverse situations, not just prisons) but also on the time spent in those spaces, which all too often coincides with an empty time. Both space and time, under these circumstances, require thought -including developing new ones- both upstream and downstream, so that the incarcerated person can find some indications of possible well-being. Lastly, in 2023, there was the Study Seminar on “The Measurement of Rights” with the Istituto Italiano di Studi Filosofici in Naples at Palazzo Serra di Cassano. In this seminar, the National Guarantor developed a reflection from its perspective on the

24. With reference to the Istituto Italiano di Studi Filosofici, see Rea, E. (2011), *La fabbrica dell'obbedienza*. Feltrinelli, (p. 165).

25. The seminar also saw the participation of Marta Cartabia at the time Vice President of the Constitutional Court who, on 11 December 2019, became the first woman in the history of the Republic to hold the position of President of the Constitutional Court.



extensive dimension of rights, understood as the scope of application that, in the case of human rights, tends toward infinity because it encompasses them all without exception. Simultaneously, the seminar discussed their intensive dimension, as the generator of new rights that must follow the evolutionary peculiarities of the course of history. This is rights should not be conceived as abstract or symbolic affirmations or mere expressions of will but as substantive contents that must be lived daily.

The third one concerns opinions on laws, whether they are in progress or have already become part of positive law. Such as, the law on the crime of torture, particularly significant in relation to the action of a preventive mechanism like the National Guarantor. In this case, the National Guarantor took the initiative to raise awareness among various institutional stakeholders by meeting with the Presidents of the Chamber and Senate, the Chief of Police, and the Commander General of the Carabinieri. The Guarantor called on Italian authorities to adhere to the CAT (Convention Against Torture) by introducing a specific “torture” offense providing for a penalty proportionate to the severity of the crime and consistent with the provisions of the aforementioned 1984 Convention. Following the approval by the Italian Parliament of Law No. 110 on 14 July 2017, which finally introduced the crime of torture into the Criminal Code, the National Guarantor expressed satisfaction with the significant step forward in affirming the principles of the rule of law that this legislative provision represented. The National Guarantor envisioned its effectiveness in combating torture and inhuman or degrading treatment, despite the uncomplete correspondence of the offense to the definition of the crime outlined in the text of the CAT (Convention Against Torture). The inclusion of the crime of torture in the Criminal Code was considered a positive and necessary signal of intolerance towards all forms of mistreatment. Any interpretational difficulties were seen as surmountable through careful and knowledgeable jurisprudential work²⁶. The history of the ongoing proceedings in various courts across the country for acts classified as torture offenses has subsequently vindicated the correctness of these initial assessments by the National Guarantor.

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The fourth concerns the *amicus curiae*. The National Guarantor presented written opinions, acting as an *amicus curiae*, before national and international high courts in proceedings related to issues pertaining to deprivation of liberty²⁷. In particular, over the years, the National Guarantors submitted interventions to the Constitutional Court on the prohibition of granting temporary licences to life prisoners serving a sentence for *impedimental crimes*²⁸, a written opinion on the topic of *impedimental life sentences*²⁹. At the international level, the National Guarantor submitted written observations to the European Court of Human Rights,

26. Refer to the document presented to the CAT by the National Guarantor, *The National Guarantor for the rights of persons detained or deprived of liberty, its independence and its operation*, dated 14 October 2017. This document is published on the website of the Office of the United Nations High Commissioner for Human Rights.

27. These text are published in the section *Board's address to Parliament* of this Report.

28. The intervention act dated 4 September 2019, discussed at the public hearing on 22 October 2019, resulted in judgment No. 253/2019, which is published in the section *Board's address to Parliament* of this Report.

29. Published in the section *Board's address to Parliament* of this Report. For the recent discussion on the introduction of this possibility in the regulation of the Constitutional Court, refer to the Press Office of the Constitutional Court, *La Corte si apre all'ascolto della società civile*, Comunicato dated 11 January 2020, in www.cortecostituzionale.it.



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In the current historical phase, in which some values such as equality among individuals and peoples, inclusion, solidarity, and anti-fascism are wavering, and in which the language of exclusion and hatred finds a space in public discourse that it has never had before, the National Guarantor chooses to propose or repropose texts or speeches on themes central to the discourse on the rights of people deprived of their liberty.

pursuant to Article 36, paragraph 2 of the European Convention on Human Rights, in cases involving Italy. These cases pertained to the conditions of deprivation of liberty for migrant individuals³⁰, who should have been placed in REMS facilities instead of being incarcerated³¹ detained in a psychiatric diagnosis and treatment service where they allegedly experienced mistreatment and were subjected to physical and pharmacological restraint³².

The fifth one concerns the studies and research, hence the publications of the National Guarantor. In particular, the series titled *Da Dove*, inaugurated in 2018, whose methodological approach can be inferred from the common beginning of the introductions of the volumes: “keep the memory alive through the recovery and dissemination of speeches and writings that have represented decisive milestones in the assertion of human rights [...] In the current historical phase, in which some values such as equality among individuals and peoples, inclusion, solidarity, and anti-fascism are wavering, and in which the language of exclusion and hatred

finds a space in public discourse that it has never had before, the National Guarantor chooses to propose or repropose texts or speeches on themes central to the discourse on the rights of people deprived of their liberty. These documents mark significant milestones in the battle for the affirmation of rights and, through their publication, are intended to be recalled and brought back to public consciousness. Democracy, liberty, rights are not obtained once and for all. They represent a legacy to protect, strengthen and pass on the future generations. *Da Dove* moves in this perspective, to remember the battles fought and won, but also to look at the road ahead, to continue the march for the affirmation, consolidation, and progress of people’s rights.”

There are also four Quaderni [Volumes] and worth to mention. The first volume *Lo Stato non uccide* the death penalty with documents, testimonies, speeches on a right, such as the right to life, which is still not fully affirmed worldwide. Among the documents brought back to life, the passionate speech by the French Secretary of State for Justice, Robert Badinter, stands out. In 1981, he called on the National Assembly to abolish the death penalty, addressing a country (France) that was the “first European country to abolish torture, one of the first to abolish slavery, but one of the last in Western Europe to remove the death penalty from its Criminal Code”³³.

The second volume *Il reato impossibile* is about the abolition of the crime of plagiarism, including the text of the judgment in which the Constitutional Court declared Article 603 of the Criminal Code illegitimate in 1981. It also contains the verdicts of the Court of Assizes and extensive documentation on the Braibanti case, the first and only conviction for plagiarism in Italy 1968. One of its highlights is the republication of the famous essay by Umberto Eco, *Le parole magiche*. “It was actually Umberto Eco who helped decipher texts,

30. Application No. 12344/18, *S. B. and Others v. Italy* - removed from register pursuant to Article 37, paragraph 1, letter a) of the ECHR; Application No. 26049/18, *H.A. v. Italy*; Applications No. 5504/19, *Y.A. and Others v. Italy*; No. 5604/19, *B.G. and Others v. Italy* (for which a single *amicus curiae* was submitted); Application No. 20561/19, *M.S. and J.M. v. Italy* - published in the section *Board's address to Parliament* of this Report.

31. Application No. 368/21, *Ciotu v. Italy*, published in the section *Board's address to Parliament*.

32. Application n. 8436/21, *Lavorgna v. Italy*, published in the section *Board's address to Parliament*.

33. *Lo Stato non uccide*, in *Da Dove* (1/2018) - Quaderno del Garante Nazionale delle persone detenute o private della libertà personale, Rome, (p. 37 ff.).



phrases, and words spoken or written throughout the course of that trial” in his “lengthy essay on recurring words in the case, which constitutes a clear and ruthless semiological analysis of the investigation, the trial, and the verdict [...] His analysis is a milestone in the movement that led the Constitutional Court, years later, to abolish a crime that, *re melius perpensa*, was deemed ‘impossible’ to prove and consequently to commit, except for equally ‘impossible’ and abusive intrusions into the inner psyche of others.” This helps us understand how the Braibanti case is “emblematic of how easy and insidious it is to cross the threshold that leads to the predominance of punitive reasons for those who wish to impose a bit on those with different minds”³⁴.

The third volume *In gabbia* is about “the design of a space where the incarcerated individual can find some well-being, even in the difficult circumstances of their situation.” In the opening, Piero Calamandrei’s speech at the Chamber of Deputies on 27 October 1948, and the famous introductory text to the special issue of March 1949 of the magazine *Il Ponte*, titled *Bisogna aver visto*. These documents serve as a bridge to the insights coming from an interdisciplinary reflection initiated by the National Guarantor on the theme of the relationship between Space and Denied Liberty. After becoming a study seminar in the Igea Hall of the Istituto della Enciclopedia Italiana Treccani on Monday, 28 October 2019, it has now become a printed publication - the third volume- “to facilitate the circulation of the ideas exchanged at that time and to rejuvenate their meaning”³⁵.

The fourth volume *Nelle mani altrui* is indispensable one this Institution as an NPM. It focuses on “torture, a crime included in the Italian Criminal Code only in 2017. It is divided into three parts: Presence, Persistence, and Prevention. The first part presents some texts of the past century that have revealed the *presence* of torture in Europe, such as Henri Alleg’s pamphlet on the use of such practices in the French-Algerian war, and Filippo Turati’s speech before the Chambers of Deputies. The second part acknowledges the *persistence* of the torture’s problem in Italy, in the United States, and in Libya, with judicial documents and contributions from key figures and scholars. The third part gives an account of *prevention* as a tool deployed at both the national and supranational levels to prevent, through the action of specific oversight bodies, the occurrence of torture. It also presents an analysis and an assessment of the torture law in Italy five years after its approval”³⁶.

Finally, the sixth activity in collaboration with the other Units of the National Guarantor, that is, the drafting of the Report to Parliament -including this seventh edition- which represents the legacy of a Board that has strongly fostered interdisciplinarity at various levels.

In summary, these are the activities of the Studies Unit. We borrowed the title of this document from an autobiographical book turned into a film, narrating a tale of profound transformation unfolding over seven years. It reconnects with the literary archetype of participation in an experience that, for better or worse, profoundly changes those who undergo it.

34. See Albano, A. and Palma, M. (2019), Il reato impossibile in *Da dove - Quaderno del Garante Nazionale dei diritti delle persone detenute o private della libertà* (2/2019), p. 53 ff.

35. *In gabbia, Da dove* Quaderno del Garante Nazionale dei diritti delle persone private della libertà personale (3/2020), Introduction pp. 7 ff.

36. *Nelle mani altrui* in *Da dove* Quaderno del Garante Nazionale dei diritti delle persone private della libertà personale (4/2022), pp. 7



Setting the Map

prepared by
the Deprivation of Liberty and Migrants Unit

The beginning

On 19 May 2016, the National Guarantor monitored, for the first time, a charter flight for forced return carrying 29 Tunisian citizens with the State Police escort, departing from Lampedusa with destination Hammamet.

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This operation marked the beginning of the operations of the National Guarantor in the field of forced returns of irregular third-country nationals. A first step also towards overcoming the infringement procedure for which Italy had been sentenced for violating Directive no. 2008/115/EC. The Directive had required each Member State to establish an effective monitoring mechanism for forced returns (Art. 8, para. 6). The infringement procedure was officially closed in July 2017,³⁷ when the activities of the National Guarantor in this field, as in others, moved beyond the initial experimentation period and effectively consolidated.³⁸ It is worth noting that, in the context of monitoring forced return operations, between 2016 and 2019, the annual number of the operations monitored during the flight phase by the National Guarantor increased from 4 to 33. In total, as of March 2023, while we are writing, there have been 109 monitors during the air transport phase, 80 during the pre-departure or pre-return phase; in addition, documentation related to return operations -either before or after the actual operation- has been acquired in 168 cases³⁹.

37. The infringement procedure no. 2014/2235 of 21 October 2014 was closed on 13 July 2017.

38. In this regard, in 2016, the National Guarantor initiated a close collaboration with the State Police to carry out joint training initiatives that involved the monitors of forced returns and the international escorts responsible for return operations, working side by side. This approach allowed, while respecting their respective institutional roles, the creation of a shared culture capable of balancing security and the respect for the fundamental rights of the migrants destined to be repatriated.

39. This result was made possible through the establishment of a national monitoring network promoted by the National Guarantor in collaboration with the local guarantors. They voluntarily decided to join this network by signing a specific cooperation agreement as part of the AMIF 2014/2020 project "Implementation of a monitoring system for forced returns". In this regard, specific training sessions for the monitors within the network have been organized by the National Guarantor on an annual basis, primarily in Rome but also at decentralized levels.



With regard to administrative detention facilities for migrants destined for forced return, on 7 March 2016, the National Guarantor's Office conducted its first visit to a hotspot, specifically the one in Trapani. This also marked the beginning of collaboration with the Ministry of the Interior. In June 2016, the National Guarantor also initiated the monitoring of Identification and Expulsion Centres (CIE, now Immigration Removal Centres or CPRs) with a visit to the Brindisi CIE. Over the following months, between 2016 and 2017, the office continued its visits in the hotspots of Trapani, Taranto, Lampedusa, Pozzallo (RG), and Siculiana (AG), as well as in the CIEs of Caltanissetta, Turin, and Rome.

In the following years, the National Guarantor strengthened its activity of scheduled visits and follow-ups, visiting all ten CPRs that became progressively operational, as well as the so-called "suitable premises" used by the Police Forces, introduced in 2018⁴⁰. Between June 2016 and March 2023, a total of 29 visits were conducted to the Immigration Removal Centres and 11 to the hotspots.

However, the informality of migration management practices prompted the National Guarantor to extend its scope beyond the traditional boundaries of deprivation of liberty in this context, gradually broadening its field of action. This expansion included activities ranging from the 2016 visit to the informal settlement for migrants at Parco Roja on the Italian-French border in Ventimiglia to the First Reception Center for Minors in Difficulty and Abandoned Minors Villa Spada in Rome, to border police facilities in the areas of Malpensa and Fiumicino, as well as maritime facilities in Civitavecchia and Bari (2018). It also encompassed visits to the Coast Guard ship Ubaldo Diciotti, which was blocked with 177 migrants on board at the port of Catania in the summer of 2018, and the quarantine ship Rhapsody anchored off the port of Palermo in September 2020 during the height of the pandemic. Additionally, visits have been conducted in some Reception Centers for Asylum Seekers (CARA), such as the one in Crotona.

Setting the Map

It should be noted that the scope of work of the National Guarantor cannot just be defined as the mere inventory of the visits made in all those facilities. It is also the Institution's ability to analyze the ever-changing legal context, constantly striving to encapsulate human and social events within a complex and often contradictory regulatory framework. The National Guarantor is consistently engaged in the ongoing task of establishing order, mapping out navigation and guidance, and discerning and fitting both the visible and invisible aspects within the continuously evolving and expanding framework of irregular immigration control measures.

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It is not just about pinning places on the territory, "a map encapsulates a

40. The expressions "suitable premises" and "suitable facility" were introduced by the Decree-Law of 4 October 2018, no. 113, as amended by Law no. 132 of 1 December 2018. These terms refer to places where a foreign individual subject to a forced return measure can be temporarily detained while awaiting the validation of the procedure. This happens when CPRs reaches its full capacity or cannot accommodate more individuals. Such procedure is subject to prior authorization from the Justice of the Peace as stated in the decree setting the validation hearing.



Seven Years

multitude of knowledge and experiences: space and spatial perception, the world, and the worldview”⁴¹. Starting from the legal data, from 2016 to the present, the introduction of new laws has gradually altered the framework of the deprivation of liberty *de jure* for migrant individuals, consistently leading to its overall expansion. In particular, focusing solely on the places where the restrictive measure is carried out, the Decree-Law of 17 February 2017, no. 13, dictated the expansion of the CPRs network, marking the beginning of a new phase that, over the years, led to the opening of six new facilities⁴². These additions joined the four that were already operational since February 2017⁴³. As known, the programme for further capacity expansion was resumed by the Budget Law 2023, which established an increase of 206 places through an allocation of approximately 42 million euros. These funds are expendable, as specified in the Decree-Law of 10 March 2023, no. 20⁴⁴, in derogation from public procurement regulations.

Despite such a significant increase in forced returns, which in 2022 affected more than double the number of people registered in 2016 (6,383 compared to 2,984), with some positive legislative changes⁴⁵ introduced, there has not been substantial improvements in the living conditions within the centres walls. In fact, this situation still continue to jeopardize the most basic human rights, considered in their intrinsic dignity and in their social, cultural, relational, and religious dimensions.

Following the reform initiated in 2017 but with undoubtedly novel elements, the Decree-Law of 4 October 2018, no. 113, permanently altered the boundaries of administrative detention, leading to the emergence of new and alternative places to CPRs. These include “different and suitable facilities under the authority of public security” and “suitable premises at the relevant border office” for the stay of expelled individuals, as well as “specific premises” for the detention of asylum seekers at government first reception centres and hotspots.

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The latter being *fake toponyms*⁴⁶, experts in cartography might say, since they do not exist for the moment but are likely to exist once the European reforms for implementing the “New Pact on Asylum and Migration” are completed. These reforms transform as matter of fact the border line into a detention space.

On the other hand, the “suitable premises” of the Police, which can be used in a residual and exceptional manner in cases where there is no space in the CPRs and it is possible to carry out expulsion quickly, have been made operational

41. Predrag, M. (2020), *Breviario Mediterraneo*, Garzanti.

42. Bari in 2017, Palazzo San Gervasio and Trapani in 2018 (with the latest converted from a hotspot to a CPR), Gradisca d’Isonzo in 2019, Macomer and Milan in 2020.

43. Caltanissetta, Brindisi, Rome (with the reopening of the men section in May 2019 after several years) and Turin.

44. The Decree-Law, at the time of writing this Report, is in the process of being converted into law.

45. See Decree-Law of 21 October 2020, no. 130, and the Secretary of State for Justice’s Directive of 19 May 2022, outlining criteria for the organization of the Immigration Removal Centres (CPRs), for further insights.

46. The term used, alternatively to “cartographic ghosts” or “trap streets,” to indicate fictitious toponyms inserted by cartographers to counter plagiarism practices.



or at least planned by a significant number of Police Headquarters⁴⁷. This has increased the spread of administrative detention facilities and the risk of further weakening the associated, already fragile, safeguards⁴⁸. Their use appears to be particularly functional to the current strategy of Union policies, which are less focused on the detention capacity of individual states and more oriented towards creating conditions that ensure the simplification of procedures and increasingly rapid repatriations. The attention given to the use of the European travel document -in which Italy was initially lagging but now seems to be progressing swiftly- is also an evidence of this strategy⁴⁹. While considering the use of shorter forms of detention positively, and despite the numerous challenges that these facilities within the Police Headquarters present in terms of material conditions, lack of services, guarantees, and external controls, this inclination towards accelerating forced returns should not be underestimated. Faster removal procedures have the effect of amplifying the scope of coercive actions, increasing their traumatic and distressing impact on the individual⁵⁰.

The map of the *de jure* deprivation of liberty of migrant individuals is officially completed by forced returns. The National Guarantor has taken on the delicate and exclusive responsibility of making visible their delicate nature, so that the institutions and the community could constantly be informed on the use of a coercive measure significantly impacting the sphere of individual freedom. Understanding forced mobility in its entirety is not a simple task. It consists of both fixed and mobile spatial dimensions that constantly alternate during operations, ultimately concluding in an ‘elsewhere’ that is inaccessible to the National Guarantor and can only be known through the eyes of counterpart guarantee authorities in the destination countries. Since March 2022, knowledge about this ‘elsewhere’ has become possible for forced returns to Georgia, thanks to a Cooperation Agreement signed between the *National Guarantor* and *Georgia’s National Preventive Mechanism*. This agreement includes relay monitoring

47. The survey conducted by the National Guarantor for this Report to Parliament shows that 36 Police Headquarters declared to have inhouse availability of “suitable premises”, specifically designated for the detention of foreign citizens during the execution of expulsion, while 15 report using security rooms for the same purpose (covering 96% of the Police Headquarters).

48. See the mapping of the National Guarantor in the Statistical Appendix to this Report. The mapping work of the National Guarantor for this recent custodial provision takes on particular significance since there is no public list of “different and suitable facilities in the availability of the Public Security Authority,” while “suitable premises” have not yet been set up at border offices.

49. Established by EU Regulation 2016/1953, the European travel document for forced returns aims to facilitate the return of third-country nationals without a valid identity document. Therefore, it is considered particularly strategic, so much so that since 2019, its acceptance by third countries is an indicator of the level of cooperation they provide in terms of readmission [see Article 25-bis of Regulation (EC) no. 2009/810 establishing a Community Visa Code, as amended by Regulation (EU) 2019/1155 by the European Parliament and the Council of 20 June 2019.

Italy introduced it through the Consolidated Immigration Act 23 December 2021 no. 238, Art. 1, para. 6-bis. However, it was formally recalled by the Commission last September for the delayed and non-effective implementation of a provision that had already arrived late. (https://ec.europa.eu/commission/presscorner/detail/en/inf_22_5402). According to the information provided to the National Guarantor, in February 2023, the final technical details regarding the procedure for drafting and printing the document were about to be defined by the Immigration Offices, with the support of the computer applications in use.

50. Just consider the scenarios of particular gravity, such as immediate expulsions ordered by the Secretary of State for Home Affairs for terrorism prevention reasons under Article 3, paragraph 1, of Law 155/2005, which are not subject to judicial validation.



(up to the handover of individuals to local authorities and from that moment until the first 48 hours in the destination territory) and information exchanges during operations carried out by charter flights⁵¹.

The National Guarantor catalogues, among the spaces of informal detention for migrant individuals, hotspots, waiting areas for those rejected at airport border crossings, communities for the reception of unaccompanied foreign minors, rescue boats without the possibility of landing, quarantine ships, means of transportation, and reception centers for asylum seekers temporarily closed for health reasons.

Forced returns via charter flights was the most frequently used method in 2022. A total of 2,724 foreign nationals were escorted by the Police to their countries of origin⁵² using a dedicated flight⁵³. This represents the highest figure recorded in the last seven years, further emphasizing the responsibility of the guarantee authority to monitor the form of forced return involving the extensive use of public force, conducted away from external scrutiny, and therefore with a higher risk profile for potential violations.

The increasing number of people returned to Tunisia (2,283 in the past year) is also a matter of concern. It appears that the country is facing a worrisome setback in the democratization process initiated in 2011. The consistent trend of forced returns to Egypt (322 carried out this year) is also a cause for concern, drawing continued attention from the international community. Most recently, the UN Committee on the Implementation of the International Covenant on Civil and Political Rights has expressed strong concerns about the protection of human rights in Egypt in its periodic evaluation results published on 24 March 2023⁵⁴. Lastly, regarding the nationalities most frequently subject to forced returns, the inclusion of Nigeria in the list of safe countries for international protection seekers⁵⁵ appears to be a critical development in terms of the limited assurances that such a new status entails⁵⁶.

Moving to the realm of *de facto* deprivation of liberty, as mentioned above, the prerogative of autonomously and independently identifying facilities that may, in practice, be restrictive has led the National Guarantor to catalogue, among the spaces of informal detention for migrant individuals, hotspots, waiting areas for those rejected at airport border crossings, communities for the reception of unaccompanied foreign minors, rescue boats without the possibility of landing, quarantine ships, means of transportation, and reception centers for asylum seekers temporarily closed for health reasons.

The intervention of the Guarantee Authority in this ‘fluid’ area has been guided by the coordinates

51. The Cooperation Agreement between the two parties was signed on 7 March 2022.

52. Destinations are: Tunisia, Egypt, Nigeria, Georgia, Albania, and Gambia (returnees’ number in decrescent order).

53. Third country nationals returned to their country of origin via charter flight y/y: 1,944 in 2016, 2,346 in 2017, 2,122 in 2018, 1,864 in 2019, 1,994 in 2020, 2,172 in 2021.

54. <https://www.ohchr.org/en/press-releases/2023/03/un-human-rights-committee-publishes-findings-egypt-panama-peru-sri-lanka>

55. Decree of 17 March 2023, *Periodic Update of the List of Safe Countries for International Protection Seekers*. Regarding the introduction of the concept of a safe country of origin, refer to the National Guarantor’s press release dated 6 December 2018. The reactions of the initial commentators highlight, among other things, that besides Italy, only Cyprus considers Nigeria a safe country of origin (Luca Rondi, 31 March 2023, *Altreconomia*).

56. Specifically, it concerns aspects such as expediting the examination of the application, shifting the burden of proof, halving the time limits for appealing a denial, and the absence of an automatic suspension of expulsion.



provided by the European Court of Human Rights (ECtHR) and the Constitutional Court to distinguish measures related to freedom of movement from those affecting the irreducible core rights protected by Article 13 of the Constitution and Article 5 of the European Convention on Human Rights (ECHR). The “use of physical force” and the “total subjection of the person to the power of others” are the demarcating elements considered when assessing the specific methods employed by the Public Security Authority to ensure the obligation to stay in a particular place. Closed gates and doors, continuous surveillance systems, security devices ready to intervene to enforce the measure in case of violation, mandatory stay on a vessel at sea are the indicators of improper coercive actions.

The extensive repertoire and the variety of *de facto* deprivation of liberty situations observed in recent years in this area indicate a concerning tendency of public authorities to ignore fundamental rights of migrant individuals in the name of ever-stricter control requirements. This reveals the characteristics of a phenomenon that has been normalized and integrated into the means for managing migration flows. The reminders from the European Court of Human Rights also risk going unnoticed. Following the conviction in the *Khlaifia* case by the Grand Chamber on 15 December 2016⁵⁷, the Court, on 30 March 2023, once again held Italy responsible for the deprivation of liberty without legal basis of four Tunisian citizens within the Lampedusa hotspot in October 2017⁵⁸.

Recommendations and Standards (for Administrations)

The number of the visits alone is not sufficient to account for the actions of the National Guarantor if these visits are not explained and reported to the competent authorities. These reports serve the purpose of initiating a cooperative dialogue aimed at enhancing the level of protection of the fundamental rights of migrant individuals deprived of liberty, particularly in the context of possible forced returns.

In this regard, from 2016 to the present, the National Guarantor has published 11 reports related to individual operations of forced return organized through national or joint charter flights, as well as three cumulative reports covering the set of operations monitored between the end of 2017 and September 2022. Regarding administrative detention for forced return purpose, *de facto* or *de jure* detention in places other than CPRs, the National Guarantor has, to date, published three thematic reports related to visits conducted in CPRs and hotspots between 2016 and 2020, as well as four reports published following visits to individual facilities or centres other than those for forced returns, such as border premises or “suitable premises.”

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57. Case *Khlaifia and Others v. Italy*, Grand Chamber, judgment of 15 December 2015 (Application No. 16483/12).

58. In the case *J.A. and others v. Italy*, in addition to the violation of Article 5 of the ECHR, the Court also found a violation of Article 3 and Article 4 of Protocol no. 4 attached to the ECHR (prohibition of collective expulsions).

<https://hudoc.echr.coe.int/eng#%7B%22documentcollectionid%22:%5B%22GRANDCHAMBER%22,%22CHAMBER%22%5D,%22itemid%22:%5B%22001-223716%22%5D%7D>



Seven Years

All of them contain detailed Recommendations. These reports are of particular value in the repository of the National Guarantor. They not only represent -to a certain degree- measurements of a specific detention reality but establish units of measurement and standards to be achieved in order to prevent conditions harmful of individual dignity in placed of deprivation of liberty. Many recommendations have been formulated in the area of the deprivation of liberty of migrant individuals, and those present in the reports between 2016 and 2018 were collected and systematized in the National Guarantor's publication "*Norme e Normalità, Standard per la privazione della libertà delle persone migranti*" (Norms and Normality: Standards for the Deprivation of Liberty of Migrant Individuals). This publication was presented in a public event in Rome in March 2019.

These recommendations provide specific guidance for each particular restrictive context, but common starting points can be identified.

First and foremost, the general premise is that the deprivation of personal liberty is only allowed in cases provided for by the law, and every decision to implement it must be based on the assessment of the case.

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A second line of thought pertains to the exceptional nature and legitimacy of the purpose for which administrative detention is intended: it is a measure of last resort, imposed solely to prevent the foreign citizen from becoming untraceable during the verification of their asylum application or during the execution of their forced return. Therefore, it is justified only if the prospect of a forced return is genuinely feasible.

A third aspect concerns the safeguards aimed at making a clear distinction between the modes of detention in the context of criminal execution and those in the context of administrative detention. On a positive note, this means that administrative detention is entirely unrelated to punitive purposes, so there must be maximum efforts to reduce the inherent distressing aspects associated with the loss of liberty⁵⁹. On the negative side, considering the clear demarcation from the realm of penalties also entails the illegitimacy of practices typical of the penal system not supported by specific legislative regulation for detention, such as body searches, disciplinary isolation, or other forms of punitive power.

The third line takes into consideration the particular state of vulnerability of the foreign person, who, in some cases, carries an otherness in need of protection and is called upon to grapple with norms and procedures that are foreign to them, often

59. The material conditions of the spaces, furnishings, opportunities for productive use of time, freedom to make phone calls, contacts with the outside world, and rules of daily life must reflect respect for the legal status of the individuals passing through them. These spaces are responsible, based on the specific detention order being implemented, for the infringement of an administrative regulation. In addition, given the need for the respect of human dignity to prevail over the state's right to control its own territory, within this scope fall the Recommendations concerning a genuine consideration of the health conditions of foreign citizens, both in terms of their compatibility with the restrictive measure and with regard to the possibilities of treatment in their country of origin.



hindered by language barriers even in the exercise of the most basic rights⁶⁰.

Lastly, the Recommendations related to the typical safeguards in any detention context can be grouped into a fifth category, including those pertaining to access to justice, the protection of individual vulnerability conditions, the prevention of suicide risk and self-harm, the presence of alarm systems for the timely reporting of emergency situations, and the right to privacy. Among these, the ones related to recording stand out, connected to the fundamental right of the person subject to a restrictive measure to have every phase of their detention experience documented, ensuring effective legal protection and oversight by the guarantee authorities. It is also particularly important the one on the use of force and coercive measures in forced returns, which should only be applied exceptionally and within a strict regulatory framework, but are often overruled in practical circumstances.

This guidance has not always received adequate attention from the responsible administrations, which are required to ensure its implementation or at least its due consideration in the dynamics of a fair cooperative dialogue among institutions.

In relation to administrative detention facilities, on the other hand, multiple recommendations have been incorporated into the new regulations for the CPRs, approved with the Directive 19 May 2022, which the National Guarantor has had several opportunities to examine in the course of a dense exchange with the offices of the Ministry of the Interior during its drafting⁶¹. It is clearly necessary to verify that the broader guarantees established by the law are effectively implemented in everyday practices.

It should be noted that when examining the responses provided to the National Guarantor following the submission of Reports, the collaboration has been intermittent. Specifically, the reports on the monitoring of forced return operations were officially addressed in only 2 out of 14 cases, while the reports sent regarding administrative detention or detention facilities were acknowledged in 6 out of 7 cases. The assessment, after the first seven years, in terms of institutional cooperation, is only partially satisfactory despite the efforts made by both parties. Moreover, in the context of safeguarding fundamental rights, especially concerning forced returns, there are still areas of significant concern that the National Guarantor continues to highlight as major criticalities.

Opinions (the path we indicate to Parliament) - The dialogue with the Legislator

The observation and reflection on practices cannot ignore the examination of the regulatory framework within which they originate and exist, in order to assess whether the system as a whole, the infrastructure of rules and guarantees that comprise it, is effectively and inherently capable of safeguarding the rights of the individual. The final part of this summary overview on the National Guarantor's activity in the area of the deprivation of liberty of migrants is, therefore, about the opinions and pieces of dialogue with the Legislator and with the administrations responsible for implementing the laws.

In a regulatory framework that has always been inadequate, lacking a system similar to that of the penal

60. The Recommendations of the National Guarantor stem from the above premise. They concern the right to be informed and to understand, the right for unaccompanied foreign minors (UFM) to have an identity and be protected, the identification of trafficking victims, compliance with the non-refoulement principle, and access to international protection.

61. These text are published in the section *The Board's address to Institutions* of this Report.



Seven Years

The regulatory perspective on the de facto deprivation of liberty still presents gaps, especially regarding the detention practices in hotspots or in waiting areas of airport transit zones.

However, if we go back to that first flight on 19 May 2016, when 29 Tunisian citizens were directly returned from the island of Lampedusa after a period of detention in the hotspot and without any judicial evaluation, the work done has certainly borne fruit.

system, constructed through addition, without a stable overall vision, and therefore inevitably lacking and inconsistent, reflecting on the regulations is an essential component of the observation activity as well as a constant responsibility.

In the latest thematic report on the monitoring of forced return operations of foreign nationals, for example, the National Guarantor has drawn attention to the need for domestic regulations of these procedures. Such regulations would bring order to the practices of personal check, often carried out with search methods specifying how and within what limits resistance can be countered without compromising the physical integrity and dignity of the individual.

Over the years, there have been minimal steps taken by the legal system towards the still-unachieved goal of adopting a primary law that comprehensively defines the methods of restriction, considering the complexity of all the issues that such a constraint entails. This law would also assign to the judiciary the task of verifying its implementation, including through the assessment of complaints that individuals detained can currently only address to the supervisory authorities.

This request from the National Guarantor was accepted through the introduction of paragraph 2-bis in Article 14 of the Consolidated Immigration Act. While it falls within the bounds of a non-judicial remedy, it finally acknowledges the capacity of foreign nationals to self-determine the protection of their rights within administrative detention centres through the institution of the complaint. This right, however, has not been explicitly granted to individuals held in 'suitable facilities'. Instead, the Decree-Law of 21 October 2020, no. 130, partly accepting the proposals of the National Guarantor, extended the guarantees of the amended paragraph 2 of Article 14 of the Consolidated Immigration Act regarding hygiene and housing standards, the right to information, and rules and freedoms related to external telephone correspondence.

There is still a risk –for both types of facilities– that principles and guarantees might remain mere statements if not accompanied by measures that make them effective, such as the provision for periodic inspections by the Local Health Authority (ASL), as indicated in the opinion presented by the National Guarantor during the conversion process⁶².

The regulatory perspective on the de facto deprivation of liberty still presents gaps, especially regarding the detention practices in hotspots or in waiting areas of airport transit zones.

However, if we go back to that first flight on 19 May 2016, when 29 Tunisian citizens were directly returned from the island of Lampedusa after a period of detention in the hotspot and without any judicial evaluation, the work done has certainly borne fruit. Since that date, the National Guarantor has begun to examine the refolements carried out directly from crisis points and to express critical observations regarding a practice that, from the perspective of the lack of judicial oversight, conflicted with the constitutional guarantees

62. See the opinion related to the law converting the Decree-Law of 4 October 2018, no. 113.



associated with the right to freedom⁶³. In this way, this Institution has actively contributed to the process that, following the ruling of the Constitutional Court 275/2017⁶⁴, led to the approval of Law 1 December 2018, no. 132, converting Decree-Law no. 113⁶⁵ of 4 October 2018. This law introduced the mandatory requirement for judicial validation for deferred refoulement, effectively putting an end to forced return flights from Sicily.

Beyond the shore, in defense of those who are arriving, there are watchful eyes turned toward the sea and the commitment of this Guarantee Authority to ensure that justice is not offended by fate, lives are rescued, and safe landings are provided⁶⁶.

63. In particular, see *Report to Parliament 2017* (p. 120), the Report on the charter forced return flight of Nigerian citizens on 17 May 2017, and the opinion rendered to the Senate as part of the conversion process of Decree-Law no. 113 of 4 October 2018. In this opinion, the National Guarantor explicitly called on Parliament to heed the warning issued by the Constitutional Court in ruling 275/2017.

64. The Court affirmed “the need for the legislator to intervene on the legal regime of deferred refoulements with border escort, considering that this execution method restricts personal freedom (judgments no. 222 of 2004 and no. 105 of 2001) and, consequently, requires regulation in accordance with Article 13, paragraph 3, of the Constitution.”

65. See Note 28.

66. Refer, in particular, to the opinions on the Decree-Law of 14 June 2019, no. 53, entitled “Urgent Provisions on Public Order and Safety,” and on the Decree-Law no. 1 of 2 January 2021, containing urgent provisions for the management of migratory flows. Both decrees introduce specific rules for the rescue of migrants at sea, with potential implications that may have a significant impact on the operational capacity of humanitarian organizations and, consequently, on rescue operations.



Confined Fragilities

prepared by
the Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

In addition to familiar places where individuals are deprived of personal liberty due to the execution of a judicial order, there has been a growing awareness, particularly in the wake of the pandemic, of all the facilities that cater to disabled and elderly individuals. Since the mid-20th century, personal liberty in the healthcare context has been associated with psychiatric facilities: asylums, Forensic Psychiatric Hospitals (OPCs), Residences for the Execution of Security Measures (REMSs), and community services.

In Italy, as in other countries, despite the focus on all issues related to personal liberty within the context of disability, even after the ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2009, there has not been rapid development and comprehensive exploration of these issues.

It is also true that the transposition of an international convention and the standards it contains into national law is a complex process that takes place through cultural dissemination and local fine-tuning through legislative and programmatic actions.

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It is also true that the transposition of an international convention and the standards it contains into national law is a complex process that takes place through cultural dissemination and local fine-tuning through legislative and programmatic actions. It is well-known that the course of this process varies not only depending on the respective national legal systems but also on the political and cultural *milieu* in which it is initiated.

Upon closer examination, the principles contained in the CRPD – including concepts such as independent living and freedom of choice, segregation, and community inclusion – were introduced into the disability discourse as early as 1972⁶⁷, driven by certain advocacy movements. The introduction of the United Nations Convention on the Rights of Persons with Disabilities has certainly propelled the evolution of this discourse, although its outcomes have, in some respects, remained incomplete statements of principle. The concept of independent living itself lacked a specific operational content for a long time, leading to the tendency to create new facilities and specialized settings to address disability, rather than strengthening support for the daily lives of individuals.

67. Cf. Terraneo, M. & Tognetti Bordogna, M. (Eds.) (2021). *Disabilità e società. Inclusione, Autonomia, Aspirazioni*. Franco Angeli. and Tarantino, C. (2018). La Curva di Segregazione. Un'Analisi degli Studi. In G. Merlo & C. Tarantino (Eds.) *La segregazione delle persone con disabilità*. Maggioli Editore.



Over time, the evident gap between the conceptual framework and practical implementation has increasingly necessitated focusing attention on theoretical concepts such as institutionalization, confinement, segregation, and the development of indicators for various forms of deprivation of liberty. These indicators shed light on their impact on self-determination and reveal conditions of segregated living.

The establishment of the independent Authority of the National Guarantor of the Rights of Persons Deprived of Personal Liberty and its activities involving the study and visits to places within the operational scope of the Deprivation of Liberty Unit within healthcare, socio-healthcare, and socio-assistance facilities have pursued this goal. They have allowed for the conceptualization and operationalization of certain dimensions of these concepts into indicators, enriching the ongoing cultural debate, reflection, and research in this field.

Formally established at the end of 2017, the Unit has forged inter-institutional relationships and established working groups that have led to the initiation of a series of investigations and studies. Among them, we put an emphasis on the “Protocollo d’intesa per studi e progetti in tema di libertà delle persone con disabilità” (Cooperation Agreement for Studies and Projects on the Freedom of Persons with Disabilities) signed on the 1st June of the same year with “L’Altro diritto - Centro interuniversitario di ricerca su carcere, devianza, marginalità e governo delle migrazioni” of the Department of Legal Sciences at the University of Florence, and with the Centre for Governmentality and Disability Studies Robert Castel at the University of Naples “Suor Orsola Benincasa” (CerRC). The Atypical lab for Cultural Disability Studies, a research centre within the Department of Humanistic Studies at the University of Calabria, has also joined these efforts.

Within the framework of this Agreement and the mentioned collaborations, research on “Luoghi, Forme e Modi della Disabilità”, (Places, Forms, and Ways of Disability) was initiated. This research involved the analysis of forms of incapacitation and mechanisms for safeguarding personal liberty⁶⁸. It enabled the National Guarantor to identify practices that *de facto* lead to the segregation and institutionalization of individuals with care needs. This, in turn, resulted in the definition of parameters characterizing such practices and the identification of situations at risk of violating the non-derogable principle of prohibition of torture or cruel, inhuman, or degrading treatment to which individuals with disabilities and/or care needs may be subjected.

In the same operational context and through collaboration, the “National Register of Health and Social Care Institutions” a database has been established. It is registered as the *GNPL National Register of Health and Social Care Institutions* with CINECA IRIS - Institutional Research Information System⁶⁹. This database is used for geolocating institutions falling under the oversight of the National Guarantor, enabling a continuously updated national mapping of these facilities. Its implementation has allowed for the overcoming of challenges (which should be resolved in the near future with the implementing decrees of the enabling law -

The evident gap between the conceptual framework and practical implementation has increasingly necessitated focusing attention on theoretical concepts such as institutionalization, confinement, segregation, and the development of indicators for various forms of deprivation of liberty. These indicators shed light on their impact on self-determination and reveal conditions of segregated living.

68. As of the drafting of this Report to Parliament, the research is still ongoing, following necessary extensions to achieve the established objectives.

69. IRIS is the research repository of the Italian universities.



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Law No. 227 of 22 December 2021) that had hindered the immediate commencement of visits by the National Guarantor to facilities hosting disabled and elderly individuals. These criticalities, already highlighted in the 2018 Report to Parliament, pertain to the lack of systematic and adequate data as stipulated by the CRPD, the organization of the national health and social care system with the regionalization of regulations related to facility authorization and accreditation, and consequently, their fragmented classification into a various types that are only partially consistent and comparable on a regional basis. These critical issues necessitate a continuous update of the Register with the real data of healthcare and social assistance facilities that change based on regional authorization dynamics, making them difficult to identify within the territory.

In addition to the Register, the research activities of the Agreement have produced the “Checklist for visits to social care institutions where persons with disabilities and senior citizens may be deprived of their liberty,” which is used in the monitoring functions of the National Guarantor. The checklist outlines how the principles of the CRPD are translated into operational indicators. They relates to: (a) structure and organisation, (b) respect for the autonomy and independence of guests, their rights and needs as well as those of their relatives, (c) respect for emotional relationships, (d) relationship with the territory, (e) care and assistance provided, (f) informed consent, (g) use of means of restraint, (h) respect for confidentiality, (i) access to information. The checklists for visits to Residences for the Execution of Security Measures (REMS) and Psychiatric Diagnosis and Treatment Services (SPDC) have been developed based on the above checklist.

It is through monitoring visits that the National Guarantor has been able to highlight the emergence of new forms of restrictions, delineating the boundaries of its actions. New forms of institutionalization that occur through the erosion of fragments of freedom and the weakening of the individual's decision-making capacity.

It is through monitoring visits that the National Guarantor has been able to highlight the emergence of new forms of restrictions, delineating the boundaries of its actions. New forms of institutionalization that occur through the erosion of fragments of freedom and the weakening of the individual's decision-making capacity. The ongoing work over the years with academic institutions within working groups has allowed for the identification and analysis of case studies that, for the first time, have brought to light, even for the general public, new forms of deprivation of liberty.

The driving force of the National Guarantor, manifested in various cultural contexts related to disability issues, has recently been demonstrated through participation in the research project starting from the year 2022 “*Equal. Studio per l’attuazione dell’uguale diritto di tutte le persone con disabilità a vivere nella società con la stessa libertà personale e di scelta delle altre persone (ex arts. 14 and 19 of the UN CRPD)*”, promoted by the Office for Policies in Favour of Persons with Disabilities of the Presidency of the Council of Ministers, this research project aims to establish connections with the activities of the National Observatory for the Rights of Persons with Disabilities. The collaboration with the Italian National Institute of Health has been productive in relation to health and disability-related issues.

As with international conventions, there has also been a slow and often challenging dissemination of the culture of preventing the segregation of elderly and disabled individuals within the National Guarantor's operational area. Similarly, the process of recognizing the inclusion of monitoring powers for places such as Nursing Homes for the Elderly (RSAs), Retirement Homes, and Healthcare Residences for People with Disabilities (RSDs) within the mandate of the Guarantor Authority has been slow and challenging. Through its monitoring visits, the National Guarantor has opened the eyes of public opinion to the closed world of certain care facilities that become *de facto* contexts of deprivation of liberty. If, on the one hand, it is easy to recognize the preventive function of the National Guarantor as the NPM in places that are, by definition, places of deprivation of personal liberty (*de jure*); on the other hand, acknowledging the relevance of the supervisory function and powers that stem from it in places that are not intended for segregation but for



assistance and care, means admitting that in the third millennium, there is still a need to reaffirm that disabled or elderly individuals remain individuals with rights. A place of care and assistance should not be considered as indefinite placement but as a part of a life plan and, therefore, temporary.

It has not been a completely linear path; at times, it has been slowed down by the turnover of human resources assigned within the competent operating unit for health issues, and at times, it has been marked by the social events that have affected our Country.

If the first two years were primarily years of study and exploration for defining the boundaries of the supervisory authority in this field, two turning points or points of no return, were 2020 with the closure of nursing homes due to the pandemic and 2021 with the case study of Mr. Carlo Gilardi⁷⁰, which also involved some experts from the National Guarantor. These two moments had a decisive impact on the visibility of the National Guarantor in this operational area and on the number and type of reports, which, for these reasons, have changed over the years.

In fact, most of the reports received by National Guarantor -in its first years of activity- were related to Psychiatric Diagnosis and Treatment Services and Residences for the Execution of Security Measures. After the pandemic, on the other hand, the National Guarantor has been receiving an increasing number of reports concerning the critical issues in elderly and disabled socio-assistance facilities⁷¹. In particular, in 2020, 53 reports focused on residential facilities for the elderly and disabled, while the remaining, fewer than 10, pertained to Psychiatric Diagnosis and Treatment Services and Residences for the Execution of Security Measures. The most recurring issues encountered during the years of the pandemic emergency have been related to the difficulty of maintaining personal relationships or, more often, the isolation of facility residents due to the restriction of access, even with appropriate infection prevention measures, by relatives, friends, and caregivers.

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Expressions like “It’s for your own good,” “you should not be visited by anyone other than your family,” and “you should not go out unless accompanied by caregivers” have frequently been used to justify the security boundaries of the places and individuals entrusted with the care and assistance of disabled or elderly individuals. These are places where they are, in practice, incapacitated.

Once out of the pandemic, while social activities fully resumed in civil society, social life and emotional relationships in nursing homes were restricted and hindered by bans on contact with family members: “At least I would like to be able to meet her in person and feed her or give her something to drink,” “Despite the

70. Carlo Gilardi, an elderly professor, initially underwent support administration with increasingly influential powers, limiting his existential (as well as financial) choices. Subsequently, against his will, he was placed in a Healthcare Residential Facility (RSA), where he was deprived of contact with the outside world. His case drew the attention of the National Guarantor, leading to multiple interventions. Also refer to the section *Board’s Address to Institutions* in this report.

71. In 2019, the reports received by this Unit concerning issues that arose in residential facilities for the elderly and disabled, doubled compared to the two-year period of 2017 and 2018, increasing from 8 in 2018 to 15 in 2019. The number increased in the three-year period from 2020 to 2022, with reports respectively reaching 53, 70, and 45.



Following the pandemic, the collaboration with the Istituto Superiore di Sanità (ISS), which had already begun in 2018 through participation in working groups on various topics related to the National Guarantor's jurisdiction, was strengthened.

end of the state of emergency in our country since March 31 [2020, E.N], nothing has changed in nursing homes.”

Following the pandemic, the collaboration with the Istituto Superiore di Sanità (ISS), which had already begun in 2018 through participation in working groups on various topics related to the National Guarantor's jurisdiction, was strengthened. These were thematic working groups dedicated to Covid-19, composed of internal and external experts to the ISS, tasked with conducting analyses, providing information, making proposals, and producing documents published in the *ISS Covid-19 Reports* series, available on the ISS website⁷². The cross-cutting themes covered in the reports included the elderly, disabled individuals, autism, dementia, care, rights, and

bioethics. In July 2022, active participation in the Permanent Table on Dementia, with the task of monitoring the implementation of the *National Dementia Plan*, was formalized by a decree from the Ministry of Health - Directorate-General for Health Prevention. The most significant work carried out in collaboration with the ISS was related to the National Survey on Covid-19 Infections in Residential and Socio-Healthcare Facilities. This survey provided a picture of what happened during the early months of the pandemic within nursing homes, and its results were also published in international scientific journals⁷³.

With regard to the second turning point, at the end of 2021, following the notoriety of Mr. Gilardi's case study, reports related to the protective figures of the support administrator (ADS) and the judge of voluntary jurisdiction have increased (amounting to 13, double the previous year). These reports generally highlight a significant misalignment between the actions of the protective figures and the individual's will, as well as an inability to listen to the person under guardianship. In practice, the guardianship judge rarely summons the person under guardianship to their presence, and even less frequently visits the facility where the individual is receiving care to listen to their wishes⁷⁴. In these cases, the choices of the elderly or disabled individual are often filtered through the words of the support administrator, family members who may frequently disagree with each other, or local services.

A thorough analysis reveals that even in previous years, the reports received in the context of personal guardianship were related to the inability of the person under guardianship to have contact with relatives at the discretion of the support administrator, the failure to respect the wishes of the person receiving care to

72. *Indicazioni ad interim per un appropriato sostegno delle persone nello spettro autistico e/o con disabilità intellettiva nell'attuale scenario emergenziale SARS-CoV-2*, ISS COVID 19 Report no. 8/2020 rev; *Indicazioni ad interim per un appropriato sostegno per le persone con demenza nell'attuale scenario della pandemia di Covid-19*, ISS COVID 19 Report no. 61/2020; *Assistenza socio sanitaria residenziale agli anziani non autosufficienti: Profili bioetici e biogiuridici*; ISS COVID 19 Report no. 6/2021.

73. Cf. Article contained in Vanacore, N., Losito, G., et al. (2020). Adverse Events in Italian Nursing During the COVID-19 Epidemic: A National Survey. *Frontiers in Psychiatry*, 11, Article 578465. <https://doi.org/10.3389/fpsy.2020.578465>; Vanacore, N., Losito, G., et al. (2020). The Italian National Survey on Coronavirus Disease 2019 Epidemic Spread in Nursing Homes. *Wiley Geriatric Psychiatry*, Article ID: GPS5487. <https://doi.org/10.1002/gps.548>.

74. It is worth noting that the appointment process for a support administrator is outlined in Article 407 of the Italian Civil Code, which states that “The guardianship judge must personally hear the person to whom the proceeding refers, going, if necessary, to the place where the person is located. He must take into account, as far as possible, the person's needs and requests, consistent with the interests and protective needs of the individual.”



return to their own home, and transfers to another facility against their will. Last but not least, the refusal by the guardianship judge to revoke the support administrator because they did not represent the wishes of the person receiving care before the voluntary jurisdiction: “I sent a *Pec* [certified e-mail] to the guardianship judge to express my dissatisfaction with the inaction of the support administrator, and even after my phone follow-up, nothing has changed.” Furthermore, despite the clear provision of Article 410 of the Civil Code⁷⁵, “my requests remain unheard. At the hearing scheduled for day X [E.N.], as set by the guardianship judge upon the explicit request of the support administrator, I was not called to participate.” Only two reports concerned the lack of transparency by the support administrator regarding the management of the individual’s financial account.

Concerning the REMS and the SPDC, the number of reports has consistently stayed below ten over the years. In particular, reports related to REMS predominantly revolved around requests for surveillance and control over the Judiciary’s decisions regarding permits for rehabilitative outings and home leaves. The National Guarantor refrained from commenting on these matters as they fall within the jurisdiction of the judiciary. Additionally, reports highlighted the inactivity of Local Health Authorities (ASL) in the patient’s discharge procedure.

Over the seven year mandate, the National Guarantor has visited 36 facilities among healthcare, socio-healthcare, and socio-assistance facilities (RSAs, CRAPs, and RSSAs), 1 foster home for minors, 2 Covid-19 quarantine locations, 36 Psychiatric Diagnosis and Treatment Service (SPDC) facilities, 2 Psychiatric Rehabilitative Care Communities, and 19 REMS. Two visits specifically related to case studies involving individuals with disabilities and the elderly.

Regarding the REMS, it is important to highlight that the reform to replace the OPGs (Forensic Psychiatric Hospitals), initiated with Legislative Decree no. 211 of 2011 and culminated in 2017 with the closure of the last OPG⁷⁶, marked a cultural shift in the approach to psychiatric patients, breaking the automatic link between illness and institutionalization. In place of the OPG, the reform introduced a new set of principles regarding the treatment of psychiatric patients: the recognition of the priority of necessary healthcare, the territoriality of care⁷⁷, the gradual nature of intervention, with the REMS seen as a residual and transitional legal institution within the range of services offered by the local community, the exclusive healthcare management of the Residential Mental Health Service, a limited and non-negotiable

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75. “In carrying out their duties, the support administrator must take into account the needs and aspirations of the beneficiary.”

76. This was the OPG in Barcellona Pozzo di Gotto (Messina), which had a capacity that varied over the years, ranging from 200 to 300 people.

77. This refers to the Decree-Law of 22 December 2011, no. 211, which was converted with modifications into Law No. 9 of 17 February 2012, Article 3-ter, paragraph 3, letter c).



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number of patients, the prioritized placement of individuals with definitive⁷⁸ legal status, and a definite term for the period of institutionalization.

The completion of the nearly half-century-long journey to overcome the asylum-based approach and to recognize the centrality of the entire network of community-based healthcare services, especially the Department of Mental Health (DSM), has been characterized by numerous evident challenges. These challenges have been subject to in-depth examination during the monitoring visits of the National Guarantor and have been highlighted in various reports and annual editions of the Report to Parliament.

If, on the one hand, the system as a whole has managed to uphold certain principles over the years, on the other hand, significant inconsistencies have nonetheless compromised its overall efficiency.

These concerns have primarily revolved around the prevalence of individuals under provisional security detention measures within the REMS, the formation of waiting lists, and the impracticability of the security measure itself or the prolonged delays in its execution, all of which have eroded the principle of the REMS as a last resort. The analysis of the available data conducted by the National Guarantor during its tenure, in fact, provides a somewhat different overview compared to the original goals of the reform. For 2022⁷⁹, in particular, it highlights a picture of REMS as places whose function increasingly resembles that of long-term care for individuals rather than temporary stays; places where over half of the individuals are under provisional security measures⁸⁰; places where over a third of individuals with definitive legal status do not have a defined treatment plan⁸¹; places where the expiration of the detention measure can effectively result in unlawful detention⁸²; and places that gradually adapt over time to respond to containment logics by adopting a

78. A reference is made, most recently, in the Agreement of the *Conferenza Unificata* of 30 November 2022 in the preamble, as well as in the opinion provided by the Comitato Nazionale di Bioetica (National Committee of Bioethics) of 22 March 2019, p. 12: “As for individuals under provisional security measures, their placement in REMS contradicts the fundamentally therapeutic nature of these facilities, which should therefore be reserved only for those who, having been definitively acquitted, can be the recipients of a personalized therapeutic plan.” This statement is found in the Deliberation of the CSM (Superior Council of the Judiciary) of 19 April 2017, p. 14.

79. Cf. Maps Section and relevant data in *Report to Parliament 2022*, p. 79.

80. The aggregated data collected by the National Guarantor reveal a steady increase in the number of individuals with provisional legal status admitted to REMS, rising from approximately 39.5% to 42.5% during the period 2019-2022 (see *Report to Parliament 2019*, p. 167, and *Report to Parliament 2022*, p. 86). On this matter, refer to the Council Deliberation of 19 April 2017, “Direttive interpretative e implementative in materia di superamento degli OPC e di istituzione delle Residenze per l’esecuzione delle misure di sicurezza(REMS),” as stipulated in Law no. 81 of 2014 (see *Report to Parliament 2018*, p. 206). Additionally, it can be consulted the position expressed by the Comitato Nazionale di Bioetica in “La cura delle persone con malattie mentali: alcuni problemi bioetici” dated 22 September 2017, p. 36, and in “Salute mentale e assistenza psichiatrica in carcere” dated 22 March 2019, pp. 4 and 12; Cf. the Agreement of the Conferenza Unificata of 30 November 2022.

81. Cf. Maps Section and relevant data in *Report to Parliament 2022*, p. 87.

82. Cf. Maps Section and relevant data in *Report to Parliament 2022*, p. 81.



multi-module organizational model⁸³. At the peak of the system, the phenomenon of detention without legal basis of individuals in prison is visibly prominent, a condition on which the European Court of Human Rights⁸⁴ and the Constitutional Court have intervened in recent years⁸⁵.

The visits⁸⁶, in some cases, have highlighted the inadequacy and lack of specific training of security personnel employed for the surveillance of the residence, the prevalence of personnel from the experience of the OPGs without updated training, and the lack of coordination, and sometimes collaboration, between the judging and supervising magistrates, with a lack of exchange of information and comprehensive knowledge of the network of mental health services under the responsibility of the Department of Mental Health, as assigned by Law no. 833 of 1979 for the prevention, treatment, and rehabilitation of psychiatric health problems.

For monitoring activities, in addition to visits, the National Guarantor has used data available on the SMOP⁸⁷ portal of the Campania Region, an information system aimed at the national monitoring of the transition to a significantly modified system for the execution of criminal security measures following Law no. 81 of 2014. The system initially focused on Forensic Psychiatric Hospitals, later shifted its attention towards REMSs. Based on the above, in February 2018, the Guarantor Authority signed a Cooperation agreement with the Campania Region to access the SMOP database. The consultation of this means has allowed the National Guarantor to access to more precise information about individual REMS, while favouring data aggregation on a broader scale⁸⁸. The database provides insights both on the inflow and outflow of individuals from the REMS and on the users who navigating the criminal security measures system.

Equally significant has been the interinstitutional collaboration developed by the National Guarantor over the years with the Department of Penitentiary

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83. Cf. *Report to Parliament 2018*, p. 207. Here reference is made to the REMS of Castiglione delle Stiviere composed of five modules, with a capacity up to 156 patients. It is also worth noting the following REMS: Girifalco [with 10 active places but a total of 40 planned]; Reggio Emilia [with 30 active places divided into two modules with different functions]; Volterra [with 30 active places divided into two modules]; Caltagirone [with 38 active places divided into two modules]; Nogara [with 40 active places divided into two modules, and an additional 16 authorized in 2020]. The term 'module' also appears for the first time in an official document in the Agreement of the Conferenza Unificata of 30 November 2022, modifying the previous Agreement of 26 February 2015, in connection with the definition of REMS.

84. Among the most recent the Case *SY v. Italy* (11791/20) of 24 January 2022. Cf. *Report to Parliament 2022*, p. 55.

85. Constitutional Court, Judgment 27 January 2022 n. 22.

86. There have been 21 visits to the REMS, including 2 follow-up visits.

87. Information System for Monitoring the Overcoming of the OPGs-SMOP.

88. As of today, the SMOP system remains the primary tool for analyzing the phenomenon, in addition to the visiting activity and the reports received. Over time, Regions have increasingly joined the SMOP. With the inclusion of the Friuli-Venezia Giulia region in 2021, all regions have formally joined the information system. However, it should be noted that the system still suffers from a certain degree of statistical imprecision due to the sometimes less than punctual updating by territorial services.



During the pandemic phase, in the biennium 2020-2022, the National Guarantor initiated monitoring within the REMS, collecting data initially every fifteen days and later on a monthly basis. The data covered the spread of infection among staff and patients, the number of tests conducted, and the implemented restrictive measures.

Administration in various aspects. A valuable collaboration that has allowed, among other things, to promptly identify a very problematic aspect of the “REMS system”—the phenomenon of regional waiting lists. The collected data has facilitated the quantification and monitoring of another critical aspect within the system, specifically concerning individuals held without a title in prison awaiting placement in REMS.

In this regard, the National Guarantor personally took on the issue when in July 2021, he was appointed as a member of the *Steering Committee for issues related to individuals detained* pending placement at AGENAS⁸⁹. The Steering Committee included the participation of the Directors of the Department of Mental Health of the Local Health Authorities of Bologna and Parma, the Piedmontese Local Health Unit, a professor from the University of Turin, the Head of the REMS in Capoterra, Representatives from the regions of Campania, Liguria, Emilia-Romagna, Calabria, and Tuscany, three Representatives from the Ministry of Health, two from the Ministry of Justice, and three from the President of the Council’s Office. The work carried out by the Steering Committee has contributed to the reduction of the phenomenon of unlawful detention, which decreased from 65 individuals in April 2021 to 42 in March 2023⁹⁰.

During the pandemic phase, in the biennium 2020-2022⁹¹, the National Guarantor initiated monitoring within the REMS, collecting data initially every fifteen days and later on a monthly basis. The data covered the spread of infection among staff and patients, the number of tests conducted, and the implemented restrictive measures.

These data were analyzed by the National Guarantor with the aim of monitoring the actual proportionate balance between the restrictions imposed in specific areas of the daily life of the individuals admitted and the parallel expansion of freedoms enjoyed in other aspects of daily life, as noted in the 2022 Report to Parliament.⁹² The participation of individual REMS allowed the Guarantor, starting from September 2021, to monitor and, for the first time, measure a neglected phenomenon on the national scene individuals being held in REMS due to the non-execution of the discharge order. From a legal standpoint, this condition is entirely similar to unlawful detention in prison, which has, in extreme cases, recorded durations of up to 180 days⁹³.

With regard to the analysis of the most significant legislative interventions in recent years for REMS, the

89. AGENAS: National Agency for Regional Healthcare Services.

90. Cf. Maps and Data attached to *Report to Parliament 2021*, p. 67; the March 2023 data is provided by the Department of Penitentiary Administration.

91. Cf. Maps and data attached to *Report to Parliament 2021* and *2022*. The analysis concerning the restrictions introduced in the daily lives of the persons detained in REMS is reported in the ‘Maps and Data’ section attached to *Report to Parliament 2022*, p. 91.

92. Cf. Maps and data attached to *Report to Parliament 2021* and *2022*. The analysis concerning the restrictions introduced in the daily lives of the persons detained in REMS is reported in the ‘Maps and Data’ section attached to *Report to Parliament 2022*, p. 91.

93. Cf. Maps and data Section attached to *Report to Parliament 2022*, p. 81.



National Guarantor has expressed appreciation for the repeal of two legislative measures that, if introduced, would have effectively undermined some of the foundational principles of the reform for the abolition of OPCs. The first, certainly more significant, concerned the removal, during the legislative conversion, of Article 1, paragraph 16, letter d) of the enabling law of 23 June 2017, no. 103⁹⁴. This would have turned the REMS into “mixed” territorial facilities, favouring the risk of reintroducing the all-encompassing logic characteristic of past forensic psychiatric structures⁹⁵.

The second, more recent, involved the removal of the term “sperimentale” (testing) in the conversion law of 27 April 2022, no. 34, concerning the new REMS Santa Maria di Calice al Cornoviglio, as originally stated in Article 32. The terminology, devoid from any legislative reference, supposed the start of a model of a different and replicable model of REMS.

Regarding judgment no. 22 of 27 January 2022, the Constitutional Court specifically emphasized the need to prepare a comprehensive reform of the system, especially concerning the actual ability to enforce judicial orders. The subsequent Agreement reached by the Unified Conference on 30 November 2022 attempted to incorporate the desired interventions. The already mentioned functional integration among the involved institutional actors (Region, DSM, Judiciary, and DAP) has been strengthened. Among the agreed-upon interventions is the provision for specific operational protocols to be implemented between the Judiciary and the regional healthcare service with the aim of reducing recourse to provisional detention measures. This includes the establishment of Regional Single Points (PURs) with functions, among others, of periodically reviewing the clinical situation of individuals awaiting admission, limiting the duration of stays in SPDC, promoting stable relationships between experts and technicians, already in the initial phase of the process, in defining a range of individual care paths, coordinating with the Judiciary regarding requests for the revision of dangerousness for individuals on the waiting list or already placed in REMS from DSM, up to the semi-annual review, including qualitative aspects, of regional waiting lists.

Furthermore, the creation of a national Steering Committee including a delegation from the CSM, is envisaged with the role of oversight and proposal on the main systemic issues ranging from defining health criteria for priority, managing waiting lists based on appropriateness criteria, monitoring residential needs, REMS, and specialized communities, to establishing a Unified Regulation.

In its political significance, this Agreement seems to reinforce the underlying cultural paradigm of closing OPCs, focusing on how to treat the patient rather than where to treat them. In this perspective, it restores important values.

Firstly, the notion of the REMS as a well-defined, protected, and closed place transforms into a space

The creation of a national Steering Committee including a delegation from the CSM, is envisaged with the role of oversight and proposal on the main systemic issues ranging from defining health criteria for priority, managing waiting lists based on appropriateness criteria, monitoring residential needs, REMS, and specialized communities, to establishing a Unified Regulation.

94. The provision would have allowed entry into REMS for “individuals whose mental illness occurred during the execution of their sentence, defendants subject to provisional security measures, and all those for whom it is necessary to assess their mental conditions, provided that the sections of the penitentiary institutions to which they are destined are, in fact, unable to provide therapeutic-rehabilitative treatments.”

95. The detailed commentary on the legislative provision under Article 1, paragraph 16, letter d) of the Enabling Law of 23 June 2017, no. 103 can be found in the *Report to Parliament 2018*, page 206.



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permeable to the external context, allowing individuals to engage in ordinary and regular social interactions, without authorization measures limiting their ability to leave the Residence⁹⁶.

Secondly, there is an initial formulation of the principle of self-determination for individuals with disabilities.⁹⁷ This principle is reflected in article 2 with a reference to “Care pathways that are as shared and suitable as possible for treatment”⁹⁸, and in article 9, which provides that all judicial acts should be communicated to the individual⁹⁹.

Regarding the aspect of territorial care, the Agreement is somewhat precarious, failing to clarify the content of the desired forms of interregional coordination, especially among neighbouring Regions. The concern arises from the potential widespread execution of measures outside the region, which should be avoided and limited. This concern is particularly relevant with the recent establishment of the REMS in Calice al Cornoviglio, intended to accommodate patients from all Regions at the national level.

In this context, the Guarantor expresses optimism that the envisaged Steering Committee, tasked with evaluating the adequacy of the financial resources required for the system, will encourage the stakeholders to increase their financial contributions. Despite the Constitutional Court’s urging in 2015 reiterated in 2022 to establish alternative measures to REMS, the recent State-Regions Agreement has managed to maintain budgetary stability.¹⁰⁰

Another area on which the Guarantor has maintained vigilant attention in recent years concerns the preparatory work process initiated in 2014 for the Additional Protocol to the Oviedo Convention of 1997¹⁰¹. The Protocol, which pertains to the protection of individuals in psychiatric settings, has raised various concerns and opposition in the international debate since its initial draft in 2020. Some parts of it have been criticized for potentially rolling back established standards at the treaty level.¹⁰² Since then, the National

96. Agreement of the Unified Conference of 30 November 2022, “[...] the therapeutic rehabilitative activities, as essential element of the treatment path, including those implemented outside the REMS, should be reported in the individual PTRI and do not necessitate further authorization from the AAGG”.

97. Article 9: “The placement of the patient in REMS does not impede the personal delivery of all judicial acts to the recipient, even if they have been declared legally incapacitated or procedurally incapable.”

98. The text seems to make reference to the founding principle of the UN Convention on the Rights of Persons with Disabilities.

99. Article 2: “The Regions provide the Secretary of State for Justice with all the necessary support for the implementation of measures related to both custodial and non-custodial security measures, within the framework of care pathways that are as shared and suitable as possible for treatment.”

100. Constitutional Court, judgment no. 186/2015 of 23/07/2015: “[...] activities aimed progressively at increasing the implementation of therapeutic-rehabilitative pathways that ensure the right to treatment and social reintegration and promote the execution of alternative security measures.” “It is clear that in this perspective, the inefficiency of regional healthcare administrations in preparing individual therapeutic programs cannot result in the application of detention measures that are unnecessarily burdensome for the mentally ill and semi-mentally ill.”

101. Convention on Human Rights and Biomedicine, 4 April 1997, Oviedo.

102. In particular, blatant violations are contested regarding the rights protected by the UN Convention on the Rights of Persons with Disabilities, specifically Articles 4 (Freedom and security of the person), 15 (Freedom from torture or cruel, inhuman, or degrading treatment or punishment), 17 (Protection of the integrity of the person), and 25 (Health), concerning the provisions of the Additional Protocol regarding coercive treatment and the institutionalization of persons with disabilities.



Guarantor has expressed its concerns publicly and formally¹⁰³ regarding at least three critical aspects: the failure to reference Article 12 of the UN Convention on the Rights of Persons with Disabilities in the Preamble, specifically the right of persons with disabilities to be recognized everywhere as persons before the law, even with appropriate support measures to facilitate their exercise of legal capacity. Secondly, the provision allowing for the restriction of an individual's liberty in the interest of 'public safety', crime prevention, and the protection of the rights and freedoms of others," which conflicts with the principles enunciated in the Oviedo Convention¹⁰⁴. Lastly, the indeterminacy of the provision for the involuntary hospitalization of individuals, understood as compulsory and coercive, in terms of purposes, methods, duration, and safeguards.

While the first aspect would effectively undermine the legal equality of individuals with disabilities, as their capacity to act could easily be substituted by a substitute, the second introduces broad and discretionary justifying criteria for the deprivation of liberty, and the third opens the possibility of a new era of institutionalization for individuals with disabilities.

After several years, the National Guarantor observes a persistent deadlock in addressing this issue. In May 2022, the Committee of Ministers of the Council of Europe suspended the adoption of the Additional Protocol until the end of 2024, foreseeing the participation of new actors in the text development process¹⁰⁵, as a reflection of the continued divergence between States and the disability and human rights communities regarding the standards of protection to be ensured.

Just like in the case of other places of deprivation of liberty within healthcare, social healthcare, and assistance facilities, it is worth noting that visits to Psychiatric Diagnosis and Treatment Services began in March 2018, later than in other places of personal liberty deprivation. On several occasions, at the outset of this activity, difficulties were encountered in gaining access to psychiatric services by the delegations of the National Guarantor. This was due to a lack of awareness among the staff, as well as some healthcare directors, regarding the supervisory powers of the supervisory authority. Over the last three years, with the growing recognition of the role of the supervisory authority, the situation has changed. The Psychiatric Diagnosis and Treatment Services have opened their doors to the National Guarantor, showing a willingness to collaborate, and only in very few cases have there been attitudes of resistance or misunderstanding. There are still areas of ambiguity concerning specific aspects of mental health care facilities, such as custodial hospitalization, the right to communicate with the outside world, the locking of wards, and the absence of

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103. To the Italian Parliament on 26 June 2020; in the *Annual Report to the Parliament 2020*; through a note forwarded, among others, to the President of the Council on 26 May 2021, published in the section *Board's Address to Institutions* of this Report; during a meeting held in Strasbourg with Christos Giakoumopoulos, Director General of the Human Rights and Rule of Law Division within the Council of Europe.

104. In this regard, Article 7 of the Oviedo Convention introduces a principle of limitation on personal liberty, but it is based on an assessment of the medical treatment, which, if not carried out, would seriously harm health. However, the treatment is still subjected to the law and jurisdiction.

105. Decision of the Committee of Ministers - CM/Del/Dec(2022)1434/4.2 regarding the 1434th meeting, II, 13, and 17 May 2022, which envisaged the participation in the preparatory work of the United Nations Office of the High Commissioner for Human Rights and the following international non-governmental organizations: Rehabilitation International, the European Disability Forum and the European Association of Service Providers for Persons with Disabilities.



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daily therapeutic and rehabilitative activities other than pharmacological therapy. Greater caution should be exercised regarding the procedure for applying Compulsory Health Treatments (TSOs) and restraint, as well as in maintaining monitoring records. On these issues, the National Guarantor has expressed its opinion, on various occasions, to diverse institutional counterparts, including through Recommendations, most of which have been published in the Reports of the visits. From a general perspective, the issues raised in the Report to Parliament 2017 on the absence of disaggregated and detailed statistical data on hospitalizations and the application of Compulsory Health Treatments (TSOs) still persist today. As it is known, data collection from discharge forms underestimates the phenomenon.

If, in 2018, a more detailed analysis was possible thanks to collaboration with the Regional Epidemiology Department of Lazio, revealing a certain lack of attention in completing hospital admission and discharge forms, it is also true that it was not possible to establish a permanent, comprehensive national data collection system, such as a National Register of Compulsory Health Treatments (TSO)¹⁰⁶. Such a register would have included various pieces of information¹⁰⁷, making this procedure more transparent and Psychiatric Diagnosis and Treatment Services (SPDCs) more closely monitored. Unfortunately, the allocation of resources to the Guarantor's Office did not adequately match the complexity of establishing this service, including the notification of individual decisions for all Compulsory Health Treatments (TSOs), including renewals, to the Guarantor's Office itself. It's worth noting that despite numerous recommendations regarding the location of Psychiatric Diagnosis and Treatment Services (SPDC), often found in cramped, dilapidated, and inadequate conditions, elements such as the completeness of restraint monitoring records persistently fall short.¹⁰⁸ These records are frequently incomplete or entirely insufficient, and the frequency of restraint monitoring remains a critical concern. This highlights the enduring remnants of asylums and custodial practices, as well as a troubling trend of professionals shifting away from psychiatric services to other types of services.

The action of the National Guarantor has contributed to promoting services organizational models and training spaces to overcome restraint within a broader cultural process of care that respects rights. In accordance with the principle of inter-institutional collaboration, in November of last year, the National

Guarantor published an opinion, requested by the Complex Operating Unit of the Emergency Department and Emergency Medicine of the San Filippo Neri Hospital in Rome - ASL Roma 1, regarding the procedure for applying restraint in the Emergency Department¹⁰⁹.

It is worth mentioning other actions taken by the National Guarantor in this field, such as the *Amicus Curiae to the European Court of Human Rights Application no. 8436/21, Matteo Lavorgna v. Italy and Ciotta v. Italy n. 368/21*¹¹⁰, its involvement as *offended party* in 2019 in the cases of the deaths of Maurizio Manica at the "Casa Giardino Oliveti" Clinic in Crotona and Elena Casetto at the Psychiatric Diagnosis

The stance of the National Guarantor underscores the imperative for care and assistance processes to focus on supporting and actively involving elderly individuals or those with physical or mental disabilities in social life, taking into account their remaining subjective capacities.

106. Cf. National Guarantor, *Report to Parliament 2018*, p. 167; *Report to Parliament 2019*, p. 211.

107. Cf. National Guarantor, *Report to Parliament 2018*, p. 167.

108. Cf. National Guarantor, *Report on the Visit to the Psychiatric Diagnosis and Treatment Service (SPDC) of the San Camillo-Forlanini Hospital in Rome carried out on 21 December 2021*.

109. Published in the section *Board's address to Institutions* of this Report.

110. Published in the section *Board's address to Institutions* of this Report.



and Treatment Service (SPDC) of the “Papa Giovanni XXIII” Hospital in Bergamo should also be noted. And the most recent case, by the end of 2021, for the Wissem Ben Abdelatif’s case, who passed away at the Psychiatric Diagnosis and Treatment Service (SPDC) of the “San Camillo Forlanini” Hospital in Rome.

There have also been events to disseminate the activities carried out by the National Guarantor and provide training. In the past year, the National Guarantor initiated a joint project with the Regional Guarantors in this area of competence. The goal is to build a support network for monitoring activities in healthcare, social healthcare, and assistance facilities to enhance the protection of the human rights of vulnerable individuals and prevent segregation, particularly for individuals residing in residential facilities. Over the years ongoing dialogue with associations^{III} has taken place, not only to support national project ideas but also as collaboration for staff training. Individual associations of family members of vulnerable individuals have frequently served as sources of reports and focal points for cautionary actions by the National Guarantor towards healthcare facilities. These actions aim at improving organizational practices and internal procedures while enhancing personal safeguards, especially during Compulsory Health Treatments (TSOs).

In general, The stance of the National Guarantor underscores the imperative for care and assistance processes to focus on supporting and actively involving elderly individuals or those with physical or mental disabilities in social life, taking into account their remaining subjective capacities. These processes must engage stakeholders, social services, and family members. Achieving the overarching goal of safeguarding individuals entrusted to institutions necessitates a collaborative planning phase where various actors converge at the same table, recognizing diverse perspectives, including the personal choices of the person under care. This is the path to developing effective policies that reduce isolation and prevent the recurrence of re-institutionalization practices.

In general, The stance of the National Guarantor underscores the imperative for care and assistance processes to focus on supporting and actively involving elderly individuals or those with physical or mental disabilities in social life, taking into account their remaining subjective capacities.

III. Among the other associations: Fish, Ledha, and ANFFAS.



Forever in Chains

prepared by
Deprivation of Liberty in Criminal Justice System Unit

The historical origins of the National Guarantor in Italy are rooted in the Penal Execution field. The National Guarantor was established as an Institution when, in various municipalities and regions across the national territory, there were already figures of oversight commonly referred to as “Guarantors of the Rights of Detainees”. These figures primarily focused on issues related to imprisonment within the criminal justice system, and they paved the way for the establishment of institutional oversight bodies within our legal framework. Furthermore, the establishment of the National Guarantor was included among the measures aligning with the directives outlined in the landmark judgment of the European Court of Human Rights in the case of *Torreggiani and Others v. Italy* on 8 January 2013. These measures, of an organizational and non-urgent nature, were largely enacted through the legislative decree of 23 December 2013, no. 146, significantly titled “Misure urgenti in tema di tutela dei diritti fondamentali dei detenuti e di riduzione controllata della popolazioni carceraria” (Urgent Measures for the Protection of Fundamental Rights of Detainees and Controlled Reduction of the Prison Population).

Therefore, in this context, the process of recognition and establishment of the oversight authority was facilitated compared to other contexts of deprivation of liberty, and the collaborative relationship with the administrative authorities of the Ministry of Justice was immediate, both at the central and peripheral levels. Over these seven years, the Institution’s efforts have been directed towards solidifying these relationships and shaping the perception of the Institution as an independent supervisory and guarantee authority, moving beyond occasionally assistive or supportive views, which were characteristic of the previous experiences of some local Guarantors.

The Preventive Function

The fundamental features of the institutional mandate of the National Guarantor is focused on the prevention of violations of the rights of persons deprived of their liberty. The National Guarantor must primarily carry out its free and autonomously decided visits to places where individuals can be confined, detained, or are effectively unable to leave as a result of a decision by a public authority.

The fundamental features of the institutional mandate of the National Guarantor, also established in the subsequent integration of the founding provision that granted it the status of National Prevention Mechanism under Article 3 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT), is focused on the prevention of violations of the rights of persons deprived of their liberty. The National Guarantor must primarily carry out its free and autonomously decided visits to places where individuals can be confined, detained, or are effectively unable to leave as a result of a decision by a public authority. It is not by chance, that the establishing law of the National Guarantor identifies visiting as the primary task in the broader field of oversight activities assigned to it. This action is carried out not only through the act of observation but also



through private interviews with individuals, access to relevant documentation, and any other source deemed essential to fulfil its mandate. Additionally, interventions aimed at addressing the identified critical situations are conducted through institutional cooperation with the responsible authorities at both local and central levels.

In this significant and complex field of action, the activity of the Unit operating in the criminal justice sector is primarily divided into two fronts: the preparation of documentary material related to the facilities subject to visits and the autonomous monitoring of critical events within penitentiary institutions. This daily monitoring offers insights into life within these institutions, highlighting any significant “sentinel events” that require attention and further investigation.

From the beginning, this task has entailed forging productive inter-institutional collaboration with the branches of the Department of Penitentiary Administration (DAP) and the Department for Juvenile and Community Justice (DGMC). These departments oversee, respectively, adult detention¹¹² or security measures facilities and facilities that limit the personal liberty of minors and young adults. The initiation of this collaboration has allowed the National Guarantor’s Office to gain access to the computer applications for “Critical Events,” “Monitoring of Spaces and Sleeping Rooms” (known as “Application 15”), and the “Detainee Information System” (SIDET) of the Department of Penitentiary Administration (DAP), as well as the “Information System for Juvenile Justice Services” (SISM)¹¹³ of the Department for Juvenile and Community Justice (DGMC). In particular, the use of the application related to “Critical Events” allows for the identification of difficult situations (ranging from protest demonstrations to acts of self-directed or other-directed aggression, suicides, and suicide attempts) that affect individuals confined in various penitentiary institutions. Through “Application 15,” it is possible to assess the structural and logistical conditions of individual institutions, as well as their alignment with the standards set by national and supranational regulations regarding penitentiary detention. The “SIDET” system enables the verification of the current placement of individuals subject to restrictive measures, while the “SISM” system, a complex tool containing all the data of minors and young adults under the purview of the DGMC, also provides data on ‘critical events’ related to juvenile facilities. General data regarding the presence of individuals in juvenile prisons or in various types of community settings is provided to the National Guarantor daily by the relevant department.

The ongoing querying of various applications has enabled the personnel of the thematic unit to assess the situations of each monitored facility, including the evolution of the issues identified within them. The sharing of these tools within the Unit and the analysis of the data contained in them have also led to thematic insights, which have been subject to ongoing study. These insights have been instrumental in the activities of the Board and in the development, refined over time, of the “checklist” used during visits.

112. With Circular no. 3671/6121 “Istituzione del Garante Nazionale dei diritti delle persone detenute o private della libertà personale: compiti e poteri” dated 18 May 2016, the Department of Penitentiary Administration (DAP) disseminated the relevant information about the new Authority.

113. The monitoring activity has been primarily focused on the 190 adult penitentiary institutions under the jurisdiction of the DAP, the military prison of Santa Maria Capua Vetere under the Ministry of Defense, the hospital detention units located within hospital facilities, therapeutic-rehabilitative communities managed by private social entities, the 17 juvenile correctional institutions, the 24 initial reception centers for minors, and the 3 youth communities under the DGMC.



Seven Years

The planning of visits to facilities for the deprivation of liberty in the criminal justice system, as part of comprehensive missions covering entire regional territories and all aspects of the National Guarantor's mandate, has been guided not only by the Board's directives but also by the knowledge gleaned from the desk monitoring and complaints made under Article 35 of the Optional Protocol. Additionally, it has taken into account the increasing number of reports received by the Office.

This activity of direct observation has surely relied and still does on the continuous analysis of other fundamental sources of information. The first is the national jurisprudence regarding penal execution, with particular attention to the aspects defined and established through the rulings of the Court of Cassation and the ongoing analysis of decisions from the Constitutional Court. This jurisprudence forms an evolving foundation for the criteria that the National Guarantor applies during its visiting activities. The second source is the analogous jurisprudence of the European Court of Human Rights (ECtHR) and the elements of continuity and change that its caselaw approach brings about over time. The third source is the continuous monitoring of secondary regulatory acts, such as directives, circulars, study documents, and implementation materials produced by the administrative authority in its effort to establish criteria for outlining daily detention practices.

These three informational foundations allow for the definition of a common framework that should characterize various detention facilities, while also recognizing the necessary differentiation of interventions, as rightly determined at the local level. This outline combined with the information obtained from computer applications, provides the preparatory context within which the planning of a visit is situated.

In the seven years of its founding mandate, the National Guarantor has conducted over 300 visits to facilities for the deprivation of liberty in the criminal justice system, both for adults and minors. Its primary objective has been to ensure the consistency and compliance of the living conditions of incarcerated individuals with the standards established by national and international regulations, as well as by supranational monitoring bodies such as the European Committee for the Prevention of Torture (CPT).

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The National Guarantor's surveillance work is guided by these guidelines, complemented by the preparation of a report following the visits. This report provides a comprehensive overview of the observed situations, encompassing both critical and positive aspects. Additionally, it includes the formulation of recommendations, which are specific directives related to the identified critical issues. These recommendations serve as a means to enhance cooperation with the responsible authorities in addressing such issues, whether they are episodic or systemic in nature. Furthermore, they contribute to the development of a body of soft law in accordance with the standards already defined at the supranational level. Drawing from the initial recommendations outlined in reports from visits to adult prisons in its early years of operation, the National Guarantor has curated a collection aptly titled



“Standards per l’esecuzione penale degli adulti” (Standards for Adult Penal Execution)¹¹⁴.

The formulation of recommendations is also part of the approach taken by all National Prevention Mechanisms, including those under the OPCAT. The activities of these mechanisms in monitoring places of deprivation of liberty do not involve imposing sanctions but rather entail making “recommendations to the competent authorities in order to improve the treatment and conditions of persons deprived of their liberty and to prevent torture and other cruel, inhuman, or degrading treatment or punishment”¹¹⁵.

The experience of the National Guarantor’s first mandate has recognized the significance of these recommendations, which have grown in importance alongside the progressive establishment of the institutional authority of the oversight authority. These recommendations have become a guiding tool not only for the administrations to which they are addressed but also for other authorities that have found reference parameters in them¹¹⁶.

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The preventive function undertaken by the Unit also included the promotion of a “culture of recognition” of the rights held by every person deprived of personal liberty. In this context, the Cooperation Agreement signed in 2018 between the National Guarantor and the Public Prosecutor’s Office at the Naples Court has significantly played a role. This protocol aims “to carry out common actions to protect the fundamental rights of persons deprived of their liberty, to promote and enhance the culture of penal execution in strict adherence to constitutional principles and in full respect of the dignity of every individual.”¹¹⁷ The collaborations established through specific agreements and protocols with universities, the National Bar Council, and research centers to study various aspects and challenges of the detention environment also move the same direction. Similarly, studies conducted by the Unit, such as the analysis of suicides in prisons in 2022 and the monitoring of the experimentation carried out in certain Regional Directorates on the medium-security detention circuit introduced by a circular from the Department of Penitentiary Administration (DAP) in certain Regional Directorates, align with the same approach¹¹⁸.

Similarly, the unit collaborates with numerous local guarantors, including regional, provincial,

114. Garante Nazionale (2018), “Norme e Normalità. Standard per l’esecuzione penale detentiva degli adulti. Raccolta delle Raccomandazioni 2016-2017”.

115. OPCAT, Art. 19, letter b).

116. See, by way of example, the Judgment of the Constitutional Court of 21 October 2021, no. 197, and the Judgment of the ECtHR of 30 March 2023, Application no. 21329/18 *J.A. and others v. Italy*.

117. Cooperation Agreement signed on 20 November 2018, and published in the section *Knowledge* of this Report.

118. Cf. the DAP Circular no. 3693/6143 on the “Circuito di media sicurezza – Direttive per il rilancio del regime penitenziario e del trattamento penitenziario” of 18 July 2022.



metropolitan, and municipal entities¹¹⁹. These guarantors frequently reference the various research and analysis activities conducted by the Deprivation of Liberty in Criminal Justice System Unit on various phenomena related to the correctional system. The availability of multiple data sources further facilitates this collaborative effort

The Reactive Function

Protecting the rights of individuals deprived of their liberty necessitates not only a responsive approach to rights violations but also the scrutiny of circumstances that might lead to such transgressions.

In instances involving potential criminal offenses against individuals deprived of their liberty, the National Guarantor also has a legal obligation, as stipulated in its Code of Ethics¹²⁰, to report the information acquired in the course of its duties to the judicial authority. Within this framework, a substantial part of the Unit operating in the criminal justice sector has been instrumental in defining the authority's effectiveness, recognizability, and credibility over the years. This includes responding to complaints filed under Article 35 of the Penitentiary Law by the incarcerated population and addressing reports from individuals directly affected, as well as from their family and social contacts, civil society organizations, entities, and local guarantors. This activity also has an indirectly preventive function, as it is the institutional prerogative of a non-judicial authority like the National Guarantor. The obligation to respond to every violation is the prerequisite for effectively preventing the recurrence of such acts and the spread of a sense of impunity. As expected, it has progressively developed over the course of the mandate, corresponding to the increased public awareness of the National Guarantor and its consolidation in institutional relationships. It has been carried out under the unwavering principle of promptly addressing every 'question.' This principle symbolizes the Institution's commitment to being responsive to the needs and demands of every citizen, without distinction.

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In several cases, this type of reactive intervention has been prompted by the outcome of internal monitoring activities conducted within the Office by the organizational unit. These activities have been carried out with the assistance of the aforementioned computer applications made available by the departments of the Ministry of Justice. It has been a meticulous effort that, in addition to producing tangible and effective results in resolving specific issues, has also

¹¹⁹. The coordination of a network of the Local Guarantors is managed by the Studies, National and International Relations Unit.

¹²⁰. Code of Ethics, Art. 11.



built a valuable repository of information on the actual conditions inside penitentiary institutions. The reports, complaints, and the corresponding responses provided by the authorities contacted have consistently been part of the documentary material prepared for visits.

As mentioned, the number of complaints and reports has grown significantly over the years, increasing from 234 in 2016 to 649 in 2022, for a total of 3,764 case files processed by the Unit during the mandate.

To manage such a substantial workload, the establishment of an information database for document flow management became necessary. This database serves the dual purpose of facilitating statistical analysis of critical issues within the system. It also plays a crucial role in another responsibility assigned to the Unit—formal communications with the Public Prosecutors’ Offices. This occurs when the National Guarantor receives information about detrimental events affecting individuals deprived of liberty, whether *de jure* or *de facto*, within its institutional mandate. Such events include cases like deaths with undetermined causes, suicides, allegations of mistreatment, or torture.

The National Guarantor’s participation in the proceedings initiated over the years for acts of violence within places of deprivation of liberty, primarily within penitentiary facilities, has always taken the form of symbolic civil party intervention. The aim has been to contribute to the determination of the facts and to symbolize the presence of the oversight institution.

In each of these cases, the National Guarantor has submitted a declaration of participation in the proceedings as an offended party to the relevant territorial Public Prosecutor’s Office, in accordance with Article 90 of the Criminal Procedure Code. The National Guarantor has sought to obtain the relevant information and has actively contributed to the investigation of the facts. Over the years, the National Guarantor’s status as a party directly affected by crimes committed against incarcerated individuals has progressively gained recognition within the judicial authorities, reaching a definition that is now unquestionable. In this context, the mentioned Protocol with the Prosecutor’s Office of Naples, signed almost at the beginning of the mandate, and informal agreements with some district prosecutors’ offices have been established¹²¹.

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Another important confirmation of the effectiveness of the cooperative approach to institutional relationships was the dialogue conducted by the National Guarantor following the well-known events that occurred at the Santa Maria Capua Vetere penitentiary in April 2020. In response to

121. It should be noted that the number of cases in which the National Guarantor has engaged with the Public Prosecutors’ Offices has increased significantly. From the start of its activities up to 20 April 2023, 464 case files have been processed in the office’s database. Of these, 399 pertain to suicidal events, 32 to deaths with other causes still to be determined, and 32 to allegations of injuries, mistreatment, or torture. It is also important to note that the vast majority of cases are related to events recorded in penitentiary facilities: only 14 are related to facilities for migrants, 4 to healthcare and socio-healthcare facilities, and 1 to Police Enforcement Agencies facilities. The constant updating of the database has enabled the tracking and monitoring of the progress of these criminal proceedings. It has also maintained a useful schedule for the numerous situations that require intervention.



the first of the three recommendations directly addressed to the Secretary of State for Justice¹²², both the Department of Penitentiary Administration (DAP) and the Department for Juvenile and Community Justice (DGMC) issued specific circulars regulating the procedures for extraordinary general searches - as were the events in Santa Maria Capua Vetere. These searches are now conducted with enhanced safeguards and the possibility of monitoring and verification by the National Guarantor, aiming to prevent potential deviations within the system. The second recommendation concerning the expansion of video surveillance in all facilities, has been addressed with the drafting a specific action plan, including the allocation of resources. As of today, the third recommendation, which concerns the concrete ability to identify individuals who have acted at a specific moment while wearing the equipment (as detailed in the first part of this Report), has not yet found a viable solution.

Seven Years of Changes

More than a decade after the judgment of the European Court of Human Rights in the *Torreggiani and Others v. Italy* case, our country does not appear to have resolved many of the issues that characterize its penitentiary system. A clear symptom of this is the general increase in critical incidents, which act as a kind of thermometer measuring the quality of life in penitentiary institutions¹²³, particularly those involving acts of self-harm or violence, such as suicide attempts. In recent years, there has been a rising trend in such incidents¹²⁴. The widespread structural decay, precarious sanitary conditions in many detention areas, the absence of treatment facilities in many cases, insufficient space, resources, and staff to meet the numerous healthcare needs of incarcerated individuals, to mention just a few of the issues underlying the condition of widespread discomfort, in the majority of cases, have not yet found a solution. Moreover, the chronic problem of prison overcrowding continues to be a prevalent and highly influential issue¹²⁵.

However, the initial responses provided by our Country to the ‘pilot’ judgment of the European Court of Human Rights in 2013 had given hope that a stable path towards reducing the use of imprisonment, promoting alternative measures to incarceration as paths to social reintegration, and implicitly reducing the prison population until the last day of the sentence had been initiated. In this perspective, several legislative measures were enacted that expanded access to these measures and

¹²². Note of the National Guarantor of 3 August 2021, published in this Report in section *Opinions and Recommendations*.

¹²³. In 2016, 63,897 critical events were reported; in 2022, by 2022, this number tripled to 177,204. While the absence or scarcity of such events has been noted in certain penitentiary institutions, it could be indicative of unexpressed critical situations when not adequately documented. Hence, this aspect may be even more concerning.

¹²⁴. For an analytical view of this phenomenon, please refer to the National Guarantor’s research on suicides in prison published under the section *Opinions and Recommendations* of this Report.

¹²⁵. Following Italy’s condemnation by the European Court of Human Rights, the urgency of legislative measures to remedy the serious and dramatic prison situation, with the aim of restoring incarcerated individuals’ full exercise of their recognized fundamental rights, had been repeatedly emphasized. This was notably highlighted by the President of the Republic, especially in the message addressed to the Chambers on 8 October 2013, as well as by the Constitutional Court in judgment no. 279 of 9 October 2013.



penitentiary benefits¹²⁶, extended the application of house arrest and electronic monitoring, and extended the terms for early release for the period between 1 January 2010 and 24 December 2015, allowing for a deduction of 75 days for every six months served¹²⁷.

These initial interventions had a tangible impact in alleviating the strain on prisons, leading to a reduction in the number of incarcerated individuals from 69,155 in November 2010—resulting in a crowding rate exceeding 125 percent of the regulatory capacity—to a gradual decline to 52,164 by the end of 2015, with the crowding rate reduced to 105 percent. However, from the following year, the density of the incarcerated population began to rise again, exceeding 54,000 individuals and surpassing the threshold of 61,000 inmates reached in November 2019. This trend reversed due to measures taken to mitigate the risk of a pandemic within the institutions. Since October 2022, after a slight increase, albeit at a slower pace, the incarcerated population has exceeded 56,000 individuals, and this growth rate has been sustained in recent months, resulting in a crowding index of 119 percent as of April 2023¹²⁸. Certainly, the rate of increase is lower than the one recorded in the first two decades. However, the presence of many individuals in prison, often poorly accommodated, is only one aspect of the symmetric and even more serious problem of the empty time that characterizes the time of detention, especially in the case of short sentences. These sentences often involve individuals who, precisely because of their social vulnerability, have not had access to alternative forms of punishment other than incarceration. The accumulation of purely custodial measures in already confined spaces with limited staff resources implicitly renders much of the time spent by individuals in prison meaningless. This applies even to those who remain incarcerated for longer periods, with sentences for more serious crimes that would require greater and more specific attention for a penal execution that truly aligns with the constitutional purpose.

While waiting to see the outcomes that the reforms introduced at the end of last year may have on imprisonment, it seems necessary to take a leap of innovation that changes the current profile of common detention.

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An attempt to transform the criminal execution system was proposed between 2015 and 2016 with the initiative of a wide and shared reflection known as the “Stati generali dell’esecuzione penale” (States General of Criminal Execution). The aim was to promote a change in the culture of punishment among professionals in the field and in the country as a whole, and to guide future legislative choices in line with the principles set out in Article 27 of the Constitution.

126. Decree-Law 23 December 2013, no. 146, Art. 4.

127. Decree-Law 1 July 2013, no. 78, converted into Law 9 August 2013, no. 94, containing “Disposizioni urgenti in materia di esecuzione penale,” aimed at providing an initial response to the problem of prison overcrowding and rectifying a situation that exposed our country to the risk of repeated judgments by the European Court of Human Rights.

128. Statistical data published by the DAP as of March 31, 2023, indicate that 56,613 individuals were detained in penitentiary institutes. It is worth noting that the number of admissions and the presence in juvenile detention centers have consistently been limited and continue to be so, even after extending the jurisdiction of juvenile justice services up to the age of 25 for offenses committed by minors. This extension is in line with the rehabilitative purposes outlined in the legislative decree of June 26, 2014, no. 92, converted into law on August 11, 2014, no. 117, which emphasizes the use of imprisonment as a last resort.



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the initiative of a wide and shared reflection known as the “Stati generali dell’esecuzione penale”¹²⁹ (States General of Criminal Execution). The aim was to promote a change in the culture of punishment among professionals in the field and in the country as a whole, and to guide future legislative choices in line with the principles set out in Article 27 of the Constitution. This initiative was accompanied by the Enabling Law no. 103 of 23 June 2017 “Modifiche al codice penale, di procedura penale e all’ordinamento penitenziario”. This law, in Article 1, paragraph 85, laid out principles and guiding criteria for the formulation of subsequent legislative decrees. The 18 thematic tables of the *States General* were organized to address each of the 18 criteria, so to provide guidelines that could then be translated into subsequent decrees. It was a collaborative, complex, and laborious process, to which the National Guarantor, newly established at the time, also contributed by providing opinions on the drafts of individual legislative decrees that a special Commission was producing¹³⁰.

Regrettably, as has often occurred in our country, that reform project was left unfinished due to the well-known institutional and political events that ensued. The interrupted process was resumed in the new legislative term and culminated in the issuance of three legislative decrees¹³¹ that implemented only some aspects of the enabling law, excluding, among others, the issues related to the revision of modalities, prerequisites, and procedures for access to alternative measures, the reduction of automatic exclusions from access to penal benefits, the full valorisation of restorative justice and volunteering, the recognition of the right to affection, and the redesign of specific alternative measures to protect the relationship between inmates and minor children.

The new approach to mental distress has been dissociated from the sphere of health assistance, despite its daily manifestation in penitentiary institutions, presenting substantial management challenge.

The new approach to mental distress has been dissociated from the sphere of health assistance, despite its daily manifestation in penitentiary institutions, presenting substantial management challenge.¹³² Nonetheless, the reform measures implemented in the legislative decrees have indeed marked a significant recognition of rights in the lives of the individuals affected, including: access to healthcare services and the right to health within the parameters of the National Health Service; a diet consistent to religious beliefs; extended daily outdoor stays; an individualized reintegration program aimed at increasing awareness of the consequences of the crime for the victim and possible reparative

129. This initiative was promoted by the Secretary of State for Justice through the Decree of 8 May 2015, which established the Committee of Experts for the conduct of the public consultation on the execution of sentences, known as the “Stati generali sull’esecuzione penale.”

130. The Opinions of the National Guarantor are published on its institutional website www.garantenazionaleprivatiliberta.it

131. Legislative Decree of 2 October 2018, no. 121, on the “Disciplina dell’esecuzione delle pene nei confronti dei condannati minorenni”. Legislative Decree of 2 October 2018, no. 123, “In materia di assistenza sanitaria in ambito penitenziario, di semplificazione nei procedimenti, di competenze degli uffici locali di esecuzione esterna e di polizia penitenziaria, di vita penitenziaria”. Legislative Decree of 2 October 2018, no. 124, “In materia di vita detentiva e lavoro penitenziario”.

132. This condition, as is known, has been the subject of a specific ruling by the Constitutional Court, which, with judgment no. 99 of 19 April 2019, equated mental illness that occurs during detention (Art. 148 p.c.) with physical infirmity (Art. 147 p.c.).



actions; the obligation for the Administration to respond within sixty days to transfer requests; access to newspapers and informative websites in compliance with the “precautions provided by the regulations”; formalized meetings with the Guardians of the detainees, distinct and additional to those held with family members; the implementation of the right to education and vocational training, also through agreements with universities and higher technical training institutions.

These are a series of legal provisions that has rarely found application in the lives of the inmates. For this reason, the National Guarantor has constantly monitored the compliance with their effective implementation, as stated by the standards set by national and supranational regulations and international organizations.

The National Guarantor has welcomed the intervention carried out by Legislative Decree no. 121/2018 to provide the juvenile criminal justice system with its own regulation for the execution of sentences, a recurring wish of the Constitutional Court¹³³. The overall assessment is that it represents a consistent reference to the primary goal of rehabilitating the offender, built around the idea of the secondary nature of the prison sentence. However, the provision of the concept of ‘impedimental crimes’ originally extended to juvenile penal execution also appeared discordant within the framework of the juvenile system. On this issue, the Constitutional Court has later expressed its disapproval¹³⁴. On the contrary, a significant aspect is related to the expression of the fundamental right to affection, which the legislative decree has recognized in Article 19. This recognition not only includes a broader regulation compared to that for adults concerning visits with their loved ones but also the provision for extended visits to take place in specially equipped housing units within the institutions, aiming to reproduce a domestic environment as closely as possible, thus enjoying more privacy. What was not intended to be established for adults, at least as a first step towards the effective respect for the right to affection, has thus found its initial realization in the world of juvenile detention.

A detention system grappling with numerous unresolved issues, notably the failure to reduce prison population to a sustainable level, exposed its vulnerability when compelled to implement additional closures and restrictions in response to the coronavirus health emergency that emerged in Italy at the end of February 2020. The initial phase was keenly felt by the prison population, resulting in a further erosion of fundamental rights due to the suspension of treatment activities, disruptions in meetings with external parties, an increased reliance on video conversations with families that curtailed prisoners’ movements within the facilities, and the looming risk of

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133. The article 79 of the Penitentiary Law provided that, pending specific regulations and a penitentiary system tailored for juvenile offenders, the same rules as those for adults should apply to them. On multiple occasions, the Constitutional Court had to declare the illegitimacy of rules that equated minors with adults without regulating a different treatment. On this topic, refer to Judgment 25 March 1992, no. 125.

134. With judgment 5 November 2019, no. 263, the Constitutional Court declared the constitutional illegitimacy of Article 2, paragraph 3, Legislative Decree of 2 October 2018, no. 121, establishing that the provisions of Article 4-bis, paragraph 1, p.l. cannot be applied to the granting of community service penalties and reward permits for juvenile offenders. The Constitutional Court’s attention to the ordinary discipline, first with judgment no. 253/2019 and later with the order of 11 May 2021, no. 97.



In recent years, following a shift in political leadership, the National Guarantor has actively participated in a study commission initiated by the Secretary of State for Justice. The objective is to identify tangible interventions that can be promptly implemented to enhance the quality of life for both incarcerated individuals and those working within penitentiary institutions.

losing existing penitentiary benefits or being denied new ones. The confirmed case of COVID-19 in the Modena institution triggered one of the most serious protests in recent years, with outcomes of a dramatic nature not witnessed for decades. The unrest quickly spread to other institutions, already agitated the preceding day.

In this initial context, the challenge of managing the understandable concerns arising from the unfolding events and decisions made for the general population, on one hand, and the lack of coordinated communication between the various hierarchical levels of the Penitentiary Administration, on the other hand, served as the catalyst that swiftly sparked the numerous protests erupting in March 2020.¹³⁵ The dramatic outcome of those protests included the deaths of 13 detained individuals, injuries to some penitentiary police officers, the destruction and disabling of entire detention sections, resulting in the

reduction of over a thousand available places and estimated damages at millions of euros, according to the assessment provided by the Department of Penitentiary Administration. The intervention of the National Guarantor, who appealed to the detained population through major television channels¹³⁶, and the direct efforts of some directors, unit commands, supervisory bodies, as well as some judges and regional guarantors, helped mitigate the consequences and restore calm.

Crucial in any case was the adoption of certain measures, such as the introduction of video calls¹³⁷, which was also associated with a significant increase in the number of calls that could be made¹³⁸. In this context, some measures aimed at reducing the density of the inmate population were adopted, albeit with great caution, but they had a rather limited effect. A more significant reduction in the inmate population was facilitated by the significant decrease in prison admissions, which was due to a lower number of crimes committed during the lockdown period and a limited use of pretrial detention, following the guidance of the Prosecutor General of the Court of Cassation¹³⁹.

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135. The first protests onset in Salerno prison on 8 March 2020.

136. See <https://www.youtube.com/watch?v=jPjY6V2kf2M>.

137. Legislative Decree of 8 March 2020, no. 11, with regards to “Misure straordinarie ed urgenti per contrastare l'emergenza epidemiologica da COVID-19 e contenere gli effetti negativi sull'attività giudiziaria”.

138. The lack of contact with family members has also been mitigated by additional measures, such as the free use of laundry services, postal shipping of packages, and online money transfers, with increased spending limits for each detainee, provided by the Department for the Penitentiary Administration through Circular Letter no. 0096018 on “Colloqui detenuti con i propri familiari” dated 21 March 2021, addressed to Directors and Commanders of penitentiary institutions.

139. Note from the General Prosecutor of the Court of Cassation, Giovanni Salvi, to the General Prosecutors at the Courts of Appeal on 1 April 2020, “The Public Prosecutor and the Reduction of Prison Population During the Coronavirus Emergency”



individuals and those working within penitentiary institutions.¹⁴⁰ The “Ruotolo Commission” has identified three areas of intervention, each with different responsibilities and timelines: the proposal of possible actions that can have a positive impact on daily prison life and can be implemented immediately; an update to the Regulation on the Execution of Detention; reform measures related to certain regulations. The task completed within the expected tight timeframe but, unfortunately, did not find the desired reception.

A significant development that cannot be overlooked in this overview of the legislative changes during the seven years of the National Guarantor’s mandate has been the introduction of the crime of torture into the Italian legal system¹⁴¹, more than thirty years after the approval of the law ratifying and implementing¹⁴² the UN Convention of 10 December 1984. This Convention identifies the protection of the physical and psychological integrity of the individual as well as their freedom of self-determination and legal interests. As is well known, this legal formulation has been widely debated, even within the Council of Europe, due to its less specific language compared to the terms of the definition contained in the text of the Convention¹⁴³. In the perspective of the National Guarantor, a primary concern was swiftly addressing the prolonged regulatory silence and ensuring that the new legal provision could be effectively interpreted in judicial forums to counteract acts of violence marked by an abuse of public authority over individuals in its care. In a span of just over five years since its introduction, numerous legal proceedings have been initiated for cases of torture occurring in places of detention. Notably, in 2021, the first convictions for this crime¹⁴⁴ were handed down, and similar cases have either entered the trial phase or garnered additional convictions in subsequent years, at times with adjustments to the charges as deemed necessary by the judiciary.¹⁴⁵

Among the legislative changes, it is worth mentioning the reform of criminal justice prepared by the Secretary of State for Justice based on Enabling Law of 27 September 2021, no. 134¹⁴⁶. While this reform did not directly address the prison system, it introduced an independent legal framework on restorative justice into the legal system. This intersection with the prison system has two levels of positive impact: firstly, it brings about a cultural shift by breaking

The brief overview of interventions during the seven years of the first term of the National Guarantor underscores the persistent condition of instability and discomfort in penitentiary facilities.

140. By Decree of the Secretary of State for Justice, Marta Cartabia, dated 13 September 2021, the “Commission for the Innovation of the Prison System” (Ruotolo Commission) was established, and it completed its work on 17 December 2021 by delivering its final report to the Secretary of State.

141. Introduced by Law no. 110/2017, added to Articles 613 bis (torture) and 613 ter (incitement to torture) of the Penal Code.

142. Law 3 November 1988, no. 498.

143. Cf. CPT/inf (2017)23.

144. Cf. Judgment by the Ferrara Court convicting a prison officer for events dating back to 2017 at the Ferrara Penitentiary.

145. Reference is made to the judgment by the Siena Court convicting 10 prison officers for events dating back to 2018 that occurred at the San Gimignano Penitentiary. As well as the trials related to the episodes of violence reported in the Sollicciano, Santa Maria Capua Vetere, and Turin Institutes.

146. Legislative Decree of 10 October 2022, no. 50, on “Attuazione della Legge n. 134 27 settembre 2021, recante delega al Governo per l’efficienza dei procedimenti penali, nonché in materia di giustizia riparativa e disposizioni per la celere risoluzione dei procedimenti giudiziari”.



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the rigid paradigm tying the severity of the crime to the length of the sentence, embracing a more project-oriented approach to criminal execution. Secondly, its full application, aligned with its original conception, can significantly contribute to reducing the number of individuals subjected to imprisonment, optimizing the use of their time in detention.

The brief overview of interventions during the seven years of the first term of the National Guarantor underscores the persistent condition of instability and discomfort in penitentiary facilities. This situation prompted the Head of the Administration to reassess the penitentiary circuits, most recently focusing on those related to medium security.¹⁴⁷ The pilot project, which involved penitentiary institutions from four regional or interregional administrations¹⁴⁸, aims to overcome the dichotomy between “open custody” and “closed custody”, which is not formally recognized in the legal system. It also aims to align the penitentiary system with European Penitentiary Rules. has been monitoring the progress of the experiment, analyzing its implementation at three different stages. This work is still ongoing.¹⁴⁹

The National Guarantor and its Deprivation of Liberty in the Criminal Justice System Unit will remain committed to ongoing efforts on these crucial topics.

¹⁴⁷. Refer to DAP Circular no. 3693/6143 of 18 July 2022, Op. cit.

¹⁴⁸. Regional Superintendent Offices of Campania, Lombardy, Sicily, and Triveneto.

¹⁴⁹. The results of the analysis will be published on the National Guarantor’s website.



Not in My Name

prepared by
the Deprivation of Liberty by Police Enforcement Agencies Unit

“Nothing like being arrested represents, also symbolically, the coercive power of the State. Custody and arrest, in a symbolic and tangible sense, signify the commencement of liberty deprivation for legal or investigative motives. A spectrum of emotions and attitudes unfolds in the course of this apprehension. The concrete, unforeseen, and immediate deprivation of a person’s liberty cause fear, if not dismay, disorientation, a search for a possible way out. While the handcuffs click, and the person is transported to another place, police and judicial authorities initiate investigations to execute, order, or legitimize the arrest. Then, the first interrogations begin, documents and reports are signed. During the arrest, an individual experiences confusion, vulnerability, as they are entirely at the disposal of the State. In balance with this extensive and pervasive power, the State establishes a series of guarantees and rights in their favour”¹⁵⁰

“The National Guarantor has organized its supervisory work regarding law enforcement within this perspective. This field involves individuals who find themselves in a moment of particular vulnerability. For this reason, the operator must be able to maintain the right balance. The arrest represents the first real test of the state’s ability to bring together legality, security, and the rights of every individual.”¹⁵¹

The possibility to carry out visits to custody rooms by a series of institutional figures was introduced in 2011 through a decree-law that extended the authorization-free visitation already allowed in penitentiary institutions¹⁵². It is only with the establishment of the National Guarantor and its designation as the National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT) that Italy equipped itself with a supervisory body operating through a preventive and independent system of visits to places and situations of deprivation of liberty. This system allows unrestricted access to any premises used

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150. National Guarantor, *Report to Parliament 2019*, p. 93.

151. National Guarantor 2019, p. 93.

152. Article 67-bis of the penitentiary law, “Visits to custody rooms,” was introduced by the Decree-Law of 22 December 2011, no. 211, converted into law on 17 February 2012, no. 9.



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or otherwise functional for restrictive purposes, including police facilities.

Since its first regional visit in April 2016¹⁵³, the National Guarantor has initiated its supervisory activity, including within the context of the Police Forces, by monitoring some custody rooms. During the seven years from 2016 to 2022, a total of 88 facilities have been visited¹⁵⁴.

The first step in this context involved creating a map of all the facilities of the various Police Forces – the Carabinieri, the State Police, and the Guardia di Finanza – and the corresponding passages of detained or arrested individuals.

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Currently, there are 1,956 custody rooms throughout Italy, of which only 1,230 are usable¹⁵⁵ (data updated as of 31 December 2022). In the last year, over 18,216 people have passed through these rooms. The high number of non-functional rooms (726) is striking, often distributed in a way that leaves entire areas uncovered, risking contributing to the phenomenon of so-called “prison’s revolving doors”. The lack of available custody rooms can result in the detention of individuals awaiting the validation hearing of their arrest and immediate judgment. These individuals are often released by the judge the following day. This situation forms an unnecessary “taste of prison,” impeding the potential for positive social integration for detained

individuals. It also presents a challenge for penitentiary facilities, as they are obliged to admit individuals brought in by law enforcement for just one night.

The Guarantor has addressed this crucial issue, underlining the importance of viewing Police Forces within a territory as a unified entity. Prior to directing a transfer to prison due to a shortage of custody rooms, it is essential to confirm that such facilities are unavailable to other Forces operating in that area, even if they are different from those involved in the initial arrest.

However, over a decade since the intervention in the regulation of custody following an arrest in flagrante, it is evident that the reform has only partially fulfilled its objective of addressing this phenomenon.

Mapping local police facilities is a complex task, given its inherently decentralized nature. It requires a thorough data collection effort, which is still ongoing. Currently, only data related to Commands in regional capitals are available.

During the monitoring activities, the Guarantor verifies compliance with national regulations and international human rights conventions ratified by Italy, as well as supranational standards such as the United Nations Minimum Standard Rules for the Treatment of Prisoners adopted in 1957 and revised in 2015 under

153. National Guarantor, *Rapporto sulla Visita nella Regione Calabria (10-15 aprile 2016)*, § C. Strutture di responsabilità del Ministero dell’interno, pp. 43-47.

154. Out of the 88 facilities visited, 34 belonged to the State Police, 45 to the Carabinieri, 2 to the Guardia di Finanza; 4 to the local Police; in addition, the custody rooms of 3 Courts were visited.

155. The usable custody rooms are divided as follows: 829 Carabinieri; 318 Police; 83 Guardia di Finanza.



the name *Mandela Rules*¹⁵⁶, the *United Nations Bangkok Rules* on the Treatment of Women Prisoners¹⁵⁷, the rules regarding the detention of minors¹⁵⁸, and the standards set by the European Committee for the Prevention of Torture (CPT) of the Council of Europe.

In particular, the focus of the National Guarantor is on the structural adequacy to accommodate a detained person, even if for a short period. Hence, the observation includes the examination of space, its dimensions, maintenance status, as well as the availability of natural light and air. It also considers the presence of sanitary facilities, the accessibility of a bell operable from the inside by the detained person to request police intervention if needed. In summary, all those elements that international standards identify as necessary to house a person deprived of personal liberty in conditions that respect their dignity, safety, and protection against self-harm risks. The major issues identified revolve around the inadequacy of air and natural light circulation, sometimes stemming from the absence of a window, and the lack of an internal bell. Numerous and repeated recommendations have been made following visits regarding the need for adaptation and implementation of suitable facilities for the custody of arrested and detained individuals.

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The second aspect emphasized by the Guarantor centres on ensuring that individuals under arrest or detention are well-informed about their rights, beginning with the right to be informed about these very rights. This underscores the significance placed on Custody Registers, which serve as a crucial tool in revealing whether every person deprived of liberty has been informed in a language they comprehend about fundamental rights mandated by European regulations. These rights, deemed essential and to be guaranteed from the initiation of the deprivation of liberty, include the right to access a lawyer, communicate with a relative or designated person regarding the deprivation of liberty, be visited by a doctor, and be informed of their rights. These mechanisms promote legality and transparency, safeguarding both those deprived of liberty and those responsible for their custody.

The recommendations arising from these visits also address the effectiveness of the rights of arrested and detained individuals. They underscore the importance of ensuring the guarantee, for both the confined person and the custodial operator, through meticulous recording of individuals and events. This encompasses every incident occurring during their stay in the facility, with records specifying the person responsible at the time of each occurrence.

In these settings, instances of unregistered objects and items not part of standard equipment—such as baseball bats or sticks—have, at times, been observed in offices where arrested or detained individuals may be interviewed. Such a presence is considered unacceptable, given the potential intimidating effect it can have.

156. *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, Resolution adopted by the General Assembly on 17 December 2015.

157. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, adopted by the General Assembly on 6 October 2010: <http://www.ohchr.org/Documents/ProfessionalInterest/BangkokRules.pdf>

158. *United Nations Minimum Rules for the Administration of Juvenile Justice (known as the Beijing Rules)*, approved in New York on 29 November 1985; *Rules for the Protection of Minors Deprived of Their Liberty*, dated 14 December 1990 (known as the *Havana Rules*);



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The National Guarantor, functioning as the National Mechanism for the Prevention of Torture, places significant emphasis on the risk of ill-treatment. When faced with complaints or reports that come to its attention, the National Guarantor promptly undertakes verification activities to elucidate the circumstances of the events. This involves engaging in dialogues with the pertinent higher authorities and collaborating with the competent Public Prosecutors.

There are two issues that the National Guarantor has, on multiple occasions, brought to the attention of the institutions involving the various Police Forces.

The first concerns the identifiability of operators. On this aspect, the National Guarantor has issued a recommendation to the Secretary of State for Justice following the serious incidents that occurred in the Santa Maria Capua Vetere prison in March 2020, which are currently investigated by the judicial authorities.

Reiterating its primary preventive role, the Guarantor has emphasized the necessity to clearly identify the tools and resources designated for the defense of order and security during operations within penitentiary institutes. The recommendation advocates for each defense tool or means allocated to a structure, as specified by regulations, to bear a unique number. This numerical identifier should be made visible on each tool, and a register should be established to record their assignment to individual operators on each occasion of use. Despite the shared understanding of this objective, the Administration has postponed the formulation of such measures, deferring them to a reflection and operational proposal that involves the inter-agency coordination of the Police Forces.

The second issue concerns the search for suitable tools to counter “impunity.” Both the European Committee for the Prevention of Torture and the Committee of Ministers of the Council of Europe have long raised the issue of impunity as central to the fight against torture and ill-treatment. They have drafted guidelines to prevent de facto impunity arising from obstructed or non-independently conducted investigations, the length of proceedings leading to prescription, and the lack of administrative measures that impact the roles assigned to public officials who, at various levels, have committed, allowed, or tolerated such offenses, in line with the outcomes of the processes.

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«The credibility of the prohibition of torture and other forms of ill-treatment – affirms the CPT – is undermined each time officials responsible for such offences are not held to account for their actions. If the emergence of information indicative of ill-treatment is not followed by a prompt and effective response, those minded to ill-treat persons deprived of their liberty will quickly come to believe – and with very good reason – that they can do so with impunity. All efforts to promote human rights principles through strict recruitment policies and professional training will be sabotaged. In failing to take effective action, the persons concerned – colleagues, senior managers, investigating authorities – will ultimately contribute to the corrosion of the values which constitute the very foundations of a democratic society»¹⁵⁹.

The certainty of a thorough and independent investigation into the violation of rights and the application of the appropriate sanction to the perpetrator distinctly reflects

¹⁵⁹. CPT, *14th General Report on the CPT's activities covering the period 1 August 2003 to 31 July 2004* Strasbourg, 21 September 2004, § Combating Impunity, pp. 14 ff.



the system's response to such transgressions. This response underscores the value the system places on the right itself. The absence of an adequate response would, on the contrary, take on a significantly negative formative value, far more impactful than principled statements on the protection of the rights of individuals deprived of liberty.

In addition to visits, a second line of intervention by the National Guarantor in this domain entails training activities for police personnel at all levels. The objective is to foster the development of a culture centred on rights, capable of imbuing actions with adherence to the principles of the Constitution, even amidst challenging conditions that operators may encounter. In this context, it is noteworthy that training police forces in the respect for human rights in situations of deprivation of liberty is acknowledged both in the European context and within the United Nations as a crucial tool for preventing episodes of torture and cruel, inhuman, or degrading treatment.

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The firm commitment to uphold this endeavour has resulted in extensive training initiatives that, over these seven years of activity, the National Guarantor has undertaken primarily in institutions mandated with the task of exercising deprivation of liberty. This has been accomplished both independently and in collaboration with the relevant administrations: Scuola superiore della Magistratura (School for the Judiciary), Scuola superiore della Polizia di Stato (Police Academy), Scuola superiore dell'esecuzione penale "Piersanti Mattarella" (Penal Execution School "Piersanti Mattarella"), Scuole Ufficiali, Sottoufficiali e Allievi dell'Arma dei Carabinieri (Officer, Non-Commissioned Officer Schools, and Cadet Schools of the Carabinieri Corps).

In this perspective, following some serious incidents involving various Police Forces, the Guarantor Authority has contributed to a reflection on these aspects and has reinforced a common effort to build a cultural framework that isolates behaviours not respectful of the dignity and physical integrity of detained or arrested individuals.

The Guarantor's active engagement in the training courses of the State Police, the Carabinieri, the Penitentiary Police, and international escort operators for forced returns stands as tangible evidence of a positive collaboration between institutions. Despite their distinct roles and functions, these entities work together with the shared objective of fortifying a culture centred on rights. The National Guarantor has participated in the training programs of the State Police (Schools in Trieste and Nettuno), addressing both newly recruited personnel and those advancing in their careers. Additionally, the Guarantor has been involved in the training of the Penitentiary Police (Schools in Rome, Catania, Parma, and Sulmona). A specific training activity related to forced returns has been initiated from the beginning with the participation of members of the National Guarantor's Office. They have served as both auditors in courses for international escort operators and contributors, providing insights into the activities of the National Guarantor and the on protection of the rights of individuals deprived of personal liberty.

The Carabinieri Corps has chosen to establish a specific Cooperation Agreement with the National Guarantor¹⁶⁰ for the organization of activities aimed at delving into topics of mutual interest. This involves exchanging interventions in the respective training paths of the two institutions and activating joint

160. The cooperation agreement was signed on 10 December 2018 and renewed on 17 March 2022.



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In a spirit of effective and transparent collaboration, the National Guarantor has produced an informational pamphlet aimed at the Police Forces. The *vademecum* explains, in an agile and direct manner, the modality of action of the National Guarantor, providing information about its nature, functions, and powers and visits, particularly in territorial facilities.

training projects, including with other state institutions. In 2022, this activity has been systematically incorporated into the training of the Carabinieri operators.¹⁶¹ Furthermore, the National Guarantor has met with all Commanders of the Territorial Units of the Carabinieri in fifteen meetings throughout the national territory.

Regarding the Local Police, in June 2022, a conference on the theme of arrest, detention for identification, and legislation on deprivation of liberty took place. It was promoted by the Scuola Interregionale di Polizia Locale (Interregional School of Local Police) of Emilia Romagna-Liguria-Tuscany, in collaboration with the Emilia Romagna Region. The conference involved the participation of the National Guarantor to promote institutional cooperation inherent in the supervisory mandate on deprivation of liberty by the Police Forces.

In a spirit of effective and transparent collaboration, the National Guarantor has produced an informational pamphlet aimed at the Police Forces. The *vademecum* explains, in an agile and direct manner, the modality of action of the National Guarantor, providing information about its nature, functions, and powers and visits, particularly in territorial facilities.

During the mandate, the National Guarantor has also intervened on the introduction of so-called *non-lethal options*, particularly on the use of electric impulse pistols. These weapons have been under experimentation since 2017 in 12 Italian cities by both the Carabinieri and the State Police.¹⁶²

The less-than-lethal options are means designed to immobilize or repel individuals. Their characterization as non-lethal is based on probabilistic, rather than absolute, parameters. In fact, they decrease the probability of causing death or permanent injuries, although such possibilities cannot be estimated in advance. They may depend on the health condition of the recipient and the absolute control over the manner in which the tool is used. The stated purpose of such equipment is to deter, delay, prevent, or respond to hostile activities through the preventive control of escalation or the temporary disablement of the individual. In addition to electric discharge tools (commonly known as Taser guns¹⁶³), this category also includes other less impactful tools, such as tear gas and pepper spray, which are more widely used. The latter ones are considered non-lethal when subject to meticulous correctness in their mode of use. In fact, these tools have specific regulations that define their proper use.

The European Committee for the Prevention of Torture addressed the use of Taser guns in its 20th Annual Report in 2010. This intervention followed the gathering of credible evidence pointing to the mistreatment of individuals deprived of liberty through the use of such a device. The Committee set forth the fundamental criterion or guiding principle in this domain, asserting that, given its nature as a weapon, the use of the electric pistol is subject to constraints of necessity, subsidiarity, proportionality, graduality, and caution. The

161. Here follows the training activities carried out by the National Guarantor starting from 2022: 3 lectures at the Scuola Ufficiali in Rome; 10 at the Scuole Sottoufficiali in Florence and Velletri; 8 at the Scuole Allievi in Campobasso, Iglesias, Reggio Calabria, Rome, Taranto, and Turin.

162. This phase implemented the provisions of the decree-law of 22 August 2014, no. 199, converted into law on 14 October 2014, no. 146.

163. Taser stands for Thomas A. Swift Electric Rifle.



Taser can only be used in the presence of a real and immediate threat that poses a risk to the life or physical integrity of individuals. It follows that the use of this tool solely for the purpose of ensuring the execution of an order is inadmissible. Furthermore, according to the CPT, the use of the Taser can only be allowed when less coercive methods or measures, such as negotiation, persuasion, or, in the case of close proximity, manual control techniques, have failed or are impractical. Additionally, it should only be used if not using the electric pistol could pose a significant risk of serious physical injury or death. It cannot be, under any circumstances, authorized in those contexts where the use of traditional weapons is not normally permitted, for example, within places of deprivation of liberty such as prisons, administrative detention centres for migrants, or during forced return operations, unless exceptional circumstances arise, such as hostage situations. In any case, the use of the electric pistol cannot be assumed as a standard in such places and contexts. This prohibition of standardization must also be extended to public order operations during demonstrations, sporting events, etc.

The observations and recommendations outlined in the CPT document serve as the foundation for the National Guarantor's standpoint concerning the introduction of the device in Italy. This stance was articulated during a hearing before the Constitutional Affairs Committee of the Senate¹⁶⁴, specifically regarding the text of Decree-Law of 4 October 2018, no. 113. This decree, in Article 19 of Title II, proposed the experimentation of electric impulse weapons, including by municipal police in municipalities with more than 100,000 inhabitants.

Following the Decree of the President of the Republic dated 20 April 2022, no. 69¹⁶⁵, which includes the electric impulse pistol in the standard weaponry of the Public Security Administration and personnel of the State Police, the National Guarantor recommended that the Taser, classified as a weapon, must be used with extreme caution and only in absolutely exceptional situations when other means have not been possible. It also recommended to the competent authorities to exercise great vigilance to avoid improper use, which can have serious consequences for the health, especially of the most vulnerable individuals. Not only that, the improper use of the Taser could constitute a violation of national and international obligation. The National Guarantor also reaffirmed the prohibition of using it in confined spaces restricting personal liberty and advised exercising special caution when deploying it on individuals with specific psychological or behavioural vulnerabilities. Additionally, stemming from the experimentation phase, the National Guarantor proposed the establishment of an external authority at the national level to oversee the use of electric pistols by police operators. This suggestion is grounded in a principle of caution, extending to the well-being of the operators themselves.

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This year, as part of the training facilitated by the Guarantor in line with the Cooperation Agreement, a specialized session took place at the training institutes of the Carabinieri. This session, conducted in collaboration with experts appointed

¹⁶⁴. Senate Hearing of 15 October 2018.

¹⁶⁵. The Decree of the President of the Republic dated 20 April 2022, no. 69, is a regulation introducing modifications to the Decree of the President of the Republic dated 5 October 1991, no. 359, pertaining to "Regolamento che stabilisce i criteri per la determinazione dell'armamento in dotazione all'Amministrazione della Pubblica Sicurezza e al personale della Polizia di Stato che espleta funzioni di polizia."



Seven Years

by the General Command, focused on a thorough exploration of precautions to be taken in the use of the Taser within arrest and detention procedures. Special attention was dedicated to the handling of the device in situations involving the most vulnerable categories.



The Organizational Machine

prepared by
the General Affairs, Accounting and IT Support Unit

The establishment of the National Guarantor by Decree-Law of 23 December 2013, no. 146, converted into Law on 21 February 2014, no. 10, was conceived within the framework of both organic and non-emergency interventions of the national plan prepared by the Ministry of Justice to comply with the pilot judgment *Torreggiani and others v. Italy* pronounced by the European Court of Human Rights on 8 January 2013. Among other things, this judgment called on our Country to establish effective tools to protect the rights of individuals deprived of personal liberty and an internal, independent monitoring system.

Finally, our Country, in compliance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment ratified by Law on 9 November 2012, no. 195, designated the National Guarantor as its National Preventive Mechanism. This designation aligns with the independence and autonomy requirements outlined in the same foundational law.

The regulatory source and the underlying rationale constituted the legal and structural framework for the action of the seven years of the first and foundational mandate. This period involved the commitment of the administrative apparatus of the Office in supporting the activities of the Institution and the functions of the Board. It has been an exciting and complex challenge at the same time, characterized by a strong shared commitment to the mission of this new and distinctive oversight authority, focused on the rights of individuals and their protection in situations where they are most vulnerable.

On 11 March 2015, by the decree of the Secretary of State for Justice, the initial organization chart of the Office of the National Guarantor was established, outlining a staff of 25 resources from the same ministry.

After the appointment of the President and the two components of the Board between February and March 2016, the first eight officials joined the Office. Together with the Board, they built their respective functions. Secretarial tasks, both administrative and in support of the Board, included managing the document flow, functional activities related to the acquisition of necessary human and instrumental resources, handling the agenda of the President and the Board, managing institutional relationships, organizing the presentation of the Annual Report to Parliament, and internal and external training events.

The establishment of the new institution began from the ground up. In the initial weeks, the National Guarantor operated in some rooms provided by the Ministry of Justice before relocating to the current headquarters on Via San Francesco di Sales. At that time, it consisted of a single apartment lacking cabinets, desks, technological and telephone support, and institutional flags. In addition to performing the ordinary activities of organizational management and coordination, the Secretariats engaged in constant dialogue with the relevant departments to provide essential elements for the smooth functioning of the Office.

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Seven Years

Just three months after its foundation, on 31 May 2016, the Guarantor adopted a detailed Self-Regulatory Code. This code was shared with the relevant authorities, explicitly affirming the Guarantor's unrestricted exercise of its mandate—performing institutional tasks independently and without external interference. The Code defined the guiding principles that the entire Office should comply with, including transparency, effectiveness, efficiency, and flexibility in the deployment of personnel, regulating the organization accordingly.

To simplify administrative procedures and clarify the competencies of various departments in this initial implementation phase, a ministerial directive was issued on 16 February 2016. This directive identified the units responsible for administrative, logistical, and organizational requirements, including the supply of goods, services, and equipment, including information technology.

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From the beginning, the Office was structured into organizational units, including both Secretariats (specific and general) and thematic units corresponding to the areas of competence of the National Guarantor. Additionally, a new Unit was created integrating the Studies Office with national and international relations.

The following year, on 31 October 2017, the Ethical Code was issued to promote the best conditions for the proper functioning, reliability, and protection of the public image of the National Guarantor. This code detailed the guiding principles outlined in Article 5 of the Self-Regulatory Code.

In particular, it was specified that the prerogatives of independence and impartiality of the National Guarantor should also be ensured by its staff. For this reason, training has been a priority from the beginning, conducted through, among the others, annual internal seminars, participated by prominent figures from the academic and institutional worlds.

On 31 October 2017, the Responsible for the prevention of corruption and Transparency (RPCT) was appointed, chosen from the office officials. As mandated by law, this figure has been collaborating with the head of the body concerning legality protection policies and the drafting of the three-year plan, following the guidelines of the National Anti-Corruption Authority.

Procedures were completed for the assignment of external professionals for the roles of occupational doctor, safety manager, and data protection officer.

Considering the complexity and breadth of the mandate entrusted to the Authority, the Legislature intervened with Law No. 205/2017 enabling the National Guarantor to increase its staff, taking figures from both the Ministry of the Interior and the entities of the National Health Service. This approach aligned with the multidisciplinary method structured in the organization of the Office.

As a consequence, the decree of the President of the Council of Ministers dated 10 April 2019, no. 89, was issued, establishing the “Regulation concerning the determination of the structure and composition of the Office under the National Guarantor”. In the preamble, reference was made to the ratification of the OPCAT, indicating the powers and obligations entailed by Protocol within the prerogatives of the National Preventive Mechanism.

The Decree-Law 21 October 2020, no. 130, subsequently converted with modifications into Law on 18 December 2020, no. 173, ultimately introduced, in a primary law, the qualification of the National Guarantor as the national preventive mechanism under Article 3 of the Optional Protocol to the Convention against



Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It modified its designation in line with the plurality of the institutional mandate's scope. The explanatory report of the Decree-Law acknowledged the commitment carried out by the National Guarantor up to that point, both in its supervisory and guarantee functions and in the organization of the Office. It recognized that "such a significant and indispensable commitment has allowed the acquisition of valuable human and material assets for the fulfilment of the institutional mandate."

Additionally, it was recognized that the COVID-19 pandemic emergency did not lead to the suspension of the National Guarantor's activities. On the contrary, the Guarantor intervened in all areas of competence where both de jure and de facto circumstances resulted in the deprivation of personal liberty.

The consolidation of the Institution continued with the attainment of accounting autonomy and the issuance of an accounting regulation starting from 1 July 2021. The Director of the Office was appointed as delegated official, serving as the secondary authorizer of expenses for the management of the chapter related to the functioning of the National Guarantor. This task is still carried out with the fundamental support of the Administrative Secretariat, which has thus seen an increase in its responsibilities. The National Guarantor is a highly complex structure with a plurality of mandates and commitments, thus requiring an equally complex and efficient organizational framework.

It should be noted that the interdisciplinary approach that has characterized the Office of the National Guarantor from the beginning has also involved the secretarial offices of the different units. These offices have actively participated in monitoring and visiting activities, crafted post-visit notes, and contributed to the preparation of the Report to Parliament. The Board aimed for the report to be a reflection of the collective efforts of the entire staff.

At the conclusion of the founding mandate, however, the question of defining the National Guarantor as an Authority, with its own statutory personnel, remains open, similar to other Guarantee authorities in the Italian legal system. The issue, already presented in the first Report to Parliament in 2017 and reiterated in subsequent years, was further explored in the 2020 Report, nearly five years after the establishment of the Institution. The report explicitly emphasized the need to tailor the administrative structure according to the distinctly unique competencies that characterize this Authority. It was stated, in fact, that "the Office was legislatively conceived as a general Administrative Secretariat, devoid of operational functions linked to the mission of the National Guarantor." Such a vision did not correspond to reality. In fact, National Guarantor's staff activity also involves participating as speakers in conferences and training sessions, sharing the acquired know-how and engaging directly with various authorities. The members of the Office are, in fact, directly engaged in the majority of the activities of the Board. In addition to the competencies required by the founding law of the National Guarantor, they have acquired over time a high-level professionalism from both a legal and operational perspective in the specific subjects covered by the institutional mandate.

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At the same time, a similar process affected administrative management skills. Having to handle complex relationships with the relevant administrative bodies of the personnel, besides the institutional website, IT software was developed (in-house), such as the intranet portal, and the application for managing non-judicial complaints data filed under Article 35 of the Penitentiary Law. The personnel autonomously implemented the complex structure of the first Three-year Corruption Prevention and Transparency Plan, and the subsequent ones, initiating a thorough examination of the organizational processes in place.



Seven Years

These aspects cannot be considered merely ‘administrative’ profiles because they have constituted the backbone of the new body. They required continuous updates as the mandate of the National Guarantor expanded, encompassing the multifaceted variety of situations involving the deprivation of liberty. Therefore, today, an efficient managerial model requires an additional focus on the enhancement of individuals. The enrichment of tasks, the expansion of responsibilities, operativity even during holidays and evenings, and the stress derived from managing emotionally impactful situations—in essence, the so-called *job enlargement*—requires a modification of the personnel status. It cannot be regulated *tout-court* by the contracts for public administration employees¹⁶⁶.

Despite significant progress in terms of visibility and authority for the National Guarantor, the institution’s path as an Authority, with its own personnel status, still faces a substantial impasse today. This persists despite ongoing dialogues with competent state entities at the highest levels, which have extended into the early months of 2022. The Council of State, in Opinion no. 1708/2016, underscored that Independent Administrative Authorities are entitled to request the establishment of their personnel *unique* status to ensure independence in carrying out ‘high verification’ functions. This recognition was further affirmed by the Court of Cassation’s Order no. 4 of the 2nd Civil Section in 2019.

The annual Report to Parliament represents a significant opportunity for sharing the work done and outlining future perspectives at a high level. In this context, the personnel assigned to the National Guarantor maintains a strong awareness of having contributed to building a ‘public value,’ a wealth of experience and study. We hope that this endeavour, in line with the principles of the Constitution, will contribute ‘to the material or spiritual progress of society’, and we have confidence that the journey will be successfully completed.

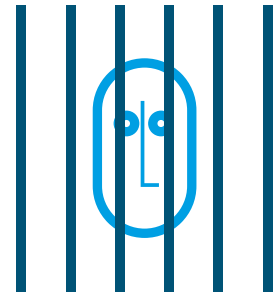
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¹⁶⁶. *Report to Parliament 2020* (EN), Horizons section, The Path of the Authority, p. 287.



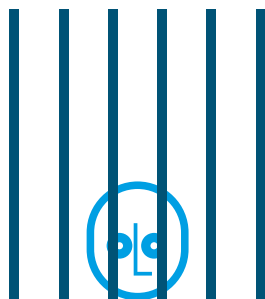
Maps

**Structures falling within
the mandate of the
National Guarantor**



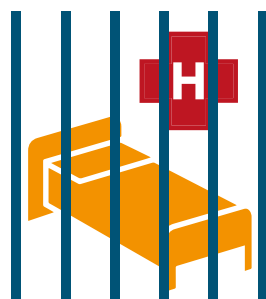
Adults Prisons

190



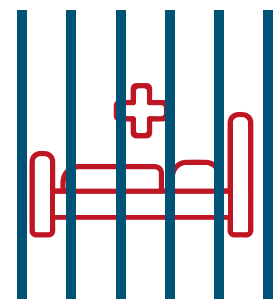
IPMs and First Reception
Centres

40



Hospital Secured Wards

11



Hospital Secured Rooms

90



Communities

...



Residences for the
Execution of Security
Measures (REMS)

31



Psychiatric Facilities
(public and private
entities)

335

Figures related
to private-social communities
for adults and minors change
constantly. Public managed
communities are updated to 3.



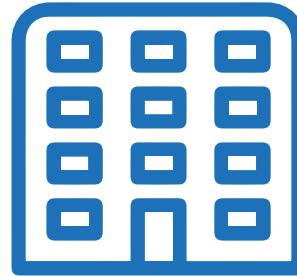
Assistential facilities for the elderly and disabled people (including RSAs and RSDs)

12.630



Security rooms at State Police, Carabinieri and Guardia di Finanza stations

1.953



Immigration Removal Centres (CPRs)

10



Hotspots

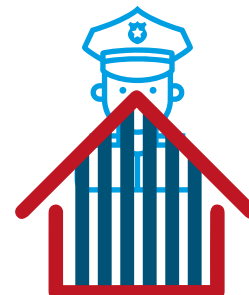
4



Quarantine Ships

7

Active from 2020 to June 2022



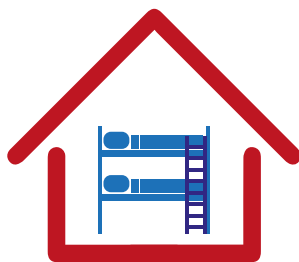
Suitable Premises at Police Stations

64



Detention Rooms at Border Police Stations

50



First Reception Centres ex Legisl. Decree no. 142/2015

9



Forced Return Flights

661

110 charter flights and 551 commercial flights operated in 2022

Map 1.1 – Type of Facilities Visited (01/01/2022-30/04/2023)

legenda

- CRIMINAL JUSTICE AREA
- HEALTHCARE AREA
- MIGRANTS AREA
- POLICE ENFORCEMENT AGENCIES AREA

19 LIGURIA

- Cuneo prison (CC): 1
- Turin prison (CC): 1
- Novara prison (CC): 1
- Turin IPM: 1
- Alessandria prison (CC): 1
- Alessandria prison (CR): 1
- Ivrea prison (CC) (TO): 1
- Biella prison (CC): 1
- Saluzzo prison (CC) (CN): 1
- Novara prison (CC): 1

- “Anton Martin” REMS, San Maurizio Canavese (TO): 1
- “Casa di Cura San Michele” REMS, Bra (CN): 1
- SPDC, Ivrea (TO): 1
- SPDC, Savigliano (CN): 1
- CPR, Turin: 2
- Cuneo Police Headquarters: 1
- San Paolo Police Station, Turin: 1
- Biella Police Headquarters: 1

8 LOMBARDY

- Milan San Vittore prison (CC): 1
- Bollate prison (CR): 1
- Bollate prison (CC): 1
- Milan Opera prison (CR): 1
- “San Paolo” Hospital, Milan: 1
- “Airoli e Muzzi” RSA, Lecco: 1
- Pavia Police Headquarters: 1
- Milan CPR: 1

2 LIGURIA

- San Martino Policlinic Hospital (GE): 1
- REMS, Calice al Cornoviglio (SP): 1

2 UMBRIA

- Terni prison (CC): 1
- Spoleto prison (CR) (PG): 1

9 LATIUM

- Rome Rebibbia prison (CC): 2
- Rome Rebibbia female prison (CC): 1
- Rome Regina Coeli prison (CC): 3
- Velletri prison (CC) (RM): 1
- “Residenza Stella” RSA, Rome: 1
- Rome Police Headquarters: 1

6 SARDINIA

- Sassari prison (CC): 3
- Nuoro prison (CC): 1
- Macomer CPR (NU): 1
- Iglesias Carabinieri Company Station (SU): 1

SICILY

- Termini Imerese prison (CC) (PA): 1

Total facilities visited: 99

- Penitentiary institutes:
 - of the CC type (Case Circondariali), 45
 - of the CR type (Case di Reclusione) 9
- Juvenile Detention Centres (IPMs): 3
- Nursing Homes (RSAs): 5
- Residences for the Execution of Security Measures (REMSs): 5
- Psychiatric Services of Diagnosis and Treatment (SPDCs): 5
- Psychiatric rehabilitation communities (Hospitals): 2
- Therapeutic community: 1
- Suitable premises: 5
- Immigration Removal Centres (CPRs): 7
- Government First Reception Centre: 1
- Hotspots: 1
- Custody Rooms: 10

VENETO

- 2
- Padova prison (CC): 1
 - Padova prison (CR): 1

FRIULI VENEZIA-GIULIA

- 4
- Tolmezzo prison (CC) (UD): 2
 - Udine prison (CC): 1
 - Gradisca d'Isonzo (GO) CPR: 1

EMILIA ROMAGNA

- 4
- Parma prison (CC): 1
 - Ferrara prison (CC): 1
 - Bologna prison (CC) 1
 - Bologna IPM: 1

TUSCANY

- 25
- Prato prison (CC): 1
 - Siena prison (CC): 1
 - Porto Azzurro prison (CC) (LI): 1
 - Volterra prison (CR) (PI): 1
 - Massa prison (CR): 1
 - Livorno prison (CC): 1
 - Florence prison (CC): 1
 - Florence Sollicciano prison (CC): 1
 - "Ex Convento delle Oblate" Hospice, SPDC, Florence: 1
 - "Santa Maria Nuova" Hospital, SPDC, Florence: 1
 - "Chiassatelle" RSA, Empoli: 1
 - REMS, Empoli: 1

- SPDC, Livorno: 1
- "Villa Serena" RSA, Livorno: 1
- "Pascucci" RSA, Livorno: 1
- REMS, Volterra (PI): 1
- "Il Villino" Therapeutic community, Florence: 1
- Siena Police Headquarters: 1
- Livorno Police Headquarters: 1
- Florence Carabinieri Province Command: 1
- Oltrarno Carabinieri Company Station (FI): 1
- Livorno Carabinieri Province Command: 1
- Prato Carabinieri Province Command: 1
- Montemurlo Carabinieri Unit (PO): 1
- Florence Police Headquarters: 1

APULIA

- 3
- Bari CPR: 1
 - Brindisi CPR: 1
 - Taranto Hotspot: 1

ABRUZZO

- 5
- Aquila prison (CC): 4
 - Chieti Police Headquarters: 1

BASILICATA

- 1
- Melfi prison (CC) (PZ): 1

CAMPANIA

- 3
- Naples Poggioreale prison (CC): 1
 - Airola IPM: 1
 - Santa Maria Capua Vetere (CC) (CE): 1

CALABRIA

- 5
- Reggio Calabria (CR): 1
 - Reggio Calabria prison (CC): 2
 - Laureana di Borrello prison (CC): 1
 - Government First Reception Centre, Isola Capo Rizzuto (KR): 1

Table 1.1. Visited Facilities (01/01/2022 - 30/04/2023)

Facility	Region	Unit ¹	Type and date of the visit ²	
Rome Rebibbia prison (CC)	Latium		H	09/02/2022
Melfi Prison (CC) (PZ)	Basilicata		H	12/02/2022
Tolmezzo Prison (CC) (UD)	Friuli Venezia Giulia	41-bis section	T	21 - 22/02/2022
Cuneo Prison (CC)	Piedmont	41-bis section	T	1 - 05/03/2022
Turin prison (CC)	Piedmont		H	1 - 05/03/2022
Novara prison (CC)	Piedmont	41-bis section	T	1 - 05/03/2022
Parma prison (CC)	Emilia Romagna	41-bis section	T	1 - 05/03/2022
Sassari prison (CC)	Sardinia	41-bis section	T	10 - 15/3/2022
Nuoro Prison (CC)	Sardinia		R	10 - 15/3/2022
Naples Poggioreale prison (CC)	Campania		H	11/04/2022
Ferrara prison (CC)	Emilia Romagna		H	14/04/2022
Terni prison (CC)	Umbria	41-bis section	T	29/04 - 02/05/2022
Spoletto prison (CR) (PG)	Umbria	41-bis section	T	29/04 - 02/05/2022
Prato prison (CC)	Tuscany		R	9 - 13/05/2022
Siena Prison (CC)	Tuscany		R	9 - 13/05/2022
Porto Azzurro Prison (CR) (LI)	Tuscany		R	9 - 13/05/2022
Volterra prison (CR) (PI)	Tuscany		R	9 - 13/05/2022
Massa Prison (CR)	Tuscany		R	9 - 13/05/2022
Livorno Prison (CC)	Tuscany		R	9 - 13/05/2022
Florence prison (CC)	Tuscany		R	9 - 13/05/2022
Termini Imerese prison (CC) (PA)	Sicily		H	25/05/2022
Milan San Vittore prison (CC)	Lombardy	Female section	H	25/06/2022
Bollate prison (CR)	Lombardy	Female section	H	26/06/2022
L'Aquila prison (CC)	Abruzzo	41-bis section	T	12/07/2022
Rome Regina Coeli prison (CC)	Latium		H	18/07/2022
Padova prison (CC)	Veneto		H	19/07/2022
Tolmezzo Prison (CC) (UD)	Friuli Venezia Giulia	41-bis section	T	20/07/2022
Bologna Prison (CC)	Emilia Romagna		H	21/07/2022
L'Aquila prison (CC)	Abruzzo	41-bis section	T	01/08/2022
Florence Sollicciano prison (CC)	Tuscany		H	16/08/2022

*Follows

Facility	Region	Unit ¹	Type and date of the visit ²	
Bollate prison (CC)	Lombardy		H	09/09/2022
Airola IPM	Campania		H	22/09/2022
Santa Maria Capua Vetere (CC) (CE)	Campania		H	23/09/2022
Rome Rebibbia female prison (CC)	Latium	Nursery section	H	24/09/2022
Rome Regina Coeli prison (CC)	Latium		H	01/10/2022
Rome Rebibbia prison (CC)	Latium		H	17/10/2022
Rome Regina Coeli prison (CC)	Latium		H	03/11/2022
Turin IPM	Piedmont		R	6 - 11/11/2022
Alessandria prison (CC)	Piedmont		R	6 - 11/11/2022
Alessandria prison (CR)	Piedmont		R	6 - 11/11/2022
Ivrea prison (CC) (TO)	Piedmont		R	6 - 11/11/2022
Biella prison (CC)	Piedmont		R	6 - 11/11/2022
Saluzzo prison (CC) (CN)	Piedmont		R	6 - 11/11/2022
Sassari prison (CC)	Sardinia	41-bis section	T	19/11/2022
L'Aquila prison (CC)	Abruzzo	41-bis section	T	28/11/2022
Velletri prison (CC)(RM)	Latium		H	06/12/2022
Novara prison (CC)	Piedmont	41-bis section	T	14 - 15/12/2022
Udine prison (CC)	Friuli Venezia Giulia		H	16/12/2022
Sassari prison (CC)	Sardinia	41-bis section	T	10/01/2023
L'Aquila prison (CC)	Abruzzo	41-bis section	T	13/01/2023
Bologna IPM	Emilia Romagna		H	22/01/2022
Padova prison (CR)	Veneto		H	03/02/2023
Milan Opera prison (CR)	Lombardy		H	08/02/2023
"San Paolo" Hospital, Milan	Lombardy	Custodial section	H	10/03/2023
Reggio Calabria (CR)	Calabria		H	14-15/03/2023
Reggio Calabria prison (CC)	Calabria		H	14-15/03/2023
Laureana di Borrello prison (CC) (RC)	Calabria		H	16/03/2023
Reggio Calabria prison (CC) (RC)	Calabria		H	17/03/2023
San Martino Policlinic Hospital (GE)	Liguria	Custodial section	H	28/04/2023
SPDC, Florence	Tuscany	"Ex Convento delle Oblate" Hospice	R	9 - 13/05/2022

*Follows

Facility	Region	Unit ¹	Type and date of the visit ²	
SPDC, Florence	Tuscany	"Santa Maria Nuova" Hospital	R	9 - 13/05/2022
"Chiassatelle" RSA, Empoli	Tuscany		R	9 - 13/05/2022
REMS, Empoli	Tuscany		R	9 - 13/05/2022
SPDC, Livorno	Tuscany		R	9 - 13/05/2022
"Villa Serena" RSA, Livorno	Tuscany		R	9 - 13/05/2022
"Pascucci" RSA, Livorno	Tuscany		R	9 - 13/05/2022
REMS, Volterra (PI)	Tuscany		R	9 - 13/05/2022
"Il Villino" Therapeutic community, Florence	Tuscany		H	13/06/2022
"Residenza Stella" RSA, Rome	Latium		H	23/08/2022
"Anton Martin" REMS, San Maurizio Canavese (TO)	Piedmont		R	7 - 11/11/2022
"Casa di Cura San Michele" REMS, Bra (CN)	Piedmont		R	7 - 11/11/2022
SPDC, Ivrea (TO)	Piedmont		R	7 - 11/11/2022
SPDC, Savigliano (CN)	Piedmont		R	7 - 11/11/2022
"Airoldi e Muzzi" RSA, Lecco	Lombardy		H	12/02/2023
REMS, Calice al Cornoviglio (SP)	Liguria		H	27/04/2023
Macomer CPR (NU)	Sardinia		H	14/03/2022
Chieti Police Headquarters	Abruzzo	Other facilities compliant with the Immigration Consolidated Act, Article 13, para. 5 bis	R	28/03/2022
Rome Police Headquarters	Latium	Other facilities compliant with the Immigration Consolidated Act, Article 13, para. 5 bis	H	08/04/2022
Florence Carabinieri Province Command	Tuscany	Police Enforcement Facilities for restrictive purpose	R	9 - 14/05/2022
Oltrarno Carabinieri Company Station (FI)	Tuscany	Police Enforcement Facilities for restrictive purpose	R	9 - 14/05/2022
Livorno Carabinieri Province Command	Tuscany	Police Enforcement Facilities for restrictive purpose	R	9 - 14/05/2022
Prato Carabinieri Province Command	Tuscany	Police Enforcement Facilities for restrictive purpose	R	9 - 14/05/2022
Montemurlo Carabinieri Unit (PO)	Tuscany	Police Enforcement Facilities for restrictive purpose	R	9 - 14/05/2022
Siena Police Headquarters	Tuscany	Other facilities compliant with the Immigration Consolidated Act, Article 13, para. 5 bis	R	9 - 14/05/2022
Livorno Police Headquarters	Tuscany	Other facilities compliant with the Immigration Consolidated Act, Article 13, para. 5 bis	R	9 - 14/05/2022
Florence Police Headquarters	Tuscany	Police Enforcement Facilities for restrictive purpose	R	9 - 14/05/2022
Pavia Police Headquarters	Lombardy	Police Enforcement Facilities for restrictive purpose	H	16/05/2022
CPR, Gradisca d'Isonzo (GO)	Friuli Venezia Giulia		H	29/10/2022
CPR, Turin	Piedmont		R	6 - 11/11/2022
San Paolo Police Station, Turin	Piedmont	Police Enforcement Facilities for restrictive purpose	R	6 - 11/11/2022

*Follows

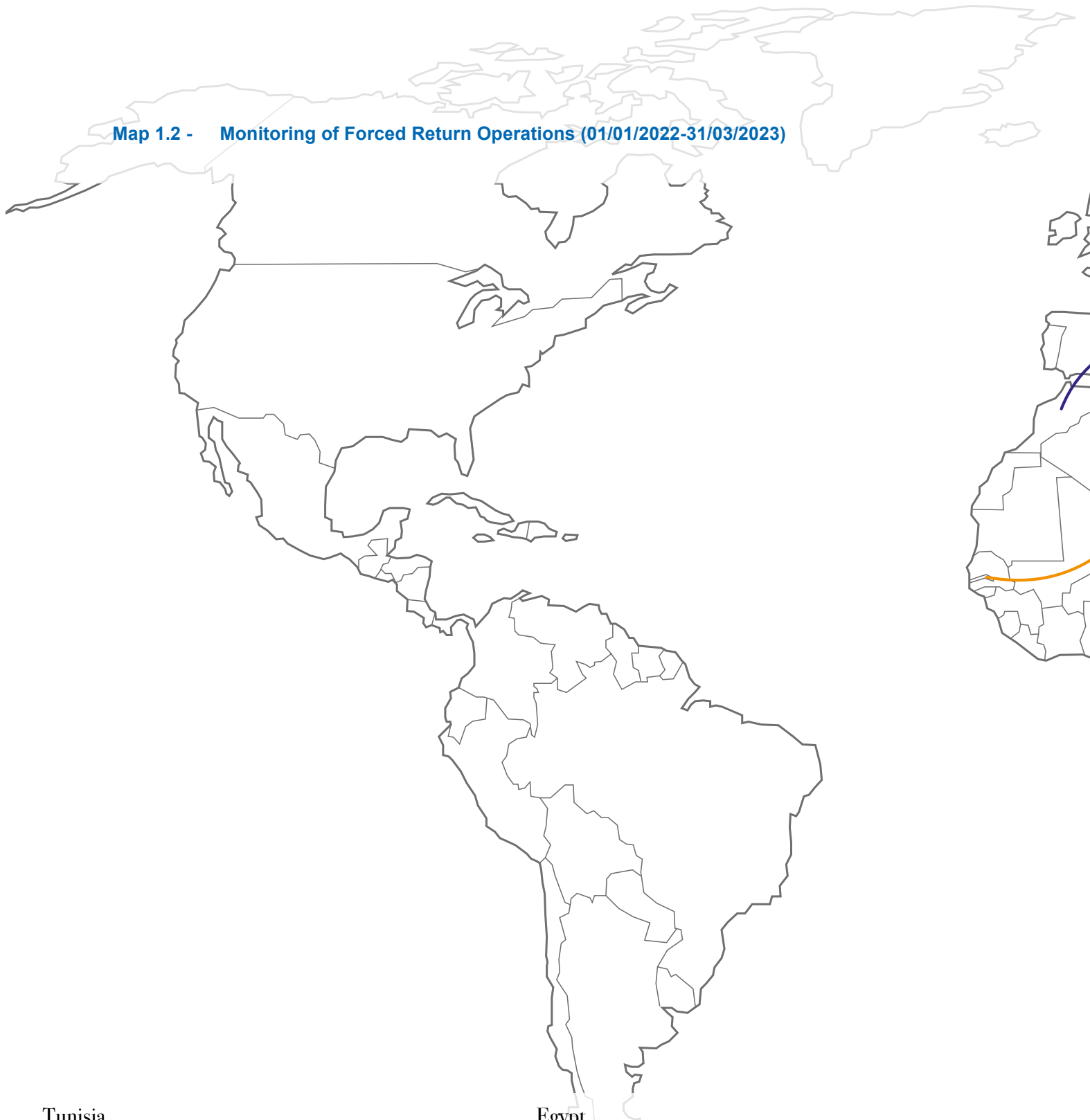
Facility	Region	Unit ¹	Type and date of the visit ²	
Cuneo Police Headquarters	Piedmont	Other facilities compliant with the Immigration Consolidated Act, Article 13, para. 5 bis	R	6 - 11/11/2022
Biella Police Headquarters	Piedmont	Police Enforcement Facilities for restrictive purpose	R	6 - 11/11/2022
CPR, Bari	Apulia		D	1 - 03/02/2023
CPR, Brindisi	Apulia		D	1 - 03/02/2023
Hotspot, Taranto	Apulia		D	1 - 03/02/2023
CPR, Turin	Piedmont		D	07/02/2023
Government first reception centre, Isola Capo Rizzuto (KR)	Calabria		D	14/02/2023
CPR, Milan	Lombardy		D	22/02/2023
Iglesias Carabinieri Company Station (SU)	Sardinia	Police Enforcement Facilities for restrictive purpose	H	17/03/2023

¹ If not otherwise specified, it means the entire facility

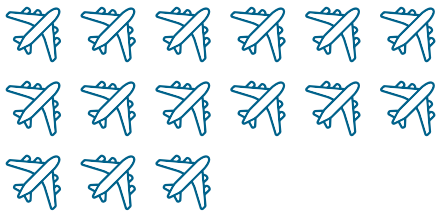
² Type: **R**, Regional visit; **T**, Thematic visit; **H**, Ad Hoc visit; **D**, visit delegated by the National Guarantor (ex Decree-Law no. 130/2020)

Source: National Guarantor for the rights of persons deprived of personal liberty

Map 1.2 - Monitoring of Forced Return Operations (01/01/2022-31/03/2023)



Tunisia



Egypt

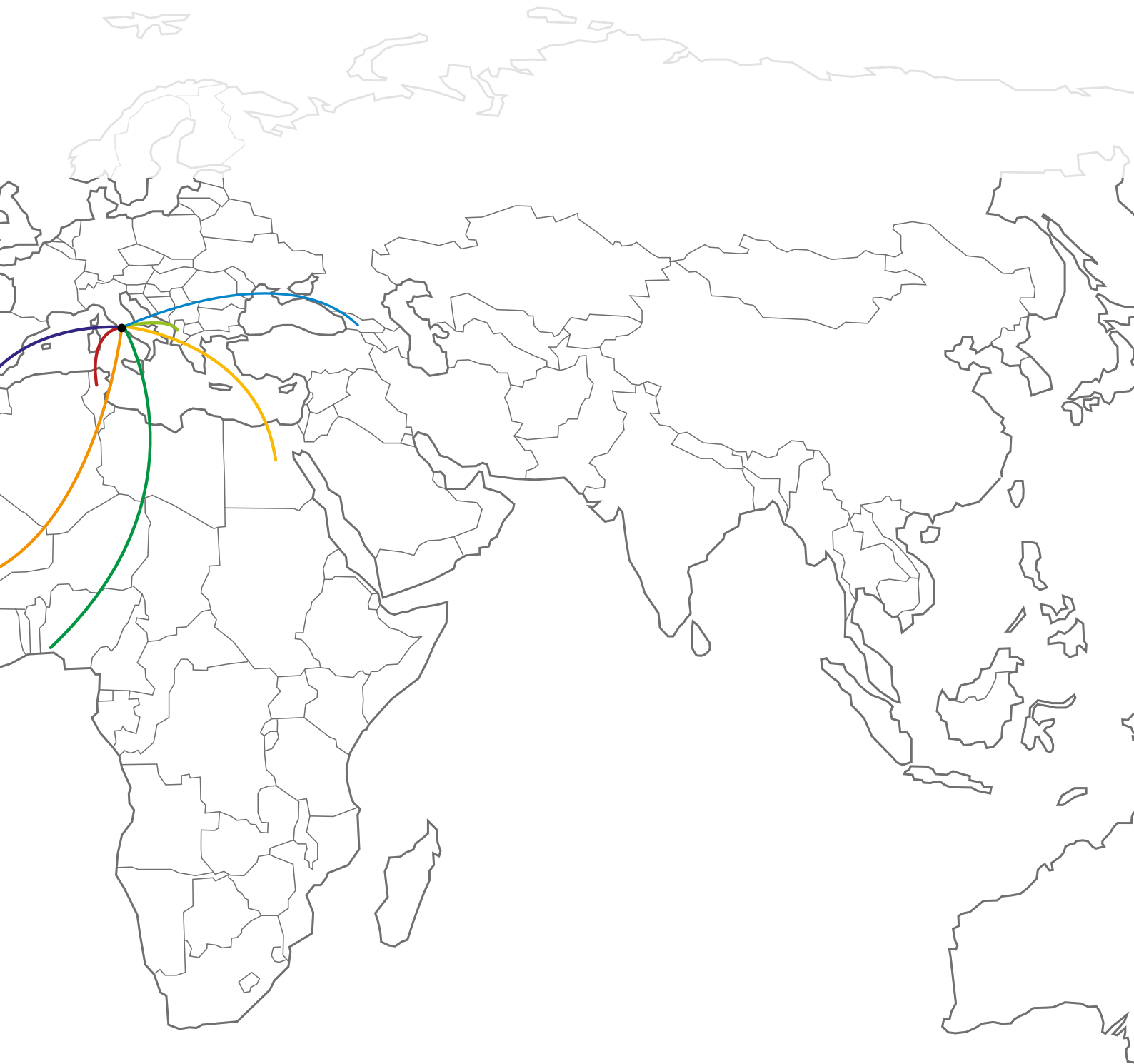


Albania

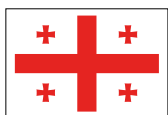


Gambia





Georgia



Nigeria



Morocco



Table 1.2 - Monitoring of Forced Return Operations (01/01/2022 - 31/03/2023)

Country of Return	Flight Type	Flight Date
Egypt	Charter	12/01/2022
Georgia	Joint Charter	20/01/2022
Tunisia	Charter	24/01/2022
Albania	Joint Charter	25/01/2022
Tunisia	Charter	31/01/2022
Tunisia	Charter	07/02/2022
Tunisia	Charter	17/02/2022
Tunisia	Charter	21/02/2022
Tunisia	Charter	24/02/2022
Tunisia	Charter	09/03/2022
Egypt	Charter	10/03/2022
Tunisia	Charter	28/03/2022
Georgia	Joint Charter	21/04/2022
Egypt	Charter	29/04/2022
Nigeria	Joint Charter	07/05/2022
Tunisia	Charter	09/06/2022
Tunisia	Charter	09/08/2022
Tunisia	Charter	11/08/2022
Nigeria	Joint Charter	12/08/2022
Tunisia	Charter	30/08/2022
Tunisia	Charter	01/09/2022
Tunisia	Charter	06/09/2022
Egypt	Charter	09/09/2022
Nigeria	Joint Charter	14/09/2022
Georgia	Joint Charter	22/09/2022
Tunisia	Charter	27/09/2022
Egypt	Charter	01/10/2022
Egypt	Charter	05/11/2022
Egypt	Charter	03/12/2022
Gambia	Joint Charter	01/02/2023
Morocco	Volo di linea	22/02/2023
Albania	Volo di linea	22/02/2023
Egypt	Charter	24/02/2023
Georgia	Joint Charter	01/03/2023
Nigeria	Joint Charter	18/03/2023
Egypt	Charter	24/03/2023
Georgia	Joint Charter	29/03/2023

Source: National Guarantor for the rights of persons deprived of personal liberty

Table 1.3 - European Projects Involving the National Guarantor. Years 2022-2023

Subject	Project	Venue
<i>Monitoring during a pandemic/public health crisis (preparation, deployment, monitoring)</i>	<i>Forced-Return Monitoring III (FReM III)</i>	<i>Online</i>
Fifth 'Control Room' Meeting	<i>Forced-Return Monitoring III (FReM III)</i>	<i>Online</i>
"Observatory on the Inequalities suffered by Unaccompanied Migrant Minors in Healthcare"	Regional Project FAMI2219 - ARS Marche	<i>Online</i>
Final Conference	Fairness Project	<i>Online</i>
Final Conference	<i>Forced-Return Monitoring III (FReM III)</i>	<i>Online</i>
Training sessions on the new Frontex's Reporting System FRMS	<i>Forced-Return Monitoring III (FReM III)</i>	<i>Online</i>

Source: National Guarantor for the rights of persons deprived of personal liberty

NATIONALS EVENTS



Abruzzo

- President Palma participates in the graduation ceremony of the Inspectors and Superintendents School of the Guardia di Finanza in L'Aquila
- President Palma participates in the 2nd Regional Congress FPCGIL - Abruzzo, Francavilla al Mare (CH)
- President Palma's speech at the regional congress of CGIL - Civil Service of the Abruzzo Region, Francavilla al Mare, Chieti
- President Palma intervenes in the international studies convention "Diritto funambolico: tra libertà personale e poteri dell'amministratore di sostegno e del giudice tutelare" on the topic "Le forme della totalità", Chieti University, Chieti
- President Palma's deposition in a hearing at the Campobasso Court concerning detention situations in the special regime section under article 41-bis of the L'Aquila prison



Calabria

- President Palma's speech at the seminar of the "41-bis special regime" and the Cospito case, organized by the Department of Law and Social Sciences of Reggio's Mediterranean University on occasion of the inauguration of the Course in Penitentiary Law, Reggio Calabria



Campania

- President Palma meets with some representatives of the local institutions, Naples
- President Palma meets with the President of the Istituto Italiano per gli Studi Filosofici, Gerardo Marotta, in Naples
- President Palma meets the Prosecutor General Giovanni Melillo regarding the Cooperation Agreement between the National Guarantor and the Public Prosecutor's Office at the Court of Naples
- President Palma's speech at the presentation of the film "Nu juorno 'nzieme," premiered as part of the Human Rights Film Festival at the Naples-Poggioreale "Giuseppe Salvia" prison
- President Palma's speech at the event organized by the Municipality of Naples as part of "Senza colpe," a photographic exhibition about ICAMs, organized by the Municipality of Naples at the Palazzo delle Arti
- President Palma participates in the final event of the "Ti leggo" Project by Fondazione Treccani Cultura at the Airola Juvenile Detention Centre, BN
- President Palma participates in the inauguration of the academic year at the Istituto Italiano per gli Studi Filosofici, Naples.
- President Palma participates in the presentation of the Second



Emilia Romagna

- The National Guarantor organizes together with the Regional Guarantor of Emilia-Romagna region the workshop "La barriera della residenza ai diritti delle persone sottoposte a limitazioni della libertà personale", which has concerned in particular third-country nationals deprived of liberty and the importance of their registration and the relevant rights and duties associated to it, Bologna
- The National Guarantor meets with the Supervisory Judges and the Local Guarantors on the topic "L'area penale nella Relazione annuale al Parlamento", Bologna
- President Palma's speech at the convention on "Perché ne valga la pena - esperienze di

Six-Month Report July/December 2022 of the Guarantor of the persons deprived of liberty of the Campania Region, Naples

- President Palma intervenes at the Convention "Nuove sofferenze, vecchi pregiudizi. Come tutelare i diritti delle persone con disagio psichico in contesti restrittivi", organized by the Department of mental health of the ASL Napoli I - Centro, Naples
- President Palma participates in the convention "Tortura e abuso di autorità", organized by Scuola superiore di magistratura, Naples
- President Palma intervenes at the Seminar on Studies "Come tutelare i diritti delle persone con disagio psichico in contesti restrittivi", on the theme "Nuove sofferenze, vecchi pregiudizi" at the former Psychiatric Hospital 'Leonardo Bianchi', Naples
- President Palma participates at the roundtable "Il diritto agli studi universitari nel contesto del sistema dei servizi dell'esecuzione delle pene. Presente e prospettive" within the National Conference of Delegates of Rectors for University Penitentiary Centres, organized by CRUI and CNUPP, Naples
- Presentation and signing of the Cooperation agreement between the National Guarantor and the Department of Political Sciences at the University of Studies "Luigi Vanvitelli," Caserta
- Study seminar organized by the National Guarantor at the Istituto Italiano per gli Studi Filosofici of Naples on "La misura dei diritti", Naples
- President Palma participates as a speaker in the training days for legal-pedagogical officials, cultural mediators and UEPE directors in service at the penitentiary offices of the Campania Region on the topic "...I diritti dei detenuti vivono ogni giorno", organized by the Department of Law of the Caserta "Luigi Vanvitelli" University, in Santa Maria Capua Vetere



Friuli-Venezia Giulia

- The National Guarantor Board meets with the Prefect of Udine
- President Palma's speech at the seminar "Il cantiere di via Spalato: oltre i muri" sul tema "Il Punto sulla ristrutturazione del carcere", organized by the Municipal Guarantor of people deprived of liberty of the Municipality of Udine Franco Corleone, Udine



Latium

- National Guarantor's Training Day on "Profili di limitazione della libertà personale nei confronti dei minori nell'ambito dei procedimenti giudiziari in materia di affidamento e responsabilità genitoriale", Rome
- The Board of the National Guarantor participates in the convention "Don Luigi Di Liegro, l'attualità di una visione. 25° anniversario della morte", Campidoglio, Rome
- The Board participates in the seminar organized by CESP-Rete Scuole ristrette (School for detained persons) "Dieci anni con lo sguardo di dentro. Carcere: il potere della cultura", Rebibbia "Raffaele Cinotti" prison, Rome
- The Board participates in the meeting in the presence of the President of the Conferenza delle Regioni e Province Autonome and the President of Cassa delle Ammende [Fines Fund] on the occasion of the signing of the Cooperation agreement "Per l'attuazione delle linee di indirizzo per la realizzazione di un sistema integrato di interventi e servizi per il reinserimento sociale delle persone sottoposte a provvedimenti privativi o limitativi della libertà personale", Rome
- The Board participates in the presentation meeting of the Project "Dal carcere alla libertà, lavorare in teatro" by Per Ananke

NATIONALS EVENTS

Association at Spazio Rossellini, Rome

- The Board participates in the commemoration ceremony of Judge Giovanni Falcone at the Training School of the Penitentiary Administration "Giovanni Falcone", Rome
- The Board participates in the inauguration ceremony of the Academic Year at the Carabinieri Officers School, Rome
- The Board presents the Report on the special regime under Article 41-bis to the press at the National Federation of Italian Press, Rome
- President Palma meets Carlo Batini (Milan - Bicocca University) and Marco Ruotolo (Roma Tre University) for the kickstart of the Conceptual and logical Data Mart design on recidivism, coordinated by the two universities, Rome
- The National Guarantor meets a group of Nigerian jurists, experts in migration flows from Africa to Europe, Rome
- The National Guarantor meets the delegation composed by Tunisian independent associations working on human rights under the Trust Project sponsored by the Danish Institute for Human Rights
- The National Guarantor meets a Lebanese delegation operating in a joint international cooperation project, coordinated by ARCS, Rome
- The National Guarantor participates in the meeting "LGBT e riforma dell'ordinamento penitenziario. Il carcere alla prova della differenza sessuale e di genere", as part of the 18th Antigone Report, Rome
- The National Guarantor takes part in the award ceremony of "Gara nazionale di diritto internazionale umanitario 2022" organized by the Italian Red Cross
- The National Guarantor participates in the final event of the project "Mapping on age assessment and voluntary guardianship and Psychological support to UAC in Catania, Milan and Turin", in partnership with UNHCR, at the CNEL, Rome
- The President of the National Guarantor and the President of UNICEF Carmela Pace sign a Cooperation agreement for the promotion of the rights of children, especially for those having one of their parents detained, Rome
- President Palma and a delegation of the National Guarantor meet with the Group of Experts on Action against Trafficking in Human Beings (GRETA) to make a report on list of issues drafted by the Group at Palazzo Chigi, Rome
- President Palma meets the Head of Department of the Penitentiary Administration Carlo Renoldi
- President Palma meets with Gemma Tuccillo, Head of

Department of the Juvenile and Community Justice

- President Palma meets with the Chief of Staff of the Secretary of State for Justice Alberto Rizzo
- President Palma meet the State Secretary of Labour and Welfare, Andrea Orlando
- President Palma meets with the Secretary of State for Home Affairs, Luciana Lamorgese
- President Palma meets with the Secretary of State for Justice Carlo Nordio and the Undersecretary of State at the Ministry of Justice, Andrea Ostellari
- President Palma meets with the new Head of the Department for Juvenile and Community Justice, Antonio Sangermano
- President Palma meets with the new President of SIMSPe Onlus, Antonio Maria Pagano
- President Palma meets with the President of Republic Sergio Mattarella
- President Palma meets with Senator Ivan Scalfarotto
- President Palma meets with the Undersecretary of State at the Ministry of Justice Andrea Ostellari
- President Palma meets the Undersecretary of State for Justice Francesco Paolo Sisto
- President Palma participates in the 171st Anniversary of the founding of the State Police, Rome
- President Palma participates in 35° National Congress of the National Association of Judges on the topic "Diritti e giurisdizione al tempo della ripresa", Rome
- President Palma participates in the celebration of the Remembrance Day dedicated to the victims of terrorism, Palazzo Montecitorio, Rome
- President Palma participates in the inauguration ceremony of the academic year 2022-2023 and in the keynote address "Educazione ai diritti e alla pace" by His Eminence Cardinal Matteo Maria Zuppi, President of the Italian Episcopal Conference, at Roma Tre University
- President Palma participates in the inauguration ceremony of the Judicial Year 2023 by the National Bar Council, MAXXI, Rome
- The Board participates in the ceremony marking the 206th Anniversary of the Foundation of the Penitentiary Police Corps, Rome
- President Palma participates in the conference "I diritti negati delle donne", Chamber of Deputies, Rome
- President Palma participates in the presentation of the book "Il diritto all'affettività delle persone recluse", Senate of the Republic, Rome
- President Palma participates in the presentation of the Report 2022 "La fiducia cresce nelle pratiche della comunità. Modelli ed esperienze di partecipazione condivisa tra cittadini,

amministrazioni e imprese" by Italiadecide, Chamber of Deputies, Rome

- President Palma meets with the Undersecretary of State at the Ministry of Justice Andrea Ostellari
- The Board participates in the farewell ceremony for the Head of the Department of Juvenile and Community Justice, Gemma Tuccillo, in Rome
- The National Guarantor meets with Amnesty International Italy, Rome
- The National Guarantor's meeting with the Local Guarantors takes place at the Legion Command of the Lazio Region of the Carabinieri Corps, Rome
- President Palma's speech at the "Dialoghi del Farnese", a Italian-French meeting on the topic "Carcere, la frontiera dei diritti?", French Embassy Rome,
- Lectio magistrals of President Palma "50 anni di Cidi 1972-2022 per una scuola di tutti" on the topic "Il sapere è plurale", Rome
- President Palma's speech at the convention "Malattia mentale, Rems e carcere: a dieci anni dal definitivo superamento degli OPG", organized by Roma Tre University, Department of Law, Rome
- President Palma's speech at the national convention "Abitare il carcere. Gli spazi della pena nella società digitale" on the topic "Oltre il carcere che c'è, per un nuovo approccio all'esecuzione penale", organized by Giovanni Michelucci Foundation and Sapienza University of Rome, Senate of the Republic, Rome
- President Palma's speech at the Day dedicated to the activities of Roma Tre University in the penitentiary institutions of the Lazio Region, titled "Missioni possibili": Roma Tre e il carcere", organized by the Penitentiary University Centre (PUP) of the Latium Region and the Roma Tre University, Rome
- President Palma's speech at the presentation of the Report on the women detained in Italy "Dalla Parte di Antigone", Senate of the Republic, Rome
- President's hearing before the Council Commission of the Metropolitan City of Rome on the role of the Municipal Guarantor
- Lecture by President Palma at the training course "Etica e Sicurezza: Coordinamento e gestione degli eventi critici" on the topic "La dignità della persona detenuta", at the School of Criminal Execution "Piersanti Mattarella", Rome
- The Board participates in the farewell ceremony for the Head of the Department of Penitentiary Administration, Carlo Renoldi, in Rome
- Lecture by the President Palma at the "Lelio Basso" School of Journalism on the topic "Human

Rights", Rome

- President Palma meets with the Secretary of State for Justice Carlo Nordio
- Lecture by the President Palma at the "Lelio Basso" School of Journalism on the topic "Human Rights", Rome
- Lecture by President Palma at the School for a responsible citizenship - Conoscere per decidere 2022/2023 "Il senso del limite", organized by Italiadecide, Rome
- The Board meets with a delegation from the Scientific Research and Documentation Centre (WODC) of the Dutch Ministry of Justice to deepen their knowledge on the special regime under Article 41 bis
- Training workshop organized by the National Guarantor on "Le regole delle procedure di rimpatrio forzato nell'ambito della Direttiva del Ministro dell'interno del 19 maggio 2022", Rome
- Lecture by President Palma at the course of Criminal Procedural Law and Criminal Execution Law of the Guido Carli University (LUISS), Rome
- President Palma meets with the Head of Unit of the Migration Management of the European Commission, Rome
- President Palma's speech at the convention "Le dimensioni della dignità nel lavoro carcerario", organized by CNEL, Rome
- President Palma meets with the coordinating inspectors of the Mobile Operations Group (GOM), Rome
- President Palma meets with the Secretary of State for Home Affairs, Matteo Piantedosi
- The National Guarantor meets with the Central Director for Migration Policies - Authority for Asylum, Migration, and Integration Fund, Deputy Department Head, Prefect Maria Forte, Rome
- President Palma speech's at the presentation event of the volume Everyday Shoes, organized by the Unione Forense per la tutela dei diritti umani, Rome
- President Palma meets with the Chief of Staff of the Secretary of State for Justice Alberto Rizzo
- President Palma participates in the participations in the commemorations for the Day of Remembrance, Chamber of Deputies, Rome
- President Palma participates as a speaker at the conference for the presentation of the book "La privacy degli ultimi," organized by the Department of Law at the University of Rome Tre
- President Palma meets with the Secretary of State for Health Orazio Schillaci
- President Palma participates in the report on the activity of administrative justice of



the Council of State for the inauguration of the new President Luigi Maruotti, Rome

- President Palma meets with the Chief of Police Lamberto Giannini
- President Palma officially meets with the Head of the Department of Penitentiary Administration, Giovanni Russo
- President Palma meet the State Secretary of Labour and Welfare, Andrea Orlando
- The President participates in the assembly of the conference of the Local Guarantors, Rome



Lombardy

- President Palma participates as a speaker at the seminar of studies on the topic "La forza di polizia - uno studio criminologico sulla violenza", organized by the State University of Milan
- President Palma participates as a speaker at the conclusive lesson of the course "Diritto dell'esecuzione penale e tutela internazionale dei diritti e delle libertà fondamentali" on the topic "Obblighi inderogabili e diritti inalienabili nella privazione della libertà", Pavia University, Pavia
- National Guarantor's speech at the convention "Sovraffollamento e crisi del sistema carcerario. Il problema irrisolvibile" on the topic "Circoscivere il fenomeno per la via meno battuta: spunti dalle fonti nazionali e internazionali", organized by Bergamo University - Department of Law, Bergamo
- President Palma's speech at the convention "Situazione attuale delle carceri italiane anche a seguito di quanto avvenuto con l'emergenza sanitaria e sul sovraffollamento carcerario" on the topic "La condanna intervenuta nei confronti dell'Italia per la violazione dell'art. 3 CEDU nel 2014 e sulle vicende intervenute all'interno del nostro ordinamento a seguito di tale pronuncia", Bocconi University, Department of Law, Milan
- President Palma's speech at the inauguration of the photographic exhibition "Disagio Dentro - come gli operatori vedono il carcere dei suicidi", Lawyers Bar Library, Milan
- President Palma participates, together with the Secretary of State for Justice Cartabia, the Mayor of Milan Sala, and the Department of Architecture of the Milan's Politecnico, in the inauguration ceremony of the photographic exhibition "RI-SCATTI", organized by the Contemporary Art Section (PAC) and by Ri-scatti Onlus, Milan
- President Palma's speech at the higher training course on "Profili teorici e pratici dell'esecuzione delle pene e delle misure di sicurezza" on the topic "Gli



strumenti di rigore. Il regime dell'articolo 41-bis o.p.", organized by Milano-Bicocca University, Milan

- Lecture by the President Palma open to multiple courses of the Department of Law at the State University of Milan on '41-bis e dintorni', a dialogue with Davide Galliani and Angela Della Bella, Milan

Piedmont

- The Board participates in the Training and Update Seminar "Carcere: il potere della cultura" sponsored by CESP-Rete delle scuole ristrette at Salone Internazionale del Libro, Turin
- President Palma intervenes on the topic "Misure di sicurezza privative della libertà personale e tutela dei diritti" at the Convention organized by the Summer School of the Antigone Association and the Department of Law at the University of Turin on "Privazione della libertà e sui diritti fondamentali - i luoghi dell'incontro tra disagio psichico e privazione della libertà", Avigliana (TO)

Apulia

- President Palma participates in the convention "Errore e Pregiudizio - Percorsi di 'pericolosità sociale' con variante artistica di inclusione sociale, la dialettica tra cura e custodia", organized with the contribution of Regional Guarantor of Apulia Region, Bari
- Board's lecture at the "Management and Migration Flows" Summer School on the topic "Migranti e libertà negata. Lo sguardo del Garante nazionale", organized by the Law Department of the University of Bari "Aldo Moro", Bari

Republic of San Marino

- President Palma participates in the convention "Pena detentiva e misure alternative" with a keynote lecture on "I diritti umani", organized by the University of the Republic of San Marino, San Marino

Sardinia

- National Guarantor's speech at the training event "Rimpatri forzati: garanzie e rimedi", organized in collaboration with Sardinia Regional Guarantor for monitors and regional stakeholders, Cagliari



Sicily

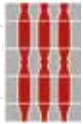
- President Palma meets with Alessandra Sciarba of the Department of Law of Palermo University, Palermo.
- The President meets with the



former Public Prosecutor of Caltanissetta Sergio Lari

Tuscany

- Board's speech at the 4th national conference of the Social Workers Professional Body on "Violenza istituzionale", Florence
- Board's speech at the 4th national conference of the Social Workers Professional Body on "Violenza istituzionale", Florence
- President Palma meets with some representatives of the local institutions, Florence
- President Palma participates in the discussion on the opening of an Immigration Removal Centre (CPR) in the Tuscany region, organized by the Municipality of Florence and the Tuscany region, Florence
- President Palma participates in the presentation of the second edition of the volume "La giustizia e il senso di umanità. Antologia di scritti su carcere, OPG, droghe e magistratura di sorveglianza, Sollicciano prison, Florence
- Lecture by President Palma to young judges in training (MOT) at Scuola Superiore della Magistratura, Scandicci
- Lecture by the Board on the topic "La tutela dei diritti nell'esecuzione penale e la rieducazione come diritto soggettivo" as part of the course "Il principio rieducativo della pena, tra teoria e prassi", at Scuola Superiore Sant'Anna, Pisa
- Deposition of the President in a hearing at the Court of Siena related to the ongoing process for the investigation of the events reported at the San Gimignano prison



Umbria

- The Board participates in the initiative "Io è un altro" on occasion of the Seventh edition of "Giornata nazionale del mondo che non c'è", organized by the CESP-Rete Restricted Schools, Spoleto
- President's speech at the Fourth national convention of the chaplains and the operators of pastoral care in prison on the topic: "La funzione del garante nella difesa della dignità e dei diritti della persona", Assisi
- Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty to the Commanders of the Local Units of the Carabinieri Corps, Perugia
- President Palma's speech at the annual pastoral update course for Prison Chaplains, organized by the Military Ordinariate in Italy, Assisi



Veneto

- President Palma's speech at the event "Diritti Ristretti. Il ruolo del carcere e i diritti dei detenuti", organized by the CGIL of Venice and by the Movement in defence of Venetian public healthcare system, Venice metropolitan Chamber of Labour, Venice
- President Palma meets with the Undersecretary of State at the Ministry of Justice Andrea Ostellari, Padova



Online

- President Palma's hearing as an expert by the Authority for the Protection of Children and Adolescents for the launch of the commission on the "Studio sulla condizione dei figli di genitori collaboratori di giustizia, con particolare riferimento a quelli ammessi allo speciale programma di protezione" takes place online
- The Board participates in the seminar "Il tempo ritrovato" organized by APS IPSilon
- President Palma participates in 23th Congress of the SIMSPE, organized by Agorà penitenziaria 2022
- President Palma participates in the Remembrance and Commitment Day in memory of the innocent victims of the mafia, organized by the Associazione Libera
- President Palma's speech at the convention "L'articolo 3 della Convenzione europea dei diritti dell'uomo e l'Italia" as part of the lecture series of the module Jean Monnet in "European Criminal Justice", organized by Teramo University
- President Palma's speech at the course "Business and Human Rights" organized by the Unione Forense per la Tutela dei Diritti Umani at the National Council for Economics and Labour (CNEL), online
- The Board intervenes at the roundtable "Gli organismi di tutela dei diritti umani: modelli a confronto tra Europa e America Latina", organized by Bari University and the Regional Guarantor for the Rights of persons subject to limitation of personal liberty of the Apulia Region

INTERNATIONAL EVENTS


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- The Board participates in the meeting "Promoting the effective protection of LGBTI+ persons deprived of liberty", organized by the Association for the Prevention of Torture, online
 - The National Guarantor's Board gives a speech at the webinar "Role of NPMs in Monitoring Places where Migrants are Deprived of Liberty", organized by the Subcommittee for the Prevention of Torture, online
 - The National Guarantor participates in the workshop on "Good Practices in Monitoring Fundamental Rights Compliance in Forced Return by Scheduled Flights" with a report on: "Monitoring of Forced Returns in Europe. Strategies, Critical Issues and Best Practices", Lisbon
 - National Guarantor's speech at the "First Word Conference on Health in Detention" on the topic "What Does Visible Mean?", organized by the International Committee of the Red Cross, Geneva
 - The National Guarantor meets a Lebanese delegation operating in a joint international cooperation project coordinated by ARCS, Rome
 - The National Guarantor intervenes at the Fourth Regional Meeting on Torture Prevention for National Preventive Mechanisms (NPM) and Civil Society Organizations (CSOs) on the topic "When does the use of force become excessive?", organized by APT/ODIHR, Warsaw
 - The National Guarantor intervenes in the "Global detention project webinar: the Role of the OPCAT, the SPT and NPMs in monitoring places of migration-related detention", online
 - The National Guarantor meets a group of Nigerian jurists, experts in migration flows from Africa to Europe, Rome
 - The Board participates in the European NPM Conference "Monitoring the rights of specific groups of people deprived of their liberty", organized by the Council of Europe and by European Union, Strasbourg
 - President Palma participates in the Global Mental Health Summit, organized by the Ministry of Health at the monumental complex of Santo Spirito in Sassia, Rome
 - Visit of the South-African NPM representative to the National Guarantor
 - President Palma's speech at the "Dialoghi del Farnese", a Italian-French meeting on the topic "Carcere, la frontiera dei diritti?", French Embassy, Rome
 - Visit of the Moroccan NPM to the National Guarantor
 - The National Guarantor participates in the final event of the project "Mapping on age assessment and voluntary guardianship and Psychological support to UAC in Catania, Milan and Turin", in partnership with UNHCR, at the CNEL, Rome
 - The National Guarantor participates in the international event "20 Years of OPCAT and 15 Years of SPT", organized by the Subcommittee for the Prevention of Torture, Geneva
 - National Guarantor's speech at the workshop "Monitoring mental healthcare in prisons" on the topic "Approaching and treating mental disorders in prisons: the Italian NPM's observations", organized by the Association for the Prevention of Torture, online
 - President Palma and a delegation of the National Guarantor meet with the Group of Experts on Action against Trafficking in Human Beings (GRETA) to make a report on list of issues drafted by the Group at Palazzo Chigi, Rome
 - The Board meets with a delegation from the Scientific Research and Documentation Centre (WODC) of the Dutch Ministry of Justice
 - The National Guarantor participates in the "Forced-Return Monitors' Network Spring Meeting", organized by Frontex's Fundamental Rights Officer, Warsaw
 - President Palma's speech at the seminar for the presentation of the Associazione Observa, which monitors Catalan prisons, at the European Parliament Office in Barcelona
 - President Palma participates as a speaker at the screening of the film "Karpeta Urdinak" as part of the Torture Refusal Festival, organized by the Municipality of San Sebastian, Spain

Table 1.4 - Training Activity (2022 - 2023)

Subject	Promoting Authority	Venue
Training on the role and duties of the National Guarantor at the 4 th Higher Qualification Course for Carabinieri Marshal Trainees	Ministry of Defence	Velletri (RM)
Training intervention on the role and duties of the National Guarantor at the 2 nd Course for Carabinieri Marshal Trainees of the Cuirassiers Regiment of the Carabinieri corps	Ministry of Defence	Velletri (RM)
Lesson on the role and duties of the National Guarantor at the at the Local Police Update Course	Emilia-Romagna Region	Bologna
Lesson of the National Guarantor at the 180 th Training and Refresher Course for Penitentiary Police cadets	DAP – General Directorate of Training	Rome
Training on the role and duties of the National Guarantor at the 140 th Course for Carabinieri Recruits, Carabinieri Recruits School	Ministry of Defence	Reggio Calabria
Training on the role and duties of the National Guarantor at the 5 th Professional Training Course for Carabinieri Vicebrigadiers (1 st unit)	Ministry of Defence	Velletri (RM)
Training on the role and duties of the National Guarantor at the 5 th Professional Training Course for Carabinieri Vicebrigadiers (2 st unit)	Ministry of Defence	Velletri (RM)
Training on the role and duties of the National Guarantor at the 27 th Professional Training Course for Carabinieri Vicebrigadiers (2 st unit)	Ministry of Defence	Velletri (RM)
Training on the role and duties of the National Guarantor at the Officer Course of the Carabinieri	Ministry of Defence	Rome
Training on the role and duties of the National Guarantor at the 27 th Professional Training Course for Carabinieri Vicebrigadiers (2 st unit)	Ministry of Defence	Velletri (RM)
Training on the role and duties of the National Guarantor at the Officer Course of the Carabinieri corps	Ministry of Defence	Rome
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Padua
Lesson on “Gli strumenti di rigore. Il regime dell’articolo 41-bis o.p. at the Advanced Training Course on “Theoretical and Practical Aspects of the Execution of Penalties and Security Measures”	Milano-Bicocca University	online
Training course “Etica e sicurezza: Coordinamento e gestione degli eventi critici” on the topic “La dignità della persona detenuta”	Scuola Superiore dell’Esecuzione Penale “Piersanti Mattarella”	online
Internal training seminar on the Subcommittee of the United Nations on prevention of torture (SPT),	National Guarantor	Rome
2 nd Level Master in “Diritto penitenziario e Costituzione”	Roma Tre University	Rome
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Genoa
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Turin
President’s speech on “Affettività e diritto alla sessualità negli istituti di pena” in the cycle of meetings “Fragilità e bisogni: le nuove frontiere del diritto”	organized by Bologna University	Bologna
Initial training course for officials in the professional field of cultural mediators	Scuola Superiore dell’Esecuzione Penale “Piersanti Mattarella”	Rome
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Cagliari
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Sassari

*Follows

Subject	Promoting Authority	Venue
The President participates in the convention on “Una nuova stagione per i diritti delle persone con disabilità? Le prospettive di riforma alla luce della legge delega n. 227 del 2021”	Milan University - Department of Italian and Supranational Public Law	Milan
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Chieti
Study and training day on the monitoring of forced returns aimed at members of the regional monitoring network	National Guarantor	Rome
Seminar on “Studiare rende pericolosi?”	Bologna University - Department of Law	Bologna
Lesson on “Pena e nuove tecnologie tra ‘trattamento’ e ‘sicurezza’” at Spring School	Research Centre “Diritto penitenziario e Costituzione – European Penological Centre”	Ventotene (LT)
Study and training day on the monitoring of forced return operations addressed to the Guarantor of persons for subject to restrictive measures of personal liberty in the Campania Region - AMIF Project	National Guarantor	Naples
Study and training day on “Forced Returns: Guarantees and Remedies”, organized in collaboration with and aimed at regional monitors and stakeholders - AMIF Project	National Guarantor and Sardinia Regional Guarantor	Cagliari
Lecture on “I diritti dei detenuti vivono ogni giorno” within the “Giornate seminariali per un’esecuzione penale costituzionalmente orientata” addressed to Legal-Pedagogical officials, Cultural mediators, and Directors of the UIEPE office in service at penitentiary institutes in the Campania Region”	Caserta “Luigi Vanvitelli” University - Department of Law	Santa Maria Capua Vetere (CE)
Lecture to young judges in training (MOT)	Scuola Superiore della Magistratura	Scandicci (FI)
Course “Diritto dell’esecuzione penale e tutela internazionale dei diritti e delle libertà fondamentali” on the topic “Obblighi inderogabili e diritti inalienabili nella privazione della libertà”	Pavia University	Pavia
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Catania
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Palermo
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Bari
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Ancona
Training course “Etica e sicurezza: Coordinamento e gestione degli eventi critici” on the topic “La dignità della persona detenuta”	Scuola dell’esecuzione penale “Piersanti Mattarella”	Rome
Summer School “Management and Migration Flows” on the topic “Migranti e libertà negata. Lo sguardo del Garante nazionale”	Bari “Aldo Moro” University - Department of Law	Bari
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Naples
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Padua
Lecture by President Palma at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Udine
Training course for Pedagogical Officers of the Department of Juvenile and Community Justice on the topic “Garante dei diritti delle persone private della libertà personale: l’organizzazione e le funzioni”	Department of Juvenile and Community Justice	Rome

*Follows

Subject	Promoting Authority	Venue
Course of Criminal Procedural Law and Criminal Execution Law	"Guido Carli" University	Rome
Lecture on "Diritti Umani"	School of Journalism "Lelio Basso"	Rome
Training on the role and duties of the National Guarantor at the 141 th Training Course for Carabinieri Recruits	Ministry of Defence	Turin
Training on the role and duties of the National Guarantor at the 141 th Training Course for Carabinieri Recruits	Ministry of Defence	Rome
Lecture on "41-bis e dintorni"	Milan University - Department of Law	Milan
Lecture at the information seminar on the treatment of the persons deprived of liberty for the Commanders of the Local Units of the Carabinieri corps	Ministry of Defence	Reggio Calabria
Lecture on "Il senso del limite" at the Scuola per una cittadinanza responsabile - Conoscere per decidere 2022/2023	Italiadecide	Rome
Training on the role and duties of the National Guarantor at the 141 th Training Course for Carabinieri Recruits	Ministry of Defence	Iglesias (CA)
Training on the role and duties of the National Guarantor at the 141 th Training Course for Carabinieri Recruits	Ministry of Defence	Reggio Calabria
Training on the role and duties of the National Guarantor at the 141 th Training Course for Carabinieri Recruits	Ministry of Defence	Campobasso
Training on the role and duties of the National Guarantor at the 141 th Training Course for Carabinieri Recruits	Ministry of Defence	Taranto
Lecture on "La tutela dei diritti nell'esecuzione penale e la rieducazione come diritto soggettivo" as part of the course "Il principio rieducativo della pena, tra teoria e prassi"	Scuola Superiore Sant'Anna	Pisa
Training workshop organized by the National Guarantor on "Le regole delle procedure di rimpatrio forzato nell'ambito della Direttiva del Ministro dell'interno del 19 maggio 2022"	National Guarantor	Rome
Training and Update Seminar "Carcere: il potere della cultura"	CESP-Rete delle scuole ristrette	Turin
Training Day of the Local Guarantors Network on the topic Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities	National Guarantor e Guarantor of the Municipality of Bologna	Bologna
National Guarantor's Training Day on "Profili di limitazione della libertà personale nei confronti dei minori nell'ambito dei procedimenti giudiziari in materia di affidamento e responsabilità genitoriale"	National Guarantor	Rome
Higher training course of the National Guarantor, Scuola Grande di San Rocco	National Guarantor	Venice
Antigone onlus's Annual residential training	Antigone onlus	Reggello (FI)
Training workshop organized by the National Guarantor on "Le regole delle procedure di rimpatrio forzato nell'ambito della Direttiva del Ministro dell'interno del 19 maggio 2022" - AMIF Project	National Guarantor	Rome
Lecture at the training course for State Police operators for qualifying as escorts for forced return operations on the topic "Codice di condotta Frontex e attività di monitoraggio dei rimpatri forzati"	Police School, Nettuno	Rome
Lecture at the training course for State Police operators for qualifying as escorts for forced return operations on the topic "Codice di condotta Frontex e attività di monitoraggio dei rimpatri forzati"	Police School, Nettuno	Rome

*Follows

Subject	Promoting Authority	Venue
Course on Business and Human Rights	Unione forense per la tutela dei diritti umani	online
Annual pastoral update course for prison chaplains	Military Ordinariate in Italy	Assisi (PG)
Seminar on "41-bis special regime" organized by the Department of Law and Social Sciences of Reggio's Mediterranea University	Reggio Calabria Mediterranea University, Department of Economics, Law, and Humanities	Reggio Calabria
Training on "The role of the National Guarantor for the rights of persons deprived of personal liberty" at the 7 th Training course for Assistant Inspectors of the Penitentiary Police Corps	DAP – General Directorate of Training	San Pietro Clarenza (CT)
Training on "The role of the National Guarantor for the rights of persons deprived of personal liberty" at the Training course for Assistant Inspectors of the Penitentiary Police	DAP – General Directorate of Training	Parma
Lecture at the convention "L'articolo 3 della Convenzione europea dei diritti dell'uomo e l'Italia" as part of the lecture series of the module Jean Monnet in "European Criminal Justice"	Teramo University	online
Lecture on the topic "Circoscrivere il fenomeno per la via meno battuta: spunti dalle fonti nazionali e internazionali" at the Convention "Sovraffollamento e crisi del sistema carcerario. Il problema irrisolvibile"	Bergamo University - Department of Law	Bergamo
<i>Lectio magistralis</i> on "I diritti umani" at the Convention "Pena detentiva e misure alternative"	Republic of San Marino University	San Marino
Lecture on "Migranti e libertà negata. Lo sguardo del Garante nazionale" at the Summer School "Management and Migration Flows"	Bari "Aldo Moro" University - Department of Law	Bari
Lecture on "Misure di sicurezza privative della libertà personale e tutela dei diritti" at the Convention "Privazione della libertà e sui diritti fondamentali – i luoghi dell'incontro tra disagio psichico e privazione della libertà"	Summer School of the Antigone Association and the Department of Law at the University of Turin	Avigliana (TO)
Lecture on "Le forme della totalità", at the International studies convention "Diritto funambolico: tra libertà personale e poteri dell'amministratore di sostegno e del giudice tutelare"	Chieti University	Chieti
Lecture on "La condanna intervenuta nei confronti dell'Italia per la violazione dell'art. 3 CEDU nel 2014 e sulle vicende intervenute all'interno del nostro ordinamento a seguito di tale pronuncia" at the convention "Situazione attuale delle carceri italiane anche a seguito di quanto avvenuto con l'emergenza sanitaria e sul sovraffollamento carcerario"	Bocconi University - Department of Law	Milan
Studies seminar on "La forza di polizia - uno studio criminologico sulla violenza"	Milan University	Milan
Seminar "Gli organismi di tutela dei diritti umani: Modelli a confronto tra Europa e America latina"	Bari "Aldo Moro" University - Department of Political Sciences	online
Training on "Gli organismi e le autorità di garanzia: il Garante nazionale, Garanti regionali e comunali, Comitato per la prevenzione della tortura" at the Training course for Assistant Superintendents of the Penitentiary Police	DAP – General Directorate of Training	Sulmona (AQ)
Internal training course on the EU Regulation 2016/679 of the European Parliament and Council of 27 April 2016 (Regulation on the protection of personal data)	National Guarantor	Rome
Training on "Soft law in materia di standard minimi per la detenzione" at the 7 th Course for Assistant Inspectors of the Penitentiary Police	DAP – General Directorate of Training	San Pietro Clarenza (CT)
Lectures by the National Guarantor at the training initiative for the staff of adult penitentiary institutions on the UN Rules "Nelson Mandela"	DAP – General Directorate of Training	Penitentiary Administration Education Institute - Castiglione delle Stiviere (MN)
Training on the role and duties of the National Guarantor at the course for Carabinieri officers specialized in Forestry protection.	Ministry of Defence	Rome

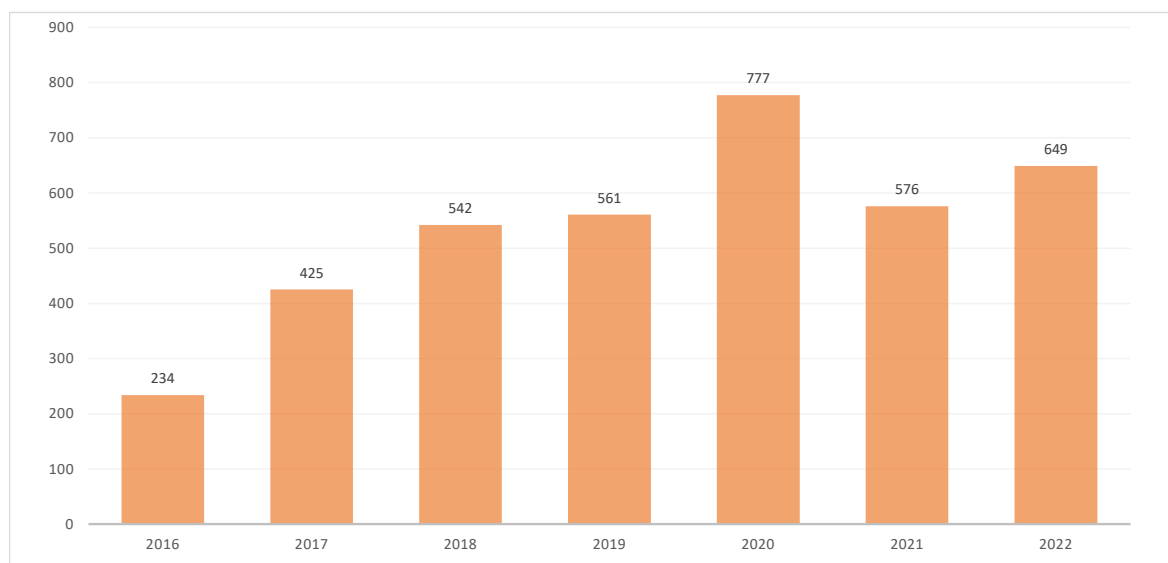
Table 2.1 - Complaints ex art. 35 P.L. and reports - Historical data 2016-2022

Year	Total cases of reports and complaints
2016	234
2017	425
2018	542
2019	561
2020	777
2021	576
2022	649
Total	3.764

Table 2.1 highlights as the highest concentration of complaints and reports was recorded in 2020, in coincidence with the spreading of the Sars-CoV-2 health emergency. The data finds correspondence in the following table 2.3. In fact, during the following year, was recorded the highest concentration of criticalities concerning the protection of the rights to health.

Source: National Guarantor for the rights of persons deprived of personal liberty
Thematic Unit: Deprivation of Liberty in Criminal Justice System

Chart 2.1 - Complaints ex art. 35 P.L. and reports - Historical data 2016-2022



Source: National Guarantor for the rights of persons deprived of personal liberty
Thematic Unit: Deprivation of Liberty in Criminal Justice System

Table 2.2 - Complaints ex art. 35 of the P.L. and Reports submitted to the National Guarantor Authority, breakdown by Penitentiary Institute - Year 2022

Penal Institutes	No. of Complaints ex art. 35 P.L. and Reports	(of which) Complaints ex art. 35 P.L. of persons under 41-bis regime	No. of average presence in the Institutes
Opera prison "I.C.R" prison (CR)	33	18	1.245
Oristano "S. Soro" prison (CR)	28		263
Regina Coeli prison (CC)	21		964
Sassari "G. Bacchiddu" prison (CC)	19	11	406
Parma prison (CR)	18	6	689
Rome-Rebibbia "R. Cinotti" prison N.C.1 (CC)	17	3	1.399
Pavia prison (CC)	16		593
Pavia prison (CC)	15		555
Turin "Lorusso e Cutugno" prison (CC)	13		1.425
Catanzaro "U. Caridi" prison (CC)	13		655
Santa Maria Capua Vetere "F. Uccella" prison (CC)	13		825
L'Aquila prison (CC)	10	10	163
Naples-Secondigliano "P. Mandato" prison (CC)	11		1.166
Spoletto prison (CR)	11	5	442
Rome-Rebibbia prison (CR)	10	3	290
Saluzzo "R. Morandi" prison (CR)	10		384
Palermo-Pagliarelli "A. Lorusso" prison	10		1.242
Bologna "R. D'Amato" prison (CC)	9		753
Terni prison (CC)	9	2	514
Sulmona prison (CR)	8		415
Sanremo prison (CC)	8		237
Ferrara "C. Salta" prison (CC)	8		341
Naples-Poggioreale "G. Salvia" prison (CC)	8		2.197
Melfi prison (CC)	8		173
Taranto prison (CC)	8		739
Tempio Pausania "P. Pittalis" prison (CR)	8		183
Viterbo prison (CC) N.A.	7		520
Cuneo prison (CC)	7	7	238
Ivrea prison (CC)	7		221
Frosinone "G. Paglieti" (CC)	6		498
Rome-Rebibbia "G. Stefanini" female prison (CC)	6		334
Vicenza prison (CC)	6		381
Rossano prison (CR) N.A.	6		286
Lecce prison (CC) N.A.	6		1.129
Agrigento "P. Di Lorenzo" prison (CC)	6		303
Augusta prison (CR)	6		468
Florence - Sollicciano prison (CC)	6		558
Alessandria "San Michele" prison (CR)	5		279
Modena prison (CC)	5		412
Cosenza "S. Cosmai" prison (CC)	5		242
Benevento prison (CC)	5		374
Monza prison (CC)	5		603
Voghera prison (CC) N.A.	5		397
Pisa prison (CC)	5		278
Larino prison (CC)	4		144
Velletri prison (CC)	4		479
La Spezia prison (CC)	4		166
Padova prison (CC)	4		117
Padova prison (CR) N.A.	4		603
Verona Montorio prison (CC)	4		502
Reggio Emilia penal institutions	4		341
Palmi "F. Salsone" prison (CC)	4		148
Reggio Calabria "G. Panzera" prison (CC)	4		191
Cagliari "E. Scala" prison (CC)	4		540
Palermo-Ucciadone "C. Di Bona" prison (CR)	4		361
Porto Azzurro "P. De Santis" prison (CR)	4		256
Prato prison (CC)	4		520
Civitavecchia prison (CC) N.A.	3		468
Biella prison (CC)	3		371
Genoa-Marassi prison (CC)	3		682

*Follows

Penitentiary Institutes	No. of Complaints ex art. 35 P.L. and Reports	(of which) Complaints ex art. 35 P.L. of persons under 41-bis regime	No. of average presence in the Institutes
Rovigo prison (CC)	3		206
Tolmezzo prison (CC)	3	1	196
Ancona prison (CC)	3		312
Ascoli Piceno prison (CC)	3		98
Pesaro prison (CC)	3		191
Paola prison (CC)	3		158
Vibo Valentia prison (CC) N.A.	3		343
Avellino-Bellizzi "A. Graziano" prison (CC)	3		496
Milan-San Vittore "F. Di Cataldo" prison (CC)	3		852
Vigevano prison (CR)	3		372
Bari "F. Rucci" prison (CC)	3		434
Matera prison (CC)	3		167
Trani prison (CC)	3		390
Caltagirone prison (CC)	3		377
Caltanissetta prison (CC)	3		220
Catania "Piazza Lanza" prison (CC)	3		301
Messina prison (CC)	3		207
Livorno prison (CC)	3		270
Campobasso prison (CC)	2		128
Chieti prison (CC)	2		100
Lanciano prison (CC)	2		255
Pescara prison (CC)	2		334
Rieti prison (CC) N.A.	2		315
Teramo prison (CC)	2		397
Vasto Workhouse	2		97
Asti prison (CR)	2		303
Chiavari prison (CR)	2		61
Novara prison (CC)	2	2	170
Gorizia prison (CC)	2		63
Trento - Spini di Gardolo prison (CC)	2		326
Udine prison (CC)	2		130
Venice - Santa Maria Maggiore prison (CC)	2		213
Ancona - Barcaglione prison (CR)	2		81
Castellfranco Emilia prison (CR)	2		78
Fossombrone prison (CR)	2		87
Rimini prison (CC)	2		134
Reggio Calabria-Arghillà prison (CC)	2		315
Bollate "Il C.R." prison	2		1,381
Sondrio prison (CC)	2		35
Brindisi prison (CC)	2		188
Nuoro prison (CC)	2		252
Catania-Bicocca prison (CC)	2		205
Gela prison (CC)	2		58
Giarre prison (CC)	2		53
Siracusa prison (CC)	2		622
Trapani "P. Cerulli" prison (CC)	2		475
Perugia "New penitentiary complex Capanne" prison (CC)	2		355
San Gimignano prison (CR)	2		268
Cassino prison (CC)	1		148
Isernia prison (CC)	1		59
Latina prison (CC)	1		132
Paliano prison (CR)	1		68
Rome-Rebibbia "3rd block" prison (CC)	1		75
Verbania prison (CC)	1		70
Vercelli prison (CC)	1		279
Treviso prison (CC)	1		199
Venice - Giudecca Female prison (CR)	1		72
Crotone prison (CC)	1		132
Ariano Irpino "P. Campanello" prison (CC)	1		222
Eboli prison (CR)	1		36

*Follows

Penitentiary Institutes	No. of Complaints ex art. 35 P.L. and Reports	(of which) Complaints ex art. 35 P.L. of persons under 41-bis regime	No. of average presence in the Institutes
Salerno "A. Caputo" prison (CC)	1		451
Sant'Angelo dei Lombardi "L. Famiglietti R. Forgetta G. Bartolo" prison (CR)	1		133
Bergamo "Don Fausto Resmini" prison (CC)	1		516
Brescia-Canton Monbello "N. Fischione" prison (CC)	1		318
Brescia-Verziano prison (CR)	1		103
Busto Arsizio prison (CC)	1		393
Como prison (CC)	1		366
Lucera prison (CC)	1		148
Trani female prison (CR)	1		41
Turi prison (CR)	1		117
Florence "Mario Gozzini" prison (CC)	1		78
Lucca prison (CC)	1		74
Massa prison (CR)	1		219
Volterra prison (CR)	1		174
Milan IPM	1		58
Total	648	68	49.418

During the year under consideration, out of 190 penitentiary institutes, the Office of the National Guarantor received complaints and reports ex art. 35 P.L. by inmates incarcerated in 134 of them. The fact that the inmates of 56 penitentiary institutes did not send any complaints or reports could mislead our interpretation of data. In fact, it can indicate an overall good situation, but it may also hinder some disfunctions in the system. Conversely, the institutes interested by the majority of the reports do not necessarily should be interpreted as housing the most problematic situation. In reference to individual facilities and in relation to their respective average occupancy, the penitentiary institutions most affected by complaints under Article 35 P.L. and reports are those in Oristano, L'Aquila (intended for the incarceration of individuals subject to the special regime under Article 41 bis P.L.), and Sondrio.

The sole IPM interested in 2022 by complaints ex art 35 P.L. is the Milan institute.

Source and data processing: National Guarantor for the rights of persons deprived of personal liberty
Deprivation of Liberty in Criminal Justice System Unit

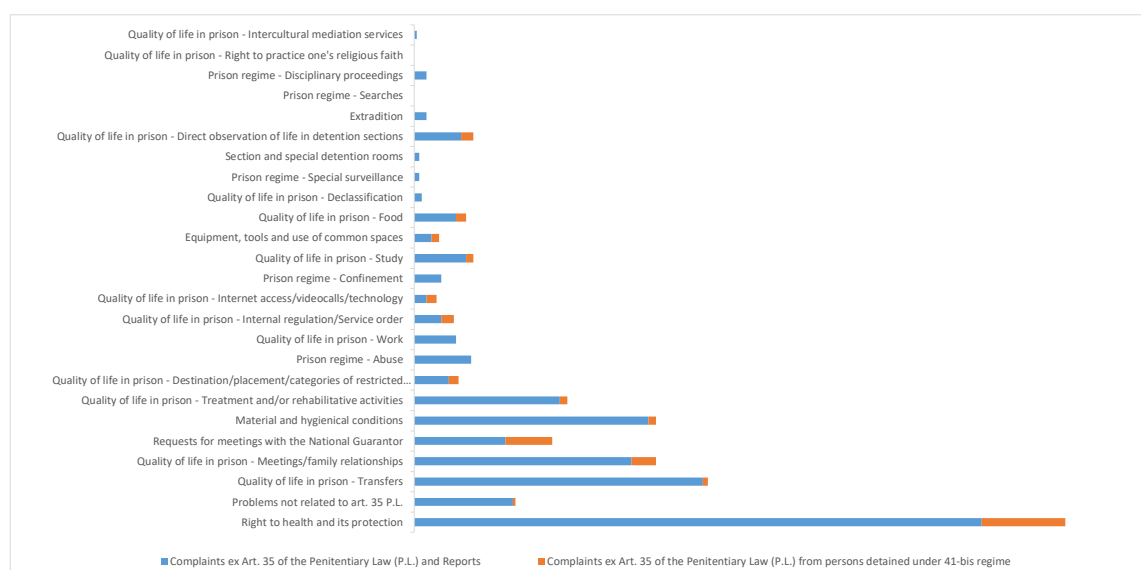
Table 2.3 – Complaints ex art. 35 P.L. and Reports submitted to the National Guarantor, breakdown by type of criticality (2022)

Critical Area*	No. of complaints ex art. 35 P.L. and reports*	No. of complaints from persons detained under 41-bis regime P.L.
Right to health and its protection	230	34
Problems not related to art. 35 P.L.	40	1
Quality of life in prison - Transfers	117	2
Quality of life in prison - Meetings/family relationships	88	10
Requests for meetings with the National Guarantor	37	19
Material and hygienical conditions	95	3
Quality of life in prison - Treatment and/or rehabilitative activities	59	3
Quality of life in prison - Destination/placement/categories of restricted persons	14	4
Prison regime - Abuse	23	0
Quality of life in prison - Work	17	0
Quality of life in prison - Internal regulation/Service order	11	5
Quality of life in prison - Internet access/videocalls/technology	5	4
Prison regime - Confinement	11	0
Quality of life in prison - Study	21	3
Equipment, tools and use of common spaces	7	3
Quality of life in prison - Food	17	4
Quality of life in prison - Declassification	3	0
Prison regime - Special surveillance	2	0
Section and special detention rooms	2	0
Quality of life in prison - Direct observation of life in detention sections	19	5
Extradition	5	0
Prison regime - Searches	0	0
Prison regime - Disciplinary proceedings	5	0
Quality of life in prison - Right to practice one's religious faith	0	0
Quality of life in prison - Intercultural mediation services	1	0
Total	829	100

* N.B.: To each complaint may correspond one or more areas of criticalities

Source: National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3 – Complaints ex art. 35 P.L. and Reports submitted to the National Guarantor, breakdown by type of criticality (2022)



* N.B.: To each complaint may correspond one or more areas of criticalities

Source: National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty in Criminal Justice System Unit

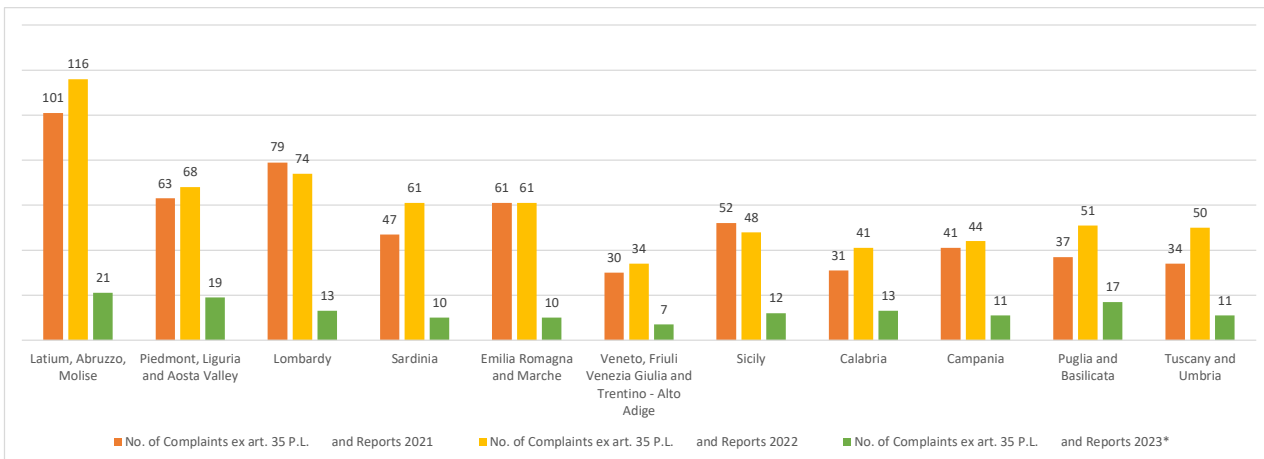
Table 2.4 - Complaints ex art. 35 P.L. and Reports - breakdown by place of origin. Historical series 2021, 2022 and 2023 (as at 31/03/2023)

Geographic area/Regional and inter-regional authority of the penitentiary administration	No. of complaints ex art. 35 P.L. and reports 2021	No. of complaints ex art. 35 P.L. and reports 2022	No. of complaints ex art. 35 P.L. and reports 2023*	Total
Latium, Abruzzo, Molise	101	116	21	238
Piedmont, Liguria and Aosta Valley	63	68	19	150
Lombardy	79	74	13	166
Sardinia	47	61	10	118
Emilia Romagna and Marche	61	61	10	132
Veneto, Friuli Venezia Giulia and Trentino - Alto Adige	30	34	7	71
Sicily	52	48	12	112
Calabria	31	41	13	85
Campania	41	44	11	96
Puglia and Basilicata	37	51	17	105
Tuscany and Umbria	34	50	11	95
Total	576	648	144	1.368

*Data for current year as at 31/03/2023

Source: National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.4 - Complaints ex art. 35 P.L. and Reports - breakdown by place of origin. Historical series 2020, 2021 and 2022 (as at 31/03/2022)



*Data for current year as at 31/03/2023

Source: National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty in Criminal Justice System Unit

Table 2.5 - Reports on violations of the conditions of personal liberty within Healthcare, Sociohealthcare and Welfare Facilities handled by the National Guarantor from 01/01/2022 to 31/03/2023

Type	Total
New reports	56
Closed reports	37
Total reports*	30

**Data on reports includes those filed before the period in consideration and still pending at 31/03/2023*

*Source: National Guarantor for the rights of persons deprived of personal liberty
Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities*

Table 2.6 - Complaints ex Art. 14, para 2 bis of the Immigration Consolidated Act and reports concerning situations of deprivation of liberty of migrants - Years 2021-2022-2023

Type	2021	2022	2023*	Total
Reports based on jurisdiction	78	91	22	191
Reports based on knowledge	50	64	12	126
Complaints	3	4	0	7
Total	131	159	34	324

data as at 31/03/2023

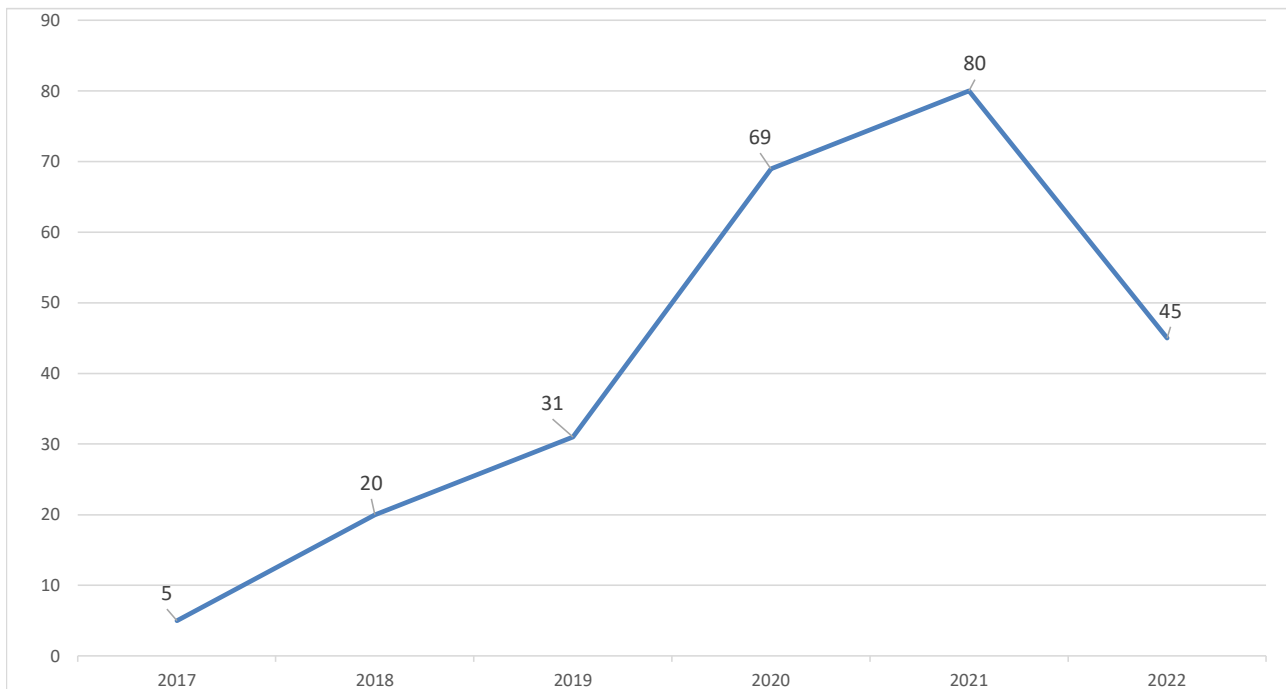
Source: National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 2.7 - Reports concerning the violation of the right to health within the context of deprivation of liberty, submitted to the National Guarantor. Years 2017-2022

Subject	2017	2018	2019	2020	2021	2022
Elderly/disabled persons residential facilities	0	8	15	53	67	26
SPDC (included IPO)	2	9	11	7	10	6
REMS	3	3	5	9	0	5
Hospitals	0	0	0	0	0	3
Minors	0	0	0	0	3	3
Other	0	0	0	0	0	2
Total	5	20	31	69	80	45

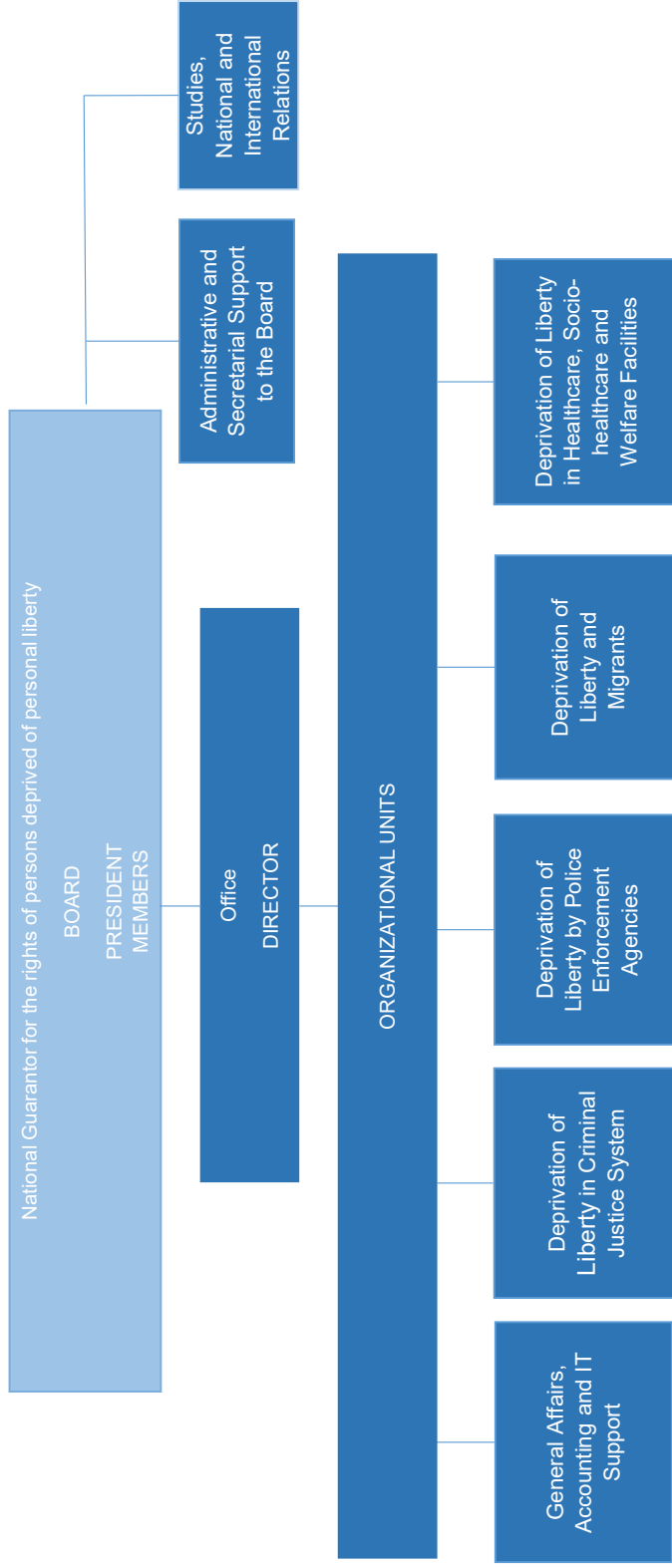
Source: National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Chart 2.7 - Reports concerning the violation of the right to health within the context of deprivation of liberty, submitted to the National Guarantor. Years 2017-2022



Source: National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Chart 3.1 - Organisation Chart of the Office



Section 3. Organization

Table 3.1 - Office Composition

Staff for Areas/Roles and Qualifications			
Area/Profile - Role/Qualification	Women	Men	Total
Ministry of Justice			
Director General	1		1
Penitentiary Director*	1		1
Director of Division		1	1
Director		1	1
Central Function - Area 2	4	3	7
Administrative Assistant		1	1
IT Assistant	1		1
Legal Assistant	2	1	3
Senior Court Officer	1		1
Operator		1	1
Central Function - Area 3	5	2	7
Administrative Director	1		1
Administrative Officer	1		1
Accounting Officer	1		1
Social Service Officer	1		1
Pedagogical Legal Officer		1	1
Pedagogical Officer		1	1
Language Officer	1		1
Penitentiary police, Inspector, Agent, and Assistants		6	6
Deputy Inspector		2	2
Assistant		1	1
Special Agent		3	3
Ministry of the Interior			
State Police - Direction		1	1
Police Commissioner		1	1
State Police - Area 2	1		1
Administrative Assistant	1		1
Ministry of Health			
ASL - Category D	1		1
Administrative Associate	1		1
ULSS - Category C	1		1
Administrative Assistant	1		1
Total	13	13	26

*temporary appointment for the project implementation

Source: National Guarantor for the rights of persons deprived of personal liberty

Table 3.2 - AMIF Consultants

Name	Professional activity	Type of collaboration
Silvia Casiraghi	Expert in EU Project Reporting	Professional Consulting
Salvatore Fachile	Lawyer Expert in Immigration Law	Professional Consulting
Luca Faenzi	Web/Social Expert	Professional Consulting
Andrea Gandino	Lawyer	Professional Consulting
Marco Gori	IT Expert	Professional Consulting
Maria Donatella Laricchia	Expert in Legal Matters	Professional Consulting
Vito Longo	Senior Auditor	Professional Consulting
Antonio Marchesi	Expert in Human Rights	Professional Consulting
Aldo Morrone	Expert in Forensic Medicine	Professional Consulting
Dario Pasquini	Expert in Communications	Professional Consulting
Pieritalo Maria Pompili	Professor	Professional Consulting
Nicola Cocco	Expert in immigration medicine	Professional Consulting
Monica Serrano	Expert in ethno-psychiatry	Professional Consulting

Table 3.3 - Final Financial Statements as at 31/12/2022

Items	Amount
Wages and salaries	
Remuneration paid to the Guarantor's Board Members (Gross)	135,863.64
of which net	100,176.00
Taxes paid (IRFEF/IRAP)	35,687.64
Remuneration paid to the Guarantor's Office Staff (Gross)	(borne by the Administration bodies of origin)
Collaborators	16,373.20
Special projects	15,000.00
Operating costs	
Publication of the Annual Report	21,210.00
Print, Publication and Translations	7,777.50
Graphics Service	5,500.00
Stationary and other operational expenses	8,218.41
Postal expenses/representation expenses/subscriptions	1,303.58
VAT	14,503.32
IRAP	10,643.64
Withholding tax	27,614.08
Total	128,143.73
Missions:	
→ Conferences/Conventions	10%
→ Regional visits	30%
→ Ad hoc visits - Thematic visits	25%
→ Institutional visits	10%
→ Training/teaching activities	25%
Expenses sustained for mission/event planning	84,816.64
Reimbursement for staff employed in mission	17,386.27
Travel expenses	7,881.82
Total	110,084.73
Total Expenses	338,404.46

The above financial statements concerns the PG1 of the related budget chapter.

Source: National Guarantor for the rights of persons deprived of personal liberty

Chart 3.3 - Missions and travel expenses (2022)

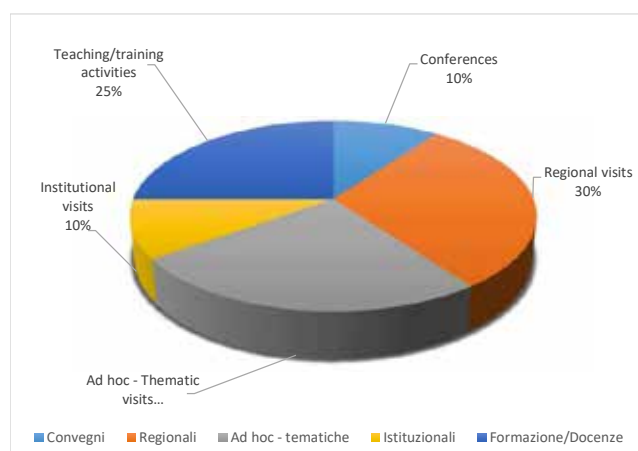
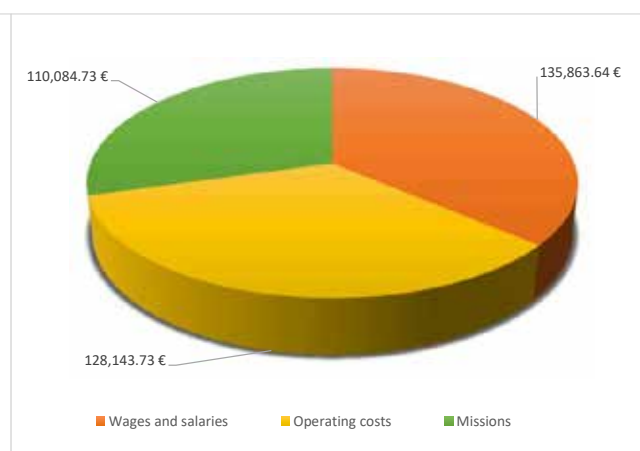


Chart 3.3 bis - Operating costs 2022



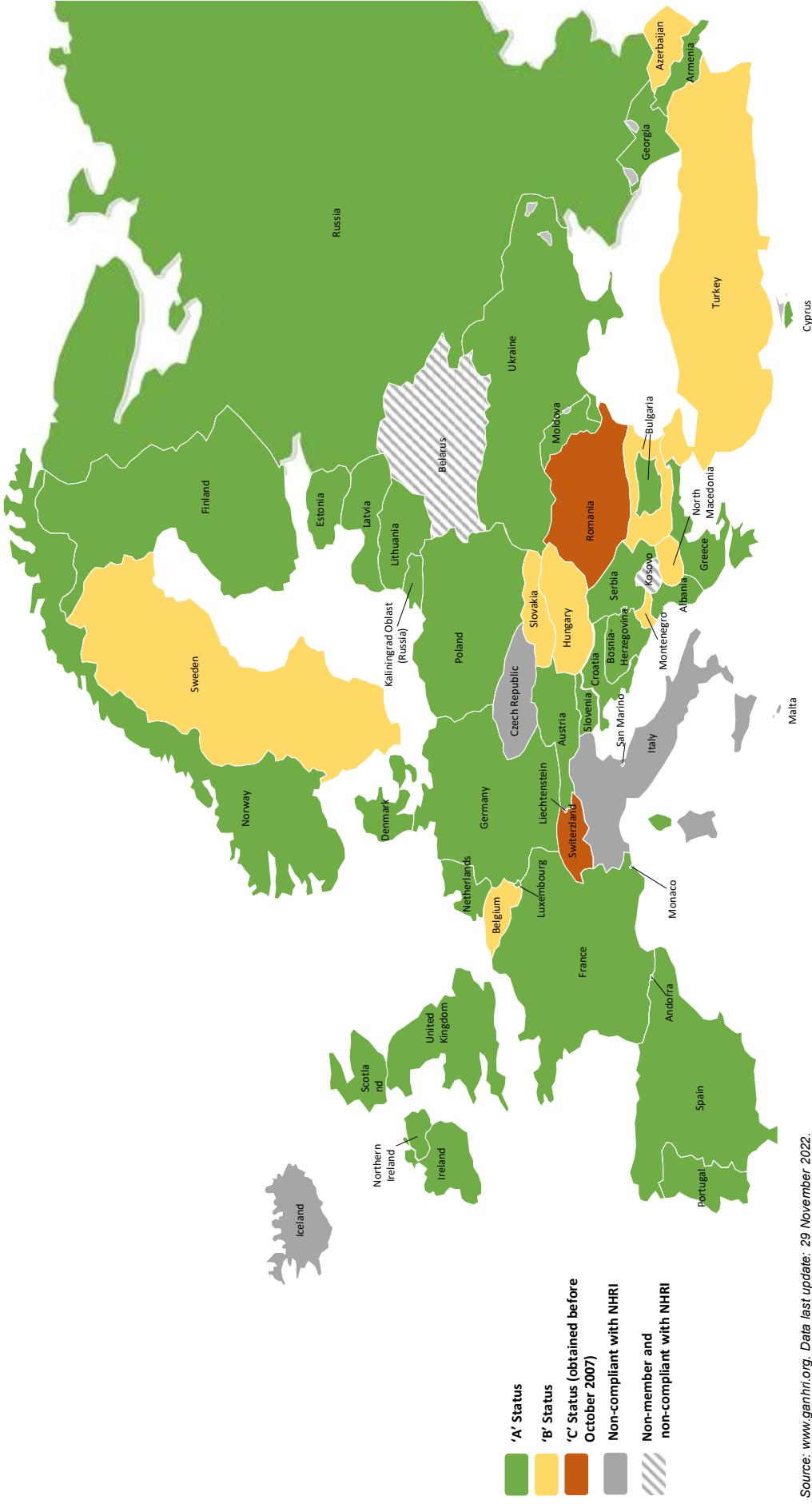
Source: National Guarantor for the rights of persons deprived of personal liberty

Table 3.4 – List of the experts and consultants providing their services free of charge for the Office of the National Guarantor for the rights of persons deprived of personal liberty (updated to 31/03/2023)

Alessandria	Ballerini	Genoa - Lawyer
Ilaria	Boiano	Maddaloni (CE) - Lawyer
Rita	Bressani	Treviso - Sociologist
Maria	Brucale	Palermo - Lawyer
Antonella	Calcaterra	Verbania - Lawyer
Paolo	Carlotto	Padua - Retired Chief of Public Security
Laura	Cesaris	Melegnano (MI) - Adjunct Professor
Vincenzo	De Marco	Rome - General of the Carabinieri Corps
Elisabetta	de Robertis	Bari - Lawyer
Domenico	Della Porta	Salerno - Physician
Maria Lucia	Dell'Anna	Lecce - Physician
Dario	Di Cecca	Gaeta - Lawyer
Alberto	di Martino	La Spezia - Full Professor
Vito Antonio Rosario	Diomeda	Galatina (LE) - Former General of the Carabinieri Corps
Angelo	Fioritti	Bologna - Psychiatrist
Antonio	Labianco	Lendinara (RO) - Former General of the Carabinieri Corps
Anna	Lorenzetti	Senigallia (AN) - Associate Professor
Maria Grazia	Marinangeli	L'Aquila - Psychiatrist
Michele	Miravalle	Asti - Research Fellow
Alessandro	Pascazio	Bari - University Collaborator
Michele Giacomo Carlo	Passione	Pinerolo (TO) - Lawyer
Daniele	Piccione	Trieste - Parliamentary Advisor
Ciro	Pizzo	Aversa (CE) - Researcher
Pieritalo Maria	Pompili	Rome - Psychiatrist
Daniela	Ronco	Chieri (TO) - Researcher
Giovanni	Rossi	Bozzolo (MN) - Psychiatrist
Gennaro	Santoro	Avellino - Lawyer
Silvia	Talini	Rome - Researcher
Ciro	Tarantino	Avellino - Full Professor
Giovanni	Torrente	Rivoli (TO) - Research Fellow
Luca	Vasaturo	Rome - Lieutenant Colonel of the Carabinieri Corps
Alberto Leopoldo Gaetano Maria	Zanobio	Milan - Psychiatrist
Pier Luca	Zuppi	Rome - Psychiatrist

Source: National Guarantor for the rights of persons deprived of personal liberty

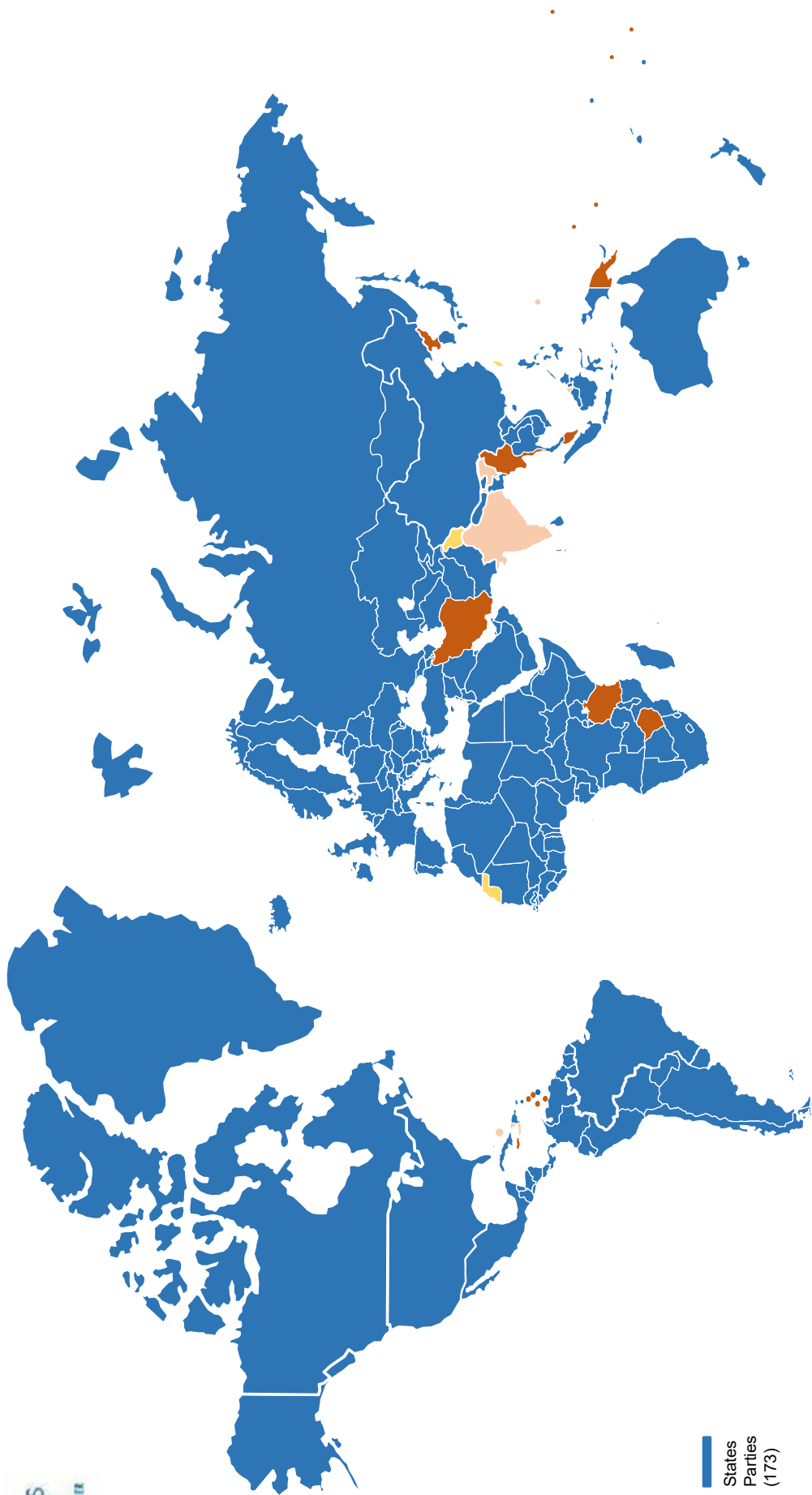
Map 4.1 - NHRI of the Member States of the Council of Europe



Source: www.ganhri.org. Data last update: 29 November 2022.

Section 4. The International Network

Map 4.2 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)



- States Parties (173)
- Non-State Parties (20)
- Signatory States (4)
- Non-UN Territories/States

Table 4.2 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

CAT Member States*					Signatory
Afghanistan	Congo	Iceland	Mozambique	Seychelles	Brunei
Albania	South Korea	Indonesia	Nauru	Sierra Leone	Haiti
Algeria	Costa Rica	Iraq	Nepal	Syria	India
Andorra	Ivory Coast	Ireland	Namibia	Slovakia	Palau
Angola	Croatia	Comoro Islands	New Zealand	Slovenia	
Antigua and Barbuda	Cuba	Marshall Islands	Nicaragua	Somalia	
Saudi Arabia	Denmark	Israel	Niger	Spain	
Argentina	Ecuador	Italy	Nigeria	Sri Lanka	
Armenia	Egypt	Kazakhstan	Norway	United States of America	
Australia	El Salvador	Kenya	Oman	State of Palestine	
Austria	United Arab Emirates	Kiribati	Netherlands	South Africa	
Azerbaijan	Eritrea	Kyrgyzstan	Pakistan	Sudan	
Bahamas	Estonia	Kuwait	Panama	South Sudan	
Bahrein	Eswatini	Laos	Paraguay	Suriname	
Bangladesh	Ethiopia	Latvia	Peru	Sweden	
Belgium	Fiji	Lebanon	Poland	Switzerland	
Belize	Philippines	Lesotho	Portugal	Tajikistan	
Benin	Finland	Liberia	Qatar	Thailand	
Belarus	France	Libya	United Kingdom and Northern Ireland	Timor East	
Bolivia	Gabon	Liechtenstein	Czech Republic	Togo	
Bosnia and Herzegovina	Gambia	Lithuania	Central African Republic	Tunisia	
Botswana	Georgia	Luxembourg	Democratic Republic of Congo	Turkey	
Brazil	Germany	North Macedonia	Republic of Moldova	Turkmenistan	
Bulgaria	Ghana	Madagascar	Dominican Republic	Ukraine	
Burkina Faso	Djibouti	Malawi	Romania	Uganda	
Burundi	Japan	Maldives	Rwanda	Hungary	
Cambodia	Jordan	Mali	Russia	Uruguay	
Cameroon	Greece	Malta	Saint Kitts and Nevis	Uzbekistan	
Cape Verde	Grenada	Morocco	San Marino	Vanuatu	
Canada	Guatemala	Mauritania	Holy See	Venezuela	
Ciad	Guinea	Mauritius	Saint Vincent and Grenadine	Vietnam	
Chile	Guinea-Bissau	Mexico	Samoa	Yemen	
China	Equatorial Guinea	Monaco	São Tomé and Príncipe	Zambia	
Cyprus	Guyana	Mongolia	Senegal		
Colombia	Honduras	Montenegro	Serbia		

*Member States that have ratified the Convention. Source: www.ohchr.org

Adopted by the US General Assembly on 10 December 1984
Entered into force on 26 June 1987
Italy ratified CAT on 12 January 1989

Control Mechanism Committee Against Torture. The Convention against torture provides for the institution of the Committee Against Torture, composed by 10 independent experts in charge for monitoring the implementation of the Convention by the State Parties to the Convention, which have the obligation to present periodical reviews to the Committee. This review should illustrate the methods used to ensure, at national level, the rights established by the Convention.

173

State Parties

20

Non-State Parties

4

Signatory States

MAP 4.3 - Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and National Preventive Mechanisms (NPMs)

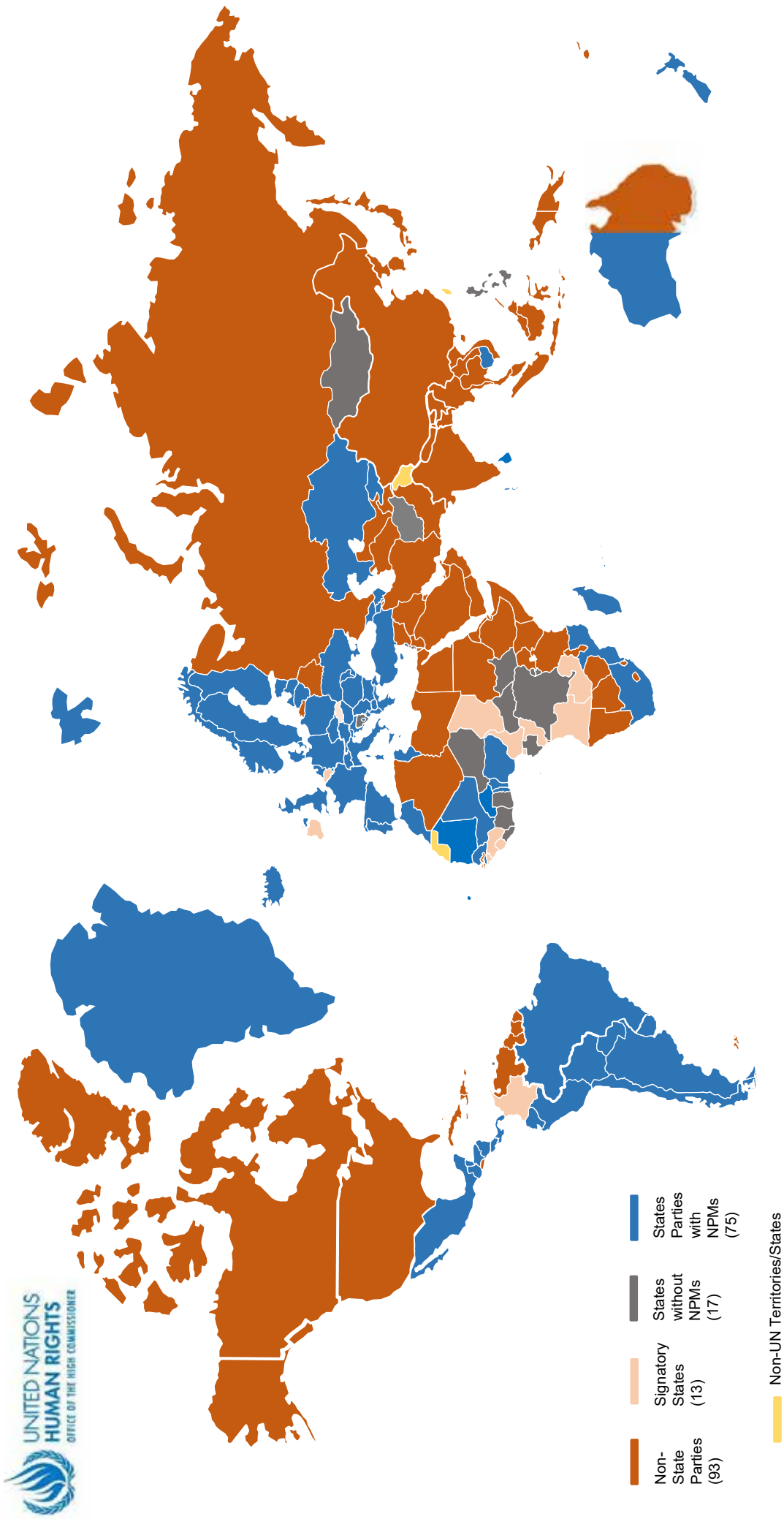


Table 4.3 - Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

OPCAT State Parties and National Preventive Mechanisms						Signatory States
Afghanistan	Cape Verde*	Ghana	Maldives*	Norway*	Serbia*	Angola
Albania*	Chile*	Greece*	Mali*	New Zealand*	Slovenia*	Belgium
Argentina*	Congo	Guatemala*	Malta*	Netherlands*	Spain*	Cameroon
Armenia*	Ivory Coast	Honduras	Morocco*	Panama*	Sri Lanka*	Ciad
Australia (Western)*	Cyprus*	Iceland*	Mauritania*	Paraguay*	State of Palestine	Guinea
Austria*	Costa Rica*	Italy*	Mauritius*	Peru*	South Africa*	Guinea-Bissau
Azerbaijan*	Croatia*	Kazakhstan*	Mexico*	Poland*	South Sudan	Ireland
Belize	Denmark*	Kyrgyzstan*	Moldova*	Portugal*	Sweden*	Democratic Republic of Congo
Benin	Ecuador*	Latvia*	Mongolia	United Kingdom*	Switzerland*	Sierra Leone
Bolivia*	Estonia*	Lebanon*	Montenegro*	Czech Republic*	Togo*	Slovakia
Bosnia and Herzegovina	Philippines	Liberia	Mozambique*	Central African Republic	Tunisia	Timor East
Brazil	Finland*	Liechtenstein*	Nauru	North Macedonia*	Turkey*	Venezuela
Bulgaria*	France*	Lithuania*	Nicaragua*	Romania*	Ukraine*	Zambia
Burkina Faso*	Gabon	Luxembourg*	Niger	Rwanda*	Hungary*	
Burundi	Georgia*	Madagascar*	Nigeria*	Senegal*	Uruguay*	
Cambodia*	Germany*					

*States Parties of OPCAT that have appointed their own NPM. Source: www.ohchr.org.

The **Optional Protocol to the Convention**, adopted by the United Nations General Assembly on 18 December 2002 and entered into force internationally on 22 June 2006, provides for the establishment of a **Subcommittee on the Prevention of Torture (SPT)** and independent national bodies, i.e., the National Preventive Mechanisms (NPM), with the task of preventing torture and other cruel, inhuman or degrading treatment or punishment through a system of regular visits to places where people are deprived of personal liberty. Italy ratified the Protocol with Law 195/2012. It entered into force on 3 May 2013.

The **NPM** is an independent national system of monitoring of places of deprivation of personal liberty, compliant with Art. 3 of the OPCAT. The Guarantor is the Italian National Preventive Mechanism and, among other things, has the task of promoting and fostering collaborative relationships with the territorial Guarantors and civil society, as well as coordinating the NPM system. It ensures that the execution of measures depriving of personal liberty is carried out in accordance with the laws and principles established by the Italian Constitution and international conventions on human rights ratified by Italy, the laws and regulations of the State. It has access, without any restrictions, to places of deprivation of personal liberty, to the persons detained and their related documents.



State Parties

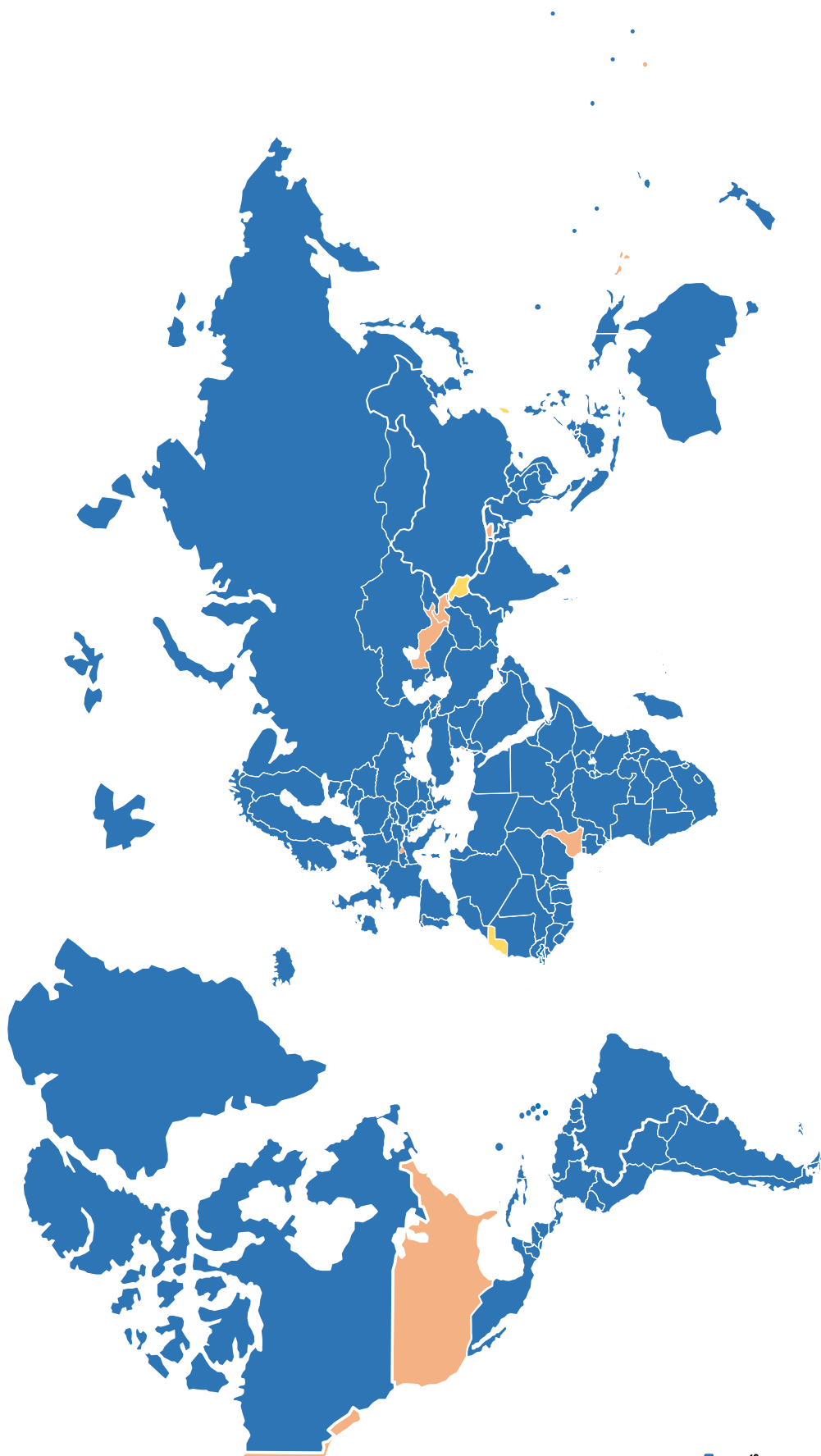


Appointed NPM



Signatory States

Map 4.4 - UN Convention on the Rights of Persons with Disabilities



- States Parties (186)
- Signatory States (8)
- Non-State Parties (4)
- Non-UN Territories/States

Table 4.4 - UN Convention on the Rights of Persons with Disabilities

State Parties*				Signatory States	
Afghanistan	South Korea	Indonesia	Namibia	Syria	Bhutan
Albania	Costa Rica	Iran	Nauru	Singapore	Cameroon
Algeria	Ivory Coast	Iraq	Nepal	Slovakia	Solomon Islands
Andorra	Croatia	Ireland	New Zealand	Slovenia	Lebanon
Angola	Cuba	Comoro Islands	Nicaragua	Somalia	Liechtenstein
Antigua and Barbuda	Denmark	Cook Islands	Niger	Spain	United States of America
Argentina	Dominica	Marshall Islands	Nigeria	Sri Lanka	Tajikistan
Saudi Arabia	Ecuador	Israel	Norway	State of Palestine	Tonga
Armenia	Egypt	Italy	Oman	South Africa	
Australia	El Salvador	Kazakhstan	Netherlands	Sudan	
Austria	United Arab Emirates	Kenya	Pakistan	Suriname	
Azerbaijan	Estonia	Kiribati	Palau	Sweden	
Bahamas	Eswatini	Kyrgyzstan	Panama	Switzerland	
Bahrain	Ethiopia	Kuwait	Papua New Guinea	Thailand	
Bangladesh	Fiji	Laos	Paraguay	Tanzania	
Barbados	Philippines	Latvia	Peru	Timor East	
Belgium	Finland	Lesotho	Poland	Togo	
Belize	France	Liberia	Portugal	Trinidad and Tobago	
Benin	Gabon	Libya	Qatar	Tunisia	
Belarus	Gambia	Lithuania	United Kingdom and Northern Ireland	Turkey	
Bolivia	Georgia	Luxembourg	Czech Republic	Turkmenistan	
Bosnia and Herzegovina	Jamaica	North Macedonia	Central African Republic	Tuvalu	
Botswana	Germany	Madagascar	Democratic Republic of Congo	Ukraine	
Brazil	Ghana	Malawi	Republic of Moldova	Uganda	
Brunei Darussalam	Djibouti	Maldives	Dominican Republic	Hungary	
Bulgaria	Japan	Malaysia	Romania	European Union	
Burkina Faso	Jordan	Mali	Rwanda	Uruguay	
Burundi	Greece	Malta	Russia	Uzbekistan	
Cambodia	Grenada	Morocco	Saint Kitts and Nevis	Vanuatu	
Cape Verde	Guatemala	Mauritania	San Marino	Venezuela	
Canada	Guinea	Mauritius	Saint Lucia	Vietnam	
Ciad	Guinea-Bissau	Mexico	Saint Vincent and Grenadine	Yemen	
Chile	Equatorial Guinea	Micronesia	Samoa	Zambia	
China	Guyana	Monaco	São Tomé and Príncipe	Zimbabwe	
Cyprus	Haiti	Mongolia	Senegal		
Colombia	Honduras	Montenegro	Serbia		
Congo	Iceland	Mozambique	Seychelles		
North Korea	India	Myanmar	Sierra Leone		

*Member States that have ratified the Convention. Source: www.ohchr.org.

Adopted by the US General Assembly on 13 December 2006
 Entered into force on 3 May 2008
 Italy ratified the Convention on 24 February 2009. EU ratified the Convention on 23 December 2010.

184

State Parties

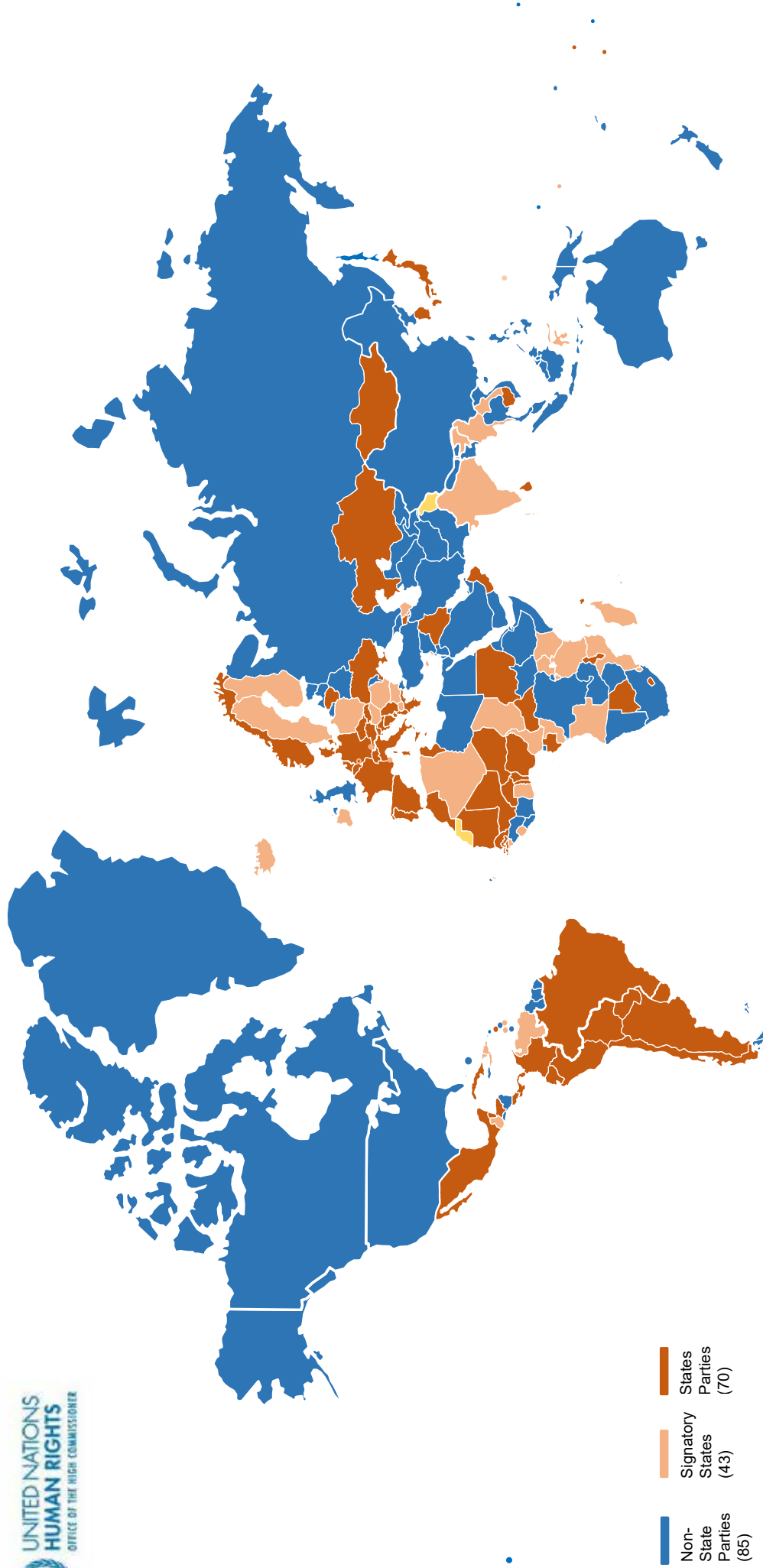
8

Non-State Parties

6

Signatory States

Map 4.5 - International Convention for the Protection of All Persons from Enforced Disappearance (CED)



- Non-State Parties (85)
- Signatory States (43)
- States Parties (70)
- Non-UN Territories/States

Table 4.5 - International Convention for the Protection of All Persons from Enforced Disappearance (CED)

State Parties*			Signatory States	
Albania	Gambia	Panama	Algeria	Liechtenstein
Argentina	Germany	Paraguay	Angola	North Macedonia
Armenia	Japan	Peru	Azerbaijan	Madagascar
Austria	Greece	Portugal	Bulgaria	Maldives
Belgium	Honduras	Czech Republic	Burundi	Monaco
Belize	Iraq	Central African Republic	Cameroon	Mozambique
Benin	Italy	Republic of Korea	Ciad	Palau
Bolivia	Kazakhstan	Samoa	Cyprus	Poland
Bosnia and Herzegovina	Lesotho	Senegal	Congo	Republic of Moldova
Brazil	Lithuania	Serbia	Eswatini	Dominican Republic
Burkina Faso	Luxembourg	Seychelles	Finland	Romania
Cambodia	Malawi	Slovakia	Ghana	Saint Vincent and
Cape Verde	Mali	Slovenia	Grenada	Sierra Leone
Chile	Malta	Spain	Guatemala	Sweden
Colombia	Morocco	Sri Lanka	Guinea-Bissau	Thailand
Costa Rica	Mauritania	Sudan	Haiti	Tanzania
Croatia	Mexico	Switzerland	India	Uganda
Cuba	Mongolia	Togo	Indonesia	Vanuatu
Denmark	Montenegro	Tunisia	Ireland	Venezuela
Dominica	Niger	Ukraine	Iceland	
Ecuador	Nigeria	Uruguay	Comoro Islands	
Fiji	Norway	Zambia	Kenya	
France	Oman		Laos	
Gabon	Netherlands		Lebanon	

*Member States that have ratified the Convention. Source: www.ohchr.org

Adopted by the US General Assembly on 20 December 2006
 Entered into force on 23 December 2010
 Italy ratified the Convention on 3 July 2007

70

State Parties

43

Signatory

85

Non-State

Table 5.1 - The Territorial Guarantors Network (updated as at 04/05/2023)

Region	Category	City	Guarantor	
Abruzzo	Regional Guarantor	Abruzzo	Gianmarco	Cifaldi
Calabria	Regional Guarantor	Calabria	Luca	Apulia
Catanzaro	Municipal Guarantor	Catanzaro	Luciano	Giacobbe
Crotone	Municipal Guarantor	Crotone	Federico	Ferraro
Reggio Calabria	Municipal Guarantor	Reggio Calabria	Giovanna Francesca	Russo
Reggio Calabria	Metropolitan Guarantor	Reggio Calabria	Paolo	Praticò
Campania	Regional Guarantor	Campania	Samuele	Ciambriello
Caserta	Provincial Guarantor	Caserta	Emanuela	Belcuore
Avellino	Provincial Guarantor	Avellino	Carlo	Mele
Emilia Romagna	Regional Guarantor	Emilia Romagna	Roberto	Cavaliere
Piacenza	Municipal Guarantor	Piacenza	Maria Rosa	Ponginebbi
Parma	Municipal Guarantor	Parma	Veronica	Valenti
Bologna	Municipal Guarantor	Bologna	Antonio	Ianniello
Friuli Venezia Giulia	Regional Guarantor	Friuli Venezia Giulia	Paolo	Pittaro
Trieste	Municipal Guarantor	Trieste	Elisabetta	Burla
Udine	Municipal Guarantor	Udine	Franco	Corleone
Latium	Regional Guarantor	Latium	Stefano	Anastasia
Rome	Metropolitan Guarantor	Rome	Valentina	Calderone
Liguria	Regional Guarantor	Liguria	Doriano	Saracino
Genoa	Regional Guarantor	Genoa	Stefano	Sambugaro
Lombardy	Regional Guarantor	Lombardy	Gianalberico	DeVecchi
Pavia	Provincial Guarantor	Pavia	Laura	Cesaris
Lecco	Municipal Guarantor	Lecco	Lucio	Farina
Sondrio	Municipal Guarantor	Sondrio	Francesco	Racchetti
Milan	Municipal Guarantor	Milan	Franco	Maisto
Brescia	Municipal Guarantor	Brescia	Luisa	Ravagnani
Busto Arsizio	Municipal Guarantor	Busto Arsizio	Matteo Luigi	Tosi
Bergamo	Municipal Guarantor	Bergamo	Valentina	Lanfranchi
Marche	Regional Guarantor	Marche	Giancarlo	Giulianelli
Molise	Regional Guarantor	Molise	Paola	Matteo
Piedmont	Regional Guarantor	Piedmont	Bruno	Mellano
Alba	Municipal Guarantor	Alba	Paola	Ferlauto
Alessandria	Municipal Guarantor	Alessandria	Alice	Bonivardo
Asti	Municipal Guarantor	Asti	Paola	Ferlauto
Cuneo	Municipal Guarantor	Cuneo	Alberto	Valmaggia
Fossano	Municipal Guarantor	Fossano	Michela	Revelli
Vercelli	Municipal Guarantor	Vercelli	Emanuela	Leporati
Novara	Municipal Guarantor	Novara	Dino	Campiotti

**Follows*

Saluzzo	Municipal Guarantor	Saluzzo	Paolo	Allemano
Ivrea	Municipal Guarantor	Ivrea	Raffaele	Orso Giaccone
Verbania	Municipal Guarantor	Verbania	Silvia	Magistrini
Biella	Municipal Guarantor	Biella	Sonia	Caronni
Turin	Municipal Guarantor	Turin	Monica Cristina	Gallo
Apulia	Regional Guarantor	Apulia	Piero	Rossi
Brindisi	Provincial Guarantor	Brindisi	Valentina	Farina
Trani	Municipal Guarantor	Trani	Elisabetta	De Robertis
Lecce	Municipal Guarantor	Lecce	Maria	Mancarella
Sardinia	Regional Guarantor	Sardinia	Irene	Testa
Cagliari	Metropolitan Guarantor	Cagliari	Francesco	Caput
Oristano	Municipal Guarantor	Oristano	Paolo	Mocci
Sassari	Municipal Guarantor	Sassari	Gianfranco	Favini
Nuoro	Municipal Guarantor	Nuoro	Giovanna	Serra
Tempio Pausania	Municipal Guarantor	Tempio Pausania	Ornella	Careddu
Sicily	Regional Guarantor	Sicily	Santi	Consolo
Siracusa	Municipal Guarantor	Siracusa	Giovanni	Villari
Tuscany	Regional Guarantor	Tuscany	Giuseppe	Fanfani
Siena	Municipal Guarantor	Siena	Cecilia	Collini
San Gimignano	Municipal Guarantor	San Gimignano	Sofia	Ciuffoletti
Pistoia	Municipal Guarantor	Pistoia	Tommaso	Sannini
Florence	Municipal Guarantor	Florence	Eros	Cruccolini
Pisa	Municipal Guarantor	Pisa	Alberto	Marchesi
Livorno	Municipal Guarantor	Livorno	Marco	Solimano
Prato	Municipal Guarantor	Prato	Margherita	Michelini
Porto Azzurro	Municipal Guarantor	Porto Azzurro	Tommaso	Vezzosi
Lucca	Municipal Guarantor	Lucca	Alessandria	Severi
Trento	Autonomous Province Guarantor	Trento	Antonia	Menghini
Bolzano	Municipal Guarantor	Bolzano	Elena	Dondio
Umbria	Regional Guarantor	Umbria	Giuseppe	Caforio
Aosta Valley	Regional Guarantor	Aosta Valley	Adele	Squillaci
Veneto	Regional Guarantor	Veneto	Mario	Caramel
Padua	Municipal Guarantor	Padua	Antonio	Bincoletto
Belluno	Municipal Guarantor	Belluno	Maria	Losito
Venice	Municipal Guarantor	Venice	Marco	Foffano
Verona	Municipal Guarantor	Verona	Carlo	Vinco
Rovigo	Municipal Guarantor	Rovigo	Guido	Pietropoli
Vicenza	Municipal Guarantor	Vicenza	Mirko	Maule

Source: National Guarantor for the rights of persons deprived of personal liberty

Map 5.2 – AMIF Network and territorial Guarantors who have joined the complaints Network in CPRs applying measures of deprivation of liberty (updated as at 30/03/2023)

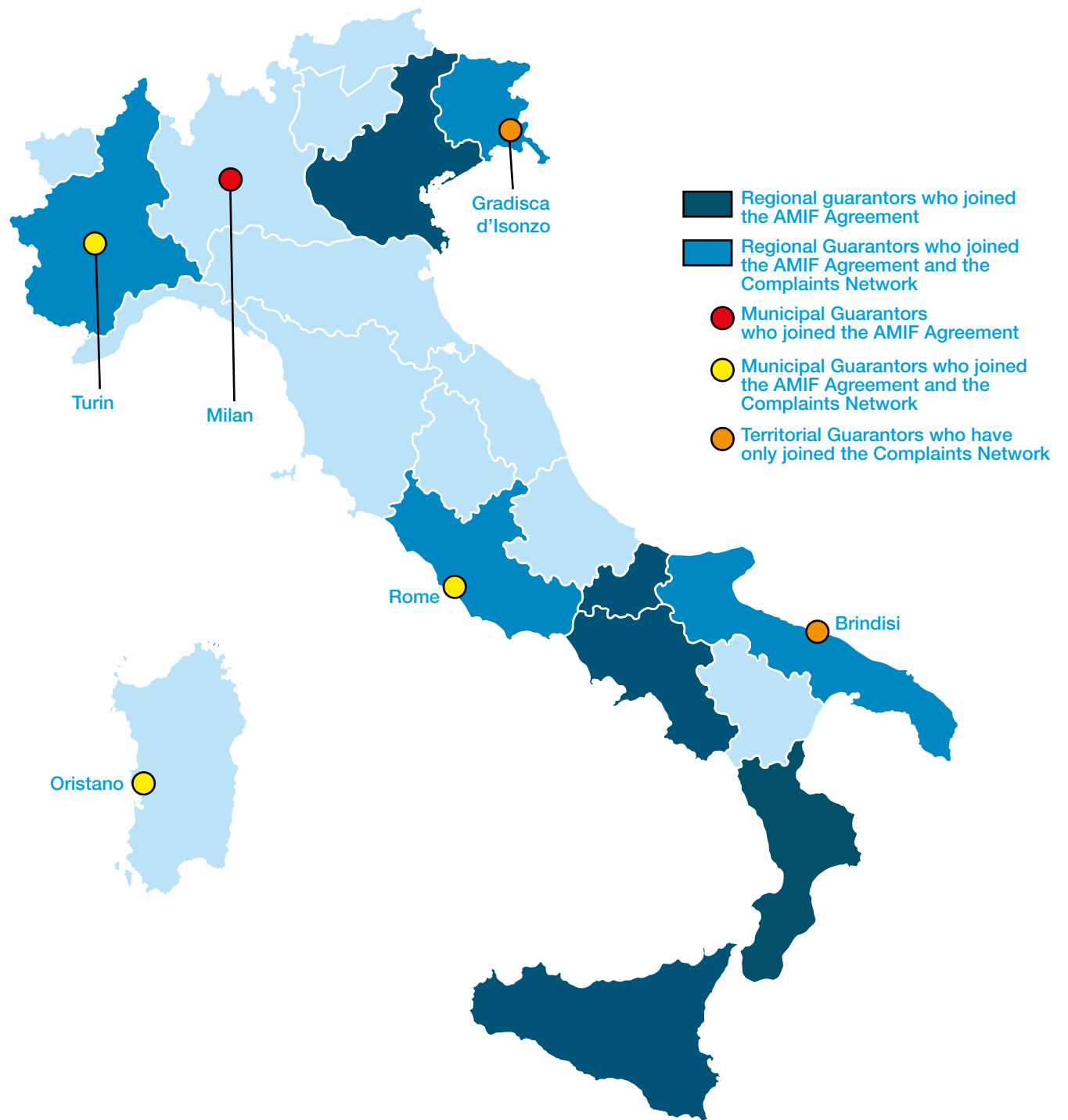


Table 5.2 - Activities performed together with the Territorial Guarantors, years 2021-2022 (updated as at 31/03/2023)

Description	Promoting Authority	Venue
Training day on "Forced Returns: Guaranties and remedies"	National Guarantor and Sardinia Regional Guarantor	Cagliari
Training Day of the Territorial Guarantors Network on the topic Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities	National Guarantor e Municipal Guarantor of Bologna	Bologna
Training workshop organized by the National Guarantor on "The rules of forced returns procedures under the Directive of the Secretary of Home Affairs dated 19 May 2022"	National Guarantor	Rome
Workshop on "The residence barrier to the rights of individuals subjected to limitations of personal liberty"	National Guarantor and Regional Guarantor of the Emilia Romagna Region	Bologna
Visit to the Bari and Brindisi CPRs and Sassari Hotspot	Apulia Regional Guarantor	
Visit to the Turin CRP	Turin Municipal Guarantor	Turin
Institutional visit to Isola di Capo Rizzuto (KR) First Reception Centre	Calabria Regional Guarantor	Crotone
Visit to the Milan CRP	Milan Municipal Guarantor	Milan

Source: National Guarantor for the rights of persons deprived of personal liberty



00. Reports from the Regional Guarantors

Just as in previous years, the National Guarantor has sought input from the Regional Guarantors for inclusion in this Parliamentary Report. The focus is on the significance of the institutional relationship with the National Guarantor, considering the delegation power outlined in the Law (2020) and reflecting on their firsthand experiences from the past year. Additionally, the Regional Guarantors have been queried about their interactions with their respective Local Guarantors.

The following contributions have been prepared by the Regional Guarantors.

NB: Marche, Sardinia and Umbria Regions have not sent their reports; the Basilicata region has not appointed the National Guarantor yet, while the laws of the autonomous province of Bolzano do not envisage such figure.



Aosta Valley

Adele Squillaci

In my role as Ombudsperson of the Aosta Valley region, acting as the Guarantor for the rights of persons subjected to restrictive measures of personal liberty, I was unable to accept the opportunity, also for training, that involves delegated functions for the monitoring of healthcare, socio-educational and assistance structures, including residences for the elderly (RSAs) and disabled (RSDs). This was due to the insufficient allocation of resources for the daily exercise of functions, as recognized by the Regional law no. 17/2001, which includes the roles of Guarantor of childhood and adolescence, and Guarantor for the rights of people with disabilities.

The above-mentioned regional law only provides for the figure of Guarantor for the rights of persons subjected to restrictive measures of personal liberty. It does not envisage the appointment of local guarantor figures. Therefore, I lack relevant information for analyzing the relationship between these bodies.

Abruzzo

Gianmarco Cifaldi

Activities implemented in the Abruzzo Region in 2022:

On occasion of the Easter festivity, the Guarantor donated pastries, and Easter eggs to the inmates of the 8 penitentiaries of the region;

MURAP – Territory redevelopment project. The project envisaged the participation of some inmates with the aim of rebuilding the social relationship and mutual trust between the local community and the inmates;

Ten quintals of watermelons were donated to the eight penitentiary institutions of the region;

Perdonanza Celestiniana (Celestinian Pardon), the Guarantor promoted a meeting with former inmates in the presence of His Holiness, Pope Francis;

The Guarantor of the Abruzzo Region initiated a partnership project with AIGA (Italian Association of Young Lawyers) as a supporting component for the entire activity.

Christmas trees were donated in the 8 penitentiary institutes of the region, along with other Christmas products. Pandori and panettoni (traditional Christmas pastries) were directly distributed among the inmates;

The Regional Guarantor together with the Healthcare Councillor of the Abruzzo Region, initiated a project for the implementation of the inmates' electronic clinical records;

In accordance with the Abruzzo Regional Law dated May 18, 2021, No. 10, Article 3, inmates attending Regional universities are exempt from paying university fees. Below is the number of



enrollees for the academic year 2022-2023: Lanciano Institute, 3 (Department of Philosophy, Languages, and Criminology); L'Aquila University, 6 (Department of Law, Economics, Psychology, and Humanities); Teramo University, 10 (Department of Political Sciences, Law, Bioscience, and Science and Culture of Gastronomy); Sulmona University, 31 (Department of Law, Political Sciences, and Science and Culture of Gastronomy).

Agreements and Conventions

A Cooperation agreement was signed between the Municipality of Chieti, the Chieti Penitentiary, and various entities to involve the inmates population in activities for services beneficial to the city. Further, a Framework agreement was also signed with the “Gabriele D’Annunzio” University for the implementation of traineeships.



Apulia

Pietro Rossi

In 2022, a return to a state of “normality” followed the restrictions imposed by the pandemic crisis, impacting various areas, including the deprivation of liberty. The current year, in the opinion of the writer, confirms the return to normality.

In Apulia, as in the rest of the country, efforts were made in penitentiary institutions to take full advantage of the experiences dictated by the needs of preventing the risk of contagion (including the increased use of the Internet connection) and to restore the standard treatment offer to the incarcerated population, at least in intentions. The Regional Guarantor’s Office also felt compelled to contribute concretely to promoting experiences that could be modelled and offered to the administrative and legislative body of the Region for consequent normative and administrative-political actions.

The institutional relationship with the Third Sector associations was further intensified, encouraging their complementary and subsidiary function in promoting animated, instructive, cultural activities, and initiation into work experiences (awaiting the resumption of regional training activities following the new FESR, FSE, and regional PON planning).

In its curricular function of preventing situations of distress, this Office continued its monitoring activity both substantively and through participation in regional Observatories, study groups, and scientific research bodies, especially on health provision in places of deprivation of liberty for judicial reasons (penitentiary institutions and REMSs) or administrative detention (CPRs and Hotspots).

Currently, the areas of greatest commitment and concern include the chronic shortage of healthcare personnel, and the need of strenuous efforts to streamline healthcare services. This includes internal units within institutions, protected medical wards in hospitals, remote healthcare, digitalization of medical records, structuring relationships with local health authorities in CPRs, and preserving REMSs. The issues at stake are of various kinds: structural, infrastructural, professional, and organizational, all within a framework of very slow but constant overall improvement.



I do not intend to detail – one more time – the deficiencies attributable to the Penitentiary Administration (which is the State Administration). It is worth noting that these persistent shortcomings significantly impact not only the “quality” of detention and the work of various staff members in general, but also the practical impossibility of providing an acceptable level of health and hygiene (both for inmates and workers).

The “perfect storm” culminates when we confront the reality that the Supervisory Judge and the Cognizant Judge possess adequate resources to make timely decisions regarding the utilization of alternative measures to imprisonment. However, the implementation is hindered by the structural inadequacy of resources on the part of local authorities. Unfortunately, they lack the means to incorporate more vulnerable individuals into welfare programs.

Based on these bitter premises, it is necessary to regain ground in terms of mood, acknowledging that, at the very least, the guarantee system of personal rights has achieved a good settlement in the last five years. This is especially evident in the streamlining of relations and actions among the various guarantors, both at the regional and supra-regional levels, and in the relationship between the regional experience and the National Guarantor Authority.

In Apulia, several Guarantors play a role: the Guarantor of the Municipality of Lecce, the Guarantor of the Province of Brindisi (for competence over the Brindisi institution, the CPR of Restinco, and the REMS of Carovigno), and the Guarantor of the Municipality of Trani. The Municipality of Taranto established the figure of the Guarantor at least five years ago but has never appointed one. Both the Provinces of Foggia (for coverage of the institutions in Foggia, Lucera, and San Severo) and the Metropolitan Area of Bari (for coverage of the institutions in Bari, Altamura, Turi, the IPM of Bari, and the CPR of Bari-Palese) have not yet taken any initiatives in this regard. The collaborative spirit that animates all these relationships, along with the principle of continuity of care (with mutual information exchange and consultation among colleagues in cases of detainees transferred from one institution to another or from one CPR to another), has strengthened over the years into a collaboration that is evidently an added value, especially for the users. In this perspective, the foundational experience facilitated by the system of delegations of the National Authority has constituted a formidable opportunity for the overall growth of the guarantee system of individual rights and the increase in doctrine regarding functions, exclusive and concurrent competencies, possible and necessary collaborations for the epistemological profiling of the role of the Guarantor at any territorial level where their competence is deployed.

The applicable reference field (in relation to delegated and “concurrent” functions) remains the prison system, with coordinated management of complaint reception. However, over the last year, the delegation system has been applied in managing complaints from irregular third country citizens detained in CPRs, as well as for the now consolidated experience of monitoring forced returns.

A particular mention, as a foundational element of collaboration between the National Authority and the Network of Regional and Territorial Guarantors, must be dedicated to permanent, often centrally shared, training. In some instances, it has had extraordinary incisiveness and impact at the peripheral level.



Autonomous Province of Trento (Trentino-Alto Adige/Südtirol)

Antonia Menghini

The first part of this report covers the persistent challenges and positive experiences related to the Spini di Gardolo Penitentiary.

Throughout 2022, the understaffing issue in the educational area further worsened, leading to a significant reduction in interviews with inmates and severe consequences for the planning and regular execution of treatment activities. Starting from November 2022, only 2 educators were present compared to the planned 8, despite having 348 inmates as of 31 December 2022.

Similarly, the staff shortage of the Penitentiary Police at the Spini institution continues to be a concern, despite an increase of about thirty units in July 2022. By the end of 2022, only 165 officers were present instead of the expected 227 according to the organizational chart. This not only impacts the security levels within the penitentiary structure but also affects the implementation of the provision of the 1990 Penitentiary Police reform law, which envisages the active participation of the Penitentiary Police in rehabilitation efforts. Since June 2022, the situation related to the management of the Spini facility has been resolved, with Annarita Nuzzaci now solely directing the Spini di Gardolo facility and no longer overseeing the one in Bolzano.

Regarding healthcare in prison, for most part of 2022, the situation concerning the staffing of doctors repeatedly appeared to be deficient compared to the planned staff, not so much due to a lack of allocated resources but because the recruiting procedures did not produce the expected results on multiple occasions. Only recently has the doctor staffing returned to the planned levels, with the hiring of a new chief doctor and a new specialist in drug addiction.

The staff question still persists for those with a primary psychiatric condition serving their sentence in prison. In comparison to the data from 2021, the numbers have increased: 45 individuals with a primary psychiatric condition out of 348 inmates present at the end of November 2022, whereas at the end of December 2021, there were 30 out of 299 inmates. While the general consideration remains that individuals with a severe mental illness should not serve their sentences in prison, the only current option for the inmates in the Spini prison is their allocation to the infirmary room, even though this should be a temporary solution. In this way, the inmate has no access to treatment activities and ends up living in a situation that evidently, over time, risks further compromising their mental and emotional stability. Despite repeated requests, including from the Office of the Guarantor, the so-called day centre has not yet been established. This facility was envisioned as a place where individuals with psychiatric distress could be adequately supported throughout the day, not only in terms of medical assistance but also in terms of comprehensive treatment. This depends on the fact that the second Psychiatric Rehabilitation Technician (TERP) has not yet been hired, while the previously hired TERP recently saw a reduction in their contract from full-time to part-time.

Another issue arises specifically for those who have been convicted, declared socially dangerous, and have been subjected to (and subsequently confirmed in) a security measure in REMS. The national phenomenon of waiting lists that characterizes these facilities has also affected the REMS of Pergine the last year, precluding access within the expected time frames.



Qualified vocational training, as well as employment offer for inmates remain scarce. It becomes essential to invest in it, both at the level of the Department of Penitentiary Administration (DAP) and through greater involvement of the local community. According to available data, in Trento, a prisoner works an average of 76 days per year.

The strong point of the Trentino reality is certainly the qualified contribution of the private social sector: not only voluntary work, but also cooperative and associative realities (APAS, Cinformi, Caritas, ODOS), with more than 100 external operators, working hard to ensure the respect of the rights and needs of the inmates. In addition, school education is also provided, at all different levels, by professionally qualified but also highly motivated personnel.

Regarding the profile of social inclusion, it is important to mention the Agreement, currently in its implementation phase, between the Autonomous Province of Trento, the Autonomous Region of Trentino-Alto Adige/Südtirol, and the Ministry of Justice for the social and work reintegration of individuals subject to restrictive measures of personal liberty, and for the development of mediation and restorative justice pathways (Rep. no. 520 of July 28, 2020, in the Register of Contracts of the Digital Administration of the Autonomous Region Trentino-Alto Adige/Südtirol). In July 2021, the Technical Commission, with governance functions, was established, composed of 14 executives from the territorial branches of the Ministry of Justice and the provincial structures competent in the matters covered by the Agreement. Operational Technical Groups (GTOs) were activated in the following thematic areas: a) social reintegration, family ties, and culture; b) employment; c) health; d) minors and young adults subject to measures of the Juvenile Judiciary Authority; e) restorative justice and penal mediation. To date, the five GTOs, involving a total of 32 officials in service at the territorial branches of the Ministry of Justice and the Autonomous Province of Trento, have achieved different results due to the varying complexity of the action programmes, the need to activate specific co-programming procedures to involve Third Sector entities, and finally, the need to reconcile the groups' activities with ordinary institutional activities. The "Restorative justice and penal mediation" GTO, in the early months of 2022, proposed a first action program to the Technical Commission, which then approved it, while other groups are still in the process of developing their programmes. The GTO "Social reintegration, family ties, and culture", on the other hand, in the early months of 2022, established a Co-programming Table, through the specific procedure under article 55 of Legislative Decree no. 117/2017 and article 3, paragraph 4, of Regional Law 13/2007, to involve Third Sector entities in defining the action programme.

One of the most positive experiences, activated during the pandemic, is certainly the service "Seminare oggi per raccogliere domani" (Sowing today to harvest tomorrow), funded by the Cassa delle Ammende on the project of the Autonomous Province of Trento, which concluded in November 2022 and involved a total of 40 individuals, including 15 under the responsibility of the Trento ULEPE and USSM offices and 25 inmates, in the completion of social inclusion or training and orientation internships. In particular, social inclusion internships were activated for inmates within the penitentiary institute in the field of green maintenance, horticulture, and fruit growing. At the end of 2022, a similar project was newly financed by the Cassa delle Ammende for a longer period of two and a half years. It will be activated, at the end of the tendering procedures, by August 2023. Similar projects are particularly useful due to the overall scarcity of resources dedicated to work inside the prison, forcing the Directorate to assign part-time and rotating jobs with waiting times exceeding four months.

The exchange with the Office of the National Guarantor has been constant over the years, and the

collaboration has always been fruitful. This includes communication and reporting from this side on the most significant issues, as well as dialogue on the reality of the Spini di Gardolo penitentiary and individual issues of general relevance. Additionally, there has been guidance on best practices to follow.



Calabria

Luca Muglia

Luca Muglia was appointed Regional Guarantor on 25 October 2022. This report will focus on the first five months of activity of his Office.

Calabria region has 12 penitentiary institutes, with an overall population below 3,000 units. There are not overcrowding situations. These figures also include the Juvenile Detention Centre and the two Residences for the Execution of Security Measures (REMS).

The Office of the Guarantor has identified the following significant issues: the gaps in healthcare, the structural deficiencies in some penitentiary institutes, the ageing of the prison building and lack of ordinary maintenance works, the inadequacy of many cells (some lacking shower facilities), poor education or vocational training offer; further, inclusion projects are insufficient, prisons and Penitentiary police, pedagogical officers are understaffed, as well as linguistic and cultural mediators. These situations have multiple causes, some are internal to the penitentiary administration, some are caused by the lack or insufficient co-operation between local bodies. The complaints raised by the inmates concern trials' procedural issues, visits with family members, transfers, work opportunities, and healthcare.

As for the REMS, the experiences of those in Santa Sofia d'Epiro and Girifalco seem to confirm the effective work in the territory. The first, although constrained by structural limits, has consolidated good therapeutical practices. The latter, inaugurated in 2022, is a facility of excellence.

On 11 November 2022, the Regional Guarantor, alongside other authoritative figures, signed and disseminated an Appeal aimed at raising awareness about the alarming rate of suicides in prisons during 2022. The initiative, endorsed by the daily newspaper "Il Dubbio," outlined several explicit objectives, including: consider imprisonment as a last resort measure, guarantee spaces and human environments that uphold the individual's dignity and rights, enhancing the implementation of alternative penalties, and provide incarcerated individuals with the opportunity for a genuine path to inclusion.

Activities developed by the Regional Guarantor

On 2 December 2022, in Naples, the Regional Guarantor facilitated a roundtable discussion as a part of the conference titled "The Cartabia Reform between Efficiency and Guarantees," organized by the Campania Guarantor and the Conference of Territorial Guarantors for Persons Deprived of Liberty.



Also in December 2022, the Regional Guarantor took part in the initiative “L’ALTra cucina...per un pranzo d’amore,” organized by Prison Fellowship Italy at the Palmi Penitentiary. This project brought together top Italian chefs in penitentiary institutes, where they collaborated with 600 volunteers to prepare meals for the incarcerated population. The events were graced by the presence of entertainment personalities.

Some topics required the Regional Guarantor’s dedication: the challenges of criminal execution, the new regulations on alternative penalties and measures, restorative justice, vocational training and social inclusion, protection in proceedings concerning parental responsibility limitations, the condition of incarcerated women, and the needs of young people in the Juvenile Detention Centre. To that purpose, all the interested administrations were involved, from the judicial to the penitentiary, from administrative bodies to political ones. In addition, this Office established an ongoing dialogue with the Regional Department of Healthcare, the Penitentiary Health Observatory and the Regional Education Office aimed at finding solutions for specific questions. Further, this Office initiated a significant dialogue with the Calabrian Episcopal Conference, the penitentiary university centres, and the Antigone association.

The fruitful dialogue and collaboration with territorial guarantors from Reggio Calabria, Crotone, and Catanzaro marked significant achievements. In conclusion, the Guarantor initiated an awareness campaign targeting the elimination of cultural prejudices and social labels affecting incarcerated individuals. The campaign message is encapsulated in the slogan “for a non-hostile language inside and outside the prison”.

Institutional visit to Isola di Capo Rizzuto First Reception Centre of 14 February 2023

Delegated by the National Guarantor in accordance with the law approved in 2020, the Regional Guarantor conducted a visit to the Government First Reception Centre of Sant’Anna, Isola di Capo Rizzuto (KR). The delegation comprised Elena Adamoli and Alessandro Albano from the National Guarantor Office, along with Nicola Cocco, an expert from the National Guarantor Office. The primary focus of the visit was on the situation of unaccompanied foreign minors residing in the Centre and the facility’s use as a hotspot.

The insights gathered during the inspection of the location, particularly regarding the material conditions, necessitate our commitment to assuming responsibility for a comprehensive analysis aimed at safeguarding the dignity and rights of all minors hosted in the centre. The collaborative visit proved highly productive, and the corresponding report is currently in the drafting phase.



Campania

Samuele Ciambriello

During 2022, the relationship with the National Guarantor Mauro Palma and the corresponding Campanian Guarantor, Samuele Ciambriello, benefited from several meetings aimed at strengthening the collaboration to protect the fundamental rights of the persons deprived of personal liberty.

Numerous conferences and conventions witnessed active participation from both the National Guarantor and the Campanian Guarantor, resulting in the establishment of several cooperation agreements. Notably, addressing the migrant question, a convention titled “La tutela dei diritti fondamentali nei rimpratri forzati” took place on 26 April 2022. During this event, the National Guarantor and the Campanian Guarantor signed the AMIF (Asylum, Migration, and Integration Fund) Project Agreement.

An extensive discussion centred on justice unfolded on 2 December 2022. This discourse was orchestrated by the Campanian Guarantor of restricted persons in Naples, featuring the active involvement of the National Guarantor for the rights of persons deprived of personal liberty. The National Guarantor delved into reflections on the new perspectives and persistent challenges within the judicial system.

The collaboration between the Campanian Guarantor and the Local Guarantors of the Region has proven to be highly fruitful. Throughout the year, this relationship has thrived through meetings dedicated to implementing targeted synergistic actions within the Campanian territory.

On 1st February 2022, a Cooperation agreement was signed between the PRAP and the Regional Guarantor, at the presence of the Local Guarantors, among which, Emanuela Belcuore, Guarantor of the Caserta province, and Carlo Mele, Guarantor of the Avellino province. This was an important occasion to shed light on the criticalities and good practices adopted in the penitentiary institutions.

On 23 June 2022, Emanuela Belcuore presented a project aimed at safeguarding the rights of individuals in terms of health and sexuality within prison. The Regional Guarantor actively participated in this initiative.

On 30 November 2022, a debate on “Drug addiction and prison” took place. The event was organized by the Guarantor of the province of Caserta with the participation of the Regional Guarantor.

On 17 October 2022, the conference of the territorial Guarantors for persons deprived of liberty took place at the Regional Council of Campania.

Furthermore, the Campanian Guarantor played a key role in organizing and participating in various meetings dedicated to presenting both annual and six-months reports, such as the presentation of the Annual Report 2021 on 27 May 2022, in collaboration with the Regional Observatory on Detention, featuring the involvement of the Guarantor of Caserta, and the presentation, on 16 December 2022, of the six-months reports on prisons, REMS, and the Avellino UEPE Office, with the active involvement of the Avellino Guarantor.

The Campanian Guarantor, together with the territorial Guarantors of the Avellino Province and the Municipality of Naples, held three meetings at their respective office, and two others at the office of the Prison Administration Superintendency (PRAP).

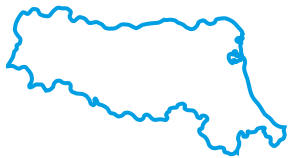
During 2022, the Campanian Guarantor Office organized 1,328 interviews with restricted persons, made 195 interventions on healthcare in prison, had 153 meeting with the Directors of the penitentiary institutes of the regions, sent 89 complaints aimed at expediting transfer requests to the Department of Penitentiary Administration, sent 25 complaints for expediting transfer requests to the PRAP.

Furthermore, this Office also intends to point out the operational difficulties of the territorial Guarantors for the rights of persons deprived of personal liberty, at different levels, from the municipal to the provincial one. Some weeks ago, the new Guarantors of the province of Benevento



and the Municipality of Naples were appointed, in addition to the previous appointment, at regional level, of the Guarantors of the provinces of Caserta and Avellino. Office organization, titles and skills required by the recruitment notice vary from place to place. The Municipality of Naples, after the revocation of the former Guarantor, included in the following recruiting notice new and diverse participation criteria.

In conclusion, creating a strong relationship between the National Guarantor and the territorial Guarantors is of the essence for setting up a network able ensure an efficient guarantee system to prevent torture, inhuman or degrading treatments, cruel punishments for the persons deprived of personal liberty.



Emilia-Romagna

Roberto Cavalieri

The Regional Guarantor of the Emilia-Romagna region Roberto Cavalieri, in 2022, joined the proposal of delegation of the National Guarantor –in accordance with the Decree-Law 21 October 2020, no. 130, converted into law 18 December 2020, no. 173– to implement a monitoring activity in RSAs and RSDs of the Emilia-Romagna territory. These activities are carried out on delegation of the National Guarantor.

On 14 June and 21 July, the National Guarantor participated in the training meetings organized by the National Guarantor on the topic: Deprivation of liberty in the healthcare, socio-healthcare and assistance facilities, including the RSAs and the RSDs.

With regard to local Guarantors, there are implementing resolutions in the municipalities where prisons are located: Piacenza, Parma, Reggio Emilia, Modena, Bologna, Ferrara, and Rimini. However, in 2022, only the Guarantors of the municipalities of Piacenza, Parma, Ferrara, and Bologna were in office, while Rimini had just initiated the selection procedure. However, the Regional Guarantor started a dialogue with municipal Guarantors to establish regional coordination, an initiative that will officially start in 2023.

It is also worth mentioning that on 5 December 2022, this office participated in a joint training day with the staff of the National Guarantor, the National Association of Civil Status and Registry Officials, on the themes: residence, citizenship, and access to territorial services.



Friuli Venezia-Giulia

Paolo Pittaro

Friuli Venezia Giulia has five penitentiary institutes: Trieste, Udine, Gorizia, Pordenone, and Tolmezzo, and one facility for administrative detention, the Gradisca d'Isonzo CPR.

The critical issues identified revolve around three key areas: human resources, overcrowding, and construction. These findings essentially align with those pinpointed and detailed in the 2022 Report.

Based on the experience matured over these years, we consider essential to strengthen the relationship with the National Guarantor.

Out of the five penitentiary facilities, only two fall under the purview of Municipal Guarantors, namely Trieste and Udine. Notably, the Municipal Guarantor of Gradisca d'Isonzo is actively overseeing the CPR.

Despite repeated urging from this office, municipal councils in Gorizia, Pordenone, and Tolmezzo have yet to appoint their respective Municipal Guarantors.

The relationship with Local Guarantors is marked by a horizontal structure, underscoring their operation within distinct jurisdictions. This office recognizes the importance of improving the exchange of information concerning their activities, initiatives, and analyses of identified issues.



The positions for the roles of Regional Guarantor and Local Guarantors in the Liguria Region were ultimately filled by the end of 2022, with the designation of the Genoa Municipal Guarantor and the Regional Guarantor. After the appointment, both offices started cooperating and promptly visited the regional penitentiary institutions: while the Municipal Guarantor visited the two Genoese prisons, this office visited La Spezia, Imperia, Sanremo, and Chiavari. It was an odd Christmas time, with these new figures showing immediate attention and listening capacity to people that for a very long time had expected for an opportunity to communicate with the Guarantor in prison.

As a Guarantor, it is crucial to approach everything with a fresh perspective. Various inquiries have been raised, with the most significant ones revolving around the right to health, inadequate work and educational training opportunities, challenges faced by foreign inmates in obtaining necessary documents, mental health issues, and their implications for the prison environment. Additionally, concerns have been raised regarding the unsatisfactory conditions of certain spaces occupied by both inmates and penitentiary police staff.

Meetings, visits, correspondence and dialogue are an ongoing commitment. This office has met different realities in the penitentiary environment, from school operators to voluntary workers, work and culture operators, but the field of intervention also encompasses: the REMS, psychiatric diagnostic and treatment services, hotspots during migrant landings at sea, which have started to touch our region. With regard to the latter, the National Guarantor may delegate its own responsibilities to territorial guarantors, including those related to residential facilities for the elderly or disabled to “prevent situations in which limits to the self-determination of the hosted individuals result in a de facto deprivation of personal liberty”.



Latium

Stefano Anastasia

The non-jurisdictional guarantee system for the rights of persons deprived of personal liberty in the Latium region involves the concurrent action of the National Guarantor, the Regional Guarantor and, for the municipal territory of competence, the Guarantor of Roma Capitale, who, until the expiration of the five-year mandate (May 2022), also performed functions for the territory of the Metropolitan City.

The relationship between the three Guarantor Authorities have always been guided by the principle of loyal collaboration, primarily concerning individual cases presented to each of them and subsequently on more complex issues related to collective complaints, shortcomings, or malfunctions of the supervised institutions.

Nevertheless, the coordination is still inadequate and there is the risk of duplicating interventions in the absence of timely communication. This, in turn, can create confusion among the different subjects involved, whether they are the complainants or the institutions targeted by the actions of the Guarantors.

To overcome these inconveniences, while preserving the mutual autonomy of each Guarantor Authority, it would be desirable to define, through ad hoc cooperation agreements, the procedures for mutual information and case management based on the constitutional principles of subsidiarity and competence.

Lombardy

Gianalberico de Vecchi



Two particularly significant meetings marked the interactions between the Detainees' Guarantor of the Lombardy Region and the Local Guarantors during the year 2022.

The initial meeting took place in February 2022 at the Local Guarantor's headquarters, with the participation of the Milan Detainees' Guarantor, Francesco Maisto. This session proved invaluable for exchanging thoughts on shared interests and providing updates on the implemented actions. The following highlights the key topics addressed during the meeting.

Concerning the CPR situated in Via Corelli, a proposal to amend the regulations directed to the Prefecture was put forward. Furthermore, both authorities conveyed their intent to conduct a new visit to the centre in light of the establishment of a new managing entity. The occasion served as an opportunity to receive updates on the separate meetings that the two Guarantors had with representatives of UNHCR at different times. Lastly, there was a discussion about the current operational procedures outlining the distribution of responsibilities between the two guarantor authorities.

Regarding Psychiatric Diagnosis and Treatment Services, the municipal Guarantor presented the findings from the monitoring conducted on the restraint system within the Psychiatric Emergency Services (SPDC) up to that point. The emphasis was on spotlighting the territorial health authorities where issues were identified. Notably, there was an observed lack of information among the directors of SPDC regarding the existence and functions of the Guarantor figures.

Regarding reports on healthcare from inmates at the Opera Prison (where there is close and continuous collaboration between the guarantor figures, given the regional jurisdiction), a common issue was identified regarding the sharing of information by the Institute/health area.

The Municipal Guarantor announced the initiation of an information campaign by the Milan Chamber of Labour. This initiative stems from the judgment of the Milan Labour Court, which ordered INPS to disburse NASPI (unemployment support measure) to a former inmate with a two-year work history in prison. The execution of this ruling necessitates an amendment to the DAP circular, duly endorsed by INPS.

Unfortunately, this institution gained notoriety due to numerous suicides in 2022. The prison faces several critical issues, including severe structural deficiencies in a section of the building. Common problems found in other institutions, such as a shortage of personnel (especially prison police non-commissioned officers), healthcare-related challenges, and an extended average waiting time for transfers to REMS, were also identified.

The opportunity for a joint visit with the provincial Guarantor allowed for the understanding of specific issues, such as those related to the planning of adult education paths, particularly the literacy course, the shortage of job opportunities other than those under the administration of the penitentiary administration (absence of internal work).

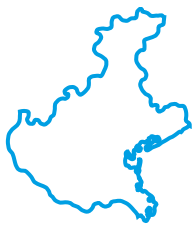


The Office of the Guarantor for the Molise Region is a unique figure with multiple responsibilities: the rights of individuals deprived of personal liberty, local ombudspersons, and minors. Currently, there are no local Guarantors for these three areas. Despite being recently appointed, my experience as a Regional Guarantor has been enriched by meetings with other Guarantors during the sessions of the assembly bodies. These sessions were aimed at creating shared understanding through precise and continuous information, as well as at providing guidance on topics and proposals discussed during the meetings, while respecting and duly considering the different contexts in which we operate. Engaging in discussions and gaining insights into positions and initiatives within the intricate realm of safeguarding the rights of vulnerable individuals, particularly those deprived of personal liberty, has provided a substantial motivational impetus to my evolving role.

Although still in its early stages, my position already confronts challenging aspects inherent in the mandate. This extends to addressing issues in the territorial reality under my jurisdiction and



tackling matters of broader public visibility that demand awareness and responsibility on all levels. Hence, the positive assessment of the mechanism of delegation, provided in 2020 by a national law, which undoubtedly constitutes a valid tool for cooperation in achieving objectives through active collaboration throughout the national territory.



Piedmont

Bruno Mellano

A Path to Be Completed

The 20th anniversary of the establishment of guarantor figures in Italy marks a significant milestone. It all began in May 2003 with the institution of the Rome Detainees' Guarantor, followed by the establishment of the Guarantor of persons subjected to restrictive measures of personal liberty in the Latium Region in October of the same year. This juncture prompts an initial, provisional assessment of the bottom-up trajectory that has culminated in the definition of the current, intricate system.

This path has shown an uneven, discontinuous, and sporadic progression, but in essence, the outcomes can be considered overall positive. The establishment of the National Guarantor itself was prompted by the initiatives of local entities—municipalities, provinces, and regions—that, in deciding, through resolutions or laws, to create their own guarantor figures, expressed the need for a network at various administrative levels and competencies.

The Piedmont case sets the example

The City of Turin was among the first to follow Rome's example by establishing the Municipal Guarantor for the rights of persons deprived of personal liberty in June 2004. The Piedmont Region saw the proposal of the law in February 2005, its approval in December 2009, and its initial implementation in May 2014, adopting the regional law of Latium Region as a declared model. Meanwhile, the City of Ivrea (TO) had deliberated (in November 2012) the establishment of the Guarantor, but it was only with the arrival of the Regional Guarantor that a strong push for the establishment of their Municipal Guarantor was activated in other Piedmontese cities hosting prisons. In Piedmont, there are 13 prisons for adults in 12 cities (Alessandria has two institutions), and since 2017, all the municipalities involved have appointed their Guarantors.

The Piedmontese network immediately prompted coordination efforts, synergy, and “mutual self-help,” without specific organizational formalities, with a declaration of adherence and the subsequent signing of a Cooperation Agreement (July 2016) with the Penitentiary Administration of Piedmont, Liguria, and Valle d'Aosta.

The attempts to construct a nationwide network, marked by both successes and setbacks, began with the establishment of the “Conference of Regional Guarantors.” Subsequently, there was the formation of the “Coordination of Regional, Provincial, and Municipal Guarantors,” and most recently, a reorganization of these forums transpired through the inception of the “National Conference of Territorial Guarantors.” These developments have significantly contributed to fostering a shared dimension of intervention. In this context, the activation of the National Guarantor in February/March 2016 and the constant encouragement from the current Board have undoubtedly contributed to expanding awareness of the potential for intervention and emphasizing the need to broaden the

scope of action. In most cases, these actions align with the provisions already expressed in individual establishing norms.

The systemic significance of delegations, introduced by the National Guarantor in 2020, can only be assessed in hindsight based on the actual establishment of a cohesive network among autonomous and independent entities, like individual guarantors. The provision of unified training and shared methodological guidelines, particularly in areas like monitoring forced returns, has proven to be a fruitful model of intervention. However, delegating authority temporarily and on specific themes to a territorial entity, potentially linked to the competencies of another entity (such as health), carries the risk of undermining a “mechanism” that, unfortunately, has not yet attained the structured and converging consistency universally anticipated, even during the phase of seeking international recognition for the nearly complete existing network.



As a premise, this Office must report that in the year 2022, the Sicilian incarcerated population fluctuated between 5,958 (as of 1st January 2022) and 6,130 individuals (as of 31 December 2022). Throughout the year, there were 11 suicides, 154 suicide attempts, and 740 self-harm incidents.

The activity of the office of the Sicilian Regional Guarantor in 2022 could only benefit from the collaboration with the only other existing Municipal Guarantor in Syracuse, while a Municipal Guarantor has been recently appointed (but not yet operational) in Palermo. The establishment of a municipal Guarantor in Sciacca with the approval of its regulations has also been resolved. Overall, Sicily still stands out as a regional context lacking an adequate number of territorial Guarantors, especially considering the presence of 23 adult penitentiary institutions and four juvenile institutions, notoriously located in different and often distant geographical areas from each other.

Throughout 2022, there were no repeated significant occasions of collaboration with the National Guarantor's Office, except for an invitation from the latter to conduct an inspection (which took place on 25 May 2022) at the CPR of Pian del Lago in Caltanissetta. The purpose was to assess the living conditions and verify the validity of some serious issues reported by volunteer associations operating in that territorial context. The issues identified by this Office were summarized in a specific report sent to the National Guarantor on the 22 of July. Apart from this significant occasion, the prospect of collaboration was limited to a few interventions requested by the National Guarantor regarding individual cases of inmates in Sicily.

Throughout the year, the activities of this Guarantor extended beyond routine prison facility visits, encompassing locations such as Termini Imerese, Sciacca, Caltanissetta, Catania Bicocca, Noto, and Palermo-Pagliarelli. The driving force behind these attempts was the responsive nature of requests or intervention needs expressed by inmates seeking enhanced attention to their health or aspiring for transfers to facilities closer to their families. These requests were carefully tailored to consider institutions deemed more conducive to ensuring improved detention conditions, enhanced

* in office until 04/05/2023



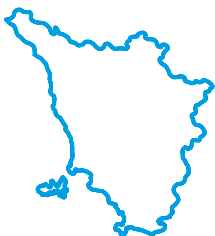
healthcare provisions, or greater educational and occupational opportunities. Notably, a majority of the transfer requests leaned towards prisons in Northern Italy, often perceived as more suitable for meeting the mentioned needs compared to their Sicilian counterparts. However, it is a well-known fact that these transfer expectations are fulfilled in very few instances, primarily disregarded by the Department of Penitentiary Administration (DAP) due to a shortage of available spaces. There are persistent issues in the area of transfers for family reunification due to a continuing lack of transparency and ongoing approximation (and sometimes arbitrariness) in the allocation of inmates to various institutions.

Challenges also remain in the management of the healthcare service, particularly regarding the lengthy periods for off-site assessments and examinations, and the severe shortage of psychiatrists and psychologists. This is noteworthy, considering a rising trend of inmates in Sicily experiencing psychological distress or clinically relevant psychiatric conditions.

On a positive note, the concrete implementation of Penitentiary University Centres in Sicily is a significant development. Approximately 70 inmates are enrolled across the Centres in Catania, Messina, and Palermo (the one in Enna, established on paper, is yet to be activated).

Furthermore, it is noteworthy that the President of the Court of Palermo, Antonio Balsamo, decided to reactivate, during the year 2022, the Social Aid Council provided for by articles 74 and ff. of the Penitentiary law. This initiative has been reimagined to act as a promoter of more virtuous and effective interactions between institutional and non-institutional entities with various competencies or interests in contributing to the social reintegration of individuals who have completed their sentences. Some initiatives have already been implemented in this perspective in the Ucciardone and Pagliarelli institutions, with active participation from this Regional Guarantor.

Lastly, it is worth mentioning that, in 2022, this Office successfully replicated the “Genitorialità e Pena” project. The total costs of the project, amounting to € 60,000.00 euros, were funded by the Regional Guarantor’s Office. Building on the project’s significant achievements in 2019, particularly with individuals serving sentences at the ULEPE office in Caltanissetta and at the San Cataldo prison. In 2022, the initiative extended its reach to involve the UIEPE and penitentiary institutions of Messina, Palermo, Caltanissetta-Enna, and Agrigento-Sciaccia.



Tuscany

Giuseppe Fanfani

TOPIC I. Since taking office, the Tuscany Guarantor has sought to pay special attention to areas of deprivation of liberty “other” than incarceration. While the penitentiary issue remains ever-present and requires constant attention due to the severe conditions of suffering among inmates, as signalled by the four suicides at the Sollicciano prison in 2022, the “other” places pose an additional challenge to the Guarantor’s actions. The primary challenge is to recognize that situations of deprivation of personal liberty exist formally in a variety of contexts beyond incarceration. These include the extensive world of residential facilities for psychiatric patients, the elderly, individuals with disabilities, minors, and drug-addicts. The redefinition of these areas, guided by the new framework established by the National Guarantor,

aimed at the concrete implementation of the United Nations Convention on the Rights of Persons with Disabilities, has been a guiding principle for activities in the regional territory.

In this regard, a systematic monitoring of residential facilities has been initiated in Tuscany, conducted annually in conjunction with the report's preparation. This involves requesting data from the relevant office of the Regional Council and the Health Authorities. This activity has been receiving excellent collaboration by the interested stakeholders. In 2022, a specific study on mental health and penal measures was also conducted, including a dedicated investigation into psychiatric residential facilities (currently being published). The activity carried out by the National Guarantor has been an authoritative reference that paved the way for the Regional Guarantor's actions.

In this context, the possibility of delegating the activity of visiting and monitoring healthcare facilities, provided for in the 2020 national law, is an essential tool for developing on-the-ground activities, visits, and observations, complementing the paper-based monitoring already underway. This was concretely demonstrated through a specific case of an individual residing in a psychiatric residential facility, entailing the ongoing dialogue and collaboration between the National and Regional Guarantors.

TOPIC 2. The relationship between the Regional and the Local Guarantors in Tuscany is based on collaboration and shared problem-solving criteria. In addition to coordinating meetings with all Local Guarantors to discuss relevant regional or national issues, interactions with individual Guarantors involve continuous informal dialogue. This dialogue aims to manage specific cases as they arise and address issues relevant to each institution (structural deficiencies, lack of personnel, including managerial figures, initiation of projects). The Regional Guarantor considers the role of Municipal Guarantors essential. Due to their proximity to penitentiary institutions and appointment by the municipal administration, they serve as a bridge between the prison and the local community. For this reason, the Regional Guarantor has urged municipal administrations that have not yet established this figure to do so: Arezzo, Empoli (where a REMS facility is located), Grosseto, Massa Marittima, and Volterra (both prison and REMS). Additionally, administrations that had already established the figure but not renewed the appointment were encouraged to do so (Massa, Provincial Administration resolution: prison and Pontremoli IPM).



Veneto

Mario Caramel

Based on the responsibilities assigned by the regional law establishing the figure of the Guarantor (Act no. 37/2013) and the relevant regulations, the Veneto Regional Guarantor has worked under the delegation of the National Guarantor for the monitoring of healthcare, socio-healthcare and welfare facilities.

In 2022, the Regional Guarantor's Office participated in a training day organized by the National Guarantor, held in Bologna, where we presented the Veneto regional model for authorization and institutional accreditation of socio-sanitary structures.

Therefore, it is considered that while delegation is an appreciable tool for collaboration between institutions,

its acceptance should also be evaluated taking into account the means and resources available to the Regional Guarantor.

In Veneto, there are six territorial Guarantors in office, one for each province, except for Treviso, where the appointment is in progress.

The regional law No. 37/2013, Article 7, point h, states that: "The Regional Guarantor promotes regional coordination of guarantee institutions, regardless of their name and definition, operating at the local level." Therefore, the Office of the Regional Guarantor provides support and coordination activities for the territorial Guarantors.

Through these activities, it has been possible to report to the relevant regional or national institutions the issues identified at the local level.



People
and numbers

Table 1.1 – Migrants entries in hotspots – breakdown by declared nationality, year 2022

Country/Region	Men	Women	Minors	Total
Afghanistan	94	37	129	260
Algeria	27	1	0	28
Bangladesh	10,901	2	334	11,237
Benin	33	6	19	58
Burkina Faso	220	39	55	314
Ivory Coast	2,364	2,155	1,497	6,016
Cameroon	865	369	267	1,501
Ciad	17	1	10	28
Comoros	6	6	1	13
Egypt	7,049	11	1600	8,660
Eritrea	621	58	365	1,044
Ethiopia	148	40	63	251
Russian Federation	1	1	1	3
Gambia	254	9	387	650
Ghana	142	14	24	180
Guinea	2155	1181	1308	4,644
Guinea Bissau	4	-	5	9
India	1	-	-	1
Iran	53	2	3	58
Iraq	40	8	13	61
Kenya	1	0	0	1
Lebanon	23	11	31	65
Liberia	49	25	26	100
Libya	114	42	78	234
Mali	448	73	168	689
Morocco	452	34	22	508
Mauritania	1	-	-	1
Moldova	3	-	-	3
Nepal	2	-	-	2
Niger	15	1	3	19
Nigeria	224	109	48	381
Pakistan	1,200	3	62	1,265
Palestinian Territories	180	25	49	254
Central African Republic	4	1	0	5
Republic of the Congo	62	47	37	146
Senegal	165	13	49	227
Sierra Leone	128	68	110	306
Syria	1,965	154	441	2,560
Somalia	74	10	74	158
South Sudan	19	0	1	20
Sudan	440	2	116	558
Togo	31	9	7	47
Tunisia	8,727	709	3,083	12,519
Yemen	42	2	5	49
n.a.	2	-	-	2
Total	39,366	5,278	10,491	55,135

Source: Department for civil liberties and immigration of the Ministry of the Interior.
Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.2 – Migrants entries in hotspots – breakdown by facility and type of guest, year 2022

Hotspots	Total	Men	Women	Minors of which	Accompanied Minors	Unaccompanied Minors
Lampedusa I	46,087	32,423	4,754	8,910	2,675	6,235
Messina*	822	784	20	18	17	1
Pozzallo	3,178	2,223	210	745	257	488
Taranto	5,048	3,936	294	818	201	617
Total	55,135	39,366	5,278	10,491	3,150	7,341

*Reopened on 28 October 2022

Source: Department for civil liberties and immigration of the Ministry of the Interior

Table 1.3 – Hotspots: average stay (days), year 2022

Hotspots(*)	Average Stay (days)	
	Adults	Third-national unaccompanied minors
Lampedusa Island	5	8
Messina*	23	n.a.
Pozzallo	5	11.5
Taranto	5	5

*Fiduciary isolation envisaged until 31 May 2022

Source: Department for civil liberties and immigration of the Ministry of the Interior

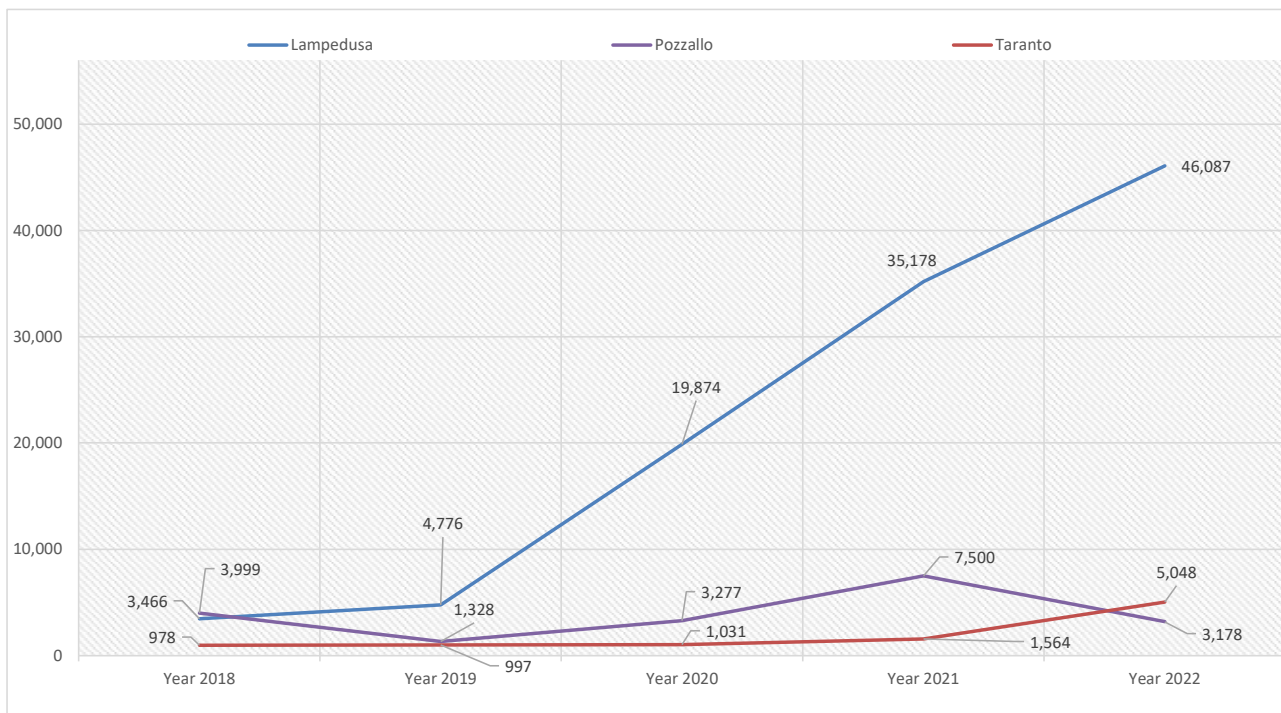
Table 1.4 – Trends in hotspots entries, years 2018-2022

Hotspots	Open Date	Closing Date	Year 2018	Year 2019	Year 2020	Year 2021	Year 2022
Lampedusa	28/09/2015	-	3,466	4,776	19,874	35,178	46,087
Messina*	30/09/2017	-	2,649	656	702	-	822
Pozzallo	19/01/2016	-	3,999	1,328	3,277	7,500	3,178
Taranto	28/02/2016	-	978	997	1,031	1,564	5,048
Trapani	22/12/2015	23/09/2018	2,685	-	-	-	-
Total			13,777	7,757	24,884	44,242	55,135

*Not operational in 2021

Source: Department for civil liberties and immigration of the Ministry of the Interior
 Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Chart 1.4 – Trends in hotspots entries, years 2018-2022



Source: Department for civil liberties and immigration of the Ministry of the Interior
 Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.5 – Quarantine ships, year 2022*

Total people on board	Average Stay (days)
11,273	9.6

*In operation until 6 June 2022

Source: Department for civil liberties and immigration of the Ministry of the Interior

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.6 – Total number of people readmitted to Slovenia, year 2022

Country	Border Police			
	Trieste		Gorizia	
	men	women	men	women
Afghanistan	12	-	0	0
Albania	7	-	-	-
Bangladesh	-	-	1	-
Burundi	-	-	5	3
Cuba	3	2	1	1
Egypt	0	-	4	-
Russian Federation	-	1	-	-
India	5	-	-	-
Kosovo	1	-	-	-
North Macedonia	1	-	-	-
Nepal	10	-	-	-
United Kingdom	1	-	-	-
Serbia	1	-	1	-
Turkey	3	-	-	-
Yemen	-	-	1	-
Total	44	3	13	4

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.7 – People detained at the Border Police Offices pursuant to art. 10, paragraph 1, Legislative Decree 286/98 (immediate rejection at the border): Period 01/01/2022 - 31/12/2022

Border Police Office	2 days	3 days	4 days	5 days	6 days	7 days	Total
Bergamo - Orio al Serio	44	25	5	-	1	-	75
Bologna Airport	-	1	-	-	-	-	1
Milano- Malpensa	26	14	3	-	-	-	43
Rome - Fiumicino Airport	-	12	8	2	1	1	24
Venice Airport	38	4	2	-	-	-	44
Total	108	56	18	2	2	1	187

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.8 – People rejected at border crossings, divided by Police Office, year 2022

Police Office	Type of Board		
	Aerial	Maritime	Terrestrial
Police Station of Chioggia - Office with maritime border responsibilities	-	-	1
Border Police Office at Cuneo Airport	6	-	-
Border Police Office at Bologna Airport	139	-	-
Border Police Office at Ciampino Airport	67	-	-
Border Police Office at Florence Airport	9	-	-
Border Police Office at Forlì Airport	8	-	-
Border Police Office at Lametia Terme Airport	1	-	-
Border Police Office at Milan - Linate Airport	17	-	-
Border Police Office at Milan - Malpensa Airport	1088	-	-
Border Police Office at Naples Airport	39	-	-
Border Police Office at Orio al Serio Airport	634	-	-
Border Police Office at Palermo - Punta Raisi Airport	5	-	-
Border Police Office at Parma Airport	3	-	-
Border Police Office at Perugia Airport	16	-	-
Border Police Office at Pisa Airport	83	-	-
Border Police Office at Rimini Airport	50	-	-
Border Police Office at Rome - Fiumicino Airport	1,148	-	-
Border Police Office at Rome - Urbe Airport	3	-	-
Border Police Office at Turin Airport	21	-	-
Border Police Office at Treviso Airport	64	-	-
Border Police Office at Verona Airport	61	-	-
Border Police Office at Ancona airport and maritime terminals	92	-	103
Border Police Office at Bari airport and maritime terminals	44	-	1829
Border Police Office at Brindisi airport and maritime terminals	-	-	168
Border Police Office at Catania airport and maritime terminals	27	-	2
Border Police Office at Genoa airport and maritime terminals	37	-	13
Border Police Office at Olbia airport and maritime terminals	5	-	-
Border Police Office at Pescara airport and maritime terminals	8	-	-
Border Police Office at Trapani airport and maritime terminals	1	-	1
Border Police Office at Venice airport and maritime terminals	220	-	8
Border Police Office at Civitavecchia maritime terminal	-	-	14
Border Police Office at La Spezia maritime terminal	-	-	0
Border Police Office at Livorno maritime terminal	-	-	8
Border Police Office at Monfalcone maritime terminal	-	-	1
Border Police Office at Naples maritime terminal	-	-	0
Border Police Office at Palermo maritime terminal	-	-	10
Border Police Office at Palermo - Termini Imerese maritime terminal	-	-	2
Border Police Office at Ravenna maritime terminal	-	-	4
Border Police Office at Salerno maritime terminal	-	-	2
Border Police Office at Savona maritime terminal	-	-	0
Border Police Office at Sicacusa - Augusta Port maritime terminal	-	-	0
Border Police Office at Trieste maritime terminal	-	-	57
Office with Border Police function at Pantelleria Port	-	-	1
Total	3,896	0	2,224

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrant.

Table 1.9 – Total people rejected at border crossings, divided by declared nationality, Year 2022

Country	Border type			Total	Country	Border type			Total
	Aerial	Terrestrial	Maritime			Aerial	Terrestrial	Maritime	
Albania	1.695	2.004	-	3699	Jordan	6	-	-	6
Moldova	251	1	-	252	Mauritius	6	-	-	6
Georgia	237	3	-	240	Eritrea	5	-	-	5
Brazil	141	6	-	147	Democratic Republic of Congo	5	-	-	5
Turkey	99	39	-	138	Thailandia	5	-	-	5
Ukraine	128	4	-	132	Mexico	4	1	-	5
United States of America	107	0	-	107	Chile	4	-	-	4
Russian Federation	105	0	-	105	El Salvador	4	-	-	4
North Macedonia	50	41	-	91	Ethiopia	4	-	-	4
Morocco	74	4	-	78	Mali	4	-	-	4
United Kingdom	68	2	-	70	Nepal	4	-	-	4
Tunisia	28	42	-	70	Kuwait	4	-	-	4
Iran	52	11	-	63	Palestinian Territories	4	-	-	4
Pakistan	57	-	-	57	Zimbabwe	4	-	-	4
India	49	2	-	51	Azerbaijan	3	-	-	3
Egypt	48	1	-	49	Belarus	3	-	-	3
Bangladesh	48	-	-	48	Cameroon	3	-	-	3
Sri Lanka	43	-	-	43	United Arab Emirates	3	-	-	3
People Republic of China	42	1	-	43	Jamaica	3	-	-	3
Kosovo	15	28	-	43	Haiti	3	-	-	3
Paraguay	31	-	-	31	Somalia	3	-	-	3
Republic of the Congo	29	-	-	29	Uganda	3	-	-	3
Senegal	25	-	-	25	Armenia	2	-	-	2
Algeria	22	3	-	25	Australia	2	-	-	2
Serbia	20	4	-	24	South Korea	2	-	-	2
Nigeria	23	-	-	23	Guinea	2	-	-	2
Iraq	23	-	-	23	Mongolia	2	-	-	2
Montenegro	16	7	-	23	Myanmar	2	-	-	2
Syria	17	4	-	21	Niger	2	-	-	2
Israel	19	-	-	19	Saint Kitts and Nevis	2	-	-	2
Argentina	18	-	-	18	Belize	1	-	-	1
Peru	18	-	-	18	Botswana	1	-	-	1
Venezuela	18	-	-	18	Cambodia	1	-	-	1
Colombia	14	2	-	16	Dominica	1	-	-	1
Saudi Arabia	12	-	-	12	Ecuador	-	1	-	1
Philippines	12	-	-	12	Gambia	1	-	-	1
Dominican Republic	12	-	-	12	Japan	1	-	-	1
Libya	9	1	-	10	Guatemala	1	-	-	1
Sudan	9	1	-	10	Guyana	1	-	-	1
Ghana	9	-	-	9	Honduras	1	-	-	1
Lebanon	9	-	-	9	Indonesia	1	-	-	1
Bolivia	8	-	-	8	Comoro Islands	1	-	-	1
Ivory Coast	8	-	-	8	Kyrgyzstan	1	-	-	1
Cuba	8	-	-	8	Liberia	1	-	-	1
Uzbekistan	8	-	-	8	Malaysia	1	-	-	1
Bosnia - Herzegovina	2	6	-	8	Mozambique	1	-	-	1
Kazakhstan	3	5	-	8	New Zealand	1	-	-	1
Kenya	7	-	-	7	Principality of Mona	1	-	-	1
Canada	7	-	-	7	Sierra Leone	1	-	-	1
South Africa	7	-	-	7	Taiwan	1	-	-	1
Afghanistan	6	-	-	6	Vanuatu	1	-	-	1
Angola	6	-	-	6	Yemen	1	-	-	1
Total					Total	3.896	2.224	0	6.120

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Organisation Unit

Map 1.10 – Various and suitable facilities within the availability of the Public Security Authority, pursuant to article 13, para. 5-bis of legislative decree 25 July 1998, no. 286. Survey as at 31/12/2022



Source: Department of Public Security
 Data collected by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.11 – Transits in CPRs divided by declared nationality, year 2022

Country	Women	Men	Total	Country	Women	Men	Total
Afghanistan	-	6	6	Latvia	-	2	2
Albania	1	204	205	Lebanon	-	3	3
Algeria	-	176	176	Liberia	-	1	1
Argentina	1	-	1	Libya	-	12	12
Austria	-	1	1	Lithuania	-	2	2
Bangladesh	1	40	41	Mali	-	10	10
Benin	-	1	1	Morocco	2	641	643
Belarus	-	1	1	Mauritania	-	1	1
Bolivia	3	6	9	Mauritius	-	5	5
Bosnia - Herzegovina	5	22	27	Mexico	-	3	3
Brazil	2	13	15	Moldova	2	18	20
Bulgaria	-	9	9	Montenegro	-	11	11
Burkina Faso	-	4	4	Nigeria	6	335	341
Chile	1	10	11	Pakistan	-	61	61
Colombia	-	3	3	Peru	6	43	49
Ivory Coast	-	12	12	Poland	-	7	7
Croatia	-	3	3	Democratic Republic of Congo	-	1	1
Cuba	1	3	4	North Macedonia	-	7	7
Ecuador	1	5	6	Republic of Serbia	1	17	18
Egypt	-	670	670	Dominican Republic	3	8	11
El Salvador	-	9	9	People Republic of China	3	12	15
Eritrea	-	1	1	Romania	4	88	92
Estonia	-	1	1	Senegal	-	71	71
Russian Federation	-	11	11	Sierra Leone	-	1	1
Philippines	2	5	7	Syria	-	2	2
France	-	4	4	Slovenia	-	1	1
Gabon	-	4	4	Somalia	-	4	4
Gambia	-	174	174	Spain	-	2	2
Georgia	-	119	119	Sri Lanka	-	20	20
Ghana	-	67	67	United States of America	-	1	1
Jordan	-	1	1	South Africa	1	-	1
Guinea	-	5	5	Sweden	-	1	1
Guinea Bissau	-	3	3	Tajikistan	-	1	1
Honduras	-	1	1	Tanzania	-	5	5
India	1	24	25	Palestinian Territories	-	2	2
Iran	1	-	1	Thailand	-	1	1
Iraq	-	5	5	Tunisia	8	3276	3284
Kazakhstan	-	1	1	Turkey	-	5	5
Kyrgyzstan	-	1	1	Ukraine	-	7	7
Kosovo	-	12	12	Uruguay	1	1	2
Total					57	6,326	6,383

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.12 – Reasons for exit from CPRs, year 2022

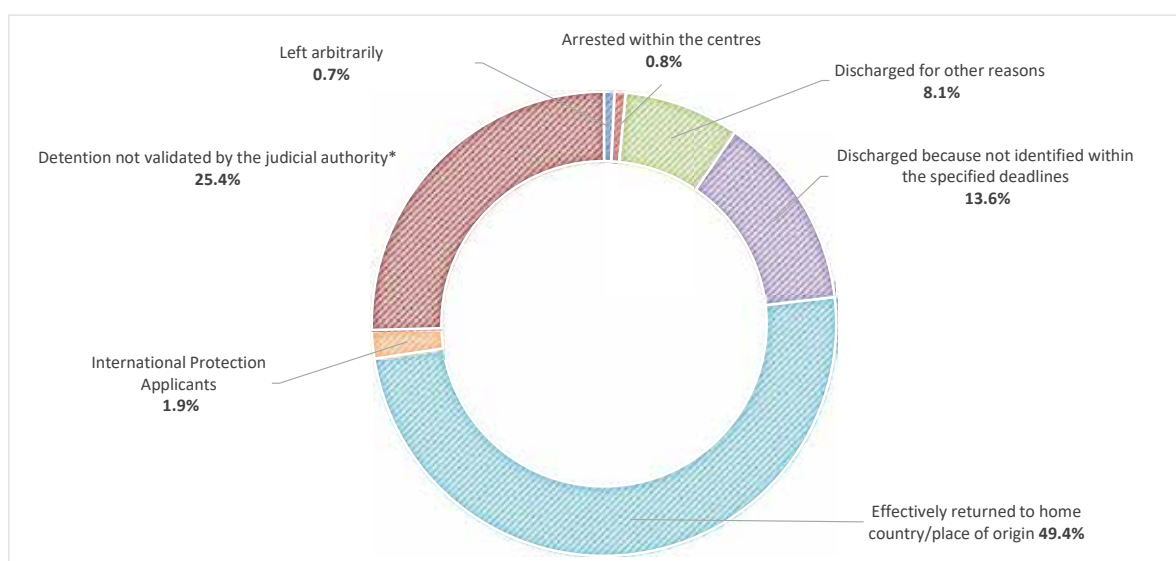
Exit reason	Women	Men	Total
Left arbitrarily	-	46	46
Arrested within the centres	1	49	50
Discharged for other reasons	2	512	514
Discharged because not identified within the specified deadlines	2	867	869
Effectively returned to home country/place of origin	18	3,136	3154
International Protection Applicants	4	118	122
Deceased within the centres	-	5	5
Detention not validated by the judicial authority*	30	1593	1623
Total	57	6,326	6,383

*The wording refers to both non-validated extensions and non-validated renewals

Source: Department of Public Security

Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Chart 1.12 – Reasons for exit from CPRs, year 2022



*The wording refers to both non-validated extensions and non-validated renewals

Source: Department of Public Security

Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.13 – Top ten countries – Reasons for exit from CPRs, year 2022

Country	Left arbitrarily	Arrested within the centres	Discharged for other reasons	Discharged because not identified within the specified deadlines	Effectively returned to home country/place of origin	International Protection Applicants	Detention not validated by the judicial authority	Total
Tunisia	41	21	227	105	2,248	31	611	3,284
Egypt	-	1	34	15	318	44	258	670
Morocco	2	12	72	285	92	6	174	643
Nigeria	1	2	49	76	89	8	114	339
Albania	-	-	12	9	127	4	53	205
Algeria	1	2	20	110	14	2	27	176
Gambia	1	2	21	65	38	1	46	174
Georgia	-	2	10	6	51	4	46	119
Romania	-	0	2	9	62	-	19	92
Senegal	-	2	5	29	9	-	26	71

Source: Department of Public Security
Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.14 – Operation of CPRs in 2022

Name of the Centre	Regulatory Capacity	Effective Capacity as of 31/12/2021	Managing Entity	Contract Term	
				Start Date	End Date
Bari - Palese	126	90	Coop. Soc. Badia Grande	01/07/2022	30/06/2023
Brindisi - Restinco	48	14	Ati Consorzio HERA	01/06/2022	31/05/2023
Caltanissetta - Pian del Lago	92	72	Essequadro	05/03/2022	31/03/2023
Gradisca d'Isonzo (GO)	150	100	Edeco Coop. Sociale	16/12/2021	15/04/2023
Macomer (NU)	50	50	Ekene Coop. Soc. Onlus	20/03/2022	19/03/2023
Palazzo S. Gervasio (PZ)	128	90	Engel Italia S.R.L.	26/07/2022	30/06/2023
Rome - Ponte Galeria	210	125	ORS Italia S.R.L.	01/02/2022	31/01/2023
Turin	210	140	ORS Italia S.R.L.	01/03/2023	28/02/2023
Trapani-Milo	205	51	Vivere Con-Consorzio HERA	01/04/2022	31/01/2023
Milan	140	72	Martina S.R.L.	01/12/2022	30/11/2023

Source: Department for civil liberties and immigration of the Ministry of the Interior
Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.15 – Average stay in CPRs, year 2022

CPRs	Effective Capacity as of 31/12/2022	Transits in 2022	Average stay (days)	Persons effectively returned to their home countries or place of origin in 2022
Bari - Palese	90	627	40.17	222
Brindisi - Restinco	14*	251	60.93	77
Caltanissetta - Pian del Lago	72	1074	15.47	934
Gradisca d'Isonzo (GO)	100	802	39.24	435
Macomer (NU)	50	202	72.74	47
Palazzo S. Gervasio (PZ)	90	844	28.44	405
Rome - Ponte Galeria	125	657	40.51	182
Turin	140	806	47.17	261
Trapani-Milo	51	606	16.87	400
Milan	72	457	36.87	191

*The data on the effective capacity at 31/12/2022 is determined by a critical event occurred on 19/12/2022. Capacity before 19/12/2022 was 48.

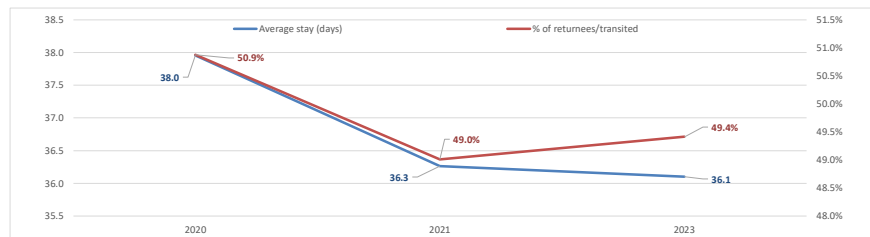
Source: Department of Public Security - Department for civil liberties and immigration of the Ministry of the Interior
Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.16 – Migrants in transit, their average stay in CPRs, returnees, and returned to their country/place of origin, years 2020-2022

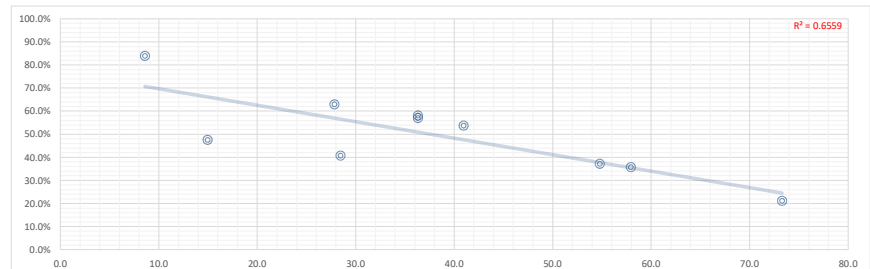
CPRs	2020				2021				2022			
	In transit	Average stay (days)	Returnees	% of returnees/transited	In transit	Average stay (days)	Returnees	% of returnees/transited	In transit	Average stay (days)	Returnees	% of returnees/transited
Bari - Palese	696	15.0	331	47.56%	626	29.5	308	49.20%	627	40.2	222	35.41%
Brindisi - Restinco	300	36.3	171	57.00%	244	51.2	87	35.66%	251	60.9	77	30.68%
Caltanissetta - Pian del Lago	105	54.8	39	37.14%	564	14.5	496	87.94%	1074	15.5	934	86.96%
Gorizia - Gradisca di Isonzo	709	27.9	446	62.91%	773	38.7	429	55.50%	802	39.2	435	54.24%
Nuoro - Macomer	175	73.3	37	21.14%	197	73.5	35	17.77%	202	72.74	47	23.27%
Potenza - Palazzo S. Gervaso	143	58.0	51	35.66%	845	22.7	539	63.79%	844	28.4	405	47.99%
Rome - Ponte Galeria	1,083	28.5	441	40.72%	468	34.7	210	44.87%	714	40.5	182	25.49%
Turin - Brunelleschi	816	41.0	438	53.68%	776	46.7	142	18.30%	806	47.2	261	32.38%
Trapani - Milo	93	36.3	54	58.06%	180	15.8	123	68.33%	606	16.9	400	66.01%
Milan - Corelli	267	8.6	224	83.90%	469	35.3	151	32.20%	457	36.87	191	41.79%
Total	4,387	37.95	2,232	50.88%	5,142	36.26	2,520	49.01%	6,383	36.10	3,154	49.41%

Source: Department of Public Security
Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

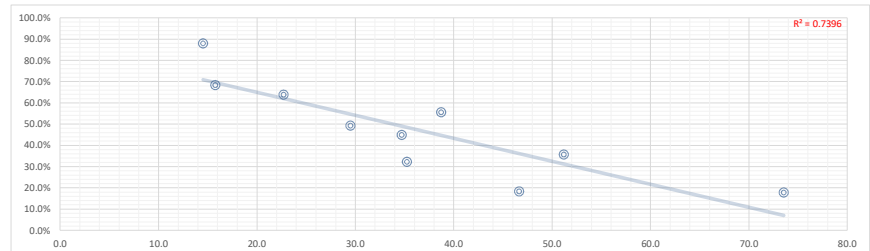
Year	Average stay (days)	% of returnees/transited
2020	38.0	50.9%
2021	36.3	49.0%
2023	36.1	49.4%



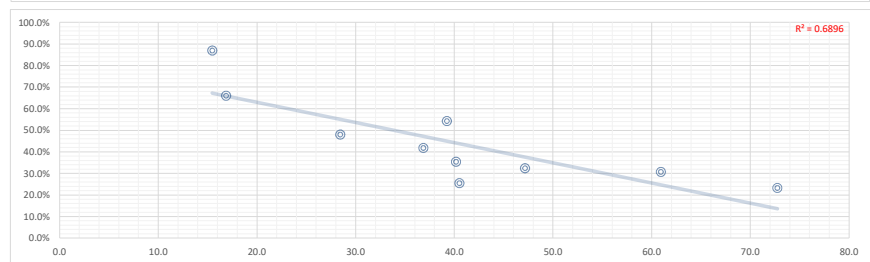
CPRs	2020	
	Average stay (days)	% of returnees/transited
Bari - Palese	15.0	47.6%
Brindisi - Restinco	36.3	57.0%
Caltanissetta - Pian del Lago	54.8	37.1%
Gorizia - Gradisca di Isonzo	27.9	62.9%
Nuoro - Macomer	73.3	21.1%
Potenza - Palazzo S. Gervaso	58.0	35.7%
Rome - Ponte Galeria	28.5	40.7%
Turin - Brunelleschi	41.0	53.7%
Trapani - Milo	36.3	58.1%
Milan - Corelli	8.6	83.9%



CPRs	2021	
	Average stay (days)	% of returnees/transited
Bari - Palese	29.5	49.2%
Brindisi - Restinco	51.2	35.7%
Caltanissetta - Pian del Lago	14.5	87.9%
Gorizia - Gradisca di Isonzo	38.7	55.5%
Nuoro - Macomer	73.5	17.8%
Potenza - Palazzo S. Gervaso	22.7	63.8%
Rome - Ponte Galeria	34.7	44.9%
Turin - Brunelleschi	46.7	18.3%
Trapani - Milo	15.8	68.3%
Milan - Corelli	35.3	32.2%



CPRs	2022	
	Average stay (days)	% of returnees/transited
Bari - Palese	40.2	35.4%
Brindisi - Restinco	60.9	30.7%
Caltanissetta - Pian del Lago	15.5	87.0%
Gorizia - Gradisca di Isonzo	39.2	54.2%
Nuoro - Macomer	72.7	23.3%
Potenza - Palazzo S. Gervaso	28.4	48.0%
Rome - Ponte Galeria	40.5	25.5%
Turin - Brunelleschi	47.2	32.4%
Trapani - Milo	16.9	66.0%
Milan - Corelli	36.9	41.8%



Source: Department of Public Security
Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.17 – Transits in CPRs divided by geographic area and declared nationality (absolute values), Years 2018-2022

Geographic area	2018			2019			2020			2021			2022		
	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total
Europe	143	374	517	179	660	839	62	265	327	1	510	511	14	553	567
Africa	241	2.854	3.095	176	4.511	4.687	67	3.741	3.808	4	4.355	4.359	17	5.481	5.498
South America	34	40	74	55	58	113	24	35	59	-	70	70	18	102	120
North America	22	26	48	28	34	62	10	12	22	-	30	30	0	3	3
Asia	192	166	358	226	245	471	60	111	171	-	177	177	8	187	195
Total	632	3.460	4.092	664	5.508	6.172	223	4.164	4.387	5	5.142	5.147	57	6.326	6.383

Source: Department of Public Security
Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.18 – Transits in CPRs divided by geographic area and declared nationality (%), Years 2018-2022

Geographic area	2018			2019			2020			2021			2022		
	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total
Europe	22,6	10,8	12,6	27,0	12,0	13,6	27,8	6,4	7,5	20,0	9,9	9,9	24,6	8,7	8,9
Africa	38,1	82,5	75,6	26,5	81,9	75,9	30,0	89,8	86,8	80,0	84,7	84,7	29,8	86,6	86,1
South America	5,4	1,2	1,8	8,3	1,1	1,8	10,8	0,8	1,3	-	1,4	1,4	31,6	1,6	1,9
North America	3,5	0,8	1,2	4,2	0,6	1,0	4,5	0,3	0,5	-	0,6	0,6	0,0	0,0	0,0
Asia	30,4	4,8	8,7	34,0	4,4	7,6	26,9	2,7	3,9	-	3,4	3,4	14,0	3,0	3,1
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Source: Department of Public Security
Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.19 – Returnees based on destination countries, year 2022

Country	Returnees	Country	Returnees
Albania	518	Mauritius	2
Algeria	22	Mexico	1
Argentina	1	Moldova	51
Bangladesh	9	Mongolia	1
Bolivia	2	Montenegro	9
Bosnia - Herzegovina	6	Nigeria	109
Brazil	10	Pakistan	11
Chile	11	Peru	19
Colombia	8	United Kingdom	2
Cuba	2	Democratic Republic of Congo	1
Ecuador	3	South Korea	1
Egypt	329	Republic of Serbia	20
El Salvador	4	North Macedonia	5
Russian Federation	5	Dominican Republic	4
Philippines	5	People Republic of China	1
Gambia	62	Senegal	14
Georgia	109	Sierra Leone	2
Ghana	5	Somalia	0
Jordan	1	Sri Lanka	7
Guinea	3	United States of America	3
Honduras	1	Sudan	1
India	9	Tanzania	1
Iraq	2	Tunisia	2,308
Kyrgyzstan	1	Turkey	2
Kosovo	11	Ukraine	11
Lebanon	1	Uruguay	1
Libya	1	Venezuela	1
Morocco	187		
		Total	3,916

Source: Department of Public Security

Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.20 – Forced return by charter flights, year 2022

Country	Number of flights	Number of Returnees
Albania*	1	13
Egypt	13	316
Gambia**	3	13
Georgia**	9	53
Nigeria***	5	95
Tunisia	79	2,234
Total	110	2,724

*Joint flight organized by Frontex

**Joint flights organized by Germany

***Frontex Joint Flights, including 3 organized by Italy, 1 by Switzerland, and 1 by Frontex

Source: Department of Public Security

Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.21 – Returnees by province

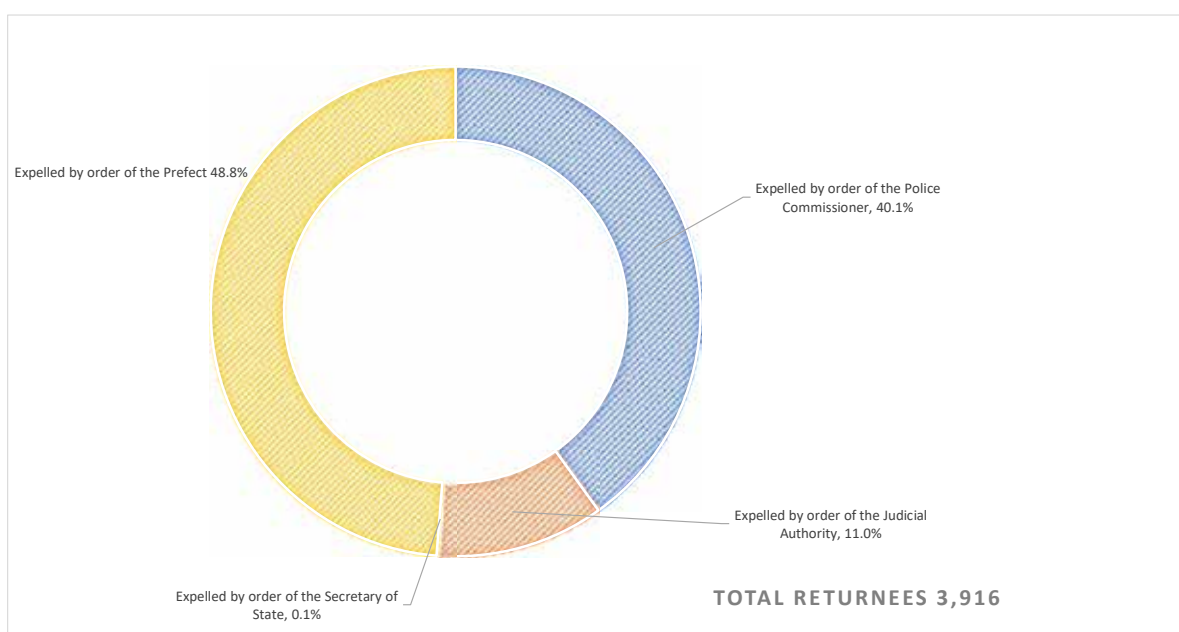
Province	Expelled by order of the Judicial Authority	Expelled by order of the Secretary of State	Expelled by order of the Prefect	Refused by order of the Police Commissioner	Total
Alessandria	4	-	-	-	4
Ancona	13	-	7	-	20
Aosta	6	-	2	-	8
Arezzo	-	-	1	-	1
Ascoli Piceno	-	-	1	-	1
Asti	1	-	-	-	1
Avellino	1	-	2	-	3
Bari	18	-	161	33	212
Belluno	11	-	6	-	17
Bergamo	4	-	-	-	4
Biella	5	1	21	-	27
Bologna	4	-	-	-	4
Bolzano	2	-	25	-	27
Brescia	4	-	60	8	72
Brindisi	4	-	-	-	4
Cagliari	2	-	174	752	928
Caltanissetta	1	-	2	-	3
Campobasso	6	-	1	-	7
Caserta	-	-	1	-	1
Catanzaro	16	-	23	-	39
Como	2	1	-	-	3
Cosenza	15	-	3	-	18
Cremona	5	-	2	-	7
Cuneo	1	-	-	-	1
Ferrara	3	-	6	-	9
Florence	8	-	2	-	10
Foggia	4	-	3	-	7
Forlì - Cesena	1	-	14	-	15
Frosinone	5	-	1	-	6
Genoa	15	-	-	-	15
Gorizia	7	-	354	72	433
Imperia	6	-	-	-	6
Isernia	-	-	1	-	1
L'Aquila	-	-	1	-	1
La Spezia	-	-	1	-	1
Lecce	2	-	3	-	5
Livorno	3	-	-	-	3
Lucca	4	-	1	-	5
Macerata	1	-	3	-	4
Mantova	1	-	-	-	1
Massa Carrara	-	-	3	-	3
Matera	1	-	-	-	1
Messina	-	-	3	-	3
Milan	3	-	5	-	8
Modena	20	-	251	31	302
Monza e Brianza	5	-	-	-	5
Naples	4	-	17	-	21
Novara	4	-	7	-	11
Nuoro	1	-	9	-	10
Oristano	1	-	33	15	49
Padova	7	-	10	-	17
Palermo	5	-	11	-	16
Parma	9	-	5	-	14
Pavia	8	-	-	-	8
Perugia	9	1	31	-	41
Pesaro e Urbino	5	-	2	-	7
Pescara	3	-	-	-	3
Piacenza	7	-	5	-	12
Pisa	1	-	1	-	2
Pistoia	-	-	6	-	6
Pordenone	1	-	1	-	2
Potenza	2	-	124	259	385

*Following

Prato	12	-	2	-	14
Ragusa	0	-	-	-	0
Ravenna	-	-	5	-	5
Reggio Emilia	3	-	2	-	5
Rimini	-	-	6	-	6
Rome	36	-	131	61	228
Rovigo	1	-	-	-	1
Salerno	2	-	-	-	2
Sassari	2	-	-	-	2
Siena	1	-	5	-	6
Taranto	2	-	4	-	6
Teramo	1	-	-	-	1
Terni	3	-	-	-	3
Turin	12	-	214	45	271
Trapani	7	-	103	295	405
Trento	5	-	1	-	6
Treviso	2	-	-	-	2
Trieste	4	-	-	-	4
Udine	1	-	1	-	2
Varese	28	-	20	-	48
Venice	6	-	6	-	12
Vercelli	2	-	-	-	2
Verona	2	-	-	-	2
Vibo Valentia	1	-	-	-	1
Vicenza	7	-	2	-	9
Viterbo	11	-	2	-	13
Total	432	3	1,910	1,571	3,916

Source: Department of Public Security
Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Chart 1.22 – Total number of returnees divided by type of decision, year 2022



Source: Department of Public Security
Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

Table 1.23 – Compliant individuals divided by Province, year 2022

Province	Compliant with Police Commissioner order	Compliant with voluntary return	Total compliant individuals	Province	Compliant with Police Commissioner order	Compliant with voluntary return	Total compliant individuals
Agrigento	10	1	11	Massa Carrara	1	-	1
Alessandria	1	-	1	Matera	2	-	2
Ancona	2	1	3	Milan	16	3	19
Aosta	3	1	4	Modena	4	2	6
Arezzo	1	-	1	Monza e Brianza	4	-	4
Ascoli Piceno	2	1	3	Naples	1	-	1
Asti	2	-	2	Novara	3	-	3
Avellino	1	-	1	Oristano	-	1	1
Bari	13	2	15	Padova	1	7	8
Belluno	-	1	1	Parma	-	2	2
Bergamo	18	1	19	Pavia	1	-	1
Bologna	3	-	3	Perugia	6	2	8
Bolzano	4	1	5	Piacenza	3	1	4
Brescia	13	5	18	Pisa	1	-	1
Brindisi	1	2	3	Pistoia	2	2	4
Cagliari	3	1	4	Pordenone	3	1	4
Caltanissetta	1	-	1	Potenza	4	-	4
Caserta	1	-	1	Prato	7	3	10
Catania	1	1	2	Ragusa	6	-	6
Catanzaro	1	-	1	Ravenna	2	1	3
Chieti	1	1	2	Reggio Calabria	8	0	8
Como	1	-	1	Reggio Emilia	2	-	2
Cosenza	3	-	3	Rimini	1	2	3
Crotone	2	-	2	Rome	26	2	28
Crotone	-	-	0	Salerno	2	-	2
Cuneo	1	-	1	Savona	1	-	1
Ferrara	2	2	4	Siena	1	-	1
Florence	4	2	6	Siracusa	3	-	3
Forlì Cesena	4	1	5	Taranto	-	1	1
Frosinone	3	-	3	Terni	2	-	2
Genoa	1	-	1	Turin	14	-	14
Gorizia	3	-	3	Trapani	8	-	8
Grosseto	2	1	3	Trento	5	2	7
Imperia	1	1	2	Treviso	13	2	15
L'Aquila	4	-	4	Trieste	4	2	6
La Spezia	1	-	1	Udine	16	1	17
Latina	1	-	1	Varese	7	3	10
Lecce	4	1	5	Venice	1	-	1
Lecco	1	-	1	Verbano Cusio Ossola	3	-	3
Livorno	2	-	2	Verona	2	7	9
Lodi	-	1	1	Vicenza	2	-	2
Mantova	1	1	2	Viterbo	1	-	1
Total	312	76	388				

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

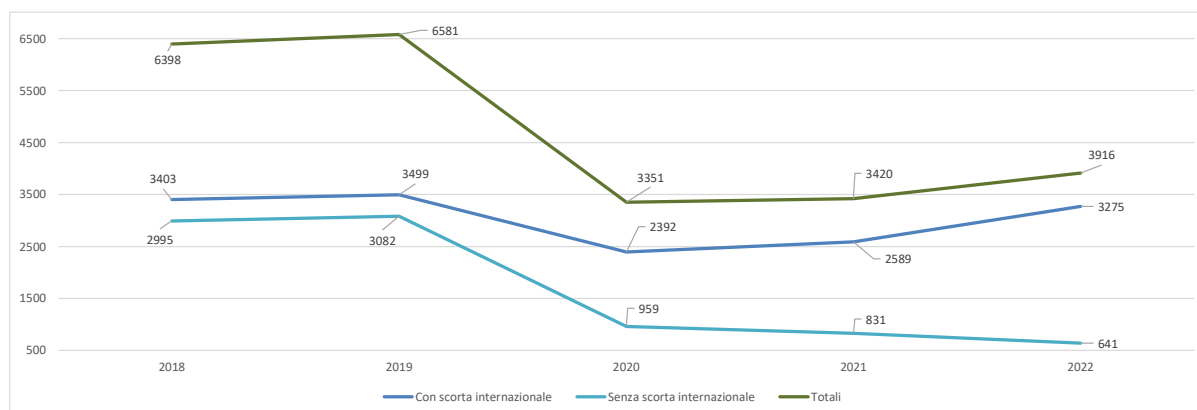
Table 1.24 – Trend in forced returns based on the implementation type, years 2018-2022

Year	With international escort	W/O international escort	Total
2018	3,403	2,995	6,398
2019	3,499	3,082	6,581
2020	2,392	959	3,351
2021	2,589	831	3,420
2022	3,275	641	3,916

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Chart 1.24 – Trend in forced returns based on the implementation type, years 2018-2022



Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.25 – Trend in forced returns with international escort (absolute values), top five countries, years 2018-2022

Nationality	Year 2018	Rank	Year 2019	Rank	Year 2020	Rank	Year 2021	Rank	Year 2022	Rank
Albania	205	3	261	4	136	2	167	3	171	3
Egypt	148	5	244	5	66	4	285	2	322	2
Georgia	78	-	120	-	46	5	47	5	78	-
Morocco	338	2	444	2	92	3	14	-	140	4
Nigeria	189	4	348	3	34	-	53	4	107	5
Tunisia	2,127	1	1,609	1	1,925	1	1,866	1	2,283	1
Other	318	-	423	-	93	-	157	-	174	-
Total	3,403		3,449		2,392		2,589		3,275	

Note: The data for the years 2018-2020 has been modified

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.26 – Trend in forced returns with international escort (%), top five countries, years 2018-2022

Nationality	Year 2018	Rank	Year 2019	Rank	Year 2020	Rank	Year 2021	Rank	Year 2022	Rank
Albania	6.0	3	7.6	4	5.7	2	6.5	3	5.2	3
Egypt	4.3	5	7.1	5	2.8	4	11.0	2	9.8	2
Georgia	2.3	-	3.5	-	1.9	5	1.8	5	2.4	-
Morocco	9.9	2	12.9	2	3.8	3	0.5	-	4.3	4
Nigeria	5.6	4	10.1	3	1.4	-	2.0	4	3.3	5
Tunisia	62.5	1	46.7	1	80.5	1	72.1	1	69.7	1
Other	9.3	-	12.3	-	3.9	-	6.1	-	5.3	-
Total	100.0		100.0		100.0		100.0		100.0	

Note: The data for the years 2018-2022 has been modified

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

First months of 2023

Table 1.27 – Migrants entries in hotspots – breakdown by declared nationality, period 01/01/2023 - 31/03/2023

Country	Men	Women	Minors	Total
Afghanistan	2	-	-	2
Algeria	3	4	-	7
Bangladesh	1,666	-	24	1,690
Benin	54	11	29	94
Burkina Faso	850	38	75	963
Cameroon	930	378	163	1,471
Comoro Islands	61	27	1	89
Ciad	14	-	3	17
Ivory Coast	2,671	1,720	958	5,349
Egypt	864	-	226	1,090
Eritrea	452	15	228	695
Ethiopia	55	3	5	63
Gambia	466	8	229	703
Gabon	1	1	-	2
Ghana	21	6	8	35
Guinea	2,552	738	776	4,066
Guinea Bissau	9	-	-	9
India	16	-	-	16
Lebanon	1	1	2	4
Liberia	45	15	10	70
Libya	5	-	-	5
Mali	815	41	148	1,004
Morocco	28	6	1	35
Mauritania	4	-	-	4
Nepal	3	-	-	3
Niger	9	1	1	11
Nigeria	102	24	17	143
Pakistan	1,107	2	47	1,156
Central African Republic	3	-	1	4
Republic of the Congo	62	37	15	114
Senegal	390	12	53	455
Sierra Leone	126	52	46	224
Syria	426	87	83	596
Somalia	7	-	4	11
Sri Lanka	1	-	-	1
Sudan	198	1	23	222
South Sudan	4	-	-	4
Palestinian Territories	35	6	13	54
Togo	13	-	-	13
Tunisia	936	93	475	1,504
Yemen	19	2	5	26
Total	15,026	3,329	3,669	22,024

Source: Department for civil liberties and immigration of the Ministry of the Interior
Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.28 – Migrants entries in hotspots – breakdown by facility and type of guests, period 01/01/2023 - 31/03/2023

Hotspots	Total	Men	Women	Minors of which	Accompanied Minors	Unaccompanied Minors
Lampedusa	17,590	11,836	2,869	2,885	2,006	879
Messina	1,571	1,121	265	185	96	89
Pozzallo	1,680	1,320	193	167	32	135
Taranto	1,183	749	2	432	2	430
Total	22,024	15,026	3,329	3,669	2,136	1,533

Source: Department for civil liberties and immigration of the Ministry of the Interior
Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and

Table 1.29 – Hotspots: average stay (days), period 01/01/2023 - 31/03/2023

Hotspots	Average Stay (days)	
	Adults	Third-country unaccompanied minors
Lampedusa	5	5
Messina	14	0
Pozzallo	7	11.09
Taranto	15	15

Source: Department for civil liberties and immigration of the Ministry of the Interior
Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.30 – People rejected at air and sea border crossings divided by declared nationality, period 01/01/2023 - 31/03/2023

Country	Total	Country	Total
Afghanistan	2	Mali	2
Albania	874	Morocco	37
Algeria	6	Mauritius	1
Stateless persons	1	Moldova	83
Saudi Arabia	2	Mongolia	1
Argentina	6	Montenegro	3
Armenia	3	Nepal	2
Bangladesh	6	Nigeria	14
Bolivia	6	Pakistan	13
Brazil	41	Paraguay	6
Cameroon	4	Peru	5
Ciad	2	United Kingdom	12
Chile	2	Republic of the Congo	2
Colombia	4	Dominican Republic	8
Ivory Coast	3	People Republic of China	25
Ecuador	1	Senegal	6
Egypt	9	Serbia	6
Ethiopia	1	Syria	6
Russian Federation	12	Sri Lanka	4
Philippines	1	United States of America	19
Georgia	69	South Africa	4
Ghana	2	Sudan	1
India	20	Togo	1
Iran	14	Tunisia	12
Iraq	2	Turkey	22
Israel	5	Ukraine	7
Kazakhstan	1	Uganda	3
Kenya	2	Uzbekistan	2
Kosovo	12	Vanuatu	2
Libya	1	Venezuela	5
North Macedonia	25	Yemen	2
Madagascar	1	Zimbabwe	1
		Total	1,457

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.31 – Transits in CPRs divided by declared nationality, period 01/01/2023 - 31/03/2023

Country	Women	Men	Total	Country	Women	Men	Total
Albania	-	68	68	Lebanon	-	1	1
Algeria	-	70	70	Liberia	-	1	1
Argentina	0	-	0	Libya	-	1	1
Bangladesh	-	13	13	Mali	-	1	1
Belgium	-	1	1	Morocco	0	268	268
Bolivia	-	2	2	Moldova	1	5	6
Bosnia - Herzegovina	0	6	6	Montenegro	-	1	1
Brazil	0	2	2	Nigeria	0	129	129
Bulgaria	-	2	2	Pakistan	-	18	18
Cape Verde	-	1	1	Peru	1	16	17
Chile	0	2	2	Poland	-	1	1
Colombia	-	3	3	Democratic Republic of Congo	-	1	1
Ivory Coast	-	6	6	Republic of Macedonia	-	3	3
Cuba	-	3	3	North Macedonia	-	4	4
Dominica	-	1	1	Republic of Serbia	2	8	10
Ecuador	-	2	2	Dominican Republic	-	4	4
Egypt	-	158	158	South Korea	-	1	1
El Salvador	-	4	4	People Republic of China	1	6	7
Eritrea	-	1	1	Romania	-	25	25
Estonia	-	1	1	Senegal	-	33	33
Russian Federation	-	1	1	Somalia	-	2	2
Philippines	0	3	3	Sri Lanka	-	7	7
France	-	1	1	United States of America	1	0	1
Gambia	-	86	86	Sudan	-	1	1
Georgia	-	38	38	Autonomous Palestinian Territories	-	1	-
Ghana	-	15	15	Tunisia	2	792	792
Guinea	-	1	1	Turkey	-	4	1
Guinea Bissau	-	2	2	Ukraine	-	1	1
India	0	5	5	Uruguay	-	3	3
Iraq	-	1	1	Venezuela	1	1	2
Kosovo	-	1	1	Zimbabwe	-	1	1
Latvia	-	1	1				
Total					9	1,841	1,850

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Deprivation of Liberty and Migrants Unit

Table 1.32 – Reasons for exit from CPRs (01/01/2023 - 31/03/2023)

Exit reason	Women	Men	Total
Left voluntarily	-	5	5
Arrested within the centres	-	18	18
Discharged for other reasons	-	292	292
Discharged because not identified within the specified deadlines	1	160	161
Effectively returned to home country/place of origin	3	802	805
International Protection Applicants	1	34	35
Detention not validated by the judicial authority*	4	530	534
Total	9	1.841	1.850

*The wording refers to both non-validated extensions and non-validated renewals

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Organisation Unit: Deprivation of Liberty and Migrants

Table 1.33 – Operation of CPRs (01/01/2023 - 31/03/2023)

Name of the Centre	Regulatory Capacity	Effective Capacity at 31/03/2023	Managing Entity	Contract Term	
				Start Date	End Date
Bari - Palese	126	90	Coop. Soc. Badia Grande	01/07/2022	30/06/2023
Brindisi - Restinco	48	14	Ati Consorzio HERA	01/06/2022	31/05/2023
Caltanissetta - Pian del Lago	92	72	Essequadro	05/03/2023	31/03/2023*
Gradisca d'Isonzo (GO)	150	100	Ekene Coop. Sociale	16/12/2021	15/04/2023
Macomer (NU)	50	50	Ekene Coop. Sociale	20/03/2022	19/03/2023**
Palazzo S. Gervasio (PZ)	128	100	Engel Italia S.R.L.	26/07/2022	30/06/2023
Rome - Ponte Galeria	250	93	ORS Italia S.R.L.	01/02/2023	31/01/2024**
Turin***	210	0	ORS Italia S.R.L.	01/03/2022	28/02/2023
Trapani-Milo	204	126	Vivere Con-Consorzio HERA	01/04/2022	31/01/2023****
Milan	120	56	Martinina S.R.L.	01/12/2022	30/11/2023

*technical prorogation until 31/07/2023

**expected to be renewed

***non-operational 04/03/2023

****new tender in progress

Source: Department for civil liberties and immigration of the Ministry of the Interior

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Organisation Unit: Deprivation of Liberty and Migrants

Table 1.34 – Returnees based on destination countries, Period 01/01/2023 - 31/03/2023

Country	Returnees	Country	Returnees
Albania	145	India	2
Algeria	24	Kosovo	1
Argentina	1	Mali	1
Bangladesh	4	Morocco	104
Bolivia	2	Moldova	9
Bosnia - Herzegovina	2	Nigeria	40
Brazil	5	Pakistan	9
Canada	1	Peru	8
Chile	2	North Macedonia	4
Colombia	3	Dominican Republic	5
Ecuador	2	Republic of Serbia	2
Egypt	87	People Republic of China	6
El Salvador	1	Senegal	5
Russian Federation	1	Sri Lanka	1
Philippines	1	United States of America	1
Gambia	29	Thailand	1
Georgia	30	Tunisia	508
Ghana	2	Turkey	2
Guinea	1		
Total		1.052	

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Organisation Unit: Deprivation of Liberty and Migrants

Tabella 1.35 – Forced return by charter flights, Period 01/01/2023 - 31/03/2023

Country	Number of forced return	Number of returnees
Bangladesh*	1	2
Egypt	3	80
Gambia*	2	14
Georgia*	2	11
Nigeria*	1	34
Pakistan*	2	9
Tunisia	16	477
Total	27	627

*Frontex Joint Flights

Source: Department of Public Security

Data processing by the National Guarantor for the rights of persons deprived of personal liberty - Organisation Unit: Deprivation of Liberty and Migrants

Table 1.36 – Returnees by province, period 01/01/2023 - 31/03/2023

Province	Expelled by order of the Judicial Authority	Expelled by order of the Secretary of State	Expelled by order of the Prefect	Refused by order of the Police Commissioner	Total
Alessandria	5	-	3	-	3
Ancona	3	-	-	-	3
Aosta	1	-	1	-	2
Arezzo	-	-	1	-	1
Ascoli Piceno	-	-	1	-	1
Avellino	1	-	-	-	1
Bari	1	-	50	4	55
Bergamo	4	-	-	-	4
Biella	2	-	-	-	2
Bologna	1	-	8	-	9
Brescia	-	-	8	-	8
Brindisi	3	-	11	-	14
Caltanissetta	2	-	59	110	171
Campobasso	1	-	-	-	1
Catania	1	-	1	-	2
Como	6	-	7	-	13
Cremona	2	-	-	-	2
Cuneo	3	-	1	-	4
Ferrara	1	-	2	-	3
Florence	2	-	1	-	3
Foggia	1	-	2	-	3
Forlì - Cesena	-	-	4	-	4
Frosinone	2	-	-	-	2
Genoa	2	-	1	-	3
Gorizia	3	-	96	20	119
Imperia	1	-	-	-	1
La Spezia	-	-	1	-	1
Lecco	1	-	-	-	1
Livorno	2	-	-	-	2
Lucca	-	-	1	-	1
Macerata	1	-	-	-	1
Mantova	-	-	2	-	2
Matera	-	-	1	-	1
Messina	1	-	1	-	2
Milan	5	-	102	1	108
Monza e Brianza	1	-	4	-	5
Naples	3	-	1	-	4
Novara	-	-	3	-	3
Nuoro	1	-	16	12	29
Oristano	1	-	-	-	1
Padua	7	-	-	-	7
Palermo	2	-	4	-	6
Parma	3	-	-	-	3
Pavia	3	-	-	-	3
Perugia	3	-	10	-	13
Pesaro e Urbino	2	-	1	-	1
Piacenza	1	-	2	-	3
Pordenone	-	-	1	-	1
Potenza	1	-	28	15	44
Prato	-	-	3	-	3
Ravenna	-	-	1	-	1
Raggio Calabria	1	-	-	-	1
Reggio Emilia	2	-	2	-	4
Rieti	1	-	-	-	1
Rimini	-	-	4	-	4
Roma	12	-	72	16	100
Rovigo	1	-	1	-	2
Salerno	1	-	-	-	2
Siena	-	-	1	-	1
Sondrio	-	-	1	-	1
Taranto	1	-	-	-	1
Terni	1	-	-	-	1
Turin	3	-	47	2	52
Trapani	6	-	58	108	172
Trento	2	-	-	-	2
Varese	7	-	6	-	13
Venice	1	-	1	-	2
Verbano Cusio	-	-	1	-	1
Vercelli	1	-	-	-	1
Verona	2	-	-	-	2
Viterbo	3	-	-	-	3
Total	131	0	633	288	1,052

Source: Department of Public Security
Data processing by the National Guarantor - Deprivation of Liberty and Migrants Unit

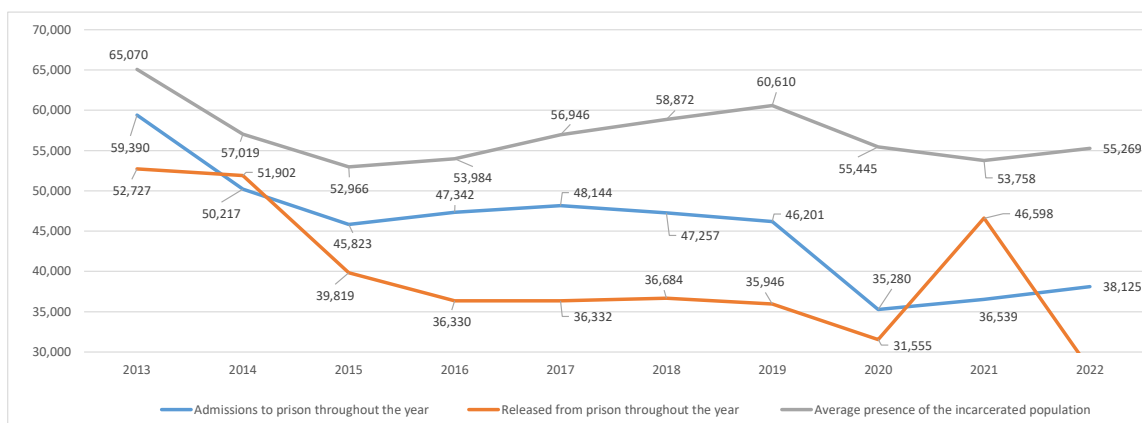
Table 2.1.1 – Incarcerated population: presence, entries and exits, historical series years 2013-2022

Year	Admissions to prison throughout the year	Released from prison throughout the year	Average presence of the incarcerated population	Balance	Change ((2022-2013)/2013)*100		
2013	59.390	52.727	65.070	6.663			
2014	50.217	51.902	57.019	-1.685			
2015	45.823	39.819	52.966	6.004			
2016	47.342	36.330	53.984	11.012			
2017	48.144	36.332	56.946	11.812			
2018	47.257	36.684	58.872	10.573			
2019	46.201	35.946	60.610	10.255			
2020	35.280	31.555	55.445	3.725			
2021	36.539	46.598	53.758	-10.059			
2022	38.125	27.866	55.269	10.259	-35,8%	-47,2%	-15,1%

In 2022, the balance (entries - exits) returned to being positive, aligning with the majority of years in the historical series under examination. This followed a significant negative balance (-10,059) recorded in 2021, unprecedented in such proportions. In the same historical series under consideration, the years 2014 and 2020 show the lowest balances, negative in one case and positive in the other. In 2022, entries decreased by 35.8% compared to 2013, while they increased by approximately 4% compared to the previous year. Simultaneously, exits have decreased by over 47% when comparing the two years at the endpoints of the indicated historical series, and by approximately 40% when comparing the last two significant years. Lastly, it is observed that the average presence has decreased by approximately 15% in the same ratio between the years at the opposite ends of the spectrum, while it has increased by over 2% in the ratio between the last two years compared.

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.1.1 – Incarcerated population: presence, entries and exits, historical series, years 2013-2022



Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

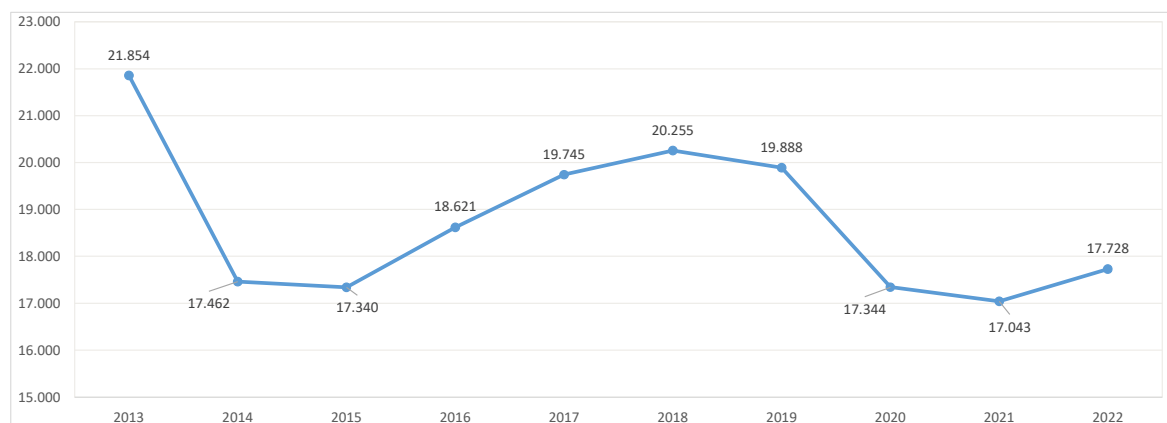
Table 2.1.2 – Foreign incarcerated population divided by geographical area, Historical series, Years 2013-2022

Continent	Geographic area	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Europe	EU	4.706	3.779	3.672	3.536	3.387	3.338	3.129	2.691	2.691	2.679
	Former Yugoslavia	934	709	681	673	715	720	683	573	558	561
	Albania	2.845	2.437	2.423	2.429	2.598	2.568	2.402	1.956	1.836	1.845
	Other European countries	601	489	484	530	587	603	635	570	625	761
	Total Europe	9.086	7.414	7.260	7.168	7.287	7.229	6.849	5.790	5.710	5.846
	%	41,56	42,46	41,87	38,49	36,90	35,69	34,40	33,38	33,50	32,90
Africa	Tunisia	2.627	1.950	1.893	1.998	2.112	2.070	2.020	1.775	1.744	1.787
	Morocco	4.060	2.955	2.840	3.283	3.703	3.751	3.651	3.308	3.333	3.577
	Algeria	541	385	387	408	461	489	478	450	425	438
	Nigeria	865	728	678	904	1.125	1.463	1.665	1.451	1.324	1.264
	Other African countries	2.036	1.803	2.051	2.437	2.578	2.725	2.599	2.277	2.258	2.444
Total Africa	10.129	7.821	7.849	9.030	9.979	10.498	10.413	9.261	9.084	9.510	
	%	46,35	44,79	45,27	48,49	50,53	51,80	52,36	53,40	53,30	53,70
Asia	Middle East	251	220	216	233	237	205	201	170	176	1211
	Other Asian countries	992	874	922	1.085	1.120	1.208	1.282	1.141	1.142	181
	Total Asia	1.243	1.094	1.138	1.318	1.357	1.413	1.483	1.311	1.318	1.392
	%	5,69	6,27	6,56	7,08	6,87	6,98	7,46	7,56	7,73	7,86
America	North	25	17	16	24	22	23	19	21	15	12
	Centre	363	307	300	271	274	260	264	240	249	252
	South	989	798	767	781	800	804	841	703	647	696
	Total America	1.377	1.122	1.083	1.076	1.096	1.087	1.124	964	911	960
	%	6,30	6,43	6,25	5,78	5,55	5,37	5,47	5,56	5,34	5,43
Other	Total Other	19	11	10	29	26	28	19	18	20	20
	%	0,10	0,050	0,010	0,16	0,15	0,16	0,31	0,10	0,13	0,11
Total population		21.854	17.462	17.340	18.621	19.745	20.255	19.888	17.344	17.043	17.728

In the historical series under review, Table 2.1.2 highlights that until 2016, the highest concentration among foreign individuals in penitentiary institutions was related to the European Union. Starting from 2017 this concentration was replaced by the African countries. In addition, it is to be noted that the region of origin that has the greatest impact on the incarcerated population is the African continent, particularly Morocco, followed by Tunisia and Nigeria.

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.1.2 – Foreign incarcerated population divided by geographical area, Historical series, Years 2013-2022



Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.3 – Incarcerated population in penitentiary institutes divided by age groups. Historical series, Years 2013-2022

Year	18-20 years	21-24 years	25-29 years	30-34 years	35-39 years	40-44 years	45-49 years	50-59 years	60-69 years	= or > 70 years	Not recorded	Total
2013	910	4,371	8,578	10,200	9,970	9,157	7,319	8,472	2,943	597	19	62,536
	1.46%	6.99%	13.72%	16.31%	15.94%	14.64%	11.70%	13.55%	4.71%	0.95%	0.03%	100%
2014	710	3,390	6,872	8,194	8,473	7,884	6,558	7,995	2,946	594	7	53,623
	1.32%	6.32%	12.82%	15.28%	15.80%	14.70%	12.23%	14.91%	5.49%	1.11%	0.01%	100%
2015	721	3,106	6,621	7,677	8,113	7,618	6,585	8,009	3,057	642	15	52,164
	1.38%	5.95%	12.69%	14.72%	15.55%	14.60%	12.62%	15.35%	5.86%	1.23%	0.03%	100%
2016	851	3,267	6,989	7,979	8,292	7,844	6,914	8,492	3,287	715	23	54,653
	1.56%	5.98%	12.79%	14.60%	15.17%	14.35%	12.65%	15.54%	6.01%	1.31%	0.04%	100%
2017	866	3,409	7,224	8,267	8,652	8,094	7,310	9,298	3,700	776	12	57,608
	1.50%	5.92%	12.54%	14.35%	15.02%	14.05%	12.69%	16.14%	6.42%	1.35%	0.02%	100%
2018	925	3,550	7,283	8,469	8,855	8,255	7,639	9,962	3,824	881	12	59,655
	1.55%	5.95%	12.21%	14.20%	14.84%	13.84%	12.81%	16.70%	6.41%	1.48%	0.02%	100%
2019	871	3,506	7,110	8,615	8,702	8,511	7,729	10,504	4,230	986	5	60,769
	1.43%	5.77%	11.70%	14.18%	14.32%	14.01%	12.72%	17.29%	6.96%	1.62%	0.01%	100%
2020	584	2,993	5,920	7,493	7,757	7,492	6,984	9,504	3,779	851	7	53,364
	1.09%	5.61%	11.09%	14.04%	14.54%	14.04%	13.09%	17.81%	7.08%	1.59%	0.01%	100%
2021	523	2,739	5,799	7,494	7,779	7,558	7,085	9,991	4,165	993	8	54,134
	0.97%	5.06%	10.71%	13.84%	14.37%	13.96%	13.09%	18.46%	7.69%	1.83%	0.01%	100%
2022	595	2,662	5,836	7,592	7,940	7,933	7,342	10,662	4,513	1,117	4	56,196
	1.06%	4.74%	10.39%	13.51%	14.13%	14.12%	13.06%	18.97%	8.03%	1.99%	0.01%	100%

In the historical period considered in Table 2.1.3, it is highlighted that the majority of incarcerated individuals in penitentiary institutions are concentrated in age groups between 25 and 59 years, which, taken together, represent over 84% of the overall population in the single years under examination.

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.4 – Incarceration rate per 100,000 resident inhabitants, divide by gender and age group. Historical series, Years 2013-2022

Incarceration rate per 100,000 resident inhabitants													
Years	Men	Women	18-20 years	21-24 years	25-29 years	30-34 years	35-39 years	40-44 years	45-49 years	50-59 years	60-69 years	= or > 70 years	Total
2013	205.0	8.7	51.0	174.1	261.6	274.1	221.6	189.5	149.0	103.6	42.1	6.3	103.7
2014	175.5	7.4	40.7	135.3	210.4	225.8	193.7	163.9	132.5	95.4	41.7	6.2	88.9
2015	171.3	6.8	41.8	125.3	204.6	216.4	193.7	159.6	133.8	93.1	42.7	6.7	86.5
2016	179.4	7.4	49.5	134.1	217.1	229.2	206.3	166.0	141.6	96.6	45.1	7.4	90.8
2017	189.1	7.8	50.0	141.9	224.6	242.3	223.4	174.9	150.7	103.6	50.8	7.9	95.9
2018	195.8	8.4	52.8	149.4	226.4	253.1	235.6	183.2	158.5	109.1	52.5	8.8	99.5
2019	199.5	8.7	49.4	147.9	223.9	259.4	238.1	194.7	161.5	113.1	58.0	9.6	101.6
2020	175.9	7.4	33.3	126.4	189.2	228.3	217.1	178.9	147.0	101.0	51.3	8.2	89.5
2021	179.8	7.4	30.1	115.8	190.4	232.3	223.3	188.5	151.0	105.8	56.1	9.5	91.4
2022	187.2	7.9	34.7	113.4	194.4	236.4	232.6	205.1	159.3	111.7	59.5	10.6	95.4

Each incarceration rate is calculated per 100,000 resident inhabitants, using the Istat population data as the data source. At 31 December 2022, the incarceration rate relative to the general population was 95.4. If considering only men, in the same year, the incarceration rate was 187.2, equivalent to 1 inmate for every 534 men residents in the country. With reference to women, on the other hand, the incarceration rate was 7.9, equivalent to 1 inmate for every 12,658 women residents. If we consider individuals aged between 30 and 34, the incarceration rate is 236.4, equivalent to 1 inmate for every 423 residents

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

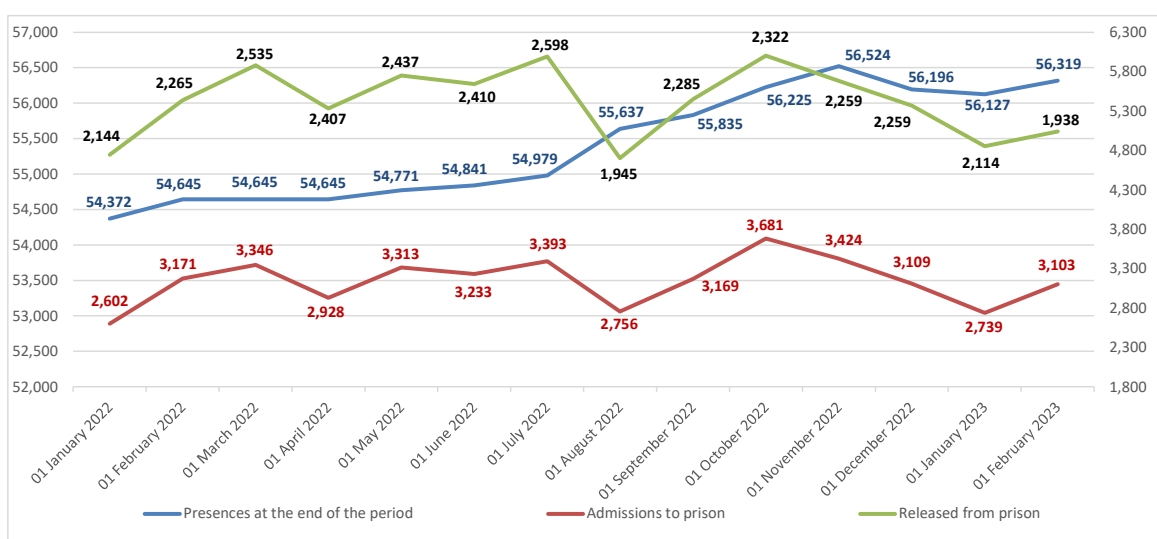
Table 2.1.5 – Trend in incarcerated population during the period 01/01/2022 - 01/02/2023

Month/Year	Presences at the end of the period	Entries	Releases
01 January 2022	54,372	2,602	2,144
01 February 2022	54,645	3,171	2,265
01 March 2022	54,645	3,346	2,535
01 April 2022	54,645	2,928	2,407
01 May 2022	54,771	3,313	2,437
01 June 2022	54,841	3,233	2,410
01 July 2022	54,979	3,393	2,598
01 August 2022	55,637	2,756	1,945
01 September 2022	55,835	3,169	2,285
01 October 2022	56,225	3,681	2,322
01 November 2022	56,524	3,424	2,259
01 December 2022	56,196	3,109	2,259
01 January 2023	56,127	2,739	2,114
01 February 2023	56,319	3,103	1,938
Total	55,411.5 (average presence)	43,967	31,918

Table 2.1.5 shows a trend of a substantial increase in the number of incarcerated individuals in penitentiary institutions over the periods considered, due to the higher entrances not offset by releases.

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.1.5 – Trend in incarcerated population during the period 01/01/2022 - 01/02/2023



Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.6 – Capacity and current population, data as at 31/03/2023

Region	Regulatory Capacity	Effective Capacity	Presences in records*	Current presences
Abruzzo	1,654	1,587	1,872	1,869
Basilicata	378	304	428	422
Calabria	2,726	2,651	3,015	2,993
Campania	6,196	5,744	6,813	6,748
Emilia Romagna	2,984	2,863	3,424	3,400
Friuli Venezia Giulia	476	449	581	578
Latium	5,295	4,829	6,020	5,981
Liguria	1,109	1,075	1,403	1,377
Lombardy	6,161	5,848	8,120	8,054
Marche	838	722	860	855
Molise	275	264	328	324
Piedmont	4,203	3,979	4,023	3,957
Apulia	2,912	2,688	4,020	3,988
Sardinia	2,614	2,318	2,070	2,040
Sicily	6,498	5,890	6,192	6,133
Tuscany	3,169	2,712	3,005	2,948
Trentino - Alto Adige	507	500	456	454
Umbria	1,342	1,299	1,415	1,399
Aosta Valley	292	284	127	121
Veneto	1,947	1,908	2,441	2,423
Total	51,576	47,914	56,613	56,064

*The data refers to the number of individuals under the responsibility of the penitentiary institution, including both the number of individuals currently present and those temporarily outside the institute

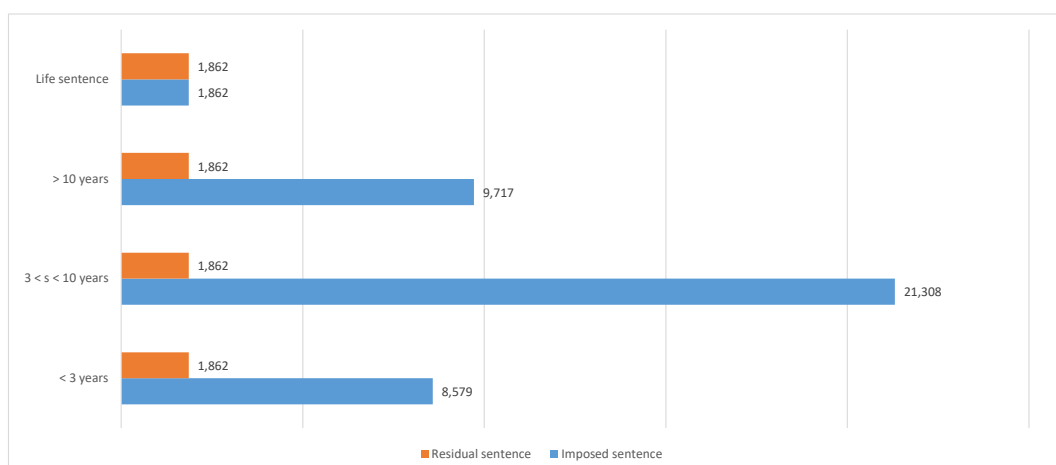
Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.7 – Current population divided by imposed/residual sentence, data as at 31/03/2023

Imprisonment period	Imposed sentence	Residual sentence
< 3 years	8,579	21,254
3 < s < 10 years	21,308	15,275
> 10 years	9,717	3,075
Life sentence	1,862	1,862

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.1.7 – Current population divided by imposed/residual sentence, data as at 31/03/2023



Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.8 – Life-sentenced inmates with offenses under Article 4 bis P. L. Historical series, Years 2019-2023*

Date of recording	Life-sentenced inmates with offenses under Article 4bis, para. 1 P. L.	Other life-sentenced inmates	Current life-sentences inmates
31/12/2019	1.274	528	1.802
31/12/2020	1.262	522	1.784
31/12/2021	1.268	542	1.810
31/12/2022	1.293	560	1.853
31/03/2023*	1.293	570	1.863

*Until 31/03/2023

Source: Department of Penitentiary Administration

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.9 – Life-sentenced inmates with offenses under Article 4 bis P. L. as at 31/03/2023, broken down by region of imprisonment

Region of imprisonment	Life-sentenced inmates		
	with offenses under Article 4bis P. L.	w/o offenses under Article 4bis P. L.	Total
Abruzzo	188	4	192
Basilicata	6	2	8
Calabria	43	18	61
Campania	54	22	76
Emilia Romagna	124	50	174
Friuli Venezia Giulia	8	0	8
Latium	82	38	120
Liguria	2	9	11
Lombardy	177	120	297
Marche	26	2	28
Molise	10	6	16
Piedmont	146	39	185
Apulia	19	23	42
Sardinia	166	40	206
Sicily	36	67	103
Tuscany	84	76	160
Trentino	0	0	0
Umbria	88	12	100
Aosta Valley	0	0	0
Veneto	34	42	76
Total life-sentenced inmates	1.293	570	1.863

As shown in Table 2.1.9, the highest concentration of incarcerated individuals with offenses under Article 4 bis of Penitentiary Law (P.L.), is recorded in penitentiary institutions in the Abruzzo region, followed by those in Lombardy, Sardinia, Piedmont, and Emilia-Romagna, which together constitute 43% of the interested population.

Source: Department of Penitentiary Administration

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.10 – Conditional release of inmates from 2019 to 2023**

Year	Release under conditions	of which life-sentenced inmates
2019	16	1
2020	23	4
2021	21	4
2022	14	3
2023*	4	1
Total	78	13

*According to the Department of Penitentiary Administration, "the data could be underestimated due to a change in the date of final release, which occurred after the exit from the institution. Such change would imply the lost of the information about the life-sentenced status"

**Until 31/03/2023

Source: Department of Penitentiary Administration

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.11 – Individuals under the responsibility of the Office of External Penal Execution, broken down by gender and according to the type of measure applied*, Data as at 31/03/2023

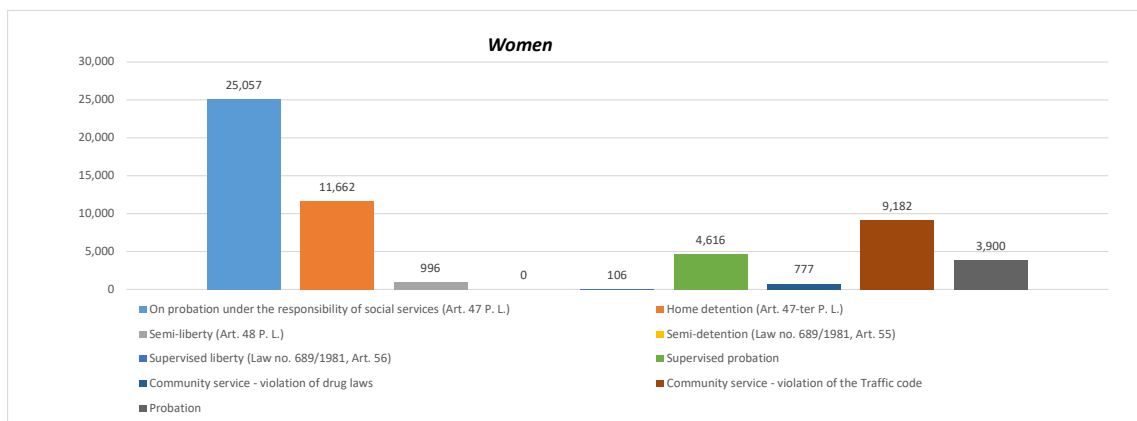
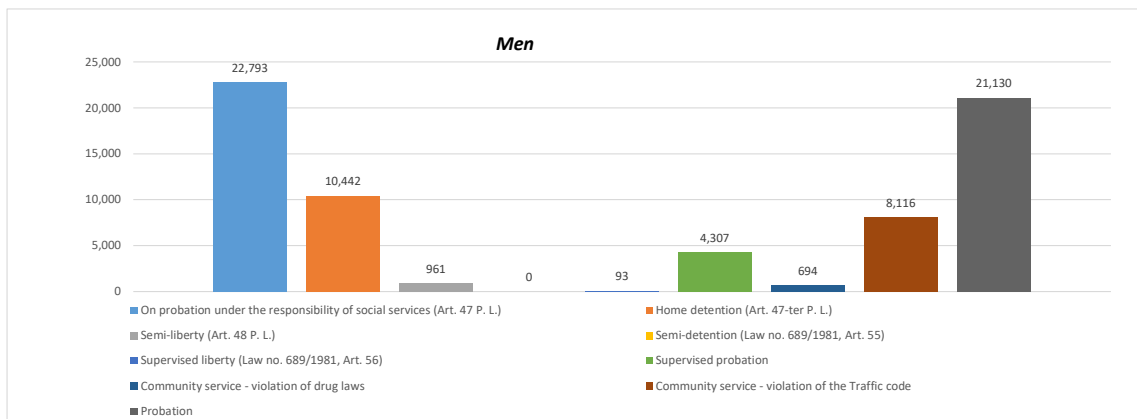
Category	Type	Men	Women	Total
Alternative detention measures	On probation under the responsibility of social services (Art. 47 P. L.)	22,793	2,264	25,057
	Home detention (Art. 47-ter P. L.)	10,442	1,220	11,662
	Semi-liberty (Art. 48 P. L.)	961	35	996
	<i>Subtotal</i>	34,196	3,519	37,715
Alternative sanctions	Semi-detention (Law no. 689/1981, Art. 55)	0	0	0
	Supervised liberty (Law no. 689/1981, Art. 56)	93	13	106
	<i>Subtotal</i>	93	13	106
Security measures	Supervised probation	4,307	309	4,616
	<i>Subtotal</i>	4,307	309	4,616
Community sanctions	Community service - violation of drug laws**	694	83	777
	Community service - violation of traffic law**	8,116	1,066	9,182
	<i>Subtotal</i>	8,810	1,149	9,959
Community measures	Probation	21,130	3,900	25,030
	<i>Subtotal</i>	21,130	3,900	25,030
Total		68,536	8,890	77,426

*The table reports data related to the number of subjects. The subjects under multiple UEPE offices are counted only once. The subjects followed for multiple assignments (measures, investigations, and consultations) are counted only once, taking into account the order in which the assignments are presented in the same table.

**Note that within the number of these types of penalties, penalties which do not represent substitute for detention are also included.

Source: Department for Juvenile and Community Justice - Pegasus System at 31 March 2023

Chart 2.1.11 – Individuals under the responsibility of the Office of External Penal Execution, broken down by gender and according to the type of measure applied*, Data at 31/03/2023



*The table reports data related to the number of subjects. The subjects under multiple UEPE offices are counted only once. The subjects followed for multiple assignments (measures, investigations, and consultations) are counted only once, taking into account the order in which the assignments are presented in the same table.

Source: Department for Juvenile and Community Justice - Pegasus System at 31 March 2023

Table 2.1.12 – Confinement sections and incarcerated population as at 31/03/2023

Regional Superintendency	Current inmates	Number of sections		Current individuals	
		Women	Men	Women	Men
Piedmont - Liguria - Aos	5,489	1	22	1	78
Lombardy	8,158	4	20	2	56
Emilia Romagna - Marche	4,285	4	16	3	42
Veneto - Friuli V.G. - Trentino A.A.	3,474	2	16	5	31
Tuscany - Umbria	4,394	2	16	0	32
Latium - Abruzzo - Molise	8,261	3	23	0	82
Campania	6,796	4	15	1	49
Calabria	3,025	1	7	0	21
Apulia - Basilicata	4,402	3	12	0	24
Sicily	6,193	2	21	4	42
Sardinia	2,076	0	6	0	18
Total	56,553	26	174	16	475

The data refers to the number of inmates recorded in the archive for confinement in accordance with Art. 33 P. L. and Art. 73 of the Implementation regulation, e.g.:

- a) When it is prescribed for health reasons;
- b) During the execution of the sanction of exclusion from common activities;

Source: Department of Penitentiary Administration
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.13 – “Protection of mental health Sections” and incarcerated population as at 31/03/2023

Regions	Institutions	Mental Health											
		No. of sections		Current population				no. of sections for disabled		Disable population			
		W	M	W	no. of rooms	M	no. of rooms	W	M	W	no. of rooms	M	no. of rooms
Abruzzo	Pescara - Prison	-	1	-	-	7	4	-	-	-	-	-	-
	Vasto - Workhouse	-	1	-	-	1	3	-	-	-	-	-	-
Calabria	Catanzaro - Prison	-	1	-	-	7	6	-	1	-	-	-	2
	Reggio Calabria "G. Panzera" - Prison	-	1	-	-	-	5	-	-	-	-	-	-
Campania	Benevento - Prison	-	1	-	-	2	4	-	-	-	-	-	-
	Naples - Secondigliano Prison	-	1	-	-	14	18	-	-	-	-	-	-
	Pozzuoli - Female Prison	1	-	7	3	-	-	-	-	-	-	-	-
	Salerno - Prison	-	1	-	-	8	4	-	-	-	-	-	-
	Santa Maria C. V. - Prison	-	1	-	-	19	12	-	-	-	-	-	-
Sant'Angelo dei Lombardi - Prison	-	1	-	-	1	5	-	-	-	-	-	-	
Emilia Romagna	Bologna - Prison	1	-	5	2	-	-	1	-	1	1	-	-
	Piacenza - Prison	-	1	-	-	3	5	-	-	-	-	-	-
	Reggio Emilia - Penitentiary institutes	-	1	-	-	44	50	-	-	-	-	-	-
Latium	Civitavecchia - Prison	1	-	2	2	-	-	-	-	-	-	-	-
	Rome - Rebibbia Prison	-	1	-	-	2	3	-	-	-	-	-	-
	Rome - Rebibbia female prison	1	-	-	6	-	-	-	-	-	-	-	-
	Rome - Regina Coeli Prison	-	1	-	-	1	2	-	-	-	-	-	-
	Velletri - Prison	-	-	-	-	-	-	-	1	-	-	1	1
	Viterbo - Prison	-	1	-	-	-	2	-	-	-	-	-	-
Liguria	Genoa - Marassi prison	-	1	-	-	2	3	-	-	-	-	-	-
Lombardy	Monza - Prison	-	1	-	-	1	5	-	-	-	-	-	-
	Pavia - Prison	-	1	-	-	12	11	-	-	-	-	-	-
Marche	Ascoli Piceno - Prison	-	1	-	-	4	4	-	-	-	-	-	-
Piedmont	Torino - Prison*	1	2	-	2	23	38	-	1	-	-	2	2
Apulia	Lecce - Prison	-	1	-	-	4	10	-	1	-	-	-	1
Sardinia	Cagliari - Prison	-	-	-	-	-	-	-	1	-	-	-	-
Sicily	Barcellona P. G. - Prison	1	1	3	7	32	26	-	1	-	-	-	2
	Palermo - Prison	-	1	-	-	5	6	-	-	-	-	-	-
Tuscany	Florence - Sollicciano Prison	-	1	-	-	9	8	-	-	-	-	-	-
	Livorno - Prison	-	-	-	-	-	8	-	-	-	-	-	-
Umbria	Spoletto - Prison	-	1	-	-	2	5	-	1	-	-	1	1
Veneto	Belluno - Prison	-	1	-	-	5	6	-	-	-	-	-	-
	Verona - Prison	-	1	-	-	2	5	-	-	-	-	-	-
Country total number [Sections present in 33 institutions out of 190 (17%)]		6	27	17	22	210	258	1	7	1	1	4	9

*The section –intended to accommodate inmates under special regime pursuant to Article 41 bis P. L.– is of recent establishment and is unique in the national panorama.

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.14 - Sectioned patients present in Institutions divided by Workhouse and Agricultural colony.
Data as at 31/03/2023

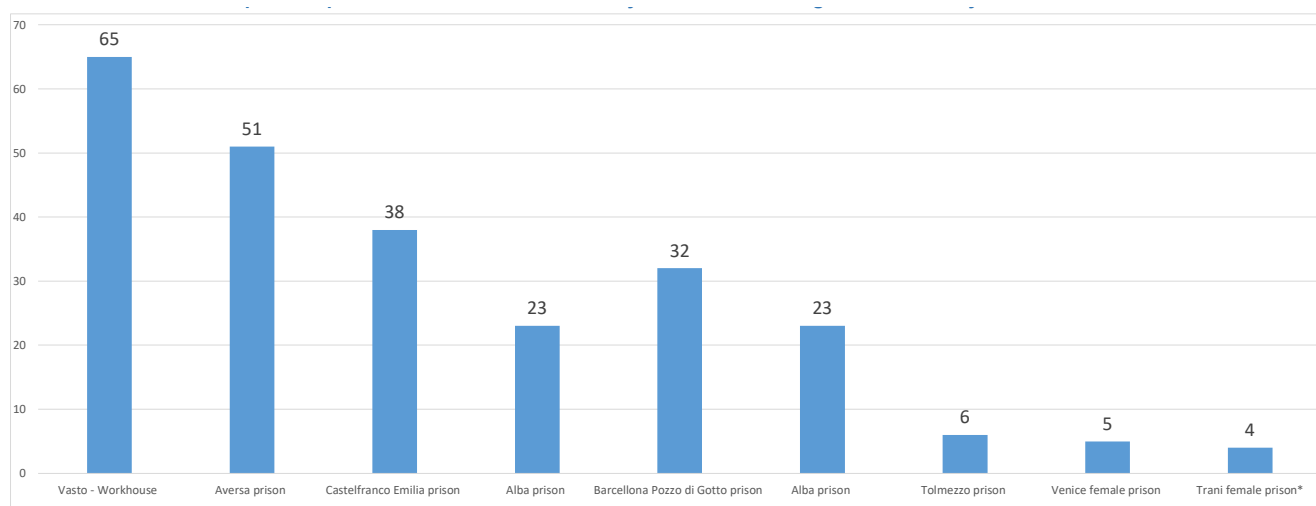
Institutions	Nationality		Sex		Total sectioned patients
	Italians	Foreigners	Women	Men	
Alba prison - Workhouse	17	6	0	23	23
Vasto - Workhouse	49	16	0	65	65
Castelfranco Emilia prison - Workhouse	27	11	0	38	38
Aversa prison - Workhouse	44	7	0	51	51
Barcellona Pozzo di Gotto prison - Workhouse	29	3	0	32	32
Isili prison - Agricultural colony	19	4	0	23	23
Venice female prison - Workhouse and Agricultural colony	5	0	5	0	5
Trani female prison - Workhouse*	0	4	4	0	4
Tolmezzo prison - Workhouse	6	0	0	6	6
Total	196	51	9	238	247

*Following the Guarantor's visit, the workhouse section is considered as unfit for patients

Source: Department of Penitentiary Administration

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.1.14 - Sectioned patients present in Institutions divided by Workhouse and Agricultural colony.
Data as at 31/03/2023



*Following the Guarantor's visit, the workhouse section is considered as unfit for patients

Source: Department of Penitentiary Administration

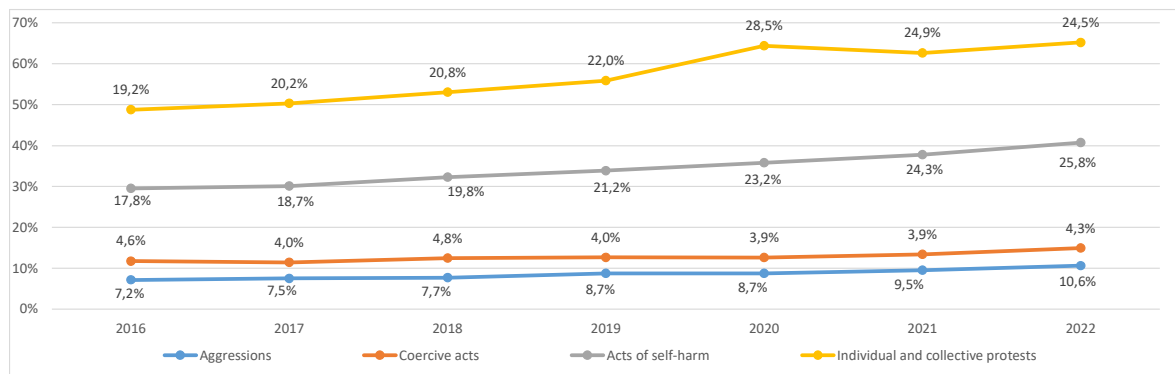
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.15 - Main critical events (adults), Historical series, Years 2016-2022

Critical events	2016	2017	2018	2019	2020	2021	2022
Aggressions	3.870	4.276	4.543	5.299	4.840	5.106	5.878
Percentage ratio of critical events to the average number of inmates present	7,2%	7,5%	7,7%	8,7%	8,7%	9,5%	10,6%
Coercive acts	2.487	2.251	2.803	2.396	2.162	2.104	2.395
Percentage ratio of critical events to the average number of inmates present	4,6%	4,0%	4,8%	4,0%	3,9%	3,9%	4,3%
Acts of self-harm	9.586	10.624	11.629	12.823	12.856	13.069	14.235
Percentage ratio of critical events to the average number of inmates present	17,8%	18,7%	19,8%	21,2%	23,2%	24,3%	25,8%
Individual and collective protests	10.386	11.518	12.261	13.336	15.827	13.384	13.529
Percentage ratio of critical events to the average number of inmates present	19,2%	20,2%	20,8%	22,0%	28,5%	24,9%	24,5%
Total annual trend main critical events (%)	26.329	28.669	31.236	33.854	35.685	33.663	36.037
Percentage ratio of critical events to the average number of inmates present	48,8%	50,3%	53,1%	55,9%	64,4%	62,6%	65,2%
Total average ratio based on current inmates	53.984	56.946	58.872	60.610	55.445	53.758	55.269

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

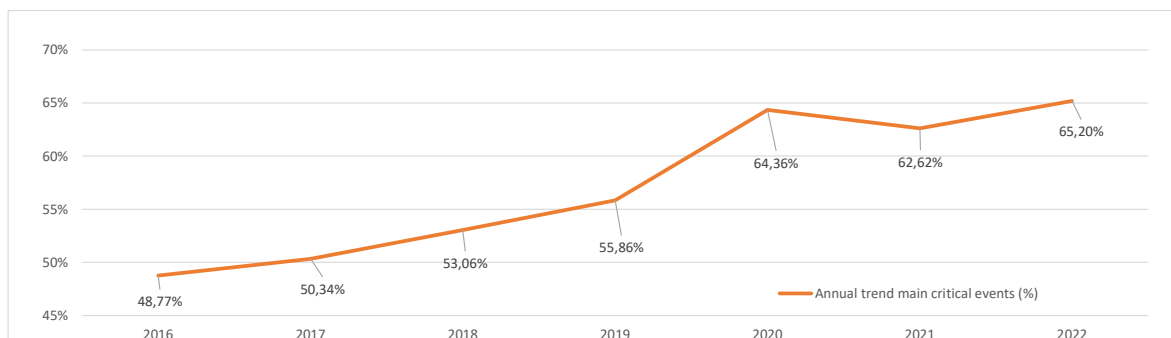
Chart 2.1.15 - Main critical events, (adults), Historical series, Years 2016-2022



The four graphical trends represented consider only the four 'major events', namely those most relevant for evaluating the internal climate within the institutions. Percentage values are calculated based on the average presence of detained individuals in the considered year. In the last year, there is a reduction in the percentage value of protest and a limited increase in aggressions and incidents of self-harm. It's important to note that 2021 was characterized by the almost complete closure to the outside by the institutions.

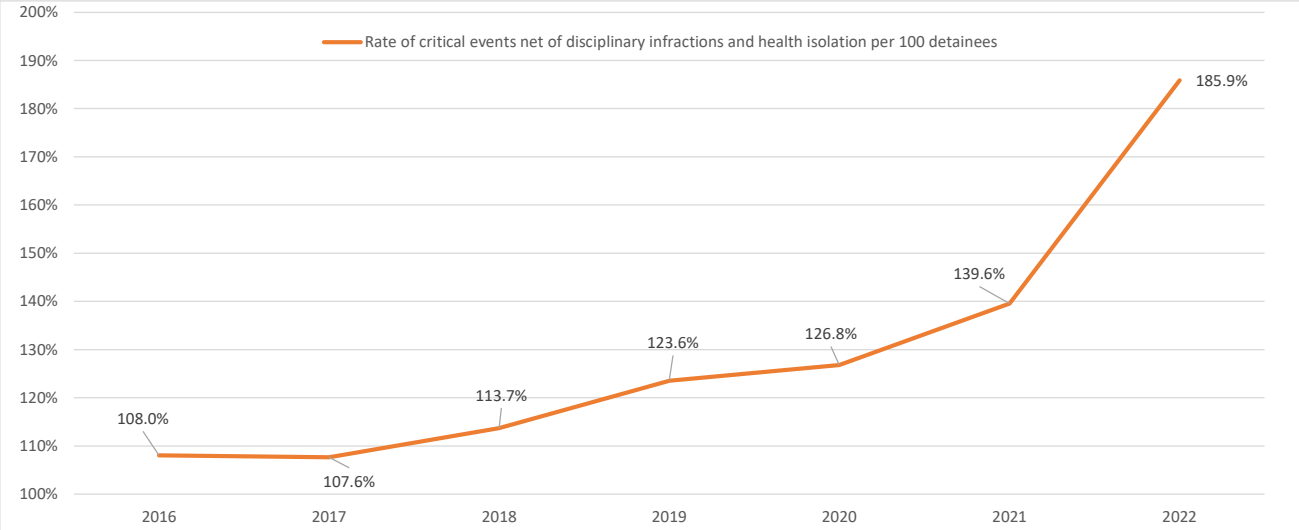
Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.1.15 bis - Main critical events, percentage ratio of critical events to the average number of inmates present. Historical series, Years 2016-2022



Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.1.15 ter - Critical events rate. Historical series, Years 2016-2022



The graph shows the ratio between critical events and the annual average of detainees present. Critical events do not include disciplinary infractions and health isolation.

In the historical series under consideration, a significant increase in this ratio is observed: in 2016, there were 107 critical events for every 100 detainees, while in 2022, the ratio rose to approximately 186.

- List of critical events:**
- | | |
|--|---|
| Physical aggression to administrative officers | Physical aggression to Penitentiary police officers |
| Aggressions | Containment act |
| Self-harm | Disciplinary infractions |
| Urgent hospital transfer | Disciplinary isolation |
| Collective protests | Acts of protests |
| Assaults related to the arrest action | Riots |
| Suicides | Suicide attempts |

Table 2.1.16 – Number of sections and incarcerated population under Article 32 of Presidential Decree no. 230/2000, historical series 2019-2023*

Regional Superintendency	Year 2019 (at 31/03/2019)				Year 2020 (at 31/03/2020)				Year 2021 (at 31/3/2021)				Year 2022 (at 31/3/2022)				Year 2023 (at 31/03/2023)			
	Sections		Inmates		Sections		Inmates		Sections		Inmates		Sections		Inmates		Sections		Inmates	
	W	M	W	M	W	M	W	M	W	M	W	M	W	M	W	M	W	M	W	M
Piedmont - Liguria- Aosta Valley	-	7	-	151	-	6	-	153	-	6	-	138	-	6	-	111	-	6	-	101
Lombardy	1	11	1	329	1	11	1	329	1	9	1	257	1	11	1	298	2	13	3	324
Emilia Romagna - Marche	-	2	-	55	-	2	-	39	-	2	-	39	-	3	-	15	0	4	0	91
Veneto - Friuli V.G. - Trentino A.A.	-	4	-	61	-	4	-	56	-	4	-	81	-	4	-	55	1	11	2	110
Tuscany - Umbria	1	6	3	213	1	6	1	195	1	5	1	201	1	4	1	146	1	6	-	169
Latium - Abruzzo - Molise	-	2	-	35	-	3	-	136	-	3	-	73	-	3	-	78	-	3	-	152
Campania	-	9	-	111	-	10	-	169	-	7	-	124	-	7	-	95	-	10	-	83
Calabria	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Apulia - Basilicata	-	1	-	36	-	2	-	24	-	2	-	39	-	1	-	25	-	3	-	86
Sicily	1	5	15	46	1	5	27	53	1	5	24	26	1	5	42	61	1	11	47	160
Sardinia	-	7	-	86	-	5	-	84	-	5	-	64	-	5	-	82	-	8	-	75
Total	3	54	19	1,123	3	54	29	1,228	3	48	25	1,042	3	49	42	966	5	75	52	1351

Table 2.1.16, shows, in the various years considered, a higher concentration of sections and presences established under Article 32 of Presidential Decree no. 230/2000 in the regions falling under the jurisdiction of the Superintendencies of the Penitentiary Administration of Lombardy [11], followed by Campania [9], Sardinia and Piedmont, Liguria, and Aosta Valley [7]. On the other hand, the region where there are no active sections under Article 32 of Presidential Decree no. 230/2000 is the one under the jurisdiction of the Superintendency of the Penitentiary Administration of Calabria.

The data analysis shows that as of the 2023 survey date, the sections have significantly increased compared to 2022 (from 52 to 80), as well as the detained individuals allocated in

*Until 31/03/2023

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.17 – Suicides, year 2022

Month	Sex	Nationality	Age	Penitentiary Institute	Section where suicide took place	Judicial position
January	M	Albania	29	Salerno prison	Ordinary section	Definitive
January	M	Italy	54	Vibo Valentia prison	Protected section - Sex offenders	Mixed - Not definitive
January	M	Romania	37	Foggia prison	Ordinary section	Pending first judgement
January	M	Morocco	25	Brindisi prison	Ordinary section	Pending first judgement
January	M	Tunisia	25	Piacenza prison	Health isolation	Pending first judgement
January	M	Italy	50	Monza prison	Open custody section	Pending first judgement
January	M	China	48	Opera (Milan) prison	Open custody section	Definitive
January	M	Romania	34	Genoa - Marassi prison	Ordinary section	Pending second judgement
February	M	Italy	26	Palermo 'Ucciardone' prison	Open custody section	Definitive
February	W	Italy	29	Messina prison	Female health isolation section	Pending first judgement
February	M	New Guinea	44	Rome - Rebibbia prison	Open custody section	Pending second judgement
March	M	Italy	55	Terni prison	High security 3	Pending first judgement
March	M	Italy	35	Sondrio prison	Health isolation	Pending first judgement
March	M	Georgia	40	Rome - Regina Coeli prison	Intensive assistance service - regular admissions	Definitive
March	M	Italy	55	Castrovillari prison	Protected section - mixed use	Pending first judgement
March	M	Tunisia	44	Palermo 'Ucciardone' prison	Ordinary section	Definitive
April	M	Italy	58	Ravenna prison	Open custody section	Pending first judgement
April	M	Dominican Republic	31	Catania 'Piazza Lanza' prison	Ordinary section	Pending second judgement
April	W	Italy	37	Barcelona Pozzo di Gotto (Messina) prison	Mental health section	Pending first judgement
April	M	Italy	45	Opera (Milan) prison	Open custody section	Definitive
April	M	Italy	36	Foggia prison	Ordinary section	Definitive
April	M	Italy	48	Taranto prison	Ordinary section	Definitive
May	M	Morocco	21	Ascoli Piceno prison	Ordinary section	Definitive
May	M	Italy	61	Foggia prison	Isolation section	Pending second judgement
May	M	Italy	25	Milan 'San Vittore' prison	Intensive assistance service - regular admissions	Pending first judgement
May	M	Italy	46	Santa Maria Capua Vetere prison	Isolation section	Definitive
June	M	Italy	21	Milan 'San Vittore' prison	Intensive assistance service - regular admissions	Definitive
June	M	Ghana	36	Reggio Emilia prison	Open custody section	Pending first judgement
June	M	Italy	46	Pavia prison	Open custody section	Definitive
June	M	Italy	29	Bari prison	Ordinary section	Definitive
June	M	Italy	39	Como prison	Infirmiry	Pending first judgement
June	M	Eritrea	27	Rome - Regina Coeli prison	Mental health section	Pending first judgement
June	M	Italy	73	Genoa Marassi prison	Ordinary section	Pending first judgement
July	M	Italy	36	Vibo Valentia prison	First reception	Definitive
July	M	Italy	46	Firenze 'Sollicciano' prison	Health isolation	Pending first judgement
July	M	Italy	40	Milan 'San Vittore' prison	Protected section - mixed use	Pending first judgement
July	M	Italy	32	Pavia prison	Open custody section	Pending second judgement
July	M	Italy	83	Milan 'Bollate' prison	Health isolation	Definitive
July	M	Pakistan	38	Turin prison	Protected section - Sex offenders, open custody section	Pending first judgement
July	M	Albania	36	Padua prison	Open custody section	Definitive
August	W	Italy	35	Rome 'Rebibbia' female prison	Open custody section	Pending second judgement
August	M	Italy	47	Brescia 'Canton Monbello' prison	Open custody section	Pending first judgement
August	W	Albania	27	Verona prison	Female open custody section	Mixed - Not definitive
August	M	Tunisia	36	Ascoli Piceno prison	Open custody section	Definitive
August	M	Italy	26	Frosinone prison	Isolation section	Definitive
August	M	Italy	49	Arienzo (Caserta) prison	Open custody section	Definitive
August	M	Italy	42	Naples 'Poggioreale' prison	Intensive assistance service - regular admissions	Definitive
August	M	Algeria	33	Naples 'Secondigliano' prison	Ordinary section	Definitive
August	M	Morocco	37	Rimini prison	Open custody section	Definitive
August	M	Tunisia	24	Monza prison	Ex Art. 32 Presidential Decree no. 230/2000	Definitive
August	M	Brazil	24	Turin prison	Mental health section	Pending first judgement
August	M	Italy	51	Piacenza prison	Mental health section	Definitive
August	M	Italy	30	Foggia prison	Ordinary section	Mixed - Not definitive
August	M	Italy	44	Caltagirone prison	First reception	Pending first judgement
August	M	Algeria	49	Terni prison	Open custody section	Definitive
August	M	Nigeria	25	Siracusa prison	Ordinary section	Pending first judgement
August	M	Tunisia	34	Perugia 'Capanne' prison	Ordinary section	Pending first judgement
September	M	Croatia	52	Bologna prison	Ordinary section	Mixed - Not definitive
September	M	Italy	46	Milan 'San Vittore' prison	Open custody - drug addiction	Pending second judgement
September	M	Italy	29	Palermo 'Pagliarelli' prison	Ordinary section	Pending first judgement
September	M	Albania	27	Forli prison	Open custody section	Definitive
September	M	Italy	71	Verona prison	Ordinary section	Definitive
September	M	Italy	39	Crotone prison	Ordinary section	Pending first judgement
September	M	Syria	31	Palermo 'Ucciardone' prison	Isolation section	Definitive
October	M	Italy	50	Castelvetrano (Trapani) prison	Protected section - Sex offenders	Definitive
October	W	Italy	50	Brescia 'Verziano' prison	Female open custody section	Definitive
October	M	Italy	42	Oristano prison	Infirmiry	Definitive
October	M	Morocco	29	Firenze 'Sollicciano' prison	Health isolation	Definitive
October	M	Italy	32	Lecce prison	Ex Art. 32 Presidential Decree no. 230/2000	Definitive
October	M	Italy	64	Saluzzo (Cuneo) prison	High security 3	Definitive
October	M	Gambia	36	Turin prison	First reception	Pending first judgement
October	M	Italy	45	Termini Imerese (Palermo) prison	Ordinary section	Pending first judgement
November	M	Albania	30	Busto Arsizio (Varese) prison	Open custody section	Definitive
November	M	Dominican Republic	22	Udine prison	Open custody section	Pending first judgement
November	M	Italy	56	Turin prison	Open custody section	Pending first judgement
November	M	Italy	45	Ariano Irpino (Avellino) prison	Ordinary section	Mixed - Not definitive
November	M	Italy	40	Lecce prison	Health isolation	Pending first judgement
November	M	Morocco	41	Firenze 'Sollicciano' prison	Isolation section	Definitive
November	M	Nigeria	48	Foggia prison	First reception	Pending first judgement
December	M	Italy	30	Naples 'Poggioreale' prison	Ordinary section	Pending Cassation judgment
December	M	Italy	51	Velletri (Rome) prison	Ordinary section	Definitive
December	M	Bangladesh	30	Rome - Rebibbia prison	Protected section, open custody for mixed use	Definitive
December	M	Italy	39	Lanciano (Chieti) prison	Open custody section	Pending first judgement
December	M	Albania	23	Pavia prison	Protected section - mixed use	Pending Cassation judgment
December	M	Senegal	37	Prato prison	Ex Art. 32 Presidential Decree no. 230/2000	Definitive

Source: Department of Penitentiary Administration
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.18 – Suicides analysis, Years 2022-2023*

Suicides in 2022 [85]

Age

The average age of the prisoners who have committed suicide is 40 years old (the youngest individuals, who committed suicide in the penitentiary institute of Ascoli Piceno and Milan 'San Vittore,' were 21 years old; the oldest individual who committed suicide in the penitentiary institute of Bollate (Milan) was 83 years old.

Nationality

49 Italians
36 foreigners*
of the 36 foreigners, 20 were classified as "without fixed abode"

Sex

80 men
5 women

Place of death

57 prisons (Case Circondariali)
7 prisons (Case di Reclusione)
0 outside the institute

Chart 2.1.18 – Suicides divided by age, Year 2022

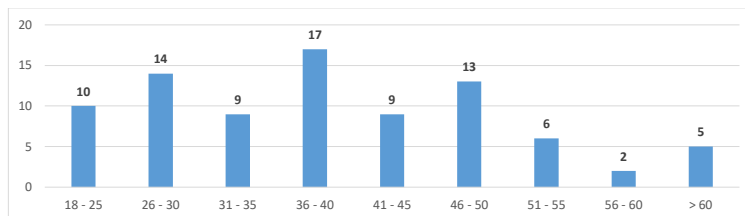


Chart 2.1.18 bis – Suicides divided by sex and nationality, Year 2022

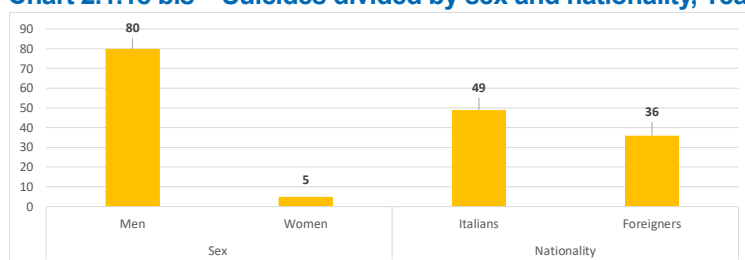
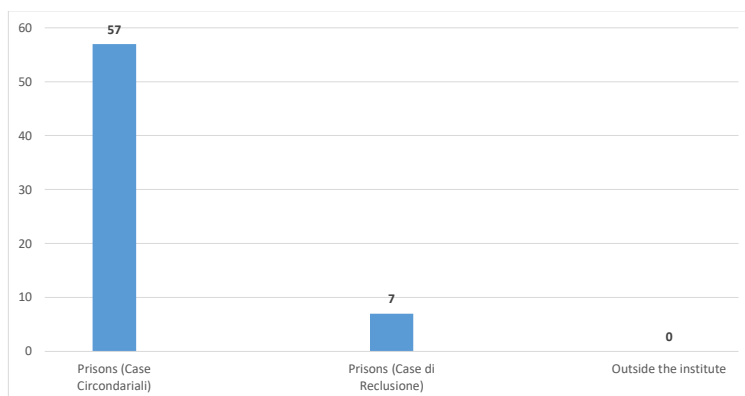


Chart 2.1.18 ter – Suicides, divided by place of death, Year 2022



Penitentiary institutes with the highest number of suicides

- 5 - Foggia prison
- 4 - Milan 'San Vittore' prison
- 4 - Turin prison
- 3 - Palermo 'Ucciardone' prison
- 3 - Firenze 'Sollicciano' prison
- 3 - Pavia prison
- 2 - Vibo Valentia prison
- 2 - Opera (Milan) prison
- 2 - Genoa Marassi prison
- 2 - Rome - Regina Coeli prison
- 2 - Piacenza - Prison
- 2 - Monza prison
- 2 - Terni prison
- 2 - Ascoli Piceno prison
- 2 - Verona prison
- 2 - Rome - Rebibbia prison
- 2 - Naples 'Poggioreale' prison
- 2 - Lecce prison

Suicides in 2023: [14] at 31/03/2023

Penal Institutes

- 3 - Rome - Regina Coeli prison
- 1 - Terni prison
- 1 - Augusta prison (outside the institute)
- 1 - Bergamo prison
- 1 - Catanzaro prison
- 1 - Firenze 'Sollicciano' prison
- 1 - Milan 'San Vittore' prison
- 1 - Pescara prison
- 1 - San Gimignano prison
- 1 - Taranto prison
- 1 - Turin prison

Average age 38 years

Means: 12 Hanging - 1 gas inhalation - 1 firearm (outside the institute)

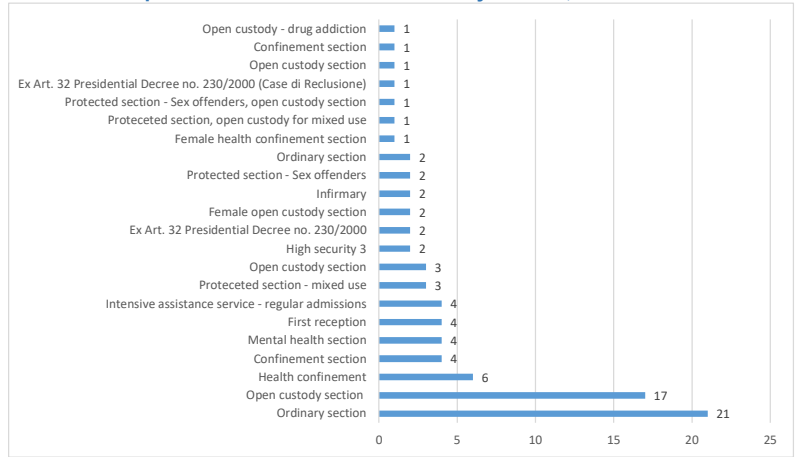
*2023 data is updated to 31/03/2023

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

*Following

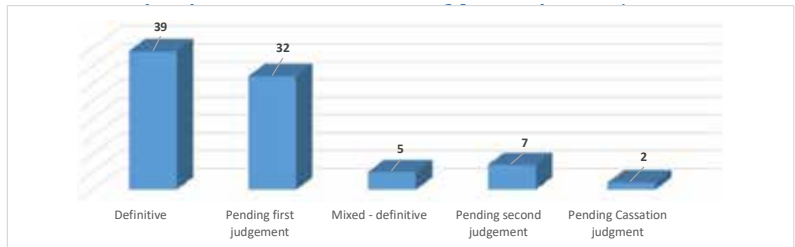
Detention section where the death took place	
Ordinary section	21
Open custody section	17
Health confinement	6
Confinement section	4
Mental health section	4
First reception	4
Intensive assistance service - regular admissions	4
Protected section - mixed use	3
Open custody section	3
High security 3	2
Ex Art. 32 Presidential Decree no. 230/2000	2
Female open custody section	2
Infirmary	2
Protected section - Sex offenders	2
Ordinary section	2
Female health confinement section	1
Protected section, open custody for mixed use	1
Protected section - Sex offenders, open custody section	1
Ex Art. 32 Presidential Decree no. 230/2000 (Case di Reclu)	1
Open custody section	1
Confinement section	1
Open custody - drug addiction	1

Chart 2.1.18 quater – Distribution of suicides by section, Year 2022



Judicial position	
Definitive	39
Pending first judgement	32
Pending second judgement	7
Mixed - definitive	5
Pending Cassation judgment	2

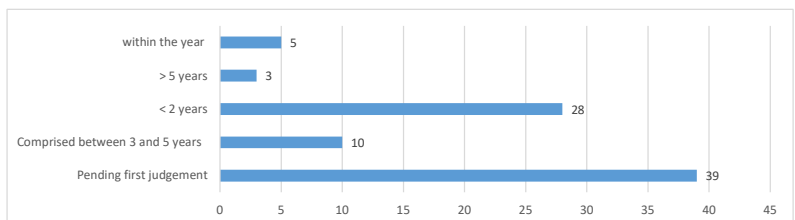
Chart 2.1.18 quinquies – Suicides divided by judicial position, Year 2022



End of sentence	
Pending first judgement	39
within the year	5
< 2 years	28
Comprised between 3 and 5 years	10
> 5 years	3

Means	
76 hanging - 4 gas inhalation - 3 vein injuries - in 2 cases data is missing	

Chart 2.1.18 sexies – Suicides based on the year of release (end of sentence) (2022)



Source: Department of Penitentiary Administration
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

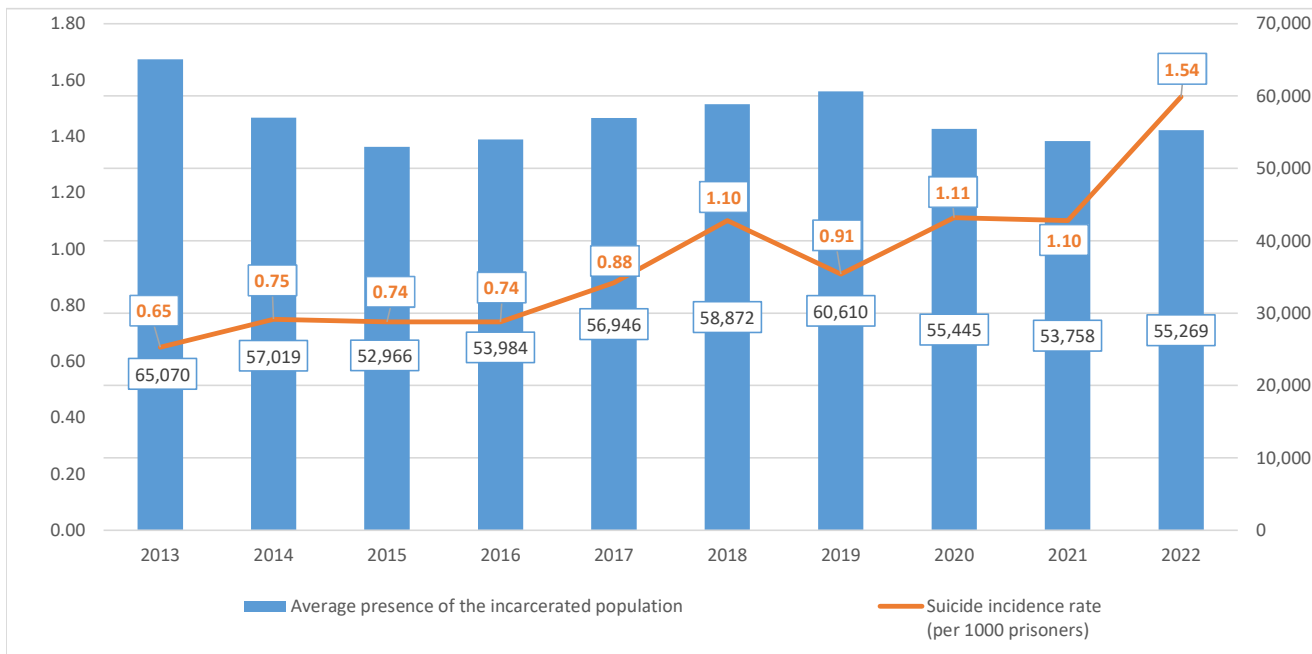
Table 2.1.19 – Suicide incidence rate to the average presence of the incarcerated population - historical series, years 2013-2022

Year	Average presence of the incarcerated population	Suicides	Suicide incidence rate (per 1000 prisoners)
2013	65,070	42	0.65
2014	57,019	43	0.75
2015	52,966	39	0.74
2016	53,984	40	0.74
2017	56,946	50	0.88
2018	58,872	64	1.10
2019	60,610	55	0.91
2020	55,445	62	1.11
2021	53,758	59	1.10
2022	55,269	85	1.54

Source: Department of Penitentiary Administration

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.1.19 – Suicide incidence rate to the average presence of the incarcerated population - historical series, years 2013-2022



Source: Department of Penitentiary Administration

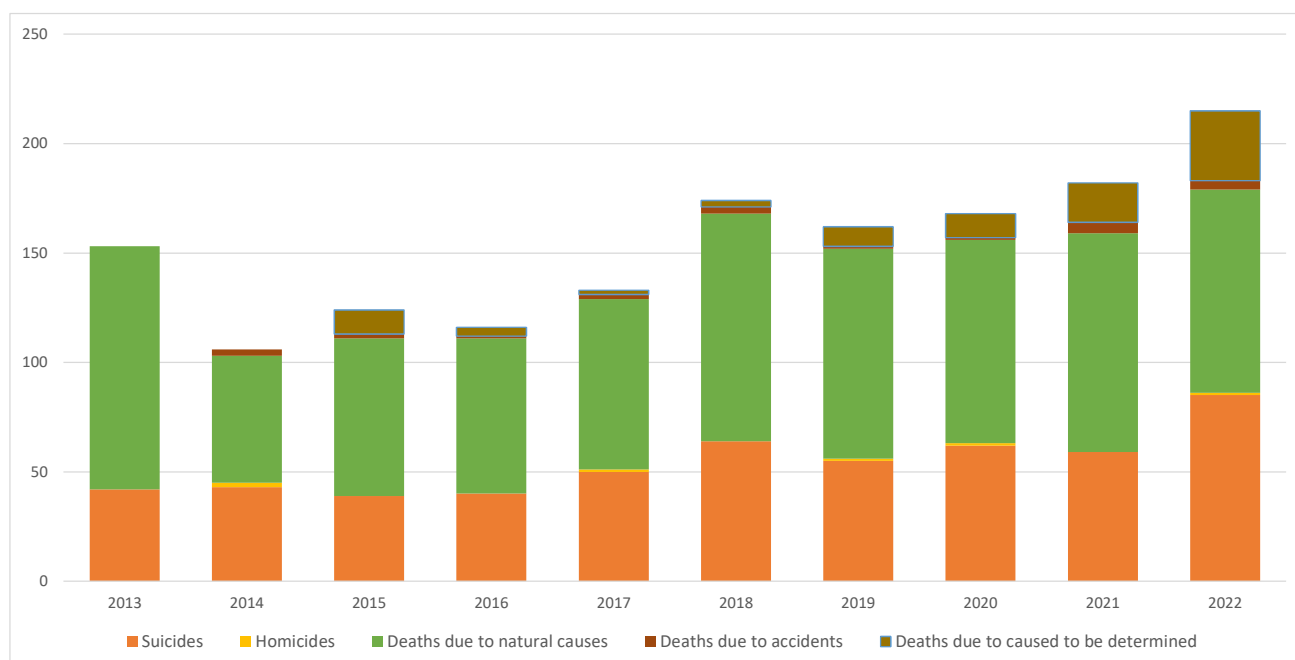
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.1.20 – Deaths in prison - historical series, years 2013-2022

Year	Suicides	Homicides	Deaths due to natural causes	Deaths due to accidents	Deaths due to caused to be determined	Total
2013	42	-	111	-	-	153
2014	43	2	58	3	-	106
2015	39	-	72	2	11	124
2016	40	-	71	1	4	116
2017	50	1	78	2	2	133
2018	64	-	104	3	3	174
2019	55	1	96	1	9	162
2020	62	1	93	1	11	168
2021	59	-	100	5	18	182
2022	85	1	93	4	32	215
Total	539	6	876	22	90	1,533

Source: Department of Penitentiary Administration
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.1.20 – Deaths in prison - historical series, years 2013-2022



Source: Department of Penitentiary Administration
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

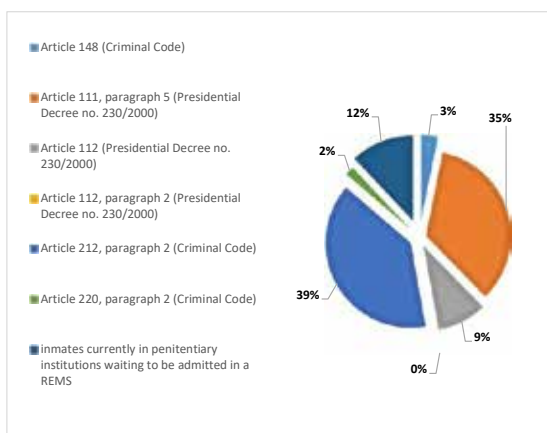
Table 2.1.21 – Type of prisoner with confirmed psychological distress present in institutions as at 31/03/2023

Region of imprisonment	Current prison population divided by type of psychological distress							Total
	Article 148 (Criminal Code)	Article 111 paragraph 5 (Presidential Decree no. 230/2000)	Article 112 (Presidential Decree no. 230/2000)	Article 112 paragraph 2 (Presidential Decree no. 230/2000)	Article 212 paragraph 2 (Criminal Code)	Article 220 paragraph 2 (Criminal Code)	inmates currently in penitentiary institutions waiting to be admitted in a REMS	
Abruzzo	3	1	0	0	53	0	0	57
Basilicata	0	0	0	0	0	0	1	1
Calabria	0	2	3	0	0	0	1	6
Campania	2	4	0	0	25	0	2	33
Emilia Romagna	3	40	5	0	2	0	0	50
Friuli Venezia Giulia	0	0	0	0	0	0	1	1
Lazio	0	17	0	0	0	0	12	29
Liguria	0	2	1	0	0	0	1	4
Lombardy	2	11	4	0	0	0	13	30
Marche	0	1	0	0	0	0	1	2
Molise	0	0	0	0	0	0	0	0
Piedmont	0	2	3	0	22	4	1	32
Apulia	0	2	1	0	1	0	4	8
Sardinia	0	0	0	0	8	0	0	8
Sicily	1	24	13	0	26	2	1	67
Tuscany	0	10	1	0	0	0	3	14
Trentino Alto Adige	0	1	0	0	0	0	0	1
Umbria	0	0	1	0	0	0	0	1
Aosta Valley	0	0	0	0	0	0	0	0
Veneto	0	4	1	0	0	0	1	6
Total	11	121	33	0	137	6	42	350

Table 2.1.21 highlights that, as of the survey date, out of the total prison population in penitentiary institutions (56,613), individuals affected by psychiatric disorders as indicated in the articles listed in the different columns were 350.

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.1.21 – Type of prisoner with confirmed psychological distress present in institutions as at 31 March 2023



Article 148 of the Criminal Code identifies the category of prisoners who have developed mental illness after the crime for which they were convicted, particularly during the execution of the sentence.

Article 111, paragraph 5, of Presidential Decree no. 230/2000 identifies the category of individuals who have developed mental illness during imprisonment, destined for assignment to Mental Health Protection Units.

Article 112 of Presidential Decree no. 230/2000 identifies the category of prisoners undergoing observation aimed at determining the conditions of mental illness.

Article 212, paragraph 2, of the Criminal Code identifies individuals requested to undergo a custody measure which have developed a mental illness.

Article 220 of the Criminal Code identifies individuals who are required to undergo the security measure of hospitalization in a care and custody home, and for whom the judge has ordered that such hospitalization be carried out before the penal execution.

The Criminal Code still refers to Forensic Psychiatric Hospitals and care and custody homes, facilities that have been closed following the introduction of REMS (Residences for the Execution of Security Measures).

Source: Department of Penitentiary Administration
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

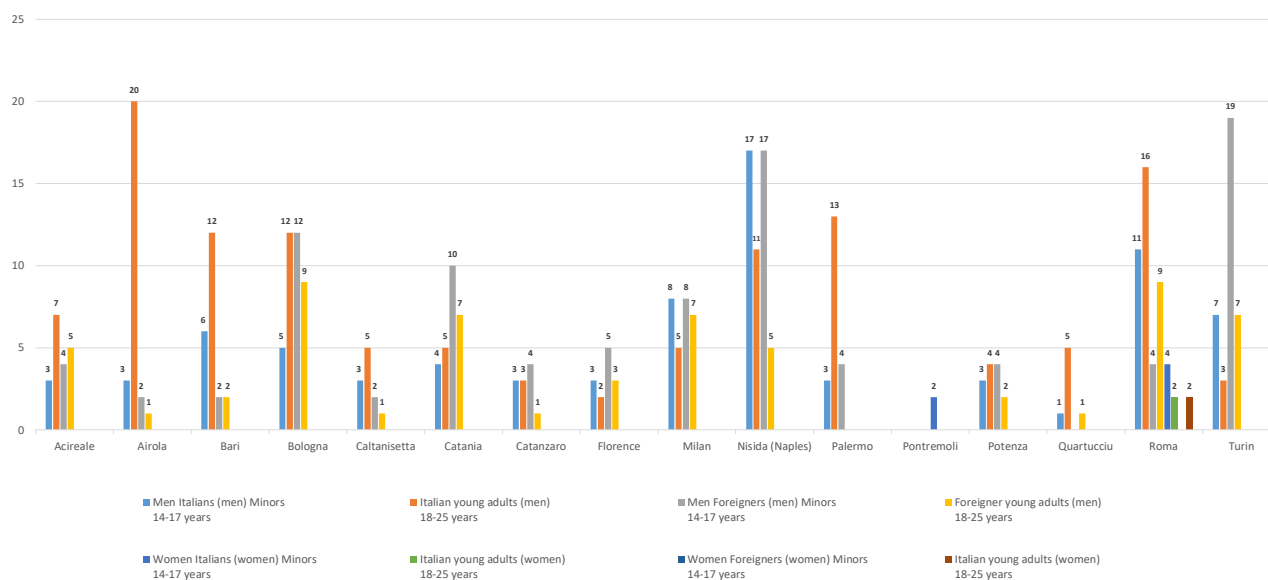
Table 2.2.1 – Prisoners in Juvenile detention centres (IPMs) divided by sex, nationality and age group as at 31/03/2023

Juvenile detention centres	Men				Women				Total current population
	Italians (men)		Foreigners (men)		Italians (women)		Foreigners (women)		
	Minors 14-17 years	Young adults (18 - 25 years)	Minors 14-17 years	Young adults (18 - 25 years)	Minors 14-17 years	Young adults (18 - 25 years)	Minors 14-17 years	Young adults (18 - 25 years)	
Acireale	3	7	4	5	0	0	0	0	19
Airola	3	20	2	1	0	0	0	0	26
Bari	6	12	2	2	0	0	0	0	22
Bologna	5	12	12	9	0	0	0	0	38
Caltanissetta	3	5	2	1	0	0	0	0	11
Catania	4	5	10	7	0	0	0	0	26
Catanzaro	3	3	4	1	0	0	0	0	11
Florence	3	2	5	3	0	0	0	0	13
Milan	8	5	8	7	0	0	0	0	28
Nisida (Naples)	17	11	17	5	0	0	0	0	50
Palermo	3	13	4	0	0	0	0	0	20
Pontremoli	0	0	0	0	2	0	0	0	2
Potenza	3	4	4	2	0	0	0	0	13
Quartucciu	1	5	0	1	0	0	0	0	7
Roma	11	16	4	9	4	2	0	2	48
Turin	7	3	19	7	0	0	0	0	36
Treviso*	-	-	-	-	-	-	-	-	0
Total current population	80	123	97	60	6	2	0	2	370

* Awaiting reopening for renovation works

Source: DGMC – Juvenile and Community Justice Department
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.2.1 – Prisoners in Juvenile detention centres (IPMs) divided by sex, nationality and age group as at 31/03/2023



Source: DGMC – Juvenile and Community Justice Department
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

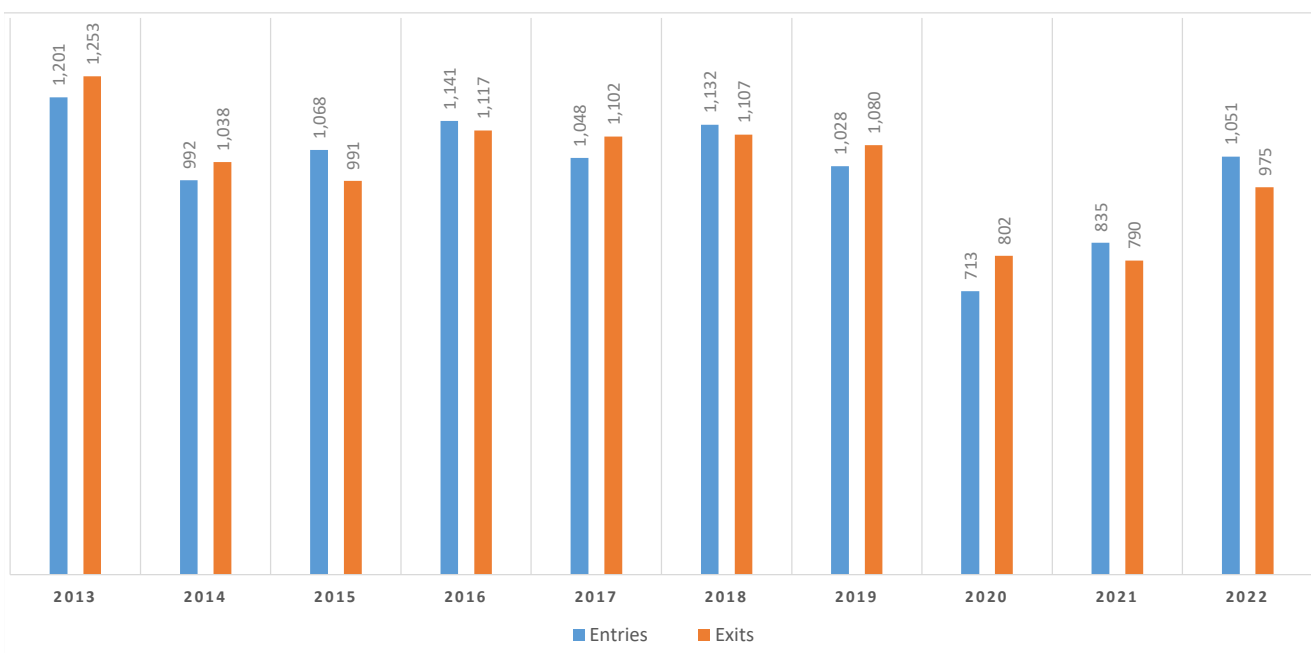
Table 2.2.2 – Entries and exits in/from IPMs - historical series, year 2013-2022

Period	Entries			Exits				Balance	
	Pre-trial detention	Sentence execution	Country total number	For pre-trial detention	For sentence execution	Transfers to adult prisons	Country total number	Balance entries/exits	Balance current population
2013	979	222	1,201	906	280	67	1,253	-52	15
2014	696	296	992	679	308	51	1,038	-46	5
2015	671	397	1,068	586	360	45	991	77	122
2016	763	378	1,141	657	387	73	1,117	24	97
2017	756	292	1,048	689	347	66	1,102	-54	12
2018	814	318	1,132	720	297	90	1,107	25	115
2019	739	289	1,028	669	285	126	1,080	-52	74
2020	523	190	713	534	226	42	802	-89	-47
2021	631	204	835	539	191	60	790	45	105
2022	817	234	1,051	678	192	105	975	76	181

With reference to the historical series considered, the part of the table related to 'balances' highlights, on one hand, the difference between entries and exits, and on the other hand, the data related to the current population.

Source: DGMC – Juvenile and Community Justice Department
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.2.2 – Entries and exits in/from IPMs - historical series, year 2013-2022



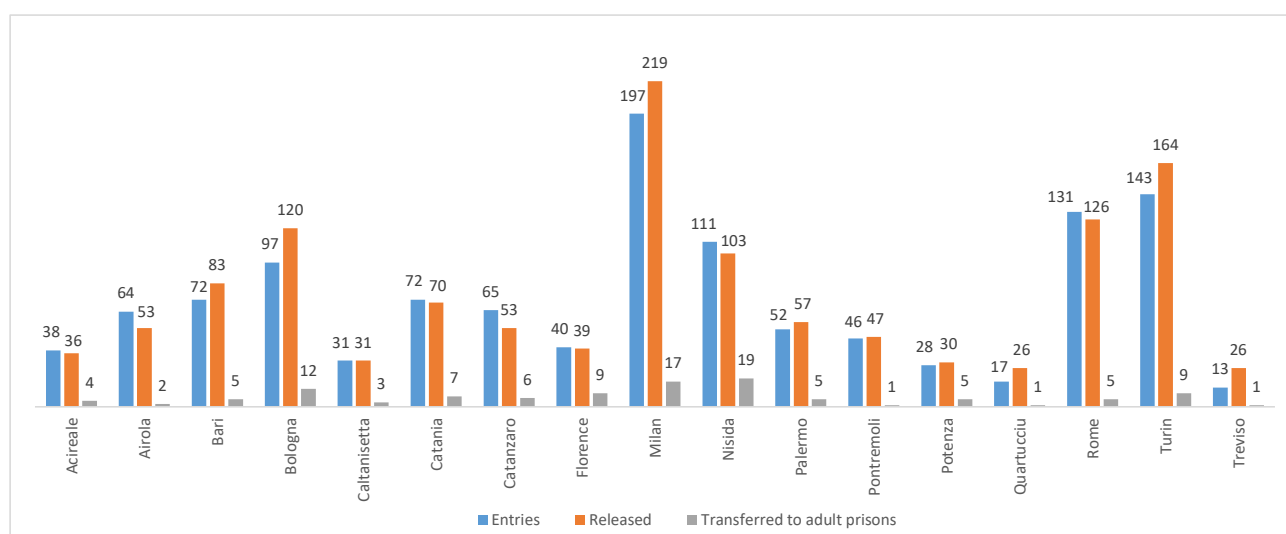
Source: DGMC – Juvenile and Community Justice Department
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.2.3 – Inflows and outflows in IPMs, year 2022

Juvenile Detention Centres (IPMs)	Inflows			Outflows			
	Pre-trial detention	Sentence execution	Inflows from transfers	Pre-trial detention	For sentence execution	Transfers to other IPMs	Transfers to adult prisons
Acireale	3	10	25	7	4	21	4
Airola	33	9	22	23	8	20	2
Bari	22	18	32	35	13	30	5
Bologna	46	25	26	53	16	39	12
Caltanissetta	4	8	19	3	9	16	3
Catania	18	8	46	26	6	31	7
Catanzaro	12	12	41	12	6	29	6
Florence	28	4	8	25	2	3	9
Milan	99	22	76	63	26	113	17
Nisida	46	18	47	39	12	33	19
Palermo	14	19	19	22	11	19	5
Pontremoli	14	29	3	13	28	5	1
Potenza	3	0	25	8	2	15	5
Quartucciu	7	0	10	16	1	8	1
Rome	63	31	37	70	23	28	5
Turin	90	15	38	91	18	46	9
Treviso	6	6	1	7	2	16	1
Country total number	508	234	475	513	187	472	111

Source: DGMC – Juvenile and Community Justice Department
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.2.3 – Inflows and outflows in IPMs, year 2022



Source: DGMC – Juvenile and Community Justice Department
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.2.4 – Minors and young adults present at 31/12/2022, and the daily average presence in IPMs in 2022

IPMs	Population	
	At 31/12/2022	Daily average presence 2022
Acireale	15	13.09
Airola	36	30.32
Bari	20	17.69
Bologna	36	39.39
Caltanissetta	9	7.43
Catania	28	25.58
Catanzaro	22	14.46
Florence	18	16.22
Milan	24	37.72
Nisida	51	45.17
Palermo	15	19.52
Pontremoli	6	6
Potenza	12	11.93
Quartucciu	5	8.84
Rome	40	33.12
Turin	38	40.78
Treviso	0	3.48

Table 2.2.4 highlights that the Juvenile Detention Centre with the highest presence, both of individuals confined at the end of the period considered and in the daily average, is Nisida (Naples). On the other hand, at the Quantucciu Juvenile Detention Centre in Cagliari, the lowest number of presences was recorded on 31 December 2022, while at the Pontremoli Juvenile Detention Centre, the lowest daily average presence was recorded in the same year (considering that the Treviso Juvenile

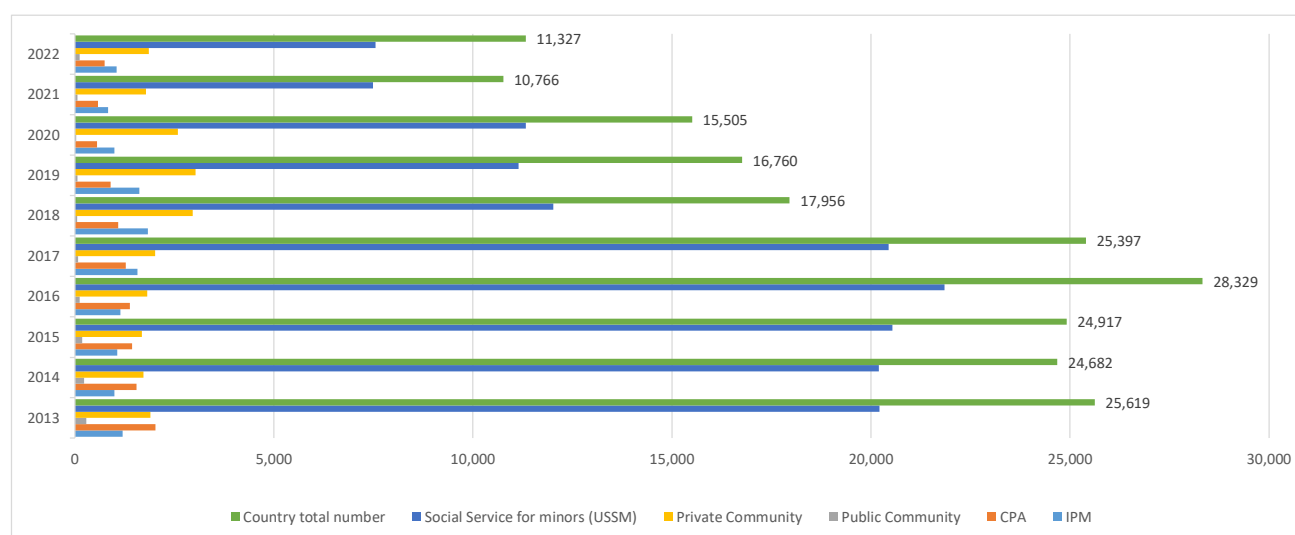
Source: DGMC – Juvenile and Community Justice Department
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.2.5 – Minors assigned to different public and private social services for minors - historical series, years 2013-2022

Year	IPM	CPA	Public Community	Private Community	Social Service for minors (USSM)	Country total number
2013	1,201	2,020	291	1,894	20,213	25,619
2014	992	1,548	231	1,716	20,195	24,682
2015	1,068	1,438	185	1,688	20,538	24,917
2016	1,141	1,381	120	1,823	21,848	28,329
2017	1,574	1,275	85	2,017	20,446	25,397
2018	1,838	1,087	55	2,960	12,016	17,956
2019	1,622	898	64	3,028	11,148	16,760
2020	993	561	37	2,586	11,328	15,505
2021	835	581	69	1,790	7,491	10,766
2022	1,051	748	115	1,859	7,554	11,327

Source: DGMC – Juvenile and Community Justice Department
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.2.5 – Minors assigned to different public and private social services for minors - historical series, years 2013-2022



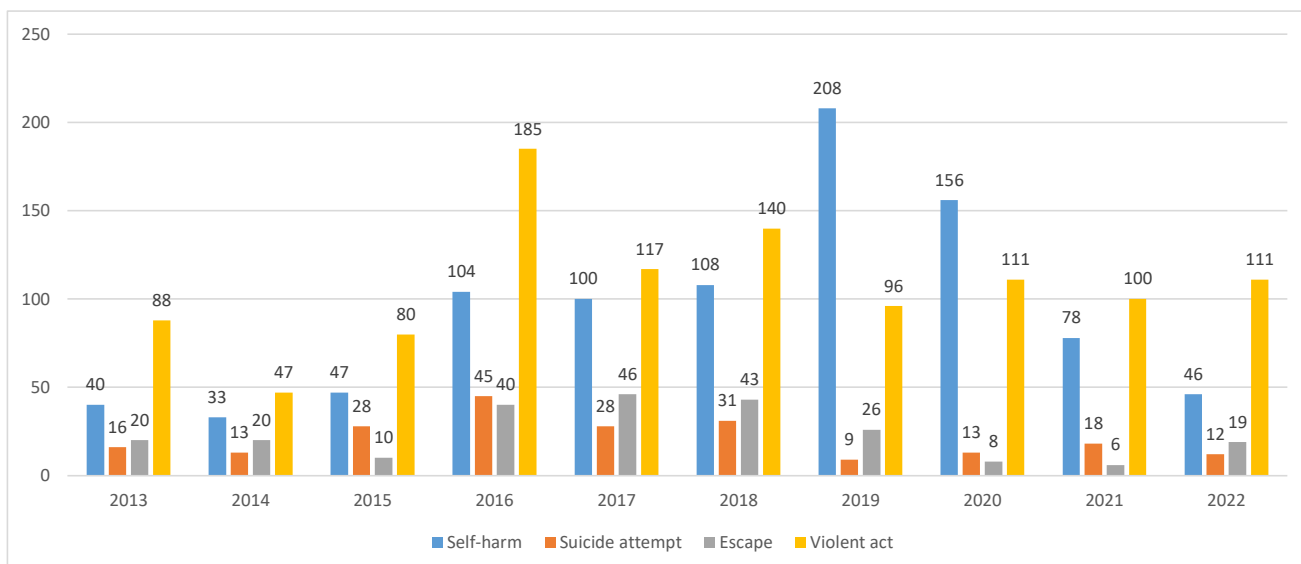
Source: DGMC – Juvenile and Community Justice Department
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.2.6 – Critical events occurred inside IPMs, years 2012-2022

Type of critical event	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Average presence	401	362	441	462	425	440	369	278	318	318
Self-harm	40	33	47	104	100	108	208	156	78	46
Suicide attempt	16	13	28	45	28	31	9	13	18	12
Escape	20	20	10	40	46	43	26	8	6	19
Violent act	88	47	80	185	117	140	96	111	100	111
Total events	164	113	165	374	291	322	339	288	202	188

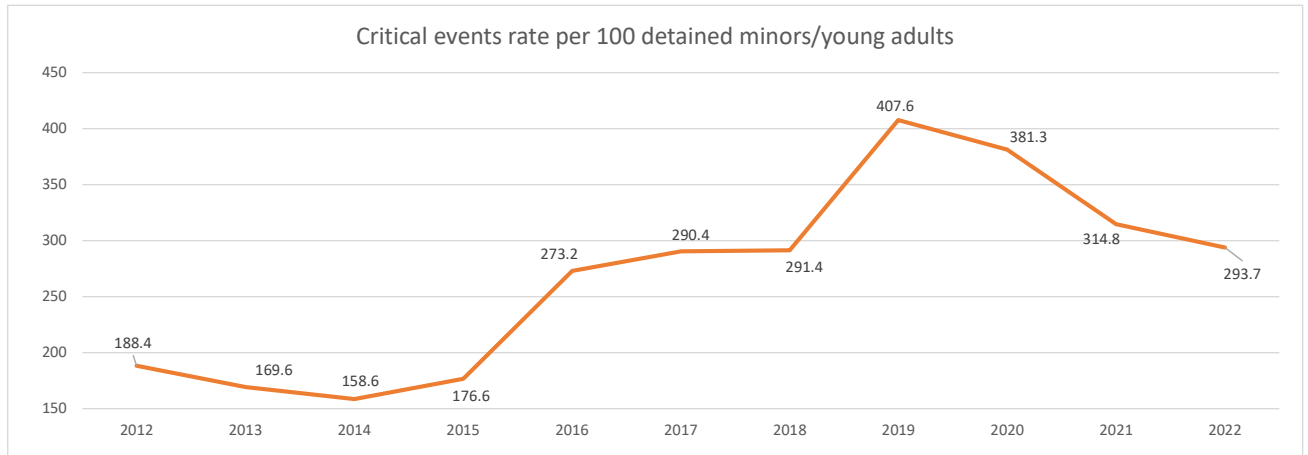
Source: DGMC – Juvenile and Community Justice Department
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.2.6 – Critical events occurred inside IPMs, years 2012-2022



Source: DGMC – Juvenile and Community Justice Department
 Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

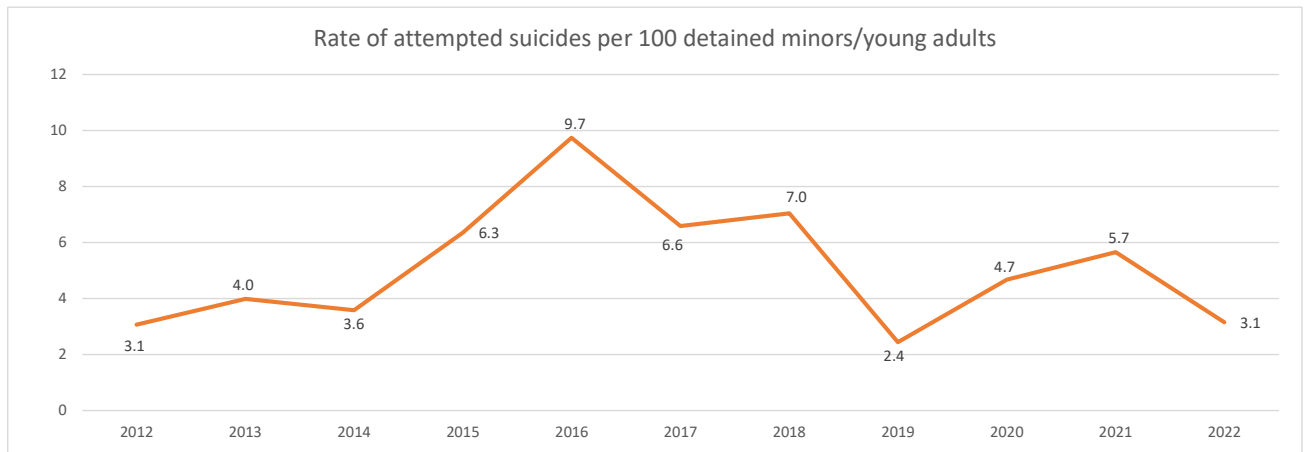
Chart 2.2.6 bis – Critical events rate per 100 detained minors/young adults



Ratio of critical events to detained minors/young adults. In 2012, there were 188 critical events for every 100 detained minors/young adults, while in 2021, there were approximately 315. 2019 is the year with the highest ratio, approximately 408.

Source: DGMC – Juvenile and Community Justice Department
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.2.6 ter – Rate of attempted suicides per 100 detained minors/young adults



Ratio of attempted suicides to detained minors/young adults. In 2012, there were 3 attempted suicides for every 100 detained minors/young adults, while in 2021, there were approximately 6. 2016 is the year with the highest ratio, approximately 10 attempted suicides.

Source: DGMC – Juvenile and Community Justice Department
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.2.7 – Critical events recorded in IPMs, Years 2021-2022-2023*

Juvenile detention centres	Type of critical events														
	Death			Suicide attempt			Self-harm			Escape			Violent act [^]		
	2021	2022	2023*	2021	2022	2023*	2021	2022	2023*	2021	2022	2023*	2021	2022	2023*
Acireale	-	-	-	-	2	-	-	5	-	2	-	-	6	15	2
Airola	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-
Bari	-	-	-	1	-	-	3	3	-	-	-	-	13	1	-
Bologna	-	-	-	-	-	-	1	1	-	-	4	-	2	20	-
Caltanissetta	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Catania	-	-	-	-	2	1	1	3	1	-	-	-	1	2	-
Catanzaro	-	-	-	1	-	-	4	1	-	-	-	-	11	1	-
Florence	-	-	-	-	-	-	1	1	-	-	-	-	1	4	1
Milan	-	-	-	12	3	1	33	14	5	-	8	-	2	11	-
Nisida	-	-	-	-	-	-	1	2	-	-	-	-	2	7	7
Palermo	-	-	-	-	1	-	-	-	-	-	-	-	5	1	-
Pontremoli	-	-	-	-	-	-	1	-	-	-	-	-	6	6	-
Potenza	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Quartucciu	1	-	-	3	3	-	1	-	-	2	-	1	3	2	-
Rome	-	-	-	1	1	-	35	12	-	-	-	-	42	40	1
Turin	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Treviso	-	-	-	-	-	-	-	4	-	-	-	-	1	1	-
Total	1	0	0	18	12	2	81	46	6	4	15	3	95	111	11

The most relevant evidence presented in the annual series considered in table 2.2.7 refers to the overall decrease in almost all critical events examined at juvenile detention centres. Only for escape, there is some increase at the institutions in Caltanissetta, Turin, and in Quartucciu (Cagliari). Similarly, in the case of violent actions, especially at the Nisida Institute. It should also be noted that events with different intensities are recorded under the same category.

*Data for 2023 updated to 31 March

[^] Violent acts mainly include injuries, caused damage, aggression, and the setting of sleeping quarters on fire, with the latter classified under the category of "Other events" in some cases.

Source: DGMC – Juvenile and Community Justice Department
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.2.8 – Community measures and alternative measures for minors and young adults, Data as at 31/03/2023

Type	Place	Men	Women	Total
Community measures: (Probation)	At home	2.395	163	2.558
	In communities	428	24	452
Total		2.823	187	3.010
Alternative measures (On probation under the responsibility of social services, Semi-liberty, Home detention)	At home	310	13	323
	In communities	63	1	64
Measures different from above	In communities	327	20	347
Total		700	34	734

Source: Minors Service Information System (SISM)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.1 – Detained adults and minors enrolled in the literacy course for the 2020/2021 school year, data as at 31/03/2023

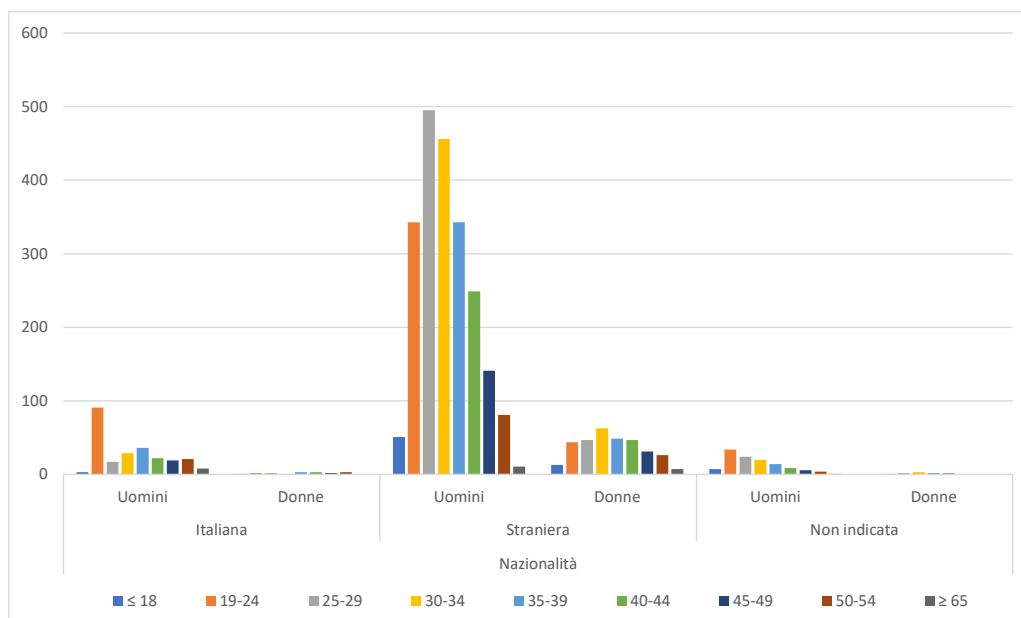
Literacy course							
Age group	Nationality						Partial total
	Italians		Foreigners		N.A.		
	Men	Women	Men	Women	Men	Women	
≤ 18	3	1	51	13	7	0	75
19-24	91	2	343	44	34	1	515
25-29	17	2	495	47	24	2	587
30-34	29	1	456	63	20	3	572
35-39	36	3	343	49	14	2	447
40-44	22	3	249	47	9	2	332
45-49	19	2	141	31	6	0	199
50-54	21	3	81	26	4	0	135
55-59	11	4	46	15	2	0	78
60-64	10	0	18	10	1	0	39
≤ 65	8	0	11	7	1	0	27
Total	267	21	2,234	352	122	10	3,006

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.3.1 – Detained adults and minors enrolled in the literacy course for the 2020/2021 school year, data as at 31/03/2023



The chart highlights the peak in enrolments in the literacy course during the 2020/2021 school year. This trend is also notable among women, with the highest data recorded among foreign nationals, but in this case, the age group varies from 30 to 34 years. The highest overall enrolment, considering both men and women of all nationalities, is found in the age group between 25 and 29 years.

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.2 – Detained adults and minors enrolled in the literacy course for the 2021/2022 school year, data as at 31/03/2023

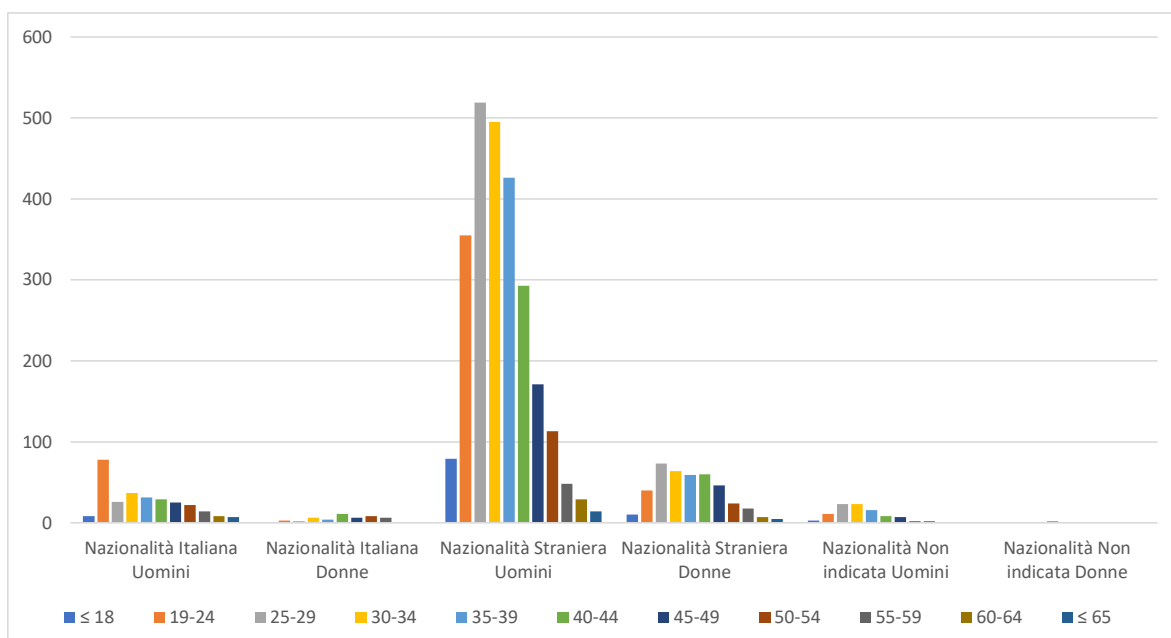
Literacy course							
Age group	Nationality						Partial total
	Italians		Foreigners		N.A.		
	Men	Women	Men	Women	Men	Women	
≤ 18	8	0	79	10	3	1	101
19-24	78	3	355	40	11	0	487
25-29	26	2	519	73	23	0	643
30-34	37	6	495	64	23	1	626
35-39	31	4	426	59	16	2	538
40-44	29	11	293	60	8	1	402
45-49	25	6	171	46	7	1	256
50-54	22	8	113	24	2	1	170
55-59	14	6	48	18	2	0	88
60-64	8	1	29	7	1	0	46
≤ 65	7	1	14	5	1	0	28
Total	285	48	2,542	406	97	7	3,385

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.3.2 – Detained adults and minors enrolled in the literacy course for the 2021/2022 school year, data as at 31/03/2023



The chart highlights the highest enrolment in literacy courses during the 2021/2022 school year among men and women of foreign nationality in the age group between 25 and 29 years. This age group actually records the highest number of enrolment in literacy courses among men and women of all nationality.

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.3 – Detained adults and minors enrolled in the literacy course for the 2022/2023 school year, data as at 31/03/2023

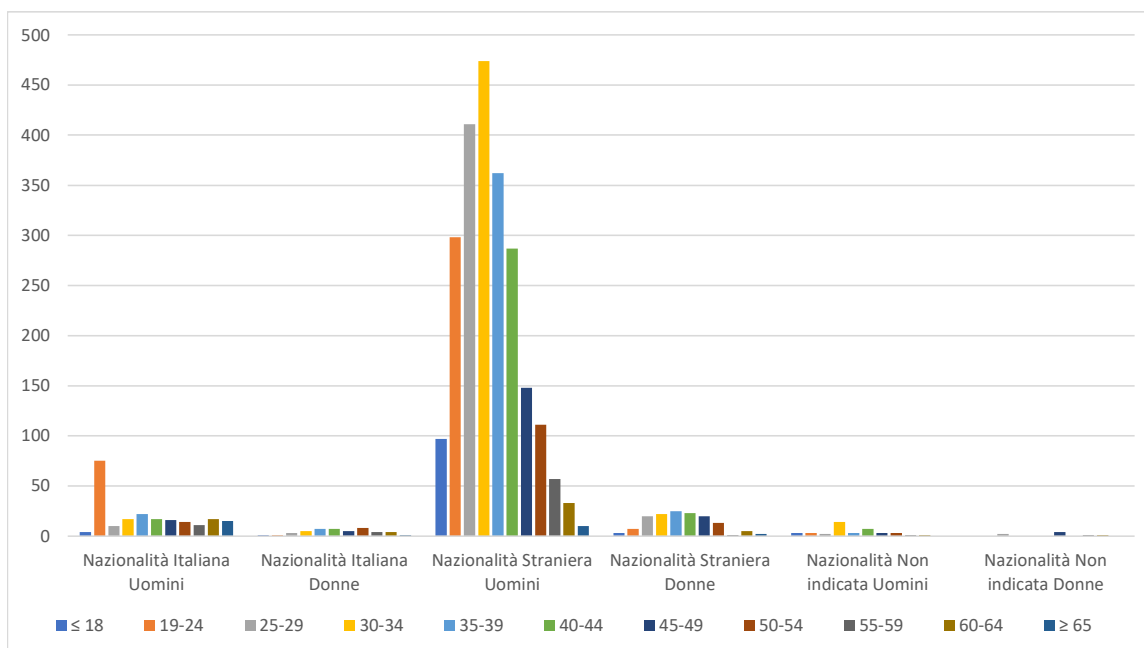
Literacy course							
Age group	Nationality						Partial total
	Italians		Foreigners		N.A.		
	Men	Women	Men	Women	Men	Women	
≤ 18	4	1	97	3	3	0	108
19-24	75	1	298	7	3	0	384
25-29	10	3	411	20	2	2	448
30-34	17	5	474	22	14	0	532
35-39	22	7	362	25	3	0	419
40-44	17	7	287	23	7	0	341
45-49	16	5	148	20	3	4	196
50-54	14	8	111	13	3	0	149
55-59	11	4	57	1	1	1	75
60-64	17	4	33	5	1	1	61
≥ 65	15	1	10	2	0	0	28
Partial	218	46	2,288	141	40	8	2,741

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.3.3 – Detained adults and minors enrolled in the literacy course for the 2022/2023 school year, data as at 31/03/2023



Data in table 2.3.3 and its corresponding graphical representation highlight some concentrations of the number of incarcerated individuals enrolled in literacy courses during the 2022-2023 school year. Regarding individuals of Italian nationality, the highest number of enrolments is recorded in the age group between 19 and 24 years for men, and in the 35-39, 40-44, and 50-54 age groups for women. The highest peaks in the number of enrolments in Italian literacy courses are naturally observed among individuals of foreign nationality, in age groups ranging from 19 to 44 years for men and between 25 and 49 years for women.

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.4 – Detained adults and minors enrolled in the first level of education, school year 2020-2021, data as at 31/03/2023

First level course							
Age group	Nationality						Partial total
	Italians		Foreigners		N.A.		
	Men	Women	Men	Women	Men	Women	
≤ 18	86	3	37	5	1	2	134
19-24	198	7	173	9	3	0	390
25-29	178	5	213	15	10	3	424
30-34	201	11	244	31	17	1	505
35-39	226	17	196	15	16	1	471
40-44	201	21	150	18	12	0	402
45-49	239	23	81	15	12	1	371
50-54	154	22	55	12	4	0	247
55-59	96	11	23	6	5	0	141
60-64	50	14	10	1	2	1	78
≤ 65	44	19	3	1	0	0	67
Total	1,673	153	1,185	128	82	9	3,230

Table 2.3.4 highlights the maximum enrolment in first-level courses during the 2020/2021 school year among men and women of foreign nationality in the age group between 30 and 34 years. In the same age group, the highest overall enrolment is recorded among men and women of all nationalities.

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.5 – Detained adults and minors enrolled in the first level of education, school year 2021-2022, data as at 31/3/2023

First level course							
Age group	Nationality						Partial total
	Italians		Foreigners		N.A.		
	Men	Women	Men	Women	Men	Women	
≤ 18	85	3	51	1	3	0	143
19-24	205	2	210	11	3	0	431
25-29	199	5	312	24	8	1	549
30-34	247	16	349	20	15	0	647
35-39	250	12	290	32	9	2	595
40-44	291	24	214	26	6	1	562
45-49	283	25	125	5	7	1	446
50-54	211	34	86	14	5	1	351
55-59	126	23	30	5	2	2	188
60-64	79	24	17	1	2	0	123
≤ 65	75	24	3	1	2	0	105
Total	2,051	192	1,687	140	62	8	4,140

Table 2.3.5 highlights the peak enrolment in first-level courses during the 2021/2022 school year among men of foreign nationality in the age group between 30 and 34 years. Regarding women, the highest value is recorded among Italian nationals, with the age group varying from 50 to 54 years. The highest overall enrolment, considering both men and women of all nationalities, is found in the age group between 30 and 34 years.

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.6 – Detained adults and minors enrolled in the first level of education, school year 2022-2023, data as at 31/3/2023

First level course							
Age group	Nationality						Partial total
	Italians		Foreigners		N.A.		
	Men	Women	Men	Women	Men	Women	
≤ 18	89	5	54	0	3	1	152
19-24	170	3	174	5	2	0	354
25-29	221	14	301	19	9	2	566
30-34	249	24	320	14	9	2	618
35-39	238	34	283	19	9	1	584
40-44	326	35	173	16	15	0	565
45-49	274	26	131	15	9	1	456
50-54	245	29	56	3	3	1	337
55-59	145	14	30	7	3	0	199
60-64	89	7	9	0	2	0	107
≥ 65	87	3	7	1	1	0	99
Total	2,133	194	1,538	99	65	8	4,037

Table 2.3.6 highlights some concentrations of the number of enrolments of incarcerated individuals in the first-level primary education courses for the school year 2022-2023. Specifically, among individuals of Italian nationality, the major concentrations are in age groups between 25 and 54 years, with a peak among men in the 40-44 age group. For women, there is a higher concentration in age groups between 30 and 54 years, with a peak between 35 and 44 years. Among individuals of foreign nationality, the highest concentration is observed in age groups between 25 and 39 years, with a peak in the 30-34 age group for men. For women, the concentration is higher in age groups between 25 and 49 years.

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.7 – Detained adults and minors enrolled in the first level of education, school year 2020-2021 data as at 31/03/2023

First level course							
Age group	Nationality						Partial total
	Italians		Foreigners		N.A.		
	Men	Women	Men	Women	Men	Women	
≤ 18	2	0	0	0	0	0	2
19-24	185	5	74	2	0	0	266
25-29	417	8	144	7	0	0	576
30-34	573	10	179	7	0	0	769
35-39	540	14	158	7	0	0	719
40-44	541	12	130	3	0	0	686
45-49	524	17	86	6	0	0	633
50-54	484	15	62	1	0	0	562
55-59	346	5	37	0	0	0	388
60-64	213	2	19	1	0	0	235
≥ 65	134	1	3	0	0	0	138
Total	3,959	89	892	34	0	0	4,974

Table 2.3.7 highlights the highest enrolment in second-level courses during the 2020/2021 school year recorded among women of Italian nationality in the age group between 35 and 39 years. Regarding men, the maximum peak of enrolments is in the age group between 30 and 34 years among those of Italian nationality. In the same age group, the highest overall enrolment is recorded among men and women of all nationalities.

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.8 – Detained adults and minors enrolled in the second level of education, school year 2021-2022, data as at 31/03/2023

First level course							
Age group	Nationality						Partial total
	Italians		Foreigners		N.A.		
	Men	Women	Men	Women	Men	Women	
≤ 18	3	0	1	0	0	0	4
19-24	199	6	102	2	0	0	309
25-29	518	11	158	10	0	0	697
30-34	714	17	194	4	0	0	929
35-39	711	17	181	9	0	0	918
40-44	655	17	151	6	0	0	829
45-49	703	18	100	4	0	0	825
50-54	563	17	64	3	0	0	647
55-59	407	10	39	2	0	0	458
60-64	247	0	27	1	0	0	275
≥ 65	161	4	5	0	0	0	170
Total	4,881	117	1,022	41	0	0	6,061

Table 2.3.8 highlights the highest enrolment in the second-level course during the 2021/2022 school year recorded among women of Italian nationality in the age group between 40 and 45 years. Regarding men, the highest value of enrolments is in the age group between 30 and 34 years for those of Italian nationality. In the same age group, the highest overall enrolment is recorded among men and women of all nationalities.

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.9 – Detained adults and minors enrolled in the second level of education, school year 2022-2023, data as at 31/03/2023

First level course							
Age group	Nationality						Partial total
	Italians		Foreigners		N.A.		
	Men	Women	Men	Women	Men	Women	
≤ 18	2	0	0	0	0	0	2
19-24	188	3	96	4	1	0	292
25-29	454	6	153	4	1	0	618
30-34	661	10	186	8	0	0	865
35-39	643	12	154	9	0	0	818
40-44	636	16	143	6	0	0	801
45-49	617	22	85	5	0	0	729
50-54	571	14	52	4	0	0	641
55-59	401	12	28	2	0	0	443
60-64	222	1	10	1	0	0	234
≥ 65	159	6	7	0	0	0	172
Total	4,554	102	914	43	2	0	5,615

Table 2.3.9 shows that the highest concentration of incarcerated individuals enrolled in the second level of education is absolute in the age group between 30 and 34 years. This trend is confirmed among men of both Italian and foreign nationalities. The highest concentration of Italian women enrolled in the same education courses is in the age group between 45 and 49 years. On the other hand, among women of foreign nationality, the concentration is in the age group between 30 and 39 years.

N.B.: Aosta Valley and Trentino - Alto Adige regions not included.

Source: Ministry of Education - National Student Registry

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.10 – Detained adults and minors who graduated from the State exam during the 2020-2021 school year.

Second-level course - Number of graduates from the State exam					
Age group	Nationality				Partial total
	Italians		Foreigners		
	Men	Women	Men	Women	
≤ 18	0	0	0	0	0
19-24	3	0	3	0	6
25-29	18	0	7	0	25
30-34	46	0	13	0	59
35-39	59	5	10	0	74
40-44	55	0	10	0	65
45-49	68	1	8	0	77
50-54	50	1	5	0	56
55-59	46	0	7	0	53
60-64	36	0	4	0	40
≥ 65	20	0	1	0	21
Total	401	7	68	0	476

Source: Ministry of Education - National Student Registry
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.3.10 – Detained adults and minors who graduated from the State exam during the 2020-2021 school year.

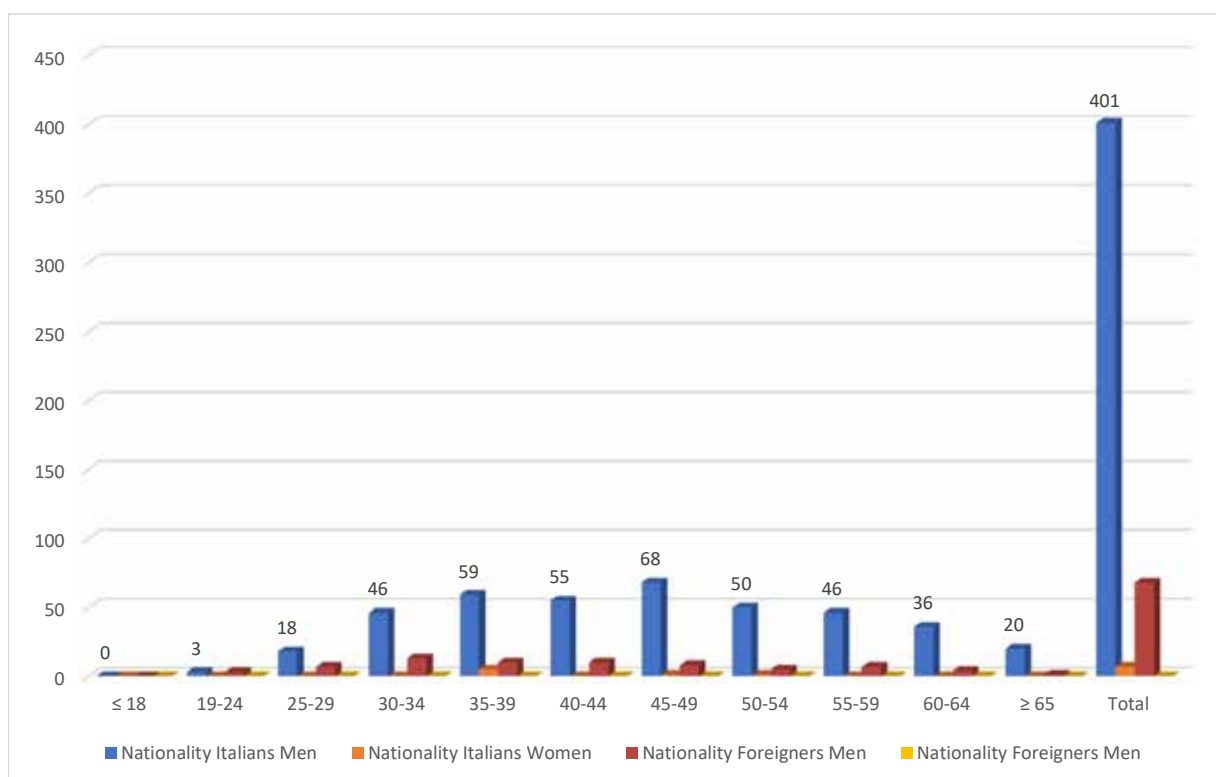


Chart 2.3.10 highlights that, even in the 2020/2021 school year, the highest number of incarcerated individuals graduating from the State exam is in the age group between 45 and 49 years, considering the sum of men and women of different nationalities.

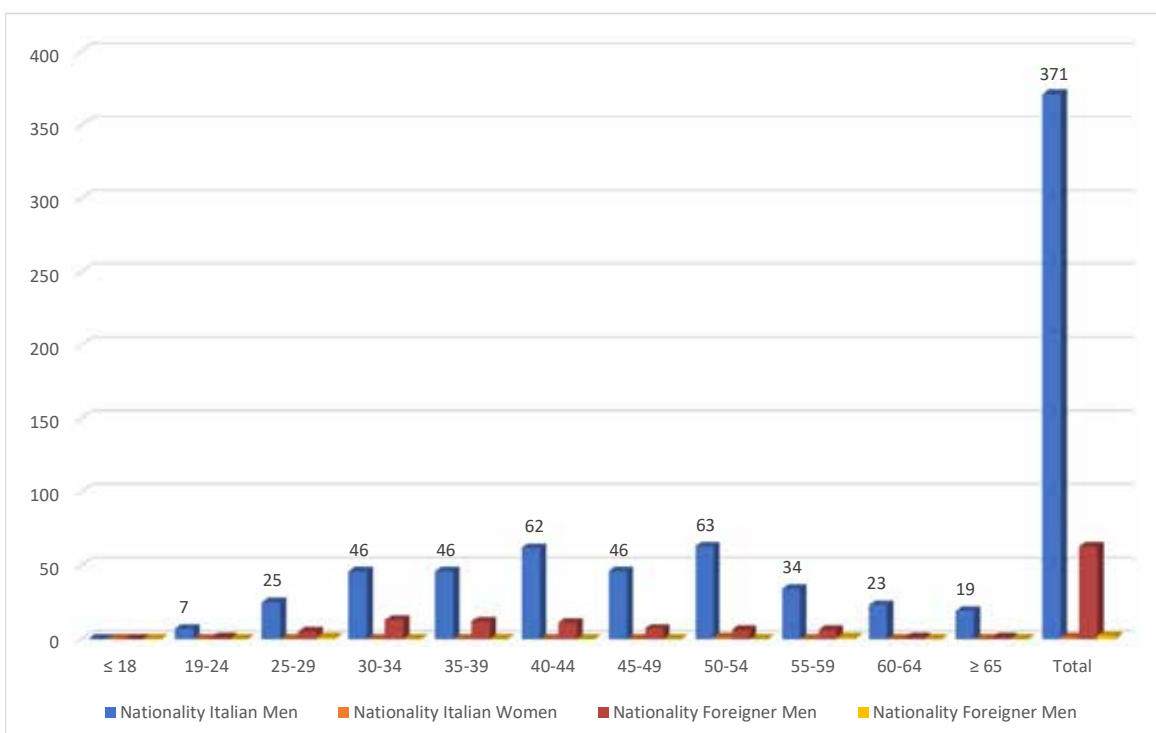
Source: Ministry of Education - National Student Registry
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.11 – Detained adults and minors who graduated from the State exam during the 2021-2022 school year

Second-level course - Number of graduates from the State exam					
Age group	Nationality				Partial total
	Italian		Foreigner		
	Men	Women	Men	Women	
≤ 18	0	0	0	0	0
19-24	7	0	1	0	8
25-29	25	0	5	1	31
30-34	46	0	13	0	59
35-39	46	0	12	0	58
40-44	62	0	11	0	73
45-49	46	0	7	0	53
50-54	63	1	6	0	70
55-59	34	0	6	1	41
60-64	23	0	1	0	24
≥ 65	19	0	1	0	20
Total	371	1	63	2	437

Source: Ministry of Education - National Student Registry
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.3.11 – Detained adults and minors who graduated from the State exam during the 2021-2022 school year



The table and the related chart 2.3.11 highlight that the highest number of incarcerated individuals who graduated from the State exam during the 2021-2022 school year, regardless of their nationality and gender, concentrated in the age groups between 40 and 44 years and between 50 and 54 years. With reference to Italian nationality, men and women together show a higher peak in the age group between 50 and 54 years. On the other hand, among individuals of foreign nationality, the highest concentration was recorded in various

Source: Ministry of Education - National Student Registry
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.12 – Incarcerated individuals* enrolled in university courses, divided by gender and nationality. Academic Year 2022-2023

Sex		Nationality	
Women	Men	Italians	Foreigners
52	1,374	1,261	166
Total	1,426	Total	1,427

*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.3.12 – Incarcerated individuals* enrolled in university courses, divided by gender. Academic Year 2022-2023

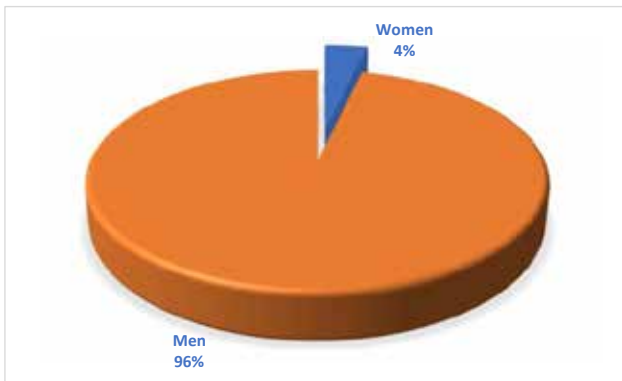
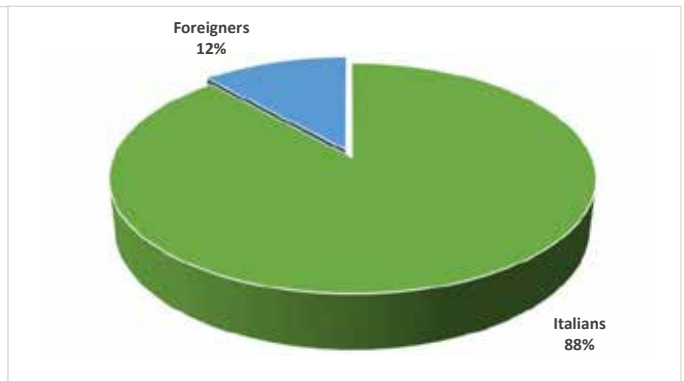


Chart 2.3.12 – Incarcerated individuals* enrolled in university courses, divided by nationality. Academic Year 2022-2023



Compared to the same data recorded for the previous academic year, the number of enrolments in university education courses activated in the 2022-2023 academic year within penitentiary institutions has increased significantly (as highlighted in table 2.3.14 in the following pages). This holds true for both incarcerated individuals of Italian and foreign nationality, as well as for both genders. Interestingly, the percentage distribution between these two variables has remained unchanged across the distinct annual comparisons. For instance, in the academic year 2021-2022, enrolments among women constituted 4%, while those of individuals of foreign nationality accounted for 12% of the total number of enrolments.

*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.13 – Incarcerated individuals* enrolled in university courses, divided by age groups. Academic Year 2022-2023

Age group	Number of individuals enrolled in university courses
18 – 24	28
25 – 30	86
31 – 35	143
36 – 40	200
41 – 45	200
46 – 50	214
51 – 55	242
56 – 60	143
> 60	171
Total	1,427

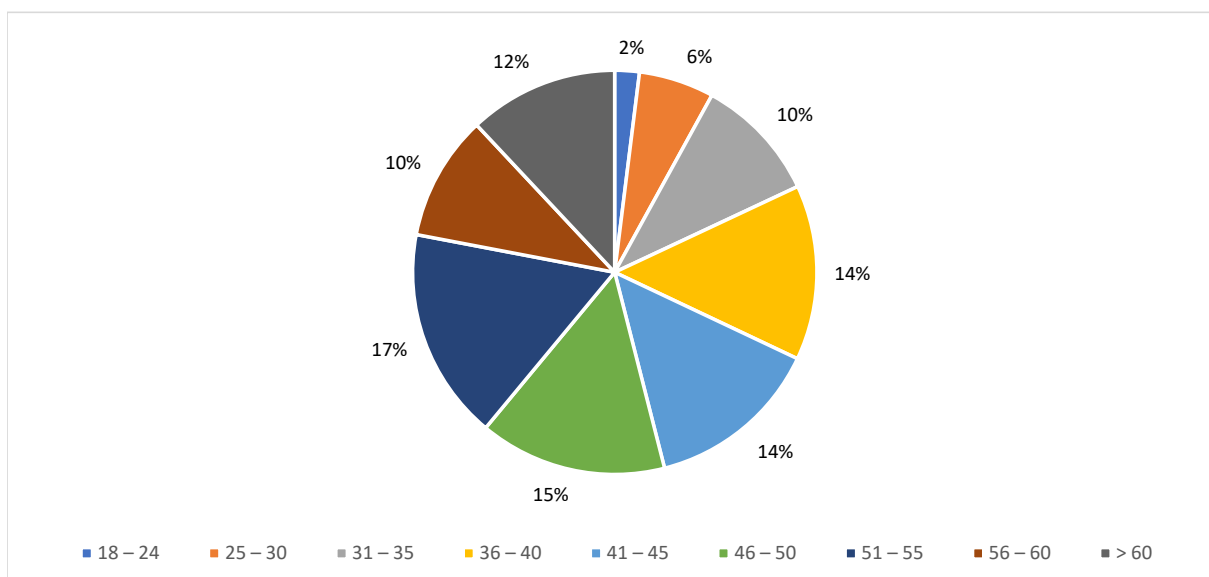
Table 2.3.13 shows that the number of incarcerated individuals enrolled in university courses steadily increases in more mature age groups, reaching the highest value in the 51 - 55 age group, and then slightly decrease.

**Data also includes individuals placed under alternative measures.*

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

*Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit*

Chart 2.3.13 – Incarcerated individuals* enrolled in university courses, divided by age groups. Academic Year 2022-2023



**Data also includes individuals placed under alternative measures.*

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

*Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit*

Chart 2.3.14 – Incarcerated individuals* enrolled in university courses divided by type of penal execution. A. Y. 2021/22 - 2022/23

Type of penal execution	Enrollees A. Y. 2021/22	Enrollees A. Y. 2022/23
Medium security	626	689
High security (AS1 + AS2 + AS3)	449	506
Art. 41 bis regime (Penitentiary Law)	33	39
IPMs (Juvenile detention centres)	6	5
Under External Execution or close to the end of sentence	132	188
Total enrollees	1,246	1,427

* The data includes individuals under alternative measures and excludes the six individuals detained in IPMs.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.3.14 – Incarcerated individuals* enrolled in university courses divided by type of penal execution. A. Y. 2021/22 - 2022/23

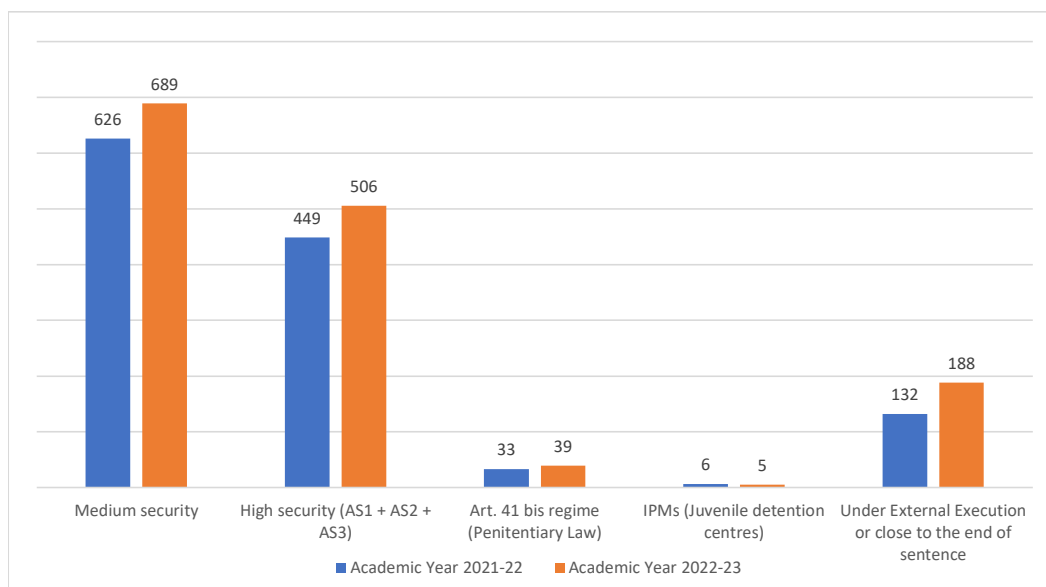


Table 2.3.14 and its graphical representation highlight the substantial increase, both in absolute value and in individual categories, in the number of enrolments in university courses for incarcerated individuals in adult penitentiary institutions and those subjected to alternative measures to detention recorded in the current academic year compared to the same data from the previous year. On the other hand, a slight decrease in the same comparison has been recorded in the number of enrolments only related to individuals detained in IPMS which have housed young adults since 2014.

* The data includes individuals under alternative measures and excludes the six individuals detained in IPMs.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.15 – Incarcerated individuals* enrolled in university courses, divided by gender. Historical data A.Y. 2018/2019 - 2022/2023

Academic Years	Women	Men	Total enrollees in university courses*
2018-19	28	768	796
2019-20	38	882	920
2020-21	64	970	1,034
2021-22	45	1,201	1,246
2022-23	52	1,375	1,427
Total	227	5,196	5,423

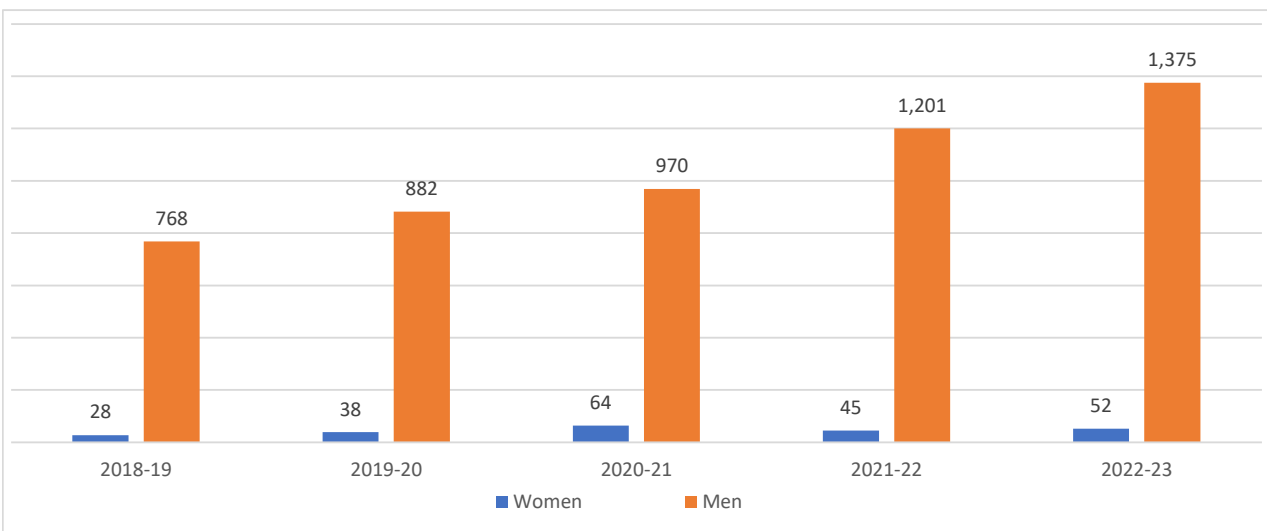
It is to be noted that the number of incarcerated individuals enrolled in university courses has gradually increased in the various years under consideration. With reference to the female population, this trend reversed in the academic year 2021-22 and has returned to growth in the current academic year.

*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.3.15 – Incarcerated individuals* enrolled in university courses, divided by gender. Historical data A.Y. 2018/2019 - 2022/2023



*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.16 – Incarcerated individuals* enrolled in university courses in relation to the overall incarcerated population. Historical data (years) 2018-2022

Year	Number of the general population of incarcerated individuals	Number of incarcerated individual enrolled in university courses	
2018	59,655	796	1.33%
2019	60,769	920	1.51%
2020	53,364	1,034	1.94%
2021	54,134	1,246	2.30%
2022	56,169	1,427	2.54%

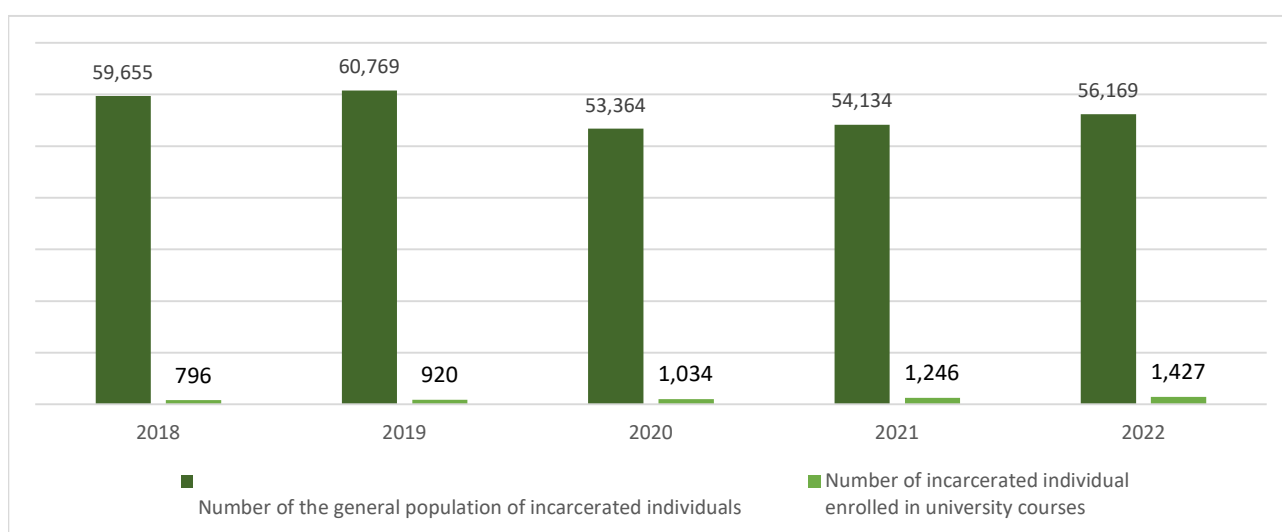
It is to be noted that the number of incarcerated individuals enrolled in university courses has gradually increased in the various years under consideration.

**Data also includes individuals placed under alternative measures.*

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

*Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit*

Chart 2.3.16 – Incarcerated individuals* enrolled in university courses in relation to the overall incarcerated population. Historical data (years) 2018-2022



**Data also includes individuals placed under alternative measures.*

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

*Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit*

Table 2.3.17 – Incarcerated individuals* enrolled in university courses in relation to the overall incarcerated population divided by sex- Historical data (years) 2018-2022

Year	Women			Men		
	General incarcerated population	Number of women enrolled in university courses	%	General incarcerated population	Number of men enrolled in university courses	%
2018	2,576	28	1.1	57,079	768	1.3
2019	2,063	38	1.4	58,106	882	1.5
2020	2,225	64	2.9	51,109	970	1.9
2021	2,237	45	2	51,097	1,201	2.3
2022	2,365	52	2.2	53,831	1375	2.6

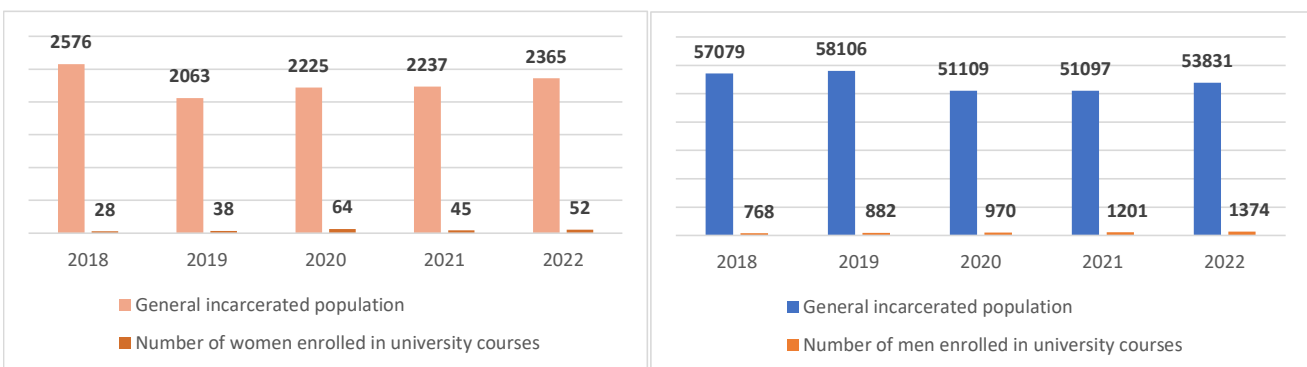
In the outlined overall growth scenario, there is an increase in the number of male and female inmates enrolled in university courses in the last year of the historical series under consideration.

*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

*Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP).
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit*

Chart 2.3.17 – Incarcerated individuals* enrolled in university courses in relation to the overall incarcerated population divided by sex - Historical data (years) 2018-2022



*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

*Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP).
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit*

Table 2.3.18 – Incarcerated individuals* enrolled in university courses, divided by type of degree programme. Academic Year 2022-2023

Type of degree programme	no. of enrollees
Laurea Breve (3-year degree courses)	1,237
Laurea Magistrale (full cycle) courses	94
Laurea Magistrale (single cycle)	94
Master and Ph.D. courses	2
Total enrollees	1,427

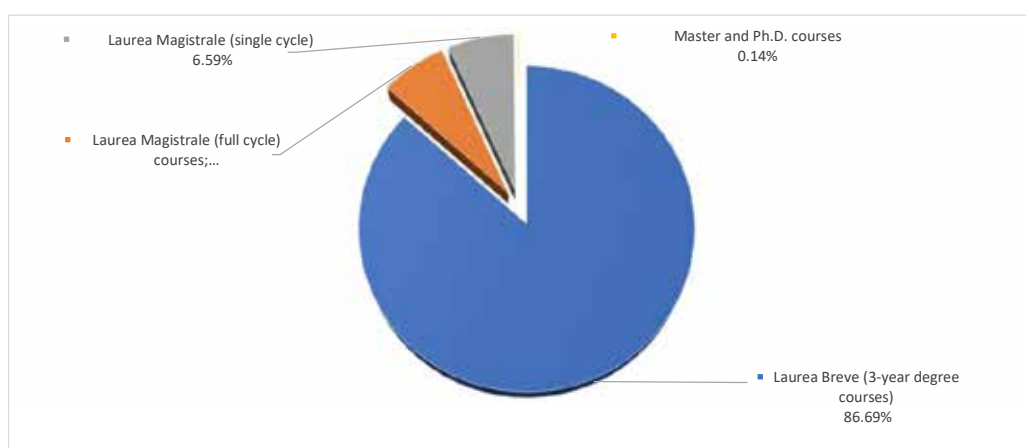
Compared to last year, the overall number of individuals enrolled in various degree programs in the current academic year has increased (in 2021-22, there were 1,408, excluding master's and doctoral programs).

*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.3.18 – Incarcerated individuals* enrolled in university courses, divided by type of degree programme. Academic Year 2022-2023



* Il dato include anche le persone in misura alternativa.

Fonte: Conferenza nazionale dei delegati dei Rettori per i Poli universitari penitenziari (Cnupp).

Elaborazione a cura del Garante nazionale - Unità organizzativa Privazione della libertà in ambito penale.

Chart 2.3.19 – Incarcerated individuals* graduated in 2022 (calendar year)

Type of degree	no. of graduated
Laurea Breve (3-year degree courses)	41
Laurea Magistrale (full cycle) courses	10
Total enrollees	51

The overall number of incarcerated individuals who managed to obtain a university degree in the calendar year 2022 also increased compared to the same data recorded last year (in 2021, there were a total of 39, including 29 related to a 3-year university degrees), particularly concerning 3-years university degrees.

*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.20 – Incarcerated individuals* enrolled in university courses, divided by subject, Academic Year 2022-2023

Subject	no. of enrollees	%
Political-social science	385	27%
Humanities	228	16%
Law studies	214	15%
Agro-food studies	157	11%
Science, technology, engineering, and mathematics	114	8%
History and Phisosophy studies	114	8%
Psycho-pedagogical studies	100	7%
Economics	86	6%
Health/medicine studies	29	2%
Total enrollees	1,427	100%

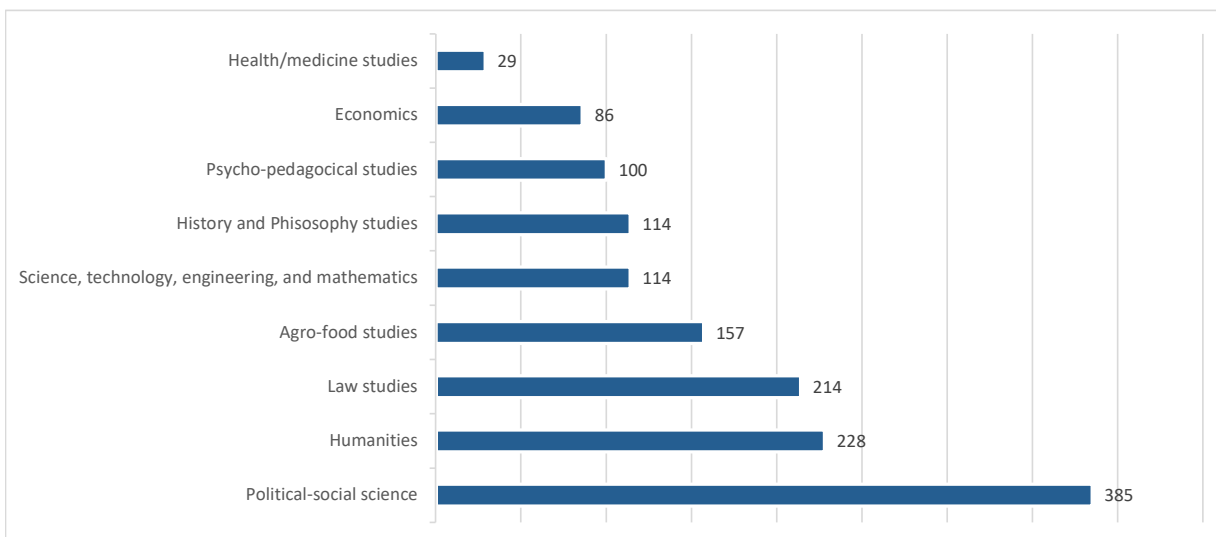
It is to be noted that enrollments in degree programs related to various disciplinary areas for the current year have increased, at least in absolute terms, compared to the same data for the previous year, with the percentage value remaining unchanged in some cases.

**Data also includes individuals placed under alternative measures.*

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

*Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit*

Chart 2.3.20 – Incarcerated individuals* enrolled in university courses, divided by subject, Academic Year 2022-2023



**Data also includes individuals placed under alternative measures.*

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

*Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit*

Table 2.3.21 – Incarcerated individuals* enrolled in university courses, divided by university centre. A.Y. 2020/21, 2021/22 and 2022/23

University Centre	Number of individuals enrolled		
	A. Y. 2020-21	A. Y. 2021-22	A. Y. 2022-23
Milan "Statale" University	116	127	137
Naples "Federico II" University	92	102	96
Roma Tre University	71	80	90
Bologna University	70	67	61
Turin University	57	66	94
Sassari University	63	62	65
Padua University	60	59	64
Pisa University	59	58	55
Florence University	55	54	55
Rome "Tor Vergata" University	42	53	70
Siena University	40	51	60
Catania University	7	46	73
Calabria University	27	42	43
Milan "Bicocca" University	40	40	58
Parma University	32	36	36
Teramo University	13	36	18
Perugia University	36	35	45
Genoa University	27	35	42
Catanzaro "Magna Grecia" University	24	24	26
Siena University for foreigners	1	23	7
Cassino and South Latium University	12	22	37
Rome "La Sapienza" University	25	19	45
Salento University	18	19	18
Urbino "Carlo Bo" University	20	19	30
Palermo University	0	15	18
Messina University	0	10	7
L'Aquila University	0	9	5
Caqliari University	11	8	21
Brescia University	4	6	4
Ferrara University	4	6	11
Chieti and Pescara "Gabriele D'Annunzio" University	2	6	3
Tuscia University	0	5	4
Campania "Luigi Vanvitelli" University	4	4	1
Trento University	2	2	5
Bari University	-	-	17
Bergamo University	-	-	4
Modena and Reggio Emilia University	-	-	1
Bari Polytechnic University	-	-	1
Total enrollees	1.034	1.246	1.427

It is to be noted that in the current academic year, 20 out of the university centres involved have recorded an increase in the number of enrolments of incarcerated individuals in their respective university courses, while 12 of them have experienced a decrease, although in some cases, to a slight extent. Two university centres have maintained the same number of enrolments as previously recorded in previous years, while four new university centres have been added to the ones already present in previous years.

*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: Conferenza dei Rettori delle University Italians (women (Crui), National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP).

Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.22 – Incarcerated individuals* enrolled in university courses, divided by region (according to the seat of the university centre). Academic Year 2022-2023

Region	Number of enrollees Academic Year 2022-23
Latium	246
Lombardy	203
Tuscany	177
Emilia Romagna	109
Sicily	98
Campania	97
Piedmont	94
Sardinia	86
Calabria	69
Veneto	64
Umbria	45
Liguria	42
Apulia	36
Marche	30
Abruzzo	26
Trentino Alto Adige	5
Basilicata	-
Friuli Venezia Giulia	-
Molise	-
Aosta Valley	-
Total enrollees	1,427

As shown in table 2.3.22, there are no enrolments in university courses for incarcerated individuals in the penitentiary institutions related to the following regions: Basilicata, Molise, and Aosta Valley, to which has also been added Friuli Venezia Giulia, where enrolments were recorded in the previous year.

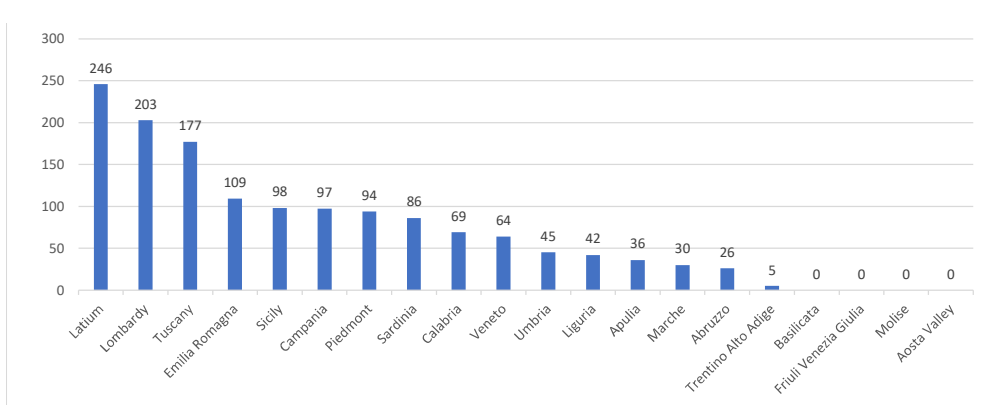
* The data refers to the universities affiliated with the National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP) that have enrolled individuals in the academic year 2022/2023.

*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP).
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Chart 2.3.22 – Incarcerated individuals* enrolled in university courses, divided by region (according to the seat of the university centre). Academic Year 2022-2023



*Data also includes individuals placed under alternative measures.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

Source: National Conference of Delegates of Rectors for University Penitentiary Centres (CNUPP).
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit

Table 2.3.23 – University Centres or University training centres operating within Penitentiary institutes for adults and IPMs, academic year 2022/23

Training Institutions	Penitentiary institutes for adults and minors, and REMSs	Number of enrollees
L'Aquila University	L'Aquila prison (CC)	7
	Sulmona prison (CR)	2
Teramo University	L'Aquila prison (CC)	2
	Tempio Pausania "Paolo Pittalis" prison (CC)	1
	Teramo prison (CC)	15
Chieti and Pescara "Gabriele D'Annunzio" University	Pescara prison (CC)	3
Catanzaro "Magna Grecia" University	Catanzaro "Ugo Caridi" prison (CC)	26
	Laureana di Borrello "Luigi Daga" prison (CR)	2
	Benevento prison (CC)	1
	Castrovillari "Rosa Sisca" prison (CC)	1
	Catanzaro "Ugo Caridi" prison (CC)	2
	Cosenza "Sergio Cosmai" prison (CC)	8
	Paola prison (CC)	5
	Rossano prison (CR)	13
	Vibo Valentia prison (CC)	2
	Naples Secondigliano "Pasquale Mandato" prison (CC)	1
	Livorno prison (CC)	1
	Asti prison (CR)	1
	Oristano "Salvatore Soro" prison (CR)	1
	Parma prison (CR)	1
Sulmona prison (CR)	4	
Campania "Luigi Vanvitelli" University	Santa Maria Capua Vetere Military Judicial Prison "Ezio Andolfato"	1
Naples "Federico II" University	Naples Secondigliano "Pasquale Mandato" prison (CC)	71
	Pozzuoli female prison (CC)	5
Bologna University	Bologna "Rocco D'Amato" prison (CC)	38
	Castelfranco Emilia prison (CR)	1
	Ferrara "Costantino Satta" prison (CC)	1
	Forlì prison (CC)	1
	Reggio Emilia prison (CC and CR)	1
	Saluzzo "Rodolfo Morandi" prison (CR)	1
	Bologna IPM	2
Parma University	Parma prison (CR)	34
	Reggio Emilia prison (CC)	1
	Livorno prison (CR)	1
Cassino and South Latium University	Cassino prison (CC)	14
	Paliano prison (CR)	7
	Frosinone "Giuseppe Pagliei" prison (CC)	16
Rome "La Sapienza" University	Bologna "Rocco D'Amato" prison (CC)	1
	Rome Rebibbia "Raffaele Cinotti" prison (CR)	14
	Rome Rebibbia 3rd block (CR)	4
	Rome Rebibbia "Germana Stefanini" female prison (CC)	1
	Rome Rebibbia (CR)	4
	Terni prison (CC)	7
	Velletri prison (CC)	1
	Viterbo prison (CC)	4
	Vicenza prison (CC)	1
	Agrigento "P. Di Lorenzo" prison (CC)	1
	Benevento prison (CC)	1
	Palermo Ucciardone "Calogero Di Bona" prison (CR)	1
	Rieti REMS	8
	Rome "Casal del Marmo" IPM	2
Roma Tre University	Benevento prison (CC)	1
	Civitavecchia prison (CC)	5
	Civitavecchia "Giuseppe Passerini" prison (CC)	13
	Bologna "Rocco D'Amato" prison (CC)	10
	Frosinone "Giuseppe Pagliei" prison (CC)	3
	Rieti prison (CC)	1
	Rome Rebibbia (CR)	23
	Rome Rebibbia "Germana Stefanini" female prison (CC)	2
	Velletri prison (CC)	18
Viterbo prison (CC)	19	
Ferrara University	Ferrara "Costantino Satta" prison (CC)	11
Tuscia University	Rome Rebibbia (CR)	2
	Viterbo prison (CC)	2

*Following

Training Institutions	Penitentiary institutes for adults and minors, and REMSs	Number of enrollees
Rome "Tor Vergata" University	Civitavecchia prison (CC)	1
	Rome Rebibbia "Germana Stefanini" female prison (CC)	2
	Rome Rebibbia "Raffaele Cinotti" prison (CR)	58
	Frosinone "Giuseppe Pagliei" prison (CC)	4
Genoa University	Genoa Marassi prison (CC)	14
	Genoa Pontedecimo female prison (CC)	6
	Lanciano prison (CC)	1
	La Spezia prison (CC)	2
	Viterbo prison (CC)	1
Brescia University	Sanremo prison (CR)	4
	Brescia Verziano prison (CR)	3
Milan "Statale" University	Milan Bollate prison (2st block) (CR)	44
	Milan Opera prison (1st block) (CR)	52
	Pavia prison (CC)	4
	Vigevano prison (CR)	4
	Saluzzo "Rodolfo Morandi" prison (CR)	1
	Viterbo prison (CC)	1
Milan "Bicocca" University	Voghera prison (CC)	6
	Lecco prison (CC)	1
	Lodi prison (CC)	1
	Pavia prison (CC)	2
	Vigevano prison (CR)	1
	Milan Bollate prison (2st block) (CR)	28
Urbino "Carlo Bo" University	Monza prison (CC)	2
	Milan Opera prison (1st block) (CR)	20
	Fossombrone prison (CR)	1
	Prato prison (CC)	28
Turin University	Saluzzo "Rodolfo Morandi" prison (CR)	32
	Turin "Lorusso Cutugno" prison (CC)	44
	Fossano prison (CC)	3
	Ivrea prison (CC)	1
	Novara prison (CC)	1
Lecce Salento University	Padua prison (CR)	1
	Lecce prison (CC)	9
	Melfi prison (CC)	1
	Rossano prison (CR)	1
Cagliari University	Taranto "Carmelo Magli" prison (CC)	1
	Biella prison (CC)	1
Bergamo University	Cagliari Uta "Ettore Scalas" prison (CC)	8
	Oristano "Salvatore Soro" prison (CR)	10
Sassari University	Bergamo "Don Fausto Desmini" prison (CC)	4
	Alghero "Giuseppe Tomasiello" prison (CR)	11
	Rossano prison (CR)	3
	Novara prison (CC)	1
Catania University	Nuoro prison (CC)	4
	Oristano "Salvatore Soro" prison (CR)	4
	Sassari "Giovanni Bacchiddu" prison (CC)	11
	Tempio Pausania "Paolo Pittalis" prison (CC)	26
	Augusta prison (CR)	19
	Catania Bicocca prison (CC)	11
	Catania Piazza Lanza prison (CC)	10
	Giarre prison (CC)	5
	Caltagirone prison (CC)	5
Enna "Luigi Bodenza" prison (CC)	5	
Messina University	Catanzaro "Ugo Caridi" prison (CC)	1
	Siracusa prison (CC)	14
	Noto "Attilio Bonincontro" prison (CR)	7
Palermo University	Messina prison (CC)	5
	Noto prison (CC)	1
Florence University	Novara prison (CC)	1
	Palermo Ucciardone "Calogero Di Bona" prison (CR)	5
	Palermo Pagliarelli "Antonio Lorusso" prison (CC)	11
	Sassari "Giovanni Bacchiddu" prison (CC)	1
Florence University	Florence "Mario Gozzini" prison (CC)	2
	Florence Sollicciano prison (CC)	5
	Fossombrone prison (CR)	28
	Prato prison (CC)	4
	Massa prison (CC)	1
	San Gimignano prison (CR)	3

*Following

Training Institutions	Penitentiary institutes for adults and minors, and REMSs	Number of enrollees
Pisa University	Porto Azzurro "Pasquale De Santis" prison (CR)	7
	Livorno prison (CC)	14
	Pisa prison (CC)	9
	Volterra Prison (CR)	20
Siena University	Livorno prison (CC)	1
	San Gimignano prison (CR)	51
	Siena prison (CC)	2
Siena University for foreigners	Chiavari prison (CC)	1
	Porto Azzurro "Pasquale De Santis" prison (CR)	1
	San Gimignano prison (CR)	5
Trento University	Trento - Spini di Gardolo prison (CC)	5
Perugia University	Spoletto prison (CR)	35
	Terni prison (CC)	10
Padua University	Padua prison (CR)	42
	Padua prison (CR)	1
	Vicenza prison (CC)	1
Modena and Reggio Emilia University	Modena prison (CC)	1
Bari University	Potenza "A. Santoro" prison (CC)	1
	Taranto "Carmelo Magli" prison (CC)	15
	Bari IPM	2
Total incarcerated or sectioned individuals enrolled in university training courses.		224

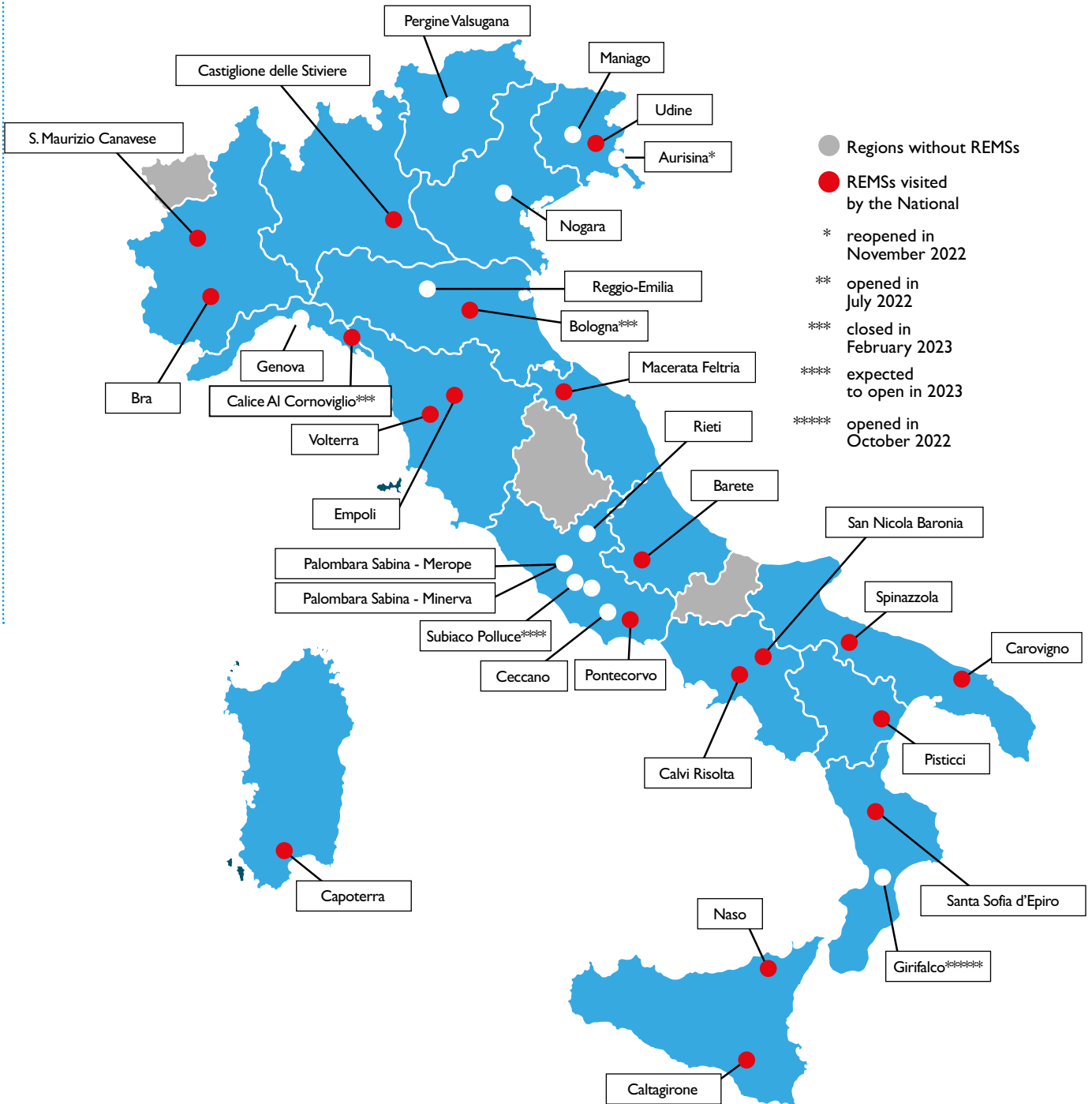
Table 2.2.23 highlights that in the current academic year, university training centres or courses have been activated for the benefit of incarcerated individuals in numerous adult penitentiary institutions and several juvenile detention centres (minors and young adults). Additionally, they have been established for individuals interned at a single residence for the execution of security measures (REMSs), distributed as follows:

- In a total of 190 penitentiary institutions, these university training centres or courses have been implemented in as many as 149, with a cumulative number of incarcerated individuals enrolled reaching 1,277.
- In only 3 out of the 16 active juvenile detention centres, these university training centres or courses have been implemented, with a total number of incarcerated individuals enrolled amounting to 2 for each of them.
- In only one of the 31 active Residences for the Execution of Security Measures (REMSs), there has been the implementation of these university training centres or courses, with a total of 8 individuals interned there enrolled in university training programmes.

N.B.: The data refers only to individuals enrolled in courses offered by the Universities affiliated with the National Conference of University Penitentiaries Centres (CNUPP).

*Source: National Conference of Rectors' Delegates for University Penitentiary Centres (CNUPP)
Data processed by the National Guarantor - Deprivation of Liberty in Criminal Justice System Unit*

Map 3.1 – Residences for the Execution of Security Measures (REMS), data as at 30/04/2023



Source: Information System for Monitoring the replacement of the OPGs (SMOP) The SMOP data is subject to updating by the individual REMS, also after the survey.

Survey by the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Table 3.1 – Operating Residences for the Execution of Security Measures (REMSs), data as at 31/03/2023

Name	Municipality	Region	Managing entity	Capacity
1 Abruzzo-Molise-Barete	Barete (AQ)	Abruzzo	Publicly managed	20
2 Pisticci	Pisticci (MT)	Basilicata	Publicly managed	10
4 Il Delfino	Santa Sofia d'Epiro (CS)	Calabria	Privately managed	10
3 Girifalco*	Girifalco (CZ)	Calabria	Publicly managed	20
5 Calvi Risorta	Calvi Risorta (CE)	Campania	Publicly managed	20
6 San Nicola Baronia	San Nicola Baronia (AV)	Campania	Publicly managed	20
7 Area Vasta	Reggio Emilia (RE)	Emilia Romagna	Publicly managed	30
8 Aurisina**	Aurisina (TS)	Friuli Venezia Giulia	Publicly managed	2
9 Udine	Udine (UD)	Friuli Venezia Giulia	Publicly managed	2
10 Maniago	Maniago (PN)	Friuli Venezia Giulia	Publicly managed	2
11 Rieti	Rieti (RI)	Latium	Publicly managed	12
12 Pontecorvo	Pontecorvo (FR)	Latium	Publicly managed	11
13 Ceccano	Ceccano (FR)	Latium	Publicly managed	20
14 Castore	Subiaco (RM)	Latium	Publicly managed	20
15 Merope	Palombara Sabina (RM)	Latium	Publicly managed	20
16 Minerva	Palombara Sabina (RM)	Latium	Publicly managed	20
17 Villa Caterina	Genoa (GE)	Liguria	Privately managed	20
18 Santa Maria***	Calice al Cornoviglio (SP)	Liguria	Privately managed	20
19 Poly modular system of temporary REMS	Castiglione delle Stiviere (MN)	Lombardy	Publicly managed	160
20 Casa Badesse	Macerata Feltria (PU)	Marche	Privately managed	25
21 Anton Martin	S.Maurizio Canavese (TO)	Piedmont	Privately managed	20
22 Casa di Cura San Michele	Bra (CN)	Piedmont	Privately managed	20
23 Spinazzola	Spinazzola (BT)	Apulia	Publicly managed	20
24 Carovigno	Carovigno (BR)	Apulia	Privately managed	18
25 Capoterra	Capoterra (CA)	Sardinia	Publicly managed	16
26 Caltagirone	Caltagirone (CT)	Sicily	Privately managed	38
27 Naso	Naso (ME)	Sicily	Publicly managed	20
28 Empoli	Empoli (FI)	Tuscany	Publicly managed	9
29 Padiglione Morel	Volterra (PI)	Tuscany	Publicly managed	30
30 Pergine Valsugana	Pergine Valsugana (TN)	Trentino Alto Adige	Publicly managed	10
31 Nogara	Nogara (VR)	Veneto	Publicly managed	40

*REMS opened in October 2022

**REMS reopened in November 2022

***REMS opened in July 2022

Source: Informative system for monitoring the replacement of OPGs (SMOP) - National Guarantor's survey - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Table 3.2 – Trend in entries, exits and average length of stay in REMSs, years 2018-2022 data as at 31/03/2023

Region	2018			2019			2020			2021			2022		
	Entries	Exits	Average stay	Entries	Exits	Average stay	Entries	Exits	Average stay	Entries	Exits	Average stay	Entries	Exits	Average stay
Abruzzo	14	14	383	10	9	433	7	9	604	7	6	651	10	4	570
Basilicata	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Calabria	3	2	452	n.a.	6	807	1	4	1,274	0	2	1,156	7	0	0
Campania	92	95	353	35	43	414	24	30	514	23	21	755	21	25	632
Emilia Romagna	22	22	384	16	17	512	8	6	622	18	19	561	17	20	633
Friuli Venezia Giulia	1	1	525	6	3	271	n.a.	n.a.	0	1	1	0	3	1	1034
Lazio	45	45	513	40	47	572	28	46	728	44	29	727	47	37	585
Liguria	44	43	128	15	16	259	22	21	285	27	30	287	2	5	533
Lombardy	99	81	537	91	88	610	66	71	710	55	66	844	39	49	787
Marche	10	11	604	32	27	647	11	12	436	12	11	521	8	6	517
Molise	n.a.	n.a.	0	n.a.	n.a.	0	n.a.	n.a.	0	n.a.	n.a.	0	n.a.	n.a.	0
Piedmont	22	22	394	22	23	581	19	17	642	25	25	753	20	21	610
Apulia	22	21	478	23	26	539	13	17	571	17	14	709	7	9	442
Sardinia	8	8	904	7	7	304	6	6	723	7	8	773	6	4	699
Sicily	34	27	458	43	35	488	12	21	444	46	36	521	19	17	465
Tuscany	2	1	189	0	0	0	0	0	0	0	0	0	0	0	0
Trentino Alto Adige	0	0	0	0	0	0	4	1	1,339	5	0	0	0	0	0
Umbria	n.a.	n.a.	0	n.a.	n.a.	0	n.a.	n.a.	0	n.a.	n.a.	0	n.a.	n.a.	0
Aosta Valley	n.a.	n.a.	0	n.a.	n.a.	0	n.a.	n.a.	0	n.a.	n.a.	0	n.a.	n.a.	0
Veneto	12	12	319	12	17	843	16	12	887	11	10	942	0	0	0
Total	430	405	452	352	364	548	237	273	9779	298	278	708	206	198	633

"Entries" means the total number of annual entries (including multiple entries of the same person within the defined period), while "Exits" means the total number of annual exits (including multiple exits of the same person within the defined period).

The average length of stay in REMS refers to the arithmetic mean of the actual days of stay for patients in the selected facilities. All discharges that occurred in the selected year are included (excluding temporary exits such as hospitalizations and permits). The duration in days of the entire period of presence within the facility is calculated starting from the day of entry (included if it occurred years before). The overall total indicates the average length of stay in REMS, calculated by dividing the sum of the total days of presence in all facilities by the total number of discharged patients. The considered events are individually valued even if they have affected the same person multiple times.

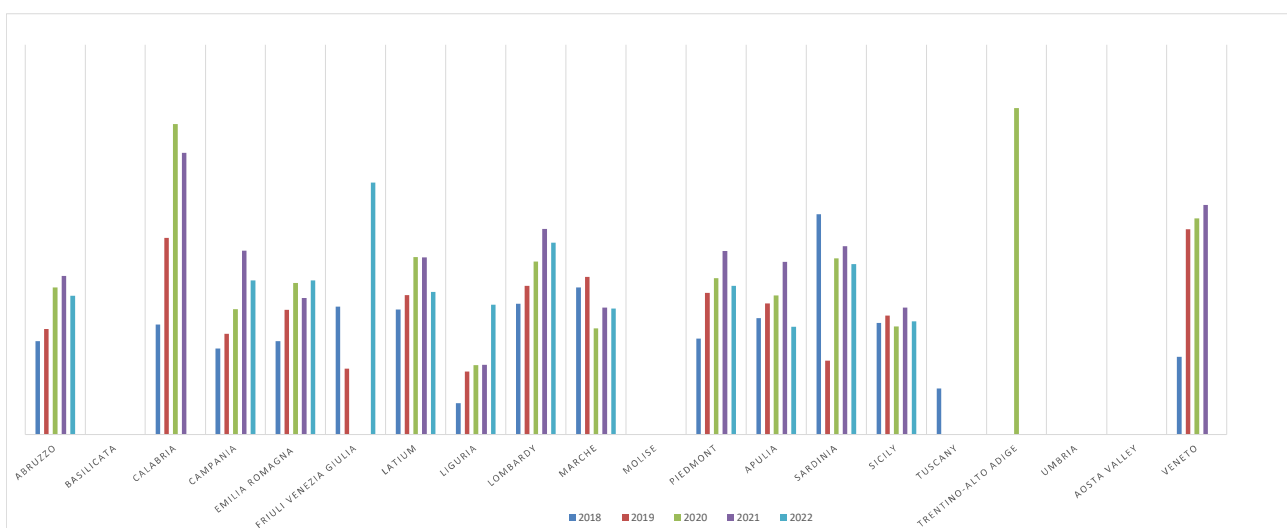
The value 0 can also refer to the non-entry decision by the considered facility.

n.a. data not available

Any change in data compared to the publications of the Reports to Parliament from previous years is due to the timing of their entry into the SMOP system by the REMS.

Source: Informative system for monitoring the replacement of OPGs (SMOP) - National Guarantor's survey - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Chart 3.2 – Average stay in REMS, years 2018-2022, data as at 31/03/2023



Source: Informative system for monitoring the replacement of OPGs (SMOP) - National Guarantor's survey - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Table 3.3 – Average time of execution of the discharge order for REMS's guests in the last two years 2021-2022

Region	REMS	Average time of execution (days) of the discharge order for REMS's guests in the last two years 2021-2022
Abruzzo	Barete REMS	1
Basilicata	Pisticci REMS	0
Calabria	Santa Sofia D'Epiro (Il Delfino) REMS	0
	Girifalco REMS	1
Campania	San Nicola Baronia REMS	21
	Calvi Risorta REMS	13.81
Emilia-Romagna	Bologna REMS	1
	Reggio Emilia REMS	2.5
Friuli Venezia-Giulia	Udine REMS	0
	Maniago REMS	n.a.
	Aurisina REMS	n.a.
Latium	Ceccano REMS	22.5
	Palombara Sabina "Merope" REMS	52
	Palombara Sabina "Minerva" REMS	41.5
	Pontecorvo REMS	22.5
	Rieti REMS	86.8
	Subiaco "Castore" REMS	64
Liguria	"Villa Caterina" REMS	1
	Calice al Cornoviglio "Santa Maria" REMS	n.a.
Lombardy	Castiglione delle Stiviere REMS	1
Marche	Casa Badesse REMS	1
Piedmont	San Michele di Bra REMS	7.9
	San Maurizio Canavese REMS	1
Apulia	Spinazzola REMS	35
	Carovigno REMS	3
Sardinia	Capoterra REMS	1
Sicily	Caltagirone REMS	25
	Naso REMS	1
Trentino Alto Adige	Pergine Valsugana REMS	1
Tuscany	Empoli REMS	7.2
	Volterra REMS	1.5
Veneto	Nogara REMS	28.4
Total Average		15,3*

n.a. data not available

**General average was calculated based on the 29 facilities that communicated the average execution time of discharge.*

REMS with execution time over the general average highlights a critical situation in territorial services support for discharging operations.

Source: Survey of the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit based on the data communicated by the individual REMS.

Table 3.4 – Regional distribution of REMS's guests divided by sex and age group as at 31/12/2022

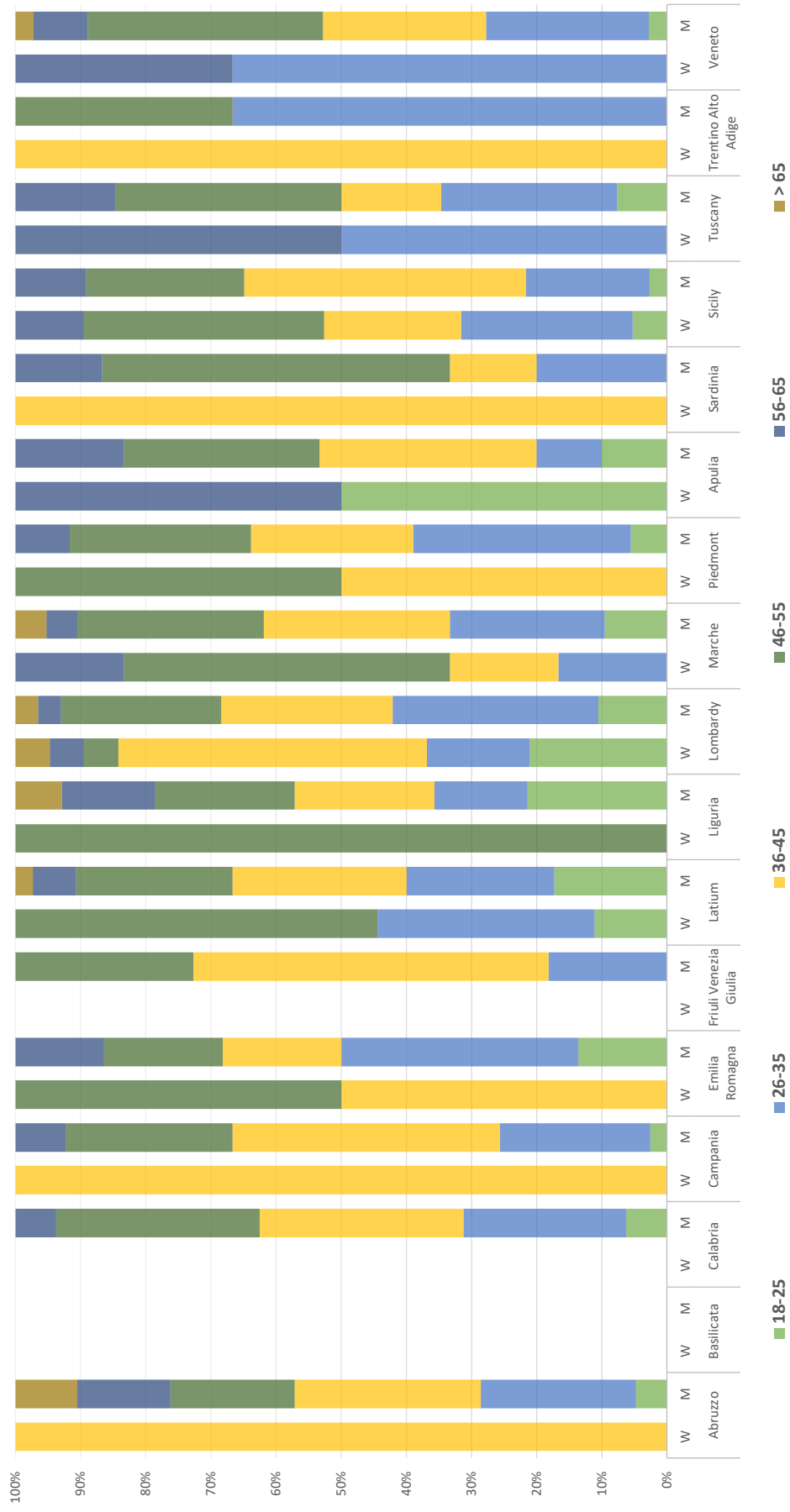
Region	Sex and age group														
	18-25		26-35		36-45		46-55		56-65		> 65		18 - >65		
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Total
Abruzzo	0	1	0	5	1	6	0	4	0	3	0	2	1	21	22
Basilicata	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Calabria	0	1	0	4	0	5	0	5	0	1	0	0	0	16	16
Campania	0	1	0	9	1	16	0	10	0	3	0	0	1	39	40
Emilia Romagna	0	3	0	8	1	4	1	4	0	3	0	0	2	22	24
Friuli Venezia Giulia	0	0	0	2	0	1	0	3	0	0	0	0	0	6	6
Lazio	1	13	3	17	0	20	5	18	0	5	0	2	9	75	84
Liguria	0	3	0	2	0	3	1	3	0	2	0	1	1	14	15
Lombardy	4	12	3	36	9	30	1	28	1	4	1	4	19	114	133
Marche	0	2	1	5	1	6	3	6	1	1	0	1	6	21	27
Piedmont	0	2	0	12	1	9	1	10	0	3	0	0	2	36	38
Apulia	1	3	0	3	0	10	0	9	1	5	0	0	2	30	32
Sardinia	0	0	0	3	2	2	0	8	0	2	0	0	2	15	17
Sicily	1	1	5	7	4	16	7	9	2	4	0	0	19	37	56
Tuscany	0	2	1	7	0	4	0	9	1	4	0	0	2	26	28
Trentino Alto-Adige	0	0	0	6	1	0	0	3	0	0	0	0	1	9	10
Veneto	0	1	2	9	0	9	0	13	1	3	0	1	3	36	39
Total	7	45	15	135	21	141	19	142	7	43	1	11	70	517	587

n.a.: data not available

Any change in data compared to the publications of the Reports to Parliament from previous years is due to the timing of their entry into the SMOP system by the REMS.

Source: Informative system for monitoring the replacement of OPGs (SMOP) - National Guarantor's survey - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Chart 3.4 – Regional distribution of REMS's guests divided by sex and age group as at 31/12/2022



n.a.: data not available

Any change in data compared to the publications of the Reports to Parliament from previous years is due to the timing of their entry into the SMOP system by the REMS.

Source: Informative system for monitoring the replacement of OPGs (SMOP) - National Guarantor's survey - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Table 3.5 – Regional distribution of REMS’s guests divided by nationality and sex as at 31/12/2022

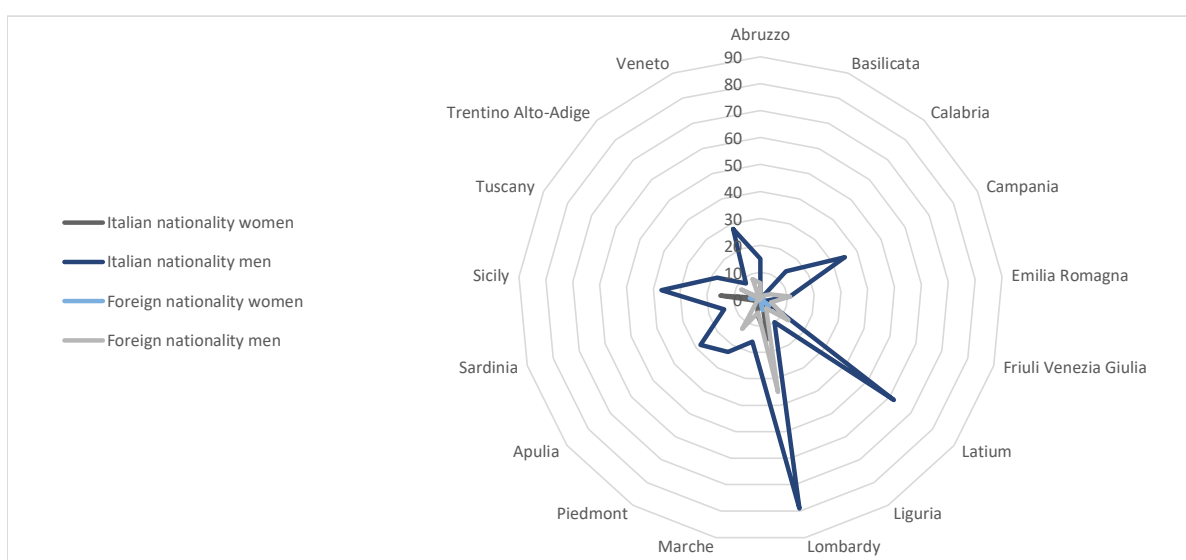
Regions	Italian nationality		Foreign nationality		Total
	women	men	women	men	
Abruzzo	1	15	0	6	22
Basilicata	n.a.	n.a.	n.a.	n.a.	n.a.
Calabria	0	14	0	2	16
Campania	1	35	0	4	40
Emilia Romagna	1	11	1	11	24
Friuli Venezia Giulia	0	2	0	4	3
Latium	5	62	4	13	84
Liguria	1	10	0	4	15
Lombardy	15	79	4	35	133
Marche	6	16	0	5	27
Piedmont	2	23	0	13	38
Apulia	2	28	0	2	32
Sardinia	2	14	0	1	17
Sicily	15	37	4	0	56
Tuscany	1	18	1	8	28
Trentino Alto-Adige	1	8	0	1	10
Veneto	3	28	0	8	39
Total	56	400	14	117	587

n.a.: data not available

Any change in data compared to the publications of the Reports to Parliament from previous years is due to the timing of their entry into the SMOP system by the REMS.

Source: Informative system for monitoring the replacement of OPGs (SMOP) - National Guarantor’s survey - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Chart 3.5 – Regional distribution of REMS’s guests divided by nationality and sex as at 31/12/2022



n.a.: data not available

Source: Informative system for monitoring the replacement of OPGs (SMOP) - National Guarantor’s survey - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Table 3.6 – Regional distribution of the guests present in REMSs, divided by judicial position, data as at 31/03/2023

Region	Guests in REMS	Detentive security measure applied after the final sentence			Detentive security measure applied as provisional	Cases of suspension or change of the detentive security measure
		Art. 222 Criminal Code	Art. 219 Criminal Code	Total		
Abruzzo	20	1	1	2	13	5
Basilicata	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Calabria	17	2	1	3	14	0
Campania	40	18	3	21	19	0
Emilia Romagna	25	17	0	17	8	0
Friuli Venezia Giulia	6	1	2	3	2	1
Latium	87	40	8	48	37	2
Liguria	15	1	4	5	6	4
Lombardy	125	72	34	106	19	0
Marche	26	5	6	11	12	3
Piedmont	38	0	10	10	26	2
Apulia	31	19	0	19	12	0
Sardinia	17	12	0	12	5	0
Sicily	56	13	0	13	43	0
Tuscany	28	15	3	18	10	0
Trentino Alto-Adige	10	1	0	1	4	5
Veneto	39	20	0	20	19	0
Total	580	237	72	309	249	22

Legenda: Articles from the Criminal Code and their provisions

Art. 206 Criminal Code - Temporary application of the security measure

Art. 212 Criminal Code - Cases concerning the suspension or Change of the detentive security measures

Art. 219 Criminal Code - Formal assignment to a Care and Custody Facility (wording still used in judicial orders)

Art. 222 Criminal Code - Formal admission in Forensic Psychiatric Hospital (wording still used in judicial orders)

As of today, the Criminal Code, the Code of Criminal Procedure, and the Penitentiary System do not make reference to REMS.

The overall data of individuals differs from that in Table 3.5 and previous ones due to a different data collection date.

n.a.: data not available

**Data reported in the SMOP informative system at the time data was collected is higher than the effective regional capacity (error referred to one unit).*

Source: Informative system for monitoring the replacement of OPGs (SMOP) - National Guarantor's survey - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Table 3.7 – Guests in REMS with a definitive sentence and submission of the Individual Rehabilitative Therapeutic Project (PTRI), data as at 31/03/2023

Region*	definitive no. of guests	art. 212 Criminal Code	Total	PTRI	PTRI %
Abruzzo	2	5	7	n.a.	n.a.
Basilicata	n.a.	n.a.	n.a.	n.a.	n.a.
Calabria	3	0	3	n.a.	n.a.
Campania	21	0	21	16	76%
Emilia Romagna	17	0	17	13	76%
Friuli Venezia Giulia	3	1	4	1	25%
Lazio	48	2	50	40	80%
Liguria	5	4	9	3	33%
Lombardy	106	0	106	25	24%
Marche	11	3	14	6	43%
Piedmont	10	2	12	8	67%
Apulia	19	0	19	8	42%
Sardinia	12	0	12	n.a.	n.a.
Sicily	13	0	13	3	23%
Tuscany	18	0	18	n.a.	n.a.
Trentino Alto-Adige	1	5	6	n.a.	n.a.
Veneto	20	0	20	n.a.	n.a.
Total	309	22	331	123	46%**

Individual Rehabilitative Therapeutic Project (PTRI)

The laws of 17 February 2012 No. 9 and 30 May 2014, No. 81, have outlined a system for taking charge of a patient who has committed a crime and is considered socially dangerous. This is to be achieved through the ordinary network of services affiliated with the Mental Health Department in the person's residential area. If the person is homeless or a foreigner, the location of the offense is considered as the territorial criterion for intervention. In this perspective, the appropriateness of care for the individual takes precedence over the "location" where to treat the person.

For each patient in REMS, the Mental Health Centre (CSM) prepares and takes responsibility of a PTRI, while the REMS has to prepare a Residential Therapeutic and Rehabilitative Plan (PTRR), and take responsibility for it. The CSM defines a general project that identifies medium and long-term objectives, aligning them with the REMS's PTRR. The PTRR thus constitutes a phase of the overall PTRI project, in anticipation of the person's discharge. In addition, the PTRI should also precisely indicate the reasons supporting admission to REMS and its transitoriness. The PTRI must be sent to the competent Judicial Authority within 45 days of the person's admission to a REMS and undergo periodic reevaluation by the CSM.

Based on the Unified Conference Agreement of 30 November 2022, therapeutic-rehabilitative activities, as constitutive elements of the care path, even if carried out outside the REMS, are detailed in the specific PTRI and do not require further endorsement from the Judicial Authority. The REMS, understood as residual and transitory care facility, therefore operates in complete coordination with the Mental Health Department of the territory within the framework of a community psychiatric approach that aims for gradual deinstitutionalization and social reintegration of the individual.

n.a.: data not available

**Data is subject to regular updating by the Regions.*

***Calculated considering the numerator as the value of 123 PTRIs and the denominator as 265 individuals, taking into account only the regions where the data is available for both the "Total" and "PTRIs" columns.*

Any change in data compared to the publications of the Reports to Parliament from previous years is due to the timing of their entry into SMOP by the REMS.

Source: Informative system for monitoring the replacement of OPGs (SMOP) - National Guarantor's survey - Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Table 3.8 – People subject to detentive security measure - either provisionally or definitively* - awaiting admission to REMS (Residences for the Execution of Security Measures), data as at 31/03/2023

at 31/03/2023

Region of residence	REMS	Individuals restricted in penitentiary institutes		mixed	Individuals admitted to Psychiatric Diagnosis and Treatment Service**		Individuals in liberty or under security measure***		Total
		Provisional measure	Definitive measure		Provisional measure	Definitive measure	Provisional measure	Definitive measure	
Abruzzo	Abruzzo-Molise Barete (AQ)						5	10	15
Basilicata	Pisticci (MT)	1 Catanzaro prison					1	0	2
Calabria	Santa Sofia d'Epiro (CS) Girifalco (CZ)	1 Reggio Calabria prison					52	16	69
Campania	Calvi Risorta (CE) San Nicola Baronia (AV)	1 Santa Maria Capua Vetere prison 1 Napoli Secondigliano prison					45	27	74
Emilia Romagna	Metropolitan Area of Reggio Emilia						19	16	35
Friuli Venezia Giulia	Aurisina (TS) Maniago (PN) Udine (UD)	1 Verona Montorio Prison					6	3	10
Lazio	Rieti (RI) Ponteconvo (FR) Ceccano (FR)	3 Rome Rebibbia prison 6 Rome Regina Coeli prison 1 Rieti prison	1 Pescara prison				30	18	60
Liguria	Castore (RM) Minerva (RM) Meropa (RM) Villa Caterina (GE) Santa Maria (SP)	1 Reggio Emilia prison 1 Ancona prison					5	9	15
Lombardy	REMS poly modular system provisional (MN)	6 Milan San Vittore prison 1 Bergamo prison 2 Pavia prison 1 Cremona prison 2 Monza prison	1 Pavia prison				44	24	81
Marche	Casa Badessa (PU)						1	2	4
Molise	Abruzzo-Molise Barete (AQ)								
Piedmont	San Michele medical institution Anton Martin (CN)	1 Turin Lorusso e Cutugno prison					15	10	26
Apulia	Spinazzola (BT) Carovigno (BR)	1 Lecce prison	1 Aversa Workhouse 1 Santa Maria Capua Vetere prison 1 Naples Secondigliano prison				34	21	59
Sardinia	Capoterra (CA)						6	3	9
Sicily	Callagrone (CT) Naso (ME)	1 Barcellona Pozzo di Gotto prison					63	56	120
Tuscany	Morel ward (PI) Empoli (FI)	1 Florence Sollicciano prison 1 Pisto prison 1 Livorno prison****					39	34	76
Trentino Alto-Adige	Pergine Valsugana (TN)						2	2	4
Umbria	Morel ward (PI)						3	7	10
Valle d'Aosta	REMS poly modular system provisional (MN)						-	-	-
Veneto	Nogara (VR)	1 Treviso prison					4	1	6
Total		37	5	0	0	0	374	259	675

*Measures issued by the Judicial Authority for the application of the detentive security measure - both definitively and provisionally - of hospitalization in a forensic psychiatric hospital and assignment to a care and custody home with admission to REMS, and pending admission to the facilities territorially competent due to a lack of available beds.

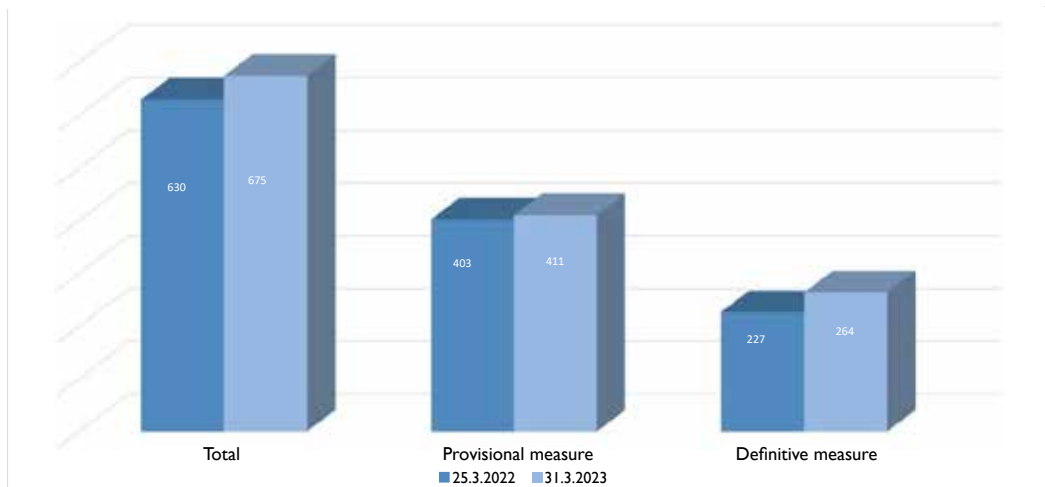
**Individuals admitted to SPDC and under guard.

***The aggregated data includes both those who are in a state of liberty and those who are subject to the security measure of supervised release.

****The person is under guard at a hospital facility

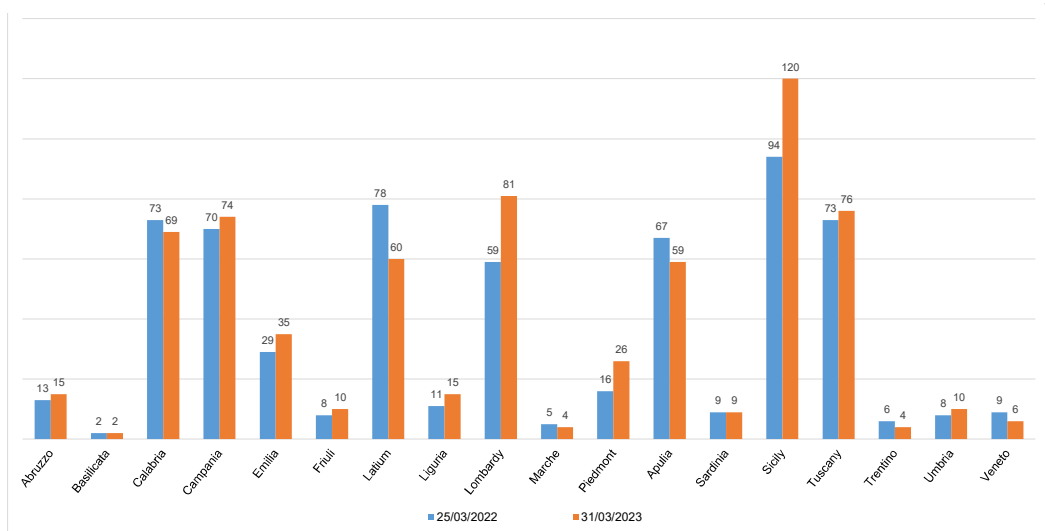
Source: Department of Penitentiary Administration Survey by the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Chart 3.9 – People subject to detentive security measure - either provisionally or definitively* - awaiting admission to REMS (Residences for the Execution of Security Measures) as at 25/03/2022 and 31/03/2023, absolute values



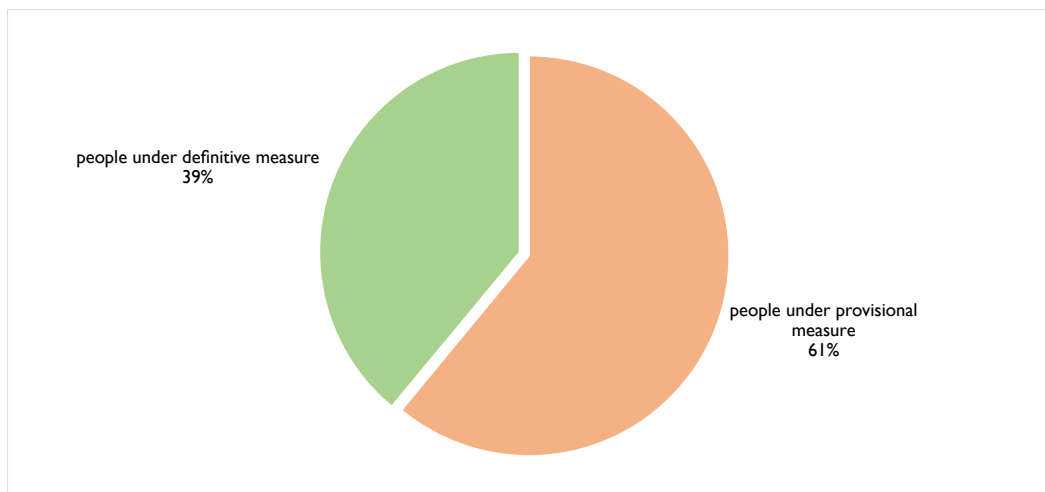
Source: Department of Penitentiary Administration
Survey by the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Chart 3.10 – Change in the number of people subject to detentive security measures awaiting admission to REMS on a regional basis as at 25/03/2022 and 31/03/2023, absolute values



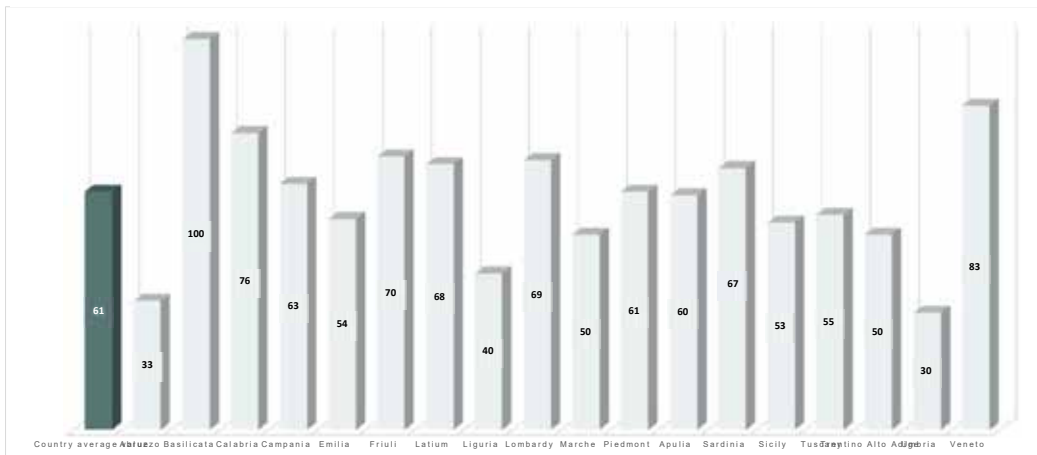
Source: Department of Penitentiary Administration
Survey by the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Chart 3.11 – People subject to detentive security measure - either provisionally or definitively* - awaiting admission to REMS according to their judicial position as at 31/03/2023 (%)



Source: Department of Penitentiary Administration
Survey by the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities

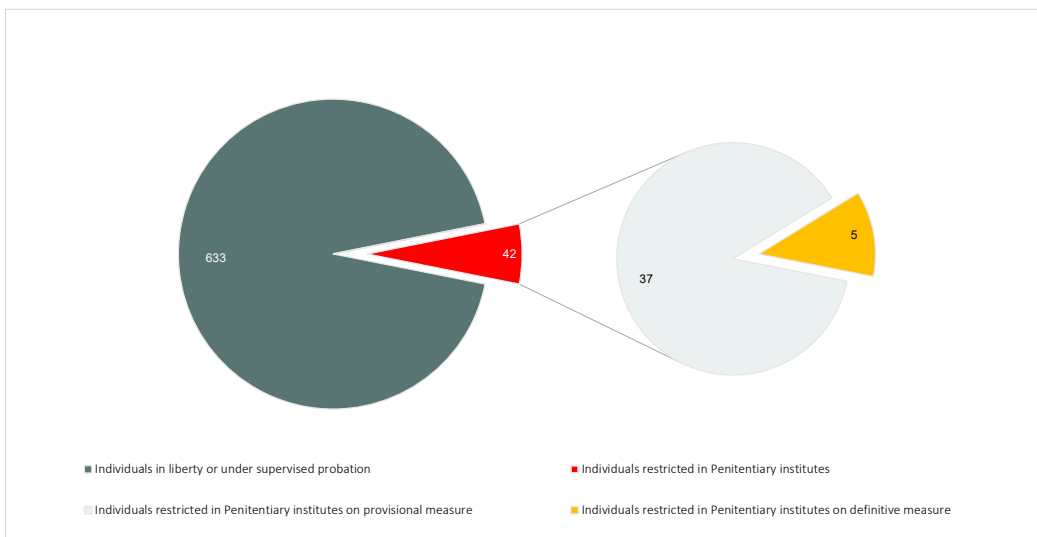
Chart 3.12 - Individuals - on provisional measures -subject to detentive security measure awaiting admission to REMS listed in regional records as of 25/03/2022, and 31/03/2023 (%)



Source: Department of Penitentiary Administration by the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Survey

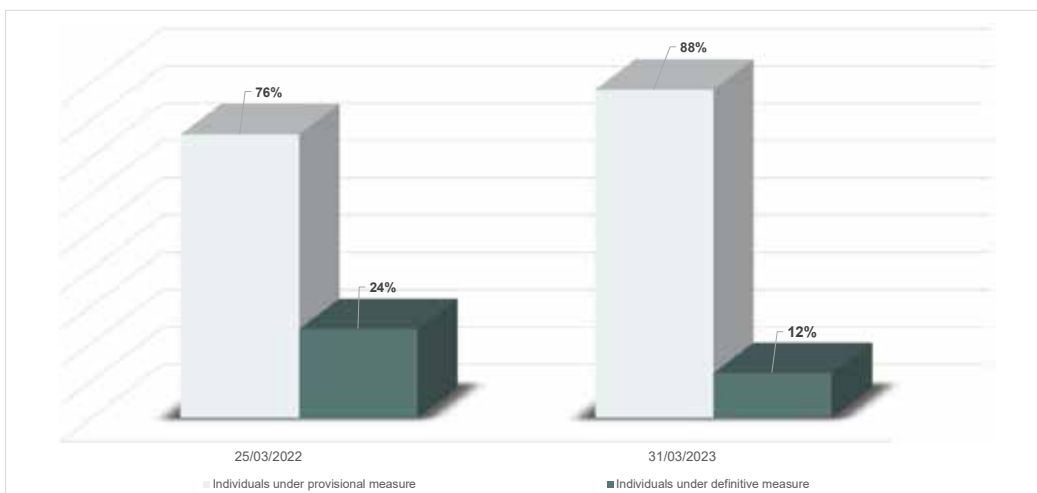
Chart 3.13 – People subject to detentive security measure awaiting admission to REMS (Residences for the Execution of Security Measures) as at 31/3/2023, absolute values



Source: Department of Penitentiary Administration by the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Survey

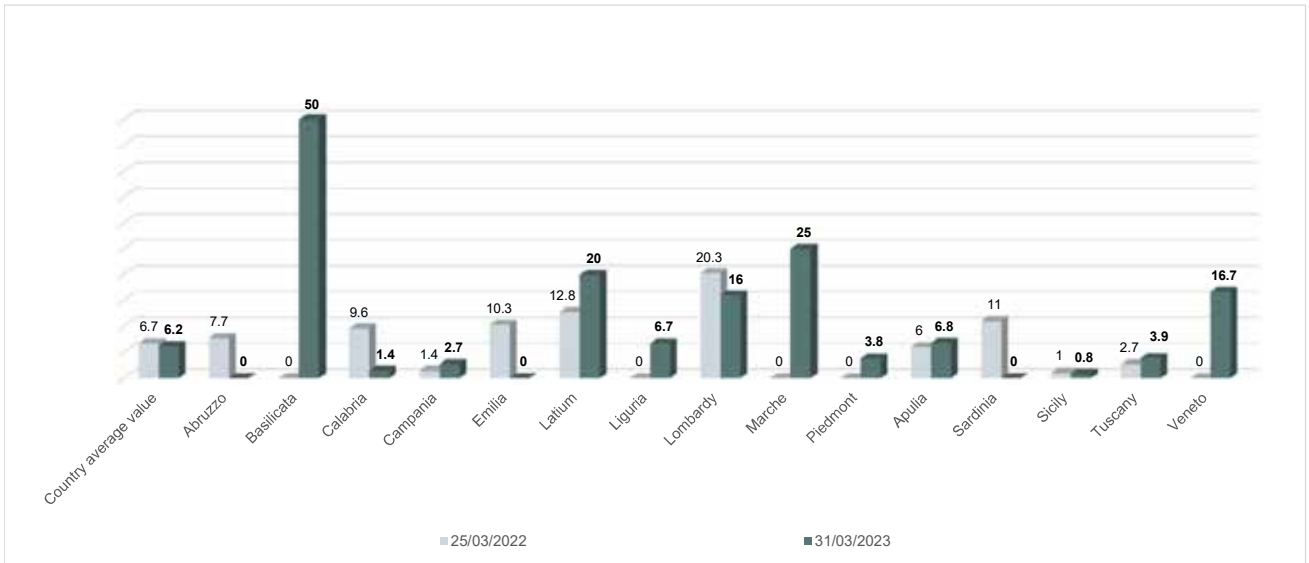
Chart 3.14 - Individuals in penitentiary institutes - subject to detentive security measure awaiting admission to REMS and divided by their judicial position as at 25/03/2022 and 31/03/2023 (%)



Source: Department of Penitentiary Administration by the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

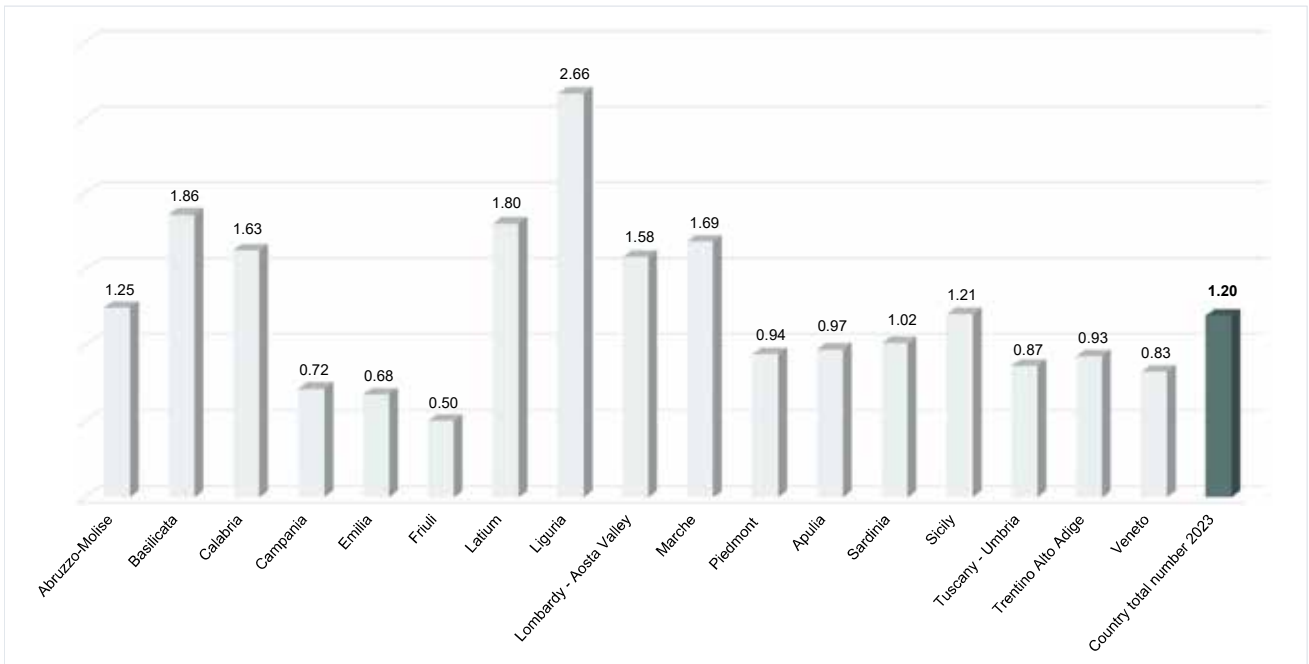
Survey

Chart 3.15 – Individuals listed in regional records awaiting admission to REMS - confined in penitentiary institutes - as at 25/03/2022 and 23/03/2023 (%)



Source: Department of Penitentiary Administration
Survey by the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Chart 3.16 – Number of beds in REMS per 100,000 inhabitants on a regional basis



Source: Istat data as at 01/01/2023
Survey by the National Guarantor – Deprivation of Liberty in Healthcare, Socio-healthcare and Welfare Facilities Unit

Chart 3.17 – Active public and private facilities

Region	DSM Registry	Territorial facilities			Residential facilities			Semi-residential facilities		
		DSM	Absolute values	for 100,000 inhabitants	DSM	Absolute values	for 100,000 inhabitants	DSM	Absolute values	for 100,000 inhabitants
Piedmont	12	84	2.3	12	352	9.5	12	43	1.2	
Aosta Valley	1	6	5.6	1	6	5.6	1	2	1.9	
Lombardy	36	152	1.8	36	317	3.7	36	139	1.6	
Bolzano	1	11	2.5	1	10	2.3	1	4	0.9	
Trento	1	10	2.2	1	13	2.8	1	6	1.3	
Veneto	9	203	4.9	11	232	5.6	10	113	2.7	
Friuli Venezia Giulia	3	22	2.1	3	26	2.5	1	11	1.1	
Liguria	5	25	1.9	5	74	5.6	5	20	1.5	
Emilia Romagna	8	57	1.5	8	120	3.2	8	28	0.7	
Tuscany	3	237	7.5	5	138	4.3	3	111	3.5	
Umbria	2	18	2.4	2	66	8.8	2	23	3.1	
Marche	5	34	2.6	5	71	5.5	5	22	1.7	
Lazio	10	79	1.6	10	121	2.5	10	52	1.1	
Abruzzo	4	16	1.4	4	34	3.1	4	16	1.4	
Molise	1	3	1.1	1	9	3.4	1	1	0.4	
Campania	7	67	1.4	7	34	0.7	7	46	1.0	
Apulia	6	45	1.3	6	236	7.0	6	51	1.5	
Basilicata	2	9	1.9	2	25	5.2	2	5	1.0	
Calabria	5	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	
Sicily	9	143	3.5	9	99	2.4	9	49	1.2	
Sardinia	3	24	1.7	-	-	-	-	-	-	
Italy	133	1,245	2.5	129	1,983	3.9	124	742	1.5	

The Table shows the DSMs (District Mental Health Services) listed in the registry that have communicated information on public and private facilities with reference to territorial, residential, and semi-residential aspects.

These facilities are not necessarily psychiatric structures but may include all the facilities where psychiatric services are provided under the DSMs.

n.a.: data not available

Source: Ministry of Health - Mental Health Report: Analysis of data from the Mental Health Information System (SISM), year 2021

Table 3.18 – Discharges of patients subject to TSO measure by Region (absolute values, percentages, and ranking) - Years 2017-2021

Region	2017			2018			2019			2020			2021		
	Absolute values	(%)	Ranking	Absolute values	(%)	Ranking	Absolute values	(%)	Ranking	Absolute values	(%)	Ranking	Absolute values	(%)	Ranking
Abruzzo	226	6.58	5	250	8.85	2	236	8.28	2	206	10.04	2	180	8.73	2
Basilicata	30	2.43	16	20	1.66	20	20	1.77	19	15	1.98	17	10	1.29	20
Calabria	361	9.77	2	313	8.61	3	239	6.86	6	162	6.88	6	186	7.41	5
Campania	492	4.78	9	403	5.59	7	310	4.29	9	181	3.43	13	214	3.93	12
Emilia-Romagna	936	4.96	8	917	4.99	8	935	5.16	8	819	5.84	8	850	5.53	7
Friuli-Venezia Giulia	36	1.57	20	43	1.85	18	41	1.72	20	69	3.47	11	89	4.27	11
Lazio	542	4.70	10	544	4.59	10	386	3.45	10	346	3.45	12	339	3.16	13
Liguria	206	2.79	14	209	3.02	13	218	3.18	12	178	3.33	14	175	3.16	13
Lombardy	945	2.91	13	933	2.96	14	819	2.57	14	719	3.06	15	652	2.69	15
Marche	178	3.90	11	245	4.95	9	259	5.39	7	164	4.40	10	171	4.55	10
Molise	24	3.50	12	25	3.67	12	16	2.64	13	27	5.67	9	23	4.57	9
Piedmont	476	2.78	15	410	2.28	16	413	2.30	15	335	2.38	16	383	2.54	16
Apulia	756	8.40	3	658	7.54	6	612	7.61	3	473	8.52	3	409	7.17	6
Sardinia	311	6.52	6	341	7.57	5	304	7.32	4	255	8.38	4	253	7.90	3
Sicily	1209	7.61	4	1254	7.85	4	1101	6.96	5	855	7.62	5	969	7.81	4
Tuscany	221	1.96	18	228	2.03	17	204	1.83	18	128	1.51	20	137	1.39	18
Trentino Alto Adige	82	1.95	19	95	2.33	15	83	1.94	16	68	1.98	17	47	1.30	19
Umbria	193	11.64	1	215	13.48	1	228	13.48	1	193	13.78	1	179	12.29	1
Aosta Valley	28	5.54	7	21	4.59	10	17	3.37	11	26	6.34	7	24	5.00	8
Veneto	397	2.26	17	322	1.80	19	333	1.92	17	254	1.76	19	215	1.40	17
Italy	7,649	4.29		7,446	4.28		6,774	3.95		5,473	4.16		5,505	3.93	

(%): Percentage ratio between the number of discharges under TSO and the total discharges
Ranking: Position of the percentage value in relation to other regional percentage values in the table

Table 3.19 – Users in residential socio-assistance and socio-health facilities by the nature of residential care, data as at 31/12/2020 (absolute values)

Type of user	Type of residential care		
	Family-type*	Community-type*	Total
Self-sufficient elderly	7,468	45,512	52,979
Non-self-sufficient elderly	5,942	196,232	202,174
Adults with disabilities and/or psychiatric disorders	3,621	43,901	47,522
Minors with disabilities and/or psychiatric disorders	522	2,553	3,075
Total	17,553	288,198	305,750

The classification of facilities within a mobile category, such as 'community-type,' poses a significant challenge in counting facilities according to the 'beds' variable.
The Italian accreditation system for residential facilities, differentiated for each region, allows, for example, residential units with up to 12 beds to be classified in the 'family-type residential' category.
As a result, it may happen that, in some regions, family-oriented facilities, such as those with 8 beds, are included in the "community-type residential" category.

*In disability and non-self-sufficiency area, residential facilities are classified by Istat according to the organization and type of operators, making a distinction between:

- Family-type residential care: small-sized facilities characterized by a family-type organization that replicates the characteristics of family life. In the case of facilities for minors, the presence of a couple or one or two adults performing the parental role is provided;
- Community-type residential care: larger-sized facilities (variable depending on the user area), typically exceeding 6-10 beds, characterized by the presence of care, socio-health, or educational professionals and a community-type organization.

Source: ISTAT

Table 3.20 – Users in socio-assistance and socio-health residential facilities divided by gender and citizenship, data as at 31/12/ 2020 (absolute values and rates per 100,000 residents)

Type of user	Men	Women	Total	of which foreigners			
				Men	Men	Women	Total
Absolute values							
Total elderly	66,338	188,815	255,153	365	365	470	835
Self-sufficient elderly	15,545	37,435	52,979	170	170	202	372
Non-self-sufficient elderly	50,793	151,381	202,174	195	195	268	463
Total adults	42,931	25,506	68,436	5,534	5,534	3,060	8,594
of which with disabilities and/or psychiatric pathology	28,721	18,801	47,522	770	770	410	1,179
Total minors	11,222	7,549	18,772	4,990	4,990	2,258	7,248
of which with disabilities and/or psychiatric pathology	1,870	1,206	3,075	305	305	168	473
Rates for 100,000 residents							
Elderly rate	1,088.73	2,405.78	1,830.17	431.10	431.10	281.36	331.78
Self-sufficient elderly	255.12	476.97	380.01	201.14	201.14	120.91	147.93
Non-self-sufficient elderly	833.61	1,928.81	1,450.15	229.96	229.96	160.45	183.85
Adults rate	239.0	141.8	190.4	291.8	291.8	154.9	221.9
of which with disabilities and/or psychiatric pathology	159.9	104.5	132.2	40.6	40.6	20.7	30.5
Minors rate	233.1	166.5	200.7	918.7	918.7	447.4	691.7
of which with disabilities and/or psychiatric pathology	38.8	26.6	32.9	56.1	56.1	33.3	45.1

Resident population in Italy as at 31/12/2020 59,236,213 inhabitants.

LEGENDA: Elderly population: > 64 years, Adults: 18 - 64 years, Minors: 0 < 18 years

Source: ISTAT

Table 3.21 – Users in socio-assistance and socio-health residential facilities divided by bed class, data as at 31/12/2020 (absolute values)

Type of user	Bed class					Total
	Up to 6 beds	From 7 to 20 beds	From 21 to 50 beds	From 51 to 100 beds	Over 100 beds	
Self-sufficient elderly	1,735	12,453	25,002	10,585	3,204	52,979
Non-self-sufficient elderly	1,575	16,501	51,437	70,756	61,904	202,174
Adults with disabilities and/or psychiatric disorders	3,634	23,953	9,541	5,340	5,053	47,522
Minors with disabilities and/or psychiatric disorders	351	1,977	639	81	28	3,075
Total	7,295	54,884	86,619	86,762	70,189	305,750

Source: ISTAT

Table 3.22 – Socio-assistance and socio-health residential facilities, beds, user type, divided by region, data as at 31/12/2020 (absolute values)

Region	Residential facilities	Total beds	Users			
			Elderly	Adults	Minors	Total
Piedmont	1,230	49,958	1,304	5,252	33,483	40,039
Aosta Valley	55	1,362	45	238	799	1,082
Liguria	513	17,103	770	3,097	10,181	14,048
Lombardy	1,625	84,605	2,333	12,224	55,892	70,450
Trentino-Alto Adige/Südtirol	580	14,176	636	2,846	7,957	11,439
Bolzano-Bozen	212	6,208	196	1,133	3,849	5,178
Trento	368	7,968	440	1,713	4,108	6,261
Veneto	934	44,671	979	5,641	30,094	36,714
Friuli-Venezia Giulia	334	14,162	459	1,526	9,326	11,311
Emilia-Romagna	1,800	41,766	2,103	5,702	28,988	36,793
Tuscany	866	22,644	1,169	4,018	13,979	19,166
Umbria	270	5,730	304	1,562	3,092	4,958
Marche	426	12,154	488	2,204	7,665	10,357
Latium	928	25,650	1,872	5,403	13,625	20,900
Abruzzo	134	5,524	92	1,000	3,305	4,397
Molise	69	1,912	147	278	1,214	1,640
Campania	436	10,597	669	2,975	5,191	8,834
Apulia	567	15,683	930	3,158	9,207	13,296
Basilicata	168	4,094	216	739	2,310	3,266
Calabria	306	7,389	453	2,011	3,615	6,080
Sicily	1,087	24,838	3,253	7,439	10,312	21,004
Sardinia	302	7,974	548	1,122	4,917	6,587
of which						
Northwest	3,423	153,028	4,452	20,812	100,355	125,619
Northeast	3,648	114,776	4,177	15,715	76,365	96,258
Centre-south	2,490	66,178	3,833	13,187	38,361	55,381
	1,680	45,198	2,508	10,162	24,842	37,513
Islands	1,389	32,812	3,801	8,561	15,229	27,591
Italy	12,630	411,992	18,772	68,436	255,153	342,361

The total number of users in this table varies from that in table 3.15 due to the inclusion of a distinct user group not within the competence of the National Guarantor's Deprivation of Liberty in Healthcare, Socio-healthcare, and Welfare Facilities Unit. This table includes adults (drug addicts/alcoholics, under legal proceedings, other) and minors (drug addicts, without specific issues, other).

The number of facilities is influenced by multiple accreditations held by the same entity and regional accreditation criteria differences.

Source: ISTAT

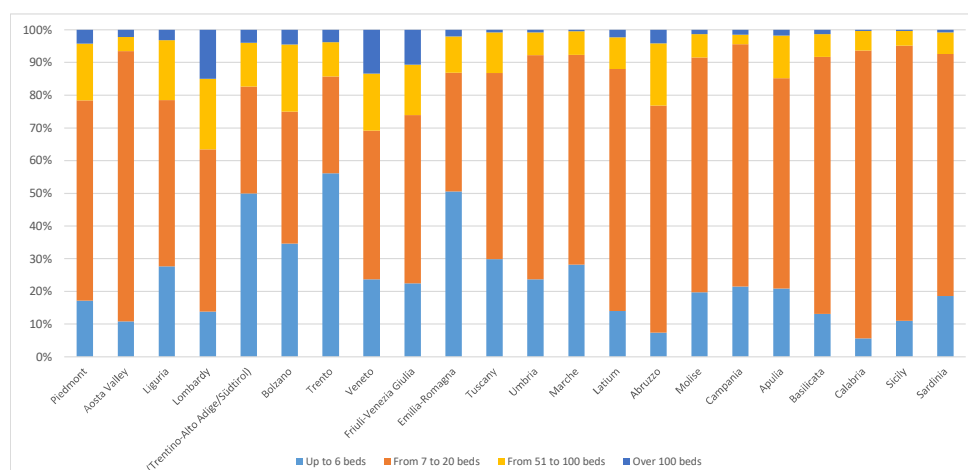
Table 3.23 – Service units* in socio-assistance and socio-health residential facilities divided by bed class and Region, data as at 31/12/2020 (absolute values)

Region	Bed class					Total
	Up to 6 beds	From 7 to 20 beds	From 21 to 50 beds	From 51 to 100 beds	Over 100 beds	
Piedmont	220	782	475	221	55	1,753
Aosta Valley	5	38	18	2	1	64
Liguria	113	208	214	75	13	622
Lombardy	223	801	286	349	242	1,901
(Trentino-Alto Adige/Südtirol)	274	179	85	73	22	633
Bolzano	54	63	56	32	7	212
Trento	220	116	29	41	15	421
Veneto	226	432	191	166	128	1,143
Friuli-Venezia Giulia	67	154	106	46	32	405
Emilia-Romagna	876	628	349	193	35	2,081
Tuscany	224	426	304	93	6	1,054
Umbria	58	168	61	17	2	307
Marche	124	281	176	32	2	615
Lazio	116	613	264	80	19	1,092
Abruzzo	9	84	59	23	5	180
Molise	14	51	20	5	1	91
Campania	83	287	161	11	6	548
Apulia	82	252	253	51	7	646
Basilicata	19	114	44	10	2	188
Calabria	15	236	92	16	1	360
Sicily	105	803	335	42	4	1,289
Sardinia	45	179	139	16	2	381
of which						
Northwest	562	1,828	993	647	311	4,341
Northeast	1,443	1,393	731	479	216	4,262
Centre-south	522	1,488	805	222	30	3,067
Islands	221	1,024	628	117	22	2,013
Italy	2,898	6,716	3,632	1,522	586	15,354

*Starting from 2009, the analysis of residential offer is conducted by ISTAT at the level of 'service units' that provide various types of assistance within each facility: these are functional modules in which the facility can be divided. As provided by the 'Interregional Nomenclature of Social Interventions and Services', 'service units' are classified according to three levels: the social protection function, the level of provided health care, and the type of residential care. The prevalent user target is also associated with the three classification criteria. The objective of the classification is to allow a description of residential offer that is not influenced by the different regional criteria for definition and classification. It's worth noting that the total number of 'service units' does not coincide with the total number of residential facilities because there can be multiple 'service units' within a single residential facility.

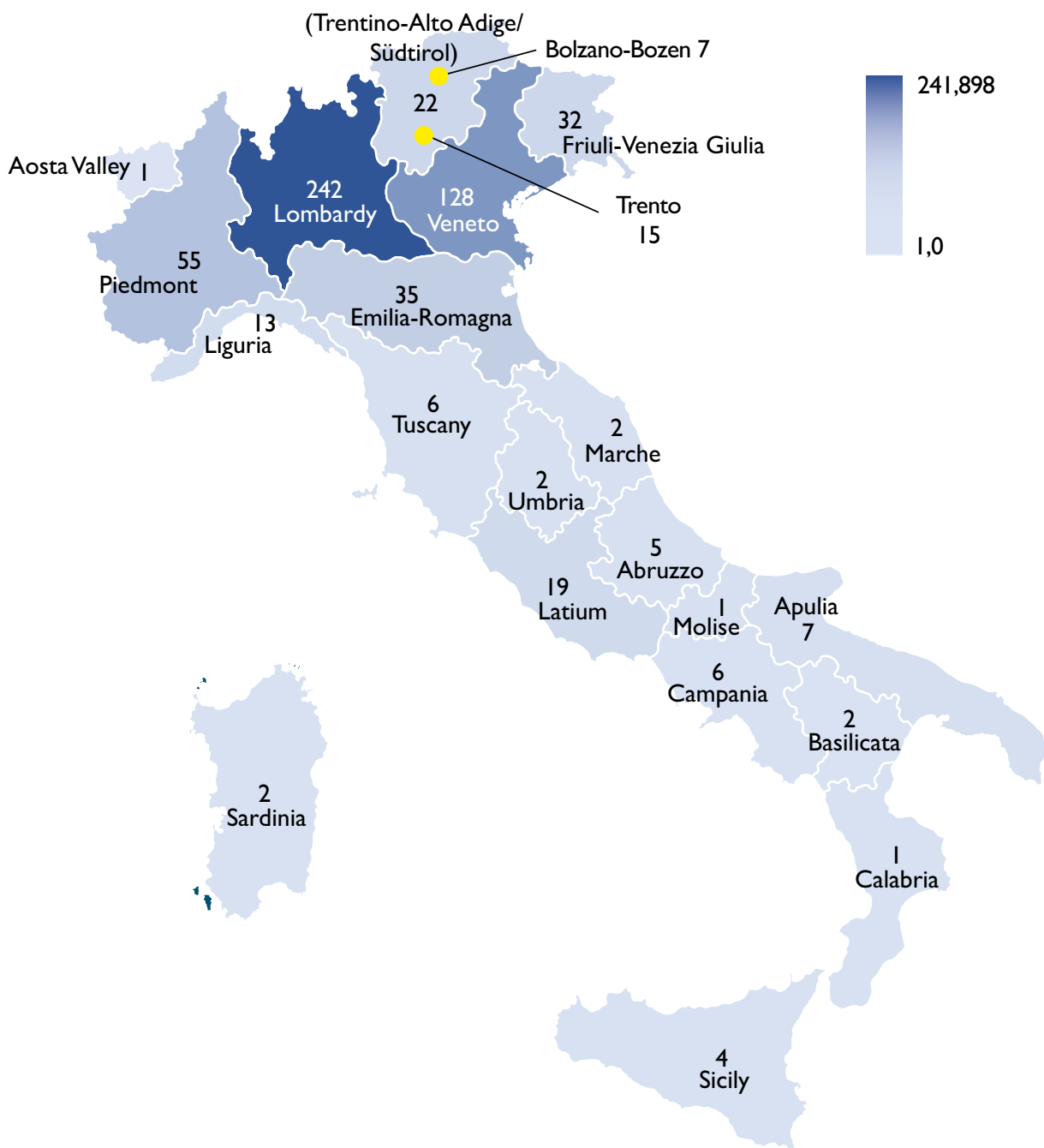
Source: ISTAT

Chart 3.23 – Service units* in socio-assistance and socio-health residential facilities divided by bed class, data as at 31/12/2020 (absolute values)



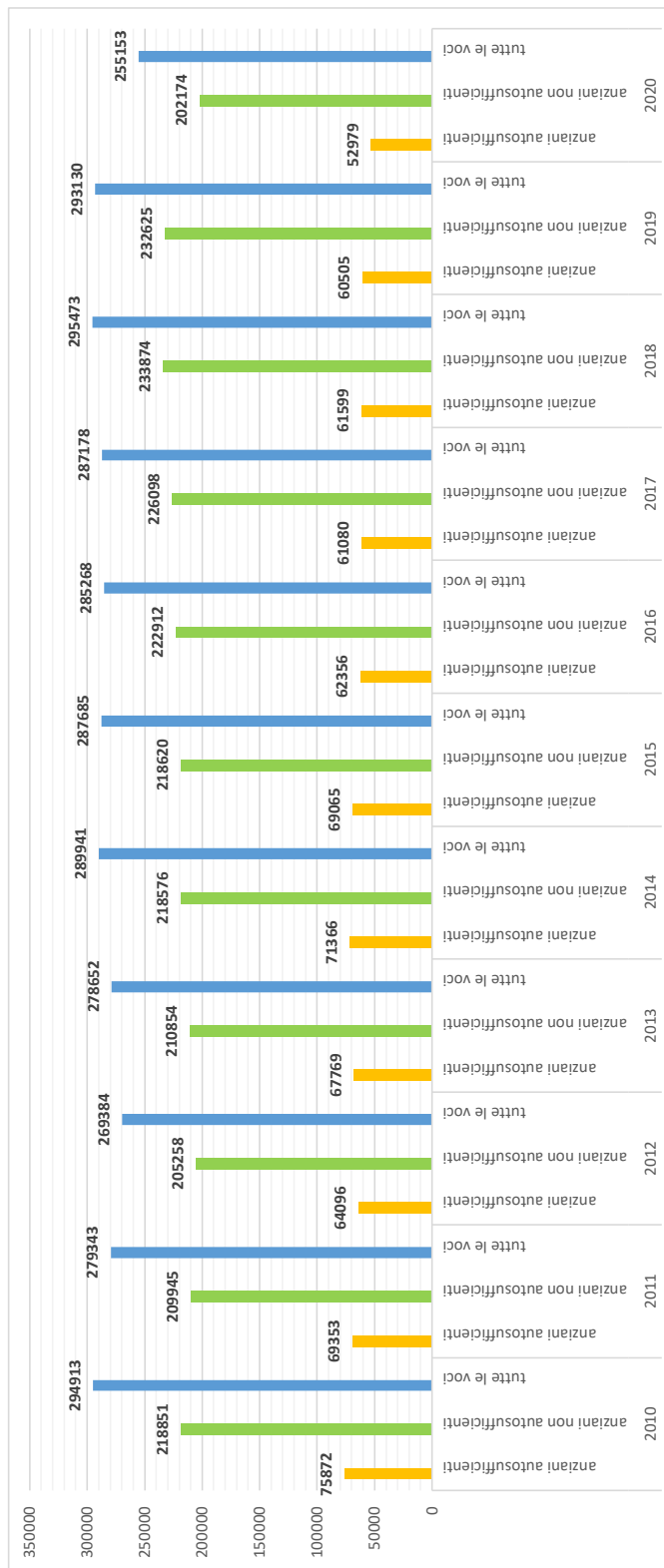
Source: ISTAT

Map 3.24 - Service units in socio-assistance and socio-health residential facilities by bed class and region. Data as at 31/12/2020 (absolute values) Classes for beds > 100



Source: Istat

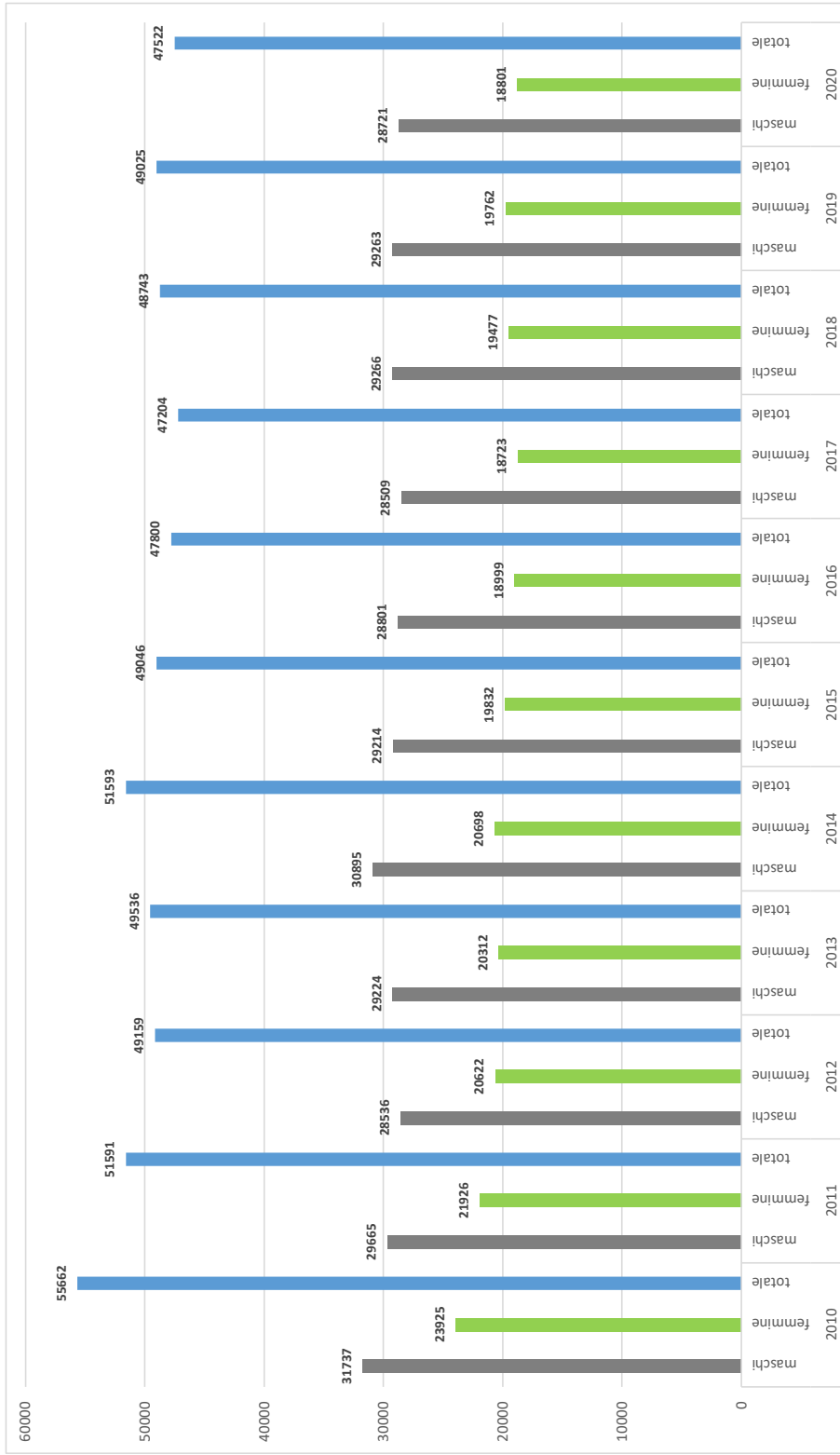
Chart 3.25 – Historical series - Elderly in socio-assistance and socio-health residential facilities divided by type of distress, years 2010-2020*



*Istat has not published any additional data

Source: ISTAT

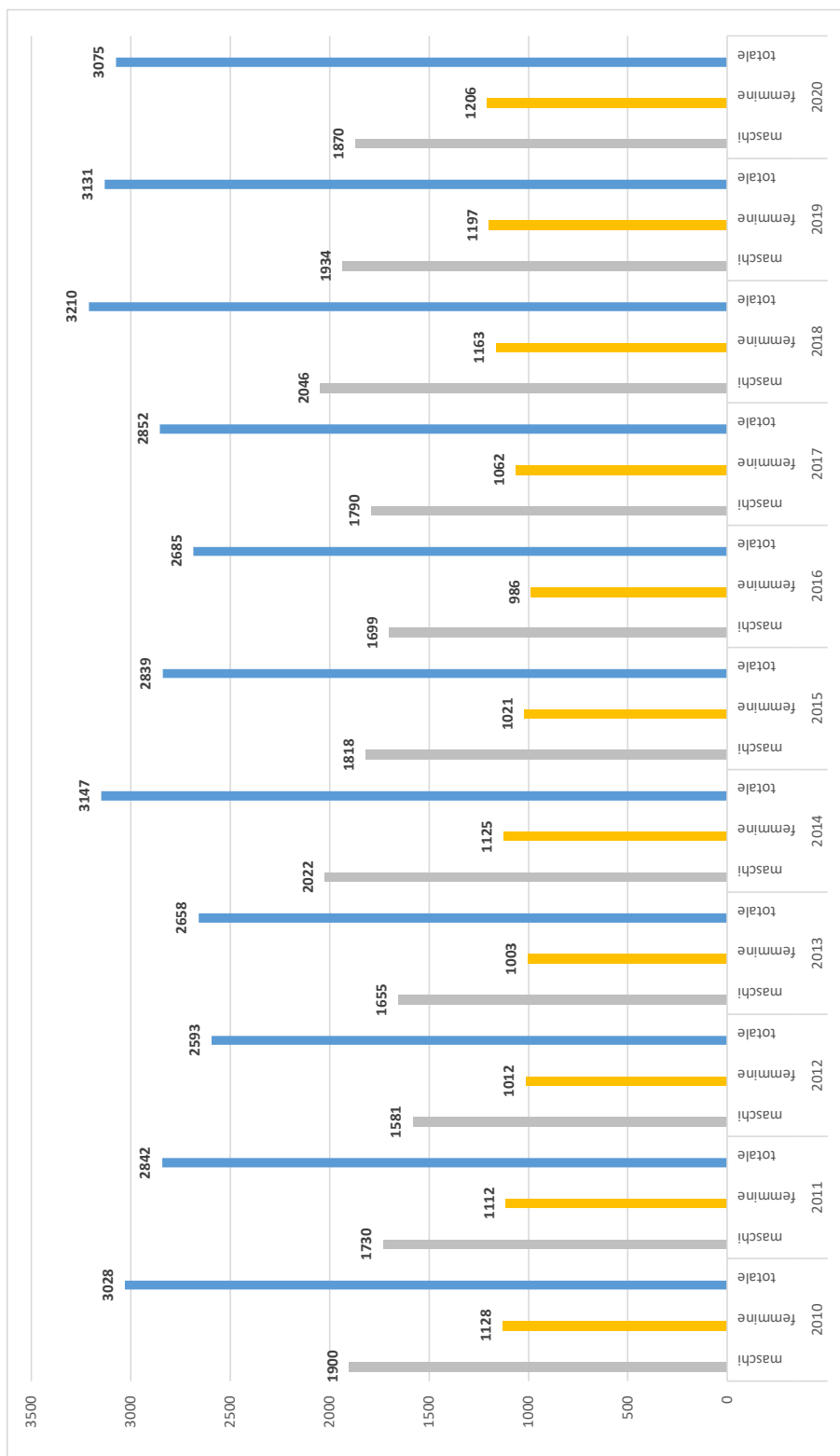
Chart 3.26 – Historical series - Adults with disabilities and mental disorders in socio-assistance and socio-health residential facilities, years 2010-2020*



*Istat has not published any additional data

Source: ISTAT

Chart 3.27 – Historical series - Minors with disabilities and mental disorders residing in socio-assistance and socio-health residential facilities, years 2010-2020*

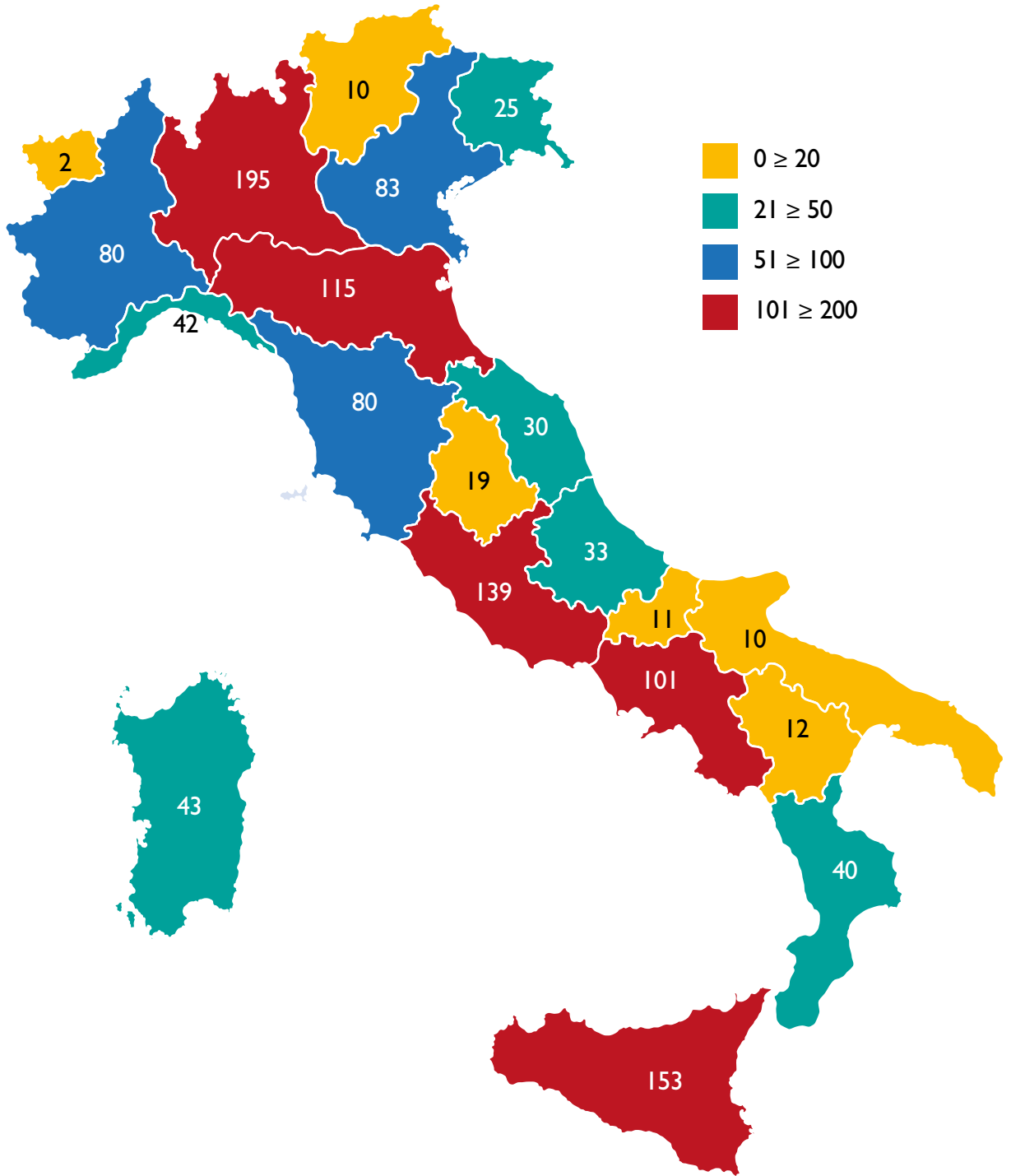


*Istat has not published any additional data

Source: ISTAT

Section 4. Law Enforcement Agencies

Map 4.1 - Usable custody rooms year 2023*



* Data updated as of 31 March 2023

Table 4.2 – Individuals hosted in custody rooms in Italy, divided by type of Police Enforcement Agencies, years 2016-2023

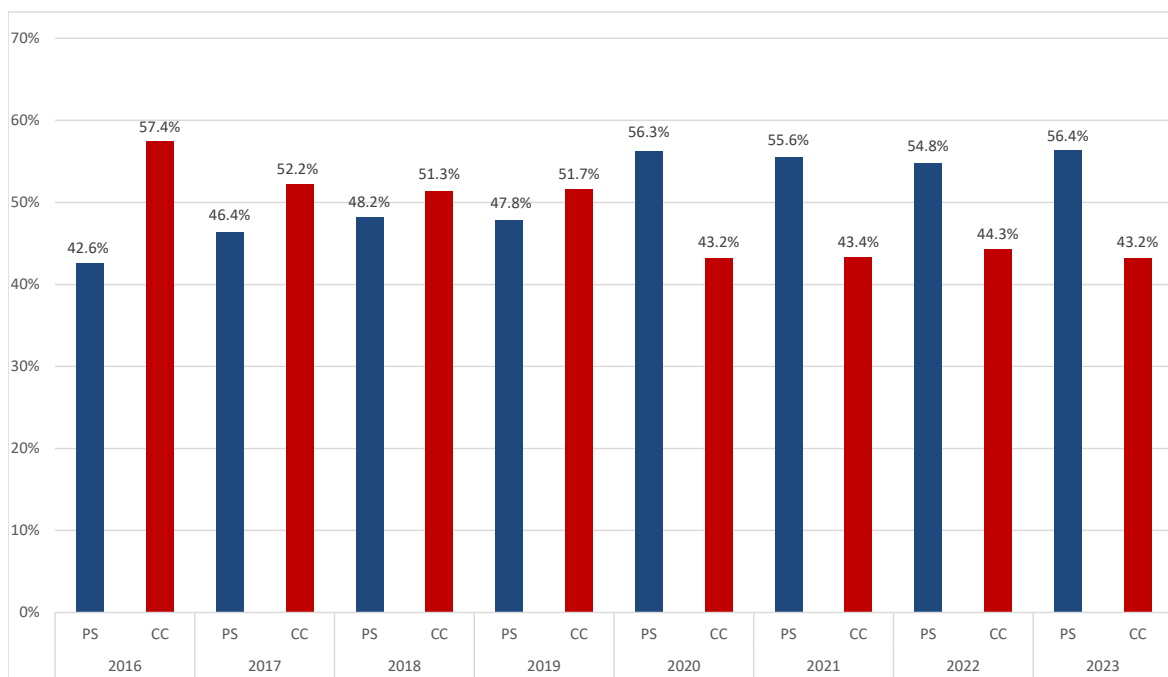
Transits								
Police Enforcement Agencies	2016	2017	2018	2019	2020	2021	2022	2023
State Police (PS)	12,395	14,347	12,901	11,920	9,320	9,818	9,812	2,588
Carabinieri (CC)	16,726	16,142	13,747	12,888	7,148	7,664	8,276	1,954
Guardia di Finanza (GdF)	n.a.	407	124	127	93	180	128	46

*Data updated as at 31/03/2023

Source: State Police (PS), Carabinieri (CC) and Guardia di Finanza (GdF)

Data processed by the National Guarantor - Deprivation of Liberty by Police Enforcement Agencies Unit

Chart 4.2 – Individuals hosted in custody rooms in Italy, divided by Police Enforcement Agencies (%), years 2016-2023



As for the year 2022, the annual trend represents a linear development scenario

Source: State Police (PS), Carabinieri (CC) and Guardia di Finanza (GdF)

Data processed by the National Guarantor - Deprivation of Liberty by Police Enforcement Agencies Unit

Table 4.3 – Custody rooms in Italy, divided by type of Police Enforcement Agencies, years 2016-2023*

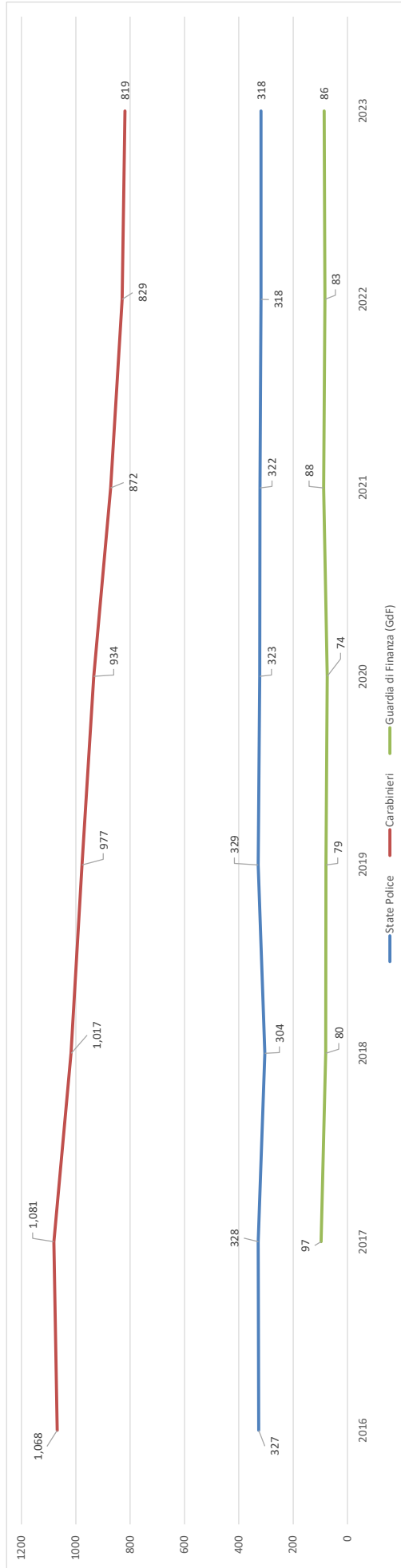
	Usable							Unusable							Total rooms									
	2016	2017	2018	2019	2020	2021	2022	2023	2016	2017	2018	2019	2020	2021	2022	2023	2016	2017	2018	2019	2020	2021	2022	2023
State Police (PS)	327	328	304	329	323	322	318	318	349	333	346	330	281	221	141	141	676	661	650	659	604	543	459	459
Carabinieri (CC)	1,068	1,081	1,017	977	934	872	829	819	399	379	449	460	538	471	483	487	1,467	1,460	1,466	1,437	1,472	1,343	1,312	1,306
Guardia di Finanza	n.a.	97	80	79	74	88	83	86	n.a.	77	99	100	107	98	102	102	n.a.	174	179	179	181	186	185	188

*Data updated as at 31/03/2023

n.a. Data not available at the survey date

Source: State Police (PS), Carabinieri (CC) and Guardia di Finanza (GdF)
Data processed by the National Guarantor - Deprivation of Liberty by Police Enforcement Agencies Unit

Chart 4.3 – Ratio on available custody rooms to the total number of custody rooms in Italy, by type of Police Enforcement Agencies (%), years 2016-2023*



*Data updated as at 31/03/2023

Source: State Police (PS), Carabinieri (CC) and Guardia di Finanza (GdF)
Data processed by the National Guarantor - Deprivation of Liberty by Police Enforcement Agencies Unit

Table 4.4 – Custody rooms and transits, usability, divided by region and transits - Polizia di Stato, years 2016 - 2023*

Region	Usable rooms						Unusable rooms						Transited people											
	2016	2017	2018	2019	2020	2021	2022	2023	2016	2017	2018	2019	2020	2021	2022	2023	2016	2017	2018	2019	2020	2021	2022	2023
Abruzzo	12	13	11	11	13	11	10	10	7	5	5	4	2	2	2	2	111	207	80	160	53	123	195	41
Basilicata	0	0	0	0	0	2	0	0	7	5	5	5	5	2	3	3	0	0	0	0	0	0	0	0
Calabria	5	7	7	9	7	4	9	9	18	16	20	14	21	10	16	16	32	35	26	34	33	20	35	3
Campania	18	17	18	17	16	16	17	17	62	61	59	61	54	13	4	4	625	838	677	612	392	303	337	72
Emilia Romagna	41	39	37	33	37	36	35	35	6	7	9	13	8	5	1	1	2,633	2,696	2,389	2,209	1,924	1,196	1,233	266
Friuli Venezia Giulia	6	6	7	10	10	11	6	6	9	9	8	10	4	0	2	2	7	46	45	26	25	36	19	9
Lazio	44	42	43	43	17	26	30	30	44	45	43	44	53	62	15	15	1,838	2,330	2,003	1,685	1,154	1,377	1,130	366
Liguria	15	14	13	15	15	14	15	15	2	3	4	2	2	1	2	2	339	403	448	317	276	333	342	81
Lombardy	44	51	43	48	51	48	53	53	33	24	32	26	9	13	2	2	3,357	4,129	3,801	3,579	2,813	3,037	4,267	1,146
Marche	11	11	11	11	13	13	8	8	8	8	9	8	9	5	10	10	123	94	93	97	72	65	93	16
Molise	3	3	3	3	2	2	3	3	2	2	2	2	3	3	0	0	8	8	4	3	10	7	7	2
Piedmont	15	15	17	23	21	22	20	20	10	10	8	1	2	11	11	11	935	1,097	1,129	1,331	987	932	630	244
Apulia	8	1	0	1	1	1	1	1	41	42	43	50	32	35	25	25	0	20	0	0	0	0	0	0
Sardinia	14	14	10	15	19	12	14	14	18	18	24	19	10	11	14	14	139	136	192	193	150	121	133	42
Sicily	36	36	35	38	38	36	40	40	31	31	21	28	29	32	20	20	513	465	380	321	265	214	207	42
Tuscany	22	25	19	20	26	29	24	24	17	14	20	19	13	9	8	8	813	728	769	641	448	463	526	111
Trentino Alto Adige	2	2	2	2	2	2	2	2	13	13	12	2	13	0	0	0	55	82	52	32	28	29	20	2
Umbria	10	10	10	9	8	10	8	8	4	4	4	5	2	4	0	0	146	147	126	78	73	81	62	23
Aosta Valley	0	1	0	0	0	0	0	0	3	2	3	3	3	2	2	2	2	14	1	0	0	0	0	0
Veneto	21	21	18	21	27	27	23	23	14	14	15	14	7	1	4	4	719	872	686	602	599	1,481	576	122
Total	327	328	304	329	323	322	318	318	349	333	346	330	281	221	141	141	12,395	14,347	12,901	11,920	9,302	9,818	9,812	2,588

*Data updated as at 31/03/2023

Source: Ministry of the Interior - Department of Public Security - Secretariat Office - Analysis, Programmes and Documentation Office
Data processed by the National Guarantor - Deprivation of Liberty by Police Enforcement Agencies Unit

Table 4.5 – Custody rooms and transits, usability, divided by region and transits - Carabinieri, years 2016 - 2023*

Region	Usable rooms												Unusable rooms												Transited people											
	2016	2017	2018	2019	2020	2021	2022	2023	2016	2017	2018	2019	2020	2021	2022	2023	2016	2017	2018	2019	2020	2021	2022	2023												
Abruzzo	38	38	38	38	24	34	22	20	5	5	21	5	6	14	14	15	145	115	89	77	62	169	169	35												
Basilicata	10	10	11	11	11	11	11	11	2	2	3	2	2	2	2	2	22	8	13	17	7	9	8	1												
Calabria	38	37	35	36	37	33	32	31	23	21	26	25	25	29	30	31	328	210	208	140	157	72	69	7												
Campania	122	122	116	116	106	90	88	82	49	49	53	53	132	60	60	66	1,523	1,453	518	518	432	300	366	79												
Emilia Romagna	77	78	79	75	78	75	72	74	33	32	25	21	16	13	15	11	1,025	1,530	1,552	1,399	966	968	904	223												
Friuli Venezia Giulia	16	15	12	12	13	14	16	16	12	13	16	16	17	16	10	10	99	75	56	54	51	34	55	18												
Lazio	108	106	112	111	115	108	99	98	72	69	60	53	56	63	70	71	5,270	4,076	4,312	3,978	1,463	2,141	2,774	709												
Liguria	35	35	35	33	33	28	28	26	8	8	8	5	3	5	5	7	753	858	635	685	349	287	331	73												
Lombardy	142	139	132	129	140	141	133	135	23	25	29	29	18	17	21	19	3,111	3,133	2,714	2,500	1,427	1,522	1,399	301												
Marche	22	19	19	20	20	17	17	17	8	11	8	9	9	12	12	12	173	150	142	88	80	39	92	22												
Molise	10	10	12	14	6	6	8	8	4	4	2	0	0	6	6	6	35	23	13	8	4	9	9	1												
Piedmont	66	70	72	72	68	65	60	60	13	7	6	21	11	12	12	14	892	993	704	788	449	463	484	107												
Apulia	50	74	8	8	8	5	2	2	33	8	74	74	74	77	80	80	55	56	2	5	4	4	1	0												
Sardinia	41	41	41	35	35	23	25	20	30	30	30	34	26	19	18	15	283	292	254	200	137	129	132	27												
Sicily	129	129	135	123	105	100	94	97	43	42	36	47	57	57	59	59	804	665	592	575	417	372	291	65												
Tuscany	61	57	58	54	55	50	51	51	11	21	36	21	26	24	23	23	920	1,053	929	881	472	462	457	101												
Trentino Alto Adige	16	14	14	14	8	8	8	8	20	22	36	22	22	18	18	18	57	79	58	53	47	60	67	9												
Umbria	15	14	16	12	7	7	8	8	7	8	36	10	15	15	14	14	148	148	101	87	42	44	75	22												
Aosta Valley	4	4	4	2	2	2	2	2	0	0	36	2	2	2	2	2	6	6	3	10	3	8	6	1												
Veneto	68	69	68	62	63	55	53	53	3	2	36	11	11	10	12	12	1,077	1,219	852	825	579	572	587	153												
Total	1,068	1,081	1,017	977	934	872	829	819	399	379	577	460	528	471	483	487	16,726	16,142	13,747	12,888	7,148	7,664	8,276	1,954												

*Data updated as at 31/03/2023

Source: Ministry of Defence - General Command of Carabinieri, Division II - SM - Operations Office
Data processed by the National Guarantor - Deprivation of Liberty by Police Enforcement Agencies Unit

Table 4.6 – Custody rooms and transits, usability, divided by region and transits - Guardia di Finanza, years 2016 - 2023*

Region	Usable rooms										Unusable rooms										Transited people									
	2016	2017	2018	2019	2020	2021	2022	2023	2016	2017	2018	2019	2020	2021	2022	2023	2016	2017	2018	2019	2020	2021	2022	2023						
Abruzzo	n.a.	5	5	4	3	3	3	3	n.a.	1	3	4	5	5	5	5	n.a.	2	1	1	2	3	4	0						
Basilicata	n.a.	0	0	0	0	1	1	1	n.a.	0	0	0	0	0	0	0	n.a.	0	0	0	0	0	0	0						
Calabria	n.a.	5	0	0	0	0	0	0	n.a.	8	9	9	10	8	8	8	n.a.	0	0	0	0	0	0	0						
Campania	n.a.	3	3	3	3	3	2	2	n.a.	7	9	9	9	9	10	10	n.a.	3	6	3	0	2	3	2						
Emilia Romagna	n.a.	8	8	4	4	6	6	6	n.a.	3	3	7	7	5	5	5	n.a.	16	6	14	5	1	2	0						
Friuli Venezia Giulia	n.a.	4	3	3	3	3	3	3	n.a.	7	5	5	5	5	5	5	n.a.	1	2	0	0	0	0	0						
Lazio	n.a.	10	6	8	9	11	11	11	n.a.	7	11	11	9	10	10	10	n.a.	265	20	31	28	76	61	25						
Liguria	n.a.	1	0	0	1	1	1	1	n.a.	0	0	0	0	0	0	0	n.a.	0	0	0	0	1	0	1						
Lombardy	n.a.	12	5	7	9	9	7	7	n.a.	6	13	9	7	7	9	9	n.a.	5	3	1	7	30	14	5						
Marche	n.a.	3	4	5	5	5	5	5	n.a.	1	0	0	0	0	0	0	n.a.	0	1	2	1	6	2	1						
Molise	n.a.	2	1	0	0	0	0	0	n.a.	0	1	2	2	2	2	2	n.a.	0	0	0	0	0	0	0						
Piedmont	n.a.	7	0	0	0	0	0	0	n.a.	6	13	12	12	12	13	13	n.a.	0	0	0	0	0	0	0						
Apulia	n.a.	8	11	11	6	7	4	7	n.a.	6	3	3	7	9	9	9	n.a.	0	0	0	0	0	0	0						
Sardinia	n.a.	4	8	8	8	9	9	9	n.a.	1	1	1	1	1	1	1	n.a.	3	15	20	10	15	4	1						
Sicily	n.a.	11	12	12	13	15	16	16	n.a.	7	8	8	7	4	4	4	n.a.	40	12	4	2	8	1	0						
Tuscany	n.a.	5	4	4	5	5	5	5	n.a.	9	12	12	13	13	13	13	n.a.	2	1	3	2	3	3	1						
Trentino Alto Adige	n.a.	0	0	0	0	0	0	0	n.a.	0	0	0	0	0	0	0	n.a.	0	0	0	0	0	0	0						
Umbria	n.a.	3	3	3	3	3	3	3	n.a.	0	0	0	0	0	0	0	n.a.	18	18	4	11	12	3	2						
Aosta Valley	n.a.	0	0	0	0	0	0	0	n.a.	6	6	6	6	6	6	6	n.a.	0	0	0	0	0	0	0						
Veneto	n.a.	6	7	7	2	7	7	7	n.a.	2	2	2	2	2	2	2	n.a.	52	39	44	25	23	31	8						
Total	0	97	80	79	74	88	83	86	0	77	99	100	107	98	102	102	0	407	124	127	93	180	128	46						

*Data updated as at 31/03/2023

Source: General Command of the Guardia di Finanza - Division 3 Operations - Economic Protection and Security - Public security and S.A.G.F. Department
Data processed by the National Guarantor - Deprivation of Liberty by Police Enforcement Agencies Unit

Table 4.7 – Visits conducted to premises designated for restrictive needs, divided by type of Police Enforcement Agencies, years 2016 - 2023*

Police Enforcement Agencies	2016	2017	2018	2019	2020	2021	2022	2023
State Police(PS)	7	7	3	1	4	7	5	0
Carabinieri (CC)	8	8	7	4	6	4	8	1
Guardia di Finanza (GDF)	0	1	0	0	0	1	0	0
Courts	1	2	0	0	0	0	0	0
Municipality Police	0	2	1	0	1	0	0	0
Total	16	20	11	5	11	12	13	1

*Data updated as at 31/03/2023

Source: National Guarantor for the rights of persons deprived of personal liberty

