**ITALY**



***MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION***

***inter-ministerial committee for human rights***

**ITALY’S CONTRIBUTION**

*March 6, 2023*

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Italian Authorities are in a position to provide the following contribution, **for your information only**.

**Questionnaire**

The Special Rapporteur would be particularly interested in receiving information on:

1. Existing practices for data gathering, analysis and reporting of deaths in custody, including the use of statistics and the disaggregation of data (e.g. by different categories and causes of deaths in custody; place of occurrence (e.g. on remand, in prison, in hospital, etc.); types and legal status of affected populations, etc.), including figures of deaths in custody documented in recent years;

**Data collection on deaths in custody at the Italian Penitentiary Administration Department is carried out by the Situation Room[[1]](#footnote-1), which shares all data acquired also with the Statistics unit of the Department. The deaths recorded in prisons are registered by types (suicides, deaths depending from natural causes, deaths depending from accidental causes, deaths depending from causes to be ascertained) and, for each death, the place of occurrence is indicated, as well as gender, age, nationality and legal status of the detainees.**

1. Measures in place, including policies and good practices for investigating, documenting and preventing deaths in custody, in particular:
* Which legal provisions and requirements exist for cases of deaths in custody? (e.g. is an investigation into a death in custody mandatory or discretionary? Who is responsible for the decision and for the investigation?)

**According to the Italian legislation, in the event of deaths in custody it is up to the Judicial Authority to order - case by case - the possible beginning of an investigation, delegating or not to the judicial police to carry out the relevant investigation.**

* Investigation procedures and accountability mechanisms for deaths in custody (e.g. administrative, judicial or other investigatory body? External oversight?)

**In terms of the law currently in force, where the Judicial Authority decides to investigate a death in custody, the same Judicial Authority will indicate to which law enforcement agency the relevant investigation is delegated (State Police, Carabinieri, Penitentiary Police Corps).**

* What is the level of forensic medical involvement in the investigation of deaths in custody (e.g. is a full post-mortem investigation required in every death in custody)?

**In terms of the law currently in force, following a death in custody, the involvement of a pathologist to carry out a post-mortem examination can only be ordered by the Judicial Authority, which can request also the forensic medical involvement for an autopsy whenever necessary for the purposes of the investigation.**

* Availability and use of national or international protocols? (e.g. do investigations follow the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary or Summary Executions (1989) and/or The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)?)
* Are there procedures in place for facilitating the participation of victims’ families and their access to effective remedies?

**The Italian Penitentiary Administration does not have legal protection services to offer either to prisoners or to their families. In this context, an important role is played by the numerous non-governmental associations active in Italy, which have an effective networking system in civil society and are therefore able to understand the needs and meet the expectations of prisoners and family members.**

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**With regard to good practices in the field of suicide prevention in prison, it should be noted that the Department of Penitentiary Administration has issued various Circulars on the matter over the years. The last one, was issued on 8 August 2022, "*Initiatives for continuous intervention in the field of prevention of suicidal behavior of detainees*". That provision intended to launch a national path of "continuous intervention" on the subject, through which the Department, the Regional Directorates and the penal establishments are all involved, in a network perspective, in order to prevent such dramatic events. In fact, the preparation of a national plan has been foreseen, as well as regional and local prevention plans and the activation of a dialogue with the Health Authorities of the different regional territories. The circular also aims to promote the widest possible training for prison staff, including through the organization of study-days and collective discussions on the subject of suicide prevention.**

Moreover, it should be recalled the role and work of the Italian National Preventive Mechanism in line with OPCAT. For an update, please kindly refer to last periodic report of Italy to UN CAT (as submitted in December 2021).

**Conclusion**

We take this opportunity to reaffirm our full commitment to effectively cooperating with OHCHR and UNSPMHs. Once additional information is available, we will promptly share it.

1. Unit of the Office for Inspection and Control of the Department of Penitentiary Administration [↑](#footnote-ref-1)