JUSTICE FOR ALL

Enhancing the Rights of Defendants and Detainees with Intellectual and/or Psychosocial Disabilities: EU Cross-Border Transfers, Detention and Alternatives

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The Abolition of Unlimited Security Measure in Judicial Psychiatric Hospitals: Reform Efforts and Lessons Learnt from Italy

Alessio Scandurra

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De-istitutionalization of civil patients

- Law No. 180 of 1978, the so-called Basaglia Law. De-institutionalization of the almost 90.000 non-offenders with psychosocial disability.
- In 1997, according to an official enquiry by the italian parliament, 20.000 internees were still detained in civil asylums.
- The last public civil psychiatric asylum, in Siena, was closed down in 1999.
- The last privately operated institutions, 2 in Apulia and one in Sicily, were closed down in 2010.

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De-istitutionalization of offenders with psychosocial disabilities

- In the meanwhile 6 forensic psychiatric hospitals were still operating, hosting up to 1.600 internees for an undetermined, potentially unlimited, period of time, in unacceptable conditions.
- In 2008 a reform process was put in motion, giving the responsibility of healthcare in prison to the Ministry of healthcare, instead of the Ministry of justice, and later on closing down the 6 forensic psychiatric hospitals and creating the REMS system.

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Main features of the REMS system

- 572 internees in 33 REMS as at 31.12.2021
- maximum capacity: 20 internees
- the waiting lists
- exclusive management by the healthcare system
- territoriality
- introduction of a time limit
- measure of last resort (“libertà vigilata”: 4.264 as at 31.12.2020)

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Open questions

- Waiting lists (30% in prison)
- Lack of resources for alternatives to detention

- Do the REMS system address the issue of defendants and inmates with psychosocial disability?

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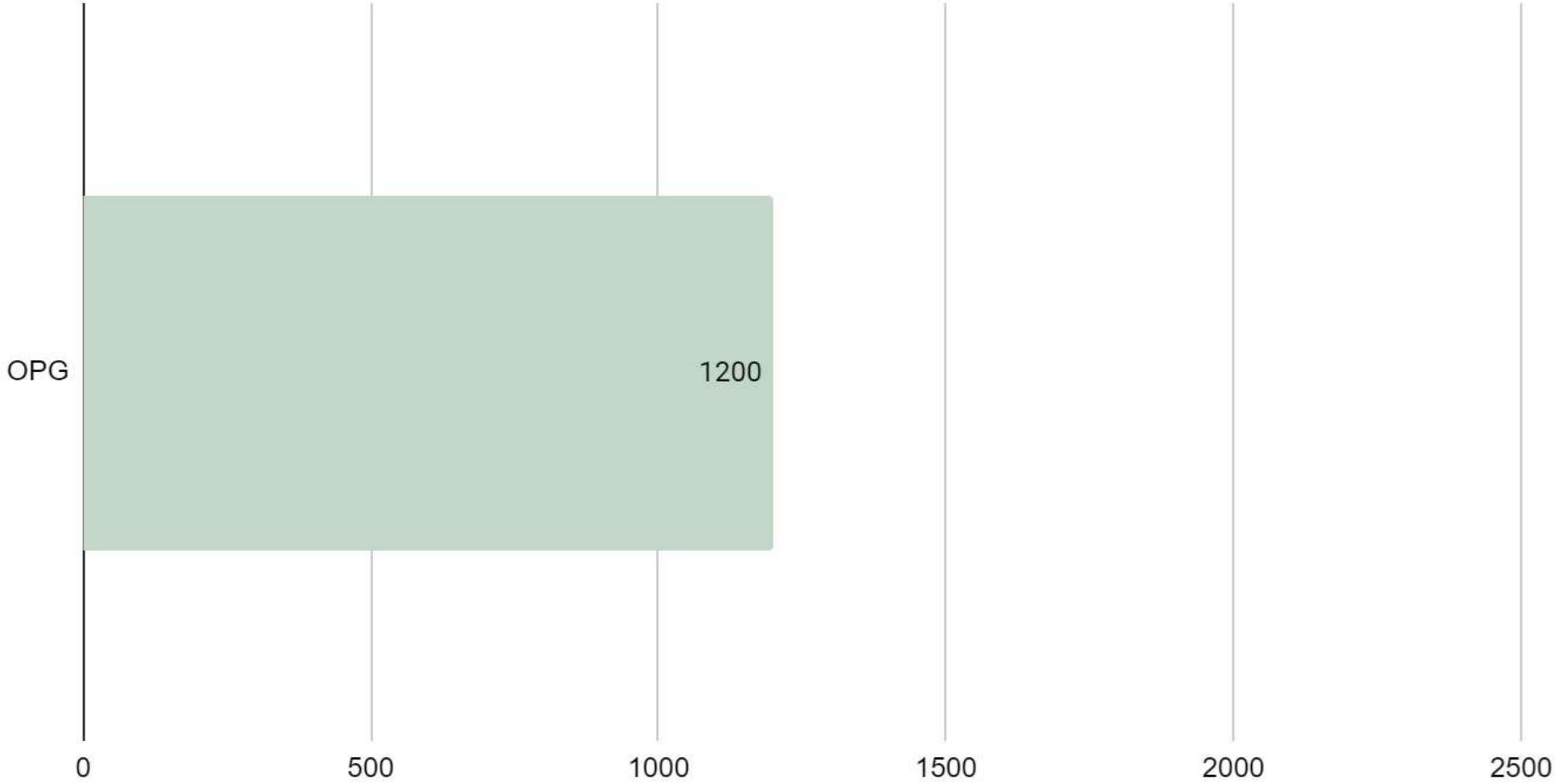
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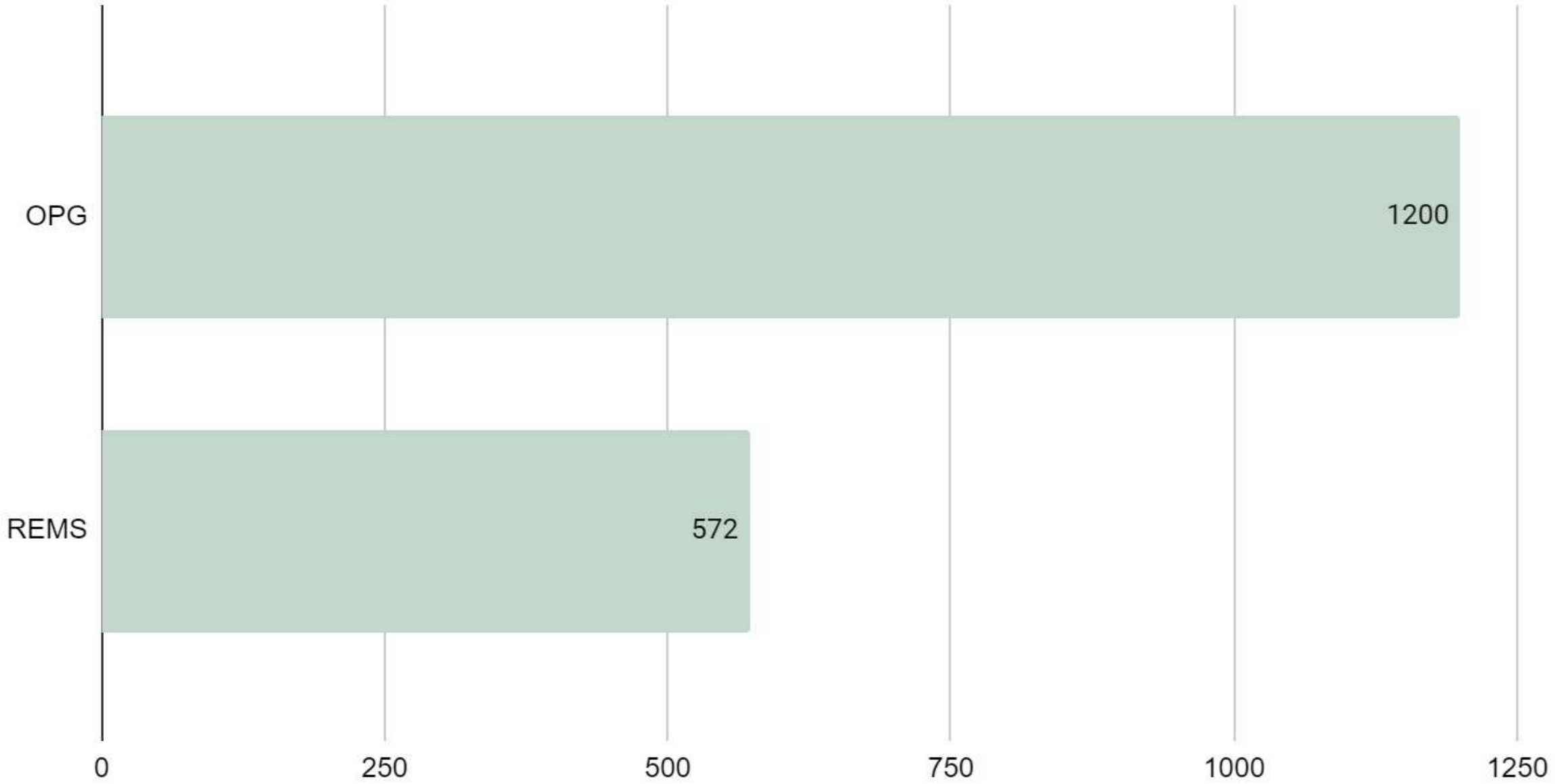
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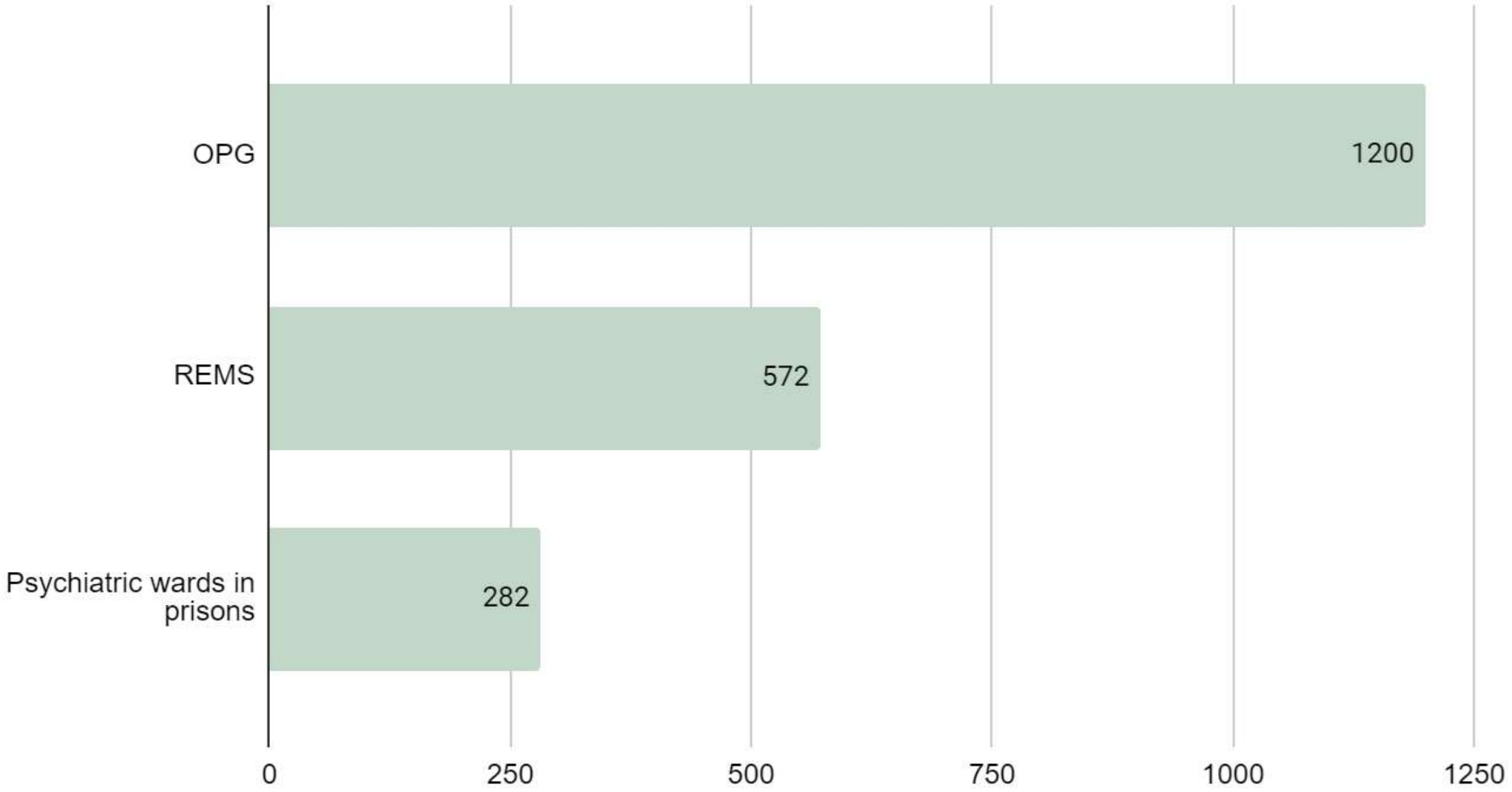
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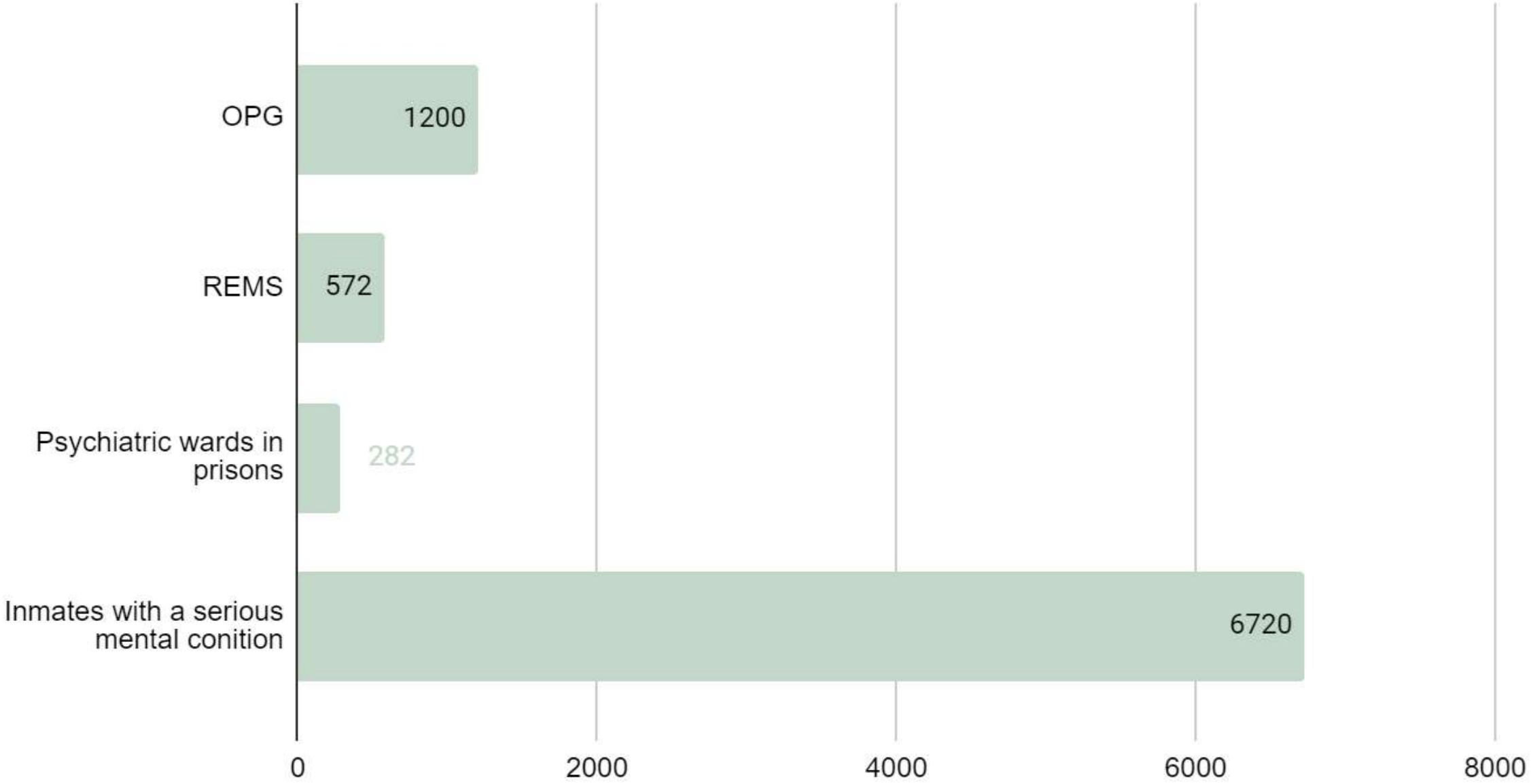
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Inmates with a serious mental conition
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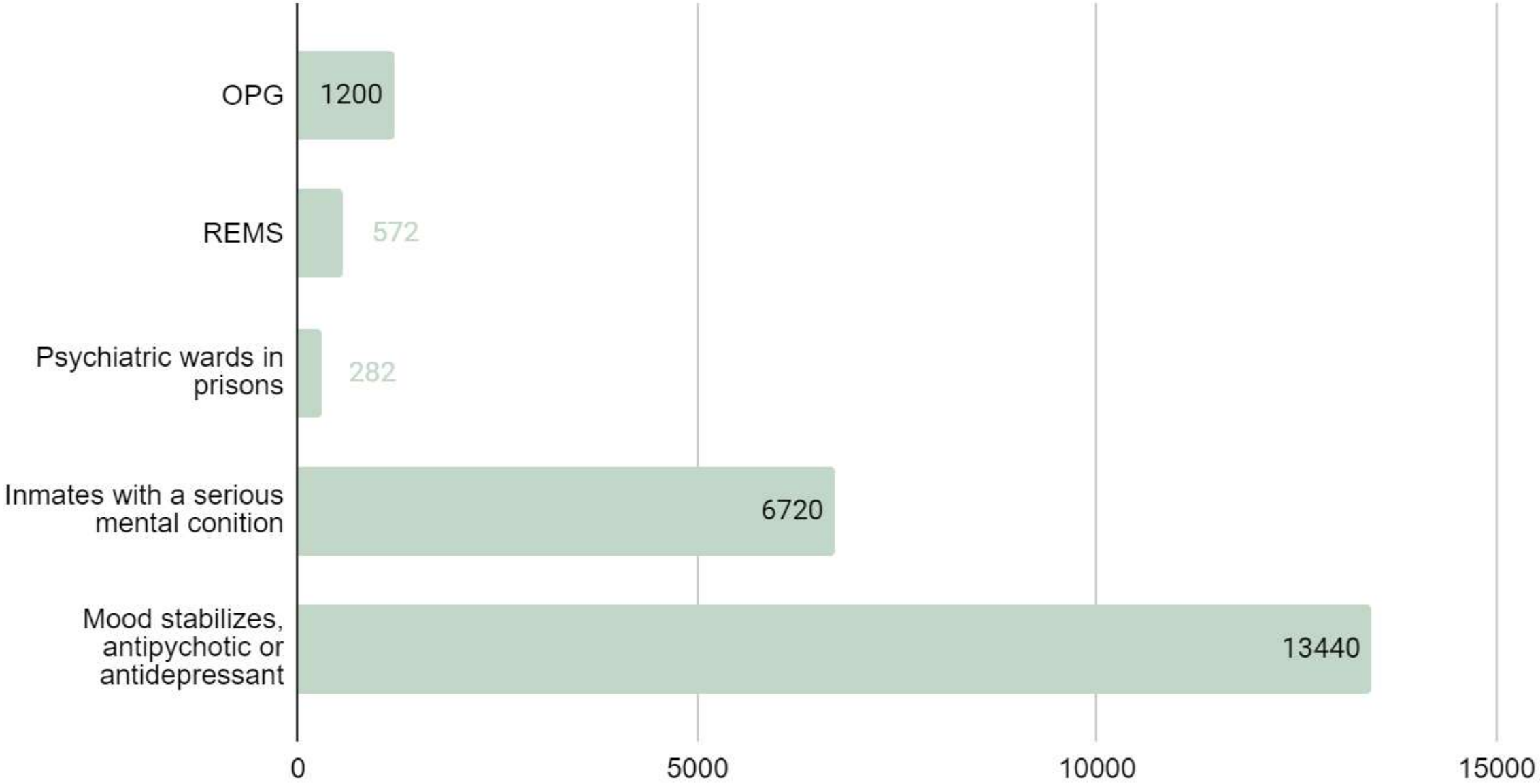
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Psychiatric wards in prisons
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Inmates with a serious mental conition
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Mood stabilizes, antipychotic or antidepressant
13440
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5000
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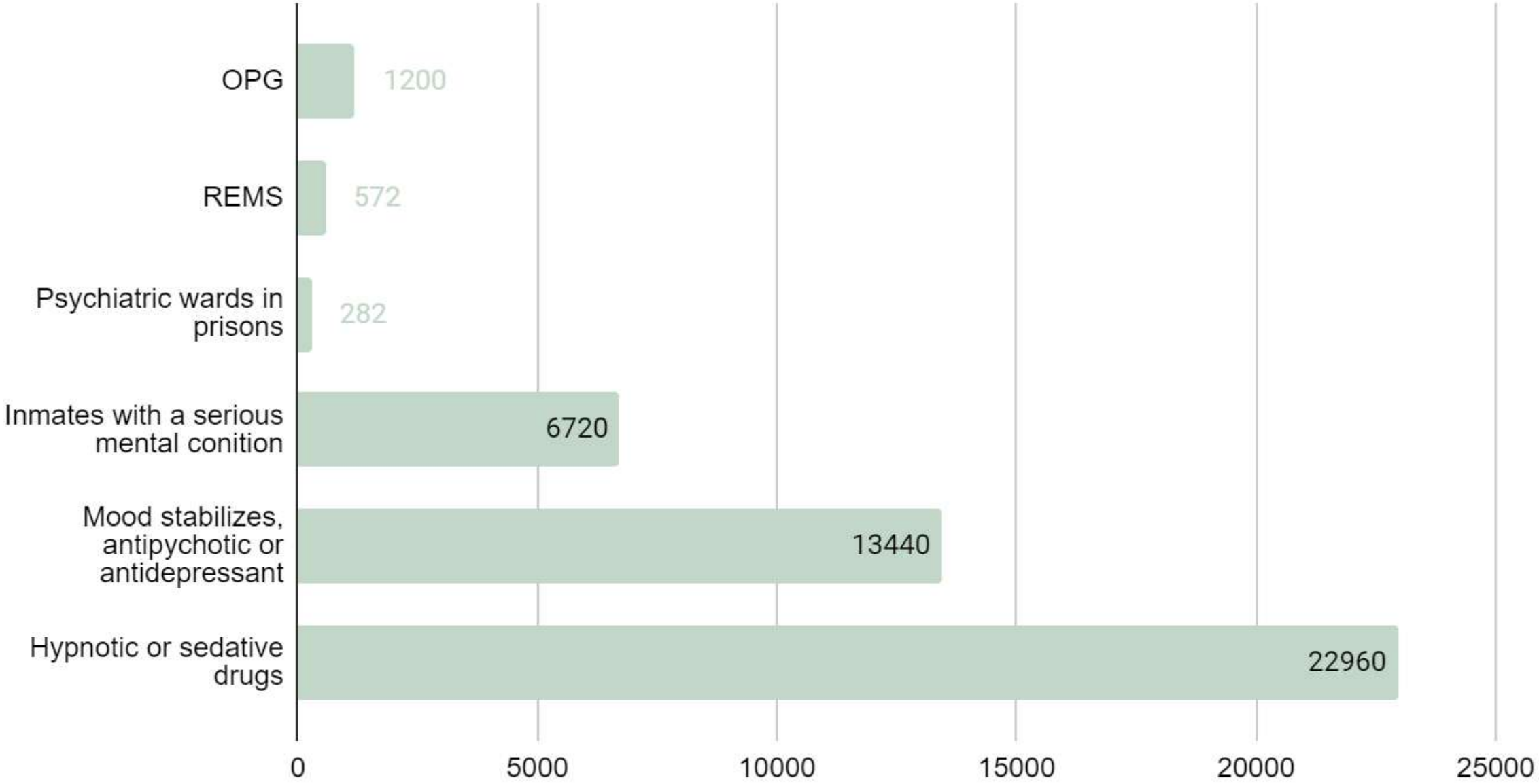
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Psychiatric wards in prisons
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Inmates with a serious mental conition
6720
Mood stabilizes, antipychotic or antidepressant
13440
Hypnotic or sedative drugs
22960
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Open questions

- How many people with psychosocial disabilities are detained within the criminal justice system?
- What kind of medical treatment do they have access to?
- Do they have access to a fair trial?
- Has detention been applied in their case as a measure of last resort?

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Thank you for your attention

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