

Drugs, Prisons and Human Rights: A Campaign for a Change in Italy

(during year 2013)

Italian prisons are facing a crisis. They are so desperately overcrowded that after visiting the San Vittore prison in Milan, Italy's President Giorgio Napolitano feared that "living conditions in Italian prisons violate the constitution."

However, this very serious problem may have a relatively simple solution – lock fewer people up. Many people serving time in Italy's penitentiaries simply do not belong there as its prisons are full of non-violent drug offenders. In order to address the overcrowding crisis and bring Italy's laws in line with its constitution, it is becoming increasingly clear that national drug policies will have to be addressed. In 2011, 22,677 people were imprisoned for drug crimes out of an overall 68,411, representing an increase from 31 percent in 2010 to 33.1 percent in 2011. On a single day in 2011, 28,000 drug offenders (mostly users and small-scale dealers) were in prison, while 15,000 drug dependent people (charged or sentenced either for drug or drug-related crimes) were detained out of an overall 67,000. Half of all people detained in overcrowded Italian prisons are charged or sentenced for drug crimes or for minor crimes committed by addicts. This calls for a major change in drug policy. A three-point reform effort is underway to

- (i) improve prison conditions,
- (ii) introduce the crime of torture into the penal code and to
- (iii) decriminalize personal use of drugs.

The law must also be reformed to distinguish between different illegal substances and to promote alternatives to incarceration for people who use drugs.

This campaign is being led by a coalition of NGOs working in drug policy, justice and human rights. This alliance deposited three bills that will be discussed in the Parliament, if they can attract at least 50,000 signatures

(from Italian citizens) within 6 months. In addition, a web campaign has been launched an online petition (www.3leggi.it and on www.fuoriluogo.it), calling on MPs to endorse these texts. The aim is to have an immediate discussion and approval of the bills soon after the recent election. With respect to drug policies in particular, another initiative has been undertaken by the NGO *Società della Ragione* at the beginning of February. A memorandum has been published by *Società della Ragione*, showing that the current drug legislation does not meet Italy's strict constitutional requirements, as recently affirmed by the Supreme Court. Italy's 2006 antidrug law was surreptitiously introduced as a single article in a law by decree on a totally different matter (the funding of 2006 Turin Olympics). Following the publication of the memorandum, a judge took the initiative to suspend a trial for drug crimes and called for a decision from the Constitutional Court about the legitimacy of the 2006 drug legislation. In the coming weeks, more judges are expected to follow. The aim of the coalition of NGOs is to draw attention to issues affecting drug users, as well as prisoners' rights, just at the beginning of the new legislature. At the end of 2012, the Higher Council of Magistrates advocated an urgent shift in the drug legislation, including a reduction in penalties. For more information on the "Drugs, Prisons and Human Rights Campaign" please see: www.3leggi.it or www.fuoriluogo.it.