

## **"The Italian drug legislation is blatantly illegitimate": An appeal to the Supreme Court from 60 prominent Italian jurists**

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On February 12th, the Italian Constitutional Court will rule about the legitimacy of the 2006 drug legislation. On January 21st, in a seminar of jurists promoted by Forum Droghe, Società della Ragione and other NGOs working in the field of justice and human rights, an appeal was launched by 60 academics from the most important Italian universities to the Supreme Court, drawing attention to the many legal flaws in this piece of legislation.

First and foremost, the 2006 drug legislation was surreptitiously introduced in a single article in a law by decree on a totally different matter (the funding of the 2006 Turin Olympics), so as to prevent the Parliament to discuss and amend the government's text. Secondly, by upgrading cannabis to Schedule I, with heroine and cocaine, the same penalties were introduced for all drugs, in spite of their different levels of risk. "This is in opposition to the principle of proportionality in penalties – the jurists write- as established in the EU Chart of Fundamental Rights (art.49, c.3) and confirmed in the EU Council Framework Decision 2004/75".

Finally, the jurists underline the link between the present drug legislation and the crisis of prisons. "Reintroducing a less punitive drug legislation- they claim- would substantially contribute to solve the problem of prison overcrowding, which led the European Court to condemn Italy for the degrading and inhumane living conditions in Italian prisons".