



Ministero della Giustizia

Department of Penitentiary Administration

KMS 170220 - Use of Restricted Regimes for Protection Reasons

In Italy, there is no specific rule which regulates the establishment of special wings to protect inmates. Nevertheless, on the basis of the Penitentiary Act (articles 14 and 64) and of the relevant Regulations of Enforcement (article 115), some “protected wings” were established in many prisons to accommodate prisoners who cannot meet the rest of the prison population for their personal conditions (e.g. their sexual orientation) or for reasons connected with their trials or with detention life.

The Penitentiary Administration usually assigns in those special wings the inmates who could be aggressed by co-inmates if assigned to ordinary wings.

As an example, protected persons are homosexual prisoners or trans-gender prisoners, offenders who perpetrated particularly heinous crimes (rape, pedophilia, sexual violence against children, etc.), prisoners who are collaborating with justice and are afraid for their safety, former law enforcement officers, former judges and all those inmates who can be hated by the rest of the prison population.

Where an inmate states “*to have problems with his/her personal safety*”, the prison Governor shall carry out the necessary assessment on that statement, based on objective evidence, before assigning the inmate to the protected wing.

A recent amendment to the Penitentiary Act provides for that those inmates who could be aggressed or seriously harassed by other inmates due to their sexual orientation or their gender identity are assigned to prison wings, throughout our Country, according to “homogeneous categories”, in order to ensure their safety. The prisoners must consent to their assignment to protected wings, otherwise they will join ordinary wings.

All the inmates assigned to protected wings can participate in treatment and rehabilitation activities (school, vocational training courses, work, religious practices, etc.) and can also participate in some activities together with the rest of the prison population where the condition of the prison allow it.

As of 4 May 2020, there were 4,826 prisoners in the protected wings of our Country, out of a total number of 53,909 inmates.