



Press release of 24 June 2021

THE COURT ASKS FOR FURTHER INFORMATION CONCERNING THE DIFFICULTIES ARISING IN RELATION TO THE APPLICATION OF PSYCHIATRIC SAFETY ORDERS

The Justice Ministry, the Health Ministry, the Conference of the Regions and the Parliamentary Budgetary Office must provide the Constitutional Court with various information concerning REMS (*residenze per l'esecuzione delle misure di sicurezza*, residential facilities for the enforcement of psychiatric safety orders, which replaced judicial psychiatric hospitals in 2012), in relation to the difficulties encountered when specifically applying psychiatric safety orders to mentally unstable ill offenders who represent a danger to society.

This ruling was issued by the Constitutional Court by [Order no.131](#) (author Francesco Viganò), filed today. The Court has put 14 questions, which it has asked the authorities concerned to answer within the next 90 days.

The case arose in relation to an order filed by a judge in charge of preliminary investigations at the Court of Tivoli concerning the provisional compulsory admission of an accused person to a REMS. Almost one year after the order had been issued, it had still not been acted upon due to a lack of available spaces within REMS in Lazio Region. The judge then raised a question concerning the constitutionality of the legislation applicable to REMS, which vests regional health services with exclusive competence over the management of psychiatric safety orders involving compulsory admission to such a facility by order of a criminal judge. According to the referring judge, in exempting the Justice Ministry from any responsibility in this area, this legislation is at odds in particular with the Ministry's constitutional competence over the "organisation and functioning of

services related to the administration of justice” under Article 110 of the Constitution.

The Constitutional Court has ruled that, in order to be able to reach a decision, it needs to receive more detailed information concerning the specific operation of the system of REMS established in 2012 as a replacement for the former judicial psychiatric hospitals. The 14 points listed in the order seek clarification, *inter alia*, as to: whether there are currently any mechanisms for cooperation amongst the Justice Ministry, the Health Ministry, the local health authorities and mental health departments with the aim of ensuring the timeous and effective implementation, at either regional or national level, of orders requiring admission to REMS; whether it is possible for the central Government to act in place of the competent regional authorities where the latter have been unable to ensure the swift implementation of such orders within the territory of the region concerned; and whether the shortcomings identified are being caused by practical difficulties, a lack of financial resources or other reasons.

Rome, 24 June 2021