

Committee of the Parties



Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Italy

IC-CP/Inf(2020)2

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Italy on 10 September 2013;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Italy adopted by GREVIO at its 19th meeting (14-15 November 2019), as well as the comments of the Government received on 18 December 2019;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Italian authorities in implementing the Convention and noting in particular:

- the extensive set of rules and mechanisms adopted to tackle violence against women through a succession of legislative reforms, including Law No.119/2013 (which formalised the authorities’ duty to support and to promote a vast network of support services for victims), Law No.38/2009 on stalking (which contributed to creating a diffuse awareness of this criminal act and of the need to protect victims appropriately), and more recently, Law No. 69/2019 known as the “Red Code” (which aims at enhancing the effectiveness of judicial responses to violence against women and improving victims’ protection);
- the sustained efforts towards building a comprehensive response to violence against women, bettering their policies and yielding to the expertise of civil society by producing a national strategy on gender-based violence, the third national action plan covering the period from 2017 to 2020, which for the first time embraces the “4 Ps” approach of the Istanbul convention and incorporates the issue of intersecting discrimination affecting disadvantaged groups of women;
- the significant progress achieved in how law-enforcement agencies tackle gender-based violence as first responders, following the adoption of a series of measures such as the

creation of specialist police units, the development of standardised procedures and the provision of systematic initial and in-service training for law enforcement officials;

- several examples of good and promising practices, such as Law Decree No. 80/2015 granting women victims of violence special paid leave and Law No. 4/2018 containing several measures in favour of orphans of a victim of domestic violence;

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of Italy take the following measures identified in GREVIO's Baseline Evaluation Report¹ for immediate action to:

1. ensure an application of the legal provisions on the offence of ill-treatment in the family which is sensitive to the gendered nature of domestic violence against women and is not hampered by stereotypes about women and their experience of violence (paragraph 19);
2. strengthen measures aimed at preventing and combating violence against women who are or might be exposed to intersectional discrimination, while ensuring that the implementation of the provisions of the Convention is secured without discriminating these women (paragraph 27);
3. use the same level of commitment in relation to prevention, protection, investigation, punishment and provision of remedies for violence against women, in accordance with the due diligence standard enshrined in Article 5 of the Istanbul Convention (paragraph 31);
4. pursue efforts to (a) devise and effectively implement policies of equality between women and men and the empowerment of women, (b) consistently mainstream gender and gender-based violence in relevant policy areas, and (c) systematically screen relevant draft legislation and measures against their potential impact on gender relations and gender-based violence (paragraph 39);
5. pursue efforts aimed at devising and implementing comprehensive and holistic policies to address all forms of violence against women, harmonise and monitor the implementation of these policies at regional/local level, while continuing to conduct independent comparative analyses of the existing regional legislation and policies on violence against women and to improve co-ordination between national and regional/local government in the implementation of these policies (paragraph 44);
6. take further steps aimed at ensuring adequate funding levels of measures to prevent and combat violence against women, such as developing additional indicators of gender budgeting, compiling centralised data on funding by the multi-level territorial governance, fostering long-term financial support for NGOs and women's specialist services, and increasing the transparency and accountability in the use of public funds (paragraph 54);
7. reinforce the support of independent women's organisations, while strengthening the national and local institutional framework for co-operating with these organisations during the design, monitoring, evaluation and implementation of relevant measures and policies (paragraph 59);
8. provide the bodies mandated to ensure the implementation and co-ordination of measures to combat violence against women with a strong institutional basis and appropriate dedicated human and financial resources, while pursuing efforts to enable an effective evaluation of policies and improving the co-ordination between national and decentralised governmental structures (paragraph 66);

¹ The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

9. take measures to improve and expand the collection by all relevant statutory agencies of harmonised and disaggregated data on all forms of violence against women, while ensuring that the data-collection processes comply with international standards on personal data protection (paragraph 78);
 10. develop further solutions offering a co-ordinated multiagency response to all forms of violence against women and support their implementation by developing appropriate guidelines and training the staff concerned, through the strong involvement of local authorities and all the stakeholders concerned, including specialist non-governmental organisations (paragraph 130);
 11. take measures to (a) expand the coverage and capacity of specialist services throughout the country in relation to all forms of violence against women, (b) ensure the financial sustainability and the continuity of service provision, (c) guaranty victim's equal access to services throughout the national territory and (d) harmonise the provision of specialist services with the standards defined by the convention (paragraph 151);
 12. ensure the availability of rape crisis and/or sexual violence referral centres which provide a sensitive response to sexual violence by trained and specialist staff and which uphold the principle of the victim's informed consent and control over decisions related to forensic examinations, reporting, treatment, referral and medical records (paragraph 158);
 13. ensure wider levels of awareness among the professionals concerned of the harmful effects of witnessing domestic violence on children and provide access for child witnesses to appropriate, age-specific support services (paragraph 163);
 14. take measures, including legislative amendments, to enable an effective response of law enforcement bodies and the judiciary to violence against women, by:
 - a. addressing the absence of effective civil remedies against any state authority that has failed in its duty to take the necessary preventive or protective measures within the scope of its powers (paragraph 172);
 - b. ensuring that the competent courts are under a duty to consider violence against women when determining custody and visitation rights and to assess whether such violence would warrant restricting these rights (paragraph 188);
 - c. improving and developing further risk-assessment and management procedures in all cases of violence against women covered by the Convention and ensuring their wide dissemination within all statutory agencies involved in dealing with such cases, while considering introducing a system to analyse retrospectively all cases of gender-based killings of women (paragraph 233);
 - d. making emergency barring orders accessible to victims of all acts of domestic violence and restraining/protection orders available to victims of all forms of violence against women, while improving procedures to effectively implement and enforce these and other available protective mechanisms (paragraph 241);
 - e. amending the legislation to make it conform with the rules regarding ex parte and ex officio prosecution set out in Article 55, paragraph 1 of the Convention (paragraph 245);
 15. uphold its obligation to respect the principle of non-refoulement of victims of violence against women, including by ensuring that the human rights of victims rescued at sea are never put at risk because of disagreements about disembarkation (paragraph 277);
- B. Requests the Government of Italy to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 30 January 2023.
- C. Recommends that the Government of Italy take measures to implement the further conclusions of GREVIO's Baseline Evaluation Report.