

**Implementation of the
Istanbul Convention
in Italy.**

Upcoming recommendations of the Committee of the Parties in respect of Italy

**SHADOW REPORT TO
THE ISTANBUL CONVENTION MONITORING MECHANISM**

BY the ITALIAN DISABILITY FORUM

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The **Italian Disability Forum (Forum Italiano sulla Disabilità - FID)** is an Italian not-for-profit DPO, full member of the European Disability Forum (EDF), representing the interests of persons with disabilities in Italy. It is composed exclusively of national organizations of persons with disabilities and their families. Its aims are to fight for the recognition, promotion, and protection of the human rights of persons with disabilities, as well as for non-discrimination and equal opportunities. Since its establishment, the Italian Disability Forum has participated in all initiatives and activities carried out by EDF.

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Introduction

In December 2018 the Monitoring Working group of the Italian Disability Forum – FID has sent to GREVIO its consideration on the implementation of the Istanbul Convention in Italy. In its document were raised several issues that remain valid today for the current review process. We will focus on a few key and urgent points that are the FID's main concerns on the Italy Istanbul Convention implementation. While the State party submitted information (following document IC-CP/inf(2022)5), many of the Recommendation to Italy with document IC-CP/Inf(2020)2 related to women with disabilities, remain incomplete and unfulfilled.

We, however, want to start our Shadow Report by pointing out that something is moving in giving attention to victims with disabilities of gender-based and domestic violence. There is still much to be done but we want to bring a positive fact to light with an official statement from [OSCAD](#) a Governmental Agency that gives us hope. On 3rd December 2022, light has finally been shed on a neglected and often submerged phenomenon:

[...] Violence against women with disabilities is an even more worrying phenomenon since the victims, in their capacity as women and persons with disabilities, experience a double discrimination that exposes them to additional and peculiar forms of violence¹[...].

The OSCAD data, few in number, recorded in the two-year period from 1 October 2020 to 30 September 2022, represent the peak of the iceberg of a phenomenon that conceals stories that are difficult to tell, such as that of a young woman with a severe intellectual disability who, admitted during the pandemic COVID 19 lockdown in a health facility, suffered repeated sexual violence by a caregiver entrusted with her care, violence that was never discovered or reported until the defenseless girl became pregnant. Or the not infrequent case of a woman with psycho-social disabilities, a young woman, who had been imprisoned for many years in an institution and underwent an abortion by request of her Support Administrator, endorsed by the Tutelary Judge and against the will of the woman and of her family.

So many different stories but all showing that *“the violence perpetrated against them is particularly odious because it is almost always invisible and hidden, occurring in care and assistance contexts or in any case within relational environments in which the victim - because of her disability - is often considered incapable of making autonomous decisions, unreliable, unfit to build an autonomous affective and sexual life”².*

Waiting for declarations to turn into concrete policies, actions, and **give visibility to victims with disabilities**, we compiled this Shadow Report underlining our main concerns on the implementation in Italy of the Istanbul Convention.

We also read Italy's answers to IC-CP/inf(2022)3 sent to Grevio and at some points our Shadow Report focuses on those answers.

And again, for this reporting, the Monitoring Working group of the Italian Disability Forum – FID has participated in the drafting of the Shadow Report of women's associations on the implementation

¹ OSCAD. Report “Women with disabilities victims of violence: <https://www.interno.gov.it/it/notizie/donne-disabilita-vittime-violenza-nel-report-oscad-fenomeno-poco-raccontato>

² § Ibidem: https://www.interno.gov.it/sites/default/files/2022-12/la_violenza_contro_le_donne_con_disabilita.pdf
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of the Istanbul Convention in Italy. A collaboration that marks the sisterhood between women, of all ages, social backgrounds, personal conditions, religions, ethnicities, in the fight against violence.

Chapter I - Purposes, definitions, equality and non-discrimination, general obligations

Article 4 - Fundamental rights, equality, and non-discrimination

Italy does not implement without discrimination the provision of the Istanbul Convention as the implementation of the **National Strategic Plan on Male Violence against Women 2021-2023**³ is **awarded to the regional level of governance**, while the National Plan is the reference for drafting regional legislation, policy, and actions. All the Italy regions have adopted legislation, but some have regulated just some issues, such as the Regional Observatory but not a general legislation on prevention of and protection from gender violence. Some approved Guidelines but not comprehensive regional plans. Only few regional plans mention intersectional discrimination. Some just foresee regional plans.

As regard the measures to prevent and combat violence against women who are exposed to intersectional discrimination only few out of existing regional plans or Guidelines mention intersectional discrimination of fragile women or women with disabilities. **Disparities among regions create inequalities and discrimination of girls and women with disabilities on a territorial basis.**

No clear specific commitments are taken nor operational indications are given so far both at national and regional level **concerning awareness-raising actions** targeting disadvantage/marginalized groups (such as women with disabilities) who are victims of gender-based violence but planning to engage. As regards the support and assistance facilities, we underline their **environmental/physical, attitude, and communication inaccessibility** to woman and girls with disabilities. Awareness-raising and prevention campaigns, if any, do not target girls and women with disabilities, especially those with intellectual and/or psychosocial disabilities. *See Article 13 Awareness-raising.*

Discrimination

Focusing on the issue of non-discrimination, we must point out that **the right to be equal before the law**⁴ is not fully guaranteed to women with disabilities, included those with intellectual and /or psychosocial disabilities.

In fact, the State party Italy affirms that **the right to equality before the law is enshrined in the Italian Constitution**, and that, consequently, the **Italian legislation does not allow disability-based discrimination in the field of legal capacity**. Nevertheless, the same national legislation still allows the withdrawal of legal capacity based on the *“inability of a sound mind”*. To date legal institutions of interdiction and incapacitation, based on the assumption of the existence of individual conditions of the total or partial inability of sound mind, are still in force. The legal institution of the Support

³ <https://www.pariopportunita.gov.it/it/politiche-e-attivita/violenza-di-genere/piano-strategico-nazionale-sulla-violenza-maschile-contro-le-donne-2021-2023/>

⁴ Under the UN CRPD art. 12 ; CRPD General Comment n. 1 and CRPD General Comment n. 3

Administrator has been regulated in 2004 with Law 6/04⁵. According to this law, the Support Administrator supports persons with limited/impaired capacity for action.

Both the legal institutions of interdiction/incapacitation, that are still in force, and the current legal institution of **Support Administration are based on a concept of protection in the best interest** of the person, in contrast with art. 12 of the CRPD, which disposes of the **recognition of the full legal capacity** of all persons with disabilities **without exceptions**, as well as **for the provision of support to decision making in the respect of the person's will**.

Today, much evidence shows how the current legal system also lends itself to **configuring situations of arbitrary suppression of the rights of vulnerable persons, an outright violence**. There are several stories, few of which have come to light thanks to the Associations, of people who have had to and still must come to terms with the **degeneration of this institution of protection, and with many other forms of systemic discrimination that heavily affect their lives**. The story of Ms. Alice⁶ who continue to experience segregation because of her cognitive disability or Ms. Yaska⁷ a young woman with psychosocial disability who, in addition to segregation, experienced forced abortion. Women who were subjected to the decisions of the Administrators against their will and with a judgment of the Tutelary Judge. A Tutelary Judge who did not consider it necessary to take their will and preferences into account.

Intersectional discrimination⁸

The intersectional discrimination affecting women with disabilities takes on a further peculiarity in the Italian legal system in that **gender policies and consequently gender legislation** travels on a parallel track with disability policies and legislation, without ever meeting, thus **failing to intercept the specific needs of women with disabilities**. The recognition of a new form of discrimination must necessarily be incorporated into language and laws. It is therefore necessary that the intersectional approach be studied, developed, and therefore also assumed in the Italian legal system, as the only suitable tool for effectively combating intersectional discrimination affecting women with disabilities, implementing the efforts of the legal system aimed at guaranteeing them real equality and the effective exercise of their rights.

Recommendation:

- To foster the adoption of comprehensive regional plans and detailed implementation programs on gender-based violence across all regions
- To include specific reference to inter-sectorial discrimination of women and girls with disabilities, specific remedies, and sanctions in anti-discrimination legislation at both national and regional level.

⁵ <https://www.gazzettaufficiale.it/eli/id/2004/01/19/004G0017/sg>

⁶ <http://www.informareunh.it/storia-di-alice-un-altro-caso-di-cattiva-applicazione-dellamministrazione-di-sostegno/>

⁷ <http://www.superando.it/?s=yaska&submit=Cerca>

⁸ The UN CRPD, Italian Ratification with Law No. 18 of 2009, in Article 6 while recognizing that women with disabilities are subject to multiple discrimination, however, no definition of this expression is given. Intersectional discrimination occurs when discrimination is based on several factors that interact with each other in such a way that they can no longer be distinguished and separated. The resulting consequences are inseparable and can only be assessed because they form a new discrimination, which is no longer merely the sum of the effects resulting from the individual factors involved.

- To actively involve girls and women with disabilities and their representative organizations in a close cooperation to ensure that services (including shelters) and information for victims are made accessible considering disability needs and appropriate accommodations.
- Ensure that there is no exception made in the implementation of the Convention based on legal capacity.
- Ask the State Party to repeal of all laws that permit substituted decision-making by legal guardians.

Chapter II – Integrated policies and data collection

Article 7 – Comprehensive and co-ordinated policies

In November 2021 the Department for Equal Opportunities of the Presidency of the Council of Ministers approved the National Strategic Plan on male violence against women 2021-2023 and **delegates the implementation procedures to a subsequent plan which has not yet been presented**. Some references consider women with disabilities, but **concrete actions to implement the measures contained in the plan are lacking** on:

- The adoption of a document that **identifies the most vulnerable groups**, such as women with disabilities, and **defines the concept of violence in all its forms**.
- The adoption of official and **homogenous codes or guidelines** for the prevention and contrast of harassment, abuse, and sexual exploitation with reference to the most vulnerable women such as disabled women, older women, migrant women
- The activation of **actions to highlight the phenomenon and to contrast** the violence against women victims of multiple discrimination as campaign with specific awareness-raising interventions aimed at fragile categories such as older women and disabled women who are victims of gender-based violence.

In the Area Protection **are lacking concrete measures** for the implementation of collaboration between Helpline number 1522, anti-violence centers, houses shelter, law enforcement agency, territorial networks, and the judicial system supporting women with disabilities when approaching the helpline 1522.

In the Assistance and Promotion Axis, is **not yet activate** the Agenda of meetings every six months **to oversee the implementation** of the 2021-2023 National Strategic Plan to consider *the transversal nature of some issues such as disability and immigration*.

Again, the priority "Implementation of the Integrated Information System: collection and analysis of data on the phenomenon and on the various articulations" **forget to mention to disaggregate the data** also **according to persons with disabilities** while is the lack of specific statistical data that makes violence against women with disabilities invisible and prevents to plane targeted activities and services.

About the mapping of anti-violence center and shelter for the previous guideline, **accessibility is not required** so victims of violence with disabilities don't have adequate access to the services.

In Priority "Communication of the Assistance and Promotion Axis" **women with disabilities are not expressly mentioned.**

Furthermore, **references to women with disabilities are missing in the Axis to Prosecute and Punish perpetrators**, which includes the whole matter of **access to justice**, an area in which women with disabilities are frequently discriminated and exposed to secondary victimization.

It should be noted that violence is not addressed under disability policies framework as if violence against girls and women with disabilities does not belong in disability policies. In practice there is a big gap in prevention, protection, and sanction in these policies.

Recommendations:

- To mainstream gender perspective in the development and the implementation of laws, actions and programs concerning disability, as well as disability perspective in the development and the implementation of laws, actions and programs concerning gender equality.

Article 8 – Financial resources

The Decree 22 September 2022 of the Council presidency, Department of Equal Opportunities, concerning the distribution criteria of National Funds to the regions, does not include any specific actions in favor of women and girls with disabilities.⁹

Recommendations

- To include in the distribution criteria of national funds to combat gender-based violence to the regions the prevision of specific actions in favor of women and girls with disabilities, for example to ensure accessibility, reasonable accommodation and procedural accommodation are provided. Also, for the development of targeted trainings, campaigns, etc.

Article 9 – Non-governmental organizations and civil society

While it is true what the Government has stated in answers 7.1 and 12, that on 19 July 2022 two Observatories were set up with a Technical Scientific Committee (CTS) on both Gender Violence¹⁰ and Gender Equality¹¹ it should be noted that are present the Ministry of Disability, representatives of Anti-Violence Centers, and Women's Associations **but no Association representing persons (women) with disabilities are present.** In contrast to the CRPD art. 4, par 3 and CRPD General Comment no. 7¹² on the participation of persons with disabilities.

⁹ <https://www.fiscoetasse.com/normativa-prassi/13197-riparto-fondi-centri-antiviolenza-2022.html>

¹⁰

https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2022-05-13&atto.codiceRedazionale=22A02862&elenco30giorni=true

¹¹

https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2022-03-30&atto.codiceRedazionale=22A01988&elenco30giorni=true

¹² <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no7-article-43-and-333-participation>

Article 10 – Co-ordinating body

National Networks of Organizations of Persons with Disabilities are not involved everywhere at regional level in steering committees or elsewhere in designing and implementing regional policies and plans (where they exist).

Recommendations:

- To recognize and value the cooperation of NGOs representing women and girls with disabilities in designing, implementing, and monitoring legislations, policies, and actions on gender-based violence.
- To provide to them the financial support needed to be actively and effectively involved.

Article 11 – Data collection and research

Since 2014, **no new data on violence towards women and girls with disabilities have been collected or published by ISTAT (National Institute of Statistics)**. The shortage of data, statistics, and research on women with disabilities **does not highlight the inter-sectorial discrimination** that girls and women with disabilities undergo in all areas of their lives and the consequent lack of adoption of effective policies, adequate legislative measures of protection against violence and abuse. In the field of violence and abuse, the available statistics still do not report data on girls and women with disabilities.

Thus, **data collection is essential to better understand and monitor the phenomenon**, it's also an important tool for **understanding which political interventions are the most effective**, for making choices on prevention and contrast and for effectively directing the funds available. Last year, Parliament approved the “*Law 53/2022 Provisions on gender-based violence statistics*”¹³ and from January 1 of this year this law began to be applied. The law had imposed some general obligations to collect data on gender-based violence on public and private offices, entities, bodies, and subjects participating in official statistical information, on the National Statistical Institute (ISTAT), to the Ministry of the Interior, the Ministry of Justice, and Ministry of Health. It establishes that all subjects participating in official statistical information must process and disseminate data relating to people disaggregated by men and women **but not by gender and disability**. All this even though in the last legislature, the government had undertaken to include data collection also by gender and disability in the aforementioned law, following the unanimous approval in the Chamber of Deputies of an [Order of the Day](#).

The indirect data about high number of the cases of discrimination against persons with disabilities come from the report of the Franco Bompreszi antidiscrimination center from the Ledha of Milan that report in 2021 1062 cases of discrimination registered and in 2022 945 cases¹⁴.

Only [Women's Organizations](#) and [Organizations of women with disabilities](#) have carried out specific research on the phenomenon of violence against girls and women with disabilities.

COVID

In response to the emergency generated by the coronavirus epidemic, ISTAT (National Institute of Statistics) has set up a dedicated web page ([Emergency COVID 19](#)), where indicators useful for

¹³ <https://www.gazzettaufficiale.it/eli/id/2022/05/24/22G00062/sg>

¹⁴ See https://www.ledha.it/allegati/LED_t_documenti/351/FILE_Documento_RelazioneCAFB_2021.pdf and https://www.ledha.it/allegati/LED_t_documenti/367/FILE_Documento_RelazioneCAFB_2022.pdf.

assessing the impact of the virus are progressively made available. According to it, the emergency has increased the risk of violence against women as violence often takes place within the family, and the social distancing regulations introduced to contain the contagion have proven to be an obstacle to the sheltering of victims, an activity that nevertheless continued during the reporting period.

According to data collected, there are several possible scenarios which may also be coexisting and differently interrelated. The observed scenario indicates the increase of new cases, the increased severity, the increase of requests for help for violence. Since **there are no specific references to women with disabilities**, we can only assume that violence also increased for victims with disabilities.

To measure violence against women, ISTAT has promised to conduct in spring 2022 a new edition of the 2014 ['Women's Safety'](#) survey. A survey provided for in the Agreement with the Department for Equal Opportunities of the Prime Minister's Office. Nothing is known about this *spring action*, not even if it was activated. The only certain element is given that the same criteria as in the 2014 survey were used, the first and only survey on the phenomenon. Well, in that 2014 survey, **the need to survey the phenomenon on women with disabilities is totally absent**.

Poverty

The condition of disability is a cause and effect of poverty, exclusion, and discrimination¹⁵. Violence is also closely linked to poverty when it prevents the victim woman from escaping violence. Often some laws provide for special benefits for persons with disabilities or specific benefits for families with a child with disabilities. It would be useful for planning and monitoring the effectiveness of these measures, to collect data on the national anti-poverty policies (Citizenship Income) or on the national policies to support demographic development (Universal Single Allowance). Well, these data are not collected and when they are collected are not disaggregated by gender and by gender and disability.

Recommendations:

- To further foster and implement data collection and provide statistics on gender-based violence on women and girls with intellectual or psychosocial disabilities, those living in institutions, and on the occurrence of forced sterilization.
- To develop systematic investigations and research studies on inter-sectorial discriminations affecting women and girls with disabilities, on their participation in social life and their access to equal opportunity in all areas of life
- To collect disaggregated data also by gender and disability to make possible to describe the phenomenon of violence against women with disabilities and implement targeted policies and programs for this target.
- To collect data on the accessibility of anti-violence centers and shelter, to make possible the elimination of the various barriers that these women continue to find in accessing services, perpetuating a situation of discrimination.

¹⁵ https://www.quotidianosanita.it/studi-e-analisi/articolo.php?articolo_id=109769

Chapter III – Prevention

Article 13 – Awareness-raising

Awareness-raising and prevention campaigns, if any, **do not include or target girls and women with disabilities**, especially those with intellectual and/or psychosocial disabilities and living in institutions. There is no information provided in "easy-to-read" or "easy-to-understand" format and no reference in videos, spots and/or written communication regarding situations that can involve girls or women with sensorial disabilities, physical disabilities, intellectual and/or psychosocial disabilities. Girls and women with sensorial disabilities are also not benefiting from these campaigns because their disabilities are not supported with appropriate languages and tools (sign language, subtitles, audio descriptions, braille format, etc.).

Also for this Shadow Report we have to remark that **awareness raising activities and / or campaigns are mainly conducted [by associations dealing with disabilities \(DPOs\)](#)**- *DPO* aka *Disabled People Organization*- and by newspapers and social media dealing with disabilities or, more generally, with social issues. In second place are associations dealing with violence against women. More rarely, Institutional bodies and generalist newspapers.

The analysis of the articles on violence against women with disabilities shows that the Associations of Persons with Disabilities (DPOs) at the national and international level point out the lack of consideration of women with disabilities, and always urge the necessary implementation of the United Nations Convention on the Rights of Persons with Disabilities and the Istanbul Convention, as well as the consequent harmonization of national legislation with the Conventions. On the contrary, in the contexts of policies and legislation, which is timidly beginning to become aware of the special situation of girls and women with disabilities, there is not only an absence of awareness, but at the same time a lack of reaction to the constant reminders from the world of associations. Rare are the moments [when the two worlds \(associations and politics\) meet](#), always and only at a local level, never at a national level, giving rise to experiences, operational tools and virtuous practices for taking charge of girls and women with disabilities who are victims of violence.

Recommendations

- To organize awareness raising actions and campaigns to foster overcoming prejudice and stereotypes on women with disabilities

Article 14 – Education

With the approval of the so-called Good School law, Law n. 107/2015¹⁶ of the reform of the school system, the article 1 paragraph 16 has inserted a regulatory provision to implement the principles of equal opportunities by promoting education on gender equality, the prevention of gender-based violence and **all forms of discrimination** in schools. The aim of this Law is to inform and raise awareness among students, teachers, and parents on the fight against gender-based violence. It is not clear whether monitoring processes of the effectiveness of these educational pathways have been activated. In any case there are no references to girls with disabilities¹⁷

Recommendation

¹⁶ <https://www.gazzettaufficiale.it/eli/id/2015/07/15/15G00122/sg>

¹⁷ www.noisiamopari.it

- To invest in education programs for affectivity and diversity, to transmit models that are respectful of the other, to recognize and to overcome barriers due to **gender and disabilities**, to encourage the open-mindedness of tomorrow's citizens.

Article 15 – Training of professionals

There are few positive examples like [ADV \(Against Domestic Violence\)](#) that is a departmental research center (Department of Sociology and Social Research) of the University of Milano-Bicocca which aims to produce and disseminate knowledge on domestic violence and all forms of violence against women ; offer training on the subject to students, operators and professionals working in the field of preventing and combating violence against women; exchange information and good practices between Italy and other countries, in particular the United Kingdom.

They organize seminars and specialization courses to "Train operators to combat gender-based violence" offered to students of degree courses belonging to the Departments of Sociology and Social Research, Medicine and Surgery, Psychology, Human Sciences for Education and at the School of Economics and Statistics. **The topics concerning women with disabilities are also developed within these courses:** are there higher risks of suffering violence for women with disabilities? Why is this violence difficult to know and recognize? What are the main obstacles for the prevention, emergence, and contrast of the phenomenon?

Very different is the situation about training of law enforcement officers on the gendered nature of violence against women and its consequences, which is hardly applied.

Recommendations

- To provide a specific training program for all operators involved such as judges, lawyers, but also social workers and law enforcement officers.
- To promote inside the training course focused on violence against women, a specific module addressed to the violence against women and girl with disabilities for all professionals related to violence (lawyers, judges, police, social workers, DPOs, etc.)

Article 17 – Participation of the private sector and the media

In the 2018 submission to GREVIO, FID wrote that: *“No attention to the phenomenon of violence on girls and women with disabilities is given by media whether private or public. The National Communication Authority (AGCOM) does not foresee in its regulation, analysis, and monitoring action any specific reference to girls and women with disabilities”*. Unfortunately, **nothing has changed but for the worse.**

Persons with disabilities are at higher risk of being victims of actions and words of hatred even in the digital world, as already confirmed by the seventh intolerance map by [VOX - Italian Observatory on Rights](#), which photographs online hatred were women remain the most affected category, along with persons with disabilities, and indeed here is the latest shocking example.

Sdrumox, pseudonym of Daniele Simonetti, is a le very active on Youtube. Last January in a video, now removed, he targeted persons with disabilities, especially girls with Down syndrome, with obscene and offensive words. If the Net is now for many a job and a career, a scene with an often very large audience, for one more “like” the provocation, insult is often functional for this purpose.

And to monetize this visibility, many are also prepared to tread on person's dignity, turning the weakest into easy targets.

A similar incident had occurred in November 2022 during an episode of Muschio Selvaggio (Wild Musk) with Fedez, Luis Sal and Emanuel Cosmin Stoica (the latter, a tiktoker with disabilities). Here too, [a message had been cleared through irony, implying the idea of a woman as an object, in a subordinate position to men](#), accompanied by prejudices and stereotypes about persons with disabilities and women with disabilities. These examples fuel the culture that leads to gender violence and sexual violence, to which women with disabilities are even more exposed.

If the Sdrumox video was removed the episode 104 of Wild Musk [“Let's discover the world of disability with....\)”](#) is still online.

Recommendations

- To promote radio and tv programs in the public and private broadcasting focused on the rights of women with disabilities and on the risk of violence in all form, including cyber violence and harassment, and respect of their human rights.
- To ban in social media platform violent contents that target women with disabilities

Chapter IV – Protection and support

Article 18 – General obligations

The dramatic persistence of cultural prejudices and sexist stereotypes in courtrooms, in media representation, in the broader social context leads to the re-victimization of women who have suffered violence, exposing them to further trauma and hindering the assessment of procedural truth. "Secondary victimization" consists in living again the conditions of suffering to which the victim was subjected and manifests itself, not infrequently, in the fact that the woman is not believed. In case of women with disabilities who have reported the violence they suffered, **further discrimination is found** during the child custody proceedings, following the complaint in penal office. Women with disabilities are often subjected to assessments of their parenting skills without considering the condition of disability, instead using standard parameters in an undifferentiated way with consequent negative results. Women with disabilities who turn to anti-violence services often have cognitive or intellectual and psychiatric difficulties but are not taken into due consideration by the institutions, which should provide the necessary support to better exercise the role of mother, keeping their children with them.

Although **women with disabilities are among the victims of gender-based violence most exposed to secondary victimization**, also in relation to their role as mothers, **in the recent report** entitled "Secondary victimization of women who suffer violence and their children in proceedings governing the 'custody and parental responsibility' of the Parliamentary Commission of Inquiry into femicide and any other gender-based violence of May 2022, women with disabilities appear completely and seriously ignored.

Once again, are the [Associations that take it upon themselves to identify the phenomenon, understand it and analyze it.](#)

Recommendations

- Provide support to women with disabilities who are victims of violence already at the complaint stage
- Develop programs and measures to eliminate the prejudices of service personnel (police department, social services, judiciary services) in child custody proceedings
- Collect disaggregated data also by disability on the phenomenon of secondary victimization

Article 20 – General support services

The general support services for women with disabilities affected by violence frequently not have enough knowledge to work with this target group. It is necessary introduce appropriate tools for understanding the condition of women with disabilities and permit a better practical and psychological support.

Recommendations

- Introduce in the services well trained peer counselling staff to support the women with disabilities affected by violence, to support in appropriate way the victims and to favor a better elaboration of the negative events

Article 24 – Telephone helplines

The 1522 is the Public Utility Number promoted and managed by the Department of Equal Opportunity (Dipartimento Pari Opportunità) at the Prime Minister's Office. Information collected by the Public Utility Number Against Violence and Stalking provides evidence related to monitoring the phenomenon of domestic violence, especially with respect to the trend of requests for help.

ISTAT (National Institute of Statistics) carried out an analysis of the data contained in the dataset of the [help line 1522 during the pandemic period \(March-June 2020\)](#). **The number of both telephone and chat calls** in the period between March and June 2020 more than **doubled compared to the same period of the previous year** (+119.6%), going from 6,956 to **15.280**. The increase in chat help requests has increased fivefold from 417 to 2,666 messages. In addition to requests for help from victims of violence (4,899 calls, or 32.1% of all valid calls), calls for information on the type of services offered since 1522 also increased (3,655, or 23.9%). Table 7 shows that out of a total of 15.280 calls, only **255 were reported as made by victims with disabilities**. This figure, however, cannot be linked to the numerous other tables that go into the details of the typologies analyzed. Also worrying is the **impossibility of recording data on the presence of children and minor children with disabilities who are victims of witnessing violence**. See Tables 17 and 18 of the ISTAT Report.

Moving to the Report for the [III° Quarter 2021](#) published in November 2021 data on **the presence of disabilities in 1522 calls is no longer present**, nor is data on the disability of children and minor children who are victims of witnessing violence. For the [fourth quarter of 2022](#), the **same invisibility of victims with disabilities** and of children and minor children with disabilities who are victims of witnessing violence.

Article 25 – Support for victims of sexual violence

It is worth mentioning that only the Civil Society Organizations CSO, on their own or in cooperation with DPOs, have implemented projects to support disabled victims of sexual violence. Some of these projects involved marginally public bodies.

It is called [FuTuRE](#) (*Fostering Tools of Resilience and Emersion of GBV with intersectional perspective*) the European project promoted by the **Differenza Donna Association**, as lead partner, in partnership with the **University of Tuscia** in Viterbo and **La Sapienza University** in Rome, financed with the funds [CERV](#) (*Citizen, Equality, Rights and Value*). It provides for the updating and strengthening of procedures and methodologies for assessing the risk of reoffending and self-assessment of intimate partner violence from an **intersectional perspective**, to pay **adequate attention to multiple discrimination**, those based on multiple factors, which also affect, among others, **women with disabilities**. The initiative also takes due account of the critical issues that emerged during the Covid pandemic.

Among the different activities implemented under the project [BeSafe! Gender Disability and Violence during Lockdown](#), conducted by **the University of Brescia and the University of Ferrara**, the **Guidelines** called [Genere, disabilità e violenza. Linee Guida per l'accessibilità dei servizi di assistenza e supporto alle vittime di violenza](#), (Gender, disability and violence. Guidelines for the accessibility of care and support services for victims of violence) an operational tool that can be freely downloaded and presented in December 2022.

In July 2022 another Association [MondoDonna](#) produced the Guidelines [Accorciare le distanze \(Shorten distancies\)](#) for the taking care of women with disabilities who have suffered violence and multiple discrimination.

These virtuous examples provided by Civil Society mark Italy's absence in fulfilling its obligations under the Convention. An absence that we can count among the many reasons for the invisibility of women with disabilities in the Government's actions to combat violence.

Article 26 – Protection and support for child witnesses

While it is important to recognize that most victims of domestic violence are women, it is equally important to underline that [many children are also victims of domestic violence](#). In other cases, they are not the direct targets of this violence, but witnesses, and can equally suffer from it when orphaned by femicide for instance. In that scenario, if there is no family network, means must be found to assure their protection and provide them an adequate home and life.

Children with disabilities living in condition of domestic violence are the least listened to and the least seen. The abuse suffered by these children, de facto, is a phenomenon widely underestimated.

Children with disabilities (autistic children, with tetraplegia, deaf, blind, deaf-blind, children with intellectual disabilities...) may have great difficulty in expressing themselves and very few opportunities to explain their suffering, such as hunger, pain, discomfort to adults.

Child victims or witnesses of domestic violence are often not taken away from their abuser (mostly father). They can also be separated from their mother in the name of the child's "best interest". A very careful balance is essential and is needed to be struck in such cases. Services such as shelters should be adequately equipped to provide support to children with disabilities who accompany their mothers. It is also essential to prevent their further institutionalization, that may lead to long-term seclusion from society.

Recommendations

We adopt the same [recommendations of the EDF](#) on the subject:

- Support awareness and acknowledge about children -and especially girls with disabilities- as primary victims of domestic violence.
- Improve the quality of the protection and specialized support services, considering the disability of the children and their wellbeing.
- Create or develop accessible shelters and appropriate psycho-social counselling.

Article 28 – Reporting by professionals

There is a serious problem that marks the phenomenon of violence against women with disabilities, i.e., the existence of a considerable amount of undeclared violence. The reasons why victims tend not to report what has happened to them can be traced back to shame and guilt, fear of not being believed, lack of awareness of being a victim, difficulty in remembering and/or communicating the violence. On the part of those who might detect violence or must receive a report there remains an ignorance to know and recognize the physical and behavioral signs in women with disabilities who are victims of violence and the presence of stereotypes about women with disabilities.

Recommendation

- To obtain a figure as close as possible to the real case history by making changes to the survey system to have, soon, a monitoring of the phenomenon that, with the current research tools, cannot be assessed in its true dimension.

Chapter V – Substantive law

Article 33 – Psychological violence

Article 34 – Stalking

Article 35 – Physical violence

The results of surveys conducted by Women's Organizations and DPOs on the phenomenon of psychological and physical violence and stalking are confirmed by the [OSCAD Report “Women with disabilities victims of violence](#). In addition to the forms of violence considered by these three articles of the Convention, when they affect women with disabilities, have further specific characteristics linked to the disability condition itself. For example, as stated by OSCAD, pharmacological abuse, denial of essential care, denial of autonomy aids. As investigations have already shown, this violence often comes from persons close to the victims as family member, partner or ex-partner, a friend, a teacher, a health worker, or a caregiver.

Article 36 – Sexual violence, including rape

Even though **women with disabilities are more exposed to violence of sexual, physical, and psychological nature there is no reference to them in the Law n°66 of 15th February 1996 “Rules against sexual violence”¹⁸, but only a general aggravation of punishment for the violence committed against persons with disabilities regardless of gender.** We can hypothesise that **the lack**

¹⁸http://www.solideadonne.org/pdf/legislazione/scheda_legge_66_1996.pdf Beneficiaries of the law are men and women, adult or minor, obliged to perform and suffer sexual acts. Special protection is given to children.

of legislative reference is at the basis of a complete absence of information regarding violence and abuses suffered by women with disabilities in Italy.

Today, DPOs investigated this phenomenon and [FISH Onlus](#) developed a specific investigation called *“The violence against women with disabilities: facts and figures”*.

The isolation and confinement, in particular the measures taken during the quarantine COVID 19, had a disproportionate impact on women with disabilities, both in institutional settings and at home, enhancing the risk of violence, and therefore heightening the need for protection against this. A sad example, **a rape that occurred to a girl with severe intellectual disability in a residential facility in September 2020, during the quarantine, when the facility was locked to visitors.** The rape was discovered by chance as the girl got pregnant.¹⁹

Another [horrific example happened last January 2023](#) in a female long-stay psychiatry ward of the Don Uva Institution in Foggia. At least 25 confirmed victims, all women with physical or intellectual or psychosocial disabilities, aged between 40 and 60. These are the alleged offences: aggravated ill-treatment, kidnapping, **sexual violence** (against two guests of the facility), personal aiding and abetting (the latter took the form of an attempt by some suspects to identify the bugs and cameras installed by the Carabinieri to ascertain the violence perpetrated in the facility). 15 persons were arrested, including health workers (nurses and OSS), educators, and auxiliary staff; the same number were subjected to other precautionary measures: 13 were banned from residing and 2 from approaching the victims.

These examples bring to light that in addition to their state of vulnerability and isolation, the risk factors for women with disabilities are their limited capacity to defend themselves and escape, to ask for help and to be believed. Moreover, their need for assistance places them in a condition of dependence and submission, increasing the risk that violence remains concealed even in the face of her fear of losing this assistance. Another element of risk is the difficulty, if not incompetence, of the person receiving the request for help or the complaint to recognize it as a form of violence and therefore to document it adequately.

[Article 39 – Forced abortion and forced sterilization](#)

Women and girls with disabilities are still confronted with many forms of discrimination in all areas of life. Because of myths, stereotypes, and lack of knowledge of disability, they **face discriminatory treatment and abuses that particularly affect their sexual and reproductive health and rights**, with important and sometimes irreparable consequences on their lives. **Menstrual management forced sterilization, forced contraception, and coerced abortion** are just some examples of denial of rights that many women and adolescents with disabilities suffer, without giving their consent or fully understanding the intentions. **Women and girls with high support needs, intellectual or psychosocial disabilities, women who are deafblind and those with multiple disabilities, and those living in institutional settings are particularly vulnerable to such abuses.**

In Italy, legal guardianship is still in force and often automatically applied to women with disabilities, especially with intellectual and/or psychosocial disabilities. Both the legal institutions of interdiction/incapacitation, that are still in force, and the current legal institution of Support

¹⁹ <https://www.lasicilia.it/news/cronaca/365594/troina-la-violenza-shock-su-una-disabile-scoperta-perche-la-ragazza-e-rimasta-incinta.html>

Administration are based on a concept of protection in the best interest of the person, in contrast with art. 12 of the CRPD, which disposes of the recognition of the full legal capacity of all persons with disabilities without exceptions, as well as for the provision of support to decision making in the respect of the person's will.

There is an emblematic example concerning a young woman cited in introduction. Yaska is a woman with psychosocial disabilities who was institutionalized against her will in 2015. She is still segregated and has no say in any aspect of her life. The services claim this treatment is therapeutic, without realizing that institutionalization is a form of systemic violence against persons with disabilities. She is [an example of systemic, gender-based and ableist violence](#). We are speaking about the imposition of measures to prevent/inhibit the expression of sexuality, of an abortion performed without her consent, of several incidents of sexual abuse carried out by two in-patients of the facilities where the woman was accommodated. There are also acts of intimidation, followed by complaints to the Criminal Court, against her partner and her family members who could support Yaska in her life story.

Italy, in its n. 29 answer to IC-CP/inf(2022)3 relating art. 52 and 53, did not consider forced abortion and sterilization as a form of violence to be opposed, as if it did not exist. These practices exist and are conducted in the omertous silence of families who collude with complacent doctors disguising these operations as appendicitis, ovarian cysts, etc.. They are also officially requested by guardians with the approval of Tutelary Judges

Chapter VI – Investigation, prosecution, procedural law, and protective measures

These comments are made after the reading of the Italy's answer to question n. 22, 24 and 25 of the IC-CP/Inf(2020)2 . Comments concerning the difficulties of all women victims of violence to feel protected by the Italian justice system. For girls and women with disabilities even more barriers in accessing justice.

General Remarks

In general, the government's answers are reported with errors of both form and substance.

Apart from the repetition of exactly double phrases, reference is made to the reform of the Civil process, forgetting the Criminal reform and vice versa, lumping the two processes together indiscriminately and forgetting the distance between the declarations of principle of the rules and their actual application.

About the Istanbul Convention Chapters V and VI, the government reports the reforms adopted in 2019 (Law n. 69/2019 so called Codice Rosso)²⁰ and in 2022 (Legislative Decree n. 149 of 10 October 2022 so called Riforma Cartabia)²¹. A system that is not yet in place is reported as relevant. We cannot fail to point out that the Cartabia Reform²² came into force on 28 February 2023, and the

²⁰ <https://www.gazzettaufficiale.it/eli/id/2019/07/25/19G00076/sg>

²¹ <https://www.gazzettaufficiale.it/eli/id/2022/10/17/22G00158/sg>

²² The Cartabia Reform is named after the former Minister of Justice of the Draghi government, Marta Cartabia, and aims to speed up the civil trial process by intervening both on certain aspects of the trial process and by providing for a gradual increase in the digitization of trials.

reported vision is currently completely utopian as it must reckon with an administrative/organizational system that has to be changed and for whose implementation many resources will have to be invested while we are in a shortage situation. In Italy there is a shortage of 1,800 magistrates and until 2024 there will not be any new entrants to the judiciary.

- Organizational difficulties in Public Prosecutor's offices:

The “Vulnerable Groups” Office²³ works well in the preliminary investigation phase because the Prosecutor in charge of the file carries out the investigation up to the request for prosecution but becomes a “ghost” figure in the subsequent phases: already at the preliminary hearing, the presence of the Prosecutor in charge of the investigation is not guaranteed. There is only one Prosecutor who deals with all the preliminary hearings of the day, preliminary hearings which - in the absence of a specialized GIP section²⁴ - may concern crimes against the person, against the State, the property, the Public Administration, environmental, tax, narcotics, immigration offences: all crimes regulated by the Criminal Code and special laws. There are very few cases, and only in the presence of particularly complex files, in which the Prosecutor in charge of the investigation personally participates in the preliminary hearing because he/she wants to discuss it in person; this also happens when the Abridged Procedure²⁵ has been admitted.

The same situation occurs at trial, with the difference - of no small importance - that in the course of the preliminary investigation in which one must, for example, examine a woman victim of domestic violence or a victim of stalking or sexual violence, the presence of a Prosecutor from the “Vulnerable Groups” Office would guarantee a different preparation and attitude compared to a Prosecutor who is, for example, part of the Tax Crimes Office. But that is not all: if - as it often happens - there are more than one trial hearings, there is no continuity in the figure of the Prosecutor: the Prosecutor of the first hearing will not be the same as that of the second hearing and will not be the same as that of the discussion hearing either. With respect to the hearings in which a woman with disabilities is a victim, intersectional discrimination is thus transformed not only into secondary victimization, but into a further criminal violence acted out by the system against the woman with disabilities, which in fact risks not to protect her at all.

Recommendations:

The reform is substantive and revolutionary, it requires adequate resources starting with the number of justice workers, from magistrates to administrative staff to the external criminal execution offices, for which it is necessary to recruit and acquire/invest resources in the adequate number of judges as well as in the fundamental training of staff. There is also a need for a reform concerning the competence of the spending capacity, which should be attributed autonomously to the single Courts, and not centralized in the Ministry.

²³ It is a group of specialized magistrates, chosen for their aptitude and experience, who are assigned crimes of violence against women, children, and fragile persons.

²⁴ GIP: Judge for Preliminary Investigations

²⁵ The Abridged Procedure was included in the Code of Criminal Procedure to speed up justice. The defendant can obtain a discount on his/her sentence and a reduction in the duration of the trial. In return, he/she waives the provision of evidence necessary for his/her defense.

- Mediation instrument

When there is a complaint of violence, as the Istanbul Convention states, family mediation and an attempt at conciliation must be excluded. At least that is what the Cartabia civil justice reform states, but in practice this is not respected.

In fact, the Social Services²⁶ - even in the presence of a complaint of violence and even in the presence of a placement of the woman in a sheltered facility - always try the mediation route with the consequence that, if the woman refuses to participate at the mediation table, in the subsequent reports of the services that will be sent to the Juvenile Court rather than to the Ordinary Court, one will read negative evaluations of the woman for the mere fact of having refused to participate in mediation.

In addition, the woman, as revealed by numerous Court Investigations, prefers to move forward on her path of reconstruction and life project so that, in the very long Court proceedings, she agrees to withdraw the complaint and go to mediation.

Similar situations also occur before the Juvenile Court.

It is then noted the issue of the many children, and especially adolescents, who are victims of witnessing violence, who unwittingly ally themselves with the violent father, learning to have no respect for the victim, be it the powerless and weak mother, the other women in the family, all women, in general. Violence is learnt in the family, in the violent family, of course, as an automatism, since we learn everything through the behavior patterns we experience, through imitation and identification with the one who, in the first place, frightens us. Disrespect for women is learned, it is neither innate nor spontaneous. The future man learns from his father that violence and prevarication are manly and effective. That is why they, in turn, may during their lives mistreat their partners. Many women, on the other hand, having grown up in violent, abusive families, grow up with the deep conviction that threats and violence in a relationship are the norm.

Compensation for damages, letters of apologies before trial to avoid going ahead with the proceedings, must be proportionate to the offence committed.

Recommendation:

De facto, social prejudices towards women remain unchanged, and if they experience a condition of disability they will be even more so. It is therefore desirable to prohibit the instrument of mediation in cases of serious offences such as reporting gender violence because restorative justice cannot exist in such cases. It cannot be applicable for serious crimes because it is inadequate to adequately compensate the offended person, but above all for the suspect who does not understand, in this way, the seriousness of the crime committed, which could then lead to recidivism.

²⁶ Social assistance, of which social services are the instrument, encompasses a range of activities aimed at providing benefits, normally free of charge, to eliminate economic and social inequalities within society. Social services are mainly provided by the public administration

- Hearings of minors

The world of expertise opens. Regarding the hearing of minors both with and without disabilities, psychologists are experts in dealing with minors, but not in gender-assisted violence, which needs special attention. They have expertise in dealing with children, but not in the specific field of gender-based domestic violence. Another serious limitation concerns the possibility of video-recording the child's testimony, which states: *"unless the means are unavailable"*.

Recommendation:

Domestic violence, direct and indirect, has physical, cognitive, behavioral and socialization effects on children and adolescents that will determine the future life of that child as an adult. It would be desirable/needful to provide the entire justice system with the necessary means to videotape, especially in cases of children with more difficulties and/or disabilities, in addition to obviously preceding as mandatory an appropriate specialization in the field of witnessing violence, i.e. in the specific field of gender-based violence, as well as disability.

- Reforming the criminal justice process

Although the woman's refusal to participate in Restorative Justice programs cannot be evaluated negatively by the Judge (the norm expressly states so), nevertheless the mere fact that gender-based violence crimes have not been expressly excluded from the scope of Restorative Justice is in stark contrast to the Istanbul Convention: Restorative Justice is nothing but another way of calling mediation. These are hidden mediation attempts that occur very often in practice when trying to bring an abuser closer to a woman victim of violence, taking it for granted that they are considered "be peer". But "peer" they are not at all when there is a total imbalance in the relationship, because one person is violent and the other is not. Operating in this way assumes that the parties are peer, without considering how violence and domestic violence works. Last aspect: in any case, Restorative Justice envisages the involvement of mediators for whom training is provided, but not specific training with respect to this type of crime or even with respect to disability.

Recommendation:

Since, in practice, the organization and specialization is left to the single Court President, but there is still no mention of compulsory training, it will be necessary to closely monitor the implementation of the procedure and the reorganization of internal offices, as well as to make specific training on gender-based and intersectional violence for women with disabilities compulsory for magistrates, lawyers and police officers, mediators and psychologists for minors who are victims of witnessing violence, whether or not they have disabilities.