

**Group of Experts on Action against Violence  
against Women and Domestic Violence  
(GREVIO)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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**Comments submitted by Italy  
on GREVIO's final report on the implementation  
of the Council of Europe Convention  
on preventing and combating violence  
against women and domestic violence  
(Baseline Report)**

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## **Appendix I List of proposals and suggestions by GREVIO**

### **I. Purposes, definitions, equality and non-discrimination, general obligations**

#### **C. Definitions (Article 3)**

1. With a view to encouraging reporting of domestic violence against women and conveying society's condemnation of such violence as a form of discrimination against women and a violation of their human rights, GREVIO strongly encourages the Italian authorities to 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 stereotyped views of women and their experience of violence. Measures taken to this effect should have regard to the proposals and suggestions made throughout this report about training (Article 15 of the Istanbul Convention) and the requirement to ensure statutory agencies' appropriate and prompt response to violence (Article 50 of the Istanbul Convention). (paragraph 19)

#### **D. Fundamental rights, equality and non-discrimination (Article 4)**

2. GREVIO strongly encourages the Italian authorities to: (paragraph 27)

- a. strengthen measures to prevent and combat violence which affects women who are or might be exposed to intersectional discrimination, including women with disabilities, women belonging to minority groups, women from the Roma, Sinti and Travellers community, migrant and asylum-seeking women, women from the LGBTI community, elderly women, women in prostitution and women who abuse substances;
- b. integrate the perspective of such women into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's NGOs representing them;
- c. mainstream gender-related issues and the prevention of gender-based violence in the activities of the national body(ies) mandated to combat discrimination and in programmes which are tailored to the specific needs of these women, including by developing special programmes aimed at proactively reaching out to them;
- d. raise the awareness of victims belonging to these groups of women about their rights and entitlement to access protection and support services;
- e. develop and improve the accessibility of protection and support services for these groups of women;
- f. support research and add specific indicators in data collection pertaining to violence against women which relate to women and girls who are or might be exposed to intersectional discrimination;
- g. ensure the effective enforcement of the due diligence obligation to diligently prevent, investigate, punish and provide reparation for victims belonging to these groups of women.

#### **E. State obligations and due diligence (Article 5)**

3. GREVIO strongly encourages the Italian authorities to 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)

ALT language: replace 'to use the same...' with 'to be fully committed in relation...!'

#### **F. Gender-sensitive policies (Article 6)**

4. Bearing in mind the need to constructively engage with and consider the views of specialist women's NGOs, as well as independent experts and academics, when devising policies and laws on women's human rights, gender equality and violence against women, GREVIO urges the Italian authorities to: (paragraph 39)

- a. pursue their efforts to devise and effectively implement policies of equality between women and men and the empowerment of women;
- b. ensure that such efforts are not undermined by policies which overlook or downplay gender inequalities and gender-based violence by failing to acknowledge the structural nature of violence against women as a manifestation of historically unequal power relations between women and men;
- c. consistently mainstream gender and gender-based violence in relevant policy areas, for instance in policies regarding women and girls with disabilities;
- d. systematically screen draft legislation and measures against their potential impact on gender relations and gender-based violence and their alignment with the standards of the Istanbul Convention.

## **II. Integrated policies and data collection**

### **A. Comprehensive and co-ordinated policies (Article 7)**

5. GREVIO strongly encourages the Italian authorities to pursue efforts aimed at: (paragraph 44)
- a. expanding the ongoing endeavours to conduct independent comparative analyses of the existing regional legislation and policies on violence against women, with a particular focus on identifying promising practices that can be recommended throughout Italy, and promote such endeavours both at national and regional levels;

ALT position: please put letter a. at the end of the sequence.

- b. devising and implementing comprehensive and holistic policies to address violence against women in all its forms and manifestations, including in particular sexual violence, sexual harassment, forced marriage, forced sterilisation and abortion, as well as crimes against women committed in the name of so-called honour;
- c. harmonising and monitoring the implementation at regional/local level of policies and measures to prevent and combat violence against women;
- d. improving the co-ordination between national and regional/local government in the implementation of policies to prevent and combat violence against women and strengthening co-operation with regional/local authorities within the administrative make-up of the national co-ordinating body. Such efforts should be supported by the allocation of adequate financial resources and the promotion of best practices.

### **B. Financial resources (Article 8)**

6. GREVIO strongly encourages the Italian authorities to: (paragraph 54)
- a. develop additional indicators of gender budgeting which would allow the identification of budgets allocated and the amounts actually spent by all central governmental agencies concerned, in support of measures to prevent and combat violence against women;
  - b. compile centralised data regarding funding by the different levels of territorial governance (regions, provinces, municipalities);
  - c. ensure that the introduction of new policies and measures (such as national action plans, protocols and guidelines) to prevent and combat violence against women is accompanied from the onset by a thorough estimation of their financial implications and by the identification of available sources and amounts of financing;
  - d. ensure adequate funding levels for existing measures to prevent and combat violence against women, such as the state compensation fund to which women victims of violence have access where compensation cannot be obtained by the perpetrator;
  - e. simplify and expedite the disbursement of funding to NGOs and consider introducing direct transfer of national funds to implementing NGOs, in particular those providing support and protection services to women victims and their children, to prevent disruptions in the provision of services amounting to a violation of women's human rights;

f. ensure clear minimum criteria to qualify as specialist women's services operating in line with the standards of the Istanbul Convention and recognised best practices, and make access to public funding dependent on the fulfilment of such criteria;

ALT position: sequence of letters as follows: G-H-I-F.

g. increase the transparency and accountability in the use of public funds, notably by improving monitoring of expenditure at central, regional/provincial and local level;

h. develop appropriate long-term/multi-annual financing solutions for NGOs, particularly anti-violence centres and shelters, to secure continuous funding for ongoing support and protection services for victims and their children;

i. step up funding levels for women's specialist services, as well as general policies and measures to prevent and combat all forms of violence against all women exposed to gender-based violence, including migrant and asylum-seeking women.

### **C. Non-governmental organisations and civil society (Article 9)**

7. GREVIO strongly encourages the Italian authorities to: (paragraph 59)

a. reinforce their support and recognition of independent women's organisations, by acknowledging the value and expertise they bring in terms of following a gendered approach to violence against women and fostering victims' trust and promoting their human rights;

b. strengthen the national and local institutional framework for consulting and co-operating with women's organisations for the purposes of the design, monitoring, evaluation and implementation of measures and policies to prevent and combat violence against women, including within the asylum system;

while ensuring that non-governmental organisations dealing with victims, their children and perpetrators of violence follow a common approach to violence, based on the principles and standards of the Istanbul Convention.

### **D. Co-ordinating body (Article 10)**

8. With a view to ensuring continuous policy setting and effective implementation, monitoring and evaluation of measures taken to prevent and combat violence against women, GREVIO strongly encourages the Italian authorities to: (paragraph 66)

a. provide the steering committee and technical committee, or equivalent bodies mandated to ensure the implementation and co-ordination of measures and policies to combat violence against women in accordance with the requirements of Article 10 of the Istanbul Convention, with a strong institutional basis beyond the limited time frames of national action plans and the terms of governmental mandates, and to equip them with appropriate dedicated human and financial resources;

b. pursue efforts to enable an effective monitoring and evaluation of policies, including by setting clear targets against which to measure progress achieved and by clearly identifying responsible implementing entities when issuing national action plans/strategies;

c. improve the co-ordination between national and decentralised governmental structures and enhance the ability of the Department of Equal Opportunities to ensure the consistent application of policies and measures at regional and local level, for instance by allowing the national co-ordinating body to be represented in local co-ordination mechanisms.

### **E. Data collection and research (Article 11)**

#### **1. Administrative data collection**

9. Bearing in mind the need for data collection to apply to all forms of violence covered by the Istanbul Convention, GREVIO strongly encourages the Italian authorities to take the necessary measures, including – if deemed appropriate – legislative amendments establishing the duty of statutory agencies to collect gender-disaggregated data, to: (paragraph 78)

- a. ensure that data collected by all statutory agencies (namely law-enforcement agencies, judicial authorities, and health and social services) are disaggregated with regard to the gender of the victim and the perpetrator, their relationship and the different forms of violence and offences covered by the Istanbul Convention, and that information on the presence of child witnesses and victims is also included;
- b. harmonise data collection between law-enforcement agencies and the judiciary, with the aim, inter alia, of: allowing the assessment of conviction and attrition rates, and of recidivism rates; enabling a thorough analysis of the pathway of cases in the criminal justice system through the chain – law enforcement, prosecutors’ offices and the courts; identifying gaps in the response of institutions which may contribute to low conviction rates and/or discrepancies between reporting rates and conviction rates;
- c. harmonise data collection and analysis regarding cases of violence against women which have resulted in the killing of the woman and, where appropriate, children;
- d. expand data collection to cover risk assessments, civil remedies for victims such as compensation, and protective measures in civil, criminal and administrative law, including data on breaches of these measures and the consequences of such breaches;
- e. introduce a data-collection system that allows the recording of the registration and outcomes of asylum claims made on the basis of gender-related persecution, including female genital mutilation and forced marriage;
- f. ensure that the process of collecting, storing and transforming collected data complies with standards on personal data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, and with recognised best practices requiring respect for specialist services’ working methods aimed at guaranteeing victims’ privacy and anonymity;
- g. increase awareness among the responsible government and regional agencies as to the requirements of the Istanbul Convention regarding data collection and enhance the skills and capacity of the professionals concerned to collect data, including through training in ways to detect and report cases of violence against women.

## **2. Population-based surveys**

10. Bearing in mind the need to cover all forms of violence against women within the scope of the Istanbul Convention, GREVIO encourages the Italian authorities to continue to carry out gender-sensitive surveys and to design surveys appropriate for providing sociologically oriented insights into the general population’s opinions and attitudes towards violence against women. In accordance with the requirements of Article 11, paragraph 2, of the Istanbul Convention, the authorities should endeavour to conduct such surveys at regular intervals. (paragraph 81)

## **3. Research**

11. While ensuring full respect for the independence of academia, GREVIO encourages the Italian authorities to step up their support for academic research into issues related to violence against women, including by financially encouraging research into these areas. GREVIO invites the authorities to take further measures to take stock of the expertise and perspective of academia in the design, implementation, monitoring and evaluation of policies to prevent and combat violence against women. (paragraph 85)

## **III. Prevention**

12. Having regard to the recently adopted Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism, GREVIO strongly encourages the Italian authorities to pursue proactive and sustained measures to promote changes in sexist social and cultural patterns of behaviour, especially of men and young boys, that are based on the idea of inferiority of women. Such measures should include, inter alia, investing in a comprehensive public infrastructure that serves as a platform for women’s empowerment and gender equality, developing a policy

framework on the elimination of sexism and gender discriminatory stereotypes, and providing victims of sexist behaviour with appropriate remedies, including legal remedies. (paragraph 88)

#### **A. Awareness raising (Article 13)**

13. GREVIO strongly encourages the Italian authorities to sustain and further develop their awareness-raising efforts in support of a general anti-violence message. Targeted campaigns should be developed both at the national and local level, including with the involvement of grass-roots organisations and specialist women's organisations, to: (paragraph 92)

- a. challenge patriarchal attitudes and stereotypes which contribute to the acceptance of violence and tend to blame women for violence;
- b. raise awareness about the harm caused to children who witness domestic violence;
- c. address all manifestations of violence against women, including in particular those forms of violence which remain underreported, such as sexual violence and rape, as well as female genital mutilation and forced marriage;
- d. convey the notion that under no grounds whatsoever should violence be tolerated, including harmful practices that are often justified through concepts of religion, tradition or so-called honour;
- e. reach vulnerable groups of women and girls and address their specific needs.

Measures taken to this effect should promote an understanding of violence against women based on the principles of the Istanbul Convention and take into consideration the expertise and knowledge of specialist women's NGOs.

#### **B. Education (Article 14)**

14. Bearing in mind the need to follow an integrated approach in mainstreaming gender in the education system, in line with Recommendation CM/Rec(2007)13 of the Committee of Ministers to member states on gender mainstreaming in education, GREVIO strongly encourages the Italian authorities to: (paragraph 99)

- a. pursue their efforts to mainstream gender equality and information about gender-based violence in all its forms, including forced marriage and female genital mutilation, and the topics covered by Article 14 of the Istanbul Convention in the education system, by ensuring the wide dissemination of the national guidelines on the education of respect in all schools and vocational establishments throughout the country and by promoting obligatory initial and in-service training of teachers and all education staff on these topics;
- b. develop a set of indicators allowing for the measurement of pupils' skills and competences on the topics mentioned in Article 14 of the Istanbul Convention and in relation to all forms of gender-based violence against women;
- c. finalise and implement the national guidelines for education on affectivity, sexuality and reproductive health in schools, as an important means to introduce pupils to the topics of the right to physical integrity and the definition of sexual violence given in Article 36 of the Istanbul Convention.

#### **C. Training of professionals (Article 15)**

15. GREVIO strongly encourages the Italian authorities to take measures, in close co-operation with regional and local authorities, as well as relevant stakeholders including women's specialist organisations and academia, to: (paragraph 107)

- a. ensure compulsory initial training in all the forms of violence against women covered by the Istanbul Convention in the vocational and professional curricula for health professionals;
- b. expand and make compulsory the available in-service training for practising health professionals, including on how to provide appropriate treatment to victims of female genital mutilation;
- d. pursue efforts to ensure that all law-enforcement officials who might enter into contact with victims receive continuous training on violence against women, which places a strong emphasis on the need to understand the dynamics of violence against women and on the role of law-enforcement agencies in seeking evidence to prosecute cases of violence;

- e. expand the available initial and in-service training opportunities for members of the judiciary and legal professionals to address all forms of violence against women covered by the Istanbul Convention;
- f. provide for compulsory professional training for serving legal professionals;
- g. develop training for other professionals involved in supporting judicial decision-making processes, such as social workers and psychologists;
- h. ensure that professionals involved in the assessment of situations of violence affecting migrant women, such as law-enforcement agencies, lawyers and social services, have access to training which enhances their understanding of gender-based violence and their ability to effectively implement the relevant legislation entitling victims to an autonomous residence permit;
- i. strengthen the training in the early detection, protection and referral of asylum-seeking women victims of gender-based violence, including female genital mutilation, for staff operating in initial landing settings, hotspots and reception facilities;
- j. develop standard training on gender-sensitive refugee status determination processes and provide for compulsory training for immigration and asylum officials;
- h. monitor and ensure the effective implementation of any national guidelines issued to harmonise and systematise training.

Besides covering all the topics mentioned in Article 15 of the Istanbul Convention and all the forms of violence covered by the convention, training developed in pursuance of the aforementioned suggestions and proposals should address: (a) the referral to preventive intervention and treatment programmes in accordance with Article 16 of the convention; (b) victims' right to civil law remedies and compensation against the perpetrator and the state in accordance with Articles 29 and 30 of the convention; (c) the need to recognise the harmful effects of violence on children and to ensure violence against women is taken into account in the determination of custody and visitation rights in accordance with Article 31 of the convention; (d) the requirement that in proceedings on the various forms of violence covered by the Istanbul Convention, evidence relating to the sexual history and conduct of the victim which has no probative value is not permitted in accordance with Article 54 of the convention; (e) the requirement to favour victims' access to protective measures during legal proceedings owing to the traumatising nature of gender-based violence and the special needs of victims as witnesses in accordance with Article 56 of the convention; and (f) the need to avoid placing an excessive burden on victims and their legal counsel when determining the conditions for accessing legal aid in accordance with Article 57 of the convention. They should furthermore follow an approach based on the safety and respect for the human rights of the victim, as well as a gender-equality perspective, and aim to prevent secondary victimisation and challenge professionals' own prejudices and assumptions which stand in the way of delivering effective support and protection for women victims of violence.

#### **D. Preventive intervention and treatment programmes (Article 16)**

16. Bearing in mind the need for perpetrator programmes to form an integral part of institutions' multiagency response to violence against women, GREVIO strongly encourages the Italian authorities to: (paragraph 117)

- a. promote the use by all entities running programmes for perpetrators of domestic violence of clear minimum standards and ensure the evaluation of such programmes to determine their short- and long-term impact, including through the development of statistics on perpetrators who have attended them and through scientifically designed outcome studies, in line with the principles of the Istanbul Convention and recognised best national and international practices;
- b. take measures to ensure that only those programmes that are in the position to comply with the requirements of the Istanbul Convention and recognised best national and international practices receive public funding;
- c. expand the number of available programmes for domestic violence perpetrators and sex offenders, including by diversifying the sources of their funding;
- d. promote the attendance of perpetrator programmes both by mandatory and voluntary referral, by ensuring a more consistent application of existing mechanisms intended to encourage their use and by considering introducing the ability for statutory agencies to impose upon the perpetrator an obligation to attend such programmes;

while ensuring that perpetrator programmes uphold the principle of perpetrators' accountability for acts of violence and work in close co-operation with women's specialist services to ensure victims are adequately informed and protected.

#### **E. Participation of the private sector and the media (Article 17)**

17. Having regard to the important role of the media in shaping attitudes to the status and role of women in society and in overcoming social tolerance towards violence against women, GREVIO encourages the Italian authorities to: (paragraph 122)

Please add 'cultural' after 'social'.

a. pursue their efforts aimed at effectively implementing policies, monitoring and complaint mechanisms which are intended to ensure respect by the media for the principle of human dignity and to prohibit all discrimination on grounds of sex, as well as incitement to hatred and to any form of gender-based violence;

b. set incentives, support or otherwise promote the development and monitoring of self-regulatory standards in the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on violence they have suffered.

In giving effect to these suggestions and proposals, the authorities might wish to seek guidance from the Committee of Ministers Recommendation CM/Rec(2013)1 on gender equality and the media.

18. GREVIO strongly encourages the Italian authorities to pursue their efforts to encourage the employment sector to prevent and combat gender-based violence against women in the workplace, ensure a more efficient use of existing mechanisms to encourage reporting of such violence and consider devising new mechanisms to this end. (paragraph 125)

Please add 'harassment' after 'violence' and delete 'against women'.

#### **IV. Protection and support**

##### **A. General obligations (Article 18)**

19. GREVIO urges the Italian authorities to develop further solutions offering a co-ordinated multiagency response to all forms of violence against women and to support their implementation by developing appropriate guidelines and training the staff concerned. Such solutions should be built on the strong involvement of local authorities and the participation of all the stakeholders concerned, including non-governmental organisations defending women's rights and combating violence against women. (paragraph 130)

##### **B. Information (Article 19)**

20. GREVIO encourages the Italian authorities to ensure the wider dissemination of information on the support services and legal measures available to victims of domestic and other forms of violence against women. This would include measures such as the dissemination of posters and leaflets as well as the intensification of efforts to ensure that professionals of all relevant institutions take a more proactive approach towards informing victims. The information provided should be adequate and accessible to victims, including foreign victims and victims with disabilities. (paragraph 133)

##### **C. General support services (Article 20)**

21. Recalling that the decentralisation of the institutional framework to address violence against women does not diminish the central government's responsibility to fulfil, with due diligence, its international and national obligations to effectively tackle such violence, GREVIO strongly encourages the Italian authorities to: (paragraph 141)



a. step up victims' access to adequate general support services, such as health services, housing services, employment services, public education and training services, financial support and childcare, to address the specific needs of victims of all the forms of violence covered by the scope of the Istanbul Convention;

b. ensure that these services are evenly distributed throughout the country, adequately resourced and provided by staff members trained in the gendered dynamics of violence against women and the need to follow a victim-centred approach so that they can respond to needs of the victims in a supportive manner;

c. ensure the service provision pays particular attention to the needs of victims who are or may be exposed to intersectional discrimination and/or those groups of victims who are made vulnerable by particular circumstances, including but not limited to victims with disabilities.

Measures taken to this end should comply with the requirements of Article 18 of the Istanbul Convention, which include the need for services to be part of a multiagency approach to violence against women and to be based on a gendered understanding of violence and a victim-centred approach which focuses on the human rights and empowerment of the victim and does not depend on her willingness to press charges or testify against the perpetrator.

#### **D. Assistance in individual/collective complaints (Article 21)**

22. GREVIO invites the Italian authorities to step up their efforts to ensure victims have information on and access to applicable regional and international complaint mechanisms. (paragraph 143)

#### **E. Specialist support services (Article 22) and Shelters (Article 23)**

23. Having regard to the suggestions and proposals made earlier in this report in relation to Article 8 of the Istanbul Convention, GREVIO urges the Italian authorities to take the necessary measures to: (paragraph 151)

a. expand the coverage and capacity of specialist services throughout the country in relation to all forms of violence covered by the convention;

b. harmonise the provision of specialist services with the standards defined by the convention which call for a human rights-based approach, grounded on a gendered understanding of violence against women and aimed at preventing secondary victimisation, ensuring respect for victims' human rights and safety, and empowering victims;

c. guarantee equal access to service provision for all victims throughout the national territory, regardless of conditions such as income;

d. ensure the provision of services pays due attention to the specific needs of groups of victims who are or may be exposed to intersectional discrimination, such as women with disabilities, as well as hard-to-reach groups and child witnesses;

e. ensure the financial sustainability and the continuity of service provision.

To this end, the authorities should consider setting more stringent criteria to qualify as an anti-violence centre and/or shelter under the 2014 State-Region agreement and streamlining regions' interventions and funding in this area.

#### **F. Telephone helplines (Article 24)**

24. GREVIO invites the Italian authorities to continue to take the necessary measures to: (paragraph 154)

a. ensure the referral by the national helpline of victims of all forms of violence covered by the Istanbul Convention to the appropriate general and specialist support services and enhance co-operation between the helpline and women's organisations, in particular those running anti-violence centres;

b. ensure victims of female genital mutilation have access to helpline support which complies with the requirements of the convention, namely the requirement that information and advice should be offered in a confidential manner, with due regard to callers' anonymity, and that the service should be available in all relevant languages and provided by specialist staff with in-depth knowledge of all forms of violence covered by the scope of the convention.

## **G. Support for victims of sexual violence (Article 25)**

25. GREVIO urges the Italian authorities to 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 with respect to forensic/medical examinations, reporting, treatment, referral and the content of medical records. (paragraph 158)

## **H. Protection and support for child witnesses (Article 26)**

26. Having regard to the suggestions and proposals made in this report in relation to Article 31 of the Istanbul Convention, GREVIO urges the Italian authorities to step up efforts to: (paragraph 163)

a. ensure wider levels of awareness among the professionals concerned, such as social workers, legal and health professionals, and psychologists, of the harmful effects of witnessing domestic violence on children;

b. provide access for child witnesses to appropriate, age-specific support services based on a gendered understanding of violence against women, pay due regard to the best interests of the child and incorporate a risk-assessment process.

GREVIO invites the authorities to expedite the adoption of the implementing regulation of Law No. 4/2018 containing support measures for orphans of domestic violence crimes.

## **I. Reporting by professionals (Article 28)**

27. GREVIO encourages the Italian authorities to ensure that the duty to report is tempered by full and sensitive information provided to the victim to allow her to make an informed decision herself and maintain autonomy, while also ensuring the safety of all, especially children. To this end, the authorities might consider reviewing the existing national guidelines for emergency hospital wards and/or the implementation thereof, with a view to ensuring that they integrate a gendered approach based on respect for women's autonomy and self-determination, while operating in a multiagency perspective involving both statutory agencies and women's NGOs. As regards female genital mutilation, the authorities might wish to constructively engage with medical professionals to find a solution for their lack of reporting of FGM cases. (paragraph 167)

## **V. Substantive law**

### **A. Civil law**

#### **1. Civil lawsuits and remedies (Article 29)**

28. GREVIO urges the Italian authorities to take measures to fill the legislative gap caused by the absence of effective civil remedies against any state authority, whether from the judiciary or other statutory agency, that has failed in its duty to take the necessary preventive or protective measures within the scope of its powers, in accordance with the requirements of Article 29, paragraph 2, of the Istanbul Convention. (paragraph 172)

#### **2. Compensation (Article 30)**

29. GREVIO strongly encourages the Italian authorities to take further measures to: (paragraph 179)

a. facilitate victims' access to compensation in civil and criminal proceedings and ensure that such reparation is promptly attributed and proportionate to the gravity of the harm suffered;

b. develop criteria to ensure the harmonised quantification of damages incurred by the victim, including in particular moral damages;

c. ease victims' access to state compensation, ensure that such compensation is adequate in accordance with the requirements of Article 30, paragraph 2, of the Istanbul Convention, that it is granted within a

reasonable time as required by Article 30, paragraph 3, of the convention, and that it is appropriate for covering victims of all forms of violence within the scope of the convention who have sustained serious bodily injury or impairment of health.

### **3. Custody, visitation rights and safety (Article 31)**

30. GREVIO urges the Italian authorities to take the necessary measures, including legislative amendments, to ensure that the competent courts are under a duty to consider all issues related to violence against women when determining custody and visitation rights and to assess whether such violence would warrant restricting custody and visitation rights. To this end, the authorities should: (paragraph 188)

- a. consider amending their legislation to explicitly recognise the need to take into account incidents of violence covered by the scope of the Istanbul Convention in the determination of custody and visitation rights of children;
- b. take measures to incorporate a systematic process for screening cases related to the determination of custody and visitation rights to determine whether violence has been an issue in the relationship and whether it has been reported;
- c. duly investigate any report of violence, by improving co-operation with criminal courts and any relevant body, including, but not limited to, law-enforcement agencies, health and education authorities, and specialist women's support services;

ALT position: change the sequence of letters C-D.

- d. incorporate risk-assessment procedures in the determination of custody and visitation rights in order to determine the best interest of the child;
- e. ensure that only those professionals, particularly psychologists and child psychiatrists, who are attuned to the issue of violence against women and the requirements of the Istanbul Convention, can be appointed by courts to provide advice on issues of custody and visitation in situations of violence against women;
- f. ban the use by court-appointed experts, social workers and courts of concepts related to "parental alienation", as well as any other approach or principle, such as the "friendly parent provision", which tend to consider mothers who invoke the violence as "unco-operative" and "unfit" as a parent, and to blame them for the poor relationship between a violent parent and his children;
- g. abandon the practice of imposing upon the victim and her children the obligation to attend joint meetings with the perpetrator for the purposes of reaching an agreement on custody and visitation, which is tantamount to mandatory mediation;
- h. build safeguards into the procedures, such as offering parents separate appointments and creating separate waiting areas in courts, to take into account the imbalance of power between the victim and the perpetrator and to prevent the risk of revictimisation;
- i. ensure an appropriate use of the legal provisions which allow reducing, lifting and/or subjecting to safeguards the perpetrator's custody and visitation rights whenever a situation of violence is ascertained and promote the determination of custody and visitation rights on a provisional basis until all reported facts of violence against women are properly assessed.

Such measures should be accompanied by the provision of appropriate training and the development of professional guidelines, aimed at raising awareness among the professionals concerned as to the harmful effects of violence on children, including child witnesses, and at familiarising them with the requirements of the Istanbul Convention on the settlement of custody and visitation rights. These guidelines should replace existing methodologies and guidelines which tend to reduce violence to a conflict, promote mediation without due account of the violence and resort to arguable concepts such as "parental alienation" which prioritise maintaining the child-parent relationship at all costs, over and above any consideration of the violence. Progress in this field should be measured by data and analyses of case law illustrating how family courts consider incidents of violence and how they motivate their decisions on custody and visitation rights.

### **B. Criminal law**

## **1. Sexual violence, including rape (Article 36)**

31. GREVIO strongly encourages the Italian authorities to consider amending their legislation to base the offence of sexual violence on the notion of freely given consent as required by Article 36, paragraph 1, of the Istanbul Convention. (paragraph 191)

## **3. Female genital mutilation (Article 38)**

32. GREVIO invites the Italian authorities to consider introducing into the criminal legislation provisions to cover the conducts described in Article 38, indents b and c, of the Istanbul Convention. (paragraph 197)

## **5. Sexual harassment (Article 40)**

33. GREVIO strongly encourages the Italian authorities to consider introducing legislation to ensure that sexual harassment experienced in all areas of life is subject to a legal sanction. (paragraph 201)

## **6. Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour” (Article 42)**

34. GREVIO encourages the Italian authorities to take further measures to: (paragraph 205)

- a. dismantle the concept that the honour and prestige of a man or the family are intrinsically associated with the conduct or presumed conduct of women related to them, which is based on patriarchal attitudes and serves to control women and curb their personal autonomy;
- b. ensure, including through training of judicial professionals and monitoring of judicial practices, that on no grounds whatsoever do claims that the victim has transgressed cultural, religious, social or traditional norms, customs or “honour” translate into sentence reductions in court practice.

## **7. Aggravating circumstances (Article 46)**

35. GREVIO invites the Italian authorities to take the necessary measures to ensure that causing severe physical or psychological harm to the victim entails the applicability of an aggravating circumstance in relation to all the offences of violence against women established in accordance with the Istanbul Convention. (paragraph 207)

# **VI. Investigation, prosecution, procedural law and protective measures**

## **A. Immediate response, prevention and protection (Article 50)**

### **1. Reporting to and investigations by law-enforcement agencies**

36. GREVIO encourages the Italian authorities to continue to take measures to ensure that victims are heard without delay by specially trained law-enforcement officials, and that law-enforcement agencies’ handling of cases of violence against women is strongly anchored to a gendered understanding of violence against women and centres on the safety and the human rights of women and their children. (paragraph 217)

### **2. The role of the prosecution services and conviction rates**

37. GREVIO strongly encourages the Italian authorities to: (paragraph 225)

- a. pursue their efforts aimed at enabling an expeditious handling of investigations and criminal proceedings into cases of gender-based violence, while ensuring that measures taken to this end are supported by adequately funding;

b. uphold perpetrators' accountability and to ensure criminal justice for all forms of violence covered by the Istanbul Convention;

c. ensure that sentencing in cases of violence against women, including domestic violence, is commensurate to the gravity of the offence and preserves the dissuasive function of penalties.

Progress in this field should be measured by appropriate data and supported by relevant analyses of the handling of criminal cases by law-enforcement agencies, prosecutorial offices and courts in order to verify where attrition occurs and to identify possible gaps in the institutional response to violence against women.

## **B. Risk assessment and risk management (Article 51)**

38. GREVIO urges the Italian authorities to: (paragraph 233)

a. develop further their risk-assessment and management procedures and ensure their wide dissemination within all statutory agencies involved in dealing with cases of gender-based violence;

b. ensure risk assessments are repeated at all the relevant stages of proceedings, including in particular upon the expiry of any protection measure, and that such assessments take into consideration the views and concerns expressed by the victims;

c. ensure their risk-assessment and management procedures are a central element of a co-ordinated multiagency response in all cases of violence against women covered by the Istanbul Convention, including forced marriage and female genital mutilation;

d. consider introducing a system, such as a domestic homicide review mechanism, to analyse all cases of gender-based killings of women, with the aim of preventing them in the future, preserving the safety of women and holding to account both the perpetrator and the multiple agencies that come into contact with the parties.

## **C. Emergency barring, restraining and protection orders (Articles 52 and 53)**

39. While emphasising that in cases of severe violence, arrest and detention should remain the preferred solution to protect victims in situations of immediate danger, GREVIO urges the Italian authorities to: (paragraph 241)

a. uphold the principle that emergency barring orders should be accessible to victims of domestic violence in all its manifestations, including psychological violence, and that restraining or protection orders should be available to victims of all the forms of violence covered by the Istanbul Convention, including psychological violence and forms of violence which have been recently criminalised such as forced marriage;

b. preserve the deterrent potential of protective measures by enforcing them properly, by guaranteeing a prompt response from statutory agencies in case of violations and by ensuring that such violations carry appropriate sanctions;

c. amend the legislation that subjects the sanctioning of violations of civil law protection orders to a complaint of the victim;

d. ensure that barring orders are issued swiftly to avert situations of imminent danger and that, where necessary, restraining and/or protection orders are issued on an ex parte basis;

e. ensure that no gap in the protection of the victim arises because of the expiry of any barring, restraining or protection order by making available successive protection measures that can be applied immediately afterwards;

f. put an end to civil courts' practices which assimilate violence to situations of conflict and attempt to mediate arrangements between the victim and the perpetrator instead of assessing the victim's needs in terms of safety;

g. improve and harmonise practices regarding the application of other protective mechanisms such as police warnings and arrests in flagrante delicto, by drawing from existing best practices and while ensuring at all times that these measures take into consideration the choice of the victim.

Progress in this area should be carefully monitored and analysed, relying on appropriate data collection that highlights, in particular, the number of precautionary measures, whether barring, protection, restraining orders or warnings, requested and granted, whether they were issued upon a request or at the initiative of the authorities, the reasons for not granting them, the type of offence for which they

were issued, the average time taken before they were issued, their duration, the frequency of their violations and the consequences of any violations. The results of such monitoring and analyses should be made available to the public.

#### **E. Ex parte and ex officio proceedings (Article 55)**

40. GREVIO urges the Italian authorities to amend their legislation to make it conform with the rules regarding ex parte and ex officio prosecution set out in Article 55, paragraph 1, of the Istanbul Convention, as regards in particular the offences of physical and sexual violence. (paragraph 245)

#### **F. Measures of protection (Article 56)**

41. GREVIO encourages the Italian authorities to continue to take measures to: (paragraph 250)

a. ensure victims receive information which is relevant to their protection and the protection of their families from intimidation, retaliation and repeat victimisation, regardless of their express declaration to receive such information, in particular whenever changes occur in the measures designed to protect them;

b. promote victims' access to existing protective mechanisms meant to secure their testimony in the most suitable conditions, notably by raising awareness among the professionals concerned, in particular the judiciary, as to the traumatising nature of gender-based violence and the special needs of victims during legal proceedings, and by investing in the necessary material means such as IT equipment and adapted rooms in courthouses with the aim of making these mechanisms widely available to victims across the country;

c. mainstream a gender-sensitive approach to violence against women in any novel initiative aimed at creating and/or expanding assistance and support services for women victims of crime during legal proceedings.

#### **G. Legal aid (Article 57)**

42. GREVIO encourages the Italian authorities to take the necessary measures to ensure that women victims of all the forms of violence covered by the Istanbul Convention have access to state-sponsored legal aid and that the conditions to access such aid do not place an excessive burden on victims and their legal counsel. (paragraph 252)

### **VII. Migration and asylum**

#### **A. Residence status (Article 59)**

43. GREVIO strongly encourages the Italian authorities to take the necessary measures, including legislative amendments, to: (paragraph 259)

a. ensure that the applicable legislation and/or the implementation thereof affords foreign women an autonomous residence permit in the event of particularly difficult circumstances, bearing in mind that such circumstances should include being a victim of the forms of violence covered by the scope of the Istanbul Convention committed and/or condoned by the spouse or partner;

b. ensure foreign women victims have access to a renewable residence permit in one of the two or in both the situations described in paragraph 3 of Article 59 of the convention;

c. ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status, in accordance with the requirement of Article 59, paragraph 4, of the convention.

#### **B. Gender-based asylum claims (Article 60)**

#### **4. Effects of Law No. 132/2018**

44. GREVIO strongly encourages the Italian authorities to take measures to: (paragraph 273)

- a. further standardise refugee status determination procedures which afford a gender-sensitive interpretation of each of the UN's 1951 Refugee Convention grounds and ensure their harmonised application throughout the country;
- b. collect quantitative and qualitative data on (1) the number of asylum requests grounded on gender-based violence; (2) how these grounds – including female genital mutilation – for international protection are interpreted and what conditions of protection are offered to victims; (3) the number of decisions granting or refusing protection on such grounds;
- c. step up efforts to guarantee gender-sensitive reception procedures and accommodation facilities and increase the number of places in reception centres which provide suitable reception standards for women and girls;
- d. ensure that staff operating in initial landing settings, hotspots and reception facilities have received appropriate training for the early detection, protection and referral of women victims of gender-based violence, including female genital mutilation;
- e. guarantee that adequate information is provided, in all phases of reception, to all women seeking asylum, with the aim of increasing their awareness of their vulnerabilities and their rights, and facilitating their access to general and specialist protection and support services;
- f. ensure reception centres are integrated into a long-term perspective and a multiagency approach, involving health and social services as well as women's NGOs and anti-violence centres;
- g. closely monitor the impact of Law No. 132/2018 on women asylum seekers and beneficiaries of international protection on gender-based violence-related grounds.

Measures taken to this effect should be supported by adequate financial means and the deployment of mechanisms to monitor the conditions faced by women and girls in the different stages of the asylum-seeking process, including forced repatriation, as well as to enforce gender-sensitive contract specifications upon the entities managing reception centres.

### **C. Non-refoulement (Article 61)**

45. GREVIO urges the Italian authorities to uphold their 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)