



# **Committee of the Parties**

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

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**Implementation report submitted  
by Italy on the conclusions adopted  
by the Committee of the Parties  
on 1 June 2023**

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## **Italy's report on the implementation of Conclusions adopted by the Committee of the Parties (IC-CP/Inf(2023)9), on 1 June 2023**

With regard to the **Conclusions on the implementation of recommendations addressed to Italy**, adopted by the Committee of the Parties to the Istanbul Convention (IC-CP/Inf(2023)9), on 1 June 2023, and in particular point B, which urges the Italian Government to take further measures to implement the recommendations directed at its authorities, Italy wishes to emphasize the following measures.

**B.1 - Designing and implementing comprehensive policies addressing all forms of violence against women, in close consultation with women's rights organisations, which clearly identify the actions to be taken, the authorities competent to implement them and the related financial allocations; and at the same time, harmonising the implementation of these policies at regional/local level, improving co-ordination among regional legislation and policies on violence against women, and ensuring that they adopt an intersectional approach.**

- The implementation of the Strategic Plan on Male Violence against Women 2021-2023 has been accompanied by the establishment a structured governance system, which ensures effective coordination at both institutional and non-institutional levels. This system, consisting of an Inter-Institutional Steering Committee and the Observatory on the Phenomenon of Violence against Women and Domestic Violence, is the institutional mechanism that facilitates a coherent and integrated approach to policy formulation, implementation, and monitoring in this field. The Inter-Institutional Steering Committee is chaired by the political authority responsible for equal opportunities and serves as a policy-making body. The Observatory, also chaired by the delegated political authority for equal opportunities, is composed of three bodies: the President, the Assembly, and the Technical-Scientific Committee. It carries out monitoring, analysis, research, and advisory functions, including contributions to the development and implementation of the National Strategic Plan. The Strategic Plan on Male Violence against Women 2021-2023 remains in force pending the adoption of the new National Strategic Plan 2025-2027, which is currently under development. Its operational continuity has been ensured through the full engagement of the above-mentioned governance bodies.
- The Italian legal framework for the prevention of violence was recently updated with the adoption of Law No. 168 of November 24, 2023, which came into force on

December 9, 2023, and was unanimously approved by all parliamentary groups. This law introduces, for the first time, measures aimed at reducing the duration of judicial proceedings and expediting preliminary risk assessments for potential victims of femicide or other forms of violence, including domestic violence. The objective pursued with the reform is to make preventive protection more effective by strengthening measures against the reiteration of crimes against women and tightening penalties for repeat offenders, as well as to broaden the protection of victims of violence in general. The attention shown by the legislator to the prevention of gender-based violence is indeed of particular importance, especially with reference to the perpetration of so-called "snitch" offences, i.e. associated to gender-based violence, in order to prevent the conduct perpetrated from further degenerating into even more serious episodes. This legislative initiative was strongly advocated by the Minister for Family, Natality and Equal Opportunities, Eugenia Roccella and was developed based on the findings and urgent recommendations emerging from the work of the Assembly and the Technical-Scientific Committee of the Observatory on the Phenomenon of Violence against Women and Domestic Violence, discussed during the meetings convened in 2023.

- In December 2023, the Department for Equal Opportunities developed an Integrated Communication Plan to disseminate legal instruments and operational measures supporting female victims of male violence through targeted communication campaigns. The Communication Plan identifies foreign women, including migrants and asylum seekers, as a key target group. Within this framework, priority is given to strengthening multilingual information campaigns that consider the diverse cultural backgrounds of migrant and refugee women and girls. These campaigns aim to raise awareness and improve access to gender-based violence response services, including the national anti-violence and anti-stalking helpline 1522, with a specific focus on young foreign and migrant women. As part of the Integrated Communication Plan, a dedicated initiative focuses on revising the 1522 website, including its translated sections, to ensure comprehensive information on services available to all women affected by violence, including those of foreign origin. The 1522 poster has been redesigned and translated into 10 languages to make it more accessible.
- As part of the prevention pillar of the Strategic Plan on Male Violence against Women 2021-2023, a significant measure is the implementation of the memorandum of understanding signed by the Minister for Family, Natality and Equal Opportunities, the Minister of Education and Merit, and the Minister of Culture. This agreement aims to promote joint actions within the education system to prevent violence against women and domestic violence. The first project launched under this framework was a competition announced on February 28, 2024, inviting students to create short films addressing male violence against women. The objective was to convey a positive message, emphasizing that all women and girls can break free from the cycle of violence, particularly by recognizing its signs. The competition received an excellent response, and the best short films, selected by a Commission composed of

representatives from all three Ministries, were awarded on September 4, 2024, during a dedicated ceremony attended by the three Ministers, held as part of the Venice International Film Festival. Following the success of the initiative, a second edition of the competition was launched in January 2025.

- In March 2024, the Italian Banking Association (ABI) and the Foundation for Financial Education and Savings (FEduF), in collaboration with the Department for Equal Opportunities of the Presidency of the Council of Ministers, released a guide addressing economic violence against women. The guide is part of the initiatives outlined in the Memorandum of Understanding for the Prevention and Combat of Gender-Based Violence against Women, signed by the Minister for Family, Natality and Equal Opportunities, Eugenia Roccella, together with the Italian Banking Association (ABI) and the Foundation for Financial Education and Savings (FEduF). This guide explores key aspects of economic violence, providing support to women affected by this form of abuse while also raising awareness among the public to foster better understanding and recognition of the phenomenon.
- On the International Day for the Elimination of Violence against Women, on November 25, 2024, the ‘Training White Paper on Violence against Women’ was presented. The document was developed by the Technical-Scientific Committee of the Observatory on the Phenomenon of Violence against Women and Domestic Violence - established within the Department for Equal Opportunities - and represents a practical tool for fostering the critical recognition at every stage of the process of preventing and combating violence. The paper is divided into two parts: the first section provides a description of the phenomenon and its various manifestations (physical violence, sexual violence, and domestic violence, as well as psychological violence, exposure to violence, economic violence, cyberviolence, human trafficking, sexual exploitation, secondary victimization, femicide). Finally, the paper highlights the pivotal role of anti-violence centres, which are often the first — and sometimes the only — entities to confront and combat this phenomenon, playing a decisive part in bringing it to light. The second section of the work is dedicated to highlighting general principles and best practices for the training of professionals working with women who have experienced violence. Building on the White Paper, further indications will be developed over the course of 2025 drafting tailored guidelines for the training on violence against women of different operators and professionals, in consultation with the Observatory’s Assembly.
- In February 2025, the Minister for Family, Natality, and Equal Opportunities, Eugenia Roccella, and the National President of the Italian National Association of Dentists (ANDI) signed a memorandum of understanding aimed at raising awareness and training dental professionals to recognize signs of violence against women and respond appropriately. Dentists and dental practitioners can play a crucial role in detecting cases of violence against women due to their unique position, which allows them to notice

physical signs that may indicate abuse, such as repeated trauma, fractures, and injuries to the jaw, facial bones, teeth, or soft tissues of the mouth. With proper training, they can identify warning signs and take timely action to prevent tragic outcomes. Furthermore, the Department for Equal Opportunities will establish a network connecting dentists and dental professionals with victim support services, including the public helpline 1522 and Anti-Violence Centres to support women affected by violence.

- On 7 March 2025, in adherence to the spirit of the Istanbul Convention and in accordance to the operational guidelines set out by the new Directive (EU) 2024/1385, the Italian Government passed a landmark draft bill, to be presented to the Parliament for adoption, by proposing the introduction of femicide as a distinct and specific offence in the Italian Criminal Code. The proposal was jointly submitted by the Minister for Family, Natality and Equal Opportunities, Minister of Justice, Minister of Interior, and Minister of Institutional Reforms and Regulatory Simplification.

In particular, it is foreseen that ‘anyone who causes the death of a woman when the act is committed as an act of discrimination or hatred towards the offended person as a woman or to repress the exercise of her rights or freedoms or, in any case, the expression of her personality’ will be punished with life-sentence. In line with this intervention, the core elements of the offence that have been proposed are also introduced as aggravating circumstances of other code-red offences, with the aim at increasing the penalties provided for by at least one third and up to half or two thirds, depending on the offence. The following steps will involve the parliamentary process for its adoption. The introduction of femicide as a distinct criminal offence will represent a pivotal step, not only due to the severity of the penalty it entails, but above all for the powerful cultural message it conveys. It affirms that femicide is not simply a form of homicide, but a specific crime deeply rooted in the historical domination of men over women and in the persistent inability of parts of the male sphere to accept and support women’s growing autonomy and freedom. By formally recognizing its structural and gendered nature, the law is expected to have a wide-ranging impact on society and contribute to addressing all forms of violence against women, including those perpetrated online and through digital means.

## **B.2 - Providing the bodies mandated to ensure the implementation and co-ordination of measures to combat violence against women with a strong institutional basis and sufficient human and financial resources, while ensuring the effective evaluation of policies and improving the coordination between national and decentralised governmental co-ordination mechanisms.**

- The Department for Equal Opportunities (DPO) is responsible for the coherence and effectiveness of policies to prevent and combat male violence against women. The governance system outlined in the Strategic Plan on Male Violence against Women 2021-2023, consists of an inter-institutional Steering Committee (policy-making body) and an Observatory on the phenomenon of violence against women and domestic

violence, and it was established to achieve an effective coordination of the various institutional and non-institutional actors involved in the implementation and coordination of measures to combat violence against women. This governance system became structural through the provisions set by Article 1, paragraph 149, of Law No. 234 of December 30, 2021 (Budget Law 2022). Both bodies were established by decree of the Minister for Equal Opportunities and Family Affairs pro tempore: the Steering Committee, a body with policy-making functions, was established by decree March 29, 2022, and the Observatory by decree April 12, 2022. With specific reference to the Observatory, it is chaired by the Prime Minister or the Delegated Political Authority for Equal Opportunities and consists of three bodies: the President, the Assembly, and the Technical and Scientific Committee. The Observatory carries out monitoring, analysis, study and proposal functions, in adherence to the purpose of developing and implementing the National Strategic Plan against Violence Against Women and Domestic Violence. An example of the important contribution of the Observatory on the Phenomenon of Violence against Women and Domestic Violence is the development of the 'Training White Paper on Violence against Women', carried out by Technical-Scientific Committee, and presented as mentioned above in point B.1 on the International Day for the Elimination of Violence against Women, on November 25, 2024.

- To promote policies related to rights and equal opportunities, a fund called the "Fund for Policies Related to Rights and Equal Opportunities" has been established within the Presidency of the Council of Ministers, under Article 19 of Decree-Law No. 223/2006. The 2023 Budget Law (Law No. 197/2022) increased the Fund's resources by 4 million euros for the year 2023 and by 6 million euros annually starting from 2024. The 2024 Budget Law (Law No. 213/2023) further increased the Fund's resources by 5 million euros for each of the years 2024, 2025, and 2026, to ensure the proper implementation of the National Strategic Plan on Male Violence Against Women 2021-2023 and its related Operational Plan. The 2025 Budget Law (Law No. 207/2024) has further increased the Fund by 3 million euros starting from 2025, with the aim of strengthening career guidance and job training for women victims of violence, thereby fostering their effective economic independence and empowerment.
- The measure called 'Freedom income' was set by the art. 105-bis of the Decree n. 34/2020, converted into the Law n. 77/2020. The measure provides a monthly contribution, disbursed by INPS (the National Welfare Institute) for a maximum period of twelve months in favour of women victims of violence who have embarked on a path out of violence. The resources allocated to this measure amount to 10 million euros for each of the years 2024, 2025, and 2026 and 6 million euros for each year starting from 2027. With the 2025 Budget Law, the resources have increased by an additional 1 million euros starting from 2025. The increase is structural in nature, meaning that the measure is permanent. As a result, the monthly financial support provided to women benefiting from the measure rises from 400 euros to 500 euros, ensuring enhanced economic assistance; moreover, a new decree is expected to be adopted to further

increase the monthly amount of €500 and to allocate the additional one million euros among the Regions.

The total resources currently allocated amount to:

- 11 million euros for 2025;
  - 11 million euros for 2026;
  - 7 million euros for 2027 and the following years.
- In 2020, the Memorandum of Understanding signed between the Presidency of the Council of Ministers - Minister for Equal Opportunities and Family, the Italian Banking Association (ABI), the Italian Federation of Cooperative Credit Banks and Rural Banks (Federcasse) the Ente nazionale per il microcredito (ENM) and Caritas, to launch the “Freedom Microcredit” project, a measure to support women victims of violence who intend to embark on a path of emancipation, including economic emancipation, by accessing business microcredit or social microcredit. The aforementioned Protocol provided for the creation of an ad hoc Fund of the consistency of 3 million euros from the budget of the Presidency of the Council of Ministers - Department for Equal Opportunities. The project is still ongoing.
  - It is important to mention another instrument to support women victims of violence: with Law No. 213/2023 (Budget Law 2024), a social security exemption was introduced for the hiring of women victims of violence. Resources were allocated for the period 2024- 2028 (EUR 1.5 million for 2024, 4 million for 2025, 3.8 million for 2026, 2.5 million for 2027 and 0.7 million for 2028,) for private employers who, in the three-year period 2024-2026, will hire unemployed women victims of violence and beneficiaries of the Freedom Income measure (including women who benefited from the measure in the year 2023). A 100% exemption from the payment of social security contributions is envisaged. In case of the transformation of the employment contract into an open-ended contract, an extension of the exemption is established until the eighteenth month from the date of the fixed-term employment.

### **B.3 - Strengthening the national and local institutional framework for co-operating with women’s rights organizations during the design, monitoring, evaluation and implementation of measures and policies to prevent and combat violence against women.**

- The Observatory on the Phenomenon of Violence against Women and Domestic Violence, established by decree in 2022, carries out monitoring, analysis, study and proposal functions in adherence to the purpose of developing and implementing the National Strategic Plan against Violence Against Women and Domestic Violence. As members of the Observatory, 10 of the largest NGOs in Italy (working on women's rights and female issues) participate directly in the work of this body. According to the principle of delegation of powers, established by the Italian Constitution, the funds are distributed to the Regions by the Department of Equal Opportunity; the Regions then

allocate the financial resources to Anti-Violence Centres and Shelter Houses. The services are then managed by local associations operating within the territory.

- In 2023, the National Observatory on the Condition of People with Disabilities in Italy, established by Law 18/2009, was reestablished. This Observatory is responsible for identifying cross-sector intervention strategies involving various administrations and other civil society actors to improve the living conditions of people with disabilities. Recently, within the Observatory, a specific Working Group on violence against women with disabilities has been established. This group is composed of representatives designated by all the administrations, bodies, and associations participating in the Observatory's activities. The Working Group has been established to foster a more structured cooperation between the Observatory on the Condition of Persons with Disabilities and the Observatory on the phenomenon of violence against women and domestic violence and promoting synergies between the two Observatories. The afore-mentioned Working Group issued a final document of its proceedings last December and this document has been instrumental in the preparation of the new "National Strategic Plan on Male Violence Against Women 2025 - 2027" that Italy is currently in the process of adopting.

**B.4 - Ensuring the adequate and prompt funding of measures to prevent and combat violence against women at the national and regional levels, providing long-term financial support to women's specialist services on the basis of a comprehensive needs assessment, and increasing the transparency and accountability in the use of public funds.**

- Anti-violence centres and shelter houses form the core of the territorial network providing support to women victims of violence through specialized services based on a gender-sensitive approach and the principles of the Istanbul Convention, following a structured victim-centred reception methodology. Within the Department for Equal Opportunities, the above-mentioned Observatory on the Phenomenon of Violence against Women and Domestic Violence, comprising of regional representatives, has been established also to define funding needs, ensuring that these services receive continuous and dedicated funding under Articles 5 and 5a of Decree-Law No. 93/2013, which is essential for their ongoing and regular operation.
- The Italian Government significantly increased the number of resources dedicated to combating violence against women while also introducing specific measures against economic violence (see answers to point B2). Regarding the financing of anti-violence centres and shelters, the allocated resources are transferred, by the Department for Equal Opportunities to the Regions on the basis of annual decrees of allocation signed by the political authority pro tempore delegated to equal opportunities. In 2019 a monitoring system was introduced on the level of resource utilization that is subsequently highlighted in the Report to Parliament on the use of allocated resources, prepared by the political authority responsible for equal opportunities, based on the



information provided by the Regions. Over the past five years, this monitoring system shows that there has been a significant increase in the resources allocated to anti-violence centres and shelters.

- Over the past five years, it can be confirmed that there has been a significant increase in the resources allocated to anti-violence centres and shelters. In fact, for the period 2019-2024 the total appropriations transferred to the regions amounted to: € 263.2 million. In detail, the following amounts were transferred through the annual allocation decrees:
  - 30,000,000.00 € for 2019;
  - 28,000,000.00 € for 2020;
  - 30,000,000.00 € for 2021;
  - 40,000,000.00 € for 2022;
  - 55,000,000.00 € for 2023;
  - 80,200,000.00 € for 2024.

In particular, with regards to the latest distribution decree (Nov. 16, 2023), an amount of 40 million euros (+10 mln compared to 2022) was allocated to regional facilities and initiatives.

By Ministerial Decree of 28 November 2024, the financial resources allocated for 2024 under the Fund for Policies on Rights and Equal Opportunities—amounting to 5 million euros—were distributed among the Regions. These funds were specifically allocated to support establishing and strengthening Centres for Men Perpetrators of Violence (CUAV).

- In 2023 an amount of 9 million euros was allocated in accordance with the objectives of the PNRR, the National Strategy for Gender Equality 2021-2026, as well as the National Strategic Plan on Male Violence Against Women 2021-2023, for initiatives, to be undertaken at the regional level, aimed at supporting women's empowerment, reintegration into employment, and economic and social recovery of women in particular in their path out of violence. Finally, Law No. 213/2023 (Budget Law 2024) increased resources by 5 million, following a parliamentary decision, for each of the years 2024, 2025 and 2026, allocating them for the implementation of anti-violence centres. In addition, 20 million euros were allocated for each of the years 2024 to 2026 for the purchase and construction of shelter houses. The above-mentioned resources are transferred from the central government to the Regions, which can financially support NGOs.

#### **B.5 - Taking legislative or other measures to ensure an effective response to violence against women by the competent authorities by ensuring that:**

- a) **effective civil remedies are available against any state authority that has failed in its due diligence obligations, as foreseen under Article 29 of the convention:**

- Article 16 of Law No. 168/2023 introduces amendments regarding the submission of the application for compensation for victims of violent intentional crimes provided for by Article 13 of Law No. 122 of 2016 (regarding the compensation claim), while Article 17 of Law No. 168/2023 provides for the possibility of requesting a temporary provision in favour of the victim or the beneficiaries in the event of the victim's death, in cases where there is a need as a result of the commission of crimes of murder, sexual violence or grievous bodily harm, or deformation of appearance through permanent facial injuries committed by the spouse, including separated or divorced, or by a person who is or was linked to the victim by a relationship of affection. The application for the temporary provision must be submitted to the Prefect, who initiates a preliminary investigation aimed at verifying the existence of the requirements, also availing himself of the police. It is up to the Solidarity Committee for the Victims of Mafia-type Crimes and Violent Intentional Crimes to determine provisional compensation at the outcome of the preliminary investigation conducted by the Prefect. The interim payment is counted in the final settlement of the indemnity determined in the conviction or plea-bargaining judgment, even if final, or in the issuance of a criminal decree of conviction, even if not enforceable. The Committee declares the forfeiture of the provision and orders the repayment of the amount paid out in the event of failure to apply for compensation within the prescribed time limit or inadmissibility of the application for compensation; lack of the conditions for applying for compensation (e.g: lack of self-assessment of the non-final nature of the criminal judgment or enforcement proceedings or of the receipt of sums in connection with the offence).

**b) an assessment of the victim's risk is carried out systematically by all relevant authorities in co-operation, while taking further steps to introduce a system to analyse all cases of gender-based killings of women:**

- With the reform of the civil procedure (Legislative Decree No. 149 of October 10, 2022, in force since February 28, 2023), the fight against domestic and gender-based violence has been strengthened by prioritizing prevention within civil proceedings. In cases involving allegations of violence, an immediate risk assessment of the victim, including their capacity to resist violence, is now possible from the preliminary stages of the trial, encompassing psychological violence as well. Within the context of family proceedings there will be:
  - an immediate response to allegations of violence by way of summary assessment with the possibility of court orders;
  - an autonomous, proactive, comprehensive risk assessment by the civil court;
  - communication between offices (aimed at linking civil and criminal proceedings on the same matter), to enable the proceeding judge to know the existence of the risk;
  - the adoption of appropriate protective measures, also in relation to children.

The system was also designed to grant the judge a more central and active role by enhancing judicial powers. The objective is to ensure that proceedings are conducted in a way that prevents secondary victimization, for instance, by eliminating family

mediation and conciliation attempts in cases involving allegations of violence. This framework, which emphasizes the individualization of the judicial response, aims to prevent the adoption of stereotyped rulings. Additionally, the civil judge must take all appropriate measures to ensure the victim's safety, such as holding hearings at separate times for the parties, particularly in separation or divorce cases.

In civil proceedings, we highlight the following tools to strengthen the prevention of domestic and gender-based violence, with a view to immediate risk assessment:

- in the event of allegations of domestic or gender-based violence, the timely adoption of appropriate safeguards and protection measures; faster handling of proceedings through specific procedural arrangements; the necessary coordination of all the judicial authorities involved, including the investigating authorities the prevention of secondary victimisation also by avoiding the simultaneous presence of the parties, where appropriate; when adopting measures concerning children, the specific consideration of any episodes of violence; the guarantee that meetings between parents and child take place, if necessary, with the accompaniment of social services and do not compromise the safety of the victim;
- the precise regulation of the intervention of the social welfare or health services, with the right of the parties and their advocates to have access to any report and assessment carried out by them, and, without prejudice to the general principle of the child's interest in maintaining a meaningful relationship with his or her parents, the specific purpose of protecting the victim and the child of this intervention, in cases of gender and domestic violence;
- the non-delegable hearing of the child, even if under the age of 12, if capable of discernment, by the judge (even by the reporting judge alone), except in cases of impossibility of the child, and the possibility for the judge himself to adopt measures concerning the children ex officio and even in the absence of petitions, safeguarding the adversarial process between the parties under penalty of nullity of the measure the possibility of ordering ex officio means of evidence for the protection of children, as well as victims of violence, also outside the limits established by the civil code, always ensuring cross-examination and the right to contrary evidence, regulating the powers of the court to investigate assets;
- the adoption of specific provisions to regulate the intervention of the social welfare or health services, in the function of monitoring, control and ascertainment, providing that the reports drawn up must clearly distinguish the facts ascertained, the statements made by the parties and the assessments made by the operators, with the right of the parties and their defence counsel to have access to any report and assessment made by the social welfare or health service managers and, without prejudice to the general principle of the child's interest in maintaining a meaningful relationship with his or her parents, that such intervention is only ordered in so far as it is specifically aimed at protecting the victim and the child and is adequately motivated, as well as regulating the prerequisites and limits of the custody of minors by the social service;

- in order to ensure maximum coordination between the authorities that may be called upon to ascertain the same facts of violence or abuse in their different areas of competence, it is provided that the civil judge shall request, also ex officio and without delay, from the public prosecutor or the other competent authorities (criminal judge, administrative authority) information on the various pending proceedings, with transmission of the acts (where they are open to inspection, because they are not covered by secrecy of investigation), within a period of fifteen days.
  - In 2022 Italy has adopted a specific law (Law No. 53/2022) aimed at ensuring a structured and steady information flow on violence against women, coordinated by the Department for Equal Opportunities, allowing decision-makers to devise adequate policies for the prevention and fight against violence and guarantee the concrete monitoring on their efficacy. In particular, the law establishes an integrated information system for the collection of data on crimes linked to violence against women, especially data allowing to discover the relationship between victims and perpetrators, as well as their age and sex, and the circumstances in which the crime was committed. Moreover, the law introduces the obligation for the public healthcare structures to provide data and information on violence against women. With reference to the Ministry of Health, the law provides that data about the access to the Emergency Room of hospitals include as compulsory set of variables: the victim-perpetrator relationship; the type of violence suffered by the victim (physical, sexual, psychological or economic); whether the violence is committed in the presence of children of the perpetrators or victims; if the violence is committed together with persecutory acts (stalking); the indicators related to risk of revictimization of the Brief Risk Assessment for the Emergency Department (DA-5).
  - In 2025 the Department for Equal Opportunities is financing the Women's Safety Survey. The survey will consider a sample of about 25,500 women aged 16-75, of whom 21,000 Italian, 4,000 foreigners and 500 refugees in Italy. It should be noted, however, that the timing of the start-up is still being fixed, due to a pending appeal concerning the awarding of the public tender called by Consip S.p.A. for the service of conducting the interviews.
- c) competent courts are under a duty to consider violence against women when determining custody and visitation rights:**
- Legislative Decree No. 149/2022 reformed the Code of Civil Procedure, introducing a unified procedure for persons, minors, and families through the amendment of Title IV-bis, Book II. The reform specifically includes the introduction of a dedicated section on domestic and gender-based violence (Book II, Title IV-bis, Chapter 3, Section I). This new framework was developed in alignment with the provisions of the Istanbul Convention, supranational requirements, and rulings of the European Court of Human

Rights against Italy. It also incorporates the findings of the Commission on Femicide and Gender-Based Violence. In line with the delegated legislative mandate, the reform strengthens the fight against domestic and gender-based violence by prioritizing prevention, including within civil proceedings. In cases involving allegations of violence, an immediate risk assessment of the victim, including their capacity to resist violence, can now be conducted from the preliminary stages of the trial, encompassing psychological violence as well. The system was also designed to grant the judge a more central and active role by enhancing judicial powers.

The objective is to ensure that proceedings are conducted in a manner that prevents secondary victimization, for example, by eliminating family mediation and conciliation attempts in cases involving allegations of violence. It should be noted here that, pursuant to Article 473-bis.43 of the Code of Civil Procedure (as amended by Legislative Decree no. 149/2022 implementing the delegated principles of law no. 206 of 26 November 2021) - entitled 'family mediation', in force as from 28 February 2023 - it is forbidden to start the family mediation process when a conviction or sentence has been pronounced, even at first instance, or when criminal proceedings are pending at a stage subsequent to the terms set out in Article 415 bis of the Code of Criminal Procedure for the conduct referred to in Article 473 bis 40, as well as when such conduct is alleged or in any case emerges in the course of the proceedings. The mediator will immediately discontinue the family mediation process undertaken if there are reports of abuse or violence during the process. The term refers to cases of proceedings in which there are allegations of family abuse or conduct of domestic or gender-based violence by one party against the other or their minor children, and its genesis is also and specifically to be found in Article 48 of the Istanbul Convention.

**d) restraining/protection orders are promptly available to victims of all forms of violence against women and enforced; and that data are collected on the number of restraining/protection orders requested and on the number granted:**

- Article 1 of Law no. 168/2023, entitled 'Strengthening of measures on warning and information to victims', extended the scope of application of the prevention measure of the *Questore's* warning, both ex officio and at the request of the offended person, and of the obligations to inform victims of violence, to law enforcement agencies, health authorities and public institutions. Law no. 168/2023 also intervenes on the subject of emergency measures which can be adopted by the President of the Court, pending the proceedings for the application of the measure of prohibition or obligation to stay, providing that, in the case of persons suspected of the above crimes, the President of the Court may order, by decree the temporary application of the prohibition to approach persons to be protected or certain places habitually frequented by them, and of the obligation to maintain a certain distance, not less than 500 meters, from such places and from such persons, until the preventive measure of special surveillance has become enforceable. Even in such cases, the application of the so-called electronic bracelet is envisaged, subject to the consent of the person concerned and verification of technical feasibility. If consent is refused or if it is not technically feasible, the court imposes -

on a provisional basis - an obligation to report to the police authority at least every two weeks. In the event of a breach of the emergency measures, imprisonment from one to five years and arrest, also outside cases of flagrancy, is provided for. In addition, Article 1 sets provisions for ex officio prosecution of caution-able offences, if committed, in the context of domestic violence, by a person who has already been cautioned.

- The warning from the *Questore* is part of the multiple tools to protect the victim of gender-based violence outside the criminal process, which is monitored by the Ministry of the Interior. This preventive measure – created for the purpose of securing the victim of persecutory acts, domestic violence, cyberbullying - was applied, according to ministerial data for the year 2022, on more than 3,600 occasions, thus far more frequently (+138%) than the approximately 1,500 in the year 2014, the year following the entry into force of the Law that introduced the extension of this institute to cases of domestic violence as well. Fifty-six percent (about 2,000) of these warnings in 2022 related precisely to facts deemed to be attributable to the offenses of battery or minor bodily injury in the context of domestic violence, a figure that shows a very strong increase (+46%) over the previous year. With regards to the measure of emergency removal from the family home, which is applicable in cases of flagrante delicto where there are reasonable grounds to believe that the criminal conduct may be repeated, placing the life or physical or psychological integrity of the offended person in serious and present danger, the removal from the family home was ordered in 380 cases in the year 2022, 377 times in 2021.
- A pivotal reform was introduced by article 7 of Law no. 168/2023, entitled ‘Time limits for the evaluation of the precautionary requirements’, then introduced into the Code of Criminal Procedure Article 362-bis, in turn entitled ‘Urgent measures for the protection of the offended person’ and containing a comprehensive regulation of the procedure for the application of precautionary measures in relation to crimes of domestic violence, gender and sexual violence. This reform addresses the urgency to take timely action and specifically provides that the Public Prosecutor must formulate the “*de libertate*” request within thirty days from the entry of the name of the person who committed the crime in the register of crime reports and that the Judge must rule on the request within twenty days from the filing of the request.
- Article 11 of Law No. 168/2023, entitled ‘Provisions on the subject of emergency removal from the family home’, supplemented Article 384-bis of the Code of Criminal Procedure with further provisions on the precautionary measure of emergency removal from the family home by prescribing that, even outside cases of flagrancy, the Public Prosecutor must order against the person seriously suspected of having violated the orders of removal from the family home, of prohibition to approach places frequented by the offended person, as well as of having committed ill-treatment against family members, injuries and other crimes committed with threats and violence, the urgent removal from the family home and the prohibition on approaching places habitually

frequented by the offended person, where there is a risk that the repeated criminal conduct will expose the life or physical integrity of the offended person to a serious and present danger, and it is therefore not possible to wait for the judge's order. Within the following 48 hours, the Public Prosecutor makes the request for validation to the Judge for Preliminary Investigations, in the absence of which the emergency removal order becomes ineffective. The judge is obliged to set the validation hearing within 48 hours.

- In order to provide an effective and structured contribution to the national bodies, based on the conviction that the degree of effectiveness of the regulations on combating gender-based violence is strictly dependent on their implementation, it was deemed necessary to set up a permanent Observatory within the Ministry of Justice, the 'Permanent Monitoring Centre on the Effectiveness of Regulations on Gender and Domestic Violence'. In addition, statistical data on civil and criminal proceedings of interest were acquired through the Superior Council of Magistracy and the General Directorate for Statistics and Organizational Analysis of the Department, which can also be consulted in an annex to this document. The monitoring center has also compiled a collection of legislation covering domestic and supranational sources on gender-based and domestic violence.

**e) legislation is amended to bring it to conformity with the requirements of Article 55, paragraph 1 of the convention regarding ex parte and ex officio prosecution:**

- In relation to the regulatory reforms carried out in the field of criminal law, with specific regard to the period of interest, two important interventions are worth mentioning. A first intervention, carried out through Law No. 122 of 8 September 2023, in force since 30 September 2023, concerned amendments to Legislative Decree No. 106 of 20 February 2006, concerning the powers of the public prosecutor in cases of violation of Article 362(1-ter) of the Code of Criminal Procedure. These amendments have firstly provided that, in proceedings for the offence provided for in Article 575 of the Criminal Code, in the attempted form, or for the offences, committed or attempted, provided for in Articles 572, 609-bis, 609-ter, 609-quater, 609-quinquies, 609-octies and 612-bis of the Criminal Code, or in Articles 582 and 583-quinquies of the Criminal Code in the aggravated cases pursuant to Articles 576, first paragraph, numbers 2, 5 and 5.1, and 577, first paragraph, number 1, and second paragraph, of the same code, the Public Prosecutor, by reasoned order, may revoke the assignment for the handling of the proceedings if the magistrate does not observe the provisions of Article 362, paragraph 1-ter, of the Code of Criminal Procedure i.e. he does not proceed to obtain information from the offended person and from the person who lodged the complaint, complaint or petition, within the term of three days from the registration of the notice of offence, unless there are unavoidable requirements for the protection of minors under eighteen years of age or for the confidentiality of the investigation, also in the interest of the offended person. In such cases, the magistrate may submit written observations to the public prosecutor within three days of notification of the withdrawal. The Public Prosecutor, either directly or by assigning another magistrate of the office, shall,

without delay, obtain information from the offended person or from the person who lodged the complaint, suit or petition, unless the above-mentioned unavoidable protection requirements provided for in Article 362(1-ter) of the Code of Criminal Procedure exist.

- Secondly, a monitoring mechanism has been introduced whereby the Public Prosecutor at the Court of Appeals, on a quarterly basis, acquires from the district Public Prosecutors' Offices data on compliance with the time limit within which information must be obtained from the offended person and from the person who lodged the complaint, suit or petition in the above proceedings and sends a report at least every six months to the Public Prosecutor at the Court of Cassation.
- (Please consider also the provisions set out by Law 168/2023 described above in point B.5, lett. d)).