

GREVIO

First thematic evaluation round

Italy

Report by “Italian women’s NGOs”

Coordinated by D.i.Re – Donne in Rete contro la violenza

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LIST OF ABBREVIATIONS

CAS: Extraordinary reception centres (Centri di accoglienza straordinaria)

CPR: Detention Centres for Repatriation

CTU: Expert appointed by the judge in civil/criminal proceedings

DPO: Department for Equal Opportunities of the Presidency of the Council of Ministers

DV: Domestic violence

FGM: Female Genital Mutilation

GBV against women: Gender-based violence against women

I.C.: The Council of Europe Convention on preventing and combating violence against women and domestic violence - Istanbul Convention

ISTAT: Italian National Statistics Institute

MIM: Ministry of Education and Merit (Ministero dell'istruzione e del merito)

SAI: Reception and Integration Migration System (Sistema di accoglienza e integrazione)

SPRAR: Protection System for asylum seekers and refugees (Sistema di protezione per richiedenti asilo e rifugiati)

VAWG: Violence against women and girls

VIP: Voluntary Interruption of Pregnancy

WSS: Women specialist services

INTRODUCTION

This submission has been compiled by a diverse group of Italian women's organisations and experts, including those who worked on the Shadow Reports for the GREVIO monitoring processes ([GREVIO Report 2018](#), [GREVIO Implementation Report 2023](#)) that closed in 2023 with the Recommendation of the Committee of the Parties. The same organisations also contributed last winter to the CEDAW 8th Periodic Report for Italy ([CEDAW 2024](#)). This current report therefore refers directly to issues already highlighted in the above procedures and documents in order not to repeat itself.

With respect to the specific questions posed by this current GREVIO monitoring procedure, this report focuses specifically on what is new and/or different from previous Reports, or are issues that remain problematic in Italy.

A few months after the NGOs' latest submission to the Committee of the Parties on horrific event shook Italy: the femicide of Giulia Cecchettin, in November 2023. A wave of outrage, activism and attention followed the initial disappearance and then investigation into the whereabouts of the young woman, followed by the shock and dismay over her femicide, which had been committed by her same age ex-partner. Both were good University students from "normal" families.

Her sister, Elena Cecchettin, immediately used social media to lay blame for her sister's death on the patriarchal society and was subsequently exposed to violent on line reactions from men.

The femicide of Giulia Cecchettin was followed by months of media attention, and increased access and calls to anti-violence centres and the national help_line number. The law being discussed in Parliament to update the Red Code was unanimously approved, and fundings allocations to anti-violence centres, shelters and perpetrators programs were increased. Training courses were requested by schools and events were organised for students. A level of awareness and attention that had never been seen before emerged.

And yet.

Along with the media coverage of Gino (the father) and Elena Cecchettin, hate attacks against them both have increased, and each of their appearance have been followed by a wake of online hatred, the form of hatred that has disproportionately impacted women since years. There has been no introduction of education on relationships and sexuality in schools. The law passed in this particular nationwide "emotional" moment is – as is usual in Italy - mainly based on police intervention and criminal law. Further, there has been no mechanism introduced to undertake retrospective analysis of femicide cases.

Where there is increased funding for combating violence against women and girls (VAWG) and domestic violence (DV), this comes accompanied by a reinforcement of a very dangerous gender neutrality, in terms of understanding of the nature of violence and in the provisions about services. The link between VAWG and its structural origins, the context of structural inequality from which violence originates and feeds, is not recognised, never mentioned and never considered.

Most recently, an advertising campaign appeared in Naples for an anti-violence helpline called SOS 1523¹ (recalling the helpline number 1522). The campaign, highlighted by several national media, claimed that violence does not always come from men and that a discrimination-free number that was also accessible to male victims should be set up. Women's associations obviously requested action by

¹ <https://www.1523.it>

the Department of Equal Opportunities (Dipartimento delle Pari Opportunità, DPO) and the Femicide Commission, highlighting the fact that this was seriously undermining the principles of the Istanbul Convention. Once again, a reaction of hatred was unleashed.

In this report, we intend to precisely stress the cultural emergency in Italy regarding every aspect of the fight against male violence against women, and the wide gap between the laws adopted and their actual implementation in the Italian social and cultural context.

Gender neutrality used in these contexts erodes the origins of VAWG as acknowledged in the Istanbul Convention (I.C.) preamble.

ARTICLE 7: COMPREHENSIVE AND CO-ORDINATED POLICIES

The issues raised in art. 7 and 18 have been highlighted by our previous reports [Shadow Report of women's NGOs- October 2018](#), [Report from Italian women's NGOs coordinated by D.i.Re 2023](#) and [Report by "Italian civil society organisations for CEDAW" January 2024](#) to which we refer to as unfortunately the general situation has not changed, and signalled shortcomings are still very concerning and not tackled by competent authorities.

Since previous Reports by Civil society in the GREVIO monitoring procedures and GREVIO's Baseline procedures, there are unfortunately no relevant new policy developments in this field.

The National Strategic Plan on Male Violence against Women 2021-2023 - financial and human resources

The 2021-2023 National Strategic Plan on Male Violence against Women was adopted in the total absence of confrontation and participation of civil society; **no executive plan followed**. As of today, the Plan has not been updated and a plan for 2024-2027 is not foreseeable. No useful documents for the necessary assessment and monitoring of the implementation of the National Strategic Plan on Male Violence against Women are available, nor have these been provided to the members of the Observatory.

Therefore, no plan is currently available for the coming three-year period and to date, nothing has changed and the critical issues identified have not been overcome. The establishment of forms of collaboration and involvement both in priorities and in the governance system, the role of women specialist services, women's associations, and civil society is actually weakened in both the implementation and evaluation phase. Article 1(149) of the Budget Law 2022 (No. 234/2021) has **removed the obligation** for the Minister delegated for equal opportunities to transmit an annual report on the implementation of the Plan to the Parliament, preventing any parliamentary/social control on its effectiveness. NGOs running Anti-violence Centres and shelters are rarely involved in needs and costs assessments or impact analysis.

As with the previous National Strategic Plans on Male Violence against Women, the 2021-2023 Plan envisages the drafting of an Executive Plan, which should outline the list of actions to be implemented, correlating them with priorities, responsibilities and resources. To date, such an Executive Plan has not been adopted. Apart from the indication of the period of validity (2021-2023), there are no indications regarding the timing of the implementation of the envisaged activities, nor the subjects who are responsible for implementing a given action and the administrative procedures to be activated. The objectives are stated in a generic way and, in some cases, specific activities are not clearly connected to them. There are no clear indications about the allocation of resources with respect to each of the intervention priorities and there is no link between the lines of action and the breakdown of the available financial resources.

This is also stated by the [ViVaproject](#), which stems from the Collaboration Agreement signed on 19 June 2017 between the Department for Equal Opportunities of the Presidency of the Council of Ministers (DPO) and the Institute for Research on Population and Social Policies of the National Research Council (IRPPS-CNR), on the subject of [Analysis and evaluation of interventions to prevent and combat violence against women](#).

The ViVaproject aims to provide a broad and analytically grounded knowledge framework useful to define and accompany the implementation of anti-violence policies.

As part of this project, a report was published in January 2024, which states:

"A first vulnerable point concerns the logical framework of the interventions, which is not always clearly defined. By limiting itself to dealing with aspects that are compatible with the policy-making nature of the strategic document, the Plan presents a limited definition both of the critical issues that

each priority/proposal for intervention intends to overcome in order to achieve the general goal of reducing or eliminating male violence against women, and of the specific objectives of the priorities and proposals for intervention.

The lack of operational declination of the strategic interventions results in the absence of any reference to the allocated financial resources and their allocation to the individual strategic axes and interventions. This is a particularly significant problem inasmuch as the absence of explicit criteria establishing what goals are to be achieved in the short, medium or long term, the high number of intervention proposals makes the national strategy hardly feasible in the time frame of a three-year period, even assuming that various system actions can be implemented without additional financial burdens for the Administrations and even assuming the intervention of various entities in their implementation. Similar limitations are to be found in the Plan's failure to specify the expected results of the actions and a system of indicators suitable for measuring the progress of these actions and their results."

Involvement of civil society

The establishment of forms of collaboration and involvement both in priorities and in the governance system, the role of WSS, women's associations, and civil society is actually **weakened** in both the implementation and evaluation phase of the above-mentioned Plans. As for the "Governance Model," these organisations are only included in the Observatory Assembly composed of 30 representatives, among which only 10 are designated by NGOs and only 3 represent WSS (anti-violence centres and shelters).

Regarding further critical issues connected to the Plan and the lack of efficient and stable policies to tackle all forms of violence as requested by I.C. we refer to our [Additional information from NGO D.i.Re - April 2023- Report from Italian women's NGOs coordinated by D.i.Re.](#)

Financial and human resources

National anti-violence funds significantly increased between 2013 and 2023 and, since 2022, a yearly allocation for the National Strategic Plan on Male Violence against Women was established. However, funds are not regularly programmed or tied to the Plan's pillars. The consequence is that WSS (anti-violence centres and shelters) run by women's NGOs remain severely **underfunded** as resources are not based on a regular in-depth assessment of national and local needs and costs. Their sustainability is challenged by the delayed transfer of funds. No specific resources aimed at survivors with disabilities are provided. Funds for perpetrator programmes, however, increased disproportionately in 2022 (+9 million euros).

Assessment on the use of resources

Despite the transfer to the Regions of the resources intended to strengthen the intervention systems had been implemented (albeit with delay and without considering the harmonisation with the timing of the preparation of the regional budgets), no information is currently available on regional programming. In addition, there is an uneven situation with respect to their use, as also noted by the Report on the 30th of June 2022 from the Ministry to the Parliament, which analyses the use of resources on the allocation of funds to the Regions pursuant to articles 5 and 5-bis for the years 2017-2021.

Despite the steady increase over the years, the resources allocated are still largely inadequate. It is estimated that the budget for 2022 provided each anti-violence centre with about 39.000 euros and each shelter with about 36.000 euros^{18.2} On funding, please see also information in art.8 above.

Agreement State/Regions

In September 2022, new “Minimum standards for anti-violence centres and shelters” were adopted. Such standards pose requirements for NGOs to receive state/regional funds. Art. 1 of these standards maintains that NGOs must “Pursue by statute, exclusively or predominantly, activities to prevent and combat male violence. This is also assessed by analysing the amount of budget allocated to them.” Such criteria prevent the diversion of funds to general organisations (e.g., social services cooperatives, Caritas, or the Red Cross) instead of women’s associations with specialist expertise. A few Regions contested such criteria, suggesting they be eliminated. Elimination would **undermine a gender-sensitive approach** and would be devastating for women’s NGOs that predominantly deal with VAWG and DV.

At a recent meeting of the Observatory, in 2024, the current Minister represented the critical issues that had emerged in the regional territories in relation to the application of the State-Regions Agreement on the structural requirements of anti-violence centres, informing that the State/Regions conference had sent the DPO a draft amendment to the text. The text was not shared with the associations present and its content and the proposed changes are not known.

To date, the work on the revision of the understanding on the structural requirements of anti-violence centres has come to a standstill, there are no major changes to what has already been represented in civil society previous ([2018](#) and [2023](#)) reports for GREVIO monitoring processes.

Regarding the attention of authorities to put in their policies on VAWG and DV women’s rights and their empowerment at the centre and to enhance the intersectionality of such policies it can only be underlined what is described in depth below (in response to art. 18) by evidencing how the lack of an integrated approach between support and protection services increases the risk of secondary victimisation. Above and beyond the stipulated measures, one of the main problems in Italy today continues to be the **cultural attitudes and stereotypes about women** held by legal, social services, medical and police professionals that constantly question the credibility of women. Even when they file a complaint, there is a tendency to view this instrument as an attempt to manipulate men or institutions by women for other purposes (such as obtaining advantages in a separation). **Women with disabilities** are deemed to be less credible, as they are often held to be “of unsound mind” and not reliable. Moreover, women with psychological/intellectual disabilities who have greater support needs may not actually have legal personality as they are subject to legal tutelage or guardianship, which have never been abolished in Italy.

² [Decreto del Presidente del Consiglio dei Ministri, 2 settembre 2022, Ripartizione delle risorse del «Fondo per le politiche relative ai diritti e alle pari opportunità»](#) - Annualità 2022.

ARTICLE 8: FUNDING

Allocation of resources (Art. 8, question 4)

Since the adoption of Decree-Law No. 93/2013, national anti-violence funds have significantly increased. From 2013 to 2023, the budget for anti-violence centres rose by 334%, and funds for activities under national anti-violence plans grew by 152%³. This latter growth is primarily attributed to the establishment of a yearly allocation for the National Strategic Plan on Male Violence against Women by law in 2022 (+15 million euros annually). It is important to evidence that the number of women killed by men within family and intimate relationships has not significantly decreased, with 106 women killed in both 2021 and 2022, and 96 in 2023⁴. This underscores the pressing need to overhaul the existing anti-violence policies, including the share and allocation of funds. It is imperative to effectively tackle the patriarchal social and cultural norms perpetuating various forms of male violence against women and girls in Italy on a daily basis.

At present, the allocation of funds is neither regularly programmed nor consistently aligned with the Plan's four pillars (Prevention, Protection, Prosecution, Assistance and Promotion)⁵, and it lacks a regular and comprehensive needs analysis or costs assessment specific to the Italian context. Most public funds have consistently been designated for the Protection pillar, while the State's investment in prevention measures has been inadequate. For instance, between 2020 and 2022, only 27,9 million euros were allocated for prevention (i.e., 11,8% of the overall anti-violence funds), with just 10,8 million euros specifically planned for primary prevention (i.e., 4,6% of the total anti-violence funds). The limited investment in primary prevention was further confirmed by the [budget law 2024](#). The latter has allocated 3 million euros annually starting in 2024 to fund secondary prevention measures, particularly the training of practitioners who may come into contact with survivors.

Significant progress has been made in promoting the socio-economic empowerment of women. In 2024, the **Freedom Income** for women who suffer from VAWG, initially introduced on an experimental basis in 2020 to economically support women survivors within the post-COVID19 framework, became a permanent measure. The 2024 budget law allotted 10 million euros per year for 2024, 2025, and 2026, and 6 million euros per year starting from 2027. Nonetheless, only 2.000 out of 30.000 potential recipients will benefit from it due to insufficient funding. Moreover, the monthly payment of 400 euros is inadequate and does not account for the discrepancies in purchasing power across different areas of the country. Regarding paid leave for survivors, no additional resources were allocated despite an increase in applications from 50 in 2016 to 1.630 in 2022⁶. Only a limited number of these applications were successful, with about 35% approved between 2019 and 2022.

The Italian authorities do not address all forms of violence against women as envisaged in the I.C. In terms of funding, the budget laws allocated for FGM-related activities (Art. 38 I.C.) 917.129 euros in both 2021 and 2022, and 1.239.845 euros in 2023 for awareness raising campaigns, a national hotline, and the training of practitioners. The Ministry of Interior, the Ministry of Health, and the DPO are the recipients of these annual funds. However, **comprehensive and easily accessible regarding the**

³ ActionAid, *Prevenzione sottocosto*, 2023.

⁴ <https://www.interno.gov.it/it/stampa-e-comunicazione/dati-e-statistiche/omicidi-volontari-e-violenza-genere>

⁵ <https://www.pariopportunita.gov.it/media/2314/national-strategic-plan-on-male-violence-against-women-2021-2023.pdf>

⁶ INPS, *Report domande vittime di violenza*, June 2023.

utilisation of these funds is lacking. For the prevention and fight against forced marriages (Art. 37 I.C.), one-time funds were allotted in 2018 to issue guidelines for identifying potential or actual cases. Moreover, no funds were allocated to prevent and fight crimes committed in the name of so-called 'honour' (Art. 42 I.C.).

Provision of resources for women's organisations to provide specialist support services (Art. 8, question 5)

Despite the increase in funding over the last decade, the budget allocated for 2023 provides about 50 thousand euros for each anti-violence centre and 43 thousand euros for each shelter, serving approximately 60 thousand women a year⁷. Moreover, the allocated amounts can vary annually: the law mandates a base allocation of only 16 million per year for anti-violence centres and shelters, leaving the decision on additional funding to the discretion of political authorities, especially the regions. No comprehensive assessment of the economic resources necessary to properly fund the Italian anti-violence centres system has ever been conducted. As a result, shelters and anti-violence centres are often severely underfunded, and their sustainability is further challenged by the **delayed transfer of money. No specific resources** are provided for actions aimed at survivors with disabilities or migrant women. Finally, funds for perpetrator programmes exceptionally increased in 2022 (+9 million), but only one million euros is established by law annually. However, the 2024 budget law allocated an additional 4 million euros per year over the three-year period 2024-2026.

In relation to the appropriate financial and human resources for women's rights organisations that provide specialist support services to victims, including those supporting migrant women and girls, see what is stated in Part III in relation to Articles 59, 60, 61 of the I.C.

RECOMMENDATIONS ARTICLES 7 AND 8

1. **Instruct DPO to jointly plan the use of national anti-violence funds with all relevant stakeholders, including WSSs, based on a regular needs and costs assessments.**
2. **Reinstate Parliament's oversight of the implementation of the National Action Plan, including funds allocation.**
3. **Retain Art. 1 of the Minimum standards for WAVCs and shelters and the current criteria for budget allocation for NGOs running WAVCs.**
4. **Carry out mandatory consultation with independent specialized women's services when minimum standards are designed, monitored, evaluated, and implemented.**

⁷ ISTAT, *Audizione dell'istituto nazionale di statistica presso la commissione parlamentare d'inchiesta sul femminicidio, nonché su ogni forma di violenza di genere*, January 2024.

ARTICLE 11: DATA COLLECTION AND RESEARCH

Administrative data collection (Art.11, question 6)

The State's responses on administrative data collection are once again not based on a perspective of continuity and long-term planning. The need to create a complete and integrated system has been reiterated and underlined in various documents and laws. However, the systematic start of data collection by institutional sources - in the health, legal and social fields - is still far away.

Despite the size of the issue, Italy does not possess a disaggregated and coordinated data collection system. Moreover, all accessible data, encompassing that of law enforcement institutions and the judiciary, is lacking in completeness, as noted by First GREVIO Baseline Report on Italy . In particular the limited analysis of the dynamics of the killings is hindering the purpose of understanding the risk factors and remedying gaps in institutional responses, having in mind that high rates of femicides may indicate serious flaws in the system of protection, a lack of coordination in implementing measures related to the “4 Ps” of the convention, improper visitation and custody arrangements, and a widespread sexist and misogynist culture.

The critical evaluation called for by GREVIO's expert has not been carried out; this would help in understanding why there is such a gap between complaints and convictions (see below Art.49-50). The Parliamentary Commission of enquiry into femicide and all forms of gender-based violence, so-called “Senate Commission on Femicide”, has published multiple reports, analysing the judicial system and the situation of existing anti-violence centres and shelters in Italy.

The text reaffirmed the significance of “valuing a gendered, non-neutral, and integrated approach that addresses economic, social, and political gender disparities across cultures, that also recognizes the cultural context in which violence against women is generated”.

All of this takes place despite the various National Strategic Plan on Male Violence against Women that have followed one another over time. Starting from the special plan of 2017-2020, which entrusted Italian National Statistics Institute (ISTAT) the task of creating such a system through an agreement with the Department of Equal Opportunity (DPO), and ending with the strategic one of 2021-2023 which once again underlined the need to create an integrated data system on violence. The subsequent period did not witness the implementation of an executive plan, and, more importantly, there is no plan in place for the period 2024-2027.

ISTAT data on stereotypes and prejudice; the latest and only report, 2019

The prejudice that holds women responsible for sexual violence persists. As much as 39.3 % of the population believes that a woman could escape sexual intercourse if she really did not want it. The percentage of those who think women can provoke sexual violence with the way they dress is also high (23.9 %). In addition, 15.1 % believes that a woman who experiences sexual violence when drunk or under the influence of drugs is at least partly responsible for it. 10.3 % believes that accusations of sexual violence are often false (more men, 12.7 % than women, 7.9 %); 7.2 % thinks that “when faced with a sexual proposal, women often say no but actually mean yes”; 6.2 % states that non-promiscuous

women are not raped. 1.9 % believe that there is no violence when a man forces his wife/partner to have sexual intercourse against her will.⁸

ISTAT data on sexual violence, the latest report, 2018

The most recent available data on ISTAT's institutional website is from 2018; according to the report there were 1,870 convictions in which the most serious crime was sexual violence. This includes 75 cases of group sexual violence. There was an increase when compared to the 1,697 cases of 2017. The average time between the date of the crime and the judgment in the first instance was respectively 32 and 46 months for sexual assault and gang sexual assault. In the same year, 8,605 people were investigated for sexual assault, and an additional 279 people were investigated for group sexual assault.

Criminal proceedings - dismissal data by law-enforcement agencies and the judiciary

Data on proceedings are few, uneven, and difficult to read as they are not collected on a systematic basis and lack disaggregated analysis by gender. There are two reports in addition to the 2018 ISTAT report mentioned above⁹. A survey referring to 2018, and the recent law (DDL 2530)¹⁰. The latter document includes data from the Minister of Justice for the years 2019/2021. Both documents show that, regarding rape and sexual assault crimes, the primary definition pattern is dismissal (likewise in ill-treatment and stalking cases). Available data (up to 2021) reveal that in about 50 % of cases of rape, sexual assault and rape proceedings are dismissed before prosecution is exercised. Conviction rates are equally low, hovering around 1,000 convictions per year - compared with crime registry entries of more than 7,000.00 cases per year (2019, 2020, and 2021). The issue regarding the high number of proceedings not ending in convictions was also raised by the GREVIO First Baseline report on the implementation of the Istanbul Convention in Italy: “[...] GREVIO is concerned about this lack of emphasis on investigating and understanding the reasons why a significant number of reported cases of violence against women are not successfully prosecuted and do not result in convictions. To this end, a thorough examination of all possible ways to achieve a more focused, driven and outcome-based approach to perpetrators’ accountability is necessary”.¹¹

The critical evaluation called for by GREVIO’s experts has not been carried out; this would help in understanding why there is such a gap between complaints and convictions.

Reports by the Parliamentary Commission of enquiry into femicide and all forms of gender-based violence¹²

The Senate Commission on femicide has published multiple reports, analysing the judicial system and the situation of existing anti-violence centres and shelters in Italy. It has reaffirmed the importance of "valuing a gendered, non-neutral, integrated approach that cross-culturally addresses economic,

⁸ Di Nicola, Judge of the Supreme Court, who wrote books and published several articles on prejudices and stereotypes <https://www.sistemapenale.it/it/opinioni/tribunale-roma-2021-pregiudizi-giudiziari-violenza-di-genere>

⁹ <https://www.istat.it/it/violenza-sulle-donne/il-fenomeno/violenza-dentro-e-fuori-la-famiglia/numero-delle-vittime-e-forme-di-violenza>

¹⁰ <https://www.senato.it/service/PDF/PDFServer/BGT/01334668.pdf>

¹¹ <https://rm.coe.int/grevio-report-italy-first-baseline-evaluation/168099724e>

¹² <https://www.senato.it/20301>

social, and political gender inequalities, a cultural context in which violence against women is generated".¹³

- A. The Senate Commission on femicide, on November 18th 2021, approved a report on the judicial response to femicide in Italy. Figures are disturbing:
- In the two-year period 2017-18, 211 femicides occurred: 96 in 2017 and 115 in 2018.
 - No differences emerge either at territorial level or regarding the characteristics of perpetrators and victims. Femicide, just like psychological, physical, and sexual violence, shows cross-cutting features.
 - 78 % of victims and 78.1 % of perpetrators has Italian citizenship, while 21 % of victims and 18.8 % of perpetrators has foreign citizenship.
 - In most cases (57.4 %), women victims of femicide were killed by their partner (husband, partner, boyfriend, lover), who in 77.9 % of the cases cohabited with the woman. 12.7 % of them were killed by their ex-partner.
 - 63% of women chose not to disclose previous instances of male violence to any person or authority; only 15% of victims reported it to the law enforcement authorities.

New statistic law (Law no.53 of 2022) and national surveys on VAWG

The enactment of the **Law no. 53 of 2022** was a crucial government action that played a decisive role in the creation of a system to manage and use data effectively. Article 2 of this law defined the "general data collection obligations," which established the guidelines and requirements for data collection and management. The law was enacted in March 2023, but as of today not all implementing decrees have been adopted for the integrated data collection system.

The main elements required by law are:

- Every three years the National Institute of Statistics (ISTAT) and the National Statistical System (SISTAN) must carry out a sample survey, up to the regional level, entirely dedicated to VAWG which also generates estimates on the hidden part of the different types of violence, i.e. physical, sexual, psychological, economic violence, including witnessed violence and the presence of the children of the perpetrator or victim at the scene of the crime, and persecutory acts in reference to behaviours that constitute or contribute to constituting a crime;
- The questions on the survey about psychological and economic violence dedicated to women in intimate partner relationships must be integrated with questions regarding the presence of children and the possible cohabitants. With regard to the perpetrator-victim relationship, a list of the minimum set of methods that must be included in the ISTAT surveys is provided.
- All public health facilities and particularly emergency operating units have the obligation to provide data and information about violence against women.
- Statistical information must be produced ensuring the identification of the relationship between the perpetrator and victim and noting:
 - a) the type of violence, physical, sexual, psychological or economic, exercised on the victim;
 - b) if the violence is witnessed by the children of the perpetrators or the victims and if the violence is aggravated by persecutory acts;

¹³ <https://senato.it/service/PDF/PDFServer/DF/353297.pdf>

- c) the risk indicators of re-victimisation, without prejudice to the guarantee of anonymity of the victims.
- The Ministry of the Interior must provide any further information useful for defining the perpetrator-victim relationship, and also -should it be possible-:
 - a) the age and gender of the perpetrators and victims;
 - b) information on the place where the event occurred;
 - c) the type of arms possibly used;
 - d) if the violence is committed in the presence of the perpetrator's or the woman's children.

The data collection system aims to collect for each woman victim of violence, at every stage of the judicial proceedings, information on complaints, preventive measures applied by the police commissioner or judicial authority, precautionary measures, protection orders and security measures, archiving measures and sentences.

The Ministry of Justice is required to provide data relating to the relationship between the perpetrator and the victim of the crime and those relating to the age and gender of the perpetrators and victims, and the presence of the children of the perpetrator or victim at the scene of the crime, the places where the event occurred and the possible type of weapon used.

Critical issues on the Law no.53/2022

This law does not clearly identify the data sources. It does not define "how" the different subjects must collect data, not guaranteeing either the standardisation or harmonisation of the data collected. Despite the commitment provided for in the law, the National Institute of Statistics (ISTAT), the Ministries of Interior, Justice and Health, must process and disseminate disaggregated data by gender, but there is a lack of disaggregated data with respect to the person's ability/disability, and sexual orientation and gender identity to grasp the phenomenon of GBV as a whole and its complexities. There is also a lack of data on the accessibility of shelters.

This Law does not provide any type of financial support to the subjects responsible for the implementation of the various data collection systems, which should flow into the single integrated system; this means a lack of appropriate economic investments to strengthen data collection and data analysis at various institutional levels and carried out by women's shelters.

The collection of statistical data on gender-based violence is enhanced in criminal justice only. Despite the fact that the Femicide Commission has repeatedly stressed the complete lack of data on civil cases, **there is no provision for any survey regarding violence in civil proceedings.**

As of today, the integrated data collection system is still insufficiently implemented.

Furthermore, the three years survey will only be available up to the regional and not municipal level, thus not allowing a more specific territorial analysis necessary for more targeted interventions.

ISTAT and the Law no.53/2022

At present, in continuity with the agreement between the DPO and ISTAT, the State refers to the [ISTAT portal](#) for all updated data on violence gender, also for a European and international perspective, as demonstrated by the declarations contained in the [page dedicated to violence against women on the website of the Chamber of Deputies - Parliamentary Documentation](#).

We appreciate the effort of ISTAT, which brought together the data available from the various Ministries and made them accessible through the publication on the portal of tables on the judicial process and on women's access to hospital facilities.

The published tables, however, do not in any way represent a systematic collection of disaggregated data as required by the Istanbul Convention and as required by Law no. 53/2022. Data is not updated to 2023; furthermore, for some of the items, the last available data refer to 2022, while for others it is updated up to 2018.

In particular, as far as [judicial processes](#) are concerned, specific tables are released for relevant issues such as complaints, proceedings defined in the prosecutor's office, convictions and prisoner.

For "Police Force Complaints", the data from the Ministry of the Interior for the years 2014-2022 are reported regarding "Complaints and reports" and "Warnings and removals by region". Only the first table reports data disaggregated by sex, age and citizenship while the second shows exclusively aggregated (i.e., total) data. Therefore, no harmony is found between the data sets presented, hindering a comparison or analysis.

For "Proceedings settled in the Prosecutor's Office", aggregated data is published on the "Perpetrators investigated by the Adult Prosecutor's Office by type of crime", for the years 2012-2018. Again, data are not disaggregated and, unlike the previous entry, the last available data refers to 2018.

The "Verdict" page releases tables on people convicted of certain types of crimes, divided by age at the time of commission of the most serious crime, family mistreatment, sexual violence, persecutory acts. The reference period is 2010-2018. The data is always aggregated and, once again, the last available data refers to 2018.

The "Detainees" page shows the data on prisoners who have committed crimes of domestic abuse, stalking, sexual violence, trafficking and enslavement, for the years 2010-2022. Although partial attention is observed to the disaggregated data, by citizenship and sex, it is still insufficient compared to what is required by the Istanbul Convention.

On the [ISTAT portal](#) reference is made to the "Agreement for the continuation of the database on gender violence" (May 2023) lasting three years, between ISTAT and the Ministry of Health. The data are presented according to two themes: women's access to the emergency room and hospital admissions.

On the first issue, the data tables are published in aggregate form reporting the global accesses of women and accesses with indication of violence of women in the emergency room, for the years 2017-2022.

On the second issue, tables with data relating to hospital admissions are shown for the years 2017 - 2022, with disaggregated data on age and origin exclusively for the years 2020-2022.

Even for Public Health, as already mentioned for Justice, the indications of the Istanbul Convention and GREVIO on the collection of data in a disaggregated form by type of violence, sex, age of the victim and perpetrator of the crime, relationship between the two and where it happened are not fulfilled.

RECOMMENDATIONS ARTICLE 11

- 1. Improve data collection in line with the requirements of Article 11 of the Istanbul Convention (gender-disaggregated data); make it mandatory also to civil family proceedings, and make it available to civil society with reference to judicial data.**
- 2. Mandate relevant ministries to issue implementing decrees for Law 53/2022.**
- 3. Require data collection on the impact of reforms with regard to art. 582 of the Criminal Code.**
- 4. Collect comprehensive public data or analysis on legal aid in family law and criminal VAWG cases.**
- 5. Support and adequately fund WSS's data collection.**

ARTICLE 12: GENERAL OBLIGATIONS

The socio-cultural condition of women in Italy has not improved since the last GREVIO evaluation, and everything reported in the [last report](#) in 2018, articles 12 and 13, is still valid, notwithstanding the election of the first woman Prime minister in 2019.

Role of the media: media harassment of victims

Media reporting of sexual violence and rape is often dramatically stereotyped and conveys prejudices and rape myths.

A widespread problem of online hatred towards women adds to the media portrayal of sexual violence and rape biased by prejudice. Women in Italy are steadily the primary target of online hate. A [VOX mapping](#) carried out each year regularly has women as the number one online hatred targets.

Development of the work of the National Observatory for the integration of gender policies

The House of Representatives published a [document](#) on the 8th March 2024 stating: *“To strengthen the governance of the 2021-2026 Gender Equality Strategy, the 2022 budget law (article 1, paragraphs 139-148, Law no. 234/2021), in addition to providing for the adoption of a national strategic plan for gender equality, has arranged for the establishment of an inter-institutional control room and a national observatory for the integration of gender equality policies at the Department for Equal Opportunities. Pursuant to the aforementioned regulations, the national strategic plan for gender equality has the following objectives: identifying good practices to combat gender stereotypes; closing the gender gap in the labour market; achieve equality in participation in different economic sectors; address the pay and pension gap; achieve gender balance in decision-making.”*

The financing of the Plan also provides, starting from the year 2022, an increase of 5 million euros in the Fund for policies relating to rights and equal opportunities. The Control Room was established with a subsequent decree of 27 January 2022 and has the functions of connection between the various administrations involved and between the different levels of government in order to coordinate actions at a central and territorial level. Among the tasks, it is the responsibility of the Control Room to carry out periodic reconnaissance on the state of implementation of the measures and interventions envisaged in the national strategic plan for gender equality, as well as to guarantee the programming of the resources intended for financing the Plan. The Control Room is chaired by the President of the Council of Ministers or by the political authority delegated to equal opportunities and is made up of 20 Ministers and 3 designated by the Unified Conference. The National Observatory for the integration of gender policies, established by decree of 22 February 2022, is a technical support body to the control room, with functions of monitoring, analysis, study and proposal of possible tools for the definition and implementation of the national strategic plan, evaluating the impact in order to improve its effectiveness and integrate the tools.

The first meeting of the Observatory for the integration of gender equality policies was held, with great delay, on Tuesday 23 April 2024, with the new composition established by the Ministerial Decree of 6 December 2023, chaired by the Minister for the family, Birth Rate and Equal Opportunities, Eugenia Roccella.

The Observatory was integrated with six new components: the National Councillor for Equality, a representative of the National Council of Economy and Labour (CNEL), a representative of the National Youth Council (CNG) and three Presidents of the Regional Commissions for equal opportunities representing the North, Central and South-Islands of Italy.

After the meeting, the [official statement](#) read: “It was an opportunity to assess the situation of the implementation of the National Strategy for gender equality 2021-2026 and to start monitoring the measures undertaken with the various institutional and associative components and with the social partners committed to gender equality. gender and female empowerment.”

These developments highlight multiple critical issues such as:

- long periods of time to start the monitoring and discussion on the measures of the national gender equality strategy even though the interventions should be completed by 2026;
- subjects representing women's and feminist organisations are excluded from a structured and formal discussion with the Ministry for the family, Natality and Equal Opportunities;
- opacity of the governance process in general and how governments funds are invested for gender-based violence's prevention;
- lack of gender-disaggregated data and their analysis with an intersectional approach does not allow institutions to analyse and intervene effectively on the multiple discriminations suffered by women.

RECOMMENDATIONS ARTICLE 12

- 1. Mandate enhanced, specialised training for journalists on gender-sensitive reporting on VAWG cases and gender stereotypes.**
- 2. Strengthen civil society's role in combating hate speech against women journalists and defenders, and provide for mechanisms for such victims to seek effective redress.**
- 3. Take steps to combat cultural and patriarchal prejudices and encourage significant cultural change to eliminate existing gender stereotypes and discrimination.**

ARTICLE 14: EDUCATION

Lack of funding and systematic approach to prevention

In the [eighth periodic report](#) submitted by Italy under Article 18 of the CEDAW (2022), the State emphasises the priority of ensuring equal opportunities in skills development in all fields of knowledge. This is done by removing cultural barriers and gender stereotypes, as well as ensuring fair gender representation in the academic field. However, in the last 10 years, only 13% of the funds allocated by the "[Legge sul femminicidio](#)" (119/2013) have been used for prevention actions. Merely 5.6% has been directed towards primary prevention efforts, aiming to dismantle social norms and behaviours that generate and perpetuate violence. Under the current Government, these funds have also witnessed a reduction of 70% (from over 17 million in 2022 to the current 5 million allocated for 2023)¹⁴.

So far, attempts to adopt training initiatives for equality and gender differences are the result of scattered initiatives by individual teachers and farsighted local authorities who are aware of the importance of these topics¹⁵. They are not yielded by an education policy applied uniformly throughout the country from early childhood onwards and at all school levels. The initiatives thus appear to be of different orientations, fragmented and uneven across the territory¹⁶. In fact, while gender stereotypes remain firmly embedded at all levels of society¹⁷ and among young people there is a lack of a culture of consent and awareness of forms of violence¹⁸, the Italian State does not provide for structural interventions to introduce a systematic education against gender stereotypes but limits itself to organising ad hoc initiatives such as school competitions in the above-mentioned State report. The Ministerial Directive "[Educate to Relationships](#)" issued by the Ministry of Education and Merit (Ministero dell'Istruzione e del Merito – MIM) in November 2023, and the subsequent Memorandum of Understanding signed by the Minister for Family, Natality and Equal Opportunities, the MIM and the Minister of Culture, "[Preventing and counteracting male violence against women and domestic violence - initiatives aimed at the school world](#)", propose a very limited intervention in time, only for upper secondary education, almost exclusively after-school hours, based on voluntary adherence for professors and classes, and without providing teacher training except for individual sessions focused solely on activity animation. The Directive establishes that school institutions *may* activate such projects, subject to consensus by parents and involved students. In any case, such projects are to be intended as extracurricular activities. The Memorandum provides for the implementation of a competition for the creation of audio-visual products; the realisation of one or more awareness-raising campaigns, the development and dissemination in schools of information materials on the phenomenon: insufficient and inadequate measures to tackle the issue at all levels.

Both the November 24, 2023 Directive and the Memorandum are completely missing the reference to the structural dimension of the cultural reasons that engender and perpetuate violence, and are lacking a comprehensive strategy with proactive and sustained measures to eliminate and modify patriarchal attitudes and gender stereotypes. Furthermore, indicators allowing for the measurement

¹⁴ 'Black Friday - Prevention at a Discount', ActionAid, November 2023, https://actionaid-it.imgix.net/uploads/2023/11/Prevenzione-Sottocosto_donne_2023.pdf

¹⁵ https://www.repubblica.it/cronaca/2024/02/04/news/corso_violenza_sulle_donne_a_scuola-422040144/

¹⁶ <https://laicamento.org/educazione-sessuale-a-scuola/> and https://scuolalab.edu.ti.ch/temieprogetti/educazione_sessuale_nella_scuola/Documents/Documenti_riferimento/STANDARD-OMS.pdf.

¹⁷ ISTAT Data, November 2023 <https://www.istat.it/it/archivio/291163>

¹⁸ Survey 'Teen Community' by Fondazione Libellula <https://www.fondazione.libellula.com/it/ebook.html>

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 are completely missing.

In the light of the widespread disinformation attempts surrounding these matters, GREVIO considered that the authorities should pursue their efforts to dismantle false assumptions about the content of gender-sensitive education as required by the Istanbul Convention and, in line with previous circulars, use stronger unequivocal language to recall how such education is part of the mandatory educational curricula which all schools, with no exception, are required to apply.

Education on consent and interpersonal relationships

The above-mentioned Directive leaves a lot of space to interpretations, and leaves room for conservative forces and fundamentalist Catholic groups. On one side, these groups have acted against sexual and relationship education misrepresented as “*gender theories*”¹⁹, on the other they offered themselves as accredited experts in the matter proposing programs of sex education with a strong Catholic bias in schools, disseminating misleading information about hormonal contraceptives and condoms²⁰. These initiatives are not inspired by any unified legislative framework that comprehensively promotes the sexual health of young people by providing precise guidance on goals, methods or program content, as suggested by [International Guidelines](#).

Italy is one of the last European Union member states where sexual education is not mandatory in schools²¹. Optional programs solely focus on the healthcare aspects of sex education and on the biological aspect of sexuality, lacking sexuality education for students starting from preschool, conducted with a transfeminist approach. Clearly there is no sexuality education focused on consent and relationships, together with family planning information.

Gender stereotypes in teaching materials and ministerial programs

There is still a lack of revision of ministerial programs aimed at overcoming stereotypes related to gender identity, sexual orientation, ethnicity, and other causes of marginalisation and underrepresentation of women. At present, all programs focus on male universalism in language, texts, depicted figures, and selected authors. Moreover, measures to prevent discrimination related to gender identity and sexual orientation, such as discrimination against LGBTQI+ people, are not at all included in school programs, not a surprise considering that Italy did not join the European Commission's appeal against Hungary's law that discriminates against LGBTQI+ people and prohibits

¹⁹ See

https://milano.repubblica.it/cronaca/2024/01/02/news/cartelloni_pro_vita_brescia_educazione_sessuale_scuola-421797085/?ref=RHLF-BG-P6-S3-T1; See

https://roma.repubblica.it/cronaca/2023/11/24/news/carriera_alias_pro_vita-421138868/; See

<https://www.provitaefamiglia.it/media/userfiles/files/dossier-gender-gennaio-2022.pdf>.

²⁰ See <https://www.scienzainrete.it/articolo/%E2%80%9Cpro-life%E2%80%9D-entrano-nelle-scuole-pubbliche-insegnare-che-contraccettivi-sono-pericolosi>;

See [https://torino.corriere.it/notizie/scuola/24_febbraio_17/torino-lezioni-di-educuzione-sessuale-di-matrice-cattolica-ora-e-teen-star-a-ritirarsi-dai-corsi-della-scuola-nigra-f25a021b-1b7b-4432-a6f3-8041d645bxlk.shtml#:~:text=Come%20raccontato%20dal%20Corriere%20Torino,interrompere%20i%20corsi%20in%20svolgimento.](https://torino.corriere.it/notizie/scuola/24_febbraio_17/torino-lezioni-di-educuzione-sessuale-di-matrice-cattolica-ora-e-teen-star-a-ritirarsi-dai-corsi-della-scuola-nigra-f25a021b-1b7b-4432-a6f3-8041d645bxlk.shtml#:~:text=Come%20raccontato%20dal%20Corriere%20Torino,interrompere%20i%20corsi%20in%20svolgimento.;);

See <https://www.open.online/2024/02/15/torino-scuola-nigra-educuzione-sessuale-teen-star/>.

²¹ <https://www.onuitalia.com/2023/02/21/educuzione-sessuale/>

the "depiction or promotion" of homosexuality and sex change among minors²² and the Meloni Government did not sign the Declaration for the promotion of European policies in favour of LGBTQI+ communities, put forward by the Belgian presidency of the EU Council and signed by 18 out of 27 member countries in May 2024²³.

Gender discrimination intersects with gender roles, sexual orientations, models of masculinity and femininity, yet in the Italian school system there is still little encouragement towards non-binary career paths and inclusive language. There are no pathways or strategies to counter gender-based violence, and in the few cases where initiatives are organised, they are neutralised in the fight against bullying²⁴ and often entrusted to figures without adequate preparation.

The National Strategic Plan on Male Violence against Women 2021-2023 in Article 5, paragraph 2 (c) of Decree-Law No. 93 of 2013, pursues among other purposes the promotion of "appropriate training of school personnel to the relationship and against violence and gender discrimination". So far, there has not been any mandatory training for teachers on the topics covered by Article 14 of the Istanbul Convention. The "Educate to Relationships" Directive "ensures the provision of specific training courses for the benefit of teachers involved in the activities referred to in this Directive". The training is thus only meant for teachers who already want to participate in the activities, while obligatory initial and in-service training of all teachers and all education staff on these topics is paramount. Systematic training for educational figures is lacking, resulting in many continuing to convey stereotypes and acting inadequately in managing cases of violence involving their students.

Promising practices by the civil society

For thirteen years, the "[Leggere Senza Stereotipi](#)"²⁵ (Reading Without Stereotypes) project has been conducted, which focuses on the representations of gender and relationships in picture books for the 0-6 age group. Irene Biemmi's research on sexist stereotypes in textbooks for primary schools dates back to 2010²⁶, when the clear indications of the [Polite project](#) to counter them were already ten years old and unfulfilled.

Every year in September, for the past 11 years, the *Educare alle Differenze* network has brought together hundreds of associations, professionals and decision-makers involved in gender education and combating gender-based violence in a free two-day training event. An opportunity to compare existing practices, policies and strategies for combating gender-based violence from early childhood and in all educational contexts.

In September 2023, the national network *Educare alle Differenze* drafted a proposal for intervention strategies in school environments at all levels, aimed at countering gender-based violence in its multiple forms and consequences. The publication, named "[Che fare? Tutto quello che avreste voluto sapere per contrastare le violenze di/del genere a scuola](#)", resulted from two years of work and

22

https://www.repubblica.it/esteri/2023/04/07/news/quindici_paesi_ue_ricorrono_contro_la_legge_ungherese_anti_lgbtq_italia_si_schiera_con_orban-395324246/?ref=RHLF-BG-I395324881-P1-S1-T1

23 https://www.repubblica.it/cronaca/2024/05/17/news/lgbt_dichiarazione_ue_italia_non_firma-423005520/?ref=RHLF-BG-P6-S1-T1

24 Ipsos-ActionAid Data https://actionaid-it.imgix.net/uploads/2023/09/Indagine_Ipsos_giovani_e_violenza.pdf

25 See Fierli E., Franchi G., Lancia G., Marini S. (2015). *Leggere senza stereotipi. Percorsi educativi 0-6 anni per figurarsi il futuro*. Cagli: Settenove.

26 See Biemmi, I. (2020). *Educazione sessista: stereotipi di genere nei libri delle elementari*. Rosenberg & Sellier.

involved the participation of teachers, school staff, associations, activists, and students. It starts from identifying the common matrix within the patriarchal system, misogyny, and cis-heteronormativity, accountable for male violence against women, homophobia, transphobic violence, and gender normativity, to comprehend intersectionality and the multiple oppressions women face. It reiterates the need to implement a systemic approach that amplifies the strategic role of schools in primary prevention. To make these strategies operational, a set of indicators to recognize violence, relational skills for listening, consent, and acceptance, and guidelines on how to handle episodes of violence occurring at school were identified. It is important to highlight that these initiatives are conducted by the civil society and are not conducted in cooperation with the state.

Gender studies and sexual harassment in universities

Considering the academic field, despite the growing interest at the European Level, measures to prevent and tackle VAWG and sexual harassment in Italian universities remain scarce. There are major shortcomings in preventing and combating gender-based violence and gender studies are marginalised.

Despite the scale, the political significance and the growing interest in academia, VAWG in Italian research organisations remains largely under-reported and under-researched. While the latest results at European level show that 62% of the survey respondents have experienced at least one form of VAWG since they started working or studying at their Institution, within the Italian context no quantitative data nor qualitative analysis have been systematically carried out in the field of VAWG and sexual harassment in the last years. Without sufficient knowledge, infrastructure, measures, and activities in place in academia, it is difficult to fully prevent, protect or even prosecute.

In addition, gender studies programmes are still scarcely supported at national level, with very few programmes existing. The research and training activities carried out have been promoted by single Universities or by a network of institutions such as UNIRE, who are devoted in particular to research and training. In terms of effects of violence, there are only 12 University anti-violence desks created in cooperation with local anti-violence centres and they are gradually revealing the presence of violence and sexual harassment within the academic environment, highlighting the extent to which the academic sphere is rife with systemic violence, also exacerbated by often precarious study and working conditions and unequal power relations between the student community and the teaching staff.

RECOMMENDATIONS ARTICLE 14

- 1. Introduce comprehensive, systemwide education against gender stereotyping.**
- 2. Institute mandatory sexuality education with a feminist and trans-feminist approach and a focus on consent.**
- 3. Encourage and support university initiatives to combat VAWG.**
- 4. Adopt the “Educating for Differences” strategies, indicators and guidelines.**

ARTICLE 15: TRAINING OF PROFESSIONALS

Training on all different forms of VAWG and DV

An excessive number of prejudices and sexist stereotypes still exist in the judiciary, preventing the recognition of violence against women as well as sexual violence, with a consequent underestimation of the problem. The Parliamentary Commission of enquiry into femicide and all forms of gender-based violence published a [report](#) on gender-based and domestic violence in the court system, stating that: “Law 69/2019 provided for continuous training of law enforcement. Unfortunately, three years after the approval of Article 5 of Law 69/2019, no decree has been issued to set out the contents of the Law.”²⁷

The Senate Commission on Femicide also highlights poor and uneven specialisation of judges and prosecutors on GBV, inadequate training of magistrates, poor training of lawyers and psychologists. Data confirm a general underestimation of the need for psychologists' specialised forensic training and for adequate skills when working in the field of GBV and DV, where they carry out counselling and expert witness work in trials, both in civil and criminal proceedings. Both lawyers and psychologists have only recently started to gain proper awareness on the above-mentioned issues and are extremely late in their training.

Regarding the training of professionals (and particularly judges, prosecutors and lawyers), the document identifies a number of critical issues concerning especially:

- inadequate understanding of the specific dynamics of GBV and the specific legal means available to combat it and protect victims;
- an insufficient risk assessment of the situations, posing a risk to health and safety of women and their children;
- underestimation of the psychological and economic violence suffered and reported;
- the failure to see femicide as the last step of a progressively increasing situation of previous, serious and repeated violence (including psychological violence);
- the widespread tendency of labelling (and thus, treating) DV as a family conflict, which results in the violence being ‘obscured’. This compromises the possibility of violence being revealed, with the further serious effect of confirming in the perpetrator a sense of impunity and causing secondary victimisation effects on the woman who suffers the violence.

Initial and in-service training on the different forms of violence against women and domestic violence of judges, court-appointed experts and other legal professionals:

There is still a concerning lack of adequate training for magistrates and law enforcement agencies on the basics of VAWG and DV. In particular, ongoing and mandatory training of magistrates on the topic of gender discrimination and stereotyping in such contexts is lacking.

Specialised training on judicial bias concerning violence against women (including sexual violence) does not exist in Italy. Courses organised by the *Scuola Superiore della Magistratura (Higher School of the Judiciary)* only focus on legal and technical aspects without any reference to sexist prejudices, cultural background, or the Istanbul Convention and CEDAW, despite the Council of Europe and the European Union considering them essential, and despite the Committee of Ministers' strong encouragement to authorities to intensify their efforts to eradicate sexist stereotypes.

²⁷ See <https://www.senato.it/service/PDF/PDFServer/DF/366054.pdf>,
<https://www.senato.it/service/PDF/PDFServer/DF/372013.pdf>

Specifically, the guidelines and recommendations included in the following documents are not applied:

a) **Council of Europe documents on Higher Schools of the Judiciary**

- [Sec. 56 e 57 Recommendation CM/Rec\(2010\)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities](#)
- [Sec. 17, n. 4 Opinion no.10 \(2007\) of the Consultative Council of European Judges \(CCJE\) to the attention of the Committee of Ministers of the Council of Europe on the Council for the Judiciary at the service of society \(CCJE: 2003, Op. n. 4\)](#)
- [Sec. 65-67 of Opinion no.10 of the Consultative Council of European Judges on the Council for the Judiciary at the service of society \(CCJE 2007\)](#)

b) **European Union documents on Judiciary training**

- [Articles 82.1 \(c\) and 81.2 \(h\) of the Treaty on the Functioning of the European Union, at the outcome of the Lisbon Treaty](#)
- [Resolution of the Council and the Representatives of the Governments of the Member States, meeting in the Council on the training of judges, prosecutors and judicial staff in the European Union \(2008/C 299/01\)](#)
- [Sec. 12.6 of the Stockholm Programme](#)
- [Communication from the Commission, "Building trust in EU-wide justice: a new dimension to European judicial training \(COM: 2011, 551 final\)](#)

Magistrates' training is not compulsory. At their discretion, each year magistrates may ask to attend four courses held by the Higher School of the Judiciary on any topic.

The training courses on VAWG or DV (both civil and criminal, juvenile and labour) that the Higher School offers are negligible in comparison with the total number of courses. Approximately 100 courses are held each year. Four (at most) focus on GBV and are delivered on November 25th (as stated by the Italian government in the action report). Thus, only about 400 out of 9000 magistrates receive training on GBV every year for once! - and none of them on judicial prejudices against women. Holding such training exclusively on the International Day for the Elimination of Violence against Women is a clear indicator that the topic is not being systematically and structurally considered and addressed.

No training or courses for magistrates or executive officers (separate and different from those for the training of the general Judiciary) cover the subject of GBV offences or judicial bias. At most, individual lectures on the subject are provided for trainee magistrates.

As far as training of police officers is concerned, three years after the approval of Article 5 of Law 69/2019 (the so-called Red Code Law)²⁸ no decree has been issued to set out its contents yet.

Courses offered by *Accademia della Crusca*²⁹ also proved futile for the cultural and interpretative purposes of interest here.

Lastly, outcomes of the limited training provided to magistrates are not monitored.

²⁸ According to Article 5 l. 69/2019, specific training courses for State Police, Carabinieri and Prison Police personnel are to be provided.

²⁹ A society of scholars of Italian linguistics and philology. It is one of the most important research institutions of the Italian language.

Public Social Services and training on violence against women and girls and domestic violence

Public Social Services are often a necessary step for many women, especially for those with fewer resources and less guidance (particularly women of non-Italian origin, with limited knowledge of the Italian language and the system of available support services), and for those involved in measures by the Judicial Authority. The issuance of Law No. 69/2019 (the so-called Red Code Law) has increased the involvement of Social Services, which are now required to intervene *ex officio* in all cases of identified violence, regardless of the woman's willingness to report it.

For a successful intervention, the involved Social Services have to be competent in VAWG, have to recognize and name violence, be experienced in supporting the women considering their specific needs and their will; otherwise, there is a high risk of **victimising and re-victimising the women and their children**³⁰.

In the 2020 edition of the [Codice Deontologico dell'assistente sociale](#) (*The Italian professional Code of social workers*) explicitly states "the profession's commitment to preventing and combating all forms of violence and discrimination." However, the [Piano nazionale degli interventi e dei servizi sociali](#) (*The National Action Plan of Social Services*) issued by the Ministry of Labour and Social Politics in 2021 does not adequately develop the topic of VAWG, which is mentioned only three times, two of which are exclusively related to the protection of involved minors and the evaluation of parenthood.

Data on women's access to Social Services (basic data of how many women address them and whether spontaneously or through the Judicial Authority) are not available, making it impossible to measure the impact of social intervention in their effort.

Above mentioned lack of competence and lack of awareness on VAWG by public Social Services is a structural problem. The welfare approach, the historical suspicion of institutions towards the feminist experiences, with a **consequent distancing from the methodology of Anti-violence Centres, are the origin of widespread resistance, or difficulty, in supporting paths of autonomy, self-determination, and empowerment of women, making the cooperation with anti-violence centres difficult.**

In cases of DV, Social Services mainly focus on children. The positive attention to the child's interest is an important achievement (i.e. the [Airone project](#) of the Fondazione Nazionale Assistenti Sociali - National Foundation of Social Workers- on the orphans of femicide). Nevertheless, there is often the risk of an imbalance compared to the interest of the woman, with the consequence of her hyper-responsibilisation, by questioning her parental responsibility more often than is done with fathers.

The University training of professionals working in Social Services (social workers, educators, socio-health assistants, cultural and linguistic mediators) is still deficient and mainly theoretical. In 2022, the [UN.I.RE](#). Academic Network was established by a system of universities, research centres, and researchers sharing the goal of applying the Istanbul Convention starting from the academic system. UN.I.RE.'s activities mainly concern training, research, data collection, and raising awareness in civil society with a goal to affirm a culture of respect for gender identities and non-violence; it is recognized by the Council of Europe as part of the [OCEAN](#) project. For the academic year 2023-2024, for example, the University of Milan Bicocca, which is part of it, proposed a 56-hour course entitled "*Training social workers to combat gender violence*". Similar courses are part of the offer of other Italian universities

³⁰ As denounced in 2022 by the Senate Commission on Femicide: "In the majority of the analysed procedures, although the social service was aware of the violence and often of pending criminal proceedings, specific measures were not adopted to protect the victims of violence [...] violence is invisible to the eyes of operators [...] who, even in cases where it is detected [...] are not able to design interventions that include its contrast as a fundamental component of the intervention itself".

within the degree courses in Social Work, Sociology, Psychology, Educational Sciences, and Anthropology, i.e., all courses for the various professions of care in public Social Services.

These courses offered by universities risk to undermine the recognition of expert's competence in training by the anti-violence centres, introducing a pure academic knowledge into a field of great **frontline working experience, enriched with the feminist reflection and practice** and a worldwide knowledge on the social and cultural roots of violence that represent a permanent practice of the feminist approach.

RECOMMENDATIONS ARTICLE 15

1. **Ensure adequate training of public officials and all professionals, including an understanding of the dynamics of gender-based violence to overcome widespread prejudices and stereotypes.**
2. **Ensure that training is not restricted to technical, legal or psychological knowledge but also includes the mechanisms of male violence against women and the stereotypes and prejudices that undermine judicial decisions and access to justice for women.**

ARTICLE 18: GENERAL OBLIGATIONS

The issues raised in art. 7 and 18 have been highlighted by our previous reports [Shadow Report of women's NGOs- October 2018](#), [Report from Italian women's NGOs coordinated by D.i.Re 2023](#) and [Report by "Italian civil society organizations for CEDAW" January 2024](#) to which we refer to as unfortunately the general situation has **not changed**, signalled shortcomings are still very concerning and not tackled by competent authorities.

Multi-agency cooperation mechanisms

GREVIO underlined in its Midterm Report (226) a lack of effective co-operation and multi-agency approach to the protection and support of victims in the area of DV, specifically for Italy. In fact, there are no formalised standardised appropriate mechanisms in Italy that provide for effective cooperation among the following agencies: the judiciary, public prosecutors, law enforcement agencies, local and regional authorities, NGOs and other relevant entities and organisations.

There is still no cooperation between the various players who should form a "common culture" in the fight to curb VAWG, or which actually adopts the principles of the I.C. in general, particularly those indicated under articles 7 and 18. The creation of this common culture is hindered by the absence of any real and effective cooperation between the parties, and a lack of operative training. In Italy there's no guarantee of effective responses following a gender-based approach to the specific needs of women and their children which aim to protect human rights and safeguard victims. **Nor is there an integrated approach between support and protection services.**

Already in 2012, the Special Rapporteur on violence against women recommended in her [Report about Italy](#) that the Italian Government:

- (a) *Continue to take the necessary measures, including financial, to maintain existing and/or set-up new anti-violence shelters for the assistance and protection of women victims of violence;*
- (b) *Ensure that shelters operate according to international and national human rights standards and that accountability mechanisms are put in place to monitor the support provided to women victims of violence.*

If on a local level this is a possibility, it is only thanks to decades of voluntary effort by women's NGOs and WSS that have always played an important role in guaranteeing that the rights of victims of GBV against women and girls in all its forms are safeguarded. That is how they started to gather all local public and private stakeholders - often informally and without even the necessary funds -, creating the so-called "regional anti-violence tables" and networks, recognising the necessity of multi-agency co-operation. Inspired by this good practice, still ongoing on a voluntary unfunded basis, only recently the DPO allocated very few funds to the creation of uniformed and sustainable co-ordination mechanisms through the National Strategic Plan on Male Violence against Women and other connected projects. The aim is to convince local authorities and the law enforcement agencies to become active, while the judiciary and public prosecutors are regrettably mostly absent. Despite these scattered efforts, the Italian territory doesn't follow a uniformed policy and a legal document advocating and prescribing such protocols is still missing. (See above under art. 7, on the National Strategic Plan on Male Violence against Women).

Only when WSS run by women's rights organisations are actively involved women who suffer violence are supported through a gender-sensitive and victim-centred approach, with special attention to the prioritisation of safety, empowerment and self-determination.

In fact, feminist anti-violence centres have followed the so-called "one-stop" approach and methodology since their origin. This approach supposes that a woman who seeks help at an anti-

violence centre is - as described above - the “engine and manager” of the multi-agency approach. She will be given an all-round competent support in the centre with an activation of all necessary measures and instruments, at her will and her time, with a particular attention to her safety and autonomy.

Unfortunately, this valuable work by women’s organisations in most Italian territories it is not only insufficiently supported and funded by the responsible public authorities and their policies. Rather, at a national level their work is severely neglected by a State that, since the ratification of I.C. and its enter in force for Italy in August 2014, never guaranteed an efficient and stable funded National Strategic Plan on Male Violence against Women, which is the base to a serious commitment for an efficient and sustainable implementation of the I.C.

Only on a territorial basis there are some local policy documents promoting cooperation mechanisms and/or structured multi-agency approaches, sometimes (very rarely!) also taking financial responsibility for their stable functioning. This results in a very unequal and **discriminatory response for the victims of violence, depending on where she lives and/or where she seeks help.**

This lack of uniformity in the methodologies and approaches according to the I.C. in responding to violence also explains the high rates of continued and increasing violence (and femicides) and represents a serious breach of the Italian fulfilment of I.C. principles and the implementation of GREVIO and the Committee of the Parties recommendations.

Regarding the financial and human resources invested for the implementation of the general obligations under art. 18 of I.C. see above under art. 7.

ARTICLE 20: GENERAL SUPPORT SERVICES

Since the last GREVIO report of the civil society the particular organisation, at national and local level, of general support services (public services) has not changed. Therefore, all the shortcomings highlighted in our previous reports and carefully considered by GREVIO's Reports and the Committee of the Party recommendation are unfortunately confirmed:

- structural inequalities in victim's access to general services in their uneven territorial distribution (between North, Centre and South/Islands with strong penalisation of latter);
- structural lack of facilities and services in all fields listed in the question;
- lack of gender-sensitive approach and gendered understanding of violence in most services with serious harm to victims and their children's need for safety, protection and empowerment;
- lack of regular in-depth training of staff of general services on the issue GBV against women, no gendered understanding of it.

As described above in Art.7 and Art. 8, the current National Strategic Plan on Male Violence against Women is not reassuring with regard to **the allocation of sufficient funds** for an improvement of these structural deficiencies.

Moreover, the **lack of proper evaluation and follow-up data** on the Plan's implementation don't allow us to assess if and how many women benefited from the measures enacted to tackle the problem.

The current economic and social situation of Italy is also not helping. As described above under Art. 8 Funding the "*Freedom Income*" to economically support women survivors has not really been adequate and helpful.

In Italy, the State has no plan or intention to develop a women's employment strategy and there are no effective measures to support women in reconciling their work-life balance. Until adequate financial resources are allocated to the redistribution of care work within the family and society, women's employment in the formal sector will not increase. The situation has remained unchanged, demonstrating how poor conditions in women's employment have a structural and systemic character requiring organic and long-term interventions. The employment rate for women aged 15-64 in 2022 is 52.6%, with regional differences (in the North it is 58.2%, in the South 31.7%), and the labour market is characterised by a high horizontal gender segregation.

There is a greater "**child disadvantage**" in both employment rate and wages than in the rest of Europe. The employment rate for women aged 25-49 living alone is 81.3% compared to 60.2% for mothers and 20% of employed mothers leave work giving birth. The bonuses implemented by the government are temporary measures, insufficient to change structural inequities.

Furthermore, these interventions only concern women with children (from the second child). Despite the 1971 law establishing public crèches, the percentage of children enrolled in public nurseries is only 14%, and with huge regional differences.

Finally, gender differences affect employment contracts: 27.2% of women work on fixed-term and are unable to find a full-time job (*involuntary part-time*). The increase in involuntary part-time work is also due to the tax exemption for companies that increased female employment almost exclusively with part-time or fixed-term contracts³¹.

The current situation described above shows how women in Italy are struggling to guarantee themselves an economic and stable independence. This framework is of course a decisive obstacle for women to leave a situation of DV.

³¹ See https://www.direcontrolaviolenza.it/wp-content/uploads/2024/01/CEDAW_ENG-1.pdf

Public health sector

Regarding the particular situation of access to the public health sector there are some good practices scattered across the territory where WSSs have been the promoters of territorial networks based on a multi-agency approach against violence that have seen an active and positive involvement of public health operators. Most WSS members of the national network of D.i.Re can refer to such experiences that in some cases have been going on since long.

Through the training delivered by WSS it has been possible to develop a positive cooperation with the public health sector resulting in a good gender-sensitive and competent support for women. In most cases intervention protocols have been formalised in order to consolidate those practices independently from the presence of individual motivated operators, so as to create a stable consolidated procedure that guarantees to all women and children adequate responses to their safety and medical needs when seeking help.

With reference to the collection of forensic evidence and documentation see what it is described specifically below in Art. 25 in relation to the support for victims of sexual violence.

See also in Part III about issues of women with disability and in general regarding the access to abortion.

Women seeking asylum, refugees and migrants: access to services

There is no fundamental improvement in equal access to existing or specialised health services for women seeking asylum, refugees and migrants. From the moment they arrive in Italy, many structural circumstances exacerbate their vulnerability.

In April 2022, the National Commission for Asylum published the [Standard Operating Procedures \(SOPs\)](#) on *“the detection and referral of persons who survived – or at risk of – gender based violence in the context of the procedure for the recognition of international protection”*. If properly implemented, the SOPs could provide opportunities for asylum-seeking women to get information on WSSs and so receive specialised support. However, the situation is not homogenous among Asylum Commissions on the national territory.

In addition to this, no data is available on the implementation of SOPs (e.g., on VAWG cases detected, VAWG info provision or referral to WSSs). The lack of data makes the evaluation of the impact of these policies and their implementation critical.

Furthermore, on June 23, 2023 the Ministry of Interior released the [“Handbook for the identification, referral and care of persons living with vulnerabilities entering Italy and within the protection and reception system”](#) that defines the support response for vulnerable migrants, with a specific focus on VAWG survivors, throughout the whole rescue and reception process. However, the document still remains dead letter due to many difficulties such as services dedicated to specific needs of migrant women and girls survivors of VAWG (such as WSSs, anti-trafficking projects; Health and social services) not homogeneously present on the territory and often not adequately funded by the Italian Government.

As a matter of fact, asylum-seeking and refugee women are still experiencing several barriers in accessing VAWG support services: lack of knowledge on VAWG support services, lack of trained cultural mediators, lack of properly trained staff in all competent authorities. This situation results in lack of referral mechanism for VAWG detection, identification and support among relevant stakeholders and a related low number of women asylum-seeking and refugees accessing specialised services, including WSSs.

ARTICLE 22: SPECIALIST SUPPORT SERVICES

From 2017, ISTAT has begun to [collect data](#) pertaining to the System of Protection of Women Victims of Violence. In 2018, the Surveys on the performance and provision of services offered by Anti-Violence Centres and shelters and a similar survey on Shelter Homes were launched, while in 2020 the statistical survey regarded Anti-Violence Centre Users and the dissemination of data on the public utility number (1522) against violence and stalking. These surveys are carried out in cooperation with the DPO at the Prime Minister's Office and with the Regions. Last surveys presented focused on the services and organisational characteristics of Anti-Violence Centres and Shelters and they analysed data on women who have started the pathway out of violence through the Centres' support.

Law no. 53 of 2022 '*Provisions on statistics on gender-based violence*' specifically provides that ISTAT should conduct these Surveys on the characteristics of the users of Anti-Violence Centres, including the author-victim relationship, the type of violence suffered, the presence of children and the types of assistance provided.

The declared aim by ISTAT and the DPO is to provide quality information and statistical indicators that offer an overview of this issue through the integration of data from various sources (ISTAT, DPO, Ministries, Regions, National Research Council, Anti-Violence Centres, Shelters and other services such as the public utility number Anti-Violence and Stalking 1522).

This long due attempt by ISTAT and the DPO to collect nationwide coherent data and – finally! – create an integrated and promptly updated framework of official information on VAWG in Italy fulfilling remarks made by GREVIO in 2020 in its First Baseline Country Report ("*the divergent figures and sources of data made it difficult to verify both the coverage and the quality of specialist service provisions*").

For many years (decades!) women's organisations, engaged on the frontline by running WSS, (anti-violence centres and shelters) were the only ones collecting data, at national and European level. It was, and still is, a difficult task for the NGOs since it is never sustained with dedicated public funds. The European network WAVE- Women against violence Europe - publishes every 2 years a Country report that provides important data about the member's countries (46) in the European region; the last data of 2023 regarding Italy and provided by the Italian network D.i.Re can be read [here](#) and confronted with ISTAT data.

Again, it is not easy to get a real picture of specialist support services in Italy. It is so because coinciding with the growth of attention and funds (especially supranational) dedicated to the fight of GBV against women and girls there has been a noticeable increase of actors in the private sector (but also in public administration) who have very quickly defined themselves as experts on the subject and in the field. These new actors are now competing – often with unbalanced financial power - with WSS that for decades have worked without or with minimal funding and that have always had a strong focus on a women-centred and needs-based approach, with a political and gender understanding of the cultural and social causes of VAWG and DV and its aspects.

As already mentioned above in Art. 20, the trend of gender-neutral responses, not only in general support services, but also in the specialist ones, threatens to distort the basic principles laid down in the C.I. for an effective organisation of a public anti-violence system, with serious danger for women and their children.

Today, the result is that WSS are facing in many areas, now even more than in the past, a threat to a safe continuity in their work in support of women victims of violence, having to take in account the

precariousness and increasing instability of guaranteed funds. The main problems are: uneven spread of WSS throughout the country, limited capacity of existing structures to respond to the needs of all victims and to all forms of violence and to the needs of women who are subject to multiple discrimination. This system risks penalising the quality of specialist support services (both anti-violence centres and shelters).

For an overview of types of specialist support services in Italy dedicated to women victims of GBV covered by the I.C. we refer to the above mentioned [WAVE Country Report 2023](#). [D.i.Re](#)'s latest report on its members and WSS gives an overview of the current scenario.

Specific needs for migrant women and girls

In relation to the existence of specialist support services that cater the specific needs of migrant women and girls who are victims of VAWG, including women and girls seeking asylum and those granted refugee or international protection status, see what it is stated in Part III, with reference to Articles 59, 60, 61 of the I.C.

ARTICLE 25: SUPPORT FOR VICTIMS OF SEXUAL VIOLENCE

Italy has a clear situation regarding the criminal law on sexual violence that states the obligation of all public health institutions to collect and preserve every evidence of violence for forensic evidence in courts, independently of the circumstance if the victim of sexual violence decides to file a complaint necessary to start a criminal proceeding (for most cases of sexual violence there is 1 year time to decide).

This means that all emergency services in major hospitals in Italy are prepared and equipped to fulfil this obligation. However, what is not often guaranteed is a trained and specialised staff that ensures proper medical care and appropriate psychological care and trauma sensitive support. As highlighted in the GREVIO First Baseline Report only some public hospitals of bigger cities (such as Milan, Rome, Torino, and some others) “manage to operate within an effective referral system linking relevant sectors, such as health care, law enforcement, social and legal counselling, complying with the risk assessment standards and the respect for the victim’s informed consent and confidentiality³²”.

In most cases other hospitals and especially smaller ones lack specialist staffing and in the best scenario they refer victims to the local anti-violence centres (where cooperation with them is established).

It is important to consider that, since their beginning, anti-violence centres run by women’s organisations have dedicated attention to sexual violence. They offered adequate and specialist support to women victims of sexual violence and accompanied women, when necessary, during medical procedures and judicial proceedings. 87 women’s centres members of the network D.i.Re provide specialist and competent support for survivors of sexual violence. They offer needs assessment, specialist sexual violence advocacy services and community awareness and education for prevention. Specialist forensic and medical care is provided by gynaecological and emergency departments in hospitals, which activate the above-mentioned procedure for forensic evidence in cases of sexual violence.

There is also no specialised helpline for cases of sexual violence, the national helpline 1522 provides support for those cases too.

³² <https://rm.coe.int/grevio-report-italy-first-baseline-evaluation/168099724e>

ARTICLE 31: CUSTODY, VISITATION RIGHTS AND SAFETY

The provisions of Art. 31 of I.C. have a crucial and practical relevance for all women who, together with their children, seek protection and effective tools to escape situations of DV and/or VAWG.

Unfortunately, in Italy, the principles and provisions enshrined therein have not only never found a careful and timely application (as clearly highlighted by GREVIO in the [Baseline evaluation report 2020](#) and in the Recommendation of the Committee of the Parties 2020, as well as in the Conclusions on the implementation of the [Committee of the Parties recommendations](#) , [civil society reports](#) , to which we refer to), but they have seen a worsening of those issues that had been considered critical and worrisome in the determination of custody and visitation rights of children.

Already in 2012 the [Report of the Special Rapporteur on violence against women](#), its causes and consequences, Rashida Manjoo stated in her mission to Italy:

“71. The practice of systematically granting joint parental custody, including in cases of intrafamily violence witnessed by children, allows for the perpetuation of domestic violence against divorced and separated women. Also, the GREVIO Baseline Evaluation Italy stated: the introduction of a legal reform on shared custody failed to carefully assess the enduring inequalities between women and men and the high rates of exposure of women and child witnesses to violence, as well as the risks of post-separation violence”.

In last year's [Report from the civil society on the implementation of the Recommendations of the Committee](#) it had to be underlined, again, that the implementation of Art. 31 and of the GREVIO and the Committee of the Parties are still not at all fulfilled and worrying developments in child custody proceedings have to be observed.

The current situation has not changed. Despite the fact that the Italian legal system provides for the forfeiture³³ and suspension/limitation³⁴ of parental responsibility, there are very few cases where the abusive parent is disqualified from parental responsibility. Here, again, the system fails to acknowledge that as long as violence is ignored, any claim to limitation and/or forfeiture of parental responsibility or sole custody is going to be considered unfounded and illegitimate. The traditional family perspective prevails time and time again. The judiciary does not recognize VAWG and/or witnessed violence.

In its June 2021 [report](#), the Parliamentary Commission of enquiry into femicide and all forms of gender-based violence (hereafter called the Senate Commission on Femicide) highlighted the invisibility of GBV against women and DV in civil courts. In its May 2022 [report](#), the Commission found that in 96% of separations involving VAWG, courts did not consider violence relevant for child custody. GREVIO stressed in its [First Baseline Report](#) on Italy that employing the concept of parental alienation and similar notions may impede identification of VAWG and their children by ignoring the gendered nature of violence. Despite the Italian Supreme Court has ruled on the lack of scientific basis of court-appointed expert (CTU) opinions when they suggest diagnosis of parental alienation syndrome, judges continue to validate CTUs mentioning parental alienation and its derivatives, even punishing the mothers with fines as well as the abduction of the child and loss of parental responsibility. Moreover, CTUs often do not have specific training or specialisation on VAWG.

Social Services ignore VAWG when evaluating parenthood, and the principle of joint custody is given precedence over the rights of the child, often considering the woman as the inadequate parent.

The judiciary does not recognize VAWG and/or witnessed violence. In the Femicide Commission report, *"violence is invisible to the eyes of operators [...] who [...] are not able to design interventions*

³³ Art. 330 of the Italian Civil Code

³⁴ Art. 333 of the Italian Civil Code

that include combating it as a fundamental component". In Civil Courts, violence is rarely mentioned. In almost all cases examined, shared custody is ordered even when evidence of violence is provided, and it is not unusual for women to be indirectly "forced" to engage in mediation ending in secondary victimisation. Also, it is a common practice in Italian jurisprudence to consider a mother who has suffered violence as unfit. For example, the Supreme Court recently declared a child with a violent alcohol addicted father who had violently abused his wife as adoptable (Civil Supreme Court, Section I, Judgment No. 3546 - 4th February 2022).

Nevertheless, the Italian Supreme Court reaffirmed that the best interest of the child shall prevail over the right to shared parenthood and it stated that the traumas resulting from removing the child from the mother, deemed to be uncooperative, cannot be ignored, without violating Article 8 of the ECHR. Civil Courts and Juvenile Courts do not use risk assessment tools.

Economic barriers also affect women victims of violence. CTUs are expensive and because many women cannot afford their own experts: thus, their equal right of defence is impaired. Family civil law cases, heavily characterised by a disparity of economic power, lead to a lack of protection of fundamental rights (protection from violence, recognition of parental responsibility, maintenance, retention of the family home) and to a "forced" acceptance of consensual solutions due to the economic impossibility of facing the costs of a trial. Many separated women are forced into extreme poverty by a system that does not guarantee equal access to justice and ignores the effects of VAWG. Consequently, they are forced to "consensually" relinquish all property and child custody rights.

Reports by the Senate Commission of enquiry into femicide and all forms of gender-based violence

The Senate Commission on Femicide has published multiple reports, analysing the judicial system and the situation of existing anti-violence centres and shelters in Italy. One of these [reports](#) reaffirmed the importance of "*valuing a gendered, non-neutral, integrated approach that cross-culturally addresses economic, social and political gender inequalities, a cultural context in which violence against women is generated*"³⁵.

Regarding the training of professionals (judges, prosecutors and lawyers), [the document](#) identifies a number of critical issues that are highlighted above in the paragraph about Art. 15.

Secondary victimisation of women in courts.

The latest work of the Senate Commission on Femicide pays great attention to the secondary victimisation of women in courts. [The survey](#) examines 1.411 court proceedings in the period 2020-2021, registered in 2017 in both civil and juvenile matters. Therefore, the examination includes separations and decisions on parental responsibility.

"On one hand the perpetrator of violence is investigated and convicted for his behaviour; on the other hand, he is considered an adequate parent, at the same level as the one who suffered the violence. Violent acts in civil and juvenile proceedings are not ascertained, and no direct consequences on parenting exist. This cannot be tolerated within the same system. It is necessary to ensure that coordinated measures are taken"³⁶.

Many of the judgments analysed (separations, divorces, parental responsibility cases) include situations where women/mothers are victimised for the second time - not by the abuser but by the system, and thus by the State: "*Violence in the family and in intimate relations is certainly neither an*

³⁵ See Relazione Sulla Governance Dei Servizi Antiviolenza E Sul Finanziamento Dei Centri Antiviolenza E Delle Case Rifugio Of The Senate Commission On Femicide

³⁶ See "Relazione Sulla Vittimizzazione Secondaria Delle Donne Che Subiscono Violenza E Dei Loro Figli Nei Procedimenti Che Disciplinano L'affidamento E La Responsabilità Genitoriale" Of The Senate Commission On Femicide Pag. 6

isolated nor a sporadic phenomenon. As many as 34.7 % of proceedings include allegations of violence, while 5.8 % combine allegations of violence and dysfunctionality. Out of the 2,089 judicial separation proceedings involving children considered, a total of 724 cases are relevant to the survey as there are allegations of violence and/or parental dysfunctionality”.

“Violence is not detected even when the mother reports child abuse. It is precisely in this area that the most drastic victimisation of women and minors takes place: proceedings relating to this abuse are in fact dismissed, on the grounds that the child is unreliable and the mother is alienating. This is so, essentially because of the difficulties in ascertaining the facts reported with the consequent risk of the child being placed with the father³⁷”.

This falls within the context of technical expertise (court-appointed experts). Finally, the report gives an account of a significant limitation of the system: *“Often, consultants are not chosen from registers and do not have specific training on gender-based violence issues. There is no adequate preparation, no knowledge of the phenomenon. Therefore, the damage is immeasurable”.* This practice also enables the perpetuation of stereotypes and violence from generation to generation. The critical aspects identified by the Senate Commission on Femicide concerning the lack of training of court-appointed experts are confirmed by a recent [study by the University of Trieste](#), and a [survey conducted by the lawyers of the D.i.Re Association](#) on the secondary victimisation of women in courts and the non-recognition of domestic violence in civil and juvenile courts³⁸.

It is, indeed, a common practice in Italian jurisprudence to consider a mother who has suffered violence as unfit (and, above all, with no hope of recovering her parental capacity). An example of this approach can be found in a [recent judgement](#) of the Civil Supreme Court. The father, alcohol addicted, had violently abused his wife - even in the presence of the child; the child was declared adoptable (Civil Supreme Court, Section I, Judgment No. 3546 of 4th February 2022)³⁹.

The survey shows that Italian legislation is not applied according to the I.C. and that, in all considered cases, the Convention is never mentioned in court orders or decisions. It shows also that, in Civil Courts, violence is hardly mentioned, conflict continues to be referred to. In almost all cases examined, shared custody is ordered even when allegations and evidence of violence are provided. CTUs often disguise violence and engage in mediation, which is explicitly prohibited by I.C. in DV cases and results in secondary victimisation.

The language and judicial argumentation do not diverge from the widespread stereotypes still present in Italian society.

The “Cartabia Reform” (December 2022 – March 2024) in family proceedings

The chance of improvement of above-described Italian situation seems represented by a new national law on a relevant reform in the Italian judicial procedural system started in December 2022 and it is still in progress this year 2024 (Legislative Decree No. 31 of 19 March 2024 on ‘Supplementary and corrective provisions to Legislative Decree No. 150 of 10 October 2022, implementing Law No. 134 of 27 September 2021’, “Cartabia Reform”).

Part of this reform involves also the civil proceedings and as much as is relevant for Art. 31 of the I.C.. There is a section entirely dedicated to DV and GBV against women. This focus on the civil proceedings (Civil and Juvenile Courts) is certainly appreciable as, so far, the topic has only been subject of reforms in criminal law and criminal procedure.

³⁷ Relazione Sulla Vittimizzazione Secondaria Delle Donne Che Subiscono Violenza E Dei Loro Figli Nei Procedimenti Che Disciplinano L’affidamento E La Responsabilità Genitoriale Of The Senate Commission On Femicide

³⁸ https://www.direcontrolaviolenza.it/wp-content/uploads/2021/07/D.i.Re_Il-non-riconoscimento-della-violenza-domestica_compressed.pdf

³⁹ [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-215179%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-215179%22]})

However, the chance of real positive developments in custody issues seems, unfortunately, already missed for reasons illustrated below.

Since many of the provisions entered into force in February 2023, it is too soon to assess their effectiveness and analysis will be needed. Unfortunately, in 2022 the Italian Parliament enacted Law n. 53 on data collection and statistics in DV, which does not encompass data collection or surveys regarding violence in civil proceedings, therefore analysis will be very difficult.

a. **Lack of data on violence in civil law courts – no screening on custody decisions in cases of DV and VAWG and witnessed violence** (Art. 31, question 32, d.)

Most regulations of the reform came into force in June 2023, so it is not possible to verify their effectiveness and implementation, yet. **But it can already be emphasised that the failure to collect data with an express focus on proceedings with incidents of violence covered under the scope of the I.C. is a great missed opportunity to finally have the possibility to concretely monitor how this issue is dealt with in the various jurisdictions, both during and at the end of the proceedings and in the decisions. It will (again!) not be possible to verify the effectiveness and concrete application of the reform.**

Even with Law No. 53 of 5 May 2022 ([Provisions on statistics on gender-based violence](#)) this will not be possible. Regrettably this law has enhanced the collection of statistics on GBV against women only in the criminal field and it totally lacks reference to data on civil proceedings. Moreover, this law is still not applied as the implementing decrees have not been issued yet.

b. **Gender neutral approach** (Art. 31, question 32, a.)

With reference to the problematic issues under Art. 31 of the I.C., the gender-neutral approach of the Cartabia Reform, with no specific reference to the necessary knowledge of the dynamics of DV and VAWG, hence to the gender sensitive reading of the Convention as required expressively in the I.C. and in the CEDAW, represents one of the problematic obstacles to an effective implementation of the principles of Art. 31 I.C.

In fact, already in 2015, the CEDAW Committee General Recommendation No. 33 on women's access to justice requires states parties to ensure that professionals in the justice system handle cases in a gender-sensitive manner. **In Italy this finds an insurmountable obstacle, in the wrongly interpreted principle of the “judge's impartiality”.**

c. **Lack of consideration of incidents of violence covered under the scope of the Convention in the determination of custody and visitation rights of children** (Art. 31, question 32, a., question 33, a., b, c.)

The Cartabia reform refers to the safety of victims and minors and cites Art. 31 of the I.C.. The intention of the legislator is to endow the family judge with broader powers and specific tools to ensure adequate protection for victims of DV and to avoid secondary victimisation. Pursuant to Art. 473 bis.42 para. 2 of the Code of Civil Procedure, the judge and his assistants are given the task of protecting the personal sphere, dignity and personality of the victim, as well as ensuring his safety.

However, the law fails to specify the ways and means by which the victim's personal sphere may be protected.

The reform establishes an obligatory kind of “fast track” in family proceedings in case of allegations of DV. All possible measures described and applicable by the judge - that formally seem to broaden the judge's power to acquire documents and testimonies on the alleged violence and to intervene promptly, avoiding secondary victimisation - are mandatory.

Despite the introduction of such mandatory measures, in Italy they are still very persistent both the lack of understanding by judges, court experts, social services of the dynamic of DV and VAWG as well

as the very biased and stereotyped view of women and mothers in family law and in separation/divorce proceedings.

This represents a main cultural and long-term issue in Italy (also raised in previous GREVIO Country Baseline Report and recommendations and by the UN Special Rapporteur on VAWG 2012) which leads to interpret DV and VAWG as a mere family conflict.

By wrongly and discretionally considering the allegation of DV and VAWG as a mere family conflict judges are relieved from the application of the new mandatory measure mentioned above.

Consequently, this attitude often results in imposition of and favour for shared custody at every cost and in decisions where women and their children experience secondary victimisation, even though they have witnessed violence.

ECHR decisions on Italy on child custody and parental responsibility

See in this sense the decision of ECHR in [De Giorgi v. Italy](#) (16 June 2022) about the Italian court defining the violence suffered by the woman and her children as “*behaviour typical of conflictual separations*” when a woman reported her husband seven times for DV against her and her children: the complaint was qualified by the Judiciary as family conflict.

And [I.M. and Others v. Italy](#) (10 November 2022): the case concerned the allegation by the applicants (a mother and her two children) that the Italian State had failed in its duty to protect and assist them during meeting sessions with the children's father, who is a drug addict and alcoholic, accused of ill-treatment and threatening behaviour during the sessions. Furthermore, the domestic courts suspended the mother's parental responsibility, as she was regarded as a parent who was “*hostile to contact with the [children's] father*”, on the grounds that she had refused to take part in the sessions, based on her history of DV and safety concerns.

d. The Cartabia Reform on witnessed violence and concealment of the violence in family proceedings (Art. 31, question 32, a., b.)

Provided that the application of this reform, despite introducing formally mandatory measures, in practice (through the need that the judge recognises violence) has to rely **on the single judge's discretion**, in the current Italian cultural and judicial context, there is a serious risk that all these positive measures listed in the reform might fade away and furthermore there will be no reliable statistics on the application of these measures.

Besides, the Cartabia Reform by referring to allegations such as the complaint, emergency room reports, etc. - that will have to be checked by the judge for reliability - will entail the consequence **that violence can only – if ever - emerge in its most serious forms**, resulting in the concealment of psychological and economic violence.

A last – but not least - another concerning issue is represented by the circumstance that the Reform encourages the initiative of the judge to promote mediation **or attempt conciliation** in the course of the proceedings, when s/he finds as the outcome of a merely preliminary investigation that the allegations of violence do not exist. And as already stated above, the judiciary hardly recognizes VAWG and/or witnessed violence.

The Cartabia reform does not provide for a specific article on children witnessing violence, but provides for listening to the child⁴⁰ in the presence of allegations of violence. The hearing must be run personally by the judge and without delay.

⁴⁰ Art. 473 bis-45 of the Italian Code of Civil Procedure

e. **Questioning the parental responsibility of mother's victims of DV and VAWG** (Art. 31, question 32, c., question 33, c.)

The reform also provides for the **compulsory appointment of the child's special curator "if there is no person to represent or assist the child, or there are reasons of urgency" or "there is a conflict of interest' between the parents and the child"**⁴¹. This general rule is now introduced in proceedings about parental responsibility in which there are allegations of violence. This is a very concerning approach as it risks equating the abusive parent with the abused parent and it might increase the attitude by services to consider the mother, who suffered violence, incapable of adequately protecting hence representing her children. An attitude that frequently can lead – as mentioned above in the ECHR case I.M. and Others v. Italy – to a suspension/withdrawal of the mother's parental responsibility in favour of care by social services and or foster-care.

The same attitude has brought the Cartabia reform to introduce – always at the discretion of the Court - another new possible actor in custody proceedings: the "the curator" who can be appointed to settle proceedings in cases of high conflict. Again, the mother victim of violence is subject to the discretionary assessment of judges who in the majority have not the necessary competence on DV and VAWG. Furthermore, the law speaks again about "high conflict" instead of naming violence and the clear distinction among perpetrator and victims. How can be interpreted this new figure of curator and its mandate to "settle the conflict", if not with a sort of "imposed mediation" in contrast with Art. 48 of I.C. (see infra art. 48).

Finally, this reform foresees another (the third!) possible figure in these proceedings: the expert appointed at the request of the parties⁴², who comes under the heading of the judge's aids appointed pursuant to Art. 68 of the Code of Civil Procedure. The costs of this expert will have to be borne by the parties.

In a country like Italy, where – as GREVIO highlights in its Baseline Evaluation Report – Court experts, social services and judges still use the so-called principle of "parental alienation syndrome" it is of crucial importance that there is a duty for professional guilds, basic training institutions and all relevant professionals to be informed of the absence of scientific grounds for the "parental alienation syndrome" and, it should be banned to refer to it.

The Cartabia Reform has missed the chance to provide for this.

f. **Economic disparity in access to justice and to the right of defence of women victims if DV and VAWG** (Art. 31, question 33, a.)

It is easy to foresee how the "entrance of these new actors" in the proceeding could be exploited by the party which is economically stronger (mostly the perpetrator). Conversely women often do not have the economical capacity to pay for this as well as they usually could not pay any other court expert, who are very expensive and that are not covered by the free legal aid. This is so because through the free legal aid lawyers and court experts are reimbursed too little in comparison to the normal charge.

The Cartabia Reform does not consider at all these economic barriers that notoriously affect women victims of violence, reinforcing the disparity and obstacles to an equal right of defence in family/custody proceedings, with frequent "forced" acceptance of consensual solutions by women due to the economic impossibility of facing the costs of a trial. Many separated women are forced into extreme poverty by a system that does not guarantee equal access to justice and ignores the effects of VAWG.

⁴¹ Art. 473 bis.7 and Art. 473 bis.8 of the Italian Code of Civil Procedure

⁴² Pursuant to Art. 473-bis.26 of the Italian Code of Civil Procedure.

It has to be noted how the above-mentioned provisions of the Cartabia Reform still mention “*high conflict*” instead of violence! The absurdity of this whole system is obvious. There is a risk that a woman victim of violence is totally undermined in her parental role, being seen as too weak to represent her child’s interest, finding herself with someone else taking the decisions of greatest interest to her children.

g. **Risk assessment** (Art. 31, question 32, e.)

The important request made by the I.C. and the GREVIO experts to all professionals responsible for the protection and safety of women and their children in DV and VAWG situations to pay close attention to a competent risk assessment - carried out in their own field and considering assessments drawn up by law-enforcement agencies or other competent stakeholders - by taking the victims into account and determining the best interests of the children in the context of custody and visitation decisions, is crucial.

Neither in previous legislation nor in the Cartabia Reform, the use of the risk assessment tool by judges and the coordination with other competent stakeholders is envisaged. The result – as is described in previous civil society reports and by GREVIO – is that only the women (a minority) who turn to the Anti-Violence Centres and shelters find professionals who are experts in assessing every risk and pathways out of violence safely and with an attentive approach to multi-agency coordination, while many others unfortunately risk every possible danger associated with these situations. Furthermore, the lack of competence on this issue by judges can even lead to a very dangerous underestimation of WSS’ assessments that are seen as ‘suspect’ of bias in favour of the woman, despite the great effort made by the women’s lawyers to emphasise the relevance of these risk assessments for the identification of adequate responses by the judicial system.

The police have taken a step further by trying to implement the SARA risk assessment system as a rule. Where the multi-agency approach and the synergy between law enforcement and WSS’ works, women are safer. Unfortunately, there is no uniformity in the application of the SARA protocol across Italian regions and there are even less legislatively binding obligations for appropriate necessary training (see above under Art. 15: *Training of professionals*).

h. **Relevance in Courts of victims’ grievances in cases of domestic violence and testimony of children victims/witnesses in the determination of custody and visitation rights** (Art. 31, question 33, b.)

The Cartabia reform regulates the preliminary investigation activities of the judge in the presence of DV or abuse allegations⁴³. The judge proceeds, without delay and also *ex officio*, to freely interrogate the parties on the facts alleged. If necessary, the judge could also resort to the support of experts to protect the alleged victim and it could choose to adopt the appropriate modalities to hold the hearing as a guarantee for the victim. The judge could also do so at the victim’s request.

There is no doubt that free questioning of parties can be of great assistance to the judge because it allows the different narratives, in relation to the same facts, to be compared. Such comparison can provide elements to support or contrast the opposing reconstructions of events. It also makes it possible to acquire further elements to proceed with the preliminary investigation (e.g., to ascertain beyond what is indicated in the introductory writings whether someone among relatives, friends or neighbours, is able to report on the conduct of violence or abuse, a person who can then be examined directly by the judge with the activation of the powers of office granted to him/her).

⁴³ Art. 473-bis.44 of the Italian Code of Civil Procedure.

To date, it is not possible to verify the effectiveness and application of this legislative provision. The real willingness to listen and, above all, to a correct assessment without prejudices and stereotypes by judges will again depend - as repeatedly noted - on their knowledge of the dynamics of DV and VAWG and on their competence and cultural attitude towards this problem. The reality in Italian Courts has always been, and still is - as stated in GREVIO's Baseline Evaluation Report – that *“the system in place, rather than affording protection to victims and their children, “backfires” on mothers who seek to protect their children by reporting the violence and exposes them to secondary victimisation”* as a consequence of no adequate training of judges and the lack of gender reading of the VAWG.

i. **Procedures in place to ensure cooperation of competent court for family-related issues with other relevant bodies/professionals** (Art. 31, question 34)

The Cartabia reform⁴⁴, provides that it is the judge who shall request, also *ex officio* and without delay, from the public prosecutor or the other competent authorities (criminal judge, juvenile judge, administrative authority), information on the different pending proceedings, also requesting the transmission of acts (where ostensible, because they are not covered by secrecy of investigation) within a period of fifteen days 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 fields of competence.

Already the Red Code ([Law No. 69/2019](#)) had provided amendments to the criminal procedure to ensure to take into account the possible simultaneous presence of proceedings in child custody, with Art. 64 of the Code of Criminal Procedure prescribing to the criminal judge a mandatory transmission of acts *“without delay”* to the civil judge (i.e. copy of the measures adopted in the criminal proceedings for crime of DV, including orders on personal precautionary measures, notices of conclusion of preliminary investigations, dismissal orders and convictions).

As of today, there is no data on the application of this rule and no possibility of evaluation. Surely the long experience of the lawyers of WSS (Anti-violence centres and shelters) has demonstrated a general failure by Courts to comply with this obligation, having to take themselves this responsibility.

l. **Safety and protection in procedures in the exercise of custody and visitation rights** (Art. 31, question 35)

In their previous Shadow Reports experts of the women's civil society described a situation - subsequently highlighted also by the GREVIO Baseline Evaluation Report on Italy - in which there is a serious lack of the necessary resources/infrastructure to ensure safe supervised visitation on top of insufficiently trained personnel, as well as evidences of bias by such staff towards women victims of DV.

Regrettably, such a situation has not improved, and, on the contrary, it can be regarded as exacerbated. This is mainly due to the lack of economic resources local and national authorities can (or decide) to invest, as well as the underestimation of risk and allegations of the woman who is often not believed and/or judged as an *“alienating parent”* or uncooperative. This exposes women and their children to a very high risk of re-traumatisation, secondary victimisation up to, in increasingly frequent cases, the risk of death.

m. **Withdrawal of parental rights in criminal sentences** (Art. 31, question 36)

Art. 34 of the Italian Criminal Code prescribes that:

⁴⁴ Art. 473-bis.42, para. 5 of the Italian Code of Civil Procedure.

“The law determines the cases in which the conviction entails the loss of parental responsibility. Conviction for offences committed with abuse of parental responsibility shall entail suspension of parental responsibility for a period of time equal to twice the penalty imposed. The forfeiture of parental responsibility shall also entail the deprivation of any right the parent may have in respect of the child's property by virtue of parental responsibility under Title IX of Book I of the Civil Code (4). The suspension from the exercise of parental responsibility shall also entail the deprivation of any right that the parent has over the child's property by virtue of the provisions of Title IX of Book I of the Civil Code [19 n. 6] during the suspension”.

The measure on parental responsibility is pronounced together with the conviction by the criminal court and it is forwarded to the competent juvenile authorities for the necessary measures for the protection of minors. Again, it will depend on the competence of the authorities of childcare on these issues how carefully this decision is followed in the interest of the child.

RECOMMENDATIONS ARTICLE 31

- 1. Establish a monitoring and evaluating system on the impact of newly introduced Legislation (Cartabia Reform) and the operation of the two observatories.**
- 2. Monitor the Cartabia Reform on family law with the participation of civil society and WSS.**
- 3. Prescribe for civil separation/divorce and child custody proceedings a thorough examination of the relevance of DV and witnessed violence for decisions in the best interest of the child with consequent measures to protect the child and its mother.**
- 4. All professionals (social, psychological, judiciary) involved in family proceedings are to be required to undergo regular training on VAWG.**
- 5. All Courts and services dealing with VAWG and DV cases must apply efficient risk assessment procedures.**
- 6. No (direct or indirect) forms of compulsory mediation or covert mediation should be imposed in proceedings characterised by intimate violent partnerships.**
- 7. Family law proceedings must provide for economic support mechanisms to counterbalance the disparity of economic power that strongly discriminates against an equal right to defend one's personal and property rights.**
- 8. Collect comprehensive public data or analysis on legal aid in family law and criminal VAWG cases.**

ARTICLE 48: PROHIBITION OF MANDATORY ALTERNATIVE DISPUTE RESOLUTION PROCESSES OR SENTENCING

Alternative dispute resolution processes in criminal proceedings

Reparation of damages⁴⁵ and restorative justice (RJ) are widely available extinguishing mechanisms before and after sentencing.

RJ has been recently introduced by the so-called Cartabia Reform⁴⁶ for any type of crime without exceptions. The law introduces a definition of RJ as *“any programme that enables the victim of the offence, the person named as the offender and others in the community to participate freely, consensually, actively and voluntarily, in the resolution of issues arising from the offence, with the help of an impartial, appropriately trained third party called mediator”*.

RJ can have various forms: mediation between the author of the crime and the victim of the crime (and possibly the family members); mediation between the author of the crime and the victim of a crime different from the one object of RJ; restorative dialogue; any other programme aimed at dialoguing, guided by mediators, and carried out in the interests of the victim of the crime and its author. Although access to RJ is technically on voluntary bases and the participation for the victim is voluntary, RJ can be conducted without the victims' consent and in their absence.

The *“positive outcome”* of an RJ program before the final sentencing could lead to various scenarios. It could represent a mitigating circumstance that can allow the court to reduce the final punishment up to ⅓. In relation to certain types of crimes, the court can take into account the positive outcome of RJ as an element to be considered to apply the so-called *“special tenuity”* of the criminal conduct, which provides for non-punishability. However, Art. 131 *bis* of the Italian Criminal Code explicitly excludes the special tenuity of the act in case of certain types of offences such as injury committed in a domestic context, sexual violence, stalking, and non-consensual dissemination of sexually explicit images, regardless if they are committed in context of VAWG.

At last, a positive outcome of RJ can also lead the victim to withdraw the complaint that started the criminal investigation and proceeding resulting in the discontinuation of criminal investigation and prosecution.⁴⁷

As said, The Cartabia Reform allows RJ for any type of crime and did not introduce a specific training for judicial professionals and mediators to understand dynamics of DV. The lack of understanding of the dynamics of DV and GBV against women leads, amongst others, to a general tendency to see RJ as a “better” solution to family affairs. It is exactly the form of re-privatisation of DV and VAWG that is mentioned and foreseen in the Explanatory Report to the I.C.. As an example, the very first data made available by a mediation centre in Milano, and the only data available so far, show that more than half of the cases referred to the RJ by the Courts involves crimes of DV and VAWG⁴⁸.

⁴⁵ Art. 162 ter of Italian Criminal Procedure Code

⁴⁶ Legislative Decree 150/2022.

⁴⁷ A OLLINO, M PERTILE, 'Restorative Justice as a Tool to Address Violence Against Women? An Assessment of the Italian Case in Light of the Practice of International Monitoring Bodies', in *Italian Yearbook of International Law*, Vol. 33, 2024 (in press).

⁴⁸ <https://www.camerapenalemilano.it/it/2095/news/schema-operativo-sulla-giustizia-riparativa---aggiornamento.html>

Moreover, Cartabia Reform changed the prosecution of certain crimes such as harassment, private violence, and illegal restraint that are now punishable on the basis of a complaint made by the victim and not *ex officio* as in the past. The offence of injuries up to 40 days⁴⁹ committed in a domestic context is now punishable only on complaint of the victim, while before it was punishable *ex officio* (see also comments under artt. 49/50).

This change of punishability makes RJ particularly appealing for the perpetrator. In fact, in case of a positive conclusion of the mediation, the victim may withdraw her complaint resulting in the discontinuation of effective prosecution.

In this regard, in the "[Concluding observations on eight periodic report of Italy](#)", the CEDAW Committee has recommended that Italy "*assess the impact of the new measures on VAW cases and ensure that RJ mechanisms are not given priority over effective prosecution in criminal proceedings*". Data will be much needed to analyse this possible outcome.

Significantly, one of the first cases reported in the media where RJ was authorised without the victim's family's approval was an horrific case of femicide. A woman - Carol Maltesi - was murdered by her former partner. He hit her head with a hammer then slit her throat with a knife. He then tried to get rid of the dead body by cutting it into pieces, removing skin parts to take off the tattoos, burning it and finally packing it in four plastic bags and dumping them in a ditch. After the court of first instance sentenced the man to prison, pending appeal, the defendant requested access to RJ. Despite the family of the victim opposed it and refused to participate, the Court granted access to RJ through a surrogate victim.

Cartabia Reform did not incorporate safeguards to ensure the free and informed consent of the victim of DV and VAWG to RJ and no measures are currently in place to avoid direct or indirect pressure being placed on the victim.

Adequate training of judicial authority and of those involved in RJ practices on the dynamics of DV and VAWG are lacking (see chapter on Art. 15 - Training).

It should be expressly prohibited to resort to mediation in cases of intimate partner violence.

Mandatory alternative dispute resolution processes in civil proceedings

After the GREVIO report was released in 2020, two important surveys were conducted: one by the [Senate Commission on Femicide in 2022](#) and [another one by a group of lawyers](#) from D.i.Re association. Both surveys show that in Civil Courts violence is hardly mentioned and conflict continues to be referred to, even when allegations and evidence of DV are provided.

Judges, consultants appointed by the court and Social Services often disguise DV and engage in mediation, without acknowledging the power imbalance in cases of DV. As GREVIO pointed out in 2020 "*A woman who has been a victim of domestic violence will usually need specific support to negotiate agreements with the other parent who has been violent. Joint meetings between the abusive and non-abusive parent for the purpose of reaching an agreement on custody decisions can be seen as mandatory mediation since the victim has no choice but to attend in order to arrive at an agreement, contrary to the requirements of Article 48 of the convention.*"

In the civil process the Cartabia Reform introduced some of GREVIO recommendations from 2020 in a new and specific section on "Domestic and gender-based violence". The new Art. 473 bis 42 and 43

⁴⁹ "*Lesioni*" art. 582 of the Italian Criminal Code referring to physical violence

of the Code of Civil Procedure specify that the victim of violence should not be subjected to mediation or conciliation (see comment under art. 31).

Since many of the provisions entered into force in February 2023, it is too soon to assess their effectiveness and analysis will be needed. Unfortunately, in 2022 the Italian Parliament enacted Law n. 53 on data collection and statistics in DV, which does not encompass data collection or surveys regarding violence in civil proceedings, therefore analysis will be very difficult.

RECOMMENDATIONS ARTICLES 48

- 1. *As a matter of urgency, explicitly prohibit restorative justice before sentencing in VAWG cases, and collect and publicise relevant data on its use.***
- 2. *Explicitly prohibit (direct or indirect) forms of compulsory mediation or covert mediation in proceedings characterised by intimate violent partnerships.***
- 3. *Ensure specialised training for professionals or develop screening methods on the systematic detection of domestic violence.***

Articles 49 and 50: GENERAL OBLIGATIONS AND IMMEDIATE RESPONSE, PREVENTION AND PROTECTION

Police investigation

This chapter must be read in conjunction and co-ordinated with the following ones (Artt. 52 and 53). As noted in our previous report (link al) the analysis on immediate response, prevention and protection is biased because of fragmented and segmented data and information.

Data from the Ministry of Interior are sometimes available, while similar data from the Public Prosecution Offices/Ministry of Justice are not accessible. Even when figures are available, they cannot be compared because they are uneven.

The lack of data combines with a chronic absence of failure-of-protection review of cases at any level of state authority.

As for judicial police intervention, our previous report highlighted recurring critical issues: underestimation of violence reported by the woman (minimization, failure to identify violence and to distinguish it from a conflict, pacifying interventions, failure to read red flags); in cases of mutual complaints, the judicial police gave priority to those relating to petty crimes filed by the man for obvious retaliation, although the woman had previously filed serious complaints of violence against herself and her children; failure to report offences to the competent public prosecutor's offices; failure to protect the victim; very few cases in which the police, though intervening, adopted precautionary measures such as arrest or urgent barring order.

Although training is still not adequate, our report mentioned a serious effort made by law enforcement agencies.

Nevertheless, what happened in November 2023, a few days after Giulia Cecchettin's femicide, showed that much more needs to be done.

After the body of Giulia Cecchettin was found, the State Police Instagram account posted a quote of Peruvian activist Cristina Torres-Caceres' poem: *"If it's me tomorrow, mama, if I don't come back tomorrow, destroy everything. If tomorrow is my turn, I want to be the last."* and added a message for women: *"You are not alone"*. Within a matter of hours, under this post, several **thousand comments from women were published, reporting that they turned to the Police in cases of harassment, stalking, violence, and were either not believed or received unsatisfactory and minimising answers.** At first, the police shut down comments, to reopen them later⁵⁰.

Despite all this public evidence of obstacles faced by women when they turn to the Police, no in-depth analysis of the situation was launched, and no adoption of new intervention strategies was suggested.

Measures taken to ensure swift investigation and effective prosecution of cases of violence against women and domestic violence

Despite the introduction of the Red Code, available data reveals around 50% of reported cases of VAWG cases are dismissed without prosecution. Conviction rates are equally low. As explained in [civil society latest shadow report to CEDAW](#) specialised training on judicial bias on VAWG does not exist. Courses organised by Scuola Superiore della Magistratura (Higher School of the Judiciary) focus only on legal and technical aspects without reference to gender bias, the Istanbul Convention, or CEDAW.

⁵⁰ <https://tg24.sky.it/cronaca/2023/11/24/violenza-donne-polizia-instagram>
<https://www.ilpost.it/flashs/commenti-polizia-violenza-di-genere/>
https://www.huffingtonpost.it/life/2023/11/23/news/se_domani_non_torno_polizia_di_stato-14263316/

The general judicial reform (Cartabia Reform) sought to improve the efficiency of the justice system and expedite proceedings. Data is not available yet, but there are indicators that this reform could adversely impact women's rights in civil and criminal matters.

In terms of criminal law, and before the Reform, the offence of injuries between 20 and 40 days committed in a domestic context was punishable ex officio (Lesioni, art. 582 of the Criminal code referring to physical violence). After the Reform, the offence of injuries up to 40 days is punishable only on complaint with no distinction if injuries are committed in a family or domestic context. With the Reform, harassment, private violence, and illegal restraint are also punishable on complaint.

As highlighted on [previous report](#), one critical aspect of the criminal justice reform (so-called Cartabia Reform), amongst others, is that it binds the prosecution to a new criterion: the reasonable expectation of conviction (previously, the criterion for prosecution was linked to the ability to uphold the accusation in court). The concern is that this new criterion will weaken the prosecution of GBV against women. If criminal prosecution is bound to the prediction of conviction, and it is known that conviction rates for violence against women related crimes are alarmingly low, there is a great risk that prosecution will be discouraged in a circularly depressing mechanism. Therefore, it is of paramount importance that this new prosecution criterion will be closely monitored to assess its implications for violence against women related offences.

Finally, the most recent legislative reform (Law No. 168/2023 adopted in November 2023) enhanced the use of the police warning (*ammonimento*) to counteract VAWG. D.i.Re was consulted in parliament in the analysis of this new legislation and expressed criticism⁵¹.

On one hand, the administrative/police warning (*ammonimento*) is not always a "safe" option for women. Firstly, there is no systematic risk assessment, and it does not provide women with protection. Secondly, by potentially exposing them to blackmail or false expectations. Finally, since the woman is excluded from all communication and participation in the adoption phase, she has no access to possible briefs, no possibility to intervene, and has no means to oppose possible filing. In the event of appeal, the woman is not even notified and does not even participate in the judgement. As regards the so-called warning for domestic violence, there are concerns about the possible overlap with the crime of ill-treatment. The very definition of domestic violence 'domestic one or more acts, serious or not episodic' makes it difficult to distinguish the two hypotheses and the fear is a decriminalisation of the offence, an assessment left to the head of the Police department (*Questore*). The idea of extending the administrative/police warning to the cases referred to in Article 612 ter of the criminal code, i.e., the non-consensual dissemination of sexually explicit images or videos is also puzzling and illogical. The offence referred to cannot be defined as a 'spy offence'. Article 612 ter of the criminal code is an offence in which evidence is often difficult to gather, 'alerting' the alleged perpetrator with a police/administrative warning is likely to frustrate any investigation.

Again, data will have to be closely monitored to assess its implications for VAWG related offences.

Migrant Women and Asylum Seekers

With regard to the measures taken to increase the confidence of migrant women and asylum-seekers in law enforcement officials, see what is stated in Part III relation to Articles 59, 60, 61 of the I.C.

⁵¹ https://www.direcontrolaviolenza.it/wp-content/uploads/2023/10/OSSERVAZIONI-DDL_Camera-1294-et-altri_contrasto-della-violenza-sulle-donne-e-della-violenza-domestica.pdf

RECOMMENDATIONS ARTICLES 49 -50

- 1. Carry out a critical/independent analysis and evaluation into the reasons why the number of dismissed cases is so high and the conviction rates are so low.**
- 2. Monitor effects of Cartabia Reform to prosecution, prevention and protection.**
- 3. Monitor through comprehensive data collection the impact of administrative/police warning to assess its implications for VAWG related offences.**

ARTICLE 51: RISK ASSESSMENT AND RISK MANAGEMENT

Italy doesn't have any mandatory standardised and integrated risk assessment procedure. This is a relevant issue and has been already pointed out in more detail in the [Report from Italian women's NGOs of 2023](#). The situation has not changed since then.

In particular there is no institutionalised and organised procedure that brings together all the competent stakeholders for victims of DV and VAWG involved in the execution of the Convention (judges, lawyers, law enforcement, health and social professionals, WSS (anti-violence centres and shelters) for a coordinated assessment and management of risk and adequate protection of the victims.

The General Prosecutor's Office at the Court of Cassation acknowledged the legislative gap on risk assessment in its 2023 [guidelines](#). It pointed out good practices in a number of Departments where protocols were adopted and encouraged others to follow suit. These are however still uneven with very different applications in the various districts.

[The GREVIO first Baseline Evaluation Report](#) underlines that the risk assessment and risk management of VAWG and/or DV situations is very concerning. It notices that risk assessments are rarely undertaken by authorities at any stage of cases of DV.

[the National Strategic Plan on Male Violence Against Women 2021-2023](#) has recognised that the incapacity of the authority to properly conduct an effective risk assessment represents a persistent weakness⁵². Therefore, Italy has set as one of its priorities *"to ensure shared procedures and tools for protecting female victims of violence that enable an effective and rapid assessment and management of the risk of lethality, re-offence and relapse, including by stepping up cooperation between all institutional stakeholders involved"*⁵³.

Despite this declaration of intent in this last National Strategic Plan there is no mention of the protocol SARA and of its use and no concrete actions have been taken to ensure an effective and rapid risk assessment.

Moreover, the recent civil process reform introduced a new section on *"Domestic and gender-based violence"* (Legislative Decree. 149/2022, so-called "Cartabia Reform"), with special provisions applying to proceedings involving family abuse or DV or GBV against women. This reform has not included any provision for risk assessment, in the same way as no specific assessment was introduced in the criminal justice system reform. In criminal proceedings, risk assessment can and should be carried out first and foremost by law enforcement officers, but the ultimate assessment is the judge's responsibility.

Specific training on risk assessment

One of the main issues in the risk assessment is the lack of training of the different stakeholders and public and private professionals and authorities that should be involved in the evaluation of the risk of these situations. It is of pivotal importance to require above listed stakeholders to constantly attend broad and qualified training focused not only on the technical knowledge of risk assessment tools and

⁵² See National Strategic Plan on Male Violence Against Women 2021-2023, page. 42.

⁵³ See National Strategic Plan on Male Violence Against Women 2021-2023, page. 39.

methodologies, but on the cultural and structural nature of VAWG and DV and on its dynamics, including the psychological impact of witnessing violence on the child.

The lack of judicial training and organisation in risk assessment has also been highlighted by the Parliamentary Commission of enquiry into Femicide and all forms of gender-based violence (hereinafter called The Senate Commission on Femicide) in each of its reports.

These same critical issues were highlighted in the aforementioned [survey conducted by the lawyers](#) of D.i.Re on secondary victimisation of women in courts and the non-recognition of DV in civil and juvenile courts. The survey revealed a lack of any form of risk assessment in procedures of separation and regulation of custody and visitations rights.

Finally, risk assessment involves extra-judicial and extra-legal skills and it needs for an adequate and effective assessment and protection a multi-agency approach and an efficient cooperation between the different stakeholders with a particular attention to the competence of the WSS (Anti-violence centres and shelters). Such cooperation is not mandatory in the Italian system and there is not a structured system; therefore, it can only be found thanks to the good will and initiative of single realities (mostly Anti-violence centres) spread randomly over the country, creating great differences in the efficiency of the protection system.

Risk Assessment and risk management in child custody cases

See above under *Art. 31, question 32, e.*

RECOMMENDATIONS ARTICLE 51

Ensure that risk assessment procedures are developed and applied at all stages by relevant professionals in contact with gender-based violence victims.

ARTICLE 52: EMERGENCY BARRING ORDERS

The issues raised in Art. 52 have been highlighted by our previous report [Additional information from NGO D.i.Re - April 2023- Report from Italian women's NGOs coordinated by D.i.Re](#) to which we refer to.

Following that we wish to describe the new development since its submission.

Interesting to note that after 2022, Reports of the Ministry of Interior⁵⁴ do not include data on emergency barring orders anymore. They only provide data on specific crimes: ill treatment, stalking, sexual violence, non-consensual dissemination of sexually explicit images, violation of orders of removal from the family home and the prohibition to approach places frequented by the offended persona, forced marriage, deformation of the person's appearance through permanent facial injuries (art.583 *quinqies* criminal code.).

It is worth noting that there are no figures on physical violence *per se* (art. 582 of the criminal code).

⁵⁴ https://www.interno.gov.it/sites/default/files/2024-02/elaborato_analisi_viol_gen.pdf and https://www.interno.gov.it/sites/default/files/2022-11/2022_sac_brochure_violenza_sulle_donne.pdf

ARTICLE 53: RESTRAINING OR PROTECTION ORDERS (Art. 53, questions 53 and 54)

The issues raised in art. 53 have been highlighted by our previous report [Additional information from NGO D.i.Re - April 2023- Report from Italian women's NGOs coordinated by D.i.Re](#) to which we refer to. New developments since our latest submission are described hereafter.

Effective enforcement of protection orders

Law 69/2019 criminalised the violation of orders of removal from the family home and the prohibition to approach places frequented by the offended person (Article 387-bis).

From August 2019 to 2023 (4 years), **8.750 violations of restraining or protection orders had been reported**⁵⁵. The number is quite alarming, especially considering that a violation of a protective measure is a strong indicator of a potentially high-risk situation.

The 2020 GREVIO baseline evaluation reports urged the authorities to monitor and analyse progress in this area through data collection highlighting, in particular, the forms of violence for which protective measures are issued, whether a measure was requested by a victim or issued *ex officio*, the average duration of protection orders, the number of renewals of protection orders sought by the same victim, the number of breaches of protection orders and whether all breaches were appropriately sanctioned.

Despite recommendation, and despite such prevalence of violations, no actions were taken. No analysis on the impact of such violations of protective measures is available.

Electronic anti-stalking bracelets

The use of monitoring procedures by electronic or other technical means (so-called electronic bracelet or anti-stalking bracelet) has been enhanced by law 168 of November 2023. However, their availability and operation are still very uneven. Weeks can pass from court order to the actual placement. To date, 2.872 anti-stalking bracelets are in use, below the steadily growing demand⁵⁶.

⁵⁵ https://www.interno.gov.it/sites/default/files/2024-03/elaborato_8_marzo.pdf, p. 26.

⁵⁶ <https://alleyoop.ilsole24ore.com/2024/05/29/braccialetti-elettronici/>.

PART III

The aim of this chapter is to examine not so much 'new trends' in the issues covered by I.C., but to examine in depth some particularly problematic and 'festering' issues which unfortunately continue not finding adequate answers from the Italian state, exacerbating the criticalities and negative consequences for women specifically exposed to or at risk of intersectional discrimination:

A) MIGRANT, ASYLUM SEEKING AND REFUGEE WOMEN, B) WOMEN ACCESSING TO REPRODUCTIVE HEALTH RIGHTS INCLUDING FREE LEGAL ABORTION, C) WOMEN WITH DISABILITIES, D) YOUNG WOMEN AND GIRLS

The relevance of these situations cannot be ignored and seen in its intersection with all the other issues raised by GREVIO in its specific questions of this First Thematic Evaluation Round.

A) MIGRANT, ASYLUM SEEKING AND REFUGEE WOMEN (Art. 59, 60 and 61 I.C.).

Art. 59 Residence Status

Since the last 2018 shadow report, no effective steps have been taken by the Italian Government to implement the recommendations of the Committee of States parties (para. 259). In Italy, the provision set out in Art. 59, paragraph 1, of the I.C. to grant autonomous residence permits to victims of DV in particularly difficult circumstances is implemented by Art. 18-bis of Legislative Decree No. 286/98 ([Consolidated Immigration Act](#)). This article provides that if the judicial authorities establishes that there is a situation of violence against a foreign national who, on the basis of the statements made, threatens his or her safety or who wishes to leave the situation of DV, a residence permit shall be issued on humanitarian grounds "to enable the victim to escape from the violence". The authorisation is valid for one year and is renewable if the dangerous situation persists. This authorisation can be granted either on the basis of a report to the police or on the basis of a report from social services "specialised in assisting victims of violence". However, the Italian government does not specify the nature of these specialised services. The granting of a residence permit is conditional on the existence of "a real and present danger to her safety", which makes it dependent on the recognition of violence by the prosecuting authority and the existence of a high-risk situation. This requires specific training for the police, which is still lacking, maybe also considering that funds are not structurally allocated and there is no public information on the use of them.

Although the provision contains a broad definition of DV, including forms of psychological and economic violence, the latter are difficult to identify and are rarely considered capable of causing a "real and present danger to the safety of the victim". The very definition of DV offered, which is limited to "non-routine" acts, could paradoxically exclude individual cases of particularly serious violence that do not fall within the definition of "non-routine", such as attempted murder or very serious injury.

Furthermore, the data confirms the ineffectiveness of the implementation of Art. 18bis. As reported by the Italian government in its last periodic report to CEDAW, in 2023 only 226 residence permits all over Italy were granted on the basis of Art. 18 bis. This number is clearly ineffective, especially considering that between January and September 2023, more than 6,400 crimes of stalking, family abuse and sexual violence against migrant women were reported to the police and judicial authorities, according to [data published by the Criminal Analysis Service of the Ministry of the Interior](#). The poor dissemination of information on the possibility of access to this residence permit, both among law

enforcement authorities and among women victims of violence, greatly weakens the application of this instrument.

The lack of information and protection is all the more serious given that it is generally difficult for migrant women to obtain or maintain an income or to meet the housing and employment requirements necessary to obtain an autonomous residence permit (as demonstrated by ISTAT's widespread unemployment or poverty among foreign women⁵⁷). According to the Consolidated Law on Immigration, a residence permit for work purposes will only be granted if, in addition to the availability of adequate accommodation, it is demonstrated that the applicant has a regular job that guarantees an adequate income to support the applicant and any dependent family members⁵⁸.

These parameters are difficult to achieve given the greater economic insecurity of migrant women due to the obstacles they face in finding work in Italy because of widespread racism on the part of employers or the practice of undeclared work, as well as language barriers that may result from being isolated by the violent partner. Structural conditions expose migrant women to multiple forms of social vulnerability and impede respect for their fundamental rights, including the right to live free from violence⁵⁹. This demonstrates the inadequacy of the current laws and procedures to support an effective exit from violence violating the provisions of the I.C., which provides in Art. 59, 3b for the granting of the permit "on the basis of their personal situation".

With regard to forced marriage, this specific crime (regulated by Art. 558-bis of the Penal Code) has been included in the above-mentioned Art. 18-bis, but without being implemented through specific financial resources and training aimed at preventing the crime and the related risk of forced expatriation of the victims in the countries of origin for the purpose of forced marriage.

Art. 60 Gender-Based Asylum Claims

Despite the recommendations of the Committee of States Parties (para. 276). Italy remains highly critical in its procedures for responding to gender-related asylum claims and the reception system continues to be characterised by profound structural weaknesses. The Italian government continues to deal with the current migration situation by means of emergency regulations, such as last year's adoption of Decree No. 20/2023⁶⁰, which doesn't include any effective measure to promote safe routes to Europe for refugee seekers and de facto represents a significant rollback of asylum and protection rights. In Italy the first obstacle faced by refugee seekers is the access to the Immigration

⁵⁷ Rome, January, 23rd 2024 audition ISTAT at the Parliamentary Commission of inquiry on femicide and all forms of gender violence - <https://www.istat.it/it/archivio/293327>.

⁵⁸ The parameter is the amount of the social allowance calculated by INPS. For the current year it is valued in € 6.947,33/year pro capite, that has to be increased by half (€ 3.473,66) for each dependent family member. Also, if for the consolidated jurisprudence this amount hasn't to be considered as fixed and has to be considered in a dynamic and prognostic perspective, with a level of flexibility, in practice in the Police Immigration Offices this parameter is strictly observed.

⁵⁹ <https://www.openpolis.it/il-doppio-ostacolo-delle-donne-straniere-nel-percorso-di-emancipazione/>.

⁶⁰ "Cutro Decree" refers to the umpteenth tragedy in the Mediterranean Sea which occurred in the night between 25th and 26th February in which of the 180 on board 94 died, including 34 children at 150 metres from the Italian beach of Steccato di Cutro in Calabria Region. (<https://www.medicisenzafrontiere.it/news-e-storie/news/naufragio-cutro-anniversario/>). The day after this tragedy, the Minister of Interior Piantedosi made statements during a press conference effectively judging migrant parents as irresponsible (<https://www.la7.it/intanto/video/naufragio-a-crotone-piantedosi-se-fossi-disperato-non-partirei-sono-stato-educato-alla-27-02-2023-473867>).

Police Offices to present their application. For example, association and civil society have reported that from late 2021 to summer 2023, access to the Police Office in Milan designated as the first point of access for refugee seekers, was dangerous and *de facto* denied⁶¹. Applying migrants, including women and children, were forced to wait in line for days to enter the office. They were exposed to bad weather, inhumane conditions and the risk of being attacked by the police (in riot gear and with tear gas)⁶². The same occurs in other Police Offices⁶³.

Furthermore, the procedures adopted to formalise the asylum application often violate the legal deadlines (13 days), even when special procedures are provided for vulnerable persons, including women⁶⁴. That's why the procedures applied by police departments are not inspired by a gender-sensitive approach, as clearly demonstrated by the adoption on May 7th of the new decree of the Minister of Foreign Affairs, which significantly extended the list of so-called safe countries of origin, which now includes Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Egypt, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Nigeria, Peru, Senegal, Serbia, Sri Lanka and Tunisia. Most of them are known for political instability, major conflicts and **systematic violations of women's rights, including forced marriage, Female Genital Mutilation (FGM), DV, sexual exploitation, servitude, forced pregnancy, forced abortion etc.** Migrants from these countries are presumed not to be in need of protection, without any distinction between men and women. This "presumption of safety" provides for a faster procedure (that will be even more accelerated with the new provisions of the New EU Pact on Migration). An appeal to the Court of Justice against a possible (and very likely) negative decision by the Territorial Commission is allowed, but without suspending the expulsion. This is contrary to Art. 60 and 61 of the I.C.. This has led to the denial of refugee status to many Nigerian women who have been victims of violence, particularly sexual trafficking, because the Territorial Commissions or the Court have not recognized the indicators of such violence or correctly assessed the risk of repatriation⁶⁵. Nigeria, Côte d'Ivoire, Colombia, Peru and Tunisia are globally recognised as countries

⁶¹https://www.asgi.it/wp-content/uploads/2022/02/Richiedenti-asilo-Milano_Naga-e-ASGI.pdf;
<https://www.asgi.it/asilo-e-protezione-internazionale/milano-pericoloso-e-impossibile-chiedere-asilo-le-associazioni-chiedono-l'intervento-dellunhcr/>; <https://naga.it/2023/03/03/via-cagni-le-associazioni-chiedono-l'intervento-dellunhcr/>.

⁶² 12.07.2022(<https://www.youtube.com/watch?v=FwLfi-59P3Y>); 28.02.2023

(https://www.lastampa.it/cronaca/2023/02/28/video/milano_richiedenti_asilo_nella_caserma_della_polizia_mobile_di_via_cagni_tensione_con_la_polizia-12667352/);

06.03.2023(<https://www.youtube.com/watch?v=tdlfuZ0rCIM>); 21.03.2023

(<https://video.repubblica.it/edizione/milano/milano-ancora-caos-all-ufficio-immigrazione-in-via-cagni-resse-svenimenti-cariche-di-polizia/440735/441698>).

⁶³ Police Office of Florence (10.04.2024 <https://video.corriere.it/cronaca/io-in-coda-da-dieci-giorni-e-notti-per-chiedere-asilo-politico/68e4b577-7b52-46d4-aaa3-e1654b31axlk>); Police Office of Rome (<https://www.asgi.it/asilo-e-protezione-internazionale/roma-appello-asilo-in-questura/>).

⁶⁴ Since 2023 the Police Immigration Office of Milan decided to introduce a form of computerized booking by self-registering on the portal PRENOTAFACILE (prenotafacile.poliziadistato.it), a procedure that today is delegated to specific associations mentioned. It's only in the last weeks that finally the Police Office open a specific way for vulnerable subject, included women but this new doesn't solve the enduring violations of the legal deadlines (13 days) for formalizing the application (see <https://questure.poliziadistato.it/it/Milano/articolo/118861e074c2109b8284928699>;

<https://www.asgi.it/asilo-e-protezione-internazionale/attendere-prego-gli-ostacoli-al-riconoscimento-della-protezione-internazionale-in-italia/>; <https://www.asgi.it/asilo-e-protezione-internazionale/asilo-gli-ostacoli-per-chi-chiede-rifugio-lo-studio-pilota-dellasgi-in-55-questure-italiane>).

⁶⁵ As demonstrated by pronouncements of the [Supreme Court](#).

of women and trans women (mostly Latin Americans) recruitment for sexual exploitation or servitude in the human trafficking framework. Again, in the mentioned list are included all Countries with the worst rank in the [Girls' Opportunity Index of Save the Children](#). That is, countries as Egypt and Gambia with one of the highest numbers of FGM⁶⁶, and countries such as Algeria, Morocco, Egypt, Nigeria, Tunisia and Côte d'Ivoire, which are at the bottom of the [Global Gender Gap report](#).

Reception conditions

In Italy, there are three main types of reception: initial reception procedures, extraordinary reception centres (CAS) and the system of reception and integration (SAI).

The initial reception procedures eventuate in the so-called reception in hotspots which are facilities dedicated on registration, identification, fingerprinting and debriefing of asylum seekers, as well as on return operations.

Reception in hotspots raises many critical issues as a result of the severe isolation in which the facilities are placed that make what happens inside invisible.

Progress has been made in some border areas, where recently the government has allowed access to first identification facilities (e.g., Lampedusa Hotspots, Sant'Anna governmental reception facility (CPA) Crotona) in addition to UN agencies, to some NGOs that in partnership with them work to identify, support and refer to adequate services for vulnerable people, including women VAWG survivors or victims of human trafficking.

However, the conditions in these places of identification undermine the psychological and physical integrity of the guests, making fragile individuals, including women and minors, even more vulnerable. In fact, these are places often characterised by overcrowding, where access to food, water and basic necessities is limited to even once a day, with crumbling dormitories with high promiscuity that facilitates episodes of VAWG, and sanitary facilities where the level of sanitation is well below the minimum acceptable standard.

Moreover, the fact that migrants are not allowed to leave these facilities in any way makes them effectively in an illegitimate detention regime, thus undermining their right to liberty and security of person, and fuels conditions of insecurity and tension within the structures that damage the most vulnerable subjects, i.e. women, minors and people with special needs more exposed to unfavourable treatment and episodes of violence (see European Court of Human Rights, case J.A. and Others v. Italy, no. 21329/18, 30 March 2023).

Due to the high number of applications for international protection, the time spent in the so-called first reception centres is increasing while waiting for the results of the procedures for granting refugee status. More than 80% of admissions take place in CASs, where reception is mainly organised on an emergency basis.

With Decree 20/2023, CASs have been renamed "Centres of Reception" and they have just to guarantee health and social assistance, linguistic and cultural mediation (art. 10 of the Decree 142/2015), excluding *de facto* psychological assistance, access to Italian schools, and services for legal orientation. In this framework, these centres are inadequate to host vulnerable groups such as pregnant women, women who are victims of trafficking, torture, sexual, physical, and psychological violence, and FGM. Many of the initial reception workers still lack the qualifications and the skills to provide assessment and to support the needs of vulnerable women, exposing them to further risks in the subsequent phases of reception.

⁶⁶ As reported by [UNICEF](#).

Reception centres are managed differently at regional and provincial level. This leads to arbitrariness in their management. As a result, the material, social and health conditions in which women asylum-seekers live vary accordingly, with profound consequences for the women, in contrast to the I.C. This makes necessary a systemic and efficient identification of vulnerabilities, from the initial phases of reception through to the reception and integration process, that requires coordination between all the actors involved in reception and assistance, including anti-violence centres, and ways to improve the cooperation in reporting and taking charge of women in a holistic and complementary way, regardless of their legal status. This requires increased funding for specialised services to effectively support women and children who are victims of trafficking and violence.

The SAI reception system introduced by law 173/2020 has replaced the old SPRAR system by widening the range of people who can access it and begin social inclusion paths, including support programs for people with fragility, such as women survivors of VAWG. However, the absence of places in the SAI system is considerable and leaves many eligible people out of this system, invalidating their right to structured pathways to social inclusion.

Lack of disaggregated data and national reports on women asylum seekers

International bodies dealing with asylum and refugees, such as UNHCR, provide data in terms of number of landings, asylum applications and the outcome of applications, without disaggregation by gender, except in summary form⁶⁷. The attention given to landings ignores what happens along the entire asylum journey and does not match these data with those of the countries of origin/transit. The Ministry of the Interior publishes data on the [development of landings](#), limiting gender differentiation to "males" and "females" and without matching data with provenance and age groups. The main critical points are:

1. The lack of information on the grounds for asylum claims (e.g., in relation to FGM - see commentary on Art. 38 of the I.C.) or on the reasons why women's claims are accepted or rejected.
2. The lack of data (quantitative and qualitative) and the consequent difficulties in compiling relevant and comprehensive data on the legal situation of women asylum-seekers and on the support and services they receive, which would allow an effective understanding of the different forms of gender-based violence they experience, including FGM, and the protection conditions offered to women. This makes it difficult to assess the reception conditions in which women are sheltered. It is not possible to know how many and which centres are exclusively for women and/or how many places are available in appropriate facilities. The current situation shows that most women are forced to live in mixed environments, in overcrowded facilities, with little access to medical and support services. Therefore, there is a clear gap between the formal level of rights, in particular with regard to the reception conditions to be guaranteed in situations of vulnerability⁶⁸ and their application.
3. Lack of links in many regions between reception centres and medical, health and social staff specialised in the identification of violence, including FGM (e.g., health centres and anti-violence centres).

⁶⁷ For example, the [UNHCR website](#) for landings on the Western and Eastern Mediterranean routes only records the percentage of 'women landed' compared to total flows by sea.

⁶⁸ Legislative Decree 142/2015; Reception Conditions Directive – 2013/33/EU: Article 21, and victims of torture and violence, Article 25, as referred to in Paragraph 2; the UNHCR Guidelines, May 2002, Senate Report to Brussels, 3 March 2016, at the FEMM Committee.

4. Lack of data on the return and deportation of women, which makes it difficult to assess the real extent to which the principle of non-refoulement is respected or violated.

Art. 61 Non-Refoulement

In Italy, there are Detention Centres for Repatriation (CPR), but there is no data on women in CPRs, on repatriations and/or on the expulsion of women. It should be noted that the violation of this principle is not limited to its material implementation. The fear of expulsion - or of being sent back to third countries - is a strong fear (threat) that leads to a state of anxiety and insecurity.

International and partnership agreements prevent women from arriving in safe places, as illustrated in particular by the bilateral agreement recently signed by Italy with Tunisia, Algeria, Egypt and also Albania (all countries included in the aforementioned decree of the Minister of Foreign Affairs on the list of so-called safe countries of origin).

RECOMMENDATIONS PART.III - MIGRANT, ASYLUM SEEKING AND REFUGEE WOMEN

1. **Reform Article 18 - Law on immigration.**
2. **Adopt Standard Operational Procedures on data collection.**
3. **Guarantee migrant women's access to protection in all circumstances, irrespective of the place of arrival.**
4. **Respect the principle of non-refoulement, which is violated by bilateral agreements with transit countries and aimed at externalising borders.**
5. **Promote consistent implementation of Residence Status procedures at the national level.**
6. **Implement consistent procedures for the application of residence permits for domestic violence victims throughout the country and promote specific training to law enforcement.**

B) WOMEN ACCESSING REPRODUCTIVE HEALTH RIGHTS INCLUDING FREE LEGAL ABORTION

We consider the following instances as falling under the definition of “violence against women” of the I.C.: “a violation of human rights and a form of gender-based violence that result in physical and psychological harm”.

Some Italian antiabortion associations have collected more than 100,000 signatures to amend the Italian abortion law by introducing two additional steps before patients can receive treatment: physicians who perform an abortion should first show images of the foetus to the patient and then make her hear the heartbeat. The proposal to change the law, supported by 50 different associations, was delivered to the Italian Parliament in December 2023 -- for a referendum to be considered in Italy⁶⁹. Two Orders of medical surgeons and dentists (OMCEO), of Turin and of Belluno, have spoken out against this amendment to Law No. 194, citing scientific (possible foetal heat damage if Doppler ultrasound is used in the first trimester of pregnancy) as well as deontological reasons⁷⁰. However, in

⁶⁹ <https://it.euronews.com/salute/2023/12/12/in-italia-i-gruppi-pro-life-vogliono-che-le-donne-ascoltino-il-battito-cardiaco-del-feto#:~:text=Scientificamente%20nella%20fase%20iniziale%20della,osservare%20lo%20stato%20della%20gravidanza>.

⁷⁰ <https://omceo-to.it/areastampa/obbligo-di-ascoltare-il-battito-cardiaco-contro-laborto-una-proposta-contraria-alletica-e-alla-scienza/>; https://www.quotidianosanita.it/lettere-al-direttore/articolo.php?articolo_id=120280;

Region Valle d'Aosta there have been several instances in which this practise already occurred in public hospitals⁷¹.

Diffuse conscientious objection on Voluntary Interruption of Pregnancy (VIP) creates a barrier for women who live in certain regions. According to the Council of Europe Italy "violates Art. 11 on the Right to Health of the European Social Charter": does not protect the women's right to access to VIP services.

The UN Human Rights Committee urged Italy to enforce Law No. 194 and to reduce the difficulty of access to legal abortions. The World Health Organization (WHO) recommends treating as urgent all voluntary interruptions of pregnancy⁷², since the safety and effectiveness of the procedure are greater and the impact on the physical and psychological health of the pregnant person is less the earlier the procedure is carried out. Therefore, the delays experienced in VIP in many regions due to the unresolved problem of conscientious objection and the shortage of non-objectors, can cause problems for women's health and thus are a violence against them. The guidelines recommend the removal of political barriers, unnecessary from a medical perspective, to safe abortion, such as criminalization, mandatory waiting times, the requirement that approval must be given by others (e.g., partners or family members) or institutions and limits on when during pregnancy an abortion can be performed. Such barriers can lead to critical delays in access to care and put women and girls at increased risk of unsafe abortions, stigma, and health complications, while increasing disruptions in their education and of their ability to work⁷³.

As of today, few Regions apply the [Ministry of Health August 2020 Guidelines](#) on pharmacological VIP, which can be administered in outpatient facilities (i.e., Family Counselling Centres). Surgical VIP, much more invasive, is predominant over pharmacological VIP, whereas in other Western Countries pharmacological VIP accounts for 70-90% of cases⁷⁴. Invasive surgical operation, if unnecessary, is a violence.

Surgical VIP, in addition, is still practiced in 8% of cases⁷⁵ with the method of uterine curettage (D&C), a technique that should be abandoned altogether today because it carries a greater risk of complications than the technique called vacuum aspiration. As per WHO Guidelines⁷⁶, dilatation and sharp curettage (D&C) causes pain and suffering to women and is not recommended for use, its use is incompatible with numerous human rights including the right to health⁷⁷.

https://corrierealpigelocal.it/belluno/cronaca/2024/03/28/news/aborto_battito_feto_proposta_legge_ordine_medici-14181047/; https://www.quotidianosanita.it/regioni-e-asl/articolo.php?articolo_id=121722.

⁷¹ https://www.ansa.it/valledaosta/notizie/2024/04/27/obbligate-ad-ascoltare-il-battito-del-feto-per-non-abortire_521ee256-bdc6-4a72-95f7-005ecef0fb9a.html;

https://www.corriere.it/cronache/24_aprile_27/aosta-pressioni-in-ospedali-contro-l-aborto-donne-costrette-ad-ascoltare-il-battito-fetale-7ec3ac46-79eb-4637-aa69-e43069cdfxlk.shtml.

⁷² World Health Organisation, Abortion care guideline, 2022.

⁷³ https://ivgsenzama.it/La_tua_scelta_zero_ostacoli_2a_ed.pdf; https://www.quotidianosanita.it/scienza-e-farmaci/articolo.php?articolo_id=103080.

⁷⁴ Medici del mondo Aborto Farmacologico In Italia Tra Ritardi, Opposizioni E Linee Guida Internazionali https://back.medicidelmondo.it/uploads/2023/09/MDM_Report_Aborto-farmacologico-in-Italia.pdf.

⁷⁵ 2021 Report of the Ministry of Health on the implementation of Law 194.

⁷⁶ World Health Organisation, Abortion care guideline, 2022.

⁷⁷ <https://srrh.org/abortioncare/chapter-3/abortion-3-4/methods-of-surgical-abortion-recommendations-23-26-3-4-1>.

RECOMMENDATIONS PART.III - WOMEN ACCESSING REPRODUCTIVE HEALTH RIGHTS INCLUDING FREE LEGAL ABORTION

- 1. Eliminate obstacles to free reproductive choices.**
- 2. Eliminate obstacles in access to contraception.**
- 3. Enforce Law 194 and reduce the difficulty of accessing legal abortions.**

C) WOMEN WITH DISABILITIES

General framework and data

The latest National Institute of Statistics data date back to 2014 and reveal that among women with disabilities 36% suffered violence, while among women without disabilities 30% suffered violence; 10% women with disabilities suffered rape compared to 4% of those without disabilities⁷⁸.

To address the problem of missing data and measure the effects of violence on women with disabilities, a research was conducted by FID member FISH⁷⁹ with an online questionnaire, aimed at women with disabilities.

As a result, it emerged that the majority of women with disabilities declare that they suffered from more than one type of violence during their life but only 6.7% of women with disabilities reported violence to the police and only 3.5% turned to Anti-Violence Centres.

In the publication prepared by the [Criminal Analysis Service Of The Central Directorate Of The Criminal Police](#), in addition to the general data relating to crimes committed against women in the first nine months of 2023, there is a chapter dedicated to "violence against women with disabilities" edited by the Observatory For Safety Against Discriminatory Acts, where the data disaggregated by gender and disability referring to the period 1 October 2022 - 30 September 2023 were extrapolated by inserting for the first time the search parameter disabled/invalid/handicapped.

These data only refer to the complaints submitted and therefore represent a small minority compared to those that are not reported. The comparison with the data collected the previous year highlights a notable increase, more than double, in the number of crimes regarding mistreatment (238 against 105), sexual violence (54 against 24) and persecutory/stalking acts (32 against 6)⁸⁰.

To combat VAWG policies and legislation don't fail to address the specific needs of women with disabilities also considering the language use in laws and prevention campaigns.

These, for example, are not supported by adequate languages and tools ("easy to read" format, sign language, subtitles, audio descriptions, Braille format, etc.) and for women with sensory disabilities, it is still difficult to access support services for the same reason.

So, accessibility for them is severely limited if not precluded if we consider that they usually don't have any support network and are not able to reach the facility independently.

On August 7th, 2023 ISTAT published a research report entitled "[Protection System for Women Victims of Violence](#)" 2021- 2022. This report contains some data on accessibility in Anti-Violence Centres and

⁷⁸ <https://www.istat.it/it/archivio/161716>.

⁷⁹ <https://www.fishonlus.it/la-violenza-sulle-donne-con-disabilita-i-dati-e-i-fatti/>.

⁸⁰ <https://www.interno.gov.it/it/notizie/punto-pregiudizio-e-violenza-contro-donne-presentato-roma-report-servizio-analisi-criminale>.

shelters and Helpline 1522, but the real accessibility of the facilities is not known, and the disability of the victims and direct accessibility to information and to the services are not mentioned. The adequacy of risk assessment instruments is not considered, and disability training for staff is minimal. It should be noted that 94.1% of the 337 Centres and/or shelters responding to the ISTAT questionnaire adopted criteria of guest exclusion.

The Delegating Law [227/21](#) on Disability⁸¹ implements one of the reforms envisaged by Mission 5 "Inclusion and cohesion" of the *National Recovery and Resilience Plan-NRRP*. In this law the position of "Guarantor of persons with disabilities" is inserted, whose purpose, competences and prerogatives are known. FID awaits to know the effectiveness of this "Guarantor" position.

The existing bodies for detecting and combating discrimination, [UNAR](#) - National Office of Racial Anti-Discrimination, [OSCAD](#) - Observatory for Security against Discriminatory Acts, [CIDU](#) - Interministerial Committee on Human Rights, as well as the [Department for Equal Opportunities at the Presidency of the Council of Ministers](#), have a very limited scope of prevention of abuses.

In 2022 OSCAD (that operates within the Security Police Department to provide supports victims of discriminatory crimes to facilitate the submission of complaints and encourage the emergence of such crimes) published a [Report focused on violence against women with disabilities](#)⁸².

An alarming trend is the underreporting of crimes to the police and this situation can be explained with the difficulties in recognizing and communicating the violence suffered as well as the fear of not being believed and also for the lack of training and competence about disability, of those responsible for detecting the physical and behavioural signs of violence suffered by women with disabilities, and for accepting the complaint. Among the various forms of violence, OSCAD includes pharmacological abuse, the denial of essential care, the denial of aids for autonomy considering that this violence is perpetrated by people close to the victims. A prerequisite for guaranteeing access to justice for all women with disabilities is equal recognition before the law, enshrined in Art. 12 of the UN Convention on the Rights of Persons with Disabilities which states that persons with disabilities enjoy legal capacity on an equal basis with others.

The [National Observatory on the Condition of Persons with Disabilities](#) is not entitled to receive individual or collective complaints, to bring legal proceedings or to sanction defaulting institutions or public administrations. Italy is one of the two European States still lacking an independent National Human Right Institution (NHRI).

On December 9th, 2023, Law 168/2023, containing provisions to combat VAWG and DV came into force. This law does not go into specifics on disability, but FID Member UICI⁸³ obtained the approval of a Policy document (Ordine del giorno) that engages the government to check and take effective measures to overcome barriers that make more difficult for girls and women with disabilities to report and escape violence than it is for women without disabilities.

⁸¹ With the delegating law, parliament empowers the government to regulate a matter by defining general guidelines. The executive then outlines the detailed rules with one or more legislative decrees (<https://www.gazzettaufficiale.it/eli/id/2021/12/30/21G00254/sg>).

⁸² <https://www.interno.gov.it/it/notizie/donne-disabilita-vittime-violenza-nel-report-oscad-fenomeno-poco-raccontato>.

⁸³ <https://www.uiciechi.it/>

Sexual and reproductive rights

Women and girls with disabilities still face discriminatory treatment and abuses that particularly affect their sexual and reproductive health and rights, with important and sometimes irreparable consequences on their lives.

Menstrual management, forced sterilisation, forced contraception, and coerced abortion are just some examples of denial of rights that many women and adolescents with disabilities suffer, without giving their consent or fully understanding the aims and consequences implied. Women and girls with high support needs, intellectual or psychosocial disabilities, women who are deafblind and those with multiple disabilities, and particularly those living in institutional settings⁸⁴, are particularly vulnerable to such abuses. Abuse and violence within social and healthcare facilities are rarely reported considering that the residents depend on the operators. Additionally, some women may have communication difficulties. There is no data on forced sterilisation which in Italy is punished as an aggravating circumstance of personal injury but from some testimonies it is clear that it is still a widespread practice disguised as other types of intervention. Furthermore, women with mental or cognitive disabilities often suffer forms of forced abortion and contraception.

Women with disabilities are rarely supported throughout motherhood and face multiple barriers to reproductive and adoption services. The barriers are not only physical but also cultural, preventing women with disabilities from fully and adequately accessing essential gynaecological treatments. The pandemic has worsened an already critical situation.

In March 2022, the FID member UILDM⁸⁵ conducted a survey 9 years after the latter on the same issues. Unfortunately, nothing has changed. The combination of the inaccessibility of gynaecological facilities, in addition to the denial of one's femininity and all undermining behaviours, ends up acting as a deterrent to gynaecological health care and prevention for girls and women with disabilities.

In November 2023, the Chamber of Deputies approved a Resolution to improve the accessibility of health and hospital services for people with disabilities⁸⁶, providing, among others, a mapping of hospital facilities on the accessibility front, better accessibility of hospital facilities, strengthening of home care but also training of healthcare workers and a platform for collecting epidemiological and clinical data relating to the health problems of people with disabilities, but a Resolution does not have the force of a law and does not provide funding.

Media and social context

The dramatic persistence of cultural prejudices and sexist stereotypes in courtrooms, in media representation, in the broader social context leads to the re-victimisation of women who have suffered violence, exposing them to further trauma and hindering the assessment of procedural truth. "Secondary victimisation" consists in living again the conditions of suffering to which the victim was subjected and manifests itself, not infrequently, in the fact that the woman is not believed. In case of women with disabilities who have reported the violence they suffered, further discrimination is found during the child custody proceedings, following the complaint in the penal office. Women with disabilities are often subjected to assessments of their parenting skills without considering their condition of disability, while instead, using the standard parameters in an undifferentiated way with

⁸⁴ <https://www.lasicilia.it/news/cronaca/365594/troina-la-violenza-shock-su-una-disabile-scoperta-perche-la-ragazza-e-rimasta-incinta.html>.

⁸⁵ https://www.uildm.org/sites/default/files/Report%20Donne%20Sessualit%C3%A0_UILDm.pdf

⁸⁶ <https://documenti.camera.it/leg19/resoconti/commissioni/bollettini/pdf/2023/11/15/leg.19.bol0201.data20231115.com12.pdf>.

consequent negative results. Women with disabilities who turn to anti-violence services often have cognitive or intellectual and psychiatric difficulties that are not taken into due consideration by the institutions, who on the contrary often question their parental capacity instead of providing the necessary support for their role as mothers.

In 2022, according to the latest report by Vox, the Italian Observatory on Rights⁸⁷, which monitors hate expressed on social media via Twitter, women were the most affected followed by people with disabilities. Recently women with disabilities have been insulted and offended by a certain Sdrumox, youtuber, who, in a 90-minute broadcast and 50,000 views, using sexist language described his sexual fantasies with girls with disabilities, especially with Down syndrome, denigrating them and reducing them to passive sexual objects. These actions constitute forms of online sexual harassment, acts of sexual bullying that fuel the spread of profanity about the alleged sexual behaviour of women. Sexist hate speech helps create a social climate in which women with disabilities are humiliated, their self-esteem is reduced and their activities are restricted, including at work, in private life, in the public sphere or online. Sexist hate speech often constitutes a first step in the process towards physical violence, it can also escalate or incite overtly offensive and threatening acts, including abuse or sexual assault or rape, thus falling within the scope Art. 40 of the I.C. relating to sexual harassment. Finally, all forms of violence against women perpetrated in the digital sphere have a psychological impact and could also be classified as psychological violence perpetrated online and with the use of technology, to which women with intersectional identities are more exposed.

RECOMMENDATIONS PART.III - WOMEN WITH DISABILITY

- 1. Provide support to women with disabilities who are victims of violence already at the complaint stage and develop relevant programs and measures.**
- 2. Provide accessibility services to ensure that women with sensory disabilities can access support and facilities independently from the stage of reporting the crime.**
- 3. Collect disaggregated data also by disability, and type of disability, on the phenomenon of secondary victimisation.**
- 4. Promote radio and tv programs in the public and private broadcasting focused on the rights of women with disabilities and on the risk of violence in all forms, including cyber violence and harassment, and respect of their human rights.**
- 5. Ban violent contents that target women with disabilities in all social media platforms.**

D) YOUNG WOMEN AND GIRLS

Greater attention to minors and the dangers that involve them in their social life, online and offline, is emerging. A new report just came out "[Young people and gender-based violence](#)", created by the Criminal Analysis Service of the Central Directorate of the Criminal Police.

The study was conducted through an anonymous questionnaire, prepared with the support of the Guarantor Authority for Children and Adolescents, with the participation of 320 fifth-year students of some High schools and, online, of over 30 thousand minors aged between 14 and 18 who responded via the #iopartecipo platform.

⁸⁷ <http://www.voxdiritti.it/>.

The report on young people and gender-based violence attempted to highlight the point of view of the young people, adding numbers from the police force database. The report found that more than three out of ten young people have suffered harassment via social media, messages or phone calls. And 33% reported possessive attitudes on the part of their partner.

The fear of being a victim of GBV is higher among female students (57%) than among male students (10%). A similar pattern occurred in the data collected by the online consultation: a higher percentage of people who fear of being a victim of GBV is highlighted among girls (35%) than among boys(11%). This recent news demonstrates the importance of public investments in data collection and community outreach with a gender-sensitive approach that allows many complex phenomena to be visible.

The lack of a structural use of gender-disaggregated data with an intersectional approach does not allow the analysis and effective intervention on the multiple discriminations suffered by women and girls.

SUMMARY RECOMMENDATIONS OF THIS REPORT:

RECOMMENDATIONS ARTICLES 7 AND 8

- 1. Instruct DPO to jointly plan the use of national anti-violence funds with all relevant stakeholders, including WSSs, based on a regular needs and costs assessments.**
- 2. Reinstate Parliament's oversight of the implementation of the National Action Plan, including funds allocation.**
- 3. Retain Art. 1 of the Minimum standards for WAVCs and shelters and the current criteria for budget allocation for NGOs running WAVCs.**
- 4. Carry out mandatory consultation with independent specialized women's services when minimum standards are designed, monitored, evaluated, and implemented.**

RECOMMENDATIONS ARTICLE 11

- 1. Improve data collection in line with the requirements of Article 11 of the Istanbul Convention (gender-disaggregated data); make it mandatory also to civil family proceedings, and make it available to civil society with reference to judicial data.**
- 2. Mandate relevant ministries to issue implementing decrees for Law 53/2022.**
- 3. Require data collection on the impact of reforms with regard to art. 582 of the Criminal Code.**
- 4. Collect comprehensive public data or analysis on legal aid in family law and criminal VAWG cases.**
- 5. Support and adequately fund WSS's data collection.**

RECOMMENDATIONS ARTICLE 12

- 1. Mandate enhanced, specialised training for journalists on gender-sensitive reporting on VAWG cases and gender stereotypes.**
- 2. Strengthen civil society's role in combating hate speech against women journalists and defenders, and provide for mechanisms for such victims to seek effective redress.**
- 3. Take steps to combat cultural and patriarchal prejudices and encourage significant cultural change to eliminate existing gender stereotypes and discrimination.**

RECOMMENDATIONS ARTICLE 14

- 1. Introduce comprehensive, systemwide education against gender stereotyping.**
- 2. Institute mandatory sexuality education with a feminist and trans-feminist approach and a focus on consent.**
- 3. Encourage and support university initiatives to combat VAWG.**
- 4. Adopt the "Educating for Differences" strategies, indicators and guidelines.**

RECOMMENDATIONS ARTICLE 15

1. *Ensure adequate training of public officials and all professionals, including an understanding of the dynamics of gender-based violence to overcome widespread prejudices and stereotypes.*
2. *Ensure that training is not restricted to technical, legal or psychological knowledge but also includes the mechanisms of male violence against women and the stereotypes and prejudices that undermine judicial decisions and access to justice for women.*

RECOMMENDATIONS ARTICLE 31

1. *Establish a monitoring and evaluating system on the impact of newly introduced Legislation (Cartabia Reform) and the operation of the two observatories.*
 2. *Monitor the Cartabia Reform on family law with the participation of civil society and WSS.*
 3. *Prescribe for civil separation/divorce and child custody proceedings a thorough examination of the relevance of DV and witnessed violence for decisions in the best interest of the child with consequent measures to protect the child and its mother.*
 4. *All professionals (social, psychological, judiciary) involved in family proceedings are to be required to undergo regular training on VAWG.*
 5. *All Courts and services dealing with VAWG and DV cases must apply efficient risk assessment procedures.*
 6. *No (direct or indirect) forms of compulsory mediation or covert mediation should be imposed in proceedings characterised by intimate violent partnerships.*
 7. *Family law proceedings must provide for economic support mechanisms to counterbalance the disparity of economic power that strongly discriminates against an equal right to defend one's personal and property rights.*
1. *Collect comprehensive public data or analysis on legal aid in family law and criminal VAWG cases.*

RECOMMENDATIONS ARTICLE 48

1. *As a matter of urgency, explicitly prohibit restorative justice before sentencing in VAWG cases, and collect and publicise relevant data on its use.*
2. *Explicitly prohibit (direct or indirect) forms of compulsory mediation or covert mediation in proceedings characterised by intimate violent partnerships.*
3. *Ensure specialised training for professionals or develop screening methods on the systematic detection of domestic violence.*

RECOMMENDATIONS ARTICLES 49 -50

1. *Carry out a critical/independent analysis and evaluation into the reasons why the number of dismissed cases is so high and the conviction rates are so low.*
2. *Monitor effects of Cartabia Reform to prosecution, prevention and protection.*
3. *Monitor through comprehensive data collection the impact of administrative/police warning to assess its implications for VAWG related offences.*

RECOMMENDATIONS ARTICLE 51

1. **Ensure that risk assessment procedures are developed and applied at all stages by relevant.**

RECOMMENDATIONS PART.III - MIGRANT, ASYLUM SEEKING AND REFUGEE WOMEN

1. **Reform Article 18 - Law on immigration.**
2. **Adopt Standard Operational Procedures on data collection.**
3. **Guarantee migrant women's access to protection in all circumstances, irrespective of the place of arrival.**
4. **Respect the principle of non-refoulement, which is violated by bilateral agreements with transit countries and aimed at externalising borders.**
5. **Promote consistent implementation of Residence Status procedures at the national level.**
6. **Implement consistent procedures for the application of residence permits for domestic violence victims throughout the country and promote specific training to law enforcement.**

RECOMMENDATIONS PART.III - WOMEN ACCESSING REPRODUCTIVE HEALTH RIGHTS INCLUDING FREE LEGAL ABORTION

1. **Eliminate obstacles to free reproductive choices.**
2. **Eliminate obstacles in access to contraception.**
3. **Enforce Law 194 and reduce the difficulty of accessing legal abortions.**

RECOMMENDATIONS PART.III - WOMEN WITH DISABILITY

6. **Provide support to women with disabilities who are victims of violence already at the complaint stage and develop relevant programs and measures.**
7. **Provide accessibility services to ensure that women with sensory disabilities can access support and facilities independently from the stage of reporting the crime.**
8. **Collect disaggregated data also by disability, and type of disability, on the phenomenon of secondary victimisation.**
9. **Promote radio and tv programs in the public and private broadcasting focused on the rights of women with disabilities and on the risk of violence in all forms, including cyber violence and harassment, and respect of their human rights.**
10. **Ban violent contents that target women with disabilities in all social media platforms.**