

ITALY



***MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION
INTER-MINISTERIAL COMMITTEE FOR HUMAN RIGHTS***

ITALY'S REPLY ON FEMICIDE

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Further to your query, we are in position to provide the following, for your information only:

Introduction

1. The Italian (rigid) Constitution determines the political framework for action and organization of the State. The fundamental elements or structural principles of the constitutional law governing the organization of the State are, as follows: Democracy, as laid down in Article 1; the *personalistic* principle, as laid down in Article 2, which guarantees the full and effective respect for human rights; the pluralist principle, within the framework of the value of democracy (Articles 2 and 5); the importance of work, as a central value of the Italian community (Articles 1 and 4); the principle of solidarity (Article 2); the principle of equality, including of gender equality, as laid down in Article 3 (it is also the fundamental criterion applied in the judiciary system when bringing in a verdict); the principles of unity and territorial integrity (Article 5); and above all the relevant principles, including the social state, the rule of law and the respect for human rights and fundamental freedoms, such as freedom of correspondence, freedom of movement, freedom of religion or belief, and freedom of opinion and expression.

2. The recently established Government, led by H.E. Mr. Giuseppe Conte, reintroduced a dedicated Minister for Equal Opportunities and the Family.

3. As earlier mentioned, from a constitutional standpoint, the general principle of equality between women and men is enshrined in Article 3 of the Constitution, “*All citizens have equal social dignity and are equal before the law without distinction of sex, race, language, religion, political opinion, personal and social conditions. It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organization of the country*”.

4. As mentioned in last periodic report of Italy to CEDAW Committee, as orally considered, on July 4, 2017, “In addition to Article 3 of the Italian Constitution, Art. 1 of the Code on Equal Opportunities Between Women and Men (Legislative Decree 198/2006)¹ sets forth: “*Relevant provisions envisage measures, aimed at eliminating whatsoever distinction, exclusion or limitation based on sex, which might affect or hinder the enjoyment and exercise of human rights and fundamental freedoms (...)*” in all spheres of life. Thus, there is no legal discrimination with regard to civil, political, social, economic or cultural rights between women and men”.

¹ Arts. 37, 51, 117 Cost.

5. Likewise, “Men and women in Italy enjoy full equality of rights, including in respect of all of the issues considered in Article 15. As for Article 16, Legislative Decree 154/2013 equates legitimate children to those born out of wedlock (thus, impacting also on *more uxorio* cohabitation), besides further extending the right to be heard. On 26 May 2015, Act 55/2015 expediting the divorce proceeding (to be 12-month-long max., besides envisaging its reduction to 6 months in case of mutual consent) entered into force:²....As mentioned in the previous report, Act 54/2006 envisages joint guardianship, to which to add Act 219/2012 extending the right of the minor to be heard.³”. For further details, and a more specific overview of the Constitution, the powers of State, and the constitutional and non-constitutional guarantees, please kindly refer to the Common Core Document of Italy forming part of the reports of States parties (UN Doc. HRI/CORE/ITA/2016, dated July 25, 2016).

Turning to specific issues

I question

6. The Department for Equal Opportunities (DEO) is responsible for guidance, proposal and coordination of regulatory and administrative initiatives to support women’s human rights; prevent and eliminate all forms of discrimination; combat violence against women, exploitation and trafficking in human beings, as well as all violations of the fundamental rights to the integrity of the person and health of women and girls. In particular **the Department for Equal Opportunities is in charge of the proposal, definition, implementation and coordination jointly with other central Administrations and local authorities of interventions in the field of gender equality. A strategic framework for gender equality is going to be planned**, in line with the current discussions for the new programming period, consistently with the national thematic National Plans on violence against women and trafficking in human beings, respectively. **The strategic framework will support social and economic empowerment of girls and women** and will strengthen the integration of gender mainstreaming, at all policy levels.

7. Last July 2019, the Parliament approved **the so-called Red Code (Act No. 69/2019), which envisages a preferential and urgent judicial pathway, including the right to be heard by the public prosecutor, within three days** from *notitia criminis* registration. And **new crimes include:** Forced marriage (Article 558*bis* criminal code); Disfiguring permanently one’s face by acid attack (Article 583*quiquies*); Illicit distribution of sexually-explicit images or videos (Article 612*ter*).

8. **"Forced marriage" focuses on the union in which the consent of one of the parties, far from being free and full, is extorted through various forms of coercion, which may include threat and violence. Often, the "victims" of forced marriage are children. In this event, the constraint/"forcing" is self-evident.**

9. The so-called Red Code introduced **Art.558-bis, on "Coercion or induction to marriage"**. It punishes a series of conducts related to "forced" marriage **and civil union under which the coercion refers also to psychological abuse. This Article (Art.558-bis) also applies when the fact is committed abroad by an Italian citizen**

² CEDAW/C/ITA/CO/6, para. 49.

³ CEDAW/C/ITA/CO/6, para. 51.

or by a foreigner residing in Italy or to the detriment of an Italian citizen or foreigner residing in Italy. The crime is punished with imprisonment from one to five years – to be aggravated in the event of a conduct against particularly vulnerable individuals, including children under the age of 18 (and this is to be further aggravated if committed against children under the age of 14).

The National Strategic Plan on Male Violence against Women, 2017 – 2020

10. Against this background, the last National Strategic Plan on Male Violence Against Women aims at **strengthening: investigation; monitoring; data-collection; and related assessment of violence against women, nation-wide. This National Action Plan also promotes multilevel governance**, based on interaction among and responsibility of each central, regional and local administration under the direction of two main bodies: a Control Room, to define the governmental strategy; a Technical Committee, for preparation of relevant proposals, under Control Room’s guidance. **The Operational Plan, approved in November 2018, is a complementary and updated document, the main purpose of which is to translate the National Strategic Plan into concrete actions.** This Operational Plan significantly **increases the allocation of resources available** at Department for Equal Opportunities, for both 2018 and 2019, and indicates the actions that will be covered by the 2020 Stability Law financial budget.

Data-collection system

11. In 2017 the Italian National Statistical Office and the Department for Equal Opportunities signed an MoU, to establish an integrated data system on Violence against Women - also aimed to steer relevant policies. This system is online since November 25, 2017 and is progressively updated. It results in a huge container fully accessible online, by which to collect the main data and indicators, in addition to the existing legal frameworks, experiences and policies regarding violence against women. Data is being progressively organized in a dedicated data warehouse (<https://www.istat.it/it/violenza-sulle-donne>).

12. This system collects official statistics, which are related to the following fields: **Prevention** and, more specifically, data on gender stereotypes and stereotypes towards violence against women (Data will be delivered on 25 November 2019); **The size of violence against women** in its several forms; **The exit strategy**, with data about the inbound calls to the national helpline against violence and stalking, 1522; **the new census on shelters; and the judicial pathways**, based on the reports to the police, the proceedings, the convictions and the prisoners-related data.

Ministry of Interior

13. **The Ministry of Interior**, over the years, has adopted strategic lines of intervention at 360 degrees, to protect the victims, with focus on repression, investigation and, above all, prevention measures which fall in particular within the public security tasks of the Quaestor, such as the implementation of the « **warning** » institute, in accordance with Act 38/2019.

14. **As for prevention**, Act 119/2013, which addresses both stalking and gender-based violence, strengthens the institute of “warning” (*ammonimento*), as well as the gun banning, driving disqualification, and the possibility to use electronic tags.

15. **Procedurally**, the victim must be informed about shelters that must be

contacted, in the event of stalking and family ill-treatment. The Quaestor also informs the warned author about the possibility of entering social care-related prevention programs. **More generally**, the Department of Public Security participates in the Operational Plan of the National Strategic Plan on Male Violence Against Women, 2017 – 2020.

16. **Operationally, following a specific MoU between the Department of Public Security and the Department for Equal Opportunities, in November 2018, two more rooms for protected listening have been set up**, in addition to the existing 53 at Italian Police HQs. Additional ones will be established in the coming months. **Portable kits will be soon made available to ensure protected listening outside Police offices.**

17. **All Forces pay the utmost attention to relevant trainings**. As a way of examples, at the Superior Institute of Investigative Techniques (in Velletri), 300 Carabinieri officials have been trained since 2014 - all from the investigative provincial units included in the National Network to Monitor Gender-Based Violence. **In parallel, e-learning modules have been developed on violence against women and prevention.**

18. Following an MoU with the Department for Equal Opportunities, the **RaCIS, Forensic science laboratories of the Carabinieri Corps**, which is a Section on harassment-related offences, has been tasked with research and advisory services for relevant strategies.

19. **In accordance with the so-called Red Code, the Anti-Crime Central Directorate issued last September 2019**, a Circular Letter on “Violence Against Women – New Operational Practices”.

20. **Many awareness-raising campaigns have been launched, such as the E.V.A. project, « Examination of Violent Acts », and the “This is not Love” campaign** (including a brochure), **which have led to an increasing number of cases reported**. Between July 2016 and July 2019, 106.000 contacts were registered, with peaks on the occasion of the International Day on Violence Against Women.

21. In 2018, 83 Police Headquarters planned relevant events, conferences and so forth.

Education

22. **The Ministry of Education**, in promoting and carrying out activities aimed at combating all forms of violence and discrimination, organizes specific initiatives such as competitions for schools.

23. In order to foster reflection among the younger generations on violence against women, the understanding of equality and mutual respect through the fight against stereotypes and gender-based violence is key. **Within the so-called School-Work Alternation, the Ministry of Education promoted a project with the National Association, Telefono Rosa**, focussed on specific trainings of students on the association's activities.

II question

24. As for **the number of women victims of intentional homicide**, operational data from the Police indicates that, for the decade 2008- 2018, the number of men killed has decreased by over 50%, **whereas women's does not – though maintaining a more or less constant number**. In particular, **while in 2008 about 20% of all victims of homicide were women, this percentage rises in 2018 to 38%. Of these, 21% are foreigners. In 82% of relevant cases**, the alleged perpetrator is a family member; in 56% of cases the author is the partner or ex-partner.

25. **An analysis of the weapons / methods used to kill women** was also carried out. The analysis of an operational nature is based on the information received from the Police Headquarters: in 2018, a firearm was used in 38% of relevant cases; a bladed weapon was used in 29% of cases; in 13% of cases, a blunt object; in 20% of cases, the homicide took place by suffocation.

26. Figures on domestic intentional murders against women committed with firearms show as follows: **In 2016, domestic intentional homicides against women by firearm were 26 out of 86; in 2017, they were 15 out of 80; in 2018, they were 37 out of 68; and as at 31.8.2019, they were 12 out 44.**

27. More in detail

Data on femicide, concerning the latest months.

- In the first 8 months of 2019, the percentage of women killed equals to 34%, of whom 22% are foreigners.
- As for the alleged perpetrators, in 81% of cases is a family members; in 63% is a partners or former partner.
- The percentage of foreign victims rises, for femicide only, to 61%.
- In 55% of cases the woman killed leaves orphan children.
- In 37% of cases the alleged perpetrator committed suicide.
- In the period January - August 2019, the percentage of so-called "Femicide" rises to 49% compared to all women killed; 67% of foreign victims; 48% of women left children; in 18% of cases the alleged author committed suicide.

Data on modalities to kill a women in the course of 2019

- in the period January - August 2019, in 18% of cases a firearm was used, in 36% of cases a bladed weapon, in 27% of cases a blunt object, in 18% of cases due to suffocation, in 1% of cases other methods were used.

28. **Last, the Italian Cooperation system has completed the review of the Guidelines on Gender Equality and Empowerment.** The new version also includes a focus on gender-based violence in emergencies, prevention, and early action. A participatory process allowed all relevant national stakeholders, such as NGOs, Public Administration, Universities and specialized entities to complement the Guidelines with proposals. **The final version is in the process of scrutiny by national bodies and will be soon adopted.**

29. More generally, internationally, Italy specifically supports UNGA73 and HRC resolutions on human rights of women and girls. We promote the inclusion of references to gender-based violence, particularly rape and other forms of sexual abuse,

and all other forms of violence in situations of armed conflict, in a number of international and regional fora, including EU Common Messages.

30. Following the adoption of the DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance, **the Italian Agency for Development Cooperation has reviewed in July 2019, its Behavioural and Ethics Code, resulting in a dedicated code of conduct section on Sexual Exploitation, Abuse and Harassment. The new draft Code is now under scrutiny of the multi-stakeholder National Council for Development Co-operation.**

31. To ensure effective cultural change, the AICS new ethics code focuses on relevant training for all staff, both at HQs. and field level.

32. The Italian Agency's **Ethics Code has a broader scope than just the conduct of permanent and temporary staff.** It also encompasses stakeholder personnel, such as NGOs, and corporate behaviour. Therefore, NGOs are required to have ethics/conduct provisions in place for their staff

Conclusion

The Italian Authorities take this opportunity to reaffirm their broad commitment to fully cooperating with UN Special Procedures and all other relevant international mechanisms.