

**ITALY**

***MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION***  
***Inter-ministerial Committee for Human Rights***

**ITALY'S CONTRIBUTION ON THE ISSUE OF VIOLENCE AGAINST  
WOMEN/FEMICIDE, FOLLOWING SPECIFIC REQUEST ON FEMICIDE  
BY UN SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS  
CAUSES AND CONSEQUENCES**

*November 8<sup>th</sup>, 2018*

## ITALY'S CONTRIBUTION

Following your query, we are in a position to provide the following:

### Introduction

1. The Italian 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 so-called *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 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.

2. The Italian legal system aims at ensuring an effective framework of guarantees, to fully and extensively protect the fundamental rights of the individual. Indeed, we rely on a solid framework of rules, primarily of a constitutional nature, by which the respect for human rights is one of the main pillars.

- On a more specific note, the Italian Constitution envisages the protection of all rights and fundamental freedoms included in relevant international standards, such as the European Convention on Human Rights and Fundamental Freedoms, the Human Rights Universal Declaration, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Discrimination Against Women and more recently, the CoE's Istanbul and Warsaw Conventions.
- The protection and promotion of rights – be it civil and political, economic, social and cultural, be it referred to freedom of expression or to the fight against discriminations or to the rights of the child and of women – constitute one of the fundamental pillars of both domestic and foreign Italian policies. [L] [SEP]
- o One of the main goals of the Italian Government is to ensure equal opportunities and equal treatment for men and women and to combat all forms of discrimination on the grounds of gender. With a view to achieving this fundamental goal, Italy has put in place measures having a constitutional, legislative, and administrative nature in the economic, social, cultural, and political life. From a constitutional standpoint, the general principle of equality between women and men is enshrined in Article 3 of the Italian (rigid) 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”.*

- In addition to the above Article 3 of the Italian Constitution, Art.1 of the Code on Equal Opportunities Between Women and Men (Legislative Decree 198/2006)<sup>1</sup> 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.*”

3. Within the domestic system of protection of human rights, mention has to be made, among others, of the Italian Constitutional Court that deals only with infringements of a constitutional level.<sup>2</sup>

4. The Constitutional Court exercises its duty as one of the highest guardian of the Constitution in various ways. It becomes active when it is called on. For example, it supervises the preliminary stages of referenda and is competent in case of presidential impeachment. Complaints of unconstitutionality may be submitted before the Italian Constitutional Court by central and local Authorities claiming that a state or a regional Act might be unconstitutional. Therefore, the Court monitors Authorities to see whether they have observed the Constitution in their actions. It also arbitrates in cases of disagreements between the highest State’s organs and decides in proceedings between central and local Authorities.

- Procedurally, the Court must examine *ex officio* (the prosecutor) or upon request of the plaintiff/defendant whether the provisions to be applied are in compliance with the Basic Law. When the court considers that an act is unconstitutional, such evaluation brings to a suspension of the *a quo* proceeding. Accordingly, a decision is made by the Court itself, pursuant to Art. 134 of the Italian Constitution. The constitutional court decides (and its decisions cannot be appealed on) disputes: 1. concerning the constitutionality of laws and acts with the force of law adopted by state or regions; 2. arising over the allocation of powers between branches of government, within the state, between the state and the regions, and between regions; 3. on accusations raised against the head of State in accordance with the Constitution. More generally, the Court decides on the validity of legislation, its interpretation and on whether its implementation, in form and substance, is in line with the Basic Law. Thus, when the court declares a law or an act with the force of law unconstitutional, the norm ceases its force by the day after the publication of its decision.

5. At a domestic level, mention has to be made, among others, of the role and functions of the Inter-ministerial Committee for Human Rights (acronym in Italian, CIDU). It was established in 1978, at the Ministry of Foreign Affairs and International Cooperation of Italy ([www.cidu.esteri.it](http://www.cidu.esteri.it)<sup>4</sup>). By an inter-ministerial and participatory approach, CIDU is the National Mechanism for Reporting

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<sup>1</sup> Arts.37, 51, 117 Cost..

<sup>2</sup> The Constitutional Court consists of fifteen judges; one-third being appointed by the Head of State, one-third by the Parliament in joint session, and one-third by ordinary and administrative supreme courts.

<sup>3</sup> In terms of composition, each Ministry appoints a specific human rights focal point participating in its work. The CIDU thus consists of, among others: Presidency of the Council of Ministers (acronym, PCM); Ministry of Justice; Ministry of Interior; Ministry of Education; Ministry of Labour; Ministry of Health; Ministry on Economic Development; Ministry of Defence; Ministry on Environment; Ministry on Agriculture; Ministry on Cultural Heritage; the National Office against Racial Discrimination; CSM; CNEL; **ISTAT**; Carabinieri Corps; Revenue Guards Corps (*Guardia di Finanza*); the National Association of Italian Municipalities (in Italian, ANCI); and the Italian Society for International Organizations (SIOI).

<sup>4</sup> In terms of composition, each Ministry appoints a specific human rights focal point participating in its work. The CIDU thus consists of, among others: Presidency of the Council of Ministers (acronym, PCM); Ministry of Justice; Ministry of Interior; Ministry of Education; Ministry of Labour; Ministry of Health; Ministry on Economic Development; Ministry of Defence; Ministry on Environment; Ministry on Agriculture; Ministry on Cultural Heritage; the National Office against Racial Discrimination; CSM; CNEL; **ISTAT**; Carabinieri Corps; Revenue Guards Corps (*Guardia di Finanza*); the National Association of Italian Municipalities (in Italian, ANCI); and the Italian Society for International Organizations (SIOI).

and Follow-up (NMRF<sup>5</sup>). The interaction with the Parliamentary Commissions to both the Chamber of Deputies and the Senate, working in the field of human rights, is carried out through constant dialogue and on the occasion of periodic public hearings, by the CIDU President. CSOs are included in the preparation of the reporting, in accordance with their specific competences and experience. They are also involved in conferences and events organized by the CIDU in cooperation with relevant Administrations as well as in online consultations for the compilation of national plan of actions, as occurred for example in the preparation of both the Italian NAPs on WPS, 2016 -2019, and BHR, 2016 -2020, and to further establishing proper follow-up mechanism with their active participation. Moreover CIDU has established a dedicated position to get contacts and promote close relationships and collaboration with civil society.

## **Turning to the specific Questions<sup>6</sup>**

### **I. Relevant Data**

Over the years, Italy has been focussing on collecting data on VAW through the National Institute of Statistics (ISTAT) carrying out two important surveys, as commissioned by the Department for Equal Opportunities (DEO) of the Presidency of the Council of Ministers:

- The first 2006-ISTAT survey reported that 6.7 million women, aged 16-70 (31.9 per cent of all women), had been victims of violence at least once, during lifetime. Five million women were victims of sexual violence and 1 million of rape or attempted rape. ISTAT also estimated, there were 74,000 cases of rape or attempted rape, of which 4,500 were reported to the Police.
  - o Partners commit approximately 23 per cent of sexual abuse cases (<http://www.istat.it/en/archive/34562>).
- On 5 June 2015, ISTAT released the follow-up survey, the results of which are to be widely disseminated also among migrant women. Carried it out in 2014 on a sample of 24.000 women aged 16-70, ISTAT indicates, the most affected foreign women are from: Romania, Ukraine, Albania, Morocco, Moldavia and China. In the survey, some sections investigate the percentage of women seeking for help in shelters and services and their feedback. The survey also collects data on stalked women. To contribute to assessing stalking, ISTAT also collects data about women's assessment of the relevant legislation.<sup>7</sup> Furthermore, 49.3 per cent of women, victims of violence, stated that they are aware of the right to free legal aid.

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<sup>5</sup> and performs the following tasks:

- a) Review laws, regulations and administrative measures relating to HR commitments and pledges made at an international level;
- b) Advisory activity on the adoption of provisions in line with relevant international obligations;
- c) Coordination and reporting relating to international human rights standards - that Italy is requested to submit to the UN, Council of Europe, and other Organizations and mechanisms in the field of human rights;
- d) Participation in international conferences and fora, such as the yearly sessions of the UN Human Rights Council (Geneva) and the UNGA Third Committee (New York);
- e) Preparation of the national reports and consideration of Italy under the Universal Periodic Review Mechanism (UPR);
- f) Elaboration of and focal point for the National Action Plan on Women, Peace and Security in accordance with Security Council Resolution 1325(2000);
- g) Elaboration of the National Action Plan on Business and Human Rights.

<sup>6</sup> Information is also available at the dedicated webpage of last Italy's consideration by the UN CEDAW Committee (July 2017). Additional and more updated information will be also provided with an ensuing contribution, soon.

<sup>7</sup> However, according to privacy protection law, ISTAT cannot collect data about ethnic origin and religious affiliation (<http://www.istat.it/it/archivio/157059>).

In November 2016, the structure for the setting up of a specific **National Database on gender-based violence** was also defined through a Department for Equal Opportunities (DEO)-National Institute of Statistics (ISTAT) MoU.

On a more specific note, according to the ISTAT-2015 survey, about 6.800,000 women have been victims of some forms of violence, either physical or sexual, during lifetime<sup>8</sup>.

Foreign women are victims of sexual or physical violence on a scale similar to Italian women's.<sup>9</sup>

On a positive note, compared to the previous survey-2006, sexual and physical violence cases result to be reduced<sup>10</sup>. This is the result of increased awareness of existing protection tools by women in the first place and the public opinion at large, in addition to an overall social climate of condemnation and no mercy for such crimes.

As for relevant data requested by the UN Special Rapporteur, Ms. Simonovic, by referring to Annex No. 1, data refers to the relevant situation in 2016<sup>11</sup>.

- **In brief, in the year 2016, women victims of voluntary/intentional homicide in Italy were 149, equaling to 0.48 per 100,000 women.**
  - o **It may be inferred that in terms of incidence vis-à-vis the European context, in light of available data relating to 22 EU countries, lower figures refer to Luxembourg and Austria (0,36 and 0,39, respectively), only<sup>12</sup>.**

As earlier mentioned, according to the ISTAT survey-II, 6.788,000 women have been victims of some forms of violence, either physical or sexual, during their lifetime (=31,5% of women aged 16-70): 20,2% has been victim of physical violence; 21% of sexual violence; and 5,4% of the most serious forms of sexual violence, such as rape and attempted rape: 652,000 women have been victims of rape; and 746,000 have been victims of attempted rape.

Furthermore, foreign women are victims of sexual or physical violence on a scale similar to Italian women's: 31,3% and 31,5%, respectively. However, physical violence is more frequent among foreigners (25,7% vs. 19,6%), while sexual violence is more common among Italians (21,5% vs. 16,2%). Specifically, foreign women are more exposed to rape and attempted rape (7,7% vs. 5,1%) with Moldavians (37,3%), Romanians (33,9%) and Ukrainians (33,2%) who are the most affected ones.

As for the author, current and former partners are those who commit the most serious crimes: 62,7% of rapes is committed by the current or the former partner while the authors of sexual assault are in the majority of cases remain unknown (76,8%).

As for the age of the victim, 10,6% of women has been victims of sexual violence prior to the age of 16. Considering VAW-cases against women with children who have been witnessing it, the rate rises up to 65,2%.

As for women's status, women separated or divorced are those far more exposed to physical

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<sup>8</sup> (=31,5% of women aged 16-70)

<sup>9</sup> : 31,3% and 31,5%, respectively.

<sup>10</sup> from 13,3% to 11,3%

<sup>11</sup> Against this background, mention has to be made of the report presented in February 2018, by the parliamentary commission on femicide and on any other forms of gender-based violence, available at the following link: <http://www.senato.it/leg/17/BGT/Schede/docnonleg/35737.htm>.

<sup>12</sup> <https://www.istat.it/it/violenza-sulle-donne/il-fenomeno/omicidi-di-donne>

or sexual violence (51,4% vs. 31,5% relating to all other cases). It remains of great concern the situation of women with disabilities or diseases: 36% of those women with bad health conditions and 36,6% of those with serious limitations have been victims of physical or sexual violence. The risk to be exposed to rape or attempted rape doubles compared to women without any health problems (10% vs. 4,7%).

On a positive note, compared to the previous edition-2006, sexual and physical violence cases result to be reduced from 13,3% to 11,3%. This is the result of increased awareness of existing protection tools by women in the first place and the public opinion at large, in addition to an overall social climate of condemnation and no mercy for such crimes. More specifically, physical or sexual violence committed by a partner or a former partner is reduced, as well as VAW perpetrated by non-partners.

The reduction is meaningful when considering cases among female students: reduced from 17,1% to 11,9% in the event of former partners; from 5,3% to 2,4% in the event of current partner; and from 26,5% to 22%, in the event of a non-partner. Significantly reduced are those cases of psychological violence committed by the current partner (from 42,3% to 26,4%), especially when they are not coupled with physical and sexual violence.

Women are far more aware that they have survived a crime (from 14,3% to 29,6% in case of violence by the partner), which is reported far more often to the Police (from 6,7% to 11,8%). More often, they talk about it with someone (from 67,8% to 75,9%) and look for professional help (from 2,4% to 4,9%). The same applies in the event of violence by a non-partner. Compared to the edition-2006, survivors are far more satisfied with the relevant work carried out by the Police<sup>13</sup>.

**II. Existence of, or progress in, the creation of a national femicide watch and/or Observatory on violence against women**

**III. Analysis of cases and actions undertaken in this respect; and related investigations, prosecutions and convictions of all cases of gender-related killing.**

National policies on VAW, including domestic violence, are increasingly based on an approach, which is integrated, participatory, inclusive, and multidisciplinary — as also reflected in prevention, protection and repressive measures involving the public and private sectors.

By Act 77/2013, Italy was one of the first States to ratify the Istanbul Convention. In line with the Convention and prior to its entry into force, Italy adopted on 14 August 2013, Law-Decree 93, converted into Act 119/2013 on “Urgent provisions on safety and for the fight against gender-based violence, as well as on civil protection and compulsory administration of provinces”. By amending both the penal and penal procedure codes, the above Act introduces more effective measures, aimed at: preventing VAW; protecting victims and their children; and punishing the perpetrators more severely (for further details, please kindly refer to relevant information below).

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<sup>13</sup> Additional data about the judicial pathway, from the complaints filed to the number of persons imprisoned/detained, please kindly refer to the following link: <https://www.istat.it/it/violenza-sulle-donne>

Article 5 of the above Law-Decree envisages the adoption of an “Extraordinary Action Plan on Sexual and Gender-Based Violence, upon agreement by the Unified Conference and following elaboration by the Administrations concerned, with the support of relevant women’s associations and anti-violence Centres/shelters”. To this end, an inter-institutional Task Force coordinated by DEO was established on 22 July 2013, consisting of all Ministries concerned, Regional and Local Authorities, and CSOs. It thus worked on a wide array of measures, including: preventive measures; awareness-raising campaigns; actions to promote gender equality in schools — to teach the correct relation between boys and girls, besides a specific focus on anti-violence and anti-discrimination in the school textbooks; strengthening anti-violence Centres, as well as the services to assist and protect victims/survivors of violence to make them “agents for change”; ad hoc training for key professionals; increasing collaboration among Institutions, data-collection; specific positive actions; designing of an ad hoc governance system, including all key Institutions. The Unified Conference approved the above Action Plan, in May 2015.

According to Article 5 of Act 119/2013, the financial resources allocated for the implementation of the Plan amount to: 10 million euros for 2013; 10 million euros for 2014 (Act 147/2013); 9.119.726 million euros for 2015. Further 10 million euros are expected to be allocated for 2016 (Act 147/2013).

In 2013-2014, to support anti-violence Centres/shelters, the Italian Government envisaged specific funding; and through DPCM, dated 27 November 2014, the minimum requirements to get access to such funds starting from 2015 have been determined.

Increasing attention has been paid to *femicide*. In this regard it has been tested a specific tutorial for Vice-Superintendents (XXV course) and for the VI refresher course for the Police Sport Groups. Between 2013-2014, 4,741 Police staff have been trained. Between October 2013-October 2014, the Operational Central Service attended the IV and V international Congress of the GREAT Network on emergency medicine, with two interventions on the role of the Police in preventing and repressing VAW and the need for a multi-stakeholder approach during first aid.

Various projects have been completed under the Daphne Programme. Worthy of mention is: MuTAVI (Multimedia Tools Against Violence), conducted by the Central Directorate of the Criminal Police Department, together with the Department of Psychology, University “La Sapienza” and “Institute for the Mediterranean”. The purpose was to create and produce multimedia materials for training professionals, practitioners, and caregivers, such as Police, lawyers, as well as socio-medical staff, responsible for first contact and support for victims of violence by their partner (Intimate Partner Violence — IPV). The ultimate goal is to raise awareness and promote prevention strategies against violence, in particular, IPV — in continuity with the European project AGIS (also called Victas).

Legislative development includes, as follows: Law Decree 11/2009 converted into Act 38/2009 introduces the crime of stalking (Art. 612-*bis* of the Italian Criminal Code). To prevent and further protect victims of stalking, a new administrative measure “warning (*ammonimento*)” has been entrusted to *Questore* (when the victim does not want to take action against the offender), thus initiating the criminal prosecution. Stalkers shall be punished by imprisonment up to four years. Penalty is increased if the offence is committed by the spouse, who is legally separated or divorced, or by a person previously engaged in an emotional relationship with the victim. Penalty is also increased if the crime is perpetrated against a minor, pregnant woman or person with disabilities. To further enhance the fight against stalking, the then Minister for

Equal Opportunities and the Minister of Defence signed, in January 2009, an MoU, by which a specific Unit has been established at Carabinieri Corps; Act 172/2012 ratifying the Lanzarote Convention amended Art.572 c.p. on, “Mal-treatment against family members and cohabitants” and provided for harsher penalties (up to six years of detention). Furthermore, it doubled the time limit (from 10 to 20 years), within which the victim is entitled to report sexual abuse to the Police;<sup>14</sup> Act 119/2013 addresses both stalking and GBV, which had been already regulated, through three conceptual pillars based on prevention, punishment, protection. As for prevention, it strengthens the above “warning” (*ammonimento*), as well as the gun banning, driving disqualification and the possibility to use electronic tags. Concerning the punishment, new aggravating circumstances are to be mentioned; penalty is increased if children under the age of 18 witness violence as well as if the victim is in a particularly vulnerable situation (if pregnant).

Moreover, *femicide* is further strengthened by consideration for the particularly close relationship between the victim and the perpetrator as an aggravating circumstance (e.g. if the perpetrator is the victim’s spouse or partner, also non-cohabiting partner); In line with the Istanbul Convention, the Italian law aims at ensuring greater protection for victims both in relation to hearings, which will be protected, and through a system guaranteeing transparency during ongoing investigations and legal proceedings, besides the obligation to inform victims about local support services. Furthermore, the law provides for legal aid also for women victims of domestic violence, whose income exceeds the income limits fixed by national legislation. More generally, as for the protection of the victims, Legislative Decree 9/2015, transposing Directive 2011/91/EU, on the Order of European Protection, aims at ensuring the mutual recognition of the effects of the protection measures for the victims of crime when adopted by the judicial Authorities from EU Member States.

From a legislative standpoint, in line with the above National Extraordinary Plan Against Gender Based-Violence, mention has to be made also of the following measures: Legislative Decree No. 80/2015 on “Measures for reconciliation between care, work and family life”, which envisages, inter alia, the setting up of a special paid leave for working women victims of violence following duly certified protection programs; Law No. 124/2015 on the reorganization of Public Administrations, by which the working woman victim of violence is entitled to ask to move to another Public Administration of a different Municipality; Reform of the national education and training system (Law No. 107/2015), which provides for, inter alia, the inclusion of education to gender equality, the prevention of gender-based violence and discrimination in the school curricula; Law No. 119/2013 envisages that protection is extended to foreign women victims of violence, entitled to obtain a humanitarian residence permit.<sup>15</sup>

Within this framework, the Court of Cassation stressed that the consent to sexual acts between spouses or partners is essential: should it fail, the conduct will be of a penal relevance (Sect. III, 36962/2007). By Law Decree 93/2013, it has been acknowledged further the seriousness of sexual violence as manifestation of dominion within relationships or as a stalking tool, following the end of a relationship. Moreover, it should be stressed the equalization between conducts perpetrated during the relationship to those ones at the end of it. The above Law Decree has also set aside the requirement of “legal” separation, envisaging the increased penalty regardless of the status between partners. Plus, this has introduced a new aggravating circumstance in the event of stalking, via new social media. Procedurally speaking, by Art.

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<sup>14</sup>This innovation is linked to domestic violence since, in most cases, child sexual abuse is perpetrated within the family.

<sup>15</sup> established by Legislative Decree No 286/1998 consolidating the provisions regulating immigration and the rules relating to the status of foreign national.

612-bis cp., the remission of lawsuit can be decided through a judicial proceeding, only; and complaint cannot be withdrawn in the event of serious threats of recurrence. By the above Law-Decree, the ban on weapons is mandatory while under Art. 8 of Law-Decree 11/2009, the *Questore* (senior Police officer) is mandated to assess it.

The growing general awareness is also confirmed by the significant increase in the request for precautionary measures (with a total of 30 per cent) for: domestic violence (Art. 572 cp); sexual violence (Art. 609-b cp); and stalking (Art. 612-b cp). The seriousness of the violence committed (almost exclusively) to the detriment of women and children must also be taken into consideration: more and more frequently, the severity of the facts and the danger of perpetrators require the adoption of stricter precautionary measures, such as preventive detention.<sup>16</sup>

To further translate the UNCRC, UNCEDAW, Lanzarote and Istanbul Conventions, pursuant to Act 172/2012, some Public Prosecutor's Offices added to their offices a "protected hearing room", which allows them to listen to women and children and, in general, the victims of violence in a more appropriate setting. To this end, the Prosecutors' Offices have also given clear guidance to the judicial Police on how to collect information. In some offices, we have set up daily shifts of expert consultants, available 24h/24, to ensure immediate assistance to Police when gathering information from the victim if and when an urgent investigation so requires. For this service, specialized judiciary from larger districts has been assured, by constant and timely contact, even for purely advisory purposes, between the judicial Police and the Coordinator of the pool of specialized prosecutors.

On a more specific note, under the above-mentioned Plan, on 25 July 2016, an Inter-institutional Steering Committee was established. The Committee is chaired by the President of the Ministers' Council or the political Authority in charge of gender equality and composed by: Minister of Health, Minister of Regional Affairs, Autonomies and Family Policies, as well as by the representatives of the competent Ministries (Interior; Justice; Education; Foreign Affairs and International Cooperation; Economic Development; Defence; Economy and Finance; Labour; Simplification and Public Administration), and of the Regions and local Authorities.

On 21 November 2016, the first meeting of the National Observatory on Violence was convened in compliance with the above Plan. The following 3 Working Groups were established:

- 1) WG 1 on "Legislation" – aimed at proposing amendments to the legal framework on GBV;
- 2) WG 2 on "Protection paths" – aimed at defining Guidelines on new protection paths for victims of GBV;
- 3) WG 3 on "Strategic Framework" – aimed at defining the future strategic framework of the next relevant National Action Plan against GBV.

As earlier mentioned, in line with the provisions established by the Plan, on 15 November 2016, the structure for the setting up of a specific National Database on gender-based violence was defined and will be implemented through the MoU with ISTAT. It envisages *inter alia* that ISTAT be the coordinating body of the National Database and the entity mainly responsible for it.

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<sup>16</sup> Significant increase in arrests *in flagrante delicto* is to be noted with an increase, between 2011-2012, in certain areas, of about 40 per cent.

In its coordination capacity, ISTAT will collaborate with experts from the Entities and Ministries producing administrative data on this topic, including shelters. The National Database will collect data deriving from sample surveys, as well as administrative data and data collected by shelters.

More specifically, the Extraordinary Action Plan Against Sexual and Gender-Based Violence (hereinafter, the Plan), adopted in May 2015, envisages the implementation of the following actions:

- On 7 July 2015, the Plan was adopted by DPCM, with the aim of establishing a multi-level governance system of public policies for combating such phenomena and supporting their victims, through a total allocation of 40 million Euros for 4 years. Within this framework, on the International Women's Day-2016, it was launched a 12-million-Euro Public Call for Proposals for the financing of projects for the strengthening of shelters and assistance services to women victims of violence and their children, as well as for the enhancement of the local services network.
- Through Presidency of the Council of Ministers Decree (acronym in Italian, DPCM) dated 25 November 2016, the Government allocated further 18 million Euros for the period 2017-2018 to Regions, to finance the opening of new anti-violence Centres and shelters and the strengthening of the already existing ones.
- Furthermore, within the framework of the implementation of para.4 of this Plan, through an additional DPCM of 25 November 2016, the Government allocated further 13 million Euros to be distributed among Regions and Autonomous Provinces for the implementation of projects and actions on: training of health personnel of hospitals' emergency rooms; promotion of victim's entry to the labour market; access to public housing for victims; establishment of systems for the collection of data on the phenomenon at the local level.
  - o As of April 2017, 501 are the safe shelters (anti-violence Centres + women's *refuges*) in Italy.

From a judicial standpoint, while recalling the VII periodic Report of Italy to CEDAW, expulsion measures from home fall within Art.282-b, 342-b *cpp*; free legal aid is ensured to women victims of violence, regardless of their income; and victims of violent crimes are entitled to compensation and have access to a specific Solidarity Fund in accordance with Arts.7-11 of Act No. 122/2016.

- On the occasion of the International Day on the Elimination of Violence against Women-2016, with the aim of developing specific actions supporting the implementation of the Extraordinary Action Plan against Sexual and Gender-based Violence, 5 MoUs were signed by DEO and ISTAT, *Ferrovie dello Stato Italiane* Group (the national railway company), *Poste Italiane* (the national post company), *Carabinieri* Corps and State Police, respectively.
  - o In particular, the MoUs signed with *Carabinieri* and State Police aim at promoting training initiatives for law enforcement agencies' personnel, DEO's staff and the 1522 helpline operators, with a view to making the identification and fight against sexual and GBV and stalking more effective.
  - o The MoU with ISTAT aims at devising and implementing the abovementioned National Database on GBV, whereas the MoU signed with *Poste Italiane* and *Ferrovie dello Stato* aim at officialising the already existing collaboration with the Department on this topic and especially for the dissemination of information on the 1522 toll-free helpline.
  - o On the same occasion, DEO presented the new communication campaign against GBV, entitled "Put yourself in her shoes". The TV advert is available at <https://www.youtube.com/watch?v=Sgf3BqqgLa0&feature=youtu.be>

Moreover, on 11 November 2016, DEO, in collaboration with MIUR, issued a public Call for proposals for the presentation of school educational initiatives on preventing and combating all forms of GBV addressing all public schools, nationwide. This Call for proposals also encouraged the establishment of collaborations between schools and relevant NGOs, with a total allocation of 5 million Euros; and the selected projects are now starting their activities.

Between July - December 2016, State Police carried out “TRAILER Project – The Police Trailer against GBV”, by involving 22 Police HQs. (*Questure*) in: Agrigento, Arezzo, Bari, Bologna, Brescia, Cagliari, Campobasso, Cosenza, Crotona, L’Aquila, Macerata, Matera, Palermo, Rimini, Perugia, Pescara, Reggio Calabria, Roma, Sassari, Siracusa, Sondrio, Verbania.

- The aim is to facilitate the emergence of GBV cases, by providing support by a Team of specialised operators who are aboard of the trailer: physician/psychologist from the Police or Anti-violence Centres; an operator from the investigative Police unit; one from the Anti-crime Division and/or Complaints Office-U.P.G.S.P.; one operator from the local anti-violence Network; possibly, other stakeholders from relevant local Bodies and CSOs; and Investigative Units officers to promptly inform Judicial Authorities for complaints to be filed - and a pro-active approach, to facilitate an immediate contact with users, also in the wider context of correct information to be conveyed.
  - o This initiative, jointly with the relevant awareness-raising campaign “This is not love”, and thanks to the proactive role by the Teams from *Questure* has proven to be very effective: in six months, over 18.600 people have been approached (80% women), with thousands requests for information. In early 2017, this Project has been extended to all 103 *Questure* for similar events, on the occasion of Saint Valentine’s Day and on the 8<sup>th</sup> March anniversary.

In line with the above-mentioned Plan, in 2015-2016 Ministry of Health financed a key action, “*Training blended for health-care providers and others, to strengthen territorial networks to prevent and fight against GBV*”, to disseminate a pathway model for women victims of violence who go to the First Aid. The training addresses physicians and nurses of at least 28 First Aids of 4 Regions (Lombardy, Latium, Campania and Sicily), to enhance ability to managing, diagnosing and treating VAW, besides reinforcing/setting local networks against violence. In parallel, the project “*Control and responding to violence against vulnerable people: woman and child, intervention model for hospitals and health care networks in a European perspective. REVAMP*”, in partnership with Liguria Region and with the participation of 6 more Regions (Piedmont, Lombardy, Tuscany, Latium, Basilicata and Sicilia) has been financed.

In 2016, a Department of Penitentiary Administration (DPA) - Steering Committee (Ministry of Justice) was established, at a central level, to coordinate all initiatives on the specific treatment of relevant offenders. In early 2017, a specific training on equal opportunities was held for local and national members of the Equal Opportunities Committee of Penitentiary Police, in strict cooperation with the DPA-General Directorate for Training.

- Specific attention has been paid to CEDAW, including *inter alia* gender-based discrimination at work-place, the relevant NAP, regional Observatories and programs for victims’ protections. This course will be further developed with regard to offenders’ treatment. The Committee for Equal Opportunities has proposed to include this program, on a permanent basis, in the annual training Plan of DPA for all staff members, including penitentiary directors, educators, psychologists, social workers, and volunteers.

From an operational standpoint, to support women victims of violent crimes and to ensure a coordinated action, inter alia, relevant MoUs - all being available online - have been signed by local stakeholders and judicial Authorities; and other ones are to be developed within the framework of the above new Plan against gender-based violence.

Numerous awareness-raising campaigns are carried out by DEO, to overcome prejudices and stereotypes. With regard to the VAW Plan, relevant training-related initiatives included: a) Specific courses for law enforcement, by behavioural and organizational models already tested on the territory (Prosecutor's Office of the municipality of Cosenza; the Police Headquarters in Catania and Verona) through ad hoc Protocols, namely S.A.R.A. ("Spousal Assault Risk Assessment"), S.I.L.V.A. ("Stalking Victims and Risk Assessment") and E.V.A. ("Examination of Violent Acts"); b) Relevant awareness-raising campaigns for the whole judiciary (DEO and the Ministry of Justice); c) Awareness-raising for the Stalking Unit, under the MoU signed by the General Command of the Carabinieri Corps and DEO. Further, DEO launched in 2009 the "Week Against Violence and Discrimination", following an MoU with MIUR. During that Week, schools organize awareness-raising and training on the prevention of violence based on all forms of discrimination. Since 2004, DEO-UNAR organizes the Week against Racism that in the March 2015-edition, as a way of examples, was jointly launched with ANCI (National Association of Italian Municipalities) and involved 700 Municipalities.

The Government also launched the following campaigns: "*Quote di genere. Un paese più equilibrato ha un futuro migliore*", to promote gender balance in decision-making processes; "*Sì alle differenze, no all'omofobia*", to promote respect for diversity, and fight against homophobia; "*Abilità diverse. Stessa voglia di vita*", to promote women and men's respect for persons with disabilities; "*Made in Italy*", against racism.

Starting from early 2015, DEO and Self-regulatory Institute on Advertisements renewed and strengthened their MoU, with a view to enhancing cooperation to monitor and remove offensive and indecent ads. In compliance with this MoU, DEO is entitled to ask for the removal of degrading advs., also upon reporting from other entities. A similar model to monitor local advertisements has been replicated with ANCI.

Within the media system, the national public broadcasting service (RAI) adopted specific Guidelines to better and adequate portraying women.

Also the following projects launched by DEO are to be mentioned: "FIVE MEN", within PROGRESS, to convey a zero tolerance message on VAW, including in school system, specifically targeting men and boys; and "Recognize Violence Campaign", launched in November 2013.

As for training, refresher and specialisation courses have started in January 2017, for judicial Police (investigative and scientific techniques), State Police (including officers) at *Questure* (Investigative Units and *Digos*), regional and inter-regional Cabinets of Scientific Police, and railway and highway patrol units. Within this framework, specific seminars on GBV will be carried out.

With regard to education-related initiatives in the field of VAW and stalking are being developed for basic (a) and advanced (b) training for Carabinieri personnel: For the basic training, students attend a module on IHRL (2,500 units, in 2013-2014). For the advanced training, the following activities are worthy of mention: *Prevention and Investigation of Sexual and GBV*; *Training and Awareness on Counter-Trafficking for Peacekeepers*; Seminars (financed by the DEO) to foster standardized training among the various Police Forces (about 1,650 units); Specific seminars organized at the Carabinieri Officers School from 2012-2013,

with the support of Sant'Anna School in Pisa; Seminars for training Territorial Units personnel on harassment offences (about 5,700 units); a training course, "Train the Trainer Workshop: Anti-Discrimination & Diversity and Other Fundamental Rights Topics in Police Training"; other relevant initiatives, such as ad hoc training programmes at Carabinieri-ISTI (Advanced Institute of Investigation Techniques);<sup>17</sup> and the involvement of officers in the ODIHR group of Trainers.

The RaCIS (Forensic science laboratories of the Carabinieri Force) Section on harassment offences, based on an MoU with DEO, is tasked with research besides providing advice for relevant strategies. In this context, Carabinieri has organized specific training for a standardized conduct of officers dealing with the victims of GBV — in line with a specific MoU between Ministry of Interior and DEO.

In the basic training and refresher courses for State Police, increasing attention is paid to assisting victims of domestic violence, stalking, and abuse in the family, as well as to IHRL, and the protection of vulnerable groups. More specifically, domestic violence and stalking fall within standardised refresher courses on: "Stalking and Crimes against Vulnerable Groups"; monitoring and combating discrimination against minorities and the role of OSCAD; violence against women and children, and specific issues relating to the operational, legal and psychological impact of violence. From 2014, the Ministry of Interior envisages additional cycles for local investigative Police of 103 Police HQs.

More generally, Italy developed training modules on gender issues for Italian military personnel and international Armed Forces, trained within bilateral and multilateral programmes with the EU and the UN. Curricula of the training Institutes for the Armed Forces, Carabinieri, and *Guardia di Finanza* include IHL, aimed at providing knowledge, particularly of procedural and behavioural rules.

Similar modules are included in the ISSMI (Joint Services Staff College) and IASD (Institute for High Defence Studies) curricula, as well as in the Single Service Staff Course (or corresponding courses), the Military Legal Advisor course (where specific CAAC issues are addressed) and the Civil-Military Cooperation (COCIM) course. Courses for those to be deployed in peace operations focus for example on: NAP 1325 and CEDAW. In addition, the Centre of Excellence for the Stability Police Units (CoESPU) in Vicenza also offers high-quality training with specific modules on protection of civilians, GBV, HRL and IHRL (overall in the context of the deployment in international missions).

A few ad hoc Teams, known as "Female Engagement Teams", have been formed by two specialized Army Units and are meant to establish a direct relationship with the local population. Personnel assigned to these Teams are provided with all necessary instruments, including linguistic tools, for cultural interaction and cooperation with the local female population. On the Italian Defence Ministry's official website, a permanent link has been created, from which all applicable legislation on relevant activities in this specific field can be retrieved.<sup>18</sup>

**Italy adopted in November 2017, the new three year-term Strategic Plan on Male Violence Against Women, in line with the main national and international standards.**

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<sup>17</sup> The course lasts 2 weeks and aims to enhance knowledge of Territorial Units personnel (about 100 participants for each course) in order to identify adequate measures for preventing/punishing events related to GBV.

<sup>18</sup> [http://www.difesa.it/Content/Risoluzione1325\\_2000/Pagine/default.aspx](http://www.difesa.it/Content/Risoluzione1325_2000/Pagine/default.aspx).

- **Following general parliamentary elections held in March 2018 and the establishment of the new Government in June 2018, last October 29, 2018, it was held the first meeting of the technical Committee on Violence Against Women, chaired by the Undersecretary of State to the Presidency of the Council of Ministers with delegation on Equal Opportunities, Hon. Mr. Vincenzo Spadafora. This Committee is tasked with providing inputs and support for the steering Committee and to monitor the Plan under reference.**
  - **With an integrated approach, this Committee includes all key institutional and non-institutional stakeholders<sup>19</sup>.**

### **Conclusion**

Italy takes this opportunity to firmly reiterate its full cooperation with all UN Special Procedures and Mechanisms. In this regard we commit to submitting additional information as soon as it will be made available.

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<sup>19</sup> <http://www.pariopportunita.gov.it/news/piano-antiviolenza-insediato-il-comitato-tecnico/>