

# **White Paper on Training**



**Prepared by the Technical and Scientific Committee of the Observatory on the phenomenon of violence against women and domestic violence**

**Introduction by Eugenia Roccella, Minister for the Family, Birth Rate and Equal Opportunities**

**Presidency of the Council of Ministers  
Department for Equal Opportunities**

# **Male violence against women**

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# Foreword

by **Fabrizia Giuliani**

It is widely acknowledged that training is a cornerstone of all strategies to combat violence. Without exaggeration, it can be seen as a prerequisite for the effective implementation of any planned initiative. This recognition should not come as a surprise: male violence against women is a phenomenon that has persisted throughout human history. However, its nature and prevalence have only recently been systematically identified and understood. Resistance to acknowledging this reality is deeply cultural, rooted in the tension that has accompanied the struggle for women's freedom and the profound societal changes it has triggered in the public and particularly in the private sphere. In recent years, thanks to growing awareness, the concerted efforts of institutions, anti-violence centres, and civil society, significant strides have been made in combating violence. Although the legal framework has been modernised, the rate of femicides remains alarmingly high, and while more cases are being reported, abuse continues to be a largely hidden, silenced, and private issue.

Preventing and combating violence requires, above all, the ability to recognise it. When this fails, violence remains in the shadows, protection for women who report abuse is delayed, and perpetrators go unpunished. This, in turn, hinders the implementation of the guidelines established over a decade ago by the Istanbul Convention.

This paper aims to serve as a practical tool for fostering this critical recognition at every stage of the process of preventing and combating violence. The paper is divided into two parts: The first section provides a description of the phenomenon and its various manifestations. Progress in recent years has enabled a clearer and more precise articulation of key concepts, complete with definitions of *physical violence*, *sexual violence*, and *domestic violence*, as well as *psychological violence*, *exposure to violence*, *economic violence*, *cyberviolence*, *human trafficking*, *sexual exploitation*, and *secondary victimisation*. A dedicated section explores the concept of *femicide* – the murder of women specifically because they are women. While

this crime is not yet formally recognised within our legal system, it is increasingly seen as an essential category for law enforcement at the international level, as attested by the closing chapter of the first section, dedicated to the plight of the orphans of femicide. Finally, the paper highlights the pivotal role of *anti-violence centres*, which are often the first — and sometimes the only — entities to confront and combat this phenomenon, playing a decisive part in bringing it to light.

The second section of the work is dedicated to guidelines for best practices. For each area involved in the fight, we have developed comprehensive guidelines outlining actions to be taken, and those to avoid. Alongside frontline sectors such as security, justice, and healthcare, we have also considered culture, education, and information — strategic areas if we aim to make prevention the cornerstone of efforts to combat violence against women.

The authors share responsibility for the project and its implementation, with responsibility for the individual chapters broken down as follows: Paola Di Nicola Travaglini authored chapter 3 and section 5.2 of Part I, as well as chapters 1 and 2 of Part II; Paola Di Nicola Travaglini and Lella Palladino co-authored section 2.8 of chapter 2 in Part I; Vittoria Doretti and Alessandra Kustermann co-authored sections 2.2 and 2.4 of Part I and chapter 3 of Part II; Fabrizia Giuliani authored chapter 1 of Part I and chapters 5 and 6 of Part II; Lella Palladino authored sections 2.1, 2.3, and 2.5, and chapter 4 in Parts I and II; and Claudia Segre authored sections 2.6, 2.7, and 5.1 of Part I and chapter 7 of Part II.

# Preface

by Eugenia Roccella

Is it possible to eradicate male violence against women, and put an end to the trail of pain, death, and injustices that have permeated our history and culture? We are not merely aiming to curb the phenomenon or reduce its scope, but rather to eliminate it entirely, once and for all. Can we envision a world where the word "femicide" sounds antiquated, referring to something that has been relegated to the dustbin of history? When we retrace the path of freedom that women have forged in recent decades — witnessing how entrenched mentalities, habits, and attitudes have rapidly dissolved, and how once-immovable ideas and beliefs have been overcome or marginalised — we must admit that it is, indeed, possible. We can do it. That dream is certainly within our reach. Most importantly, we can plan for it. By doing so, we can implement political and cultural measures to dismantle the underlying causes of such violence, delegitimising not only violent acts, but also the complacency of those who tolerate, ignore, or indirectly abet them through inaction or indifference.

To achieve this, we must raise awareness among both women and men, creating a shared understanding of the issue. We are not starting from scratch: it has been a long and intense struggle, one that has built up over time through analyses, documents, and legislation. Yet, this vast body of thought and action has not yet become widely shared and fully ingrained within our culture. It has not resulted in systemic change.

In Italy, we have good laws, and a good law can indeed help save lives and influence mentalities. But that is not enough. Laws must be enforced effectively, and in no area is this more crucial than in addressing violence, where success depends on the sensitivity and preparedness of professionals who interact with women victims of violence and the minors involved — whether in healthcare, justice, or law enforcement. To promote "adequate and standardised training," Law 168 — approved, not coincidentally, on 24 November 2023, on the eve of the International Day for the Elimination of Violence against Women — was signed by myself, the Minister of Justice, Carlo

Nordio, and the Minister of the Interior, Matteo Piantedosi. Article 6 of this law provides for the establishment of "appropriate national guidelines," to be developed "with the support of the technical-scientific committee of the Observatory on the phenomenon of violence against women and domestic violence." The white paper we are presenting today is the result of this commitment. It will not only serve as a foundation for the development of these guidelines, but also as a fixed and comprehensive reference for everyone dedicated to combating violence against women.

The technical-scientific committee, chaired by Fabrizia Giuliani and made up of Paola Di Nicola Travaglini, Vittoria Doretti, Alessandra Kustermann, Lella Palladino, and Claudia Segre, has poured into this text not only their expertise, but also the experience and passion gained through years of tireless advocacy for women. I thank them for their invaluable work, which demonstrates once again how diversity in background, education, and cultural or political orientation can serve as a source of enrichment — a necessary force to achieve our shared goal. As the paper's introduction reminds us, "violence must be recognised as a public, shared responsibility, and therefore removed from political confrontation and its instrumentalisation."

In order to provide operators with truly effective and relevant training tools, we must first clarify the terminology, establish shared premises, and examine the roots of this phenomenon, which are embedded in the historical imbalance of power between men and women. We believe that recognition of the phenomenon, in all of its complexity, is essential if we are to address and ultimately eradicate it. Put simply, we still need the "words to say it." It is our hope that this paper will meet that need.

# **Part One**

## **Recognition**

# **1** What is violence against women?

## 1.1 The problem of recognising violence

Although violence against women is rooted in human history and culture, its recognition as a distinct issue is a relatively recent development. As the reasons behind this work suggest, this recognition is far from complete. Addressing this issue requires confronting the challenge of recognition itself: violence against women has long remained unspoken, lacking the language to describe it fully. And even when words emerge, they are often insufficient. The tendency to deny, neglect, and conceal violence has persisted in recent history, and remains the first obstacle for those seeking to combat it.

Let us begin with its origins. Instances of sexual violence appear repeatedly in art and myth, yet the ancient languages of Greek and Latin lacked precise terminology to express it. The terms in those languages that come closest to the modern meaning cover a semantic area involving various concepts, but fail to include what we now see as the defining characteristic: free consent. This absence is telling. It reveals a critical reality: male violence against women went unrecognised because a woman's will was considered irrelevant. It was not her freedom, but rather her honour — ensured through the institution of marriage — that needed to be protected. It is not, of course, about seeking impossible parallels between languages and cultures separated by vast stretches of time, but about understanding the roots of problems that have been passed on to us largely unrecognised. In ancient languages, the concept that we now associate with the word "rape" is absent, because the underlying premise did not exist: men were the sole bearers of freedom, and their actions were limited only by the constraints of social order — not by the notion of female autonomy, which had yet to be established<sup>1</sup>.

The journey that women have undertaken has profoundly reshaped the structures of our societies, dismantling the patriarchal order, and breaking down the divide between the public and private spheres upon which it was built<sup>2</sup>. This process, however, was neither linear nor painless. Eminent historian Eric Hobsbawm described women's liberation as the only peaceful revolution of the 20th century. And while his words hold truth, it should be noted that the reaction to this process has been anything but peaceful.

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<sup>1</sup> See F. Izzo, *Le avventure della libertà. Dall'antica Grecia al secolo delle donne*, Carocci, Rome 2015.

We extend our thanks to Flavia Palmieri for her assistance in sourcing references.

<sup>2</sup> Reference should also be made to Carole Pateman's *The Sexual Contract*, which offers a meticulous review of texts from the modern and contemporary tradition of political thought, revealing the implicit agreement — the "sexual contract" — upon which these texts are based, granting men legitimate access to women's bodies. "Freedom in civil society is not universal but is a masculine attribute which depends on patriarchal right. The sons reject the power of the father not only to gain liberty but also to secure women for themselves." *Il contratto sessuale. Fondamenti nascosti della società moderna*. Translation by C. Biasini, *Introduction* by O. Guaraldo, Moretti and Vitali, Milan 2015 [1988].

While the entry of women into the *polis* created public conflict, manifesting as the struggle for emancipation, equal rights, and the end of discrimination, the changes within the private sphere — family, intimacy, and sexuality — proved far more complex to address, articulate, and process. Unlike male citizenship, civil rights were the last frontier to be conquered for women.

The roots of modern violence — violence against women and domestic violence — lie in the rejection of a new-found freedom that upended millennia-old power structures. The phenomenon we grapple with today must be understood within this context, and is fundamentally an issue of citizenship.

From this perspective, it is easy to understand how the primary goal of any anti-violence strategy should be to foster the recognition of all forms of abuse. Resistance to recognising violence, in all its forms, remains deeply entrenched. Even today, though we have the language to identify it and the legal frameworks to sanction it, the data and headlines illustrate just how far we are from eradicating societal tolerance and complicity in the phenomenon. One statistic stands out for its stark significance: the acts of violence that remain unreported and, as a result, remain *invisible*. Recent UN studies confirm this reality, and underscore the urgent need for comprehensive statistical surveys of civilian populations. One 2014 survey conducted by the European Union Agency for Fundamental Rights (FRA), entitled *Violence against women across the EU: abuse at home, work, in public and online*, presented to the FEMM Committee of the European Parliament, found that just one-third of victims of intimate partner violence, and just one-quarter of victims of non-partner violence, reported the abuse to police or anti-violence organisations: “most women do not report violence and do not feel encouraged to do so, by systems that are often seen as unsupportive.” Moreover, in many countries, “it may be more or less culturally acceptable to talk with other people about experiences of violence, even to survey interviewers.”<sup>3</sup> The most recent Eurostat data (2021), though limited to a small number of countries, highlights a similar trend: while the number of women who report violence by non-partners is increasing, it remains alarmingly low. Specifically, “less than a quarter of women (who have experienced violence *ed.*) reported to the police at least one incident of partner violence.”<sup>4</sup>

The latest ISTAT survey (2014) reveals that nearly 30% (28.7%) of victims of violence by partners or ex-partners never spoke to anyone about their

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3 See the website: <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>.

4 See *EU survey on gender-based violence against woman and other forms of inter-personal violence* (EU-GBV) - first results 2022 edition, available at: <https://ec.europa.eu/eurostat/documents/7870049/15323622/KS-FT-22-005-EN-N.pdf/315d443b-ba8d-e607-3ce0-845f642a8c00?version=1.0&t=1669371271599>.

experiences, while only 12.3% reported the violence. Just 3.4% of cases of violence or abuse are ultimately brought to the attention of services, institutions, or the justice system. Violence thus remains a private issue, hidden from public scrutiny and social norms<sup>5</sup>. The European report highlights two critical reasons for this: the inadequacy of the systems, which fail to provide sufficient support, and the pervasive cultural attitudes that discourage reporting. These two factors are two sides of the same coin, reflecting society's ongoing denial of the phenomenon and its unwillingness to hold perpetrators accountable. This resistance stems from deep cultural pressures. In fact, while the formal rules enforcing the patriarchal structures have recently been dismantled, the unwritten norms embedded in the culture endure much longer. True change requires deep and sustained action. Recognising and addressing violence through education and training is essential to its prevention and eradication. In the pages that follow, we will outline the arduous journey toward recognising violence against women, exploring its social, cultural, and legal dimensions. To truly address the root causes of violence, we must illuminate the hidden chapters of our country's history: the resistance encountered, the milestones achieved, the work still to be done, and above all, the courage of those who made progress possible.

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5 For further details, see the latest ISTAT survey, available at: [https://www.istat.it/it/files/2015/06/Violenze\\_contro\\_le\\_donne.pdf](https://www.istat.it/it/files/2015/06/Violenze_contro_le_donne.pdf). (Consulted on 10 September 2024).

## 1.2 A question of citizenship

The language to express and share experiences of violence against women only began to emerge in the second half of the 20th century, driven by reflections from women's movements, which immediately linked the issue to the concept of freedom. In patriarchal societies, the use of force was historically employed to uphold an order based on male dominance, considered both natural and immutable. Up until the 1960s, domestic violence was often viewed through the lens of *ius corrigendi* – the legal right of a husband to use force to "educate and correct" his wife and children. This interpretation reveals the underlying idea of the family that patriarchal norms upheld: despite the progress made in the public sphere with the establishment of the Republic, in the private sphere freedom and power still remained in the hands of men. There was no equality between partners; instead, the family revolved around a head of the household to whom wives and children owed obedience. And if this dynamic was disrupted, it was to be restored – even by force.

As historians teach us, history is shaped by both individual events and long-term developments. At times, individual episodes take on iconic significance, becoming symbols of change. In Italian history, one of the first decisive chapters in recognising and combating violence against women was written by a young girl from Alcamo, Sicily, in 1965: Franca Viola. Her story is well-known: after being raped, she rejected the custom of reparatory marriage with Filippo Melodia, and instead chose to report him, declaring that she was "no one's property." She defied the logic of oppression and the rules that upheld it, and reversed the societal assumptions, stating, "Honour is lost by those who do certain things, not by those who suffer them." The magnitude of her action was immediately recognised; her words garnered widespread support, and their symbolic significance was understood. Her trial captivated the entire nation, ultimately leading to the conviction of the defendants, though the sentence was lighter than the prosecutor had sought. Commenting on the case, the newspapers observed: "What remains exemplary is the girl's behaviour, not the verdict. We must still rely on other brave girls like Franca Viola [...] in hopes that such practices will become a thing of the past."<sup>6</sup> Viola's courageous refusal became a turning point, setting in motion an irreversible process despite ongoing resistance. After her, many women also began to reject reparatory marriage, yet it took another sixteen years for the practice to be abolished

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6 The affair is reconstructed by L. Pronzato in *Franca Viola, il coraggio di dire no*, "Corriere della sera" 20/12/2016.

entirely, along with the honour killing provision (1981). This milestone came only after other key legal reforms, such as the divorce law (1974), the family law (1975), and the law on voluntary termination of pregnancy (1978). While these were significant steps forward, they left one critical issue unresolved: the recognition of sexual violence as a violation of personal freedom rather than an affront to public morality<sup>7</sup>.

It would take another thirty years to eliminate the Rocco Code, with nearly two decades of parliamentary debate over reform proposals and popular initiative laws. Another defining moment in this struggle was the Circeo massacre of 1975. The details are infamous: three young men from affluent Roman families — Andrea Ghira, Gianni Guido, and Angelo Izzo — lured two girls to a beach party, where they kidnapped, tortured, and raped them. One of the victims, Rosaria Lopez, was killed. The other, Donatella Colasanti, survived by pretending to be dead. The car containing the women's bodies was abandoned in the Trieste district of Rome, where the perpetrators lived. Colasanti's desperate cries for help were eventually heard by passersby and the police. The haunting image of her face as the boot of the car was opened became a symbol, marking a turning point in the nation's history. The trial drew national attention, exposing the brutality of the violence, the perpetrators' sense of impunity — exacerbated in this case by the stark class divide between the assailants and their victims — and the complicity that enabled such crimes. At the same time, an unprecedented strength emerged. Supported by a wide-reaching women's movement, Colasanti stood as a beacon of courage, demanding sweeping changes to laws, culture, and societal attitudes, both inside and outside the courtroom.

From a parliamentary perspective, the law against sexual violence, passed on 15 February 1996, marked the conclusion of nearly twenty years of alternating parliamentary reform proposals and popular initiative laws. From a legal standpoint, its defining feature was the transfer of the regulations from the realm of public ethics and morality to crimes against the person. This shift redefined the protected value, prioritising individual sexual freedom over the outdated notion of honour. While other considerations might be taken into account, the law's passage undeniably represented a long-anticipated turning point. The political and cultural implications of this shift were profound, especially as the law's recognition of personal freedom, though neutral in language, primarily impacted women and their freedom.

The following decade initiated a significant wave of reforms, driven in part by European influence, which fostered strategies for identifying and combating

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<sup>7</sup> See S. Brownmiller, *Against Our Will: Men, Women, and Rape*, Simon and Schuster, New York 1975; J. Bourke, *Stupro. Storia della violenza sessuale*, Laterza, Rome-Bari 2009.

violence in its many forms. This was not merely a legal development, but was rather the outcome of international mobilisation, which fought for the phenomenon to be recognised so that it could be effectively combated. The term *femicide*, derived from international law enforcement discourse, entered into use in Italy as a necessary descriptor for the killing of women simply because they are women<sup>8</sup>. Initially met with scepticism, the term quickly gained acceptance, overcoming resistance, and eventually being recognised in the dictionaries. Valeria Della Valle, a linguist and scientific director of the Treccani Dictionary — one of the first to record the term and later name it the Word of the Year in 2023 — responded to objections about its use, stating: "From a linguistic perspective [...] there are no nice words or ugly words, just words that are formed correctly or incorrectly. What a word represents, however, can be ugly."<sup>9</sup> This process cannot be fully understood without placing it within an international context. The 1990s were marked by the landmark Fourth World Conference on Women in 1995, commonly known as the Beijing Conference, organised by CEDAW<sup>10</sup>. The *Platform for Action* adopted during this conference summarised the most significant advancements from feminist movements worldwide, introducing new categories that would profoundly shape policies promoting women's rights and freedoms. While this is not the place for an exhaustive review, it is worth noting the innovative section on violence, which emphasised that "women's rights are human rights", that the persistence of such abuse is directly tied to systemic inequalities, and that it "violates, impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms." Moreover, it also stated: "The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed" (Strategic Objectives, D). These statements opened up a new perspective of the description of the phenomenon, the analyses of its causes, and a renewed sense of responsibility. As we will explore in the next section, this process laid the groundwork in Europe for the eventual adoption of the Istanbul Convention — a pivotal moment in the fight against male violence towards women.

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8 D. E. H. Russell, J. Radford, *Femicide: the politics of woman killing*, Twayne Publishers, New York-Toronto 1992. B. Spinelli, *Femminicidio. Dalla denuncia sociale al riconoscimento giuridico internazionale*, FrancoAngeli, Milan 2008. See also F. Giuliani, *Femminicidio*, "Italianieuropei", I, pp. 189-90.

9 <https://www.treccani.it/magazine/atlante/societa/femminicidio-e-la-parola-dell-anno-2023.html>; see G. Adamo, V. Della Valle, *Il Vocabolario Treccani. Neologismi. Parole nuove dai giornali*, Istituto dell'Enciclopedia Italiana, Rome 2008;

10 *4th World Women's Conference. Beijing 4–15 September. Platform for Action* Available at [https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/PFA\\_E\\_Final\\_WEB.pdf](https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/PFA_E_Final_WEB.pdf)

## 1.3 The Istanbul Convention

The *Convention on Preventing and Combating Violence against Women and Domestic Violence*, commonly referred to as the Istanbul Convention, was adopted by the Committee of Ministers of the Council of Europe on 7 April 2011 and opened for signature on 11 May in Istanbul. It was officially ratified in our country on 19 June 2013.

From a procedural standpoint, the treaty builds on the Council of Europe's Recommendation Rec (2002)5, which, for the first time, provided analyses and definitions for a phenomenon that had previously been overlooked or marginalised. The convention consolidates insights and experiences accumulated over the years by female scholars, advocacy movements, anti-violence centres, and international associations, and draws heavily from the legal groundwork laid by the CEDAW Committee in preparation for the Platform for Action at the Beijing Conference<sup>11</sup>.

This document has profound cultural and political significance: for the first time, it establishes a direct connection between violence and citizenship, asserting that such abuse prevents women from fully exercising their human rights; that the phenomenon is linked to inequality and is therefore of a systemic nature; that it is transversal and multifaceted; and that only a fraction of the true scale of the phenomenon is visible. However, within the context of *soft law*, the Recommendation can only encourage individual countries to adopt appropriate policies to combat the phenomenon, without producing any direct effects<sup>12</sup>.

The adoption of the Istanbul Convention marked a decisive shift, as it became legally binding on signatory states. It incorporates and expands upon the principles introduced in Rec (2002)5, explicitly linking violence to inequality both "*de jure* and *de facto*". It states that abuse is a manifestation of "historically

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11 This refers to Recommendation no. 12 (1989) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted in 1979 by the general Assembly of the United Nations, which, for the first time, explicitly linked violence to discrimination. This progress was expanded by Recommendation no. 19 (1992), which defined gender-based violence as "violence that is directed against a woman because she is a woman or that affects women disproportionately", or "impairs or nullifies the enjoyment by women of human rights and fundamental freedoms."

12 <https://www.coe.int/en/web/genderequality/recommendation-rec-2002-5-and-other-tools-of-the-council-of-europe-concerning-violence-against-women>. See A. Anselmo, *Strumenti legali europei e degli Stati Membri per la prevenzione e repressione della violenza contro le donne e la violenza domestica*, in "Rassegna avvocatura dello Stato" n. 3, pp. 67-79, available online at: [http://www.avvocaturastato.it/files/file/Rassegna/2012/rassegna\\_avvocatura\\_2012\\_luglio\\_settembre.pdf](http://www.avvocaturastato.it/files/file/Rassegna/2012/rassegna_avvocatura_2012_luglio_settembre.pdf). (Consulted on 20 September 2024).

unequal power relations between women and men" and functions as a mechanism of subordination<sup>13</sup>.

The chapter examining the phenomenon is also of considerable significance, offering a more precise and comprehensive analysis, as shown in this passage taken from the Definitions chapter (art. 3):

"violence against women" is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life [...].

Equally important is the clarification that the term "'gender-based violence against women' shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately", and that the term "women" includes girls and young women under the age of 18, and that this right must be guaranteed without any form of discrimination<sup>14</sup>. The obligations outlined in the Convention emphasise that combating inequality and supporting women's autonomy are integral to the fight against violence, while also stressing the cultural and societal need to eliminate excuses and justifications for such acts. The proposed strategy is structured around the three pillars of prevention, protection, and punishment — the "three Ps" — highlighting the need for coordinated and comprehensive action. This is not a vague recommendation, but rather a critical framework that transcends the traditionally divisive approaches of political ideologies, which often treat the three lines of action as separate, or even conflicting. The Convention shifts the paradigm, affirming the need to address these three aspects simultaneously, ensuring they are never viewed as mutually exclusive, above all when the institutions are called upon to do their part: prevention, protection, and enforcement are indispensable parts of a cohesive approach that must always function in an integrated manner. Cooperation and coordination are central to the Convention's *modus operandi*, requiring collaboration among state and local institutions, associations, and anti-violence centres to ensure the effectiveness of the policies.

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<sup>13</sup> <https://rm.coe.int/1680462537>. (Consulted on 20 September 2024).

<sup>14</sup> "sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status" (art. 4).

## 1.4 After Istanbul

The commitment made with the signing of the Convention ushered in a period of reforms: within a decade, Italy implemented a series of measures to reflect its principles and guidelines.

Among the most notable initiatives are: Law no. 119/2013 (the so-called *Femicide Law*); the approval of the *2015 Pathway for Victims of Violence* (which led to the development of the *Hospital Guidelines*); Law no. 4/2018 *On the protection of orphans of femicide*; Law no. 69/2019 (commonly referred to as *The Red Code*); and Law no. 168/2023 *On violence against women and domestic violence* (the so-called *Roccella Law*)<sup>15</sup>. Although enacted prior to this period, Law no. 38/2009 on *stalking* should also be considered part of this framework, as it introduced guidelines later incorporated into many of the laws listed.

It is important to note that these regulations — almost universally supported by large majorities — have been proposed by governments across the political spectrum, underscoring a recognition that combating violence is a shared public responsibility, one that transcends political divisions, and should not be instrumentalised for such purposes.

At the supranational level, the Directive of the European Parliament and of the Council on combating violence against women and domestic violence, adopted in May 2024 (2024/1385 EU) deserves recognition as the Union's first instrument to establish common standards for addressing gender-based violence. Following prolonged negotiations, a consensus was reached on critical issues like female genital mutilation, forced marriage, and various forms of cyber violence, such as the non-consensual sharing of intimate images, cyber stalking, cyber harassment, and cyber incitement to violence. However, no agreement was reached on the definition of the crime of sexual violence, which remains excluded from the list of crimes for which the Union has established uniform minimum standards for member states. The key point of contention once again revolves around the role of consent — or lack thereof — as a defining element of the offence.

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<sup>15</sup> For further reading, see P. Di Nicola Travaglini, F. Menditto, *Il nuovo Codice Rosso. Il contrasto alla violenza di genere e ai danni delle donne nel diritto sovranazionale e interno. Commento aggiornato alla l. n. 168/2023 e alla nuova direttiva UE del 2024*, Giuffrè Francis Lefebvre, Rome 2024; A. Simone, I. Boiano, A. Condello, *Femminismo giuridico. Teorie e problemi*, Mondadori, Rome 2019; T. Manente, I. Boiano et alii, *La violenza nei confronti delle donne. Fattispecie, Strumenti di protezione, Accesso alla giustizia, Risarcimento del danno*, Giappichelli, Rome 2024.

With regard to the impact of EU Directive 2024/1385 on our country, two significant aspects merit attention. The first pertains to the rulings of the Supreme Court of Cassation, which has consistently emphasised that the consent of the victim — explicit, unequivocal, and ongoing — is the defining factor in cases of sexual violence. This principle is articulated in the following excerpt:

The objective element of the offence of sexual violence consists not only of invasive conduct infringing the sexual freedom and integrity of another person in the presence of the victim's explicit dissent, but also conduct occurring in the absence of consent, even tacitly expressed. This includes instances where the victim is unaware of the acts being performed on their person<sup>16</sup>.

The second concerns other supranational sources, including the European Court of Human Rights, the CEDAW Committee, and the Istanbul Convention, which unequivocally define rape as a “non-consensual sexual act” (art. 36).

Supranational courts have also delivered clear rulings against Italy, emphasising that the determination of consent is central, while rejecting the necessity to prove physical resistance on the part of the victim. These rulings advocate removing any reference to physical force from the positive law of Member States<sup>17</sup>.

Collectively, these developments outline a consistent jurisprudential orientation, in which the absence of consent, rather than evidence of resistance, is deemed the defining criterion, thus alleviating the burden of proof on the victim. It should be noted that article 36-bis (*Specific Measures to Prevent Rape and Promote the Central Role of Consent in Sexual Relations*) underscores that campaigns to prevent sexual violence must emphasise “the central role of consent in sexual relations, which must be given voluntarily as the result of the person’s free will.”

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16 Court of Cassation Criminal Sec. III, 19 April 2023, no. 19599 and Court of Cassation Criminal Sec. III, 19 March 1919, no. 42118. For further reading, see P. Di Nicola Travaglini, F. Menditto, *Il nuovo Codice Rosso. Il contrasto alla violenza di genere e ai danni delle donne nel diritto sovranazionale e interno. Commento aggiornato alla l. n. 168/2023 e alla nuova direttiva UE del 2024*, Giuffrè Francis Lefebvre, Rome 2024.

17 European Court of Human Rights *M.C. v. Bulgaria*, 4 December 2003.

## **2** Forms of Violence

## 2.1 Domestic violence

"Domestic violence" shall mean all acts of physical, sexual, psychological, or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim (*art. 3, Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence – Istanbul Convention*).

This broad definition extends to past relationships without cohabitation or romantic involvement, covering any family member. Rather than focusing on the location where violence occurs, it highlights the relationship between the perpetrator and the victim and its prevalence within intimate dynamics. This approach aligns with the term *Intimate Partner Violence (IPV)*<sup>18</sup>, which is more commonly used in Anglo-Saxon literature.

While this definition acknowledges that domestic violence can affect men in certain contexts, the Istanbul Convention emphasises that women are disproportionately impacted. The Convention also recognises children and girls who have been exposed to domestic violence as victims, stressing the need for focused attention.

Despite the persistent under-reporting of domestic violence — commonly referred to as the “dark figure,” precisely because it does not get reported and so many women still struggle to recognise it and seek help — the research confirms that it is a pervasive, complex, and deeply entrenched phenomenon affecting women indiscriminately across all geographic, cultural, occupational, ethnic, and age demographics.

Numerous national and international studies have shown that domestic violence is characterised by a distinct pattern of physical, sexual, psychological, and economic coercion, often accompanied by stalking behaviours. This abuse tends to become chronic, causing short- and long-term health consequences, and severe psychological damage, constituting both a grave violation of human rights and a significant restriction on women’s freedom.

In order to understand why, despite numerous legal protections and measures against family violence, many women remain trapped in abusive relationships for extended periods, it is crucial to examine the dynamics of abuse and the cyclical nature of violence that entraps victims.

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18 See A.C. Baldry, *Dai maltrattamenti all’omicidio. La valutazione del rischio di recidiva e dell’uxoricidio*. Franco Angeli, Milan, 2016

Intimate partner violence rarely begins with overtly severe or harmful acts. Instead, it often starts within a seemingly normal relationship, evolving into patterns of power and control. This escalation is marked by subtle, ambivalent forms of attention and restraint, which are rarely recognised as early warning signs of more serious abuse.

The progression and entrenchment of violence through a cyclic behavioural pattern were first identified by Lenore Walker, who introduced the concept of the “*cycle of violence*,” defining it as “the progressive and ruinous vortex in which the woman is swallowed by continuous, systematic, and therefore cyclical violence by her partner,”<sup>19</sup> ultimately leading to the woman's subjugation and manipulation.

Another essential framework for understanding the behaviour of potentially violent men is the “Wheel of Power and Control”<sup>20</sup> (Pence & Paymar, 1993). This visual model, based on survivors' experiences, identifies a spectrum of abusive behaviours, depicted as a wheel, and has become the most widely used tool internationally to explain the dynamics of domestic violence.

The cycle of maltreatment as a strategy of control is made up of three basic, consecutive phases, which cyclically repeat themselves, gradually evolving, unwittingly becoming deeply ingrained within the relationship.

The first phase, tension-building, is marked by verbal aggression, hostile behaviour, and efforts to belittle, demean, and insult the victim. These actions are aimed at obsessive and possessive control, causing the woman to sense the escalating tension. In an attempt to manage her partner's anger, she often assumes a sense of responsibility for “saving” him, viewing him as troubled and in need of help (Baldry, 2016). The belief that she can change a violent man leads the victim to minimise the incidents of abuse, which may not yet manifest as overt physical violence, but instead surface in subtler forms: hostile silences, threatening tones, slamming doors, breaking objects, or unspoken but intimidating gestures. A common tactic during this phase is blaming the woman to justify the abuse as a temporary loss of control triggered by her perceived failures, whether generating jealousy, or neglecting domestic or parental responsibilities.

This dynamic creates a destructive spiral, gradually eroding the woman's internal resilience, eating away at her self-esteem, and fostering a sense of inadequacy tied to cultural expectations to preserve the family and save the relationship. These behaviours are often rooted in cognitive distortions, such as

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19 Lenore Walker. *The Battered Woman*, Harper&Row, New York, 1979

20 Pence, E., & Paymar, M. *Education groups for men who batter: The Duluth model*. Springer Publishing Company, 1993

refusing to acknowledge the partner as the aggressor, denying oneself as the victim, attempting to control the situation, and struggling to recognise the illegitimacy of the use of power and force in a cultural context where certain forms of violence within relationships are considered tolerable.

This first phase is followed by a peak in tension and an outbreak of even more severe violence, marked by loss of control and overt physical abuse and, in many cases, sexual violence. This phase is the most perilous for the woman and her children. Although short-lived, it often prompts the woman to seek help, access medical care, or attempt to escape. However, even during this critical period, she may remain conflicted about whether to end the relationship. She is terrified, in shock, and aware that the situation has spiralled out of control, yet she clings to the hope that she can change her partner. She convinces herself that she can prevent further violence by complying with his demands and avoiding behaviours he deems unacceptable.

Sensing the risk of losing her, the abuser shifts tactics, abstaining from violence and engaging in displays of attention and reassurances, marking the third phase, often referred to as the reconciliation or honeymoon phase. This phase is typically accompanied by gestures such as gifts and flowers, pleas for forgiveness, and promises of change. The abuser may claim to seek help, justify his behaviour as a momentary lapse due to stress or problems at work, or even shift the blame onto others — frequently, the victim herself. During this stage, the tension and violence temporarily vanish. The abuser expresses regret and remorse, apologises for his actions, and vows never to repeat them.

These fleeting moments of false reconciliation can last days or months, but significantly complicate the woman's ability to leave the relationship. They reinforce her belief that the violence was a temporary anomaly caused by specific factors and that the man she chose — often the father of her children and with whom she still has a strong bond — is not inherently violent but merely a distressed individual in need of support. To cope with the ongoing abuse, many women develop survival strategies that allow them to endure: denying the severity of the violence, minimising its consequences, rationalising it as "discipline" for perceived mistakes, or attributing the abuser's behaviour to a troubled past, such as growing up in a violent or dysfunctional family.

The result is a woman who becomes increasingly fragile, insecure, and systematically isolated. Living in a perpetual state of fear, she is unable to react, loses confidence in her abilities, blames herself, and gradually sees the world and herself through the distorted lens of the abuser — as inadequate, dependent, and in need of his validation to alleviate the emotional torment he himself has created (Baldry, 2016).

Understanding the spiral of violence that entraps women is crucial to recognising why it often takes years for them to fully grasp their suffering and break free. It also challenges the persistent question, “Why don’t you just leave him?”

Isolation, relentless devaluation, physical abuse, forced sexual relations, threats of losing custody of her children, and economic dependence create a web of control that leaves the woman “immobilised as if caught in a spider’s web — psychologically restrained, anaesthetised, and kept at the abuser’s disposal.”<sup>21</sup>

It is critical, therefore, to avoid pressuring women into decisions they are not ready to make, such as filing complaints or separating from their abuser. Instead, their autonomy and timeline should be respected while simultaneously empowering them with knowledge of their rights and the resources available to reclaim their freedom and protect their children, if involved. It is also crucial to understand that, within the complexities of domestic violence, women often stay with or return to abusive partners due to safety concerns. Leaving an abuser can be extremely dangerous, as a significant percentage of femicides occur during or immediately after separation. A woman’s ability to escape violence is also heavily influenced by the adequacy and effectiveness of the support and responses she receives from the various stakeholders involved.

Evidence from years of research, data collection, and on-the-ground work to prevent and combat male violence against women clearly demonstrates that domestic violence is not limited to cases of deviance, despite its clear violations of legal and societal norms. In fact, there is no single profile of an abuser — they often avoid suspicion and can come from any social, cultural, or religious background, possess any level of education or occupation, and span all age groups (unfortunately, violence is also prevalent among younger populations) and they generally do not exhibit psychiatric disorders or substance use issues. Similarly, there is no universal profile of a victim. Women from all walks of life, regardless of their skills, resources, or professional status, can find themselves in abusive relationships. However, those without economic independence — often eroded by the abuse itself — face significantly greater challenges in breaking free.

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21 Marie-France Hirigoyen, *Molestie morali. La violenza perversa nella famiglia e nel lavoro*, Einaudi, 2000

## 2.2 Physical violence

The World Health Organisation (WHO) defines violence against women as the intentional use of physical force or power, or the threat thereof, directed at a woman herself or a loved one, resulting in – or with a high likelihood of causing – physical injury, death, psychological harm, developmental damage, or deprivation.

The definition and the forms of violence have already been outlined in the previous sections.

But it is important to emphasise that gender-based violence against women refers to violence targeting women specifically because they are women or disproportionately affecting them. Under this definition, the term "women" also includes girls under the age of 18.

EU statistics show that, in Europe, violence is one of the leading causes of death among women aged 16 to 50. According to ISTAT data, nearly one in three women in Italy, aged 16 to 70, has experienced physical or sexual violence at some point in her life.

A 2014 ISTAT study indicates that 28.7% of women who have suffered violence at the hands of their current partners don't tell anyone about it. Greater awareness among the general population and healthcare professionals – especially emergency room staff – will help uncover the hidden prevalence of domestic violence by enabling them to recognise even subtle calls for help. Recent studies show that the effects of abuse can persist long after the violence itself has ended. The more severe the abuse, the more profound its impact on a woman's physical and mental health, and the cumulative effects of different types and patterns of violence can amplify this impact. One UNICEF study found that violence is the second leading cause of death among adolescent girls worldwide. In 2012, the leading causes of death for girls aged 10 to 19 were infections (first), violence (second), traffic accidents (third), and cardiovascular disorders (fourth)<sup>22</sup>. The most prevalent fatal consequences include homicide, suicide, and maternal mortality. According to the World Health Organisation (WHO), approximately 38% of all reported female homicides globally are committed by an intimate partner.<sup>23</sup> In Italy, 77% of female victims of homicide were killed by a family member, partner, or ex-partner. Women who have experienced violence by a partner are significantly more likely to die by suicide

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22 2012 UNICEF, *Humanitarian action for children*. <https://www.datocms-assets.com/30196/1607934375-hac2012lowwebfinal.pdf>

23 2013 WHO, *Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence* <https://www.who.int/news/item/20-06-2013-violence-against-women-a-global-health-problem-of-epidemic-proportions->

compared to those who have not faced such abuse. The frequency of attempted suicide is also notably higher in women subjected to violence in countries such as Brazil, Peru, Thailand, Namibia, Serbia, Bangladesh, Tanzania, and Ethiopia.

Physical violence against women often results in a wide range of injuries, including abrasions, cuts, puncture wounds, stab wounds, bruises, haematomas, and fractures in various stages of healing. These injuries may be caused by acts such as pushing, slapping, punching, pinching, burning, or the use of blunt objects and cutting weapons.

"Population-based studies suggest that 40–72% of all women who have been physically abused by a partner are injured at some point in their life. Injury, however, is not the most common physical outcome of partner abuse. More common are 'functional disorders' – a host of ailments that frequently have no identifiable medical cause, such as irritable bowel syndrome, fibromyalgia, gastrointestinal disorders and various chronic pain syndromes. Studies consistently link such disorders with a history of physical or sexual abuse. Women who have been abused also experience reduced physical functioning, more physical symptoms and a greater number of days in bed than non-abused women. (Source: WHO *World Report on Violence and Health, 2002*)"<sup>24</sup>.

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24 Excerpt from the manual *Linee operative per lo sviluppo di un programma di formazione sul tema della prevenzione della violenza contro le donne e della violenza assistita da minori - Dall'esperienza pilota all'implementazione del programma di formazione a livello territoriale. Strategie, Contenuti e Strumenti per operatrici/tori di area sanitaria e socio-sanitaria* issued by the Project Ipazia CCM 2021 "Strategie di prevenzione della violenza contro le donne e i minori, attraverso la formazione di operatrici e operatori di area sanitaria e socio-sanitaria con particolare riguardo agli effetti del COVID-19 (#IpaziaCCM2021)" promoted by the Tuscany Region and Ausl Toscana Sud-Est, in Partnership with - Istituto Superiore di Sanità (ISS), National Institute for Health, Migration and Poverty (NIHMP), Fondazione IRCCS Cà Granda Ospedale Maggiore Policlinico - Milan, ASL Friuli Occidentale, USL Umbria 1, ASL Lecce and ASL Matera (ASM). CCM Programme (National Centre for Disease Prevention and Control) - Ministry of Health.

## Insight

# Gender-based violence against women with multiple discrimination

Observations made on February 19, 2024, by the UN Committee regarding Italy's Eighth Periodic Report on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) highlighted the persistence of sexism and gender stereotypes, at both societal and institutional levels, and of hate speech targeting LGBTI women, girls, and women with disabilities. The latter are particularly vulnerable to gender-based violence, including domestic abuse, forced sterilisation, and cyberviolence. Access to justice remains severely limited for women and girls with disabilities, as their complaints are often dismissed or deemed unreliable. Women with psychosocial disabilities are frequently denied legal capacity. Efforts must be made to raise awareness of the various forms of violence women endure and to improve services at anti-violence centres and shelters, taking into account the specific needs of women with disabilities. A critical gap in addressing gender-based violence is the lack of disaggregated data, especially by age and disability. With regard to the health of women with disabilities, inequalities persist in accessing sexual and reproductive health services and obtaining information in accessible formats. Moreover, it is crucial to provide healthcare professionals with the training and skills needed to uphold the right of women and girls with disabilities to make independent decisions about their health<sup>25</sup>.

On 01/03/2024, the European Disability Forum (EDF) published the third edition of the Manifesto on the Rights of Women with Disabilities in Europe. This document calls on European governments to tackle the systemic marginalisation of women and girls with disabilities, who constitute 25.9% of the female population in the EU, and are disproportionately affected by discrimination and gender-based violence.

The Manifesto addresses recent challenges, including the COVID-19 pandemic, armed conflicts, and climate change, and their effects on the human rights of women and girls with disabilities. It emphasises areas such as empowerment, leadership, political participation, and the fight against gender-based violence<sup>26</sup>.

Source: Forum italiano disabilità - Silvia Cutrera.

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25 <https://www.direcontrolaviolenza.it/cedaw-raccomandazioni-allitalia-accolte-le-istanze-della-societa-civile/>; [https://www.direcontrolaviolenza.it/wp-content/uploads/2024/02/CEDAW\\_C\\_ITA\\_CO\\_8\\_57560\\_E\\_-ITA.pdf](https://www.direcontrolaviolenza.it/wp-content/uploads/2024/02/CEDAW_C_ITA_CO_8_57560_E_-ITA.pdf).

26 <https://www.edf-feph.org/manifesto-women-and-girls-with-disabilities-must-be-recognised-as-leaders-and-changemakers/>.

## 2.3 Exposure to violence

"The term 'exposure to intra-familial violence' is defined as acts of physical, verbal, psychological, sexual, or economic violence inflicted on individuals significant to the child – whether adults or minors. This may include direct exposure (occurring within the child's perceptual field), indirect exposure (when the child becomes aware of the violence), or perceiving its effects. It also includes instances of violence between minors, against other family members, or through the mistreatment or abandonment of pets."<sup>27</sup>

This definition, outlined by CISMAI (the Italian Coordinator of Services against Child Maltreatment and Abuse) in 2005 in the document entitled "Document on minimum intervention requirements in cases of a child being exposed to the abuse of his/her mother" integrated and revised in 2017, incorporates legislative updates such as the Istanbul Convention and the aggravating circumstances established by Law 119/2013, which increase penalties for family violence committed in the presence of or against minors, resulting from studies carried out involving special orphans: "The condition of so-called special orphans, who have been exposed to violence resulting in murder, multiple murders or murder-suicide, is particularly serious. These experiences may be direct (when the act occurs within the child's perceptual field), indirect (when the child becomes aware of the act), or through the perception of the acute and chronic physical and psychological effects of the violence"<sup>28</sup>

In particular, the 2017 document highlights key elements for interventions aimed at supporting children and adolescents who have been exposed to violence perpetrated on their mothers. It emphasises that children can be involved in domestic violence not only during parental cohabitation but also during and even after separation. These latter two phases are particularly high-risk, as abusive fathers or partners may use children as tools to perpetuate the abuse of the mother and maintain control over her.

Moreover, the risk of escalating the violence, including with fatal outcomes such as murder of the mother, multiple murders, or murder-suicide, increases significantly during these phases.

Exposure to violence is the second most common form of child abuse in our country, and its detection depends on first recognising the intra-familial violence experienced by the mother. Awareness of the issue, along with the mental and emotional readiness to acknowledge the harm done to victims and

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<sup>27</sup> <https://cismai.it/>

<sup>28</sup> [cismai.it/documento/requisiti-minimi-degli-interventi-nei-casi-di-violenza-assistita/](https://cismai.it/documento/requisiti-minimi-degli-interventi-nei-casi-di-violenza-assistita/)

their children, is essential to understanding, learning, and taking action to protect and support women and their children.

Exposure to violence is another harsh reality of domestic abuse against women. Studies and experiences from shelters housing children and their mothers have revealed the profound harm inflicted on children exposed to such violence. This exposure is now recognised as a risk factor for other forms of abuse, including neglect and sexual violence<sup>29</sup>, and is classified among Adverse Childhood Experiences (ACEs).

Although exposure to violence has been acknowledged as a primary form of maltreatment – equivalent to physical, psychological, and sexual abuse, as well as neglect – since 1998 following the Singapore International Congress, and the 1999 "Stop domestic violence" meeting in Ipswich established the principle that protecting children is inseparable from protecting their mothers, still today, even with the guidance of article 26 of the Istanbul Convention, which prioritises children's best interests, the complex realities of domestic violence are often ignored. Parenting assessments still frequently treat perpetrators and victims as equals, overlooking their fundamentally different roles.

Efforts to assist minors often fail to consider the broader social context of violence against women, rooted in systemic gender inequality and the violation of fundamental rights. Despite growing awareness, professionals in clinical and psychosocial fields often struggle to identify male violence as the root cause of contentious separations and custody disputes. Instead, these cases are approached as relationship conflicts, causing additional harm, confusion, and mistrust in the support systems in place meant to help women.

Understanding the "structural, gender-based nature of violence against women" allows practitioners to adopt a clearer perspective on the suffering of minors. It also highlights how the dynamics of domestic violence disrupt parent-child relationships, distorting parental roles and attachment patterns. Recognising the widespread prevalence of male violence against women fosters a deeper understanding of temporary maternal parental dysfunction as a direct result of chronic abuse and the cycle of violence. This perspective supports the development of integrated approaches and more effective strategies for protecting children.

Children who are exposed to violence suffer profoundly, as they cannot rely on their parents for protection or care. They develop disorganised attachment patterns, experience fear, anguish, and helplessness, and may face disruptions in basic functions like eating and sleeping. In some cases, they may be accidentally injured during fights or while trying to defend their mother. A role reversal often emerges, with children attempting to protect their mother and

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29 E. Buccoliero, G. Soavi, *Proteggere i bambini dalla violenza assistita*, Franco Angeli, Milan, 2018

siblings during or after attacks. They may fear leaving their home and their mother unprotected, leading to reduced school attendance and limited participation in age-appropriate social activities.

Children exposed to violence live in a constant state of high alert, terrified of when the next attack may occur. Unable to predict or control the abusive environment, they never feel secure and become preoccupied with their own safety, as well as that of their mother and their siblings. These children often grapple with feelings of guilt, rooted in their powerlessness to change the situation. They experience ambivalent emotions — anger toward the abuser, but also toward the mother, whom they may perceive as failing to prevent the violence. They may even believe they are somehow responsible for the abuse. Many feel compelled to keep the family's secret while desperately seeking attention, affection, and approval. They often perceive themselves as isolated, vulnerable, and physically and emotionally abandoned.

Scientific literature and recent studies confirm the connection between exposure to violence and post-traumatic outcomes. They emphasise that such experiences cause acute trauma, which becomes chronic when violence pervades daily life. This chronic trauma distorts perceptions of life and the future, creating what is often referred to as "the pain of the powerless."<sup>30</sup> The list of disorders reflecting the discomfort experienced by children or adolescents is extensive and includes physical, cognitive, and behavioural issues. Physical manifestations, particularly common in younger children, include growth delays, visual impairments, psychomotor development delays, headaches, stomach aches, and enuresis. Cognitive and behavioural impacts include self-esteem problems, delays or abnormalities in intellectual development, disorganised development of empathy, attention deficits, hyperactivity, anxiety, insecurity, feelings of vulnerability and abandonment, impulsivity, aggression, bullying, lack of trust, humiliation, hatred, and difficulty concentrating. Additionally, affected individuals may experience isolation, alienation, loss of independent thinking, depression, sleep and eating disorders, post-traumatic stress disorder, substance abuse, juvenile delinquency, running away from home, self-harm, suicidal tendencies, and difficulty socialising or forming and maintaining relationships with peers and adults.

The effects of exposure to violence are not only varied but profoundly detrimental to a child's development. They alter the child's life experience early on, with lasting consequences into adulthood, and pose a significant risk for the intergenerational transmission of violent behaviour: "The emotional upbringing of these children is often shaped by rigid gender stereotypes, marked by devaluation of the mother and contempt for women, as well as for men who

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30 J. L. Herman, *Guarire dal trauma*, Magi, Rome 2005 (New York, 1992)

reject these stereotypes."<sup>31</sup> Istat's 2015 report highlights the explicit link between children experiencing or being exposed to violence and violent behaviour in adulthood.

The extent and severity of the harmful outcomes for children depend on the balance between the risk and protective factors. Early detection and competent intervention are therefore essential to ensure a timely assessment of the risks and the physical and/or psychological harm or lethal consequences for children who have been exposed to violence perpetrated upon their mother. Such interventions must also guarantee the activation of appropriate protective and restorative measures, which must include comprehensive support for the mother. Violence often leads to symptoms resembling complex post-traumatic stress disorder and can severely impair a woman's parenting abilities, significantly impacting her relationship with her children and her ability to care for their needs. A non-judgemental approach that fosters trust between the woman and professionals, such as psychologists and educators, enables her to begin reclaiming and exhibiting her parenting skills. When a woman is suffering violence, even if she possesses parenting skills, she is often unable to exhibit them, as her energy is consumed by fear and the constant struggle to ensure the survival of herself and her children.

The profound impacts of domestic violence on the mother and of exposure to violence on the child result in two traumatised individuals, whose pain often intersects and conflicts. Therefore, interventions must always begin from this understanding. The experience of anti-violence centres has demonstrated that treating violence and parenting as 'distinct' issues causes further harm to both the mother and the child. The most effective approach is to end the violence to which the child is exposed while creating a safe and supportive space for the mother-child relationship to heal.

Providing support and protection to women simultaneously protects their children. This creates a sense of safety for the child, allowing them to develop emotionally and mentally without being consumed by fear for themselves or their mother. As long as violence is seen solely as a private issue between partners, its serious consequences will continue to be underestimated and minimised. The key measure is to stop the violence to which the child is exposed. Supporting and protecting women inherently provides security for their children, especially when initial efforts focus on restoring the mother's confidence and ensuring that the abusive partner only interacts with the children in protected settings supervised by educators and social workers trained to deal with violence-related issues.

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31 L. Luberti - M. T. Pedrocco Biancardi (ed.) *La violenza assistita intrafamiliare. Percorsi di aiuto per bambini che vivono in famiglie violente*, Franco Angeli, Milan 2005

The methodologies developed by anti-violence centres have proven effective in helping children reclaim their identity as children. These methods teach them to explore non-violent behaviours, engage with flexible, non-stereotypical female and male role models, build autonomy, and reduce overprotective attitudes toward their mothers. They also help children reconstruct a positive maternal image, express emotions linked to anger and suppressed by fear, release guilt and shame, and rebuild self-esteem and trust in themselves and the world.

At the same time, these approaches help women process their experiences of violence, protect themselves as they move away from it, and rediscover confidence in their roles as women and mothers. They reflect on how the violence has disrupted their parenting, shed their feelings of guilt, and regain their authority in the eyes of their children. Finally, they provide the mother and child(ren) with the opportunity to identify, process, and neutralise the elements in daily interactions that act as post-traumatic triggers. If left unaddressed, these triggers perpetuate the effects of past violence and hinder the recovery of existing parenting skills. When the mother and her children move away from the violence and into a safe environment, the children often exhibit rapid behavioural improvements. However, the internal journey of overcoming the consequences of the violence is long, with many women and children requiring extended support. This support is often disrupted by operational inconsistencies stemming from poorly coordinated efforts and a lack of understanding of gender-based violence within service networks.

The only effective way to ensure proper assessment and "care" for parental bonds and functions is by adopting a common language and shared operational guidelines among social workers, healthcare professionals, anti-violence centres, shelters, law enforcement agencies, and the justice system.

The most effective strategy involves, in part, the patient and diligent activation of synergies, fostering collaboration, and establishing common goals to be pursued collectively among the various stakeholders. However, this falls short of achieving the profound and multifaceted cultural transformation required, which begins with understanding the vital cultural work of anti-violence centres and the progress made toward the collective adoption of a gender-based perspective. Such a perspective is essential to recognising male violence against women as a violation of human rights and a significant barrier to the development of women's potential, ultimately hindering economic growth. The cultural change necessary to prevent violence requires embracing the understanding that gender-based violence is not an individual pathology but rather a broader socio-cultural phenomenon.

## 2.4 Sexual violence

Sexual violence is a serious violation of human rights that compromises or nullifies women's rights to safety, health, freedom, dignity, and physical and mental well-being.

Sexual violence perpetrated by armed forces or groups during wars and conflicts has been recognised as an international crime under UN Security Council Resolution no. 2467 (23 April 2019). According to the UN Action against Sexual Violence in Conflict, the majority of victims in modern conflicts are civilians – primarily women and children – who often endure extreme forms of sexual violence and abuse, sometimes carried out systematically to achieve military or political objectives.

The World Health Organisation (WHO) identifies gender-based violence as one of the most severe public health issues globally, due to its devastating impact on women's physical and psychological health. The WHO defines sexual violence as "any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work."

The WHO definition of sexual violence therefore includes rape (vaginal or anal penetration using the penis, body parts, or objects), attempted rape, and other forms of unwanted sexual acts, including verbal and physical harassment, groping, inappropriate touching, and unwelcome advances. Sexual violence also includes cases where the victim cannot express valid consent due to the influence of alcohol, drugs, medication, severe intellectual disabilities, or age<sup>32</sup>.

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<sup>32</sup> From the book by Giusy Barbara, Laila Micci, and Alessandra Kustermann, *Violenza sessuale su donne adulte*.

## **The issue of consent**

Consent to a sexual act, as interpreted by the Supreme Court of Cassation, must be a freely given expression of the individual's will, evaluated taking the context and situation into account.

The voluntary or involuntary use of alcohol or substances that impair judgement reduces or nullifies a woman's ability to provide valid consent. Sexual violence is thus defined as any sexual act performed without explicit and unambiguous consent, as outlined under art. 36 of the Istanbul Convention:

- non-consensual vaginal, anal, or oral penetration of a sexual nature of the body of another person with any bodily part or object;
- other non-consensual acts of a sexual nature with a person.

### **The consent must be:**

- explicit: yes means yes, and no means no;
- valid: given in a serene and unaltered state, free from any conditions that could alter the woman's judgement (drugs or alcohol);
- uncoerced: free from any external pressures (abuse of authority);
- prior: granted before any sexual activity begins;
- continuous: maintained throughout the duration of the sexual activity;
- inclusive: covering all aspects of the sexual interaction (e.g. use of condoms or sex toys).

The term "sexual violence" encompasses a wide range of behaviours, including:

- rape, even when committed by a partner or spouse (marital rape);
- rape involving memory loss due to substances or alcohol, facilitating the abuse;
- any unwanted sexual contact;
- unwelcome exposure to nudity, exhibitionism, or voyeurism;
- sexual abuse of children;
- unlawful sharing of explicit images or videos;
- sexual harassment;

- sexual acts perpetrated by professionals, such as therapists, doctors, employers, or colleagues, on clients or employees.

### **Data on sexual violence in Italy<sup>33</sup>:**

- 21% of women (approximately 4,520,000) have experienced sexual violence;
- 5.4% of women (approximately 652,000) have endured severe forms, such as rape or attempted rape;
- 62.7% of rapes are committed by current or former partners.

According to the Ministry of the Interior's report from 8 March 2023, 91-93% of sexual violence victims are women.

According to the WHO<sup>34</sup>, the consequences of domestic and sexual violence on the individual, the family, and the community show that violence experienced during a woman's younger years, particularly childhood sexual abuse, can have lifelong impacts on her and her family. These negative consequences include disruptions in education, economic stability, and sexual health. Other impacts include a reduced ability to maintain relationships with relatives, and increased health risks, such as alcohol and drug abuse. There is also a greater likelihood that the woman will choose an abusive partner, and will experience further sexual violence during her lifetime.

Sexual violence is fundamentally an act of power and control. It does not always involve physical force or explicit threats, as the violence can manifest subtly – for instance, when the perpetrator uses their age, physicality, or social status to intimidate or manipulate the victim.

If you were to ask any woman to define sexual violence, the answer would likely be straightforward: sexual intercourse or acts performed without consent.

### **Forms of sexual violence based on the perpetrator**

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33 <https://www.istat.it/statistiche-per-temi/focus/violenza-sulle-donne/il-fenomeno/violenza-dentro-e-fuori-la-famiglia/il-numero-delle-vittime-e-le-forme-di-violenza/>

34 Data from the World Health Organisation (WHO) provided in early 2016 and dating back to 2013 (based on 185 studies across 86 countries), referring to a study carried out by the WHO in collaboration with the London School of Hygiene and Tropical Medicine and the Medical Research Council, *Global and regional estimates of violence against women. Prevalence and health effects of intimate partner violence and non-partner sexual violence*, Geneva, Switzerland, 2013, [www.who.int/en/](http://www.who.int/en/); , a summary of which is available in Italian at [www.salute.gov.it](http://www.salute.gov.it). Additional data can be found in the WHO study *Understanding and addressing violence against women* in [www.who.int/en/](http://www.who.int/en/).

## **Sexual violence by a stranger**

Episodic events that typically occur in public spaces such as parks, construction sites, garages, or elevators. For the victim, it is accompanied by a sense of total helplessness to defend oneself, a freezing reaction, which inhibits any form of escape or resistance, fear-driven passiveness, arising from concerns about being killed for trying to escape or attract the attention of anyone who happens to be in the vicinity. This form of violence generates significant public alarm and is erroneously perceived as the most common form of sexual violence. Victims often seek immediate medical care, motivated by fears of contracting sexually transmitted infections or becoming pregnant.

Long-term effects may include a radical change in habits, intense anxiety that prevents the victim from leaving the house, a sense of guilt for having placed herself in a risky situation, difficulty discussing the incident due to shame, and fear of being judged by others for not having defended herself. In some cases, victims develop chronic post-traumatic stress disorder (PTSD), although the severity and duration depend on factors such as the level of fear experienced or far worse consequences and the ability of the first individuals who collect her story to help the victim restore a sense of self-protection.

## **Gang rape**

Gang rape has been a horrific part of human history, often treated in silence as the right or reward of a victorious army. However, the feminist movements of the 1970s marked a turning point, and ushered in critical legislative changes, including the recognition of mass rape as a severe war crime. In gang rape, the underlying ideologies of power, domination, subjugation, and humiliation are starkly evident. It is not only an assault on the woman, but also on the ethnic, religious, or cultural group to which she belongs.

"Group sexual violence is defined under art. 609 as the participation of multiple individuals in acts of sexual violence. Perpetrators are subject to imprisonment for six to twelve years" (1996). Characteristics of gang rape:

- often causes greater physical injuries, particularly in the ano-genital area, due to the involvement of multiple perpetrators employing various forms of penetration. Victims frequently experience a profound sense of personal degradation. Medical care is commonly sought for infectious disease prevention and post-coital contraception. The psychological effects are often severe, and frequently include chronic post traumatic stress disorder. Immediate psychological support is crucial. Also because, in many cases, the perpetrators of gang rape are not strangers, but are known to the victim, such as: ex-partners, friends or acquaintances, or groups in conflict with the

woman's current partner;

- There is a heightened level of intimidation in actions carried out by a group, resulting in stronger feelings of fear and helplessness;
- the freezing reaction is typically present in such situations. The willingness to report the crime is not always immediate, due to fear of judgement from others and apprehension about a media trial that might publicly expose the degradation experienced. A swift resolution of the legal process could alter the trajectory of gang rape cases, and help the woman avoid the onset of chronic post-traumatic stress disorder;
- the woman's body is often used to ritualise, and at times even validate, membership in the group by the perpetrators. In such cases, the woman ceases to be viewed as an "object of desire" and instead becomes a tool to reinforce group's internal dynamics and hierarchies.

### **Marital rape**

The perpetrator is the woman's husband or current partner. For many women, even those aware they are in an abusive relationship, this type of violence is the hardest to recognise. Even when they report it, they may struggle to define rape as sexual intercourse imposed without their consent or despite their explicit refusal.

This perception is still rooted in outdated notions of "marital duties," based on the unspoken belief that male sexual desire requires obligatory fulfilment once aroused.

### **Rape after refusal to continue a sexual act**

While some legal rulings clarify that consent must persist throughout the duration of the sexual act, it remains difficult for women to prove that an initially consensual interaction turned into rape.

Unfortunately, it is a common misconception that a woman's consent and non-objection to initial advances, such as kissing or caressing, implies consent to the entire sexual act, creating a false notion of a point of no return, beyond which the woman is no longer permitted to end the sexual activity. Regardless of the reason for a woman's refusal to continue — whether due to excessive pain during penetration, a lack or breakage of a condom, or a comment she finds offensive — the sexual intercourse must cease immediately upon her withdrawal of consent. In such instances, the perpetrator is often someone known to the woman. Women rarely seek medical attention following these incidents. Many believe that ignoring what happened and not discussing it with anyone is the most effective way to quickly move on. However, with time, some women decide

to come forward and file a report.

Unfortunately, factors such as doubts about being believed by the police or judiciary, the absence of physical evidence, prolonged silence, and delayed reporting often lead to the dismissal of their cases.

In these circumstances, it is frequently argued that the investigations and testimonies presented in the defendant's defence suggest the sexual intercourse was consensual, resulting in the case being closed without a conviction.

The woman's testimony is often not believed. In such cases, it becomes evident that the legal process has drawn the woman into a harmful cycle, resulting in significant secondary victimisation. The realisation that obtaining justice is impossible for her reinforces the belief in the collective female unconscious that rape trials should be avoided, as filing a complaint seems futile and only exacerbates the trauma. Supportive psychotherapy, which might initially seem unnecessary to the woman, becomes essential after the dismissal of her case in order to prevent the trauma suffered from becoming chronic.

It is especially important that the quality and reasoning in the dismissal decision validate the woman's complaint, avoiding the impression that she may have filed a false accusation. While it may be impossible to gather sufficient evidence to convict the alleged offender, the process should at least ensure that the woman is spared further humiliation and help dispel the belief that continuing sexual intercourse against a woman's will is acceptable.

### **Substance facilitated rape**

This occurs following the voluntary or involuntary ingestion of substances, such as so-called "date rape drugs," which render the victim unable to give valid consent to the sexual act.

#### **Substances that facilitate sexual violence include:**

- Alcohol;
- GHB;
- Ketamine;
- Benzodiazepines;
- Cocaine and its metabolites;
- Amphetamine;
- Ephedrine;

- Methadone;
- LSD;
- Scopolamine;
- THC and its metabolites.

Alcohol is the most commonly used date rape drug in both individual and gang rape cases. Unfortunately, blood alcohol levels can only be reliably detected if a blood sample is taken shortly after the assault and stored correctly, while retrospective assessment is influenced by variables such as the amount of food and liquids consumed, the individual's age, weight, and sex. For GHB (gamma-hydroxybutyric acid), a short-chain fatty acid similar to the neurotransmitter gamma-aminobutyric acid, it is important to note that its metabolites are normally present in the body, and after just 7 hours it becomes very difficult to determine whether the detected quantity is naturally present or the result of ingesting a date rape drug, which is similar to ketamine in terms of its effects, but has a longer duration and poses a greater risk. When combined with high doses of alcohol or other sedatives, GHB can be highly toxic, causing dizziness, loss of coordination, nausea, vomiting, episodes of apnoea, respiratory depression, coma, and even death.

Amnesia is often the central traumatic element. Victims frequently experience recurring thoughts, attempting to reconstruct the "blank spaces" or "gaps" in their memories;

In Anglo-Saxon countries, the act of spiking drinks with substances is referred to as "*drink spiking*," and is considered a crime, even if it does not lead to an assault or other forms of violence.

**Ideal date rape drug characteristics:**

- induces feelings of relaxation and tranquillity, leading to sedation;
- causes disinhibition;
- provokes a decreased level of consciousness;
- produces retrograde amnesia;
- is colourless, odourless, and tasteless;
- dissolves easily in both alcoholic and non-alcoholic beverages;
- absorbs rapidly;
- is quickly metabolised and eliminated from the body.

## **What are the consequences for the victim?**

The consequences of violence are profound, extending beyond the health of individual women, and impacting the well-being of entire communities. In fact, it constitutes a serious public health issue. Women with histories of trauma resulting from violence often report low self-esteem, reduced ability to engage in social life, difficulty caring for their children, and, in some cases, inability to work. The violence disrupts development of personality, self-image, and sexuality in girls and adolescents who have been victimised.

Those who have suffered sexual violence experience trauma that can leave lasting marks unless they process and work through the event.

The consequences vary considerably from woman to woman (or man, or child) depending on factors such as the circumstances of the assault, the perpetrator, the frequency, and the nature of the assault. Despite these differences, the effects are consistently negative, with physical, psychological, and social ramifications.

### **Victims' rights and care (WHO, 2004):**

- The right to health.
- The right to dignity and respect.
- The right to be free from discrimination.
- The right to self-determination.
- The right to information.
- The right to privacy.

Seeking help after a sexual assault often occurs shortly after the incident, provided that the victim decides to talk about the event. However, when substances that facilitate sexual abuse and cause retrograde amnesia are involved, the delay in seeking help may be longer due to difficulty recalling the incident. In such cases, memories often surface as fragmented flashes, pieced together with the help of friends or acquaintances who may have witnessed the initial events – such as seeing the victim leave a club with a man introduced by a friend or acquaintance.

It is therefore essential for practitioners to address and contain the fear, confusion, horror, and shock that patients often express when seeking help.

Many victims arrive at the hospital emergency room escorted by police officers, making it critical to explain and contextualise what is happening, the purpose of the medical procedures, and the significance of any interventions

being carried out. The option to decline any proposed medical procedure is a fundamental right for the victim, allowing them to take responsibility for their own decisions. Based on the existing literature, it is generally recommended that the gynaecological examination be conducted by a woman, although this is not always feasible, particularly at night or in emergency settings.

Addressing sexual violence requires strong motivation, as well as an understanding that confronting such cases effectively demands collaboration with colleagues and access to local resources.

Providing an empathic and non-judgemental response can empower victims to confront their fear, shame, and isolation, while strengthening their resolve to pursue legal action when they feel ready.

### **Reception**

Receiving a victim of sexual violence is often the first therapeutic intervention. However, for this to be effective, it must be grounded in empathy, an absence of any sort of judgement, and an ability to contain the despair and horror the victim may exhibit.

### **Medical examination of victims of sexual violence**

Studies analysing the results of medical evaluations of female victims of sexual violence report bodily injuries in 40% to 82% of cases and ano-genital injuries in 6% to 87% of cases.

This wide *range* in injury detection can be attributed to differences in the type of population studied, including factors such as age, parity, previous sexual activity, mode of assault, type and number of perpetrators, and how the violence was carried out. Additionally, the likelihood of identifying and describing even small but significant injuries depends on the definition of "injury" utilised, the examiner's experience, and the technique employed during the examination (e.g. colposcope, magnifying glass, or naked eye observation).

## Insight

# Sexual violence in adolescence

Globally, 12% to 25% of adolescent girls experience sexual violence. According to the Centers for Disease Control and Prevention (CDC) in Atlanta, approximately 1 in 4 girls in the United States under the age of 18 is a victim of sexual violence.

One survey conducted in the Baltic States found that 42% to 56% of adolescent girls reported experiencing groping, while 10% reported penetrative sexual violence. For nearly 30% of girls, their first sexual experience was forced<sup>35</sup>. Approximately 10% of women surveyed reported experiencing sexual violence before the age of 16.

The majority of perpetrators are parents or family members (19.5%), family friends (11.4%), friends of the victim (15.4%), or acquaintances, including those met online (23.8%).

Unknown perpetrators are less common, accounting for just 20.2% of cases<sup>36</sup>.

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<sup>35</sup> WHO: *Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence* and European institute for gender equality's *studies on gender biased violence*

<sup>36</sup> Source ISTAT Year 2014

## **Sexual harassment and blackmail at work**

On 21 June 2019, the International Labour Organisation (ILO), the United Nations specialized agency on labour and social policies issues, approved Convention no. 190 (2019) on the Elimination of Violence and Harassment at the workplace, which defines violence and harassment as:

"A range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm."

Despite Italy's ratification of the Convention on 29 October 2021, these practices and behaviours, including violence and harassment at the workplace, during business trips, training sessions, events, social activities, or commutes, are still not fully addressed under criminal law.

Measures recommended by the Convention for the prevention of violence and harassment include:

- the inclusion of violence, harassment, and related psycho-social risks in risk assessment plans (as per Legislative Decree 81/2008);
- the adoption of measures to prevent and control the identified risks;
- the education and training of workers with regard to the dangers and risks of violence and harassment, as well as the relative prevention and protection measures. The Convention, ratified by Italy, requires legislative adjustments. For this reason, during the first year of the 19th legislature, several bills (A.S. 89, 671, and 813) were introduced, some of which are currently under consideration;
- monitoring of the worker's employment status by the National Labour Inspectorate after harassment is reported to ensure protection against retaliatory sanctions, demotions, or dismissals, and in cases of voluntary resignation;
- the introduction of the offence of sexual harassment, along with the aggravating circumstance of acts committed within the context of employment, traineeships, or apprenticeships — including during recruitment or selection processes — through abuse of authority or official relationships;
- delegation of powers to the Government for reorganising bodies and committees dedicated to equality and equal opportunity.

Violence and harassment are fundamentally incompatible with the development of sustainable enterprises, as they negatively affect work organisation, labour

relations, reputation, and productivity.

A corporate policy that pursues ethical and sustainable management in line with the ESG (Environmental, Social, and Governance) principles must address the risks of gender-based violence and harassment at the workplace.

### Relevant data<sup>37</sup>

The 2016 citizens' security survey allowed for the estimation of the number of women who, in their lifetimes and during the three years prior to the survey, had been victims of a specific form of gender-based violence: sexual harassment and blackmail at the workplace.

This included sexual harassment involving physical contact – such as unwanted touching, caressing, or kissing by colleagues, superiors, or other individuals at work – and attempts to use women's bodies as bargaining tools, demanding sexual acts or sexual availability in exchange for employment or career advancement.

Women aged 15–65 who reported experiencing sexual blackmail or physical sexual harassment at the workplace in their lifetimes and during the past 3 years, by type of blackmail. 2015–2016 (per 100 women with the same characteristics):

Type of blackmail	In their lifetime		During the past 3 years	
	Thousand	%	Thousand	%
<b>Blackmail for recruitment:</b>				
- Request for sexual services	333	2.1	62	0.4
- Request for sexual availability	708	4.6	89	0.6
<b>Blackmail for career advancement/job retention</b>	268	1.8	43	0.3
<b>At least one instance of sexual blackmail (for recruitment and/or career)</b>	1,173	7.5	167	1.1

The phenomenon of sexual blackmail is more common in central Italy, large metropolitan areas, and municipalities with over 50 thousand inhabitants.

Of these cases, 32.4% involve blackmail occurring daily or several times a week, 17.4% occur weekly, 29.4% a few times per month, and 19.2% more rarely. During the past three years, the percentage of women experiencing blackmail

37 *Sexual harassment and blackmail at the workplace (2015–2016). (ISTAT Report 2018).*  
<https://www.istat.it/it/files/2018/02/statistica-report-MOLESTIE-SESSUALI-13-02-2018.pdf>.

daily or weekly has risen to 24.8% and 33.6%, respectively.

## Insight

### **Blackmail suffered in silence**

When subjected to sexual blackmail, 80.9% of women do not talk about it with anyone at work — a figure consistent with the 2008–2009 data, which showed a similar rate of 81.7%.

Very few victims reported the incidents to the police: just 0.7% of those victimised in their lifetimes and 1.2% during the past three years. Worse yet, of the victims who said they approached the police, just 77.1% proceeded to file a formal complaint.

The most frequent reasons for not reporting blackmail are the lack of seriousness of the incident (27.4%) and a lack of trust in the police or their inability to act (23.4%).

Most victims considered the blackmail to be serious: 69.6% of the victims considered it to be very or fairly serious, as did 72.8% of the women who had experienced it in the past three years. 24.2% of women who had experienced blackmail in their lifetime (36.9% in the past three years) preferred not to answer the question of what the outcome was. Of those who had experienced blackmail in their lifetime and answered the question, 33.8% had voluntarily changed jobs or given up their careers, and 10.9% were either terminated, laid off, or not recruited.

## Insight

# **The Ministerial Directive on "recognising, preventing and overcoming violence against women in all its forms"**

With regard to sexual harassment at the workplace, it is worth mentioning the Ministerial Directive adopted on 19 December 2023 by the Minister for Public Administration, entitled "recognising, preventing and overcoming violence against women in all its forms." Directed towards all public administrations, its purpose is "to ensure a working environment characterised by respect for the principles of equal opportunity and organisational well-being, and to foster greater awareness to help recognise cases of harassment and violence, in all their forms, as well as to provide adequate tools for preventing, combating, and eliminating these phenomena." The Directive identifies training and awareness-raising as essential levers for establishing an organisational culture geared towards overcoming sexist stereotypes at the workplace. To this end, the text provides a series of indications for all civil servants, starting with senior and managerial figures, who must assume the role of promoters of change within their organisations. In particular, the document is directed towards those responsible for human resources management and work organisation policies, the Single Guarantee Committees (CUG), the Equality Councillor, the Trust Adviser, and the Independent Assessment Bodies (OIV). In general, therefore, these subjects are called upon to promote and develop adequate training cycles on equal opportunities and ethical behaviour, also in implementation of the new Code of Conduct for public employees and Law no. 168/2023 ("Provisions for combating violence against women and domestic violence"), and to propose educational activities, even on an ongoing basis, in order to develop the capacity to prevent or intercept, recognise and eliminate any episodes of discrimination, harassment and/or violence at the workplace. The activities envisaged also include the adoption and implementation of Codes of Ethics and Conduct, and the use of the training tools provided by the Department for Public Function, including the "RIForma-Mentis" course delivered via the Syllabus platform, to be provided alongside the occupational health and safety courses<sup>38</sup>.

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38 CUG Portal Presidency of the Council of Ministers - Department for Public Function.

## 2.5 Psychological violence

Psychological violence lacks a universally accepted definition. Despite being the most widespread and insidious form of abuse in intimate relationships — as evidenced by Istat data and reports from anti-violence centres — it remains difficult to identify, measure, and legally sanction due to its imprecise boundaries, subjective interpretations, and the absence of material evidence.

The concept of psychological violence was first introduced by Albert Birdman in 1957. Birdman identified at least 15 categories of verbal aggression, ranging from raising one's voice to ignoring the other person and failing to demonstrate empathy<sup>39</sup>. According to Birdman, psychological violence is characterised by control over ten key domains that enable the subjugation of another person: freedom of movement, relationships, behaviour, financial means, preferences, thought, sound space, time, physical space, and communication. This form of abuse also often involves manipulating the victim's emotional experiences, allowing the perpetrator to gain complete control over the victim's emotions.

While physical violence is more objective, as it often leaves visible marks on the body, psychological violence resides in the realm of subjectivity. This makes it harder to recognise and validate, even though it can cause profound suffering and permanent damage, often more severe than that caused by physical violence.

Observations and analyses of intimate partner violence over the years reveal that violence predominantly manifests as a relational dynamic rooted in control, with psychological violence serving as a mechanism of dominance that erodes a woman's sense of self-worth, identity, dignity, and self-esteem.

Psychological violence is a pervasive reality, acting as a common thread among different forms of abuse (physical, economic, and sexual), and can even manifest independently, in their absence. In contrast, there is no instance of physical violence that does not have an underlying foundation of psychological violence. This often involves a series of attitudes, behaviours, and remarks aimed at undermining and rejecting the victim's sense of self, ultimately causing insecurity and emotional harm. Psychological violence is not an impulsive or isolated act; it is a calculated relational dynamic aimed at subjugating, controlling, and maintaining power over the victim<sup>40</sup>.

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39 <https://psiche.santagostino.it/empatia/>.

40 Marie-France Hirigoyen, *Molestie morali. La violenza perversa nella famiglia e nel lavoro*, Einaudi, 2000

Psychological violence lacks a singular, definitive form and can manifest in various ways, such as verbal attacks, insults, threats, accusations, denigration, humiliation, sarcasm, devaluation, social isolation, restrictions on freedom, control, prohibitions against visiting friends or relatives, exclusion from important decisions affecting the family or couple, and neglect during illness or times of need.

These behaviours may differ in frequency and intensity, ranging from subtle to explicit, but they are never isolated incidents. In fact, as a form of abuse, psychological violence is characterised by its repetitive nature, developing over time in an escalating pattern of severity. It often follows a cyclical pattern and encompasses several key behavioural dimensions, which are listed below:

- *control*: the perpetrator seeks to control everything, imposing a certain way of doing things. This control may extend to sleeping hours, meal times, social interactions, thoughts, and movements, often paired with an expectation of immediate responses to calls or messages. It may also involve monitoring internet usage, social networks, emails, messages, and phone calls to track the victim's interactions. Such control is often accompanied by a tendency to issue commands or impart lessons about what is "right" in various situations, combined with unpredictable behaviour — frequent outbursts of anger alternating with moments of affection and kindness, leaving the victim confused and disoriented;
- *isolation*: in order for the violence to persist, it is often necessary to isolate the victim from family and friends, preventing her from having a social life or pursuing work. This isolation deprives her of opportunities to gain perspective on her life and relationship. The woman's life is made to revolve entirely around her partner. Isolation is achieved through tactics such as discrediting those close to her, creating conflicts with loved ones through lies, manipulation, or insinuations, and confiscating her phone or computer. The isolation is both a cause and a consequence of the abuse;
- *pathological jealousy*: control can be accompanied by obsessive jealousy, constant suspicion, and baseless accusations. This jealousy is not rooted in reality or any actual infidelity. It persists regardless of the partner's attempts to offer reassurance, such as avoiding going out alone or refraining from wearing clothing or adopting behaviours that might attract attention or be interpreted as seductive. No amount of rational explanation can ease this jealousy. Instead, it manifests as daily accusations, relentless searches for evidence, threats, forced confessions, endless arguments, and close surveillance;
- *criticism and humiliation*: one key tool for undermining the partner's self-

esteem is the constant devaluation of her work, education, interests, and accomplishments, dismissing them as meaningless or irrelevant. Offensive language, sarcastic remarks, and unpleasant comments about physical appearance or clothing are often accompanied by outright insults with language designed to diminish the partner's sense of worth, and make her feel incapable as a woman, a wife, and a mother. Such criticism is often tied to societal stereotypes about women, targeting them in their roles as mothers, caregivers, home makers, and lovers. Acts of humiliation, ridicule, and degradation are defining features of psychological violence. The partner is treated as a perpetual outlet for anger and frustration, undeserving of respect, not only in private, but also in public settings;

- *intimidation and threats*: acts such as breaking objects, slamming doors, or overtly displaying a bad mood serve as indirect forms of intimidation, sending a clear message about the abuser's strength, capacity for destruction, and potential to cause harm. Threats may escalate to explicit forms, such as brandishing a knife, sleeping with a gun beside the bed, driving recklessly to instil fear, and even making direct threats to take away the children, or to harm or exact revenge upon family members or loved ones. The uncertainty as to whether these threats *will be acted upon gives the abuser immense power over the victim*;
- *accusations and denial*: particularly damaging to a woman's psychological well-being is the denial of abuse. Whenever the victim tries to speak out about her treatment and the attacks she has suffered, the perpetrator denies the reality of the abuse and systematically shifts blame. This reversal of responsibility often involves accusing the victim of provoking the aggressive reactions, deserving criticism, overreacting, taking things too seriously, or lacking a sense of humour;
- *Gaslighting*<sup>41</sup>: this is a form of psychological manipulation in which the abuser presents false information with the intent of making their partner doubt herself — her memory, perception, analytical abilities, and judgement — until she feels disoriented, inadequate, or even fears that she might be developing a psychological disorder;
- *indifference and emotional neglect*: refusing to show concern for one's partner, showing little sensitivity or care, ignoring her needs and feelings, avoiding conversations, declining outings, skipping family events, sulking without explanation, using the silent treatment, ignoring attempts at

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41 The term originates from *Gaslight*, a 1938 play by British playwright Patrick Hamilton. In the story, a husband attempts to drive his wife to madness by subtly altering elements of their environment, such as dimming the gas lamps. This manipulation leads the wife to increasingly doubt her own perceptions, causing her to become more and more emotionally unstable.

dialogue, and showing apathy toward her suffering or need for help are all forms of behaviour that foster insecurity and emotional distress.

The *pattern of behaviours* that a violent partner uses to control, dominate, and frighten their victim — undermining her self-esteem and distorting her sense of identity — is thus both vast and complex. The continuous nature of psychological violence in intimate relationships leaves victims feeling increasingly inadequate, guilty, and incapable, often experiencing feelings of self-blame, shame, fear, and powerlessness.

Growing insecurity and the erosion of self-esteem make it difficult for women to question or leave a violent relationship. This dynamic keeps them trapped in a cycle of vulnerability and dependency on the abuser. As a result, victims often downplay psychologically violent behaviour and instead alter their own actions in an attempt to avoid further harm. Paradoxically, this adaptation reinforces the emotional abuse, making it an even more integral part of the relationship. However, modifying one's behaviour in response to fear and blackmail rarely prevents the emergence of other forms of violence.

The effects of psychological violence can manifest in both physical and mental health. From a mental health perspective, women who are victims of violence are five to six times more likely to experience depression compared to those who have not experienced such abuse. They are also at a significantly higher risk of developing post-traumatic stress disorder.

The work carried out by anti-violence centres over the years involves a complex process of empowerment. This process begins by acknowledging the severe consequences of psychological violence, which is a common experience among all the women these centres support, and focuses on rebuilding self-esteem and fostering awareness of the harm they have endured. Although proving psychological violence in legal proceedings can be challenging, the current legislation does recognise it as an element of various criminal offences:

- threats: an offence punishable by a penalty proportionate to the seriousness of the threat;
- bodily harm: this offence punishes anyone who causes injury to the mind or body of an individual, with punishment commensurate with the seriousness of the injury;
- duress: this offence occurs when the victim's personal freedom is violated by psychological or physical violence or threats;
- stalking: punishes, with imprisonment for a period of at least one year, anyone who - by means of threats, harassment or other conduct - induces in

the victim a prolonged state of anxiety<sup>42</sup> or fear, forcing him/her to change his/her routines;

- family abuse: this includes abusive conduct within the home, including psychological violence. The basic penalty for this offence ranges from three to seven years' imprisonment, and may increase if the offence is perpetrated in the presence of or against particularly vulnerable groups, such as minors, pregnant women<sup>43</sup> or disabled persons.

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<sup>42</sup> <https://psiche.santagostino.it/ansia/>.

<sup>43</sup> <https://www.santagostino.it/it/santagostinopedia/gravidanza>.

## 2.6 Economic violence

Economic violence is the hidden face of violence against women and girls, difficult to recognise and, in its manifestation, is a pervasive and widespread phenomenon that hides behind behaviour that is still culturally justified and accepted, and for this reason poorly represented by specific data. It essentially emerges for the first time in the language of the international legal treaties among the forms of violence against women under art. 3 of the Istanbul Convention of 2011, which was ratified by Italy in 2013, but definitively entered into force throughout the EU on 1 October 2023, which defines it as: "A violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

Art. 18(3) on General obligations for protection and support also reiterates: "Parties shall ensure that measures taken pursuant to this chapter shall [...] aim at the empowerment and economic independence of women victims of violence."

We also find it mentioned along with other forms of violence in ILO Convention no. 190, on the elimination of violence and harassment at the workplace, adopted in Geneva on 21 June 2019 at the 108th session of the General Conference of the same Organisation, which is an important instrument representing the first international standard to prevent and combat violence and harassment in the world of work. The Convention provides the first internationally recognised definition of work-related violence and harassment, including gender-based violence and harassment. This definition explicitly refers to "a range of unacceptable behaviours and practices" that "aim at, result in, or are likely to result in physical, psychological, sexual, or economic harm." The definition applies to all male and female workers, including trainees, apprentices, and individuals engaged as entrepreneurs, whether in the public or private sector, in formal or informal enterprises, and in both rural and urban areas. Convention 190 was ratified with Law no. 4 of 15 January 2021, which came into force on 27 January 2021.

The definition of economic violence encompasses acts of coercive control over a woman's behaviour and decisions regarding the use and distribution of money within family or romantic relationships. This includes persistent threats to deny economic resources, exposure to debt, preventing her from obtaining employment or personal income, restricting her ability to use her resources

freely, and systematically obstructing transparent family decision-making on financial matters.

Economic violence is prevalent across all demographics, irrespective of a woman's income level, meaning that any woman can fall victim. A spouse or partner who wields economic power as a tool of control may go so far as to prevent the victim from opening a bank account, obtaining a credit card, or understanding the purpose of documents they are forced to sign, concealing the associated risks and motivations.

Maniacal control over family finances and expenses often results in the victim's isolation, with some even being impeded from pursuing employment. Individuals subjected to this form of abuse find themselves constantly having to justify even minor expenses and relying on their spouse or partner for the financial resources necessary for daily living. Every aspect of financial management within the household is monopolised by the person in a position of "economic superiority."

The primary consequence of such behaviour is the complete deprivation of financial autonomy. This lack of autonomy fosters a deep sense of inferiority and inadequacy in the victim, leaving them unable to meet their own or others' needs. In most cases, this dynamic escalates into other forms of violence, particularly psychological abuse.

The figure on female labour force participation in Italy remains the lowest in Europe, with persistent wage disparities in the private sector serving as a significant barrier to achieving full financial independence. Progress toward addressing inequality between women and men in employment was made in June 2023 with European Directive 2023/970 on pay transparency, alongside Law 162/2021 on equal pay, which reinforces the principle of equal pay for men and women performing equal work or work of equal value. The anticipated reduction in the gender pay gap aligns with efforts to promote income equality and ensure greater protection against economic violence. Coupled with an increase in women's participation in paid employment, this represents a step toward equity and delivers tangible economic benefits for society as a whole.

Another factor that exacerbates the consequences of economic violence is the harm caused by behavioural addictions, such as gambling, compulsive shopping, or speculative trading, which share a series of commonalities with these forms of abuse. In fact, they are associated with shame and social stigma, which creates a barrier for those affected by economic isolation, discouraging them from seeking support or pursuing alternatives for empowerment. Economic violence and non-substance addictions form a dangerous combination, emerging as a widespread yet undocumented social phenomenon

that results in significant and growing social costs.

Economic violence clearly does not conform to any well-defined legal norm. However, recent developments in jurisprudence have marked significant progress. For instance, judgement no. 19847 of 22 April 2022, issued by the Sixth Criminal Section of the Supreme Court of Cassation, recognised the Istanbul Convention as the most critical and legally binding instrument for protecting women against all forms of violence.

In light of this, the Supreme Court deemed it inadmissible to interpret art. 572 of the Criminal Code (family abuse) as applying solely to cases of physical violence, while excluding less visible forms, such as psychological and economic violence. It was emphasised that the existence of multiple identifiable acts of violence is not required to establish the offence; it is sufficient for the perpetrator's behaviour to be aimed at restricting the freedom, integrity, and self-determination of the victim. This interpretation is further supported by art. 3 of the Istanbul Convention, which affirms the right of women to live free from violence as a fundamental "human right."

Equally noteworthy is judgement no. 6937 of February 2023, in which the Supreme Court of Cassation upheld the conviction of a husband who harassed his wife by imposing unwarranted "domestic savings," despite their lack of financial difficulties, as both spouses were employed. The wife was subjected to a progressively harsher savings regime after marriage, which became unbearable. The husband's actions were clearly intended to dominate and control his wife's decisions and choices. Such conduct, as the Judges determined, constitutes abuse under article 572 of the Criminal Code.

## **The escalation of economic violence**

Economic violence often progresses through an escalation comprising four distinct phases:

### **First phase: economic isolation**

- Holding a joint account with separate signatures, without the ability to manage it independently or being excluded entirely.
- A lack of transparency regarding decisions on investments or extraordinary financial operations involving the joint account.
- Use of account delegations to impose further coercive control.

### **Second phase: control and exclusion**

- Being given a periodic allowance, with strict control over its use.
- Demands for detailed expense reports.
- Denial of full access to all shared and personal accounts or to the management of the family budget.
- Lack of awareness of the family's total income.

### **Third phase: loss of autonomy and access to family resources**

- Receiving only limited amounts of money for groceries, often insufficient for weekly or monthly needs.
- Denial of the necessary minimum funds for personal or children's expenses.
- Denial of funds for medicines or medical care.
- Exclusion from decisions regarding essential purchases, even for the children, leading to a complete loss of decision-making autonomy.
- Being prevented from using credit or debit cards, or having them confiscated at will.

### **Fourth phase: dispossession and economic abuse**

- Depletion of family assets or income, including personal income, through acts of dispossession.
- Forcing others to sign documents without providing an explanation of their purpose. In many cases, these documents turn out to be economic traps, such as mortgages, personal loans, sureties, or bad cheques, which damage one's creditworthiness;
- Coercing or persuading someone to act as a front man.
- Draining bank accounts in anticipation of a separation. Financial abuse often

does not end with separation but continues when the husband: claims insolvency; manipulates his income after a child support agreement is finalised; or fails to make alimony or child support payments.

## **Good practices**

This form of violence represents an ongoing and pervasive form of abuse against women that remains underestimated. It is therefore essential to focus on prevention and to actively counteract economic isolation by implementing training initiatives that promote gender equality and reduce the social harm caused by this phenomenon.

Examples of good practices collected from helpdesks around the country can help recognise and contextualise economic violence. These include:

- Managing one's personal current account independently to control income from work or other sources, ensuring freedom of choice.
- Maintaining separate bank accounts in addition to a shared account. This does not indicate a lack of love or trust, but instead reinforces the importance of shared decision-making in family finances.
- Monitoring financial tools for managing and accessing jointly held accounts with separate signatures, including ATM cards, additional credit cards in one's name, insurance policies, credit lines, and online trading platforms.
- Knowing the exact details of the family income and expenditures. Reviewing bank statements can help identify unusual spending patterns and signal risky financial behaviours, such as over-indebtedness, gambling, substance addiction, or other relationships that can lead to financial ruin, and even violence.
- Staying informed about one's rights when involved in a family business run by a spouse. Seeking professional advice on wage and social security entitlements is vital.
- Rejecting discriminatory language: remarks like, "shut up, I'm the one supporting you," or "you don't work, so be quiet," especially when made in front of children, constitute a form of verbal abuse.
- Never allowing oneself to "beg" for basic needs. It is essential to demand proper care and attention for oneself and one's children, including access to medical care.
- Checking property records in cases of leases or disputes. Whenever possible, ensure both spouses' names are on the lease to provide greater legal protection. Even if in the right, no one is ever justified in driving a cohabiting partner out of the common dwelling and prevent him/her from re-entering.

In cases of home purchases, thoroughly understanding the terms and constraints of mortgage agreements is crucial.

- Never signing documents, including banking, insurance, or contractual agreements, which do not provide sufficient information about the associated obligations and financial burdens.
- Never fully delegating financial management, from banking to insurance, especially when listed as a beneficiary.
- Refraining from acting as a frontman for loans or guarantees.
- Never entering into agreements with unknown “lenders” or “friends” who claim to want to help but demand exorbitant interest rates. Always gather accurate information to avoid falling into unmanageable debt.

Unequal access to financial services and credit, often resulting from limited financial literacy, undermines entrepreneurial ambitions, hinders the effective management of personal economic resources, and exacerbates poverty among women, preventing financial independence and increasing their vulnerability to economic violence.

According to data from ISTAT and the University of Milan-Bicocca (2024), 22% of women in Italy are financially dependent, as opposed to just 10% in Poland and 5% in Germany and Austria. Additionally, the concentration of women’s employment in lower-paying sectors, such as services, health, and education, hinders the financial self-determination needed to prevent economic isolation. Financial dependence on an abusive partner is thus often a significant obstacle to leaving, particularly when specific controlling tactics are used to exert power and maintain control. When this form of abuse targets disabled or elderly women, it results in multiple layers of discrimination, often relying on semi-legal or illegal methods to restrict access to their financial resources and isolate them from the outside world.

## 2.7 Cyber-Violence (Cyber-VAWG)

The EU directive on combating violence against women and domestic violence, alongside the Istanbul Convention, ratified by the European Union in June of 2023, provides a long-awaited legal framework to address gender-based violence, including cyber-violence.

In particular, both men and women can fall victim to cyber-violence. However, the data consistently show that women and girls face significantly greater exposure. Not only are they more likely to be targeted, but they also suffer severe consequences, including physical, sexual, psychological, and financial harm. As a result, many women and girls withdraw from the digital sphere, silencing themselves and missing out on opportunities to advance their education, professional careers, and support networks.

With digitalisation becoming a central part of daily life, the forms of violence that disproportionately affect women and girls are taking on new and more complex dimensions. Until recently, the EU lacked a comprehensive legislative framework to address this form of gender-based violence, despite its profound and far-reaching impact on individuals, society, and democracy. The new directive on combating violence against women and domestic violence thus acknowledges this issue and introduces measures to protect women online. Women in public life — such as journalists, activists, and politicians — are particularly vulnerable to misogynistic and sexualised online abuse. This phenomenon disproportionately affects women belonging to ethnic and religious minorities. The increased use of the internet during the COVID-19 pandemic has exposed more women and girls to cyber-violence and given rise to new forms of digital crime. Evidence suggests that misogynistic content is spreading from the fringes of the web to mainstream social platforms, further normalising abuse.

The EIGE's definitions of CVAWG (*Cyber-Violence Against Women and Girls*) perpetrated through electronic communication and the internet<sup>44</sup> and its various forms emphasise the "online-offline" continuum between the physical and digital realms, recognising them as forms of violence that originate and take place in the digital realm, as well as violence facilitated by technology in the physical world, by using digital technologies. It also includes actions that begin in digital spaces, but extend into the physical world and vice versa. While cyber-perpetrators are often anonymous or unknown, some forms of cyber-violence — such as stalking — are frequently committed by partners or ex-partners. For this reason, the EIGE's definitions also take into account the relationship between

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<sup>44</sup> <https://eige.europa.eu/gender-based-violence/cyber-violence-against-women>

## the victim and the offender

Cyber-violence against women is an act of gender-based violence perpetrated directly or indirectly through information and communication technologies that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to women and girls, including threats of such acts, whether occurring in public or private life, or hindrances to the use of their fundamental rights and freedoms. Cyber-violence against women is not limited to but includes violations of privacy, stalking, harassment, gender-based hate speech, personal content sharing without consent, image-based sexual abuse, hacking, identity theft, and direct violence. Cyber-violence is part of the continuum of violence against women: it does not exist in a vacuum; rather, it both stems from and sustains multiple forms of offline violence<sup>45</sup>.

As far as cybercrimes are concerned, the directive against gender-based violence criminalises the following forms of harassment and/or persistent and harmful online behaviours:

- non-consensual sharing of intimate or manipulated material (unlawful dissemination of sexually explicit images or videos);
- cyberstalking;
- cyber-harassment (body-shaming, slut-shaming, doxing, sextortion, and gendertrolling – often aggravated by identity theft, cyberbullying, blackmail, and extortion (e.g. romance scams, as already outlined in the Criminal Code);
- cyber-incitement to violence or hatred (hate speech).

Cyber-VAWG operates through multiple channels and formats, mirroring the power structures and social inequalities that characterise offline environments.

Law no. 69 of 19 July 2019, known as the "Red Code", introduced several innovations and amendments to criminal and procedural law, establishing new offences. It explicitly addressed one of the most widespread forms of cyber-violence for the first time through article 612-ter of the Criminal Code: "The unlawful dissemination of sexually explicit images or videos," also known as "non-consensual pornography" or image-based sexual abuse, which criminalises the act of sharing intimate images or videos of a person without their consent, whether online or offline.

The introduction of new autonomous criminal offences has provided victims with crucial protective measures, both in substance and procedure.

In 2022, the Data Protection Authority ordered Facebook, Instagram, and

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<sup>45</sup> European Commission, *Advisory Committee on Equal Opportunities for Women and Men*, 2020.

Google to implement measures preventing the dissemination of photos and videos reported by potential victims of unlawful distribution (measures 9775414, 9775327, 9775401, 9775948, and 9775932). To combat *unlawful dissemination*, following regulatory changes introduced to the Privacy Code in December 2021, an emergency reporting channel was established through collaboration between the Data Protection Authority and Facebook. The Data Protection Authority is responsible for receiving reports and acting swiftly to order the preventive blocking of the platforms identified by the reporting party.

As far as *stalking* is concerned, Law 69/2019 increased the penalties, raising the minimum sentence from six months to one year, and the maximum from five years to six years and six months. More recently, Law no. 168 of 24 November 2023, known as the Roccella Law ("Provisions to combat violence against women and domestic violence"), further strengthened Law no. 69/2019. This law, consisting of 19 articles, primarily focuses on prevention to stop so-called "spy" or "sentinel" crimes — such as domestic abuse (art. 572 of the Criminal Code), sexual violence (art. 609 bis - ter - octies), stalking (art. 612 bis), and trespassing — from escalating into more severe offences.

In cases of digital scams, blackmail, and extortion — which can be characterised as forms of cyber-violence — it is important to consider the broader context. According to the "Security and Citizenship" chapter in the 57th Censis Report on the social situation in Italy (2023), cybercrimes are on the rise, with 76.9% of Italians encountering at least one digital threat in the past year — a figure that climbs to 87.3% among digital natives.

The legislative efforts continue to evolve in order to strengthen the existing laws on identity theft, personal data violations, and blackmail. However, these measures alone remain insufficient without individuals actively adopting self-protection strategies, with the support of extensive public awareness campaigns. Stricter regulations on digital content, such as the recent *Beneficenza* ("Charity") Bill, highlight a growing concern that should also extend to unregulated digital advertising by influencers — particularly on topics that contribute to harmful behaviours, such as digital gambling addiction. Such forms of passive, induced violence often manifest as a reaction to social and economic exclusion, leading to compulsive shopping, speculative trading, and gambling. Further restrictions on access to lawful content, such as gambling, beyond the existing age limits, could raise concerns about potential infringements on freedom of expression. Additionally, the rapid evolution of digital technologies and platforms makes it increasingly difficult for legislators to keep pace with emerging trends and the strategies employed by unregulated platforms.

Information and training play an equally vital role in mitigating the risks of

cyber-violence and raising awareness of the challenges posed by the internet and algorithmic society. This must be done without fostering unnecessary fear or mistrust of technology, ensuring that individuals are equipped with the necessary tools to make informed decisions and adopt appropriate behaviours. The recently enacted European regulations, along with France's Law no. 299/2022 against cyber-violence (2 March 2022), serve as key legislative models for protecting vulnerable groups against this form of abuse, particularly girls in scholastic settings, including universities, and women with disabilities. The responsibility for ensuring that young people are adequately trained, informed, and prepared to navigate the digital world safely and responsibly lies collectively with governments, educational institutions, families, civil society, and the technology industry.

## **Relevant data**

### ***Digital stalking***

According to Kaspersky, a leading cybersecurity software firm, 29,312 people worldwide were victims of stalkerware in 2022 — software that secretly tracks another person's location and digital activity without their knowledge. Italy and Germany rank as the most affected European countries, while Russia, Brazil, and the United States top the global list. In fact, the Coalition Against Stalkerware estimates that nearly one million cases of stalkerware use may occur worldwide each year. According to their report entitled *Digital Stalking in Relationships*, 26% of Italians consider spying on a partner without their consent to be acceptable, and 8% admit to having done so. Additionally, 24% of Italians suspect that their digital privacy has been compromised.

### **Unlawful distribution of images**

Around two million Italians have been victims of the unlawful distribution of images, while 14 million have viewed non-consensual pornography online. These findings come from a survey conducted by TF Group Srl, a research and online reputation management company, on behalf of PermessoNegato.it APS — a nonprofit organisation that supports victims of non-consensual pornography, online violence, and hate speech. Based on an online questionnaire administered to a representative sample of 2,000 Italians based on sex, age and region of residence, the survey analysed the respondents' attitudes and behaviours regarding non-consensual pornography.

## 2.8 Trafficking and sexual exploitation

Human trafficking was formally defined in 2000 under article 3 of the United Nations Palermo Protocol, one of three additional protocols to the Convention Against Transnational Organised Crime. The definition reads as follows:

- "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article.

Similarly, the national legislation recognises the crime of trafficking (Law no. 228/2003) when the conditions outlined under art. 3 of the Palermo Protocol are met, referencing art. 600 of the Criminal Code, which defines the crime of enslavement.

Human trafficking should not be confused with migrant smuggling, which involves the illegal movement of individuals across borders without the intent of exploitation and with the consent of the person being smuggled. In smuggling, the smuggled person plays an active role in contacting the organisation, and the agreement between the parties ends upon reaching the destination. By contrast, in trafficking, arrival in the destination country marks the beginning of exploitation. However, the distinction between these two phenomena is becoming increasingly blurred. A person may embark on a journey voluntarily but later become a victim of trafficking due to accumulating debt or deception by traffickers.

In 1998, Italy introduced legal measures to combat the grave human rights violations associated with trafficking. Article 18 of Legislative Decree no. 286 of 25 July 1998 (Consolidated act on immigration and the status of foreigners)

provides for a residence permit for victims of human trafficking, for purposes of social protection. This can be granted either through a judicial route — if the victim cooperates with judicial and law enforcement authorities in investigations and prosecutions — or else through a social route, based on the recognition of violence or severe exploitation, regardless of the victim's willingness to testify. In 2000, at the initiative of the Presidency of the Council of Ministers' Department for Equal Opportunities, the Anti-Trafficking Helpline was established. This system complements the social protection projects, further reinforced by the introduction of art. 13 of Law no. 228/2003, which regulates reception and rehabilitation programmes for victims. The 2016 DPCM later established the unified programme for the identification, assistance, and social integration of trafficking victims.

Within the European Union, combating human trafficking — particularly that of women and minors — is a high priority. It is explicitly addressed in the Lisbon Treaty (art. 79(1)(d) TFEU) and the Charter of Fundamental Rights of the European Union, which categorises trafficking as a fundamental rights violation and prohibits it in absolute terms (art. 5(3)).

The Council of Europe Convention on Action against Trafficking in Human Beings adopted on 16 May 2005, known as the Warsaw Convention, further reinforces these commitments. Ratified by Italy through Law no. 108 of 2 July 2010, it adopts a human rights-centred approach and introduces key provisions such as the identification of trafficking victims (art. 10) and a non-punishment principle for crimes committed under duress (art. 26). These measures are essential to exposing the criminal phenomenon and ensuring the protection and rehabilitation of trafficked individuals whose inalienable rights, including freedom and dignity, have been violated.

The European Court of Human Rights has recognised trafficking under art. 4 of the ECHR, which prohibits slavery, servitude, and forced labour (ECHR, *Rantsev v. Cyprus*, 7 January 2010). More recently, for the first time, it affirmed the principle of non-criminalisation for trafficking victims (ECHR, *V.C.L. and A.N. v. the United Kingdom*, 16 February 2021).

Among the numerous guidelines and regulatory instruments adopted by the European Union, Directive 2011/36/EU — which replaced Council Framework Decision 2002/629/JHA — is particularly noteworthy for its focus on preventing and combating trafficking in human beings and protecting its victims. It was transposed into Italian law through Legislative Decree no. 24 of 4 March 2014. The directive's key provisions include:

- the adoption of a broader definition of human trafficking, incorporating new forms of exploitation, including "the exploitation of criminal activities" (art.

2);

- the definition of a "position of vulnerability", referring to a condition in which a victim finds themselves and which an offender exploits to engage in trafficking-related conduct (art. 2(2));
- a clear obligation for Member States to provide victims with adequate protection through prompt identification, assistance, and support measures (art. 11), as soon as authorities have reasonable cause to believe that an individual is a trafficking victim, for a reasonable period of time.

One particularly significant principle established by the directive is that national systems must extend protection not only to officially identified trafficking victims but also to individuals displaying clear indicators of victimisation. This provision advances the timeline for assessment and the standards for recognition. Assistance and support must also include a minimum set of measures to help victims recover and, most importantly, to escape their traffickers — regardless of their willingness to cooperate with authorities in criminal investigations and proceedings.

Furthermore, Directive 2011/36/EU introduced a structured system for uncovering human trafficking crimes, ensuring support for victims even when they are unable or unwilling to approach the judicial authorities (single programme for "identification, assistance, and social integration," granting residence permits under art. 18 of Legislative Decree no. 286 of 1998, provided that the victim follows a social reintegration pathway and relies on a designated assistance body). The victims' reluctance to report their traffickers is considered an inherent reality due to fear and distrust of the institutions.

It is important to note that Directive 2024/1712 recently amended Directive 2011/36 to further bolster the fight against human trafficking and enhance victim protection. Member States must implement these revisions by 15 July 2026.

After analysing the relevant legal framework, the Court of Cassation emphasized that the non-punishment of trafficking victims for crimes committed as a result of their condition stems from the fundamental principle of legal coherence. It would not be reasonable to punish individuals who, under conditions of coercion, committed offences directly linked to the violation of their fundamental human rights.

It is evident, therefore, that trafficking victims, subjected to intense psychological and economic pressure, lose some or all of their decision-making autonomy due to the blackmail-type power exerted over them.

In its Judgement no. 2319 of 16 November 2023, the Court of Cassation

became the first judicial body in Europe to apply the ECHR ruling in *V.C.L. and A.N. v. United Kingdom* (16 February 2021). It also implements art. 26 of the Warsaw Convention, which explicitly provides for the non-punishment of trafficking victims who commit crimes, and identifies three categories of offences that may qualify for non-punishment when committed by trafficking victims. Among these, the Court noted: crimes directly linked to the victim's irregular immigration status; crimes in which the trafficker exploits the proceeds of the offence (e.g. theft, drug trafficking, exploitation of prostitution); and so-called "liberation crimes", committed in an attempt to escape exploitation by third parties.

According to the Court of Cassation, the Judicial Authorities have a fundamental duty to determine whether an individual is a trafficking victim (pursuant to art. 10(2) of the Warsaw Convention and art. 11(4) of Directive 2011/36/EU). This "identification" process relies on specific indicators that account for a victim's reluctance to disclose their situation, which may stem from:

- fear of the legal consequences of coming forward;
- lack of awareness regarding their own situation;
- feelings of "gratitude" toward traffickers who facilitated their departure from their home country;
- psychological, physical, or sexual abuse, which victims may struggle to recount due to shame or guilt;
- a deep-seated distrust of authorities.

Useful tools for identifying "trafficked persons" can be found in the Guidelines for the Rapid Identification of Victims of Trafficking and Serious Exploitation, annexed to the National Action Plan Against Trafficking and Serious Exploitation (art. 13 of Law no. 228 of 2003). Periodically updated, these guidelines aim to strengthen institutional efforts to prevent and combat human trafficking while ensuring adequate victim protection, in line with Italy's commitments under the Warsaw Convention. The guidelines (Annexes 1 and 2 to the National Action Plan Against Trafficking and Serious Exploitation) incorporate both the indicators and protocols established by the various international organisations, including those developed by the UNODC (United Nations Office on Drugs and Crime). In its March 2019 report, *Indicators of Trafficking in Persons*, the UNODC states: "There are standard sets of indicators that have been used by States in the identification of potential trafficking cases, which can be useful tools for training different actors..."

These symptomatic parameters are structured according to the specific form of exploitation suffered by victims (sexual, labour-related, occurring in criminal contexts, etc.) and are both of a general nature and specific to the victim's

situation and their journey to the destination country. Examples include being a woman or a minor in precarious economic conditions with a low level of education; originating from a country with a high prevalence of trafficking; travelling along routes commonly used by criminal organisations; experiencing exploitation in transit countries; incurring debts before or during the journey; having identity documents stolen; lacking knowledge of the destination country's language even after a prolonged stay; or residing in homes known to law enforcement for sexual or labour exploitation, criminal activities, etc.

The national anti-trafficking system now benefits from over 20 years of experience and a well-established tradition of projects led by both public and private social Entities, which have played a crucial role in uncovering cases of trafficking and exploitation, ensuring immediate protection, care, and integration of victims (art. 13, Law no. 228/2003), facilitating their legal regularisation (art. 18, Legislative Decree 286/98), and studying a constantly evolving phenomenon<sup>46</sup>.

Since its first emergence in Italy, human trafficking has continuously evolved, becoming an increasingly complex issue. Since the 1990s, trafficking for sexual exploitation has involved shifting or overlapping flows of women and minors of various nationalities — Albanian, Nigerian, Moldovan, Ukrainian, Russian, Latin American, Romanian, and Chinese — while the number of home countries has progressively expanded. Alongside street-based exploitation, indoor exploitation has become increasingly prevalent, making victims more difficult to detect and assist.

Criminal networks have adapted their methods of recruitment, control, and exploitation, shifting from loosely organised groups to highly structured transnational organisations with strong footholds in destination countries. Coercion methods have also evolved — from overt violence to more insidious strategies, including granting limited autonomy, involving some victims in the control of other exploited persons, and integrating trafficking operations with other criminal activities, such as migrant smuggling, drug and arms trafficking, the diversification of the areas of exploitation, forced labour, severe labour exploitation, forced begging, or coerced illegal acts.

Despite these evolving dynamics, human trafficking remains a grave violation of human rights, primarily affecting women but also men, minors, and transgender individuals. Victims endure various forms of exploitation and

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46 Art. 1(339) of Law no. 197 of 29 December 2022 (State Budget for the Financial Year 2023 and Multi-Year Budget for 2023-2025) recently allocated an additional €2 million for anti-trafficking measures for 2023, with an annual increase of €7 million starting in 2024. These additional resources will not only support existing anti-trafficking measures, but will also fund the implementation of actions outlined in the new National Action Plan (NAP).

violence, rendered powerless by threats, deception, and abuse of power. Criminal organisations take advantage of their migration aspirations, exploiting their pursuit of better living conditions for themselves and their families.

The phenomenon affects individuals in particularly vulnerable positions, where they have no choice but to comply with traffickers due to personal or contextual fragilities, whether of a psychological, familial, social, or economic nature. Gender inequalities further exacerbate their vulnerability. The experiences of trafficked women in support programmes reveal how their sex is associated with inferiority, deficiency, and devaluation. Analysing trafficking through the lens of gender-based violence exposes a complex system of subjugation, where gender itself is a key driver of migration. Vulnerability factors often stem from the family environment. In many cases, the impoverishment of large families leads to trafficking becoming a survival strategy, with women being trafficked with the consent of their father, brother, or husband.

Regardless of their circumstances of departure, country of origin, or conditions of subjugation, women subjected to sexual exploitation endure severe hardships. They face abuse and danger both on the streets and behind closed doors, where their suffering remains largely invisible and is met with widespread indifference.

There is still a tendency to erase this extreme human rights violation from collective awareness. It is not acknowledged in our everyday lives, despite the clear correlation between the availability of trafficked individuals and the demand for paid sexual services — a reality that cannot be ignored.

On the contrary, this sad, complex, and evolving issue — driven by cynical and exploitative dynamics, marked by power imbalances between genders and world regions, and characterised by the systemic violation of fundamental rights — does not concern only a marginal part of society. It raises ethical questions for everyone regarding exploitation and human trafficking, as well as gender relations, exposing the persistence of profound inequalities.

# **3** Femicide

## 3.1 The origins of the definition

Not every killing of a woman qualifies as a femicide (e.g. a woman killed in a robbery by a man). However, the targeted killing of women because they are women is a pervasive criminal phenomenon that, to date, lacks a clear legal definition at both the national and international levels.

The term "femicide", now widely used, emerged from extensive political, economic, cultural, and social discourse that began in the 1990s in the United States and Latin America<sup>47</sup>.

For the first time in history, femicide refers to a complex phenomenon that cannot be dismissed as an isolated or private incident — merely the result of a jealous or unstable personality. Instead, it requires a serious and coordinated analysis of the societal norms and mentalities that enable it.

In fact, the Parliamentary Commission of Inquiry into Femicide and all forms of gender-based violence, established in the previous legislature, highlighted these definitional challenges in its report entitled *The judicial response to femicide in Italy: Analysis of the investigations and judgements (2017-2018)*, which examined 273 criminal cases:

"Femicide — preceded by violence against women, of which it is the most extreme manifestation — is difficult to recognise and eradicate because addressing it requires a fundamental cultural shift in terms of decoding the normalised signs of women's subordination and the unequal power dynamics between the victims and perpetrators, often perceived as legitimate"<sup>48</sup>.

Another increasingly common and particularly horrific form of femicide occurs when a man kills a woman's children solely to harm her, leaving her alive. This is known as indirect femicide or living femicide. For the perpetrator, the murder of the woman's children is an act of *perpetual punishment* against a woman, who had chosen to leave him and his violence, stripping him of the control and domination that he perceives as his only form of power.

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47 The most widely recognised definitions of femicide or feminicide come from Diana H. Russell and Marcela Lagarde.

48 *The judicial response to femicide in Italy. Analysis of the investigations and judgements. (2017-2018)*, p. 10.

## 3.2 The definition

The only formal definition currently available is found in the European Parliament Resolution of 28 November 2019<sup>49</sup>, which defines femicide as "the violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person, or when it is perpetrated or tolerated by the state or its agents, by action or omission."

In its study leading to the aforementioned report, the Parliamentary Commission of Inquiry into Femicide of the 18th Legislature deemed it necessary to specify one implicit aspect of a subjective nature: that the perpetrator is a male individual.

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49 This definition, outlined in Recital (E) of the Resolution on the EU's Accession to the Istanbul Convention and Other Measures to Combat Gender-Based Violence (2019/2855(RSP)), aligns with the Inter-American Convention on the prevention, punishment, and eradication of violence against women (known as the Convention of Belém do Pará), adopted by the General Assembly of the Organization of American States in Belém, Brazil, in June 1994.

### 3.3 The lack of reliable data (in Italy and beyond)

The absence of a standardised definition of femicide results in a lack of consistent data. Each institution responsible for collecting information classifies cases differently, making the true scope of the phenomenon uncertain.

In fact, several forms of gender-based killings are currently not *counted* as femicides, including:

- suicides resulting from physical or psychological abuse;
- the killing of children of women who have been victims of violence;
- disappearances of women;
- deaths resulting from prolonged abuse;
- the murder of prostitutes (often dismissed as financially motivated) and trafficking victims;
- killings of women linked to Mafia or organised crime;
- cases of severe disability caused by extreme violence, such as facial disfigurement, sensory loss, paralysis, burns, irreversible psychological trauma, etc.;
- the lifelong trauma suffered by witnesses who survive the killing of their mother, sister, or daughter, yet remain emotionally and psychologically scarred.

According to the report entitled *The Judicial Response to Femicide in Italy. Analysis of the Investigations and Judgements*:

- 70.1% of femicides occur within intimate relationships (57.4% are committed by a current partner, while 12.7% are carried out by an ex-partner);
- 19.8% of femicides occur within the family (9.1% by a son, 4.6% by a father, and 6.1% by another relative), reinforcing the now widely held belief that this crime is primarily committed in intimate relationships.

However, given the complexity and diversity of women's deaths, along with the evolving nature of relationships that extend beyond personal partnerships, it would be inaccurate to confine the phenomenon to this sphere alone, which accounts for 90% of cases. In fact, a more nuanced and comprehensive approach — one increasingly reflected in international classifications<sup>50</sup> — allows

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<sup>50</sup> For reference, see the Latin American Model Protocol for the investigation of gender-related killings

for the recognition of femicides occurring in other contexts, albeit in smaller numbers compared to the broader phenomenon. These include femicides linked to social, professional, and criminal spheres (such as those related to Mafia and organised crime), or those occurring within the context of prostitution, which account for nearly 8% of cases.

The common thread that connects all femicides — as defined in the European Parliament Resolution and regardless of the context in which they occur — lies in their motive, which is unrelated to any emotional attachment or mental illness: a woman (or girl) is killed simply because she belongs to the female sex. If the victim were a man (or a boy) under the same circumstances, the outcome would not be the same.

Femicide is characterised by two fundamental elements common to all cases:

- the perpetrator — who is always male — builds his identity around a dynamic of domination (even sexual) and control (even psychological) over a woman or girl. Violence against her serves to reaffirm and demonstrate his power, often publicly;
- A woman who chooses to leave a relationship — whether overtly abusive or subtly oppressive — is killed because, by asserting her independence (e.g. socialising with friends, pursuing education, seeking a fulfilling career, dancing, enjoying leisure, not prioritising childcare or domestic duties, entering new relationships, earning more than her partner, or gaining greater recognition and respect), she challenges male authority. In doing so, she not only violates social norms, but also makes the man who granted her that autonomy appear weak in the eyes of his community. The consequence is death<sup>51</sup>.

Thus, women are not killed because they are weak or vulnerable, but rather because they demonstrate extraordinary courage in resisting their aggressors' attempts to exploit, dominate, possess, and control them.

Internationally recognised indicators<sup>52</sup> that commonly define femicide and distinguish it from other forms of homicide include:

- the nature of the relationship between victim and perpetrator, characterised

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of women (femicide/feminicide), developed by the United Nations High Commissioner for human rights in 2014.

51 See p. 10 *Report on the Judicial response to femicide in Italy. Analysis of the investigations and judgements. (2017-2018)*, as cited by the Parliamentary Commission of Inquiry on Femicide from the previous legislature.

52 See note 3 above.

- by subordination, control, or dependence;
- a prior history of violence, particularly psychological and sexual abuse, inflicted by the perpetrator;
  - the victim's body being found naked or partially clothed, indicating a *sexualised* crime scene;
  - the presence of specific vulnerabilities in the victim, such as pregnancy, youth or old age, economic dependence on a male partner, illness, drug addiction, etc.);
  - particularly brutal methods of killing that aim to erase identity, such as amputating limbs or destroying the victim's face or body structure (mutilation, injuries, degrading acts before or after death, decapitation, charring, dissolving in acid, etc.);
  - the presence of misogynistic messages, either directly on the body (e.g. spitting on it) or through external media (e.g letters, videos, etc.);
  - commission of the act in front of the victim's children or relatives to publicly display the ultimate act of dominance;
  - justification of the killing by the perpetrator as a necessary and inevitable act, due to the victim's failure to conform to an expected role rooted in deeply ingrained stereotypes reinforced by societal *norms*.

The difficulty that both Italian and foreign professionals in the social, healthcare, and judicial fields face in distinguishing femicide from other killings of women primarily stems from cultural differences in those responsible for making such determinations.

In fact, a well-trained professional understands that the first step is recognising gender discrimination and the inherent power imbalance between men and women (on which the couple's relationship is also based), which is often mistakenly perceived as a natural fact due to millennia of social conditioning, even within the judicial system<sup>53</sup>.

Those lacking the cultural awareness to recognise discrimination against women and girls fail to identify the early indicators of violence before it manifests in its most severe forms, as they either normalise it, obscure it, or downplay its severity.

Addressing femicide requires a thorough analysis of how violence manifests and escalates, with death being its ultimate expression.

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53 P. Di Nicola Travaglini, F. Menditto, *Il nuovo Codice Rosso. Il contrasto alla violenza di genere e ai danni delle donne nel diritto sovranazionale e interno. Commento aggiornato alla l. n. 168/2023 e alla nuova direttiva UE del 2024*, Giuffrè Francis Lefebvre, Rome 2024, pp. 252 et seq.

Femicide is invariably preceded by a continuum of abuse, misogynistic behaviour, or demeaning actions by the perpetrator towards the victim, which are often difficult to detect due to:

- stereotypes and prejudices deeply embedded in society, affecting both men and women alike;
- a social or familial context that normalises and reinforces the imbalance between women and men, failing to acknowledge the violence it perpetuates;
- untrained professionals who minimise or overlook the signs, thereby enabling its recurrence and impunity.

### 3.4 Femicide in the Italian legal context: perspectives

Like most European countries, Italy does not recognise femicide as a distinct crime but classifies it under homicide (art. 575: “Anyone who causes the death of a man shall be punished...”), literally referring to the killing of a man. This choice was both a legal and a linguistic one, as the Italian term for man (*uomo*) was considered more universally understood than the term *person*<sup>54</sup>.

The death of a man or woman during a bank robbery is distinct from the death of a man in a brawl, and both differ from the killing of a woman who sought freedom from a violent relationship, only to be murdered for it. Article 575 of the Criminal Code punishes all three offences but only explicitly acknowledges the first two, as it fails to name the underlying motive of the third. The language used obscures or *disregards* the sex of both the perpetrator and the victim, despite sex being the defining factor in such cases.

There is hope that femicide — understood as the killing of a woman due to her sex — will be recognised as a distinct crime. Just as the introduction of article 416-*bis* of the Italian Criminal Code (Mafia-type associations) was driven by the assassinations of Pio La Torre and General Carlo Alberto Dalla Chiesa, the State must fully define and confront this complex phenomenon, beginning with the recognition of its *name*.

In defining what the *Mafia* was (now codified in no fewer than 8 paragraphs spanning 54 lines), the entire country evolved, gaining the cultural awareness necessary to combat it. Legislators, civil society, educational institutions, the judiciary, and law enforcement all engaged with this now-legal category, dissecting its multifaceted roots (political, economic, cultural, anthropological, criminological, social, etc.).<sup>55</sup>

The absence of a specific crime of femicide prevents society from recognising it as such, or offering the tools necessary to define it (starting with an acknowledgement of its very foundation), much less to prevent or prosecute it. The fact that the Criminal Code paradoxically recognises femicide under the generic provision of “anyone who causes the death of a man...”, makes it difficult to conceptualise it as a distinct crime.

Despite Italy’s robust legal framework for preventing and combating violence against women and domestic violence — strengthened significantly in recent years — there remain serious shortcomings in terms of enforcement. This has led to repeated condemnations by supranational Courts, largely due to

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<sup>54</sup> Report to the King regarding the criminal code no. 186.

<sup>55</sup> See P. Di Nicola Travaglini, F. Menditto, *Il nuovo Codice Rosso*, cit., p. 254.

authorities' failure to recognise violence within its broader context, often reducing it to a mere *domestic dispute*.

Those who fail to recognise the defining elements of male violence against women — often because they are embedded in their own cultural perspectives:

- do not adequately protect victims and their children, underestimating the risk factors;
- fail to isolate the violent perpetrators, excusing and obfuscating them with misplaced sentiments — such as jealousy, love, or frustration for unreciprocated feelings — thus fostering impunity and societal tolerance of male violence against women;
- obstruct the victims' access to justice, sometimes even shifting blame onto them for the crimes they have suffered;
- erode trust in the institutions;
- employ prejudiced and stereotypical arguments, relying on emotional narratives that distort objective facts, blame the victims, and justify the perpetrators<sup>56</sup>.

In all cases of violence against women, the Italian Criminal Code employs *neutral* language (anyone, person, etc.), never explicitly mentioning the words *woman* or *gender*, despite adequately punishing such offences in an abstract legal sense.

Although femicide is not explicitly defined as a distinct crime, it carries a minimum sentence of 21 years' imprisonment, with life imprisonment applicable when the crime involves an intimate relationship between the perpetrator and the victim or is committed under certain circumstances.

However, femicide remains under-prosecuted due to procedural barriers<sup>57</sup> and judicial biases — trends which are evident in the study of 118 judgements analysed in the Report on *The judicial response to femicide in Italy. Analysis of the investigations and judgements. (2017-2018)*, with generic extenuating circumstances applied in 30% of femicide judgements. In response, between 2018<sup>58</sup> and 2019<sup>59</sup>, legislators expanded the scope of life imprisonment to

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56 *Report on the Judicial Response to Femicide in Italy. Analysis of the investigations and judgements. (2017-2018)*, cit. pp. 84-87.

57 The summary trial procedure reduces the sentence by one third, converting life imprisonment into a 30-year sentence.

58 Law no. 4 of 2018 (effective as of 16 February 2018) introduced the sentence of life imprisonment (replacing the previous 24- to 30-year sentence) for homicides aggravated by personal relationships (art. 577 of the Criminal Code), including cases where the victim was a spouse (even if legally separated), a civil union partner, or a cohabiting partner.

59 Law no. 33 of 2019 (effective as of 20 April 2019) barred the use of the summary procedure in such

include cases involving cohabiting or separated spouses. Additionally, they restricted the use of summary trials, and limited the mitigating effects of generic extenuating circumstances (however, with its ruling no. 197 of 2023, the Constitutional Court declared the prohibition on prioritising extenuating circumstances over aggravating circumstances to be unconstitutional).

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cases, and art. 11 of Law no. 69 of 2019 (the so-called Red Code) further amended article 577 of the Criminal Code to extend life imprisonment to cases where the victim was a minor adopted under Law no. 184 of 1983, or a person bound by a sentimental relationship, even without permanent cohabitation.

# **4** Anti-violence centres

## 4.1 The role of anti-violence centres

Anti-violence centres provide free support to women of all ages — as well as their minor sons and daughters — who have experienced violence or are at risk. These centres offer individualised pathways to escape violence and achieve autonomy, while also promoting prevention, training, and awareness-raising activities within the community, and establishing networks. Designed as autonomous spaces for women, these centres aim to drive cultural transformation and address the structural dynamics underlying male violence against women.

Their minimum operational standards are currently defined by the agreement reached at the Unified Conference of the State and Regions of 14 September 2022.

Anti-violence centres are established by local authorities — either independently or in collaboration with private sector organisations — and must be operated exclusively by entities actively engaged in preventing and combating male violence against women and with specific experience and expertise in supporting women victims of violence. They employ specifically trained professionals who use a women-centred approach to support survivors. Such organisations must uphold the prevention of and fight against male violence against women as their exclusive or primary objectives, stating so in their Memorandum of Association and Articles of Association. This commitment must be evidenced by their budget allocation, and must align with the objectives of the Istanbul Convention. Additionally, they must demonstrate at least five years of proven experience in combating violence against women.

Ensuring that anti-violence centres are run by professionals with specialised expertise and experience is crucial to maintaining the quality of the services offered to women. This cannot be achieved through a neutral approach that fails to acknowledge male violence against women as a manifestation of historically entrenched power imbalances between the sexes, which have led to women's subjugation, discrimination, and the denial of their full citizenship.

Recognising violence against women as structural and gender-based means understanding that what occurs at the interpersonal level — primarily within the home — extends beyond the experience of an individual woman. It is part of a broader societal framework that enables, legitimises, and perpetuates such violence. Adopting this perspective, which is now embedded in the regulatory system, requires not only a commitment to transforming the economic, symbolic, cultural, and social structures, but also the implementation of a well-defined working methodology. Developed over the years and validated by leading international organisations focused on intervention and quality

standards, this methodology effectively addresses the diverse needs of women experiencing violence.

It is rooted in the relationship between women, fostering empowerment, self-awareness, and autonomy in personal, social, and political life. It emphasises strengthening internal resources and rebuilding self-esteem, which is often severely eroded by prolonged exposure to violence. This approach moves away from standardised, prescriptive techniques, instead prioritises a practice that begins by believing the woman's account and building trust within the support relationship. For this reason, anti-violence centres must exclusively employ professionals with specific cultural and technical training, regardless of their field – be it legal, social, educational, psychological, or other relevant disciplines. Staff must possess specialised skills in needs assessment, risk evaluation, and guiding women through pathways out of violence, and/or other disciplines necessary for the centre's activities (e.g. training, prevention, advocacy, and network-building). These centres do not apply family mediation techniques, nor do they allow access to perpetrators of violence and abuse, for whom programmes are provided in separate spaces and with different teams.

Anti-violence centres structured in this way provide both native and migrant women with:

- listening support: the first point of contact, including preliminary telephone consultations, aims to assess needs and provide initial guidance. From the very first interaction, it is essential that the woman feels empathy, support, and competence in the information provided, ensuring that possible solutions are presented with the utmost respect for her wishes and needs;
- reception: structured interviews analyse the woman's situation, allowing for the development of an individualised pathway out of violence. This is done through a customised plan tailored to her specific needs. The work with the women focuses on reinterpreting their experience of violence within a broader social and cultural context. Rather than adopting a therapeutic approach, this is achieved through relational and psycho-social interventions designed to support awareness-building. The process follows shared timelines and methods, creating a space where the woman can articulate her story, process her experience, and overcome the trauma. The methodology ensures that any action – whether accessing services, filing a complaint, pursuing separation, or any other step – is only taken with the woman's consent. Support is always provided in her best interests, according to her wishes and following the principles of protection, confidentiality, anonymity, and non-judgement. The women are not offered pre-determined solutions; instead, they receive targeted support and appropriate information, enabling them to make the choices that best suit their individual situations. One well-

established working methodology is the creation of support and self-help groups, which can offer:

- psychological support: individual or group psychological assistance, provided when the centre's staff, in consultation with the woman, determine that such support is necessary;
- legal assistance: provision of legal information and guidance, as well as support from civil and criminal lawyers registered for legal aid, at all stages of the legal proceedings;
- support for economic and housing autonomy: employment guidance, including information and connections with job centres to facilitate professional integration and economic independence; specific projects to promote the development of social enterprises and training apprenticeships. Guidance on independent living through agreements and protocols with local authorities and partner agencies;
- assistance services: assistance in gaining access to services for women facing specific vulnerabilities, including migrant women with cultural and language barriers; this includes guidance on accessing local healthcare services, navigating administrative and bureaucratic procedures, and securing financial support, such as freedom income and microcredit;
- accommodation: in shelters, also in emergency situations. Provision of accommodations for set periods in secure shelters for women in need. These facilities, can be either confidential or designated safe spaces that ensure the physical security of the women and their children;
- projects: with children of victimised women who have been exposed to violence. Many women seeking assistance have children who themselves have experienced or been exposed to violence. The anti-violence centres offer recovery programmes to address the harm experienced by children and to support mothers in rebuilding the mother-child bond, which is often severely impacted by violence. Children in these programmes frequently undergo significant healing, develop healthier thought and behaviour patterns, and build a strong relationship of trust and alliance with their mothers, who are their protective caregivers.

Many centres, often with the support of trained cultural mediators, provide assistance to migrant women, asylum seekers, and victims of sexual exploitation and human trafficking. They also intervene in cases of forced marriage and female genital mutilation.

According to the Agreement reached at the Unified Conference of the State and Regions, anti-violence centres must remain open at least 5 days a week,

including public holidays. They must maintain a dedicated 24-hour telephone line with voice mail for information, as well as a connection to the 1522 national helpline for 24/7 intervention. Where local resources allow, centres may also provide 24/7 operator availability for emergency coordination. The premises used as operational headquarters for anti-violence centres and shelters must comply with the national and regional habitability regulations. They must also provide suitable spaces to accommodate various activities while ensuring privacy.

Such centres have long been engaged in prevention efforts, cultural awareness campaigns, and training programmes for social services, healthcare, justice, and law enforcement professionals. They actively work to challenge societal norms and dismantle harmful stereotypes that limit women's opportunities and contribute to social conditions that lead to their victimisation. These centres function as "social laboratories," fostering innovative programmes and strengthening local networks starting from the reception stage and support programmes in place, in coordination with key stakeholders to address the needs of women and their children. Anti-violence centres actively build relationships with institutions and organisations involved in preventing and combating violence against women. Through these partnerships, they promote cross-sector collaboration, challenge cultural narratives surrounding violence against women, and work toward eradicating the deep-rooted social and psychological causes of gender inequality. They play an indispensable role in promoting education on emotional awareness and respect from an early age, recognising these as priority tools for preventing male violence against women. Additionally, they actively advocate for and implement training programmes that address implicit stereotypes and unconscious biases related to gender issues across information, communication, and education sectors.

# 5 Beyond the violence

## 5.1 Orphans of domestic crimes

Law no. 4 of 11 January 2018 provides legal and economic protections for orphans of domestic crimes. Specifically, it safeguards minor children and economically dependent adult children of victims killed by a spouse (including those legally separated or divorced), a civil union partner (even if the union has ended), or a person with whom the victim had a sentimental relationship with stable cohabitation.

From a procedural perspective:

- the law in question grants the victim's children access to legal aid, even if they do not meet the standard income requirements;
- with regard to the phase that precedes the definitive determination of the perpetrator's criminal liability, the law amends art. 316 of the Code of Criminal Procedure, which regulates asset seizure. In particular, it mandates that the public prosecutor verify whether the victim had minor or economically dependent adult children and, if so, request the seizure of the suspect's assets at any stage of the proceedings to ensure compensation for the civil damages suffered by the victim's children;

- in cases of homicide involving a spouse (even if separated or divorced), a civil union partner (even if the union has ended), or a person with whom the victim had a sentimental relationship with stable cohabitation, the law provides additional financial safeguards. If the criminal trial does not allow for a final assessment of damages, but the victim's children have joined the civil action, at the time of sentencing the judge must award them a provisional compensation amounting to at least 50% of the estimated damages, which will later be finalised in civil proceedings. If the suspect's assets have already been seized, the seizure is converted into an asset attachment following the first-instance judgement, within the limits of the provisional compensation awarded.

Economic provisions:

- the law strengthens the principle of unworthiness to inherit, making disqualification from inheritance automatic upon conviction for domestic homicide. In such cases, the suspect's summons of inheritance is suspended until a dismissal decree or final acquittal is issued. Upon conviction or plea bargaining, the Judge formally declares the offender unworthy to inherit, eliminating the need for heirs to file a civil lawsuit to achieve the same result;
- additionally, the law expands existing provisions that prevent a convicted murderer from receiving the victim's survivor's pension. If a person is committed to trial for voluntary manslaughter of a spouse (including those separated or divorced) or a civil union partner, their entitlement to a survivor's pension is suspended. If the case is dismissed or results in acquittal, the right to receive arrears is reinstated. Moreover, in cases where the survivor's pension is suspended, minor or economically dependent adult children of the victim are entitled to receive, without any obligation of restitution, either the survivor's pension of the convicted parent, or the lump-sum allowance that would have been due to the convicted individual for the manslaughter of the other parent. Upon conviction for murder, the judge orders the payment of a sum equivalent to the amount the convicted person had received up to the point of suspension, either as a lump sum or as a survivor's pension. The public prosecutor is responsible for notifying the social security institution of the individuals who should receive the reassigned survivor's pension.

The law also includes additional provisions, outlined below:

- the state, regions, and local authorities are responsible for promoting and organising assistance programmes for victims, including information, support, and counselling services. They must also establish measures to ensure the right to education and employment opportunities for children affected by domestic crimes. The same authorities are tasked with supporting

voluntary organisations, implementing appropriate insurance schemes for orphans, collecting data, and monitoring the enforcement of regulations that benefit victims and their families;

- children of domestic homicide victims are entitled to free medical and psychological care for as long as necessary to restore their psychological well-being. They are also exempt from any contributions toward healthcare and pharmaceutical services;
- the legal framework regarding the custody of children left without parental care following the death of their parent is amended to prioritise maintaining emotional bonds with relatives up to the third degree, ensuring, where possible, that siblings remain together;
- the budget for the Revolving Fund for Victims of Violent Crimes is increased by €2 million annually from 2017 onward, with a portion specifically allocated to orphans of domestic crimes (through the provision of scholarships and initiatives to support their integration into the workforce);
- the law mandates the forfeiture of public housing allocations for individuals convicted of domestic violence;
- the victims' children are granted the right to change their surname if it coincides with that of a parent who has been definitively convicted of murdering their spouse or other family members.

The law amends art. 577 of the Criminal Code, which addresses homicide aggravated by personal relationships. Specifically, it increases penalties and broadens the scope of the provision: life imprisonment is now mandated if the victim is: the offender's spouse (including those legally separated); civil union partner; or a person with whom the offender had a sentimental relationship with stable cohabitation. This law therefore not only increases the punishment for uxoricide (spousal homicide) – which under the previous law carried a sentence of 24 to 30 years – but also extends the same penalty framework to civil partnerships and cohabiting relationships.

However, the penalty for murdering a divorced spouse or a former civil union partner remains imprisonment of 24 to 30 years.

Additionally, decree no. 71 of 21 May 2020 implemented further regulations concerning benefits for orphans of domestic crimes, both minors and economically dependent adults.

Key provisions:

- the decree introduces measures to support the right to education by providing scholarships for orphans of domestic crimes, even based on special

agreements established by the Commissioner for victims of Mafia-type crimes and violent intentional crimes. In particular, the decree ensures the allocation of scholarships and grants access to free or reduced-fee enrolment at boarding schools, educational institutions, and other learning facilities. These benefits apply to students enrolled in the national education system, vocational training institutions, universities, Higher Education Institutes for Art, Music, and Dance (Afam), and Higher Technical Institutes (Its);

- the decree also includes initiatives for career guidance, vocational training, and job placement support, alongside recruitment incentives for employers. Private sector employers who hire orphans under permanent employment contracts are eligible for an incentive covering up to 50% of the employer's social security contributions for a maximum period of 36 months per new hire. This incentive also applies to part-time employment contracts, provided they are permanent. However, in such cases the maximum financial support is reduced.

Finally, the regulation grants €300 per month per child to foster families caring for orphans of domestic crimes.

Significant amendments were introduced by Law no. 168 of 23 November 2023, commonly known as the Roccella Law, which was unanimously approved by Parliament.

In particular, art. 17 establishes the right to request provisional compensation, or rather a sum of money paid in advance to the victim or, in cases of death, to those entitled. This provision applies in situations of financial hardship resulting from crimes such as homicide, sexual violence, grievous bodily harm, or facial disfigurement caused by permanent injuries perpetrated by a spouse (including separated or divorced spouses) or a person with whom the victim has or previously had a sentimental relationship.

The application for provisional compensation must be submitted to the Prefect, which will conduct a preliminary investigation with the assistance of law enforcement agencies to verify eligibility.

The Solidarity Committee for victims of Mafia-type crimes and violent intentional crimes is responsible for determining the amount of the provisional compensation following the Prefect's investigation.

The provisional compensation is deducted from the final compensation awarded in the event of a conviction, plea bargain ruling (even if final), or criminal decree of conviction (even if not yet enforceable).

## 5.2 Secondary victimisation

### Origins of the concept

The term "victim blaming" was first coined by William Ryan in his 1971 book entitled *Blaming the Victim*. His work was a direct critique of Daniel Patrick Moynihan's paper entitled *The Negro Family: The Case for National Action*, (1965), which theorised about ghetto formation and intergenerational poverty.

Ryan argued that Moynihan's theories attempted to place the responsibility for poverty on the cultural behaviours and patterns of the poor themselves. This concept was later adopted in legal discourse, particularly in defence of rape victims, who were frequently accused of provoking or facilitating the crime they had suffered.

Secondary victimisation, also known as post-crime victimisation, generally occurs when crime victims experience a second form of "victimisation" or harm, not from the offender, but from the institutions.

This secondary victimisation may also be inflicted by Institutional representatives, including healthcare professionals, law enforcement officers, lawyers, and judicial authorities (who may dismiss the victim's account, question their credibility, or even accuse them of provoking the assault). The media can also contribute to "secondary victimisation," for instance, by publishing the victim's name and photo, exposing them to public scrutiny without ethical considerations, or by implying that their complaint is false before a court ruling has been issued.

Institutions most commonly responsible for secondary victimisation include law enforcement agencies, the judiciary, social services, and healthcare services.

A qualitative survey conducted by the Dire Donne in Rete contro la Violenza anti-violence centre (November 2023) found that, at the start of their journey out of violence: 60% of women experienced secondary victimisation by law enforcement and judicial officials, 32% by social services, and 25% by healthcare professionals.

With regard to healthcare professionals, the study revealed that secondary victimisation often occurs during the first interaction between the victim and emergency room staff. This manifests through lack of attention, empathy, or willingness to listen, expressing scepticism about the violence suffered, or anticipating what the victim might do, even in terms of possibly filing a report, presenting scenarios that may feel overwhelming or even risky for the woman and her children during a moment of extreme vulnerability.

Another critical instance of secondary victimisation often arises when victims engage with public service psychologists. When assessing a woman's psychophysical condition and parenting abilities — especially in cases involving children — psychologists may downplay the violence she has endured, sometimes casting doubt on her competence as a mother.

# **Part Two**

## **Training**

**Tools for preventing, protecting, and prosecuting violence against women**

**Guidelines**

# **1** Guidelines for training professionals working with women who have experienced violence and their children

## **1.1 Foreword**

This section outlines the fundamental training guidelines for all professionals working with women affected by violence, as these general principles apply across all categories. Subsequent chapters (Chapter 2 and beyond) will focus on specific professional fields.

## 1.2 Adoption of an interpretative perspective based on sex discrimination

Our civil and criminal codes, including procedural law, are formulated in neutral terms — meaning that legal cases are typically examined without consideration of the sex of the perpetrator or the victim, as the law treats *human beings* as universal and abstract subjects.

However, crimes covered by the Istanbul Convention — such as domestic violence, forced marriage, stalking, and sexual violence — disproportionately affect women and girls, and are primarily committed by men as acts of domination and power assertion.

Therefore, in these cases, the sex of both the victim and the perpetrator is central to the crime itself (or the civil dispute in family law cases), as its root cause lies in sex-based discrimination. This is why the Istanbul Convention, Directive 2024/1385/EU, and before them, the CEDAW<sup>1</sup> — which, pursuant to art. 117 of the Constitution, are sources of domestic law — require legal practitioners<sup>2</sup>, particularly the judiciary, tasked with interpreting the law, to acknowledge the biological sex of both the perpetrator and the victim as a fundamental prerequisite in cases of violence against women, as this recognition is essential for identifying, assessing, and addressing such crimes appropriately. This prerequisite is also crucial for ensuring a comprehensive understanding of the facts, rather than a fragmented or misleading one. It allows for the true motive behind the crime to be discerned, preventing it from being mischaracterised as an isolated act driven by temporary behavioural states (anger, frustration), economic difficulties (social distress, unemployment), emotional factors (jealousy), health conditions (alcohol or drug addiction, borderline disorders, impulsive outbursts), or psychological issues (anxiety, fear of abandonment). Instead, such violence must be recognised as part of a systemic pattern of male domination over women — a dynamic deeply ingrained in societal norms, expressed in multiple forms, and rooted in historical discrimination between the sexes.

From a human rights perspective, which serves as its foundation, the interpretative premise of male violence against women is that the root causes and aggravating factors of violence against women must be examined within the broader framework of systemic discrimination and subordination to which

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<sup>1</sup> Convention adopted by the United Nations General Assembly on 18 December 1979, ratified by Italy through Law no. 132 of 14 March 1985, and entered into force on 10 July 1985.

<sup>2</sup> The Istanbul Convention, ratified by Italy and acceded to by the European Union, mandates the application of this Interpretative approach in its Preamble, as well as in articles 4(2) and (4); art. 6; art. 18(3); art. 22(3); and art. 49(3).

women are subjected. This is why the Istanbul Convention does not merely reaffirm rights already recognised by national legal systems (such as human dignity, personal freedom, health, life, and education), but rather redefines and asserts them as specific to women, acknowledging that violence against women is structural in nature. It is a form of oppression that denies women even the most fundamental rights and freedoms, including the right to be recognised as individuals, to dissent on equal terms, and to make autonomous decisions about their own lives and bodies. In essence, it denies them freedom<sup>3</sup>.

According to the Istanbul Convention, violence against women is not only a criminal offence that infringes upon their human rights — it is an act of dehumanisation that reinforces inferiority and subjugation. It violates human dignity, particularly when it is justified or perpetuated by social and cultural practices rooted in gender discrimination.

The hierarchical relationship between the sexes and its deeply entrenched perpetuation are sustained by powerful and internalised cultural stereotypes, many of which operate unconsciously. These stereotypes reinforce a rigid opposition between sexes, permeating all aspects of life and normalising the subjugation of women alongside the absolute dominance of men: in the family sphere, women are expected to care for children, while men are seen as naturally suited to work activities; in behavioural models, women are considered fragile and reserved, while men are expected to be courageous and fearless; women are labelled as irrational and emotional, while men are deemed rational and strict; in social obligations, women must be beautiful, skilled in cooking, and maintain a tidy home, while men are expected to be breadwinners supporting their families; in relational expectations, women must be sexually irreproachable, faithful, and reserved, while men are granted sexual freedom and have presumed entitlement to women's bodies; in social prohibitions, women should not drink or go out alone, while men should not cry or show sensitivity; in individual aspirations, women are expected to prioritise building a family, whereas men are encouraged to seek professional success.

Failure to recognise discrimination against women as the fundamental lens through which violence must be understood undermines institutional (or professional) intervention. Without this perspective, violence does not get acknowledged, prosecuted, and is dismissed as a private matter (e.g. a mere family dispute, couple's quarrel, etc.). From this standpoint, the institutions must adopt a gender-conscious approach; otherwise, systemic inequality will

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3 Recent case law from the Court of Cassation has affirmed this interpretation, recognising gender-based violence as a violation of inalienable human rights (see, among others: Court of Cassation, Section VI, Judgement no. 26934 of 12/03/2024, S.)

continue to favour men, in violation of art. 3 of the Constitution, denying women effective and equal access to justice.

Practitioners must recognise that the fact itself of being a woman — not jealousy, substance abuse, anger, emotional fragility, sexual impulses, or mental disorders — is the fundamental trigger for male violence as an assertion of power. While these factors may exacerbate or accelerate abusive behaviour, they do not cause it. Instead, such violence stems from a deeply ingrained belief that women (or girls), by virtue of their gender, lack autonomy, and are at the complete disposal of men.

Additional vulnerabilities — such as age, poverty, unemployment, motherhood, or health conditions — can further aggravate this condition.

## 1.3 Risk detection and assessment and relative factors

The assessment of risk factors is explicitly mandated by art. 51 of the Istanbul Convention, and articles 16 and 37 of Directive 2024/1385/EU. As such, risk assessment must be a foundational component of training, serving as the cornerstone of both prevention and protection — a responsibility incumbent upon the States.

All professionals in the field must be familiar with risk factors and specific indicators of violence against women and girls, and be capable of detecting, analysing, and assessing these risks based strictly on facts, free from biases and stereotypes, in order to make informed, case-specific decisions to prevent the recurrence, escalation, or potential lethality of violent behaviour.

The risk assessment must always "be conducted in the best interests of the victim"<sup>4</sup> and remains a direct responsibility of each decision-maker, starting with judicial officers. This assessment requires the ability to identify different types of violence (psychological, economic, physical, and sexual) based on various contexts (family, professional, social, institutional, religious, and sporting environments). It is crucial to first determine how the relationship between the perpetrator and the victim develops, taking into account sex differences, the discriminatory and power-driven dynamics at play, any history of previous violence, and the perpetrator's controlling and proprietary behaviour.

In emergency conditions (e.g. in the emergency room, during an on-call police intervention, on the street, etc.), risk assessment can be based on the 5 essential questions contained in Annex B of the *National guidelines for health and hospital Authorities on rescue and socio-medical assistance for women who have experienced violence*, as outlined in the Prime Ministerial Decree of 24 November 2017:

- Has the frequency and/or severity of physical violence increased in the last 6 months?
- Has the attacker ever used or threatened to use a weapon or attempted to strangle you?
- Are you afraid that the attacker might kill you?
- Has the attacker ever hit you while you were pregnant?
- Is the attacker violently and obsessively jealous of you?

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<sup>4</sup> Art. 16.4 of Directive 2024/1385/EU.

If additional elements and a longer timeframe allow for a more in-depth investigation, the risk assessment criteria are outlined by the parliamentary commission of inquiry on femicide and all forms of gender-based violence. These criteria are detailed in the Report on *The Judicial response to femicide in Italy. Analysis of the investigations and judgements. (2017–2018)*, unanimously approved on 18 November 2021 (p. 57), which examines over 200 cases of femicide, categorising them based on the victim's and perpetrator's status, and the relational context between the two.

## **I Risk assessment criteria**

The key risk factors affecting the victim include: being a woman in a discriminatory and controlling relationship; failing to recognise the violence as such; the victim believing she can manage or restrain the violence; fear of the perpetrator; experiencing aggression or death threats perceived as real, including threats with weapons or objects; being pregnant or having suffered abuse during pregnancy; being a mother of young children or having children who are not the perpetrator's; noticing an escalation of violence in terms of frequency, intensity, and duration; having an illness or disability; being a foreigner; lacking a stable job or economic independence; being involved in prostitution or other stigmatised work; being geographically distant from family; using alcohol or drugs; being very young or elderly; expressing a desire to leave the relationship or having already done so; starting a new relationship, even if separated; believing that the perpetrator's behaviour may change; failing to seek help, including from anti-violence centres.

Risk factors associated with the perpetrator include: holding a rigid, traditionalist view of gender roles and discriminatory attitudes towards women, using sexist and misogynistic epithets; having a criminal record, particularly for offences against individuals; having lived in a violent family environment; having experienced violence or sexual abuse during childhood; owning or having access to firearms; displaying violence towards young children; expressing anger and aggression towards law enforcement officers; expecting the relationship to be permanent, regardless of the partner's wishes; believing that sexual intercourse is owed as a right; exercising control over their partner; being addicted to alcohol, drugs, or gambling; blaming violent behaviour on substance addiction; habitually devaluing and belittling their partner; suffering from physical illnesses and/or mental distress; being unemployed.

Contextual risk factors include: the presence of minor children or children raised by the woman alone; a situation of separation or divorce; joint custody arrangements and the father's visitation rights, especially when precautionary measures are in place; social isolation of the couple; the trivialisation of the

violence as mere jealousy or relationship disputes by family and friends when disclosed.

## 1.4 Prohibition of secondary victimisation

Professionals are strictly prohibited from engaging in secondary victimisation, as defined by the Istanbul Convention (articles 15, 18, 48, and 55), Directive 2012/29/EU (articles 12, 22, and 25(3)), Directive 2024/1385/EU (Articles 21(f), 25.5, and 36.9), the European Court of Human Rights (ECHR) ruling in *J.L. v. Italy* (27 May 2021), and the CEDAW Committee ruling in *F.C. v. Italy* (20 June 2022). The ECHR ruling mentioned above specifically condemned the “ordeal” that victims of sexual violence are made to undergo during trials, due to questioning that violates their dignity and privacy, is unrelated to the establishment of facts or assessment of credibility, paradoxically turning the victim into the accused<sup>5</sup>.

Although there is no formal legal definition of secondary victimisation, the fact that numerous supranational legal sources prohibit it<sup>6</sup> reveals its prevalence and severity.

According to the Italian Court of Cassation<sup>7</sup>, secondary victimisation refers to the prejudicial consequences suffered by the complainant as a direct result of the criminal proceedings they initiated. Secondary victimisation may occur during interactions between the victim and the institutions responsible for their protection, such as law enforcement, magistrates, psychological counsellors, and lawyers<sup>8</sup>. It can also stem from the broader social environment (e.g. social media, newspapers, workplace, etc.), where victims of certain crimes are isolated or blamed under the assumption that they somehow provoked the crime, making them partially responsible (*victim blaming*).

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- 5 Italy has also been condemned for secondary victimisation within the judicial system: see
- a) the ruling in *F.C. v. Italy* (148/2019) of 20 June 2022: the CEDAW Committee found that the Italian state violated articles 2, 3, 5, and 15 of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), given that, in a sexual assault acquittal, the Court of Appeals justified its decision by stating that a woman "might fabricate allegations of rape to mete out revenge..." (sec. 7.11). The ruling was based on "distorted perceptions and preconceived beliefs and myths rather than relevant facts, which caused the Regional Court and the Supreme Court of Cassation to misinterpret or misapply laws, thereby undermining the impartiality and integrity of the justice system and producing a miscarriage of justice and the revictimization of the author" (sec. 7.18);
  - b) the ruling in *I.M. et al. v. Italy* of 10 November 2022), in which the ECHR found Italy in violation of art. 8 of the Convention after a woman who reported her husband for domestic violence was labelled an "uncooperative parent" and had her parental responsibility suspended.
- 6 The Istanbul Convention (art. 15(1); art. 18(3); art. 42); Directive 2012/29/EU (Recital 52, and art. 12).
- 7 See the definition provided by the Court of Cassation, United Civil Sections, no. 35110 of 17/11/2021, Rv. 662942, sections 5.3.7.4. and 5.3.7.5., as well as the Court of Cassation, Criminal Section VI, Judgements 32042 of 8/7/2024, F., Rv. 286854 and 12066 of 24/11/2022, filed in 2023, T.
- 8 See Italian Constitutional Court Judgement no. 92, 21/02–27/04/2018, which defines secondary victimisation as: "a process that forces the injured party to relive the fear, anxiety, and pain experienced at the time of the offence."

Among the most common forms of secondary victimisation — for which Italy has been repeatedly condemned by the ECHR — is that experienced by victims of domestic violence<sup>9</sup>. This occurs when such cases are mischaracterised as family disputes, leading to serious legal consequences. In civil proceedings, victims may have their parental responsibility suspended, being wrongly accused of attempting to alienate the father from the children or failing to adequately protect them<sup>10</sup>; in criminal proceedings, the crime itself may go unrecognised, leaving mothers and children without protection and allowing the perpetrator to continue the abuse with impunity.

One particularly egregious form of secondary victimisation occurs during sexual violence trials, where victims are subjected to irrelevant or prejudicial questioning, aimed at victim blaming. This is primarily due to: a lack of training among judicial professionals on internationally recognised “rape myths”, which have been extensively studied and debunked, and confusion between assessing a victim’s credibility and violating her dignity.

To prevent secondary victimisation, the supranational Courts mandate that judicial authorities conduct rigorous, evidence-based case evaluations, avoiding subjective plausibility assessments and prejudicial constructs that are detached from factual analysis. Such flawed approaches inevitably result in procedural secondary victimisation.

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9 ECHR *I.M. et al. v. Italy* of 10 November 2022, *above*.

10 See the *Report on the secondary victimisation of women who suffer violence and their children in custody and parental responsibility proceedings*, unanimously approved on 20 April 2022 by the Parliamentary Commission of inquiry into femicide and all forms of gender-based violence.

# **2** Judicial practitioners

**Judges, Law Enforcement, Lawyers, and  
Consultants**

## 2.1 Valid training guidelines for judicial professionals

The following training guidelines apply to all judicial professionals – including judges, law enforcement officers, lawyers, and consultants – throughout criminal, civil, and juvenile proceedings. These are in addition to the general guidelines outlined in Chapter 1.

### **General guidelines for all legal proceedings (criminal, civil, and juvenile)**

As a general rule, judicial professionals must have:

- a comprehensive understanding of the Istanbul Convention, also in light of the relevant ECHR rulings, as well as Directive 2012/29/EU; Directive 2024/1385/EU; the CEDAW and its reports on Italy (GREVIO and the CEDAW Committee); a thorough knowledge of the national and international legal frameworks on women’s human rights, with ongoing updates on constitutional law, case law of the Supreme Court of Cassation, and ECHR jurisprudence;
- The centrality and priority of victim protection – including that of their children – must be upheld at all procedural and trial stages (both criminal and civil), in line with the *Talpis v. Italy* judgement which, in paragraph 123 states, "*The Court reiterates that in domestic violence cases perpetrators’ rights cannot supersede victims’ human rights to life and to physical and psychological integrity.*"<sup>11</sup>;
- priority handling of proceedings, as mandated by specific civil and criminal provisions<sup>12</sup>;
- awareness of judicial prejudices and stereotypes against women, which obstruct their access to justice to protect their human rights, and hinder an impartial, effective, and swift judicial response<sup>13</sup>, in light of both: the ECHR’s

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<sup>11</sup> Istanbul Convention: articles 1(1)(a), 2(2), 7(2), 16(3), 49, 50.

<sup>12</sup> Istanbul Convention, articles 49, 50.

<sup>13</sup> CEDAW: articles 2(f), 5 and 10(c); Istanbul Convention: articles 12 and 41; Directive 2012/29/EU: art. 25; Directive 2024/1385/EU: Recitals 75 and 79, articles 21(h), 34.5 and 35; March 2019 Recommendation of the Council of Europe *On Preventing and Combating Sexism*, which devotes an entire section to the said topic (II.F. Justice Sector) specifically “II.F.2. Provide for training of all law-enforcement personnel on sexism, cyber-sexism, sexist hate speech and violence against women; facilitate the reporting to police of such behaviour...” “II.F.3. Encourage national and international courts and tribunals to be receptive to third-party interventions and expert opinions on unfamiliar topics, such as sexism and gender stereotyping.”

condemnation of Italy in *J.L. v. Italy* of 27 May 2021, which found that the judicial Authorities used sexist stereotypes against a young gang-rape victim; and the CEDAW Committee's recommendation to Italy in *A.F. v. Italy* of 20 June 2022, which stated:

- Comprehensive training for judges, lawyers, and law enforcement officers on the impact of sexist stereotypes on women's equal access to justice; the CEDAW and its General Recommendations, particularly nos. 19, 33, and 35;
  - specific programmes on the legal, cultural and social dimensions of violence against women and gender discrimination, specifically targeting "judges, lawyers, law enforcement personnel, and medical personnel";
  - monitoring of strategies to eliminate judicial gender stereotypes in cases of violence against women. This includes analysing judicial rulings using dedicated tools for reporting and tracking cases of judicial stereotyping;
- recognition and prosecution of all forms of violence against women (physical, verbal, economic, sexual, and psychological), understood as a result of an asymmetric power dynamic rooted in discrimination against women; knowledge of the criteria to avoid confusing such cases with couple's disputes or family conflicts<sup>14</sup>;
  - the prohibition on secondary victimisation, particularly concerning the fear of being separated from one's children and the risk of being blamed in court for the violence suffered;
  - the use of respectful, objective, non-sexist, and non-moralistic language, which is essential to preventing secondary victimisation;
  - risk detection and assessment as essential tools for effective victim protection. These must be conducted repeatedly at all stages of proceedings and trials, with failure to do so constituting state liability. In order to examine the risk factors (of both an objective and subjective nature), it is first necessary to know them, to be able to detect them in detail, through targeted investigations of the perpetrator, the victim, their children, and the relational context, and finally to interpret them. Consider, for example, the *Landi v. Italy* case of 7 April 2022, in which the judicial authority's failure to adopt protective measures for the victim and her minor child, due to a flawed risk assessment, "*regardless of whether complaints are filed and regardless of whether they are withdrawn or the victim's perception of the risk changes,*"

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<sup>14</sup> Istanbul Convention: Preamble and articles 4 and 6; Directive 2012/29/EU: art. 22.

as required by art. 55.1 of the Istanbul Convention (sec. 92), led to the child's murder by the father following yet another assault (sec. 90);

- comprehensive knowledge of the traumatic effects of violence on victims and their children, without trivialising or underestimating their impact<sup>15</sup>;
- empathic, non-judgemental demeanour when listening to victims and witnesses<sup>16</sup>;
- a multidisciplinary understanding of violence against women<sup>17</sup>;
- familiarity with local and associative support networks that intervene to protect victims (e.g. CAVs, CRs, ASLs, CSMs, Social Services, CUAVs, etc.) and relations with these entities<sup>18</sup>;
- joint training with anti-violence centres<sup>19</sup>;
- coordination between civil, criminal, and juvenile judicial authorities<sup>20</sup>;
- implementation of continuous and permanent monitoring and evaluation mechanisms to assess the effective achievement of the objectives mentioned above or otherwise aimed at combating such forms of violence;
- participation in training programmes organised by the School for the Judiciary (both centrally and locally), as well as engagement in multidisciplinary training initiatives organised by various operators in the sector, with an integrated approach, to encourage knowledge exchange<sup>21</sup>.

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15 Istanbul Convention: articles 26, 31 and 56(2); Directive 2012/29/EU: art. 22.

16 Istanbul Convention: art. 18(3); Directive 2012/29/EU: art. 25.

17 Istanbul Convention: art. 12(2); Directive 2012/29/EU: art. 25.

18 Istanbul Convention: articles 7(3), 9, 15, and 18(2).

19 Istanbul Convention: articles 7(3), 15(2), and 18(2).

20 Istanbul Convention: art. 18(2);

21 Istanbul Convention: articles 1(1)(e), 7, and 15(2); Directive 2024/1385/EU: art. 23.

## General guidelines for criminal proceedings

### I. The preliminary investigation phase

According to the supranational sources<sup>22</sup>, the State has a mandatory obligation to protect and support victims of this type of violence.

All investigative and procedural activities must prioritise the "overriding safety of the victim"<sup>23</sup>, ensuring effectiveness in protection. This principle has been emphasised in the six ECHR judgements against Italy cited above, which condemned the judicial system's "passiveness" in such cases<sup>24</sup>.

This principle must be translated into concrete actions and measures<sup>25</sup>.

In the case of on-site interventions, it is necessary to:

- prioritise the victim's protection, immediately assess the conditions for adopting precautionary measures, including arrest, detention, or urgent removal of the perpetrator<sup>26</sup>;
- perform the on-site inspection, describing the condition of the premises thoroughly, using photographs or videos when necessary, avoiding personal judgements, assessments of the victim's morality, or opinions on how they should have acted, or determinations justifying or minimising the perpetrator's actions. The focus should remain strictly on accurately reporting the facts;
- not to encourage reconciliation between the victim and the aggressor;
- approach the victim appropriately, listening with empathy and speaking to her separately from the perpetrator, assessing her physical and emotional state, as well as that of her children;
- provide clear and separate information on the legal protections available, including the option to call 1522, and always encourage the victim to contact an anti-violence centre<sup>27</sup>;
- promptly inform the victim of her right to legal aid, explaining that a state-

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22 Istanbul Convention: art. 18; Directive 2024/1385/EU: Chapter 3.

23 Istanbul Convention: articles 18(1) and (3), 19, 24, and 25; Directive 2024/1385/EU: articles 15, 16, and 19.

24 ECHR rulings: *Talpis v. Italy* (2 March 2017); *Landi v. Italy* (7 April 2022); *De Giorgi v. Italy* (16 June 2022); *M.S. v. Italy* (7 July 2022); *I.M. et al. v. Italy* (10 November 2022)

25 See the Public Prosecutor's Office directive to the Judicial Police on combating gender-based and domestic violence against women, as well as the relative annexes  
[https://www.procura.tivoli.giustizia.it/contrasto\\_violenza\\_doc.aspx?id\\_gruppo=448](https://www.procura.tivoli.giustizia.it/contrasto_violenza_doc.aspx?id_gruppo=448).

26 Istanbul Convention: articles 48 and 55; Directive 2024/1385/EU: articles 15, 16, and 19.

27 Directive 2012/29/EU: art. 8; Directive 2024/1385/EU: articles 25(e), 26.

appointed lawyer will be provided by the State at no cost<sup>28</sup>;

- Escort the victim to the emergency room if she exhibits physical injuries, psychological distress, or signs of anxiety.

In the event of a complaint filed at the police headquarters<sup>29</sup>, it is necessary to:

- adopt an empathetic approach to listening, preferably in a comfortable setting. Begin by asking if she feels afraid (whether for herself, her children, others, or even pets or work-related concerns). Fear should never be overlooked;
- not to discourage the victim from filing a complaint or express concern over possible consequences for the perpetrator (e.g. effects on their job or children). The protection of the victim and the assessment of her individual needs must remain the central focus, coordinating with anti-violence centres as necessary<sup>30</sup>;
- accurately record the victim's statements verbatim, without adding personal comments;
- no to ask intrusive or inappropriate questions about the victim's private life aimed at moralising, guiltning, or shaming her<sup>31</sup>;
- gather all the detailed information necessary to accurately reconstruct the events;
- determine whether separation, divorce, or child custody proceedings are underway, as these are key risk factors;
- collect any relevant documents provided by the victim;
- use specialised investigation methods when dealing with minors, individuals with disabilities, foreign nationals, or victims facing multiple discrimination (based on sexual orientation, gender identity, age, country of origin, ethnicity, religion, etc.)<sup>32</sup>;
- prepare a detailed service report, in all cases where a victim approaches the police station to provide information or seek guidance regarding possible violence, even without filing a formal complaint, and forward it to the public prosecutor;

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28 Istanbul Convention: art. 57; Directive 2012/29/EU: art. 6.

29 Istanbul Convention: art. 21; Directive 2024/1385/EU: articles 14, 25, 26, 27, 28 on specialised victim assistance, and 36.9 on specific training for complainants.

30 Directive 2024/1385/EU: art. 16.6.

31 Istanbul Convention: articles 12, 42, and 54; Directive 2024/1385/EU: art. 20; Directive 2012/29/EU: articles 21, 22, and 23(3)(c); ECHR ruling: *J.L. v. Italy* of 27 May 2021; and Committee Decision: *A.F. v. Italy* of 20 June 2022.

32 Directive 2012/29/EU: art. 22(3)(4); Directive 2024/1385/EU: articles 16.4, and 21.

- conduct hearings with the victim with the utmost urgency, ensuring swift investigations and taking all necessary measures to provide immediate protection to the victim. This includes promptly requesting precautionary measures while considering the specific risk factors present in each case<sup>33</sup>;
- ensure oversight by the public prosecutor and judges who deal with the specialised group (which should not be referred to as "vulnerable groups," as this misrepresents the nature of the crimes and reinforces harmful stereotypes about the strength of women who report abuse). This oversight must include verifying compliance with directives issued to the judicial police to ensure their effectiveness, even through specialised training and collaboration with anti-violence centres<sup>34</sup>;
- establish specialised judicial police units within public Prosecution offices, dedicated exclusively to cases of violence against women and domestic violence<sup>35</sup>;
- assess domestic violence within a broader context, extending beyond physical abuse to include manipulative tactics (emotional, psychological, verbal, and economic) and other forms of coercive control that restrict the victim's and/or her children's autonomy (limitations on clothing, access to social media or phone usage, friendships, education, sports, employment, relationships with family, etc.)<sup>36</sup>;
- understand the severe psychological impact of children who have been exposed to violence perpetrated upon their mother, considering the most recent and accredited national and international scientific research on the subject<sup>37</sup>;
- frame sexual violence as an assertion of power over the victim's body, rather than an act driven by sexual impulses or desire. This crime occurs in the absence of an equal relationship and without valid consent<sup>38</sup>;
- investigate the disappearance or murder of a woman or girl through a gender-based lens, classifying such cases as femicide in accordance with the principles outlined above;
- approach cases of stalking and other forms of violence against women or girls

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<sup>33</sup> Istanbul Convention: articles 49, 50, and 51.

<sup>34</sup> Istanbul Convention: art. 7(3), 15(2), and 18(2); Directive 2024/1385/EU: art. 16.6.

<sup>35</sup> Istanbul Convention: art. 22; Directive 2024/1385/EU: Recitals 48, and 73, art. 35.

<sup>36</sup> In addition to note 12, Istanbul Convention: art. 33 and 49(2); Directive 2024/1385/EU: Recital 11, art. 2.

<sup>37</sup> Directive 2024/1385/EU: Recital 13

<sup>38</sup> In addition to note 12, Istanbul Convention: articles 36, 40, and 42.

within the broader context of desire for possession and coercive control, rather than attributing them to emotional distress or frustration following relationship breakdowns<sup>39</sup>;

- regularly and frequently reassess the need for precautionary measures to be requested during legal proceedings, particularly following new investigative developments;
- never underestimate sexist remarks, the victim’s fear, or the seriousness of the reported incidents — especially in cases where the victim retracts, downplays, or withdraws her complaint, as such behaviour often signals the ongoing cycle of abuse and may be evidence of ongoing violence<sup>40</sup>;
- avoid any justification of the offender based on drug, alcohol, or other substance addiction, as well as on declared mental disorders not directly linked to the crime committed, recognising that these factors only serve as accelerators or aggravators of violence<sup>41</sup>;
- avoid any justification by the perpetrator based on a desire to see their children<sup>42</sup>;
- hold an evidentiary hearing to preserve the evidence, minimise repeated interviews with victims, and expedite the hearings in the prosecution of cases<sup>43</sup>;
- hold regular meetings between the judges handling these cases to facilitate the exchange of information on legal application, experience acquired, investigative methods, and best practices for protecting victims;
- provide well-reasoned justifications for requests for case dismissal, ensuring transparency in the reconstruction of the facts, even when they do not lead to prosecution. Such records are often relevant in separation and divorce proceedings or in subsequent complaints and lawsuits requiring consideration of prior incidents.

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39 In addition to note 12, Istanbul Convention: articles 33, 34, and 42.

40 Istanbul Convention art. 48 and 55; Directive 2012/29/EU art. 22; Directive 2024/1385/EU Recitals 31 and 35 (for victims without a residence permit), 37, 41, and art. 15.5.

41 Istanbul Convention, articles 12, 42.

42 Istanbul Convention, articles 31, 42.

43 Directive 2012/29/EU art. 20(a).

## II. The trial phase

The primary duty of all legal practitioners is to prevent secondary victimisation.

For this to be achieved, it is essential to have:

- knowledge of unconscious judicial biases in cases of violence against women, which can lead to victim-blaming or holding them responsible for the crime they suffered;
- knowledge of so-called "rape myths", a codified system of false assumptions widely accepted as fact. These myths create an invisible cultural justification for sexual violence, narrowing its definition to rare scenarios — such as assaults by a stranger, at night, in a public space, with extreme violence, against a young, healthy, heterosexual, sober, and reserved woman, returning from work (or school) to a "normal" family, and resisting the attack at all costs rather than being paralysed by fear;
- a non-discriminatory approach in legal proceedings;
- an understanding of the traumatic effect of the violence suffered.

It is therefore necessary to:

- ensure that the prosecutor who conducted the investigation actively participates in the preliminary hearing and trial, while also providing specialised training to honorary deputy prosecutors involved in single-judge hearings, accompanied by appropriate directives from the Prosecutor;
- conduct thorough investigations in cases of retraction or downplaying of accusations, through empathetic, non-accusatory questioning of the victim. This includes recognising the cyclical nature of violence, assessing whether the incidents occurred within a cohabitation context or during separation, particularly when threats involve child custody or other family members. Effective investigative tools such as phone and environmental wiretapping should be employed to ascertain the pressure exerted on the victim<sup>44</sup>;
- conduct hearings with utmost attention to language, ensuring respect for the victim's dignity and safety at all times<sup>45</sup>;
- not allow or ask questions that are irrelevant to the facts, that suggest blame toward the victim, or that implicitly or subtly attribute responsibility for the crime suffered to them (e.g. questions about clothing, medical history, family

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44 Istanbul Convention art. 42 and 54; Directive 2012/29/EU articles 22 and 25(3); Directive 2024/1385/EU Recitals 31 and 35 (for victims without a residence permit), 37, and art. 15.5.

45 Istanbul Convention art. 1(1)(a); Directive 2012/29/EU articles 18, 21, 22, 23(3)(c), and 25(3).

background, personal habits, sexual orientation, etc.)<sup>46</sup>;

- conduct hearings in a victim-friendly setting, ensuring that the victim is positioned to avoid eye contact with the perpetrator and does not encounter them or their relatives before or after the hearing<sup>47</sup>;
- adopt an empathetic approach when listening to the victim, allowing them to pause or interrupt their testimony if they ask to do so or experience distress or difficulty<sup>48</sup>;
- uphold the suspect/defendant's fundamental right to defence while ensuring the victim's dignity remains protected<sup>49</sup>;
- minimize the duration of the victim's testimony and avoid multiple hearings whenever possible<sup>50</sup>;
- draft judicial orders strictly based on the facts, avoiding unnecessary adjectives or adverbs that do not contribute to the decision. Care must be taken to eliminate any language that implies victim-blaming, moralising, or justifying the perpetrator's actions by attributing them to emotions or impulses (e.g. frustration, distress, rage, jealousy, sexual impulse, etc.). Such subjective interpretations by the judge fail to identify the true causes of violence and compromise the impartiality of judicial rulings<sup>51</sup>;
- inform the victims or the children of femicide victims about the duration of the pre-trial measures, as well as the offender's completion of their sentence and expected release date<sup>52</sup>.

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46 Istanbul Convention art. 1(1)(a); Directive 2012/29/EU articles 18, 21, 22, 23(3)(c), and 25(3); Directive 2024/1385/EU Recital 48 and articles 20 and 21(f).

47 Istanbul Convention art. 56(d)(e)(f)(g)(i); Directive 2012/29/EU art. 19 and 23(3).

48 Istanbul Convention art. 56; Directive 2012/29/EU art. 25(3).

49 Istanbul Convention art. 56(f); Directive 2012/29/EU art. 18 and 23(3)(c).

50 Directive 2012/29/EU art. 20(a) and (b).

51 Istanbul Convention articles 15, 18(3), 42, and 54; Directive 2012/29/EU art. 25(3). ECHR *J.L. v. Italy* (27 May 2021) and Parliamentary commission of inquiry into femicide and gender-based violence, in the *Report on The judicial response to femicide in Italy. Analysis of the investigations and judgements*. cit. pp. 84-87.

52 Directive 2012/29/EU art. 6(5).

### III. General guidelines for preventive measures<sup>53</sup>

Throughout every stage of the criminal proceedings (e.g. in cases where a precautionary measure is deemed ineffective) and upon the offender's release after serving their sentence, both the public prosecutor and the police commissioner must assess whether to propose a personal prevention measure against individuals suspected of crimes involving violence against women and domestic violence (Legislative Decree no. 159/2011, art. 4(i-ter), where evidence suggests a continued risk to society.

This measure offers special protection for the victim, who should always be consulted – especially once the offender is no longer under any pre-trial supervision or has completed their sentence – to ensure that no actual danger remains.

### IV. General guidelines in civil and juvenile proceedings

The civil and juvenile sector is particularly delicate in effectively combating violence against women in all its forms, including economic violence, while also addressing the risk of secondary victimisation of mothers who report violence against themselves and/or their children<sup>54</sup> by their partners.

Particularly relevant to this white paper are the 13 January 2020 GREVIO Report on Italy (produced by the Independent Expert Group responsible for monitoring the implementation of the Istanbul Convention by Member States) and the 10 November 2022 ruling by the ECHR in *I.M. et al. v. Italy*, which reaffirms its key arguments. In particular, the Civil Court, when confronted with a father under investigation for abuse, forced the children – despite their evident terror – to visit with him "under questionable conditions." At the same time, the court labelled the mother as "hostile to the re-establishment of a father-child relationship," going so far as to suspend her parental responsibility "without examining her arguments and without considering the context of domestic violence mentioned in its initial ruling" (sec. 115).

In essence, this ruling by the Strasbourg Court condemns a practice observed in certain civil and juvenile courts, where women who report domestic violence, refuse to facilitate meetings between their children and abusive ex-partners, or oppose joint custody are deemed "uncooperative" and "unfit mothers." This perception often results in punitive measures, such as the suspension of parental responsibility, placement of children in institutional

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<sup>53</sup> Istanbul Convention art. 50.

<sup>54</sup> Ruling of the Court of Cassation Criminal Sec. 6, no. 14247 of 26 January 2023, L. on the issue of so-called "false accusations by women" contained in technical assessments based on abstract and unscientific constructs rather than factual evidence.

care, and legal action against the mother, leading to secondary victimisation of both the mother and her children (sec. 138).

A similar stance is taken in the *Report of the Parliamentary Commission of Inquiry on Femicide, which examines secondary victimization of women victims of violence and their children in legal proceedings concerning parental custody and responsibility*. Unanimously approved on 20 April 2022, the report is based on an analysis of 2,089 judicial separation cases involving minor children. It highlights civil and juvenile judges' and their technical consultants' failure to recognise domestic violence, primarily due to their reliance on the discredited concept of so-called "parental alienation," which lacks scientific validity and has been rejected even by case law<sup>55</sup>.

In civil and juvenile proceedings, it is imperative that all professionals develop an understanding of the discriminatory dynamics between men and women within family, social, and economic contexts. This awareness is essential to ensuring legal processes free from stereotypes and prejudices, which are particularly entrenched in the family context. Additionally, specialised training<sup>56</sup> must prioritise the protection of victims of violence and their children<sup>57</sup>.

It is necessary to:

- gather all relevant evidence to determine whether forms of violence are present within the context under review;
- coordinate with criminal prosecution authorities and obtain all available information<sup>58</sup>;
- avoid mediation or conciliation in any case where even a *hint* of violence is suspected<sup>59</sup>;
- understand the cyclical and manipulative nature of family violence and the role of institutional biases against women who report abuse of institutes and professionals (e.g. psychologists, counsellors, criminologists, social workers, etc.) who lack adequate, demonstrable training<sup>60</sup>;
- prioritise the child's best interests, ensuring they take precedence over the principle of co-parenting, which only applies in the absence of violence<sup>61</sup>;

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55 Court of Cassation Civil Sec. 1, Ruling no. 13217 of 22 January 2021.

56 Directive 2012/29/EU, art. 25.

57 Istanbul Convention articles 1(1)(a), 2(2), 7(2), 16(3), 49, and 50; Directive 2024/1385/EU, Recital 70, articles 14, 21, 31, and 32.

58 Istanbul Convention art. 18(2).

59 Istanbul Convention art. 48.

60 Istanbul Convention art. 15; Directive 2024/1385/EU, Recitals 6, 77, 78, 79 (training on gender stereotypes), and 86; articles 36, 40, 41, and 42.

61 Istanbul Convention articles 26, 31, and 56(2).

- consider violence against a partner as a critical factor in assessing parental capacity, even when the abuse does not occur in the physical presence of the children<sup>62</sup>;
- avoid dismissing the violence as a mere family dispute when it is characterised by an imbalance of power (whether sex-based, economic, social, emotional, etc.) and involves a hierarchical and unequal relationship<sup>63</sup>;
- conduct thorough risk assessments, recognising all relevant indicators in child custody cases to ensure that the minor children are not used as instruments for continuing violence, stalking, or abusive behaviours<sup>64</sup>;
- avoid, where possible, the use of court-appointed expert witnesses to assess parental responsibility in cases involving domestic or sexual violence. In any case, judicial assessments must not be delegated to professionals influenced by unscientific and extra-legal theories such as parental alienation or similar concepts that disguise the same types of theories<sup>65</sup>;
- appoint professionals with specialised training in family violence and violence against women, ensuring that their approach is not based on scientific theories like those indicated above<sup>66</sup>, and that their work systematically adheres to the principles, methodologies, and objectives of the Istanbul Convention.

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62 Istanbul Convention art. 45(2).

63 Istanbul Convention, Preamble, articles 4 and 6; Directive 2012/29/EU, art. 22; this distinction is clearly outlined in Court of Cassation Criminal Sec. 6, no. 17656 of 12 March 2024, V., and Court of Cassation Criminal Sec. 6, no. 37978 of 3 July 2023, B., Rv. 285273.

64 Istanbul Convention, articles. 31(2) and 51.

65 Istanbul Convention, articles 15, 16(3), 18(2) and (3), 26(2), 31, and 52; *Report on the secondary victimisation of women subjected to violence and their children* cit.; Court of Cassation Criminal Sec. 6, no. 14247 of 26 January 2023, L., concerning "false accusations by women" contained in the expert witness testimonies based on abstract and non-scientific constructs and not factual evidence.

66 Istanbul Convention, articles 15, 16(3), 18(2) and (3), 20(2), 22, 26(2), 31, and 52.

## 2.2 The judiciary

It is important to highlight the following:

- judicial training is entrusted to the Scuola Superiore della Magistratura (School for the Judiciary) under Legislative Decree no. 26/2006 and is conducted at both central and decentralised levels;
- art. 5(2) of Legislative Decree no. 26/2006 states that the Minister of Justice and the Superior Council of the Judiciary shall propose annual policy guidelines to be incorporated into the annual training programme of the School for the Judiciary;
- art. 6(2) of Law no. 168/2023 mandates that *"specific training initiatives on combating violence against women and domestic violence must be included in the judicial training programme guidelines proposed annually by the Minister of Justice to the School for the Judiciary"*;
- art. 6(1) of Law no. 168/2023 further states that *"the political authority delegated for equal opportunities, with support from the technical-scientific committee of the Observatory on Violence Against Women and Domestic Violence, and after consulting with the Observatory's assembly, must develop national guidelines to ensure consistent and comprehensive training for professionals who come into contact with women who have experienced violence."* This training must align with the objectives of the Istanbul Convention.

When read in conjunction with the supranational obligations<sup>67</sup>, these provisions require the state to ensure that practitioners undergo adequate and continuous training on violence against women, covering its root causes, its various forms (domestic violence is different than intimate partner violence, and sexual violence), its characteristics (cyclical nature, withdrawal and retraction of complaints), and its traumatic effects on victims.

The training must:

- translate the principles and objectives of the Istanbul Convention and the other recognised supranational sources into domestic law; clearly define the tasks and responsibilities of the professionals involved;
- ensure that trainers possess proven competence and professionalism, particularly in understanding the supranational legal frameworks and the

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<sup>67</sup> The Istanbul Convention, explicitly referenced in the aforementioned art. 6; The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), as interpreted by General Recommendations nos. 19, 33, and 35; Directive 2012/29/EU, and Directive 2024/1385/EU.

cultural roots of male violence against women;

- be continuously monitored to ensure adequate implementation.

The subject matter of the training, as outlined in art. 15 of the Istanbul Convention, must include:

- prevention, meaning the ability to take appropriate measures to protect the victim following a risk assessment;
- comprehensive understanding of all forms of violence against women and girls;
- knowledge of equality between women and men (including how sex discrimination manifests);
- prioritisation of victims' rights and needs;
- prevention of secondary victimisation.

Additionally, art. 36 of Directive 2024/1385/EU expands on these requirements, emphasising the need for both general and specialised training, with a focus on the goals of the directive, requiring it to be "human rights-based, victim-centred, and gender, disability and child sensitive"

Failure to fulfil these training obligations constitutes state liability, as it represents a breach of public interest and specific supranational commitments.

The supranational bodies recognise the lack of proper training among legal practitioners as a risk factor that hinders the correct understanding of violence against women, thereby placing victims in genuine danger when they seek justice.

Italy has been condemned by multiple international bodies, including the European Court of Human Rights (ECHR) and the CEDAW Committee, for the inadequate training of its judicial personnel in addressing violence against women and domestic violence. This failure has led to: ineffectiveness in enforcing laws against these crimes; insufficient protection for victims, with the blaming and punishment of the same after filing reports; and the persistence of sexist stereotypes in investigations and judicial decisions. To the point of the state suffering legal repercussions<sup>68</sup>, and being ordered to comply with specific

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68 ECHR *J.L. v. Italy* (27 May 2021) – Condemnation for the use of sexist stereotypes in a gang rape trial; 5 separate judgements for *judicial passivity* (2022): 1) *D.M. and N. v. Italy* (20 January 2022)

2) *Landi v. Italy* (7 April 2022)

3) *De Giorgi v. Italy* (16 June 2022)

4) *M.S. v. Italy* (7 July 2022)

5) *I.M. et. al v. Italy* (10 November 2022).

Recommendations<sup>69</sup>.

Particularly relevant is the *Talpis v. Italy* ruling, specifically paragraphs 141 and 145, the contents of which were later reiterated in subsequent cases. The judgement identified systemic failures described as "general and discriminatory passivity," including:

- repeated tolerance of violence;
- failure to investigate following a victim's complaint;
- failure to adopt protective measures for victims;
- underestimation and inertia in recognising the severity of violence suffered by victims due to lack of awareness regarding risk factors, such that the Italian authorities may have contributed to the persistence of socio-cultural attitudes that tolerate domestic violence"

In light of these supranational obligations and the conclusions of the Parliamentary Commission of inquiry into femicide and all forms of gender-based violence, with unanimously approved Reports based on judicial actions (from inquiries to rulings) raising serious concerns about the inadequate training of professionals — in both criminal and civil contexts — who interact with women who have experienced violence, and the lack of coordination among the Institutions responsible<sup>70</sup>, the following recommendations have been identified for the training of judicial authorities across all areas where they are called upon to intervene in cases of violence against women and domestic violence.

For each area requiring mandatory training, specific provisions from the supranational legal frameworks have been included in the notes.

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69 Ruling *A.F. v. Italy* (20 June 2022).

70 Report on *The Judicial Response to Femicide in Italy. Analysis of the investigations and judgements. (2017-2018)*, unanimously approved on 18 November 2021; Report on *the secondary victimisation of women who suffer violence and their children in custody and parental responsibility proceedings*, unanimously approved on 20 April 2022; and, specifically with regard to the limits ascertained in the individual fields of training, the *Report on gender and domestic violence in the judicial system, analysing investigations within public prosecutors' offices, ordinary courts, supervisory courts, the superior council of the judiciary, the school for the judiciary, the national forensic council, and the orders of psychologists*, unanimously approved on 17 June 2021.

## 2.3 Law enforcement

All references to the role of judicial Police during preliminary investigations are acknowledged. Regarding the training of law enforcement personnel, the following legal provisions apply:

- article 5 of Law no. 69 of 19 July 2019 mandates the establishment of specialised training courses for personnel of the State Police, Carabinieri Corps, and Prison Police Corps (excluding the Guardia di Finanza and Municipal Police). Designed for officers involved in the prevention and prosecution of gender-based, domestic, and violence against women crimes, the content of these courses must be established with a decree from the President of the Council of Ministers, in agreement with the Ministers for Public Administration, the Interior, Justice and Defence, which has yet to be issued;
- article 6(1) of Law no. 168/2023 states that "the political authority delegated for equal opportunities, with support from the technical-scientific committee of the Observatory on Violence Against Women and Domestic Violence, and after consulting with the Observatory's assembly, must develop national guidelines to ensure consistent and comprehensive training for professionals who come into contact with women who have experienced violence."

The following guidelines are essential for the training of law enforcement personnel across all intervention areas in cases of violence against women and domestic violence, with the protection of victims and their children remaining the highest priority<sup>71</sup>:

- respond with urgency to every request where a threat to the physical or psychological safety of a victim of violence against women is identified;
- ensure that interventions prioritise the victim's protection, collecting all factual elements relevant for the appropriate authorities (the police commissioner for preventive measures and the public prosecutor for crime reports), while avoiding unnecessary comments;
- do not encourage reconciliation between the victim and the aggressor;
- approach the victim with sensitivity, listen to her account ensuring a separate

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<sup>71</sup> Istanbul Convention: articles 18(1) and (3), 19, 24, and 25; Directive 2024/1385/EU: articles 15, 16, and 19.

See the guidelines provided in the Directive of the Public Prosecutor's Office to the Judicial Police on combating gender-based violence, domestic violence, and violence against women, and the relative annexes containing the questions to be asked by the Judicial Police to victims (annex C) and the risk factors (annex I) [https://www.procura.tivoli.giustizia.it/contrasto\\_violenza\\_doc.aspx?id\\_gruppo=448](https://www.procura.tivoli.giustizia.it/contrasto_violenza_doc.aspx?id_gruppo=448).

conversation from the aggressor, a proper assessment of the victim's condition, and clear and private communication regarding legal protection measures available to her, including access to the 1522 help line;

- always encourage the victim to seek support from an anti-violence centre and inform her about legal aid, explaining that state-funded legal assistance is available;
- assess the need for precautionary measures (arrest, detention, or urgent removal);
- escort the victim to the emergency room if injuries are present;
- ensure procedural accuracy, in strict accordance with the judicial authority's guidelines, if the victim files a complaint or reports the matter to police headquarters, or files a complaint at the indication of the competent authorities;
- in all cases: adopt an empathetic approach to listening, preferably in a comfortable setting; avoid discouraging the victim from filing a complaint or express concern over possible consequences for the perpetrator; ensure that the victim's words are faithfully recorded, with no personal commentary added, and that all the information necessary for reconstructing events is collected, including details on any ongoing separation, divorce, or child custody proceedings; ensure that any relevant documents provided by the victim are collected;
- adopt specialised listening approaches when dealing with minors, individuals with disabilities, seniors, or foreign nationals;
- prepare a detailed service report, in all cases where a victim approaches the police station to provide information or seek guidance regarding possible violence, even without filing a formal complaint or statement, and forward it to the public prosecutor or competent police commissioner;
- provide specialised training courses and education programmes, in collaboration with anti-violence centres, and ensure that they are only conducted by staff with proven expertise, who adhere to the Istanbul Convention framework;
- always consider domestic violence inquiries within a broader power dynamic, recognising its manipulative and hierarchical nature within relationships;
- always consider sexual violence within a broader context of an unequal power dynamic between the victim and the perpetrator, who asserts control over the victim's body without her consent, rather than a crime driven by the

perpetrator's sexual impulses or desires;

- always investigate the disappearance or murder of a woman or girl as a femicide, in accordance with the principles outlined above;
- always consider cases of stalking and other forms of violence against women or girls within the broader context of desire for possession and coercive control rather than attributing them to emotional distress or frustration following relationship breakdowns;
- never underestimate the seriousness of the reported incidents, even in cases where the victim retracts, downplays, or withdraws her complaint, as such behaviour is typical and may be evidence of ongoing abuse;
- avoid any justification of the offender based on drug, alcohol, or other substance addiction, as well as on declared mental disorders;
- avoid any justification by the perpetrator based on a desire to see their children, to reconcile, or to seek rehabilitation or treatment;
- avoid asking intrusive or inappropriate questions about the victim's private life aimed at moralising, guiltning, or shaming her, or undermining her credibility.

## 2.4 Advocacy (civil, criminal, and juvenile)

Advocacy plays a pivotal role in addressing gender-based violence, domestic violence, and violence against women across all contexts, as it engages directly with both perpetrators and victims, shaping the course of their defence.

The suspect/defendant's right to a defence is a constitutionally and conventionally protected right that must be balanced against women's inalienable human right to live free from violence and to have their dignity, physical integrity, and moral well-being protected, particularly when they report abuse and seek separation from a violent partner. In fact, as noted in sec. 123 of *Talpis v. Italy*: "The Court reiterates that in domestic violence cases perpetrators' rights cannot supersede victims' human rights to life and to physical and psychological integrity." To date, the European Court of Human Rights has found that legal proceedings in Italy frequently subject victims of gender-based violence to an "ordeal", particularly due to the guilt-inducing and victim-blaming nature of the questioning, often led by defence attorneys, with questions frequently intruding into victims' intimate and moral lives, having little relevance to the investigation of the crimes themselves<sup>72</sup>.

Article 36.4 of Directive 2024/1385/EU specifically mandates specialised training for lawyers, ensuring they are sensitised "to the needs of victims" and "treat them in a trauma-, gender- and child-sensitive manner."

Civil litigation can also be a highly re-traumatising experience for women who report violence, particularly in child custody cases. This is especially true when judicial professionals lack specialisation in the cultural and cyclical nature of domestic violence. To prevent further harm, practitioners should adhere to the following principles:

- understand the facts presented by their clients, avoiding gender stereotypes;
- recognise the difference between conflict and violence<sup>73</sup>;
- be aware of the profound, lasting trauma experienced by women and children who have been victimised;<sup>74</sup>
- avoid mediation or conciliation — even indirectly — in cases involving

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<sup>72</sup> Istanbul Convention articles 12, 42 and 54; Directive 2012/29/EU art. 21, 22, and 23(3)(c); Directive 2024/1385/EU art. 36.4; ECHR *J.L. v. Italy* (27 May 2021) and CEDAW Committee ruling in *A.F. v. Italy* (20 June 2022).

<sup>73</sup> This distinction is clearly outlined in Court of Cassation Criminal Sec. 6, no. 17656 of 12 March 2024, V., and Court of Cassation Criminal Sec. 6, no. 37978 of 3 July 2023, B., Rv. 285273.

<sup>74</sup> Istanbul Convention art. 26.

reported violence<sup>75</sup>;

- construct legal strategies free from gender bias, particularly refraining from making any assumptions (e.g. “the woman provoked it” or “she is exploiting the allegations for personal gain”);
- refer victims and perpetrators to specialised legal professionals, or seek support from those with expertise<sup>76</sup>; encourage victims to contact anti-violence centres and direct perpetrators to intervention programmes for abusive men;
- only use consultants with verified training and expertise in violence against women and domestic violence;
- avoid moralistic and unnecessary evaluations that go beyond the facts, especially those based on gendered stereotypes – such as wives and mothers being solely responsible for family duties, while husbands and fathers are only burdened with professional responsibilities;
- assess the risk of recidivism, not only to safeguard potential victims but also to better defend the perpetrator, preventing them from committing further or more severe offences that could have devastating consequences on their legal standing;
- pose questions to victims with an appropriate tone, ensuring relevance to the facts while always respecting their dignity and privacy, without any unnecessary hostility;
- prioritise the *best interests* of the children at all times;
- use appropriate language, avoiding moralising adjectives, victim-blaming, or guilt-inducing terminology – keeping communication strictly relevant to the subject of the judicial inquiry.

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<sup>75</sup> Istanbul Convention art. 48.

<sup>76</sup> Directive 2012/29/EU, art. 8.

## 2.5 Technical consultants/experts

### Foreword

The following guidelines are based on the supranational legal frameworks (the Istanbul Convention, the Lanzarote Convention, and relevant EU Directives), the 2020 GREVIO Report on Italy, which highlights distorted practices in expert assessments in civil proceedings, as well as provisions from the Civil Code, the Criminal Code, the Code of Civil Procedure, and the Code of Criminal Procedure. They also align with the previously cited rulings of the ECHR condemning Italy, established case law from the Court of Cassation (civil and criminal), the best practices from judicial offices and protocols set by psychologists, and the Reports of the Parliamentary Commission on Femicide.

### Who they are

The technical consultants act as judicial auxiliaries — serving as expert witnesses in criminal proceedings, or as court-appointed technical consultants in civil cases. They may also be engaged by the parties involved, such as the Public Prosecutor (public party), defence attorneys representing either the victim or the accused, placing their professional credentials and specific expertise at the service of the party who engages them.

Consultants appointed by the judge or public prosecutor hold the status of public officials, and are therefore legally obligated to report any criminal offences they become aware of to the judge by whom they were appointed.

All crimes against minors and domestic violence offences are prosecutable *ex officio*, meaning that both the court-appointed consultant and any expert who becomes aware of such crimes must formally report them to the judge.

### General obligations

- demonstrate and certify knowledge of the Lanzarote Convention, the Istanbul Convention, Directive 2012/29/EU on victims' rights;
- recognise the prevalent stereotypes and judicial biases among practitioners handling cases involving violence against women and children;
- refrain from affiliating with or training at schools that endorse "Parental Alienation Syndrome" or any other similar theories lacking scientific validation.

## **The criminal sector**

In criminal proceedings of violence against women, gender-based violence, or domestic violence, the court or the public prosecutor appoints psychologists and psychiatrists:

- for protected hearings involving minors or victims in particularly vulnerable conditions, and the relative evidentiary proceedings;
- for the assessment of the defendants' mental capacity in cases of sexual violence, domestic violence, or femicide.

Before appointing a professional, the judge must first verify that he or she:

- has proven expertise in the specific area relevant to the specific case (e.g. sexual violence, child abuse, domestic violence, etc.), with documented qualifications to support their competence. Every form of violence against women and/or minors requires specialised expertise;
- demonstrates and has certified knowledge of the Lanzarote Convention, the Istanbul Convention, Directive 29/2012/EU, and Directive 2024/1385/EU;
- is not affiliated with and has not trained at schools that endorse "Parental Alienation Syndrome" or any other similar theories lacking scientific validation.

## **General aspects**

The consultant/expert must not, under any circumstances, adopt the following widespread judicial prejudices against children:

- that they pose a risk of making "malicious statements";
- that they tend to appease their interviewers and avoid conflict, making them manipulable;
- that they confuse reality with fantasy;
- that they transfer memories to individuals other than those whom they observed;
- that they retract statements upon realising their impact on family members or acquaintances;
- that they are subject to a physiological "infantile amnesia";
- that they easily misinterpret acts of a sexual nature committed by an adult.

**For protected hearings and evidentiary procedures when minors or victims in particularly vulnerable conditions are involved, it is necessary:**

- to have completed specialised training in listening to minors and/or victims in particularly vulnerable conditions;
- to adopt an empathetic approach, using age-appropriate language to foster both communication and human connection;
- explain to the minor what is happening and what to expect;
- ask open-ended questions to encourage discussion of the child's personal and family life, followed up with progressively more selective questions;
- avoid posing suggestive questions.

**On the capacity of minors to testify**

These consultations or expert assessments should only be permitted in minimal, exceptional cases when clear, objective prerequisites exist, as the capacity to testify — defined as the ability to perceive events, recall them, comprehend questions, and provide answers — is presumed by law for all individuals, regardless of age (art. 196 of the code of criminal procedure).

No verification is required unless objective elements indicate a potential obstacle, such as an age too young to allow for adequate communication (certainly up to three years of age), and documented pathological conditions or physical (e.g. hearing impaired/non-verbal) or psychological impairments affecting perception of reality.

A child is not inherently at risk of distorting reality or being suggestible. To assume otherwise constitutes a serious judicial bias, which professionals must not adopt.

According to legal regulations, every child or young person is capable of recognising and reporting behaviour that is biased against them. In this regard, the consultant or expert must:

- avoid conflating, even subtly, the ability to testify with the reliability of the testimony or the subjective credibility of the minor victim — both of which fall exclusively under judicial authority;
- clearly communicate to the judge and other parties the methodology they will use and the rationale behind it, including: whether the hearings will be video-recorded; the protocols and materials used; the reasons for subjecting the child to specific tests and their intended purpose.

## **On diminished responsibility of perpetrators of violence against women and children**

Assessments of diminished responsibility should only be permitted in exceptional cases, as the ability to understand the nature and consequences of one's actions is legally presumed for adults. Expert evaluations should therefore only be conducted when specific, concrete, and substantial elements pertinent to the specific criminal conduct suggest otherwise — such as certified kleptomania in cases of theft. The presence of a mental illness, even severe, is not, in itself, sufficient to diminish or exclude responsibility for violent behaviour. It is essential to establish a direct causal link between the mental illness and the crime.

In order to prevent the legal system from being misused by those seeking to exploit its provisions for defendants with pathological conditions, consultants and experts must possess a profound understanding of the dynamics of domestic violence and its cultural roots in discrimination against women.

As a result, the consultant/expert must:

- have completed specialised training on the cyclical nature of violence against women, its cultural and social dimensions, and gender discrimination, and must be familiar with the Istanbul Convention and other relevant supranational legal frameworks incorporated into national law;
- avoid relying on unscientific theories, such as the notion of a sudden "raptus" or supposed "emotional or passionate" motives, such as jealousy, which have no basis in the legal system;
- be aware of the prejudices and stereotypes against women and apply criteria to avoid confusing violence with couple's disputes or family conflict, particularly during interviews with suspects or defendants;
- have a multidisciplinary understanding of the phenomenon of violence against women;
- only report factual findings and diagnoses that adhere to strict scientific and medical standards, avoiding any justification of the perpetrator's actions based on drug or alcohol use, addiction, or personal interpretations of the crime's motive;
- accurately record the perpetrator's statements during interviews, without adding personal comments;
- collect all relevant medical records and information necessary to establish a direct link between the perpetrator's mental illness and the crime;

- always consider the assessment within a broader relational context involving the victim, rather than limiting it to an evaluation of the final incident;
- understand that gender-based violence and violence against women are never the result of uncontrollable impulses, jealousy, personal frustrations, substance abuse, or illness, but rather stem from misogyny and a deliberate intent to dominate and control on the part of the perpetrator;
- not underestimate the severity of the acts committed or dismiss the perpetrator’s use of sexist or demeaning language toward the victim;
- provide evidence of a direct correlation between long-standing, diagnosed (not merely reported) mental illness and the crime;
- always conduct a risk assessment for victims using scientifically validated protocols.

### **The civil and juvenile sector**

The Cartabia Reform introduced significant progress, particularly by mandating the judge to hear minors in cases of violence, and appoint a special guardian exclusively in the children’s best interests. This has substantially reduced the need for court-appointed expert evaluations on parental suitability, thereby limiting unnecessary delegation in such matters. By law, court-appointed technical consultants must possess “special technical competence,” which includes expertise in supranational legal frameworks. This requirement excludes the appointment of subjects who lack specialised training in intra-family violence and violence against minors.

In accordance with these legal provisions and their interpretations, the professionals involved in such consultations must:

- always prioritise the child’s rights above all others, including the right to a relationship with both parents, in situations where violence is present<sup>77</sup>;
- not adopt or adhere to unscientific constructs such as Parental Alienation Syndrome (PAS) or similar theories;
- review and consider any records from criminal proceedings, regardless of whether they have resulted in final judgements;
- have completed specialised training on:

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<sup>77</sup> The rights and protection of a minor who has directly experienced or been exposed to violence perpetrated upon his or her mother take precedence over the rights of the violent parent, including visitation rights (Court of Cassation Criminal Sec. 6, no. 20004 of 12 March 2024, S., Rv. 286478).

- the Istanbul Convention and the Lanzarote Convention;
- listening to minors and/or victims in particularly vulnerable conditions;
- the traumatic effects of exposure to violence;
- domestic violence, sexual violence, and violence against minors;
- apply the fundamental principles outlined in the Istanbul Convention and Directive 2024/1385/EU, specifically:
  - the prohibition on the use of gender stereotypes regarding parental responsibility and caregiving roles (for both mothers and fathers);
  - the state's overriding obligation to protect victims of violence, to avoid incurring liability;
  - the obligation to take incidents of violence into account when determining custody and visitation rights;
  - the recognition that violence against a partner is a critical factor in excluding parental responsibility, even if it did not occur in the children's presence;
  - the need to avoid mediation or conciliation in any case where even a *hint* of violence is suspected;
  - the need to conduct thorough risk assessments, recognising all relevant indicators in child custody cases to ensure that the minor children are not used as instruments for continuing violence, stalking, or abusive behaviours (art. 51)<sup>78</sup>;
- understand and recognise the difference between family conflict and domestic violence, acknowledging that the latter is characterised by a power imbalance (whether gender-based, sex-based, economic, social, emotional, etc.), a hierarchical and unequal relationship, and fear, coercion, and blackmail<sup>79</sup>;
- refrain from using personality tests on women who have experienced violence;
- assess parental capacity based on actual caregiving activities rather than abstract criteria, with particular attention to the parenting methods employed before separation and in concrete terms;
- reject entrenched stereotypes, including the assumption that women who

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78 See the preceding note, as well as Court of Cassation Civil Sec. I, no. 52698 of 15 November 2023, which references the Istanbul Convention.

79 This distinction is clearly outlined in Court of Cassation Criminal Sec. 6, no. 17656 of 12 March 2024, V., and Court of Cassation Criminal Sec. 6, no. 37978 of 3 July 2023, B., Rv. 285273.

report violence are prejudiced against their husbands; the belief that children who fear their fathers have been manipulated by overprotective mothers; the presumption that children's accounts are inherently unreliable; the unquestioned prioritisation of co-parenting and the notion that restoring a violent parent's relationship with a child is always in the child's best interest;

- base all representations to the judge on factual evidence, not subjective theories or assumptions;
- only interview individuals explicitly designated by the judge to prevent interference or contamination of ongoing criminal investigations;
- avoid labelling individuals as pathological unless prior medical certifications confirm such a condition;
- acknowledge and take into account reported or documented instances of family violence, even without independently verifying them;
- ensure that court-appointed technical consultants report any claims of violence directly to the judge;
- adopt an empathetic, non-judgemental listening approach;
- clearly explain to all parties, particularly minors, what is happening and what to expect.

# **3** Healthcare professionals

"Training is a fundamental tool for enhancing knowledge, fostering collaboration, and strengthening the multi-disciplinary and multi-professional approach required within the Codice Rosa (Code Pink) network. In 2018, regional training initiatives were conducted on the Code Pink network, focusing on territorial coordination and multidisciplinary teams. Additionally, health institution Managers developed training courses at the AV level, which continued into 2019, equipping all network participants with the necessary tools for violence prevention, recognition, and intervention strategies. The Ministry of Health has implemented a distance training programme for social and healthcare workers in Italian emergency rooms, as regional representatives. This initiative is aimed at preventing and combating gender-based violence, and is promoted and funded by the Ministry of Health, under the scientific supervision of the Istituto Superiore di Sanità (Italian National Institute of Health)"<sup>80</sup>.

Since violence often goes undetected, it is important to improve social and healthcare workers' ability to recognise its early warning signs. This requires specific training programmes tailored to those who regularly interact with victims.

The Ministry of Health has sought information from the competent departments of the Regions and Autonomous Provinces regarding the formal adoption of the National Guidelines for Healthcare and Hospital Authorities on emergency response and socio-medical assistance for women who have experienced violence. Each Region and Autonomous Province was also asked to designate their own contacts, to serve as focal points, in order to monitor the full implementation of these guidelines and to oversee efforts at combating violence against women. To ensure the effective implementation of the Guidelines, it is crucial to promote joint and specialised training programmes that bring together the healthcare sector, anti-violence centres, and relevant institutions involved in addressing the phenomenon of violence. It is hoped that training activities will be promoted at the regional level and within the Autonomous Provinces, extending into health institutions and hospitals. This approach aims to facilitate targeted, widespread training sessions at individual hospital facilities, ensuring the systematic application of correct and precise protocols. The goal is to provide every victim with equal opportunities to access pathways out of the cycle of violence.

The World Health Organisation (WHO) has identified several challenges in raising awareness and training healthcare workers:

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<sup>80</sup> Source: Hearing of Dr. Doretta and Pifferi (Rete Codice Rosa RT) on the application of the guidelines for the protection of women who have experienced violence in hospital settings. 28 January 2020 - Parliamentary Investigation Committee on Femicide and all forms of gender-based violence.

potential negative emotions among staff, such as inadequacy, helplessness, and isolation, particularly in areas with limited resources for victim support. Persistent traditional beliefs, including the notion that domestic violence is a private matter, and misconceptions about victims, such as the belief that women provoke the violence they experience.

Numerous studies have shown that violence has significant repercussions on national health systems. Victims of violence show increased usage of medical services and examinations compared to control groups, even 1-4 months following the incident, and in subsequent years. Women who have experienced sexual violence seek healthcare 4-5 times more frequently than those who have not. The number of victims who seek out health services, especially emergency rooms, exceeds those who seek help from police, social services, or anti-violence centres. Women who have suffered violence at the hands of a partner are twice as likely to visit emergency rooms. 19% to 30% of women who seek trauma care in emergency rooms have actually experienced domestic violence.

It is crucial to recognise the physical signs of abuse and to distinguish between accidental injuries and abuse. The literature identifies three warning signs warranting further investigation, namely behavioural clues, medical history clues, and objective examination clues. How can violence be identified and assessed? Indicators include an unclear account of events, a state of mind inconsistent with an accidental injury, attitudes, posture, and repeated emergency room visits for injuries of various types. Wounds may include head trauma, facial injuries, dental trauma, jaw fractures, ruptured eardrums, central breast injuries, gunshot or stab wounds, burns, and wounds in various stages of healing.

Repeated visits to the emergency room for head injuries, facial injuries, and other traumas are signs of possible violence. Injuries may be of different types and must be carefully evaluated. A diagnosis of abuse may not always be evident during the examination. For example, the presence of injuries does not necessarily indicate an episode of domestic violence, just as the absence of injuries does not necessarily exclude the possibility that violence has occurred, as in the case of psychological or economic violence.

The American Board of Surgeons established the ATLS protocol, adopted in 37 countries, including Italy, which emphasises the need to identify injuries inconsistent with medical history. Training healthcare professionals is essential to ensure a proper approach and provide adequate care, all while respecting the

woman's decision-making autonomy and her right to privacy<sup>81</sup>.

Preventing violence necessitates a cultural shift that rejects justifications for it. It is crucial to teach young people important values, such as setting boundaries, tolerance for frustration, acceptance of gender diversity, and kindness. What should never be done? Never minimise the situation, express judgement about the woman's experience, express doubt about whether violence has actually occurred, attempt to evaluate the credibility of the woman's account, pressure her to speak, or force her to report the incident to the judicial authorities.

The ONDA White Paper on violence against women underscores that addressing this issue is a societal priority. Gender stereotypes impose limitations on the natural talents and abilities of both girls and boys, influencing their educational and career choices. Within the context of education, it is essential to foster values of gender equality, mutual respect, and non-violence in interpersonal relationships, while avoiding the reinforcement of stereotypical gender roles<sup>82</sup>.

### **The health system's role in preventing and responding to violence against women**

The health system plays a vital role in implementing strategies aimed at preventing and responding to violence against women. The WHO recognises violence against women as a severe public health issue and a significant risk factor for morbidity and premature death among women and girls.

### **Health consequences of gender-based violence**

The health consequences of violence can be immediate and direct, such as physical injuries and acute post-traumatic symptoms, or indirect and long-term, such as chronic illnesses and psychiatric disorders. It is essential to clearly define the health system's role in preventing, addressing, and combating violence.

### **Health system approach**

Healthcare professionals must adopt an approach that respects women's decision-making autonomy and right to privacy. Medical and psychological support should be provided to ensure effective care and facilitate referrals to local anti-violence centres. Health facilities should also make informational materials on gender-based violence readily available.

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81 *Advanced Trauma Life Support ATLS. Student Course Manual*, American College of Surgeons, 2008.

82 <https://fondazioneonda.it/it/pubblicazione/libro-bianco-2023-verso-unequita-di-genero-nella-salute-e-nella-ricerca-scientifica/>

## **Training of healthcare personnel**

The training of healthcare personnel is particularly important for those working in emergency rooms, general medicine, gynaecology wards, and consultation services. Training should cover:

- the dynamics of gender-based violence;
- impact on the health of women and children;
- protection of vulnerable groups;
- criteria and methodologies for relations based on listening and support;
- knowledge of the local resources available;
- collaboration with the regional network both inside and outside hospitals;
- risk assessment for recurrence and lethality in emergency settings.

Beyond the medical aspects, the training should also address the cycle of violence, gender stereotypes, and relevant legislation on domestic and sexual violence.

## **Recognition of violence**

Healthcare professionals must remain vigilant for signs and symptoms that may indicate gender-based violence, employing appropriate screening criteria. A thorough medical history should include sensitive inquiries about possible violence while ensuring privacy and confidentiality.

## **Report and victim support**

An accurate report of the history of violence is essential, and victims should be offered psychological support if they wish. Healthcare professionals must provide comprehensive information on the available support services and be able to recognise high-risk situations, activating protective measures when necessary.

## **Role of health institutions**

Healthcare institutions have a responsibility to implement structured procedures and programmes, guaranteeing ongoing staff training and participating in coordinated discussions. They should coordinate and oversee the support pathways for women who have experienced violence, ensuring the proper application of established procedures and providing regular reports to

regional authorities.

In conclusion, the healthcare system plays a fundamental role in addressing violence against women, from prevention and intervention to ongoing victim support.

The national guidelines for healthcare providers lay out a structured care pathway for women who have experienced violence, including emergency reception, gynaecological exams in cases of sexual violence, and psychological support to help overcome trauma. The training of healthcare personnel is particularly important for those working in emergency rooms, general and regional medicine, gynaecology wards, and consultation services. An integrated and sensitive approach to gender-based violence is crucial, encompassing education, awareness-raising, healthcare systems, and staff training to ensure comprehensive support for victims while contributing to violence prevention.

*The National Guidelines for healthcare institutions and hospitals on the rescue and social and healthcare assistance of women who have experienced violence (O.J. no. 24 of 30/1/2018) remain in force.*

The primary objective of these guidelines is to establish a minimum framework for addressing the psychological and physical consequences of violence, ensuring appropriate and integrated intervention from the moment a woman receives care in a hospital setting, if necessary. This intervention should continue with treatments aimed at alleviating the psychological distress caused by male violence, addressing both the woman's psycho-physical health and the well-being of any minors who may have been exposed to violence.

The Regional authorities are responsible for ensuring the timely implementation of these guidelines by healthcare and hospital institutions. However, it is advisable to regularly verify the actual enforcement of the Guidelines, either through further hearings with the stakeholders involved or by requesting information from regional health assessors, general directors of regional health authorities, and regional managers overseeing the implementation of the Pathways (where applicable).

The "Pathway for Women who have Experienced Violence" is designed to promptly provide appropriate care from the moment of triage in the emergency room. This process continues with the provision of detailed information on women's rights and, if requested, extends to referrals and accompaniment to public and private support services. The ultimate goal is to develop a personalised support and listening plan to help women distance themselves from the violence they have suffered.

The Pathway also involves any minor children of the women, as victims of exposure to violence. This approach takes into account existing regulations concerning minors and the established procedures for their socio-medical care.

The network of professionals involved includes social and healthcare workers, along with public and private entities dedicated to preventing and combating male violence against women. The key stakeholders include the following:

- healthcare services within the scope of the National Health Service (NHS), both hospital-based and local, which provide medical care and support for women who have experienced violence;
- territorial social and health services, which offer assistance within the local context, addressing both the social and medical aspects of the victims' situations;
- anti-violence centres and shelters, which provide a safe environment and support services for women who have experienced violence, including temporary housing, if necessary;
- law enforcement and local police forces, responsible for managing emergency situations, ensuring safety, and investigating acts of violence;
- the Public Prosecutor's Office at the Ordinary and Juvenile Courts, which plays a key role in prosecuting perpetrators of acts of violence, also considering the context of any minors involved;
- the Juvenile Court (civil and criminal), which handles cases where the perpetrators are under 18, ensuring a tailored approach to cases involving young offenders;
- local authorities (Regions, Provinces, Metropolitan Cities, and Municipalities), which coordinate and plan social and health interventions, while overseeing the implementation of the national guidelines.

It is essential for every actor within the network to adopt a unified and integrated approach that prioritises women's self-determination in decision-making. The establishment of specific and structured operational protocols between the various entities is recommended in order to ensure seamless coordination and effective communication. These protocols must identify shared interventions to ensure comprehensive care, guidance, protection, and safety for the women involved. Each Region, to the extent of its own competence, must work to guarantee the timely implementation of the National Guidelines.

Women can access the emergency room and triage through various means:

- they may arrive at the emergency room independently, either alone or with their minor children;
- they may be transported by emergency medical services (118), with or without police involvement;
- they may be accompanied by law enforcement officers;
- they may be accompanied by workers from anti-violence centres;
- they may be accompanied by workers from other public or private services;
- they may be accompanied by other individuals who could serve as potential witnesses in any legal proceedings, who should be clearly identified for the purposes of a possible criminal trial;
- they may be accompanied by the perpetrator of the violence, in which case the situation must be handled with extreme caution to ensure her safety.

Having received appropriate training, the triage nurses are responsible for recognising signs of violence, even when the woman does not explicitly disclose them. Information on the woman's previous emergency room visits should be considered for a more thorough assessment.

The Regions are encouraged to update their institutional and regional IT systems to ensure seamless connectivity between healthcare facilities. The triage area should feature visible and easily comprehensible informational materials, including multilingual resources for foreign women, covering:

- types of violence;
- the impact of violence on the health of women and children;
- relevant legislation;
- public and private support services available in the area;
- support services for children who have witnessed and been exposed to violence;
- information on the 1522 public utility helpline.

To ensure a prompt response, women who have experienced violence must be assigned a priority triage code, such as code yellow or its equivalent, with a maximum waiting time of 20 minutes. Assigning this code triggers the activation of the specific Pathway for women who have experienced violence. In addition to the triage code, a specific Pathway identifier will also be assigned

within the context of the emergency department to facilitate the activation of the Pathway itself.

### **3.1 Diagnostic-therapeutic treatment**

Once admitted, the woman must receive the necessary care and protection appropriate to her specific situation. If she is accompanied to the emergency room by minor children, they should remain with her and be included in the same Pathway in order to preserve family unity.

During the diagnostic-therapeutic phase, the woman must be escorted to a designated area separate from the general waiting room to ensure protection, safety, and confidentiality. Any accompanying individuals, except for minor children, must be temporarily removed, and may only rejoin her in the protected area at the woman's request. This designated space is where she will receive medical examinations, undergo clinical and instrumental assessments, and be provided with a safe and confidential environment in which she can seek guidance and, if she chooses, pursue legal action.

The healthcare professional assisting the woman must adopt an appropriate communication approach, using language that is simple and understandable, even for women with sensory, cognitive, or relational disabilities. Listening with compassion and adopting an empathetic, non-judgemental approach are essential to fostering a relationship built on trust. For foreign women or those with disabilities, it is crucial to arrange for cultural or linguistic mediators or other support figures, either chosen by the woman or identified by healthcare professionals.

At each stage of the Pathway, the healthcare provider must obtain the woman's free and informed consent, assess the violence suffered, and identify any immediate risks to her and any minor children. If there are any minors who are not present at the hospital, it is important to verify their safety, determine whether they have been left in the care of their father, and inform the woman of the potential consequences of the children's exposure to violence.

The woman must also be made aware of the legal obligation for healthcare workers to report cases of abuse emergencies to the Public Prosecutor's office. It is essential to inform her about the anti-violence centres available in the area and to provide a comprehensive list of dedicated public and private services. This information is crucial to help her make informed decisions and obtain appropriate support.

Upon discharge, the victim must be informed about the anti-violence centres and all the dedicated network services available in the area. A detailed and up-to-date map of these services should be readily available in the emergency room. Contact procedures with anti-violence centres or other territorial network actors must also be initiated at the woman's request.

During discharge, the woman should be advised of her right to file a complaint or lawsuit, and provided with instructions on how to directly contact law enforcement if she chooses to do so.

For further details and indications on the procedures for conducting the medical examination, see Annex A to the National Guidelines. These documents offer detailed procedural instructions to follow during the examination, in order to ensure that the victim is properly informed and supported throughout the process.

## **3.2 Collection and preservation of evidence**

In order to ensure the proper collection and preservation of evidence in cases of violence, the following recommendations should be followed.

### **1 Photograph physical injuries**

- Document all injuries visible on the victim by carefully photographing them.
- Include an identification label in the photograph, similar to those used for blood tests, clearly displaying the case number assigned to the woman.
- Describe the injuries in the clinical record using precise medical terminology, noting their location, size, colour, and any other relevant details.

### **2 Sexual violence**

- In cases of sexual violence, take necessary precautions to prevent contamination, degradation, or loss of biological evidence.
- Ensure the proper collection and preservation of the evidence.
- Establish a secure chain of custody for all evidence to maintain its integrity for any legal proceedings.

### **3 Identification of the samples**

- Clearly document the location and relevant details of each sample collected.
- If the woman's clothing contains possible biological evidence or shows signs of damage, request that she surrender the garments for proper preservation and initiate the necessary chain of custody procedures.
- Provide the woman with replacement clothing, if necessary.

### **4 Chain of custody**

- Establish and maintain a strict chain of custody for all the evidence collected.
- Document each step in the handling of the evidence to guarantee full traceability and integrity.

For further details and indications regarding the collection of biological evidence, see Annex C of the National Guidelines, which outlines the forensic

genetics procedures for cases of sexual violence and abuse, as compiled by the Italian Scientific Association of Forensic Geneticists (Ge.F.L).

### **3.3 At the conclusion of diagnostic-therapeutic treatment**

The healthcare professional responsible for the woman's care utilises the "*Brief Risk Assessment for the Emergency Department - DA5*," as recommended by the Ministry of Health. This tool aids the emergency room in accurately assessing the risk of recurrence and lethality, guiding the appropriate discharge options, as recommended below.

#### **1 Risk assessment in emergency rooms - low risk**

The healthcare professional informs the woman about available anti-violence centres and the public and private support services within the local network. She is discharged to her home. If she consents, the territorial anti-violence network is activated to provide ongoing support.

#### **2 Risk assessment in emergency rooms - medium/high risk**

The healthcare professional informs the woman about available anti-violence centres and the public and private support services within the local network.

If she consents, the territorial anti-violence network is activated to provide ongoing support.

If no immediate safe solutions are available, and in coordination with the relevant health authorities, she may be offered a stay in intensive short-term observation, or another hospital environment for a maximum of 36 to 72 hours.

This measure is taken to ensure her immediate protection and safety.

Services must be available 24 hours a day through specifically shared procedures and organisational flexibility.

The continuity of the emergency room's protective services for women and minor children is guaranteed until the territorial services have been activated.

The healthcare professional must always inform the woman about available anti-violence centres, public and private services within the local network and, when possible, activate the territorial anti-violence network in collaboration with the operators involved in the formally established protocols.

Anti-violence centres serve as essential partners for healthcare and hospital facilities.

Through agreements with General Directorates, they can work in synergy with emergency room personnel, providing critical support and intervention.

The protocol emphasises the importance of protection, continuity of care, and collaboration with territorial resources to ensure comprehensive support for women who have experienced violence.

Local health authorities and hospital institutions — including districts, health centres, and territorial services — are required to adhere to the National Guidelines when providing social and healthcare assistance to women affected by violence. Their specific commitments include:

- implementing structured admission and care procedures that ensure direct coordination with the territorial anti-violence network;
- guaranteeing continuous staff training, including for contracted personnel, actively participating in the development and organisation of training modules;
- engaging in periodic round tables with institutions and public or private actors within the territorial anti-violence network;
- consistently monitoring cases of violence against women using tools such as triage and discharge records;
- regularly reviewing the implementation of procedures and taking improvement measures when necessary;
- designating a contact person for the "Pathway for women who have experienced violence" to facilitate collaboration with other actors within the territorial anti-violence network;
- local health authorities must coordinate and oversee the Pathway, ensuring regular reporting to regional contact persons and sharing data with the regional and national monitoring systems.

## 3.4 Professional training

Ongoing training and continuous professional development are essential for ensuring effective care. The training modules must address the following key areas:

- the dynamics of violence, including the influence of stereotypes and sexist attitudes;
- the impact of violence on the health of women and children;
- the protection of vulnerable groups, outlining specific obligations and pathways for disabled women, pregnant women, minors, etc.;
- criteria and methodologies for building relationships based on active listening and support;
- understanding of economic and professional resources locally available;
- collaboration with territorial networks both within and outside of the hospital environment.
- risk assessment for recurrence and lethality in emergency rooms;
- promotion of collective knowledge through discussions and professional development.

For further details on the training modules, see annex D to the national guidelines.

The healthcare professional responsible for the woman's care must document all consequences of the violence she has suffered with precision and detail, and compile a discharge report that includes both diagnosis and prognosis, ensuring the appropriate ICD9-cm diagnosis codes (primary or secondary) are recorded:

- 995.50 child abuse/maltreatment;
- 995.53 child sexual abuse;
- 995.80 adult abuse/maltreatment;
- 995.83 adult sexual abuse;
- 995.51 psychological violence against a child.

## Insight

### Training of health personnel and remote learning

The training of healthcare professionals is a priority in the prevention of violence, particularly violence against women and children, in accordance with the Istanbul Convention, which identifies training as a key prevention strategy.

Developing the skills of health personnel is crucial for enhancing the effectiveness of the National Health Service, as outlined in the NRRP - Mission 6-Health. This necessity is further emphasised in the 2021-2023 National Strategic Plan on male violence against women, which advocates for expanding training to other professional fields, including legal practitioners, law enforcement, social services, and educators.

The Italian National Institute of Health (ISS) has conducted training programmes on gender-based violence, with a particular focus on emergency room healthcare providers. These initiatives were developed as part of Ministry of Health-funded projects within the context of the CCM Programme. The first project (CCM 2014) involved 5 Regions and 28 emergency rooms, aiming to strengthen territorial networks for the prevention and response to gender-based violence, using a combination of remote learning with in-person training. Following the success of this initiative, the second project (CCM 2019) was launched in 2019, featuring a remote learning course designed for emergency room social and health care workers, with an emphasis on preventing and combating gender-based violence. The second edition involved the staff from all Italian emergency rooms. Both projects were scientifically coordinated by the ISS.

The REVAMP (*REpellere Vulnera Ad Mulierem et Puerum*) project is part of the 2014-2018 National Prevention Plan and focuses on promoting the mental well-being of children, adolescents, and young people. Funded by the Ministry of Health through the National Centre for Disease Prevention and Control (CCM), the project was implemented between 2014 and 2017.

The primary objective of the REVAMP project is to harmonise and optimise the intervention strategies among hospital and local health services, enhancing the ability to recognise and assist victims of violence — especially women and children. In line with the 2015 Extraordinary action plan against sexual and gender-based violence, the project promotes a coordinated, integrated and networked approach among the various institutions and professionals involved.

The intervention model establishes standardised procedures for the care and support of victims of violence. The process consists of the following phases: recognition, reception and interview, differential diagnosis of abuse, admission

and facilitation of access to social and healthcare services.

This model provides a structured response to violence, grounded in scientific evidence and operational experience. It aims to equip healthcare services with practical tools for managing and addressing relational violence, aligning with both the national and international health policy objectives.

As part of the CCM 2021 Programme, the Ministry of Health sponsored the "Strategies for the prevention of violence against women and minors" initiative, focusing on training social and health care workers in the field, with particular attention to the impacts of the COVID-19 pandemic. Coordinated by the Azienda USL Toscana Sud Est *under the management of Dr. V. Dovetti and C. Pagliara*, the #IpaziaCCM2021 Project launched in November 2021 was initially planned for 24 months, and was later extended by six months until May 2024. Its primary objective was to develop a competency-oriented training model based on *Problem-Based Learning*, including remote learning modules for staff within the participating operational units, and in-person training for the "training of the trainers" programme (*source ISS Dr. A. Mazzaccara and A. Colucci, along with their team*). The training package proposes a standardised model, developed within the #IpaziaCCM2021 Project, intended for broader implementation through regional and/or institutional training programmes, and seeks to disseminate evidence-based knowledge and foster skill development in the prevention of violence against women and minors.

# **4 Social and socio-educational workers**

For social and socio-educational workers, it is essential to provide integrated, multidisciplinary training that fosters a shared vision. This approach is based on the cultural framework of the Istanbul Convention, emphasising the importance of overcoming gender stereotypes and promoting a unified methodology and language in efforts to prevent and combat violence.

Given their institutional responsibilities, social workers within Local Institutions, along with professionals from various territorial services, as outlined in Law 328/2000 (the framework law for the integrated system of social services) and the relative regional regulations, play a crucial role in detecting hidden cases of violence. In collaboration with anti-violence centres, they contribute significantly to supporting women and minors on their path to safety and recovery.

The social services system, whether publicly managed or co-developed with the private social sector, is designed to be accessible to all. Its universal nature operates on multiple levels, fostering social cohesion that extends beyond immediate needs or individual circumstances. Moreover, the services provided address a wide range of life stages and experiences, from early childhood and education, to social engagement, professional life, and the challenges associated with ageing, illness, or loss of autonomy. At each of these stages, the social services system is responsible for ensuring full participation and social inclusion. It offers crucial support in situations such as difficulties in parental roles, disabilities, vulnerabilities, or the loss of independence due to unemployment, housing insecurity, or age-related challenges.

All professionals involved in the territorial social services system play a strategic role in identifying cases of violence and supporting women. They must be able to:

- actively listen and interact to create a supportive relational space;
- recognise signs of distress and vulnerability, and indicators of violent relationships and exposure to violence;
- understand the complexity of the phenomenon across different social and cultural contexts;
- understand and effectively collaborate with the "Network of territorial services";
- guide and support women within the network of services.

In particular, the content of the training initiatives must:

- raise awareness and recognition of sexual and domestic violence within the cultural framework of the Istanbul Convention. This includes acknowledging

that violence against women is deeply rooted in gender inequality and power imbalances, and recognising it as a systemic, widespread, and pervasive issue;

- increase the general knowledge of violence against women, covering legislative and legal aspects related to cases of abuse, maltreatment, and stalking, while promoting support methodologies that empower women and incorporate a gender-sensitive approach;
- increase specific skills in listening, engagement, and support, including managing emotional responses to the impacts of violence against women and children, and fostering self-awareness in professional relationships;

In order to ensure the effectiveness of the training programmes and practices, an integrated intervention model should be adopted, structured around the three key areas of intervention (recognising the phenomenon, assuming responsibility for the victim's care, and supporting the process of exiting the cycle of violence).

The training is designed for all professionals in the field, including social workers, professional educators, community animators, and volunteers.

### **Areas of intervention**

The training framework is divided into three distinct areas of intervention, aligned with the stages at which professionals encounter victims of violence:

- recognition of the phenomenon;
- assumption of responsibility for the victim's care;
- guidance of the victim on the pathway out of the cycle of violence.

### **Area 1**

#### **Recognition of the phenomenon**

##### **Recipients**

The training in this first area of intervention ("Recognition of the phenomenon") is intended for all individuals who may come into contact with women who have experienced violence (including exposure to violence) and abuse across various social and professional settings. These professionals play a strategic role as first-contact responders, and include social groups, community educators, cultural mediators, helpdesk personnel, social workers, and community animators.

## **Goals and content**

The training aims to strengthen or develop the following competences among the recipients mentioned above:

- in-depth understanding of the phenomenon in its various complexities and across different social and cultural contexts;
- recognition of the signs of sexual and domestic violence;
- active listening, and guidance of victims toward appropriate local services;
- heightened awareness among professionals about the prevalence and impacts of violence, its widespread nature, and its profound consequences on victims;
- in-depth understanding of legislative and legal aspects related to violence, abuse, and stalking;
- heightened awareness of the issue of female genital mutilation.

## **Area 2**

### **Assumption of responsibility for the victim's care**

#### **Recipients**

The training in this second area of intervention ("Assumption of responsibility for the victim's care") is intended for professionals who are directly involved in providing care and support to women affected by violence (staff of territorial social and socio-medical services, members of integrated multidisciplinary teams, and professionals working in anti-violence centres), with the goal of ensuring that the efforts to identify cases of violence in the first area of intervention are not undermined.

#### **Goals and content**

The training should allow the recipients to:

- provide victims with appropriate support and guidance, including directing them to anti-violence centres designed to assist women in breaking free from the cycle of violence and overcoming the trauma, through a structured pathway of interventions across various aspects of their lives, including those of their children;
- enhance their listening skills to help identify the women's needs, expectations, and difficulties and to implement safety procedures in cases of immediate danger;
- increase their awareness of their own emotional responses and relational skills;

- refine their skills to facilitate the establishment of an effective and well-coordinated territorial operational network, ensuring appropriate care for victims while respecting distinct roles;
- improve their ability to collaborate and interact with professionals within the territorial network in order to create a shared foundation that underpins operational, administrative, and bureaucratic activities;
- acquire and adhere to established operational protocols for responding to sexual and domestic violence, in order to consolidate the intervention methods across the territorial network;
- become proficient in the correct and appropriate use of the risk assessment tools.

### **Area 3**

#### **Guidance of the victim on the pathway out of the cycle of violence**

##### **Recipients**

The training in the third area of intervention ("Guidance of the victim on the pathway out of the cycle of violence") is intended for professionals who support victims as they transition out of violent situations.

##### **Goals and content**

The professionals involved in this third area of intervention must develop the skills necessary to:

- design and implement pathways that facilitate women's exit from situations of violence, utilising the networks of public and private social services available locally;
- assist women in achieving autonomy and embarking on a new pathway in their lives;
- recognise the impact of violent behaviour within family dynamics, particularly the long-term harm that exposure to violence inflicts on children;
- understand and become proficient in the correct and appropriate use of the risk assessment tools.

All the training programmes across these three areas adopt an integrated approach to the different manifestations of violence, ensuring a comprehensive understanding of how women experience violence on relational, physical, psychological, social, cultural, and economic levels — all of which stem from gender inequality.

The effectiveness of these training programmes will largely depend on the selection of the trainers. Given the wide range of territorial actors involved, the training must go beyond providing technical knowledge and information; it must also foster a profound cultural shift.

# **5 Journalists and communication professionals**

The awareness of the media's role in combating violence is a relatively recent development. However, as the title of a dedicated campaign suggests, words matter: they shape our world-view, and influence our values and beliefs. Words do not merely serve as labels for events, experiences, and objects; rather, their meanings are constructed within the language itself, which, as Saussure noted, arbitrarily distinguishes or unites concepts. The words that make up a language result from a process known as lexicalisation, in which "linguistic forms are assigned to elements of experience that hold significance within a particular cultural and social context"<sup>83</sup>.

Some languages have words for certain concepts, while others do not. This variation arises from historical, environmental, and cultural factors. However, the existence of a word — of a meaning — makes an experience visible and communicable, whereas its absence obscures it, as demonstrated by the history of the term "femicide."

The use of words is, therefore, a means of action: they can not only wound and harm, as seen in *hate speech*, but can also shape false narratives, reinforce stereotypes, and shift responsibility.

It is no coincidence that the Istanbul Convention (art. 17) highlights the role of "information and communication technologies and the media" in "preventing violence against women and enhancing respect for their dignity." A narrative that presents facts without distortion contributes to the process of recognition referenced in the opening pages of this introduction. Distinguishing abuse from mere conflict, and separating love from crime, are essential for assigning responsibility with clarity.

In response to the principles set forth in the Convention, the *Venice Manifesto* was created in 2017. This initiative emerged from a collaborative effort involving the FNSI's Equal Opportunities Commission, Cpo Usigrai, and GiULiA Giornaliste, aiming to promote accurate, responsible, and informed reporting on gender-based violence and its cultural, social, and legal implications. A comprehensive and stereotype-free representation of reality is the first step toward meaningful cultural transformation and the attainment of true equality.

This approach requires a commitment to:

- ensuring careful attention to terminology, content, and imagery, in order to avoid narratives shaped by stereotypes and prejudice;
- highlighting the resilience of women who have escaped violence, as well as

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83 De Mauro 2009, *Il linguaggio tra natura e storia*, Mondadori, Milano, p. 65.

amplifying the voices of those who support them;

- rejecting any form of sensationalism that creates a hierarchy of violence, where some victims are perceived as more deserving of empathy than others;
- avoiding the exploitation of violence against women for "commercial" purposes, whether to increase sales, clicks, or viewership.

The *Manifesto* places particular emphasis on language, urging journalists to refrain from using expressions that, "even unintentionally [...] may be disrespectful, dismissive, or harmful to women's identity and dignity." It warns against misleading terms such as "love," "impulse," "madness," "jealousy," or "passion" when describing crimes driven by the desire to control and dominate. Likewise, it calls for rejecting stereotypical images that reduce women to objects of sexual attraction and, above all, for avoiding any justification of perpetrators by attributing violence to factors such as "unemployment," "economic hardship," "depression," or "betrayal."

The paper highlights the link between violence and citizenship, urging the use of the feminine for professional roles and institutional positions. In this regard, it is appropriate to point out that, from a standpoint of grammatical correctness, there is no difference between the Italian words for "nurse" and "female minister." The choice to use the feminine form for professional titles remains at the discretion of the speaker, but this should not be mistaken for adherence to the grammatical rules of Italian, which in this regard are quite clear<sup>84</sup>. Respecting these linguistic rules helps establish coherence between material reality and language, thereby granting due recognition to the civic and professional advancements achieved by women. As Robustelli reminds us: "That which remains unsaid does not exist."

The UNICEF *Guidelines* on the Representation of violence against women also reflect these principles while emphasizing the importance of

- avoiding all forms of sensationalism and spectacle;
- consistently providing information on available resources for escaping violence — such as the 1522 helpline in Italy.

A recent and well-documented study on judicial and media language — the *Step* Project (Saccà, 2021) — has further refined this framework, highlighting additional aspects to be considered:

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84 See the pioneering work by A. Sabatini, *Il sessismo nella lingua italiana*, Presidency of the Council of Ministers, Polygraphic Institute and State Mint, Rome; on a similar note, see also C. Robustelli, *Linee guida per l'uso del genere nel linguaggio amministrativo*, (Progetto Accademia della Crusca e Comune di Firenze) Comune di Firenze.

- ensuring that the perpetrator is always made visible;
- refraining from portraying him as a deviant;
- avoiding any implicit or explicit empathy or justification for his actions, framing the violence as a reaction to women's behaviour or choices, thus implying a loss of control and attempting to attribute an alleged "motive" based on their lives and habits;
- refraining from linking the violence to jealousy;
- maintaining a clear distinction between conflict and violence, avoiding descriptions of femicide as the "outcome of a dispute";
- refraining from alluding to fatality;

The STEP project also highlights the necessity of ongoing monitoring. In fact, the initiative led to the establishment of the first Observatory between Sapienza University of Rome and the Equal Opportunities Committees of the Usigrai National Press Federation, the Order of Journalists, GIULIA Giornaliste, and the University of Tuscia, the purpose of which is to monitor the social representation of gender-based violence in the media and the implementation of the Venice Manifesto<sup>85</sup>.

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85 F. Saccà *Step. Stereotipo e pregiudizio. La rappresentazione giuridica e mediatica della violenza di genere*, FrancoAngeli, Rome 2021, pp. 190-204, a particularly rigorous recent analysis on this subject. The results are also available here <https://www.progettostep.it>. Another work that provides valuable insights for young audiences is: Di Cristofaro C., Rossitto S., Zancaner L. *In trappola. Giovani parole e linguaggio. Come liberarsi da stereotipi e modelli sessisti*, Il sole 24 ore.

# **6** Teachers and educators

The fundamental role of education in this context is reaffirmed by the Istanbul Convention, which dedicates the entirety of Article 14 to schools and educational institutions. It is worth noting its essential provisions, which call for the inclusion of teaching materials in school curricula on topics such as:

- equality between women and men;
- non-stereotyped gender roles;
- mutual respect;
- non-violent conflict resolution in interpersonal relationships;
- gender-based violence against women, and the right to personal integrity;

This emphasis is entirely unsurprising, as schools represent one of the most effective arenas for breaking the cycle of violence at every level. Shortly after the launch of the Convention, the Ministry of Education, University, and Research (MIUR) issued the National Guidelines on *“Educating for respect: for equality between women and men, the prevention of gender-based violence, and all forms of discrimination”*<sup>86</sup>. The fight against discrimination and the promotion of respect for differences are identified as fundamental components of the *“skills that pupils must acquire as an essential part of citizenship education.”* These principles are integrated into the content of all disciplines in order to contribute to the *“relational and emotional development of students.”* At the core of the document is an appeal to dismantle the perception that leads children to interpret difference solely through a hierarchical lens, equating it with inequality. *“The view of difference as hierarchical inequality causes the relationship to deteriorate into one of domination, resulting in discrimination. In Italian (as in other languages), this is both symbolised and reinforced by linguistic practice.”* Stereotypes that dictate how boys and girls should behave according to outdated normative ideals originate from this perception. The school environment plays a crucial role in codifying cultural patterns that are often presented as natural, *“in a continuous game of mutual reinforcement with other spheres of education and socialisation”*. For this reason, careful attention must be given to the language and imagery used in textbooks to prevent the perpetuation of outdated male and female models that reinforce <sup>86</sup>

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<sup>86</sup> The guidelines for the implementation of section 16 of Law no. 107 of 2015 are available here: <https://www.miur.gov.it/documents/20182/o/Linee+guida+Comma16+finale.pdf/>. The guidelines incorporate the provisions of Law 119, which, under article 5, states: “The priority objective must be to educate toward equality and respect for differences, particularly to overcome stereotypes related to social roles, representation, and what it means to be women and men, girls and boys, with respect for gender identity, culture, religion, sexual orientation, opinions, and socio-economic status. This should be pursued through the training of school staff and teachers, as well as through the integration of a gender perspective into educational and teaching practices.” See also the directive approved by

traditional distinctions concerning caregiving, child-rearing, workforce participation, and career advancement. In other words, education must encourage critical reflection on the concept of gender, its historical evolution, and the terminology associated with it. Special attention is also required in the use of grammatical gender to ensure the accurate and fair representation of women in language.

Particular attention should be given to the recommendations on the use of grammatical gender in texts dedicated to language education. In this regard, it is essential to: (a) explain the rules governing gender assignment and agreement; (b) demonstrate how grammatical gender serves as a powerful tool for textual cohesion, aiding in both the encoding and decoding of any text; (c) illustrate the meaning and appropriate use of newly recognised feminine forms in the Italian language for institutional roles and prestigious professions, such as architect, councillor, lawyer, chancellor, surgeon, lecturer, counsellor, critic, deputy, defender, director-general, official, engineer, inspector, doctor, minister, notary, prefect, head physician, prosecutor, rector, auditor, secretary-general, senator, mayor, and treasurer; (d) highlight the grammatical regularity of these forms, explaining their formation and providing insight into morphology. This includes distinguishing between simple nouns (*figli-o*, *figli-a*) and compound nouns with suffixes (*consiglier-e*, *consiglier-a*), thus broadening students' lexical knowledge of Italian.

Breaking the cycle of stereotype transmission, fostering education towards freedom, and presenting difference as an intrinsic trait of our shared humanity – rather than "the basis of a supposed hierarchy and, consequently, discrimination" – are essential steps in preventing violence and dismantling the culture that sustains it. In this context, it is crucial to openly discuss violence against women and domestic violence, present the data, and involve both boys and girls in the discussion. Recognising the signs of abuse and violence should be part of educational programmes, with specialised courses for teachers and students in collaboration with accredited anti-violence centres. In cases where help or support is needed, individuals should not hesitate to call the anti-violence helpline 1522, available 24/7, where trained professionals provide assistance. Violence against women, however, is committed by men. Schools, therefore, have the power to shift society's perspective – not only focusing on victims but also shining a light on the perpetrators. It is critical to understand what drives violent behaviour, the stereotypes and relational models that legitimise it, and the insecurities that lie beneath it. Moreover, schools can play

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the Ministry of Education and Merit on Relationship Education, which aims to "reinforce the commitment to educational action that fosters a culture of respect, relationship education, and the fight against male violence against women."

a pivotal role in encouraging the active involvement of men and boys in building an alliance with women to eradicate violence and all forms of discrimination<sup>87</sup>.

To achieve this objective, it is imperative to implement targeted educational programmes in Italy, as has been done in many other Western European countries. These initiatives should focus on emotional intelligence, respect, countering harmful gender stereotypes, and promoting gender equality, in line with the guidelines issued by the World Health Organisation's Regional Office (2010), UNESCO (2009, 2018), and the latest Directive (EU) 2024/1385 of the European Parliament and the Council of 14 May 2024 on combating violence against women and domestic violence.

Institutional accountability remains paramount, and it is essential to:

- ensure clear, widespread, and timely communication about available resources, including contacts and information on pathways out of violence and accessible support services, such as the 1522 helpline;
- designate trusted Advisers within schools and academic communities to act as safeguards against discrimination, abuse, and harassment. As indicated by European Commission Recommendation 92/131 of 27 November 1991 on the Protection of the Dignity of Women and Men and European Parliament Resolution A3-0043/94, these neutral figures are responsible for offering confidential support and assistance while ensuring absolute respect for the privacy of those involved.

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87 This document refers to the well-known UN campaign HeforShe, found here: <https://www.heforshe.org/en>

# **7** Chartered accountants

In its three-year strategic plan for equal opportunities, the Equal Opportunities Committee (CPO) of the Association of Chartered Accountants and Accounting Experts of Milan outlined a series of measures to combat all forms of gender-based violence, including sexual harassment. In particular, the committee actively participated in numerous interdisciplinary meetings, fostering valuable exchanges and collaboration among experts from various fields. On 25 November, in observance of the International day for the elimination of violence against women, the Equal Opportunities Committee launched an awareness campaign featuring a poster listing the key warning signs of a toxic relationship.

On the same day, the Equal Opportunities Committee staged the play *Othello*, which, through 12 Shakespearean characters, explored themes of equality, parity, and violence against women. In conjunction with International Women's Day on 8 March, a red bench was inaugurated in Piazza Fontana, bearing the plaque "You are not alone" along with the telephone number for emergency assistance. Also on 8 March, the Equal Opportunities Committee participated in an event organised by the Equal Opportunities Committee of the Milan Bar Association, focusing on the issue of economic violence against women.

The event provided an opportunity to discuss the existing legal frameworks, identify gaps, and explore strategies to protect women from financial abuse. The meeting encouraged members of the bar to act as "sentinels" in the fight against all forms of gender-based violence, with a particular emphasis on economic violence, offering the suggestions indicated in the paragraphs below.

### **Training and Awareness-Raising**

- **Training courses:** participation in specialised training courses on gender-based violence, particularly economic violence, is essential for chartered accountants. These courses should cover legal, psychological, and practical aspects, providing professionals with the knowledge to recognise and handle situations of economic violence. Continuous education is necessary to ensure that chartered accountants remain up-to-date with evolving laws and societal changes.
- **Educational materials:** access to up-to-date educational materials is also crucial. These may include practical guides, case studies, academic articles, and recent research. Chartered accountants should also attend workshops and seminars organised by experts in gender-based violence.
- **Collaboration with experts:** collaboration with experts, such as psychologists, lawyers, and social workers, can further deepen chartered accountants' understanding of the dynamics of economic violence and help them develop

effective intervention strategies. Participation in roundtable discussions and professional forums offers opportunities for knowledge-sharing and networking.

- Awareness of legal and financial resources.
- Knowledge of the law: chartered accountants must be well-versed in legal protections against gender-based violence and the specific rights of victims of economic violence. This includes knowledge of victims' rights, legal procedures for obtaining protection, and available support resources. They must also stay up-to-date on any legislative changes that may impact victim protection.
- Access to resources: chartered accountants should also know where to refer victims for legal and financial support, including anti-violence centres, social services, non-profit organisations, and other entities offering assistance for victims of gender-based violence. Maintaining a list of trusted contacts and establishing partnerships with these organisations can streamline the referral process and enhance support for victims.

### **Actions**

- Financial management support for victims.
- Personalised financial consulting: personalised financial consulting is essential for helping victims of economic violence regain their financial independence, and can include assisting with budgeting, savings planning, and debt management. Chartered accountants can also help victims assess their current financial situation and plan for the future.
- Financial security planning: helping victims establish independent bank accounts and safeguard their assets against further financial abuse. Chartered accountants can advise on securing important financial documents, identifying alternative income sources, and creating financial contingency plans. They can also assist victims in navigating the complex tax and financial issues that may arise in situations of economic violence.
- Legal and administrative support.
- Assistance in preparing legal documents: helping victims prepare the legal documents required for protection measures, such as restraining orders or separation and divorce proceedings. Chartered accountants can also help victims complete applications for financial aid and manage the necessary paperwork.
- Intermediation with financial institutions: acting as intermediaries between victims and financial institutions can facilitate the resolution of critical

issues, such as accessing joint funds, unblocking shared accounts, and removing an abuser's name from financial records. Chartered accountants can negotiate directly with banks and other financial entities to ensure victims receive the support they need.

- Promotion of awareness.
- Awareness campaigns: organising or participating in awareness campaigns, with a focus on economic violence. These initiatives may include distributing informational materials, organising public events, and collaborating with the media to disseminate critical information. Awareness campaigns can also feature testimonies from survivors who have overcome economic violence, providing a human perspective on the issue and inspiring others to seek support.
- Public education: communication platforms such as websites, social media, and newsletters can be used to inform the public about the importance of recognising and preventing economic violence. Chartered accountants can help by publishing informative articles, practical guides, and useful resources for both victims and those seeking to learn more about preventing and combating economic violence.

### **Establishment of support networks**

- Collaboration with other professionals: establishing a support network with other professionals, such as lawyers, psychologists, and social workers, to offer comprehensive support for victims of economic violence. This integrated approach ensures coordinated assistance, addressing financial, legal, and emotional aspects linked to their situation.
- Partnerships with non-profit organisations: collaborating with non-profit organisations that specialise in gender-based violence to provide immediate and long-term assistance for victims. Such partnerships might include pro-bono financial consulting, participation in economic support programmes, and the establishment of emergency funds for victims.

### **Conclusion**

Chartered accountants play a crucial role in combating gender-based violence, particularly economic violence. With proper training and concrete actions, they can provide essential support to victims, helping to reduce the prevalence of this form of abuse, and fostering the economic independence of those affected. By investing in training, awareness, and collaboration, chartered accountants can become key figures in the victim support network, helping to build a future where economic violence is no longer tolerated.

# Curators of the White Paper

## **Fabrizia Giuliani** *Coordinator*

Fabrizia Giuliani teaches Philosophy and Language Theory and Gender Studies at La Sapienza University of Rome. A PhD holder and Fulbright Scholar at Harvard University, she is a member of the Steering Committee of the International Federation of Philosophical Societies (FISP). Her research focuses on semantics, the relationship between language and gender, and the role of language in preventing violence against women. From 2013 to 2018, she served as a Member of Parliament, working within the Justice Commission. During her tenure, she was the rapporteur for several key measures, including the ratification of the Istanbul Convention on gender-based and domestic violence, Protections for unaccompanied minors, the *Codice Rosa* (the Pink Code) initiative, laws addressing Orphans of domestic crime, and the Reform of the summary trial procedure.

## **Paola Di Nicola Travaglini**

Justice of the Supreme Court of Cassation. Paola Di Nicola Travaglini has served as a legal advisor to the Senate Commission on femicide and all forms of gender-based violence. She has received numerous awards for her commitment to combating violence against women and challenging gender stereotypes, including the "Women Inspiring Europe" Award in 2014 from the European Institute for Gender Equality (EIGE). Her publications include essays on the *Codice Rosso* (2020), gender bias in court, and prostitution (2015).

## **Vittoria Doretti**

Vittoria Doretti is a physician specialising in bioethics, primary healthcare organisation, and forensic science. She is the Director of the Departmental Area of Health Promotion and Ethics at Azienda USL Toscana Sud Est. She is the creator of *Codice Rosa* (the Pink Code), established in 2009 at the Grosseto local health authority, which has since evolved into a regional network that connects and coordinates all branches of the Tuscan health service, working in close collaboration with the public prosecutor's office, law enforcement, and relevant associations. She also served as a consultant to the Senate Parliamentary Commission of Inquiry into Femicide. In January of 2023, she was reaffirmed as the head of the regional *Codice Rosa* network. In 2023 she became the first DEI (Diversity, Equity, and Inclusion) manager for a public healthcare institution.

### **Alessandra Kustermann**

Alessandra Kustermann was head physician at the Mangiagalli Clinic of the Policlinico di Milano and, since 2009, has been the Director of Gynaecology and Obstetrics at the "Obstetrical-Gynaecological Emergency and Admission, Sexual and Domestic Violence Relief (SVSeD), and Family Consultation" Complex Operative Unit for Fondazione IRCCS CA' Granda Ospedale Maggiore Policlinico di Milano. In 1996, she established Italy's first public anti-violence centre dedicated to assisting victims of sexual and domestic violence: SVSeD.

### **Lella Palladino**

A sociologist and dedicated activist for anti-violence centres, Lella Palladino founded the Cooperativa Sociale E.V.A. in 1999, an organisation that manages anti-violence centres and shelters in the Campania Region. She was a member of the National Council of the Association DiRe (Donne in Rete contro la violenza), and served as its president from September 2017 to November 2019. As a member of the Technical Round Table established at the Department for Equal Opportunities, she contributed to the development of the National Strategic Plan on Male Violence against Women 2017–2020. She is currently a member of the Inequality and Diversity Forum, and is the founder and vice president of the Una Nessuna Centomila Foundation.

### **Claudia Segre**

As founder and President of the Global Thinking Foundation, Claudia Segre also serves as Co-Chair of Women7/G7 and Vice President of AssoFintech. With 30 years of experience in international markets and a strong commitment to social causes, she was recognised by Forbes as one of Italy's 100 most successful women in 2019. She is an external member of the Equal Opportunities Commission of the Accademia dei Lincei, and a member of the Advisory Body of the Lombardy Region's Authority for the Protection for Minors and Vulnerable Persons. She also serves as a consultant for Financial Education and Economic Violence for the Bicameral Commission of Inquiry on femicide and all forms of gender-based violence.