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## JUSTICE FOR WOMEN

**Towards a more effective rights protection and access to judicial procedures for victims of crimes**

**TRANSNATIONAL EXPERTS WORKING GROUP MEETING**

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# Violence against women

- ❖ Violence against women is rooted in women's **unequal status in society**, and that status reflects the unbalanced distribution of social, political, and economic power among women and men in society.
- ❖ Violence against women is a form of discrimination that results in, or is likely to result in, **physical, sexual, psychological or economic harm or suffering** to women.
- ❖ Violence against women **undermines** women's **dignity** and **integrity** and imposes serious harms on families, communities and societies.

# Legal framework

## Article 3 of the Italian Constitution

“All citizens have equal social dignity and are equal before the law, **without distinction of sex, race, language, religion, political opinion, personal and social conditions**”.

## ❖ Sexual violence

### **Criminal Code, Article 609bis**

- **Criminal conduct:** forcing another person to commit or suffer sexual acts
- **Means:** force, threat or abuse of authority
- **Penalty:** imprisonment from 5 to 10 years

## ❖ Intimate Partner Violence

### **Criminal Code, Article 572**

- **Criminal conduct:** all forms of violence perpetrated against a family member or partner
- **Penalty:** imprisonment from 2 to 6 years; and up to 24 years if the fact causes the death of the victim

## Stalking

### **Criminal Code, Article 612bis**

Law Decree 23 February 2009, no. 11, “Urgent measures concerning public security and contrasting sexual violence and stalking”

- **Criminal conduct:** continuative harassing, threatening or persecuting behaviour which:
  - causes a state of anxiety and fear in the victim(s), or;
  - ingenerates within the victim(s) a motivated fear for his/her own safety or for the safety of relatives, kin, or others associated with the victim him/herself by an affective relationship, or;
  - forces the victim(s) to change his/her living habits.
- **Penalty:** imprisonment from 6 months to 5 years

The penalty is increased if the act is committed by the spouse, also separated or divorced, or by a person who is or has been linked by an affective relationship to the injured person or if the fact is committed through IT or telematic tools.

## **Recent legislative measures**

Decree-Law 2013, no. 93, containing provisions aimed at preventing and suppressing domestic and gender violence

### **Domestic violence**

The notion of “domestic violence” has received legal recognition as a result of art. 3(1) of this legislative measure, inspired by the definition contained in the Istanbul Convention:

“one or more acts, serious or non-episodic, of physical, sexual, psychological or economic violence occurring within the family or between persons linked, currently or in the past, by a marriage bond or a relationship”

# Protection tools for women

## Protection orders

Civil Code, Article 342

- Removal of the author of the violence from the family home
- Prohibition for the perpetrator to approach the places habitually frequented by the woman

## Preventing future offences

Criminal Procedure Code, Article 90-ter

- Upon request, the victim of violence has the right to be informed about the release, end of preventive detention and evasion of the perpetrator

- aimed at protecting the victim after she has denounced the harassment or violence suffered
- issued by a judge after formal request of the victim
- last six months and may be extended for additional six months

## What is being done to eliminate violence against women in Italy?

### ◆ National Plan

A national plan against gender-based violence and stalking was officially enacted only in November 2010 as a first attempt to develop an organic response to address violence against women in Italy.

### ◆ Legal aid

Generally granted upon meeting certain financial criteria. However, for women victims of violence and crimes such as mistreatment within the family, legal aid is granted regardless of the income limits provided for by Italian law (Decree-Law 2013, no. 93).

### ◆ Special Plan

In 2015, the Italian government adopted the 'Special plan against sexual violence and gender-based violence', which oversees the expansion of women's support services including anti-violence centres and women's shelters.

## Good practices

The **Provincial Observatory on Gender Violence** collects data on complaints related to violence against women in the Autonomous Province of Trento.

The initiative is implemented in collaboration with the prefecture, the police and the University of Trento.

The observatory was created in 2012 and includes complaints collected by Trento and Rovereto prosecutor's offices and by the local police. Thanks to the collaboration of all these institutions, data on violence against women is now available and represents a solid base on which to formulate policies and measures to combat violence against women

# Data and statistics

## Women victims of violence

- 49,152 women who have turned to the Anti-violence Centers, of which 29,227 have started a journey out of violence
- the average number of women taken care of by the centers (115.5) is highest in the North-East (170.9) and lowest in the South (47.5)
- 26.9% of women are foreign and 63.7% have children, who are minors in more than 70% of cases

## Outcome of judicial procedures

- convictions: 42.5%
- settlements: 14.9%
- acquittals: 11.5%
- withdrawal of the lawsuit: more than 25%

# Thank you for your attention.

We are looking forward to working with you!

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