

Information related to best practices, and other relevant information related to investigation and prosecution of gender-related killing of women and girls in accordance with the resolution of the Commission on Crime Prevention and Criminal Justice entitled "Taking action against gender-related killings of women and girls" – Italy

Analysis of femicide

The term ‘femicide’ is borrowed from criminology to indicate the gender-based murder of a woman as a woman, a discriminatory act committed by a man. Therefore, the term includes not only female homicides committed by partners/former partners, but also of girls murdered by their fathers because they refuse a marriage imposed to them or rebel against an obsessive control of their lives or sexual choices.

The multi-agency monitoring of the homicides perpetrated on the national territory highlights that the greater part of these murders takes place in the family context, mainly by a partner/former partner (about 60% of the cases).

The a.m. statistical data confirm the results of a close examination of the individual crimes, i.e. femicide is included in the broader term ‘gender violence’ and is often referable to domestic violence and stalking.

This does not mean that all femicides are announced deaths. Although sometimes the relevant risk indicators are not recognized or identified timely, it is possible to identify the risk factors in order to develop case-related intervention and management strategies for a full-fledged victim’s protection.

More in general, the analysis of the femicides committed in Italy points out that the phenomenon of gender violence cuts across all socio-economic segments of the population, all cultural levels and professional categories and is widespread all over the national territory.

The analysis of the reports reveals that with regard to the offender/victim relationship the greater part of violent acts (about 70%) takes place in the framework of family/emotional relationships. Moreover, victims are represented mainly by Italian women, though victims of foreign origin seem to be on a slight increase, probably to testify a slow but progressive social integration of persons representing different traditions, mentalities and cultures.

The in-depth study of individual cases often outlines a background of previous conflict situations, which are not always reported formally to the police, or whose past reports did not contain indications of a dramatic escalation of the events.

The characteristic of the crimes committed in the family context, which makes it difficult to prevent them, is the lack of timely and detailed reports submitted by the victims, who are women in almost all the cases.

These women do not report the violence suffered because they are ashamed, feel guilty, are scared, fear repercussions also on their children, but also because they do not trust the law enforcement and judicial authorities in general, or consider that the events are private issues to be kept hidden.

In this framework the increased number of crime reports is not necessarily indicative of a fresh upsurge in the phenomenon, but rather of a decrease in hidden violence, thanks to the women’s

renewed capacity to report their torturers. Actually, the report is fundamental and crucial to enable the law enforcement and judicial authorities to use all the protection instruments available, which have been improved by the legislator over the years and are aimed at preventing the extreme consequences of violent behaviors. Conversely, the lack of timely and detailed reports by the victims makes it difficult for law enforcement authorities to act in terms of prevention, although this prevention is anomalous as it concerns a committed crime. Actually, when the police intervene they are already confronted with a pathology to be treated.

Regulatory Framework

The relevant Italian legislation is advanced. As is known, Act No. 154 of 8 April 2001 containing ‘Measures against violence in family relations’ introduced innovative instruments to combat domestic violence and mainly to ensure a rapid, though temporary, victim’s protection.

Act No. 38 of 23 April 2009 introduced the specific crime of persecutory acts (section 612-bis of the criminal code) and a preventive measure, the so-called warning, to be applied by the *Questore* upon request of the offended person.

Act No. 119 of 15 October 2013 introduced more severe penalties against persecutory acts committed by the separated spouse (even if *de facto*), or a person who is or has been linked to the victim by an emotional relationship. More severe penalties are also envisaged for the crimes against life and individual safety that are committed in the presence of or against a minor. Moreover, important measures are provided for to protect the victims of domestic violence. In particular:

- the obligation for law enforcement authorities, health facilities and public institutions to inform the victims of certain crimes (including sexual crimes and child pornography) of the presence of anti-violence centers, or to put them in contact with said centers;
- the possibility for the criminal police, upon the public prosecutor’s authorization, to adopt a precautionary measure - i.e. the urgent removal from the family house - against the person caught in the act of committing specific crimes (including sexual violence, sexual acts with a minor, corruption of a minor, group sexual violence), if there are well-grounded reasons to believe that the criminal behaviors might be reiterated, thus endangering seriously the victim’s life or integrity;
- a prevention measure to be adopted by the *Questore* when a fact that is deemed to fall within the offences of battery or grievous bodily harm in a context of domestic violence is reported to the law enforcement authorities. In this case, also in the absence of a complaint, the *Questore* can caution the offender after collecting the necessary information from the investigative bodies and after hearing the persons informed of the facts. The term “domestic violence” includes all not occasional acts of physical, sexual, psychological or financial violence that occur within a family or household group or between current and former spouses or partners, regardless of the fact whether the author of said acts shares or has shared the same house with the victim. Furthermore, the *Questore* may request the Prefect of the place of residence of the person to be cautioned a suspension of his/her driving license for a period from one to three months;
- a special residence permit to protect the foreign nationals who are victims of domestic violence. It is issued when - in the course of police operations, investigations or a criminal proceeding concerning one of the offences under Sections 572,582,583,583-bis,605 and 612-bis¹ of the Criminal Code or one of the offences under Section 380² of the Criminal

¹ Section 572 (Mistreatment of family members and co-habitants), Section 582 (Bodily injury), Section 583 (Aggravating circumstances), Section 583-bis (Mutilation of female genitals), Section 605 (Kidnapping), Section 612-bis (Stalking)

Procedure Code committed in a context of domestic violence - situations of violence against or abuse of a foreign national are ascertained and a concrete and present danger for his/her safety emerges as a consequence of his choice to escape said violence or of the declarations made during the preliminary investigations or trial.

Good investigative practices

In light of the above, the main task of a police officer is to carry out extremely exhaustive investigations even if the facts reported at first do not appear to be criminally relevant considering the objective behavior of a person. Said facts may become criminally relevant if linked with the material or psychological objective consequences. In this framework a proper assessment of risk factors is of fundamental importance as well as the related recidivism risk assessment, since in the most serious cases these situations may lead to homicide. Based on these assessments the police officer can not only indicate to the judicial authority if the adoption of (also) precautionary urgent measures is necessary, but also propose the measure deemed to be the most effective in the relevant case and plan interventions aimed at preventing a possible violence escalation, in agreement with the judicial authorities.

The Central Operations Service and the local specialized offices of the Italian National Police

Violence against women and the broader concept of gender violence are issues that have been long dealt with by the Italian National Police which resort to specialized units at central and local level to counter and prevent them. The special attention to said issue is shown by the fact that since the Sixties' of the last century the National Police has been the first police force to envisage a dedicated service, i.e. the Women's Police Corps.

At central level the reference structure is the Central Operations Service (SCO) within the National Police Central Anticrime Directorate. It is a highly specialized structure to counter organized and common crime in all its most dangerous forms and ethnicity. It boosts and coordinates, at information and operational level, the *Questure* Crime Squads by participating directly in the relevant investigations into particularly complex cases as well as, in relation to some aspects of the criminal phenomena, the *Questure* Anticrime Divisions, thus working out a synthesis of the situational reports and orienting the relevant preventive initiatives. Therefore, in this framework, the SCO functions are to monitor and boost the activities of the local bodies responsible also for preventing and countering gender violence, a role that has been enhanced over the years.

With regard to the local services, the Central Operations Service coordinates:

- the Offices for Minors within the Anticrime Divisions, which carry out essentially preventive functions also in relation to the specific issue of gender violence;
- the Crime Squads, responsible for conducting investigative activities and coordinating those of the Police stations.

The Offices for Minors were set up by Ministerial Circular Letter No. 123/A1/130/3/54 of 8 May 1996 in the context of a specific Project named "*Arcobaleno*", a few months after the issuing of Act No. 66 of 15 February 1996 containing "Provisions on sexual violence". The aim of said Offices is to deal not only with the protection of children but also of all the family unit in difficulty, thus carrying out coordination functions with the other bodies and institutions operating on the territory. In this way the intervention area was extended to include also any issue that, pertaining to family, turns on the female world and domestic violence.

² Arrest in *flagrante delicto*.

Following the adoption of Act No. 269 of 3 August 1998 containing “Provisions on the exploitation of prostitution, pornography, sexual tourism against minors, as new forms of reduction to slavery”, by circular letter No. 123/A1/183/B/15/1 of 27 November 1998 ad hoc sections specialized in the investigations into the exploitation of prostitution, pornography and sexual tourism against minors were set up within each crime squad. Subsequently, by Directive No.123/A1/193B194 of 16 July 1999 of the Chief of the Italian National Police – Director General of Public Security, concerning the “Prevention and suppression of sexual violence, abuses and ill-treatment against women and minors. Extension of the competences of the crime squad specialized sections set up by decree of the Minister of the Interior to implement section 17 of Act 269/98”, such units were entrusted with the delicate issue of gender-based violence in order to act as the only reference point.

In the Questure there are also other sections that, though they are not mainly responsible for dealing with the a.m. issues, can be called to intervene in situations of domestic violence. Reference is made to:

- Office of General Prevention and Public Rescue, that manages the so-called ready intervention in case of emergency situations and is responsible for the emergency number 113 and the command and control room coordinating territory control activities through the employment of the flying squads. This office is often the first to intervene in case of family disputes and of any report of emergency situations. Following the first intervention, during which it is necessary for the operators to acquire information in the most accurate way, the case will be further dealt with by the responsible offices;
- Crime reporting office, (present both in the Questure and in the police stations), which the persons may apply to in order to make a report/complaint. In the most serious cases the criminal police officers will consider the possible immediate involvement of the officers from the crime squad specialized investigative offices.

Prevention Initiatives

In order to ensure prevention activities and an effective support to victims, which are valid also in terms of suppression, of utmost importance are the below described “system” actions:

1) police officers’ training.

Officers assigned to the National Police specialized offices receive an ad hoc multidisciplinary training focusing on the victims and the more effective ways to prevent recrudescence of violence, as well as on the attempt to recognize its arising.

Various initiatives were implemented by the National Police in order to improve the training of police officers. In particular:

- Specialization courses on “investigation techniques” concerning crimes against minors and sexual crimes were implemented for the staff of the Crime Squad specialised Units;
- Courses concerning the managing of family disputes and “domestic violence” were implemented for the officers of flying squad units;

- Issues on “domestic violence”, “stalking”, “violence against women” and “fight against discriminating acts” were introduced in the framework of the annual refresher courses for all the National Police staff:
 - In 2009: “domestic violence” with reference to the operational procedures adopted during police interventions;
 - In 2010: equal opportunities and the proper approach of police officers towards crime and stalking victims;
 - In 2011: stalking and crimes against the so-called “socially vulnerable groups” (women, minors and the elderly)
 - In 2012: monitoring and countering of discriminating acts against all the minorities and role of the OSCAD – Observatory for Security Against Acts of Discrimination;
 - In 2013: violence against minors and women – legal, psychological and operational aspects;
- In 2011, five courses on “Conduct in managing victims of sexual crimes and gender violence-related crimes” for 140 National Police officers who, in turn, are currently acting as “trainers” at their own offices – were organized to implement the “Agreement aimed at training Police forces staff in order to standardize their conduct in the management of the victims of gender-based violence”. Said agreement was signed on 30 May 2011 by the Head of the Department of Equal Opportunities of the Presidency of the Council of the Ministers and the Director of the Office for Coordination and Planning of Police Forces of the Public Security Department of the Ministry of the Interior in the framework of “the Memorandum of Understanding between the Minister of the Interior and the Minister of Equal Opportunities to prevent and counter gender-based violence” (3 July 2009).

Within the aforesaid agreement with the Department of Equal Opportunities, since 2011 training has also included a Course for National Police Cadets on the issue of “gender violence”;

- ✓ in 2013 refresher courses on gender violence were introduced for junior and senior National Police officers working at the *Squadre Mobili* (Crime Squads) and the Anticrime Branches of the *Questure*; said courses also deal with domestic violence-related issues in case of violence committed within the family;
- ✓ training initiatives at European level were carried out, in particular in the framework of the European “Daphne” programme, aimed at countering every form of violence and mistreatment against women and minors. In particular:
 - the National Police Central Anticrime Directorate carried out a Project named “S.A.R.A. - Spousal Assault Risk Assessment”, in collaboration with an NGO, “Associazione Differenza Donna - ONLUS,” for the early identification of the recidivism risk factors in case of domestic mistreatment. Said initiative was developed with two European partners, Sweden and Greece, under the supervision of a third European country, the Netherlands. 8 training modules were subsequently implemented from 2004 to 2006 on the risk assessment

procedure in case of domestic violence and *stalking*. Training courses were delivered by teachers and judges specialized in criminology and forensic psychology. The practical part of the training was particularly highlighted with practical exercises on the approach to victims and relevant listening techniques, with a simulation of real witnessing and screening of films. In addition to this, mistreatment management strategies were worked out and a victim safety planning was implemented. Taking into account also the seminars organized on a local level, a total of 1000 National Police operators were trained.

A careful implementation of “S.A.R.A.” which is not binding, can help set trends and, at the same time, does not require a particular psychological competence, can also support a police operator in order to classify correctly every single case. The validity of this approach can be found in some provisions of the Convention of the Council of Europe on preventing and combating violence against women and domestic violence (open to signature in Istanbul on 11 May 2011, signed by Italy on 27 September 2012, and ratified in June 2013), providing for the criterion of risk assessment and management;

- a Project named “*S.I.L.Vi.A. – Stalking Risk Assessment for Victims and Authors*”, has been implemented since October 2007 by the Central Operations Service of the National Police, in cooperation with the Psychology Department, Study Centre CESVIS of the Second University in Naples, in order to monitor the phenomenon of *stalking* before it became a specific crime under Act No. 38 of 23 February 2009. The project also envisages the circulation of an information booklet for operators;
- a Project named “*A.Vi.Cri. (Attention for Victims of Crime)*”, coordinated by the Central Directorate of Criminal Police and by the Faculty of Psychology of the University “La Sapienza” in Rome. The Project defines and implements a training envelope including examples of best practices for the police forces. On such grounds 7 training seminars were organized for junior and senior police officers. The training envelope has become part of the common curricula of CEPOL – the European Police Academy specialized in the enhancement of cooperation among European police forces, through a planning of training activities and joint research in the field of public order and security and fight against crime;
- Since April 2011 a Project named “*Mu.T.A.Vi. - Multimedia Tools Against Violence*” has been implemented, aimed at developing training programmes for the personnel carrying out first intervention activities and supporting victims of “domestic violence”, coordinated by the Central Directorate of Criminal Police in collaboration with the Faculty of Psychology of the University “La Sapienza” in Rome and the NGO “Istituto per il Mediterraneo”. Said initiative was performed carrying on the aforesaid “*A.Vi.Cri.*” project and aims at establishing a set of multimedia training tools to deepen the ad hoc competence necessary to identify the personal and social needs of victims, which enable operators to orientate their action providing social services and welfare. On 7 May 2013 at the Police Academy in Rome a meeting was held named: “Victims of Crime: what kind of training to be delivered to the Police Officers in the framework of an international exchange”, during which the final results of the project were presented.

2) A network cooperation with other actors for the protection of the victims of violence.

Obviously, the described preventive initiatives involving training will be more effective if they can rely on a very wide and representative “network ” of other institutional “actors” and private social representatives who offer their contribution to the typical police intervention. Therefore, it is fundamental to cooperate with external bodies and private associations which can offer the necessary logistical and psychological support, in synergy with the institutions involved.

Said collaboration, enhanced by legal provisions that codify it for certain crimes (Act No. 38 on Stalking of 23 April 2009), makes it compulsory for Police Forces to inform the victim of all details concerning Anti-violence Centres present on the territory, in particular those located where the victim lives; as under Act 119/2013; the measure in question will also include family mistreating, reduction into slavery, trafficking in human beings, prostitution of minors, paedo-pornographic exploitation, molestation, beating and bodily harm within domestic violence). Moreover, said measure and will prove more effective if supported by a joint training of police forces and associations, fully respecting their ad hoc relevant competence.

In this form the collaboration in question aims, on one side, at preventing in particular domestic violence, whereas on the other it represents a crucial opportunity for police officers to collect information and investigative elements useful to classify each case.

Moreover, this cooperation also aims at creating a partnership among institutions, i.e. between the national anti-violence hotline “1522” (a public number) and the Police Forces, implementing the “Agreement for cooperation between the *call center number* 1522 and the Police Forces for episodes of sexual and gender violence” (12 January 2011) – signed within the already mentioned “Protocol of Understanding” between the Ministry of the Interior and the Ministry for Equal Opportunities of July 2012 – providing for specific communication procedures if the hotline “1522” receives calls where elements relevant for the Police Forces are present.

In this connection, the aforesaid synergy is also enhanced by joint training, as sometimes envisaged under “Protocols of Understanding” signed with different public and private institutions dealing with this issue on the territory, in order to facilitate the setting up of an inter institutional network in favour of women victims of violence. In fact, the instrument of Protocols of Understanding has already been adopted in various Italian provinces and represents the most flexible tool suitable to up-date cooperation mechanisms within the above mentioned network. In this regard, in July 2013 a directive by the Chief of Police, Director General of Public Security has again urged the *Questure* to conclude said Protocols of Understanding or to up-date the existing ones with a view to supporting the relevant police efforts.

Therefore, this intervention tool is under implementation at the moment, always bearing in mind that every form of prevention in this field can be supported by effective welfare and social responses, that will increasingly marginalize the suppressive response to gender violence.

1. LEGAL FRAMEWORK

The current Italian legislation does not envisage “Femicide” (female murder) as a specific crime perpetrated against women. However, a series of legal provisions have been adopted to punish gender-based violence against the weaker, in particular within family and affective relationships.

Penal Code

- *Article 612 bis: Persecutory acts (“stalking”)- introduced by Law Decree No 11 of 23rd February 2009, converted into Act No 38 of 23 April 2009.* A persecutory act is a criminal offence committed by anyone who repeatedly threatens or harasses someone in such a way as to cause in the victim a serious and constant state of distress or fear, or engender a reasonable fear for his/her own safety or for the safety of any other person close to him/her, and forces the victim to alter his/her life habits.

Criminal sanction: prison penalty from six months to 5 years. Increased penalty: The penalty is increased i) if the offense is committed by a spouse legally separated or divorced or by a person who is tied to the victim by an affective relationship, ii) if the offense is committed against a minor, a pregnant woman or a person with disabilities or iii) if the offense involves the use of a weapon or is committed by a disguised person or by using telematics or IT tools.

Prosecution on complaint. (This criminal offense is prosecuted ex officio if the victim is a minor or a person with disabilities or when the offense is connected with another offense prosecutable ex-officio or is accompanied by the use of a weapon or is committed by a disguised person or jointly by more persons or by resorting to anonymous messages or to the power of intimidation of secret societies, including alleged secret societies). In all other cases, the offense is prosecuted upon complaint filed by the offended party and submitted to the judicial authority.

Aggravating circumstances ex article 576, section 1, subsection 5.1

The perpetrator of persecutory acts involving the subsequent killing of the offended party, is punished with life imprisonment.

Article 572: Maltreatment of family members and cohabitants

This criminal offense is committed by anyone who repeatedly mistreats a family member or a cohabitant by using physical, moral, psychological or economic violence.

Penalty: imprisonment from 2 to 6 years.

Penalty for serious injuries caused by maltreatment: imprisonment from 4 to 9 years or, in case of very serious injuries, from 7 to 15 years.

Penalty (if the offense leads to the victim's death): imprisonment from 12 to 24 years.

Prosecution ex-officio

Criminal Code Procedure

- *Article 266: possibility to resort to interception for evidence-gathering when carrying out investigations on persecutory acts.*
- *Article 380: possibility to resort to mandatory arrest in flagrante delicto for persecutory acts cases as well as for maltreatment against family members and cohabitants.*
- *Article 282 bis: barring order (order to leave and stay away from the family home)*

This measure is adopted **by the judicial authority** during the proceedings against **an offender** charged with crimes that are punished with life imprisonment or imprisonment exceeding 3 years; the offender is ordered to immediately leave the family home or he is prohibited from returning or entering the family home without a judicial authorization. This measure can also be adopted in instances below the aforesaid penalty limits, if the offender is charged with personal injuries prosecutable ex officio or with serious/aggravated threats and the victim is a close relative or a cohabitant. In order to make sure that the offender abides by the measure, the judicial authority can order the use of specific tools (i.e. electronic bracelet)

- *Article 282 ter: Prohibition from coming into the proximity of the places usually frequented by the offended party – introduced by Act no 38 of 23 April 2009.*

This measure is adopted **by the judicial authority** during the proceedings against **an offender** charged with crimes that are punished with life imprisonment or imprisonment exceeding 3 years; the offender is ordered not to visit the places usually frequented by the offended party or stay at a certain distance from said places or from the offended party (where more protection is needed, also the places frequented by close relatives of the victim or

cohabitants or persons tied to the victim by an affective relationship are included.

- *Article 282 quarter: Notification obligations*

Measures under articles 282 bis and 282 ter envisage the obligation of notification **by the Judicial Authority to the competent Public Security Authority** (Prefect³ and *Questore*⁴) - also for the adoption of measures regarding weapons and ammunitions - as well as **to the offended party and to the social care services**.

- *Article 384 bis (introduced by Law Decree no 93 of 14 August 2013, converted, with amendments, into Act no 119 of 15 October 2013.*

This article envisages the possibility for judicial police agents and officers to issue an urgent barring order against the offender or prohibit the latter from going near the places frequented by the offended person, in case of offenses committed against close relatives and cohabitants, if the offender is caught in *flagrante delicto* and if a well-grounded risk exists that the criminal conduct will repeatedly occur thus putting in danger the life and physical or psychological integrity of the victim. In such cases, a specific authorization of the Prosecutor is required which can also be verbal and later confirmed with a written authorization or via telematics means.

Act n. 38 of 23 April 2009 – “Urgent public security measures to counter sexual violence and persecutory acts”

Article 8: warning issued by the “Questore”. Upon request of the victim of persecutory acts under article 612 bis of the Penal Code and while awaiting the six-months expiry term envisaged to lodge a complaint, the *Questore* may issue a formal warning against the suspect and may seize weapons and ammunitions legally possessed by the latter (if the suspect has already been warned and repeats his/her criminal conduct, he/she shall be prosecuted ex-officio and the penalty shall be increased). In compliance with law decree no 93 of 14 August 2013, converted into Law no 119 of 15 October 2013, the *Questore* shall also inform the perpetrator of the offense about the existence and availability of specialized services on the territory, so as to enable him/her to request psychological support, if he/she so wishes, for his/her recovery.

Law Decree no 93 of 14 August 2013, converted, with amendments, into Act no 119 of 15 October 2013.

³ Translator’s note: Government representative at provincial level

⁴ Translator’s note: Police chief at provincial level

Article 3 envisages that a formal warning may be issued by the *Questore* also if personal injuries or beatings perpetrated in domestic violence cases are reported to police by persons other than the victim. The person who made the report has the right to his/her identity protection, if the report is not considered clearly unfounded. In these cases it is also possible to adopt additional measures, besides weapons seizure, such as the suspension of the driving license.

Act no 154 of 5 April 2001 – “Measures against violence in family relationships”

- *Article 2: this article introduces articles 342 bis and 342 ter of the Civil Code* – Measures for the protection against family abuses (in cases other than criminal cases, such as conducts that are seriously prejudicial to the physical or moral integrity of a spouse or cohabitant).
This measure is adopted, upon complaint of the offended party, by the civil judge who issues orders to stop the prejudicial conduct and remove the abuser from the family home (in addition, the abuser may be ordered to stay at a certain distance from the family home).
In case of violation of the above protection orders (Act no 154/2001, article 6), the penalty referred to in article 388 (1) of the Penal Code shall apply (non compliance with court orders)

2. INITIATIVES UNDERTAKEN BY THE PUBLIC SECURITY DEPARTMENT

- **Setting up of “Specialized units” of police flying squads at provincial level, entrusted with the following tasks:**
 - Enhancing cooperation with agencies and non governmental organisations (NGOs) regarding a “network” for victim protection.
 - Setting up dedicated reception centres for violence reports.
- Signing of a Protocol of Understanding on 3 July 2009, between the Minister of the Interior and the Minister for Equal Opportunities, to improve prevention and counteraction, and stipulation of the following Conventions:
 - Convention of 12 January 2011, containing specific procedures of communication between the public anti-violence service “1522” and the police forces ;
 - Convention of 30 May 2011, to train police personnel (on subjects such as current legislation in this field, psychology and sociology basics,

operational techniques and practical exercises regarding domestic violence cases and family quarrels);

- Carrying out update courses on domestic violence and stalking:
 - Operational procedures adopted during police actions;
 - Correct approach by police officers toward victims of violence;
 - Monitoring and countering discriminatory acts against minorities and the OSCAD role;
 - Legal, psychological and operational aspects of violence against women and children;
 - Practical exercises for State Police operators responsible for the coordination of flying squads.

- Setting up of a “technical working group” on 8 May 2013 (including representatives from the State Police and the Carabinieri Corps) by the Observatory for Security Against Discriminatory Acts (OSCAD), to analyse all available data in order to determine the actual extent of phenomena such as violence against women.

Law No 119 of 15 October 2013 converting Decree Law No 93 of 14 August 2013 establishing “Urgent provisions on safety and for the fight against gender-based violence, as well as on civil protection and compulsory administration of provinces” (*Disposizioni urgenti in materia di sicurezza e per il contrasto alla violenza di genere nonché in tema di protezione civile e di commissariamento delle province*) was published in the Official Journal of 15 October 2013. The law addresses both stalking and gender-based violence, which had been already regulated, through three conceptual pillars based on prevention, punishment and protection and by taking into consideration the references to the Istanbul Convention ratified by Italy by Law No 77 of 19 June 2013.

As for prevention, the law strengthens the so-called “warning” (*ammonimento*), namely the already in force administrative measure which can be requested by the victim to the *Questore*⁵, by providing for the mandatory removal of the violent man from the family house, as well as the gun ban and driving disqualification and the possibility to use electronic tools for the surveillance of perpetrators (e.g. electronic tagging).

With a view to developing, on the basis of robust evidences, concrete instruments for the prevention of violence against women and putting special emphasis on such crimes, the crime analysis on which the Ministry of the Interior annually reports to the Parliament will have to include a special section on gender-based violence.

Concerning the punishment of perpetrators, the law introduced new aggravating circumstances. In particular, penalty is increased if children under 18 years of age witness violence as well as if the victim is in a particularly vulnerable situation (if pregnant). Moreover, the idea of femicide is further strengthened by the introduction of the particularly close relationship between the victim and the perpetrator as an aggravating

⁵ In the Italian legal system, an officer in charge of police force, public order and related administrative services.

circumstance (e.g. if the perpetrator is the victim's spouse or partner, also non-cohabiting partner).

In line with the guiding principles established by the Istanbul Convention, the Italian law is aimed at ensuring greater protection for victims both in relation to hearings (which will be protected for vulnerable people) and through a system guaranteeing transparency during ongoing investigations and legal proceedings and envisaging the obligation to inform victims about support services existing at the local level. The special social implications of this crime explain the granting of legal aid also for victims whose income exceeds the income limits fixed by the national legislation. Furthermore, in compliance with the Istanbul Convention, protection is extended also to foreign victims, for whom the law provides for the possibility to obtain a humanitarian residence permit, established by Legislative Decree No 286/1998 consolidating the provisions regulating immigration and the rules relating to the status of foreign national, which can be converted into a work permit with no time-limit.

Among the special preventive measures adopted by the Italian Government, article 5 of the afore mentioned Decree Law No 93/2013 provides for the adoption of an *Extraordinary Action Plan against Sexual and Gender-Based Violence* by the Italian Minister in charge of Equal Opportunities.

This measure is also in line with the *Conclusions on Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence*, adopted by the Council of the European Union on 6 December 2012. In this document, the Council called on the Member States and the European Commission to develop and implement, and improve where they already exist, comprehensive, multidisciplinary and multi-agency coordinated action plans, programmes or strategies to combat all forms of violence against women and girls, involving all relevant stakeholders and combining legislative and non-legislative measures aimed at the prevention and elimination of violence, the

provision of protection and support to victims, and the prosecution of perpetrators; and to ensure appropriate and sustainable funding for the implementation of these policies and the operation of services.

In line with the EU guidance, the abovementioned *Extraordinary Plan* – which will be drafted in relation to the new European Union programming period 2014-2020 – will have to pursue the goals related to the prevention of violence against women through the implementation of *several measures* in different sectors: public information and awareness-raising campaigns; promotion of respectful relationships between women and men within schools and of the anti-violence and anti-discrimination issues in textbooks; strengthening of shelters and services for the assistance and protection of victims of gender-based violence and stalking; specialised training for operators; cooperation between different institutions; collection and processing of data; implementation of specific positive actions; creation of a governance system among the different governmental levels.

The Action Plan will be developed with the contribution of shelters and civil society associations working on the fight against gender-based violence.

For the development and implementation of the National Plan against violence, the Italian Government has already allocated financial resources totally amounting to 10 million Euros for this year.

Further significant resources (10 million Euros for 2013; 7 million Euros for 2014 and 10 million Euros from 2015) will be allocated to strengthen the already existing forms of assistance and support for women victims of violence and their children through the homogeneous strengthening of the local services network, shelters and assistance services for women victims of violence.

The public body responsible for the implementation of the Plan is the Inter-ministerial Task Force on Violence against Women, established on 22 July 2013 at the Presidency of the Council of Ministers. The Task Force is a technical panel aimed at identifying institutional strategies and concrete measures to combat this phenomenon.

With a view to accelerating the development of the Plan, it was deemed necessary to organize the work of the Task Force into 7 thematic subgroups reflecting the Plan's aims.

MURDERS PERPETRATED IN ITALY
1 JANUARY 2010 - 30 NOVEMBER 2013
 (Source: DCPC -operational data)

Crime description (crimes perpetrated)	2010 Total number	Number of female murders	% of female murders	2011 Total number	Number of female murders	% of female murders	2011 Total number	Number of female murders	% of female murders
MURDERS PERPETRATED *	531	158	29,76%	553	170	30,74%	529	160	30,25%
.... of which, within a family/affective context	185	115	62,16%	204	124	60,78%	174	111	63,79%

Crime description (crimes perpetrated)	2012 Jan-Nov	Number of female murders	% of female murders	2013 Jan-Nov	Number of female murders	% of female murders
MURDERS PERPETRATED *	479	149	31,11%	441	151	34,24%
.... of which, within a family/affective context	161	104	64,60%	151	105	69,54%

*DCPC data