



## **Publication by GREVIO of the first evaluation report on the implementation by Italy of the Istanbul Convention - 13 January 2020**

Italy has taken a range of measures to implement the Istanbul Convention. A succession of legislative reforms has created an extensive set of rules and mechanisms reinforcing the authorities' ability to match their intentions with concrete actions to stop the violence. For instance, the 2009 legislation on stalking and the adoption of Law No. 119/2013 which formalised the authorities' duty to support and to promote, including by attributing financial means, a vast network of support services for victims.

While acknowledging progress made to promote gender equality and further women's rights, the report finds that the cause of gender equality is facing resistance in Italy. GREVIO voices its concern about the emerging signs of a tendency to reinterpret and refocus gender-equality policies in terms of family and motherhood policies.

Thus, GREVIO *urges* Italy to:

### **On the issue of gender-sensitive policies (article 6)**

- Engage with women human rights NGOs, devise and implement policies of equality between women and men.
- Mainstream gender perspectives into all policy areas, in order not to undermine gender equality policies.
- Screen potential impact of policies on gender relations and gender-based violence.

### **On the issue of protection and support, particularly the general obligations (article 18)**

- Develop solutions offering a coordinated multiagency response to all forms of violence against women and support their implementation by developing appropriate guidelines and training the staff concerned.

### **On the issue of specialist support services (article 23) and shelters (article 23)**

- Expand the coverage and capacity of specialist services throughout the country.
- Harmonise the provision of specialist services so that they all follow a human rights-based approach, grounded on a gendered understanding of violence against women, which should prevent secondary victimisation, ensure respect and empower victims.
- Pay attention to the specific needs of women victims of violence, and particularly to cases of intersecting discriminations.
- Ensure the financial sustainability and continuity of service provision.
- Stronger criteria to qualify as an anti-violence center.

### **On the issue of support for victims of sexual violence (article 25)**

- Ensure availability of rape crisis and or sexual violence referral centres which provide a sensitive response to sexual violence by trained and specialist staff, which uphold the principles of the victim's informed consent and control over decisions.

### **On the issue of protection and support for child witnesses (article 26)**

- Awareness among professionals on the harmful effects of witnessing domestic violence on children.
- Access for child witnesses to appropriate and age-specific support which have a gendered understanding of violence against women.
- Privilege the best interest of the child and incorporate to this end risk assessment processes.

### **On the issue of civil lawsuits and remedies (article 29)**



-Fill the legislative gap caused by the absence of effective civil remedies against any state authority which would have failed in its duty to take necessary preventive or protective measures within the scope of its powers.

#### **On the issue of custody, visitation rights and safety (article 31)**

-Ensure that the competent courts are under a duty to consider all issues related to violence against women when determining custody and visitation rights.

-Amending legislation to explicitly recognise the need to take into account incidents of violence covered by the scope of the Istanbul convention in the determination of custody and visitation rights of children.

-Risk assessment procedures for custody and visitation rights in order to determine the best interest of the child.

-Appoint professionals in tune with the issue of violence against women and the Istanbul Convention to provide advice on issues of custody and visitation rights in situations of violence against women.

-Ban the term “parental alienation”, used by social workers and/or appointed experts, or any other approach such as the “friendly parent provision”, which tend to consider mothers who invoke violence as uncooperative and unfit as a parent.

-Abandon the practice of imposing joint meetings to the victim and the children with the perpetrator for purposes of reaching an agreement on custody and visitation.

-Build safeguards into the procedures, for instance, separate appointments to parents, separate waiting areas in courts.

-Develop appropriate training and the development of professional guidelines aimed at raising awareness among the professionals concerned as to the harmful effects of violence on children, including child witnesses, and at familiarising them with the requirements of the IC on custody and visitation rights.

-Replacing existing (and harmful) methodologies which consist of mediating procedures, and prioritising the child-parent relationship at all costs, over and above any consideration of the violence.

#### **On the issue of sexual violence, including rape (article 36)**

-Consider amending the criminal offence of sexual violence so that it is based on the notion of freely given consent.

#### **On the issue of sexual harassment (article 40)**

-Ensure that sexual harassment experienced in all areas of life is subject to a legal sanction.

#### **On the issue of risk assessment and risk management (article 51)**

-Disseminate risk assessment and management procedures within all relevant bodies dealing with cases of gender-based violence.

-Introduce a domestic homicide review mechanism, in order to prevent femicides in the future, to preserve the safety of women and to hold the perpetrators accountable.

#### **On the issue of emergency barring, restraining and protection orders (article 52 & 53)**

-Make the principle of emergency barring orders accessible to all victims of violence; restraining or protection orders should be available to victims of all forms of violence.

-Amend the legislation on sanctioning violations of civil law protection orders upon the complaint from the victim.

-Issue barring orders in a swift manner to avert situations of imminent danger.

-Avoid any gaps between barring, protection and/or restraining orders expiry date and the issuance of new ones.

-Put an end to civil courts practices which assimilate violence to conflict and attempt to “mediate”, and rather prioritise and assess the victims needs in terms of safety.



**On the issue of *ex parte* and *ex officio* proceedings (article 55)**

-Amend legislation to make it conform with rules regarding *ex parte* and *ex officio* prosecution.

**On the issue of non-refoulement (article 61)**

-Uphold the obligation to respect the principles of non-refoulement of victims of violence against women, including by ensuring that the human rights of victims rescued at sea are never put at risk because of disagreements about disembarkation.