

Franet national contribution to the Fundamental Rights Report 2025

Part 1: Political participation and equality in elections

Part 2: Protecting women victims of violence

Italy

Disclaimer

This document was commissioned under contract as background material for a comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project 'FRA Fundamental Rights Report 2025'. The information and views contained in the document do not necessarily reflect the views or the official position of FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Franet national contribution to the Fundamental Rights Report 2025

Political participation and equality in elections

Italy

Contractor: Fondazione “Giacomo Brodolini”

Author(s): Marta Capesciotti

Disclaimer

This document was commissioned under contract as background material for a comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project ‘FRA Fundamental Rights Report 2025’. The information and views contained in the document do not necessarily reflect the views or the official position of FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

1. Inclusiveness of the 2024 elections	3
2. Violence and intimidation during 2024 elections	7
3. Attempts at online and offline disinformation and manipulation of voters during 2024 elections	8
Annex 1 – Promising practice	10

1. Inclusiveness of the 2024 elections

In Italy, in 2024 the most relevant election concerned the renewal of the EU Parliament; moreover, some local and regional elections also took place. Two main issues concerned the inclusiveness of the 2024 EU parliament elections.

First, the possibility for university students temporarily living far from their place of residence to participate in the elections without going back to their hometowns. In fact, the high costs of travelling back to the hometowns might be a factor hindering or discouraging electoral participation of students whose financial resources often are limited. In this view, Art. 1-ter of the Law-Decree No. 7 of 29 January 2024 – converted with amendments into Law No. 38/2024 introduced this possibility¹. In practice, voters who, for study reasons, live temporarily in the municipality of a region other than that of the electoral roll in which they are registered may vote off-site under the new system, according to the procedures established by the Italian Ministry of the Interior². To use this experimental voting method, all voters, including university students, by Sunday 5 May 2024, had to submit in person, through a delegated person or online, an application to the municipality in whose electoral roll they are registered. In the application, they must indicate their full temporary home address and, where possible, an email address, enclosing a copy of a valid ID document and personal voter card, as well as certification or other documentation proving enrolment at a school, university or training institution. The same Ministry of the Interior informed that 23,734 students filed a request to benefit from this electoral opportunity³. Despite the dramatically high abstentionism

¹ Italy, Law No. 38 of 25 March 2024 on “Conversion into law, with amendments, of Decree-Law No 7 of 29 January 2024, containing urgent provisions for the elections of the year 2024 and on the subject of the revision of the registers of the resident population and the determination of the legal population” ([*Legge 25 marzo 2024, n. 38, “Conversione in legge, con modificazioni, del decreto-legge 29 gennaio 2024, n. 7, recante disposizioni urgenti per le consultazioni elettorali dell'anno 2024 e in materia di revisione delle anagrafi della popolazione residente e di determinazione della popolazione legale”*](#)).

² Italy, Ministry of the Interior (*Ministero dell’Interno*), European elections, off-site student vote. Applications by 5 May, ([*Elezioni europee, voto degli studenti fuori sede. Domande entro il 5 maggio*](#)), 24 April 2024.

³ Italy, Ministry of the Interior (*Ministero dell’Interno*), European elections 2024, 23,734 students asked to vote ‘off site’ ([*Elezioni europee 2024, sono 23.734 gli studenti che hanno chiesto di votare “fuori sede”*](#)), 28 May 2024.

rate registered at this election (49,69%), 80.93% of the students (17,561 voters) that had filed the request actually went to vote⁴.

The second issue concerning inclusiveness of elections concerned trans and non-binary voters. In May 2024, Rete Lenford – an association of lawyers countering discriminations against LGBTQIA+ people – filed a complaint⁵ to the Italian Data Protection Authority (DPA), denouncing the widespread practice of setting up separate queues for men and women at polling stations, in order to identify in two special registers the people who actually vote from those on the electoral roll containing the names of people eligible to vote. According to the association, this practice is illegitimate, because it forces transgender and non-binary people - by the mere fact of standing in line - to have to inform those present of their gender that differs from their gender identity (forced coming out). The complaint stressed that this forced disclosure of personal data is unnecessary and extremely serious, because it is done to the detriment of people who have an interest in keeping certain categories of personal data as confidential as possible, given the consequences that their publication often entails for their lives in terms not only of privacy but also of personal safety. The subdivision into separate queues by gender compromises the full and free exercise of the right-duty to vote of transgender people, who, feeling a strong discomfort in having to wait for the call to the polls in the queue corresponding to the registry sex assigned at birth and not recognised as their own, for this exclusive reason renounce the exercise of their constitutionally protected right to vote. According to the association, this practice is not legally compulsory: in fact, the in-force legislation (Law No. 1058/1947⁶) only establishes that electoral roll lists are divided by sex, not the registers of people who actually vote available at polling stations. These registers could be easily organised by surname

⁴ Italy, Eligendo database (2024), [European elections 2024 – Off-site voters](#), retrieved on 16 December 2024.

⁵ Italy, Rete Lenford (2024), Report to the Data Protection Authority pursuant to article 144 of Legislative Decree No. 196/2003 on violations of regulations on protection of personal data in the context of the exercise of voting rights ([Segnalazione all'Autorità Garante per la Protezione dei Dati Personali ex art. 144 d. lgs. 196/2003 - violazioni della normativa in materia di protezione dei dati personali nell'ambito dell'esercizio del diritto di voto](#)), 16 May 2024.

⁶ Italy, Law No. 1058 of 7 October 1947 on Rules for the regulation of the electorate and for the maintenance and annual revision of electoral rolls ([Legge 7 ottobre 1947, n. 1058](#), “Norme per la disciplina dell'elettorato attivo e per la tenuta e la revisione annuale delle liste elettorali”).

instead of sex, as it was voluntarily done by some polling stations during the 2024 European elections⁷.

On 10 December 2024, the Italian Constitutional Court publicly discussed a case filed by the Ordinary Court of Civitavecchia⁸. The case concerned the complaint filed by a person with severe disabilities (immobilised due to ASL disease) who had attempted to digitally sign for one of the electoral lists for 2023 regional elections; however, the in-force legislation⁹ excludes the use of digital signatures for this purpose, denying many people with severe disabilities the opportunity to actively participate in political life. The complainant – supported by the Association “Luca Coscioni”, one of the most well-known associations advocating for civil liberties – challenged the constitutional legitimacy of the legislation for the possible violation of some fundamental rights protected by the Italian constitution, i.e., Art. 2 (human dignity), Art. 3 (non-discrimination), Art. 48 (political rights), Art. 49 (political associations). According to the Association¹⁰, the Court’s decision will be key in protecting political rights of persons with disabilities, also considering that in July 2024, the Italian Government approved and launched a digital platform where voters can digitally sign to support callings for referendum (which in Italy requires the collection of 500,000 voters’ signatures). After the public discussion, the Constitutional Court decided the case with the decision No.3 of 23 January 2025¹¹. According to the Court, thanks to technological development, the instrument the legal system has traditionally made available for these specific situations is no longer appropriate, since it dates back to when the digital signature did not exist. More specifically, as of now the presenters of a list of candidates, who are unable to sign due to physical impairments, may make their declaration in verbal form, in the presence of two witnesses, before a notary public or the municipal secretary or another clerk at the municipal office. Since these civil servants are requested to

⁷ Italy, Ansa (2024), Udine stops different queues at the polling stations for men and women ([Udine stop a file diverse ai seggi per uomini e donne](#)), 7 June 2024.

⁸ Italy, Constitutional Court (*Corte costituzionale*), Pending cases. Ordonnance of the Ordinary Court of Civitavecchia of 25 March 2024 ([Questioni pendenti. Ordinanza del Tribunale di Civitavecchia del 25 marzo 2024](#)).

⁹ Italy, Art. 9(3) of the Law No. 108 of 17 February 1968 on “Rules for the Election of Regional Councils of Regions with Normal Statute” ([Art. 9, co. 3, Legge 17 febbraio 1968 n. 108, “Norme per la elezione dei Consigli regionali delle Regioni a statuto normale”](#)). Art. 2(6) of the Legislative Decree No. 82 of 7 March 2005, “Digital Administration Code” ([Art. 2, co. 6, Decreto Legislativo 7 marzo 2005, n. 82, “Codice dell’Amministrazione Digitale”](#)).

¹⁰ Italy, Informare un’H (2024), The digital signature under consideration by the Constitutional Court ([La firma digitale all’esame della Corte Costituzionale](#)), 9 December 2024.

¹¹ Italy, Constitutional Court (*Corte Costituzionale*), [Decision No. 3](#) of 25 January 2025.

physically visit the person with disabilities, the latter is obliged to act in order to obtain such a presence, to bear any economic burden, and, if necessary, to tolerate an interference in their private life. For this reason, the preclusion of the use of digital signatures leads to the paradox that it is the legal system that, instead of removing the obstacles that prevent the full development of the human person and effective participation in political organisation, it itself introduces a burden that is neither necessary nor proportionate to the need to verify the authenticity and genuineness of the signature of the list of candidates, equally achievable by allowing voters with disabilities to use digital instruments to support the list of candidates. The challenged legislative disposition was therefore deemed unconstitutional.

2. Violence and intimidation during 2024 elections

In Italy, the association “Avviso Pubblico” – representing municipalities and regions countering mafia and corruption – reported¹² that intimidating acts against administrators, local administrators and public administration staff in Italy are on the rise again: in the first half of 2024, 193 cases were recorded, an increase of 20.6 per cent compared to the same period in 2023, when there were 160. Of particular concern is what was recorded during the 2024 election campaign, which saw more than 3,700 local authorities called upon to renew their municipal councils: 17% of the recorded cases of threats and intimidation in the period under review were directed at candidates and candidates in the local elections held in June. Episodes of intimidation were diverse: These are some of the main types of acts carried out: fires of houses, cars and town halls; physical attacks; acts of vandalism against election committees; threats, insults and defamation via social media to candidates; threatening letters and messages; offensive and threatening writing on walls and election posters; shots fired on the day the polling stations opened. In one municipality, a mayoral candidate, later elected first citizen, was run over by a car driven by a supporter of an opposing list.

¹² Italy, Avviso Pubblico (2024), Administrators under fire: 20% more threats in the first half of 2024. Mainly candidates and candidates in administrative elections in the crosshairs ([*Amministratori sotto tiro: aumentano del 20% le minacce nel primo semestre 2024. Nel mirino soprattutto candidati e candidate alle Elezioni Amministrative*](#)), 18 July 2024.

3. Attempts at online and offline disinformation and manipulation of voters during 2024 elections

In Italy, in May 2024 the Ministry of Foreign Affairs and International Cooperation launched an international campaign – addressing Italian embassies in EU Member States – countering disinformation in view of the European elections¹³. The campaign – named *#LiberatiDallaDisinformazione* (Set yourself free from disinformation) – was based on the awareness that, during election campaigns, the danger of dissemination of disinformation content on social media may increase, not least due to advances in artificial intelligence ‘AI’. This can significantly influence electoral processes, for instance by providing misinformation on voting procedures or disincentivising participation in voting. The campaign was based on the dissemination of videos – broadcasted through the State TV Rai – titled “Pills against disinformation”¹⁴, focusing on different issues that might guide electors and the general public on how to defend themselves from disinformation.

In Italy, in June 2024, the National Communications Authority (*Autorità per le Garanzie nelle Comunicazioni* – AGCOM) issued a press release¹⁵ communicating that the Authority, on 4 June, following a report forwarded by the Ministry of Foreign Affairs and International Cooperation, requested well-known video-sharing platforms to remove a documentary produced by the Russia Today television channel and accessible from Italy. The video, which uses the format of a journalistic documentary, proposes a reconstruction of what has happened in the Donbass over the past 10 years without any examination or re-presentation of different positions. According to AGCOM, the contents of the ‘documentary’ take on a political character of incitement to racial hatred in violation of human dignity and appear to be attributable to a form of Russian propaganda with a clear intent to spread distorted news and generate disinformation, aimed at orienting public opinion by discrediting Western countries and European

¹³ Italy, Italian Embassy in Prague (*Ambasciata d'Italia Praga*) (2024), Set yourself free from disinformation (*#LiberatiDallaDisinformazione*), 20 May 2024.

¹⁴ Italy, Italian Broadcasting (*Radiotelevisione italiana* – RAI) (2024), Pills against Disinformation (*Pillole contro la disinformazione*), May 2024.

¹⁵ Italy, National Communications Authority (*Autorità per le Garanzie nelle Comunicazioni* – AGCOM) (2024), [Press Release](#) of 28 June 2024.

institutions. The Authority stressed that the dissemination of such content appeared all the more serious in view of the imminence of the vote for the European elections on 8 and 9 June 2024 and the risk of interference in the formation of citizens' consensus through an incorrect representation of news events. Therefore, AGCOM notified the video-sharing platforms the opening of a proceeding to request the restriction of the circulation of the content as well as of other videos linked to it. Both platforms proceed to remove the content. In Italy, during the first semester of 2024, 179 Distributed Denial of Service (DDoS) cyber-attacks have been recorded, perpetrated by Russian or pro-Russian hacking groups, such as NoName(057)¹⁶ and HackNet¹⁶. These numbers place Italy in third place, after Romania and Slovenia, in the European Union and ninth in the world for the number of claims.

In June 2024, the National Institute of Statistics (*Istituto Nazionale di Statistica – ISTAT*) also released its report on corruption in Italy, concerning the period 2022-2023¹⁷: the survey was conducted between November 2022 and July 2023, when 24,915 individuals aged 18 to 80 were interviewed by both telephone and face-to-face interviews. Episodes of corruption reported also concerned inducement to vote (*voto di scambio*), which in Italy is a criminal offence¹⁸. The Institute estimated that over 1,166,000 citizens (2.7% of the population aged between 18 and 80) have been offered money, favors or gifts to get their vote in local, political, or European elections; this share of citizens was 3.7 per cent in 2015-2016. Vote exchange is more frequent in the case of local elections (1.9% of citizens in 2022-2023) and less for general and European elections (0.9%). The highest peaks are in the South (4.2%) and in the Centre (3.6%), although it is the South that shows a sharp decrease (from 6.7% to 4.2%). In exchange for voting, favors or privileged treatment were mainly offered or promised (29.3%), goods of inferior value, such as lunches, dinners or food or petrol vouchers (20%), appointments or jobs (19.6%), money (11.5%) and gifts (9.8%). The survey also notes the indirect experience of vote exchange. 3.8% of Italians between 18 and 80 years of age say they personally know someone - relatives, friends, colleagues, neighbors - who has been offered something in exchange for a vote in election rounds.

¹⁶ Italy, lavalibera (2024), European elections 2024. Russian hackers attack, Frattasi (Acn) to lavalibera: 'Italy in the crosshairs, but safe vote' ([Elezioni europee 2024. Gli hacker russi attaccano, Frattasi \(Acn\) a lavalibera: "Italia nel mirino, ma voto al sicuro"](#)), 7 June 2024.

¹⁷ Italy, National Institute of Statistics (*Istituto Nazionale di Statistica – ISTAT*) (2024), Corruption in Italy. Years 2022-2023 ([La corruzione in Italia. Anno 2022-2023](#)), 6 June 2024.

¹⁸ Italy, Art. 416-ter of the Italian Criminal Code ([Art. 416-ter, Codice Penale](#)).

Annex 1 – Promising practice

Promising practice	
Title (original language)	Campagna di comunicazione ERGA contro la disinformazione online
Title (EN)	ERGA Communication campaign against online disinformation
Organisation (original language)	European Regulators Group for Audiovisual Media Services (ERGA) Autorità per le Garanzie nelle Comunicazioni – AGCOM
Organisation (EN)	European Regulators Group for Audiovisual Media Services (ERGA) National Communications Authority
Government / Civil society	Government
Funding body	ERGA and AGCOM
Reference (incl. URL, where available)	https://www.agcom.it/campagna-di-comunicazione-erga-contro-la-disinformazione-online
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	June 2024 (concluded)
Type of initiative	Awareness-raising and sensitisation campaign
Main target group	Electors to the European elections 2024
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	In May 2024, ERGA released a 30-second video to raise awareness on the risks of disinformation and information manipulation. The Italian AGCOM has made this video available in Italian to the voters of the European elections and to the general population. In Italy, the video is available online on the Authority's website in the English and the Italian version and was included in the programming of the national TV and broadcasting network RAI.

Promising practice	
Highlight any element of the actions that is transferable (max. 500 chars)	This video was created in view of the 2024 European elections; however, it could be easily adapted to other rounds of elections at all levels of governance (national, regional, local).
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The video was created for a specific round of election; however, the importance to counter disinformation is valid for all election rounds. This video could therefore be used and disseminated also in the future, since election rounds take place often in Italy considering the electors vote for municipalities, regions and the Parliament.
Give reasons why you consider the practice as having concrete measurable impact	The impact of this practice can be measured considering the number of visualisations of the video on the video-sharing platform.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	This practice stems from a European practice developed by ERGA: it therefore is already a EU initiative, available to all EU Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	N/A
Explain, if applicable, how the practice provides for review and assessment	N/A

Franet national contribution to the Fundamental Rights Report 2025

Effectively protecting women victims of violence

Italy

Contractor's name: Fondazione Giacomo Brodolini (FGB)

Author's name: Marta Capesciotti

Disclaimer: This document was commissioned under contract by the European Union Agency for Fundamental Rights (FRA) as background material for the project 'FRA Fundamental Rights Report 2025'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

1. Legal and Policy measures to address violence against women including its criminalisation	3
2. Standing of victims of gender-based violence during criminal proceedings	10
3. Annex 1 – Promising practice	13
4. Annex 2 - Case law	16

1. Legal and Policy measures to address violence against women including its criminalisation

If relevant, please describe what measures were taken to ratify or implement the Istanbul Convention or prepare for the transposition of the VAW Directive. If relevant, please describe particular aspects of these measures relating to:

- Technology-facilitated gender-based violence, specifically non-consensual sharing of intimate or manipulated material (Art. 5 VAW Directive), cyber stalking (Art. 6 VAW Directive), cyber harassment (Art. 7 VAW Directive) and cyber incitement to violence or hatred (Art. 8 VAW Directive).
- Reporting crimes of violence against women, including third party reporting and/or the use of technology to report (online or in-app reporting) (Art. 14(1) VAW Directive).
- Secondary victimization (e.g. negative treatment of victims by the police/criminal justice system) and repeat victimisation (e.g. common in intimate partner relationships), including adoption of immediate response measures such as barring orders (Art. 50 - 52 of the Istanbul Convention and Art. 16 (5) and 19 VAW Directive), restraining and protection orders (Art 53 Istanbul Convention and Art. and 19 VAW Directive), and other measures such as protecting victims against intimidation (Art. 56 Istanbul Convention and Art. 18, 20 and 21 VAW Directive).
- Women victims of violence who are public representatives, journalists or human rights defenders (for example allowing this to be regarded as an aggravating circumstance, Art. 11 (n) VAW Directive).

Table 1 – Legislative and policy measures

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
Italy, Law No. 168 of 24 November 2023 on “Legislative Dispositions countering gender-based violence and domestic violence” (Legge 24 novembre 2023, n. 168 , “Disposizioni per il	The entire Law is focused on gender-based violence and domestic violence	The Law entered into force on 9 December 2023. Article 1 intervenes on the measure of the Head of Police’s warning and, in addition, provides that the Prefect may adopt dynamic surveillance measures, under certain conditions, in the event of a risk of the commission of offences concerning gender-based or domestic violence. Article 2

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
<i>contrasto della violenza sulle donne e della violenza domestica”)</i>		concerns the strengthening of prevention measures. It amends the in-force legislation, on the one hand, by extending the applicability by judicial authorities of personal prevention measures also to persons suspected of certain serious crimes that occur within the phenomena of gender-based violence and domestic violence and, on the other, by intervening on the measure of special surveillance. Article 3 lays down provisions on priority in the formation of court rolls and the handling of trials: to the offences to which the legal system already ensures absolute priority (ill-treatment against family members and cohabitants, sexual violence and persecutory acts), the Law adds the offences of violation of orders to stay away from the family home and prohibition on approaching places frequented by the offended person, coercion or inducement to marry, aggravated bodily harm, deformation of the person's appearance by permanent facial injuries, non-consensual termination of pregnancy, unlawful dissemination of sexually explicit images or videos, incapacitation procured by means of violence where special aggravating circumstances apply. Article 6 provides, on the one hand, for the preparation of special guidelines for the training of practitioners who come into contact with women victims of violence and, on the other hand, for training initiatives on violence against women and domestic violence to be included in the training that the Minister of Justice proposes to the Superior School of the Judiciary. Article 14 makes changes to the information to be given to the victim of the offence, in order to extend the mandatory

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
		immediate communication to victims of domestic or gender-based violence to all measures concerning the personal freedom of the offender.
Italy, Law No. 213 of 30 December 2023, “2024 Budget Law” (Legge 30 dicembre 2023, n. 213 , “ <i>Bilancio di previsione dello Stato per l'anno finanziario 2024 e bilancio pluriennale per il triennio 2024-2026</i> ”)	Art.1, par. 189	The Law entered into force on 1 st January 2024. In order to ensure an adequate implementation of the National Strategic Plan on Male Violence against Women 2021-2023 and the related Operational Plan, within the framework of strengthening the network of public and private services through interventions for the prevention, assistance, support and accompaniment of women victims of violence, the Fund for policies relating to rights and equal opportunities (<i>Fondo per le politiche relative ai diritti e alle pari opportunità</i>) is increased by EUR 5 million for each of the years 2024, 2025 and 2026. The aforementioned resources shall be allocated to the set-up of anti-violence centres and shelters.
Italy, Law No. 213 of 30 December 2023, “2024 Budget Law” (Legge 30 dicembre 2023, n. 213 , “ <i>Bilancio di previsione dello Stato per l'anno finanziario 2024 e bilancio pluriennale per il triennio 2024-2026</i> ”)	Art. 1, par. 187	The Law entered into force on 1 st January 2024. The Budget Law 2024 regulated the Freedom Income (<i>Reddito di Libertà</i>) – introduced in 2021 – which is aimed at financially supporting women who are victims of gender-based violence. The rationale behind this welfare provision is that women often struggle in leaving a context of violence because they do not have the necessary economic means to sustain themselves (and their children, when any). With the Budget Law a permanent refinancing of the subsidy fund was established with resources of EUR 10 million for each of the years 2024-2026 and EUR

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
		6 million annually from 2027 onwards. The Freedom Income, of up to 400 euro per month per person per year, can be requested by women victims of violence, alone or with minor children, who are followed by anti-violence centres recognised by regional authorities and local social services. However, trade unions have stressed that the effective provision of the Freedom Income is hindered by delays and backlogs of the National Social Security Institute, the authority in charge of managing the funds earmarked for the Freedom Income¹. On 9 December 2024, the network of organisations managing services countering gender-based and domestic violence released a public statement² denouncing that women who applied for this welfare provision had to wait one year for the Government to introduce the regulation to distribute the earmarked fund. The network stated that “in many cases, this delay has jeopardised women's paths to freedom, and they have had to revise their life plans”. Moreover, they also pointed out that “in addition to the unjustified long wait, this measure presents a further critical issue: women who had already applied must repeat the procedure, with obvious and imaginable difficulties and burdens.”

¹ Italy, CGIL (2024), Freedom Income: an Obstacle Course ([Reddito di libertà: un percorso a ostacoli](#)), 2 July 2024.

² Italy, Network of Women against Violence (*Donne in rete contro la violenza* – D.i.Re), Freedom income: all to go ([Reddito di libertà: tutto da rifare](#)), 9 December 2024.

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
Italy, Law-Decree No. 178 of 29 November 2024 on “Urgent measures in the field of justice” (Decreto-Legge 29 novembre 2024, n. 178, “Misure urgenti in materia di giustizia”)	Art. 7	In Italy, in November 2024, the Italian Government passed the Law-Decree No. 178 on Urgent measures in the field of Justice. The Law-Decree entered into force on 30 November 2024. Art. 7 of the Decree reinforced the in-place discipline governing the limitations of the perpetrators’ personal freedom to protect the victims of domestic and gender-based violence. More specifically, the Law-Decree intervened reforming the use of electronic bracelets that are sometimes used to monitor the perpetrators’ movements and to monitor the enforcement of restraining removal orders. This legislative innovation was needed to cope with the several shortcomings identified in the use of electronic bracelets in recent times, as reported by current events and by judicial authorities³: e.g., multiple false alarms are generated due to different technical malfunctions; lack of national or central operational instructions on the modalities of installation and verification of technical feasibility, on alarm management modalities, on the modalities for reporting alarms generated and any technical unfeasibility, on how to manage technical malfunctions that have increased over time and on the need to detect the reason for them. This discipline was therefore reformed to ensure that these electronic devices are effectively functioning, specifying that the verifications already provided for by the judicial police in relation to the technical

³ Italy, Menditto, F. (2024), More on the electronic bracelet and Article 7 of Law Decree No. 178/2024 ([Ancora sul braccialetto elettronico e sull’art. 7 d.l. n. 178/2024](#)), in *Sistema Penale*, 19 December 2024.

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
		feasibility of the use of such an instrument also include the operational feasibility, linked to the actual effectiveness and functionality of the instrument with respect to the concrete case and throughout the course of the application of the precautionary measure. This means that, prior to the judge's choice of the precautionary measure deemed to be the most suitable for the case, judiciary police shall verify the applicability, operability and functionality of the electronic bracelet in the specific case and context of application, by analysing the characteristics of the places, the distances, the network coverage the quality of the connection and the transmission times of the electronic signals of the place or area of installation, the operation of the aforesaid electronic means or technical instruments and any other circumstance of concrete relevance for the purpose of assessing the effectiveness of the control of compliance with the precautionary measures to be adopted. A specific report shall be drawn up of such checks, which shall be forwarded, within 48 hours, to the judicial authorities for their assessments. In the event of technical and operational impracticability, if the removal from the family home or the prohibition to approach places frequented by the victim have been ordered, the judge may order the application, even jointly, of further precautionary measures even more serious than those already adopted. In the event of a transgression of the prescriptions imposed or of one or more serious or repeated conducts preventing or

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
		hindering the regular functioning of the electronic bracelet, the judge may order the revocation of the house arrest and its replacement by custody in prison. The Law-Decree is immediately effective and has a 60-day validity: it must be consequently converted into ordinary Law by the Parliament.
Italy, Law No. 207 of 30 December 2024, “2025 Budget Law” (Legge 30 dicembre 2024, n. 207, “<i>Bilancio di previsione dello Stato per l'anno finanziario 2025 e bilancio pluriennale per il triennio 2025-2027</i>”)	Art. 1, par. 221-222	The 2025 Budget Law entered into force on 1st January 2025. It provided for an increase of EUR 4 million per year from 2025 onwards in the Fund for Rights and Equal Opportunities Policies (established in 2006) to finance actions in favour of women victims of violence. The above-mentioned Freedom Income is also increased by EUR 1 million per year from 2025 onwards.

2. Standing of victims of gender-based violence during criminal proceedings

Please briefly elaborate on the standing of victims of gender-based violence in 2024 during criminal proceedings (as witness, civil party, damaged party, auxiliary prosecutor or party to the proceedings).

In Italy, the standing of victims of gender-based violence in criminal proceedings was thoroughly regulated in 2019 with the adoption of the Law No. 69/2019, the so-called “Red Code Law”⁴. It is worth stressing that victims of gender-based violence are involved in criminal proceedings as parties; moreover, they can also be a civil party to obtain a compensation for the damage they suffered. Additionally, they can also be heard as witnesses to share their experience with the Court: the cases in which the participation of the victim as witness does not happen are very rare, i.e., a victim very young in age for whom it is not possible to hear them as a witness or an incapacitated person⁵. With the Law No. 69/2019, a fast track was created for crimes of domestic and gender-based violence through the provision of a priority in handling and immediate initiation of judicial proceedings when prosecuting for the offences of family violence, sexual violence, persecutory acts or injuries committed in the family context or in the course of an emotional relationship. Also, with a view to strengthening the position of the victim, there is also a strengthening of the rights of information and protection, especially on the aspects concerning the personal freedom of the perpetrator (i.e., decrees of pre-trial detention, home custody, release from prison). Eventually, victims of violence or abuse can always access free legal aid, even if their income (or that of their partner) exceeds the threshold set by the ministerial decree for access to legal aid; they are also exempted to pay either the fees or the lawyer's fee who will defend them

⁴ Italy, Law No. 69 of 19 July 2019, on “Amendments to the Criminal Code, the Criminal Procedure Code and other provisions on the protection of victims of domestic and gender-based violence” ([*Legge 19 luglio 2019, n. 69, “Modifiche al codice penale, al codice di procedura penale e altre disposizioni in materia di tutela delle vittime di violenza domestica e di genere”*](#)).

⁵ Italy, Conti, P. (2023), The role of the victim in criminal proceedings and trials from subject on the margins to protagonist with particular reference to the innovations introduced by the Cartabia law ([*Il ruolo della vittima nel procedimento e nel processo penale da soggetto ai margini a quello di protagonista con particolare riferimento alle novità introdotte dalla legge Cartabia*](#)), in Rivista AIAF, No. 1/2023.

during the criminal or civil proceedings against the perpetrator. The Law No. 134/2021⁶ further intervened in this field, extending the Red Code protection also to victims of crimes foreseen in attempted form and victims of attempted murder. More recently, Art. 14 of the Law No. 168/2023 – described in Section 1 of this report – further reinforced the protection of the victims of domestic and gender-based violence during judicial proceedings to extend the mandatory immediate notification of victims of domestic or gender-based violence to all measures concerning the personal freedom of the offender. This legislative reform also introduced the obligation on the part of the judge to communicate the termination, revocation or replacement of the coercive precautionary measures to the competent public security authority for the possible adoption of preventive measures, such as measures aimed at preventing the commission of crimes by certain categories of persons deemed socially dangerous; as well as the obligation to notify the Prefect of the extinction, revocation of coercive and prohibition measures or their replacement with a less severe measure⁷.

In Italy, during 2024, some local judicial districts have adopted internal regulations to guide justice and judiciary police authorities to deal with cases of domestic and gender-based violence and to ensure protections of the victims standing in judicial proceedings. This is the case of the Memorandum of Understanding adopted in April 2024 by the Court of Lucca, the Public Prosecutor Office of Lucca and the Organisation of Criminal Lawyers of Lucca on the protection of victims of gender-based and domestic violence⁸. The Memorandum is aimed at establishing a fruitful cooperation between the criminal and the civil justice systems, needed in those cases where the victims are also involved in civil proceedings with the perpetrator for litigation concerning the dissolution of marriage or custody of children. It is pivotal that civil judicial authorities are promptly informed about the existence of a pending or concluded criminal proceeding for gender-based or domestic violence involving the parties of the civil proceeding; moreover,

⁶ Italy, Law No. 134 of 27 September 2021, on “Delegation of powers to the Government for the efficiency of the criminal proceeding as well as for restorative justice and provisions for the fast definition of legal proceedings” ([Legge 27 settembre 2021, n. 134, “Delega al Governo per l’efficienza del processo penale nonché in materia di giustizia riparativa e disposizioni per la celere definizione dei procedimenti giudiziari”](#)).

⁷ Italy, Department for Government’s Programming (*Dipartimento per il Programma di Governo*) (2023), Focus on Dispositions countering Domestic and Gender-based Violence. The Law No. 168/2023 ([Disposizioni per il contrasto della violenza sulle donne e della violenza domestica. La legge n. 168/2023](#)).

⁸ Italy, Civil and Criminal Court of Lucca (*Tribunale Civile e Penale di Lucca*) (2024), Memorandum of Understanding on Cooperation for the Protection and Protection of Victims of Domestic or Gender-based Violence ([Protocollo di Intesa per la Cooperazione finalizzata alla protezione e alla tutela delle vittime di violenza domestica o di genere](#)), 24 April 2024.

criminal judicial authorities must transmit to the civil Court all the information necessary to avoid second victimization of the victims and/or their children who must be auditioned during the civil proceeding. At this purpose, a specific e-mail address of the Civil Court was created to facilitate and give priority to this type of communications and transmission of judicial acts. Another example is the Directive No. 1/2024 adopted by the Public Prosecutor of Tivoli⁹, concerning investigation protocols and good practices adopted by judiciary police in episodes of domestic and gender-based violence. This Directive summarises all the procedures in place guiding the intervention of judiciary police in this field, from the moment the episode of violence is reported to the conclusion of the judicial proceeding, including the necessary interaction with local services, e.g., hospitals, services countering gender-based violence, shelters, etc. The Directive also clarifies the obligations public authorities are subject to when it comes to informing the victims during all stages of the judicial proceeding, as well as indications on how to collect evidence and testimonies from the victims. This document is meant to orient and guide judiciary police officers, as well as to provide indications on good practices to other Public Prosecutor Offices.

⁹ Italy, Public Prosecutor Office of Tivoli (*Procura della Repubblica presso il Tribunale di Tivoli*) (2024), Directive No. 1/2024. Investigation protocols and good practice for the Judiciary Police on gender-based and domestic violence offences ([*Direttiva n. 1/2024. Protocolli investigativi e buone prassi per la Polizia Giudiziaria in materia di reati di violenze di genere, domestica e contro le donne*](#)), June 2024.

3. Annex 1 – Promising practice

Promising practice	
Title (original language)	Segnalazione online Revenge Porn
Title (EN)	Online Report Mechanism on Revenge Porn
Organisation (original language)	Garante per la Protezione dei Dati Personali
Organisation (EN)	Italian Data Protection Authority (DPA)
Government / Civil society	Independent Authority
Funding body	Italian DPA
Reference (incl. URL, where available)	https://servizi.gpdp.it/diritti/s/revenge-porn-scelta-auth
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The tool has been made available by the DPA and there is no finishing date foreseen
Type of initiative	Complaint mechanisms
Main target group	Victims of Nonconsensual sharing of sexually explicit images or videos.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Italian DPA made available an online tool that can be used in the event of well-founded fear that images with sexually explicit content may be disseminated without consent. A file can be lodged at the DPA, using the form made available on the institutional website of the Authority, in which complainants must indicate the content sharing platforms (social networks, messaging, etc.), as well as the reasons for the fear that prejudicial conduct may be carried out. The images or sexually explicit content from whose dissemination one intends to protect oneself must then be transmitted to the Authority - by means of a link that will be communicated after the report is submitted. The DPA will adopt a measure, which will be notified to the platforms involved in an attempt to

Promising practice	
	counter the feared dissemination. This tool can be used not only by adults, but also by children. Of course, the protection granted by the DPA can always be supplemented by that provided by the Postal Police, which can be contacted to report situations in which the elements of criminal conduct can be identified (such as in the case of threats or extortion demands). The complaints can be filed using both digital means of identification – certified digital identity – or manually filling in the form online with personal data to allow accessibility.
Highlight any element of the actions that is transferable (max. 500 chars)	This tool is an attempt to create a user-friendly and easily accessible instrument to lodge complaints to the DPA when it comes to nonconsensual sharing of intimate videos or photos on the Internet. This same practice – which supports victims of this specific form of gender-based violence – could be adapted and replicated also for other forms of gender-based violence perpetrated using digital means, e.g., misogynist hate crimes online, sexist cyberbullying, etc.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	This practice is sustainable since it is an online tool made available by the Italian DPA that is freely accessible to possible victims; no ending date for this practice is foreseen.
Give reasons why you consider the practice as having concrete measurable impact	The impact of this practice can be measured assessing if and how many complaints are filed to the Italian DPA; moreover, it is possible to assess how many measures were consequently adopted by the DPA. However, this data is not made publicly available.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	DPA's are independent authorities existing in all EU Member States, as well as at EU level. Moreover, so-called “Revenge porn” is considered a violation of fundamental rights and a criminal conduct both at EU and at national level in most EU countries. A similar practice could be implemented by national DPAs as well as by the EU Data Protection Authority.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and	Not applicable.

Promising practice	
implementation of the practice	
Explain, if applicable, how the practice provides for review and assessment	Not applicable.

4. Annex 2 - Case law

Case law	
Deciding body (in original language)	Suprema Corte di Cassazione
Deciding body (in English)	Supreme Court of Cassation
Case number (also European Case Law Identifier ECLI , where applicable)	Decision No. 11631/2024
Parties	Privat party vs Court of Appeals of Ancona
Decision date	15 November 2023 (made public on 30 April 2024)
Web link to the decision (if available)	https://www.avvocatipersonenefamiglie.it/media/5151717747807.%20Ca
Which fundamental right(s) were referred to in the case?	Secondary victimisation of victims of gender-based violence
Key facts of the case (max. 250 words)	The case concerned a separation in which the wife had requested that her husband be charged, pointing out to the court the man's violent behaviour towards her, both before and after his departure from the marital home, and had consequently requested sole custody of her minor daughter. The court of first instance had attributed the marital crisis not to violence, but to marital disputes dating back to the very beginning of the marriage: it had therefore not admitted the woman's evidence of the acts of violence she had denounced and had rejected the application for a debit note. The Court had consequently ordered shared custody of the minor daughter. The judgment was appealed, the appellant insisted on sole custody of the child and also requested that the father be suspended from exercising parental responsibility. The Court of Appeal of Ancona, partially reforming the first instance judge's sentence, confirmed the cause of the separation in the conflict between the spouses and ordered the child to be entrusted to the Social Services, giving them detailed instructions on the interventions to be carried out on the parents, including four joint interviews with both parents. It was therefore a case of custody in the strict sense of the term and therefore

Case law	
	limiting parental responsibility and not a case of custody with the sole task of supervising, supporting and assisting the parents. The victim further challenged the judgment of the Court of Appeal before the Court of Cassation insofar as it had rejected her application for sole custody of her daughter, confirming that the marital crisis was attributable to the conflict between the spouses without, however, considering the acts of violence alleged, and this because the criminal proceedings against her husband had been dismissed. Moreover, the complainant criticised the judgment on the grounds that the instructions given to the Social Services in their implementation would have resulted in a de facto violation of Articles 18 and 48 of the Istanbul Convention which, in the presence of violence against women or domestic violence (physical, psychological, economic, etc.) prohibits the use of any type of alternative dispute resolution, including mediation and conciliation.
The key legal question raised by the Court	Since both prior stages of the proceeding were held before the entry into force of the so-called Cartabia reform (Legislative Decree No. 149 of 10 October 2022) - which has substantially transposed into the Code of Civil Procedure the principles dictated by the 2011 Istanbul Convention, signed by Italy in 2013, on violence against women and domestic violence - the Court of Cassation, referred to the general principles and constitutional provisions by which international treaties become part of the national system (art. 117 co. 1 Const.). Therefore, the Ordinary Court and the Court of Appeals should have judged the case in question in compliance with the Istanbul Convention and in particular with Articles 3, 18 and 48.
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	According to the Court of Cassation, in the case in question, the facts of violence were not even investigated since all the facts were labelled as marital conflict, while, on the contrary, the Court of Appeals specified that physical violence constitutes such serious and unacceptable violations of marital duties as to justify in itself the pronouncement of separation with objection, exempting the judge of merit from comparing the conduct of the spouses, or their possible conflict. The appellant's secondary victimisation, unfortunately, lasted for years, mainly due to the child's entrustment to the Social Services, in spite also of the pre-eminent interest of the child, in the meantime grown up, and of Article 31 of the Istanbul Convention. The Supreme Court

Case law	
	of Cassation accepted the appeal and declared the judgment of the Court of Appeal of Ancona null and void because the child had been entrusted to the Social Services without first appointing a special curator and referred the case back to the Court of Appeal of Ancona in a different composition.