



ASSEDEL, 11 Rue de Bruxelles 67000 Strasbourg, France, www.assedel.org,

info@assedel.org

May 2025

Policy Paper

by ASSEDEL

Violence against women and sexual assault in Italy: Potential issues related to the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence

Table of contents

1. Constitutional and national legal framework (p. 3)
2. European Union's legal framework (p. 3)
3. Council of Europe's legal framework (p. 4)
4. Policy proposals and conclusion (p. 4)
 - 4.1. Media involvement (p. 5)
 - 4.2. Potential improvements within the educational system (p. 5)
 - 4.3. State reparations standard and equal scheme (p. 7)
 - 4.4. Specific workplace policies (p. 7)

1. Constitutional and national legal Framework

Within the constitution of the Italian Republic, we can give relevance to the discussion to articles 2, 3, 13, 29, 32, 117.

In its case-law, the Constitutional Court of the Italian Republic had been called upon to balance the rights given to defendants by the Constitution and the international law, following the need to act against certain crimes. In relation to criminal cases surrounding offences such as rape, gang-rape and domestic violence, the Court prioritized effective prosecution of these crimes.

(1) The main provisions within the Criminal Code in which the various hypotheses of Rape and domestic violence are prosecuted are addressed within articles 609-bis, 609-ter and 609-octies.

Law 19 July 2019 n. 69, also known as “Red Code/Codice Rosso”, transposed many provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence, especially in relation to judicial prevention practices.

Art. 6 of Law 24 November 2023, n. 168, contains a direct reference to the Council of Europe Convention on preventing and combating violence against women and domestic violence in relation to the implementation of a specific training for public officers. (4)

Within the Italian Criminal Code, some gaps have been remarked in relation to the implementation of article 33 of the Istanbul Convention. The article, in fact, prescribes to the states to properly prosecute conducts which result in “impairing a person’s psychological integrity through coercion or threats”. (5) Art. 612 of the criminal code already punishes the act of threatening someone but doesn’t focus enough on the consequences on the victim.

2. European Union’s legal framework

Treaty of the European Union gives relevance to articles 2 and 6 for the present discussion. Similarly, within the Treaty on the Functioning of the European Union Articles 8, 10, 19 and 168 are relevant for the present discussion. Moreover, the Charter of Fundamental Rights of the European Union touch the subject with its articles 1,3,4,6,23,24 and 47.

Under the framework of the main treaties, recent legislative acts by the European Union contributed to shape the position of the international organisation in relation to the issues of gender-based violence and domestic violence. In particular, the EU highlights a less limited definition of violence against women and the essential role of education in relation to the prevention of certain practices. (2)

The EU’s legislative activity highlighted also a great attention to ensuring that national legislation gives proper attention to the condition of victims. (3)

-
1. Corte Costituzionale nn. [8/2025](#), [33/2022](#), [173/2024](#)
 2. [Directive \(EU\) 2024/1385](#) of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence
 3. Corte Costituzionale nn. [8/2025](#), [33/2022](#), [173/2024](#)

Within its case law, the Court of Justice of the European Union faced multiple times issues related to the compensation given to victims (6,7), arriving in particular case even to say that “the a fixed rate of EUR 4 800 for the compensation of a victim of sexual violence does not appear, at first sight, to correspond to ‘fair and appropriate compensation’, within the meaning of Article 12(2) of Directive 2004/80.”

3. Council of Europe’s legal framework

Articles 2, 3, 8, 11, and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms are especially relevant to the present analysis.

The most important act within the European framework in relation to the issues of gender-based violence and domestic violence is the Council of Europe Convention on preventing and combating violence against women and domestic violence. Within the Convention, Articles 2, 3, 4, 5, 7, 9, 12, 14, 19, 29, 30, 33, 36, 40, 45 are relevant to the discussion. Article 14, in particular, highlights how “Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.”

4. Policy Proposals and conclusion

Within the last 50 years, the legal and judicial system have significantly improved, and it is possible now to say that the prosecution of most of the crimes related to gender-based violence and domestic violence has the potential to be effectively carried on.

There is, however, much more room for improvement in relation to prevention policies. According to a survey conducted by the independent press agency IRPI, there have been multiple episodes of sexual harassment within the 10 recognised masters courses in journalism around the country. Most of the rectors of the involved universities responded by stating that they had not received any formal complaints. For instance, the Dean of the University of Urbino stated that the victims should have contacted the “Trust Councillor” (Consigliere di Fiducia), a specific legal counselor appointed by universities to follow specifically cases of sexual harassment, mobbing and bullying. (13).

According to a survey conducted by the Conference of the Italian Rectors (14), many small universities didn’t register any complaint in relation to cases of sexual harassment and related abuses. This data might have two possible interpretations: the first one is that thousands of students coming from different parts of the country and the world, with mixed backgrounds, behaved perfectly within the span of a year; the second one, which might be more believable, is that the student community knows so little about reporting procedures that potential victims aren’t even aware that they can access them.

-
4. [Legge 24 novembre 2023, n. 168](#) Disposizioni per il contrasto della violenza sulle donne e della violenza domestica. (23G00178)
 5. [“L’attuazione Della Convenzione Di Istanbul Nell’ordinamento Italiano: Profili Di Rilevanza Penale”](#) by Tiziana Vitarelli and Emanuele La Rosa, p. 5 (2019)
 6. [Judgment of the Court \(Grand Chamber\) 11 October 2016 In Case C-601/14](#), ACTION under Article 258 TFEU for failure to fulfil obligations, brought on 22 December 2014

According to a survey conducted by FP CGIL (17), the most influential trade union in the country within the public employment sector, 74% of the workers thinks that the awareness about procedures and tools regarding gender-based violence and sexual harassment in the workplace is not sufficient.

These episodes show us how little does the public know about the tools to which victims of gender-based violence and domestic violence have access to and how important is a massive and systematic educational intervention is in that sense.

4.1. Media involvement

Within the Report submitted by Italy pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence Italian authorities mention a “Memorandum with the Italian broadcasting TV (RAI): on February 1, 2022, [...] aimed at promoting equal and balanced representation of the sexes in communication activities. The Department for Equal Opportunities is committed to enhancing and sharing with the other signatory parties good practices and experiences developed in its professional sphere. (8)

Considering how influential and successful is the communication activity carried on by RAI, in order to further implement articles 34 and 35 of the Council of Europe Convention on preventing and combating violence against women and domestic violence it would be useful to integrate within the Memorandum also obligations related to the promotion of educational campaigns and preventive initiatives against gender-based violence and domestic violence.

The State Police has also activated in recent years the application iOS and android devices “You Pol” to give to citizens another platform to contact the authorities in cases of bullying, gender-based violence and domestic violence. The data related to the usage of the software from 2024 and 2023 doesn’t appear satisfying. (11) It would be recommended to insert a link to the download at the bottom of every website related to services or activities of the Public Administration.

4.2. Potential improvements within the educational system

The Report submitted by Italy highlights how the number of anti-violence centres and shelters increased from 2017 to 2022. However, we would suggest increasing the funding dedicated to the building and maintenance of anti-violence centres and shelter homes, to further improve the percentage of population covered.

-
7. [Judgment of the Court \(Grand Chamber\) 16 July 2020 In Case C-129/19](#), REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di Cassazione (Supreme Court of Cassation, Italy), made by decision of 29 January 2019, received at the Court on 19 February 2019, in the proceedings
 8. [Report submitted by Italy pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (1st thematic evaluation round) Received by GREVIO on 1 July 2024 and published on 2 July 2024
 9. [Council Directive 2004/80/EC](#) of 29 April 2004 relating to compensation to crime victims

It appears clear that, even if the Ministry of Education and Merit has put a massive effort over the years in implementing initiatives and Memorandums to bring a positive culture into the relations between genders, there is still too much to be concerned about. A student needs years of constant lectures and reminders to be able to hold his own in matters such as literature and mathematics. The same system, although in a different proportion, needs to be rooted within our educational system in relation to sexual education (to be intended, for the most conservative readers, as the study of how the complicated relationship between genders develop through our lifetime). This is, what we believe, the aim and the correct implementation of article 14 of the Convention. Within a relation, a commission of the Italian Parliament (Camera dei Deputati) itself recognised how it is essential to work on raising women's awareness of their opportunities for empowerment, in order to overcome the kind of resignation that women are often forced to adopt—or, in any case, tend to maintain—precisely due to an awareness of their economically disadvantaged and more vulnerable position. (10)

The importance of a functioning and systematic branch of our educational system can be noted by just how high the difference through the years between people who contact anti-violence centres is. The Italian report states, in fact, that “From the Anti-Violence Center (CAV) User Survey, there are 26,131 women in 2022 who have started a pathway out of violence with the help of the centers. They are increased over the years. Women who started their pathways out of violence together with an Anti-violence center during the year: 15,837 (2020); 19,592 (2021); 26,131 (2022).” Sometimes women don’t even know about the instruments which they might get access to.

To further prove this point is possible just to quote the following part of the report, in which the Italian government itself admits that: “Articles 12 and 14 of the Istanbul Convention focus attention on the essential role of gender stereotypes in reproducing the cultural matrix of violence. Istat conducted the first survey collecting stereotypes in 2018; the second edition is now underway, of which provisional data can be analysed. The first results show positive signs: stereotypes have decreased and, above all, greater awareness about violence is emerging, although there is still a long way to go to defeat prejudice, especially among younger people. The 2023 data show less tolerance of physical violence in couples (2.3% of people think it is acceptable always or in some circumstances that “a guy slaps his girlfriend because she has flirted/flirted with another man,” 4.3% that “in a couple a slap happens once in a while”). However, 10.2% of respondents, mostly young people (16.1%), say they still accept the man's control over their wife/partner's communication (cell phone and social). 53.6 percent of the population between the ages of 18 and 74 has at least one stereotype about gender roles; the value is higher for men and, compared to the first survey, decreasing especially among women. Stereotypes about sexual violence are also widespread, with 48.7 percent of the population adhering to at least one stereotype on this issue. 39.3 percent of men strongly or fairly agree that a woman can evade sexual intercourse if she really does not want to, and nearly 20 percent of men think violence is caused by the way women dress, percentages that among women stand at 29.7 percent and 14.6 percent, respectively. On the other hand, no differences in opinion between males and females emerge with regard to some situations: about 11 percent believe that a female victim of sexual violence when she is drunk or under the influence of drugs is at least partly responsible, and about 10 percent believe that if a woman after a party accepts an invitation from a man and is raped, it is also her fault.”

10. relazione sulla ricognizione degli assetti normativi in materia di prevenzione e contrasto della violenza di genere per la redazione di un testo unico ([Doc. XXIII, n. 4](#)), Commissione bicamerale d'inchiesta sul femminicidio, nonché su ogni forma di violenza di genere, p. 28 (2024)

11. [YouPol: l'applicazione della Polizia di Stato utile anche per segnalare la violenza domestica](#), Polizia di Stato (2024)

A potential improvement in this sense might be quite easy to reach, given the current legal framework. Art. 2 of Law 20 August 2019 n. 92 introduced, in fact, a compulsory course of Citizenship and Constitution within the last year of every high school programme. It would be sufficient to tailor the course, through interventions of the Ministry of Education, to educational goals aimed also at the prevention of gender-based violence and domestic violence, in order to create an instant campaign that would reach thousands of students (28.610 in 2023) (12) every year.

Another useful intervention would be to appoint a “trusted councillor” (Consigliere di fiducia) (15) in every university within the country. Currently only half of the universities at national level (16) are covered by this service, and only a complete national coverage would be enough for the country’s academic system to properly comply with provisions such as EU Commission’s Recommendation of 27 November 1991 on the protection of the dignity of women and men at work.

4.3. State reparations standard and equal scheme

In order to avoid cases, such as judgement C-129/19 of the Court of Justice of the European Union, in which the victim who doesn’t manage to get access to reparations imposed by court to the authors of the act receives a limited and “derisory” (to quote the Court of Justice) sum, we would suggest to develop and implement a standard scheme to follow in these cases.

A directive issued by the EU states that “where a violent intentional crime has been committed in a Member State other than the Member State where the applicant for compensation is habitually resident, the applicant shall have the right to submit the application to an authority or any other body in the latter Member State.” According to the principle of equality prescribed by article 3 of the Constitution, the same rules, also in relation to state-reparations, shall apply to non-cross-border cases. (9,6)

4.4. Specific workplace policies

Recently a judgement of the Supreme Court (Corte di Cassazione) (18) confirmed the removal from the workplace of an employee who sexually harassed his colleague. In a similar case (19), where a local transportation employee addressed his colleague with statements such as “I didn’t know you were pregnant, i thought you were lesbian. Who made you pregnant?” the Supreme Court acted the opposite way. In order to prevent uncertainty within the judicial system it would be useful to develop specific guidelines or policies in relation to cases in which gender-based violence is sanctioned on the workplace.

12. [Profilo dei Diplomatici 2023](#), Alma Diploma 2024

13. [«Voi con queste gonnelline mi provocate»](#), IRPI media (2024)

14. [Misure di prevenzione e contrasto ad abusi, molestie e violenze di genere negli atenei italiani](#), CRUI (2025)

15. [Consigliere/a di fiducia](#), Ministero della Giustizia (2022)

16. [Gli abusi e le molestie nelle università italiane](#), Il Post (2025)

17. [Donne: report Fp Cgil, “stop molestie e violenze nella Pa, serve strategia”](#), FP CGIL (2024)

18. [Cass. ord. 10 Marzo 2025 n. 6345](#)

19. [Cass. Ord. 9 marzo 2024 n. 7029/2023](#)