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Gender equality in the digital age: a task for Europe. Combating gender-based cyber-violence

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ITALIAN LEGISLATIVE FRAMEWORK

Law No. 69 of 19 July 2019 has amended the Criminal Code, the Code of Criminal Procedure, the so-called Anti-Mafia Code and the Prison Order in order to tighten the criminal repression of domestic and gender-based violence and to introduce additional provisions to protect victims. In particular, this law introduces four new crimes:

- ❖ the crime of deformation of the person's appearance by means of permanent facial injuries (new Article 583-quinquies of the criminal code), entailing imprisonment from 8 to 14 years as well as State compensation for the victim; when the commission of this offence results in murder, the penalty is life imprisonment;

ITALIAN LEGISLATIVE FRAMEWORK

Law No. 69 of 19 July 2019:

- ❖ the offence of coercion or inducement to marry (Article 558-bis of the Criminal Code), entailing imprisonment of 1 to 4 years; the offence is aggravated when committed to the detriment of minors and is also prosecuted when committed abroad by, or to the detriment of, an Italian citizen or a foreigner residing in Italy;
- ❖ the offence of violation of orders of removal from the family home and the prohibition to approach places frequented by the offended person (Article 387-bis), entailing imprisonment from 6 months to 3 years;

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Law No. 69 of 19 July 2019:

- ❖ the crime of unlawful dissemination of sexually explicit images or videos without the consent of the persons (so-called *revenge porn*, included in Article 612-ter of the Criminal Code after the crime of stalking), entailing imprisonment from 1 to 6 years and a fine ranging from €5,000 to €15,000; this kind of punishment also applies to anyone who, having received or otherwise acquired images or videos, in turn disseminates them in order to cause harm to the persons concerned; the offence is aggravated if acts are committed in the context of an emotional relationship, even if it has ceased, or through digital tools.

ITALIAN LEGISLATIVE FRAMEWORK - CRIMINAL PROCEDURE

With regard to the criminal procedure, the opening of criminal proceedings for crimes of domestic and gender-based violence has been speed up for an higher protection of victims.

To this end, **Law No. 69 of 2019** provides that:

- judicial police, upon crime reporting, immediately refer it to the public prosecutor, orally and - on a later stage - by written communication;
- the public prosecutor, within 3 days from the report, takes information from the offended person or from the person who reported the facts; this time limit may be extended only for unavoidable needs to protect minors or the confidentiality of the investigation, also in the interest of the offended person;
- judicial police proceed to carry out investigation and submit to the public prosecutor, again without delay, results of this activity.

ITALIAN LEGISLATIVE FRAMEWORK – TRAINING

Law No. 69 of 19 July 2019:

- ❖ Alongside the amendments to the Criminal Code and the Code of Criminal Procedure, Law No. 69 of 2019 envisages further provisions concerning specific training courses for the personnel of the State Police, the Carabinieri Corps and the Prison Police who perform public security and judicial police functions in relation to the prevention and prosecution of crimes of domestic and gender-based violence.

ITALIAN LEGISLATIVE FRAMEWORK - DATA COLLECTION

Lack of data about crimes involving women as victims has now been remedied by the National Institute of Statistics which, jointly with the Department for Equal Opportunities of the Prime Minister's Office, has started enhancing and coordinating statistical data collection based upon **Law No. 53 of 2022** in order to monitor the phenomenon and develop policies to prevent and combat it.

To this end, this Law *inter alia*:

- introduces the obligation for offices, bodies, organisations and public and private entities involved in official statistical information to provide data and information for surveys provided for by the national statistical programme, as well as to collect, process and disseminate disaggregated data,
- introduces an obligation for all public health facilities and in particular first aid units to provide data and news on violence against women;
- establishes an integrated system between the Ministries of the Interior and of Justice for the collection of data concerning offences against women, aiming also at examining the relationship between the perpetrator and the victim.

ITALIAN FRAMEWORK – PREVENTION APPROACH

- ❖ Along the prevention approach, with a specific focus on revenge porn, the activities of the Data Protection National Authority should be highlighted > establishment of an emergency channel for potential victims of revenge porn: women and girls who fear that their intimate photos or videos may be spread without their consent on Facebook or Instagram will be able to report this risk and have their images blocked.
- ❖ In 2022, the Authority issued an urgent injunction to Facebook, Instagram and Google to immediately take all necessary measures to prevent the dissemination on their platforms of all material (videos, photos) reported to it by a number of women and girls who feared they might be put online.

CONCLUDING REMARKS

In conclusion

- the Italian response to gender cyber violence is envisaged both in the aforementioned legislation and in the framework of domestic policies for preventing and combating gender-based violence, the latter being characterised by a permanent and structural nature and by the endowment of specific financial measures for the implementation of interventions throughout the national territory.
- In this view Italy has contributed and is actively engaged in the negotiations aimed at the adoption of a directive on combating violence against women and domestic violence, which also specifically provides for the dimension of so-called cyber gender violence.