UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE, LAW,

AND INTERNATIONAL STUDIES

Master's Degree in

Human Rights and Multi-level Governance

VIOLENCE AGAINST WOMEN BETWEEN LAW AND PRACTICE: HOW THE ECTHR JURISPRUDENCE HAS BEEN CONTRIBUTING TO DESIGN THE NATIONAL POLITICAL AND LEGAL FRAMEWORK IN ITALY AND FRANCE

Supervisor: PROF.SSA PAOLA DEGANI

Candidate: NADIA COLANERI

Matriculation No.: 2125707

Academic Year: 2025/2026

TABLE OF CONTENTS

Introduction

1.1 Thesis Background …… **1**

1.2 Framing of the Research …… **4**

1.3 Thesis Research Question …….. **9**

1.4 Thesis Methodology …….. **11**

1.5 Structure of the Thesis …… **12**

Chapter II – ***Literature Review of Violence against Women between Law and Practice***

2.1 Violence against Women in International Human Rights ……. **14**

2.2 Feminist Legal Theory and the Prohibition of Violence …… **19**

2.3 The Due Diligence Standard and State's Positive Obligations …….. **24**

2.4 International Normative Frameworks on Violence against Women ……... **32**

2.4.1 CEDAW and the Recognition of Violence against Women as Discrimination

2.4.2 The Istanbul Convention: Scope, Objectives and Normative Innovation

2.5 Gaps and Limitations in Existing Literature …….. **38**

Chapter III – ***On the Prohibition of Violence against Women Under Human Rights Law in Determining State Policy and Legal Systems***

3.1 The Prohibition of Violence against Women under Human Rights Law …… **43**

3.1.1 The Right to Life as a Preventive Obligation

3.1.2 Violence against Women as an Inhuman and Degrading Treatment

3.1.3 Private Life, Autonomy, and Structural Protection

3.1.4 Violence against Women as Discrimination

3.2 Judicial Interpretation and the Role of Courts …… **48**

3.2.1 The European Court of Human Rights as an Interpretative Actor

3.2.2 The CEDAW Committee and Normative Leadership on Violence Against Women

3.3 State Responsibility for Gender-Based Violence ……... **53**

3.4 Landmark Jurisprudence Shaping Sate Obligations …….. **58**

3.4.1 Opuz v. Turkey: Domestic Violence as a Matter of State Responsibility

3.4.2 Talpis v. Italy: Procedural Failures and the Cost of Delay

Chapter IV – ***Italy's Legal and Policy System to Combat Violence and Protect Women***

4.1 Criminal Law Framework on Violence Against Women …… **62**

4.2 Preventive and Protective Measures …….. **67**

4.3 Procedural Law and Victims Protection …… **71**
4.4 Institutional Actors and Coordination …… **77**
4.5 Policy Frameworks and National Action Plans …… **83**
4.6 Implementation of International and Regional Obligations …….. **90**
4.7 Structural Overview and Emerging Tensions …… **95**

Chapter V – ***France's Legal and Policy System to Combat Violence and Protect Women***

5.1 Criminal Law Framework on Violence Against Women …… **100**
5.2 Preventive and Protective Measures …… **105**
5.3 Procedural Law and Victims Protection ……... **110**
5.4 Institutional Framework and Specialized Structures …… **115**
5.5 National Policies and Legislative Strategies …… **121**
5.6 Compliance with International and Regional Standards …….. **128**
5.7 Structural Overview and Emerging Tensions ……... **132**

Chapter VI – ***Analysis and Discussion of the Gap Between Formal Protection and Effective Safeguards***

6.1 ECtHR Jurisprudence on Italy …… **135**
6.2 ECtHR Jurisprudence on France …… **141**
6.3 Obstacles to Effective Protection …… **144**
6.4 Some Comparative Notes on Italy and France …… **149**

Conclusion …… **152**

Bibliography …….. **155**

Introduction

1.1 Thesis Background

Violence against women (VAW) represents one of the most pervasive and persistent forms of human rights violations, deeply rooted in structural gender inequality and historically unequal power relations between women and men.[1] For centuries, both public authorities and legal systems have regarded such violence as a private matter, as confined to the domestic sphere and immune from State intervention,[2] therefore resulting in the absence of public policies aimed at prevention, protection and institutional accountability. Such an approach is a reflection of the broader patriarchal order historically rooted in most societies, in which men are regarded as holders of authority and autonomy, while women are left merely subordinate roles in the family as well as in the society.[3] As a result, acts of violence against women have been systematically minimized, normalized, and rendered legally invisible, accounting for a centuries-long sleep of unrecognized violations and denied protection. In particular, the systemic lack of coordinated institutional responses and effective protection mechanisms made the equation between legal invisibility and policy exclusion undeniable.

It was only in the late 20th century that a significant normative shift began. Although the Convention on the Elimination of All Forms of Discrimination against Women[4] (CEDAW) adopted in 1979 did not explicitly address violence, subsequent interpretative developments – in particular CEDAW Committee's General Recommendation No. 19 (1992) and General Recommendation No. 35 (2017) – formally recognised gender-based violence as a form of discrimination and a serious violation of women's human rights.[5]

---

[1] Catharine A. MacKinnon, "*Toward a Feminist Theory of the State*", Harvard University Press, 1991. https://feminisminnewterms.wordpress.com/wp-content/uploads/2018/08/mackinnon-1989-toward-a-feminist-theory-of-the-state-copie.pdf

[2] Reva B. Siegel, "*The Rule of Love: Wife Beating as Prerogative and Privacy*", Yale Law Journal 105, No. 8: 2117–2207, 1996. https://law.yale.edu/sites/default/files/documents/pdf/Faculty/Siegel_TheRuleOfLove.pdf

[3] Sylvia Walby, "*Theorizing Patriarchy"*, Basil Blackwell, 1990. https://openaccess.city.ac.uk/id/eprint/21680/1/1990_Walby_Theorising_Patriarchy_book_Blackwell.pdf

[4] UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), 18 December 1979. https://www.ohchr.org/sites/default/files/cedaw.pdf

[5] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19: Violence against Women*, UN Doc. A/47/38 (1992). https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf; CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/generalcomments/cedaw_c_gc_35.pdf

This understanding was consolidated in the 1993 UN Declaration on the Elimination of Violence against Women,[6] which defined such violence as «any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life».[7]

At the regional level, instruments like the Istanbul Convention have established a comprehensive framework imposing positive obligations on States to prevent, investigate and punish violence against women,[8] not only at the legislative level but also in terms of policy design, service provision and institutional coordination. Together, these developments have contributed to eradicating violence against women from the realm of private conduct and situating it instead in the sphere of international human rights law, requiring States to adopt structured legal and policy responses.

However, despite the adoption of a large body of advanced legal standards implemented over the years, a persistent gap remains between normative commitments and the effective protection afforded to women in practice. Violence against women continues to affect a significant proportion of the global female population. UNIFEM reveals that one in three women has been raped, beaten, coerced into sexual activity, or otherwise abused[9] and according to the WHO's data, domestic violence still figures as a leading cause of death of women aged 16 to 44 – on the same level with cancer, malaria, or road accidents.[10] Such data is alarming and reveals systemic shortcomings in prevention strategies, victim protection systems and access to justice.[11]

---

[6] UN General Assembly, *Declaration on the Elimination of Violence against Women,* UN Doc. A/RES/48/104, 20 December 1993. https://www.ohchr.org/sites/default/files/eliminationvaw.pdf

[7] Ibidem, art. 1.

[8] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. https://rm.coe.int/168046031c

[9] UN Development Fund for Women (UNIFEM), "*UNIFEM Resources on Women, Peace and Security*", 12 November 2010. https://www.refworld.org/reference/themreport/unifem/2010/en/76738

[10] World Health Organization (WHO): "*Violence Against Women: Prevalence Estimates*, 2018", 2021. https://iris.who.int/server/api/core/bitstreams/145c0488-87d1-4d3f-a562-f98f9bd5dac2/content

[11] UN Economic and Social Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erürk,* Doc. E/CN.4/2006/61, 2006. https://docs.un.org/en/E/CN.4/2006/61

This implementation deficit clearly highlights the struggles in designing, implementing, and coordinating State policies addressing VAW, and can be explained by a variety of factors related to governance, ranging from the failure of State authorities in acting with due diligence, to inadequate institutional frameworks and fragmented policy responses, to insufficient resources and training, to the persistence of gender stereotypes in law enforcement and judicial systems.[12] Furthermore, while criminal law holds a key role in State responses to condemn and sanction abusive conducts, its predominantly punitive approach is often inadequate or insufficient to effectively address the structural, cultural, and socio-economic dimensions of gender-based violence.[13] The limits of criminalization alone are enough to underline the need for a more integrated approach capable of ensuring effective victim protection and achieving long-term change in society.

Against this backdrop, the jurisprudence of the European Court of Human Rights (ECtHR) has emerged as a significant interpretative and policy-shaping tool. Through its case law in fact, the Court has progressively specified States' positive obligations under the European Convention on Human Rights, defining the minimum standards required for effective prevention, protection, investigation, and institutional response; and reframing violence against women as a matter of substantive equality and State responsibility.[14] This is particularly evident in the way in which the ECtHR has influenced not only domestic legal reforms but also the development and adjustment of public policies in countries such as Italy and France, where its judgments have actively contributed to reshaping national responses to gender-based violence.

---

[12] Nicola Lacey, "*Feminist Legal Theory and the Rights of Women*" in Gender and Human Rights by Karen Knop Collected Courses of the Academy of European Law, 2004. Doi: https://doi.org/10.1093/acprof:oso/9780199260911.003.0002 https://it.scribd.com/doc/270369503/Nicola-Lacey-Feminist-Legal-Theory

[13] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. https://hudoc.echr.coe.int/fre?i=002-1449

[14] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017. https://hudoc.echr.coe.int/eng?i=001-171994; European Court of Human Rights, *Eremia v. Moldova*, No. 3564/11, judgment of 28 May 2013. https://hudoc.echr.coe.int/eng?i=001-119968

1.2 Framing of the Research

The principles of non-discrimination and equality before the law represent fundamental commitments in human rights law and are virtually enshrined in all international and regional human rights instruments.[15] However, the meaning and scope of equality – particularly its capacity to address gender-based matters in practice – remains still contested, and while formal equality before the law has been achieved in most legal systems, disadvantage and systemic inequality still persist as a result of inadequate institutional responses and policy implementation.[16]

The most pervasive interpretation of the right to equality is probably the Aristotelian formula that equals should be treated equally and unequals unequally.[17] In this framework, women have historically been constructed as men's "*unlikes*" and, as such, subjected to be treated "*unalike*"[18] – that is, worse than men.[19] The male experience (elite, white, Western, upper-class men) has historically functioned as the implicit standard against which equality is measured, and, as feminist legal scholars like Catharine A. MacKinnon have argued, such logic has not produced a neutral differentiation but rather a hierarchy, on the contrary: women are consistently treated worse than men not because of relevant differences, but because they are not regarded as equally valuable subjects of law.[20] The extent of this invisibility is reflected in the acts of sexual violence or domestic abuse that for long have not been considered as acts of inequality, and therefore consequently excluded from public intervention and policy prioritisation.

---

[15] UN General Assembly, *Universal Declaration of Human Rights*, A/RES/3/217 A, 1948, arts. 1–2. https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_217(III).pdf; UN General Assembly, *International Covenant on Civil and Political Rights*, Res. 2200A (XXI), 1966, arts. 2 and 26. https://www.ohchr.org/sites/default/files/ccpr.pdf; Council of Europe, *European Convention on Human Rights*, ETS No. 5, 1950, art. 14. https://www.echr.coe.int/documents/convention_eng.pdf

[16] Sandra Fredman, "*Discrimination Law"*, Oxford University Press, 2002. https://www.researchgate.net/publication/387687321_Sandra_Freedman_Discrimination_Law_Oxford_University_Press_Oxford_2002

[17] Aristotele, "*Nicomachean Ethics"* translated by R. Bartlett and S. Collins, University of Chicago Press, 2011. https://ia600506.us.archive.org/0/items/AristotlesNicomacheanEthics/Aristotles%20-%20Nicomachean%20Ethics.pdf

[18] Catharine A. MacKinnon, "*Equality*", Daedalus 149, No. 1: 213–21, 2020. http://direct.mit.edu/daed/article-pdf/149/1/213/1831664/daed_a_01783.pdf

[19] Catharine A. MacKinnon, "*Feminism Unmodified: Discourses on Life and Law"*, Harvard University Press, 1987. https://readcatharinemackinnon.wordpress.com/wp-content/uploads/2020/07/catharine-a-mackinnon-feminism-unmodified-discourses-on-life-and-law-1.pdf

[20] Catharine A. MacKinnon, "*Toward a Feminist Theory of the State"*, Harvard University Press, 161–162, 1989. Cited in p. 1

They have rather been perceived as private or moral matters,[21] despite the fact that the great majority of documented sexual assaults against women have been predominantly committed by men.[22] From a feminist legal perspective then, violence against women cannot be understood as a series of isolated episodes but as a structural phenomenon that calls for structural and policy-based responses and that both reflects and reproduces gender hierarchies.[23] What renders violence against women a structural issue is not only its global persistence, but also its role as a mechanism of subordination and control.[24] Often violence acts as a means to discipline a woman's behaviour, to restrict her autonomy and reinforce deeply rooted social norms regarding dependency and obedience.[25] In this sense, violence is not just a consequence of inequality but rather one of the primary means through which inequality itself is maintained. The "differences" that lead to unequal treatment are socially constructed within a system where male dominance is privileged; therefore, the opposite of equality is not difference but hierarchy, and accordingly, the analytical framework is not one of sameness and difference, but of dominance and subordination.[26]

A structural understanding of violence against women exposes the limits of a merely formal approach to equality and underlines the need for a shift towards policy-oriented strategies grounded in substantive equality. Formal equality is focused on equal treatment and legal neutrality, substantive equality instead moves the attention on to the social context, on power relations and on the actual impact of laws and policies on the most vulnerable groups.[27]

---

[21] Reva B. Siegel, "*The Rule of Love: Wife Beating as Prerogative and Privacy*", Yale Law Journal 105, No. 8: 2117-2207, 1996. Cited in p. 1

[22] World Health Organization (WHO), "*Violence Against Women: Prevalence Estimates*, 2018", 2021. Cited in p. 2

[23] Elizabeth M. Schneider, "*Battered Women and Feminist Lawmaking",* Yale University Press, 9-14, 2000. https://api.pageplace.de/preview/DT0400.9780300128932_A24362630/preview-9780300128932_A24362630.pdf

[24] Sylvia Walby, "*Theorizing Patriarchy"*, Basil Blackwell, 128–130, 1990. Cited in p. 1

[25] Liz Kelly, "*Surviving Sexual Violence"*, University of Minnesota Press, 25–27, 1988. https://www.academia.edu/103822061/Surviving_Sexual_Violence

[26] Catharine A. MacKinnon, "*Difference and Dominance: On Sex Discrimination"*, in Feminism Unmodified, Harvard University Press, 381–91, 1987. https://faculty.gvsu.edu/walhofd/mackinnon.pdf

[27] Sandra Fredman, "*Human Rights Transformed: Positive Rights and Positive Duties",* Oxford University Press, Paper No. 38/2006, 14–18, 2006. http://ssrn.com/abstract=923936

Substantive equality recognises that identical treatment may even perpetuate disadvantage when individuals are under unequal social structures.[28] In the case of violence against women, this holds the implication that States must move beyond gender neutral legal framework and start adopting targeted legislative, administrative and policy measures that directly respond to women's specific vulnerabilities to the systemic nature of violence. In international human rights law, this shift has occurred mostly through interpretative development rather than formal treaty drafting. As a matter of fact, although early human rights instruments didn't explicitly address violence against women, the international scenario has increasingly progressed in recognizing gender-based violence as a form of discrimination. Among others, the Committee on the Elimination of Discrimination against Women has argued that violence directed against women because they *are* women constitutes discrimination within the meaning of the Convention.[29] This interpretation positions violence against women as a core issue in human rights that on the one [5]hand may often breach several women's rights simultaneously, and on the other calls for stronger State responsibility and effective implementation through State policies and institutional practices.[30]

The doctrine of due diligence is strongly linked to the emergence of State's positive obligations in the context of violence against women, as contemporary human rights law no longer conceives State responsibility in mere negative terms – namely as the simple obligation of refraining from interference. Instead, it started to impose increasing positive duties on States to adopt active legal, policy, and administrative measures to ensure the effective enjoyment of rights by women.[31]

---

[28] Sandra Fredman, "*Substantive Equality Revisited"*, International Journal of Constitutional Law 14, no. 3: 712–738, 2016. Doi: https://doi.org/10.1093/icon/mow043 https://academic.oup.com/icon/article/14/3/712/2404476

[29] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19,* 1992; CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35*, 2017. Cited in p. 1

[30] Hilary Charlesworth, "*What Are 'Women's International Human Rights'?"* in Human Rights of Women: National and International Perspectives by Rebecca J. Cook, chapter 3, University of Pennsylvania Press, 58–65, 1994. https://books.google.it/books?id=62VLTiwTGg0C&printsec=frontcover&hl=it&source=gbs_ViewAPI&redir_esc=y#v=onepage&q&f=false

[31] Sandra Fredman, "*Human Rights Transformed: Positive Rights and Positive Duties",* Oxford University Press, Paper No. 38/2006, 1–6, 2006. Cited in p. 5

Moreover, States can be held responsible not only for acts of violence committed by their agents, but also for their failure to prevent, investigate, punish and provide remedies for violence perpetrated by private individuals. From a feminist perspective, such shift is crucial in overcoming the traditional public-private divide that has historically shielded domestic violence from legal responsibility, and also in contributing to reframe institutional tolerance, inaction and fragmented policy responses as forms of State complicity. In particular, regarding gender-based violence, positive obligations arise around three main dimensions: prevention, protection and prosecution.[32]

The obligation to prevent requires States to adopt coherent legislative, administrative and policy measure necessary to address both the structural and systemic causes of violence against women. These can range from the criminalisation of abusive conduct to measures aimed at the eradication of gender stereotypes that legitimize or tolerate violence.[33] An example is the development of comprehensive, multi-level strategies that include awareness-raising campaigns, education, data collection, and all other measures capable of challenging the social norms and power relations maintaining male dominance. Such measures hold a fundamental role as they seek to intervene *before* episodes of violence occur rather than responding only after the harm.

The obligation to protect instead arises once authorities become aware of a real and imminent risk of violence. States are required to provide timely and effective safeguards to people at risk, and in the context of violence against women, these may include for example, access to shelters, emergency measures, restraining orders or victim support services.[34] Several feminist scholars have focused on the nature of State's failures in the protection of victims, arguing that such failures are rarely neutral. Rather, they are the result of institutional disbelief, minimisation of harm or reliance on stereotypes on women's credibility and responsibility, effectively reinforcing patterns of subordination and women's exclusion from equal protection before the law.[35]

---

[32] UN Economic and Social Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erürk*, Doc. E/CN.4/2006/61, 2006. Cited in p. 2

[33] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, arts. 12–17. Cited in p. 2

[34] European Court of Human Rights, *Osman v. United Kingdom*, No. 23452/94, judgment of 28 October 1998, para. 116. https://hudoc.echr.coe.int/fre?i=001-58257

[35] Elizabeth M. Schneider, "*Battered Women and Feminist Lawmaking",* Yale University Press, 32–36, 2000. Cited in p. 5

The obligation to prosecute lastly, establishes the duty to conduct prompt, impartial and effective investigations as well as ensuring the punishment of perpetrators. Several shortcomings are systemic in both investigation and prosecution, including procedural delays, passivity, or gender bias. They expose the structural weaknesses affecting institutional accountability and resource allocation and the result is the creation of a climate of impunity and State tolerance[36] of violence in which impunity itself functions as a structural factor that further normalises and perpetuates violence.

Together, these positive obligations highlight how violence against women engages State responsibility not only through action, but also through omission. Whenever States fail to prevent foreseeable harm, to protect women at risk, or to prosecute perpetrators effectively, they are actively reproducing gender hierarchies by denying equal protection to women.[37] Violence against women therefore shifts to a matter of substantive equality, where effectiveness of protection becomes the measure of compliance.[38] The European Court of Human Rights has progressively incorporated and applied such developments in its jurisprudence, demonstrating that State inaction towards episodes of gender-based violence can lead to violations of the rights to life, to be free from inhuman or degrading treatment, to respect for private and family life, and to non-discrimination. By explicitly linking failures in prevention, protection and prosecution to structural discrimination,[39] the ECtHR has turned individual cases of violence into indicators of the broader policy and institutional shortcomings[40] in counteracting gender-based violence, providing the normative foundation upon which some national policies are shaped, implemented and assessed.

---

[36] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017, paras. 129–141. Cited in p. 3

[37] Hilary Charlesworth, "*What Are 'Women's International Human Rights'?"* in Human Rights of Women: National and International Perspectives by Rebecca J. Cook, chapter 3, University of Pennsylvania Press, 1994. Cited in p. 6

[38] Sandra Fredman, "*Discrimination Law"*, Oxford University Press, 25-31, 2002. Cited in p. 4

[39] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3

[40] European Court of Human Rights, *Eremia v. Moldova*, No. 3564/11, judgment of 28 May 2013. Cited in p. 3; European Court of Human Rights, *Volodina v. Russia*, No. 41261/17, judgment of 9 July 2019. https://hudoc.echr.coe.int/fre?i=001-194321

1.3 Thesis Research Question

This thesis stands against the backdrop of the strongly persistent gap between the formal recognition of women's rights and the effective protection afforded to them from gender-based violence, seeking to analyze the role of international and regional human rights law in shaping State's responses and public policies to violence against women. In particular, it aims at understanding to which extent international human rights norms and the jurisprudence of the European Court of Human Rights recognize, specify, and enforce the prohibition of violence against women, as well as how effectively this prohibition is translated and implemented through domestic legal frameworks, public policies and institutional practices in the Italian and French domestic systems. Focusing on the interaction between international standards, judicial interpretation and national implementation mechanisms, the research will further assess whether and how human rights law contributes to bridging this gap between law and practice in the context of VAW through it impact on national policy design, institutional reform, and implementation.

The central question that this study wants to answer is: *how is the prohibition of violence against women perceived, operationalized and enforced within the domestic legal and policy systems in Italy and France, and to what extent are they influenced by the ECtHR's jurisprudence?*

Such question stems from a set of closely related sub-questions that structure the analysis at different normative and institutional levels. First, what kind of legal and operational standards emerge under international and regional human rights law concerning the prohibition of violence against women? Particularly focusing on equality, non-discrimination, due diligence and State's positive obligations of prevention, protection, and prosecution. Second, how are such obligations translated into domestic legal frameworks, public policies and institutional arrangements in Italy and France? Third, what patterns emerge from the ECtHR Court's jurisprudence concerning VAW, and how do these patterns reveal systemic strengths and weaknesses in domestic protection policies and institutional responses? And lastly, what institutional, procedural, social, and cultural obstacles continue to hinder the effective design and implementation of policies aimed at the protection of women from male violence?

In addressing these questions, the thesis will take on a critical feminist legal perspective to understand how violence against women is framed in human rights law, how State responsibility is constructed through judicial interpretation, and how such interpretation influences policy choices and institutional responses at the national level. Moreover, the research aims at a deeper understanding of the potential and the limits of the ECtHR's case law in challenging structural

gender inequality and in promoting effective, policy-driven protection against violence in practice.

1.4 Thesis Methodology

To conduct this research, a qualitative methodological approach will be adopted, combining legal analysis with qualitative policy analysis to examine how international human rights law and the jurisprudence of the European Court of Human Rights (ECtHR) shape and influence the national and policy responses to violence against women in Italy and France. Therefore, this research is primarily qualitative as it aims at assessing the content, interpretation and the practical implications of legal norms, judicial reasoning and policy framework, rather than measuring their quantitative outcomes.

At the international and regional levels, the focus falls on both binding and non-binding instruments related to the prohibition of violence against women. These include the European Convention on Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its General Recommendations, the Istanbul Convention, and various policy documents, guidelines, and reports adopted by international and regional bodies that have contributed to combating violence against women. Such instruments are fundamental to identify the legal and operational standards, principles, and State obligations that dictate State responsibility before episodes of gender-based violence. At the same time, this study will also undertake a qualitive policy analysis of the Italian and French relevant national legal frameworks, institutional arrangements and policy systems addressing VAW. Domestic legislation, national action plans, institutional mechanisms and policy instruments, will be examined in order to analyze how violence against women is conceptualized, and to assess their coherence, scope, and effectiveness in addressing it. This analysis is crucial to evaluate the extent to which international human rights standards are translated into domestic policies and whether these respond efficiently to a substantive approach to gender-based violence.

Furthermore, a central element of this study is the analysis of the ECtHR's jurisprudence on cases of violence against women involving Italy and France. The analysis is conducted through qualitative case-law, focusing on the Court's reasoning, its interpretation of State's obligations, and the way it treats structural discrimination and gender stereotypes with the purpose of identifying patterns and trends in the Court's approach and assessing how its judgements can function as a normative and policy shaping tools influencing national institutional and policy responses. An interdisciplinary approach as such seeks to produce a comprehensive assessment of the interaction between law and practice regarding violence against women. It will allow this thesis to conduct an evaluation beyond the development of formal legal standards, reaching to the assessment of their capacity to shape national policy design, institutional reform and to afford effective protection for women in practice.

1.5 Structure of the Thesis

This thesis is aimed at examining violence against women as a human rights violation situated at the intersection between international legal norms, judicial interpretation, and domestic policy implementation, posing particular attention to the role of the European Court of Human Rights (ECtHR) in shaping, assessing, and influencing national legal and policy responses in Italy and France. It does so by following the subsequent structure:

Chapter 2 provides a theoretical and conceptual foundation to the research through a comprehensive literature review on violence against women between law and practice. It traces the evolution of violence in international human rights discourse, with a particular focus on the implications of this shift from a traditional classification as private violence to its recognition as a State responsibility matter for State intervention and public policy. The chapter then follows the contributions of major feminist legal scholars that have engaged and challenged the concepts of formal equality, legal neutrality, and gender-blind approaches to law. Particular attention is also paid to the development of the due diligence doctrine and States' positive obligations of prevention, protection, investigation, and punishment as analytical tools for evaluating State policies. Finally, the chapter concludes with the examination of the CEDAW and the Istanbul Convention as main international normative frameworks crucial to identify the gaps and limitations in the existing literature, particularly the excessive focus on normative development at the expense of implementation, policy analysis, and jurisprudence-based and country-specific assessment.

Chapter 3 examines the prohibition of violence against women under international and regional human rights law, particularly focusing on the framework set by the European Convention on Human Rights as a guide for State policies and institutional responses. It analyses the framing of violence against women as a violation of Articles 2, 3, and 8 of the Convention, both read alone and together with Article 14 specifically on non-discrimination. The chapter then focuses on the interpretative role of international and regional bodies such as the ECtHR and the CEDAW Committee, demonstrating how judicial reasoning has contributed to the development of a more substantive and policy-relevant approach to protection through the articulation of State responsibility. Landmark judgments, such as *Opuz v. Turkey* and *Talpis v. Italy*, are highlighted as fundamental steps in the consolidation of State obligations and as indicators of the persistent gap between legal standards and effective policy implementation towards protection.

Chapters 4 and 5 are the core comparative case studies of the thesis, analysing the legal and policy systems adopted in Italy and France to prevent violence against women and protect victims. Chapter 4 focuses particularly on Italy, analyzing its domestic criminal law provisions, preventive and protective measures, procedural safeguards, institutional actors, and policy instruments. Particular attention is paid to the limits of a predominantly punitive approach, to the challenges in policy implementation, the gaps in institutional coordination, and the role of anti-violence centres. The chapter also examines Italy's compliance with its international and regional obligations, including GREVIO findings, and the structural tensions that have led to ECtHR litigation. Chapter 5 mirrors the same structure but in relation to France, focusing on its criminal law reforms, preventive and protective mechanisms, procedural guarantees, institutional frameworks, and broader national policy strategies. The chapter also analyses the recent debates on consent, evidentiary standards, and victim protection, as well as France's interaction with international monitoring mechanisms and its relation to the ECtHR Court.

Chapter 6 moves the focus explicitly to the jurisprudence of the European Court of Human Rights on cases concerning Italy and France. Through the analysis of relevant judgments, this chapter identifies patterns of protection and failure, including the shortcomings in prevention, procedural delays, ineffective investigations, reliance on gender stereotypes, and forms of judicial passivity. By examining the institutional, procedural, social, cultural, and political obstacles that continue to hinder the effective protection of women, this chapter will discuss the gap between formal legal protection and effective functioning of protective policies and safeguards afforded to women subjected to violence. Moreover, the comparison of the Court's judgments in the two countries is used to highlight how the ECtHR jurisprudence can both expose systemic lacks in domestic systems as well as to spur legal, institutional, and policy reform.

Lastly, the thesis is concluded by summarising the main findings, evaluating State responsibility in Italy and France through the final assessment of legal frameworks, institutional practices and public policies. It reflects on the role of the ECtHR jurisprudence in shaping protection standards and influencing national policies, outlining the broader legal, institutional and policy implications; and in a final answer to the thesis research question, it will reassess violence against women as an autonomous human rights violation.

Chapter II – *Literature Review of Violence against Women between Law and Practice*

2.1 Violence against Women in International Human Rights

The recognition of violence against women as an international human rights law matter is relatively recent, and it represents a breaking point from the historical perception of gender-based violence as excluded from the legal and political domain, also redefining the scope of legitimate State intervention. Most of the 20th century, has been dominated by a public/private divide that has confined episodes of violence against women – particularly domestic and sexual violence – to the private sphere, consequently shielding it from State accountability and excluding it from public regulation, prevention strategies and institutional intervention.[41] Such conceptual understanding of violence stemmed from the broader patriarchal system deeply embedded in legal frameworks, according to which harm inflicted within the family or intimate relationships, fell outside the scope of public concern and legal intervention and policy design.[42]

Early international human rights instruments like the Universal Declaration of Human Rights and core UN treaties adopted in the post-war period started to articulate fundamental principles such as equality, dignity, and non-discrimination[43] that soon became the backbone of all international and regional human rights instruments. However, none of them explicitly addressed violence against women, resulting in the consequent invisibilisation of gender-based violence and absence of targeted State policies addressing it, despite its strongly pervasive and systematic nature. Such omission was not merely accidental but rather reflected the widespread privileging of male experiences and the gendered power imbalance historically rooted in patterns of unequal power relations that have placed social, economic and political power in the hands of men. The parallel State inaction and lack of intervention contributed to the diffusion of violence as an expression of power and episodes of violence affecting women occurring in private contexts were normalized and marginalized.[44]

---

[41] Hilary Charlesworth, et Al., "*Feminist Approaches to International Law*," *American Journal of International Law* 85, no. 4, 1991. Doi: https://doi.org/10.2307/2203269 https://it.scribd.com/document/475138812/EPIL-Feminism-Approach-to-International-Law

[42] Elizabeth M. Schneider, "*Battered Women and Feminist Lawmaking",* Yale University Press, 2000. Cited in p. 5

[43] UN General Assembly, *Universal Declaration of Human Rights*, A/RES/3/217 A, UN Doc. A/810, 1948. Cited in p. 4

[44] Karen Engle, "*International Human Rights and Feminism: When Discourses Meet*," Michigan Journal of International Law 13: 517–610, 1992. https://files01.core.ac.uk/download/pdf/232710623.pdf

It was not until the second half of the 20th century that a turn was taken with the emergence of feminist legal scholarship and transnational women's movements. Feminist critiques exposed the gendered assumptions implied in the public/private divide and demonstrated through their work the way in which the limitation of violence against women as a merely private matter functioned as a mechanism of impunity and structural inequality.[45] They contributed to reframing domestic and sexual violence as expressions of power, control and discrimination, thus paving the way to the reconceptualization of violence as a human rights violation rather than a merely private or cultural issue. In doing so, they further challenged States to move from non-intervention to a model of active policy responses.

A main achievement along this process was the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)[46] in 1979 by the UN General Assembly. Although the Convention did not explicitly mention violence against women, it established a broad definition of discrimination capable of including such violence under its normative framework. In this sense, the interpretative work carried out by the CEDAW Committee was fundamental as it transformed abstract equality norms into operational standards guiding State action. In General Recommendation No. 19,[47] the Committee formally recognized gender-based violence as a form of discrimination within the meaning of the Convention, claiming that «gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of Article 1 of the Convention», contributing to an interpretative shift that placed violence against women within the scope of international human rights obligations and therefore also in the realm of State regulation and policy responsibility.

---

[45] Catharine A. MacKinnon, "*Toward a Feminist Theory of the State*", Harvard University Press, 1991. Cited in p. 1

[46] UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), 18 December 1979. Cited in p. 1

[47] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19: Violence against Women*, UN Doc. A/47/38 (1992). Cited in p. 1

In 1993, at the UN World Conference on Human Rights, violence against women was declared to be a human rights violations, a conception further consolidated in December of the same year with the adoption of the Declaration on the Elimination of Violence against Women.[48] The Declaration represented a first more authoritative definition of violence against women at the international level as «any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life» and explicitly affirmed such violence as constituting a violation of women's rights and fundamental freedoms. Importantly, it also rejected the private nature of violence, explicitly affirming State's duty to exercise due diligence to prevent, investigate, and punish acts of violence, whether perpetrated by State actors or not.[49] Subsequently, in 1994, the UN Commission on Human Rights established a Special Rapporteur on Violence against Women, a gender-specific human rights mechanism tasked with the mandate of seeking and receiving information on such violence, and of recommending measures to counteract and eliminate it. A year later, the Beijing Declaration and Platform for Action were approved at the Fourth World Conference on Women in 1995.[50] Violence against women therefore figured among the 12 critical areas of concern demanding urgent action, leading to the identification of policy priorities, institutional responsibility and preventive strategies. And although none of these instruments is a legally binding document, they still represented a shift towards a model of State responsibility grounded in tolerance, omission, and structural failures, providing the criteria for evaluating State policies and institutional responses.

---

[48] UN General Assembly, *Declaration on the Elimination of Violence against Women,* UN Doc. A/RES/48/104, 20 December 1993. Cited in p. 2

[49] Ibidem, arts. 4 (c).

[50] United Nations, *Beijing Declaration and Platform of Action,* adopted at the *Fourth World Conference on Women*, 1995. https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf

Similar developments also occurred across regional human rights systems, particularly in Europe. Here, while the European Convention on Human Rights of 1950 did not contain a specific provision on the prohibition of violence against women, provisions such as those on the right to life, the prohibition of torture and inhuman or degrading treatment, respect for private and family life, and non-discrimination have been progressively interpreted to include State obligations also in cases of gender-based violence.[51] This interpretative evolution reflects the broader international human rights law trend in holding States accountable not only for acts they have directly committed, but also for their failures in protecting individuals from foreseeable harm inflicted by private individuals.[52] Such approach is closely linked to the development of the due diligence doctrine, which functions as a framework to assess State intervention and the effectiveness of public policies. As a matter of fact, under this framework, States are demanded to take reasonable and effective legislative, administrative and policy measures to prevent violence, protect victims, investigate allegations, and punish perpetrators;[53] with failures in such terms constituting a possible violation of international human rights obligations. This is particularly relevant especially in the context of domestic violence, where procedural delays, institutional indifference, and inadequate policy implementation represent systematic features.[54]

Developments at the European regional level culminated in the adoption of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence [55] – namely the Istanbul Convention – in 2011. The Convention represented the most comprehensive and legally binding instrument on violence against women, formally recognizing it as a manifestation of historically unequal power relations and as a form of discrimination.

---

[51] Ronagh J.A. McQuigg, "*International Human Rights Law and Domestic Violence"*, Routledge, 2011. https://api.pageplace.de/preview/DT0400.9781136742088_A23879507/preview-9781136742088_A23879507.pdf

[52] European Court of Human Rights, *Osman v. United Kingdom*, No. 23452/94, judgment of 28 October 1998. Cited in p. 7

[53] Inter-American Court of Human Rights, *Velásquez Rodríguez v. Honduras*, judgment of 29 July 1988. https://www.refworld.org/jurisprudence/caselaw/iacrthr/1988/en/39420

[54] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3

[55] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p. 2

In particular, it reinforced State responsibility by specifying the due diligence standard and imposing detailed positive obligations on States, but also extended its provisions to structural and preventive measures, reaching beyond the traditional judicial remedies and requiring States to move towards the adoption of coordinated policies.

Therefore, violence against women in international human right law has gradually evolved from being an implicit concern embedded within general equality norms to constituting a human rights violation with its own distinct body of legal principles. Its recognition as a human rights violation, a form of discrimination, and a failure of State accountability, provides the normative and conceptual framework to analyze how international standards translate to judicial reasoning and domestic policies. In this sense, the international legal discourse on violence against women becomes crucial to understanding the role of courts – in this case the ECtHR – in translating international standards into practical guidelines for national policies and in doing so bridging the gap between formal legal commitments and effective protection in practice.

2.2 Feminist Legal Theory and the Prohibition of Violence

Long before the explicit recognition of violence against women as a legal issue, feminist scholars had already been working to unveil the structural and ideological factors that rendered such violence invisible and tolerated by society, and immune and irrelevant to legal systems. Their contributions had a fundamental role in eradicating violence from the private sphere and in reshaping its understanding within both domestic and international policy and legal frameworks. In particular, challenging traditional assumptions of legal neutrality, formal equality and objectivity became the core elements of feminist legal critiques.[56]

Among the most influential contributions figure the efforts of Catherine A. MacKinnon, which worked on reframing violence against women as a central mechanism of gender inequality rather than a subordinate phenomenon.[57] In particular, she targeted the liberal model of equality based on sameness and difference, criticizing it for failing in capturing the hierarchical nature of gender relations. In many of her studies, including "*Sex Equality*" (2016)[58], she demonstrated how women are treated worse than men not because they are different, but because gender itself is run as a system of dominance and subordination. In this system, violence holds a double role as both a manifestation and an enforcement mechanism of male dominance. MacKinnon exposed how law normalizes male power through apparently neutral standards, and how legal institutions are all but neutral to gender hierarchy, actively engaging in its reproduction instead. Her analysis, therefore, represented a crucial step in positioning violence against women as a form of sex-based discrimination and, as a result, also a violation of equality rights. This understanding was further developed through the analysis of domestic violence carried out by Elizabeth Schneider. She particularly focused on the legal responses to battered women in criminal and family law systems, demonstrating how law generally frames abuse as isolated and episodic incidents, resulting in a failure in recognizing patterns of coercive control and in the invisibilisation of their systemic nature.[59]

---

[56] Carol Smart, "*Feminism and the Power of Law"*, Routledge, 1989. http://ndl.ethernet.edu.et/bitstream/123456789/19696/1/7.pdf

[57] Catharine A. MacKinnon, "*Toward a Feminist Theory of the State*", Harvard University Press, 1991. Cited in p. 1

[58] Catharine A. MacKinnon, "Reflections on *Sex Equality under Law"*, Yale Law Journal, Vol. 100, No. 5, 1991. https://openyls.law.yale.edu/server/api/core/bitstreams/59153c4b-2b6e-4a8b-ae78-8601b7e95c83/content

[59] Elizabeth M. Schneider, "*Battered Women and Feminist Lawmaking",* Yale University Press, 2000. Cited in p. 5

Another key point of Schneider's contribution is the paradoxical effect of legal intervention through which she demonstrated how the over reliance on criminalisation can expose women to further harm or marginalisation, rather than affording them increased protection. Thus, her work can be understood as a focus on the importance of women's personal experiences and the constraints that limit their choices, clearly taking a stance against merely legal solution that often fail to address underlying power dynamics.[60] Kimberlé Crenshaw, with the elaboration of her theory of intersectionality, provided another fundamental contribution in calling for the need of a multidimensional approach to effectively address violence against women. Women's experiences of violence are shaped by several intersecting systems of oppression, ranging from race, to class, migration status, disability, and so on – rendering the single-axis framework of gender insufficient.[61] Her critique of both feminist and anti-discrimination law focused on the experiences of marginalised women, often rendered invisible by legal systems. In particular, she demonstrated how judicial remedies are often shaped around the experiences of relatively privileged subjects which results in a systemic reinforcement of exclusion and inequality whenever regarding women seeking protection who do not conform to the dominant narratives of victimhood;[62] an insight particularly relevant for assessing the effectiveness of State protection mechanisms and judicial reasoning.

At the international level, important contributions have been provided by feminist scholars like Hilary Charlesworth and Christine Chinkin who have critically analysed the gendered foundations of international law itself. In their works, they challenged the assumption that international law operates as a neutral and universal framework, revealing how its norms, priorities and enforcement mechanisms are instead a reflection of male-dominated perspectives.[63] They focused on the way in which the public/private divide operates at the transnational level by rendering issues that predominantly affect women, including domestic violence, marginalized.

---

[60] Elizabeth M. Schneider, "*Resistance to Equality"*, University of Pittsburgh Law Review 57: 477–521, 1996. https://files01.core.ac.uk/download/228598870.pdf

[61] Kimberlé Crenshaw, "*Demarginalizing the Intersection of Race and Sex"*, University of Chicago Legal Forum: 139–67, 1989. https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf

[62] Kimberlé Crenshaw, "*Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color"*, Stanford Law Review 43, No. 6: 1241–99, 1991. Doi: https://doi.org/10.2307/1229039 https://blogs.law.columbia.edu/critique1313/files/2020/02/1229039.pdf

[63] Hilary Charlesworth and Christine Chinkin, "*The Boundaries of International Law: A Feminist Analysis",* Manchester University Press, 2000. Doi: https://doi.org/10.2307/2661427 https://static.cambridge.org/content/id/urn:cambridge.org:id:article:S0922156501230441/resource/name/S0922156501000449a.pdf

They further challenged the gendered nature of sovereignty, State responsibility and human rights implementation, contributing to achieving a transformation of international law from within.[64] Most notably, their work has also strongly influenced the legitimisation of feminist reinterpretations of human rights treaties as well as the extension of State responsibility to acts of private violence.

Sandra Fredman's contribution laid primarily in her reconceptualization of equality. Moving beyond formal equality, she articulated a substantive and transformative model of equality capable of addressing disadvantage, stigma, stereotyping, and structural exclusion.[65] Her framework can be understood as a normative foundation for understanding why equal treatment alone is insufficient to combat violence against women and why States must adopt proactive measures tailored to women's specific vulnerabilities. In this sense, Fredman's theory represented a bridge between feminist critique and legal doctrine, both supporting the development of positive obligations and due diligence standards in human rights law.[66]

Another crucial theory in reinforcing the need for an integrated approach is the vulnerability theory elaborated by Martha Albertson Fineman which shifted the attention from formal autonomy to the universal and inevitable condition of human vulnerability. Fineman argued against the liberal legal subject as an autonomous, self-sufficient and gender-neutral being, instead claiming that law must also take into account the social and institutional structures in which individuals are embedded.[67] Her theory provided a powerful demonstration of why States responsibility must extend beyond reactive punishment to include structural support systems. It wasn't limited to violence against women, however, in this context, it highlighted the role of institutions in either mitigating or exacerbating harm.[68]

Dianne Otto's feminist engagement mainly focused on the tension between feminist aspirations and the limitations of legal reform.

---

[64] Hilary Charlesworth, "*What Are 'Women's International Human Rights'?"* in Human Rights of Women: National and International Perspectives by Rebecca J. Cook, chapter 3, University of Pennsylvania Press, 1994. Cited in p. 6

[65] Sandra Fredman, "*Discrimination Law"*, Oxford University Press, 2002. Cited in p. 4

[66] Sandra Fredman, "*Human Rights Transformed: Positive Rights and Positive Duties",* Oxford University Press, Paper No. 38/2006, 2006. Cited in p. 5

[67] Martha Albertson Fineman, "*The Autonomy Myth: A Theory of Dependency"*, The New Press, 2004. https://it.scribd.com/document/649695073/The-autonomy-myth-A-theory-of-dependency-Martha-Fineman

[68] Martha Albertson Fineman, "*The Vulnerable Subject"*, Yale Journal of Law and Feminism, Vol. 20: 1–23, 2008. https://openyls.law.yale.edu/server/api/core/bitstreams/f23fa6fb-d926-43dd-8627-d880c7337a8a/content

She conducted a critical analysis of the risks of co-optation, depoliticization and over-reliance on criminal justice responses in the international human rights framework.[69] While on the one hand she recognized the strategic importance of legal recognition, Otto also emphasized the role of social, economic and political contexts related to episodes of violence,[70] rendering her contribution fundamental in the analysis of the gap between formal legal standards and women's lived experiences.

Lastly, a unique position in the feminist scholarship is occupied by Radhika Coomaraswamy, as both a scholar and as the first UN Special Rapporteur on Violence Against Women. Coomaraswamy's work focused on the translation of feminist critiques into international legal standards, particularly by framing violence against women as a human rights violation deeply rooted in discrimination and inequality, and by specifying the due diligence framework as a basis for State responsibility. Through her reports and analyses she contributed directly to the development of international norms and strongly influenced judicial interpretation, both on the regional and the domestic levels.[71] Indeed, it can be observed that the critique of legal neutrality appears to be a unifying thread across feminist legal theory. Feminist scholars have demonstrated how law's claims of neutrality consistently cover hierarchies and underlying power relations. In particular, neutral legal standards regarding violence against women – for example the abstract concepts of reasonableness, consent, and proportionality – actively disadvantage women by being based on male experiences and expectations. Formal equality is perceived as failing to account for structural inequalities and as even reinforcing them by ignoring the social conditions that shape vulnerability to violence.[72] Thus, feminist legal theory is crucial in exposing the limitations of a legal framework that treats violence as a gender-neutral harm rather than a gendered phenomenon strongly linked to inequality.

---

[69] Dianne Otto, "*Lost in Translation: Re-Scripting the Sexed Subjects of International Human Rights Law"*, in *International Law and Its Others* by Anne Orford, Cambridge University Press: 318–56, 2009. Doi: https://doi.org/10.1017/CBO9780511494284.012 https://www.koufafoundation.org/wp-content/uploads/2023/06/lost-in-translation-re-scripting-the-sexed-subjects-of-international-human-rights-law.pdf

[70] Dianne Otto, "*Rethinking Universals: Opening Transformative Possibilities in International Human Rights Law"*, The Australian Yearbook of International Law Online, 1997. Doi: https://doi.org/10.22145/aybil.18.1 https://www.researchgate.net/publication/322521185_Rethinking_Universals_Opening_Transformative_Possibilities_in_International_Human_Rights_Law

[71] UN Economic and Social Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 1994/45*, Doc. E/CN.4/1996/53, 1996. https://docs.un.org/en/E/CN.4/1996/53

[72] Catharine A. MacKinnon, "Reflections on *Sex Equality under Law"*, Yale Law Journal, Vol. 100, No. 5, 1991. Cited in p. 19

These critiques have strongly contributed to the evolution of international human rights law. While warning about the risks of prioritizing punitive approaches at the expense of prevention, support and structural change, feminist scholars have provided the conceptual tools necessary to understand violence against women as a systemic and structural manifestation of gender inequality. The recognition of violence against women as a form of discrimination, the development of more specific positive obligations for States, the articulation of the due diligence doctrine, all constitute examples of this shift in recognizing the structural nature of violence and the inadequacy of formal equality, which have reshaped both the content and the interpretation of human rights law.

2.3 The Due Diligence Standard and States' Positive Obligations

The emergence of the due diligence standard represents one of the most significant developments in international human rights law, particularly regarding violence against women.[73] As a matter of fact, it provides the legal mechanism through which acts of violence perpetrated by private individuals are attributed to the State, not only through direct responsibility for the acts themselves, but rather through responsibility for failure in acting.[74] Moreover, it represents a crucial step in establishing the framework against which the adequacy of State intervention and public policy is assessed. In this sense, due diligence represents the juridical bridge between the structural insights from feminist legal theory, the operational logic of human rights adjudication, and the evaluation of State policies addressing VAW, reframing it from a matter limited to the private sphere into a violation grounded in State omission, tolerance, and systemic failure.[75]

The origins of the due diligence doctrine are commonly traced back to the jurisprudence of the Inter-American human rights systems, particularly in *Velásquez Rodríguez v. Honduras*.[76] This landmark judgment in fact articulated for the first time the principle that States may be held accountable not only upon violations committed by State agents, but also for private acts in which they fail to prevent, investigate, punish perpetrators or provide remedies with due diligence.[77] The case particularly concerned enforced disappearances, however, its reasoning paved the way for a broader understanding of State responsibility, more grounded in positive obligations.[78] In particular, the Inter-American Court clarified that international responsibility arises whenever the State «has allowed the act to take place without taking measures to prevent it or punish it», focusing the attention on institutional conduct and on the adequacy of State responses, rather than on isolated acts.[79]

---

[73] Hilary Charlesworth and Christine Chinkin, "*The Boundaries of International Law: A Feminist Analysis",* Manchester University Press, 2000. Cited in p. 20

[74] Andrew Clapham, "*Human Rights Obligations of Non-State Actors"*, Oxford University Press, 2006. https://www.corteidh.or.cr/tablas/24296.pdf

[75] Catharine A. MacKinnon, "*Toward a Feminist Theory of the State*", Harvard University Press, 1991. Cited in p. 1

[76] Inter-American Court of Human Rights, *Velásquez Rodríguez v. Honduras*, judgment of 29 July 1988. Cited in p. 17

[77] Ibidem, paras. 172–176.

[78] Dinah Shelton, "*Private Violence, Public Wrongs, and the Responsibility of States"*, Fordham International Law Journal, Vol. 13, No. 1: 1–34, 2002. https://files01.core.ac.uk/download/pdf/144226719.pdf

[79] Inter-American Court of Human Rights, *Velásquez Rodríguez v. Honduras*, judgment of 29 July 1988, para. 173.

The transformative potential of this doctrine in addressing violence against women was immediately clear to feminist scholars and advocates.[80] The due diligence standard posed a direct challenge to the diffused public/private divide, claiming that States cannot absolve themselves of responsibility simply because episodes of violence occur within the family or are perpetrated at the hands of private individuals.[81] Instead, it reframed violence against women as a foreseeable harm that can be prevented through timely institutional action, policy planning and coordinated intervention; and that engages State responsibility when authorities know or ought to know the risk and fail to act promptly.[82]

Such a conceptual shift also represented a main step in dismantling the traditional legal conception of domestic violence as a matter beyond the reach of human rights law.[83] And indeed, feminist influence in both the development and the application of due diligence is particularly evident in the work of international human rights bodies addressing violence against women.[84] For long, feminist legal theory had effectively demonstrated the way in which tolerance of private violence both reflected and enforced gender hierarchies,[85] deepening the normalization of women's subordination and insecurity. Due diligence integrated this insight, and in doing so operationalized the feminist critique of legal neutrality, exposing State inaction, procedural inertia and indifference as factors contributing to the perpetuation of violence. It reframed omission in terms of complicity, enforcing a new conception of the nature of human rights protection that goes beyond the mere imposition of additional duties on States,[86] showing how inadequate policies, institutional inactivity and lack of coordination can all contribute to the active perpetuation of violence.

---

[80] Elizabeth M. Schneider, "*Battered Women and Feminist Lawmaking",* Yale University Press, 2000. Cited in p. 5

[81] Hilary Charlesworth, "*Feminist Approaches to International Law*," *American Journal of International Law* 85, no. 4, 1991. Cited in p. 14

[82] UN Economic and Social Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 1994/45*, Doc. E/CN.4/1996/53, 1996. Cited in p. 22

[83] Dianne Otto, "*The Exile of Inclusion: Reflections on Gender Issues in International Law over the Last Decade"*, Melbourne Journal of International Law, Vol. 10: 1-15, 2009. https://law.unimelb.edu.au/__data/assets/pdf_file/0008/1686059/Otto.pdf

[84] Sandra Fredman, "*Discrimination Law"*, Oxford University Press, 2002. Cited in p. 4

[85] MacKinnon, "*Toward a Feminist Theory of the State*", Harvard University Press, 1991. Cited in p. 1

[86] Charlesworth and Chinkin, "*The Boundaries of International Law: A Feminist Analysis",* Manchester University Press, 2000. Cited in p. 20

Within the United Nations system, the due diligence standard was explicitly embraced and elaborated in the context of violence against women through the interpretative work of the CEDAW Committee and the mandate of the Special Rapporteur on Violence against Women.[87] In General Recommendation No. 19,[88] it was first articulated that States may be held accountable for private acts of violence if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence. This position was further reinforced by General Recommendation No. 35 [89] that contributed by specifying that due diligence obligations are not merely reactive but also extend to prevention, protection, prosecution, punishment, and reparations. These developments confirmed violence against women as not only incompatible with traditional human rights standards, but also as a failure of State governance, institutional capacity and policy implementation.

The core of the due diligence framework is represented by a set of interrelated obligations conceptualized as duties to respect, protect, fulfill and promote human rights.[90] This approach was first developed in the 1980s and subsequently implemented by human rights bodies and advocacy organizations, becoming particularly effective in the clarification of the scope and content of State responsibility regarding violence against women.[91] Instead of treating violence as a single episode violation, such framework enables an assessment of State action – or omission – across multiple stages of intervention, rendering it a particularly effective tool for evaluating public policies. The obligation to respect requires States to refrain from directly perpetrating violence through their agents. In relation to violence against women, this includes acts of rape, sexual abuse or ill-treatment committed by a range of actors including police officers, military personnel, prison officials, or any other State actor. This dimension of due diligence shows how tolerance of violence against women extends not only to failures of regulation, but is often actively perpetrated through institutional power.

---

[87] UN Commission on Human Rights, *Resolution 1994/45: Special Rapporteur on Violence against Women*, UN Doc. E/CN.4/RES/1994/45, 1994. https://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-1994-45.doc

[88] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19: Violence against Women*, UN Doc. A/47/38 (1992). Cited in p. 1

[89] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). Cited in p. 1

[90] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 14*, UN Doc. E/C.12/2000/4. https://www.ohchr.org/en/documents/general-comments-and-recommendations/ec1220004-general-comment-no-14-highest-attainable

[91] Amnesty International, "*Respect, Protect, Fulfil: Women's Rights – State Responsibility for Non-State Actors",* 2000. https://www.amnesty.org/en/documents/ior50/001/2000/en/

However, international jurisprudence has consistently recognized rape and sexual violence committed by State agents as torture or inhuman and degrading treatment, a position also embraced both by the Inter-American and European human rights systems which have affirmed that such violations cannot be justified under any circumstance and constitute a most striking breach of bodily integrity and human dignity.[92] Moving beyond direct violations, the obligation to protect represents a core mechanism in the process of attribution of private violence to State.[93] Protection means demanding States to adopt all reasonable legislative, administrative and operational measures to prevent third parties from inferring with women's rights, especially where authorities know or ought to know of a real and immediate risk. Both international and regional jurisprudence have shown how such responsibility is triggered not only by explicit threats but also by patterns of abuse, repeated complaints, or indicators of escalating violence. Notably, the European Court of Human Rights (ECtHR), in *Osman v. United Kingdom*, has articulated this standard by specifying responsibility when authorities fail to take measures which could have reasonably prevented a known risk.[94] Even if such reasoning was initially developed outside the context of gender-based violence, it progressively became commonly applied to domestic violence cases, especially those in which risk is often predictable.[95] In this context, feminist legal scholarship has held a fundamental role in demonstrating the non-accidental nature of failures in protection of victims:[96] systemic failures in enforcing protection orders, reluctance in intervening in "family matters", and prioritization of perpetrator's privacy over women's safety are all examples of the way in which ineffective policy design and implementation can undermine protection. Due diligence instead, in its articulation by human rights bodies, rejects this understanding of domestic violence, specifying that the right to private life cannot be invoked to legitimize domination and abuse. The obligation to prevent engages both the individual and the structural level. On the one hand, it requires States to act urgently to protect women subjected to specific and imminent risk, adopting measures capable of preventing the harm before it occurs.

---

[92] European Court of Human Rights, *Aydın v. Turkey*, ECtHR, Judgment of 25 September 1997. https://hudoc.echr.coe.int/fre?i=001-58371; Inter-American Court of Human Rights*, Mejía v. Peru*, IACHR Report No. 5/96, report of 1 March 1996. https://hrlibrary.umn.edu/cases/1996/peru5-96.htm

[93] Andrew Clapham, "*Human Rights Obligations of Non-State Actors"*, Oxford University Press, 2006. Cited in p. 24

[94] European Court of Human Rights, *Osman v. United Kingdom*, No. 23452/94, judgment of 28 October 1998. Cited in p. 7

[95] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3

[96] Elizabeth M. Schneider, "*Battered Women and Feminist Lawmaking",* Yale University Press, 2000. Cited in p.5

On the other, prevention also requires the establishment of an effective legal, administrative and policy framework capable of reducing the incidence of violence through a more coordinated action.[97] This includes measures such as gender-sensitive criminal laws, education and awareness-raising, accessible civil remedies, training of judicial personnel, or the eradication of discriminatory norms perpetuating violence. In this sense, international jurisprudence has consistently showed how prevention and the existence of a functioning institutional body are strictly linked to enforcing rights, deterring abuse and assessing State compliance.[98]

The obligations to investigate and punish operate instead at the procedural level of the due diligence standard. They demand States to carry out prompt, thorough and impartial investigations of allegations of violence, regardless of whether a victim has formally initiated proceedings or later withdrawn her complaint.[99] Feminist critiques have been crucial also in this context, demonstrating how procedural failures such as delays, victim-blaming, and minimization of harm can effectively deny women of their access to justice and constitute indicators of State tolerance of violence.[100] Under the framework set by the due diligence standard, such failures are perceived as violations in themselves, capable of arising international responsibility, and thus as useful indicators to assess the effectiveness of criminal justice policies.[101] However, it's important to specify that international human rights law does not require States to guarantee absolute protection or to prevent all acts of violence. Rather, due diligence is understood as an obligation of means, working as a standard against which the reasonableness and adequacy of State responses and policies is measured. States are required to adopt all reasonable measures within their power to prevent foreseeable harm and effectively respond when episodes of violence occur.

---

[97] Inter-American Court of Human Rights, *González et al. ("Cotton Field") v. Mexico*, judgment of 16 November 2009. https://www.refworld.org/jurisprudence/caselaw/iacrthr/2009/en/107991

[98] Inter-American Court of Human Rights, *Velásquez Rodríguez v. Honduras*, judgment of 29 July 1988, para. 166. Cited in p. 17

[99] European Court of Human Rights, *Akkoç v. Turkey*, ECtHR, judgment of 10 October 2000. https://hudoc.echr.coe.int/eng?i=001-58905

[100] Kimberlé Crenshaw, "*Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color"*, Stanford Law Review 43, No. 6, 1991. Cited in p. 20

[101] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017. Cited in p. 3

Nevertheless, courts have specified that responsibility can still arise even when it is not possible to demonstrate that State action would have definitely prevented the harm.[102] This clarification affirms that it is sufficient that authorities failed to take measures with the real potential of altering the outcome or mitigating the risk, strengthening the preventive dimension of due diligence.

Lastly, the obligations to fulfill and promote rights extend the reach of due diligence to a broader project of social transformation.[103] Fulfilment is achieved through the adoption of positive legislative, administrative, judicial, and budgetary measures towards the improvement of the effective exercise of women's rights in practice, reflecting the importance of policy choices in shaping women's access to protection. Promotion instead involves education, public information and cultural change aimed at recognizing the impact of social norms and structural dependency in perpetuating violence against women. Many feminist scholars have argued that laws apparently unrelated to violence, such as those regarding divorce, property or custody, can nevertheless impact women's vulnerability by limiting their capacity to escape abusive relationships.[104] Conceiving due diligence in this broader understanding highlights its value as an analytical framework capable of recognizing the interaction between legal norms, social policy and structural inequality.

Due diligence therefore emerges as a comprehensive standard of State responsibility, capable of addressing direct violations, failures of protection, institutional inadequacies and structural conditions enabling violence against women. However, a merely formal application risks emptying due diligence of its transformative potential and reducing it to a symbolic means. Its effectiveness largely depends on the way it is operationalized by adjudicatory bodies, and in this sense, due diligence has become a particularly relevant jurisprudential tool within ECtHR's case law.

---

[102] European Court of Human Rights, *E and Others v. United Kingdom*, judgment of 26 November 2002. https://hudoc.echr.coe.int/eng?i=001-60781

[103] Martha Albertson Fineman, "*The Autonomy Myth: A Theory of Dependency"*, The New Press, 2004. Cited in p. 21

[104] UN Development Fund for Women (UNIFEM), "*Not a Minute More: Ending Violence against Women",* 2003. https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/PDF_UNIFEM_No_a_minute_more_2003.pdf

Although the European Convention on Human Rights does not explicitly mention violence against women, the Court has progressively developed a body of jurisprudence that recognizes State failures in cases of domestic and sexual violence may violate Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment), and 8 (right to respect for private and family life), often read in conjunction with Article 14 on non-discrimination;[105] an interpretative approach that has allowed the Court to effectively incorporate due diligence into the Convention system. A landmark judgment in these terms is *Opuz v. Turkey*,[106] in which the Court explicitly recognized domestic violence as a form of gender-based discrimination and affirmed Turkey's responsibility in failing to prevent foreseeable lethal violence amounting to violations of Articles 2 and 3, together with Article 14.

In particular, the Court put emphasis on the inadequacy of protective measures, authorities' awareness of repeated violence and the impunity fostered by judicial passivity, framing these issues not as individual isolated mistakes, but rather as a reflection of a climate of systemic tolerance. Subsequent judgements have further consolidated this approach. For example, in *Eremia v. Moldova*,[107] the Court declared authorities' failures in enforcing protection orders and in taking victims' complaints seriously. It specifically referred to the State's obligation to act with due diligence and prevent further harm, reinforcing the preventive dimension of the standard. In the same way, in *Talpis v. Italy*,[108] procedural delays and prosecutorial inertia leading to lethal violence were condemned by the Court, confirming the presence of State responsibility when authorities fail in promptly and adequately responding to a known risk.

These cases show due diligence as a concrete standard of judicial review through which the Court evaluates domestic policies, institutional practices and State's responses to violence. In particular, the Court assesses whether domestic authorities act promptly, seriously and coherently on the basis of the information available to them, as well as whether their response is effective in preventing the harm.

---

[105] Council of Europe, European Convention on Human Rights, ETS No. 5, 1950, arts. 2, 3, 8, and 14. Cited in p. 4

[106] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3

[107] European Court of Human Rights, *Eremia v. Moldova*, No. 3564/11, judgment of 28 May 2013. Cited in p. 3

[108] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017. Cited in p. 3

Such jurisprudence contributes to exposing the gap between formal legal frameworks and effective protection, revealing shortcomings in both policy implementation and institutional coordination. This gap is particularly evident in countries where law formally exists on paper, but is undermined by institutional fragmentation, rooted stereotypes, and scarcity of resources. At the same time, the Court's use of due diligence also reveals its potentials and limitations.[109] While increasingly acknowledging the gendered nature of violence and the relevance of discrimination, the Court hasn't articulated a fully explicit theory of structural inequality. As feminist scholars have argued, the Court usually tends to frame violations in procedural terms, putting the focus on failures of investigation or enforcement rather than directly engaging with social or cultural factors. However, the acknowledgement of due diligence into the Convention jurisprudence is still a significant step towards a more substantive dimension of protection.

In a broader perspective, due diligence can therefore be perceived as the legal foundation of the prohibition of violence against women in international human rights law [110], and as a crucial analytical framework to evaluate State policies and institutional responses. While spurring the shift from formal equality to substantive protection, it also provides a common analytical framework across international, regional and domestic systems, crucial to foster dialogue between courts, policy makers and monitoring bodies. Due diligence represents the point of convergence between feminist legal theory and human rights adjudication. It dismantled the symbolic commitment to the prohibition of violence against women by framing it in terms of a justiciable legal obligation, and its centrality in the ECtHR jurisprudence rendered it an ideal lens through which analyze the interaction between international legal standards and domestic legal and policy systems, however, as the next chapters will demonstrate, the effectiveness of due diligence strongly relies on the way it is translated in national practices and institutional responses.

---

[109] Dianne Otto, "*Gender Comment: Why Does the UN Committee on Economic, Social and Cultural Rights need a General Comment on Women?*", University of Melbourne, 2002. Doi: https://doi.org/10.2139/ssrn.319202 https://www.researchgate.net/profile/Dianne-Otto/publication/228191713_'Gender_Comment'_Why_does_the_UN_Committee_on_Economic_Social_and_Cultural_Rights_need_a_General_Comment_on_Women/links/59f572bca6fdcc075ec4c072/Gender-Comment-Why-does-the-UN-Committee-on-Economic-Social-and-Cultural-Rights-need-a-General-Comment-on-Women.pdf

[110] Sandra Fredman, "*Discrimination Law"*, Oxford University Press, 2002. Cited in p. 4

2.4 International Normative Frameworks on Violence Against Women

The development of comprehensive normative frameworks has been crucial to the consolidation of violence against women as a matter of international human rights law. Among them, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)[111] and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)[112] stand out as the most influential legal instrumenta. As a matter of fact, taken together they reflect a comprehensive understanding of gender-based violence as a form of discrimination, and provide interpretative guidance that has often influenced judicial reasoning, including that of the European Court of Human Rights (ECtHR)[113], as well as establishing an analytical framework against which the adequacy of laws and public policies can be assessed at the domestic level.

2.4.1 CEDAW and the Recognition of Violence against Women as Discrimination

Adopted in 1979, CEDAW represents the major international treaty to address discrimination against women. While not explicitly referring to violence against women in the original text, its dynamic structure allowed it to progressively encompass gender-based violence among its core issues. Articles 1 and 2 are especially relevant in this regard, establishing the conceptual and legal basis upon which violence against women has been integrated into the Convention's framework[114] and against which State policies can be evaluated. Article 1 defines discrimination against women as «any distinction, exclusion or restriction made on the basis of sex» with either the purpose or effect of impairing or nullifying women's enjoyment of their human rights and fundamental freedoms across all spheres of life. Such definition allowed for the inclusion of practices and harms that while not appearing explicitly discriminatory in form are indeed discriminatory in impact. Importantly, this definition extends the attribution of responsibility also to private acts of violence when States fail to act, moving beyond traditional State accountability and transforming omission, gaps in regulation and ineffective policies into factors that can potentially arise international accountability.

---

[111] UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), 18 December 1979. Cited in p. 1

[112] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p. 2

[113] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3

[114] Ibidem, CEDAW Convention, arts. 1–2.

This definition is further detailed by Article 2 that sets a comprehensive list of obligations for State parties. In particular, it requires States to condemn discrimination against women «in all its forms» and to pursue a policy aimed at eliminating discrimination by all appropriate means and without any delay. Such obligations range from the adoption of legislative measures to the design and implementation of effective policies, institutional mechanisms and enforcement practices, explicitly linking human rights compliance to sustained policy action.

The reference to discrimination by «any person, organization, and enterprise» is also crucial in the context of violence against women as it poses a direct challenge to the traditional protection of domestic violence from legal scrutiny[115] under the private sphere, instead explicitly requiring State intervention. However, the connection between violence against women and discrimination was mainly consolidated through the work of the CEDAW Committee, starting with the adoption of General Recommendation No. 19 in 1992 which explicitly recognized it as a form of discrimination within the meaning of Article 1.[116] General Recommendation No. 19 introduced two main understandings: on the one hand it reframed violence disproportionately affecting women because of their sex as a violation of their human rights and fundamental freedoms, on the other it affirmed the possibility of holding States accountable both for acts of violence committed by their agents and by private individuals if they fail to act according to the due diligence standard.[117] Both these provisions revealed central not only for legal interpretation, but also for evaluating State action and policy effectiveness. Furthermore, the Recommendation contributed by identifying a wide range of contexts in which violence can occur – including family, workplaces and public spaces – affirming a clear rejection of the perception of violence as external to the scope of international human rights law[118] and requiring States to develop multifaceted policies that extend beyond criminal justice alone and engage with the other sectors of governance. Although innovative, the content of General Recommendation No. 19 was relatively concise, calling for further clarification.

---

[115] Hilary Charlesworth and Christine Chinkin, "*The Boundaries of International Law: A Feminist Analysis",* Manchester University Press, 2000.

[116] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19: Violence against Women*, UN Doc. A/47/38 (1992). Cited in p. 1

[117] Ibidem, para. 9.

[118] Ibidem, paras. 11–24.

This need was addressed in 2017 through General Recommendation No. 35[119] which updated and expanded the Committee's interpretation of violence in the light of the evolving international standards and systemic patterns of violence. More in detail, it confirmed gender-based violence against women as «one fundamental social, political and economic means by which the subordinate position of women with respect to men is perpetuated», thus reinforcing the understanding of violence as both a cause and a consequence of discrimination.[120] Notably, the Recommendation strongly contributed in detailing State's due diligence obligations by affirming them as immediate, continuous, and extended across all branches of government. Such obligations in fact require States to intervene in a variety of areas: for example to prevent violence through effective policies, legislation and education; to protect victims through accessible and adequately resourced support services and protective measures; to investigate and prosecute perpetrators in a prompt and gender-sensitive way; and to provide reparations to victims.[121] Failures in implementing any of these areas constitute independent violations of the Convention, and can be understood as indicators of ineffective governance and policy implementation. Another main contribution of General Recommendation No. 35 is its explicit recognition of intersectionality. The Committee acknowledged the way in which women's experiences of violence are shaped by a variety of factors including race, migration status, sexual orientation, disability, or the socio-economic position.[122] Such recognition shifts the attention to the differentiated impact of violence, rendering intersectionality a relevant factor for the assessment of inclusiveness and adequacy of State policies and judicial responses. Thus, CEDAW's interpretative developments on violence against women have provided a normative foundation operating as a reference framework that influences regional human rights systems, including the European one, and against which State conduct is assessed by courts, monitoring bodies and policymakers.[123]

---

[119] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). Cited in p. 1

[120] Ibidem, para. 10.

[121] Ibidem, paras. 24–28.

[122] Ibidem, paras. 12–26.

[123] UN Economic and Social Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy*, E/CN.4/1999/68/Add.3, 1999. https://digitallibrary.un.org/record/1490595?v=pdf

2.4.2 The Istanbul Convention: Scope, Objectives and Normative Innovation

Following the global and foundational framework set by the CEDAW, the Istanbul Convention contributes with a more advanced and detailed regional instrument specifically dedicated to preventing and combating violence against women, also taking on a more operational and policy-oriented approach. Adopted in 2011 by the Council of Europe, the Convention reflects decades of feminist advocacy and jurisprudential developments and explicitly emphasizes gender.[124] Article 1 establishes its purposes of preventing violence against women, protecting victims, prosecuting perpetrators and promoting substantive equality between women and men, clearly framing violence as a matter of well-coordinated public policy.[125] In Article 3, violence against women is defined both as a human rights violation and a form of discrimination, echoing the approach set by the CEDAW.[126] Another defining feature is its comprehensive scope with its mandate covering all forms of violence against women, including domestic violence, sexual violence, stalking, forced marriage, female genital mutilation, and psychological abuse.[127]

The Convention is structured around the so-called *four Ps*: prevention, protection, prosecution, and integrated policies. This structure is a clear reflection of the due diligence framework developed in international human rights law, only operationalized in a legally binding instrument to allow the assessment of State policies and intervention. In particular, it demands State parties to adopt a wide range of measures, ranging from criminalization and the provision of victim support services to data collection and inter-agency coordination.[128] Among prevention obligations also figure awareness-raising, education, training of professionals, and the promotion of gender roles beyond stereotypes [129], reflecting a policy approach aimed at long-term social transformation. Under this framework, violence against women is captured in its being deeply rooted in social norms, power imbalances, and structural inequalities.

---

[124] Council of Europe, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, Treaty Series, No. 210, para. 3, 2011. Cited in p. 35

[125] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011, art. 1. Cited in p. 2

[126] Ibidem, art. 3.

[127] Ibidem, arts. 33–42.

[128] Ibidem, arts. 5, and 49–58.

[129] Ibidem, arts. 12–17.

Protection instead requires States to ensure the availability of shelters, hotlines, legal assistance, and immediate protective measures such as restraining orders.[130] In doing so, the Convention addresses the gap between formal rights and practical protection, by emphasizing accessibility and adequacy of measures. Lastly, obligations of prosecution represent a significant normative stance: measures demand States to criminalize specific forms of violence and to ensure effective investigation and punishment, however, mediation and reconciliation are explicitly rejected in cases of violence against women, following the recognition of the risks such practices can pose to victims.[131]

The Istanbul Convention is further characterized by a strong monitoring mechanism, embodied in the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), whose mandate is to assess State's compliance through the evaluation of reports and to contribute to the development of interpretative standards through the elaboration of recommendations.[132] Moreover, while not being judicial in law, the monitoring process is still crucial to foster convergence in national practices and implement the Convention's effectiveness.

Both CEDAW and the Istanbul Convention hold a relevant role in shaping the interpretative work of the ECtHR. As a matter of fact, even if the Court is not formally bound by these instruments, it has increasingly referred to them as relevant international standards upon interpreting the European Convention on Human Rights. This approach also reflects the traditional doctrine of interpreting the Convention as a "living instrument" that simultaneously evolves with norms and society.[133] In cases adjudicating domestic and gender-based violence, in particular, references to General Recommendations of the CEDAW Committee and the Istanbul Convention have been strategically employed to validate the scope of positive obligations under Articles 2, 3, and 8, as well as to support findings of discrimination under Article 14.[134]

---

[130] Ibidem, arts. 18–28.

[131] Ibidem, art. 48.

[132] Ibidem, arts. 66–68.

[133] European Court of Human Rights, *Demir and Baykara v. Turkey* [GC], no. 34503/97, judgment of 12 November 2008. https://hudoc.echr.coe.int/fre?i=001-89558

[134] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017. Cited in p. 3

These instruments have not only provided the Court with a more detailed normative language, but have also reinforced the legitimacy of due diligence as a standard of evaluation. Indeed, the framing of violence as a form of structural discrimination has therefore been a crucial step in the evolution of national laws and policies to combat it, as international frameworks have connected it to a specific body of legal obligations, enforcement mechanisms and remedial tools, consequently also facilitating its criminalization and transformation in national policies. In this sense, the discrimination framework has contributed to eradicating violence against women from the private sphere, progressively understanding it as a matter of State responsibility. At the same time however, perceiving violence as a form of discrimination similar to other and less dynamic forms of unequal treatment, also carries a risk. As will be further discussed in this thesis, violence not only is a consequence of structural inequality, but also a main cause of it, actively mirroring traditional dynamics of power, control, and exclusion. Therefore, laws and policies that address violence merely as a manifestation of discrimination risk to intervene only on the surface – at the "tip of the iceberg" – without addressing the deeper social, cultural and institutional dimensions that allow inequality to escalate into violence.[135]

---

[135] Elizabeth Veronika Henn, "*International Human Rights Law and Structural Discrimination: The Example of Violence against Women*", Springer, 2019. Doi: https://doi.org/10.1007/978-3-662-58677-8 https://www.ufz.de/export/data/2/277275_International+Human+Rights+Law+and+Struc%20(aus%20der%20Diss%20von%20Elisabeth%20Henn).pdf

2.5 Gaps and Limitations in Existing Literature

As demonstrated, the extensive body of international legal scholarship on violence against women has strongly influenced its consolidation as a human rights violation and a form of discrimination. Efforts and contributions from feminist legal theory and international human rights law have been crucial in reframing it into a matter of State responsibility grounded in dignity, equality, and bodily integrity.[136] However, significant gaps and limitations still persist in existing literature, particularly in relation to the analysis of how international legal standards are translated into State intervention and public policy. More in detail, such gaps concern for example in the lack of balance between normative elaboration and implementation analysis, in the limited attention given to domestic and policy legal systems as points of translation of international standards, or the insufficient use of jurisprudence-based and country-specific approaches to assess the practical effectiveness of protection mechanisms.[137]

The predominantly normative focus is one of the most recurring limitations in the literature. Most of the scholarship on violence against women has focused on the progressive development of international standards, the specification of State obligations and the conceptual normative framing of violence. And while this approach has revealed necessary and transformative in challenging the traditional public/private divide and in including violence within the scope of human rights law, a main limitation still emerges: this overly normative emphasis directly corresponds to a relative under-exploration of the way the standards set by international frameworks are implemented, interpreted and operationalized at the domestic legal and institutional level. Generally, the presence of comprehensive legal instruments and monitoring mechanisms is perceived as an indicator of effective protection. However, even if undeniably significant, the mere formal adoption of international obligations does not necessarily translate into effective implementation or improved protection outcomes on women's safety and justice.[138]

---

[136] Hilary Charlesworth and Christine Chinkin, "*The Boundaries of International Law: A Feminist Analysis",* Manchester University Press, 2000. Cited in p. 20.

[137] Sally Engle Merry, "*Human Rights and Gender Violence: Translating International Law into Local Justice"*, Review by Pattaka Sa-ngimnet, International Dialogue, Vol. 4, No. 11, 2014. https://digitalcommons.unomaha.edu/cgi/viewcontent.cgi?article=1087&context=id-journal

[138] UN Economic and Social Council*, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, A/HRC/23/49, 2013. https://docs.un.org/en/A/HRC/23/49

Such argument has long been brought forward by feminist scholars, demonstrating how the symbolic power of law and practical ineffectiveness can perfectly coexist, especially when issues of structural inequality, institutional inertia and cultural resistance remain unaddressed.[139] In these terms, the existing literature has partially contributed to engage with this tension, for example by treating implementation failures as secondary issues rather than central concerns. As a result, the gap between law in books and law in action – especially in terms of prevention, protection, and access to justice – remains still insufficiently addressed both theoretically and at the policy-evaluation level.[140]

Closely linked to this normative bias is the limited attention given to domestic legal and policy systems as sites of implementation or contestation of international standards. Indeed, while international and regional instruments have been extensively analysed, on the other hand, domestic frameworks are instead examined only in either abstract or descriptive terms, lacking the same systematic assessment reserved to international and regional frameworks.[141] In particular, procedural safeguards, protective measures, criminal law reforms, and institutional coordination are often treated as isolated elements, rather than interrelated components of the broader policy framework set by due diligence obligations.[142] This fragmentation can obscure the ways in which domestic legal systems can potentially formally comply with international standards but still fail in delivering effective protection due to inconsistent enforcement, low coordination and policy gaps.[143] Furthermore, the literature tends to regard States mainly as more or less homogeneous entities, focusing on global and regional trends rather than on the specificities of the various national contexts.[144] Cases of comparative approaches are still present, however, they often remain limited to broad classification or policy typologies instead of engaging with country-specific analysis.

---

[139] Catharine A. MacKinnon, "*Are Women Human? And Other International Dialogues"*, Harvard University Press, 2006. http://www.archive.org/details/arewomenhumanoth00mack

[140] Roscoe Pound, "*Law in Books and Law in Action*," American Law Review Vol. 44, No. 1: 12–36, 1910. https://it.scribd.com/document/495822554/Pound-Law-in-books-and-law-in-action

[141] Alice Edwards, "*Violence against Women under International Human Rights Law"*, Cambridge University Press, 2011. Doi: https://doi.org/10.1017/CBO9780511779671 https://assets.cambridge.org/97805217/67132/frontmatter/9780521767132_frontmatter.pdf

[142] Elizabeth M. Schneider, "*Battered Women and Feminist Lawmaking",* Yale University Press, 2000. Cited in p. 5.

[143] Sandra Fredman, "*Discrimination Law"*, Oxford University Press, 2002. Cited in p. 4.

[144] Martha Albertson Fineman, "*The Autonomy Myth: A Theory of Dependency"*, The New Press, 2004. Cited in p. 21

This approach emerges as particularly problematic in the European context where States operate within the same regional human rights framework but present significant differences in legal traditions, institutional structures, political priorities, and social attitudes toward gender-based violence.[145] The lack of a close examination of domestic systems therefore makes it difficult to accurately assess how international norms interact with national legal cultures, institutional arrangements and policy choices, as well as how these interactions contribute in shaping both protection outcomes and litigation patterns before international courts.[146]

Another significant gap in the literature concerns the role of jurisprudence, especially that of the European Court of Human Rights, as a bridge between international standards and domestic implementation in its function of evaluating domestic policies and institutional practices. While its case law on violence against women has certainly attracted increasing academic attention since *Opuz v. Turkey*,[147] much of this analysis is still predominantly focused on the identification of the violations rather than on the broader implications of the Court's reasoning for national legal and policy governance on VAW,[148] rendering it merely case-centred and doctrinal. Moreover, ECtHR jurisprudence has been often treated as an external correcting mechanism by the literature. The lack of recognition of its role as an integral component of domestic governance of violence against women risks underestimating the Court's capacity to shape interpretative standards, redefine State obligations and legitimize feminist approaches within domestic legal orders. At the same, it also obscures the limitations of judicial intervention, especially when judgements are implemented in a selective or slow way, or translated into policy only symbolicaly.[149]

---

[145] European Union Agency for Fundamental Rights (FRA), "*Violence against Women: an EU-wide Survey. Main Results",* FRA Report, 2014. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf

[146] Dianne Otto, "*Power and Danger: Feminist Engagement with International Law*", Australian Feminist Law Journal, Vol. 32, 2010. Doi: https://doi.org/10.1080/13200968.2010.10854439 https://www.researchgate.net/publication/228192497_Power_and_Danger_Feminist_Engagement_with_International_Law_Through_the_UN_Security_Council

[147] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3.

[148] Lourdes Peroni and Alexandra Timmer, "*Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law*", Icon-international Journal of Constitutional Law, Vol. 11, No. 4: 1056–1085, 2013. Doi: https://doi.org/10.1093/icon/mot042 https://academic.oup.com/icon/article/11/4/1056/698712

[149] Alexandra Huneeus, "*Courts Resisting Courts: Lessons from the Inter-American Court's Struggle to Enforce Human Rights*", Cornell International Law Journal Vol. 44, No. 3: 494–531, 2011. https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1777&context=cilj

Therefore, a jurisprudence-based analysis that assesses the Court's decisions within their domestic outcome is essential to understanding both the transformative potential and the limitations of human rights adjudication in the field.[150] Limited attention is also dedicated to the interaction between legal frameworks and policy instruments, despite their centrality in effective prevention and protection. National action plans, funding mechanisms, inter-agency coordination protocols, and victim support services are in fact often treated in policy-oriented literature, but not as often included into legal analysis. On the contrary, legal scholarship instead privileges judicial decisions and legislative texts, without consistently analyzing the way in which policies shape the effectiveness of legal protections. In the context of violence against women, such separation represents a critical limitation since effective prevention and protection both strictly depend on the coordinated functioning of legal, social, administrative and budgetary systems.[151] The absence of an integrated legal-policy analysis then contributes to a fragmented and incomplete understanding of States responsibilities and reduces the practical relevance of normative standards. These gaps reflect the argument of feminist theory according to which law does not operate within a "social vacuum" and that formal legal equality and substantive inequality can coexist when power relations persist.[152] Nevertheless, much of the literature on violence against women, despite acknowledging this insight, still fails to fully apply it to the evaluation of legal systems. Structural factors like gender stereotypes in judicial reasoning, institutional tolerance of male violence, and the marginalization of victims' experiences are often acknowledged but insufficiently integrated into the assessment of State responsibility.[153] As a result, the persistence of violence is sometimes framed as a technical failure of implementation rather than as an indicator of a deeper systemic resistance to gender equality within State institutions. Taken together these limitations reveal the need for a research approach that goes beyond normative affirmation, extending instead to a critical assessment of the way in which international human rights standards operate in practice.

---

[150] Başak Çalı, "*The Authority of International Law: Obedience, Respect and Rebuttal"*, Oxford University Press, 2015. https://doi.org/10.1093/acprof:oso/9780199685097.003.0003

[151] UN Entity for Gender Equality and the Empowerment of Women (UN WOMEN), "*Handbook for National Action Plans on Violence against Women"*, New York, 2012. https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2012/7/HandbookNationalActionPlansOnVAW-en%20pdf.pdf

[152] Kimberlé Crenshaw, "*Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color"*, Stanford Law Review 43, No. 6, 1991. Cited in p. 20.

[153] Hilary Charlesworth, "*Feminist Methods in International Law*", American Journal of International Law, Vol. 93, No. 2: 379–394, 1999. Doi: https://doi.org/10.2307/2997996 https://it.scribd.com/document/209336561/2997996feminist-Method-Hilary-Charlesworth

More particularly, jurisprudence-based and country-specific analyses are required to better understand the interaction between international obligations, ECtHR case law, and domestic legal and policy systems[154] – such as those carried out by GREVIO and other monitoring bodies.[155] Such approach would be able to identify the recurring patterns of failure and protection, bringing the attention to how State responsibility is constructed, contested and enforced across different institutional contexts.

By focusing on Italy and France, this thesis responds directly to these gaps by examining the translation of international legal standards in concrete legal and policy responses. Both parties to the CEDAW and the Istanbul Convention, and operating under the jurisdiction of the ECtHR, they still present different legal traditions, institutional arrangements, and policy responses to violence against women. A comparative analysis of the Court's jurisprudence enables an examination of the way in which similar international standards can lead to different domestic outcomes, as well as how national systems can internalize or resist the Court's interpretations of due diligence and positive obligations. In this sense, this study aims at contributing to the existing literature by shifting the focus from the mere existence of norms to their effectiveness in shaping institutional behaviour and public policy in practice. It moves from isolated judgements to the identification of patterns of protection and failure, from abstract State obligations to concrete institutional behaviour. Through the integration of feminist legal theory, human rights doctrine, and comparative jurisprudential analysis, this research aims at offering a more nuanced and policy-relevant understanding of the gap between law and practice in the context of the prohibition of violence against women and to assess the contribute of the ECtHR jurisprudence in influencing national policies and legal systems in Italy and France.

---

[154] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011, art. 68 – Procedure. Cited in p. 2.

[155] Marie-Bénédicte Dembour, "*Who Believes in Human Rights?: Reflections on the European Convention",* Cambridge University Press, 2006. Doi: https://doi.org/10.1017/CBO9780511618192 http://ndl.ethernet.edu.et/bitstream/123456789/15299/1/149.pdf

Chapter III – *On the Prohibition of Violence against Women Under Human Rights Law in Determining State Policy and Legal Systems*

3.1 The Prohibition of Violence against Women under Human Rights Law

The prohibition of violence against women under human rights law doesn't stem from a single explicit norm, but rather, it is the result of a progressive interpretation of already existing rights and State obligations. While in the European Convention on Human Rights (ECHR)[156] violence is not explicitly addressed, the jurisprudence of the European Court of Human Rights (ECtHR) has gradually built an integrative framework through the interpretation of Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment), and 8 (right to respect for private and family life), increasingly read in conjunction with Article 14 on non-discrimination.[157] This interpretative evolution has expanded the scope of protection available to women, and at the same time, it has also provided a normative framework for guiding State policies and institutional responses to violence.[158] Instead of being treated as individual guarantees only enforceable through litigation, these provisions are instead articulated as sources of positive obligations, requiring States to adopt preventive, protective, investigative and remedial measures.[159] In policy, this framework is crucial in transforming abstract human rights norms into operational standards of governance, especially in shaping national strategies, administrative practices and institutional coordination on violence prohibition.[160]

3.1.1 The Right to Life as a Preventive Obligation

Article 2 protects the rights to life, and it has been traditionally understood as a negative obligation on States to refrain from unlawful killing. However, the progressive interpretation carried out by the ECtHR has revealed positive obligations to safeguard life, especially in those cases where authorities know or ought to know of a real and immediate risk to an individual that can be identified.[161]

---

[156] Council of Europe, *European Convention on Human Rights*, ETS No. 5, 1950. Cited in p. 4.

[157] Ibidem, arts. 2, 3, 8, and 14.

[158] European Court of Human Rights, "*Guide on Article 3 of the European Convention on Human Rights* – Prohibition of Torture", last updated 31 August 2025. https://ks.echr.coe.int/documents/d/echr-ks/guide_art_3_eng#:~:text=Article%203%20of%20the%20Convention%20enshrines%20one%20of%20the%20most,%2C%202015%2C%20%C2%A7%2081).

[159] European Court of Human Rights, *Osman v. United Kingdom*, No. 23452/94, judgment of 28 October 1998. Cited in p. 7.

[160] Sandra Fredman, "*Human Rights Transformed: Positive Rights and Positive Duties",* Oxford University Press, Paper No. 38/2006, 2006. Cited in p. 5.

[161] Ibidem, *Osman v. United Kingdom*, para. 116.

This interpretation is crucial in the context of violence against women, as it has permitted to reframe domestic violence and feminicide in terms of foreseeable and preventable harms rather than single, isolated events.[162] The main contribution of Article 2 therefore lies in its preventive dimension. The Court has consistently stressed the duty on States to establish legal and administrative systems capable of effectively deterring threats to life, for example including criminal law provisions, risk assessment mechanisms, and timely protective measures.[163]Applying this interpretation to violence against women has meant to expect States to adopt early-warning systems, ensure the availability and enforcement of protection orders, and facilitate inter-agency communication between police, prosecutors, social services and health authorities.[164] Notably, the jurisprudence of Article 2 constitutes a turning point from the traditional assessment of State responsibility only once lethal violence has occurred. Instead, responsibility arises from failure to act before escalating patterns of abuse, repeated complaints or known risk factors.[165] This rejection of the traditional idea of State responsibility also carries a strong policy implication: it exposes merely reactive responses as insufficient and often ineffective approaches, instead promoting anticipatory governance and the prioritization of prevention over *post-hoc* punishment.[166] National policies shaped under this framework are therefore expected to integrate risk management, data collection and coordinated intervention at the core of their violence prevention strategies.

3.1.2 VAW as Inhuman and Degrading Treatment

Article 3 prohibits torture and inhuman or degrading treatment or punishment, constituting and absolute, non-derogable right which cannot be suspended under any exception. The ECtHR has increasingly recognized severe cases of domestic and sexual violence as falling within the scope of Article 3, even when committed by private individuals.[167]

---

[162] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3.

[163] European Court of Human Rights, *Kontrová v. Slovakia*, No. 7510/04, judgement of 31 May 2007. https://hudoc.echr.coe.int/eng?i=001-80696

[164] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017. Cited in p. 3.

[165] Ibidem, *Opuz v. Turkey*, paras. 129–131.

[166] Rebecca Cook, "*Women's International Human Rights Law: The Way Forward*", Human Rights Quarterly, Vol. 15: 230-261, 1993. https://utoronto.scholaris.ca/server/api/core/bitstreams/c0ec0788-4230-4176-924a-d836ac44508f/content

[167] European Court of Human Rights, *Eremia v. Moldova*, No. 3564/11, judgment of 28 May 2013. Cited in p. 3.

By elevating violence against women to one of the most serious categories of human rights violations,[168] Article 3 extends State obligation beyond classic criminalization. Authorities are required to ensure effective investigation, prompt intervention and victim-sensitive procedures;[169] and failures such as procedural delays, minimization of abuse, victim-blaming, and tolerance of repeated violence have been progressively interpreted as forms of inhuman treatment that can be attributed to State omission.[170] Under Article 3 violence against women must be addressed as a matter of urgency and seriousness,[171] and importantly, its absolute nature limits State discretion when balancing competing interests – for example, when family unity, privacy, or reconciliation conflict with the protection of women from serious harm.[172] Therefore, policies that encourage mediation or reconciliation in cases of domestic violence may conflict with the obligations set in Article 3, as they can expose victims to further abuse or minimize the extent of violence. In this sense, the Court's interpretation is fundamental in guiding State action towards more victim-centred and rights-based policy approaches.[173]

3.1.3 Private Life, Autonomy, and Structural Protection

Article 8 protects the right to respect for private and family life, home and correspondence. Traditionally associated with privacy and autonomy, its role in dismantling the public/private divide[174] in the context of violence against women is clear. The Court's progressive interpretation has revealed positive obligations to ensure effective respect for physical and psychological integrity,[175] and in doing so it has also provided a more flexible framework to address the more structural dimensions of VAW.

---

[168] European Court of Human Rights, *Aydın v. Turkey*, judgment of 25 September 1997. Cited in p. 7.

[169] European Court of Human Rights, *MC v. Bulgaria*, no. 39272/98, judgment of 4 December 2003. https://hudoc.echr.coe.int/fre?i=001-61521

[170] European Court of Human Rights, *Eremia v. Moldova*, No. 3564/11, judgment of 28 May 2013, paras. 72–75. Cited in p. 3.

[171] ECtHR, *Factsheet – Domestic Violence* (Strasbourg: Council of Europe, 2023). https://www.echr.coe.int/documents/d/echr/fs_domestic_violence_eng

[172] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009, para. 145. Cited in p. 3.

[173] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p. 2.

[174] European Court of Human Rights, *Bevacqua and S. v. Bulgaria*, No. 71127/01, judgment of 12 June 2008. https://hudoc.echr.coe.int/fre?i=001-86875

[175] European Court of Human Rights, *X and Y v. Netherlands*, No. 8978/80, judgment of 26 March 1985. https://hudoc.echr.coe.int/fre?i=001-57603

For example, it recognizes that repeated abuse, harassment and coercive control interfere with women's ability to live autonomous lives, to participate in society, and to exercise personal choice.[176] Therefore policies that aim at implementing Article 8 must not only address criminal acts, but also take into account the broader conditions that enable violence to persist,[177] including housing insecurity, economic dependency and lack of access to support services. The Court's jurisprudence of Article 8 has combined criminal justice intervention with social and welfare policies,[178] emphasizing the importance of effective civil and administrative remedies, accessible reporting mechanisms and protective measures tailored to victims' circumstances.[179] Article 8 can therefore be perceived as a bridge between individual human rights and systemic protection, framing violence against women as a governance issue that requires coordinated institutional responses to be effectively addressed.

3.1.4 Violence against Women as Discrimination

Article 14 prohibits discrimination in the enjoyment of the rights set by the ECHR, and has been increasingly used by the ECtHR to highlight the gendered nature of violence against women.[180] Differently from the previous articles, Article 14 brings equality into the equation and in doing so exposes systemic bias and institutional failure. The Court has consistently demonstrated how State inaction, tolerance or inadequate responses to domestic violence can perpetuate discriminatory attitudes that disproportionately affect women[181], such as patterns of neglect, stereotypes, and structural inequality often embedded in legal and institutional systems.[182]

---

[176] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017, paras. 99–106. Cited in p. 3.

[177] Martha Albertson Fineman, "*The Autonomy Myth: A Theory of Dependency"*, The New Press, 2004. Cited in p. 21.

[178] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020 https://www.coe.int/en/web/istanbul-convention/-/grevio-pubishes-its-report-on-italy; Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on France"*, Strasbourg, 2019. https://rm.coe.int/grevio-inf-2019-16/168098c61a

[179] European Court of Human Rights, *Bevacqua and S. v. Bulgaria*, No. 71127/01, judgment of 12 June 2008, paras. 83–84. Cited in p. 45

[180] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009, paras. 184–201. Cited in p. 3.

[181] Ibidem, para. 198.

[182] Hilary Charlesworth and Christine Chinkin, "*The Boundaries of International Law: A Feminist Analysis",* Manchester University Press, 2000. Cited in p. 20.

Moreover, Article 14 has contributed to influence policy design. It requires States to assess whether their laws, practices, and resource allocations generate unequal outcomes, even when they appear gender-neutral on the surface.[183] Policies addressing violence against women are therefore expected to be gender-sensitive, evidence-based, and responsive to the specific risks and barriers faced by women.[184] This includes the collection of sex-disaggregated data, targeted training for professionals, and the elimination of stereotypes in judicial and administrative decision-making.

The combined interpretation of Articles 2,3,8, and 14 represents a clear shift in human rights law from merely formal guarantees towards substantive protection. Instead of focusing on whether a State has adopted laws prohibiting violence, the ECtHR jurisprudence examines whether those laws are effective in practice, if institutions respond promptly and coherently,[185] and whether victims are actually protected. This approach perfectly aligns with the due diligence standard and pushes States to move beyond mere legislative compliance[186] and adopt more integrated strategies. Violence against women is not anymore perceived solely as a criminal justice issue but rather as a multidimensional problem calling for action across a variety of sectors, including health, education, social services, housing and employment. The relevance of this approach can be measured especially in States such as Italy and France, in which while comprehensive legal frameworks are present, implementation gaps still persist. In this sense, the jurisprudence of the ECtHR has highlighted how failures in coordination, risk assessment and institutional responsiveness can undermine more advanced legal systems and its reframing of violence as a fundamental human rights violation grounded in life, dignity, autonomy and equality, has rendered the Convention a powerful tool for assessing and guiding national policies.[187]

---

[183] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). Cited in p. 1.

[184] Council of Europe, *Gender Equality Strategy 2024 – 2029*, 2024. https://rm.coe.int/prems-073024-gbr-2573-gender-equality-strategy-2024-29-txt-web-a5-2756/1680afc66a

[185] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017, para. 132. Cited in p. 3.

[186] Inter-American Court of Human Rights, *Velásquez Rodríguez v. Honduras*, judgment of 29 July 1988. Cited in p. 17.

[187] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on France"*, Strasbourg, 2019; Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

3.2 Judicial Interpretation and the Role of Courts

In the progressive recognition of violence against women as a human rights violation, courts and quasi-judicial bodies have played a crucial role in translating abstract legal principles into concrete standards to guide State conducts. In particular, the European Court of Human Rights (ECtHR) and the CEDAW Committee figure as main interpretative actors within the European regional system, contributing to the consolidation of VAW as a matter of State responsibility, and to the development of policy-relevant standards of protection. While adopting different interpretative approaches in terms of institutional nature and legal force, both have converged towards a more substantive understanding of equality, due diligence and positive obligations,[188] consequently influencing domestic legal systems and policy frameworks. In this perspective, judicial interpretation is not only relevant for the resolution of individual cases but especially because it articulates general principles guiding legislative choices, administrative practices and institutional coordination. It therefore functions as a normative mechanism, shaping expectations of State behaviour and redefining boundaries of legitimate governance regarding violence against women.[189]

3.2.1 The European Court of Human Rights as an Interpretative Actor

That of the ECtHR is a unique position in the European human rights system. While primarily mandated to assess compliance with the European Convention on Human Rights in individual cases, its jurisprudence has progressively taken on a broader regulatory function. As a matter of fact, through the interpretation of the Convention's provisions as a "living instrument", the Court has adapted human rights standards to evolving social realities.[190] It is the case of violence against women, where the Court hasn't relied on explicitly written provisions but has instead engaged in an interpretative process that extended the scope of existing rights to encompass situations of domestic and sexual violence.

---

[188] Hilary Charlesworth and Christine Chinkin, "*The Boundaries of International Law: A Feminist Analysis",* Manchester University Press, 2000. Cited in p. 20.

[189] Sandra Fredman, "*Human Rights Transformed: Positive Rights and Positive Duties",* Oxford University Press, Paper No. 38/2006, 2006. Cited in p. 5.

[190] European Court of Human Rights, *Tyrer v. United Kingdom*, No. 5856/72, judgment of 25 April 1978. https://hudoc.echr.coe.int/fre?i=001-57587

Through this method the Court was able to overcome the absence of an explicit prohibition of gender-based violence in the Convention, and successfully integrated new protection standards without requiring formal treaty amendment, also facilitating the process of diffusion across domestic systems.[191] One of the Court's most significant contributions has been the development of the positive obligations doctrine. As noted, the interpretation of Articles 2,4, and 8 as duties to prevent, protect, investigate and respond to violence, the focus shifted from isolated acts to systemic failures, calling for coordinated and proactive State action rather than the traditional punitive responses adopted only after harm has occurred.[192] Moreover, upon assessing State responsibility, the ECtHR has progressively adopted a more contextual and risk-based approach: instead of limiting its analysis to whether domestic authorities complied with formal legal requirements, it increasingly focused on the effectiveness, timeliness, and preventing capacity of institutional responses, clearly moving beyond traditional procedural formalism and encouraging States to assess the real impact of their policies in practice.[193]

The interpretative techniques employed by the ECtHR have been crucial to the ability of the Court in influencing State policies. Among them, three are particularly important: evolutive interpretation, reliance on external sources, and the assessment of reasonableness and proportionality in State action.

First, evolutive interpretation has allowed the Court to align Convention standards with the evolving understandings of violence against women. In particular, by recognizing that social attitudes, gender roles, and power relations evolve over time, the Court has articulated a dynamic understanding of those rights reflecting current knowledge about the causes and consequences of violence. This technique also carries important policy implications as it encourages States to continuously update their legal and policy frameworks instead of relying on outdated models of protection.

---

[191] Lourdes Peroni and Alexandra Timmer, "*Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law*", Icon-international Journal of Constitutional Law, Vol. 11, No. 4: 1056–1085, 2013. Cited in p. 40.

[192] European Court of Human Rights, *Osman v. United Kingdom*, No. 23452/94, judgment of 28 October 1998. Cited in p. 7.

[193] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3.

Second, the Court has displayed an increasing reliance on external sources of international law, including CEDAW General Recommendations, reports of UN Special Rapporteurs, and the Istanbul Convention. While not formally binding within the Convention, their use as interpretative references has strengthened and enhanced the legitimacy of the Court's reasoning. Furthermore, this approach encourages normative convergence, and specifies State compliance with broader international frameworks as a relevant indicator in assessing Convention obligations.[194]

Third, the Court's standard of review has seen an evolution towards the evaluation of the reasonableness and adequacy of State responses. As a matter of fact, instead of requiring absolute prevention of harm, the Court focuses on whether authorities act promptly, seriously and coherently on the basis of the information available to them. This approach is also strongly in line with policy-making processes that often require to balance competing interests and operating under resource constraints; therefore, framing due diligence as an obligation of means provided States with a more flexible yet detailed standard for policy design and implementation.[195]

3.2.2 The CEDAW Committee and Normative Leadership on Violence against Women

Along with the ECtHR, the CEDAW Committee also held a fundamental role in shaping the international reframing of violence against women. Although lacking judicial authority in a strict sense, the Committee's interpretative work had a strong impact on the normative system, especially through its General Recommendations and its individual communications procedure under the Optional Protocol.[196] However, differently from the ECtHR, the CEDAW Committee has consistently underlined the structural and gendered nature of violence, shifting the focus towards systemic inequalities, power imbalances and gender stereotypes as causes of violence.[197]

---

[194] European Court of Human Rights, *Demir and Baykara v. Turkey* [GC], no. 34503/97, judgment of 12 November 2008. Cited in p. 36.

[195] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017. Cited in p. 3.

[196] UN General Assembly, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, A/RES/54/4, 1999. https://www.ohchr.org/sites/default/files/2021-08/OP_CEDAW_en.pdf

[197] Catharine A. MacKinnon, "*Are Women Human? And Other International Dialogues"*, Harvard University Press, 2006. Cited in p. 39.

With General Recommendations No. 19 and 35, the Committee articulated a more detailed model of State responsibility based on due diligence, calling for the adoption of integrated strategies addressing both immediate risk and long-term structural conditions.[198] Furthermore, the Committee's emphasis on intersectionality revealed to be crucial in expanding the policy relevance of its interpretative work. By recognizing how women's experiences of violence are shaped by multiple and intersecting forms of discrimination, it rejected one-size-fits-all approaches and encouraged Stated to design policies responsive to the diverse specific needs and vulnerabilities of women.[199]

The ECtHR and the CEDAW Committee share a similar standard of review that prioritizes effectiveness, coherence and responsiveness, and focuses on tangible protection for women at risk.[200] In policy terms, this convergence highlights the importance of implementation. Laws and strategies are to be evaluated in relation to their practical impact and institutional functioning, and failures – including lack of coordination among agencies, inadequate training of professionals, insufficient resources, or persistent stereotypes – are increasingly framed as indicators of State responsibility.[201]

Nonetheless, the two bodies also present some differences. While the ECtHR frames violations in procedural and institutional terms – focusing on failures in investigation, protection and enforcement – the CEDAW Committee instead adopts a more transformative approach, directly addressing structural discrimination and social norms.

Taken together, the interpretative practices of the ECtHR and the CEDAW Committee constitute a complementary framework that combines both legal accountability and policy reform.[202]

---

[198] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19: Violence against Women*, UN Doc. A/47/38 (1992); CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). Cited in p. 1.

[199] Kimberlé Crenshaw, "*Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color"*, Stanford Law Review 43, No. 6, 1991. Cited in p. 20.

[200] Dianne Otto, "*Rethinking Universals: Opening Transformative Possibilities in International Human Rights Law"*, The Australian Yearbook of International Law Online, 1997. Cited in p. 22.

[201] Elizabeth M. Schneider, "*Battered Women and Feminist Lawmaking",* Yale University Press, 2000. Cited in p. 5.

[202] UN Economic and Social Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 1994/45*, Doc. E/CN.4/1996/53, 1996. Cited in p. 22.

The articulation of standards of due diligence, substantive equality and positive obligation provides States with a normative guide to design and evaluate policies especially in the context of violence against women.[203] Judicial reasoning exposes the persistent gaps in implementation and turns them into sites of accountability, calling for institutional reform and policy innovation. In this sense, courts function as guardians of rights but also as a mechanism for systemic change.[204] However, the effectiveness of this interpretative framework is ultimately determined by the way in which domestic authorities internalize and operationalize these standards.

---

[203] Martha Albertson Fineman, "*The Vulnerable Subject"*, Yale Journal of Law and Feminism, Vol. 20, 2008. Cited in p. 21.

[204] Council of Europe, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, Treaty Series, No. 210, 2011. Cited in p. 35.

3.3 State Responsibility for Gender-Based Violence

The traditional understanding of State responsibility has been deeply transformed with the recognition of violence against women as a serious human rights violation. International and regional human rights law has consistently framed gender-based violence in terms of a failure of governance, making responsibility arise when public authorities directly perpetrate violence, but also whenever they fail to prevent foreseeable harm, to protect victims, or to respond adequately with investigation and prosecution. This shift is also relevant from a policy point of view, as it encourages States to move beyond the traditional reactive criminal responses and explore more proactive and coordinated strategies to address violence.[205] In the jurisprudence of the European Court of Human Rights (ECtHR), State responsibility for gender-based violence reveals the gap between formal legal commitments and effective protection. The pattern of institutional failures in prevention, protection and investigation is often embedded in broader structures of institutional inaction and social tolerance,[206] demonstrating how violence against women can be perpetrated also through systemic weaknesses in legal frameworks, institutional practices, and political priorities.[207]

A main development in human rights jurisprudence on violence against women is the recognition that States can be held accountable for failing in preventing violence that was foreseeable. Of course, this standard does not imply that authorities must predict every instance of violence, however, they are requested to act whenever indicators of risk are clear.[208] In terms of policy this is closely linked to risk assessment mechanisms, early intervention strategies, and institutional capacity in processing and responding to early signs effectively;[209] and in terms of domestic and intimate partner violence, foreseeability generally arises from patterns of repeated abuse, prior complaints, restraining orders and documented threats.

---

[205] Hilary Charlesworth and Christine Chinkin, "*The Boundaries of International Law: A Feminist Analysis",* Manchester University Press, 2000. Cited in p. 20.

[206] Council of Europe, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, Treaty Series, No. 210, 2011. Cited in p. 35.

[207] Sandra Fredman, "*Human Rights Transformed: Positive Rights and Positive Duties",* Oxford University Press, Paper No. 38/2006, 2006. Cited in p. 5.

[208] European Court of Human Rights, *Osman v. United Kingdom*, No. 23452/94, judgment of 28 October 1998. Cited in p. 7.

[209] European Union Agency for Fundamental Rights (FRA), "*Violence against Women: an EU-wide Survey. Main Results",* FRA Report, 2014. Cited in p. 40.

Failures in effectively acting in front of these indicators mainly reflect the presence of a weak prevention mechanism that suffers of inadequate risk assessment protocols, insufficient information-sharing across agencies, and that doesn't prioritize violence against women in policy and social services.[210] Against such background, violence becomes normalized as an inevitable outcome rather than being treated as a preventive harm,[211] and it is here that the relevance of preventive obligations can be found. The focus shifts from reaction to anticipation, and invites States to enforce professional training, early warning systems, and integrated data collection. However, in order for this to be effective, institutions must also undergo a cultural shift in which reports of violence are considered serious signals and are addressed immediately and in a coordinated way.[212] When such framework lacks, the cycle of harm that disproportionately affects women is reinforced, as interventions only occur once violence has escalated. Furthermore, failures in preventing foreseeable violence also expose the limitations of relying solely on criminal law as a preventive tool. Criminal sanctions can only operate after the harm has occurred and fail to capture the dynamics of coercive control and escalating risk that define gender-based violence.[213] Criminal law is therefore to be integrated with social, administrative and protective measures,[214] including emergency housing, financial support, and psychological services. Failures to protect victims once violence has been reported represent another main category of institutional failures. Obligations to protect include measures ranging from emergency intervention, restraining orders, to access to shelters and support services,[215] and are fundamental to ensure the translation of formal rights into tangible safety for women at risk.

---

[210] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3.

[211] Elizabeth M. Schneider, "*Battered Women and Feminist Lawmaking",* Yale University Press, 2000. Cited in p. 5.

[212] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). Cited in p. 1.

[213] Evan Stark, "*Coercive Control: The Entrapment of Women in Personal Life"*, Oxford University Press, 2007. Doi: https://doi.org/10.1093/oso/9780197639986.001.0001 https://it.scribd.com/document/424174038/Interpersonal-Violence-Evan-Stark-Coercive-Control-How-Men-Entrap-Women-in-Personal-Life-Oxford-University-Press-USA-2007

[214] Martha Albertson Fineman, "*The Vulnerable Subject"*, Yale Journal of Law and Feminism, Vol. 20, 2008. Cited in p. 21.

[215] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011, arts. 18–28. Cited in p. 2.

However, practice portrays a different reality. Protection mechanisms often suffer of limited accessibility, inconsistent enforcement and institutional fragmentation, while victims may face barriers such as lengthy procedures, lack of information, or even dismissive attitudes from authorities.[216] These obstacles not only undermine trust in institutions, but also increase the chances of continued or escalated violence.[217] Indeed, when protection measures exist in law but fail in practice, the gap between formal guarantees and effective implementation emerges, and State responsibility arises.[218] This dynamic is also confirmed by failures in investigation. Effective investigation is crucial in the context of State responsibility as it provides accountability for the perpetrators and demonstrates that violence against women is being taken seriously.[219] However, investigations related to gender-based violence are often characterized by delays, lack of exhaustiveness, and reliance on stereotypes that undermine victims' credibility;[220] and in policy terms, such faults can be addressed to structural problems in training, institutional culture and resource allocation.[221]

Importantly, obligations to investigate are not merely procedural, but a crucial step deeply interconnected with the overall effectiveness of State strategies to combat violence against women. As a matter of fact, when perpetrators are not held accountable, a climate of impunity arises, reinforcing social tolerance of violence and discouraging victims from seeking help.[222] On the contrary, when investigations are conducted in a prompt and effective way, they actively contribute to deterring violence, as well as to improved institutional learning and policy responses.[223]

---

[216] European Court of Human Rights, *Eremia v. Moldova*, No. 3564/11, judgment of 28 May 2013. Cited in p. 3.

[217] Dianne Otto, "*The Exile of Inclusion: Reflections on Gender Issues in International Law over the Last Decade"*, Melbourne Journal of International Law, Vol. 10, No. 1: 1-15, 2009. Cited in p. 25.

[218] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017. Cited in p. 3.

[219] European Court of Human Rights*, MC v. Bulgaria*, no. 39272/98, judgment of 4 December 2003. Cited in p. 45.

[220] CEDAW Committee, *Views in A.T. v. Hungary*, No. 2/2003, UN Doc. CEDAW/C/32/D/2/2003, 2005. https://hrlibrary.umn.edu/cedaw/decisions/2-2003.html

[221] UN Department of Economic and Social Affairs, Division for the Advancement of Women., "*Handbook for Legislation on Violence against Women"*, 2010. https://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf

[222] Inter-American Court of Human Rights, *González et al. ("Cotton Field") v. Mexico*, judgment of 16 November 2009. Cited in p. 28.

[223] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

Therefore, policies aiming at effectively addressing violence against women must prioritize comprehensive responses that balance law enforcement, judicial authorities, and support services, instead of producing fragmented responses that increase the burden on victims' shoulders. Beyond institutional failures to prevent, protect and investigate, human rights bodies have increasingly addressed institutional inaction and systemic tolerance as main indicators of State responsibility for gender-based violence,[224] demonstrating the ways in which violence is perpetrated through entrenched practices, cultural norms and policy choices that implicitly minimize harm against women.[225] Systemic tolerance is generally associated with practices such as the normalization of violence in private relationships, the prioritization of family unity over victims' safety, or the use of mediation and reconciliation in situations involving serious abuse,[226] mirroring deeply rooted gender stereotypes and power imbalances through institutional responses.[227] In a similar way, institutional inaction generally comes from political choices regarding resource allocation and policy prioritization. Examples are underfunded shelters, insufficient training programs, lack of specialized units, faults that go beyond the merely technical aspect, but that reflect the importance given to violence against women in public policy agendas.[228] When States fail in allocating resources adequately, they effectively limit the capacity of institutions to fulfill their protective functions, contributing to continued harm. The concept of systemic tolerance is particularly important also for understanding patterns of repeated failures across multiple cases. Indeed, when similar shortcomings recur over time, faults cannot be treated as isolated incidents, but rather, they indicate a structural problem related to the overall design and functioning of the legal and policy framework, an approach closely aligning with the due diligence standard. Lastly, systemic tolerance also holds implications for accountability and reform considering the way in which judicial findings that identify structural efficiencies influence States to revise legislation, improve coordination and adopt preventive measures.

---

[224] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009, para. 198. Cited in p. 3.

[225] Kimberlé Crenshaw, "*Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color"*, Stanford Law Review 43, No. 6, 1991. Cited in p. 20.

[226] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011, art. 48. Cited in p. 2.

[227] Catharine A. MacKinnon, "*Are Women Human? And Other International Dialogues"*, Harvard University Press, 2006. Cited in p. 39.

[228] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on France"*, Strasbourg, 2019. Cited in p. 46.

Following this approach, the attribution of State responsibility functions both as a mechanism of blame, but also as a tool for institutional learning and policy development. Under these failures, State responsibility for gender-based violence emerges as a comprehensive policy framework that goes beyond the narrow legal doctrine,[229] emphasizing effectiveness, coordination and accountability. States are required to focus on the lived experiences of women navigating the institutional systems,[230] the importance of the translation of international standard into concrete policies is underlined, and adequate resourcing, consistent application and responsiveness to different forms of vulnerability become fundamental requirements. In this sense, violence against women is no longer perceived as an inevitable social problem, but as a preventable violation rooted in policy choices and institutional practices.

---

[229] Sandra Fredman, "*Human Rights Transformed: Positive Rights and Positive Duties",* Oxford University Press, Paper No. 38/2006, 2006. Cited in p. 5.

[230] UN Economic and Social Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erürk*, Doc. E/CN.4/2006/61, 2006. Cited in p. 2.

3.4 *Landmark Jurisprudence Shaping State Obligations*

The consolidation of State obligation regarding violence against women within the European human rights system has been significantly driven by a series of landmark judicial interventions that exposed the concrete consequences of institutional failures. Among them, *Opuz v. Turkey*[231] and *Talpis v. Italy*[232] emerge as key cases through which the European Court of Human Rights (ECtHR) has articulated, clarified and reinforced the scope of State's positive obligations in the context of gender-based violence. As a matter of fact, beyond the individual facts, both judgements constitute structural indicators of the ways in which violence can be sustained through inaction, tolerance and fragmentation of the domestic legal and policy system. At the same time, they also reveal the persistent gap between advanced legal standards and their implementation in practice.

3.4.1 Opuz v. Turkey: Domestic Violence as a Matter of State Responsibility

Decided in 2009, *Opuz v. Turkey* marks a turning point in the ECtHR's approach to violence against women, as for the first time, violence is recognized as a form of gender-based discrimination and State inaction is framed not only as a violation of substantive rights, but as a violation of equality itself.[233] The care concerned sustained domestic abuse suffered by the applicant and her mother, which culminated in the murder of the latter by the applicant's husband. Turskish authorities had failed to adopt protective measure despite the body of repeated complaints and medical evidence presented, ignoring the indicators of escalating violence. Furthermore, criminal proceedings were either discontinued or resulted in minimal sanctions, reinforcing the climate of impunity. Against this background, the Court found violations of Articles 2 and 3 of the European Convention on Human Rights, both read independently and in conjunction with Article 14, exposing the structural and non-accidental nature of the authorities' failure to act.[234] Indeed, it is the focus on institutional patterns rather than isolated errors that renders the case particularly relevant from a policy perspective.

---

[231] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3.

[232] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017. Cited in p. 3.

[233] Ronagh J. A. McQuigg, "*International Human Rights Law and Domestic Violence"*, Routledge, 2011. Cited in p. 17.

[234] Ibidem*, Opuz v. Turkey*, paras. 159–166.

The judgement demonstrated how prosecutorial discretion, judicial passivity and reliance on victims' withdrawal reflected the broader tolerance of domestic violence in the legal system,[235] a tolerance further reinforced by social attitudes and gender stereotypes that minimized the seriousness of violence occurring in the family. The Court therefore implicitly acknowledged that effective protection cannot be achieved through criminal law alone, but that instead requires coordinated institutional responses, guided by the understanding of existing gendered power relations.[236]

In this sense, due diligence was framed as an evaluative tool for the effectiveness of State policies, and the Court found that Turkish authorities had not placed adequate legal frameworks, risk assessment mechanisms, and enforcement practices to prevent foreseeable harm. This exposed the gap between formal legal provisions and their practical operationalization, highlighting outcomes – rather than mere intentions – as a measure of compliance with human rights obligations.

3.4.2 Talpis v. Italy: Procedural Failures and the Cost of Delay

Talpis v. Italy was decided in 2017, concerning the failure of Italian authorities to respond promptly and effectively to reports of domestic violence that resulted in the murder of the applicant's son and in severe injuries to the applicant herself.[237] Differently from *Opuz*, this case brings the attention to the consequences of institutional delays and lack of coordination between authorities. Investigative and prosecutorial responses to the criminal complaints presented has been slow, fragmented and most importantly, ineffective, allowing the Court to find violations under Articles 1 and 2 of the Convention by specifying how the obligation to protect is not confined to the existence of legal mechanisms but also extends to their timely and coherent application.[238] In this case the Court mainly focused on the procedural dimensions of State responsibility, revealing how ostensibly neutral legal processes can generate discriminatory effects when they fail to account for the dynamics of domestic violence.[239]

---

[235] Ibidem, paras. 168–176.

[236] Elizabeth M. Schneider, "*Battered Women and Feminist Lawmaking",* Yale University Press, 2000. Cited in p. 5.

[237] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017, paras. 101–109. Cited in p. 3.

[238] Ibidem, paras. 129–137.

[239] Sandra Fredman, "*Discrimination Law"*, Oxford University Press, 2002. Cited in p. 4.

> Delays, evidentiary formalism, excessive reliance on victim initiative are all examples of factors that disproportionately burden women and increase their exposure to harm.[240] The judgement is therefore crucial to underline how much the effectiveness of frameworks depends on the capacity of institutions to act swiftly and in a decisive way. Procedural timelines, inter-agency communication and proactive prosecutorial strategies are all part of this process, while failures at early stages of intervention can lead to irreversible consequences, transforming administrative inefficiency into a violation of fundamental rights.[241]

Both *Opuz* and *Talpis* have contributed to shape the trajectory of subsequent ECtHR jurisprudence on violence against women by setting a series of evaluative standards against which State conduct is assessed, and consolidated the perception of violence against women as a foreseeable and preventable harm requiring structured and sustained policy responses.[242] Subsequent judgements such as *Eremia v. Moldova*,[243] *Volodina v. Russia*,[244] and *Levchuk v. Ukraine*[245] reinforced the idea of State responsibility as stemming from cumulative institutional failures rather than singular omissions, in a case law that reflected the increasing acknowledgement of the gendered nature of violence as well as the need for States to accordingly align their legal and policy systems.

Nevertheless, the persistence of similar violations across different jurisdictions reveals the limits of judicial intervention alone. Despite the clear legal standards articulated by the Court, implementation gaps remain widespread, with national systems often responding to adverse judgements through merely formal legislative reforms that fail to address the deeper institutional and cultural barriers.

---

[240] Kimberlé Crenshaw, "*Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color"*, Stanford Law Review 43, No. 6: 1245–1247, 1991. Cited in p. 20.

[241] Council of Europe, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, Treaty Series, No. 210, 2011, para. 63. Cited in p. 35.

[242] Lourdes Peroni and Alexandra Timmer, "*Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law*", Icon-international Journal of Constitutional Law, Vol. 11, No. 4: 1056–1059, 2013. Cited in p. 40.

[243] European Court of Human Rights, *Eremia v. Moldova*, No. 3564/11, judgment of 28 May 2013. Cited in p. 3.

[244] European Court of Human Rights, *Volodina v. Russia*, No. 41261/17, judgment of 9 July 2019. Cited in p. 8.

[245] European Court of Human Rights, Levchuk *v. Ukraine*, No. 17496/19, judgment of 3 September 2020. https://hudoc.echr.coe.int/eng?i=001-203931

States are invited to reflect on the effectiveness of their legal and policy systems in practice instead of prioritizing formal alignment with international standards.[246] In this sense, these landmark cases are fundamental in exposing the structural conditions under which violence against women persists, including under-resourced institutions, lack of specialized training, and embedded gender stereotypes. Through the framing of these conditions as violations of human rights obligations, the ECtHR provides States guidelines and benchmarks for reform and, at the same time, it reveals the political and institutional resistance that hinders long-lasting change.[247]

---

[246] Dianne Otto, "*Rethinking Universals: Opening Transformative Possibilities in International Human Rights Law"*, The Australian Yearbook of International Law Online, pp. 10–13, 1997. Cited in p. 22.

[247] Martha Albertson Fineman, "*The Vulnerable Subject"*, Yale Journal of Law and Feminism, Vol. 20, pp. 8-10, 2008. Cited in p. 21.

Chapter IV – *Italy's Legal and Policy System to Combat Violence and Protect Women*

4.1 Criminal Law Framework on Violence Against Women

The current criminal law framework in Italy is a reflection of a fragmented process of legislative stratification, procedural acceleration, and symbolic punitive expansion that have replaced the earlier approached that considered violence against women as an intimate and private matter.[248] At its core, figure a series of offences criminalized under the Criminal Code (*Codice Penale*), which have been repeatedly amended from mid-1990s to include the varying forms of abuse affecting women.[249] Domestic violence is criminalized by Article 572 under the voice «*maltrattamenti contro familiari e conviventi*», punishing systematic physical or psychological abuse within the family or cohabitating relationships, regardless of whether individual acts constitute autonomous crimes.[250] This offence has been framed as a habitual crime and provides harsher penalties when committed in the presence of minors or pregnant women.[251] The article is accompanied by a series of general offences that include personal injury (Articles 582-583), threats (Article 612), private violence (Article 610), and violation of family assistance obligations (Article 570-bis).[252] Such offences are generally used during domestic abuse proceedings to expose coercive behaviour patterns, however, their gender-neutral formulation has often hindered the gendered structure of domestic violence.[253] Sexual violence was instead conceptualized under Law No. 66/1996 which removed rape and related acts from the category of «crimes against public morality» and reframed them as «crimes against the person» under Articles 609-bis to 609-octies, recognizing sexual violence as a violation of individual freedom and bodily integrity instead of one against social values and collective morality.[254]

---

[248] Rosa Gatti and Armando Vittoria, "*What Measures for What Politics? Gender-Based Violence Protection and the RDL Policy Gap for Women in Italy (2021–2024)*", PACO – The Open Journal of Sociopolitical Studies, 2024. Doi: 10.1285/i20356609v18i1p176 http://siba-ese.unisalento.it/index.php/paco/article/viewFile/30993/25310

[249] Francesca Capone, "Violence against Women: Assessing Italy's Compliance with the OSCE Commitments and the Current International Legal Framework", Security and Human Rights, Vol. 28, pp. 24-48, 2017. https://brill.com/downloadpdf/view/journals/shrs/28/1-4/article-p24_24.pdf

[250] Italy, Criminal Code, R.D. of 19 October 1930, No. 1398, art. 572. https://uwm.edu.pl/kpkm/uploads/files/codice-penale.pdf

[251] Ibidem, paras. 2–3.

[252] Italian Criminal Code, arts. 570-bis, 582–583, 610, 612.

[253] Marta Pietrobelli, et al., "*Violence against Women in Italy after Beijing 1995: The Relationship between Women's Movements, Feminist Practices and State Policies*", Gender & Development, Vol. 28, No. 2, pp. 377-392, 2020. Doi: https://doi.org/10.1080/13552074.2020.1750139 https://iris.cnr.it/retrieve/d56b43f6-0790-42b3-a720-6ada9626ff7a/2020_Pietrobelli_Toffanin_Busi_Misiti.pdf

[254] Italy, Law of 15 February 1996, No. 66. https://www.gazzettaufficiale.it/eli/id/1996/02/20/096G0073/sg

In particular, Article 609-bis criminalizes sexual acts committed with violence, threat, abuse of authority, or exploitation of the victim's abilities; on the other hand, Articles 609-ter and 609-quarter introduce aggravated forms, ranging from the instances in which the perpetrator is a spouse or partner, the victim is a minor, or to where multiple offenders are involved.[255] Such framing grounded the offences on the absence of consent rather than on the use of physical force alone, reflecting the progressive shift towards a consent-based understandings of sexual autonomy.[256] Stalking was instead introduced through Law No. 38/2009, which criminalized repeated conduct causing victims a state of anxiety or fear, or forcing them to change their life habits under Article 612-bis.[257] As argued by De Fazio, this articulation was crucial to shift the focus on previously invisible harm as well as addressing post-separation violence and coercive control; however, her analysis also underlines the limits created in terms of evidentiary thresholds and discretionary enforcement.[258] Further offences directly related to gender-based violence were subsequently added in the following years, including non-consensual dissemination of intimate images (Article 612-ter, introduced by Law No. 69/2019), forced marriage (Article 558-bis), and breach of restraining or protection orders (Article 387-bis), in a process that shows a gradual expansion of the criminal law system to capture forms of coercion and control that go beyond physical injury.[259] This shift towards a more explicit and detailed criminalization of VAW was significantly driven by international and European normative pressure.[260] As a matter of fact, before the 1990s. intimate partner violence was generally associated with general assault and injury provisions, and marital rape wasn't even explicitly recognized as a crime, perpetuating patriarchal conceptions of family unity and of the female sexual sphere.[261]

---

[255] Italian Criminal Code, arts. 609-bis, 609-ter, 609-quater. Cited in p. 62.

[256] Francesca Capone, "Violence against Women: Assessing Italy's Compliance with the OSCE Commitments and the Current International Legal Framework", Security and Human Rights, Vol. 28, pp. 24-48, 2017. Cited in p. 62.

[257] Italy, Law of 23 April 2009, No. 38. https://www.gazzettaufficiale.it/eli/id/2009/04/24/009G0046/sg; Italian Criminal Code, Art. 612-bis.

[258] Laura De Fazio, "*Criminalization of Stalking in Italy: One of the Last among the Current European Member States' Anti-Stalking Laws"*, Behavioural Sciences & the Law, Vol: 29 (2), pp. 317-323, 2011. Doi: https://doi.org/10.1002/bsl.983 https://onlinelibrary.wiley.com/doi/epdf/10.1002/bsl.983?saml_referrer

[259] Italy, Law of 19 July 2019, No. 69. (*Codice Rosso*) https://www.gazzettaufficiale.it/eli/id/2019/07/25/19G00076/sg; Italian Criminal Code, Arts. 387-bis, 558-bis, 612-ter.

[260] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[261] Francesca Capone, "Violence against Women: Assessing Italy's Compliance with the OSCE Commitments and the Current International Legal Framework", Security and Human Rights, Vol. 28, pp. 24-48, 2017. Cited in p. 62

A main turning point was the 1996 sexual violence reform that paved the way to a long process of evolution, both legally and symbolically.[262] Examples include the criminalization of stalking in 2009, which acknowledged the harm of psychological violence and coercive control even in the absence of physical violence, or the ratification in 2013 of the Istanbul Convention, which instead prompted a series of reforms to align Italy's domestic law with the Convention's obligations to criminalize, prevent and prosecute gender-based violence.[263] The most important was probably the so-called Codice Rosso (Law No. 69/2019) that introduced accelerated procedural tracking for offences such as domestic violence, stalking, or sexual violence, requiring prosecutors to hear victims within 3 days after receiving the complaint, and that articulated new offences such as revenge porn and forced marriage.[264] Law No. 168/2023, often referred to as Codice Rosso bis, further strengthened precautionary measures, for instance by increasing penalties for existing offences, introducing mandatory arrests in flagrante for certain crimes, and reinforcing obligations on prosecutors and police to intervene promptly.[265] Most recently lastly, a significant contribution was given by Law No. 181/2025, which introduced the offence of feminicide, defined as the killing of a woman motivated by «gender-based hatred, domination, or control», accompanied by mandatory aggravations when committed in the context of intimate partner violence.[266] Importantly, such definition formally addresses gender motive as a constitutive element rather than a mere sentencing factor.[267]

Aggravating circumstances represent one of the main mechanisms through which the Italian criminal law has tried to embrace a more gender-sensitive approach – even if gender-neutral offence articulation has never been fully abandoned.

---

[262] Italy, Law of 15 February 1996, No. 66. Cited in p. 62.

[263] Council of Europe. *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), ratified by Italy 2013.

[264] Italy, Law of 19 July 2019, No. 69, (*Codice Rosso*). Cited in p. 63.

[265] Italy, Law of 24 November 2023, No. 168, (*Codice Rosso bis*). https://www.gazzettaufficiale.it/eli/id/2023/11/24/23G00178/sg

[266] Italy, Law of 2 December 2025, No. 181. https://www.gazzettaufficiale.it/eli/id/2025/12/02/25G00187/sg

[267] Rosa Gatti and Armando Vittoria, *"What Measures for What Politics? Gender-Based Violence Protection and the RDL Policy Gap for Women in Italy (2021–2024)"*, PACO – The Open Journal of Sociopolitical Studies, 2024. Cited in p. 62.

In particular, Article 61, No. 11-quinquies introduces a general aggravating circumstance when the offence is committed against a spouse or a partner, or within a domestic or intimate relationships; but more specific offences, such as sexual violence and stalking, are provided with aggravations of their own when the perpetrator is either a former or current partner, when the conduct is repeated or prolonged, or when the offence involves minors.[268] This progressive expansion of aggravated circumstances, as noted by De Paola, can be observed as Italy's attempt to reconcile the formal neutrality of the Criminal Code with the substantive gender disparity of victimization patterns, and at the same time, as a response to the repeated condemnation received by international monitoring bodies for inadequate protection of women.[269] Nevertheless, despite the importance of the introduction of these aggravations, their practical impact is uneven as it often relies on prosecutorial choices and judicial interpretation, thus not directly arising enhanced protection measures or victim support.[270]

While apparently comprehensive, a predominantly punitive approach as such, also holds significant structural limitations. First, the excessive reliance on criminalization is not met with equal efforts in prevention, victim services and institutional coordination, which results, in Sette's words, in a *reactive* rather than transformative legal framework.[271] For example, the same procedural acceleration introduced by the Codice Rosso, is technically meant to reduce secondary victimization and the escalation of violence, but in practice, it often results in superficial hearings that fail to capture the more complex dynamics of abuse.[272]

---

[268] Italian Criminal Code, art. 61, No. 11-quinquies; arts. 609-ter, 612-bis. Cited in p. 62.

[269] Lina De Paola, et al., "*Violence against Women within Italian and European Context: Italian 'Pink Code' – Major Injuries and Forensic Expertise of a Socio-Cultural Problem: A Narrative Review"*, Forensic Sciences, Vol. 4, pp. 264-276, 2024. Doi: https://doi.org/10.3390/forensicsci4030019 https://iris.uniroma1.it/retrieve/1de1fb32-e228-4862-b04e-fced7e9f6645/De%20Paola_Violence_2024.pdf

[270] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[271] Raffaella Sette, "*Evolving Legal Landscape in the Field of Domestic Abuse in Italy*", Urban Crime – An International Journal Vol. 4, No. 1 (2023). Doi: https://doi.org/10.26250/heal.panteion.uc.v4i1.331 https://ojs.panteion.gr/index.php/uc/article/view/331/301

[272] Rosa Gatti and Armando Vittoria, *"What Measures for What Politics? Gender-Based Violence Protection and the RDL Policy Gap for Women in Italy (2021–2024)"*, PACO – The Open Journal of Sociopolitical Studies, 2024. Cited in p. 62.

Second, the enforcement of offences and aggravations risks advancing a façade of zero tolerance while failing to address systematic obstacles such as underreporting, evidentiary burdens, cultural stereotypes in law enforcement, and the systemic inadequacy of shelters and specialized support services.[273] Lastly, the introduction of an autonomous feminicide offence, however politically relevant, might displace the attention from earlier stages of violence that could instead be more effectively targeted through civil protection orders, social intervention, or risk assessment tools. From a policy perspective, this approach risks placing the burden solely on the criminal justice system, ignoring significant drivers of gender-based violence such as economic dependency, housing instability, and social isolation.[274]

---

[273] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[274] Marta Pietrobelli et al., "*Violence against Women in Italy after Beijing 1995: The Relationship between Women's Movements, Feminist Practices and State Policies*", Gender & Development, Vol. 28, No. 2, pp. 377-392, 2020. Cited in p. 62.

4.2 Preventive and Protective Measures

Together with the expansion of criminal offences, Italy has increasingly built a consistent body of preventive and protective measures to deter violence, contain risk, and protect victims before and during criminal proceedings.[275] Nevertheless, this system is characterized by a strong divide between formal availability of measures and their practical effectiveness.[276] At the civil level, the foundation of protection is constituted by protection orders against domestic abuse (*ordini di protezione contro gli abusi familiari*), introduced by Law No. 154/2001 and regulated under Articles 342-bis and 342-ter of the Civil Code which allow to remove the abusive partner from the family home, to prohibit approach to specified places, and to pay maintenance or housing contributions to the victim.[277] Such orders can be issued in urgent cases and are designed to operate independently from criminal proceeding, in order to separate immediate protection and evidentiary thresholds necessary for prosecution. Their duration is limited and violations constitute a criminal offence under Article 388 or the Criminal Code.[278] At the same time, criminal procedural law also provides a series of precautionary measures (*misure cautelari personali*) regulated by the Code of Criminal Procedure (*Codice di Procedura Penale*) under Articles 272-289.[279] In particular, such measures include pre-trial detention, house arrest, restraining orders, and removal of the prosecutor from the family home, and are often accompanied by electronic monitoring following Codice Rosso and Law No. 168/2023,[280] as they aim to achieve a physical separation between the perpetrator and the victim, which could potentially lead to the escalation of violence is not effectively monitored.

---

[275] Francesca Capone, "Violence against Women: Assessing Italy's Compliance with the OSCE Commitments and the Current International Legal Framework", Security and Human Rights, Vol. 28, pp. 24-48, 2017. Cited in p. 62.

[276] Rosa Gatti and Armando Vittoria, *"What Measures for What Politics? Gender-Based Violence Protection and the RDL Policy Gap for Women in Italy (2021–2024)"*, PACO – The Open Journal of Sociopolitical Studies, 2024. Cited in p. 62.

[277] Italy, Law of 4 April 2001, No. 154 https://www.gazzettaufficiale.it/eli/id/2001/04/28/001G0209/s#:~:text=Con%20il%20provvedimento%20che%20dispone,prescrivere%20determinate%20modalita'%20di%20visita.; Italian Civil Code, arts. 342-bis, 342-ter.

[278] Italian Criminal Code, art. 388. Cited in p. 62.

[279] Italian Code of Criminal Procedure, arts. 272–289. https://www.studiocataldi.it/codiceprocedurapenale/codice-procedura-penale.pdf

[280] Italy, Law No. 69 of 19 July 2019 (*Codice Rosso*). Cited in p. 63; Italy, Law No. 168 of 24 November 2023. Cited in p. 64.

Moreover, this system is completed by a series of emergency measures, for example under Article 384-bis of the Code of Criminal Procedure which allows police to order the urgent removal of the suspect from the family home in flagrante situations, or when the victim's safety is threatened by an imminent risk here's an imminent risk subjected to judicial validation within 48 hours.[281] A system as such reflects an attempt to operationalize the due diligence standard set by the Istanbul Convention, yet, the effectiveness of such measures is strongly linked to the quality of decision-making that activates them, rather than their formal existence.[282] In this sense, risk assessment tools are crucial in this decision-making process. Italy doesn't have a single binding risk assessment instrument, but rather a set of tools and protocols created by ministerial guidelines, police directives and inter-institutional agreements.[283] In particular, the most diffused tools include the SARA (Spousal Assault Risk Assessment) checklist in its Italian adaptations, the DVRAG (Domestic Violence Risk Appraisal Guide), and Italian's police own risk assessment form, introduced by the Codice Rosso and operating at the complaint receival stage,[284] recording indicators such as escalation of violence, prior threats, substance abuse, access to weapons, separation dynamics and victim vulnerability.[285] These instruments are mostly operationalized through internal protocols of the Polizia di Stato, while at the prosecutorial level, several offices adopted standardized risk grids to guide requests of precautionary measures, and specialized domestic violence units apply enhanced assessment protocols. Therefore, the legal basis for these tools is indirect and fragmented, mostly relying on the general duty of care of public authorities rather than on a formal obligation to carry out effective risk assessments in every case.[286]

---

[281] Ibidem, Italian Code of Criminal Procedure, art. 384-bis. Cited in p. 67.

[282] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p. 2.

[283] Valentina Bonini, "*Protezione della Vittima e Valutazione del Rischio nei Procedimenti per Violenza Domestica tra Indicazioni Sovranazionali e Deficit Interni*", Sistema Penale, Fascicolo 3, pp. 47-67, 2023. https://www.sistemapenale.it/pdf_contenuti/1680803824_sp-2023-3-bonini.pdf

[284] Claudia Pecorella, and Massimiliano Dova, "*Osservatorio sulla violenza contro le donne n. 4/2023* – La Valutazione del Rischio nei Reati di Violenza di Genere", Sistema Penale, 2023. https://www.sistemapenale.it/it/scheda/osservatorio-sulla-violenza-contro-le-donne-n-4-2023-la-valutazione-del-rischio-nei-reati-di-violenza-di-genere-difformita-di-giudizio-in-sede-di-applicazione-delle-misure-cautelari.

[285] Valentina Bonini, "*Protezione della Vittima e Valutazione del Rischio nei Procedimenti per Violenza Domestica tra Indicazioni Sovranazionali e Deficit Interni*", Sistema Penale, Fascicolo 3, pp. 47-67, 2023.

[286] Ibidem.

As a consequence, risk assessment tools are not always used systematically, and their applications varies significantly across regions and institutions, leading to uneven implementation and differences in interpretation.[287] Bonini argues how the absence of a legally binding and standardized risk assessment duty impacts the preventive capacity of the system, as judges are not required to explicitly engage with structured risk indicators upon motivating their decisions.[288] This gap is further reinforced by the lack of professionals training and the high number of cases presented, which can strengthen reliance on visible physical injury rather than focusing on predictive risk factors.[289] The result is a paradox where against the consistent and sophisticated body of measures formally provided by the Italian system, procedural operationalization is inconsistent, slow, and often superficial.[290]

International monitoring bodies have consistently addressed this implementation gap as one of the most significant challenges in the Italian framework.[291] GREVIO's First Thematic Evaluation Round and shadow reports submitted by Italian Women's NGOs have exposed the failure of the Italian system to integrate its legal instruments for victim protection into a coherent and mandatory risk assessment strategy that involves actors across the different levels of governance.[292] And Italy, in its very own report to GREVIO under Article 68 of the Istanbul Convention recognizes such limitation, acknowledging persistent territorial disparities, limited information sharing, and insufficient coordination between criminal justice actors and social services.[293]

---

[287] Claudia Pecorella, and Massimiliano Dova, "*Osservatorio sulla violenza contro le donne n. 4/2023* – La Valutazione del Rischio nei Reati di Violenza di Genere", Sistema Penale, 2023. Cited in p. 68.

[288] Valentina Bonini, "*Protezione della Vittima e Valutazione del Rischio nei Procedimenti per Violenza Domestica tra Indicazioni Sovranazionali e Deficit Interni*", Sistema Penale, Fascicolo 3, pp. 47-67, 2023. Cited in p. 68.

[289] Claudia Pecorella, and Massimiliano Dova, "*Osservatorio sulla violenza contro le donne n. 4/2023* – La Valutazione del Rischio nei Reati di Violenza di Genere", Sistema Penale, 2023. Cited in p. 68.

[290] Lara Ferla, "*Punitive and Preventive Measures Against Domestic Violence in Italy: A Critical Assessment"* in Criminal Prosecution of Domestic Violence – A Comparative Analysis, 2025. Doi: https://doi.org/10.1007/978-3-032-01202-9_4 https://link.springer.com/content/pdf/10.1007/978-3-032-01202-9.pdf

[291] Dipartimento per le Pari Opportunità, "*Comments Submitted by Italy on GREVIO's First Thematic Evaluation Report: Building Trust by Delivering Support, Protection and Justice",* 2025. https://rm.coe.int/comments-submitted-by-italy-on-grevio-s-first-thematic-evaluation-repo/4880299443

[292] D.i.RE – Donne in Rete contro la Violenza, *GREVIO's First Thematic Evaluation Round on Italy – Report by Italian Women's NGOs*, 2024. Cited in p. 69.

[293] Italy, *Report submitted by Italy pursuant to Article 68 of the Istanbul Convention*, 2018. https://www.pariopportunita.gov.it/media/1956/relazione-grevio-2018.pdf

In a similar way, the EUCPN's overview of Italian domestic protection measures further confirms these limitations, particularly highlighting the limited provision of restraining and removal orders as compared to reported risk levels, and the irregular use of electronic monitoring due to logistical constraints and judicial reluctance.[294] These faults in the system are not merely technical, but rather structurally connected to the strictly punitive approach of recent reforms.[295] For instance, the Codice Rosso itself has prioritized procedural speed and penalty enforcement, in a way leaving the preventive and protective dimensions relatively under-institutionalized.[296] This imbalance has been defined as a form of "preventive thinness", in which legal tools abound at the expense of enforcement and accountability.[297] The central issue is therefore not the absence of protective measures, but rather the absence of a binding governance framework capable of obliging authorities to translate risk signals into timely and effective interventions.[298] In this sense, the current Italian model exemplifies what GREVIO describes as a "lottery of protection" depending on professional culture and resource availability, and unable to close the gap between law on the books and protection in practice.[299]

---

[294] European Crime Prevention Network (EUCPN), "*Italian Policy on Domestic Violence"*. https://eucpn.org/document/italian-policy-on-domestic-violence

[295] Rosa Gatti, and Armando Vittoria, *"What Measures for What Politics? Gender-Based Violence Protection and the RDL Policy Gap for Women in Italy (2021–2024)"*, PACO – The Open Journal of Sociopolitical Studies, 2024. Cited in p. 62.

[296] Italy, Law of 19 July 2019, No. 69, (Codice Rosso). Cited in p. 63.

[297] Lara Ferla, "*Punitive and Preventive Measures Against Domestic Violence in Italy: A Critical Assessment"* in Criminal Prosecution of Domestic Violence – A Comparative Analysis, 2025. Cited in p. 69.

[298] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[299] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice"*, Strasbourg, 2025. https://rm.coe.int/first-thematic-evaluation-report-building-trust-by-delivering-support-/4880299441

4.3 Procedural Law and Victims Protection

Procedural law can be perceived as the point in which formal recognition of violence against women can either be translated into concrete protection for women, or neutralized by institutional limitations, such as delays, fragmentation, and institutional inertia.[300] Over the past decades, Italy has tried to strengthen victims' procedural status and to facilitate the access to justice, especially in the light of the specific dynamics of domestic and gender-based violence, however, the role of victims still remains critical.[301] As a matter of fact, criminal proceedings have traditionally revolved around the relationship between the State and the accused, with victims only holding a marginal role.[302] Currently, under the Code of Criminal Procedure, victims participate in proceedings either as «offended persons», the injured part, or as the civil part, when they formally join the proceedings to seek compensation.[303] As injured parts, victims only enjoy limited procedural rights, for example the right to be informed of developments, or to submit observations.[304] Only upon joining as civil parts they are granted fully participatory powers, which include a broader range of rights, such as access to the case file at certain stages, and the possibility to present evidence and seek compensation.[305] Such position would require legal knowledge, timely action, and the availability of financial resources on behalf of victims, which in many cases is instead not present, further contributing to their vulnerable position.[306] The Codice Rosso has tried to strengthen some of these measures for instance by establishing the duty for police and prosecutors to inform victims of their rights, of available support services and protective measures, but in practice, victims procedural experience emerges as overall negative.[307]

---

[300] Rosa Gatti, and Armando Vittoria, *"What Measures for What Politics? Gender-Based Violence Protection and the RDL Policy Gap for Women in Italy (2021–2024)"*, PACO – The Open Journal of Sociopolitical Studies, 2024. Cited in p. 62.

[301] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[302] Italy, Code of Criminal Procedure, D.P.R. of 22 September 1988, No. 447. Cited in p. 67.

[303] Ibidem, arts. 74–76.

[304] Ibidem, arts. 90–90-quater.

[305] Ibidem arts. 74–76.

[306] Valentina Bonini, "*Protezione della Vittima e Valutazione del Rischio nei Procedimenti per Violenza Domestica tra Indicazioni Sovranazionali e Deficit Interni*", Sistema Penale, Fascicolo 3, pp. 47-67, 2023. Cited in p. 68

[307] Italy, Law of 19 July 2019, No. 69, (Codice Rosso). Cited in p. 63.

On the one hand, victims are asked to provide narrative, emotional and evidentiary efforts, and on the other, their control and participation in proceedings remains significantly limited.[308] Moreover, institutional practices often subject them to secondary victimization.[309] Their complaints are often taken in non-specialized settings, or by officers with limited training in trauma-informed interviewing.[310] Sechi (2019) addressed this dimension of victims' experience by demonstrating how credibility assessments often implicitly rely on stereotypes on emotional consistency, victim behaviour and relationship histories, especially in cases where injuries are not visible.[311] Practices as such have a strong impact on victims, contributing to a climate of frustration in which their safety concerns are not taken seriously, and the procedural burdens outweigh protective benefits.[312] As a result, trust in the system is reduced, and victims often withdraw their complaints or disengage with proceedings, a particularly concerning factor considering the strong reliance on victims' proactive engagement with the system to ensure procedural action.[313] Such approach not only ignores the obstacles of navigating a complex procedural system, and the trauma, fear and economic dependency victims may face, but also contrasts with the due diligence standard, which instead stresses the responsibility of State authorities to protect victims without placing excessive procedural burdens on them.[314] Access to justice is a fundamental element in victim protection, and in cases of violence against women, barriers to access often encompass the legal, economic, psychological and social dimensions.[315]

---

[308] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[309] D.i.RE – Donne in Rete contro la Violenza, "*Legal Opinions on Gender-Based Violence by the Students of the School of International Studies"*, University of Trento, 2024. https://www.direcontrolaviolenza.it/wp-content/uploads/2024/02/LEGAL-OPINIONS_2024_D.i.Re_.pdf

[310] Claudia Pecorella, and Massimiliano Dova, "*Osservatorio sulla violenza contro le donne n. 4/2023* – La Valutazione del Rischio nei Reati di Violenza di Genere", Sistema Penale, 2023. Cited in p. 68.

[311] Paola Sechi, *"Protcting Victims of Domestic and Gender-Based Violence: Strenghts and Weaknesses of the So-Called 'Red Code'",* Rivista Internazionale di Scienze Giuridiche e Tradizione Romana, No. 17, 2019. https://www.dirittoestoria.it/17/contributi/Sechi-Paola-Protecting-victims-of-domestic-and-gender-based-violence.htm

[312] Claudia Pecorella, and Massimiliano Dova, "*Osservatorio sulla violenza contro le donne n. 4/2023* – La Valutazione del Rischio nei Reati di Violenza di Genere", Sistema Penale, 2023. Cited in p. 68.

[313] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice"*, Strasbourg, 2025. Cited in p. 70.

[314] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). Cited in p. 1.

[315] Roberta Rossi, "*Access to Justice and Right to Victim's Protection in the Case Law of the ECtHR about Domestic Violence*", Rivista di Diritti Comparati, 2023. https://www.diritticomparati.it/wp-content/uploads/2023/06/9-Rossi.pdf

Italy has formally recognized these obstacles and has introduced a series of mechanisms and measures aimed at facilitating access.[316] Among them, for example, State-funded legal aid for certain offences regardless of economic income, which contributes to recognizing violence as a structural barrier to economic autonomy[317], and economic dependency as a factor preventing victims to pursue legal remedies.[318] In theory, this framework should allow victims to be assisted by legal professionals during criminal proceedings, potentially empowering their capacity to exercise procedural rights and seek protection.[319] But in practice, several obstacles still persist. The access to legal aid in itself depends on factors such as timely information, administrative capacity or availability of specialized lawyers,[320] but in practice, victims might face delays in the appointment of legal counsel or be assisted by professionals that lack specific training on gender-based violence.[321] This emphasizes the importance of guaranteeing legal aid that is accessible, qualitative and gender-sensitive, rather than merely abstract.[322] Victims are also entitled to assistance from specialized anti-violence centres and NGOs, crucial in providing legal orientation and psychological support.[323] However, in many cases victims are unaware of this possibility, and others face bureaucratic delays in aid approval that consequently delay lawyer appointment at the separation stage, that is, the stage in which legal intervention may be the most necessary.[324]

---

[316] Italy, *Report submitted by Italy pursuant to Article 68 of the Istanbul Convention*, 2018. Cited in p. 69.

[317] Italy, Law of 15 October 2013, No. 119. https://www.gazzettaufficiale.it/eli/id/2013/10/15/13G00163/sg

[318] Sandra Fredman, "*Discrimination Law"*, Oxford University Press, 2002. Cited in p. 4.

[319] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[320] European Commission, *EU Strategy on Victims' Rights* (2020-2025), Brussels, 2020. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0258

[321] Claudia Pecorella and Massimiliano Dova, "*Osservatorio sulla violenza contro le donne n. 4/2023* – La Valutazione del Rischio nei Reati di Violenza di Genere", Sistema Penale, 2023. Cited in p. 68.

[322] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011, art. 15. Cited in p. 1.

[323] D.i.RE – Donne in Rete contro la Violenza, "*Legal Opinions on Gender-Based Violence by the Students of the School of International Studies"*, University of Trento, 2024. Cited in p. 72.

[324] European Association for the Defence of Rights and Freedoms (ASSEDEL), *Assessing the Implementation of the Istanbul Convention in Italy*, 2024. https://assedel.org/wp-content/uploads/2024/05/Istanbul-Convention-report-ItalyL.pdf

Migratory status and language barriers further contribute to exacerbate victims' conditions. Women that are undocumented or dependent on a partner's residence permit in fact, might avoid reporting due to the fear of losing their legal status, not aware of statutory protections against such consequences.[325] In the same way, interpretation services are not adequately provided at both police and court stages, and written information on rights and procedures is not always available in multiple languages.[326] Rossi focused his analysis on this dimension of access to justice, arguing how such obstacles render nominal access a conditional access instead, with legal aid formally granted but under inadequate quality and continuity in practice.[327] Another critical aspect of procedural law in cases of violence against women is the temporal dimension,[328] as delays might lead to direct and sometime irreversible consequences for victims' safety.[329] To align with the ECtHR supported principles of timely and effective intervention before a real and immediate risk, the Codice Rosso established a 3 days deadline for prosecutors to hear victims after receiving their complaint for specific offences.[330] In principle, this expedited procedure aims at prioritizing such cases and allow early risk assessment and precautionary measures, but in practice, deadlines and actual outcomes don't match. Hearings are in fact often scheduled weeks after receiving the complaint, depending on institutional capacity, prosecutorial overload, or competing priorities.[331] But delays are not confined to the hearing phase alone, instead, they cover various levels, *starting* from initial victim hearings, but extending to the execution of preventive measures or the enforcement of protection orders.[332] As a result, victims might be exposed to unguarded contact with perpetrators during the period immediately following reporting, which notably is the stage in which the risk of escalation is higher.[333]

---

[325] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[326] European Association for the Defence of Rights and Freedoms (ASSEDEL), *Assessing the Implementation of the Istanbul Convention in Italy*, 2024. Cited in p. 73.

[328] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p. 3.

[329] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice"*, Strasbourg, 2025. Cited in p. 70.

[330] Italy, Law of 19 July 2019, No. 69, (Codice Rosso). Cited in p. 63.

[331] Rosa Gatti, *"What Measures for What Politics? Gender-Based Violence Protection and the RDL Policy Gap for Women in Italy (2021–2024)"*, PACO – The Open Journal of Sociopolitical Studies, 2024. Cited in p. 62.

[332] European Crime Prevention Network (EUCPN), "*Italian Policy on Domestic Violence"*. Cited in p. 70.

[333] Ibidem, GREVIO, *Baseline Evaluation Report on Italy*, 2020.

This carries several implications. On the individual level, it undermines the credibility and trust in State protection, spurring the recurrence to private coping strategies such as returning to the abusive partner, withdrawing complaints, or relocating without the adequate support, consequently reinforcing the diffused negative perception of victim's experience. It further affects the evidentiary grounds of cases, considering that time passing might negatively impact memory and evidence, as well as give way to victim intimidation.[334] At the same time, it amounts to a normative fault, as compliance with the Istanbul Convention and the ECtHR jurisprudence is undermined.[335] The D.i.Re Report on *Talpis v. Italy* is revealing in this sense, as it highlights investigative inertia and delayed delivery of precautionary measures as potential autonomous violations of the right to life and the prohibition of inhuman or degrading treatment, even under apparently formally adequate criminal law provisions.[336] The reason behind this gap between legislative acceleration procedures and slow procedural responses can be traced back to a series of structural factors. First, the inadequate staffing of prosecutorial officers, which compared to the amount of cases received, sees violence against women cases compete with organized crime and corruption, often resulting in limited institutional attention.[337] Second, the lack of a binding risk-assessment obligation, which fails to prioritize urgent cases by treating urgency in an intuitive rather than a systematic way.[338] Third, the insufficient information sharing between police, prosecutors, and courts, which often delays both hearings and precautionary measures requests.[339] Lastly, the limited capacity for emergency hearings outside ordinary judicial schedules, which particularly affects smaller courts.[340]

---

[334] Claudia Pecorella and Massimiliano Dova, "*Osservatorio sulla violenza contro le donne n. 4/2023* – La Valutazione del Rischio nei Reati di Violenza di Genere", Sistema Penale, 2023. Cited in p. 68.

[335] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p. 2.

[336] D.i.RE – Donne in Rete contro la Violenza*, "Report on Talpis & J.L. v. Italy – Access to Justice Challenges",* 2023. https://www.direcontrolaviolenza.it/wp-content/uploads/2023/11/31.07.2023_Talpis-group-and-J.L.-v.-Italy-by-D.i.Re_.pdf

[337] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[338] Valentina Bonini, "*Protezione della Vittima e Valutazione del Rischio nei Procedimenti per Violenza Domestica tra Indicazioni Sovranazionali e Deficit Interni*", Sistema Penale, Fascicolo 3, pp. 47-67, 2023. Cited in p. 68.

[339] European Association for the Defence of Rights and Freedoms (ASSEDEL), *Assessing the Implementation of the Istanbul Convention in Italy*, 2024. Cited in p. 73.

[340] Rosa Gatti, *"What Measures for What Politics? Gender-Based Violence Protection and the RDL Policy Gap for Women in Italy (2021–2024)"*, PACO – The Open Journal of Sociopolitical Studies, 2024. Cited in p. 62.

Against this backdrop, the Italian procedural framework shows an imbalance between the recognition and the realization of victims' rights.[341] Formally, victims take part to the proceedings as informed parts with access to legal aid, however, the system is difficult to navigate, built around institutional convenience rather than victim safety,[342] without considering the factors influencing their lived experience. Moreover, their control over pace, information flow and protection logic remains significantly limited. The influence of the ECtHR is visible in the increased production of accelerated procedures that attempt embracing a more victim-centred approach, but their practical impact continues to be hindered by governance deficits, resource scarcity and institutional inertia.[343]

---

[341] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice"*, Strasbourg, 2025. Cited in p. 70.

[342] Roberta Rossi, "*Access to Justice and Right to Victim's Protection in the Case Law of the ECtHR about Domestic Violence*", Rivista di Diritti Comparati, 2023. Cited in p. 72.

[343] Ibidem, GREVIO, *Baseline Evaluation Report on Italy*, 2020.

4.4 Institutional Actors and Coordination

Coordination between institutional actors is a central element in State's due diligence obligations, consistently articulated by international and regional human rights bodies.[344] In Italy, the institutional structure aimed at combating violence against women is characterized by a plurality of actors, including prosecution services, judicial authorities, anti-violence centres, shelters, social services and non-specialized victim support organizations.[345] An extensive body as such can be perceived as a confirmation of the multifaceted nature of gender-based violence requiring intervention from different sectors; however, all these actors don't constitute a single integrated protection system, but rather work in parallel, often under significant coordination challenges.[346] An example is the territorial disparity of prosecution services, provided by the offices attached to each ordinary court. In larger cities, prosecutor's offices have seen the development of specialized units for victims of violence, with specific training programs on gender-based violence, aimed at prioritizing Codice Rosso cases and coordinating preventive and protective measures with the action of social services and shelters.[347] In smaller cities, instead, such cases are still handled by general criminal prosecutors with only limited specialization in the field and a vast amount of competing cases, often leading to inadequate attention and prioritization.[348] Moreover, judges involved in VAW cases, range from preliminary investigation judges, activating precautionary measures, trial judges investigating criminal responsibility, to civil judges, issuing protection orders.[349] Once again, this plurality of actors indicates the addressing of an issue from different perspectives, but at the same time, it often generates a fragmented response, with parallel proceeding advancing at different speeds and without adequate information sharing.[350]

---

[344] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p. 2.

[345] Pamela Pasian and Francesca Proia, *"I Centri Antiviolenza nelle Politiche Regionali: Eterogeneità e Prospettive"*, Italian Journal of Social Policy, 3-4, 2021. https://www.futura-editrice.it/wp-content/uploads/2022/04/RPS-2021-3_4-Pasian-e-Proia.pdf

[346] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[347] Ibidem.

[348] Ibidem, Pasian and Proia, 2021.

[349] Italy, Code of Criminal Procedure, D.P.R. of 22 September 1988, No. 447. Cited in p. 67

[350] Ibidem, GREVIO, *Baseline Evaluation Report on Italy*, 2020.

Therefore, in order to identify the core of victim protection in Italy, the focus shifts on anti-violence centres and shelters, which have historically led both the process of recognition of violence against women as a structural and gendered phenomenon,[351] and its practical response in national systems. Mostly operated by feminist NGOs and women's associations, they efforts move beyond the traditional social services as they ground their methodology on the exit route from violence, emphasizing victim's agency rather than passive reception of support. In particular, their mission revolves around three core functions:[352] first, immediate crisis intervention, especially in terms of management of the national 1522 Hotline, which provides emergency reception, 24/7 multilingual support, initial risk assessment and indication to local centres and shelters.[353] Specialized assistance follows, with the provision of legal aid, psychological counselling and medical advice; lastly, pathway to autonomy, aimed at combating dependency (especially economic) through specialized support for job placement and housing. Indeed, according to the 2023 ISTAT Report, it is through such centres that women often initiate their "path out of violence", rendering them the primary access point to protection for many women.[354] Importantly, anti-violence centres act in accordance with principles of women's autonomy, empowerment and self-determination, contrasting with the more diffused paternalistic and security-oriented institutional approach[354] and supporting women in those cases where victims are hesitant about engaging with criminal justice institutions but still require protection and support. A major role held by anti-violence centres is that of advocacy, which aims at releasing the burden of protection from victims' shoulders and correctly frame it in terms of State responsibility. In Italy, the advocacy role is mostly evident in the efforts of networks such as D.i.Re (*Donne in Rete contro la Violenza*), connected to the European WAVE network and coordinating over a hundred anti-violence centres across the country.[355] Through its annual reports, this network has highlighted the increasing rate of demands as well as exposed the issue of underfunding, with centres often relying on short-term financing based on specific projects.

---

[351] D.i.Re. – Donne in Rete contro la Violenza, *Rete Nazionale dei Centri Antiviolenza*. https://www.direcontrolaviolenza.it/

[352] D.i.Re. – Donne in Rete contro la Violenza, "*Report Annuale 2024"*. https://www.direcontrolaviolenza.it/wp-content/uploads/2025/07/REPORT-Dati-D.i.Re-2024_07.2025_.pdf

[353] Dipartimento per le Pari Opportunità. *Numero Antiviolenza 1522*.

[354] ISTAT, "*I Centri Antiviolenza e le Donne che hanno Avviato il Percorso di Uscita dalla Violenza"*, 2022. https://www.istat.it/it/files/2023/11/reportCAV.pdf

[355] Ibidem, D.i.Re., *Report Annuale 2024*; Women against Violence Europe (WAVE) Network. https://wave-network.org/

More in general, the network reflects the advocacy efforts of anti-violence centres over the years. Firstly, in terms of the prioritization of victim autonomy and empowerment, especially through the enforcement of the so called "one-stop" approach, according to which women victim who access anti-violence centres to seek aid become both the «engine and manager» of the multi-agency approach.[356] Another crucial advocacy front is the resistance to gender neutral policies, with anti-violence centres arguing how the interpretation of violence under the lenses of general family or motherhood policies risks masking the power dynamics of abuse. In these terms for example, anti-violence centres have fought against legislative proposals such as draft decree No. 735 which would have introduced compulsory mediation and even mechanisms to hold women accountable for children's "alienation" from their father in cases of restriction – eventually rejected as constituting a violation of the Istanbul Convention's safety principles.[357] Anti-violence centres function as advocacy actors also at the institutional level, sharing their expertise among law enforcement actors, magistrates or social workers, pursuing the broader goal of shifting institutional culture away from the diffused victim-blaming approach.[358] However, as will be later discussed, the relationship between civil society and National Action Plans emerges as conflictual and often hinders the mission of anti-violence centres – for example, in the treatment of social services as mere executors of protection services rather than strategic political partners. Indeed, feminist expertise was met with very low attention in the drafting of the several plans of action, significantly undermining their abilities to challenge the patriarchal and deeper roots of violence. Another example is the prioritization of family preservation over victim safety, which at the practical level translates in an increasing allocation of funds to mediation centres often linked to the Catholic pro-life movement at the expense of victim support centres. This not only amounts to a violation of Article 48 of the Istanbul Convention prohibiting mandatory mediation in cases of violence against women,[359] but also implicitly exposes victims to further abuse, forcing them into reconciliation with their abusers. But such conflictual relationship is not the only limit to the effectiveness of service provision.

---

[356] D.i.RE – Donne in Rete contro la Violenza, "*GREVIO's First Thematic Evaluation Round on Italy – Report by Italian Women's NGOs"*, 2024. Cited in p. 69.

[357] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[358] Dipartimento per le Pari Opportunità, *Piano D'Azione Straordinario contro la Violenza Sessuale e di Genere (2015-2017)*, 2015. https://www.pariopportunita.gov.it/media/1954/piano-nazionale-violenza-2015-2017.pdf

[359] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011, art. 48. Cited in p. 2.

The ViVa Project, under the coordination of the National Research Council, is responsible for monitoring such centres in terms of size, staffing, opening hours and professional expertise – crucial factors in the provision of effective protection.[360] Geographically instead, their distribution results uneven, with a stronger presence in northern and central regions, while southern regions and most rural areas are left significantly uncovered.[361] In this sense, Italy also relies on a vast body of non-specialized victim support organizations to ensure a better territorial coverage. These include family counselling centres, hospitals and general healthcare providers, municipal social services,[362] as well as offices and schools that in many cases constitute the first institutional contact for women experiencing violence, but that lack the adequate training to identify and manage risk.[363] From a policy perspective, networking between these actors emerges as a priority in order to achieve effective protection. Violene in fact, affects a variety of levels of a woman's life, including the social, economic, health and legal one, calling for a comprehensive response involving the whole victim support system.[364] In this sense, prosecutors depend on early risk assessment from police and support centres, judges need information on victim vulnerability and the availability of shelters to issue precautionary measures, anti-violence centres need prompt judicial responses to ensure physical separation for their clients, and social services must align housing, income support and childcare interventions with criminal justice timelines.[365] Theoretically, such cooperation should be achieved through local inter-institutional protocols and territorial networks, but in practice, several structural and cultural challenges hinder the process.[366] First, a decentralized welfare system such as Italy's frames funding and organization of support services as a responsibility of regions and municipalities which, as will be further discussed, produces significant disparities in the quality and availability of services.[367]

---

[360] National Research Council (CNR), "*ViVa Project: Specialist Anti-Violence Support Centres in Italy"*, 2020. https://viva.cnr.it/wp-content/uploads/2020/11/report01-specialist-anti-violence-support-centres-eng.pdf

[361] ISTAT, "*I Centri Antiviolenza e le Donne che hanno Avviato il Percorso di Uscita dalla Violenza"*, 2022. Cited in p. 78.

[362] Pamela Pasian and Francesca Proia, *"I Centri Antiviolenza nelle Politiche Regionali: Eterogeneità e Prospettive"*, Italian Journal of Social Policy, 3-4, 2021. Cited in p. 77.

[363] Ibidem, CNR, "*ViVa Project"*, 2020.

[364] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[365] Ibidem.

[366] Ibidem, Pasian and Proia, *"I Centri Antiviolenza nelle Politiche Regionali",* 2021.

[367] Ibidem.

In some regions, well-established networks and protocols can facilitate coordinated responses, while in others the effectiveness of national policies remains undermined by institutional fragmentation.[368] An example is represented by bed availability in shelters which, according to Demurtas' 2025 overview, variates unpredictably, often forcing centres to negotiate *ad hoc* placements across provincial borders and delaying urgent relocations.[369] Second, the absence of effective information sharing between actors, hindered by legal constraints and data protection concerns, which can lead to inadequate risk assessment conducted by only one actor, or to gaps in protection because of decisions taken by others.[370] This is further exacerbated by the different priorities of institutional logics. Prosecutors and judges operate within evidentiary thresholds, procedural guarantees, prosecutorial feasibility, while on the other hand, anti-violence centres and support services adopt a survivor-centred approach, prioritizing victims' immediate needs, their autonomy and well-being.[371] These differences can arise tension or fragmented responses where coordination lacks, for instance when proceedings are suspended due to insufficient evidence, which can increase risk for the victim.[372] NGOs have consistently reported the way in which their risk assessments and safety concerns are not given the adequate attention by criminal justice actors; and in the same way, magistrates and judges have expressed frustration towards the perceived reluctance of NGOs to encourage formal complaints.[373] Such dynamic has been specifically addressed in the 2022 CEDAW shadow report by Italian women's NGOs, as a central barrier in the creation of an integrated protection system.[374]

Institutional coordination thus emerges as a critical indicator of the gap between law and practice. Italy has progressively attempted to align its legal framework with international standards, but the effectiveness of these norms relies on the capacity of institutions to operate as an integrated system.[375]

---

[368] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[369] Pietro Demurtas, *"Anti-Violence Centres and Shelters in Italy: Between Resistance and Institutionalization",* Società Mutamento Politica, Vol. 16 (32), pp. 185-195, 2025. Doi: https://doi.org/10.36253/smp-16279 https://oajournals.fupress.net/index.php/smp/article/view/16279/15490

[370] Ibidem, GREVIO, *Baseline Evaluation Report on Italy*, 2020.

[371] D.i.Re. – Donne in Rete contro la Violenza, *Report Annuale 2024*. Cited in p. 78

[372] Ibidem, GREVIO, *Baseline Evaluation Report on Italy*, 2020.

[373] Ibidem, D.i.Re., *Report Annuale 2024*.

[374] D.i.Re. et al. *CEDAW Shadow Report on Support Services in Italy*. 2022.

[375] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

As shown by ISTAT, many women that contact anti-violence centres decide to not engage with the criminal justice system, due to the lack of trust in institutional responsiveness or to the fear losing control over the process.[376]At the same time, criminal justice actors often act unaware of the realities of their cases, for example issuing restraining orders or removals from the family home without ensuring consequent housing or income support.[377] Therefore, strengthening institutional coordination means moving beyond formal compliance towards improved governance structures, training of professionals, and stable support for anti-violence centres.[378] Only by integrating coordination in the ordinary functioning of institutions legal standards can be translated into effective protections.[379]

---

[376] ISTAT, "*I Centri Antiviolenza e le Donne che hanno Avviato il Percorso di Uscita dalla Violenza"*, 2022. Cited in p. 78.

[377] Pietro Demurtas,*"Anti-Violence Centres and Shelters in Italy: Between Resistance and Institutionalization",* Società Mutamento Politica, Vol. 16 (32), pp. 185-195, 2025. Cited in p. 81.

[378] National Research Council (CNR), "*ViVa Project: Specialist Anti-Violence Support Centres in Italy"*, 2020. Cited in p. 80.

[379] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p. 2.

4.5 Policy Frameworks and National Action Plans

While criminal law and judicial mechanisms play a crucial role, by themselves, they cannot fully address the structural, social and institutional dimensions of gender-based violence. As stressed by most international human rights standards, including those set under the CEDAW and the Istanbul Convention, comprehensive policy frameworks and national action plans are needed to address such specificities,[380] especially in pursuing the broader long-term shift from a reactive "emergency" approach towards a permanent and structural framework. At the same time, such evolution in Italy has also been characterized by uneven implementation, discontinuities, and a persistent tension between national coordination and regional autonomy,[381] exemplifying the coexistence of both ambitious strategic commitments, and structural weaknesses. The foundational premise behind this framework is the recognition of violence as a structural phenomenon, in line with the UN Resolution 48/104, and is based on a set of "inspiratory principles" aimed at guiding policy design, such as the right to live free from violence, gender mainstreaming, women's empowerment and inclusion, and the recognition of intersectionality. In particular, Italian national action plans find core legislative pillars in the Istanbul Convention, law 119/2013 on the institutionalization of the national response to gender-based violence, and the Codice Rosso (law 69/2019) and by connecting such pillars in legislative mandates, they aim at ensuring a policy implementation that is not discretionary but rather a formal requirement for all actors engaged. Since 2015, several National Strategic Plans on Violence against Women (*Piani Strategici Nazionali sulla violenza maschile contro le donne*) were adopted by the Department of Equal Opportunities, as primary policy instruments with the ultimate purpose of operationalizing the *four Ps* approach (prevention, protection, prosecution, and integrated policies) at the national level.[382] A main contribution was given by the 2015-2017 Extraordinary Action Plan,[383] the first attempt at achieving a truly integrated and institutionalized policy response on violence against women.

---

[380] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). Cited in p. 1.

[381] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[382] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p. 2.

[383] Dipartimento per le Pari Opportunità, *Piano D'Azione Straordinario contro la Violenza Sessuale e di Genere (2015-2017)*, 2015. Cited in p. 79.

In particular, the Plan provided a set of coordinated national objectives in terms of prevention, protection, risk evaluation, professional training, and socio-economic integration. Such objectives aimed at the creation of a multidisciplinary approach to violence, as a matter of fact, the Plan also formalized the involvement of regions, local authorities and civil society in policy design and implementation. It created a *Cabina di Regia Istituzionale*, tasked with the responsibility of coordinating central, legal, and regional action, and accompanied it with a specific *Osservatorio Nazionale sul Fenomeno della Violenza*, dedicated to specialized monitoring and to the analysis of emerging trends on the issue of violence. Moreover, it also introduced an integrated system for data collection and information management, paving the way to a more effective and systematic monitoring of violence and of the impact of policies addressing it. The 2017-2020 IDLO (International Development Law Organization) Strategic Plan[384] followed, focusing on alignment with the 2030 Agenda for Sustainable Development, particularly with SDG No. 5[385] on gender equality and SDG No. 16[386] on access to justice, framing them as central strategic priorities to ensure effective protection. In particular, it emphasized the need to combine legal frameworks with stronger institutional and procedural capacity, and increased legal and rights awareness. Nevertheless, a more concrete application of such ambition is represented by the 2021-2023 National Strategic Plan,[387] whose structure was explicitly grounded on the four axes model set by the Istanbul Convention. The axis of prevention aimed at targeting the deeper cultural dimension of violence, particularly setting the seven priorities of increased public awareness on gender bias and stereotypes, eradication of gender hierarchies in the private sector and cyber violence, empowerment and economic independence, protection of vulnerable groups, strengthening of the Programs for Men who use Violence (PUM) to combat recidivism, increased professional training and reduction of secondary victimization. The second axis on protection and support, focused on the provision of immediate safety and long-term autonomy for victims.

---

[384] International Development Law Organization (IDLO), *Strategic Plan (2017-2020)*, 2017. https://www.idlo.int/system/files/event-documents/idlo_strategy_2020.pdf

[385] UN Department of Economic and Social Affairs, *2030 Agenda for Sustainable Development, SDG No. 5* (2015) https://sdgs.un.org/goals/goal5

[386] UN Department of Economic and Social Affairs, *2030 Agenda for Sustainable Development, SDG No. 16* (2015) https://sdgs.un.org/goals/goal16

[387] Dipartimento per le Pari Opportunità, *Piano Strategico Nazionale sulla Violenza Maschile contro le Donne, (2021-2023),* 2021. https://www.pariopportunita.gov.it/media/1952/piano-nazionale-violenza-2021-2023.pdf

A main result was the establishment of the *reddito di libertà*, a financial mechanism specifically addressing the issue of economic violence, aimed at providing women with material economic means that should facilitate their socio-economic empowerment as well as their capacity to exit a violent relationship in cases of economic dependency. The following pursue and punish axis shifts the focus on technological innovation, particularly on the *scudo* (shield) application, an inter-force tool aimed at allowing real time data sharing between police and carabinieri, in order to ensure that first line actors have immediate access to a victim's history to recognize indicators of escalation of violence. Lastly, the fourth axis on assistance and promotion aims at implementing the systemic monitoring and integration of data with ISTAT – a major step in policy implementation as it shifts from empirical evidence to actual statistical data, allowing for a more accurate evaluation of the evolution of violence and of the effectiveness of measures addressing it. In general, these plans contributed to identifying priority areas of intervention and to expanding both the scope and the ambitions of Italian policy interventions on violence against women. Under these plans violence was increasingly framed as a structural phenomenon rooted in power asymmetries and social norms,[388] and importantly, policies addressing violence not only strenghtened the alignment with the National Strategy for Gender Equality, but became also integrated within the *Piano Nazionale di Ripresa e Resilienza* (PNRR) and the Next Generation EU funds, stressing the importance of financial support and long-term support of the anti-violence infrastructure. National action plans therefore emerge as a strategic coordination tool, aimed at operationalizing the vision of the Italian government on violence through the translation of their international commitments in objectives, priorities and planned interventions. However, their non-binding and programmatic nature reveals a gap between normative ambition and practica execution in terms of implementation, with the plans eventually functioning more as framework documents rather than self-executing instruments. While successfully establishing objectives, principles and actions, they heavily rely on subsequent administrative acts, funding allocation and regional effectiveness; inevitably resulting in their practical impact depending more on governance mechanisms, despite of their normative sophistication.[389]

---

[388] Ibidem, Dipartimento per le Pari Opportunità, *Piano Strategico Nazionale sulla Violenza Maschile contro le Donne, (2021-2023),* 2021.

[389] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

Funding mechanisms constitute another critical and fragile dimension of Italy's policy response to violence against women. Financial resources are mainly allocated through a national fund specifically dedicated to anti-violence policies, the *Fondo per le politiche relative ai diritti e alle pari opportunità*, administrated at the national level but largely distributed to region and local authorities that are responsible of implementation.[390] Funding allocation in practice, follows a multi-level governance model: national authorities define general priorities and distribute funds to regions, subsequently, regions allocate resources to municipalities, anti-violence centres, shelters and service providers.[391] Such model, although in line with the principle of regional autonomy, indeed generates significant disparities in terms of availability, quality and continuity of services, as also demonstrated by the findings of the latest National Strategic Plan on Male Violence against Women (2025-2027).[392] While the overall amount of funding has seen a significant increase over the last years – specifically going from the 10 million allocated annually in 2017 to the nearly 80 million in 2024 – this expansion hasn't been met with a balanced nor coherent distribution of resources. As a matter of fact, public spending has been mainly concentrated on emergency protection and reception services, leaving investments on prevention and on the broader cultural shift marginalized, deemed as inadequate. As a result, between 2020 and 2022, only 11.8% of the funds related to anti-violence measures were allocated to prevention, with just a mere 4.6% dedicated to prevention. The 2024 Budget Law[393] has further reinforced this trend, prioritizing investments in the creation of new shelters and centres for perpetrators (4 million), and a few measures such as those aimed at achieving financial autonomy for victims. An example is the *reddito di libertà*, which received 10 million annually for 2024 – 2026, or also the social security exemptions provided to private companies that hire victims of violence. Nevertheless, shortcomings in territorial coverage and the rapid exhaustion of funds have prevented such measures from effectively reaching beneficiaries, with only a limited section of women eligible for access.

---

[390] Dipartimento per le Pari Opportunità, "*Relazione al Parlamento sullo Stato di Utilizzo da Parte delle Regioni delle Risorse Stanziate ai Sensi dell'art. 5-bis del Decreto-legge del 14 Agosto 2013, No. 93. (Anni 2017-2021)"*, 2022. https://www.pariopportunita.gov.it/media/2383/relazione-al-parlamento-30-giugno-2022.pdf

[391] Italy, Constituent Assembly, *Italian Constitution*, 27 December 1947, arts. 117–118. https://www.cortecostituzionale.it/documenti/download/pdf/Costituzione_della_Repubblica_italiana.pdf

[392] Dipartimento per le Pari Opportunità, "*Piano Strategico Nazionale sulla Violenza Maschile contro le Donne", (2025-2027),* 2025. https://www.pariopportunita.gov.it/media/1mrlf0im/pianonazionaleantiviolenza25-27.pdf

[393] Italy, Law No. 213 (Budget Law) of 30 December 2023. https://www.gazzettaufficiale.it/eli/id/2024/01/18/24A00001/sg

Shortcomings are also evident at the operational level, with an extremely slow process of transmission of funds from the central government to regions and eventually to anti-violence centres. Such process can take even up to 14 months, often forcing local service providers to rely on bank loans or on voluntary work to ensure the continuation of their services. Moreover, on the basis of regional autonomy, despite the base allocation mandated by the law, each region applies its own discretion on additional funds, and this lack of a harmonized regional criteria has contributed to what is defined a *regional lottery* – namely, disparities in protection access depending on the residence of the victim. Funding therefore emerges as fragmentated and instable, with resources often allocated on annual or short-term basis, which affects the sustainability of services and hinders long-term planning. Such framework indicates a policy approach that continues to perceive violence mainly as a public order emergency instead of a structural form of gender inequality, and that still prioritizes criminal justice responses over prevention, training and empowerment. The absence of a transparent and unified document monitoring expenditures related to combating violence and the incapacity of the gender budget to capture all funded measures also contribute to affecting the accountability of the effectiveness of public spending. Such funding model contrasts with the principle of providing stable, accessible and adequately supported victim support services, affirmed in most international standards. Thus, while regional action plans and funding tools attempt to facilitate territorial adaptation of measures, at the same time they also introduce administrative complexity and delays, further exacerbated by disparities in administrative territorial inequalities, affecting equal access to protection across the country.

Monitoring and evaluation are no less weak. At the national level, monitoring implementation is a responsibility formally assigned to the Department of Equal Opportunities (*Dipartimento per le Pari Opportunità*), in collaboration with statistical bodies such as ISTAT. Monitoring activities range from collection of administrative data, periodic reports on fund allocation, and *ad-hoc* evaluations; nevertheless, their efforts are often criticized for their lack of integration, transparency and aggregation. The absence of efficient evaluation mechanisms has several consequences. In the first place it impedes to assess whether policy measures are effectively reducing violence and improving victim protection;[394] they limit institutional learning, preventing the systematic identification of best practices and persistent faults; lastly, they weaken accountability, as failures in implementation may remain invisible or unaddressed.

[394] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

International monitoring bodies, particularly GREVIO, have consistently addressed such deficiencies,[395] highlighting the need for outcome-oriented indicators, with consistent data collection across regions, and mechanisms that link policy inputs to concrete impacts on women's safety; without them, national strategies risk of remaining merely ambitious instead of transformative. Under this framework, both regional and local authorities represent central actors in Italy's policy design. Regions are tasked with planning and coordinating services within their territories, while municipalities act as the primary implementers of victim support measures. This amounts to a decentralized model[396] that can be adapted to local contexts, but in practice it also results in certain regions effectively developing comprehensive networks of service and stable partnerships with anti-violence centres, while others struggle with limited resource, weak coordination, and insufficient political prioritization of the issue; leading to a structural tension between decentralization and uniform minimum standards for protection.[397] Local authorities are also responsible for the integration of anti-violence policies within broader social policies, such as those relating to housing, economic support, childcare services, etc.[398] All measure that while essential in enabling women to escape abusive relationships,[399] are often inadequately coordinated even within anti-violence strategies. This reflects the broader marginalization of anti-violence centres in the policy-making process. They are often consulted at the implementation stage; however, their presence is minimum or even lacking at the strategic planning and evaluation stages. This, accompanied by their limited capacity to engage with long-term policy development because of unstable funding, constitutes a missed opportunity that ignores the unique knowledge of anti-violence centres derived from their direct engagement with victims, and the consequent ability to effectively enhance policy responsiveness and effectiveness.

---

[395] Ibidem. GREVIO, "*Baseline Evaluation Report on Italy"*, 2020.

[396] Council of Europe, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, Treaty Series, No. 210, 2011. Cited in p. 35.

[397] European Institute for Gender Equality (EIGE), "*Country Profile for Italy – Key Findings on EIGE's 2023-2024 Data Collection Exercise*". https://eige.europa.eu/gender-based-violence/countries/italy?language_content_entity=en

[398] Sandra Fredman, "*Human Rights Transformed: Positive Rights and Positive Duties",* Oxford University Press, Paper No. 38/2006, 2006. Cited in p. 5.

[399] Martha Albertson Fineman, "*The Vulnerable Subject"*, Yale Journal of Law and Feminism, Vol. 20, 2008. Cited in p. 21.

In these terms, international standards are increasingly stressing the role of anti-violence centres as full partners in governance structures rather than mere service providers,[400] emphasizing the need for increased and more stable funding as well as formal mechanisms of participation in decision-making and monitoring.[401]

---

[400] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). Cited in p. 1.

[401] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

4.6 Implementation of International and Regional Obligations

In Italy, the process of implementation of international and regional obligations regarding violence against women has been particularly challenging, constituting an example of how formal incorporation of standards does not necessarily translate into coherent, effective, and uniform practices. Italy has ratified all the main instruments on the prohibition of violence against women, including the CEDAW and the Istanbul Convention, formally recognizing their binding normative nature.[402] However, as demonstrated by international monitoring bodies, the incorporation of such standards has mostly occurred through sectoral and reactive approaches, rather than through the reorganization of policies and institutional practices.[403] More in detail, the Italian constitutional system doesn't require the direct transposition of international conventions into domestic legislation when already existing norms are considered sufficient, and in practice, this results in the implementation of instruments like CEDAW and the Istanbul Convention mainly through interpretative alignments, legislative amendments and policy instruments, instead of a single comprehensive implementing act.[404] This approach has on the one hand certainly contributed to facilitating formal compliance, but on the other, it has also generated fragmentation, legal uncertainty and uneven application of Italian responses to the issue across the territory.[405]

In regard to the CEDAW, Italy has always recognized it as a reference framework for gender equality and anti-discrimination policies, especially through the work of the Department for Equal Opportunities, and periodic reporting to the CEDAW Committee.[406] Nevertheless, the integration of CEDAW standards on violence against women has mostly been indirect and delayed, relying more on soft-law instruments and judicial interpretation, and less on explicit legislative incorporation.[407]

---

[402] UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), 18 December 1979. Cited in p.1; Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p.2.

[403] Francesca Capone, "Violence against Women: Assessing Italy's Compliance with the OSCE Commitments and the Current International Legal Framework", Security and Human Rights, Vol. 28, pp. 24-48, 2017. Cited in p. 62.

[404] Paolo D'Andrea, "*L'attuazione della Convenzione di Istanbul in Italia"*, Bachelor Thesis, University of Padua, 2024/25. https://thesis.unipd.it/handle/20.500.12608/98603

[405] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[406] CEDAW Committee, "*Concluding Observations on the Eighth Periodic Report of Italy"*, CEDAW/C/ITA/CO/8, 2024. https://docs.un.org/en/CEDAW/C/ITA/CO/8

[407] Ibidem, Capone, "*Violence against Women*", 2017.

In this sense, also the transformative potential of General Recommendations No. 19 and 35 has been partially lost, being internalized only up to a certain extent in Italian policymaking.[408] Thus, while national strategies increasingly engaged with measures of prevention, protection and prosecution, such concepts have not seen consistent translation in binding optional protocols or enforceable standards at the institutional level. This rendered CEDAW more a normative aspiration rather than a concrete policy driver, more capable of influencing discourse and long-term objectives than immediate changes in institutional behaviour.[409] On the other hand, the ratification of the Istanbul Convention in 2013 represented a more decisive step in Italy's formal engagement with international standards on VAW.[410] The Convention in fact explicitly demands States to adopt comprehensive and coordinated policies, accompanied with equal resources, monitoring mechanisms and institutional cooperation.[411] Italy's response mostly occurred through legislative reforms, particularly Law No. 119/2013 and Law No. 69/2019 (*Codice Rosso*), and later with the adoption of several National Strategic Plans on male violence against women.[412] However, as also noted by GREVIO assessments, the implementation of the Convention remained uneven and often merely symbolic, prioritizing legislative outcome over systemic change.[413] The emphasis of the Convention on integrated policies and structural prevention has therefore been particularly challenging to operationalize in Italy's decentralized governance framework, due to the varying capacities and political commitment of the various national, regional and local authorities.[414]

---

[408] CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19: Violence against Women*, UN Doc. A/47/38 (1992); CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). Cited in p. 1.

[409] Francesca Capone, "*Violence against Women: Assessing Italy's Compliance with the OSCE Commitments and the Current International Legal Framework*", Security and Human Rights, Vol. 28, pp. 24-48, 2017. Cited in p. 62.

[410] Italy, Law of 27 June 2013, No. 77 (Ratification of the Istanbul Convention). https://www.gazzettaufficiale.it/eli/id/2013/07/01/13G00122/sg

[411] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011, arts. 7–11. Cited in p. 1.

[412] Italy, Law No. 119/2013, Cited in p. 73; Italy, Law No. 69/2019 (*Codice Rosso*), Cited in p. 63.

[413] Ibidem, Capone, "*Violence against Women*", 2017.

[414] Paolo D'Andrea, "*L'attuazione della Convenzione di Istanbul in Italia"*, Bachelor Thesis, University of Padua, 2024/25. Cited in p. 90.

GREVIO's Baseline Evaluation Report on Italy (2020) represents the most comprehensive external assessment of Italy's compliance with the Istanbul convention, also allowing for the identification of implementation gaps.[415] While it acknowledged the progress achieved in criminalization and awareness raising, a series of structural shortcomings emerge as undermining effective protection. Among the most important recommendations to address these faults figure the need to ensure stable and adequate funding for anti-violence centres, to strengthen coordination between institutions (particularly referencing to judicial authorities, law enforcement and support services), to improve data collection with harmonized indicators, and the ensure that prevention measures addressed gender stereotypes and structural inequalities instead of merely focusing on victim behaviour.[416] GREVIO also raised concerns about the excessive reliance on emergency and punitive responses, affirming how simple legislative advancement without a corresponding improved institutional capacity can generate formal compliance without substantive protection.[417] A particularly critical area identified by GREVIO concerns is indeed the role and sustainability of anti-violence centres, recognized as central actors in national strategies on the one hand, but operating under precarious funding conditions on the other.[418] The issue was also brought forward by the 2018 Shadow Report submitted by Italian Women's NGOs, demonstrating the way in which funding delays, administrative burdens and lack of consultation has systematically undermined the autonomy and effectiveness of anti-violence centres.[419] NGOs stressed the lack of correspondence between institutional recognition and genuine inclusion in policy design and evaluation, resulting in the perpetuation of the traditional hierarchical relationships between public authorities and civil society actors.[420] In general, Italy's responses to GREVIO's Baseline Report were mixed.

---

[415] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[416] Ibidem, paras. 18–45.

[417] Ibidem, paras. 51–55.

[418] Ibidem, paras. 166–175.

[419] D.i.Re – Donne in Rete contro la Violenza "*Implementation of the Istanbul Convention in Italy – Shadow Report of Women's NGOS*", 2018. https://rm.coe.int/grevio-report-women-s-ngo/16808eaaa5

[420] Ibidem.

On one hand the government formally embraced the recommendations and affirmed its commitment to the Convention, including some of GREVIO's concerns in subsequent strategic plans, for example in relation to the training of professionals and awareness raising campaigns.[421] On the other, though, many recommendations were only addressed in a partial or symbolic way, without being accompanied by the adoption of binding standards or structural reforms.[422] Examples include the lack of a permanent and legally mandated coordination body with decision-making authority and monitoring powers across the various levels of government, despite the recognition of inter-institutional coordination as a priority;[423] or the absence of a unified administrative data system which, despite the improvement of data collection through ISTAT surveys, still continues to hinder policy evaluation and accountability.[424] These challenges were further confirmed by GREVIO's First Thematic Evaluation Report on Italy in 2025, which highlighted the limited progress achieved in shifting from reactive to preventive policies.[425] More in detail, the report found that education activities addressing gender stereotypes have remained fragmented and optional, that professional training was inconsistent across sectors, and that risk assessment tools were not evenly applied nor integrated in decision making processes.[426] Moreover, GREVIO noted how the procedural acceleration mechanisms introduced by the *Codice Rosso* have not systematically translated into improved victim safety as they should have, and in certain instances, have even exacerbated secondary victimization under the absence of specialized support.[427]

---

[421] Dipartimento per le Pari Opportunità, *Piano Strategico Nazionale sulla Violenza Maschile contro le Donne, (2021-2023),* 2021. Cited in p. 84.

[422] Paolo D'Andrea, "*L'attuazione della Convenzione di Istanbul in Italia"*, Bachelor Thesis, University of Padua, 2024/25. Cited in p. 90.

[423] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020, paras. 64–70. Cited in p. 46.

[424] ISTAT, Survey on Violence against Women, "*Women's Safety: Violence against Women, In and Outside the Family – First Results 2025*", 2025. https://www.istat.it/wp-content/uploads/2026/01/Violence-against-women-21-nov_2025.pdf

[425] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice"*, Strasbourg, 2025. Cited in p. 70.

[426] Ibidem.

[427] Ibidem.

The implementation of international obligations in Italy can therefore be perceived as a selective adaptation. International standards receive formal recognition and partially translate into national strategies and legislative amendments, but their transformative potential remains limited.[428] Capone has described such dynamic as a form of «normative compliance without structural alignment», in which the existence of legal and policy instruments hides the persistent deficits in institutional culture, resource allocation and governance capacity.[429] This assessment is also mirrored in NGO reports and GREVIO itself, both stressing the importance of continuous political commitment and arguing for the implementation of independent monitoring actors to achieve effective implementation.[430] In this context, the role of monitoring in shaping Italian responses to violence against women has been important but nevertheless limited. GREVIO evaluations, CEDAW concluding observation or NGO shadow reports have in fact all increased the visibility of implementation gaps and legitimized feminist critiques within institutional discourse.[431] However, the effectiveness of monitoring depends on domestic willingness to translate these recommendations into binding action, and in Italy, incremental adjustments have been prioritized over comprehensive reform, confirming the tension between formal adherence to international standards and the practical dimension of protection.[432]

---

[428] Francesca Capone, "*Violence against Women: Assessing Italy's Compliance with the OSCE Commitments and the Current International Legal Framework*", Security and Human Rights, Vol. 28, pp. 24-48, 2017. Cited in p. 62.

[429] Ibidem.

[430] D.i.Re – Donne in Rete contro la Violenza, "*Implementation of the Istanbul Convention in Italy – Shadow Report of Women's NGOS*", 2018. Cited in p. 92.

[431] CEDAW Committee, "*Concluding Observations on the Eighth Periodic Report of Italy"*, CEDAW/C/ITA/CO/8, 2024. Cited in p. 90.

[432] Ibidem, Capone, "Violence against Women", 2017.

4.7 Structural Overview and Emerging Tensions

The Italian system for combating violence against women exemplifies the coexistence of significant structural strengths with persistent implementation gaps that have hindered reform. Analyzing it from a policy perspective, Italy has progressively developed a consistent legal and institutional structure that formally aligns with international and regional standards, especially those set by the Istanbul Convention.[433] Among its primary strengths figure the consolidation of a multi-level normative framework explicitly recognizing violence against women as a public, structural and gendered phenomenon, supported by criminalization, procedural safeguards, and a wide network of anti-violence services.[434] The establishment of specialized offences, emergency precautionary measures, and accelerated procedures has indeed contributed to enhancing the State's ability to respond to high-risk situations, and at the same time, the institutionalization of national action plans has created a formal space for policy coordination and resource allocation.[435] The diffused presence of feminist-led anti-violence centres has improved the level of expertise[436] and contributed to embedding gender-sensitive approaches, survivor autonomy and victim empowerment models within service provision, effectively assuming the role of informal standard-setters for protection practices.[437] Moreover, GREVIO's evaluations, CEDAW concluding observations, and civil society shadow reports have led to a gradual internalization of international monitoring mechanisms, becoming points of strategic planning and legislative reform.[438] This has resulted in an increased convergence between international expectations and national policy objectives, especially in areas such as prevention and professional training.[439]

---

[433] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p. 2.

[434] Marta Pietrobelli, et al., "*Violence against Women in Italy after Beijing 1995: The Relationship between Women's Movements, Feminist Practices and State Policies*", Gender & Development, Vol. 28, No. 2, pp. 377-392, 2020. Cited in p. 62.

[435] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[436] Ibidem, Pietrobelli et al., "*Violence against Women in Italy after Beijing 1995*", 2020.

[437] D.i.RE – Donne in Rete contro la Violenza, "*Legal Opinions on Gender-Based Violence by the Students of the School of International Studies"*, University of Trento, 2024. Cited in p. 72.

[438] Ibidem, GREVIO, "*Baseline Evaluation Report on Italy"*, 2020.

[439] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice"*, Strasbourg, 2025. Cited in p. 70.

Italy's engagement with monitoring processes has also amounted to the accumulation of institutional knowledge and comparative standards, allowing domestic actors to observe shortcomings not only as national failures but also as deviations from shared European standards.[440] Under this framework, Italy results relatively – and formally – opened to external scrutiny, indeed a necessary and positive condition for policy reform. However, at the same time, such shortcomings are systematically undermined by structural shortcomings affecting the legislative, institutional and operational dimensions. A most persistent gap is that between formal availability of measures, and their effective and consistent application. As often underlined by GREVIO and civil society reports, the response to violence against women in Italy is characterized by uneven territorial implementation, fragmented governance, and unstable funding mechanisms.[441] While national strategies do set ambitious objectives, their execution is operated by regional and local authorities which often lack adequate binding standards, monitoring tools, and sanctioning mechanisms.[442] As a result, such decentralized model led to disparities in access to protection, support services and preventive initiatives, what has been defined a "*postcode lottery"* for women seeking assistance.[443] The analysis conducted by Rosa Gatti and Armando Vittoria related to the policy gap between regulatory decisions and actual protection outcomes between 2012 and 2024 shows how emergency-driven responses have effectively reinforced the reactive rather than the preventive policy logic, by prioritizing visibility and political conformation over structural effectiveness.[444] Indeed, the predominance of a punitive approach, also constitutes another critical shortcoming. While it has contributed to expanding the range of criminal law offences, it hasn't been met with adequate efforts in prevention, victim support and institutional capacity building.

---

[440] Francesca Capone, "*Violence against Women: Assessing Italy's Compliance with the OSCE Commitments and the Current International Legal Framework*", Security and Human Rights, Vol. 28, pp. 24-48, 2017. Cited in p. 62.

[441] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46.

[442] European Association for the Defence of Rights and Freedoms (ASSEDEL), "*Assessing the Implementation of the Istanbul Convention in Italy"*, 2024. Cited in p. 73.

[443] Rosa Gatti and Armando Vittoria, *"What Measures for What Politics? Gender-Based Violence Protection and the RDL Policy Gap for Women in Italy (2021–2024)"*, PACO – The Open Journal of Sociopolitical Studies, 2024. Cited in p. 62.

[444] Ibidem.

For example, emphasis on criminalization and procedural acceleration have not corresponded to an improved training of judicial actors, nor to an increased integration of risk assessment tools, or to a better coordination of support services.[445] As a result, the protective potential of leal reforms has been consistently neutralized by institutional inertia and procedural formalism. In this context, GREVIO's Baseline and Thematic Reports have consistently stressed how such failures continue to expose women to further foreseeable harm,[446] they are not episodic, but systematic; and as argued by civil society evaluations like the ASSEDEL Report (European Association for the Defense of Rights and Freedoms), they indicate a structural tolerance of institutional inaction, especially in cases that involve repeated violence, coercive control, or prior complaints.[447]

The persistence of such gaps has direct and significant relevance for subsequent litigation before the European Court of Human Rights. It's jurisprudence on violence against women lies exactly at the intersection between formal legal frameworks and their practical implementation, and Italian cases brought before the Court – for example *Talpis v. Italy* – demonstrate how the existence of protective laws and procedures doesn't shield States from being held accountable when authorities fail to act with due diligence in practice.[448] The Court increasingly focused on patterns of omission, delays and lack of coordination rather than on legislative deficits in themselves, in so doing turning implementation gaps into concrete violations of Articles 2,3 and 14 of the European Convention on Human Rights[449] and revealing the limits of compliance merely based on formal adoption instead of substantive execution. Importantly, the path leading to international litigation in cases of violence against women has been actively built by Italian feminist movements, legal advocacy networks, and increasingly by political subjects themselves, in their efforts to promote a culture of justiciability through international justice mechanisms.

---

[445] Francesca Capone, "*Violence against Women: Assessing Italy's Compliance with the OSCE Commitments and the Current International Legal Framework*", Security and Human Rights, Vol. 28, pp. 24-48, 2017. Cited in p. 62.

[446] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. Cited in p. 46; Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice"*, Strasbourg, 2025. Cited in p. 70.

[447] European Association for the Defence of Rights and Freedoms (ASSEDEL), "*Assessing the Implementation of the Istanbul Convention in Italy"*, 2024. Cited in p. 73.

[448] European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017. Cited in p. 3.

[449] Ibidem.

Since 1990s, in fact, feminist organizations have strategically combined their legal expertise and international advocacy to challenge institutional failures and reframe violence against women as a matter of State responsibility.[450] Networks such as D.i.Re have been central in providing support service but also in producing legal opinions, policy analyses and shadow reports aimed at influencing international monitoring bodies.[451] An approach evident for instance in the collection of feminist legal analyses published in 2024, observing Italian law and practice through the lenses of international human rights obligations, and specifically addressing the potential for strategic litigation. Another example is represented by the systematic engagement with CEDAW and GREVIO monitoring cycles, through the submission of alternative reports and translational advocacy.[452] Feminist advocacy has been crucial in advancing claims for remedies against State inaction within the domestic level, for example calling for a broader application of law 117/1988, the so-called Vassalli Law which allows for investigation of judicial responsibility and negligence in cases in which State failures in intervention lead to further harm or even feminicide.[453] Moreover, demands for justiciability also extend to civil proceedings, with anti-violence centres and political subjects pushing for the articulation of violence as a mandatory and legal criterion in all cases involving family law, at the same time also arguing against the application of mandatory mediation in such cases as it can indeed constitute a violation of the Istanbul Convention obligation to provide effective protection to victims.[454] The advancement of such justiciability causes is also supported by the Bicameral Parliamentary Commission of Inquiry on Feminicide, established as a permanent political actor tasked with identifying systemic failure in the protection system, in so doing demanding the justiciability of State failures, and with proposing legislative reform. The Commission has held a fundamental role in exposing the invisibility of domestic violence in civil proceedings and of the systemic failures in the protection mechanism.

---

[450] Marta Pietrobelli, et al., "*Violence against Women in Italy after Beijing 1995: The Relationship between Women's Movements, Feminist Practices and State Policies*", Gender & Development, Vol. 28, No. 2, pp. 377-392, 2020. Cited in p. 62.

[451] D.i.RE – Donne in Rete contro la Violenza, "*Implementation of the Istanbul Convention in Italy – Shadow Report of Women's NGOS*", 2018. Cited in p. 92.

[452] D.i.RE – Donne in Rete contro la Violenza, "*Legal Opinions on Gender-Based Violence by the Students of the School of International Studies"*, University of Trento, 2024. Cited in p. 72

[453] Italy, Law of 13 April 1988, No. 117, (*Legge Vassalli*). https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=1988-04-15&atto.codiceRedazionale=088G0172&elenco30giorni=false

[454] Commissione Parlamentare di Inchiesta sul Femminicidio, "*Riordino della Normativa in Materia di Prevenzione e Contrasto della Violenza di Genere*", DOC. XXII-bis, No. 14, 2022. https://www.senato.it/service/PDF/PDFServer/DF/420887.pdf

In particular, through its reports and hearings, it has become a central advocacy tool addressing more marginalized measures, for example the phenomenon defined as judicial strabismus, according to which upon proceedings, one parent might be under criminal investigation for abuse while at the same time the civil court might be granting them shared or even exclusive custody of children.[455] Therefore justiciability – namely the ensuring that rights violations are recognized and remedied – is pursued through strategic litigation both on behalf of political subjects and of anti-violence centres, which have progressively contributed to frame violence against women as a justiciable violation. Nevertheless, civil society and anti-violence centres in particular, find obstacles on a variety of levels in the effective achievement of their goals because as noted, international fundings do not automatically translate into domestic reform, and in this process, feminist organizations are often hindered by resistance, co-optation or marginalization in institutional policy-making spaces.[454] Yet, their sustained efforts have been successful in embedding the conception of violence as a justiciable matter both at the international and the national level and in revealing the structural tension between an advanced formal framework and a persistently fragile implementation environment. The main strengths of the Italian system – ranging from normative alignment and institutional plurality, to feminist expertise – haven't therefore amounted to a fully integrated and effective policy response capable of ensuring consistent protection across all contexts,[455] consequently exposing Italy to heightened international judicial scrutiny.

---

[455] Commissione Parlamentare di Inchiesta sul Femminicidio, "*Relazione su 'Contrasto alla Violenza di Genere: una Prospettiva Comparata*'", DOC. XXII-bis, No. 5, 2021. https://www.pariopportunita.gov.it/media/2339/doc-xxii-bis-n-5-relazione-su-22contrasto-alla-violenza-di-genere-una-prospettiva-comparata22.pdf

Chapter V – *France's Legal and Policy System to Combat Violence and Protect Women*

5.1 Criminal Law Framework on Violence Against Women

The French criminal law framework addressing violence against women has seen a significant evolution over the past three decades, going from a fragmented and formally neutral system to an increasingly gender-sensitive one that aims at capturing the specific dynamics of domestic and sexual violence.[456] The core of this framework is the French Penal Code, which criminalizes a wide range of conducts, including rape (*viol*), sexual assault (*aggression sexuelle*), moral and physical harassment, threats, stalking and aggravated forms of assault in intimate relationships.[457] Rape is defined under Article 222-23 as any «act of sexual penetration, of whatever nature, committed on another person by violence, coercion, threat or surprise», while under Article 222-22, sexual assault instead regards non-penetrative sexual acts committed under the same conditions.[458] This formulation is taken from the 1992 reform of the Penal Code and stands out as a reflection of the coercion-based model in which the absence of consent is indirectly inferred through proof of violence, threat, constraint, or surprise, rather than through an explicit affirmative standard. From a policy perspective, such understanding influences both conviction rates but also institutional perception of what constitutes sexual violence.[459] For instance, while rape is formally recognized as a serious offence punishable with up to 15 years of imprisonment, it has been often criticized for putting the burden on victims to demonstrate resistance or constraint, consequently perpetrating stereotyped expectations about victim behaviour and credibility. In a similar way, criminalization of domestic violence has progressed through the expansion of aggravating circumstances, rather than though autonomous offences. In particular, violence committed by a spouse, partner, former partner, or cohabitant, has been considered an aggravating circumstance since the early 2000s, following the trend of eradicating the public/private divide.[460]

---

[456] Andreea Gruev-Vintila and Anna Rurka, "*Transforming the Understandings of Domestic Violence through Coercive Control in France*", Discovery Global Society Vol 2, 94, 2024. Doi: https://doi.org/10.1007/s44282-024-00115-y https://www.researchgate.net/journal/Discover-Global-Society-2731-9687/publication/385943304_Transforming_the_understandings_of_domestic_violence_through_coercive_control_in_France/links/6914dbcfd041744aa80b2af0/Transforming-the-understandings-of-domestic-violence-through-coercive-control-in-France.pdf

[457] French Penal Code, arts. 222-14-2, 222-16-3, 222-22–222-33. https://www.unodc.org/cld/uploads/res/document/french_penal_code_html/french_penal_code.pdf

[458] Ibidem, arts. 222-22–222-23.

[459] Institut des Politiques Publiques (IPP), "*The Judicial Treatment of Sexual and Domestic Violence in France*", Note IPP No. 107, 2024. https://www.ipp.eu/wp-content/uploads/2024/11/Note_IPP_107_ThejudicialtreatmentofsexualviolenceinFrance.pdf

[460] French Penal Code, Arts. 222-14-3, 222-16-3.

Subsequent legislative reforms strengthened penalties and introduced new offences, for example including psychological harassment within the couple (*harcèlement moral au sein du couple),* recognizing non-physical and cumulative forms of violence.[461] The recognition of coercive control as a core mechanism of domestic abuse[462] consolidated this shift, together with the introduction of new offences such as repeated psychological violence, and the increased repression of stalking, threats, and cyber-harassment – exposing the patterns of intimidation and control that often precede lethal violence.[463] A main strength in the French system is therefore its capacity to adapt criminal categories to the evolving understandings of violence, progressively integrating relational, temporal and psychological dimensions to the traditional assault offences.[464]

Law no. 2018-703, the so-called *Loi Schiappa*, represents the first comprehensive legislative package specifically addressing sexual and gender-based violence.[465] In particular, the law extended the limitation periods for sexual crimes against minors, and the strenghtened penalties for sexual harassment and assault committed against minors, moreover, it articulated the offence of sexist insult, defined as «any remarks or behaviour of a sexual or sexist nature that either infringe upon a person's dignity due to their degrading or humiliating character, or create an intimidating, hostile, or offensive environment for them».[466] Importantly, a main contribution of the law is represented by the specification of the "surprise" element of the offence of rape, namely the «administering to the victim, without their knowledge, a substance likely to impair their judgment or control of their actions in order to commit rape or sexual assault against them»[467] as under such articulation, courts started to consider those situations in which victims are intoxicated, asleep, or psychologically vulnerable.

---

[461] France, Law of 9 July 2010, No. 2010-769. https://www.legifrance.gouv.fr/download/pdf?id=_0aVWgLJcRGvOuOwV5HLzHEkAp4FIizANS-DxD8-Hjk=; France, Law of 4 August 2014, No. 2014-873. https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029330832

[462] Andreea Gruev-Vintila and Anna Rurka, "*Transforming the Understandings of Domestic Violence through Coercive Control in France*", Discovery Global Society Vol 2, 94*,* 2024. Cited in p. 100.

[463] Institut des Politiques Publiques (IPP), "*The Judicial Treatment of Sexual and Domestic Violence in France*", Note IPP No. 107, 2024. Cited in p. 100.

[464] Ibidem, Gruev-Vintila and Rurka, "*Transforming the Understandings of Domestic Violence*," 2024.

[465] France, Law No. 2018-703 of 3 August 2018 (*Loi Schiappa*). https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000037284450

[466] Ibidem, arts. 1–5.

[467] Ibidem, art. 2, amended by Law No. 2025-1057 of 6 November 2025. https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000052533258

Indeed, the traditional model based on coercion was not abandoned, still, this law constitutes a clear policy signal perceiving sexual violence as a priority in criminal justice intervention that demands a continuous evolution of evidentiary interpretations.[468] This framework was increasingly specified in the following years, particularly through the Grenelle Roundtable of 2019, a national debate on domestic violence, proposed by the Prime Minister Edouard Philippe following the murder of 130 women by their partners in 2017.[469] The Roundtable aimed at discussing measures to prevent and punish perpetrators of such offences, and it led to 2 main outcomes. First, it created 30 measures to combat violence against women and prevent and protect women and their children from it; second, it introduced 2 central laws: Law 2019-1480 to take action against domestic violence,[470] and Law 2020-936 to protect victims against violence.[471] More specifically, these contributed to strengthening the protection of victims from various levels, for instance facilitating the eviction of perpetrators from the family home, extending electronic monitoring, and reinforcing restraining orders. These measures indeed amount to an increasing alignment with the standards set by the CEDAW and the Istanbul Convention, nevertheless, gaps continue to persist both at the conceptual and operational level.[472]

One of the most criticized aspects of the French criminal framework has been the absence, until recently, of an explicit standard based on consent for sexual offences. Feminist organizations, scholars, and international bodies have consistently exposed the risks of relying only on violence, threat, coercion and surprise for criminalization, instead failing to capture the instances of sexual acts occurring in the absence of a free and voluntary agreement but in which the use of force cannot be demonstrated. Under this framework in fact, judges have been reluctant to recognize rape within the marriage or in the absence of visible resistance, often resulting in the downgrading of charges from rape to mere sexual assault.[473]

---

[468] Amnesty International, "*France: 'Historic Victory' as French Law adopts Consent-based definition of Rape"*, 2025. https://www.amnesty.org/en/latest/news/2025/10/france-historic-victory-as-french-law-adopts-consent-based-definition-of-rape/

[469] Baker McKenzie, "*Fighting Domestic Violence: France*", 2021. https://resourcehub.bakermckenzie.com/en/resources/fighting-domestic-violence

[470] France, Law 28 December 2019, No. 2019-1480. https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000039684243

[471] France, Law 30 July 2020, No. 2020-936. https://www.legifrance.gouv.fr/loda/id/JORFTEXT000042176652/

[472] Ibidem, Amnesty International, "*France: 'Historic Victory' as French Law adopts Consent-based definition of Rape"*, 2025.

[473] Institut des Politiques Publiques (IPP), "*The Judicial Treatment of Sexual and Domestic Violence in France*", Note IPP No. 107, 2024. Cited in p. 100.

Furthermore, prosecutors have often relied on stereotypical assessments of victims' behaviour, sexual history, or conduct after the assault, strengthening the traditional culture of suspicion over evidence that systematically disadvantages victims, further exacerbating their vulnerability. Following these increasing critiques, the pressure from monitoring bodies, the comparative developments in countries like Sweden and Spain, as well as the advocacy of feminist organizations, rape was reformulated to include an explicit consent-based element under Law 2025-1057,[474] with coercive circumstances treated as aggravating instead of constitutive elements.[475] This law was able to preserve the traditional categories of violence, threat, coercion and surprise as indicators of evidence, but at the same time it introduced an explicit reference to the absence of free and informed consent, highlighting sexual autonomy – rather than force – as the protected legal interest.[476] Nevertheless, although welcomed by several women's rights organizations,[477] Amnesty International and various French scholars have emphasized the need to strengthen training for law enforcement and judicial authorities to ensure the full operationalization of this new definition.[478] The criminalization of domestic violence also presents similar challenges, exemplifying the coexistence of legislative sophistication and implementation deficits. Despite its large body of aggravating circumstances and precautionary measures, in fact, domestic violence cases demonstrate significant inconsistencies in terms of prosecution rather, severity of sentences, and protective responses.[479] In particular, several studies conducted by the Institut des Politiques Publiques demonstrate how complaints of domestic violence are often dismissed or reclassified, how the implementation of protective orders is uneven, and exposed the high rates of recidivism despite its formal criminalization.[480]

---

[474] France, Law No. 2025-1057 of 6 November 2025. Cited in p. 97.

[475] Global Legal Monitor, "*France: Reform of Criminal Definition of Rape Incorporates Notion of Consent*" Library of Congress, 2026. https://www.loc.gov/item/global-legal-monitor/2026-01-15/france-reform-of-criminal-definition-of-rape-incorporates-notion-of-consent/

[476] Amnesty International, "*France: 'Historic Victory' as French Law adopts Consent-based definition of Rape"*, 2025. Cited in p. 102.

[477] Français Gouvernement, "*Le Non-Consentement entre dans la Définition Pénale du Viol*", info.gouv.fr 2025. https://www.info.gouv.fr/actualite/le-non-consentement-entre-dans-la-definition-penale-du-viol.

[478] Marthe Bouchet, [Doctrine] "*Décryptage de la Loi Modifiant la Définition du Viol et des Agressions Sexuelles*", Le Quotidien, 2025. https://www.lexbase.fr/article-juridique/126516403-doctrine-decryptage-de-la-loi-modifiant-la-definition-du-viol-et-des-agressions-sexuelles

[479] Institut des Politiques Publiques (IPP), "*The Judicial Treatment of Sexual and Domestic Violence in France*", Note IPP No. 107, 2024. Cited in p. 100.

[480] Ibidem.

Even the recent articulation of domestic violence as a violation of human rights and a manifestation of coercive control under the work of Gruev-Vintila (2024) has been able to only influence the policy discourse, without further influence on criminal adjudication.[481] As a result, while increasingly recognizing the cumulative and systemic nature of abuse, institutional practices continue to prioritize episodic events instead of relational patterns, underestimating the importance of preventive intervention.

Such tensions have rendered France particularly vulnerable and exposed to international scrutiny and ECtHR litigation. As a matter of fact, in a similar way to the Italian case, the existence of a comprehensive criminal framework that progressively integrates the evolving dynamics of violence, although fundamental, does not shield from State responsibility, especially when stereotyped judicial culture, prosecutorial inertia, and evidentiary barriers are present. On the contrary, these figure exactly between the systemic failures that the European Court of Human Rights has increasingly sanctioned under Articles 2,4 and 14 of the Convention.[482] In this sense, France can be perceived both as an example of formal State compliance, as well as a standard against which institutional failures can be measured and corrected.

---

[481] Andreea Gruev-Vintila and Anna Rurka, "*Transforming the Understandings of Domestic Violence through Coercive Control in France*", Discovery Global Society Vol 2, 94, 2024. Cited in p. 100.

[482] European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. Cited in p 3.

5.2 Preventive and Protective Measures

France's preventive and protective system on violence against women, revolves around a set of main priorities: early intervention, separation of the victim from the perpetrator, monitoring of risk over time and the improvement of women victims' living conditions during and after abuse. Such a system is ambitious, however, its adaptation in practice remains challenged. The most important emergency measure is probably represented by the *ordonnance de protection*, introduced by Law No. 2010-769,[483] regulated under Articles 515-9 to 515-13 of the Civil Code[484] and later amended by Law No. 2024-536.[485] It establishes a series of protection measures to be issued in front of serious circumstances that indicate the occurrence of violence or that a woman is exposed to an imminent threat within a former or current relationship. In particular, family court judges can issue orders that include the prohibition for the perpetrator to contact or approach the victim, the possibility for the victim to be granted the exclusive use of the family house regardless of the title of property, the regulation of parental authority, as well as the provision of emergency financial support and legal aid.[486] The purpose of such measures is to operate separately from criminal proceedings to facilitate women's engagement in seeking protection, as a matter of fact, it can be granted within 6 days of application and doesn't require a previous criminal complaint, but in practice, it's rarely issued compared to the estimated levels of risk, a dynamic that can be traced back to 3 main reasons: first, victims are often unaware of the existence of such protection measures, and even frontline professionals lack systematic awareness of their availability; second, hearings get often delayed beyond the timelines provided by the law, thus reducing the preventive potential of these measures; third, the idea of evidence in many courts is still strongly associated with that of criminal standards and less towards a civil protection one. In Lessard's words, protection orders have been defined as "formally powerful but socially invisible tools", mostly diffused through feminist advocacy rather than through an actual national implementation strategy.[487]

France, Law of 9 July 2010, No. 2010-769, relating to violence against women, violence within couples and the impact of the latter on children, 2010. Cited in p. 97.

[484] French Civil Code, articles 515-9 to 515-13, measures for the protection of victims of violence.

[485] France, Law of 13 June 2024, No. 2024-536, strengthening the protection order and creating the provisional order for immediate protection, 2024. https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000049707555

[486] Ministére de la Justice, "*Guide Practique de l'ordonnance de protection*", 2020. https://www.justice.gouv.fr/sites/default/files/migrations/portail/art_pix/DACS_Ordonnance%20de%20protection_Guide_2020_08.pdf

[487] Michaël Lessard, "*Cronique - Violence Conjugale et Droit de la Famille: la Méconnue Ordonnance de Protection*", October Repères 3167 (2020). https://ssrn.com/abstract=3713832

The past years have indeed seen attempts to prioritize emergency cases, for example with the shortening of procedural delays, the simplification of evidentiary requirements, or the strengthening of coordination with criminal prosecutors, yet, some significant disparities emerge across the territory. As a matter of fact, while some jurisdictions have started to use protection orders as a frontline protection measure, others still conceive them as exceptional measures to be issued only as a last resort. Civil protection orders are also accompanied by a series of emergency and precautionary measures aimed at the physical separation between perpetrators and victims. Among them, prosecutors can issue supervision measures (*contrôle judiciaire*); immediate restraining conditions during criminal investigation (*interdictions de contact*), for example by establishing geographic exclusion zones or prohibiting contact with the victim; removal of the perpetrator from the family home; pre-trial detention in high-risk cases, or electronic monitoring. In this sense, the increasing use of the BAR, the Bracelet Anti-Rapprochement, represents one of the main commitments to implement the protection system in France.[488] Introduced in 2020 with the Decree No. 2020-1161,[489] these bracelets allow real-time monitoring of violent men, warning both the victim and the authorities when the perpetrator breaks the legally imposed distance and there's a risk of approaching the victim. This device brings the attention to preventive intervention rather than responsive, and has been framed as a crucial technological innovation in domestic violence protection by the French political discourse. Nevertheless, while recognizing its importance, GREVIO has argued how its potential remains mostly hindered by judicial reluctance, technical failures, lack of adequate staffing in monitoring centres, logistic limitations in rural areas, and insufficient availability compared to the demand.[490] As a result, many women perceive it as a weak safeguard, only effective when police can intervene promptly and consistently. Several other protection measures provide the eviction of a violent partner and the surrender of weapons, the possibility for victims to hide their address and use that of their lawyer's for administrative purposes, or to request to be interviewed by an investigator of the same sex in specialized interview rooms.

---

[488] Ministére de la Justice, "*Le Bracelet Anti-Rapprochement (BAR): dns le Cadre d'une Ordonnance de Protection*" 2021. https://www.justice.gouv.fr/sites/default/files/migrations/portail/art_pix/2021_01_BAR_ordo_protection.pdf

[489] France, Decree No. 2020-1161, of 23 September 2020 relating to the implementation of a mobile electronic anti-proximity device, 2020. https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042357259

[490] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support, Protection and Justice*", Strasbourg, 2025. https://rm.coe.int/first-thematic-evaluation-report-building-trust-by-delivering-support-/4880286c9c

Another crucial instrument for victims was introduced under Law No. 2014-873 [491] allowing victims in extreme danger to be provided by the public prosecutor with a TDG (Télephoné Grave Danger), a grave danger phone, to receive remote assistance service 24/7, ensure immediate geolocation and prompt police intervention.[492] Moreover, several protective responses are also integrated in family law proceedings, for example accelerated divorce or separation procedures in cases involving domestic violence, or the prioritization of victim safety over parental responsibility.[493] These reforms aim at moving beyond a reconciliation-oriented perception of family justice and acknowledge the incompatibility of domestic violence and shared parenting. Nevertheless, courts continue to prioritize the continuity of family ties in practice, often ordering supervised visitation or contact arrangements that can potentially re-expose women to coercive behaviours and abuse.[494]

Risk prevention tools and monitoring systems have been developed in parallel with such legal instruments, demonstrating an intentional policy turn towards structural assessment and early investigation. In particular, France adopted international monitoring tools such as the Women Abuse Screening Tool (WAST) used in the field of healthcare and social services to improve the identification of hidden violence often occurring in the medical environment and initiate protective pathways.[495] As a matter of fact, screening protocols have been embedded in hospital emergency departments and maternity services, and are accompanied by referral obligations towards specialized victim-support centres. This shift carries an important political implication as it reframes violence prevention not only as merely confined to the criminal sphere, but rather engaging also with ordinary welfare and health infrastructures.

---

[491] France, Law. No. 2014-873, of 4 August 2014 relating to real equality between women and men, 2014. https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029330832

[492] Ministére de la Justice, "*Le Dispositif Téléphone Grave Danger* (TGD)", 2017. https://www.justice.gouv.fr/actualites/actualite/dispositif-telephone-grave-danger-tgd

[493] French Civil Code, articles 373-2-9, 378-1; French Code of Criminal Procedure, art. 1136-3. https://legislationline.org/sites/default/files/2023-10/France_Code_of_criminal_procedure_EN.pdf

[494] Andreea Gruev-Vintila and Anna Rurka, "*Transforming the Understandings of Domestic Violence through Coercive Control in France*", Discovery Global Society Vol 2, 94, 2024. Cited in p. 100.

[495] Candy Guiguet-Auclair, et al., "*Validation of the French Women Abuse Screening Tool WAST to Routinely Identify Intimate Partner Violence*", European Journal of Public Health, 2021. Doi: 10.1093/eurpub/ckab115 https://uca.hal.science/hal-03389795/document

Such framework has been further implemented by several community innovations, for instance the Violentométre, a visual awareness-raising tool developed by the Observatories of Violence in Seine-Saint-Denis and Paris to allow women to self-assess whether their relationships are based on consent and whether they may or may not involve violence.[496] Although innovative and widely diffused in municipalities, schools and workplaces, this tool has mainly achieved only high public visibility, while its practical integration remains limited to local prevention strategies and national communication campaigns, therefore relying on local activities and informal adoption as a part of France's soft-law governance. As will be further discussed, victim-support centres, shelters, social services, and specialized NGOs play a crucial role in the protective and preventive framework as they constitute the surrounding support for women victims' social and economic conditions without which legal protection alone would be insufficient to effectively combat violence. The French model combines a series of support centres and public services coordinated through the national 3919 hotline,[497] and according to the EU Fundamental Rights Agency's study on victim support centres, the country results as particularly robust formally;[498] however, as documented by the Haut Conseil à l'Égalité, several shortcomings such as long waiting lists for permanent housing, reliance on short-term project funding, and the uneven territorial presence of specialized services limit their protective potential.[499] Indeed, this results in a consequent limitation of the impact of legal measures too, as removal orders or restraining conditions clearly lose their practical aim in the absence of safe housing, childcare support and income security for women. According to GREVIO's thematic evaluation of France, such dynamics are part of a broader compliance framework that sees normative ambition and fragmented responses coexist.[500]

---

[496] Français Gouvernement, "*Lutter Contre Les Violences Faites Aux Femmes – Toutes et Tous Égaux*" info.gouv.fr, 2025. https://www.info.gouv.fr/grand-dossier/toutes-et-tous-egaux/lutter-contre-les-violences-faites-aux-femmes.

[497] National Anti-Violence Hotline 3919.

[498] European Union Agency for Fundamental Rights (FRA), "*Victim Supporting Services in the EU: France"*, 2014. https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-fr_0.pdf

[499] Haut Conseil à l'Égalité, "*Évaluation Intermédiaire du 5e Plan Interministériel (2017-2019)"* https://www.haut-conseil-egalite.gouv.fr/sites/hce/files/files-spip/pdf/hce_evaluation-5eme-plan-tabl-word_vf-2.pdf

[500] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support, Protection and Justice*", Strasbourg, 2025. Cited in p. 106.

On paper, the French framework formally aligns with many of the standards set by the Istanbul Convention and the most influent international instruments, but in practice, there are persistent deficits in terms of institutional coordination, application of risk assessment tools, and monitoring of the effectiveness of protective and preventive measures. Particularly, one of the main gaps identified regards follow-up mechanisms, as once a protection order or an electronic bracelet is enforced, there are no protocols capable of assessing the evolution of risk, or to adjust the measures based on the new threats, eventually also impacting the involvement of the victims' feedback in enforcement measures. It's therefore clear the policy impact of these measure on France's national strategy on violence against women: while on the one hand they contributed to reframing domestic violence as a matter of public security and State responsibility and stressed the importance of early intervention before criminal conviction, at the same time, they exposed a series of structural faults such as the limited use of protection orders, the low reach of electronic monitoring and the lack of institutionalization of risk assessment tools that hinder victims from effective protection. So much, that victim-support organizations are aware that in many cases, the possibility to receive protection significantly changes depending on where the victims live.

5.3 Procedural Law and Victims Protection

In criminal proceedings relating cases of sexual and domestic violence, victims are formally recognized a significant body of procedural rights. These include for example, the right to information from the first contact with authorities, the right to access interpretation and legal assistance, the right to protection from intimidation or retaliation, and the possibility to take part in proceedings as a *partie civile*. Such guarantees align with the EU Victim's Rights Directive[501] and reflect the progressive attempts of the French system to adopt a more victim-centred approach. Moreover, victims are recognized the right to be informed of procedural developments, to be given explanations of eventual decisions to not prosecute, to be heard at the various stages of investigation, and are entitled to assistance from support services regardless of the formal presentation of a complaint.[502] Indeed, this framework places France as an example of attention to victims' rights and of recognition of access to justice as a crucial right on its own rather than a mere consequence of prosecution. However, the effectiveness of this approach needs to be measured against institutional capacity and the extent to which these principles are internalized by criminal justice actors. In practice, this has resulted in an uneven and fragmented application of these rights, relying strongly of victims' psychological resilience and access to legal representation.[503]

As also seen in the Italian case, victims are recognized a more active participation under the *plainte avec constitution de partie civile*, meant to operationalize the principle of equality of arms in practice. As a matter of fact, it allows victims to submit evidence, request judicial investigation if a prosecutor refuses to act, or to claim damages; and, in policy terms, it's perceived as a central and most important element of victim empowerment.[504]

---

[501] European Parliament and Council of the European Union, "*Directive 2012/29/EU of October 2012" (Victims' Rights Directive)* establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2012. http://data.europa.eu/eli/dir/2012/29/oj

[502] European Union Agency for Fundamental Rights (FRA), "*Rights of Crime Victims to Have Access to Justice – a comparative analysis. Country Report France"*, Publications Office of the European Union, 2017. https://fra.europa.eu/sites/default/files/fra_uploads/france-rights-of-crime-victims-justice_en.pdf

[503] European Union Agency for Fundamental Rights (FRA), "*Victim Support Services in the EU: an Overview and Assessment of Victim's Rights in Practice - France*", Publication Office of the European Union, 2014. https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-fr_0.pdf

[504] Français Gouvernement, Direction de l'Information Légale et Administrative, "*Plainte avec Constitution de Partie Civile*", Paris, 2025. https://www.service-public.gouv.fr/particuliers/vosdroits/F20798

Nevertheless, practice reveals a limited and selective use of this right as it requires qualities such as legal knowledge, adequate financial resources, as well as a particularly strong endurance for lengthy proceedings, which in many cases victims lack, especially upon experiencing trauma, economic dependency, or migration insecurity. This reflects a familiar pattern of a formally strong formulation of participatory rights that yet results practically inaccessible to women most exposed to violence. Academic critiques have observed this framework in terms of a not only technical, but especially cultural fault, in which the figure of the victim is "tolerated" in judicial proceedings instead of being prioritized and facilitated,[505] consequently undermining the practical transformative potential of victim-centred policies and reforms.

The French system of victim protection also includes a series of procedural safeguards that protect the dignity and safety of victims, and ensure equal and victim-sensitive treatment during trials and investigation. These measures focus on the lived experience of victims, for example regarding interviewing conditions, victims can request to be interviewed by interviewers or interpreters of the same sex, to limit repeated questioning, or to use audiovisual recordings when a case where sexual violence or minors are involved. Indeed, as also highlighted by the FRA's Procedural Justice Report, procedural treatment is a central element to build trust in institutions and increase engagement, as the perception of the way they are listened to, informed and respected directly impacts victims' perception of judicial outcomes.[506] However, as documented by the Haust Conseil à l'Égalité in its report on rape and sexual assault, these safeguards are rarely implemented, with victims subjected to continuous questioning from different services, forcing them to repeat – and therefore re-experience – traumatic experience without adequate psychological support.[507] Traditionally, evidentiary culture demands linear storytelling and coherence upon hearing victims, but this clearly contrast and fails to take into account victims' trauma responses, which can include memory gaps and inconsistencies, especially in cases of violence.

---

[505] Janine Barbot and Nicolas Dodier, "*Rethinking the Role of Victims in Criminal Proceedings*", Revue Française de Science Politique Vol. 64, No. 3, 2014: 407-433. Doi: 0.3917/rfsp.643.0407 https://shs.cairn.info/journal-revue-francaise-de-science-politique-2014-3-page-407?lang=en&tab=texte-integral

[506] European Union Agency for Fundamental Rights (FRA), "*Justice for Victims of Violent Crime, Part II: Procedural Justice*", Publications Office of the European Union, 2019. Doi:10.2811/443919 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-justice-for-victims-of-violent-crime-part-2-proceedings_en.pdf

[507] Haut Conseil à l'Égalité entre les Femmes et les Hommes, "*Mettre Fin au Déni et à l'Impunité face aux Viols et Agressions Sexuelles*" Paris, 2025. https://www.haut-conseil-egalite.gouv.fr/rapport-mettre-fin-au-deni-et-limpunite-face-aux-viols-et-agressions-sexuelles

Moreover, victims are often met with skepticism and moral judgement from authorities, which further undermines their willingness to cooperate. In policy terms, this results in the exclusion of a significant portion of victims from engagement in proceedings, and in superficial and mostly symbolic procedural protection for those who do engage, strengthening the negative conception of procedural experiences. These inconsistencies are particularly evident during the investigative phase, considering that often the path and outcome of a case is already defined through the way in which the complaint is framed. An analysis of France's judicial treatment of sexual and domestic violence carried out by the Institute of Public Policy, for example, reveals how many cases are consistently suspended before reaching trial because of insufficient evidence or characterization.[508] This could be explained by resource constraints and prosecutorial discretion, but only partially; as a matter of fact, significant factors affecting the implementation of procedural safeguards, also include under-qualification of sexual offences and the limited use of protective measures in early stages of investigation. This also points to an institutional approach that prioritizes results over victim safety, contrasting with the due diligence standard set by the ECtHR jurisprudence, often subjecting France to international scrutiny.

Together, these faults in the victim protection system amount to what is defined as secondary victimization, namely, when harm is not only caused by the original offence, but is even further perpetrated by dismissive and fragmented procedural responses. Orth's articulation of secondary victimization, defined as the psychological and social injury resulting from negative reaction by authorities, including disbelief, blame, procedural neglect, and insensitive treatment, is particularly relevant in the French context.[509] In fact, French public debate and judicial discourse have recently focused on high-profile trials that have exposed violent procedural practices such as humiliating cross-examinations, invasive questioning about victims' sexual history, and judicial environments that normalize sexist stereotypes.[510]

---

[508] Institut des Politiques Publiques (IPP), "*The Judicial Treatment of Sexual and Domestic Violence in France*", Note IPP No. 107, 2024. Cited in p. 100.

[509] Uli Orth, "*Secondary Victimization of Crime Victims by Criminal Proceedings*", Social Justice Research, Vol. 15, No. 4, 2002: 313-325. Doi: https://doi.org/10.1023/A:1021210323461 https://uorth.wordpress.com/wp-content/uploads/2018/09/orth_2002_sjr.pdf

[510] Le Monde, "*La France doit mieux Protéger et Accompagner les Enfants Victimes de Violences Sexuelles*", 2025. https://www.lemonde.fr/idees/article/2025/05/09/la-france-doit-mieux-proteger-et-accompagner-les-enfants-victimes-de-violences-sexuelles_6604369_3232.html

These aspects have also been addressed in *L. and Others v. France*, in which the European Court of Human Rights revealed the violation of victims' dignity and private life from the judiciary through moralistic reasoning and discriminatory assessments of credibility in the context of sexual violence.[511] In this sense, judgement as such go beyond their legal sanction imposed on the responsible State and become an effective normative tool that directly influences national policies on violence against women, exposing the structural faults in professional training, evidentiary culture, and institutional accountability mechanisms. Importantly, the policy relevance of secondary victimization has further been reinforced by the more recent domestic developments that are progressively recognizing, both at the judicial and at the media level, its visibility and importance in cases of sexual violence, such as the Depardieu case.[512] In particular, while not being formally included or codified in French criminal law, secondary victimization is being increasingly embedded in judicial reasoning and professional guidelines, aligning with the ECtHR requirements to carry out proceedings on violence against women in a way that protects victims from re-traumatization and discriminatory treatment. Nevertheless, there hasn't yet been a reform of investigative protocols and judicial practices able to systematically apply this shift.

Another dimension in which the gap between formal rights and lived experiences is particularly evident is, as anticipated, access to justice. As documented in FRA's Report on victims' rights to justice, women face barriers at nearly all levels of the process, starting from difficulties in filing complaints, and extending to delays in accessing legal aid as well as territorial disparities in specialized services; with obstacles particularly affecting victims that live in rural areas, migrants, or with disabilities.[513] While attempts to expand eligibility criteria for legal aid and support services have been advanced, their impact remains mainly formal, creating a conditional access to justice in which victims' rights can only be activated though institutional proximity and adequate resources, which in practice, victims often lack.

---

[511] ECHR Blog, "*L. and Others v. France: Sexist Judicial Reasoning and Victims' Rights*", 2025. https://www.echrblog.com/2025/05/l-and-others-v-france-sexist-judicial.html

[512] Le Monde, "*La Victimisation Secondaire: ce Concept Retenu lors du procès Depardieu*", 2025. https://www.lemonde.fr/idees/article/2025/06/11/la-victimisation-secondaire-ce-concept-retenu-lors-du-proces-depardieu-qui-n-existe-pas-dans-le-droit-penal-francais_6612171_3232.html

[513] European Union Agency for Fundamental Rights (FRA), "*Rights of Crime Victims to Have Access to Justice – a comparative analysis. Country Report France"*, Publications Office of the European Union, 2017. Cited in p. 110.

GREVIO's thematic evaluation report has connected these shortcomings to a broader framework of governance failure, in which targeted training of authorities is lacking, coordination between criminal justice institutions and victim support services is weak, and binding protocols to achieve victim-sensitive procedural treatment are missing.[514] Moreover, it has criticized France for its reliance on individual professional discretion in cases that instead would require trauma-informed responses, as it often leads to procedural outcomes drawn more from local cultures and individual attitudes than on national policy commitments. Along with GREVIO's reports, ECtHR condemnations[515] and media coverage of management of cases regarding sexual violence have increased domestic pressure for reform. This has resulted in several policy adjustments, such as the introduction of training modules for authorities, police interview guidelines, or pilot projects on trauma-informed justice. Their practical impact is still limited as they lack implementation in binding regulatory frameworks, however, it exemplifies how international scrutiny, together with ECtHR jurisprudence and domestic pressure, can practically translate into modifications of national policy design.

---

[514] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support, Protection, and Justice*", Strasbourg, 2025. Cited in p. 106.

[515] Le Monde, "*Violences sexuelles : la CEDH condamne la France pour des « lacunes » au sujet du consentement dans son cadre juridique*", 2025. https://www.lemonde.fr/societe/article/2025/09/04/violences-sexuelles-la-cedh-condamne-la-france-pour-des-lacunes-au-sujet-du-consentement-dans-son-cadre-juridique_6638876_3224.html

5.4 Institutional Framework and Specialized Structures

In the process of operationalizing its response to violence against women, France has developed an increasingly specialized system, to which frontline are police and prosecution services. As primary risk regulators, they play a central role in the recording of cases, their legal framing, and in the prompt activation of protective and investigative measures. Data from the European Institute for Gender Equality on intimate partner violence, shows that while France has seen, starting from 2019, an increase in reporting, the recording of cases from police and prosecutors results inconsistent.[516] This has important consequences on national policy as fragmented and non-standardized data not only create fragmentation between jurisdictions, but also hinder the effective evaluation of institutional performance, as well as limiting the identification of systemic failures and the elaboration of interventions based on evidence. Through these practices therefore, France produces a large amount of administrative data but remains unable to translate them into actual governance tools that can influence prevention strategies, prosecutorial priorities and resource allocation to better address the dynamics of violence. Moreover, according to the findings of Note No. 107 of the Institut des Politiques Publiques (2024), attrition rates in sexual and domestic violence are still very high and prosecutorial follow up is often limited by evidentiary thresholds, institutional overload and early filtering mechanisms that disadvantage those victims that lack visible injuries or socio-economic stability.[517] Against this background, the transformation of formal legal commitments in protection outcomes emerges as particularly challenging for the police/prosecutors dimension. As a matter of fact, to compensate for the increasing critiques about the inadequacy of police intervention in cases of domestic violence, France has developed a series of specialized policy responses explicitly targeted on violence. Among them, for example, figure the *Groupes de Protection Familiale* (Family Protection Groups) and specifically dedicated violence units of the national police and gendarmerie, which focus on increasing targeted expertise, improving continuity of follow up measures, standardization of investigative practices and facilitation of coordination between actors.[518]

---

[516] European Institute for Gender Equality (EIGE), "*Data Collection on Intimate Partner Violence by the Police and Justice Sectors: France"*, Luxembourg: Publications Office of the European Union, 2022. Doi: 10.2839/49650 https://eige.europa.eu/publications-resources/publications/data-collection-intimate-partner-violence-police-and-justice-sectors-france

[517] Institut des Politiques Publiques (IPP), "*The Judicial Treatment of Sexual and Domestic Violence in France*", Note IPP No. 107, 2024. Cited in p. 100.

[518] Improdova (Improving Frontline Responses to High Impact Domestic Violence), "*National Frameworks in France – Online Training Materials on Violence"* 2024. https://training.improdova.eu/en/national-frameworks-in-france/

This advancement is in line with the requirement set by the Istanbul Convention, of specialized and multi-agency cooperation, however, in practice, the diffusion of these units across the territory results uneven, rendering institutional capacity and proximity crucial elements of victim safety. As a matter of fact, while resourced urban areas possess trained teams and effective cooperation through inter-institutional protocols, smaller cities and rural regions continue to rely on general offices, which are often overloaded and have only limited training on violence cases. In this sense, the introduction of social workers within police organizations can be perceived as an innovative shift: as professionals of the field, they are able to provide expertise and psychological and social support during police interactions for victims, as well as contributing to safety planning, facilitating referrals to shelters and legal aid and more in general functioning as a means of translation between victims and law. Their presence has in fact positively impacted victim's experiences, for example it has reduced procedural withdrawal and increased trust in police responsiveness, operationalizing in practice the attempts to move towards a more victim-centred approach.[519] Nevertheless, such positive results remain confined to pilot programs and fragmented territorial application, considering their necessary reliance on local political will and municipal funding. In this sense, despite the visible improvements in victims' experience and in the reduction of secondary victimization, the lack of a national mandate or stable funding hinder their transformative potential on the policy level. Specialization is also reflected in institutional differentiation, as while not having an autonomous domestic violence court such as those established in Spain or Latin America, some French jurisdictions have developed specialized prosecutorial desks and dedicated magistrates for cases of domestic and sexual violence. In a similar way, while amounting to relatively faster procedural times and increased use of protective measures,[520] their establishment is also uneven as they are not legally mandated nor institutionally standardized, constituting another element of institutional protection that relies on local policy culture. Anti-violence centres and victim support services can be therefore understood as the true backbone of the French protection system, as well as political actors that actively challenge shortcomings and demand justiciability for violence.

---

[519] François Bonnet et al., "*Embedded Social Workers within Police Organisations in France and Finland: Comparing Domestic Violence Interventions in France and Finland*", HAL Open Science, 2024. Doi: 10.1093/police/paee065 https://shs.hal.science/halshs-04711860v1

[520] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support Protection and Justice*", Strasbourg, 2025. Cited in p. 106.

Institutional mapping reveals the strong presence of associative networks such as the Federation France Victimes, which functions both as first point of contact for victims as well as a stabilization mechanism for women exiting a violent relationship. They provide a variety of services that include legal information, psychological counselling, court accompaniment, administrative support, etc.[521] and constitute a fundamental policy resource as they ensure both territorial coverage and institutional accessibility, especially in urban areas. National response to violence sees the participation of several specialized networks and institutions. Among them for instance, the Fédération Nationale Solidarité Femmes (FNSF) that operates the 3919 national hotline while also representing a hub for emergency protection, referral and advocacy; the Réseau VIF (Violences Intra-Familiales) which brings together the expertise of health, social and legal professionals to combat domestic and sexual violence; and lastly, organizations such as Women for Women France and the Institut Women Safe & Children which instead focus on the dimensions of violence that criminal law can't reach, such as long-term recovery, trauma therapy, or social and professional reintegration after violence. In this framework, a crucial role is covered by the Centres d'Information sur les Droits des Femmes et des Familles (CIDFF) which provide legal information and socio-economic support specifically in cases involving violence, family law and employment insecurity. Particularly relevant is also their role of "whistleblowers" of public policy in the exposure of shortcomings in protection and prosecution and the use of victim's experience as a prompt for political advocacy. An example of this strategic approach is for instance the elaboration of the "*140 Propositions pour use Loi-Cadre Intégrale contre les Violences Sexuelle"*, a collective effort through which feminist organizations both contested the fragmented nature of French responses to violence ad demanded a unified national model to address prevention, protection and prosecution.[522] The advocacy of these centres also focuses on the budgetary dimension, for example through internal reports that use funding data as political instruments to quantify the investment deficit between declared funding and real needs.[523]

---

[521] Victim Support Europe, "*InfoVictims III: France – Victim Support Services Overview"* Brussels, 2023. https://victim-support.eu/infovictims-france

[522] Coalition Feministe Loi Intégrale, "*140 Propositions pour use Loi-Cadre Intégrale contre les Violences Sexuelle*", 2024. https://www.loi-integrale.fr/wp-content/uploads/2024/11/COALITION-FLI-BROCHURE-A4-WEB2-min.pdf

[523] Fondation des Femmes, "*Où est l'Argent contre les Violences faites aux Femmes?*", 2023. https://fondationdesfemmes.org/fdf-content/uploads/2023/09/FDF-rapport-ouestlargent-2023.pdf

At the same time, anti-violence centres also function as practical standard setters increasingly referenced by public authorities even while lacking formal recognition. Examples include for instance the development of the cyber-violentoscope aimed at identifying digital abuse, or the *la tresse* methodology which instead focuses on maintaining the mother-child bond in violent contexts.[524] Advocacy further extends to combating the diffused masculinist strategies that aim at neutralizing the gendered dimension of violence, for example, particularly strong was the opposition of feminist networks to the attempts to open women-specific services like the 3919 hotline to men.[525] Political subjects, such as the Delegation for Women's Rights, the Assemblée Nationale, the Sénat and the Haut Conseil à l'Égalité also hold a significant advocacy role in increasingly framing violence as a justiciability matter and criticizing the lack of enforceability of women's rights in practice. It is the case, for instance, of debates such as those on the legal definition of rape, met with demands for a consent-based definition also aimed at implementing access to justice. Secondary victimization represents another front of justiciability advocacy, with feminist and political actors exposing the judicial process itself as a place for rights violations in which the so-called "*parcours de la combattante*" often result inadequate and marginal conviction rates. International pressure contributes to reinforcing domestic advocacy: strategic litigation by feminist organizations has in fact led to several ECtHR condemnations, for example *E.A. v. France*, in which inadequate legal frameworks and victim-blaming practices were recognized as violation of the Istanbul Convention.[526] In a similar way, also GREVIO reports have consistently highlighted the problem of insufficient funding for anti-violence centres and specialized associations, as well as criticized the diffused application of mediation measures in cases of violence.

Although the presence of such a large body of organizations and political subjects can be seen as a form of compensation for the limits of judicial protection, it also exposes the misplacement of responsibility that instead of relying on State institutions is mostly shifted on to civil society actors that are often forced to operate under precarious conditions.

---

[524] Solidaritè Femmes, "*Rapport d'Activité 2024*", 2025. https://solidaritefemmes13.org/wp-content/uploads/2025/06/rapport-dactivite-2024.pdf

[525] Emma Bador-Fritche, "*'Masculinism is a threat to public order', warn feminist associations"*, Public Senat, 2026. https://www.publicsenat.fr/actualites/parlementaire/le-masculinisme-est-une-menace-pour-lordre-public-alertent-des-associations-feministes

[526] European Court of Human Rights, *E.A. v. France*, judgment of 4 September 2025, No. 30556/22. https://hudoc.echr.coe.int/fre?i=001-244682

In this framework, however, an example of policy innovation is represented by the Maison des Femmes de Saint-Denis. As a matter of fact, this centre operationalizes many of the Istanbul Convention's principles, for example through the services it provides, which range from medical care and psychological counselling to legal advice and social support. It's a model designed to provide women access to comprehensive protection without having to navigate a complicated bureaucratic system, achieving both international recognition, as well as becoming an inspiration for other projects.[527] In a policy perspective, it points out how effective protection doesn't require the mere elaboration of new legal norms, but rather the creation of a new institutional framework capable of effectively coordinating competences and expertise that already exist. But at the same time, its exceptional status also shows how a more effective implementation of protection is only achieved with individual pilot initiatives, without translating into systemic transformation of the broader institutional system.

Territorial inequalities also influence the inefficiency of the protection system. As a matter of fact, women living outside urban and metropolitan areas, often face increased barriers in accessing protection. Among them for example the long distances to reach police stations, the absence of shelters, the limited availability of specialized professionals, or the reliance on volunteers – all factors that result not only in an unequal access to justice, but also in heightened risk exposure in cases of violence.[528] Moreover, as noted, this framework further exposes France to international litigation, as the ECtHR jurisprudence is increasingly considering institutional fragmentation and resource scarcity as invalid and insufficient justifications for failures in protection in contexts with elevated risk. This understanding is further enforced by GREVIO, which has consistently addressed institutional coordination and professional training as systemic faults in the French system.[529]

---

[527] Maison des Femmes de Saint-Denis, https://www.lamaisondesfemmes.fr/

[528] Mediapart, "*The Volunteers Helping Domestic Violence Victims in Rural France*", 2022. https://www.mediapart.fr/en/journal/france/120122/volunteers-helping-domestic-violence-victims-rural-france

[529] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support, Protection and Justice*", Strasbourg, 2025. Cited in p. 106.

Importantly, recent legislative and policy developments do reflect an effort to translate these structural weaknesses in policy responses. For example, several parliamentary proposals of 2025 were aimed at strengthening protective measures, at increasing judicial specialization or at improving institutional coordination, and they were indeed perceived by media as attempts to restore public confidence in State protection – especially in the light of high-profile failures and ECtHR increasing condemnation.[530] Nevertheless, their approach remained mostly punitive and responsive, prioritizing the inclusion of new offences and the elaboration of new penalties instead of focusing on reforming the institutional framework that often, through its mechanisms and culture, neutralizes the practical effect of those laws already existing.

---

[530] Le Monde, "*Why France Still Struggles to Protect Domestic Violence Victims*", 2026. https://www.lemonde.fr/en/les-decodeurs/article/2026/01/02/why-france-still-struggles-to-protect-domestic-violence-victims_6749006_8.html

5.5 National Policies and Legislative Strategies

Since the early 2000s, France has tried to respond to the increasing international and domestic pressures on its capacity to handle the protection of women from violence through a series of interministerial plans aimed at directing public services and policy priorities towards a more victim-centred approach. Following the first plan in 2005, a main commitment to this process was represented by the *5th Plan de Mobilisation et de Lutte Contre Toutes les Violences Faites aux Femmes 2017 – 2019* (plan of mobilization and action against all forms of violence against women) which mainly focused on the creation of predictable pathways for protection to facilitate the access to justice for women, and on securing, strengthening and structuring support across territories.[531] Through the establishment of 134 action, the plan set 3 main goals: «ensuring access to rights and securing proven mechanisms to improve the experience of women victims of violence», including the domestic, sexual, psychological and other spheres; «strengthening public action where needs are greatest»; and «eradicating violence and combating sexism that normalized the culture of violence and rape». With a budget of 125 million and an interministerial monitoring committee to check on the correct application of the measures, the Plan focused specifically on the implementation of successful exiting mechanisms for victims while also expanding action to reach the most marginalized and most vulnerable groups. In these terms, it strenghtened coverage of shelter services for example by introducing taxi vouchers to reduce mobility issues from the most rural areas, and enforced emergency listening services such as 3919. Moreover, the plan introduced targeted measure for women aged 18-25, recognizing their heightened exposure to economic dependency and to cyber-violence, and mandated training for over 300,000 professionals, ranging from frontline actors, police, doctors and innovatively, also firefighters, with the purpose of carrying out better early detection. Although successful in improving territorial service presence and in attracting public attention – as argued in an intermediate evaluation by the Haut Conseil à l'Égalité – funding inadequacy and intersectoral financing frameworks still constituted barriers to its implementation.[532]

---

[531] Français Gouvernement, "*5th Plan de Mobilisation et de Lutte Contre Toutes les Violences Faites aux Femmes 2017 – 2019*" (plan of mobilization and action against all forms of violence against women), official government plan, 2017. https://www.cipdr.gouv.fr/wp-content/uploads/2018/01/5%C3%A8me-plan-de-mobilisation-et-de-lutte-contre-toutes-les-violences-faites-aux-femmes-2017-2019-1.pdf

[532] Haut Conseil à l'Égalité, "*Évaluation Intermédiaire du 5e Plan Interministériel (2017-2019)".* Cited in p. 108.

Subsequently in 2019, the government gathered ministers, NGOs, victims' representatives and local authorities in the *Grenelle de Lutte Contre les Violences Conugales* (forum on combating domestic violence) to identify immediate measures to reform justice, health and social services and to punish perpetrators of domestic and sexual violence, in response to the domestic and international pressure related to the recent feminicide cases.[533] Importantly, the Grenelle represented a main step also in the recognition (and consequent protection) of children as co-victims of domestic abuse, and in the evolution and speed of judicial proceedings. In particular, the deadline for issuing a protection order was reduced to 6 days to limit the exposure of victims to further violence, and *filiéres de l'urgence* (emergency tracks) were introduced in courts to promote a more transversal treatment of cases of violence. In general, the Grenelle resulted in mobilization across all levels, extending both emergency commitments and protective legal tools, for example, with the extension of opening hours of the national hotline, or with the enforcement of measures to monitor perpetrators. Perpetrator accountability was in fact a core theme of the Plan and in this sense, crucial were increased distribution of grave danger phones (TGD) and bracelets anti-rapprochement (BAR), as well as the creation of *Centres de Prise en Charge des Auteurs* (CPCA) – prevention centres for perpetrators increasingly recognized as fundamental tools in reducing risks of recidivism and committing to prevention and protection goals.[534] Following this path, the current *Plan Interministériel pour l'égalité entre les Femmes et les Hommes 2023-2027* (plan for equality between women and men) (*Toutes et tous égaux*) contributes by reframing violence against women as a human rights violation, as well as a structural form of inequality, especially in economic, social and health terms.[535] The plan introduced territorially targeted measures to combat the isolation of victims and ensure a more comprehensive care on the territory, in particular through the elaboration of 4 strategic axes: ending violence against women, promote women's health, achieve professional and economic equality, and advance a culture of equality.[536]

---

[533] Préféte de l'Isére, "*Grenelle de Lutte Contre les Violences Conjugales*", official overview of convening and local mobilisation outcomes, Paris, 2019. https://www.isere.gouv.fr/Actions-de-l-Etat/Droits-des-femmes-et-egalite/Prevention-et-lutte-contre-les-violences-faites-aux-femmes/Les-mesures-nationales/Grenelle-des-violences-conjugales#:~:text=Lanc%C3%A9%20le%203%20septembre%202019,fiche%203.1.2.4)

[534] Improdova (Improving Frontline Responses to High Impact Domestic Violence), "*National Frameworks in France – Online Training Materials on Violence"* 2024. Cited in p. 115.

[535] Français Gouvernment, "*Plan Interministériel pour l'Égalité entre les Femmes et les Hommes 2023–2027 – 'Toutes et Tous Égaux'*", official government plan, 2023. https://www.egalite-femmes-hommes.gouv.fr/sites/efh/files/2024-03/Plan-interministeriel-pour-egalite-entre-les-femmes-et-les-hommes-2023-2027-pdfaccessible_0.pdf

[536] Français Gouvernment, "*Toutes et Tous Égaux – Un Plan Interministériel en 4 Axes*", info.gouv.fr article, 2024. https://www.info.gouv.fr/grand-dossier/toutes-et-tous-egaux/un-plan-interministeriel-en-4-axes

Among the health measures introduced, the Plan increased the number of *Maison des Femmes* – specialized socio-medical units connected to hospitals to provide care pathways and improve professional coordination – to be established in each department; and highlighted the link between safety and dignity by introducing the reimbursement of reusable menstrual protections for women under the 25 years. At the operational level it designed an innovative *pack nouveau depart* aimed at providing material and logistic support to victims that decide to remain in their homes following the eviction of the abusive partner, and to facilitate separation through targeted support in housing, childcare and professional reintegration. At the judicial level, specialized judicial and prosecutorial *pôles* in each court and court of appeal were created to improve institutional capacity and expertise on cases of domestic violence, and increase transversality between criminal and civil jurisdictions; and lastly, a national *fichier de protection des victimes* to enforce risk tracking and the coordination of protective measures, particularly introducing an immediate protection order to be issued within 24 hours for situations of heightened risk. By 2023, the government committed to increasing the number of emergency shelters and to establishing a unified Intrafamilial Violence File (VPVIF), but although such commitments represent a clear attempt to move away from merely reactive protection responses, the plan also heavily relies on administrative capacity, political continuity and implementation priorities, which continue to undermine its potential impact on women protection. Indeed, national action plans are crucial in their function of unified operational framework to incentivize mobilization from multiple ministries in order to ensure a more homogenous and preventive response to violence, and in this process are subjected to the external evaluation of the High Council for Equality, which employs specific indicators to assess the issuing and application of measures. Moreover, the budgetary commitment that has accompanied each of the plans has confirmed the tendency to move towards a more comprehensive medical, social, and economic based approach for victim protection and autonomy. Nevertheless, despite the seriousness of political commitments several factors continue to hinder their practical impact, including fragmented governance and the lack of harmonized indicators to evaluate the translation of policy outcomes in reduced victimization and improved safety for victims. This places France as an example of the way in which even when legal commitments are aligned with ECtHR jurisprudence and international principles, and are formally integrated in national policy frameworks, they don't always translate in institutional reform and resource stability to allow effective protection.

GREVIO's 2025 Thematic Evaluation Report represents one of the most important instruments to assess whether and to which extent French national policies are moving towards effective compliance, instead of implementing a merely symbolic one.[537] While recognizing its extensive normative system and the efforts in improving coordination and funding, policy coherence and monitoring remain uneven. More in detail, the report focused its critiques on the lack of a national standard for victim support service and specialized training for frontline professionals, on the unequal territorial availability of shelters, and on the strong reliance on short-term project funding for civil society actors providing protection services. In this sense, the Report is helpful in demonstrating how despite a clear legislative commitment, violence against women is considered a priority only in discourse, while its role in institutional practice still remains limited and secondary, especially when conflicting with budgetary and political needs. This understanding has also been shared by the Senate's 2024 – 2025 Information Report on Public Policies addressing Violence against Women, which on the one hand focused on the expansion of legal instruments and national plans, but on the other confirmed and condemned the deficits highlighted by GREVIO, including the underfunding of shelters, the fragmentation of local bodies coordination, and the concentration of victim support services in urban areas.[538] Importantly, it also dedicated significant attention to the economic dimension, demonstrating how the many commitments are not funded in a stable way but rather rely on temporary budget or annual allocations, directly affecting the practical impact of these services. In terms of governance, this leads to a dynamic in which services and protections tend to grow during periods of political and public debate, but as soon as attention shifts elsewhere, their expansion stops, not only contributing to undermine the already precarious continuity of these services, but also further reducing the credibility of national strategies and efforts. Legislative reform is therefore the most implemented element of the French framework to combat violence against women, and various efforts continue to be perpetrated in this direction.

---

[537] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France: Building Trust by Delivering Support, Protection and Justice*", Strasbourg, 2025. Cited in p. 102.

[538] Senate of France, "*Rapport d'Information sur l'Évolution du Financement de la Lotte Contres les Violences faites aux Femmes (2024-2025)*", Rapport No. 814, 2025. https://www.senat.fr/fileadmin/Commissions/Finances/2024-2025/Controles/Rapport_VFF_VF.pdf

For example, in 2024, under the support of feminist associations, the Socialist MP Céline Thiébault-Martinez presented a "comprehensive" bill with the purpose of tackling violence against women and children, an innovative instrument composed of 78 articles with measures including the expansion of judicial specialization, the enforcement of restraining mechanism, and the increase of penalties for repeat offenders.[539] Although innovative in the collaboration of feminist associations and actors from the non-profit sector in drafting each article, the bill would represent another instrument that introduces new legal obligations in an already comprehensive system but still doesn't address the deeper governance and capacity constraints that hinder implementation. This understanding is evident also in the public media perception of the bill, which considers it a reputational response to international condemnation, and perceives legislative activism as the main indicator of political action that covers the absence of structural reform.

As already mentioned, funding strategies represent a main challenge in the French system, as the allocation of economic resource represents one of the main indicators of the government's actual priorities in the process of combating violence against women. Analyses of national funding show a growth of the public investment in the prevention and support systems since 2019, with the total budget dedicated to counteracting violence growing from 134.7 million in 2019 to 184.4 million in 2023 and with the main funding means – Program 137 on Gender Equality – even reaching the 85.1 million 2025. Nevertheless, several biases concentrate resources mostly on reactive and emergency-oriented measures, and on visible emergency tools such as the Universal Emergency Aid (AUU). Moreover, resource allocation also extensively focuses on domestic violence, at the expense of policies addressing sexual violence that are instead left with marginal attention and almost inexistent funding. Such dynamic is also reflected in the gap between announced budgets and real needs, with estimated demonstrating how against an ideal request of at least 2.6 billion annually to ensure comprehensive protection, current spending barely the 0.04% of it – a gap particularly evident in the increase of unmet requests for accommodation despite the several political commitments to increase the number of places.[540]

---

[539] Le Monde, "*French MPs introduce 'Comprehensive' Bill to tackle Violence against Women and Children*", 2025. https://www.lemonde.fr/en/france/article/2025/11/25/french-mps-introduce-comprehensive-bill-to-tackle-violence-against-women-and-children_6747803_7.html

[540] Fondation des Femmes, "*6 Ans Aprés le Grenelle: une Démobilisation Inquiétante*", Report, 2025. https://fondationdesfemmes.org/fdf-content/uploads/2025/12/6-ans-apres-le-Grenelle-une-demobilisation-inquietante-1.pdf

As a result, anti-violence and victim support centres have increasingly emphasized the unstable and fragile financial conditions under which they work, which not only carries the implication of heightened efforts from civil society actors themselves in seeking adequate funding, but that also works as the expense of service delivery itself, with enforced closure of reception points or hotlines due to cuts in State and local subsidies. In this sense, the French financing model tends to prioritize visible, technological and reactive tools in what has been defined by civil society actors themselves a *trompe l'œil* – namely a policy commitment in which on the surface violence against women is elevated to a grand cause while in practice, measures fall short in providing actual protection. Lastly, national initiatives such as media awareness-raising campaigns, prevention programmes diffused in schools, and public awareness tools, constitute a central element in prompting a shift in social norms and encourage reporting. In particular, such initiatives are integrated both in the national action plan and in the UN Women Ending Violence Against Women and Girls 2025 Report, that specifically frames the challenging on cultural patterns and stereotypes as a long-term policy objective to combat violence against women.[541] However, in the absence of a standardized evaluation system capable of assessing the link between awareness initiatives and cultural and protection outcomes, their practical impact is difficult to measure, often discouraging policy efforts in cultural change, especially in situations of financial pressure. Nevertheless, the role of civil society organizations and anti-violence centres is still crucial, as they function both as service providers, and as moral watchdogs. An example is the Fédération Nationale Solidarité Femmes (FNSF) that while coordinating a large shelter network and the national hotline, also functions as a *de facto* regulator of service quality through professional guidelines and peer monitoring. Moreover, movements like #NousToutes[542] and general advocacy from feminist movements have strongly influenced France's policy agenda on violence against women, putting direct pressure on legislator, and contributing to achieve both the adoption of national plans, and the reframing of policy debates around State responsibility and institutional failure.[543]

---

[541] UN Entity for Gender Equality and the Empowerment of Women (UN WOMEN), "*Ending Violence against Women and Girls: Global Commitments, Local Actions*", 2025. https://www.unwomen.org/sites/default/files/2025-12/evawg-global-commitments-local-actions-en.pdf

[542] #NousToutes, official website. https://www.noustoutes.org/

[543] French Government, "*Tous Mobilisés Contre les Violences faites aux Femmes*" info.gouv.fr article, 2024. https://www.info.gouv.fr/grand-dossier/luttons-contre-les-violences-faites-aux-femmes

In this sense, feminist activism can be perceived as an informal accountability mechanism that actively influences the evolution of the French policy system despite implementation deficits and partially makes up for the lack of efficient monitoring structures. Considering these dynamics as a whole, France conforms to the classic compliance gap present in many EU countries. While formally recognizing violence as a matter of equality, prevention and cultural change as policy objectives, and the need for a victim-centred approach, it lacks binding standards and is further undermined by a persistent territorial inequality and an imbalance between strategic intentions and operational capacity. As a result, the French model reveals high normative ambition and increasing legal instruments whose implementation is limited by fragmented governance, insufficient funding, weak monitoring, and overreliance on civil society actors as main protection providers.

5.6 Compliance with International and Regional Standards

As demonstrated by the different dimensions of its preventive and protective framework, France's compliance with international and regional standards on violence against women results as formally advanced in normative terms but weakly implemented in both policy and institutional practice. At the international level, France is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and has successfully reframed violence as a form of gender-based discrimination and an equality matter.[544] In its most recent Concluding Observations (2023), the CEDAW Committee acknowledged these efforts, positively addressing the progresses in legislative and policy activity especially in terms of increased public visibility of the matter, development of national action plans and of specialized support mechanisms.[545] Such improvements are the result of the influence of the Concluding observations that though not binding, still contribute to translating human rights obligations into national policy results, and to providing the standard against which these results can be observed. At the same time, however, the report also exposed the most challenging dimensions of the French system which required intervention. Among them, structural factors such as fragmentation of services, inadequate and unstable funding, or uneven territorial coverage, and importantly, the exposure of certain groups of women – namely those living in rural areas or overseas, migrant women or women with disabilities – to increased barriers in accessing justice and protection. Through such observations, violence against women emerges as a matter requiring timely, coherent and measurable policy outcomes, probably even more than mere legal reform – a quality that, despite international influence, France often still lacks.

Compliance at the regional level carries even more important implications, particularly regarding the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).[546]

---

[544] UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), 18 December 1979- Cited in p. 1.

[545] CEDAW Committee, "*Concluding Observations on the Ninth Periodic Report of France"*, CEDAW/C/FRA/CO/9, 2023. https://docs.un.org/en/cedaw/c/fra/co/9

[546] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. Cited in p. 2.

As a matter of fact, the ratification of the Convention subjected Frace to the monitoring process of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), whose reports derive from practical evaluation and direct interrogations on the functioning of policy, effectively constituting a practical assessment of policy design and provision.[547] In particular, under the 2019 Baseline Evaluation Report the persistent gaps in cooperation, data collection, service accessibility and professional training were explicitly linked to the absence of an integrated and consistently applied policy framework able to ensure equal protection across the French territory.[548] This prompted the government to respond both formally through action plans and targeted reforms, and in terms of creation of dedicated units and increased efforts in coordination, and importantly, it also contributed to generally pushing political discourse more towards victims' experiences and professional practices. Moreover, the Report exposed the inadequacy of simple advancement of legal instruments and warned about the risks of relying excessively on a decentralized system for service provision as indeed, placing the responsibility on local authority and associations without providing stable funding and consistent national oversight in parallel, contrasts with the requirement of the Convention to provide women victim of sexual violence with appropriate and easily accessible mechanisms to seek protection.[549] France's State Report to GREVIO under Article 68,[550] mirrors this dynamic, showing how compliance within the French system is mainly understood in legislative terms: while introduction of new offenses, protective orders, national plans or awareness raising campaigns are particularly advanced and represent a major contribution in combating violence against women, institutional capacity and policy outcome are given only limited attention ad consequently, limited implementation.

---

[547] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*GREVIO's Working Methods*". https://rm.coe.int/grevio-working-methods/16809cd387

[548] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on France"*, Strasbourg, 2019. Cited in p. 46.

[549] Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011, a*rticle 25 on Support for Victims of Sexual Violence*. Cited in p. 2.

[550] Français Government, "*Report Submitted by France to GREVIO under Article 68 of the Council of Europe Convention on preventing and combating violence against women and domestic violence"*, Paris, 2018. https://www.ecoi.net/en/file/local/1456389/1226_1547564307_state-report-france-2018-version-finale-docx.pdf

This limitation is still present under the more recent GREVIO First Thematic Evaluation Report on France of 2025 which identified progress achieved since 2019 – especially regarding the increased presence of victim support services and of the political visibility of violence – while also pointing at the persistent shortcomings in institutional responses.[551] Their analysis particularly focused on law enforcement and judicial processes, revealing gaps in risk assessment and evidence gathering, uneven police practices, absence of a victim-centred approach, and stereotyped judicial reasonings. Against this background, the Report criticized the policy framework for being still strongly based on formal compliance indicators, such as the existence of plans and units, instead of focusing on their operationalization to improve victim safety and access to justice. As a matter of fact, this understanding of compliance has led to the accumulation of a large body of plans, instruments, pilot projects, normative reforms, etc. that doesn't address and even coexists with persistent implementation gaps. This negatively impacts the credibility of policies, especially between victims and frontline actors, in what GREVIO has identified as a main obstacle to the realization of effective prevention and protection. Recommendations and assessments from European and international bodies have therefore pushed France to increase inter-institutional coordination, invest in professional training and to implement the diffusion of awareness and prevention strategies, but the interaction between international monitoring and domestic reforms has also been shaped by civil society. NGOs, human rights organizations, and feminist coalitions in fact, carry out a work of independent monitoring and evaluation through shadow reports, through which they have consistently exposed gaps between official reporting and lived realities, especially regarding the conditions of marginalized women in situations of violence.[552] Importantly, this increases the political impact of non-compliance as their findings automatically translate into political and public debate. Moreover, it also increases exposure to the European Convention of Human Rights, as both GREVIO and CEDAW findings often intersect with ECtHR jurisprudence on positive obligations to prevent and respond to violence against women.[553]

---

[551] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support, Protection and Justice*", Strasbourg, 2025. Cited in p. 106.

[552] End FGM European Network and French NGOs, "*Shadow Report on the Implementation of the Istanbul Convention in France"* Brussels, 2018. https://www.endfgm.eu/news-en-events/news/shadow-report-on-istanbul-convention-implementation-in-france/

[553] European Court of Human Rights, "*Domestic Violence*: *Thematic Factsheet of the Department for the Execution of Judgements of the European Court of Human Rights*", Strasbourg, 2022. https://rm.coe.int/thematic-factsheet-domestic-violence-eng/1680a5f249

In doing so, international standards become more politically relevant, and policy failures amount not only to reputational damages but also to risks of litigation, especially in those cases where risks are known and protective measures are not adequate.[554]

In this sense, Frace's recent action plans, legislative amendments and institutional innovations on violence against women can be perceived, in a certain way, also as a response to this international pressure and reputational concerns.[555] However, the real effectiveness of this interaction between international pressure and domestic reform continues to heavily rely on the State's willingness to move beyond formal alignment and towards the internalization and operationalization of standards set by both CEDAW and GREVIO.[556] In the French case, the internalization of this logic is not clear nor effectively applied, as demonstrated by the persistent critique in monitoring reports on failures in coordination, uneven coverage of the territory, and insufficient evaluation mechanisms. Therefore, formal compliance with international and regional instruments constrains national discretion as it sets expectations on dimensions such as effectiveness, coordination, and the enforcement of a victim-centred approach. However, the potential of such instruments to influence national policy design is also limited in practice by the State's capacity and willingness to translate its commitments into coherent and accountable public action.

---

[554] Amnesty International, "*France: Violence against Women – A Matter for the State"*, London. 2006. https://www.amnesty.org/es/wp-content/uploads/2021/08/eur210012006en.pdf

[555] EuroMed Rights, "*Situation Report on Discrimination against Women in France",* Copenhagen, 2023. https://euromedrights.org/wp-content/uploads/2023/04/factsheet-France_EN-2.pdf

[556] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support, Protection and Justice*", Strasbourg, 2025. Cited in p. 106.

5.7 Structural Overview and Emerging Tensions

Overall, the French national legal and policy system to counteract violence against women sees the coexistence of normative alignment and institutional diversification, with deficits in implementation and coordination. In general, several structural strengths emerge as particularly important in terms of policy design, as a matter of fact, following the ratification of the Istanbul Convention,[557] France has committed to developing a multifaceted response to the issue of violence against women, engaging with criminal law reform, specialized institutional actors, national action plans and an extensive body of victim support organizations. Efforts are particularly visible for example in the expansion of specialized police units, the progressive adaptation and institutionalization of risk assessment tools, or, importantly, in the recognition of anti-violence centres as crucial elements of public action and their integration both at the institutional and national action plans levels – repeatedly acknowledged by international monitoring bodies.[558] Moreover, the evolution of interministerial plans and the more general reframing of violence against women as matter of equality policies, revealed successful in attracting public attention and promoting awareness campaigns.[559] As a result, not only the seriousness of French policy commitments was enforced, but it also pointed at a shift away from the traditional punitive approach. In this sense, a main strength characterizing the French system is its normative evolution, capable of capturing the evolving dynamics of violence and of translating international obligations and recommendations into comprehensive legislative instruments.[560]

At the same time, though, if policy outcomes – instead of formal compliance – are under focus, then these strengths also reveal a series of structural issues that continue to undermine the effectiveness of prevention and protection within the system. A first main difficulty is represented by the fragmented cooperation between local, institutional and professional actors. Despite being consistently stressed in national frameworks, the territory sees many disparities in application between the various regions, as well as between urban and rural areas.

---

[557] Council of Europe, "*Convention on Preventing and Combating Violence against Women and Domestic Violence"* (Istanbul Convention), CETS No. 210, adopted 11 May 2011. Cited in p. 2.

[558] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on France"*, Strasbourg, 2019. Cited in p. 46.

[559] European Parliament, "*Tackling Violence against Women and Domestic Violence in Europe*", Brussels, 2020. https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU%282020%29658648_EN.pdf

[560] Gill Allwood, "*Gender-Based Violence against Women in Contemporary France: Domestic Violence and Forced Marriage Policy since the Istanbul Convention*", Modern & Contemporary France, Vol. 24, No. 4, pp. 377-394, 2016. https://www.tandfonline.com/doi/epdf/10.1080/09639489.2016.1203886?needAccess=true

Particularly regarding victim support services that are often concentrated in the former, and nevertheless work under precarious conditions, inadequate funding and see their effectiveness and continuity of service undermined by local political priorities.[561] As demonstrated, this dynamic creates a paradox between the crucial role formally recognized to the victim support network on paper – to the extent of an overreliance on them as main providers of protection services – and the operational conditions allowing them to properly carry out their work. Against the increasing responsibilities placed on them, the State doesn't provide a consistent monitoring nor a stable funding to guide and sustain their action;[562] as a result, its capacity to transform policy goals into measurable outcomes is severely undermined.[563] This is also problematic in terms of the gap between procedural innovation and institutional capacity. As demonstrated, against the increasing introduction of accelerated procedures, specialized units and formal coordination mechanisms, nearly all reporting reveals uneven application in practice, further hindered by institutional overload and faults in initial risk assessment and follow up action.[564] Examples include police and prosecutorial practices that change greatly depending on the region or the jurisdiction, certainly also due to resource constraints but mostly related to different institutional cultures and priorities.[565] Another example are targeted training activities that while existing, are not effectively integrated in professional training in a systemic way capable of prompting a long-term evolution of practices.[566] As a consequence, the presence of a victim-centred approach depends more on the individual institutional culture of authorities, because while instruments are designed at the central level, their operationalization in practice is a responsibility of actors with varying workloads and priorities that usually with traditional criminal culture adjudication instead of a victim-centred protection logic.[567]

---

[561] Le Monde, "*Why France Still Struggles to Protect Domestic Violence Victims*", 2026. Cited in p. 120.

[562] EuroMed Rights, "*Situation Report on Discrimination against Women in France",* Copenhagen, 2023. Cited in p. 131.

[563] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support, Protection and Justice*", Strasbourg, 2025. Cited in p. 106.

[564] Institut des Politiques Publiques (IPP), "*The Judicial Treatment of Sexual and Domestic Violence in France*", Note IPP No. 107, 2024. Cited in p. 100.

[565] European Institute for Gender Equality (EIGE), "*Data Collection on Intimate Partner Violence by the Police and Justice Sectors: France"*, Luxembourg: Publications Office of the European Union, 2022. Cited in p. 115.

[566] European Union Agency for Fundamental Rights (FRA), "*Rights of Crime Victims to Have Access to Justice – a comparative analysis. Country Report France"*, Publications Office of the European Union, 2017. Cited in p. 110.

These structural deficits become particularly relevant when analysed in relation to scrutiny from the European Court of Human Rights. Indeed, even if the Court doesn't specifically assess national policy framework, its jurisprudence on positive obligations and due diligence has increasingly focused on the capacity of States to effectively prevent foreseeable harm and respond to known risks of violence against women. In particular, the threshold from which policy shortcomings can be considered legally relevant has been progressively lowered to include failures in coordination, inadequate risk assessment, delayed intervention or reliance on fragmented service provisions as possible breaches of Articles 2, 3 and 8 of the Convention.[568] This shift moves away from a conception of institutional and policy failures as neutral administrative issues and directly connects them to the practical effectiveness of prevention and protection afforded to women at risk of domestic or sexual violence.[569] In this sense, the weaknesses emerged in the French system acquire a double negative impact, undermining victim protection domestically on one hand, and exposing the State to increased international responsibility on the other. This tension reduces trust in institutions as the accumulation of monitoring reports and adverse judicial findings only reinforce the formal and symbolic conception of compliance, but at the same time, it also functions as an external driver for reform, consistently demanding the State to address its structural weaknesses. French response has however been inconsistent. Indeed, subsequent reforms and action plans have tried to respond to international critique, but the logic behind their evolution has only moved around legislative outcome and visibility, confirming a merely formal compliance. In practice instead, structural issues ranging from the unstable funding for support services, integrated data systems, to binding coordination protocols remain inadequately address, further hindering institutional reform. As a result, the French system emerges as an example of the limits of a law-oriented compliance that lacks a structured implementation of policies: despite advanced legal systems, policy shortcomings directly affect victims' safety,[570] and States can still remain vulnerable to ECtHR scrutiny – emphasizing the importance of its corrective role on national policies.

---

[567] Strasbourg Observers, "*E.A. et Association Européenne Contre les Violences Faites aux Femmes au Travail v. France: Cooperation between the ECtHR and GREVIO*," 2026. https://strasbourgobservers.com/2026/01/13/e-a-et-association-europeenne-contre-les-violences-faites-aux-femmes-au-travail-v-france-analysis-of-the-cooperation-between-the-ecthr-and-grevio-to-effectively-tackle-violence-against-women-in-euro/

[568] Ibidem.

[569] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support, Protection and Justice*", Strasbourg, 2025. Cited in p. 106.

[570] Amnesty International, "*France: Violence against Women – A Matter for the State"*, London. 2006. Cited in p. 131.

Chapter VI – *Analysis and Discussion of the Gap Between Formal Protection and Effective Safeguards.*

6.1 ECtHR Jurisprudence on Italy

The jurisprudence developed by the European Court of Human Rights on Italy has been particularly relevant in exposing a series of persistent and structural weaknesses that Italy has failed to correct over the years, especially across the policy and interinstitutional levels.

A main gap is represented by the incapacity to translate the extensive legal protections contained in its Civil Code in effective preventive safeguards and protection measures, especially due to failures in risk assessment, interinstitutional coordination and enforcement mechanisms.[571] Starting with *Rumor v. Italy*,[572] the Court progressively framed the issue of domestic violence as a human rights issue, specifying how States were therefore subjected to positive obligations in responding to cases of violence as well as in preventing them, when the risk is foreseeable, through the establishment of prompt and adequate measures.[573] The case law following it, however, showed how Italy struggled to integrate this preventive logic at the national policy level, leading to a series of cases, such as *Landi v. Italy*,[574] or *Scuderoni v. Italy*,[575] in which similar patterns of persistent failures became evident to the Court. Among them for instance the delays in institutional responses, the underestimation of risk escalation, the unbalanced division of responsibilities across actors, or the excessive reliance on victim initiative in seeking protection. The reason for which such failures continue to undermine protection is not technical – as Italy has indeed committed to expanding restraining orders, removal measures, or criminal sanctions in order to ensure adequate justice for victims.

---

[571] Italian Yearbook of Human Rights, "*Judgments of the European Court of Human Rights on Femicide and Measures to Prevent Domestic Violence in Italy in 2022*", Antonio Papisca Human Rights Centre, 2022. https://unipd-centrodirittiumani.it/en/topics/judgments-of-the-european-court-of-human-rights-on-femicide-and-measures-to-prevent-domestic-violence-in-italy-in-2022

[572] European Court of Human Rights, *Rumor v. Italy*, No. 72964/10, judgement of 27 May 2014. https://hudoc.echr.coe.int/eng?i=001-144137

[573] Ronagh J.A. McQuigg, "*Domestic Violence as a Human Rights Issue: Rumor v. Italy*," European Journal of International Law, Vol. 26, No. 4, pp. 1009-1025, 2015. https://www.ejil.org/article.php?article=2618&issue=129

[574] European Court of Human Rights, *Landi v. Italy*, No. 10929/19, judgment of 7 April 2022. https://hudoc.echr.coe.int/fre?i=002-13632

[575] European Court of Human Rights, *Scuderoni v. Italy*, No. 6045/24, judgement of 23 September 2025. https://hudoc.echr.coe.int/fre-press?i=003-8330838-11751688

Rather, it falls on the lack of a policy system capable of activating such formal tools and ensure a timely, coherent and victim-centred protection.[576] For example, in *Landi v. Italy*, the Court demonstrated how despite having access to reports, documented threats and clear indicators of escalating violence, the State still failed to carry out an effective risk assessment and to adopt all the adequate preventive measures required by the seriousness of the situation, which eventually led to the attempted murder of the applicant and to the actual murder of their son.[577] In a similar way, also in *Scuderoni v. Italy* the Court criticized the inactivity of authorities before a known danger, demonstrating how procedural delays and institutional inertia can have direct consequences on victim safety.[578] This dynamic is also confirmed in the Italian Yearbook's examination of ECtHR judgements on feminicides, perceiving these adverse judgments not in their individuality but as parts of a broader pattern of acknowledging of preventive duties in form while lacking accountability and application in practice.[579] Importantly, the Court's critiques have been increasingly expanding beyond individual omissions and reaching towards the deeper problem of the absence of an integrated system not able to anticipate violence and give priority to victim safety. As also noted by the Osservatorio sulla Violenza contro le Donne, domestic violence is instead treated through isolated criminal proceedings, which, in the lack of monitoring and timely intervention from authorities, results on the shifting of the responsibility of protection on victims themselves.[580] Against this background, ECtHR jurisprudence represents a sanction for past failures, but also a powerful external influence that sets the standards for what effective prevention and protection should mean. An example is the emphasis on the fact that States cannot remain passive once authorities «knew or ought to have known» of a real and immediate risk, through which the Court has contributed to prompting a shift in the Italian policy system towards a more anticipatory rather than reactive approach.[581]

---

[576] PILA Bulletin (Public Interest Law Alliance), "*ECtHR finds Italian Authorities Failed to Protect Woman from Domestic Violence*", 2025. https://www.pila.ie/resources/bulletin/2025/10/08/ecthr-finds-italian-authorities-failed-to-protect-woman-from-domestic-violence

[577] European Court of Human Rights, *Landi v. Italy*, No. 10929/19, judgment of 7 April 2022. Cited in p. 135.

[578] European Court of Human Rights, *Scuderoni v. Italy*, No. 6045/24, judgement of 23 September 2025. Cited in p. 135.

[579] Italian Yearbook of Human Rights, "*Judgments of the European Court of Human Rights on Femicide and Measures to Prevent Domestic Violence in Italy in 2022*", A. Papisca Human Rights Centre, 2022.Cited in p. 135.

[580] Osservatorio sulla Violenza contro le Donne, "*La Giurisprudenza della Corte EDU in Materia di Protezione delle Donne Vittime di Violenza Domestica,*" Sistema Penale, No. 2, 2023. https://www.sistemapenale.it/it/scheda/osservatorio-sulla-violenza-contro-le-donne-n-2-2023-la-giurisprudenza-della-c-edu-in-materia-di-protezione-delle-donne-vittime-di-violenza-domestica

[581] Ibidem, *Landi v. Italy*, No. 10929/19, and *Scuderoni v. Italy*, No. 6045/24.

Moreover, jurisprudential pressure also translates in national debates, legislative reforms, public attention, arising pressure from the domestic level as well. Nevertheless, the persistence of patterns of similar violations over time shows how such transformative potential of ECtHR judgements depends heavily on the State's capacity to respond which, in the Italian case, is often undermined by the lack of binding national standards for risk assessment, insufficient training of frontline professionals, and inadequate monitoring of institutional functioning.

As demonstrated by these cases, another main gap emerged from ECtHR's jurisprudence on Italy is related to procedural delays and ineffective investigation. In particular, cases such as *Scuderoni v. Italy* itself,[582] or *De Giorgi v. Italy*[583] have shown how late, fragmented or merely symbolic responses on behalf of authorities for cases of domestic or sexual violence can directly shape the environment in which victims find themselves following reporting. This time period in fact carries the higher risks for escalation of violence and recidivism, and anything from investigation stalls, delayed prosecutorial decisions, or protective measures adopted too late can constitute not only a form of institutional tolerance of violence, but also expose victims to possible lethal consequences. *Scuderoni v. Italy* is again significant in exemplifying this dynamic, with repeated reports of abuse and clear indicators of escalating violence met with slow investigation and perpetrated inactivity.[584] Under this case, the Court found Italy responsible for breaching both Article 3 (prohibition of torture) and Article 8 (right to respect for private and family life), stressing the need for consistently applied protective measures and diligent investigation in cases of domestic abuse.[585] Italian authorities continue to treat domestic and sexual violence as a matter of ordinary criminal procedure, assigning a merely secondary role to the pace and timeliness of procedures and failing to capture the deeper dynamics of coercive control and repeated abuse. Such choice is not only judicial, but rather reflects governance choices on how institutional resources, attention, and urgency are allocated.[586]

---

[582] European Court of Human Rights, *Scuderoni v. Italy*, No. 6045/24, judgement of 23 September 2025. Cited in p. 135.

[583] European Court of Human Rights, *De Giorgi v. Italy*, No. 23735/19, judgement of 16 June 2022. https://hudoc.echr.coe.int/eng?i=001-217718

[584] Maria Beatrice Neri, "*Scuderoni v. Italy: Domestic Violence as a Systematic Failure of Italy*," Trento Student Law Review, University of Trento. https://teseo.unitn.it/tslr/article/view/3682/4138

[585] PILA Bulletin (Public Interest Law Alliance), "ECtHR finds Italian Authorities Failed to Protect Woman from Domestic Violence", 2025. Cited in p. 136.

[586] Marco Bulgarelli, "*Tempo e Inefficienza nei Procedimenti per Violenza Domestica: la Corte EDU Condanna nuovamente l'Italia per Passività Giudiziaria"*, La Legislazione Penale, 2025. https://www.lalegislazionepenale.eu/wp-content/uploads/2025/11/Bulgarelli_LP_.pdf

Moreover, procedural inertia is often accompanied by reliance on reconciliation attempts, evidentiary formalism and prosecutorial discretion which all contribute to further slowing down proceedings. In a similar way, also *De Giorgi v. Italy* constitutes another case law in which delay is addressed as a structural element of Italy's response to domestic and sexual violence that consistently neutralizes the preventive role of criminal law.[587] As a matter of fact, investigative passivity or prolonged proceedings end up rendering protection mechanisms measures that operate only after harm has occurred, highlighting that, in order for the European Convention of Human Rights to be applied effectively, not just action, but *timely* action is required.[588] Besides potentially lethal consequences and possibilities of secondary victimization, delays also undermine victims' trust and willingness to engage with institution, paving the way to a vicious cycle in which the lack of trusts leads to underreporting and underreporting leads to justification of limited institutional efforts in the context of violence against women.[589] The repeated condemnations from the Court in this sense function as an external form of policy evaluation, demonstrating how a protection system cannot be assessed only against the availability of legal tools to evaluate its effectiveness, instead, it must also take into account the State's capacity to intervene promptly and decisively in situations of risk. However, in Italy, domestic and sexual violence are still perceived as low urgency offences within overloaded judicial systems, and the incapacity to translate legal standards into concrete policy instruments such as binding timelines, systematic monitoring and dedicated investigative units continues to expose the State to international condemnation.[590] Importantly, gender stereotypes and secondary victimization during proceedings represent another commonly criticized characteristic in the Court's jurisprudence on Italy. Despite formally recognizing domestic and sexual violence as serious human rights violations, judicial reasoning continues to rely to varying extents on stereotyped assumptions about women's responses to violence in terms of credibility, behaviour, and emotional responses.[591]

---

[587] European Court of Human Rights, *De Giorgi v. Italy*, No. 23735/19, judgement of 16 June 2022. Cited in p.137.

[588] Council of Europe, *European Convention on Human Rights*, ETS No. 5, 1950. Cited in p. 4.

[589] Alessio Gaudieri, "*Violenza Domestica e Ritardi nel Procedimento Penale: la Corte EDU Condanna l'Italia*," Penale Diritto e Procedura. https://www.penaledp.it/violenza-domestica-e-ritardi-nel-procedimento-penale-la-corte-edu-condanna-litalia/?print-posts=pdf

[590] Marco Bulgarelli, "*Tempo e Inefficienza nei Procedimenti per Violenza Domestica: la Corte EDU Condanna nuovamente l'Italia per Passività Giudiziaria"*, La Legislazione Penale, 2025. Cited in p. 137.

[591] Isobel Renzulli, "*Discrimination and Gender Stereotypes in Judicial Decisions*", Netherlands Quarterly of Human Rights, Vol. 41, No. 3, pp. 155-173, 2023. DOI: 10.1177/09240519231191172 https://bura.brunel.ac.uk/bitstream/2438/26854/4/FullText.pdf

In particular, it relies on expectations of the "*ideal*" victim – with a certain femininity, passivity, respectability – assigning secondary importance to objective indicators of harm and risk.[592] This is particularly evident for instance when Courts suspend women's testimonies because of delayed reporting, or when victims continue contact with the perpetrator, any deviation from the stereotypical emotional response expected from a victim of sexual or domestic violence. In this way instead, what actually are structural constraints – for example exposure to contact with the perpetrator due to delayed intervention – or survival strategies are turned into indicators of reliability of the victim, directly affecting evidentiary assessments, prosecutorial strategies and more in general the judicial decision making.[593] In this sense, the ECtHR notably intervened in cases such as *J.L. v. Italy* and explicitly framed such interpretative practices as discriminatory and incompatible with the State's positive obligations under the Convention, both because of their impact on the outcomes of the specific cases, but also because they perpetrated the condition of vulnerability experienced by victims.[594] These stereotypes are deeply diffused across jurisdiction, showing how they are not only derived from a personal bias but rather from deeply embedded procedural cultures and approaches towards evidentiary standards and professional training that shape the general understanding of violence against women in the justice system. In these terms, the concept of secondary victimization is particularly helpful in exposing judicial processes as a form of secondary harm themselves. As argued by the Court, women are subjected to victimization not only from the initial act of violence, but also during the interaction with institutional actors, which paradoxically are the very institutions that should safeguard victims' respect and enjoyment of their rights instead. These failures in protection can take the form of language, tone, moral judgement, invasive interrogation, or procedural choices that perpetrate asymmetrical power relations.[595]

---

[592] Camilla Crea, "*Gender-Based Stereotypes and the Judiciary: Italy before the ECHR*", Actualidad Juridica Iberoamericana (AJI), No. 19, pp. 50-71, 2023. https://revista-aji.com/wp-content/uploads/2024/01/AJI19_bis_Art02.pdf

[593] Valeria Tevere and Anna Iermano, "*Stereotipi di Genere nelle Aule di Giustizia e Vittimizzazione Secondaria: Analisi del Caso J.L. c. Italia*", Culture e Studi del Sociale (CuSSoc), Vo. 8, No. 1, pp. 21-25, 2023. https://www.cussoc.it/journal/article/view/302/188

[594] European Court of Human Rights, *J.L. v. Italy*, No. 5671/16, judgement of 27 May 2021. https://hudoc.echr.coe.int/fre?i=002-13282

[595] Marco Bouchard, "*La Vittimizzazione Secondaria all'Esame della Corte Europea dei Diritti dell'Uomo*", Diritto Penale e Uomo (DPU), 2021. https://dirittopenaleuomo.org/wp-content/uploads/2021/06/Vittimizzazione-secondaria.pdf

According to the Court's judgements, when courts rely on gendered assumptions – for example the expectation of resistance, or immediate reporting – they are effectively placing the burden of protection on victims, implicitly justifying the lack of intervention and responsibility from institutions.[596] This dynamic is deeply embedded in Italy's national policy system, in which gender stereotypes work as a sort of filter that prevents cases perceived as "weak", "ambiguous", or simply "not ideal" from likely receiving the necessary investigative attention and timely intervention.[597] This determination of which victims are worthy of institutional investment has been increasingly criticized by ECtHR judgements, emphasizing the State's obligation to ensure the adequate training of judicial actors to allow them to recognize and counteract gender bias, as well as avoiding secondary victimization.[598] At the same time, feminist scholars have also warned about the risks of such cultural attitudes of perpetrating a merely symbolic policy reform, that shows compliance on the outside but produces discriminatory outcomes.[599] ECtHR's jurisprudence has also influenced the national policy discourse, reframing stereotypes as violations in themselves rather than as "inevitable" consequences of criminal adjudication, and has challenged Italy to commit to a deeper reform in professional culture, training and accountability structures. Therefore, also in the case of gender stereotypes the ECtHR's jurisprudence assumes the role of a corrective mechanism but, in the same way as for failures in prevention and protection and for procedural delays, the practical effectiveness of such influence ultimately depends on Italy's capacity to internalize these standards and integrate them into binding and adequately enforced protection mechanisms.

---

[596] Valeria Tevere and Anna Iermano, "*Stereotipi di Genere nelle Aule di Giustizia e Vittimizzazione Secondaria: Analisi del Caso J.L. c. Italia*", Culture e Studi del Sociale (CuSSoc), Vo. 8, No. 1, pp. 21-25, 2023. Cited in p. 139.

[597] Isobel Renzulli, "*Discrimination and Gender Stereotypes in Judicial Decisions*", Netherlands Quarterly of Human Rights, Vol. 41, No. 3, pp. 155-173, 2023. Cited in p. 138.

[598] Marco Bouchard, "*La Vittimizzazione Secondaria all'Esame della Corte Europea dei Diritti dell'Uomo*", Diritto Penale e Uomo (DPU), 2021. Cited in p. 139.

[599] Ibidem, Renzulli, "*Discrimination and Gender Stereotypes in Judicial Decisions*", 2023.

6.2 ECtHR Jurisprudence on France

The jurisprudence of the ECtHR Court on France instead, focuses its critiques of the gap between formal and effective protection on the treatment of sexual violence and the construction of consent, as well as the presence of victim-blaming practices in judicial reasoning.

France possesses a particularly advanced and comprehensive legal framework to criminalize domestic and sexual violence, protection often fails at the levels of interpretation and evidentiary assessment, directly affecting the credibility of victims' statements.[600] One of the most cited themes in judgements is the inadequate integration of vulnerability in the process of evaluation of consent, especially when linked to age, dependency, employment, and socio-economic conditions. This dynamic places the burden on victims to demonstrate the presence of resistance in order to activate institutional intervention, and prioritizes abstract ideas of free will that don't correspond to the actually lived experiences of victims.[601] Through the Court's judgements, it is highlighted a pattern in French institutions rely on implicit expectations on the behaviour of a "credible" victim, such as immediate reporting, emotional coherence, or explicit verbal denial. However, such concepts can only represent mere expectations, as experiences of coercion and psychological pressure can result in way different responses, especially when involving minors or when victims belong to highly hierarchical environments. For example, in *L. et al v. France* the Court specifically criticized the inadequacy of the French protection system in cases of sexual violence against minors, arguing that the absence of legal thresholds and the excessive reliance on subjective assessments of consent were effectively normalizing situations of abuse.[602] Indeed, legal ambiguity can be perceived as a form of State tolerance, in the sense that being based on judicial discretion, it risks enforcing and reproducing gender stereotypes instead of eradicating them. Therefore, a main difficulty in the French system is not the lack of criminalization in itself, but rather a fault in the institutional system that allows judges and prosecutors to minimize harm through inadequate expectations of victim autonomy and resistance.

---

[600] Solène Jehl, "*La Vulnérabilité des Requérantes au Cœur du Contrôle des Obligations Positives de la France en Matière d'Incrimination et de Répression des Infractions à Caractère Sexuel*", Revue des Droits de l'Homme, 2025. Doi: https://doi.org/10.4000/14auv https://journals.openedition.org/revdh/23190

[601] Dalloz Actu Étudiant Commentary, "*Protection des Victimes Mineures de Violences Sexuelles: Condamnation de la France*", 2025. https://actu.dalloz-etudiant.fr/a-vos-copies/article/protection-des-victimes-mineures-de-violences-sexuelles-condamnation-de-la-france/h/261522cc07b0b8d24f19347e094fd09c.html

[602] European Court of Human Rights, *L. et al v. France*, No. 46949/21, 24989/22 and 39759/22, judgment of 24 April 2025. https://hudoc.echr.coe.int/fre?i=002-14453

This dynamic is certainly more evident in cases involving minors, however, it also extends to cases regarding sexual violence in professional and workplace environments, where victim's credibility is undermined by expectations of professional resilience, strategic silence, or consensual ambiguity.[603] In this context, the Court exposed a link between victim-blaming and institutional inertia in which upon investigations, while victims are subjected to continuous – and often exhausting – scrutiny which often subjects them to secondary victimization, perpetrators are instead met with a more considerate approach. Moreover, as shown by cases brough by collective actors and NGOs, procedural safeguards have been insufficient to guarantee effective investigation also in professional environments, where victims are often exposed to professional retaliation, reputational risk or economic dependence. These failures have been increasingly framed as violations of Article 3 on the prohibition of torture or inhuman and degrading treatment, and of Article 8 on the right to respect for private and family life, arguing that the very lack of adequate investigations and protective measures can be observes as an indirect tolerance of harm.[604] More in general, French jurisdictions have traditionally treated consent in terms of individual psychology rather than structural vulnerability, failing to capture the gendered power relations and the diffused "norms" of sexual interaction, as well as carrying out individual interpretations in assessing victims' statements. In doing so, judicial passivity has become a multiplier of harm, especially when authorities don't intervene in the early stages of investigation, which means allowing evidence to lessen and impunity to be reinforced. Considering the way in which such framework undermines both deterrence of violence and victims' trust in institutions, the Court's monitoring and condemnation has increased, as well as its dialogue on the matter with other international monitoring bodies such as GREVIO.[605] As a result, France has been subjected to increasing pressure to articulate a more victim-sensitive definition of consent, but especially to commit to combating judicial discretion grounded in gender stereotypes.

---

[603] Strasbourg Observers, "*E.A. et Association Européenne Contre les Violences faites aux Femmes au Travail v. France: Analysis of the Cooperation between the ECtHR and GREVIO to effectively Tackle Violence against Women in Europe*", 2026. Cited in p. 134.

[604] Samira Allioui, "*France's Failure to Comply with Articles 3 and 8 ECHR: Inadequate Procedural Safeguards for Sexual Violence in the Workplace and a Deficient Legal Framework for Non-Consensual Sexual Acts*" Talking Rights, 2025. https://talkingrights.org/2025/10/30/frances-failure-to-comply-with-articles-3-and-8-echr

[605] Ibidem, Strasbourg Observers, "*E.A. et Association Européenne Contre les Violences faites aux Femmes au Travail v. France*", 2026.

Nevertheless, recent reports show how such shortcomings still persist, with institutional actors continuing to give priority to legal certainty and relying on traditional evidentiary models instead of embracing a more victim-centred approach.[606] In order to combat such resistance, ECtHR's judgments are increasingly stressing vulnerability as a crucial element in the protection of women victim of domestic and sexual violence, requiring the State to implement policies focused on the prevention of foreseeable risk instead on stereotyped assumptions of autonomy.[607] In this sense, the French framework emerges as formally advanced but substantively weak, negatively affected in its delivery of preventive and protective mechanisms by a persistent gap between normative ambition and institutional action. Sexual violence is only recognized in law as a serious human rights violation, while in practice victim-blaming attitudes and stereotyped credibility assessments undermine the potential of such law of effectively protecting women. On the contrary, victims are even subjected to invasive investigations and secondary victimization, which contributes to the negative perception of their lived experiences and consequently lowers trust in institutions and reporting rates.[608] In the process of framing these failures in terms of violations of the State's positive obligations, the ECtHR Court takes on the role of both a standard and a normative guide. In the first case, it functions as a benchmark against which areas requiring intervention and implementation can be assessed; while in the latter, it reframes violence as a matter of State responsibility and stresses the importance of interpretative frameworks and institutional cultures that respond to violence in a way that doesn't reproduce the very power asymmetries enabling it. And, following the same dynamic as Italy, the ability of France to effectively translate such standards and recommendations in long-term policy change, relies heavily on its willingness to intervene.

---

[606] Solène Jehl, "*La Vulnérabilité des Requérantes au Cœur du Contrôle des Obligations Positives de la France en Matière d'Incrimination et de Répression des Infractions à Caractère Sexuel*", Revue des Droits de l'Homme, 2025. Cited in p. 141.

[607] Dalloz Actu Étudiant Commentary, "*Protection des Victimes Mineures de Violences Sexuelles: Condamnation de la France*", 2025. Cited in p. 141.

[608] Uli Orth, "*Secondary Victimization of Crime Victims by Criminal Proceedings*", Social Justice Research, Vol. 15, No. 4, pp. 313-325, 2002. Cited in p. 112.

6.3 Obstacles to Effective Protection

The effectiveness of national systems of prevention and protection strongly depends on the way in which the different dimensions of governance interact with each other, often constituting the very obstacles that undermine its functioning. At the institutional level for instance, a most pervasive failure is represented by the weak and fragmented cooperation and coordination between judicial authorities, law enforcement and social services. Regarding Italy, challenges emerge from the early stages of proceedings, including the accessibility of justice itself. In particular, research demonstrates how Italian institutional culture still strongly relies on the traditional formal methods of ordinary criminal proceedings, forcing women to not only navigate a complicated system – often unguided – but also subjecting them to repeated hearings and prolonged uncertainty which can potentially expose them to further harm.[609] An explanation and a consequence to this framework is the lack of specialization and the inadequate application of protective measures, as violence is still perceived in terms of individual offences while its systematic dimension remains mostly unaddressed. As a result, legal processes effectively become points of tension rather than protection for women victims, discouraging engagement on the individual level, and producing discontinued and insufficient outcomes on the policy one.[610] Similar patterns are shown also in France, where investigative journalism and policy analysis identify main obstacles in issuing protection orders and in consistent follow up activity, as well as in inadequate police practices.[611] In particular, several cases of domestic violence brought before the ECtHR Court have raised serious concerns over the lack of or insufficient enforcement of judicial decisions that has led to fatal and irreversible consequences in many instances.

---

[609] Francesca Chiara Matteligh, "*Le Difficoltà nell'Accesso alla Giustizia per le Donne Vittime di Violenza Domestica*", 2024/2025. https://thesis.unipd.it/retrieve/f2e60d96-0256-49f8-b0d3-33762b3b1f11/Matteligh_FrancescaChiara.pdf

[610] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice*", 2025. Cited in p. 102.

[611] Le Monde, "*Why France Still Struggles to Protect Domestic Violence Victims*", 2026. Cited in p. 120.

These shortcomings are reinforced and further exacerbated in both systems by common factors such as resource constraints, lack of training for frontline professionals and uneven territorial coverage of victim support services, which, as consistently assessed by GREVIO, deeply contribute to undermine the credibility and capacity of the protection system in general.[612]

This reflects the deeper and broader issue of the persistence of social and cultural barriers across both States, which directly or indirectly influences the way in which violence is perceived, interpreted, and eventually normalized in society. A main factor lies in the fact that despite being formally acknowledged in certain institutional contexts, violence is still perceived under the traditional lens of hierarchical power, which minimizes victim's harm and credibility under emotional excess or provocation, while also normalizing male aggressions as a result of stress, jealousy or loss of control.[613] Such deeply embedded approaches have a direct impact on the capacity of women subjected to violence to recognize themselves as victims and can lead to internalization of the blame and consequently reduced reporting. Psychological studies conducted among younger generations demonstrate how these attitudes are not only not eradicated from society but are assuming different and more subtle forms: coercive behaviours, emotional manipulation are often disguised as less serious behaviours and sometimes even rationally justified. In this sense, while extreme manifestations of violence are highly condemned by public and media attention, at the same time, more subtle or early forms of violence are not only implicitly tolerated but even justified.[614] This results in an alarming impact on national policies, as those prevention strategies activated through reporting or early intervention risk to have their already limited application undermined even more, as an important part of society fails to recognize violence until it doesn't overtly escalate into visible harm. Another strictly connected barrier is the social construction of what an "ideal victim" should be: coherent, morally irreprehensible, visibly injured, and emotionally controlled – expectations that many victims cannot meet as they are derives from a stereotyped perception of victimhood instead of being drawn from victim's real lived experiences.

---

[612] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice*", 2025. Cited in p. 70; Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support, Protection and Justice*", 2025. Cited in p. 106.

[613] Veronica Grembi, et al., "*Domestic Violence Perception and Gender Stereotypes*", Journal of Population Economics, Vol. 37 (1), 2024. https://link.springer.com/content/pdf/10.1007/s00148-024-00986-0.pdf

[614] Ilaria Coppola, et al., "*Psychosocial Representations of Gender-Based Violence Among University Students from Northwestern Italy*", Behavioural Sciences, Vol. 15 (10), 1373, 2025. Doi: https://doi.org/10.3390/bs15101373 https://www.mdpi.com/2076-328X/15/10/1373

In Italy for example, victims that conform with such expectations tend to be privileged in the credibility on their statements, while suspicion is reserved to those who don't conform either in their response to violence or in their reporting times.[615] This phenomenon, defined as *himpathy*, holds a double implications as on the one hand it focuses the attention more on perpetrators – taking into account their personal background, social status or emotional distress – and on the other it influences the general approach of public opinion and institutional actors such as police officers or healthcare professionals on assessing credibility and urgency. Indeed, as also demonstrated by analyses of the Italian "Pink Code", even specialized healthcare professionals are often biased in their judgments and merely focus on the presence of visible injury while overlooking dynamics of psychological harm or cumulative trauma.[616] In this sense, a paradoxical situation is perpetrated where the existence of specialized mechanisms relies on forms of evidence that are socially and culturally filtered. In France instead, a particularly challenging dimension is the cultural resistance to recognize vulnerability, surpassingly diffused among adult women. Victims are subjected to intersecting forms of vulnerability, especially in situations of precarious employment, migration, or in cases of workplace sexual violence. In this context, the absence of a consent-based standard contributes to reinforcing expectations of immediate resistance and explicit verbal refusal, further raising the threshold of social and cultural expectations on victims.[617] Importantly, with the raise of public attention to gender and sexuality, political backlash and anti-gender discourse have developed as part of broader conflicts on national identity, sovereignty and democratic authority, addressing feminist movements and human rights institutions as elites disconnected from "the people".[618] In both States, equality policies are perceived by radical right and conservative actors as an external imposition that undermines traditional masculinity and privileges minorities over the silent majority, even arguing on its potential to threaten social cohesion and consequently destabilize the nation.

---

[615] Flaminia Saccà and Maddalena Carbonari, "*Himpathy in the Social Representation of Gender-Based Violence by the Italian Press*", Power Asymmetries: Gender, Ideology and Democracye 1: 9-46, 2025. https://rosa.uniroma1.it/rosa05/power_asymmetries/article/view/131

[616] Lina De Paola, et al., "*Violence against Women within Italian and European Context: Italian 'Pink Code' – Major Injuries and Forensic Expertise of a Socio-Cultural Problem: A Narrative Review"*, Forensic Sciences, Vol. 4, pp. 264-276, 2024. Cited in p. 65.

[617] Le Monde, "*French Gender Equality Council warns of Threats Posed by Masculinist Networks*", 2026. https://www.lemonde.fr/en/france/article/2026/01/21/french-gender-equality-body-warns-of-threat-posed-by-masculinist-networks_6749657_7.html

[618] Francesca Scrinzi, "*Populist Radical Right Frames of Gender and Sexuality in France and Italy: Targeting Feminists and Other Enemies of the People*", Social Politics, pp. 1-25, 2025. Doi: https://doi.org/10.1093/sp/jxaf056 https://academic.oup.com/sp/advance-article/doi/10.1093/sp/jxaf056/8340014

The diffusion of such narratives has paved the way to the rise of anti-gender movements across Europe, whose campaigns present recurring themes such as the rejection of gender ideology, the defence of biological essentialism, and the general perception of feminism as an authoritarian social structure.[619] In the Italian context such movements have manifested especially under the alliances between far-right parties and conservative Catholic organizations, which due to their relevance were able to influence political debate and legislative agendas on the matter.[620] In particular, the opposition to gender equality has been defended through appeals to parental rights or freedoms of expression, making the claims appear apparently moderate and institutionally respectable. Instead in practice, they have transformed the advancements of feminist policies in points of contestation, especially on themes such as education, productive rights and prevention of violence. In France instead, the anti-gender discourse was grounded in republican universalism and secularism, claiming that specialized measures for women victim of violence undermine the very principle of equality before the law. Such strong statements have indeed influenced debates on highly fragile matters such as consent and workplace harassment, for example reframing feminist demands for structural change as threats to legal neutrality and due process. As documented by the UN Women Report, this leads to a «discursive compliance and practical retrenchment», meaning that under this framework policy implementation is effectively resisted but without overtly rejecting principles of equality.[621] In the same way, also the very concept of violence is minimized and delegitimized in contexts already highly characterized by institutional suspicion and political polarization, in the sense that they resonate with broader discourses on State authority and expert knowledge. As a result, also civil society initiatives such as trainings or awareness raising programmes are undermined and reframed as biased or ideological, further contributing to concentrate resources and funds on punitive measures at the expense of preventive and protective ones.

---

[619] David Paternotte and Roman Kuhar, "*Disentangling and Locating the 'Global Right': Anti-Gender Campaigns in Europe"*, Politics and Governance, Vol. 6, issue 3, pp. 6-19, 2018. Doi: 10.17645/pag.v6i3.1557 https://transreads.org/wp-content/uploads/2021/07/2021-07-23_60fa088d192f4_Anti-GenderCampaignsinEuropeMobilizingAgainstEqualitybyRomanKuharDavidPaternottez-lib.org_.pdf

[620] Anna Lavizzari, Anastasia Barone, and Giada Bonu Rosenkranz, "*Anti-Gender Mobilizations in Europe and Feminist Responses*" in Contentious Gender Politics, pp. 25-52, 2018. Doi: https://doi.org/10.1007/978-3-031-87693-6 https://link.springer.com/content/pdf/10.1007/978-3-031-87693-6.pdf

[621] UN Entity for Gender Equality and the Empowerment of Women (UN WOMEN) and UNRISD, "*Understanding Backlash against Gender Equality: Evidence, Trends, and Policy Responses"*, 2025. https://www.researchgate.net/publication/397453989_Understanding_Backlash_against_Gender_Equality_Evidence_Trends_and_Policy_Responses

In the perspective of anti-gender movements, women, sexual minorities and migrants aren't conceived as vulnerable categories requiring constant protection, but rather as disruptive forces that must be regulated and contained, effectively neutralizing the efforts of feminist advocacy and protection in eradicating the historical dynamics of hierarchical power that portrayed women in such ways.[622] A backlash structured as such is also particularly challenging to counteract, as it doesn't manifest through extreme actions but rather in more subtle ways such as democratic debate, or discourses on cultural pluralism or on the protection of freedoms. But at the same time is gradually destabilizes the protection system on its different levels, delaying reforms, reframing objectives and delegitimizing the work of feminist actors – often escalating in aggressive practices as well. The real impact on women's safety and on the enjoyment of their rights remains masked, which, in institutional contexts that already operate in biased ways can have disproportionate consequences in both recognizing and combating this internal resistance, as well as in the system's ability to implement the delivery of effective protection.

---

[622] Conny Roggeband et al., "*Anti-Gender Politics and European Democracies' Legacies of Exclusion and Violence*", Women's Studies International Forum, Vol. 112, 2025. Doi: https://doi.org/10.1016/j.wsif.2025.103151 https://www.sciencedirect.com/science/article/pii/S0277539525001001/pdfft?md5=fc9072e93dfe4ad17adba6b9d08ba989&pid=1-s2.0-S0277539525001001-main.pdf

6.4 Some Comparative Notes on Italy and France

In the course of this analysis, several patterns of convergence and some divergences emerge in the comparison between Italy and France. Firstly focusing on the converging level, both countries have demonstrated a significant normative advancement. Especially following the ratification of the Istanbul Convention,[623] they have both committed to harmonize their standards and formally update their normative systems to the evolution of the concept of gender-based violence, for example increasing criminal provisions related to domestic and sexual violence or by integrating, to varying extents, the notions of prevention, protection and prosecution in their national policy frameworks.[624] Such efforts have contributed to aligning the countries with a general EU trend in recognizing violence against women as a structural and systematic phenomenon, moving beyond its traditional understanding of an isolated criminal issue.[625] Various policy reforms have been helpful in expanding the victim-support system afforded to victims of violence, for example in terms of creation and implementation of specialized services, shelters and national hotlines, as well as in terms of acknowledging the demands for increased coordination between dedicated authorities.[626] Nevertheless, as similar are the formal implementations, also similar are a series of implementation obstacles that weaken the effectiveness of protection safeguards. Notably, many of these are related to the insufficient amount of resources and their ineffective repartition between authorities, which achieves a similar effect to the ineffective repartition of responsibility: data collection, territorial cooperation, and access to protection services are severely undermined despite their formal enforcement in law. Regarding the latter measure, studies reveal how the migration status particularly represents one of the most challenging vulnerabilities for women victims of violence in both Italy and France.[627]

---

[623] Council of Europe, "*Convention on Preventing and Combating Violence against Women and Domestic Violence"* (Istanbul Convention), CETS No. 210, adopted 11 May 2011, ratified by Italy on 10 September 2013, and ratified by France on 4 July 2014. Cited in p. 2.

[624] European Parliament, "*Tackling Violence against Women and Domestic Violence in Europe*", Brussels, 2020. Cited in p. 125.

[625] Paola Frati et al., "*Legal Perspectives on Sexual Violence: A Cross-European Study*", Forensic Sciences, Vol.5, No. 3, 2025. Doi: https://doi.org/10.3390/forensicsci5030038 https://www.mdpi.com/2673-6756/5/3/38

[626] WAVE (Women Against Violence Europe), "*Violence Against Women Comparative Report: Italy, Spain and Turkey*", 2016. https://notus-asr.org/wp-content/uploads/2016/05/WAVECRFinal.pdf

[627] Claudia Di Matteo and Roberto Scaramuzzino, "*Gender-based Violence against Women with Precarious Legal Status and their Access to Social Protection in Advanced Welfare Societies: an Analytical Contribution to Reconstruct the Research Field and its Institutional Development*", Comparative Migration Studies, 2022. Doi: https://doi.org/10.1186/s40878-022-00314-z https://link.springer.com/content/pdf/10.1186/s40878-022-00314-z.pdf

As a matter of fact, migrant women are subjected to intersecting vulnerabilities which in the context of violence against women can translate into language barriers and difficulties in navigating a foreign and complex system at the institutional level, and in even more stereotyped exclusion from protective measures at the individual level. The presence of such convergences can also be explained under the corrective role of the ECtHR's jurisprudence that has increasingly articulated the standards for State's positive obligations of prevention, investigation and punishment of violence against women, inviting States to align with it through its judgements.[628] As a result, international pressure from both the Court and regional European monitoring mechanisms such as GREVIO makes it so that the European framework of national protection systems is more or less similar in its structure and aspirations. However, at the same time, some divergences emerge in terms of their practical effectiveness. This diverging dimension is especially visible in relation to judicial and institutional responses, considering their strong dependence on national contexts, administrative structures and policy priorities. For example, GREVIO's Baseline Report on France emphasized the institutionalization of specialized responses and the efforts in integrating a more victim-centred approach in criminal proceedings, while also finding faults in consistency and territorial equality of access to protection mechanisms.[629] Instead, GREVIO's Report on Italy focused on the fragmentation of implementation, particularly stressing the limitations in the use of risk assessment tools and in terms of coordination between criminal justice actors and support service, as well as their contribution in reducing victim's trust in institutional provision of protection.[630] These frameworks expose two different forms of policy governance: on the one hand France, with policies prohibiting violence increasingly integrated as formal and central responsibilities of the State; and on the other Italy, which instead remains strongly reliant on local implementation and discretionary practices.[631]

---

[628] Ilaria Giordano and Angela Zottola, "*Gender-based Violence against Women in the European Court of Human Rights: Case Study on Separate Judicial Opinions*", Comparative Legilinguistics, Vol. 64, 2025. Doi: https://doi.org/10.14746/cl.2025.64.2 https://www.researchgate.net/publication/399000392_Gender-based_violence_against_women_in_the_European_Court_of_Human_Rights_a_case_study_on_separate_judicial_opinions

[629] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on France"*, Strasbourg, 2019. Cited in p. 46.

[630] Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice*", 2025. Cited in p. 70.

[631] Augusto Cerqua et al., "*Feminicides, Anti-Violence Centres, and Policy Targeting*" European Economic Review, 2026. https://iris.uniroma1.it/retrieve/04784428-a997-49e6-8dd3-17ef41f4c398/Cerqua_Giannantoni_Letta_Pinto%20%282026%29%20-%20Femicides%2C%20Anti-Violence%20Centers%2C%20and%20Policy%20Targeting.pdf

Indeed, research on feminicides and anti-violence policies in Italy has confirmed this strong connection between the effectiveness of protection measures and the presence of local victim support centres, which can be partially explained also by the emergency-driven nature of the majority of responses to cases of violence. The system is in fact far from embracing a long-term idea of prevention, as demonstrated by the low investments in prevention, training and monitoring, which instead emerge as central policy failures.[632] Divergences are also present at the level of judicial reasoning and interpretation, as areas strongly influenced by national legal cultures. In particular, even though both countries encounter challenges in the practical application of judgements, the French legal discourse displays a more structural framing of violence, while in many cases Italian judicial approaches are more evidently still grounded in individualized and episodic understandings of violence.[633] In terms of policy, judicial culture has a therefore a strong impact in either enforcing or closing the gap between law in books and law in practice, as victims' experiences are directly shaped by the modes of access to justice, by how authorities carry out proceedings, and by the way protection measures are applied practically.

Taken together, this comparative analysis of the national policy and social systems in Italy and France exemplifies how from a shared baseline of obligations, different outcomes in policy governance, institutional capacity, and judicial culture can arise, depending on the way in which the tension between prohibition and protection is managed.

---

[632] Alessandra Dino, "*Violence Against Women and Femicide: an Analysis on the Murders of Foreign Women in Italy*", Crime, Law and Social Change, Vol. 78: 165-188, 2022. Doi: https://doi.org/10.1007/s10611-022-10018-1 https://link.springer.com/article/10.1007/s10611-022-10018-1

[633] Ilaria Giordano and Angela Zottola, "Gender-based Violence against Women in the European Court of Human Rights: Case Study on Separate Judicial Opinions", Comparative Legilinguistics, Vol. 64, 2025. Cited in p. 150.

Thesis Conclusions

Violence against women emerges as a complex, multifaceted issue that deeply challenges States at both the legislative, institutional, policy, and cultural level. The analysis carried out in this thesis aims at exploring the way in which its prohibition is perceived, operationalized and enforced within the domestic legal and policy systems in Italy and France, as well as understanding to what extent such systems are the result of international influence and of the jurisprudence of the ECtHR. In terms of perception, both countries have increasingly reframed violence as a structural phenomenon rooted in power asymmetries and traditional narratives of male predomination. This results also comes from the significant efforts and consistent advocacy on behalf of feminist legal scholars and feminist movements, which have contributed to eradicating violence from the private sphere and influenced the creation of international instruments aimed at combating it and punishing perpetrators – most notably the CEDAW and the Istanbul Convention. However, this recognition encounters some limitations in practice. In particular, the assumption is that the eradication of violence from the sphere of male dominance power asymmetry is true only in theory, while in reality, authorities' practices continue to treat violence under the lens of ordinary criminal proceedings and fail to capture the urgency of the matter. Moreover, judicial culture tends to impose moral judgements and stereotyped expectations on victims, often subjecting them to secondary victimization and even subtly "justifying" perpetrators – a dynamic both derived and enforced by the broader general State tolerance of violence, to which the diffused presence of anti-gender movements and the incapacity of large sections of society to recognize violence in the absence of visible harm contribute. This framework carries significant consequences also at the level of operationalization. Italy and France are parties to the main two international instruments protecting women's rights, and especially under the ratification of the Istanbul Convention, they have subjected their discretion on the treatment of violence to conformity to the binding obligations set in the Convention. A common strength of both countries is in fact the advanced national legal system on women's protection from violence, with Italy focusing on increasing the penalties for perpetrators and introducing aggravating factors, while France has mainly worked on the integration of more subtle dynamics of violence – such as the psychological one. Nevertheless, this disproportionate normative evolution is still the result of a superficial understanding of violence, that prioritizes a punitive approach at the expense of investments in reforms and trainings specifically related to violence, which are instead marginalized and not considered a priority. As a result, stereotyped filtering of claims, or inadequate or delayed preventive and protective measures underestimate the seriousness of situations and often lead

to fatal consequences. Lastly, in terms of enforcement, this thesis exposes the significant reliance of both countries on the civil society system of support for the delivery of victim's protection – a potentially favourable stance as victim support centres and civil society networks, on the basis of their expertise and specialization in the treatment of cases of violence, are able to provide support that responds directly to victims' specific needs. However, in a model of application of law that's already weak, the issues of territorial availability and unstable funding of victim support centres, paired with the broader fragmentation and low cooperation of the various actors involved, can do no more than further worsen the structural weaknesses of the victim protection framework in both countries. Violence is therefore a multifaceted phenomenon that engages society at all levels, and as such, the demand of an equally multifaceted response from all actors is reasonable. Nevertheless, the alarming rates of violence that still affect women despite increasingly advanced systems of criminalization point at a lack of cooperation, rather than a lack of law. Moreover, the few efforts carried out in both countries to implement cooperation have in many cases led to negative consequences, such as fragmentary and contradictory responses that further exacerbate the vulnerability of victims and expose them to heightened risk.

Against this backdrop, my personal opinion stands with those that support the articulation of violence as a stand-alone right. In such articulation in fact, violence would be specifically constructed on the lived experiences of women, capturing the more nuanced and invisible dynamics of abuse and directly responding to victims' specific needs. Such understanding could assume a potentially corrective role on the fragmentation of policy responses, as they would be no longer based on stereotyped and cultural expectations of victimhood but would instead prioritize initiatives of education, empowerment strategies, and long-term support – traditionally marginalized and deemed as secondarily relevant in approaches grounded in traditional criminal justice. The overall coherence of policy and institutional responses would therefore be implemented, aligning with the increasing emphasis of the European Court of Human Rights' jurisprudence on the importance of cooperation and collaboration between actors to ensure the effective delivery of justice and protection. Understanding compliance in the Court's jurisprudence as compliance in practice rather than in law, the Court moves beyond its role of mere tribunal of last resort and instead assumes the role of primary corrective tool for the establishment of effective protection standards towards which all States should converge. Its judgements cover all aspects of fragmented protection, ranging from judicial language, institutional inertia, and sensitivity towards the more nuanced dynamics of violence, to the establishment of a victim-centred approach and collaboration between actors to ensure a

linear response to violence instead of a contradictory one. Nevertheless, in a final assessment, this analysis also confirms the limitations of judicial intervention: while ECtHR judgements are indeed crucial in reframing legal obligations and in exposing institutional shortcomings, they only have a limited impact on eradicating the deeper cultural barriers that permeate society. Therefore, regardless of the specific articulation of violence, the central barrier that emerges is the capacity of national social and policy systems to internalize the principles of victim's centrality and prompt and adequate intervention in cases of risk. Only through this internalization can measures specifically aimed at tackling violence against women close the gap between law and practice. However, as demonstrated by the persistence of the same shortcomings over time in international reports, a central determinant in this process is the willingness of States to genuinely commit to such internalization, and its consequent operationalization and enforcement.

Bibliography

I. Books, Articles, and Studies

ALLIOUI, Samira, "*France's Failure to Comply with Articles 3 and 8 ECHR: Inadequate Procedural Safeguards for Sexual Violence in the Workplace and a Deficient Legal Framework for Non-Consensual Sexual Acts*" Talking Rights, 2025. https://talkingrights.org/2025/10/30/frances-failure-to-comply-with-articles-3-and-8-echr

ALLWOOD, Gill, "*Gender-Based Violence against Women in Contemporary France: Domestic Violence and Forced Marriage Policy since the Istanbul Convention*", Modern & Contemporary France, Vol. 24, No. 4, pp. 377-394, 2016. https://www.tandfonline.com/doi/epdf/10.1080/09639489.2016.1203886?needAccess=true

ARISTOTELE, "*Nicomachean Ethics"* translated by R. Bartlett and S. Collins, University of Chicago Press, 2011. https://ia600506.us.archive.org/0/items/AristotlesNicomacheanEthics/Aristotles%20-%20Nicomachean%20Ethics.pdf

BADOR-FRITCHE, Emma, "*'Masculinism is a threat to public order', warn feminist associations*", Public Senat, 2026. https://www.publicsenat.fr/actualites/parlementaire/le-masculinisme-est-une-menace-pour-lordre-public-alertent-des-associations-feministes

BARBOT, Janine and DODIER, Nicholas, "*Rethinking the Role of Victims in Criminal Proceedings*", Revue Française de Science Politique Vol. 64, No. 3, 2014: 407-433. Doi: 0.3917/rfsp.643.0407 https://shs.cairn.info/journal-revue-francaise-de-science-politique-2014-3-page-407?lang=en&tab=texte-integral

BONINI, Valentina, "*Protezione della Vittima e Valutazione del Rischio nei Procedimenti per Violenza Domestica tra Indicazioni Sovranazionali e Deficit Interni*", Sistema Penale, Fascicolo 3, pp. 47-67, 2023. https://www.sistemapenale.it/pdf_contenuti/1680803824_sp-2023-3-bonini.pdf

BONNET, François et al., "*Embedded Social Workers within Police Organisations in France and Finland: Comparing Domestic Violence Interventions in France and Finland*", HAL Open Science, 2024. Doi: 10.1093/police/paee065 https://shs.hal.science/halshs-04711860v1

BOUCHARD, Marco, "*La Vittimizzazione Secondaria all'Esame della Corte Europea dei Diritti dell'Uomo*", Diritto Penale e Uomo (DPU), 2021. https://dirittopenaleuomo.org/wp-content/uploads/2021/06/Vittimizzazione-secondaria.pdf

BOUCHET, Marthe, [Doctrine] "*Décryptage de la Loi Modifiant la Définition du Viol et des Agressions Sexuelles*", Le Quotidien, 2025. https://www.lexbase.fr/article-juridique/126516403-doctrine-decryptage-de-la-loi-modifiant-la-definition-du-viol-et-des-agressions-sexuelles

BULGARELLI, Marco, "*Tempo e Inefficienza nei Procedimenti per Violenza Domestica: la Corte EDU Condanna nuovamente l'Italia per Passività Giudiziaria"*, La Legislazione Penale, 2025. https://www.lalegislazionepenale.eu/wp-content/uploads/2025/11/Bulgarelli_LP_.pdf

ÇALI, Başak, "*The Authority of International Law: Obedience, Respect and Rebuttal"*, Oxford University Press, 2015. Doi: https://doi.org/10.1093/acprof:oso/9780199685097.003.0003 https://it.scribd.com/document/935243063/Ebook-The-authority-of-international-law-obedience-respect-and-rebuttal-by-Ba%C5%9Fak-Cal%C4%B1-ISBN-9780191765377-9780199685097-0191765376-0199685096

CAPONE, Francesca, "*Violence against Women: Assessing Italy's Compliance with the OSCE Commitments and the Current International Legal Framework*", Security and Human Rights, Vol. 28, pp. 24-48, 2017. https://brill.com/downloadpdf/view/journals/shrs/28/1-4/article-p24_24.pdf

CERQUA, Augusto, et al., "*Feminicides, Anti-Violence Centres, and Policy Targeting*" European Economic Review, 2026. https://iris.uniroma1.it/retrieve/04784428-a997-49e6-8dd3-17ef41f4c398/Cerqua_Giannantoni_Letta_Pinto%20%282026%29%20-%20Femicides%2C%20Anti-Violence%20Centers%2C%20and%20Policy%20Targeting.pdf

CHARLESWORTH, Hilary, "*What Are 'Women's International Human Rights'?"* in Human Rights of Women: National and International Perspectives by Rebecca J. Cook, chapter 3, University of Pennsylvania Press, 1994. https://books.google.it/books?id=62VLTiwTGg0C&printsec=frontcover&hl=it&source=gbs_ViewAPI&redir_esc=y#v=onepage&q&f=false

CHARLESWORTH, Hilary, et Al., "*Feminist Approaches to International Law*," *American Journal of International Law* 85, no. 4, 1991. Doi: https://doi.org/10.2307/2203269 https://it.scribd.com/document/475138812/EPIL-Feminism-Approach-to-International-Law

CHARLESWORTH, Hilary and CHINKIN Christine, "*The Boundaries of International Law: A Feminist Analysis",* Manchester University Press, 2000. Doi: https://doi.org/10.2307/2661427

https://static.cambridge.org/content/id/urn:cambridge.org:id:article:S0922156501230441/resource/name/S0922156501000449a.pdf

CHARLESWORTH, Hilary, "*Feminist Methods in International Law*", American Journal of International Law, Vol. 93, No. 2: 379–394, 1999. Doi: https://doi.org/10.2307/2997996 https://it.scribd.com/document/209336561/2997996feminist-Method-Hilary-Charlesworth

CLAPHAM, Andrew, "*Human Rights Obligations of Non-State Actors"*, Oxford University Press, 2006. https://www.corteidh.or.cr/tablas/24296.pdf

COOK, Rebecca, "Women's International Human Rights Law: The Way Forward", Human Rights Quarterly, Vol. 15: 230-261, 1993. https://utoronto.scholaris.ca/server/api/core/bitstreams/c0ec0788-4230-4176-924a-d836ac44508f/content

COPPOLA, Ilaria, et al., "*Psychosocial Representations of Gender-Based Violence Among University Students from Northwestern Italy*", Behavioural Sciences, Vol. 15 (10), 1373, 2025. Doi: https://doi.org/10.3390/bs15101373 https://www.mdpi.com/2076-328X/15/10/1373

CREA, Camilla, "*Gender-Based Stereotypes and the Judiciary: Italy before the ECHR*", Actualidad Juridica Iberoamericana (AJI), No. 19, pp. 50-71, 2023. https://revista-aji.com/wp-content/uploads/2024/01/AJI19_bis_Art02.pdf

CRENSHAW, Kimberlé, "*Demarginalizing the Intersection of Race and Sex"*, University of Chicago Legal Forum, 1989. https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf

CRENSHAW, Kimberlé, "*Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color"*, Stanford Law Review 43, No. 6, 1991. Doi: https://doi.org/10.2307/1229039 https://blogs.law.columbia.edu/critique1313/files/2020/02/1229039.pdf

D' ANDREA, Paolo, "*L'attuazione della Convenzione di Istanbul in Italia"*, Bachelor Thesis, University of Padua, 2024/25. https://thesis.unipd.it/handle/20.500.12608/98603

DE FAZIO, Laura, "*Criminalization of Stalking in Italy: One of the Last among the Current European Member States' Anti-Stalking Laws"*, Behavioural Sciences & the Law, Vol: 29 (2), pp. 317-323, 2011. Doi: https://doi.org/10.1002/bsl.983 https://onlinelibrary.wiley.com/doi/epdf/10.1002/bsl.983?saml_referrer

DE PAOLA, Lina, et al., "*Violence against Women within Italian and European Context: Italian 'Pink Code' – Major Injuries and Forensic Expertise of a Socio-Cultural Problem: A Narrative Review"*, Forensic Sciences, Vol. 4, pp. 264-276, 2024. Doi: https://doi.org/10.3390/forensicsci4030019 https://iris.uniroma1.it/retrieve/1de1fb32-e228-4862-b04e-fced7e9f6645/De%20Paola_Violence_2024.pdf

DEMBOUR, Marie-Bénédicte, "*Who Believes in Human Rights?: Reflections on the European Convention",* Cambridge University Press, 2006. Doi: https://doi.org/10.1017/CBO9780511618192
http://ndl.ethernet.edu.et/bitstream/123456789/15299/1/149.pdf

DEMURTAS, Pietro, *"Anti-Violence Centres and Shelters in Italy: Between Resistance and Institutionalization",* Società Mutamento Politica, Vol. 16 (32), pp. 185-195, 2025. Doi: https://doi.org/10.36253/smp-16279
https://oajournals.fupress.net/index.php/smp/article/view/16279/15490

DI MATTEO, Claudia, and SCARAMUZZINO, Roberto, "*Gender-based Violence against Women with Precarious Legal Status and their Access to Social Protection in Advanced Welfare Societies: an Analytical Contribution to Reconstruct the Research Field and its Institutional Development*", Comparative Migration Studies, 2022. Doi: https://doi.org/10.1186/s40878-022-00314-z https://link.springer.com/content/pdf/10.1186/s40878-022-00314-z.pdf

DINO, Alessandra, "*Violence Against Women and Femicide: an Analysis on the Murders of Foreign Women in Italy*", Crime, Law and Social Change, Vol. 78: 165-188, 2022. Doi: https://doi.org/10.1007/s10611-022-10018-1 https://link.springer.com/article/10.1007/s10611-022-10018-1

ENGLE, Karen, "*International Human Rights and Feminism: When Discourses Meet*," Michigan Journal of International Law 13, 1992. https://files01.core.ac.uk/download/pdf/232710623.pdf

EDAWRDS, Alice, "*Violence against Women under International Human Rights Law"*, Cambridge University Press, 2011. Doi: https://doi.org/10.1017/CBO9780511779671 https://assets.cambridge.org/97805217/67132/frontmatter/9780521767132_frontmatter.pdf

FERLA, Lara, "*Punitive and Preventive Measures Against Domestic Violence in Italy: A Critical Assessment"* in Criminal Prosecution of Violence – A Comparative Analysis, 2025. Doi: https://doi.org/10.1007/978-3-032-01202-9_4
https://link.springer.com/content/pdf/10.1007/978-3-032-01202-9.pdf

FRATI, Paola, et al., "*Legal Perspectives on Sexual Violence: A Cross-European Study*", Forensic Sciences, Vol.5, No. 3, 2025. Doi: https://doi.org/10.3390/forensicsci5030038 https://www.mdpi.com/2673-6756/5/3/38

FREDMAN, Sandra, "*Discrimination Law"*, Oxford University Press, 2002. https://www.researchgate.net/publication/387687321_Sandra_Freedman_Discrimination_Law_Oxford_University_Press_Oxford_2002

FREDMAN, Sandra, "*Human Rights Transformed: Positive Rights and Positive Duties",* Oxford University Press, Paper No. 38/2006, 2006. http://ssrn.com/abstract=923936

FREDMAN, Sandra, *Substantive Equality Revisited*, *International Journal of Constitutional Law* 14, no. 3 (2016): 712–738. https://doi.org/10.1093/icon/mow043

FINEMAN, Martha Albertson, "*The Autonomy Myth: A Theory of Dependency"*, The New Press, 2004. https://it.scribd.com/document/649695073/The-autonomy-myth-A-theory-of-dependency-Martha-Fineman

FINEMAN, Martha Albertson, "*The Vulnerable Subject"*, Yale Journal of Law and Feminism, Vol. 20, 2008. https://openyls.law.yale.edu/server/api/core/bitstreams/f23fa6fb-d926-43dd-8627-d880c7337a8a/content

GATTI, Rosa, and VITTORIA, Armando, *"What Measures for What Politics? Gender-Based Violence Protection and the RDL Policy Gap for Women in Italy (2021–2024)"*, PACO – The Open Journal of Sociopolitical Studies, 2024. Doi: 10.1285/i20356609v18i1p176 http://siba-ese.unisalento.it/index.php/paco/article/viewFile/30993/25310

GAUDIERI, Alessio, "*Violenza Domestica e Ritardi nel Procedimento Penale: la Corte EDU Condanna l'Italia*," Penale Diritto e Procedura. https://www.penaledp.it/violenza-domestica-e-ritardi-nel-procedimento-penale-la-corte-edu-condanna-litalia/?print-posts=pdf

GIORDANO, Ilaria, and ZOTTOLA, Angela, "*Gender-based Violence against Women in the European Court of Human Rights: Case Study on Separate Judicial Opinions*", Comparative Legilinguistics, Vol. 64, 2025. Doi: https://doi.org/10.14746/cl.2025.64.2 https://www.researchgate.net/publication/399000392_Gender-based_violence_against_women_in_the_European_Court_of_Human_Rights_a_case_study_on_separate_judicial_opinions

GREMBI, Veronica, et al., "*Domestic Violence Perception and Gender Stereotypes*", Journal of Population Economics, Vol. 37 (1), 2024. https://link.springer.com/content/pdf/10.1007/s00148-024-00986-0.pdf

GRUEV-VINTILA, Andreea and RURKA Anna, "*Transforming the Understandings of Domestic Violence through Coercive Control in France*", Discovery Global Society Vol 2, 94, 2024. Doi: https://doi.org/10.1007/s44282-024-00115-y https://www.researchgate.net/journal/Discover-Global-Society-2731-9687/publication/385943304_Transforming_the_understandings_of_domestic_violence_through_coercive_control_in_France/links/6914dbcfd041744aa80b2af0/Transforming-the-understandings-of-domestic-violence-through-coercive-control-in-France.pdf

GUIGUET-AUCLAIR, Candy, et al., "*Validation of the French Women Abuse Screening Tool WAST to Routinely Identify Intimate Partner Violence*", European Journal of Public Health, 2021. Doi: 10.1093/eurpub/ckab115 https://uca.hal.science/hal-03389795/document

HENN, Elizabeth Veronika, "*International Human Rights Law and Structural Discrimination: The Example of Violence against Women*", Springer, 2019. Doi: https://doi.org/10.1007/978-3-662-58677-8 https://www.ufz.de/export/data/2/277275_International+Human+Rights+Law+and+Struc%20(aus%20der%20Diss%20von%20Elisabeth%20Henn).pdf

HUNEEUS, Alexandra, "*Courts Resisting Courts: Lessons from the Inter-American Court's Struggle to Enforce Human Rights*", Cornell International Law Journal Vol. 44, No. 3: 494–531, 2011. https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1777&context=cilj

JEHL, Solène, "*La Vulnérabilité des Requérantes au Cœur du Contrôle des Obligations Positives de la France en Matière d'Incrimination et de Répression des Infractions à Caractère Sexuel*", Revue des Droits de l'Homme, 2025. Doi: https://doi.org/10.4000/14auv https://journals.openedition.org/revdh/23190

KELLY, Liz, "*Surviving Sexual Violence"*, University of Minnesota Press, 1988. https://www.academia.edu/103822061/Surviving_Sexual_Violence

LACEY, Nicola, "*Feminist Legal Theory and the Rights of Women*" in Gender and Human Rights by Karen Knop Collected Courses of the Academy of European Law, 2004. Doi: https://doi.org/10.1093/acprof:oso/9780199260911.003.0002 https://it.scribd.com/doc/270369503/Nicola-Lacey-Feminist-Legal-Theory

LAVIZZARI, Anna, BARONE, Anastasia, and BONU ROSENKRANZ, Giada, "*Anti-Gender Mobilizations in Europe and Feminist Responses*" in Contentious Gender Politics, pp. 25-52, 2018. Doi: https://doi.org/10.1007/978-3-031-87693-6 https://link.springer.com/content/pdf/10.1007/978-3-031-87693-6.pdf

LESSARD, Michaël, "Cronique - Violence Conjugale et Droit de la Famille: la Méconnue Ordonnance de Protection", October Repères 3167 (2020). https://ssrn.com/abstract=3713832

MACKINNON, Catharine A., "*Toward a Feminist Theory of the State*", Harvard University Press, 1991. https://feminisminnewterms.wordpress.com/wp-content/uploads/2018/08/mackinnon-1989-toward-a-feminist-theory-of-the-state-copie.pdf

MACKINNON, Catharine A., "*Equality*", Daedalus 149, No. 1, 2020. http://direct.mit.edu/daed/article-pdf/149/1/213/1831664/daed_a_01783.pdf

MACKINNON, Catharine A., "*Feminism Unmodified: Discourses on Life and Law"*, Harvard University Press, 1987. https://readcatharinemackinnon.wordpress.com/wp-content/uploads/2020/07/catharine-a-mackinnon-feminism-unmodified-discourses-on-life-and-law-1.pdf

MACKINNON, Catharine A., "*Difference and Dominance: On Sex Discrimination"*, in Feminism Unmodified, Harvard University Press, 1987. https://faculty.gvsu.edu/walhofd/mackinnon.pdf

MACKINNON, Catherine, *Sex Equality* (New York: Foundation Press, 2016). https://www.jstor.org/stable/48563042

MACKINNON, Catharine A., "Reflections on *Sex Equality under Law"*, Yale Law Journal, Vol. 100, No. 5, 1991. Doi: https://doi.org/10.2307/796693 https://openyls.law.yale.edu/server/api/core/bitstreams/59153c4b-2b6e-4a8b-ae78-8601b7e95c83/content

MACKINNON, Catharine A., "*Are Women Human? And Other International Dialogues"*, Harvard University Press, 2006. http://www.archive.org/details/arewomenhumanoth00mack

MATTELIGH, Francesca Chiara, "*Le Difficoltà nell'Accesso alla Giustizia per le Donne Vittime di Violenza Domestica*", 2024/2025. https://thesis.unipd.it/retrieve/f2e60d96-0256-49f8-b0d3-33762b3b1f11/Matteligh_FrancescaChiara.pdf

MCKENZIE, Baker, "*Fighting Domestic Violence: France*", 2021. https://resourcehub.bakermckenzie.com/en/resources/fighting-domestic-violence

MCQUIGG, Ronagh J.A., "*International Human Rights Law and Domestic Violence"*, Routledge, 2011. Doi: https://doi.org/10.4324/9780203819289 https://api.pageplace.de/preview/DT0400.9781136742088_A23879507/preview-9781136742088_A23879507.pdf

MCQUIGG, Ronagh J.A., "*Domestic Violence as a Human Rights Issue: Rumor v. Italy*," European Journal of International Law, Vol. 26, No. 4, pp. 1009-1025, 2015. https://www.ejil.org/article.php?article=2618&issue=129

MERRY, Sally Engle, "*Human Rights and Gender Violence: Translating International Law into Local Justice"*, Review by Pattaka Sa-ngimnet, International Dialogue, Vol. 4, No. 11, 2014. https://digitalcommons.unomaha.edu/cgi/viewcontent.cgi?article=1087&context=id-journal

NERI, Maria Beatrice, "*Scuderoni v. Italy: Domestic Violence as a Systematic Failure of Italy*," Trento Student Law Review, University of Trento. https://teseo.unitn.it/tslr/article/view/3682/4138

ORTH, Uli, "*Secondary Victimization of Crime Victims by Criminal Proceedings*", Social Justice Research, Vol. 15, No. 4, 2002: 313-325. Doi: https://doi.org/10.1023/A:1021210323461 https://uorth.wordpress.com/wp-content/uploads/2018/09/orth_2002_sjr.pdf

OTTO, Dianne, "*Lost in Translation: Re-Scripting the Sexed Subjects of International Human Rights Law"*, in *International Law and Its Others* by Anne Orford, Cambridge University Press: 318–56, 2009. Doi: https://doi.org/10.1017/CBO9780511494284.012 https://www.koufafoundation.org/wp-content/uploads/2023/06/lost-in-translation-re-scripting-the-sexed-subjects-of-international-human-rights-law.pdf

OTTO, Dianne, "*Rethinking Universals: Opening Transformative Possibilities in International Human Rights Law"*, The Australian Yearbook of International Law Online, 1997. Doi: https://doi.org/10.22145/aybil.18.1 https://www.researchgate.net/publication/322521185_Rethinking_Universals_Opening_Transformative_Possibilities_in_International_Human_Rights_Law

OTTO, Dianne, "*The Exile of Inclusion: Reflections on Gender Issues in International Law over the Last Decade"*, Melbourne Journal of International Law, Vol. 10, No. 1: 1-15, 2009. https://law.unimelb.edu.au/__data/assets/pdf_file/0008/1686059/Otto.pdf

OTTO, Dianne, "*Gender Comment: Why Does the UN Committee on Economic, Social and Cultural Rights need a General Comment on Women?*", University of Melbourne, 2002. Doi:

https://doi.org/10.2139/ssrn.319202 https://www.researchgate.net/profile/Dianne-Otto/publication/228191713_'Gender_Comment'_Why_does_the_UN_Committee_on_Economic_Social_and_Cultural_Rights_need_a_General_Comment_on_Women/links/59f572bca6fdcc075ec4c072/Gender-Comment-Why-does-the-UN-Committee-on-Economic-Social-and-Cultural-Rights-need-a-General-Comment-on-Women.pdf

OTTO, Dianne, "*Power and Danger: Feminist Engagement with International Law*", Australian Feminist Law Journal, Vol. 32, 2010. Doi: https://doi.org/10.1080/13200968.2010.10854439 https://www.researchgate.net/publication/228192497_Power_and_Danger_Feminist_Engagement_with_International_Law_Through_the_UN_Security_Council

PASIAN, Pamela and PROIA Francesca, *"I Centri Antiviolenza nelle Politiche Regionali: Eterogeneità e Prospettive"*, Italian Journal of Social Policy, 3-4, 2021. https://www.futura-editrice.it/wp-content/uploads/2022/04/RPS-2021-3_4-Pasian-e-Proia.pdf

PATERNOTTE, David and KUHAR, Roman, "*Disentangling and Locating the 'Global Right': Anti-Gender Campaigns in Europe"*, Politics and Governance, Vol. 6, issue 3, pp. 6-19, 2018. Doi: 10.17645/pag.v6i3.1557 https://transreads.org/wp-content/uploads/2021/07/2021-07-23_60fa088d192f4_Anti-GenderCampaignsinEuropeMobilizingAgainstEqualitybyRomanKuharDavidPaternottez-lib.org_.pdf

PECORELLA, Claudia and DOVA Massimiliano, "*Osservatorio sulla violenza contro le donne n. 4/2023* – La Valutazione del Rischio nei Reati di Violenza di Genere", Sistema Penale, 2023. https://www.sistemapenale.it/it/scheda/osservatorio-sulla-violenza-contro-le-donne-n-4-2023-la-valutazione-del-rischio-nei-reati-di-violenza-di-genere-difformita-di-giudizio-in-sede-di-applicazione-delle-misure-cautelari.

PERONI, Lourdes and TIMMER Alexandra, "*Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law*", Icon-international Journal of Constitutional Law, Vol. 11, No. 4: 1056–1085, 2013. Doi: https://doi.org/10.1093/icon/mot042 https://academic.oup.com/icon/article/11/4/1056/698712

PIETROBELLI, Marta, et al., "*Violence against Women in Italy after Beijing 1995: The Relationship between Women's Movements, Feminist Practices and State Policies*", Gender & Development, Vol. 28, No. 2, pp. 377-392, 2020. Doi:

https://doi.org/10.1080/13552074.2020.1750139 https://iris.cnr.it/retrieve/d56b43f6-0790-42b3-a720-6ada9626ff7a/2020_Pietrobelli_Toffanin_Busi_Misiti.pdf

POUND, Roscoe, "*Law in Books and Law in Action*," American Law Review Vol. 44, No. 1: 12–36, 1910. https://it.scribd.com/document/495822554/Pound-Law-in-books-and-law-in-action

RENZULLI, Isobel, "*Discrimination and Gender Stereotypes in Judicial Decisions*", Netherlands Quarterly of Human Rights, Vol. 41, No. 3, pp. 155-173, 2023. DOI: 10.1177/09240519231191172 https://bura.brunel.ac.uk/bitstream/2438/26854/4/FullText.pdf

ROGGEBAND, Conny, et al., "*Anti-Gender Politics and European Democracies' Legacies of Exclusion and Violence*", Women's Studies International Forum, Vol. 112, 2025. Doi: https://doi.org/10.1016/j.wsif.2025.103151 https://www.sciencedirect.com/science/article/pii/S0277539525001001/pdfft?md5=fc9072e93dfe4ad17adba6b9d08ba989&pid=1-s2.0-S0277539525001001-main.pdf

ROSSI, Roberta, "*Access to Justice and Right to Victim's Protection in the Case Law of the ECtHR about Domestic Violence*", Rivista di Diritti Comparati, 2023. https://www.diritticomparati.it/wp-content/uploads/2023/06/9-Rossi.pdf

SACCA' Flaminia and CARBONARI, Maddalena, "*Himpathy in the Social Representation of Gender-Based Violence by the Italian Press*", Power Asymmetries: Gender, Ideology and Democracye 1, pp. 9-46, 2025. https://rosa.uniroma1.it/rosa05/power_asymmetries/article/view/131

SCRINZI, Francesca, "*Populist Radical Right Frames of Gender and Sexuality in France and Italy: Targeting Feminists and Other Enemies of the People*", Social Politics, pp. 1-25, 2025. Doi: https://doi.org/10.1093/sp/jxaf056 https://academic.oup.com/sp/advance-article/doi/10.1093/sp/jxaf056/8340014

SECHI, Paola, *"Protcting Victims of Domestic and Gender-Based Violence: Strenghts and Weaknesses of the So-Called 'Red Code'",* Rivista Internazionale di Scienze Giuridiche e Tradizione Romana, No. 17, 2019. https://www.dirittoestoria.it/17/contributi/Sechi-Paola-Protecting-victims-of-domestic-and-gender-based-violence.htm

SETTE, Raffaella, Raffaella Sette, "*Evolving Legal Landscape in the Field of Domestic Abuse in Italy*", Urban Crime – An International Journal Vol. 4, No. 1 (2023). Doi: https://doi.org/10.26250/heal.panteion.uc.v4i1.331 https://ojs.panteion.gr/index.php/uc/article/view/331/301

SHELTON, Dinah, "*Private Violence, Public Wrongs, and the Responsibility of States"*, Fordham International Law Journal, Vol. 13, No. 1, 2002. https://files01.core.ac.uk/download/pdf/144226719.pdf

SIEGEL, Reva B., "*The Rule of Love: Wife Beating as Prerogative and Privacy*", Yale Law Journal 105, No. 8: 2117-2207, 1996. Doi: https://doi.org/10.2307/797286 https://law.yale.edu/sites/default/files/documents/pdf/Faculty/Siegel_TheRuleOfLove.pdf

SCHNEIDER, Elizabeth M., "*Battered Women and Feminist Lawmaking",* Yale University Press, 2000. https://api.pageplace.de/preview/DT0400.9780300128932_A24362630/preview-9780300128932_A24362630.pdf

SCHNEIDER, Elizabeth M., "*Resistance to Equality"*, University of Pittsburgh Law Review 57, 1996. https://files01.core.ac.uk/download/228598870.pdf

SMART, Carol, "*Feminism and the Power of Law"*, Routledge, 1989. http://ndl.ethernet.edu.et/bitstream/123456789/19696/1/7.pdf

STARK, Evan, "*Coercive Control: The Entrapment of Women in Personal Life"*, Oxford University Press, 2007. Doi: https://doi.org/10.1093/oso/9780197639986.001.0001 https://it.scribd.com/document/424174038/Interpersonal-Violence-Evan-Stark-Coercive-Control-How-Men-Entrap-Women-in-Personal-Life-Oxford-University-Press-USA-2007

TEVERE, Valeria Tevere and Anna Iermano, "*Stereotipi di Genere nelle Aule di Giustizia e Vittimizzazione Secondaria: Analisi del Caso J.L. c. Italia*", Culture e Studi del Sociale (CuSSoc), Vo. 8, No. 1, pp. 21-25, 2023. https://www.cussoc.it/journal/article/view/302/188

WALBY, Sylvia, "*Theorizing Patriarchy"*, Basil Blackwell, 1990. https://openaccess.city.ac.uk/id/eprint/21680/1/1990_Walby_Theorising_Patriarchy_book_Blackwell.pdf

II. Binding and Non-Binding Instruments, Jurisprudence and Other Documents

UNITED NATIONS DOCUMENTS

UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), 18 December 1979. https://www.ohchr.org/sites/default/files/cedaw.pdf

UN General Assembly, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, A/RES/54/4, 1999. https://www.ohchr.org/sites/default/files/2021-08/OP_CEDAW_en.pdf

UN General Assembly, *Declaration on the Elimination of Violence against Women,* UN Doc. A/RES/48/104, 20 December 1993. https://www.ohchr.org/sites/default/files/eliminationvaw.pdf

UN General Assembly, *Universal Declaration of Human Rights*, A/RES/3/217 A, UN Doc. A/810, 1948. https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_217(III).pdf

UN General Assembly, *International Covenant on Civil and Political Rights*, Res. 2200A (XXI), 1966. https://www.ohchr.org/sites/default/files/ccpr.pdf

United Nations, *Beijing Declaration and Platform of Action,* adopted at the *Fourth World Conference on Women*, 1995. https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf

CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19: Violence against Women*, UN Doc. A/47/38 (1992). https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf

CEDAW Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35: Gender-Based Violence against Women*, UN Doc. CEDAW/C/GC/35 (2017). https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/generalcomments/cedaw_c_gc_35.pdf

CEDAW Committee, *Views in A.T. v. Hungary*, No. 2/2003, UN Doc. CEDAW/C/32/D/2/2003, 2005. https://hrlibrary.umn.edu/cedaw/decisions/2-2003.html

CEDAW Committee, "*Concluding Observations on the Eighth Periodic Report of Italy"*, CEDAW/C/ITA/CO/8, 2024. https://docs.un.org/en/CEDAW/C/ITA/CO/8

CEDAW Committee, "*Concluding Observations on the Ninth Periodic Report of France"*, CEDAW/C/FRA/CO/9, 2023. https://docs.un.org/en/cedaw/c/fra/co/9

UN Development Fund for Women (UNIFEM), "*UNIFEM Resources on Women, Peace and Security*", 12 November 2010. https://www.refworld.org/reference/themreport/unifem/2010/en/76738

UN Development Fund for Women (UNIFEM), "*Not a Minute More: Ending Violence against Women*", 2003. https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/PDF_UNIFEM_No_a_minute_more_2003.pdf

UN Economic and Social Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erürk*, Doc. E/CN.4/2006/61, 2006. https://docs.un.org/en/E/CN.4/2006/61

UN Economic and Social Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 1994/45*, Doc. E/CN.4/1996/53, 1996. https://docs.un.org/en/E/CN.4/1996/53

UN Economic and Social Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy*, E/CN.4/1999/68/Add.3, 1999. https://digitallibrary.un.org/record/*1490595?v=pdf*

UN Economic and Social Council*, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, A/HRC/23/49, 2013. https://docs.un.org/en/A/HRC/23/49

UN Commission on Human Rights, *Resolution 1994/45: Special Rapporteur on Violence against Women*, UN Doc. E/CN.4/RES/1994/45, 1994. https://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-1994-45.doc

UN Committee on Economic, Social and Cultural Rights*, General Comment No. 14*, UN Doc. E/C.12/2000/4. https://www.ohchr.org/en/documents/general-comments-and-recommendations/ec1220004-general-comment-no-14-highest-attainable

UN Entity for Gender Equality and the Empowerment of Women (UN WOMEN), "*Handbook for National Action Plans on Violence against Women"*, New York, 2012.

https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2012/7/HandbookNationalActionPlansOnVAW-en%20pdf.pdf

UN Entity for Gender Equality and the Empowerment of Women (UN WOMEN) and UNRISD, "*Understanding Backlash against Gender Equality: Evidence, Trends, and Policy Responses"*, 2025. https://www.researchgate.net/publication/397453989_Understanding_Backlash_against_Gender_Equality_Evidence_Trends_and_Policy_Responses

UN Entity for Gender Equality and the Empowerment of Women (UN WOMEN), "*Ending Violence against Women and Girls: Global Commitments, Local Actions*", 2025. https://www.unwomen.org/sites/default/files/2025-12/evawg-global-commitments-local-actions-en.pdf

UN Department of Economic and Social Affairs, Division for the Advancement of Women., "*Handbook for Legislation on Violence against Women"*, 2010. https://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf

UN Department of Economic and Social Affairs, *2030 Agenda for Sustainable Development,* 2015. http://sdgs.un.org/2030agenda

World Health Organization (WHO): "*Violence Against Women: Prevalence Estimates*, 2018", 2021. https://www.who.int/publications/i/item/violence-against-women-prevalence-estimates

COUNCIL OF EUROPE DOCUMENTS

Council of Europe, *European Convention on Human Rights*, ETS No. 5, 1950. https://www.echr.coe.int/documents/convention_eng.pdf

Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, 12 April 2011. https://rm.coe.int/168046031c

Council of Europe, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, Treaty Series, No. 210, 2011. https://rm.coe.int/1680a48903

Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on Italy"*, Strasbourg, 2020. https://www.coe.int/en/web/istanbul-convention/-/grevio-pubishes-its-report-on-italy

Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on Italy – Building Trust by Delivering Support, Protection and Justice"*, Strasbourg, 2025. https://rm.coe.int/first-thematic-evaluation-report-building-trust-by-delivering-support-/4880299441

Council of Europe, *Gender Equality Strategy 2024 – 2029*, 2024. https://rm.coe.int/prems-073024-gbr-2573-gender-equality-strategy-2024-29-txt-web-a5-2756/1680afc66a

Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*Baseline Evaluation Report on France"*, Strasbourg, 2019. https://rm.coe.int/grevio-inf-2019-16/168098c61a

Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*First Thematic Evaluation Report on France – Building Trust by Delivering Support, Protection and Justice*", Strasbourg, 2025. https://rm.coe.int/first-thematic-evaluation-report-building-trust-by-delivering-support-/4880286c9c

Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), "*GREVIO's Working Methods*". https://rm.coe.int/grevio-working-methods/16809cd387

Council of the European Union and European Parliament, "*Directive 2012/29/EU of October 2012" (Victims' Rights Directive)* establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2012. http://data.europa.eu/eli/dir/2012/29/oj

European Court of Human Rights, *Opuz v. Turkey*, No. 33401/02, judgment of 9 June 2009. https://hudoc.echr.coe.int/fre?i=002-1449

European Court of Human Rights, *Talpis v. Italy*, No. 41237/14, judgment of 2 March 2017. https://hudoc.echr.coe.int/eng?i=001-171994

European Court of Human Rights, *Eremia v. Moldova*, No. 3564/11, judgment of 28 May 2013. https://hudoc.echr.coe.int/eng?i=001-119968

European Court of Human Rights, *Osman v. United Kingdom*, No. 23452/94, judgment of 28 October 1998. https://hudoc.echr.coe.int/fre?i=001-58257

European Court of Human Rights, *Volodina v. Russia*, No. 41261/17, judgment of 9 July 2019. https://hudoc.echr.coe.int/fre?i=001-194321

European Court of Human Rights, *Aydın v. Turkey*, judgment of 25 September 1997. https://hudoc.echr.coe.int/fre?i=001-58371

European Court of Human Rights, *Akkoç v. Turkey*, judgment of 10 October 2000. https://hudoc.echr.coe.int/eng?i=001-58905

European Court of Human Rights*, E and Others v. United Kingdom*, judgment of 26 November 2002. https://hudoc.echr.coe.int/eng?i=001-60781

European Court of Human Rights, *Demir and Baykara v. Turkey* [GC], no. 34503/97, judgment of 12 November 2008. https://hudoc.echr.coe.int/fre?i=001-89558

European Court of Human Rights*, Kontrová v. Slovakia*, No. 7510/04, judgement of 31 May 2007. https://hudoc.echr.coe.int/eng?i=001-80696

European Court of Human Rights*, MC v. Bulgaria*, no. 39272/98, judgment of 4 December 2003. https://hudoc.echr.coe.int/fre?i=001-61521

European Court of Human Rights, *Bevacqua and S. v. Bulgaria*, No. 71127/01, judgment of 12 June 2008. https://hudoc.echr.coe.int/fre?i=001-86875

European Court of Human Rights, *X and Y v. Netherlands*, No. 8978/80, judgment of 26 March 1985. https://hudoc.echr.coe.int/fre?i=001-57603

European Court of Human Rights, *Tyrer v. United Kingdom*, No. 5856/72, judgment of 25 April 1978. https://hudoc.echr.coe.int/fre?i=001-57587

European Court of Human Rights, Levchuk *v. Ukraine*, No. 17496/19, judgment of 3 September 2020. https://hudoc.echr.coe.int/eng?i=001-203931

European Court of Human Rights, *Rumor v. Italy*, No. 72964/10, judgement of 27 May 2014. https://hudoc.echr.coe.int/eng?i=001-144137

European Court of Human Rights, *Landi v. Italy*, No. 10929/19, judgment of 7 April 2022. https://hudoc.echr.coe.int/fre?i=002-13632

European Court of Human Rights, *Scuderoni v. Italy*, No. 6045/24, judgement of 23 September 2025. https://hudoc.echr.coe.int/fre-press?i=003-8330838-11751688

European Court of Human Rights, *De Giorgi v. Italy*, No. 23735/19, judgement of 16 June 2022. https://hudoc.echr.coe.int/eng?i=001-217718

European Court of Human Rights, *J.L. v. Italy*, No. 5671/16, judgement of 27 May 2021. https://hudoc.echr.coe.int/fre?i=002-13282

European Court of Human Rights, *L. et al v. France*, No. 46949/21, 24989/22 and 39759/22, judgment of 24 April 2025. https://hudoc.echr.coe.int/fre?i=002-14453

European Court of Human Rights, E.A. v. France, No. 30556/22, judgment of 4 September 2025. https://hudoc.echr.coe.int/fre?i=001-244682

European Court of Human Rights, "*Guide on Article 3 of the European Convention on Human Rights* – Prohibition of Torture", last updated 31 August 2025. https://ks.echr.coe.int/documents/d/echr-ks/guide_art_3_eng#:~:text=Article%203%20of%20the%20Convention%20enshrines%20one%20of%20the%20most,%2C%202015%2C%20%C2%A7%2081).

European Court of Human Rights, "*Domestic Violence*: *Thematic Factsheet of the Department for the Execution of Judgements of the European Court of Human Rights*", Strasbourg, 2022. https://rm.coe.int/thematic-factsheet-domestic-violence-eng/1680a5f249

NATIONAL DOCUMENTS

Coalition Feministe Loi Intégrale, "*140 Propositions pour use Loi-Cadre Intégrale contre les Violences Sexuelle*", 2024. https://www.loi-integrale.fr/wp-content/uploads/2024/11/COALITION-FLI-BROCHURE-A4-WEB2-min.pdf

Commissione Parlamentare di Inchiesta sul Femminicidio, "*Relazione su 'Contrasto alla Violenza di Genere: una Prospettiva Comparata'*", DOC. XXII-bis, No. 5, 2021. https://www.pariopportunita.gov.it/media/2339/doc-xxii-bis-n-5-relazione-su-22contrasto-alla-violenza-di-genere-una-prospettiva-comparata22.pdf

Commissione Parlamentare di Inchiesta sul Femminicidio, "*Riordino della Normativa in Materia di Prevenzione e Contrasto della Violenza di Genere*", DOC. XXII-bis, No. 14, 2022. https://www.senato.it/service/PDF/PDFServer/DF/420887.pdf

Dipartimento per le Pari Opportunità, "*Piano D'Azione Straordinario contro la Violenza Sessuale e di Genere" (2015-2017)*, 2015. https://www.pariopportunita.gov.it/media/1954/piano-nazionale-violenza-2015-2017.pdf

Dipartimento per le Pari Opportunità, "*Piano Strategico Nazionale sulla Violenza Maschile contro le Donne", (2021-2023),* 2021. https://www.pariopportunita.gov.it/media/1952/piano-nazionale-violenza-2021-2023.pdf

Dipartimento per le Pari Opportunità, "*Piano Strategico Nazionale sulla Violenza Maschile contro le Donne*", *(2025-2027)*, 2025. https://www.pariopportunita.gov.it/media/1mrlf0im/pianonazionaleantiviolenza25-27.pdf

Dipartimento per le Pari Opportunità, "*Relazione al Parlamento sullo Stato di Utilizzo da Parte delle Regioni delle Risorse Stanziate ai Sensi dell'art. 5-bis del Decreto-legge del 14 Agosto 2013, No. 93. (Anni 2017-2021)"*, 2022. https://www.pariopportunita.gov.it/media/2383/relazione-al-parlamento-30-giugno-2022.pdf

Dipartimento per le Pari Opportunità, "*Comments Submitted by Italy on GREVIO's First Thematic Evaluation Report: Building Trust by Delivering Support, Protection and Justice",* 2025. https://rm.coe.int/comments-submitted-by-italy-on-grevio-s-first-thematic-evaluation-repo/4880299443

D.i.RE – Donne in Rete contro la Violenza, "*Implementation of the Istanbul Convention in Italy – Shadow Report of Women's NGOS*", 2018. https://rm.coe.int/grevio-report-women-s-ngo/16808eaaa5

D.i.RE – Donne in Rete contro la Violenza, "*GREVIO's First Thematic Evaluation Round on Italy – Report by Italian Women's NGOs"*, 2024. https://aidos.it/wp-content/uploads/2024/07/GREVIO-First-Thematic-Evaluation-Round-Italy.-Report-by-Italian-women-NGOs-2024.pdf

D.i.RE – Donne in Rete contro la Violenza, "*Legal Opinions on Gender-Based Violence by the Students of the School of International Studies"*, University of Trento, 2024. https://www.direcontrolaviolenza.it/wp-content/uploads/2024/02/LEGAL-OPINIONS_2024_D.i.Re_.pdf

D.i.RE – Donne in Rete contro la Violenza*, "Report on Talpis & J.L. v. Italy – Access to Justice Challenges",* 2023. https://www.direcontrolaviolenza.it/wp-content/uploads/2023/11/31.07.2023_Talpis-group-and-J.L.-v.-Italy-by-D.i.Re_.pdf

D.i.Re. – Donne in Rete contro la Violenza, "*Report Annuale 2024"*. https://www.direcontrolaviolenza.it/wp-content/uploads/2025/07/REPORT-Dati-D.i.Re-2024_07.2025_.pdf

End FGM European Network and French NGOs, "*Shadow Report on the Implementation of the Istanbul Convention in France"* Brussels, 2018. https://www.endfgm.eu/news-en-events/news/shadow-report-on-istanbul-convention-implementation-in-france/

Fondation des Femmes, "*6 Ans Aprés le Grenelle: une Démobilisation Inquiétante*", Report, 2025. https://fondationdesfemmes.org/fdf-content/uploads/2025/12/6-ans-apres-le-Grenelle-une-demobilisation-inquietante-1.pdf

Fondation des Femmes, "*Où est l'Argent contre les Violences faites aux Femmes?*", 2023. https://fondationdesfemmes.org/fdf-content/uploads/2023/09/FDF-rapport-ouestlargent-2023.pdf

Français Gouvernement, "*Le Non-Consentement entre dans la Définition Pénale du Viol*", info.gouv.fr 2025. https://www.info.gouv.fr/actualite/le-non-consentement-entre-dans-la-definition-penale-du-viol.

Français Gouvernement, "*Lutter Contre Les Violences Faites Aux Femmes – Toutes et Tous Égaux*" info.gouv.fr, 2025. https://www.info.gouv.fr/grand-dossier/toutes-et-tous-egaux/lutter-contre-les-violences-faites-aux-femmes

Français Gouvernement, Direction de l'Information Légale et Administrative, "*Plainte avec Constitution de Partie Civile*", Paris, 2025. https://www.service-public.gouv.fr/particuliers/vosdroits/F20798

Français Gouvernement, "*5th Plan de Mobilisation et de Lutte Contre Toutes les Violences Faites aux Femmes 2017 – 2019*" (plan of mobilization and action against all forms of violence against women), official government plan, 2017. https://www.cipdr.gouv.fr/wp-content/uploads/2018/01/5%C3%A8me-plan-de-mobilisation-et-de-lutte-contre-toutes-les-violences-faites-aux-femmes-2017-2019-1.pdf

Français Gouvernment, "*Plan Interministériel pour l'Égalité entre les Femmes et les Hommes 2023–2027 – 'Toutes et Tous Égaux*'", official government plan, 2023. https://www.egalite-femmes-hommes.gouv.fr/sites/efh/files/2024-03/Plan-interministeriel-pour-egalite-entre-les-femmes-et-les-hommes-2023-2027-pdfaccessible_0.pdf

Français Gouvernment, "*Toutes et Tous Égaux – Un Plan Interministériel en 4 Axes*", info.gouv.fr article, 2024. https://www.info.gouv.fr/grand-dossier/toutes-et-tous-egaux/un-plan-interministeriel-en-4-axes

Français Gouvernment, "*Tous Mobilisés Contre les Violences faites aux Femmes*" info.gouv.fr article, 2024. https://www.info.gouv.fr/grand-dossier/luttons-contre-les-violences-faites-aux-femmes

Français Gouvernment, "*Report Submitted by France to GREVIO under Article 68 of the Council of Europe Convention on preventing and combating violence against women and domestic violence"*, Paris, 2018. https://www.ecoi.net/en/file/local/1456389/1226_1547564307_state-report-france-2018-version-finale-docx.pdf

French Penal Code. https://www.unodc.org/cld/uploads/res/document/french_penal_code_html/french_penal_code.pdf

French Civil Code. https://www.fd.ulisboa.pt/wp-content/uploads/2014/12/Codigo-Civil-Frances-French-Civil-Code-english-version.pdf

French Code of Criminal Procedure. https://legislationline.org/sites/default/files/2023-10/France_Code_of_criminal_procedure_EN.pdf

France, Law of 9 July 2010, No. 2010-769. https://www.legifrance.gouv.fr/download/pdf?id=_0aVWgLJcRGvOuOwV5HLzHEkAp4FIizANS-DxD8-Hjk=

France, Law of 4 August 2014, No. 2014-873. https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029330832

France, Law No. 2018-703 of 3 August 2018 (*Loi Schiappa*). https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000037284450

France, Law No. 2025-1057 of 6 November 2025. https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000052533258

France, Law 28 December 2019, No. 2019-1480. https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000039684243

France, Law 30 July 2020, No. 2020-936. https://www.legifrance.gouv.fr/loda/id/JORFTEXT000042176652/

France, Law of 13 June 2024, No. 2024-536. https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000049707555

France, Law. No. 2014-873, of 4 August 2014 relating to real equality between women and men, 2014. https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029330832

France, Decree No. 2020-1161, of 23 September 2020 relating to the implementation of a mobile electronic anti-proximity device, 2020. https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042357259

Haut Conseil à l'Égalité entre les Femmes et les Hommes, "*Mettre Fin au Déni et à l'Impunité face aux Viols et Agressions Sexuelles*" Paris, 2025. https://www.haut-conseil-egalite.gouv.fr/rapport-mettre-fin-au-deni-et-limpunite-face-aux-viols-et-agressions-sexuelles

Haut Conseil à l'Égalité, "*Évaluation Intermédiaire du 5e Plan Interministériel (2017-2019)"* https://www.haut-conseil-egalite.gouv.fr/sites/hce/files/files-spip/pdf/hce_evaluation-5eme-plan-tabl-word_vf-2.pdf

ISTAT, "*I Centri Antiviolenza e le Donne che hanno Avviato il Percorso di Uscita dalla Violenza"*, 2022. https://www.istat.it/it/files/2023/11/reportCAV.pdf

ISTAT, Survey on Violence against Women, "*Women's Safety: Violence against Women, In and Outside the Family – First Results 2025*", 2025. https://www.istat.it/wp-content/uploads/2026/01/Violence-against-women-21-nov_2025.pdf

Italy, Constituent Assembly, *Italian Constitution*, 27 December 1947, arts. 117–118. https://www.cortecostituzionale.it/documenti/download/pdf/Costituzione_della_Repubblica_italiana.pdf

Italy, Civil Code, R.D. of 16 March 1942, No. 262, approved on 16 March 1942. https://www.madonnas.it/PISA/CORSI/TP/codice_civile.pdf

Italy, Criminal Code, R.D. of 19 October 1930, No. 1398. Approved 19 October 1930, Gazzetta Ufficiale No. 25 of 26 October 1930. https://uwm.edu.pl/kpkm/uploads/files/codice-penale.pdf

Italy, Code of Criminal Procedure, D.P.R. of 22 September 1988, No. 447. https://www.studiocataldi.it/codiceprocedurapenale/codice-procedura-penale.pdf

Italy Law of 15 February 1996, No. 66. https://www.gazzettaufficiale.it/eli/id/1996/02/20/096G0073/sg

Italy, Law of 23 April 2009, No. 38. https://www.gazzettaufficiale.it/eli/id/2009/04/24/009G0046/sg

Italy, Law of 19 July 2019, No. 69, (*Codice Rosso*). https://www.gazzettaufficiale.it/eli/id/2019/07/25/19G00076/sg

Italy, Law of 24 November 2023, No. 168, (*Codice Rosso bis*). https://www.gazzettaufficiale.it/eli/id/2023/11/24/23G00178/sg

Italy, Law of 30 December 2023, No. 213, (Budget Law). https://www.gazzettaufficiale.it/eli/id/2024/01/18/24A00001/sg

Italy, Law of 13 April 1988, No. 117, (Legge Vassalli). https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=1988-04-15&atto.codiceRedazionale=088G0172&elenco30giorni=false

Italy, Law of 2 December 2025, No. 181. https://www.gazzettaufficiale.it/eli/id/2025/12/02/25G00187/sg

Italy, Law of 4 April 2001, No. 154 https://www.gazzettaufficiale.it/eli/id/2001/04/28/001G0209/s#:~:text=Con%20il%20provvedimento%20che%20dispone,prescrivere%20determinate%20modalita'%20di%20visita

Italy, Law of 15 October 2013, No. 119. https://www.gazzettaufficiale.it/eli/id/2013/10/15/13G00163/sg

Italy, Law of 27 June 2013, No. 77 (Ratification of the Istanbul Convention). https://www.gazzettaufficiale.it/eli/id/2013/07/01/13G00122/sg

Italy, *Report submitted by Italy pursuant to Article 68 of the Istanbul Convention*, 2018. https://www.pariopportunita.gov.it/media/1956/relazione-grevio-2018.pdf

Italian Yearbook of Human Rights, "*Judgments of the European Court of Human Rights on Femicide and Measures to Prevent Domestic Violence in Italy in 2022*", Antonio Papisca Human Rights Centre, 2022. https://unipd-centrodirittiumani.it/en/topics/judgments-of-the-european-court-of-human-rights-on-femicide-and-measures-to-prevent-domestic-violence-in-italy-in-2022

Ministére de la Justice, "*Guide Practique de l'Ordonnance de Protection*", 2020. https://www.justice.gouv.fr/sites/default/files/migrations/portail/art_pix/DACS_Ordonnance%20de%20protection_Guide_2020_08.pdf

Ministére de la Justice, "*Le Bracelet Anti-Rapprochement (BAR): dns le Cadre d'une Ordonnance de Protection*" 2021.

https://www.justice.gouv.fr/sites/default/files/migrations/portail/art_pix/2021_01_BAR_ordo_protection.pdf

Ministére de la Justice, "*Le Dispositif Téléphone Grave Danger* (TGD)", 2017. https://www.justice.gouv.fr/actualites/actualite/dispositif-telephone-grave-danger-tgd

National Research Council (CNR), "*ViVa Project: Specialist Anti-Violence Support Centres in Italy"*, 2020. https://viva.cnr.it/wp-content/uploads/2020/11/report01-specialist-anti-violence-support-centres-eng.pdf

Osservatorio sulla Violenza contro le Donne, "*La Giurisprudenza della Corte EDU in Materia di Protezione delle Donne Vittime di Violenza Domestica,*" Sistema Penale, No. 2, 2023. https://www.sistemapenale.it/it/scheda/osservatorio-sulla-violenza-contro-le-donne-n-2-2023-la-giurisprudenza-della-c-edu-in-materia-di-protezione-delle-donne-vittime-di-violenza-domestica

Préféte de l'Isére, "*Grenelle de Lutte Contre les Violences Conjugales*", official overview of convening and local mobilisation outcomes, Paris, 2019. https://www.isere.gouv.fr/Actions-de-l-Etat/Droits-des-femmes-et-egalite/Prevention-et-lutte-contre-les-violences-faites-aux-femmes/Les-mesures-nationales/Grenelle-des-violences-conjugales#:~:text=Lanc%C3%A9%20le%203%20septembre%202019,fiche%203.1.2.4)

Senate of France, "*Rapport d'Information sur l'Évolution du Financement de la Lotte Contres les Violences faites aux Femmes (2024-2025)*", Rapport No. 814, 2025. https://www.senat.fr/fileadmin/Commissions/Finances/2024-2025/Controles/Rapport_VFF_VF.pdf

INSTRUMENTS AND OTHER DOCUMENTS

Amnesty International, "*Respect, Protect, Fulfil: Women's Rights – State Responsibility for Non-State Actors",* 2000. https://www.amnesty.org/en/documents/ior50/001/2000/en/

Amnesty International, "*France: 'Historic Victory' as French Law adopts Consent-based definition of Rape"*, 2025. https://www.amnesty.org/en/latest/news/2025/10/france-historic-victory-as-french-law-adopts-consent-based-definition-of-rape/

Amnesty International, "*France: Violence against Women – A Matter for the State"*, London. 2006. https://www.amnesty.org/es/wp-content/uploads/2021/08/eur210012006en.pdf

Dalloz Actu Étudiant Commentary, "*Protection des Victimes Mineures de Violences Sexuelles: Condamnation de la France*", 2025. https://actu.dalloz-etudiant.fr/a-vos-copies/article/protection-des-victimes-mineures-de-violences-sexuelles-condamnation-de-la-france/h/261522cc07b0b8d24f19347e094fd09c.html

ECHR Blog, "*L. and Others v. France: Sexist Judicial Reasoning and Victims' Rights*", 2025. https://www.echrblog.com/2025/05/l-and-others-v-france-sexist-judicial.html

EuroMed Rights, "*Situation Report on Discrimination against Women in France",* Copenhagen, 2023. https://euromedrights.org/wp-content/uploads/2023/04/factsheet-France_EN-2.pdf

European Association for the Defence of Rights and Freedoms (ASSEDEL), "*Assessing the Implementation of the Istanbul Convention in Italy"*, 2024. https://assedel.org/wp-content/uploads/2024/05/Istanbul-Convention-report-ItalyL.pdf

European Commission, "*EU Strategy on Victims' Rights"* (2020-2025), Brussels, 2020. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0258

European Crime Prevention Network (EUCPN), "*Italian Policy on Domestic Violence"*. https://eucpn.org/document/italian-policy-on-domestic-violence

European Institute for Gender Equality (EIGE), "*Country Profile for Italy – Key Findings on EIGE's 2023-2024 Data Collection Exercise*". https://eige.europa.eu/gender-based-violence/countries/italy?language_content_entity=en

European Institute for Gender Equality (EIGE), "*Data Collection on Intimate Partner Violence by the Police and Justice Sectors: France"*, Luxembourg: Publications Office of the European Union, 2022. Doi: 10.2839/49650 https://eige.europa.eu/publications-resources/publications/data-collection-intimate-partner-violence-police-and-justice-sectors-france

European Parliament, "*Tackling Violence against Women and Domestic Violence in Europe*", Brussels, 2020. https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU%282020%29658648_EN.pdf

European Union Agency for Fundamental Rights (FRA), "*Violence against Women: an EU-wide Survey. Main Results",* FRA Report, 2014.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf

European Union Agency for Fundamental Rights (FRA), "*Victim Supporting Services in the EU: France"*, 2014. https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-fr_0.pdf

European Union Agency for Fundamental Rights (FRA), "*Rights of Crime Victims to Have Access to Justice – a comparative analysis. Country Report France"*, Publications Office of the European Union, 2017. https://fra.europa.eu/sites/default/files/fra_uploads/france-rights-of-crime-victims-justice_en.pdf

European Union Agency for Fundamental Rights (FRA), "*Victim Support Services in the EU: an Overview and Assessment of Victim's Rights in Practice - France*", Publication Office of the European Union, 2014. https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-fr_0.pdf

European Union Agency for Fundamental Rights (FRA), "*Justice for Victims of Violent Crime, Part II: Procedural Justice*", Publications Office of the European Union, 2019. Doi:10.2811/443919
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-justice-for-victims-of-violent-crime-part-2-proceedings_en.pdf

Global Legal Monitor, "*France: Reform of Criminal Definition of Rape Incorporates Notion of Consent*" Library of Congress, 2026. https://www.loc.gov/item/global-legal-monitor/2026-01-15/france-reform-of-criminal-definition-of-rape-incorporates-notion-of-consent/

Improdova (Improving Frontline Responses to High Impact Domestic Violence), "*National Frameworks in France – Online Training Materials on Violence"* 2024. https://training.improdova.eu/en/national-frameworks-in-france/

Inter-American Court of Human Rights, *Velásquez Rodríguez v. Honduras*, judgment of 29 July 1988. https://www.refworld.org/jurisprudence/caselaw/iacrthr/1988/en/39420

Inter-American Court of Human Rights*, Mejía v. Peru*, IACHR Report No. 5/96, report of 1 March 1996. https://hrlibrary.umn.edu/cases/1996/peru5-96.htm

Inter-American Court of Human Rights, *González et al. ("Cotton Field") v. Mexico*, judgment of 16 November 2009. https://www.refworld.org/jurisprudence/caselaw/iacrthr/2009/en/107991

International Development Law Organization (IDLO), *Strategic Plan (2017-2020)*, 2017. https://www.idlo.int/system/files/event-documents/idlo_strategy_2020.pdf

Institut des Politiques Publiques (IPP), "*The Judicial Treatment of Sexual and Domestic Violence in France*", Note IPP No. 107, 2024. https://www.ipp.eu/wp-content/uploads/2024/11/Note_IPP_107_ThejudicialtreatmentofsexualviolenceinFrance.pdf

Le Monde, "*La France doit mieux Protéger et Accompagner les Enfants Victimes de Violences Sexuelles*", 2025. https://www.lemonde.fr/idees/article/2025/05/09/la-france-doit-mieux-proteger-et-accompagner-les-enfants-victimes-de-violences-sexuelles_6604369_3232.html

Le Monde, "*La Victimisation Secondaire: ce Concept Retenu lors du procès Depardieu*", 2025. https://www.lemonde.fr/idees/article/2025/06/11/la-victimisation-secondaire-ce-concept-retenu-lors-du-proces-depardieu-qui-n-existe-pas-dans-le-droit-penal-francais_6612171_3232.html

Le Monde, "*Violences sexuelles : la CEDH condamne la France pour des « lacunes » au sujet du consentement dans son cadre juridique*", 2025. https://www.lemonde.fr/societe/article/2025/09/04/violences-sexuelles-la-cedh-condamne-la-france-pour-des-lacunes-au-sujet-du-consentement-dans-son-cadre-juridique_6638876_3224.html

Le Monde, "*Why France Still Struggles to Protect Domestic Violence Victims*", 2026. https://www.lemonde.fr/en/les-decodeurs/article/2026/01/02/why-france-still-struggles-to-protect-domestic-violence-victims_6749006_8.html

Le Monde, "*French MPs introduce 'Comprehensive' Bill to tackle Violence against Women and Children*", 2025. https://www.lemonde.fr/en/france/article/2025/11/25/french-mps-introduce-comprehensive-bill-to-tackle-violence-against-women-and-children_6747803_7.html

Le Monde, "*French Gender Equality Council warns of Threats Posed by Masculinist Networks*", 2026. https://www.lemonde.fr/en/france/article/2026/01/21/french-gender-equality-body-warns-of-threat-posed-by-masculinist-networks_6749657_7.html

Mediapart, "*The Volunteers Helping Domestic Violence Victims in Rural France*", 2022. https://www.mediapart.fr/en/journal/france/120122/volunteers-helping-domestic-violence-victims-rural-france

PILA Bulletin (Public Interest Law Alliance), "ECtHR finds Italian Authorities Failed to Protect Woman from Domestic Violence", 2025.

https://www.pila.ie/resources/bulletin/2025/10/08/ecthr-finds-italian-authorities-failed-to-protect-woman-from-domestic-violence

Strasbourg Observers, "*E.A. et Association Européenne Contre les Violences faites aux Femmes au Travail v. France: Analysis of the Cooperation between the ECtHR and GREVIO to effectively Tackle Violence against Women in Europe*", 2026. https://strasbourgobservers.com/2026/01/13/e-a-et-association-europeenne-contre-les-violences-faites-aux-femmes-au-travail-v-france-analysis-of-the-cooperation-between-the-ecthr-and-grevio-to-effectively-tackle-violence-against-women-in-euro/

Solidaritè Femmes, "*Rapport d'Activité 2024*", 2025. https://solidaritefemmes13.org/wp-content/uploads/2025/06/rapport-dactivite-2024.pdf

Victim Support Europe, "*InfoVictims III: France – Victim Support Services Overview"* Brussels, 2023. https://victim-support.eu/infovictims-france

WAVE (Women Against Violence Europe), "*Violence Against Women Comparative Report: Italy, Spain and Turkey*", 2016. https://notus-asr.org/wp-content/uploads/2016/05/WAVECRFinal.pdf