Fighting Domestic Violence - Italy

7. Endnotes

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[1]    Section 582 and following of the Italian Criminal Code

[2]    Section 572 of the Italian Criminal Code

[3]    On July 25, 2019, the Italian legislator issued Law No. 69/2019. This law amended the Italian Criminal Code, the Criminal Procedure Code and other provisions.

[4]   Section 612-*ter* of the Italian Criminal Code

[5]    Section 558-*bis* of the Italian Criminal Code

[6]   Section 583-*quinquies* of the Italian Criminal Code

[7]    Section 387-*bis* of the Italian Criminal Code

[8]    According to the nature of the domestic violence different constitutional rights may be infringed, specifically: Section 2 of the Italian Constitution (the Republic recognizes and guarantees the inviolable rights of the person, that works as a general clause and is therefore always triggered); Section 3 of the Italian Constitution (principle of equality); Section 13 of the Italian Constitution (inviolability of human freedom); Section 15 of the Italian Constitution (freedom and confidentiality of correspondence); Section 19 of the Italian Constitution (religious freedom and liberty of conscience); Section 32 of the Italian Constitution (right to health and to the integrity of the person); Section 29 of the Italian Constitution (moral and legal equality of the spouses); Section 37 of the Italian Constitution (rights of working women).

[9]    With reference to CEDU, Section 1 (Sections 2-18) specifically concerns the rights and freedoms of people. Please see below some specific sections that may be relevant in a case of domestic violence: Section 1 (Obligation to respect Human Rights); Section 2 (Right to life); Section 3 (Prohibition of torture); Section 4 (Prohibition of slavery and forced labour); Section 5 (Right to liberty and security); Section 9 (Freedom of thought, conscience and religion). Also, Section 5 (Equality between spouses) of Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Section 1 (General prohibition of discrimination) of Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

[10]   Law No. 77/2013.

[11]    Law-Decree No. 93/2013, which has been converted into law, with amendments, by means of Law No. 119/2013.

[12]   Law No. 132/1985.

[13]    Section 387-*bis* of the Italian Criminal Code.

[14]   Section 558-*bis* of the Italian Criminal Code.

[15]    Section 612-*ter* of the Italian Criminal Code.

[16]   Section 583-*quinquies* of the Italian Criminal Code.

[17]    Section 612-*bis* of the Italian Criminal Code.

[18]    Section 26 of Legislative Decree No. 198/2006.

[19]   Section 609-*ter* of the Italian Criminal Code.

[20]   Civil protection orders were introduced in 2001 and are regulated from a substantive point of view by Section 342-*bis* and 342-*ter* of the Italian Civil Code and from a procedural point of view by Section 736-*bis* of the Italian Code of Civil Procedure.

[21]    Regulated by Sections 330-333 of the Italian Civil Code.

[22]    Section 736-*bis* of the Italian Code of Civil Procedure.

[23]   Section 185 of the Italian Criminal Code.

[24]    Section 75 of the Italian Code of Criminal Procedure.

[25]  Section 535 of the Italian Code of Criminal Procedure.

[26]  Section 76, paragraph 4-ter, Presidential Decree No. 115/2002.

[27]    Section 368 of the Italian Criminal Code.

[28]    Section 52 of the Italian Criminal Code.

[29]  Section 88 of the Italian Criminal Code.

[30]    Section 372 of the Italian Criminal Code.

[31]   Section 199 of the Italian Code of Criminal Procedure.

[32]   Section 572 of the Italian Criminal Code.

[33]    Section 572 of the Italian Criminal Code

[34]   Section 583-*quinquies* of the Italian Criminal Code.

[35]   Section 612-*ter* of the Italian Criminal Code.

[36]    Section 558-*bis* of the Italian Criminal Code.

[37]   Section 387-*bis* of the Italian Criminal Code.

[38]    Section 612-*bis* of the Italian Criminal Code.

[39]    Section 609-*bis* and subsequent Sections of the Italian Criminal Code.

[40]   Section 575 of the Italian Criminal Code.

[41]    Section 577 of the Italian Criminal Code.

[42]   Section 61, No. 11-*quinquies* of Law-Decree No. 93/2013 — which was converted into Law No. 119/2013.

[43]   Section 387-*bis* of the Italian Criminal Code.

[44]    Section 342-*ter* of the Italian Civil Code.

[45]    Section 299 of the Italian Code of Criminal Procedure.

[46]    Section 18-*bis* of Legislative Decree No. 286/98.

[47]    Section 18-*bis* of Legislative Decree No. 286/98.

[48]    In particular Legislative Decree No. 18/2014, through which Italy implemented the EU Asylum Qualification Directive 2011/95/EC.

[49]    Section 7, paragraph 2a, of the Legislative Decree No. 251/2007, through which Italy implemented Directive 2004/83/EU.

[50]  Section 5, paragraph 5, item 6, of Legislative Decree No. 286/1998.

[51]    Section 337-*ter* of the Italian Civil Code.

[52]    Section 316, paragraph 3, of the Italian Civil Code.

[53]   Sections 2 and 3 Law No. 431/1998.

[54]   Section 3, paragraph 6, of Law No. 431/1998.

[55]   Sections 342-*bis* and 342-*ter* of the Italian Civil Code, and Section 282-*bis* of the Italian Criminal Code.

[56]   Section 6, paragraph 6 of Law No. 989/1970 and/or Section 337-*sexies* of the Italian Civil Code.

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