

CM-Public

MINISTERS' DEPUTIES

Decisions

CM/Del/Dec(2023)1475/H46-19

21 September 2023

1475th meeting, 19-21 September 2023 (DH)**H46-19 Talpis group v. Italy (Application No. 41237/14)**

Supervision of the execution of the European Court's judgments

Reference document

CM/Notes/1475/H46-19

Decisions

The Deputies

1. recalled that this group of cases concerns the ineffective and delayed response of the authorities to the applicants' complaints concerning domestic violence, the discriminatory aspect of such failings in the protection of women against domestic violence and the secondary victimisation of one of the applicants due to the gender stereotypes characterising the judicial decision in her case;

As regards individual measures

2. invited the authorities to conclude promptly the criminal proceedings against the aggressors of the applicants in *M.S. and De Giorgi* providing information on their outcome and, as regards the latter case, an assessment of the competent authorities of the possibility to initiate an investigation into the death threats received by the applicant and the ill-treatment of her children;

3. invited the authorities to place the sums awarded by the Court in *Landi* at the disposal of the applicant and to keep the Committee informed;

4. noted with concern the attachment of the just satisfaction in *De Giorgi*; recalled that the European Court has held, in other cases, that the compensation awarded by it pursuant to Article 41, in particular for non-pecuniary damage, should be exempt from attachment and strongly invited the Italian authorities to reconsider their position in view of this principle or to demonstrate that the applicant and her lawyer have accepted the attachment;

As regards general measures

5. noted with satisfaction the measures adopted by the authorities since the last examination which reflect their continuing determination to prevent and combat domestic violence and gender-based discrimination; noted in particular the amendments to the Code of Civil Procedure, the adoption of the third National Plan and the renewal of the parliamentary monitoring of the phenomenon;

6. highlighted the importance of securing that the impact of the measures adopted guarantee a rapid and effective response by law enforcement agencies and the judiciary to reported incidents of gender-based violence;

7. noted with concern the data reflecting a persistent high percentage of proceedings on domestic and sexual violence discontinued at pre-trial stage, a limited use of protective orders and a significant rate of their violation; noted that the information provided by the authorities does not allow a comprehensive assessment of the situation; urged them therefore to provide the relevant assessments, information and statistics, as outlined in the analysis prepared by the Secretariat for the present examination;

8. welcomed the adoption of Law No. 53 of 2022 which established an integrated data collection system on gender-based violence thus responding to the call of the Committee; invited the authorities to ensure its effective functioning and scope;

9. noted with interest the information provided on capacity-building for the judiciary; invited the authorities to pursue their efforts to further expand and disseminate targeted relevant training with particular attention to the specialisation of pre-trial judges; called on them to launch specific activities to promote the use of a gender-sensitive judicial language;

10. noting with satisfaction the commitment expressed by the authorities to implement the additional measures envisaged by the National Plan in order to eradicate prejudices and attitudes which fuel gender-based violence and discrimination; invited them to inform the Committee about the concrete action taken and the tangible progress achieved;

11. requested the authorities to provide information on the individual measures by 15 December 2023 and regarding the different matters referred to above by 30 March 2024 at the latest.

Related documents

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www.coe.int/en/.../1475th-human-rights-meeting-19-21-september-2023

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