

Offences introduced by the so-called “Red-Code” Law

The so-called 'Red Code' has toughened penalties for several existing offences and has introduced four new crimes:

- The **illegal dissemination of sexually explicit images or videos** (art. 612-ter of the criminal code) is the offence tackling so-called **revenge porn**. This new article punishes anyone who, after having taken or stolen sexually explicit images or videos that were intended to remain private, sends, delivers, transfers, publishes or disseminates them without the express consent of the persons concerned. Those who further distribute the images disseminated by the offender are also punished. Indeed, what makes revenge porn more serious and dangerous is precisely distribution by third parties as this amplifies the effects of the infringement and leads to irreversible consequences.

Statutory aggravations apply when:

the offence is committed by the victim's spouse, including a separated or divorced spouse;

the offence is committed by a person who is emotionally bound to the offended person;

the offence is committed by means of computer or information tools; or

is committed against a person with mental or physical disabilities or a pregnant woman.

The offence can be prosecuted following the complaint of the offended person, which may be lodged within a period of six months.

- **Disfigurement as a result of permanent injuries** (article 583-quinquies of the criminal code): personal injury resulting in disfiguration or permanent scarring of the face is punished with imprisonment from eight to fourteen years. Conviction, which is considered equivalent to plea agreement, carries the ancillary penalty of lifelong disqualification for guardianship, wardship and conservatorship. This offence is aggravated if committed with weapons or corrosive substances, or by a person disguising their identity, or by a group of persons. The penalty

is life imprisonment in case death ensues as a result of the offence of disfigurement through face injuries.

- **Coercion or inducement to enter marriage** (art. 558-bis of the criminal code): this offence involves forcing or inducing a person to enter into marriage or civil partnership through violence or threats; or by taking advantage of their vulnerability or mental inferiority or situation of need; or by abusing family, domestic or employment relationships; or by abusing the authority of holding their custody for reasons of care, upbringing, education, supervision or custody. This offence is committed when forcing others, regardless of their age, to marry or to enter into a civil partnership. The offence is also prosecuted when committed abroad by or against an Italian national or by and against a foreign national residing in Italy. The penalty is increased when the offence is committed against a minor.

- **Breach of the injunction to stay away from the family home and of the prohibition to visit places frequented by the offended person** (art. 387-bis of the criminal code): this offence carries a prison penalty of six months to three years. This penalty is imposed on anyone infringing the obligations or prohibitions set out in the injunction to stay away from the family home (article 282-bis of the code of criminal procedure) and prohibiting to visit places frequented by the offended person (article 282-ter of the code of criminal procedure) or infringing an emergency removal order from the family home (article 384-bis of the code of criminal procedure).