

Red Code – Law no. 69 of July 9, 2019

Law no. 69 dated July 19, 2019 – Changes to the criminal and criminal procedure codes as well as other rules concerning the protection of victims of domestic and gender-based violence, also known as Red Code – strengthened the protection measures and established investigation mechanisms aimed at avoiding deadlocks.

For crimes that are considered to be the outcome of gender-based violence, the criminal police are obliged to notify the public prosecutor. Within three days, the public prosecutor should interview the offended person or the complainant or applicant (unless it is necessary to postpone the interview in order to protect a minor or the confidentiality of the investigation, also in the interest of the offended person). The criminal police should investigate the facts and forward the relevant documentation to the public prosecutor without delay.

The “Red Code” has tightened the penalties for a series of offences and has introduced four new crimes:

- the illegal circulation of sexually explicit photos or videos (revenge porn)
- the disfigurement of a person through permanent injuries
- forcing or inducing to marriage
- the violation of restraining orders such as the removal from the family home or the prohibition to approach the places frequented by the victim.

In relation to the offence of abuse against family members and cohabitants (art. 572 of the criminal code), aggravating circumstances are when the offence is committed against or in the presence of minors, a pregnant woman or a person with disabilities and if it is perpetrated using weapons. **A minor witnessing such an offence is always considered as an offended person.**

This offence is also included among the cases of ‘qualified’ dangerousness for which a specific precautionary measure – the special public security surveillance – can be adopted (art. 4, section 1, subsect. i-ter of Legislative Decree 159/2011 – Antimafia Code).