



ITALIAN IMPLEMENTATION OF THE ISTANBUL CONVENTION: AN ANALYSIS UNDER A CRIMINAL LAW PERSPECTIVE

Istanbul Convention opens the path for creating a legal framework at pan-European level to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence.

The present article focuses on a comparison between Chapter V (*Substantive law*) of the Convention and the state of the art of Italian penal legislation, in the light of the innovations introduced by l. October 15, 2013, n. 119 and by subsequent legislative interventions. If the Istanbul Convention adopts an integrated protection strategy in which the repressive intervention is only one of the pieces (and probably not the most significant), the Italian legislator has only partly accepted this methodological indication: the rules implementing the Convention affect the discipline of substantive and procedural criminal law, while preventive measures or support of victims are just outlined.

In the final part, the criminal political opportunity is evaluated to introduce new incriminating cases for the fight against gender-based violence and a critical judgment is expressed on the choice to continue to follow the road of the tightening of sanctions to entrust the penal to govern phenomena - like those examined here - which have mainly cultural (or rather subcultural) roots.

The hope is to avoid the risks of pan-penalization, to rely on an integrated model of protection, in which the moment of repression (certainly unavoidable) is preceded and flanked by that of prevention.