



Italian authorities failed to protect woman from domestic violence, systematically playing down her complaints and trivialising her statements

The case of [Scuderoni v. Italy](#) (application no. 6045/24) concerned domestic violence suffered by a woman for nine months after she had separated from her partner.

In today's **Chamber** judgment¹ in this case the European Court of Human Rights held, unanimously, that there had been a **violation of Article 3 (prohibition of ill-treatment) and Article 8 (right to respect for private life and correspondence)** of the European Convention on Human Rights.

The Court found that the authorities had failed in their duty to carry out an immediate, proactive assessment of the risk that the applicant's former partner would subject her to further violence. In particular, the applicant's request for a protection order had been refused without any risk assessment being performed, and the civil court had set the hearing date for nine months after she had lodged her urgent application. There had also been a two-month delay before her criminal complaint had been registered.

The Court further considered that given how the authorities had dealt with the evidence before them – which had shown that the applicant was suffering spousal abuse –, they had not taken the specific issue of domestic violence into account during the criminal investigation. They had thereby failed in their obligation to provide a response that was proportionate to the seriousness of the applicant's allegations. The domestic courts had made no serious attempt to obtain a comprehensive view of the applicant's situation, despite that being a requirement in this type of case.

This judgment is the latest in several findings² against Italy in recent years for failure to fulfil its Convention obligations with respect to domestic violence.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

Principal facts

The applicant, Valentina Scuderoni, is an Italian national who was born in 1982.

Ms Scuderoni separated from her partner, G.C., in August 2017. She subsequently continued to live in the same house as G.C. along with their son, who had been born in 2012.

In February 2018 she brought civil proceedings, complaining of ill-treatment by her former partner and seeking the right to use the family home, primary residence rights for the child and contact rights for G.C. In her application she alleged, among other things, that G.C. forced her to stay awake at night by shining a light on her, denigrated and psychologically abused her, prevented her from going into certain parts of the house, constantly moved her possessions, and threatened to throw all

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

2. See, in particular, *Talpis v. Italy*, no. 41237/14, 2 March 2017; *Landi v. Italy*, no. 10929/19, 7 April 2022; *De Giorgi v. Italy*, no. 23735/19, 16 June 2022; *M.S. v. Italy*, no. 32715/19, 7 July 2022; and *P.P. v. Italy*, no. 64066/19, 13 February 2025.

her belongings into the street and kidnap their son. The court set the hearing date for nine months later.

In June 2018 the applicant asked the court to set an earlier hearing date, alleging psychological and physical abuse and submitting medical reports and copies of several complaints against G.C. in support of her request.

In July 2018 she made a separate application to the court for a protection order, providing copies of criminal complaints, medical reports and evidence from the criminal investigation in respect of G.C.

Fifteen days later the court rejected her request for protection. In August 2018 it granted her sole use of the family home with the child and set G.C.'s contact rights.

In the meantime, between March and June 2018, the applicant had lodged several criminal complaints against G.C. for continuous violence, harassment, failure to respect her contact rights and other allegations. She had also accused him of illegally accessing her personal and work messaging accounts, reading her exchanges with her lawyers and placing cameras in the house to monitor her movements. In one of her complaints she had stated that G.C. had violently grabbed her by the hair on 29 April 2018. She had then gone to the hospital emergency department, where she had been diagnosed with a "neck and scalp injury" and declared totally unfit for work for several days. She had annexed the medical report to her complaint.

In February 2019 the prosecutor, at the end of an investigation in which several witnesses had confirmed the applicant's allegations of repeated violence, decided to commit G.C. for trial on charges of ill-treatment in the family, harassment, assault and attempted extortion, all aggravated by the presence of a minor and the fact that the parties lived together. The applicant joined the proceedings as a civil party.

After four years the criminal proceedings resulted in G.C.'s acquittal. The court characterised his acts as nastiness (*dispetti*) and noted that the behaviour in question had lasted for about nine months, during which the couple's relationship had irreparably deteriorated. In particular, the court found that G.C.'s acts appeared to be motivated primarily by resentment about the end of his relationship with the applicant and by tensions relating to the child's residence and their forced cohabitation in the family home.

The applicant asked the public prosecutor to appeal against the judgment, but he rejected her request.

Complaints

The applicant relied on several Articles of the Convention, most notably Article 3 (prohibition of ill-treatment) and Article 8 (right to respect for private life and correspondence). She submitted that she had complained to the national authorities on several occasions about her former partner's behaviour, accusing him of controlling and manipulating her, in particular by monitoring her movements, harassing her in the marital home and threatening her in front of their son. In that regard, she complained that the domestic courts had not examined her applications in a timely manner, that the civil court had rejected her application for a protection order and that the criminal investigation had been ineffective. She also alleged that the domestic courts had not properly assessed the risk of physical and psychological violence to which she had been exposed or her need for protection. She further complained about her former partner's acquittal, arguing that the court – owing to enduring sexist stereotypes – had treated the domestic violence in question as mere family disputes.

The Court decided to examine the issues under Articles 3 and 8 of the Convention.

Procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 12 February 2024.

Judgment was given by a Chamber of seven judges, composed as follows:

Ivana Jelić (Montenegro), *President*,
Erik Wennerström (Sweden),
Raffaele Sabato (Italy),
Frédéric Krenç (Belgium),
Davor Derenčinović (Croatia),
Alain Chablais (Liechtenstein),
Artūrs Kučš (Latvia),

and also Ilse Freiwirth, *Section Registrar*.

Decision of the Court

Articles 3 and 8

The Court began by stating that domestic violence was a serious violation of women's rights, and had been recognised as such both in the relevant international instruments (particularly the [Istanbul Convention](#)³) and in the Court's case-law.

Obligation to protect the applicant from domestic violence

Turning to the case at hand, the Court observed that the applicant had applied first to the civil and then to the criminal authorities to complain of her former partner's violent behaviour, alleging that he was threatening her, harassing her and both psychologically and physically abusing her.

Despite the seriousness of those allegations, the civil court had scheduled the hearing to decide the child's residence and the use of the family home for nine months later. The court in question also appeared not to have assessed the risk to which the applicant and her son were exposed until July 2018. In addition, the applicant's request for a protection order had been refused without any risk assessment being performed. And in the criminal investigation, there had been a two-month delay before her criminal complaint had been registered.

On the basis of the information known to the authorities at the time of the events, which had indicated a real and immediate risk that the applicant would be subjected to further violence, the Court considered that they had not displayed the required diligence.

For example, they had not conducted a risk assessment for ill-treatment targeting specifically the context of domestic violence and in particular – given that the proceedings had concerned child access rights – the situation of the applicant and her son. Such an assessment would have justified concrete preventive measures to protect them from that risk. The national authorities had then neglected to deal with the matter in a timely manner, examining the applicant's action nine months after it had been brought. They had therefore failed in their obligation under Articles 3 and 8 of the Convention to protect the applicant from the domestic violence committed by G.C.

Obligation to carry out an effective investigation into the allegations of domestic violence

The Court emphasised the special diligence required when dealing with complaints of domestic violence. It pointed out that the specific features of acts of domestic violence, as recognised in the Istanbul Convention, needed to be taken into account in domestic proceedings.

3. Convention on Preventing and Combating Violence against Women and Domestic Violence.

In the most recent [GREVIO](#)⁴ report on Italy, specific mention was made of the fact that the Italian courts continued to require violence to be habitual for the offence of ill-treatment in the family to be made out, basing their stance on Article 572 of the Criminal Code.

The Court stated that it shared GREVIO's concerns as to the widespread judicial practice of systematically ruling out the habitual nature of repetitive violence wherever (i) that conduct had taken place during a short lapse of time; (ii) the acts had occurred at the end of a relationship in which no prior complaints had been made, and were thus ascribed to a mere occasional "state of anger"; or (iii) the victim had actively resisted, leading the courts to reduce the violence to "conflict within the couple".

In the matter at hand, the authorities had made no serious attempt to obtain a comprehensive view of the applicant's situation – despite that being a requirement in this type of case. A proper assessment should have involved an analysis of G.C.'s harassing behaviour taken as a whole, including the allegations of psychological and physical abuse, non-respect of the applicant's contact rights and economic violence, along with the allegations of breaches of cyberprivacy regarding the intrusion into the victim's computer. Instead, single events and acts had been examined in isolation. The court had displayed no awareness of the special characteristics of domestic-violence cases.

Given how the national authorities had dealt with the evidence before them – which had shown that the applicant was suffering spousal abuse – and especially their inability to ensure that the perpetrator was prosecuted and, if appropriate, punished without undue delay, they had not taken the specific issue of domestic violence into account during the criminal investigation.

In particular:

- The criminal proceedings had lasted four years and had been presided over by four successive judges.
- The court had found that G.C.'s behaviour towards the applicant, although objectively harassing and aggressive, was more an expression of conflict and resentment than systematic ill-treatment, and that the applicant had not been reduced to a state of psychological submission. No in-depth assessment had been conducted of the allegations of psychological and physical abuse, non-respect of the applicant's contact rights or economic violence.
- In acquitting G.C. of the offence of bodily harm, the court had called the applicant's credibility into question without good reason. That was despite the fact that she had submitted a medical certificate from the emergency department issued immediately after the alleged assault.

The national authorities had thereby failed in their obligation to provide a response that was proportionate to the seriousness of the applicant's allegations. The applicant had also been unable to appeal against the judgment, since the public prosecutor's office had rejected her request to that end.

It followed that in the particular circumstances of the case, and in view of the specific danger that violence against women posed to society and of the need to combat such abuse by effective, deterrent measures, the State, in its response to her complaint, had failed to adequately discharge its procedural obligation to ensure appropriate treatment of the violence suffered by the applicant. **There had accordingly been a violation of Articles 3 and 8 of the Convention.**

[Just satisfaction \(Article 41\)](#)

The Court held that Italy was to pay the applicant 15,000 euros (EUR) in respect of non-pecuniary damage and EUR 10,000 in respect of costs and expenses.

4. Baseline Evaluation Report on Italy, published on 3 January 2020 by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), the independent expert body responsible for monitoring the implementation of the Istanbul Convention by the Parties.

The judgment is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.