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Gender Inequality in the Italian Cultural Fabric and the *Talpis* Judgment

Gender inequality is such a delicate yet current topic that it forces us to reflect upon it. The word violence is juxtaposed with a noun, typically connected to the concept of security in the phrase “domestic violence” in the spatial dimension, where the current refers to the recent increase for help in the anti-violence centres during the COVID-19 period. According to the Italian Statistics Institute, the impact of COVID-19 is excessively negative because 25 women have already been killed by their partners.

The aim of the research therefore, is to analyse the society we live in on one hand, and on the other hand to, understand the behaviour and remedies adopted by the Italian State. The “Penelope complex” analysis, that is the cautious sedimentation of the feminine in our cultural fabric, must embrace everything, by doing and undoing the historical lacerations in the shroud considered patriotic tradition, together with the study of globalisation (where the market becomes a unit of measure for human relations) which alters not only the economy, but also sentiments.

Moving onto the study of freedom and the rights of the violated female body, one can see how the European Court of Human Rights has criticised the behaviour of the Italian Republic. In particular, the *Talpis* judgment has condemned Italy as it did not take immediate action, resulting in a situation of vulnerability, lack of protection and punishment: underestimating the gravity of the situation would therefore lead to an approval of such behaviour. The First Section of the ECtHR, in its judgment of 2017, has in fact agreed upon a compensation in favour of a Moldavian citizen resident in Italy, a victim of the repeated domestic violence caused by her spouse where the Italy failed to fulfil the right to protect her regardless of her complaints (even if reviewed by the prosecutor in the husband’s favour) and her requests for help despite the first warning signs of danger. Already in its judgment of 1998, the ECtHR ruled against the UK in the *Osman* case where a teacher, attracted to a student, assaulted him and killed his father. The *Osman* judgment ratifies the formula that declares the State’s responsibility when “the authorities should have known about when the existence of a person’s life is at risk and the authorities didn’t do what they could have done, and what can be reasonably expected by them to eliminate such a risk.”

In the *Talpis* case, the ECtHR applies the *Osman* test to the particular circumstances of the case which is marked by a significant time-frame (June 2012 – November 2013) during which a domestic violence takes place, and it is diminished in relation to the gravity of the symptoms of the victim herself. The problem with predicting the risk has been resolved with the transition from the “criterion of the prognosis of the immediacy of the risk” to that of “predicting a structural danger” and, therefore, it is imminent. Italy, aware of the necessity of an anticipated and strengthened protection of women, has declared the “Red Code Law”.

Keywords: domestic violence, ECHR, Italian law, gender inequality, the *Talpis* judgment