

To the clients:

Subject: New Offence of “Femicide” and Main Related Developments (Law of 2 December 2025, No. 181 – effective as of 17 December 2025)

With Law No. 181 of 2 December 2025, the Italian legislature has introduced into the Criminal Code the new Article 577-bis, entitled “Femicide”, providing for life imprisonment in specific cases involving the killing of a woman, characterised by reasons or modalities attributable to hatred, discrimination, oppression, or dynamics of control and domination. The same law also amends other criminal offences, criminal procedure rules, the penitentiary system, and measures concerning the economic protection of victims and their family members.

1) The new offence of femicide (Article 577-bis of the Criminal Code)

New Article 577-bis of the Criminal Code punishes with life imprisonment anyone who causes the death of a woman where the act is committed: (i) as an act of hatred, discrimination or oppression; (ii) as an act of control, possession or domination over the victim “as a woman”; (iii) in connection with the woman’s refusal to enter into or continue an emotional or intimate relationship; or (iv) as an act aimed at limiting her individual freedoms.

Outside these circumstances, the general rules on intentional homicide (Article 575 of the Criminal Code) remain applicable. Article 577-bis also provides for the application of the aggravating circumstances set out in Articles 576 and 577 of the Criminal Code.

The law further regulates the impact of mitigating circumstances: where only one mitigating circumstance is recognised (or where a mitigating circumstance prevails over an aggravating one), the court may not reduce the sentence below 24 years’ imprisonment; where more than one mitigating circumstance is recognised and deemed prevailing, the sentence may not be reduced below 15 years’ imprisonment.



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2) Why it is an “autonomous” offence and its practical implications

From a practical standpoint, the most significant innovation lies not only in the provision of life imprisonment (which was already possible through aggravating circumstances applicable to homicide), but in the explicit identification of a form of homicide characterised by a gender-based motive or dynamic of domination. In other words, the legislature has given specific criminal relevance to the killing of a woman as the outcome of conduct involving control, possession, domination, or the “punishment” of a woman’s freedom of choice.

It is important to stress, however, that—as with any criminal offence—the actual application of the provision depends on judicial verification of the required elements: not every homicide involving a female victim automatically constitutes femicide; the conduct must fall within the modalities or motives expressly set out by the statute.

3) Other amendments to the Criminal Code: aggravating circumstances and confiscation

Law No. 181/2025 amends several criminal offences, providing for increased penalties where the conduct is committed with the same modalities typical of femicide (hatred/discrimination/oppression or control/possession/domination “as a woman”, or in connection with the refusal of a relationship, or aimed at limiting individual freedoms).

In summary, new or expanded aggravating circumstances are introduced (with sentence increases of up to two thirds, depending on the offence) for certain crimes against the person and against individual freedom—such as, by way of example, stalking and the unlawful dissemination of sexually explicit images or videos (so-called “revenge porn”).

The law also introduces Article 572-bis of the Criminal Code, which provides for mandatory confiscation, in cases of conviction or plea bargaining for domestic abuse (Article 572 of the Criminal Code), of assets used (wholly or in part) to commit the offence, expressly including IT and telematic devices and mobile phones.



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4) Criminal procedure developments: enhanced protection and faster timelines for the victim

From a procedural perspective, the law strengthens the protection of victims of domestic and gender-based violence, intervening in matters of information, hearings and communications.

- **Prompt hearing of the victim:** In proceedings falling within the scope of the so-called “Red Code”, Article 362(1-ter) of the Code of Criminal Procedure requires that information be taken from the victim (or from the person who filed the report/complaint/application) within three days of the registration of the offence, unless overriding needs exist (e.g. protection of minors or investigative secrecy).
- **Additional information and communication channels:** Victims must be informed of their right to request a personal hearing before the Public Prosecutor, to indicate a certified electronic address for service, and to receive communications concerning requests for revocation or replacement of precautionary measures. Specific rules also apply where the defendant applies for plea bargaining, even if the request is filed outside a hearing, allowing the victim to submit written observations or arguments.
- **Notifications concerning escape/release and precautionary measures:** The obligation to inform the victim (or, if deceased, the next of kin upon request) of relevant decisions is extended, including decisions resulting in release from prison or termination of custody.
- **Precautionary measures and restraining orders:** Among the amendments, certain distance parameters connected to protective measures are increased (from 500 to 1,000 metres), strengthening the effectiveness of no-contact and restraining orders.
- **Protection of dignity at trial:** The law reiterates the need to avoid forms of “secondary victimisation”, requiring examination methods that preserve the dignity and decorum of the victim.

5) Organisation of the Public Prosecutor’s Office: revocation of case assignment in case of delays

A further development concerns the organisation of the prosecutorial office: the law strengthens the mechanism for revoking the assignment of a case where the assigned magistrate, in domestic or gender-based violence offences, fails to comply with the three-day deadline for hearing the victim



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under Article 362(1-ter) of the Code of Criminal Procedure. In such cases, the Chief Prosecutor must promptly ensure the acquisition of the information, either personally or by assigning the case to another magistrate.

6) Economic protection: orphans, compensation and legal aid

The law strengthens protection for orphans of femicide, including where the offence occurs within an emotional relationship even in the absence of stable cohabitation, by amending the rules governing compensation for victims of intentional violent crimes and the related requirements and documentation.

Access to state-funded legal aid is also expanded, by way of derogation from income thresholds, for victims in certain proceedings, expressly including attempted femicide among the relevant cases.

7) Enforcement of sentences: stricter rules on prison benefits and victim notifications

In the penitentiary context, for persons convicted of femicide (and other offences expressing gender-based violence), access to alternative measures and prison benefits is conditional upon a positive judicial assessment based on at least one year of scientific observation of the offender's personality. There is also an obligation to immediately inform the victim or, if the victim is deceased, the next of kin upon request—of decisions resulting in release from prison.

Limitations are also introduced on the duration of prison leave for juvenile offenders convicted of femicide.

8) Interpretative issues: expectations in the application phase

Certain aspects of the new offence will require judicial interpretation, particularly to clearly define concepts such as “acts of control/domination” or “limitation of individual freedoms”. Technical debate has also highlighted the issue of defining the victim as a “woman” in a biological sense and the potential need to coordinate the provision with constitutional principles of equality and legal certainty.



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For these reasons, individual cases will be assessed with particular care in practice, and interpretative disputes may arise on certain points.

This circular is provided for informational purposes only and does not constitute legal advice on specific cases. For further information or assistance in concrete situations (criminal complaints, precautionary measures, protection of victims, civil party claims, etc.), the Firm remains at your disposal.

Kind regards

15 December 2025

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