

Stalking

Stalking is a term that indicates repeated persecutory conducts of a person towards another person.

A stalker is someone who follows or controls someone else obsessively and aggressively (also with phone calls, text messages, e-mails etc.) to the point of harassment.

As a crime, it was introduced into the Italian criminal code in 2009 (art. 612-bis – Law no. 38 dated April 23, 2009) with the aim to punish all behaviours covered by other low-level offences – such as threats, duress, etc. – that were deemed to not protect the victims of stalking adequately.

Art. 612-bis of the criminal code punishes whoever (man or woman) repeatedly threatens or harasses someone in such a way as to cause a serious and constant state of distress or fear or to provoke within the victim(s) a well-founded fear for his/her own safety or for the safety of relatives or partners, or to force the victim(s) to change his/her living habits.

The penalty - between 1 year and 6 years and 6 months imprisonment (as amended by Law 69/2019) – is intended to be a deterrent for the conducts that in the past were not criminally relevant.

In order for the stalker to be punished, the victim has to file a charge within 6 months from the day the crime occurs.

The charge can only be dropped during a trial. It can not be retracted if the crime has been committed through electronic devices (art. 612-bis, section 2).

Ex officio proceedings are initiated if the victim is a minor or a person with disabilities as well as when the crime is accompanied by other offences for which ex officio proceedings are foreseen.

Art. 8 of Law no. 38 of 2009 establishes the possibility to obtain a warning in case of stalking in order to provide victims with swift and early protection without the need to initiate a criminal proceeding.

The victim can report the incidents to the Police and ask the local police chief (Questore) to issue a warning against the stalker.

Stalkers can be subject to special public security surveillance and can be banned from the areas (municipalities or provinces) where they do not live (Law no. 161 dated October 17, 2017 amending the Antimafia Code).