

## Reporting to the Italian police

(NB. There is often a police station within hospitals)

Only you can decide whether or not to report the assault to the police. If you do not know what to do, we can talk you through what it would mean and what your options are.

Should you decide to report the assault, it is advisable that you report it as soon as possible. Essential evidence can be gathered and investigated by the Police from the early stages without contamination.

It is advisable that you retain clothing items and objects related to the event (such as a glass, which can constitute evidence of a spiked drink) which will become relevant evidence in support of the police report. These should be stored in paper bags for better preservation. It is worth keeping a record of any other physical effects of the abuse, such as stress or psychological issues.

In Italy, you have up to 6 months to file a report with the Police for a sexual assault crime. Your report can take two different forms: "*Querela di parte*", or "*Denuncia*".

"*Querela di parte*" implies that you have the intention of prosecuting the offender, even if he/she is unknown. It can only be filed by you and it cannot be withdrawn.

"*Denuncia*" is a notification of a crime. It can be filed by any person who is aware of a crime, it does not need to be the victim.

In certain cases of sexual violence police authorities must proceed with an inquest automatically, with or without the *Querela di parte*. This might happen, for example, if the person is under 18 years of age, or if physical injuries require hospitalisation for more than 20 days.

It is advisable for you to appoint a lawyer should you wish to proceed with filing the report to ensure that you are kept informed on the case. A list of English speaking lawyers can be found here:

<https://www.gov.uk/government/publications/italy-list-of-lawyers>

Should you require help with translation, a list of local translators can be found here:

<https://www.gov.uk/government/publications/italy-list-of-translators-and-interpreters>

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## **Legal aspects**

Sexual assault and rape are considered crimes in Italy, classified as a crime against the person.

It can take 1-2 years before a case comes to trial. Trials usually last on average 2 years after which sentence is passed. The defendant has an automatic right of appeal (*Appello*). This means it can be followed by a second trial, unless the defendant settles for a plea-agreement. In certain cases it can extend to a third trial at the Supreme Court (*Cassazione*), whose sentence is enforceable and final.

We strongly recommend you appoint a lawyer. Your lawyer will provide you with an address (*elezione di domicilio*) which is required in order to receive legal notifications, particularly if you do not reside in Italy.

Your lawyer will represent you in Italy so that you are not required to be present at every court session, but you will be asked to appear in court for the first hearing (*Udienza di deposizione*).

In Italy, victims of rape and sexual assault are entitled to free legal aid. However, free legal aid is only implemented alongside the start of legal proceedings. This means that it does not cover preliminary actions provided by the lawyer outside of the court case. In some cases, lawyers will charge the client for services supplied before the case goes to court. This is something you must clarify directly with your appointed lawyer.

## Reporting the crime in the UK

If you decide not to report the crime to the Italian police, but wish to report it to the UK police, you must be aware of the following:

- UK police cannot prosecute in the case of serious sexual offences committed overseas, unless the victim (any nationality) is under 16 and the suspect is a British national or resident in the UK.
- UK police cannot investigate a case abroad.

UK Police advise that it is best to report such matters in the country where the incident happened, and as soon as possible. Reporting locally and promptly ensures that:

- Forensic evidence can be gathered.
- The offender could possibly be identified promptly.
- Scepticism about the allegation is avoided.

If you choose to report the offence in the UK only, you must be aware that it is unlikely there will be sufficient evidence available to prosecute in the UK or Italy.

However, it is also possible to file a "*Querela di parte*" from the UK. Italian police can also accept a *Querela* by proxy from your Italian legal representative. If you have returned home and wish to press charges, you can appoint a lawyer in Italy and file with him/her a *Querela*. This must be written in Italian. The Italian lawyer can then attend a local police station with your agreed *Querela*.

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## Upon return to the UK

People react to sexual assault in different ways. You might feel angry, ashamed, frightened or guilty. You may have different feelings at different times. You may have some of these feelings soon after the attack and some may develop later on. This is normal and you should consider getting help and advice from a counsellor or support group whenever you feel you need to.

Women and men who have been sexually assaulted can get confidential help, treatment and support at a Sexual Assault Referral Centre in the UK. You can find details of your nearest Centre by accessing the link below:

<https://www.nhs.uk/Service-Search/Rape-and-sexual-assault-referral-centres/LocationSearch/364>

Alternatively, you can call the **National free phone Helpline 0808 802 9999**  
12:00 – 14:30 and 19:00 – 21:30 daily

Sexual Assault Referral Centres (SARCs) offer medical, practical and emotional support. They have specially trained doctors, nurses and support workers. If you have not reported the assault to the police, you can still refer yourself to a SARC for assessment and medical treatment to prevent some STIs and pregnancy.

Many specialist support agencies offer an Independent Sexual Violence Advisor (ISVA) service to victims of rape and sexual assault. An Independent Sexual Violence Advisor (ISVA) is trained to look after your needs, and to ensure that you receive care and understanding. An ISVA will provide you with information and you are not expected to report any offence to the police. Please note that some information may not be applicable to you, as any criminal proceedings will be taking place in Italy, however they can provide useful support.

There are many organisations offering help in the UK, a few of those are mentioned below however, an Internet search will help you determine what suits you best.

<https://www.victimsupport.org.uk/crime-info/types-crime/rape-and-sexual-assault>

<http://thesurvivorstrust.org/>

<https://www.met.police.uk/advice/advice-and-information/rsa/rape-and-sexual-assault/support-for-victims-of-rape-and-sexual-assault/>

<https://www.safeline.org.uk/>

<https://rapecrisis.org.uk>

<https://www.rapecrisisscotland.org.uk>

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# Foreign & Commonwealth Office

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## **Guidance for Victims of Rape and Sexual Assault in Italy**

Prepared by  
British Embassy, Rome  
British Consulate-General, Milan

Updated: 1 March 2019

[www.gov.uk/world/italy](http://www.gov.uk/world/italy)

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Rape and sexual assault can happen to women and men of all ages and backgrounds.

It can be a very traumatic experience whenever and wherever it happens, and it can be even more difficult to deal with if it happens to you whilst abroad.

This aim of this booklet is to offer you practical information in relation to the steps you can take following a case of rape or sexual assault in Italy. It will answer any immediate questions you may have with regards access to medical treatment and filing a police report, should you wish to do so.

We take any report of rape and sexual assault seriously and will try to see you to offer you support as soon as possible and in private. We aim to be polite, patient, sensitive and non-judgemental.

Regardless of your gender, you may prefer to talk to a woman. If that is what you want, we will do our best to make sure that a female consular official is present at any meeting.

If you want to contact the police we can come to the police station with you. We can ask that you are interviewed by a female police officer if that is what you would prefer, and one is available. We can also help you to deal with the local authorities and arrange a medical examination by a female. We can also provide you with a list of local lawyers and interpreters.

The most important thing, following an assault, is to make sure that you are as safe as you can be. This should be your priority. If possible, ask someone to contact a trusted friend or seek help from the police, a hospital or the British Embassy or Consulate as soon as you are able to.

**How to contact us:**

<b><u>British Embassy, Rome:</u></b>	<b><u>British Consulate-General, Milan:</u></b>
Consular Section British Embassy Rome Via XX Settembre 80/a 00187 Roma Italy Tel: (+39) 06 4220 0001 Fax: (+39) 06 4220 2334	Consular Section British Consulate-General, Milan Via San Paolo 7 20121 Milano Italy Tel: (+39) 02 723001 Fax: (+39) 02 86465081
Full information on the assistance we provide can be found on : <a href="https://www.gov.uk/world/organisations/british-embassy-rome">https://www.gov.uk/world/organisations/british-embassy-rome</a>	Full information on the assistance we provide can be found on : <a href="https://www.gov.uk/world/italy/#/world/emergency-help-for-british-nationals-italy">https://www.gov.uk/world/italy/#/world/emergency-help-for-british-nationals-italy</a>
Our working hours are from 9.00 to 17.00 Monday to Friday (local time)	Our working hours are from 9.00 to 17.00 Monday to Friday (local time)

**If you need to contact us outside of working hours, call + 39 06 4220 0001. Listen to the message, press 1 for English and then press 2 for Consular Services. You will be redirected to an emergency service operator.**

on  
Via. Sall...  
00187, Roma

## **Medical assistance and Hospitals**

If you need medical assistance, you should immediately call 112 for emergency services, 118 for an ambulance or go direct to the nearest hospital. Access to Accident and Emergency services (A&E) is completely free.

All A&Es in major Italian hospitals should have the necessary facilities, equipment and staff prepared to receive victims of sexual assault. Smaller hospitals may lack specialised staffing, however, should this be the case, you will be directed to the local anti-violence organisation they cooperate with.

On arrival at an emergency ward, you will be immediately assessed by a nurse and given a 'triage code'. Waiting time is determined by the colour of the code you are allocated however, the average waiting time to be seen by a doctor under these circumstances would be approximately 10 minutes.

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You will be asked to provide details about yourself and detailed information on the aggression. This may be very personal and feel intrusive however, it is very important that this information is included in your medical file.

Doctors may take photographic evidence of any injuries, when deemed necessary, and collect clothing items or any other objects containing relevant biological evidence. If you have already changed your clothing, please keep any evidence safe in a paper bag as plastic can alter the samples.

You will undergo some routine lab tests such as a blood test, pregnancy test, toxicological tests, HIV and sexually transmitted infections tests as well as collection of DNA and biological samples.

Antibiotics, vaccinations and the morning-after pill might be also prescribed (the latter has to be purchased at a local pharmacy).

Please note that if you are underage, you need a medical prescription to purchase the morning-after pill from any chemist. Hospital doctors may provide this prescription. Should a doctor refuse to prescribe it, you will be signposted to the local Health Centre (*Consultorio*) where you can obtain a prescription.

Once discharged, you will be given a copy of your medical report and hospital file. In accordance with Italian law, the hospital file must contain information relevant for the judicial case which might take place. This will constitute an important part of the police report, should you decide to report the assault to the police.