

Legal blind spots: The challenges of recognizing and addressing Intimate Partner Violence in LGBT communities within the legal system

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Abstract

Intimate Partner Violence (IPV) within LGBT relationships remains an underexplored phenomenon, often overlooked by institutions and inadequately addressed within the legal system. Existing literature highlights the underestimation of its prevalence and the lack of tailored legal and protective measures. However, the scarcity of systematic data and the absence of structured debate on this issue hinder a comprehensive understanding of how the justice system responds to IPV in same-sex and LGBT relationships. This study aims to investigate the visibility of IPV victims within LGBT relationships, assess the extent to which such cases emerge in the judicial system, and examine how legal professionals and law enforcement agencies engage with the phenomenon. To address these questions, a qualitative methodology was employed, consisting of semi-structured interviews with 28 legal professionals, including lawyers, judges, prosecutors, and police officers operating in the Emilia-Romagna and Sicilia regions, in Italy. The data collection process was preceded by exploratory interviews to identify key challenges in detecting and addressing IPV within LGBT relationships, given its deeply concealed nature. Some emerging findings suggest that institutional responses to IPV in same-sex relationships remain fragmented and often insufficient, potentially leading to further discrimination. Limited training among legal professionals and law

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enforcement may hinder a nuanced understanding of the specific dynamics involved, while the absence of systematic data collection and the challenges in proving psychological and economic abuse risk underestimating the phenomenon. Difficulties in recognizing and appropriately addressing IPV within LGBT relationships could also contribute to secondary victimization and erode trust in the system. Furthermore, limited coordination between judicial actors, victim support services, and LGBT organizations appears to weaken the effectiveness of intervention and assistance strategies. These insights highlight the need for structural improvements, including targeted training and more comprehensive data collection, to enhance awareness and promote fairer access to justice.

Keywords: IPV, LGBT, secondary victimization, institutional responses.

The overlooked faces of Intimate Partner Violence

Intimate Partner Violence (IPV) within LGBT relationships continues to be marginalized across legal and institutional domains, despite robust evidence indicating that its prevalence is comparable to that found in heterosexual contexts (Alhusen et al., 2010; Cruz et al., 1998). This persistent neglect is rooted in a heteronormative and patriarchal conceptualization of IPV, which traditionally frames violence as a male-perpetrated act against a female partner (Oddone, 2020; Nash et al., 2024). As a result, non-heterosexual and gender-diverse experiences of violence are systematically excluded from both academic inquiry and institutional protection frameworks.

Historically, the field of IPV research has focused almost exclusively on heterosexual relationships, effectively rendering non-conforming experiences invisible (Merrill, 1988; Renzetti, 1989). While more recent scholarship has begun to document the dynamics of IPV in same-sex and trans relationships (Bukowski et al., 2019; Cook-Daniels, 2015), institutions remain anchored to a binary understanding of gender and victimhood. Legal systems and support services often lack the mechanisms to adequately recognize and respond to such cases, particularly when compounded by intersecting vulnerabilities such as gender identity, race, class, or immigration status (Guadalupe-Diaz, 2019).

In the Italian context, this structural invisibility is amplified by a lack of systematic data and by the absence of a consolidated body of research addressing IPV within LGBTQIA+ communities¹. For

¹ Throughout the text (and in the title), we use the term “community” in the singular form, while acknowledging the existence of multiple and heterogeneous LGBT communities. This choice is made for narrative clarity, not to erase their specificities or intersecting identities, but rather to highlight a shared history of marginalization and structural discrimination.

this reason, the present study deliberately focuses on LGBT subjects, rather than the broader LGBTQIA+ spectrum. This decision is both methodological and epistemological: it reflects the current state of Italian scholarship, where the few available data – including legal cases and judicial records – concern primarily lesbian, gay, bisexual, and trans individuals. The study thus acknowledges the limits of representation while seeking to establish a foundation for future research that can extend to queer, intersex, and asexual experiences.

While this article does not aim to provide a novel theoretical contribution to the existing literature, it represents one of the firsts systematic studies on IPV within LGBT relationships in Italy, encompassing data from three major regional contexts – though the present analysis focuses specifically on two of them. Adopting a queer-informed sociological lens, this work approaches IPV not as a deviation from the heterosexual norm but as a critical site where the boundaries of intelligibility, protection, and recognition are negotiated.

Theoretical framework

The present study draws on three interconnected theoretical approaches – heteronormativity, intersectionality, and secondary victimization – to critically examine how the legal system (re)produces forms of exclusion and erasure in addressing IPV within LGBT relationships. These lenses allow for an analysis that transcends individualistic or psychologizing explanations of violence, focusing instead on the structural and institutional dynamics that shape recognition, protection, and access to justice.

Legal and institutional responses to IPV are deeply embedded in heteronormative frameworks that conceptualize domestic violence primarily as a phenomenon occurring between cisgender heterosexual partners, with men as aggressors and women as victims (Oddone, 2020; Goodmark, 2013). As documented in the literature, this framing leads to the systematic invisibility of LGBT victims, whose experiences often do not align with the gendered assumptions embedded in protective laws, police protocols, or risk assessment tools (Greenberg, 2012; Robson, 1990).

The literature review conducted by the University of Palermo's research unit confirms that automatic assumption of heterosexuality in IPV narratives of IPV not only marginalizes same-sex and LGBT relationships but also affects the applicability of existing legal instruments (Rinaldi *et al.*, 2024). Trans victims, in particular, are often excluded from protective mechanisms due to binary legal categories and administrative rigidity (Goodmark, 2013). Moreover, myths of equality and harmony in same-sex relationships (Cruz & Firestone, 1998) continue to obscure the possibility

of violence altogether, making detection and intervention less likely (Finneran & Stephenson, 2013).

Building on Crenshaw's (1991) concept of intersectionality as relevant and urgent matter (2015), this framework recognizes that IPV within LGBT communities cannot be fully understood without accounting for the intersections of gender, sexual orientation, race, class, and migration status (Guadalupe-Diaz, 2019; Bermea et al., 2018; Baker et al., 2013). The meta-analysis underscores how multiple axes of marginalization shape the experiences of victims and their ability to access protection. For instance, LGB migrants or trans individuals from racialized communities often face additional barriers due to systemic racism, transphobia, and bureaucratic exclusion from services.

These vulnerabilities are not simply additive but mutually constitutive: legal responses — or their absence — cannot be separated from the broader social and cultural logics of “plausibility” and “legitimacy” that determine who is recognized as a victim and who is not (Butler, 2023; Creazzo, 2008).

The concept of secondary victimization is also central to understanding institutional failures. LGBT survivors often report mistrust toward legal authorities due to past experiences of minimization, disbelief, or outright discrimination (Addington, 2020; Aulivola, 2004; Comstock, 1991). As emphasized in the literature, police and judicial actors frequently lack adequate training on LGBT-specific IPV dynamics, leading to inappropriate or retraumatizing responses (Simpson & Helfrich, 2014; Pattavina et al., 2007).

This systemic inadequacy results in what we could call “differential protection”. This phenomenon shows how legal protections (statutes, protective orders, institutional responses) that are formally universal or neutral do not effectively extend equal coverage to all groups, resulting in unequal levels of actual protection and access depending on identity (e.g. sexuality, race, gender identity). Building on Guadalupe-Diaz and Yglesias (2013), the concept of differential protection can be understood through a series of interrelated gaps that undermine the universality of legal safeguards. A recognition gap emerges when, despite inclusive legal language, same-sex or LGBT relationships are not socially or institutionally acknowledged as legitimate contexts for intimate partner violence. The access gap reflects the structural and psychological barriers — such as stigma, fear of outing, or institutional mistrust — that prevent victims from seeking help. The implementation gap denotes the unequal enforcement of laws, whereby cases involving non-heteronormative victims are minimized or misclassified. Finally, the perceptual gap captures marginalized individuals’ belief that the law is not meant for them, eroding the perceived legitimacy of legal protection and discouraging engagement with justice systems. Furthermore, the lack of data collection disaggregated by sexual orientation or gender identity renders LGBT IPV statistically invisible, which in turn hinders policy development and resource allocation.

Methodology

This study is part of the broader research project “Where are the LGBT victims of intimate partner violence? Agencies, operational practices and interventions”, funded under the Italian PRIN PNRR 2022 programme (Prot. P2022CWBLM). The project brings together three university research units – University of Bologna (UNIBO, coordinating), University of Palermo (UNIPA), and University of Naples Federico II (UNINA) – and aims to investigate the legal, social, and institutional responses to IPV in LGBT relationships across Italy.

The project combines socio-criminological, victimological, and socio-legal perspectives to explore an under-researched yet pressing social issue. A core objective is the development of operational guidelines and recommendations for frontline services and justice system professionals, based on empirical data and grounded analysis.

The research employs a qualitative methodology, consistent with the exploratory nature of the topic and the epistemological orientation of the project, which emphasizes the lived experiences and institutional narratives surrounding LGBT IPV. Specifically, the analysis presented in this article is based on 29 semi-structured interviews conducted with legal professionals – including judges, prosecutors, and lawyers – across two Italian regions: Emilia-Romagna and Sicily.

The interviews were conducted between September 2024 and January 2025, and participants were identified through purposive and snowball sampling, prioritizing individuals with experience or professional involvement in domestic violence or LGBT-related legal issues.

Prior to the main data collection, the research was carried out collaboratively by two university units – the University of Bologna and the University of Palermo – within the broader framework of the PRIN PNRR project. Both units were coordinated by senior scholars with established expertise in victimology, criminology, and gender studies. All members of the research teams work within the disciplinary field of Sociology of Law, Deviance, and Social Change.

The Palermo unit consisted of three members: one full professor, one postdoctoral researcher, and one doctoral candidate. The Bologna unit comprised four members: one full professor, one associate professor, one tenure track researcher, and one postdoctoral researcher.

Before the main phase of data collection, the joint team conducted a set of exploratory interviews aimed at identifying the discursive and practical challenges that legal practitioners face when dealing with IPV in same-sex or gender-diverse relationships. These preliminary insights informed the design of the interview guide, which was tailored to address three main dimensions reflecting three main research questions: (1) recognition and visibility of LGBT IPV in the judicial process; (2) barriers and institutional gaps encountered by legal professionals, and (3) the influence of heteronormative assumptions and structural biases on case handling and outcomes.

The semi-structured interviews were guided by an open-ended question grid, which provided flexibility while ensuring that all central themes were systematically addressed. The discussions explored participants' perceptions of IPV within LGBT relationships, the procedural and legal instruments available to professionals, and specific case experiences and their judicial trajectories. Particular attention was also given to existing training and knowledge gaps, as well as to the dynamics of interaction between professionals, victim support services, and LGBT organizations. Each interview lasted between 45 and 90 minutes and was transcribed verbatim for analysis. Participants provided informed consent and data confidentiality was strictly maintained.

The semi-structured interviews were conducted in Italian and subsequently translated into English for the purposes of this publication. References to the interviews are anonymized and labeled according to the type of interviewee – lawyer (A), judge (M) or police officer (PO) – followed by an identifying number (e.g., A., 1).

Transcripts were analyzed using thematic content analysis, following an iterative and collaborative coding process. The analytic framework was partly deductive – guided by core theoretical lenses such as heteronormativity, intersectionality, and secondary victimization – and partly inductive, allowing for the emergence of themes specific to the Italian legal and institutional context. Cross-regional comparisons were also conducted to identify recurring dynamics and local divergences in professional practices.

Within this framework, the research was guided by a central question: how do legal professionals and institutions perceive and respond to IPV within LGBT relationships, and what structural and cultural dynamics shape these responses? Rather than approaching the phenomenon through a single variable lens, the study aimed to uncover the multilayered ways in which legal knowledge, institutional routines, and professional subjectivities intersect to either facilitate or obstruct the recognition of LGBT IPV.

To explore this overarching question, two lines of inquiry were developed. The first concerns the visibility of LGBT IPV within the justice system. This entails investigating not only whether such cases reach the courtroom, but how they are recognized, framed, and classified within legal narratives. Previous literature has shown that visibility is not simply a matter of case frequency but of recognizability – that is, whether the experiences of LGBT victims align with institutional expectations of what constitutes “real” or “credible” violence (Finneran & Stephenson, 2013; Pattavina et al., 2007). The study thus examines how legal categories, evidentiary standards, and linguistic practices may contribute to the institutional erasure or misclassification of IPV in LGB and trans relationships.

The second line of inquiry addresses the barriers that legal professionals encounter when dealing with LGBT IPV. These include not only gaps in training and formal procedures, but also deeper normative frameworks that shape how professionals interpret relational dynamics, assess

credibility, and determine the applicability of protective measures. Drawing on 29 interviews with 12 judges 13 lawyers, and 4 police officers the study interrogates the persistence of heteronormative and gendered assumptions – such as the alignment of masculinity with perpetration and femininity with victimhood – that influence how cases are handled and which victims are deemed believable (Simpson & Helfrich, 2014; Greenberg, 2012; Hassouneh & Glass, 2008). Attention is also paid to the role of intersectional factors – such as migration status, socio-economic precarity, or gender non-conformity – that further complicate the ability of LGBT victims to access justice (Guadalupe-Diaz, 2019).

By articulating these two analytical strands, the research seeks not only to document the institutional blind spots that limit protection for LGBT IPV victims, but also to generate critical insights into how legal systems reproduce or resist normative exclusions.

Findings

Institutional barriers

One of the most persistent structural barriers to the legal recognition and effective management of IPV in LGBT relationships lies in the lack of systematic, inclusive, and institutionalized training for legal professionals and law enforcement personnel. As both the interviews and documentary analysis indicate, existing educational pathways for judges, lawyers, and police officers offer little to no structured instruction on the specific dynamics of IPV within same-sex or gender-diverse relationships. When gender-based violence is addressed, it is typically relegated to elective or peripheral modules, with LGBT-specific content either absent or treated as marginal.

This educational vacuum results in a heavy reliance on informal, practice-based learning – a “learn-by-doing” approach that exposes professional decision-making to inconsistency and personal bias. As one public prosecutor acknowledges,

the magistrature [...] has undoubtedly a post-entry training system, but before entry: zero... at the time it was more of a do-it-yourself kind of thing, more field-based. I always tell the young people: it is not that they do not know enough theory—they know too much. The problem is this is a job where you have to put yourself in someone else's shoes, and that's not easy (M., 1).

Similarly, a civil lawyer adds, “there is no specific university course on violence, victimization, or secondary victimization” (A., 1).

These findings resonate with existing literature emphasizing how the absence of specialized curricula produces both epistemological and operational blind spots in legal and institutional responses (Goodmark, 2013; Guadalupe-Diaz & Yglesias, 2013). The few training programs available—such as workshops offered by professional orders—are described by the interviewees as voluntary, brief, and often superficial, failing to equip practitioners with tools to detect and respond to nuanced forms of violence, such as coercive control, psychological abuse, and internalized homophobia (Pepper & Sand, 2015; Bukowski et al., 2019). Moreover, the absence of training risks reinforcing gendered stereotypes – equating victimhood with femininity – which can lead to the “feminization” of gay male victims or a failure to recognize abuse in non-heterosexual couples (Robson, 1990; Greenberg, 2012).

Such bias is evident in courtroom dynamics. As one criminal lawyer bluntly states, “how could I say otherwise? Not only for LGBT people. Everything that does not fit the prototype of the average man, woman, or family... struggles [to be taken seriously].” (A., 2). Another civil lawyer observes,

in this country, when people see two men or two women living together, they don't even think there might be a couple there. [...] I think that's part of the training issue. People still do not recognize that violence can happen in same-sex couples or to transgender people. You cannot walk into a house with blinders on and say: “Two men? Two women? A trans person? No, it cannot be violence”. Of course it can. And the complaint should be taken in the same way as it would from a woman mistreated by a man (A., 3).

This lack of institutional preparedness extends to policing. Interviewees described a fragmented and inconsistent training landscape, often disconnected from the practical demands of dealing with LGBT IPV. One civil lawyer recounted deliberately avoiding certain police stations when assisting LGBT clients, preferring those perceived as more “sensitive” to gender and sexual diversity. “If I had a trans person or someone in a same-sex civil union,” she said, “I would not just go to any station. I would choose carefully. I have screamed on the phone with police officers refusing to take reports from women victims of violence” (A., 1).

This selective navigation of institutions underscores a deep-rooted distrust in the ability of law enforcement to respond adequately to non-normative cases. As the literature on secondary victimization affirms, such experiences can further traumatize survivors and deter future reporting (Addington, 2020; Aulivola, 2004). Ultimately, while some professionals – particularly those affiliated with anti-violence centers or who have pursued specialized postgraduate education – display higher sensitivity and competence, the overall picture is one of institutional inconsistency. The absence of coherent, mandatory, and identity-conscious training contributes to uneven practices, reinforcing heteronormative assumptions in both procedural and interpretative

approaches. These dynamics not only undermine the capacity of the justice system to protect LGBT victims but also reflect a broader failure to interrogate the normative biases embedded in the legal system itself.

Procedural gaps

Beyond the limitations in training, this study reveals a series of procedural inconsistencies that systematically hinder the legal recognition and protection of LGBT victims of IPV. A recurrent concern across some interviews is the misclassification of same-sex IPV cases, which are often downgraded to lesser offenses such as “threats” or “personal disputes”, rather than being addressed under domestic violence statutes. This misrecognition is not simply a semantic issue – it has tangible consequences in terms of the legal tools activated, the speed and intensity of protective measures, and the visibility of these cases in official statistics and institutional responses.

As noted in comparative research (Pattavina et al., 2007), such discrepancies frequently stem from heteronormative definitions of the “domestic sphere” and “family”, which presuppose heterosexuality as a legal and relational default. Consequently, when IPV occurs within same-sex or gender-diverse couples, it often falls outside the interpretive reach of the law, resulting in inadequate framing, limited protection, and reduced prosecutorial engagement.

A further procedural deficit lies in the lack of structured institutional partnerships between the legal system and LGBT organizations or anti-violence services. Interviewees consistently reported the absence of formalized referral pathways, collaborative training programs, and coordinated intervention protocols. This gap leaves legal responses fragmented, placing the burden on individual initiative rather than embedding LGBT-sensitive practices within the system. As one civil lawyer explains, “The network is fundamental—but even at the level of associations, there is very little. That is why I say: there should be shelters for LGBT people too. A woman does not know where to go, but neither does an LGBT person” (A., 4).

This institutional vacuum aligns with prior findings showing that without intersectoral collaboration, responses to LGBT IPV remain precarious and inconsistent (Finneran & Stephenson, 2013; Simpson & Helfrich, 2014). Victims often fall through the cracks of the legal system due to the absence of tailored support structures and shared protocols that recognize the specificity of their experiences.

Procedural shortcomings are especially acute when it comes to the treatment of trans individuals within the justice system. Several interviewees pointed to a lack of sensitivity and knowledge among judges and administrative actors, particularly in contexts involving legal gender

recognition, name changes, or the respectful handling of trans litigants and victims. One criminal lawyer described the dehumanizing nature of the legal rectification process:

After years of psychological and medical transition, the person must still go through a judicial evaluation where their appearance, mannerisms, and clothing are scrutinized as “evidence” of identity [...] in one hearing, the judge continued referring to my client with his old male name, despite her presenting as female. That name was traumatic for her. I apologized on behalf of the system (A., 5).

Another interviewee, also a criminal lawyer, elaborated on the institutional failure to respect trans dignity in everyday interactions:

When I teach in police academies, I explain that trans people in transition often do not have updated documents but are living as their affirmed gender, as required by the Real Life Test². It is basic dignity to use their chosen name and pronouns [...] but often, after initial training, it is forgotten. There is no continuity, no reinforcement (A., 6).

These procedural blind spots are not merely oversights – they constitute forms of bureaucratic violence and symbolic erasure. As Goodmark (2013) has argued, when legal and institutional systems are built on binary gender assumptions, they reproduce harm by excluding those who do not fit normative categories. The findings from this study confirm that trans victims are often subjected to systemic misrecognition, denied access to gender-appropriate protections, and retraumatized by the very institutions meant to provide justice.

In this context, the misclassification of violence, the absence of formal support infrastructures, and the erasure of gender-diverse identities work together to produce legal invisibility. As one criminal lawyer concluded, “For me, the solution is cultural and formative [...] it is about teaching legal actors not just how to speak to trans people, but how to recognize the legitimacy of their experiences and the violence they face. And that recognition is still far too rare” (A., 7).

Cultural and stereotypical biases

² The Real-Life Experience (RLE), also referred to as the Real-Life Test (RLT), denotes a formalized period during which transgender individuals are required to live full-time in their self-identified gender prior to accessing gender-affirming medical interventions. Historically embedded within clinical gatekeeping protocols, the RLE aimed to assess an individual's capacity to function socially and psychologically within their affirmed gender role, as well as to evaluate the persistence and stability of their gender identity over time. In practice, this requirement served both as a diagnostic criterion and as a social test of adaptation, reflecting broader medicalized assumptions about authenticity, permanence, and the social legibility of gender identity. Currently, the latest version of the “Standards of Care for the Health of Transgender and Gender Diverse People” (SOC) were released and removed the requirement of RLE for all gender-affirming treatments, including gender-affirming surgery (Coleman et al., 2022).

A key finding from the interviews concerns the pervasive influence of gendered and heteronormative heuristics in how legal professionals assess the credibility of victims of IPV. Across various accounts, the image of the “ideal victim” (Vezzadini, 2024) emerges as one implicitly associated with cisgender, heterosexual femininity, typically conceptualized as a woman subjected to male aggression. Terminology such as “*la donna vittima*” (the female victim) or “*la sopravvissuta*” (the female survivor) recurs in professional discourse, revealing a process of gender essentialization that excludes or delegitimizes those whose identities deviate from these normative expectations (Robson, 1990; Greenberg, 2012). One of the most persistent barriers to justice for LGBT survivors of IPV lies in the implicit credibility assessments shaped by dominant gender norms. As highlighted in both literature and interviews, LGBT individuals – particularly those whose gender expression deviates from normative binaries – often encounter heightened thresholds of believability in judicial settings. Lesbian women perceived as too “masculine”, or gay men judged as overly “effeminate”, do not fit the culturally sanctioned template of the “ideal victim”, historically constructed around feminine vulnerability and heterosexual dependency (Greenberg, 2012; Hassouneh & Glass, 2008). This figure, as Robson (1990) and Renzetti (1989) earlier noted, remains the default referent in legal imaginaries, wherein victimhood is feminized, and masculinity is equated with agency and aggression.

Such dynamics reflect the broader framework of hegemonic masculinity (Connell, 1996; Rinaldi, 2015), understood as the culturally dominant form of masculinity that legitimizes male power and reinforces gender hierarchies by subordinating women and non-conforming masculinities. Individuals who do not conform to this hegemonic model – such as trans women or gender non-conforming men – are often denied recognition as credible victims. In practice, this means that embodied markers like tattoos, clothing style, or vocal affect can all influence institutional responses. As one lawyer recounted: “a cross-dressed boy with long nails and tattoos who has been beaten receives different treatment. So does a woman with a ‘clean’ look compared to one wearing a miniskirt or covered in tattoos” (A., 5). These interactions underscore what Guadalupe-Diaz and Yglesias (2013) refer to as the “cisheteronormative filtering” of victim narratives – a process by which institutional recognition and protection is granted only to those who align with dominant gender scripts.

This logic is often reinforced at the level of police intervention, where officers tend to prioritize de-escalation over proper recognition of coercive dynamics. One criminal lawyer explained:

One comes to mind, but there are others too – anyway, they call the Carabinieri police, and the Carabinieri, or the police, whoever they are, obviously try to calm things down right away. I do not know if it is part of their mandate, their training,

or something else, but they do tend to try to defuse the situation a bit, and in doing so, they also end up minimizing what happened (A., 7).

Such minimization practices further reproduce the marginalization of LGBT victims, aligning with what the literature describes as secondary victimization – where survivors are not only disbelieved but retraumatized by institutional inaction (Addington, 2020; Aulivola, 2004).

The myth of femininity as inherently nurturing and nonviolent further distorts perceptions of IPV in lesbian relationships. Relationships between women are often seen as egalitarian or “safe” by default, while gay male relationships are stereotypically interpreted through a lens of mutual aggression rather than coercion. This framing collapses the distinction between conflict and violence, obscuring the existence of power asymmetries and preventing recognition of one partner’s control or victimization. These stereotypes inhibit institutional recognition and reflect how deeply embedded gender scripts and heteronormative assumptions distort understandings of violence. By equating masculinity with resilience and femininity with vulnerability, legal actors risk excluding queer and trans individuals from the category of “plausible victims” (Rinaldi, 2024) thereby reproducing systemic inequities in protection and recognition.

The internalization of these scripts by legal actors contributes to a distorted interpretation of evidence, particularly in cases involving psychological or economic violence – forms of abuse less easily legible in legal proceedings. Many interviewees noted that narrative coherence – the ability to recount one’s experience with consistency and affective clarity – is often used as a proxy for credibility. As a magistrate explained, “These trials often rely entirely on the victim’s account. The judge must evaluate the credibility of the person, how they present themselves, what they say and do not say. This inevitably means that the characteristics of the person influence the assessment” (M., 2).

While this may appear to be a neutral standard, it disproportionately penalizes LGBT victims, whose journeys to self-recognition are often more fragmented due to internalized stigma, invisibility, and the absence of legal and social acknowledgment (Finneran & Stephenson, 2013; Addington, 2020). The result is a cycle in which survivors who already struggle to name their experience are further disbelieved by the institutions to which they turn.

Another salient dimension is the minimization of IPV within same-sex relationships, rooted in heteronormative assumptions about power and violence. Interviewees frequently described a view of lesbian couples as “patriarchy-free” spaces, thereby presumed less likely to harbor dynamics of domination or coercion. This presumption reinforces the myth of inherently egalitarian same-sex relationships (Cruz & Firestone, 1998), obscuring real and complex patterns of abuse.

Likewise, IPV among gay male couples is often interpreted through the lens of mutual combat or symmetrical conflict, rather than as instances of coercion and victimization. Several legal

professionals acknowledged having seen male-male IPV dismissed by colleagues as implausible or non-actionable. One criminal lawyer recounted: “he had consulted a lawyer who did not even believe stalking was possible between two men” (A., 8). These perceptions echo broader international patterns, where male same-sex IPV is trivialized, misclassified, or rendered invisible (Guadalupe-Diaz, 2015; Pattavina et al., 2007).

This misframing carries tangible legal consequences. Cases that would qualify as domestic violence under laws such as Italy’s *Codice Rosso*³ (Red Code) are often treated instead as generic threats or interpersonal disputes, thereby reducing access to restraining orders, emergency housing, and rapid intervention protocols. One lawyer explicitly compared this to the pre-*Istanbul Convention* period, when women in heterosexual relationships similarly faced delayed or denied protection due to institutional blindness.

Compounding this, some professionals appear to conflate masculinity with resilience, assuming that gay men possess the physical and emotional resources to defend themselves and thus do not require protection. Such beliefs not only compromise the legal safeguarding of victims but also reproduce the logic of hegemonic masculinity – the dominant cultural idea that equates manhood with strength, self-sufficiency and control (Connell, 1996). Within this framework, vulnerability is stigmatized as deviation from normative masculinity, discouraging disclosures and silencing survivors (Simpson & Helfrich, 2014; Baker et al., 2013).

These stereotypes are further reinforced by police responses, where same-sex IPV – particularly among men – is frequently misrecognized as a non-domestic issue. Several interviewees described situations in which serious acts of violence were dismissed by law enforcement as fights between friends, devoid of the emotional and coercive dimensions that define IPV. One criminal lawyer recalled: “It was a couple of men living together for years. One destroyed the house in a rage. When the victim called the Carabinieri, they said: ‘Come on, boys, be good. You are both men – just hit him back’” (A., 3).

This casual framing depoliticizes the violence, stripping it of its relational and psychological context. It not only undermines access to protective measures but also sustains a cultural imaginary in which IPV is presumed to be inherently gendered and heterosexual, thereby excluding those whose experiences fall outside this frame.

³ Codice Rosso (“Red Code”) is an Italian law (Law No. 69/2019) enacted in July 2019 in response to rising public concern over femicides and delays in handling domestic violence cases. The law aims to accelerate judicial procedures in cases of domestic and gender-based violence by requiring prosecutors to hear victims within three days of reporting. It also introduces new criminal offenses (such as the non-consensual dissemination of sexually explicit images or videos and intentional disfigurement) and strengthens protective measures for victims. Although designed to enhance institutional responsiveness and signal political urgency, it has been widely criticized for lacking adequate resources, specialized training and implementation support. For an international reader, explaining the reason behind the Red Code may be interesting.

Structural challenges

A central theme emerging from the interviews concerns the systematic underreporting of IPV in LGBT relationships, a phenomenon that persists despite the formal existence of legal instruments theoretically accessible to all victims. Legal professionals consistently noted a discrepancy between the volume of IPV cases managed in their practice and the minimal presence of LGBT cases in judicial settings. Even among those who seek psychological or legal assistance, the rate of formal complaint remains strikingly low, pointing to a vast area of “hidden” or unacknowledged violence.

This pervasive underreporting is shaped by a series of intersecting structural, cultural, and institutional barriers. One of the most significant concerns is the fear of stigma and institutional mistrust, particularly toward police and judicial systems. This distrust is especially acute for trans women, who, according to multiple interviewees, often encounter suspicion, derision, or outright delegitimization from law enforcement. Even where protective mechanisms such as Italy’s *Codice Rosso* are available, they are rarely tailored to the lived realities of LGBT victims, poorly disseminated, and unevenly implemented. As a result, LGBT individuals often turn first to community associations rather than public institutions – a coping strategy that, while offering short – term support, reflects a broader delegitimation of state mechanisms.

Several participants further pointed to internalized dynamics that inhibit the reporting process. These include feelings of shame, guilt, or emotional modesty, particularly acute in cases of emotional or psychological abuse. In same-sex relationships, the act of reporting can be experienced as a betrayal of fragile and socially contested bonds, or as a threat to hard-won public legitimacy in the broader struggle for LGBT rights. One criminal lawyer summarized this complexity, noting: “there is a whole problem of underreporting – because there is shame, and also, yes, outing. It might sound ridiculous, but that is a big issue” (A., 9).

This aligns with research by Finneran and Stephenson (2013) and Guadalupe-Diaz (2015), who identify the fear of exposing internal community conflicts and the consequences of “outing” as powerful silencers – especially in activist circles or tightly-knit networks where intimate and political identities are deeply entangled.

Interviewees also emphasized a widespread reluctance to engage in formal legal channels due to the risk of involuntary disclosure, both of one’s sexual orientation and of the abusive dynamics within the relationship. This is particularly pronounced in smaller or more socially conservative settings, where institutions are not perceived as neutral or protective, but rather as sites of potential scrutiny, moral judgment, or re-victimization. As a lawyer noted: “If people are already out, then they might say something. But if not – then that is where the silence comes in. It depends on whether they have told people, whether they live their orientation openly. That is the real divide” (A., 4).

This fear does not only shape individual behavior; it also affects families and community networks, creating an ecosystem in which violence is invisible, individualized, and depolitized. The cisgender normative foundations of current legal definitions — particularly those tied to concepts like “household”, “spousal dependency”, or “gender asymmetry” — are often experienced by queer individuals as ill-fitting or exclusionary. As a result, forms of emotional manipulation, financial coercion, and psychological abuse become not only harder to narrate but also more difficult to frame within existing juridical categories, further deepening the silence around LGBT IPV. Interviews with legal professionals — particularly in Sicily — revealed that some practitioners, though not specifically trained in LGBT IPV, developed a personal intersectional awareness through their work with migrant populations. This experience helped them recognize that legal status, language barriers, and socio-economic precarity act as compounding factors of vulnerability, particularly for queer migrants.

Among these populations, gender-based violence often remains unrecognized, both by the victims themselves and by institutional actors. Differences in cultural frameworks, unfamiliarity with legal definitions, and a lack of linguistic and bureaucratic access mean that even when violence occurs, it is not easily conceptualized or disclosed. Migrant men and women often reject the victim label, reflecting what Robson (1990) termed the discursive fragility of victimhood — the difficulty of adopting an identity that may contradict prevailing norms of strength, dignity, or masculine invulnerability.

In this context, professionals report a disconnect between the legal framework and actual practice. While the *Codice Rosso* provides a formal structure for intervention, it is rarely activated in LGBT IPV cases. The result is a fragmented system where access to protection is stratified by class, gender conformity, legal status, and perceived respectability — producing what scholars such as Crenshaw (1991) and Guadalupe-Diaz (2015) identify as intersectional exclusion.

Case-specific complexities

Among the most delicate and underexamined scenarios in the context of LGBT IPV are those involving lesbian co-parenting arrangements, where the presence of children intersects with the asymmetry of legal recognition. While the topic emerged in both field sites, interviewees in the Emilia-Romagna region discussed it more extensively, highlighting the use of children as instruments of coercive control during and after separation, particularly when violence is present between former partners. In such cases, the biological mother is often the only legally recognized parent, and this formal recognition can be leveraged to threaten, restrict, or entirely deny access to the child to the non-biological parent — referred to in legal practice as the “*madre sociale*” (*Social Mother*).

As one civil lawyer explained:

While cases involving children of unmarried heterosexual couples are handled without much complication, the same cannot be said for couples made up of two women or two men. The courts continue to prioritize biological ties or formal adoption. That means the biological mother is granted more rights [...] If the biological mother is violent toward the social mother and the other children, and the social mother is not legally recognized, she does not have legittimazione attiva⁴ (legal standing) – she cannot even initiate legal proceedings (A., 1).

This dynamic reflects a broader gendered legal asymmetry, wherein parental legitimacy is assigned to biology, effectively erasing the caregiving and emotional labor of non-biological parents. The result is a power imbalance that can be weaponized within abusive dynamics. International literature confirms that the lack of legal recognition significantly disempowers non-biological LGBT parents, particularly in separation and custody contexts, where legal systems often revert to heteronormative scripts of family and legitimacy (Goldberg, 2010; Riggs & Due, 2014).

Such legal ambiguity complicates not only personal lives but also professional practice. One criminal lawyer elaborated:

Rainbow families bring another layer of complication – who gave birth, whose DNA, who is the “real” parent? We lawyers are stuck navigating a system that still has not caught up. Some judges get it, others do not. I’ve heard colleagues say, “Well, she gave birth, the child is hers”, even when both mothers legally recognized the child. And the judge did not object. In court, it all becomes much more complicated when children are involved (A., 2).

These cases also suggest that, as in heterosexual relationships, the birth of a child can trigger or intensify existing tensions, particularly when one parent is structurally empowered and the other is not. The legal invisibility of the non-biological parent not only undermines co-parenting arrangements but may enable and sustain IPV dynamics. It reveals the persistent limitations of family law in adapting to the diversity of family structures and the realities of LGBT parenthood, especially in jurisdictions where the legal framework for same-sex parenting remains vague or exclusionary.

In parallel, a major institutional gap lies in the absence of rehabilitation or accountability programs tailored to LGBT perpetrators of IPV. Although there is growing recognition that IPV

⁴ Legal standing refers to the formal right of an individual or entity to initiate legal proceedings before a court. In the Italian legal system, it designates whether a person has a direct and legitimate interest in the matter being litigated, and therefore the authority to bring a case or claim. Without legal standing, a party cannot act as a claimant, even if materially involved in the facts of the case.

occurs across all types of relationships, none of the professionals interviewed – across the legal, psychosocial, or anti-violence sectors – reported awareness of recovery or intervention initiatives designed specifically for LGBT offenders.

While mainstream perpetrator intervention programs – such as those informed by the Duluth model⁵ or cognitive-behavioral frameworks – are nominally open to all, they are structurally oriented toward heterosexual male perpetrators and female victims. As a result, LGBT-specific relationship dynamics and patterns of abuse are often misrecognized or rendered invisible within these settings (Goodmark, 2013; Simpson & Helfrich, 2014). This creates a double exclusion: LGBT abusers are left without rehabilitative pathways, while LGBT victims lack assurance that their abusers will be held to account in meaningful, transformative ways.

The absence of institutionalized rehabilitation is especially problematic in cases involving non-custodial sentences, suspended penalties, or plea bargaining, where criminal sanctions are minimal or entirely avoided. In such cases, the lack of access to structured behavioral-change programs increases the likelihood of recidivism and forecloses opportunities for restorative justice or long-term conflict resolution. Ultimately, LGBT IPV survivors remain unsupported not only in their search for protection but also in their hope for non-repetitive justice, underscoring the urgent need for inclusive reform in both criminal accountability and therapeutic intervention.

Discussion and conclusion

This study has explored the legal and institutional responses to IPV within LGBT relationships in Italy, revealing systemic blind spots that continue to undermine the visibility, recognition, and protection of LGBT victims.

Despite the formal universality of legal protections such as the *Codice Rosso*, mechanisms of recognition, prosecution, and victim support remain deeply conditioned by heteronormative assumptions that reproduce exclusionary hierarchies of victimhood. Through qualitative analysis of legal professionals' perspectives, the findings show that entrenched gendered expectations

⁵ The Duluth Model was developed by Domestic Abuse Intervention Programs (DAIP). This model is the most commonly used intervention in the United States and Canada for men who are court-sanctioned to treatment for a conviction of a domestic assault type of offense (Corvo et al., 2009). The Duluth Model is rooted in feminist and sociocultural concepts of domination and control where IPV is used as a means for men to exhibit power and establish control over their female partners (Pence & Paymar, 1993). The prominent tool of the Duluth Model is the *Power and Control Wheel* which delineates how men use male privilege, emotional and economic abuse, violence, intimidation, and isolation to control women. The Duluth Model focuses on the coordination of community responses, which set out to empower and protect the survivors of domestic violence while holding the perpetrators accountable (Pence & Paymar, 1993; Mankowski et al., 2002). Although the format of the Duluth Model is educational, it does incorporate cognitive-behavioral techniques (Bohall et al., 2016). For more information please read Intimate partner violence and the Duluth model: An examination of the model and recommendations for future research and practice. *Journal of family violence*, 31(8), 1029-1033.

shape how violence is identified and categorized, reinforcing the notion that credible victims are those who conform to the heterosexual, cisgender, female archetype (Vezzadini, 2020; Greenberg, 2012; Hassouneh & Glass, 2008). The inability of legal institutions to account for the specific dynamics of non-heterosexual relationships often results in revictimization and the erosion of trust in the justice system

Such patterns exemplify what Crenshaw (1991) conceptualizes as *intersectional subordination*: the simultaneous operation of gender, sexuality, and institutional biases that produces differential access to protection and justice. Trans* individuals, migrants, and non-biological parents in same-sex relationships are particularly exposed to these overlapping vulnerabilities (Guadalupe-Diaz, 2019). Their experiences highlight that exclusion is not accidental but structurally embedded – a reflection of structural discrimination in which legal and policy frameworks designed for a universal, heterosexual subject systematically fail to address those at the margins of multiple identity categories.

This exclusionary process reinforces what Butler (2023) and Creazzo (2008) describe as the *social plausibility* of victimhood: only those who fit normative gender scripts are perceived as legitimate victims. As such, legal responses to LGBT IPV not only fail to offer adequate protection but also may actively contribute to secondary victimization (Aulivola, 2004; Guadalupe-Diaz & Iglesias, 2013). The result is an epistemic injustice, where the experiences of LGBT survivors are silenced or rendered unintelligible within dominant legal and institutional narratives.

At the procedural and structural levels, the absence of tailored legal instruments, systematic data collection practices, and specialized training protocols contributes to fragmented and inadequate responses. Victims are often revictimized through disbelief, bureaucratic inertia, or symbolic erasure. Moreover, regional disparities in service provision, the scarcity of inter-institutional collaboration, and the limited involvement of LGBT organizations all contribute to enhancing a condition in which supposedly neutral policies perpetuate inequality through omission.

Intersectionality, as theorized by Crenshaw (1989; 1991), provides a crucial analytical lens for understanding how structural, political, and symbolic factors converge to marginalize LGBT victims of IPV. Rather than treating gender and sexuality as discrete categories, an intersectional approach reveals how institutional practices and legal norms are organized around a narrow conception of victimhood, thereby excluding those whose experiences fall outside heteronormative expectations.

Addressing these systemic blind spots requires more than incremental or inclusionary reforms. It calls for a paradigmatic shift toward an intersectional, queer-informed framework capable of recognizing the multiplicity of lived experiences and the power asymmetries that shape them. While some European countries – such as Spain, Belgium, and Sweden – have begun to adopt more inclusive measures for responding to IPV in same-sex and gender-diverse relationships (European Union Agency for Fundamental Rights, 2020), the Italian legal system remains reactive,

fragmented, and reliant on individual discretion rather than institutional design. The absence of coherent national protocols and comprehensive data collection obscures the prevalence and specificity of IPV in LGBT relationships, undermining both prevention and intervention.

From a socio-criminological perspective, the persistent institutional neglect of LGBT IPV amounts to a form of structural violence, in which the law itself becomes an instrument of exclusion. Meaningful change therefore requires legal institutions to move beyond reactive strategies and adopt preventive, survivor-centred, and intersectionally informed approaches. Such transformation depends on sustained political commitment, interdisciplinary collaboration across legal, academic, and community domains, and the recognition that equality before the law is inseparable from epistemic and social justice.

Ensuring that all victims – regardless of gender identity or sexual orientation – receive equal protection, dignity, and access to justice is not simply an issue of procedural adequacy; it is a matter of democratic legitimacy.

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