



CEDAW Shadow Report

Written by the Italian platform “CEDAW: Work in progress”

With reference to the 7th periodic report on the implementation of the CEDAW Convention submitted by the Italian Government in 2015

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ARTICLE 1

In Italy there is a serious cultural deficit, and therefore an incomplete implementation and practice of the principle of equality between men and women.

As of today, national, regional and local authorities have not been sufficiently involved and sensitized on how to use and apply CEDAW on the Italian territory.

There are no training activities in relation to information on and implementation of the Convention and the Optional Protocol (CEDAW / C / ITA / CO / 6, commas 15 (b) - (D) for judges, public functionaries, lawyers and all the other actors operating in the legal system.

Not even the Parity Councillors have been sufficiently informed and invited to use the CEDAW Convention for legal proceedings in cases of gender discrimination in the workplace.

No figures can be found on legal proceedings where the CEDAW Convention has been used in cases of discrimination against women, and all trials for discrimination have been based on national legislation.

Dissemination and awareness of the contents of the 2011 CEDAW recommendations were translated by the civil society CEDAW Platform, and only later they were officially translated by the Department for Equal Opportunities. The recommendations have been presented to the wider public and to parliamentarians by the civil society Platform. The CEDAW Platform has not been supported in its work the way it deserved to be. The CEDAW Platform and other organizations have been sporadically invited and consulted on various themes, but never in a permanent manner on national gender equality policies.

RECOMMENDATIONS

- Institutions and all branches of the State, the Regions and those who are in a position to implement it, should be trained on the knowledge and use of the Convention (Parity Councillors, judges, public functionaries, lawyers and all other actors operating in the legal system).
- Civil society organizations working on CEDAW should be consulted in a permanent manner on gender policies.
- Organizations working on CEDAW should be funded so that they can carry out their activities of dissemination and awareness-raising on the use of CEDAW and the Optional Protocol, as well as on parity policies.
- The Department for Equal Opportunities should engage with civil society organizations on the basis of their competencies, in a permanent manner rather than in an *ad hoc* way.

ARTICLE 2

Italy is lacking an independent body - as dictated by the principles of the Paris Declaration - that operates against discriminations in matters of protection of human rights and fight against discriminations, including multiple discriminations and those against women.

Access to justice and the adaptation to international and European law, the adoption of the *Council of Europe Convention (Istanbul Convention) on preventing and combating violence against women and domestic violence*¹, according to Directive 2012/29/EU on the rights of victims of crime in criminal cases², to Directive 2004/80/EC on damage compensation for victims of crimes, and to Directive 2011/36/EU on the rights of victims of trafficking (see recommendation 31), remain superficial and incomplete, with little engagement of civil society and lack of training for legal practitioners (police, magistrates, lawyers).

Access to justice is uneven on the national territory, generating serious territorial inequalities.

The effectiveness of the right of access to justice for migrant, Roma, Sinti and Traveller women (Roma, Sinti and Camminanti-RSC) is not guaranteed in the Italian legal system due to the trend of criminalizing immigration and marginalizing minorities (see art.14). Despite safeguarding clauses in European and Italian law guaranteeing access to justice to all regardless of their administrative status, migrant, Roma, Sinti and Traveller women encounter more obstacles to the full legal protection of their rights, starting from access to legal aid paid by the State, often precluded to women lacking identity documents, such as the RSC and women and minors seeking asylum.

In relation to anti-discriminatory policies, the law against homophobia has not been approved yet, therefore the rights of LGBTIQ people are not protected.

¹ August 2013 adopted through decree law with conversion law (L.119/2013)

² Legislative decree 212/2015 on implementation of directive 2012/29/EU on the rights of victims of crimes in criminal cases

As far as discrimination to access to work is concerned, the figure of the territorial Parity Councillors, which used to guarantee a direct relationship and an anti-discriminatory access to rights in the labour field, has been deprived of efficacy. This institution has been practically deprived of its role by the reform of the labour market³. Lack of information and training in the legal system regarding measures to combat violence is particularly serious and it translates into forms of multiple discrimination for women in general, and in particular for Roma, Sinti and Traveller women (RSC), asylum seekers and refugee women, LGBTI, migrant women and those coming from rural areas (see specific articles).

In the presence of a structural gender gap in Italian society, one that the existing parity bodies have not been able to address properly, it is necessary to deeply rethink the system of protection of rights and equal opportunities, in order to adequately fund it and reorganize it.

An efficient system of protection should envisage a new all encompassing approach: an independent authority should be instituted for interventions in the field of protection of human rights and fight to discriminations, including multiple discriminations. This should not be a new body that overlaps with the parity bodies provided for by the legal system, rather an agency in charge of rationalizing and encompassing the existing ones. This Authority needs to be a collegial body, independent of the executive power and endowed with autonomy at functional and organizational level, technically competent and with real powers of intervention.

RECOMMENDATIONS

- The Italian National Office Against Racial Discrimination (UNAR) should be abolished and a National Human Rights Institution should be established. It should be financially independent, operating in the field of the protection of human rights and the fight against discriminations, including multiple discriminations and those against women.
- The regulations of the Istanbul Convention should be fully implemented, as well as what required by Directive 2012/29/EU on the rights of victims of crimes in criminal cases, by Directive 2004/80/EC on damage compensation for victims of crimes and by Directive 2011/36/EU on the rights of victims of trafficking, and to this aim legal practitioners should be trained (police, magistrates, lawyers).
- Current legislation should be harmonized with the regulations contained in the Istanbul Convention, taking on board the demands of civil society.
- The Parity Councillor's role of monitoring and intervention in the labour market should be reinstated, they should be provided with tools and resources and those minimum functions necessary to perform their duty according to law Dlgs 196/2000.
- A National Fund should be instituted to cover the expenses incurred by the Parity Councillors while carrying out their work and anti-discriminatory activities, in order to safeguard their professionalism, competence and independence (see recommendations art. 11).

ARTICLE 3

Italy has been lacking a Minister for Equal Opportunities since 2011.

The mandate of the National Commission for Equal Opportunities expired in 2012.

In practical terms, the National Commission for Equal Opportunities has been suppressed.⁴

There are no legislative, governmental or monitoring tools - whether general or *ad hoc* - that can ascertain the integration of a gender analysis and approach and its subsequent impact on laws and policies.

Furthermore, no evaluation is carried out on the gender impact that laws and policies have on women and men, nor are there analyses of gender budgets.

Although planned, the measures to introduce gender budgeting at the national level are not implemented, while at the regional level there are rare experimentations with ex-post analysis of approved budgets.⁵ Out the 8,000 local authorities in Italy, extremely rare experimentations with gender budgets have taken place in Modena, Forli, Genoa and very few other small local authorities.

Italy lacks a law that provides for the gathering and analysis of sex-disaggregated data⁶ in every social statistical investigation.

³³ Jobs Act - Dlgs 151/2015

⁴ Suppressed in 2007, since 2010 it has not even appeared in the Equal Opportunity Code, which, as per the European directive, should contain all legislative acts relating to gender equal opportunities.

⁵ Piedmont and Marche.

⁶ The production of gender statistics was contained in the 1997 Prodi – Finocchiaro directive. The 2013 Bill proposed by the National Council for Economic Affairs and Labour “Regulations in matters of gender statistics and policies” has been lying idle at the Senate since 2014.

In negotiations with the European Union (EU) on the funds of European Social Fund (ESF) and European Regional Development Fund (ERDF), there is no evidence of gender mainstreaming, with the exception of a few regions. The European Commission has repeatedly complained about the lack of an independent authority in Italy in charge of implementing a gender-based evaluation, as the monitoring and evaluation activities of the Department for Equal Opportunities are considered governmental activities.

RECOMMENDATIONS

- The Minister for Equal Opportunities should be reinstated in a permanent manner, so as to manage a mainstreaming policy with ministers and regions, in close contact with civil society, and to make sure that mainstreaming policies are implemented.
- Dlgs 5/2010, art. 1 comma 4, should be fully implemented, providing for parity of treatment and opportunity between women and men to be taken into account in the formulation and implementation of regulations, administrative acts, policies and activities at all levels and by all state actors.
- A new law should be passed which obliges the National Institute of Statistics (ISTAT) and other governmental organizations (ex. INPS-National Institute of Social Security) to gather sex-disaggregated data in their social research in all fields. These data should be easily accessible to the public (ex. education, health, employment, domestic life, violence, etc.).
- A permanent consultation and concerted action mechanism should be established within the Presidency of the Council of Ministries - endowed with means and resources for the achievement of its objectives - and with the participation of representatives of women's organizations and those that defend women's rights, with the aim of: a) contributing to the evaluation of public policies that deal with parity between men and women; b) guaranteeing the evaluation of the gender impact of laws and implementation decrees, including national budgets and those laws dealing with social security; c) establishing, gathering and disseminating studies, analyses and research carried out in Italy, Europe and internationally, that focus on parity between men and women; d) formulating proposals and recommendations to improve the condition of women in Italy.
- A Permanent Parliamentary Commission of Evaluation should be established, while at the same time the evaluation of the legislative action and all the acts at regional and local level should be made public. Preliminary to this evaluation task is the introduction of a compulsory mechanism for the implementation of gendered statistical analysis in all sectors.

ARTICLE 4

No temporary special measure has been implemented as per article 4 of the Convention, neither is there any planned for the future in any field.

ARTICLE 5

Sexism is still very strong in Italian society and is at the root of male violence against women. 2011 CEDAW recommendations had focused on media and the stereotyped image of women and gender roles. We believe that, in spite of Italian Radio Television (RAI) adopting a code of conduct in 2012-2013, the expected results have not been achieved yet, even though some processes have started which will hopefully bring about change. In particular, in relation to language and the use of Italian in both its male and female form, a battle is underway among civil society, so as to acknowledge the active role of women in society and/or their equal or unequal position compared to men. In the language of the mass media the problem persists, even though we are witnessing an important change in the use – in national newspapers, radio and TV news – of gendered language: from 'ministra' to 'sindaca' and so on, thanks to an increasing sensitivity in newsrooms, as well as in the world of women's and human rights organizations, and women in politics.

In the last few years, Italy has witnessed an increased awareness around stereotypes and efforts to contrast them. Many associations, schools, universities and institutions have played a big part in this. In particular, the initiatives by UDI (Unione Donne in Italia), which has been promoting for years an event in Catania called "Stereotype" dedicated to schools of all levels and replicated in other cities, the campaign against sexist advertising, which 150 cities - including the main ones - have endorsed, and the "Friendly Images Award" are all worth mentioning.

In general, in television and entertainment programmes, including information ones, women are underrepresented as politicians, professionals and experts, while they are overrepresented as housewives, mothers or are only questioned as part of "popular opinion". RAI committed to contribute to the improvement of women's representation in media, by publishing an annual report. Unfortunately, the report is not adequately

publicized and subjected to public debate. The companies that operate in the private sector⁷ continue to remain excluded (or rather consider themselves exonerated) from the issue. The “Monitoring of Female Representation in RAI Programming”, is an updated source on Italian TV⁸. The latest issue (2016)⁹ examined a sample of 700 TV programmes – of all types¹⁰ – broadcast on four RAI channels¹¹. In terms of quantity, the presence of women on TV programmes is in line with figures at European level: women account for 37.8% of the total (equivalent to 6,260), while men account for 62.2% (equivalent to 10,299). In the news, the female percentage is 35.5%, while in entertainment it is 41%. Another area where female representation is divergent from reality is the age profile¹² of women on TV: an image of young woman is prioritised over a more mature age¹³, particularly in entertainment programmes¹⁴, despite people of that age making up the most of the total population in Italy (22.3%)¹⁵. The thematic areas linked to the representation of women unfortunately are still those related to family, the private sphere, the so-called “pink issues”. As far as roles are concerned, women are the protagonists/presenters in 35.6% of the total, or co-protagonist/co-presenters in 40.9%. Furthermore, 51.4% of the women appearing on RAI TV programmes are there because of their professional competences. In relation to the scarce female representation or the limited space assigned to the point of view of women (gender discrimination), light discrimination has been found in 25.7% of the 700 programmes examined, while heavy discrimination has been found only in 1% of them¹⁶. Discrimination is concentrated in entertainment programmes (16.4%), sport programmes (28.2%), in cinema produced or distributed by RAI (24.6%) and in TV series. In general, in 55.5% of the programmes examined, men hold more prestigious and authoritative roles, or are represented as more equipped with positive intellectual skills when compared to women. In 46.4% of the monitored cases, women are more judged than men in relation to their appearance or their sexual and sentimental morals. As for the objectification and commodification of the body, the monitoring has registered the presence, in individual shots and sequences, of display of the female body in 21.4% of cases. This happens mostly in cinema (54.4%) and entertainment (47.5%)¹⁷. The display of the female body and the trend in television entertainment of reproducing the dominant aesthetic canons are also confirmed by other research carried out on this issue in 2011¹⁸.

On the representation of gender violence on television, the monitoring has found out that public channels devoted a significant amount of their programming to this issue in 2016: 11.9% of the 700 examined programmes. TV series are leading the way (25.3%) followed by cinema produced or distributed by RAI (24.6%). As far as the representation of the perpetrators of gender violence is concerned, it is important that they are represented as family members, as both the 2014 ISTAT report on violence against women and the figures on femicide indicate that perpetrators often belong to the close family. From this point of view, RAI programming adequately portrayed the true prevalence of the different categories of perpetrators: almost 2/3 (65%) belong to the family (partner/ex partner or other relation). However, the ties of proximity are limited to 8.4%, while there is an over-representation of people unknown to the victim, who are presented as the

⁷ Mediaset, Discovery, Sky, Cairo, Fox, MTV, Viacom, De Agostini.

⁸ Public TV is obliged to do it every year as part of its contractual obligations.

⁹ Can be seen at http://www.rai.it/dl/docs/1492171115958Monitoraggio_figura_femminile_2016_Ministero_DEF_.pdf (consulted on 16th May 2017).

¹⁰ Analyses by Padovani C., Ross K. (eds) (2016), - *Gender Equality and the Media: A Challenge for Europe*, London, Routledge – focused on factual television programming (news, documentaries, factual entertainment) of the main public and private broadcasters in the 28 EU member states, confirm a 1/2 ratio of women/men in programming.

¹¹ RAI1, RAI2, RAI3 e RAI4

¹² Also in this case, the results of the monitoring of the RAI programming coincide with those of the above mentioned research carried out in all European countries.

¹³ Over 59% of women on screen are between 19 and 49; the over 65 only account for 6.8% of the total.

¹⁴ Over 73% of women are young; however, in information programmes women older than 50 account for over 30% of the total.

¹⁵ This figure can be linked to the widespread ageism in international media, i.e. the discrimination against elderly people and the trend of representing the elderly (especially women) through people who are actually much younger.

¹⁶ There is almost a complete lack of gender stereotypes in the news (97.7% of cases), in cultural, scientific and environmental programmes (98.5%), service programmes (97.6%) and current events (87.9%). The programmes that on the other hand contain more stereotypes are the cinema co-produced or distributed by RAI/01 Distribution (serious or significant use of stereotypes equivalent to 29.5%), TV series (23.5%) and entertainment (15.5%). In particular, in TV series and, to a lesser extent in cinema, women are represented, more than in other programmes, for their role within the family (respectively 29.5% for TV series and 22.9% for cinema versus, respectively, 14.7% and 13.5% for men).

¹⁷ In cinema most of the shots that display the body are motivated by narrative logics while in entertainment the display is totally gratuitous in most cases.

¹⁸ Research carried out by the Observatory GEMMA (Gender and Media Matters) of the Sapienza University in Rome. Seven days of TV programming of the three RAI channels and the three Mediaset channels were analyzed in the period between 14th February and 3rd April 2011 (Gavrila 2014). In this period 24 entertainment programmes were broadcast, for a total of 134 hours. Although 70% of both men and women are slim, only the former are allowed to be overweight or fat, while women are only allowed to appear curvy. The percentages of erotization of the body are contained for men (absent in 100% of the cases), less so for women (absent in 74% of cases). Finally, 68% of presenters classified as wearing smart clothing are men, while 77% of presenters classified as wearing eccentric clothing are women. These dichotomies lead us to think that “TV entertainment reinforces the institutional character of male figures, compared to a more playful and lighter role of female figures” (Gavrila 2014, 139).

perpetrators in 38.6% of the cases. Cinema produced by RAI performs the worst (only 33.3% of violence perpetrators are represented as the victim's partners/ex partners or relations). As far as the roots of violence are concerned, in general the issue of gender relations is referenced in a significant number of cases (49%) but unfortunately the interpretation as individual aberration often prevails (37%). Despite the good work of the "Observatory on Female Representation on RAI Programming", and the observatories of some regional Corecom¹⁹, a comprehensive reference framework is missing on the representation of gender violence on public and private channels.

Out of the 355 journalistic news outlets regularly registered in Italy (including TV, radio, papers and web), only 73 are headed by women. The most important newspapers are all managed by men; among the main information programmes on public TV only one is headed by a woman (Tg2) and two among the private ones (Sky Tg24 and Studio Aperto-Mediaset). There are three times more male editors-in-chief than women. Despite a massive presence of female journalists in newsrooms (slightly less than half their male colleagues), the managerial positions in newspapers are in the hands of men; therefore their approach, their sensitivity in judging the news, their interpretation of reality, risk being highly influenced by gender. If on the one hand, the strong gender pay gap in the 41-45 age group is less surprising (over 6,000€ difference), mainly due to penalizations in the career, it is surprising that the first pay differentiation happens among the youngest (below 30 years of age). The same gender pay gap also takes place in the freelance journalistic sector (12,114€ versus 15,354€).

The representation of women as sexual objects is even more present on online papers: besides the news, on the right hand side on all information sites - even the main national papers - gossip news and semi-naked women serve as a way to increase the 'clicks', a type of communication which signals the triumph of stereotypes.

The introduction, in Italy, of the obligation of continuous training for professionals has allowed for the start, in spring 2014, of detailed training for journalists on gender issues, from sexist language to stereotypes, to the "language of violence"²⁰. The widespread attendance of these courses has been possible thanks to the efforts of the female journalists elected in the regional and national professional associations and those involved in trade unions and women's organizations.

Although the language used in the news (broadcasting, newspapers, web) is always highly infused with stereotypes and elements of sexism, there are some initial - although partial - positive results of the training (in big and small papers) in the use of a language which respects and values women (correct female declination, proper approach to violence against women, proper representation of female excellence).

In December 2016, the National Council of the Association of Journalists adopted the document of the International Federation of Journalists (IFJ) on violence against women, elaborated in the framework of the 1993 United Nations Declaration. The document requires journalists to adopt a correct language, respectful of the individual, devoid of prejudices and stereotypes, and a precise and detailed information when the details of an event are useful to the understanding of the same event, of the situation and its social dimension. In the last few years, the Association of Journalists has intervened in cases of serious transgressions - mainly following warnings - with sanctions for violating the Charter of Duties (through reprimands but also career suspensions).

In advertising - on television, billboards, underground stations, trains - women are still mainly depicted either as sexual objects or as good housewives. Women's bodies, naked or semi-naked, are used to sell any type of product through images that crush and humiliate their dignity. Contrary to what happens in other European countries, in Italy there is no law that regulates or sanctions sexist advertising. The Government has renewed the mandate²¹ for the management of sexist or harmful advertisements to a private body, the Institute of Advertising Self-Regulation (IAP), accepting their self-regulating code. IAP has repeatedly proved inadequate, inefficient and ineffective in its control. The only planned sanction is the removal of the sexist advertisement, which happens following warnings at least 15 days later, a time in which an advertisement has already become known and effective. Furthermore, there is a conflict of interest in relation to its members and an inadequate preparation when it comes to gender stereotypes.

The media representation of childhood is also an integral part of a collective imagination which attributes to the female gender a procreative duty and the fulfilment of canons of adult appeal. Girls are offered the same stereotyped roles that are interpreted and experienced by adult women: they have to be sexy, winking,

¹⁹ Puglia, Lazio, Emilia Romagna, Friuli Venezia Giulia, other.

²⁰ A rich calendar which has involved all the regional journalistic Associations, with the presence of female journalists involved in women's organizations, representatives from anti-violence centres, expert professional figures (university professors, magistrates, policewomen, psychologists).

²¹ Since 2011 with the Department for Equal Opportunities, IAP has been part of EASA, a network of private self-disciplines at the European level.

charming, or play the role of “wife” or “mother”, while boys have to be strong, brave, entrepreneurial and non-emotional. This generates difficulties in the development of boys’ and girls’ individuality, as well as gender discrimination since childhood, which is then perpetuated in adult age. Furthermore, the constant exposing of children to advertisements which refer to an idea of subordination, even sexual, of the female figure to the male one, and of symbolic violence, which become introjected since early childhood, should be avoided. Phenomena such as precocious erotization among minors should therefore not be surprising²², as well as cases of bullying in schools, in neighbourhoods or on the internet, especially among teenagers.

The creation of “models” increasingly linked to a distorted idea of body and beauty, which is continuously presented in the fashion world, has created serious damages to the physical and mental health of girls and young women, with an increase in the number of food behavioural problems²³.

Finally, in the political sphere, women who hold elected positions, are the constant object of hard sexist attacks both through images and the use of language. The vehemence of such attacks is hardly the same towards the men who hold similar positions. The higher the position a woman holds, the stronger the attacks on online media, television, newspapers and advertising. Among the women who have been the target of such attacks exemplary cases are: the President of the Chamber of Deputies Boldrini, the Minister Boschi and the Minister Fedeli, the party secretary Meloni, the Mayor of Rome Raggi.

There are still too few men, even among the politicians, who take position and condemn such attacks in a crosscutting way, independently of their political allegiance, to support gender equality and their colleagues’ dignity.

RECCOMENDATIONS

- Guidelines which guarantee equal treatment for both public television and private ones should be issued, so that they both ensure correct, high-quality information and entertainment, which respects parity between women and men, and are devoid of gender stereotypes and sexism. The AGCOM needs to ensure that everyone respects gender *par condicio* during electoral campaigns.
- The RAI monitoring should be launched through a public initiative and illustrated to the Supervisory Committee; RAI, also in respect of the “Company policy on gender issues” adopted in 2013, should illustrate which correctives it intends to adopt to respond to any critical points.
- The 13 clauses on gender which are included in the contract signed between RAI and the Ministry for Economic Development for the three-year period 2013-2015 (never entered into force) should be inserted into the new contract, which will have a five-year duration and whose negotiations are due to start after the renewal of the 10-year license RAI-State, which was approved in March 2017.
- The regulation of the Istanbul Convention that relates to the training for information operators on representation of violence against women should be fully implemented, not only through compulsory training already in place for journalists, but also through a specific training that RAI should adopt for the journalistic managers and all those editorial figures involved in production.
- A proper national coordination of all media observatories on representation of gender violence on public and private television is necessary. An official monitoring of the printed papers and the web –national and regional – is also necessary, which, in the absence of direct public intervention, can be assigned – for what relates to the coordination of research bodies – to the National Association of Journalists and the regional Associations.
- The Associations of Journalists – national and regional – should organize, within their continuous and compulsory training, an in-depth module for each cycle of courses on the narrative of gender violence. They should also punish – through sanctions and reprimands – the publications that are damaging to the victim’s dignity.
- The Association of Journalists and the Organizations of journalists (Fnsi and Commission for Equal Opportunities) should be involved whenever public institutions pass legislation on prevention of and fight to gender violence, so as to design tools that could guarantee the proper journalistic narrative on the issue.
- The agreement with the Institute of Advertising Self-Regulation should not be renewed. It should be replaced with a new body, which is independent and made up of professionals committed to this issue, in coordination with the Department for Equal Opportunities. It should have the capacity to intervene and immediately evaluate sexist advertisements in 24 hours, and the power to order the removal of the same ads within 72 hours.
- Social media containing sexist, racist, homophobic and violent contents should be obscured, if those

²² Behavioural models or sexual attitudes typical of adults are picked up by children and adolescents.

²³ Alternative Report for Beijing +5 -2009-2014 Section J- Women and the Media

contents are not deleted within 40 minutes.

ARTICLE 6

Italy is one of the receiving countries at the forefront of migration flows to Europe. The complexity and articulation of incoming flows does not allow an in-depth analysis of the specific characteristics and pathways of migrants, asylum seekers and victims of human trafficking. Only aggregated data is collected at the time of first arrival and summary census registration. This does not allow for proper identification and to differentiate between people in need of international protection, so-called economic migrants and victims of human trafficking. Thus the management and control of the trafficking phenomenon often falls into the rubric of mixed-flows management and governance²⁴. In October 2014, the Group of Experts on Combating Trafficking in Human Beings of the Council of Europe (GRETA) estimated that in 2011-2013 the number of victims of trafficking who received assistance from the Italian State were about 4,000²⁵. In a subsequent report - following a procedure initiated after a forced repatriation of probable victims of trafficking - GRETA noted that in 2016 (data up to September 2016), Italy received 78,314 asylum applications of which 11,422 were submitted by women²⁶. Citing data from an International Organization for Migration (IOM) survey, the same report also notes that at least one indicator of trafficking was present in 71% of the sample of migrants coming from the Mediterranean route that IOM had interviewed from December 2015 to September 2016²⁷. However, in the absence of an effective and reliable system for identifying the different characteristics and pathways of migrants, coupled with a peak of migration flows in 2014-2016, it is reasonable to conclude that these figures render only a partial picture of the trafficking phenomenon.

It is particularly alarming and deplorable that in many cases failure to properly identify victims of human trafficking among asylum seekers means that, instead of receiving appropriate protection, these victims are confined in centres of administrative detention for irregular migrants previously known as Centres for Identification and Expulsion (C.I.E.)²⁸. This practice has also been denounced in the recent GRETA report cited above²⁹. In February 2017, the Italian Government issued Legislative Decree 13/2017, which provides for the opening of new administrative detention centres throughout the country. These centres were defined as Holding Centres for Repatriation. The decree further extends the detention period, and curtails the right to appeal an expulsion decision thereby violating the right to defence. Furthermore, the decree extends to non-governmental social operators the requirement to flag cases of irregular migrants, an obligation previously limited to public officials. Such requirement has the predictable potential of both undermining the establishment of a trustee relationship between social operators and victims, and the victims' ability to exercise self-determination. In addition, in the general context of EU readmission policies, the Italian Government has given impulse to a series of memoranda and agreements with sending countries³⁰ which were negotiated without any public debate regarding negative repercussions on human rights, including on the right of *non-refoulement*³¹. Moreover, these agreements expose women to the concrete risk of being re-trafficked³². Of particular concern are instructions issued by the Central Immigration Directorate requiring some police

²⁴P. Degani, C. Pividori, *Attività criminali forzate e scenari della tratta di persone nel quadro degli attuali fenomeni migratori. Questioni di diritti umani e risposte di policy*, Padova UP, November, 2016, p.17.

²⁵GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Italy, 2014* (18).

²⁶GRETA, *Report on Italy under Rule 7 of the Rules of Procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Being*, 2016 (12).

²⁷*Ibidem* (15).

²⁸BeFree Cooperativa Sociale, *Inter/rotte: Storie di Tratta, Percorsi di Resistenze*(Inter/rupted, Inter/routes: Stories of Human Trafficking, Paths of Resilience), Sapere Solidale, 2016.

²⁹GRETA, *Report on Italy under Rule 7 of the Rules of Procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Being*, 2016 (29).

³⁰For an analysis of the content of the agreements and their profiles of illegitimacy see *Diritto Immigrazione e Cittadinanza Fascicolo 1-2 / 2016*. See also: <http://www.terrelibere.org/la-mappa-degli-accordi-migranti/>. In particular, the Memorandum of Understanding on Migrants signed on 2 February 2017 by the Italian Government with Libya (<https://www.libyaobserver.ly/news/un-proposed-government-signs-mou-italy-curb-migrants-Flow-smuggling-and-control-borders>). Although it has currently been suspended following an appeal for constitutional illegitimacy filed in Tripoli by lawyer Azza Al-Maqhoor, the document fully expresses the current government policy on immigration that in fact defeats targets for the prevention of trafficking in human beings, given the centrality of Libya in traffickers' routes. <http://www.internazionale.it/notizie/annalisa-camilli/2017/03/27/libia-italia-memorandum-migranti>

³¹Five Sudanese citizens from Darfur, victims of repatriation on August 24, 2016 from Italy, appealed to the European Court of Human Rights to ask for an assessment of the illegality of the Italian government's conduct under the European Convention on Human Rights and for compensation of damages. See <http://www.asgi.it/asilo-e-protezione-internazionale/conferenza-stampa-sudan-rimpatri/>.

³²The NGO Differenza Donna has been collaborating with CSOs from other Member States since the beginning of 2016 to document the passage of Nigerian women who were then retraced after repatriation. Today, in 15 cases, it has been found that these women had transited through Italy and had been detained in the CIE before being found in Spain.

departments to implement "targeted services aimed at tracing" Nigerian citizens with "irregular status"³³. The priority given to the repression of irregular migration in these policies undermines the scope of the visionary legislation that, since 1998³⁴, recognized the need to promote the identification, support and reintegration of victims of trafficking in human beings for the purpose of labor and sexual exploitation. Most of the victims trafficked for sexual exploitation are women³⁵. The vast majority of trafficked women to and through Italy come from Nigeria, although women from Albania, Bulgaria and Romania in the EU continue to be trafficked³⁶. Socio-demographic profiles of trafficked women in Europe also underscore a significant presence of Roma women and minors³⁷. The scale of this phenomenon is difficult to quantify precisely due to the particular social and psychological vulnerability of these Roma victims and their reluctance to come forward and to enrol in protection programmes.

The picture presented above is in sharp contrast with the spirit and the letter of the National Plan on Trafficking in Human Beings (NPA) that the government has belatedly adopted in February 2016, which - at the level of formal commitments - encompasses an ambitious "national co-ordinated and systemic intervention policy"³⁸. However, resources allocated for NPA implementation are not adequate to make it effective at the operational level- there are just over 14 million euros for 2016-2018. The strong imbalance of allocation of these funds across different regions of the country also undermines optimization of such resources³⁹. The NPA is committed to "foster cooperation between protection systems for victims of human trafficking, unaccompanied minors, and applicants for international protection"⁴⁰. Such commitment refers to both strategic lines of intervention and the management of extraordinary events. However, no resources were allocated in this direction, which requires urgent attention particularly in order to prevent women and girls seeking asylum from falling into exploitation circuits. Only ad hoc memoranda of understanding (protocols) between territorial commissions - semi-judicial bodies for the adjudication of international protection requests - and anti-human trafficking entities have been initiated at the local level⁴⁰. Furthermore, despite the fact that the NPA provides for the "Detection, organization and systematization of statistical data (quantitative and qualitative)", an integrated and coherent data collection system has not yet been developed to analyze the phenomenon and devise appropriate responses. Thus, generally, the NPA does not fulfil the requirements of the European Union strategy for the eradication of trafficking in human beings since it does not provide either resources or adequate and sustainable strategies that would foster the effectiveness of anti-trafficking operators.

In conclusion, the adoption of the NPA has not halted the progressive disregard and deficient enforcement of standing laws for the protection of victims of human trafficking, and particularly legislation promoting their identification, support, integration and social inclusion (article 18, Legislative Decree 286/1998). At the core of this law is an understanding of the experience of trafficking in its many manifestations, including in mixed flows. Such manifestations may include fleeing persecution, an occurrence for which the Convention Relating to the Status of Refugees may be applied.

Of further note and crucial importance is also the issuance of residence permits for foreign nationals who are fleeing domestic violence as required by art. 18 bis T.U. Imm. This provision has come under sharp scrutiny and was criticized by anti-violence organizations, lawyers, immigration experts and gender issues specialists because it links the issuance of a residence permit to a victim's willingness to lodge a formal complaint. Moreover, it is limited to repeated acts of violence. More than three years after its introduction, the measure

³³On January 26, 2017, the Ministry of Interior through telegrams to the Rome, Turin, Brindisi and Caltanissetta police districts requested ninety-five places--forty-five for men and fifty for women—to be allocated within operational CIEs for the identification of Nigerian citizens. Such places were to be vacated if necessary through the early release of other detainees.

³⁴Art. 18, Legislative Decree no. 286/1998,

³⁵ILO, ILO Global Estimate of forced labor: Results and methodology, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf, 2012; Eurostat, Trafficking in Human Beings, Publications Office of the European Union, Luxembourg https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/trafficking_in_human_beings_-_dghome-eurostat_en_1.pdf, 2013.

³⁶For data on the beneficiaries of the Programma Unico (Uniform Program) for the identification assistance and social integration of the victims of trafficking, see <http://www.pariopportunita.gov.it/>.

³⁷The research study *Prostituzione, sfruttamento sessuale e trafficking nei gruppi Rom e Sinti. Studi di caso in diversi contesti italiani* (Prostitution, Sexual Exploitation and Trafficking in Roma and Sinti Groups. Case studies in various Italian contexts), conducted by Parsec Association, will be published by TAU publishing house.

³⁸National Action Plan Against Trafficking and Serious Exploitation 2016-2018 Adopted by the Council of Ministers at the meeting of 26 February 2016, <http://www.pariopportunita.gov.it/index.php/archivio-notizie/2717-adattato-the-first-national-level-counter-trafficking-and-exploitation-of-beings-human/> For a review of some gaps in the Plan, see BeFree Social Cooperative, *Inter / Routes, op / cit.* pp. 53-57.

³⁹Presently, three regions (Liguria, Aosta Valley, and Piedmont) have not been eligible for funding. This lack of resources severely hampers services and the ability of victims to claim their rights.

⁴⁰Tornio and Naples city <http://www.prefettura.it/FILES/docs/1233/Protocollo%20%20Antitrattra.pdf> ; <http://www.osservatoriointerventrattra.it/wp-content/uploads/2016/01/Protocollo-Antitrattra-Napoli.pdf>

has been poorly applied. According to data from the Ministry of the Interior, only 31 residence permits were issued in 2015 under art. 18 bis.

RECOMMENDATIONS

- Expulsion agreements should be suspended in order to verify their compatibility with international human rights standards and with the objective of properly identifying victims of human trafficking and extending to them the protection afforded by the law and envisaged by the NPA.
- The instructions of the Immigration Directorate for the Identification of Nigerian Citizens should be suspended.
- All NPA objectives should be immediately implemented, including the creation of a disaggregated data collection system and the allocation of adequate funding throughout the national territory ensuring that such resources are proportionate to the increase and diversification of flows. At a minimum, limited resources require setting up and following-through with priorities. Particular attention must be given to the prompt and correct identification of victims of human trafficking.
- A sufficient number of places for victims of human trafficking should be made available in suitable accommodation facilities. The current serious shortage of places exposes women to the risk of being re-trafficked and re-victimized.
- A gender perspective and the imperative of gender mainstreaming should be integral parts of all government actions, included those of the Inter-Ministerial Management Group of the NPA which is responsible for the implementation of the Plan. Particular attention should be given to the obligation to enforce policies to prevent and address dynamics that underpin demand of services provided as a result of sexual and work exploitation.
- The implementation of article 18 T.U. Imm. should be optimised so as to: (1) Ensure a precise timeframe to obtain an opinion from the judicial authority when victims press charges; or a release from law enforcement agencies when victims choose to follow a social path to protection and integration. Such opinions and releases should be granted within 120 days from requests; (2) Counter restrictive interpretations of article 18 T.U. Imm. and ensure uniform application of the law throughout the national territory even in cases in which the exploitation of victims took place in transit countries; (3) Enhance the social path option provided for in article 18 by de-linking victims' protection from their co-operation with police activities and investigations; (4) Extend to three years the duration of the residence permit for social protection purposes pursuant to article 18 T.U. Imm. The current six-month extension period is inadequate to ensure that victims have sufficient time to process and overcome their trauma and to adapt to new circumstances in the Italian context; (5) Extend the possibility of obtaining a residence permit for family reunification to kin of victims of trafficking who are exposed to the risk of retaliation from traffickers in their country of origin, and scrap current constraints to such reunification procedures pertaining to the degree of kinship, housing capacity and income; (6) By amending the Criminal Code, exclude punishment of victims of trafficking involved in criminal activities that they have been forced to commit as a result of trafficking.
- Victims of human trafficking should be allowed a period of reflection long enough to achieve proper identification.

ARTICLE 7

Gender equality in the public and political arena is not currently guaranteed in Italy, despite the commitment of women's organizations⁴¹ to increasing the presence of women in public life.

Both current government and parliament have the highest rate of female members in history, however women's presence still lags below 40%, the threshold set by the CEDAW Convention for members of a public body.

The 2003 constitutional reform introduced a provision establishing that "the Republic promotes equal opportunities between women and men by means of appropriate measures". This principle was subsequently introduced at the local level by further legislative initiatives, but until now only three regions have implemented it.

⁴¹ The most striking on this front is "Accordo di azione comune per la democrazia paritaria (Agreement of Joint Action for Equal Democracy), an informal network that brings together more than sixty associations, groups and women networks in order to promote gender equality in the institutions, and aims to get a basically equal representation of women and men in elective assemblies and executives and the adoption of gender equality guarantee standards.

In 2013 new provisions⁴² were enacted to promote women's access to political activity by requiring political parties to follow the equal opportunity principle and allocate at least 10% of their total public funding to initiatives aiming at increasing women's participation in political activities.

Women currently account for 31.4% of the members of the Chamber of Deputies and 28.8% in the Senate⁴³. Italy has a female President of the Chamber of Deputies for the third time since the birth of the Republic in 1948; however, only three women chair permanent commissions established by Parliament. 30% of the ministers in the current government are female; however only 23% of undersecretaries are women.

A new electoral law is currently under discussion, but the text has not been finalized yet and therefore cannot be analyzed.

At the local level, Law 215/2012 introduced provisions aimed at promoting the rebalancing of women representation within political and executive organs of local and regional institutions and in the management bodies of private entities, requiring a balance between female and male presence. Such requirement is rarely fulfilled.

Women's presence dramatically decreases at the local level: female presence in regional elected bodies is only 17.7% and one region has no female presence at all. Only two out of 20 regions are chaired by women.

In local authorities, women account for 28.35%, while in the new provincial entities women account for less than 20% of the appointed representatives. Only one party is headed by a woman⁴⁴.

In the private sector, Law 175/2016 requires an equal presence of women and men in all publicly controlled companies. However, its provisions are failing due to two reasons: firstly, they only apply to corporations, leaving aside the many companies in which the state has a stake; secondly, gender equality has to be guaranteed for one third of the total yearly nominations. As a result, men still prevail among leading roles.

RECOMMENDATIONS

- The constitutional reform of article 51 should be fully implemented by means of special and temporary measures, with the aim of female presence in public life being included in the electoral law for national, regional and local representative bodies.
- The adoption and implementation of the mandatory initiatives to increase women's active participation in politics should be monitored and their visibility should be ensured.
- The provisions requiring equal gender representation in local entities should be fully implemented, in order to avoid the expensive costs of administrative justice, usually undertaken by CSOs.
- The provisions encouraging women's presence in public life, including in public companies, should be implemented by means of special legal and administrative measures, to ensure gender equality even in case of governance by a sole director.
- Equal opportunities to women to access high level political and administrative roles in ministries, consultative bodies and private entities should be guaranteed, by means of full application of art. 48 D.lgs n. 198/2006. The article states that "for the selection and advancement of personnel, in case of equal level of education and professional experience, the selection of male candidates shall be explicitly and adequately motivated".
- Women's organizations should be consulted, as a special and temporary measure, to ensure that women run for elected public bodies and public roles; updated lists of qualified women should also be compiled.
- Barriers to the full participation of women in designing the governmental agenda should be identified, including the appointment of women as a purely "politically correct" strategy and those traditional customs that limit effective women's participation.

ARTICLE 8

In line with the commitments stemming from the recommendation, Italy has adopted a National Action Plan (NAP) for the implementation of the Security Council resolution UNSCR 1325/2000 on women and peace and security and its following resolutions.

Contrary to what the Italian government declared regarding cooperating with NGOs during the elaboration of the NAP 2014-2016, it practically ignored the recommendations submitted by civil society. Furthermore, the implementation of the Plan has not been accompanied by financial support of projects on the ground, of which civil society took the burden. Only upon the expiration of the NAP 2014-2016, did the government carry out

⁴² DL. n. 149/2013

⁴³ <http://documenti.camera.it/Leg17/Dossier/pdf/AC0294.pdf>

⁴⁴ The far right party Fratelli d'Italia.

a consultation on the projects implemented by civil society, albeit without sharing, initially, the results of the same consultation.

The drafting of the third NAP, which covers the three-year-period 2016-19, was a more complex, participated process compared to the previous one, and it led to the articulation of a structure defined by goals and actions, complemented by indicators to be used for subsequent monitoring. Even though the NAP on Women, Peace and Security grants a disproportionate central role to the Armed Forces in peacekeeping operations (both in missions and in education activities), it also includes specific training for civil society, and a focus on the role of women as agents of change, as well as an explicit reference to the transformative power of Resolution 1325.

RECOMMENDATIONS

- The NAP should be strengthened and integrated with a specific reference to prevention and peacebuilding – a reference that follows from the recommendation and from policies on gender peace and security.
- During the implementation of the NAP, greater coherence should be ensured between its focus, goals, and actions, keeping at its core the role of women as agents of change.
- An actual system for independent, non-governmental monitoring should be developed, so as to measure the effectiveness of the various stakeholders in the implementation of the NAP.
- Actions that prevent conflicts and defend women's rights should be promoted in relation to all phases of the peacebuilding process (Peace Treaties, DDR, Election Process, Reconstruction Programmes, Institutional Reforms).
- The participation of local women in peace processes should be supported, particularly in regards to activities of prevention, negotiation, mediation, and generally in talks aimed at the resolution and non-violent transformation of conflicts, by strengthening the role of the NGOs already active in the field.
- The role of Italian civil society as the main actor in the implementation of the NAP should be enhanced and supported through projects and events involving local women from countries in conflicts who are active on UNSCR 1325, as well as through specific training on the subject, exchange of knowledge and good practices, mapping of local existing realities, monitoring and post-activity assessment, communication and dissemination of the contents and importance of the resolution.
- The role of civilians and civil missions in the context of armed conflicts should be acknowledged and supported (i.e. ceasefire monitoring missions, security sector reforms, etc).
- The number of women in key positions in the Ministry of Foreign Affairs and Ministry of Defence (including detached positions) should be increased through affirmative action, as well as those in key positions in regional and international organizations in charge of peacekeeping (EU, UN and OSCE).
- Regular, transparent consultations with civil society working in the field should be ensured, so as to promote a collaboration that is effective, constructive, and permanent, on UNSCR 1325 and its implementation.

ARTICLE 10

Law 107/15, known as "Good School", inflicted a hard blow on the Italian education system, which was already experiencing critical conditions, and introduced a centralist approach and insert private school management principles, with the figure of the headmaster/manager, preventing an autonomous and continuous didactic planning by teachers.

Due to the statutory "extraordinary mobility plan", the teachers' mobility rate, which in recent years involved about one in ten teachers, tripled in 2016/2017: 207 thousand teachers moved in 2016/17⁴⁵, 30% of the tenured teachers in public schools. This has not only worsened the quality of education, particularly teaching continuity, but also living conditions of teachers, who are 82% women.

The reform, which has given way to a reorganization of the education system, has not modified the national curricula and pedagogical projects, even though this had long been requested by the women's movement and other actors. Therefore, the roots of sexism and gender stereotypes remain in school curricula, didactics and textbooks.

Attempts at including training on gender equality, gender differences, homophobia and bullying have been the result of various and uncoordinated initiatives by individual teachers and local bodies who are far-sighted and aware of the importance of these issues, rather than being the result of a national uniform educational policy across the country. In the new "Good School" law, there is a reference to gender education. Over the years, this has triggered opposition by reactionary conservative forces that have distorted and misunderstood the

⁴⁵ <http://www.tuttoscuola.com/mobilita-docenti-continuita-didattica/>

term, by accusing "gender theories" of leading children astray, and have tried to prevent the implementation of the educational commitment to inclusion and respect for diversity⁴⁶.

The undue pressure to which primary schools have been subjected by families and fundamentalist Catholic groups have in fact forced teachers and principals to exclude textbooks and modify gender mainstreaming projects, cutting funds for the training of teachers, parents and pupils.

Furthermore, there is often mistrust by families who, fomented by sexist ideologies and stereotypes, are reluctant to delegate an educational role to school institutions on these issues.

Despite wide social and cultural changes, textbooks in Italian schools of every order and grade, as well as curricular planning of all disciplines, continue to be based on the mono-sexed male western representation of knowledge, as the only driving force of society and of philosophical, historical, literary, scientific and artistic culture. In fact, textbooks of all subjects have not yet integrated a perspective of equality and the overcoming of sexist stereotypes and gender roles. In 2006 the Ministry of Education, University and Research (MIUR) adopted the Self-Regulation Code (Polite) for school publishers in order to make the gender perspective a guiding criterion in writing books. In fact, the Polite project did not result in a significant difference in outcomes between publishers who endorsed it and those who did not, because of both the scarce commitment of the MIUR and the lack of will and sensitivity of publishers involved in the project.

There is a lack of information on contraceptive methods and sex education in schools of every order and grade (see art. 12) throughout the country. A consequence of this vacuum, where even families face difficulties in dealing with the issue, is that only 16% of Italian women say they are well informed about all the available contraceptive methods⁴⁷, while the youngest search for information on the web, which often offers misleading and inadequate models, especially in the field of sexuality.

School dropout is more prevalent among Roma, Sinti and Traveller women (RSC). According to the FRA survey⁴⁸, 85% of Roma, Sinti and Traveller girls living in Italy did not complete compulsory school, compared to 76% of boys, and 23% of them say they cannot read and write. The national data on school attendance of RSC students are insufficient.

However, local surveys reveal that the main reasons for school dropouts among RSC girls are:

- housing segregation and the related social, working and linguistic isolation;
- the widespread habit of teachers of applying lower evaluation criteria and expectations to RSC children compared to the majority of students;
- the persistence of discriminatory practices towards girls and women within the RSC community, such as early marriages⁴⁹.

All these factors are due to the partial and scarce implementation of the "National Project for the inclusion and integration of RSC children", both in general terms and in a gender perspective.

Compulsory schools as well as vocational schools often represent the venues where situations of violence related to early and forced marriages can be intercepted and prevented⁵⁰. Unfortunately, teaching and school staff often lack knowledge of the problem, do not receive adequate training and guidelines on how to understand signals of the girls' request for help and how to act so that territorial networks can adequately contrast this form of violence.

In spite of a slight decline in the overall number of NEET (young people Not Engaged in Education, Employment and Training), this phenomenon is higher among women than men, and more pronounced in southern regions and among foreigners⁵¹. According to EUROSTAT data⁵², in 2015 nearly a quarter (23%) of young women (20-34 years) in the EU-28 was in the NEET category, compared to 14.9% of boys. Factors that can explain this gender gap are related to the job market and gender stereotypes (see art. 5 and 11).

⁴⁶ The then Minister for Education Giannini had included gender education in the "Good School" law. After reactions from conservative groups she was forced to convene a committee of experts to investigate potential damage to pupils. The Commission reached no specific conclusion. The minister sent the case back to Parliament.

⁴⁷ GfK Health Care survey conducted in 2013 in 17 countries (Argentina, Australia, Austria, Belgium, Brazil, Canada, Colombia, France, Germany, Italy, Korea, Mexico, Sweden, Switzerland, UK, Ukraine and USA) and presented at the 13th Congress of the European Society of Contraception and Reproductive Health.

⁴⁸ http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf

⁴⁹ Recently, juvenile prostitution has also come to light.

⁵⁰ Observations collected through the working experience of "Trama di terre", which supports young women, victims of early/forced marriages, often coming from migrant communities, second-generation Italians or Roma/Sinti communities where this tradition persists.

⁵¹ ISTAT Annual Report, Chapter 3 "Le dinamiche del mercato del lavoro: una lettura per generazione", 2016.

⁵² http://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics_on_young_people_neither_in_employment_nor_in_education_or_training

Italy lags at the very bottom - third to last place - in Europe for the level of education in university. Over the last three years, with the economic crisis and the increase in university fees, the number of female enrolments has considerably declined compared to previous years⁵³.

Three-quarters of university students in engineering, constructive, architectural, mathematical, scientific and computer disciplines are men. Women mainly graduate in humanities (77%), social science (62%), care and healthcare professions (66%)⁵⁴. No measures have been adopted to face horizontal segregation in studies and, consequently, in occupations.

In university, women always represent over 50% of the reference population at all levels, from university courses to PhDs⁵⁵. However, in the transition from university education to academic career, the presence of women decreases as the hierarchical scale rises: 50.6% for research grants holders; 45.9% for university researchers; 35.6% for associate professors; 21.4% for ordinary professors (2014)⁵⁶. That denotes a sub-representation of women in academic careers.

RECCOMENDATIONS

- The “Good School” law should be reviewed to overcome the centralist approach and the tendency to privatization that is taking hold in public schools and to safeguard the work of teachers and the quality of teaching.
- Existing education policies should be radically rethought and national non-discriminatory education and training systems with a gender perspective should be developed.
- The disparities in access and the educational and occupational segregation between young women and men should be overcome.
- Compulsory sex education should be included in the curricular programmes of schools of every order and grade, to be carried out in accordance with World Health Organization (WHO) standards for sex education in Europe.
- Adequate resources should be provided for permanent and systemic training of teachers and school staff on issues of gender equality and gender diversity. In particular, the issues of equal opportunities, eradication of sexism, racism and homophobia should be introduced as a cross-cutting theme in teachers’ training of every order and grade (starting from teachers and educators of crèches and nurseries), to promote the inclusion of a gender approach in educational practice, on a theoretical and operational basis.
- Initial and permanent compulsory training of teaching staff of every order and grade on gender-based violence should be provided, with special attention to migrant, second-generation and RSC children, including issues such as forced marriages and witnessed violence. The training must enable teachers and school staff to recognize the signals in order to prevent and manage critical situations, including bullying, cyberbullying, and social media education. Appropriate regulations for the implementation of the new law on cyber bullying are still lacking.
- Education to diversity should be introduced in school programmes as a practice, a perspective on the world, a mainstreaming approach to all disciplines. It can be carried out in different ways, with different methodologies and a variety of tools according to the contexts.
- Publishers and authors of publishing houses for schools should be made aware of gender issues; a negotiation should be carried out in order to achieve an effective review of textbooks and didactic materials for a balanced, not stereotyped or sexist representation of women and men.
- Women's associations, institutions, teachers who have long experience and commitment to non-sexist didactics, equality and respect for diversity should be involved in reviewing books, curricula, textbooks and didactic materials, ensuring adequate space for female interpretation and production in the arts, sciences, culture in general, and for the role of women in history, using a gendered language for an equal representation of women and men.
- Family-oriented projects should be promoted to help raising awareness of current issues and the importance of cultural, media and commercial models in building girls’ and boys’ identities.
- The National Plan for RSC should be monitored and implemented, overcoming the marginalization and discrimination generated by their settlements, as recommended by the EU.

⁵³ According to MIUR data of April 2013, the nineteen-year-old enrolment rate was 25% in 2000/2001, it increased to 33.1% in 2007/2008, but then progressively decreased to 29.8% in 2012/2013. This decline mainly affected women, whose enrolment rates fell from 40.6% in 2007/2008 to 36.4% in 2012/2013; men, whose enrolment rates are lower, recorded a contained decline (from 26% in 2007/2008 to 24.9% in 2012/2013)

⁵⁴ In particular, in computer science, engineering and mechanics, the percentage of female enrolments has been stable for 15 years: 30% in physics, 18% in engineering, 15% in computer science.

⁵⁵ Women account for 56.2% of students in degree courses. See http://www.istruzione.it/allegati/2016/Focus_Gender-Accademico_rev03.pdf

⁵⁶ http://www.istruzione.it/allegati/2016/Focus_Gender-Accademico_rev03.pdf

- Women's access to senior positions in academic and research careers should be facilitated.

ARTICLE 11

The government decree 151/2015 has utterly changed⁵⁷ the figure of the Equality Counsellors, particularly at local level, stripping them of their previous powers to monitor discrimination in the workplace (see art.3).

This decree also modified the functions and regulations of the National Committee for the Implementation of the Principles of Equality of Treatment and Equality of Opportunity for Male and Female Workers, set up in 1991 at the Ministry of Employment. The Committee's consultative powers on labour policies and the struggle against discrimination were seriously reduced,⁵⁸ and the Panel of Enquiry and the Technical Secretariat, which had the authority to express its opinion on cases of discrimination, were also closed. No further financing is foreseen either.

The Italian labour market is notable for its persistent, strong gender inequality and discrimination, which, when added to local inequalities, take the following forms:

1. low female employment in general, particularly in the South,
2. difficulty of access to high-ranking positions (glass ceiling) and duties inappropriate to their qualifications, with horizontal and vertical employment segregation,
3. Gender Pay Gap and Gender Pension Gap,
4. high risk of poverty, particularly for young families with uncertain employment and families with a woman as head of the family and children to support.

The female employment rate 15-64 years in 2016 was 48.1%⁵⁹ and, since the male employment rate was 66.5%, the gender employment gap in 2016 stood at 18.4 points.

Female employment remains at the same levels as in the last decade, with significant differences, both regional (in the North 58.2%, in the South 31.7%) and in family structure, and in educational qualifications (29.8% for those with a school-leaving certificate, 73.3% for graduates) and in age classes. In 2016 25.9% of women, especially young women, were not included in the labour market,⁶⁰ against 18.2% of men, and there were strong local variations: in 2016 the gender differential moved from 5.3 points in the North, to 5.8 in the Centre, and 14.3 points in the South, where the unemployment rate was 31.0% for men and 45.3% for women.

The Gender Pay Gap between men and women was 10.7%, lower than the European average, which stands at 16.7%, but can reach 30% for the same duties in the course of a career. The salary differential is higher in the private sector (12.2%⁶¹ against 5.4 in the public sector), where there are more men and women with high professional qualifications, and tends to increase when the position is permanent.⁶² According to the figures on employees in the private sector,⁶³ the average annual gross salary for men is 30,676€, while that for women is no higher than 27,228€. The salary difference also applies to new recruits, where the gender gap for equal duties is over 100€.⁶⁴ According to the most recent Global Gender Gap Report, Italy is at the 50th place out of 144 countries, and the annual income from jobs for Italian women is equal to 52% of that for men.⁶⁵

32.4% of women are employed part-time.⁶⁶ Women earn 11,000€ less than men for the same activities:⁶⁷ men 23,874€, and women on average 12,185€. The age range between 40 and 49 is the one most affected by this discrimination – i.e. female workers with the greatest family commitments.

Salary differences, the often obligatory choice of part-time (in 2014 59.7% of women working part-time were doing so involuntarily⁶⁸), which is used by companies as a flexibility tool, precarious and temporary jobs in low-paid sectors, and careers interrupted partly because of family needs as a result of inadequate services, lead to a pension differential notably higher than that for salaries: the Gender Pension Gap is over 40%.

Women are concentrated in the lower rates for pensions, while 79.5% of retirement pensions are drawn by men, who receive an average sum of 1,678€ gross per month, while women receive 88.2% of all the pensions for surviving spouses, to an average value of 622€ per month, and 63.2% of old-age pensions, to an average value

⁵⁷ The role of the regional and provincial counsellors had been gradually weakened from the point of view of resources since 2010

⁵⁸ Essentially, the change consists in assigning any decision on projects of positive action to promote to a "Commission of evaluation of projects of positive action" (which was later defined in another government act).

⁵⁹ Istat, *Rapporto annuale 2017*, Rome, May 2017.

⁶⁰ Women seeking employment -12.8% - as well as those immediately ready to work are considered in this figure.

⁶¹ Istat, *Differenziali retributivi nel settore privato*, Rome, December 2016.

⁶² Solera C. and Bettio F., *Women's Continuous Careers in Italy: The Education and Public Sector Divide*, *Population Review*, Vol. 52, Number 1, 2013.

⁶³ [Osservatorio JobPricing](#) - March 2017

⁶⁴ Istat, *Come cambia la vita delle donne 2004-2014*, Rome, 2015, p.58.

⁶⁵ Piazzalunga D., *Divario di genere: nel mercato del lavoro resta profondo*, in "Lavoro. info", 20 December 2016.

⁶⁶ The figure for men is 8%, Eurostat, 2016

⁶⁷ Inps, *Rapporto annuale*, 2013.

⁶⁸ Istat, *Come cambia la vita delle donne*, Rome, 2014, p. 106.

of 605€ per month.⁶⁹ This salary and pension gap therefore leaves women more exposed to risk of poverty in old age.

The relative and absolute poverty of Italian women is significant. The absolute poverty indicator reached 7.3% (2,277,000) in 2013-14, particularly in the South (10.6%): poverty especially affects single mothers with children who are minors, and women who are head of families with aggregate members.⁷⁰ The difficulties of elderly women living alone are due to low pension incomes, with significant regional differences: of women living alone over the age of 65 in a state of absolute poverty, 26% live in the North, and 64.3% in the South.

Women in the business and self-employed sectors make up 18.5% of female employment⁷¹ and female businesses 21.7% of the total of businesses (1,312,000); of these, 9.3% are run by immigrant women, and 15.4% of innovative start-ups are female (2014).⁷² However, a comparative survey by the ECB 2015 shows that access to credit remains difficult in Italy despite the setting up of the *Fondo di Garanzia Speciale* and the stipulation of a Protocol of Agreement with the Association of Italian Banks. The difficulties remain above all for micro-enterprises, which require strong guarantees and other requisites, such as real estate: these conditions regarding assets leave businesswomen at a disadvantage, both in setting up a company and in the following years. Finally, entrepreneurship and self-employment cannot be the only opportunity provided for women. This is shown by the fact that two provinces in the South lead the classification of businesses run by women, provinces with the lowest levels of employment and the highest for unemployment in the whole country.⁷³

RECOMMENDATIONS

- The law of 2015 should be modified so as to re-establish the National Equal Opportunities Commission, and re-assign it powers of control and policy recommendations on labour and welfare, providing it with adequate resources for its functioning.
- The system of control and guarantee of rights and opportunities should be rethought through a restructuring of the equality bodies.
- Due importance should be given to the experience of the Equality Counsellors at all levels (national and local), making it a priority once again to make them independent of political powers, partly through proper financing as envisaged by the law (Decree 196/2000).
- The employment level of women should be increased and working conditions should be less precarious. The Government should identify and finance effective, structural investments to reduce the huge female employment gap between the regions of North and South (57.8% and 32.3% respectively) and reduce, in particular, the growing poverty among young women and single mothers.
- The encouragement of businesswomen should not be at the expense of other measures.
- The cost of the gap between women and men in the jobs market should be reduced through government policies, including special measures art. 4 CEDAW.⁷⁴
- A biennial report on women's pay should be prepared by the Government, which would then report to Parliament on the state of the gender pay gap (GPG) and the pension gap, giving full attention, with constant, guaranteed financing, to art.46 of the Equal Opportunities Code.⁷⁵
- Regulations on Job Evaluation criteria should be introduced that are the basis of the gender pay and income gap.
- Pay negotiations in companies should be controlled with the aim of stemming the growing inequality between different sectors and different regions.
- The correct application of the law on the illegal recruitment of low-paid workers should be controlled by the competent authorities (Labour Inspectorates) throughout the country. The funding for the Special Guarantee Fund for businesswomen should be increased and the conditions of credit access required by the banking system should be controlled.

⁶⁹ Inps Annual Report, 2014.

⁷⁰ Istat, *La povertà in Italia 2015*, Rome, 2016.

⁷¹ 12th Osservatorio Confartigianato Donne Impresa, *All'alba della ripresa. Imprese e lavoro delle donne dopo due recessioni*, Rome, November 2015.

⁷² UnionCamere, *Impresa in Genere, 3 Rapporto Nazionale sull'imprenditoria femminile*, June 2016.

⁷³ Osservatorio UnionCamere, May 2015.

⁷⁴ Eurofund estimates that the cost of the gap for Italy, considering the women "available for work", is 3.3% of GDP (51 billion euros, Eurofund, 2016 (p.38).

⁷⁵ Every company with more than 100 employees must provide, every two years, the figures for personnel in accordance with a format approved by the Ministry of Employment in 1996.

ARTICLE 12

In the past few years, national policies have been skewed towards a strong process of reduction and privatization of the public healthcare provision, within the framework of the National Health Service (SSN). Such policies have produced negative effects on health needs, both at the prevention and treatment levels, impacting altogether on morbidity and mortality rates throughout the life course, especially for the most vulnerable segments of society.

Despite their traditional advantage in terms of longevity when compared to men, women are progressively witnessing a reduction of their longevity trends. At the same time, they prove to be at a disadvantage as far as their quality of living and healthy life standards are concerned. On average, more than one third of their life is confronted with unhealthy conditions. In the Southern regions of Italy, women experience a twofold externality: on average, a shorter life course and a reduced number of years without limitations. Women of 65 years of age living in this part of the country have an average life span of 7.3 years ahead without physical limitations to their ordinary activities. Women of the same age have a prospected condition of 10.4 years without limitations in the Northern regions. Women mortality increased by 58,000 cases in 2015.

The Essential Assistance Levels (LEA)⁷⁶, introduced in 2001, are not yet secured throughout the whole Italian territory⁷⁷. Coverage remains sketchy. The current situation results in sectorial imbalances, long waiting lists, care failures, a different degree of access to the healthcare system among Italians, depending on the regions they live in. The system presents a few situations of excellence, against the many scanty conditions of several parts of the country. The government has recently decided to allocate €8 bn to restore a more balanced and widespread access to the Essential Assistance Levels, instead of the €13 bn that had been originally requested for that purpose.

The medical personnel and the scientific circles dedicated to pharmacological research have become increasingly aware of the need for a gender approach to medicine, the result of much work carried out by women, including female health workers and doctors. Yet, such awareness has not yet trickled down into the national health institutions. The same applies to reproductive health. Scientific research hardly takes into consideration gender differences between men and women, in the various stages of their lives⁷⁸, when addressing a range of pathologies.

The Family Consultation Centres represent yet another weak spot. There should be one Family Consultation Centre (FCC) every 20,000 inhabitants, according to national legislation. The reality is quite a different one: there are roughly 2,000 centres across Italy, lacking the personnel that is needed according to national provisions. There is no replacement for the staff who retire. In addition to their inadequate distribution across the Italian regions⁷⁹, these key services have been hit by a sequence of spending review measures in the past years. Such measures have penalised access to these centres both at the regional and national level, depressing their immense original potentials. The Family Consultation Centres act as a point of immediate qualified access to family care. The service is free of charge. Their current shortage decreases accessibility to the FCC and particularly for low income and more vulnerable segments of society, the people who would need them and use them most.

Funds have been reduced also in the area of prevention of Sexually Transmitted Diseases (STDs). STD statistics show that Italy is still one of the few European countries where heterosexual transmission remains prevalent. Moreover, HIV transmission has increased in patients between 16 and 25 years of age. Only 39% of young people are used to using condoms during sexual intercourse. Young people do want to protect themselves from undesired pregnancies, but rarely do they consider STDs as a reason for concern. They only know and fear HIV/AIDS; virus infection should preoccupy them more than the disease as such. Nationally and regionally, only conservative health policies have been adopted, thereby promoting traditional values and fertility, as well as the protection of the life of the embryo.

⁷⁶ http://www.salute.gov.it/portale/salute/p1_5.jsp?lingua=italiano&id=111&area=IL_Ssn

⁷⁷ Only 8 Italian Regions (among 20) do grant the implementation of the Essential Assistance Levels (LEA).

⁷⁸ In this regard, see the 2014 ISTAT Report, "Health and the use of the healthcare services through the crisis". The report includes gender indicators concerning most risk factors: smoking habits, alcohol use, obesity, physical activity, non communicable diseases (NCDs) and disabilities.

⁷⁹ The North Western Regions have the worst records with Lombardy, Trentino Alto-Adige e Friuli, where less than one public Family Consultation Centre exists every 10,000 women aged 15-49 years. The same scenario is to be found in Molise. If in the Central and Southern regions Family Consultation Centres practically do not exist, in Lombardy and Friuli-Venezia Giulia almost one fourth of the total number are private (56 out of 209; and 6 out of 22, respectively) – while in Alto-Adige all of them are private (14 out of 14)⁷⁹. For all figures on Family Consultation Centres, see:

https://www.google.com/fusiontables/DataSource?docid=1Nq5kx4I9rN47SmFc4Y2Tf05IP_NWJnJuRY348vs#rows:id=1 .

Women's right to self-determination in their sexual and reproductive health is systematically violated and access to sexual and reproductive healthcare services and related rights provided by the National Health System is hindered. On the contrary, a number of diehard initiatives have been adopted by the Ministry of Health, such as the Fertility Day Plan and associated national campaigns, which focus on promoting fertility as a value *per se*, and not in the context of peoples' general health and reproductive status. Nothing is said about the social and environmental reasons producing infertility, particularly in males. Nothing is done to remove the obstacles why people opt out of parenthood, for causes that are external to their personal will.

In juridical terms, such events need to be mentioned:

- The *Committee for Social Rights of the Council of Europe* has recognised twice Italy's substantive failure in implementing law 194/78 on voluntary pregnancy termination (VTP), due to the considerable number of medical doctors who claim conscientious objection. Doctors in the public health system who practice conscientious objection amount to as high as 60%, with peaks reaching 93% in some Southern regions. Some media debate on this issue has been lately revamped, also thanks to key coverage of foreign media (cfr. *The New York Times*), but no measure has been taken so far by the national government in this area;

- The Constitutional Court has declared the non-constitutional nature of a relevant portion of Law 40/2004 on Medically Assisted Procreation (MAP), on the grounds that the norm entails an excessive protection of the embryo to the detriment of the woman's right to health. Medically assisted procreation still requires very lengthy and painstaking processes, especially when dealing with the artificial insemination by a donor (heterologous insemination), and forces many Italian couples to go abroad in search of less obstructive and more appropriate solutions.

No information campaigns exist on the use of contraceptives in Italy. The cost of contraceptives has increased, on the other hand, and it is not covered by the National Health Service. The female condom remains unknown to most people and access to emergency contraception is made difficult, especially for minors. The RU-486 pill is still insufficiently and variedly used in Italian hospitals and its application protocol in most health premises forces women to three days of hospitalization, contrary to what occurs in other EU countries.

In the course of the past few years a significant reduction of funds has been registered for actions dedicated to the prevention and control of STDs, including HIV/AIDS. As a result, a spread of the infection is to be seen in the heterosexual population, particularly among young people.

The annual report of the Ministry of Health (MoH) on voluntary terminations of pregnancy (VTP) /abortions is based on figures that are collected regionally, and sent to the National Health Institute (ISS). The data, however, only comprise the number of VTP that have virtually been performed. In other words, the information gathered for the report does not include updated figures on conscientious objection by doctors in public hospitals, which remains widespread as mentioned above, and on the reality of *total objection* health premises, where the implementation of the law gets nullified. The MoH agrees this is a major limitation, and since 2013 has asked Regional health authorities to provide disaggregated data over a three-month period. Yet, no Regional authority has met this request, and the persistent narrative is that the number of women seeking abortion and non-objecting doctors is balanced. The representation of the situation is jeopardized by the fact that women seeking abortion are compelled to move from one town/city to the other, and often from one Region to the other. Some even go abroad, particularly for therapeutic abortions; too few public hospitals enact the therapeutic abortion protocol in Italy, due to conscientious objection⁸⁰.

The reality of heavily contaminated industrial plants such as the ILVA steel plant in Taranto, and the presence of areas of toxic waste discharge, like the so called Land of Fires (Terra dei Fuochi)⁸¹, have produced a very serious and well known environmental emergency, as well as a health one, whose impact on women is harshest. Women's health and their reproductive systems are badly hit by this crisis, which of course does not spare children and the entire population of the regions affected, as well documented⁸². No measures have been adopted, which are badly needed in order to protect and promote people's health. No plan has been put in place to either close the plants or clean the heavily polluted zones, despite the principle of precaution enshrined in European norms.

The promotion and protection of health, constitutionally provided in Italy (art. 32 of the Constitution), should be solidly based on disease prevention policies and a special attention to the environmental, as well as the social

⁸⁰ See the case of the San Camillo Hospital in Rome.

⁸¹ "Teresa e le altre: storie di donne nella terra dei fuochi", edited by Marco Armiero, Jaka Book, 2011.

⁸² The failed response of the government to this serious health situation has provoked an extraordinary mobilization of women for environment and health security. Such mobilization and activism has resulted in the proposals contained in the document "Guardiane della Terra" (Guardians of the Earth), <http://asud.net/guardiane-della-terra/>.

determinants of health. Environment protection and industrial policies compatible with the environment need to become a priority, especially in light of the environmental devastation in some areas of the country.

Breast cancer affects around 37,000 women every year in Italy; early diagnosis remains non homogeneous at the national level. In the Northern and Central regions of the country almost 90% of women have access to free screening through the National Health Service. Diagnostic screening does not reach 40% of women in the Southern regions of Italy. Diagnostic equipment there is obsolete and prevention tools are insufficient⁸³.

HIV/AIDS FIGURES⁸⁴

In 2015, 3,444 new HIV+ patients have been registered (a number subject to some degree of variability due to notification delays), amounting to a prevalence of 5.7 new HIV/AIDS cases every 100,000 inhabitants. Italy is 13th on the list of newly diagnosed HIV cases among the EU countries. Regions with the highest prevalence are Lazio, Lombardy, Liguria and Emilia-Romagna. 77.4% of diagnosed HIV + patients are men (2015). The average age is 39 for men and 36 for women. The highest prevalence occurs among people aged 25-29 (15.4 new cases every 100,000 people). Newly diagnosed HIV+ cases may be mostly attributed to lack of protection during sexual intercourse, according to 85.5% of all reported cases. In 2015, 28.8% of newly diagnosed HIV+ patients were of foreign origins, especially in Abruzzo, Molise, Puglia, Sicily and Sardinia. Since the inception of the disease in 1982, over 68,000 cases of AIDS have been detected in Italy, with more than 43,000 deaths. In 2015 new 789 AIDS cases have been reported, 1.4 new patients per 100,000 inhabitants. The disease rate has been slightly declining over the last three years.

RECOMMENDATIONS

- The constitutional right to health should be fully enacted according to the principle of universalism, as provided in the founding norms of the National Health Service. Health cannot be made ancillary to the economy. Rather than being a cost, health is a far-sighted investment in the quality of the social pact of a country, a seal of the relation between a government and its people. Investing wisely to protect peoples' health and lives is the best way to exercise public responsibility and save money in the public interest.
- Uniform and effective access to quality healthcare across the country should be secured, so as to eliminate existing regional disparities in terms of access and quality of services. Such inequalities often channel yet another form of discrimination against the weakest segments of society and poor women of all ages.
- Healthcare should receive appropriate allocation of public funding. An enabling financial environment must be created to ensure the protection and promotion of health through the life course as a national priority. The first step in this direction is granting the universal availability and use of the Essential Levels of Assistance (LEA).
- National health policies should be tailored so that they include attention to the social⁸⁵ and environmental⁸⁶ determinants of health, whose impact on reproductive health and peoples' health across the life course is widely and scientifically documented.
- The organization of healthcare should be improved through the National Health Service based on regional needs, so as to integrate social gender determinants and enhance women's access to treatments and access to reproductive health rights, particularly in view of life conditions of migrant women and women refugees, women living in the rural areas of Southern regions, as well of Roma women living in the outskirts of urban settings.
- Health directors and hospital managers - positions for which women are still scarcely represented - should be evaluated for their competence in integrating social and gender determinants in the planning of healthcare services, so as to improve services' accessibility and efficacy.
- Family Consultation Centres should be adequately financed, so as to strengthen and enhance the consulting teams wherever they may be poorly staffed, with the aim to pursue health prevention and promote reproductive health rights.
- Regions should commit to collect data about activities performed in the Family Consultation Centres,

⁸³ The screening programmes do not extensively use the digital mammography, nor do they provide Cad (Computer assisted detection), echography and RM. Also, they do not consider the risk profile of each individual woman, such as for example the genetic-family risk.

⁸⁴ Figures provided by the Istituto Superiore di Sanità, http://www.iss.it/binary/ccoa/cont/dic_2015.pdf

⁸⁵ The social determinants of health include, among others: gender, employment, education, housing conditions, nutrition, access to financial means, violence, etc.

⁸⁶ The environmental determinants of health include, among other: pollution, air quality, urban assets, food quality, climate change, desertification natural disasters, etc.

- and share the mapping of their territorial presence, so that the MoH makes it public.
- Compulsory programmes for sex education and reproductive health in public schools of any order and level should be defined and launched, as a strategic public health priority, with the aim to promote adolescent and migrants' health and prevent STDs, while contrasting gender violence.
 - Gender medicine should be promoted and financed, including gendered pharmaceutical research: results of this research should be made publicly available, and adequately publicised, every three years.
 - The MoH should substantially review the implementation of Italian Law 194/78 on voluntary pregnancy termination, by taking measures to appropriately scrutinize and monitor the good faith of conscientious objection by medical doctors. Non-objecting doctors and health personnel should in no way be penalised. The full operationalization of the norm must be secured, while women's needs and rights must be fully respected, without obstructions. In this regards, it is crucial to identify and develop alternative professional pathways for objecting medical doctors.
 - Data collection methods concerning voluntary pregnancy terminations (VTP) should be modified; this should be carried out collecting figures from each individual health premise, so that virtual VTP requests may be made explicit at the regional and national level.
 - Collection of data about the number of voluntary pregnancy terminations (VTP) requests that have not been met must be made compulsory in each Italian hospital, particularly in relation to requests coming from minors and migrant women. Such obligation is a key measure to contrast the use of perilous "home-made" abortive strategies, endangering women's lives.
 - A thorough national investigation on clandestine abortion practices should be funded and carried out.
 - Current sanctions against clandestine abortions should be abolished.
 - The need for a prescription of the emergency contraceptive in case of minors should be eliminated; pharmacists must ensure provision of this contraceptive medicine in all circumstances.
 - The free delivery regime for the innovative contraceptive methods should be reintroduced.
 - The MoH should compulsorily provide transparent figures about deaths occurring during childbirths, or during abortions.
 - Transparent and detailed information must also be made available by the MoH in relation to Caesarean sections and obstetric violence in Italy.
 - The MoH needs to ensure that data concerning environment-related sterility is made publicly available, alongside prevention policies and precocious diagnosis measures set in place.
 - The reproductive healthcare recommendations formulated by the Italian Constitutional Court and the European Court should be made operational; full respect of these policy guidance measures is a must.
 - The employment of non-objecting medical doctors must be ensured through the insertion of the medically assisted reproduction protocols (PMA) in the Essential Assistance Levels (LEA) framework; this principle should be homogeneously extended to all regions of the country.
 - Access to lifesaving medicines must be ensured according to the universal principles enshrined in art. 32 of the Italian Constitution and in the National Health Service, including access to innovative medications. The MoH must introduce a system of transparency on the prices of these innovative drugs.
 - National coverage of breast screening should be granted, including in Southern regions, and through the urgent renewal of screening equipment in hospitals, when needed.
 - Policies should be designed and initiatives funded aimed at promoting appropriate information on the risks for women's health linked to the environmental and social determinants, especially for women of fertile age. Likewise, rigorous information must be made available on data related to such policies (for example, figures on cancer epidemiology in women of fertile age, due to proximity to heavily contaminated areas).
 - The strategies and tools provided by the national legislations aimed at environment and health protection, particularly reproductive, neonatal and child health, should be fully implemented; such is the case of the Law on Endometriosis, providing dedicated protocols free of charge for women affected by endometriosis and infertility, in all contaminated areas at national level.

ARTICLE 13

The structural and critical aspects of reconciling job and family commitments have not significantly changed since 2011, though this is critical for encouraging employment and the economic capacity of women. The basic framework is still one of inadequate female employment, inadequate services of educational and care welfare that can replace or complement the care work usually done by women, an inadequate business cultural alive to

the uneven distribution of family work, and a still inadequate sharing of care work by men (despite the increasing willingness of younger fathers).

All these factors cause widespread uncertainty, which also conditions the possibility of maternity (and paternity), as is shown by the fact that fertility has declined for the fifth consecutive year to 1.35 children per woman.⁸⁷

As a result of the many critical factors indicated, the social and economic rights of women are strongly penalized. Gender and reproductive inequalities essentially limit their freedom and equality, increasing inequalities between women too.

Women's access to a permanent job, like their possibility of developing new enterprises in the caring professions and social infrastructures, are negatively affected by the characteristics of "Mediterranean-familist" Welfare. Social expenditure for families is decidedly low – 1.03% of GDP, below the EU average of 1.71%⁸⁸ and relatively ineffective. Municipal resources for local initiatives in the social field in recent years have been reduced overall as a result of the crisis.

Policies to reconcile work and family, which are decisive for providing help to women in work or looking for a job, with or without children, are inadequate, particularly for services for infants from 0-2 years old.⁸⁹

- 51.4% of children under the age of two are looked after by their grandparents;

- 22.3%⁹⁰ of children attend day nurseries (public, private or a mixture of the two), but there are strong regional and local variations, to the detriment of the South. In the Centre-North there is a relation between places available in nurseries and children that is just under 30%, while this goes down to 12.4% for children in the South.⁹¹

The cost of these services is borne by the families, and is often unsustainably high in relation to incomes. This means families are forced to choose between one of the parents either continuing to work or looking after the children. It is usually the partner with the lower salary who remains at home, which means the woman, due to gender inequality and discrimination in the workplace.

The welfare services for later ages down to adolescence are deficient too, and those for the disabled and the elderly needing long-term care are often insufficient and unequally distributed.⁹² Two thirds of the latter are assisted by women who work or who, in many cases, have given up working (26% of women have interrupted their career as a result of family difficulties – a figure for which there is no equivalent for men).

In Europe Italy can "boast" first place for women in employment most overburdened by total work: 54% work more than 60 hours a week, against 46.8% for employed men. In particular, mothers with an excessive workload number 61.5% against 50.1% of fathers. The role of partner and mother leads women to reduce the time devoted to paid work, so as to give greater time to family and care work. There is a differential of 55.2% for family work by women in a couple where both work, even taking into account an increase in the male workload.⁹³

Maternity is one of the major obstacles to women's access to a permanent post in the jobs market, as it is regarded as a disadvantage rather than a social value.

There are powerful obstacles for mothers trying to access the jobs market and find a permanent post: for women between the ages of 25 and 49, those living alone have the highest level of employment (79%), followed by those in a relationship without children (69.2%), while the employment rate for mothers is 54.1%.⁹⁴

Since 2015 the Government has provided various bonuses (child bonus, a non-means-tested bonus for future mothers in 2017, a day-nursery bonus). Though these measures are designed to meet the cost of children, they are inadequate, as there is no real investment to increase and improve the coverage of services for early childhood, and they exclude a large sector of immigrant mothers with a higher fertility rate.

Only 43 women out of 100 continue to work after childbirth, due to the difficulty of combining the two roles. They are forced to resign because of the lack of services in the neighbourhood, inflexible opening hours and high costs, or as a result of "post-birth mobbing".

⁸⁷ Istat, 2015: 1.27 Italian women, 1.94 immigrant women.

⁸⁸ Centro Studi "ImpresaLavoro", *La spesa pubblica per famiglie e bambini su dati Eurostat*, 2016

⁸⁹ The demographic reference base now consists of the population 0-2 several years ago; *Rapporto di monitoraggio del Piano nidi al 31 dicembre 2015*, Dipartimento per le Politiche della Famiglia, Centro nazionale di documentazione e analisi per l'infanzia e l'adolescenza, Istituto degli Innocenti. Rome, April 2017, p.22.

⁹⁰ *Rapporto di monitoraggio del Piano nidi al 31 dicembre 2015*; Dipartimento per le Politiche della Famiglia, Centro nazionale di documentazione e analisi per l'infanzia e l'adolescenza, Istituto degli Innocenti. Rome, April 2017

⁹¹ *Rapporto di monitoraggio del Piano nidi al 31 dicembre 2015*; Dipartimento per le Politiche della Famiglia, Centro nazionale di documentazione e analisi per l'infanzia e l'adolescenza, Istituto degli Innocenti. Rome, April 2017, p. 24.

⁹² An Istat estimate in 2015 on the disabled and elderly, to a total of 3,329,000 persons

⁹³ Istat, *Rapporto annuale 2017*, Rome, May 2017, p. 187; unemployed men spend more time on family work.

⁹⁴ Istat, *Rapporto annuale 2017*, Roma, May 2017, p. 184.

According to a ministerial report of 2016 on resignations in the first three years after the birth of a child, in 2015 there were 31,249 resignations, most of them linked to the difficulty of combining the roles,⁹⁵ with an increase of 19% since 2014. Mothers accounted for 82% of these figures, and fathers 18%.

The so-called “validation of resignations” is a measure introduced to combat the practice of “white resignations” (undated letters of resignation being enforced on employees).⁹⁶ However, to get round the present discipline of on-line resignations, employers sometimes force female workers to hand over their private password⁹⁷ for the national insurance system,⁹⁸ so that the company can compile the resignation instead of the worker, and, if she refuses, subject her to various forms of blackmail.

The Ministry of Employment’s offices can intervene with a non-validation procedure if a breach of the rules is suspected, but there are only 11 offices in the whole country, indicating a wholly inadequate control of the situation.

As regards maternity, paternity and parental leave, recent measures⁹⁹ have not provided universal coverage of maternity, nor do they resolve the serious problems of reconciling work and family that presently exist. Above all, they have not increased the percentage of remuneration during parental leave from 30% of the salary. This discourages fathers from taking optional parental leave. In fact, only 12% of fathers exercised their right to take parental leave in 2014.¹⁰⁰ Nor is there any systematic monitoring of those who take it by the offices assigned with the task.

Finally, paternity leave for the birth of a child, introduced with Law L.92/2012, is at present no more than 2 days, and is purely symbolic.

As regards sport, Italy lacks the relevant institutions to invest both strategically and economically so as to offer equal conditions for men and women for physical activity and sport up to professional level. For example, to make public spaces throughout the country fully usable for physical activity, building sports centres, changing rooms, baths, and well-lit areas where women too can take part in physical activity in Italy, Parliament passed a motion in 2014 approving “*The Charter of rights for women in sport*”.¹⁰¹ This indicates the path to be followed and the measures necessary for asserting the rights of women and the full recognition of their role in sport at all levels.

Professionally, female athletes in Italy, while being extraordinary workers and champions, are still heavily discriminated:

- Regarding the participation of women in competitive sports, law 91 of 1981 at present follows the recommendation of The Italian National Olympic Committee (CONI), recognizing the sporting disciplines of football, basketball, golf and cycling, all of which are regarded as exclusively male. This limitation therefore forces all female athletes in Italy, without distinction, to be amateurs with no rights or protection, even in the case of maternity.
- On the “representation” of women in sports policy, the recent elections to renew the CONI bodies confirmed just 8 women among the 82 members of the National Council of the Italian Olympic Committee. Out of 45 presidents of National Sports Federations, not one is a woman.¹⁰²

RECOMMENDATIONS

- The Welfare system should be redefined from a gender perspective, so as to move from the present familist-Mediterranean model to a universalistic one. Policies for work/life balance should be improved, and the provision of services for 0- 3 years should be increased to a coverage of 33% throughout the country, as indicated for 2010 in the objective set by the European Council of Lisbon 2000.¹⁰³ Given their importance in combating marginalization and social exclusion both for children and women, these services should become part of the universal right to education, and therefore be free of charge.

⁹⁵ Ministry of Employment, *Dimissioni volontarie delle lavoratrici madri e dei lavoratori padri nei primi tre anni di vita del bambino*, Rome, June 2016.

⁹⁶ This is presently regulated by Decree 151/2001 and art. 26, paragraph and by Decree 151/2015 on the reform of the labour market and the measures to combat this practice

⁹⁷ The INPS Code

⁹⁸ INPS is the national insurance agency

⁹⁹ In particular, Decree 80/2015 has extended permitted leave of absence up until a child reaches the age of 12, and introduced possible beneficiaries that were previously excluded, such as self-employed professionals, as well as greater flexibility in the use of leave (sometimes hours rather than days), and the introduction of a voucher for day nurseries or babysitting as an alternative to leave (L.92/2012)

¹⁰⁰ 10.8% did in 2011

¹⁰¹ The UISP drew up the Charter adopted unanimously in 2014 by the Italian Parliament in a motion that commits Government and institutions to put it into practice.

¹⁰² Despite the twenty-year protest of Assist, the National Association of Female Athletes.

¹⁰³ At present, this coverage is much lower in the southern regions, where female unemployment is much higher.

- Education and care welfare services should be increased, to reduce the unpaid care work provided by 60% of women. The provision of public or mixed public/private services of long-term support/assistance for the disabled and elderly, whether requiring long-term care or not, should be increased.
- The Government needs to augment the state fund for social policies and intervene, guaranteeing the provision of quality services that are comparable throughout the country.
- The necessary protection to the figure of the family care-giver should be recognized and offered, and should be part of the system of national welfare.
- The retribution for (optional) parental leave should be increased from the present 30% to 65%, to make it more practical for fathers (and mothers).¹⁰⁴
- The obligatory paternity leave for men should be increased to 15 days from the present 2 days.
- The Charter of Rights for Women in Sport should be applied, as envisaged by the motion unanimously approved by the Italian Parliament on 31 March 2014.
- Law 91/81 should be modified, so that any sport which can be recognized as having the right to be regarded as professional should allow access to both male and female athletes and that the Ministry of Sport's monitoring of CONI should be carried out seriously.
- Gender data should be made obligatory and public in CONI and Sports Federations.
- A permanent table for intervening and controlling situations of discrimination should be set up. It should include associations representing female athletes, with the aim of intervening wherever situations of injustice between the sexes in sport seems clear.
- The Equal Opportunities Commission in CONI should be activated, which should become proactive, responding to indications, protests, petitions, requests for interventions, legislative proposals, which have so far remained unheard.

ARTICLE 14

The situation of migrant women in Italy remains very difficult. Access to an autonomous residence permit (ARP) is the main factor that exposes migrant women to multiple forms of discrimination and gender violence in every aspect of their daily life, including work conditions and management of their private sphere and their family, which, in turn, confine them to social and economic marginalization. ARPs are linked to demonstrable employment contracts or to family reunification, thus foreign women, more than men, who do not meet or no longer meet such requirements risk to become irregular migrants. This condition of irregularity often occurs when women reject and/or denounce exploitation, violence - including domestic and partner violence - and unfair working conditions. The five-year term for requesting a residence permit independent from that originally obtained for family reunion compounds the precarious situation of women migrants.¹⁰⁵ Procedures for obtaining Italian citizenship on the basis of naturalization or marriage are particularly lengthy and opaque. Article 18 bis of Legislative Decree 286/1998 allows victims of domestic violence to obtain independent ARPs (see discussion on Recommendation 19).¹⁰⁶ However, implementation and enforcement of this provision are scant. In many cases, applicants are accused of unduly taking advantage of this law by filing false complaints in order to obtain ARPs. According to data published by the Ministry of Labour, in 2015 only 31 residence permits were issued under art. 18bis.

Conditions of migrant workers exploited in the agricultural and manufacturing sectors are appalling. In the ghettos where Romanian, Central African and Nigerian agricultural labourers live, migrant women are submitted to a double exploitation regime: both as employees and as forced prostitutes for other workers and/or their bosses.¹⁰⁷ Recently approved Law 199/2016¹⁰⁸ seeks to discipline the matter of migrant labourers and provides forms of support and protection.¹⁰⁹ However, such support is still inadequate and the law, due to its

¹⁰⁴ European Commission/EACEA/Eurydice/Eurostat, 2014. Key data on early childhood education and care in Europe. Edition 2014. Eurydice and Eurostat Report Luxembourg: Publications Office of the European Union. http://eurydice.indire.it/wp-content/uploads/2016/06/KD_ECEC_2014_IT.pdf

¹⁰⁵ Acting on reports from husbands, it is a common practice for the police to communicate the withdrawal of a residence permit from migrant women who have left the family home (See *Differenza Donna*).

¹⁰⁶ See BeFree Social Cooperative *Inter/rotte: Storie di Tratta, Percorsi di Resistenza*, (Inter/rupted, Inter/routes: Stories of Trafficking, Paths of Resilience, pp. 49-50), Sapere Solidale, Rome, May 2016).

¹⁰⁷ See <https://www.theguardian.com/global-development/2017/mar/12/slavery-sicily-farming-raped-beaten-exploited-romanianwomen>. The denunciation of the conditions of exploitation and violence goes back to 2013 and was repeated in subsequent years <http://www.altrodiritto.unifi.it/ricerche/tratta/ragusa.htm>

¹⁰⁸ Law of 29 October 2016, no. 199, *Contracts relating to the phenomenon of unreported labour, the exploitation of labour in agriculture and wage reallocation in the agricultural sector*.

¹⁰⁹ See the parliamentary question of 13/03/2015 n.3-01363 (<http://www.deputatipd.it/attivita/question-time/iniziativa-finalizzatecontrastare-Abuse-and-exploitation-phenomenon>). There still occur cases similar to those reported in Parliament in 2015.

newness, remains largely untested. As opposed to other European countries, Italy provides for a National Bargaining Agreement (Collective National Contract) for domestic workers.¹¹⁰ Yet poor conditions of irregular domestic work for migrants are widespread.¹¹¹ Structural gender and cultural discrimination in Italy fosters an environment of asymmetric power relationships which, in turn, allow employers to offer in-kind benefits, such as housing and meals, in lieu of appropriate remuneration for the work performed.¹¹² In some cases, employers seize workers' documents, blackmail them, and curtail their freedom of movement.

For the past several years, it has become increasingly difficult for migrants to regularize their status in Italy. Such restrictive policies also severely affect those employed in care and domestic service making it more difficult to expose exploitation.¹¹³

Foreign women without residence permits find obstacles even to access anti-violence centres. The obligation to inform foreign victims of violence of their rights and of services available to them is systematically violated, regardless of their administrative status.¹¹⁴ The February 2017 Legislative Decree 13/2017 has emphasized a repressive approach to migration (see discussion on Recommendation 19). Administrative detention of migrant women pending expulsion is an ordinary practice and rife with abuse pertaining both to living conditions and obstacles to access to legal, psychological and socio-medical services.¹¹⁵ Furthermore, reception practices of asylum seekers awaiting evaluation of their application lack adequate psychological support and appropriate care, particularly, but not exclusively, related to reproductive rights and sexual health.¹¹⁶ Entities that manage reception centres¹¹⁷ often do not comply with adequate reception standards, nor with measures tailored to unaccompanied minors.¹¹⁸ Of grave concern is negligence on the part of central and local government authorities in countering sexist and racist attitudes or utter intolerance expressed by some local communities toward migrants and refugees.¹¹⁹ Recognition of international protection of women asylum seekers is also marred with gender discrimination. When asylum requests are accepted, ARPs are issued for humanitarian reasons on the basis of a generic assumption of women's vulnerability. Rarely, however, is actual gender persecution investigated or recognized as a ground to grant asylum. This discriminatory practice is in breach of art. 61 of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) which binds to a gender-oriented interpretation of the *Convention Related to the Status of Refugee* (Geneva Convention).¹²⁰

RECOMMENDATIONS

- Access to adequate health care to all women should be ensured, regardless of their status in the Italian territory.
- Procedures for issuing and renewing residence permits for family reunification should be revised by encouraging the independent and autonomous agency of women and by facilitating reunion with their children.
- Socio-occupational reception and integration, empowerment and active participation of migrant and refugee women in designing their own life plans at the local level should be promoted, including adopting measures to facilitate dialogue and contact with women from the host country.

¹¹⁰ National Collective Employment Contract on Domestic Work Relationships, Renewed in 2013.

¹¹¹ ACLI Colf's (domestic workers) 2014 National Survey found that 23% of the interviewed workers declared they did not have a job contract, *Journey into nursing work. The transformations of domestic work into daily life between work quality and recognition of skills*, IREF, Ediesse, 2014.

¹¹² See the position of the members of the International Federation for Domestic Rights <http://idwfed.org/en>

¹¹³ The current legal migration criteria do not foresee the possibility of regularizing a migrant's position after a period of irregular work, even though in the past, special weavers had allowed irregular workers to come forward and regularize their status. With such weavers 450,000 persons were registered in 2002; about 200,000 in 2009 and 129,814 in 2012. http://www.meltingpot.org/IMG/pdf/0033_Report_Conclusivo_-_Dichiarazione_di_Emersione.pdf

¹¹⁴ Between January and March 2017, four migrant women who had requested police intervention to escape conditions of violence, instead of receiving protection were listed for expulsion and subsequently detained in a C.I.E. where they did not even receive medical care. (see *Differenza Donna*).

¹¹⁵ *Differenza Donna*. GAPS-Gendering Asylum Protection System Report, March 2016, http://www.gaps-differenzadonna.org/wordpress/wpcontent/uploads/2016/03/GAPS_ENG.pdf, p.66 and following.

See chapter on health. It is worth noting that there is no such a thing as a gender-oriented reception, capable of spotting and understanding pregnancies that are a consequence of rape, women's desire to continue or interrupt pregnancies, or their choice to give up a child. When these women arrive at second reception systems (CAS and SPRARS) it is often too late for them to choose options in full awareness and autonomy.

¹¹⁶ See chapter on health. It is worth mentioning that a gendered reception approach is lacking, which could immediately intercept pregnancies caused by rape, identify women's decisions on whether to carry out their pregnancies, access a voluntary termination or, as it is often happening, choose to abandon their babies. When these women reach the second reception centres (CAS and SPRAR) most of the times it is too late for them to make an informed and independent choice.

¹¹⁷ Case of Cona, <http://corriereedelveneto.corriere.it/veneto/notizie/cronaca/2017/3-gennaio-2017/muore-giovane-ivoriana-rivolta-cona-profughiassediano-25-hours-operators-2401171827972.shtml>

¹¹⁸ CEDU, *Darboe et Camara c. Italy*, FEBRUARY 14, 2017, ASGI.

¹¹⁹ Case *Gorino*, http://www.corriere.it/cronache/16_ottobre_24/barricate-contro-profughi-ferrarese-1df8a27a-9a2c-11e6-939ecc3a0eea054f.shtml

¹²⁰ *Differenza Donna*, GAPS-Gendering Asylum, *op. cit.*

- Administrative detention and expulsion policies pertaining to migrant women and asylum seekers should be scrapped, particularly for victims of sexual violence and potential victims of trafficking.
- International standards recognizing gender-persecution as a ground for asylum should be implemented.
- The provisions of Chapter VII on Migrants and Asylum Seekers of the Convention of Istanbul, which Italy ratified in 2013, should be applied.
- Information and training should be provided throughout the Italian territory in all migrant reception facilities, including for hot spot operators, Centri di Accoglienza Straordinaria (Centres of Emergency Reception), Centri di Identificazione ed Espulsione (Centres for Identification and Expulsion - CIE - recently renamed Holding Centres for Repatriation) and for interpreters and cultural mediators of the territorial commissions (semi-judicial bodies) which adjudicate cases of international protection, translation staff in asylum seekers' commissions, and for all concerned practitioners regarding gender-based discrimination and violence as experienced by asylum seekers, according to the principles of CEDAW General Recommendation n. 30, UNHCR guidelines, UNSCR 1325 and articles 59 to 61 of the Istanbul Convention.
- All institutional actors and NGOs should be educated on the obligations arising from national and international standards for the protection of unaccompanied minors and migrant girls, and a gender-oriented approach should be mainstreamed in all migration policies and measures.
- A gender perspective should be applied in the monitoring activities of the national and regional Ombudsmen for the rights of people detained, who also have jurisdiction over administrative detention of irregular migrants.
- A regional register of translators and cultural mediators should be created for experts with proven credentials on gender-issues and gender-based discrimination who can assist asylum seekers and migrants in all phases of their migration experience in Italy.
- Staff of the Sistema di Protezione per Richiedenti Asilo e Rifugiati (Protection System for Asylum Seekers and Refugees, SPRAR), of anti-violence centres, and of local government agencies that carry out social and job orientation or inclusion measures - such as teaching the Italian language - should be trained on gender discrimination and violence in their various cultural aspects and multiple forms, as well as on migrant women's traumatic experiences, including those of women fleeing conflicts, victims of torture, survivors of group rapes, female genital mutilation, forced marriages, and trafficking.
- A standing female medical presence should be established at places of first reception with gynaecologists and psychologists, and protected listening spaces should be provided for women migrants enabling them to relate their personal history freely.

RECOMMENDATION 19

Male violence against women in all its forms is a structural phenomenon which continues to be very serious and widespread in Italy. One out of three women experiences violence¹²¹. The 2015 ISTAT survey showed signs of improvement, compared to the situation photographed in 2006; however, the cases of violence that emerged from the survey were more serious and the number of women who feared for their lives had increased (from 18.8% in 2006 to 34.5% in 2014). Femicides and extremely serious injuries from attempted femicides remain stable, despite a ten-year decrease in the number of general homicides in the country. Too often in courts, as well as in the media, jealousy, fits, unfitness to plead of the perpetrator are invoked and shortened proceedings are carried out, without taking into account the logic and the extremely criminal lucidity used by the perpetrator, and the recidivist potential that remains.

In Italy male violence against women continues to go hand in hand with a strong minimization and justification of the perpetrators, also due to the narrative used by the media, even though the awareness of the seriousness and dangerousness of the phenomenon has increased (see art.5).

Following the extraordinary mobilization of women's¹²² and human rights associations, and that of the violence against women (VAW) centres and Shelters, the Istanbul Convention was ratified with unanimous approval by Parliament in August 2013¹²³.

However, the Istanbul Convention is not sufficiently known in its contents and is applied unevenly on the whole of the national territory (see art. 2).

¹²¹Figures from 2015 Istat research http://www.istat.it/it/files/2015/06/Violenze_contro_le_donne.pdf?title=Violenza+contro+le+donne+-+05%2Fgiu%2F2015+-+Testo+integrale.pdf

¹²² See Convention NoMoreViolence, by UDI, Pangea, DIRE, Giulia, etc.

¹²³ D.l. n. 93/3 and conversion law n. 119/13

The transposition of the European directives related to the issue (2012/29/EU, 2011/99/EU, 2004/80/EC) has occurred in a partial way (see art.2 and racc.31) without a participated debate, despite the significant changes that the same directives were introducing in the Italian legal system.

The effectiveness of legislative interventions and policies by the central and regional governments are undermined, as a widespread undercurrent of prejudices and discriminatory stereotypes against women persists in public opinion, including among practitioners who work with women victims of violence. This slows down or even prevents the functioning of existing normative regulations in this field¹²⁴.

Central and regional interventions¹²⁵ since 2011 have not been inspired by the general aim of changing power relations between men and women, nor by empowering women, but appear characterized by an intervention aimed at assistance, partial funding of VAW centres and Shelter, at guaranteeing sporadic training for some operators in parts of the State and at raising awareness activities with campaigns on public opinion, often object of critics.

Even though violence is a structural phenomenon, and not a contingency one, the D.l. n. 93/3 and the conversion law n. 119/13 erroneously called for an Extraordinary National Action Plan (NAP) on VAW (rather than ordinary) coordinated by the Department for Equal Opportunities.

The lack of continuity of political responsibility within the Department for Equal Opportunities made the coordination of preventative actions and the fight against violence inefficient, including the “Extraordinary NAP on VAW”.

The 2015 Extraordinary NAP on VAW, due to expire in 2017¹²⁶, has been highly criticized by VAW centres and Shelter, and by the associations working on combating male violence which were sitting at the ministerial table for consultations during the drafting of the Plan¹²⁷. The planned actions were generic and lacking in concreteness. They were not systemic, nor organic; evaluation was lacking, as well as adequate funding to guarantee prevention and protection of women, and the punishment of the perpetrators of violence against women. Transparency was also missing on the part of Regions in relation to how they used the funding from the central government, which was to be destined to policies of protection and prevention of VAW¹²⁸. Furthermore, each Regions have each own regional law on VAW, all are not homogeneous among each others. Professionals who work at various levels of the State -social services, the judicial system, the health system, the police and so on); too often confuse situations of violence with conflicts within the couple, creating serious damage to the women forced to procedures of family mediation and, in case of Children Witnessing Domestic Violence (CWDV), to joint custody, even if not desired, without a recognition of assisted violence on the part on minors.

The Civil Law Code has not been modified and innovated after the ratification of the Istanbul Convention. In particular, articles 31 and 48 of the Convention (custody, right to visit, safety and ban on alternative conflict resolution) have not been integrated into our legal system. Law practice is often alarming: there is a lack of coordination between the criminal and the civil codes; removal orders are rarely used in civil courts; regulations banning joint custody in case of domestic violence are lacking, as well as norms banning mediation in cases of violence (rec. 31). Parental Alienation Syndrome (PAS) is too often invoked in courts by nominated expert and by social workers, to the detriment of the rights of the CWDV and the woman survivor of violence.

RECOMMENDATIONS

- The provisions of the Istanbul Convention should be applied, also in light of the new National Action Plan on VAW currently under discussion.
- The Government and all Institutions should adopt measures to fight VAW, taking into account the structural nature of gender violence.
- Adequate funds should be provided for actions of prevention and protection of women victim of violence and minors victim of witnessing violence.
- The supply and the use of funds at the national, regional and local level should be monitored, and their results should be assessed.

¹²⁴ See Court EDU, Talpis c. Italia, 3 March 2017.

¹²⁵ Regions are autonomous from the central government in terms of programming and planning actions against violence.

¹²⁶ Art. 5 of law decree n. 93 of 14th August 2013, passed into law n.119/2013, passed with Decree of the President of the Counsel of Ministries of 7th July 2015 and registered by the Court of Auditors on 25th August 2015.

http://www.pariopportunita.gov.it/images/piano_contro_violenzasessualeedigenere_2015.pdf

¹²⁷ <http://www.direcontrolaviolenza.it/piano-straordinario-contro-la-violenza-sessuale-e-di-genere-persa-unoccasione-storica/>;

<http://www.zeroviolenza.it/temi/violenzadonne/item/70921-violenza-di-genere-arriva-il-piano-d%E2%80%99azione-la-rabbia-delle-associazioni-%C3%A8-inutile>; <http://www.internazionale.it/opinione/lea-melandri/2015/06/12/piano-violenza-sessuale>

¹²⁸ See sentence Court of Auditors on funds Department for Equal Opportunities and Regions.

- Early and forced marriages should be prevented through adequate policies and regulations aimed at avoiding expatriation and also through specific policies for Roma girls.
- A new Action Plan against Violence should be adopted as an ordinary (non-extraordinary emergency tool), as well as a permanent effective policy to fight violence against women, developed through a participatory process that enhances the role of civil society and engages all institutions at political and administrative level.
- The role of the VAW Centres and Shelters should be recognized and strengthened, distinguishing them, in accordance with the features of the Istanbul Convention, by other private service providers who do not operate in a gender perspective and ensure fair funding to ensure the sustainability and continuity of the work of VAW Centres and Shelters, in accordance with international and national standards for human rights.
- Administrative data should be gathered as required by the Istanbul Convention, in a systematic and periodic way, on proceedings in both the civil and penal system, and categorized by victim, perpetrator, their relationship, age and place where the violence took place.
- Training on the provisions of the Istanbul Convention should be provided for all senior positions and operational figures in the various branches of the State, both central and regional, so as to implement them.
- The technique of protected hearings for women victim of gender violence should be favoured, if not otherwise required (as set out by art. 56 of the Istanbul Convention).
- Co-ordination of precautionary and protection measures in civil and criminal cases should be ensured in coordination between criminal judges and civil judges, also in the field of child custody and custody rights. Shared and /or exclusive custody of children in favour of the parent perpetrator of violence should be denied, witnessed violence should be considered a crucial factor in determining the violent parent's visiting rights, and evident or hidden mediation should be banned.
- In case of violence and divorce/separation of the minors' parents, should be banned the possibility of authorizing meetings, even under protected modalities, between the minors and the parent perpetrator. (art. 31 of the Istanbul Convention).
- The use during trials and by social workers of the PAS should be banned, due to the lack of scientific grounds for this Syndrome, the evidence that supports the lack of clinical prerequisites, validity and scientific and medical-psychological reliability, on the part of specialists and international and national scientific organizations¹²⁹.
- Law n. 122/2016, containing provisions on "compensation" in favour of victims of violent international crimes, should be disseminated and implemented (as art.30 Istanbul Convention).
- Specialization and expertise on topics of VAW and CWDV should always be required from experts and technical consultants appointed by the judicial authority in trials related to maltreatment, violence, abuse.
- Organizational protocols and the collaboration between existing territorial networks that work on VAW (and future ones in view of the New NAP on VAW) with Judiciary Offices should be favoured.
- The important role of the associations that work for the prevention and elimination of violence as plaintiffs in trials, beside women victim of male violence, should be acknowledged.

RECOMMENDATION 31

Full access to justice for women is difficult and training for practitioners is lacking in particular with regards to:

- the Istanbul Convention. The ratification of the treaty was not followed by an analysis of the existing national legal system, criminal and penal codes and coherent policies, as it was recommended by CSOs.
- the EU directive 2012/29/EU on victims' rights was transposed to the national system after the deadline¹³⁰, without a systematic and structural intervention, and it was not effectively shared with CSOs¹³¹. Generally, the enacted provisions require organizational and homogenous interventions by judicial offices, but the adjustments are being implemented very unevenly¹³². The superficiality of the transposition emerges clearly from the

¹²⁹ the Diagnostic and Statistical Manual of Mental Disorders (DSM) does not recognize PAS as a syndrome or illness: in the latest edition of the Manual, the fourth, PAS is not even mentioned [1] nor is it included in the fifth edition (DSM-5 or DSM-V) of 2013 [1], due to its apparent conscientiousness [1] due to the lack of supporting data, already reported in 1996 by the APA

¹³⁰ Legislative Decree 212/2015 of implementation

¹³¹ The new paragraph 5c has been introduced in art. 398 c.p.p. Which refers to art. 498 paragraph 4 quater c.p.p. In connection with the assistance of the vulnerable victim at the hearing: today is expected to be felt with a child neuropsychologist! Directive 2012/29 / EU referred to operators trained for that purpose (Article 23 (2) (B)).

¹³² Few courts have structures in place for protected hearings of victims of crimes and adequate spaces to avoid any contact with the perpetrators.

definition of vulnerability of the victim¹³³ (expressly provided for in cases of gender violence), at the discretion of each Public Prosecutor's Office, and without involving the victim, as requested by article 22 co. 6 of the Directive.

- the EU Directive 2004/80/CE on damage compensation for victims of crimes has not been fully transposed yet, despite the establishment of a dedicated fund; therefore, women are not being granted effective damage compensation. Both in civil and criminal justice, a general underestimation of the seriousness of gender violence and sexist stereotypes in affecting access to justice is occurring, as well as an overall cultural justification of violence. Training of legal practitioners for the management of gender violence cases is not systemic and lacks a gender perspective. Discriminatory decisions and practices are common in both criminal and civil law. Regarding criminal law, gender violence is underestimated and judicial decisions contain stereotypes and prejudices, which expose women accessing justice to a secondary form of victimization¹³⁴.

The current organization of judicial offices does not ensure rapid and effective access to justice in case of gender-based violence, despite the deliberations of the High Council of Judges on the issue (2009, 2010, 2015)¹³⁵ and the provisions of EU directive 2012/29/EU requiring specialization and a case by case evaluation for each victim, who should be involved in all phases of the proceedings.

Orders and decisions by criminal judges are not automatically taken into consideration by the civil judges involved in divorce and child custody cases: this exposes women suffering from gender-based violence and their children to the risk of further violence.

Civil protection orders, enacted in 2001, are rarely applied, as are the urgent removal and the in flagrante arrest in cases of maltreatment. This confirms the absence of specialization and attention by judicial practitioners and the police.

In civil courts women are often sanctioned and sentenced to damage compensation as they are considered responsible for the bad relationship between father and children¹³⁶. This approach, which often uncritically accepts psychological expert opinions requested during civil proceedings, is discriminatory against women because. a) stigmatises women as responsible of PAS (Parental Alienation Syndrome), despite the recommendations of the Cedaw Committee on the issue; b) ignores the will of the minors involved; c) exposes minors to psychological consultancies which often force them to meet their fathers; d) fathers are rarely sanctioned for violating their parental duties.

The seriousness of witnessing violence is underestimated; despite law 119/2013 stating it should be considered an aggravating factor in cases of domestic violence.

Witnessing violence suffered by children is rarely considered in civil courts when defining custody rights of violent men, in violation of article 33 of the Istanbul Convention.

Mediation is not expressly forbidden in cases of violence against women, and its use is widespread in all custody cases, without taking into account the fathers' histories of violence.

For what concerns specialised legal assistance, the free legal aid introduced for all victims of gender-based violence by law 119/2013 was not supported by dedicated and consistent funds.

¹³³ The definition is given by art. 22 of Directive 2012/29 / EU and includes cases of gender-based violence, involves particular treatment during investigations and proceedings, with special protection measures

¹³⁴ As example of this discriminatory practice is the case of the rape of a young girl: <http://www.ilfattoquotidiano.it/2015/07/17/assolti-da-stupro-di-gruppo-giudici-fu-momento-di-debolezza-della-ragazza/1885295/>; <http://27esimaora.corriere.it/articolo/rispettiamo-la-ragazza-della-fortezza-anche-chi-ha-una-vita-non-lineare-puo-essere-vittima-di-violenza/> or of sexual harrassment in the workplace: http://palermo.repubblica.it/cronaca/2016/02/02/news/palermo_molestie_in_ufficio_assolto_capo_era_immaturo_agi_per_scherzo_-132581122/

¹³⁵ In many courts there are not specialised sections and the same often happens in the prosecutors' offices, where gender-based violence is dealt among crimes against weak categories.

¹³⁶ Jurisprudence

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The complete list of associations, experts, organizations and NGOs that have endorsed the shadow report will be delivered to the UN Committee on the Elimination of All Forms of Discrimination against women in July at the 67th session CEDAW session and will be published on the website.

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