

QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON ITALY

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In some cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted. References from the National Report are *in Italics*.

Recommendations - including those from UN treaty-monitoring bodies, are at the end of the document.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified (with general reservations). OP-CEDAW ratified (No recognition of Inquiry procedure - arts. 8 and 9). Rome Statute ratified. Palermo Protocol ratified.

Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Independent human rights institutions (33 - 36), Policy on asylum and immigration; trafficking; integration policy (53 - 67), Evolution of the Italian society (53 - 55), Asylum policy; refugee integration within the Italian society (56 - 61), Legislative framework: recent amendments (62 - 64), Integration policies (72 - 76), Dialogue with religious communities (75 - 76), Protection from torture (77 - 78), Racism and xenophobia (79 - 83), Minorities; Roma and Sinti Communities (84 - 90), Human rights and fight against terrorism (96 - 101), Judicial system and penitentiary administration (102 - 106), Economic, social and cultural rights (107 - 111), Dialogue and cooperation with civil society (112 - 113) Human rights education and training (114 - 117), Policy against discrimination (122 - 124), Policy for migrants' integration in Italian society (125), Policy for persons with disabilities (126 - 127)

ISSUE	N Report	Compilation	Summary
Development assistance for women's rights	Support of several projects on women's empowerment, against violence, child sexual exploitation (121)		
Domestic migrant workers		See Recommendations, The S. Rapporteur on contemporary forms of racism (39)	
Equality and Non discrimination	Constitutional status (6) Gender Equality Committee (22)	Legislative amendment to allow special measures. No definition of discrimination in accordance	

	Legislation on equal treatment at labour market, education, social benefits, services. Judicial protection for victims (80)	with CEDAW, except in labor field (18)	
Female Genital Mutilation	Commission against FGM (28)		
Gender mainstreaming	Specific legislation, measures, monitoring mechanisms, campaigns (91) Commission for Equal Opportunities (27)		
Migrant women			Victims of exploitation. Double discrimination (18)
Participation in public and political life		Severe under-representation. Increase of parliamentary seats (36)	
Patriarchal attitudes/stereotypes			Rigid gender stereotypes condition the insertion in labour market. Gender discrimination in political participation (18)
Refugee women		Gender-related forms of persecution (21)	
Right to education	Free compulsory primary and secondary education, up to the age of 18. Measures to ensure attendance (110)	High dropout rate in upper secondary education. Educational variations. Low attendance rate by Roma children (42)	
Right to work		Serious disadvantages, esp. women with children. General programme to eliminate gender discrimination and job segregation (37)	
Sexual Violence	Draft on National Plan on Security Council res. 1325. International conference in the G8 (137)		
Trafficking of women/ Forced prostitution		See Recommendations, CAT (28)	
Violence against Women /Gender Violence	Specific measures (93) National Network for victims (94) National observatory (95)	Persistence. Lack of strategies to combat all its forms (27)	
Women in prison	Allowed to live with their children until age		

Development assistance for women's rights

In the framework of the Guidelines of the Italian Cooperation, several initiatives promoted by the Italian Cooperation link the protection of human rights with development cooperation policies. Italy supports, through its development cooperation programme, several projects focused, for example, on women's empowerment, violence against women, (), children victims of trafficking and sexually exploited for commercial purposes, among others (Para 121, NR)

Domestic migrant workers

See Recommendations, The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (39)

Equality and non-discrimination

The Constitution determines the political framework for action and organization of the State () the principle of non discrimination and equality before the law, as laid down in Art. 3 (Para 6, NR). Gender Equality Committee within the Senate, aimed at promoting concrete equality among men and women especially in the world of work (Para 22, NR). () the non-discrimination principle is one of the main pillars of the Italian Constitution, upon which domestic legislation is based when referring to different categories of people, such as women, minorities and other vulnerable groups. In this field the Italian Government, following EU Directive 2000/43 on Anti-discrimination, adopted in 2003 a comprehensive legislation based on the principle of equal treatment in the public and private sectors, with respect to access to employment, occupation, guidance and vocational training, membership of workers' or employers' organisations, social protection, healthcare, social benefits, education, goods and services. Judicial protection of victims is guaranteed by civil actions against discrimination, including presumptive proof in favour of the victim and awarding compensation for damage (Para 80, NR)

The HR Committee and the Committee on Economic, Social and Cultural Rights (CESCR) welcomed the amendments to article 51 of the Constitution, allowing for the adoption of special measures to ensure equal rights for men and women, as also noted by the ILO Committee of Experts. However, The Committee on the Elimination of Discrimination against Women (CEDAW) was concerned that there was no definition of discrimination against women in accordance with the Convention in the Constitution or in legislation other than in the field of employment (Para 18, Compilation)

See Recommendations, CEDAW (18)

Female Genital Mutilation

Commission for the prevention and the fight against female genital mutilations: established in 2006 to prevent female genital mutilation as a violation of the right to personal integrity and to health of women and girl children (Para 28, NR)

Gender mainstreaming

Gender equality is a fundamental right (). In order to meet this challenge and address existing gaps, Italy is sparing no efforts to achieve gender equality by adopting and implementing specific gender legislation and measures, such as programmes of action, monitoring mechanisms and social awareness campaigns (Para 91, NR). The Commission for Equal Opportunities between men and women: established in 1984, it is now an advisory body to the Minister for Equal Opportunities for the elaboration and implementation of gender policies (Para 27, NR)

Migrant women

Sexual Rights Initiative (SRI) reported that women migrants in Italy were often victims of exploitation and required support not only as immigrants, but due to the relevant gender aspects of their condition (Para 18, Summary)

Participation in public and political life

In 2005, deep concern was expressed by CEDAW about the severe under-representation of women in political and public positions, including in elected bodies, the judiciary and at the international level. A 2009 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament increased from 11.5 per cent in 2005 to 21.3 per cent in 2009 (Para 36, Compilation)

Patriarchal attitudes/stereotypes

SRI stated that the fundamental principles of equal opportunities were enshrined in the Constitution and made reference to the Commission for Equality and Equal Opportunities between Men and Women and the appointment of the first woman as Minister for Equal Opportunities in 1996. SRI reported, however, on the persistence of rigid gender stereotypes associated with the sharing of roles between spouses/couples, which resulted in women often being forced to leave the labour market. Women predominate in lower valued and lower paid occupations and gender based discrimination persist in political participation (Para 18, Summary)

Refugee Women

() CEDAW was particularly concerned about the lack of recognition of gender-related forms of persecution in determining refugee status (Para 21, Compilation)

Right to education

() Several measures have been introduced to guarantee the right to education as well as to ensure effective school attendance and to respond to individual and collective needs, including students with disabilities or special needs, vulnerable groups, migrants and Roma children. Adequate financial resources have been allocated at the local and national levels, above all in areas where the high rate of school dropping-out has been recorded. Free compulsory school is envisaged for the primary and secondary school. In 2007 such obligation has been extended up to the age of 18. Textbooks are free in the primary school and in other school cycles specific measures are envisaged to grant scholarships to children belonging to disadvantage families (Para 110, NR)

In 2003, The Committee on the Rights of the Child (CRC) was concerned at the high dropout rate in upper secondary education and the variations in educational outcomes for children according to their cultural and socio-economic background, and other factors such as gender. While welcoming the initiatives taken to ensure the integration and effective schooling of Roma children and to combat school failure and dropout, the Committee on the Elimination of Racial Discrimination (CERD) remained concerned in 2008 about the low rate of school attendance by Roma children () (Para 42, Compilation)

See Recommendations, CERD (42)

Right to work

While noting the sharp increase in the employment rate among women, CEDAW was concerned in 2005 about the serious disadvantages women face in the labour market, including their underrepresentation in senior positions, their concentration in certain low-wage sectors and in parttime work, the considerable wage gap between men and women and the lack of implementation of the principle of equal pay for work of equal value. In 2004, CESCR was concerned that women

with children face increased difficulties in finding and keeping a job, partly due to the lack of services for small children. In 2009, the ILO Committee of Experts highlighted that under the Act on Equal Opportunities between Men and Women, the National Committee for the Implementation of the Principle of Equality of Opportunity and Treatment between Men and Women, a general goal-setting programme shall be elaborated, aiming at eliminating gender discrimination in education, training, access to work and promotion, as well as overcoming job segregation based on gender (Para 37, Compilation)

See Recommendations, ILO Committee of Experts (37)

Sexual Violence

As to the rights of women, Italy has actively contributed to the approval of the Security Council Resolution 1820 on sexual violence in conflict situations and is elaborating its National Action Plan on Security Council resolution 1325, to enhance coordination and consistency of all activities related to Women, Peace and Security. In addition, in the framework of its Presidency of the G8, Italy recently (September 2009) organized an international Conference on violence against women, to bring the issue for the first time to the attention of the G8. The Conference has tackled the various forms and manifestations of violence against women (female genital mutilation, domestic violence, rape, stalking, etc) and contributed to raise awareness of these grave human rights violations (137 NR)

Trafficking of women/Forced prostitution

See Recommendations, the Committee Against Torture - CAT (28)

Violence against Women/Gender Violence

The Italian Government has both carried out studies and researches and created specific bodies to monitor gender based and domestic violence, in order to elaborate specific norms and measures, such as Act No. 38/2009 entitled "Urgent measures in the field of public security and the fight against sexual violence and stalking". By such Act, stalking is today a crime in Italy, which is aggravated if committed by the former partner or by the victim's husband or when it involves children (Para 93, Compilation). Many other initiatives, projects and awareness-raising and information campaigns to fight against gender-based violence and to protect victims are being realized. The most relevant project in this field concerns a National Network on violence against women, aimed at activating a free call center, available full-time in many languages, for women victims of violence promoting joint actions by central and local authorities in cooperation with relevant associations (Para 94, Compilation) Another significant initiative is the on-going establishment of a "National Observatory against sexual and gender based violence" with the task to coordinate local authorities, centers against violence and other entities, to monitor all the activities carried out by public administrations to eradicate sexual violence, and to elaborate a National Plan to combat any form of violence, including domestic violence (Para 95, NR)

In 2005, CEDAW, while noting some legislative reforms, remained concerned about the persistence of violence against women and the absence of a comprehensive strategy to combat it in all its forms (Para 27, Compilation)

Women in prison

() Specific attention is also paid to women in prison, who are allowed to live with their children until the age of 3 and have access to nursery within detention centres (Para 106, NR)

Suggested Questions and Recommendations

CAT

- § Strengthening efforts **to combat trafficking in women** () and taking effective measures to prosecute and punish trafficking in persons (Para 28, Compilation)

CEDAW

- § To take effective measures **to eliminate discrimination** against vulnerable groups of women, **including Roma and migrant women**, and to enhance respect for their human rights through all available means, including temporary special measures (Para 18, Compilation)

CERD

- § Strengthening efforts in this area and addressing **the causes of dropout, including any cases of early marriage** (Para 42, Compilation)

The ILO Committee of Experts

- § To promote **a more equal balancing of family responsibilities** between men and women workers as well as a greater awareness of the subject at enterprise level, especially in southern regions (Para 37, Compilation)

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

- § Combating the **exploitation and abuse** of migrant workers, particularly in the agricultural sector and ensuring that appropriate legislation is put in place to protect **women migrants working as caregivers and domestic workers** (Para 39, Compilation)

SRI

- § To take all necessary measures to ensure **de jure and de facto gender equality** in all spheres of life, especially in labor, political and educational areas.
- § To adopt and implement sustainable policies aimed at women and men to support the **elimination of stereotypes associated with traditional roles** in the family, labor market and society that are discriminatory against women and make conditional their development and empowerment.