



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

Forty-ninth session

11-29 July 2011

### List of issues and questions with regard to the consideration of periodic reports

#### Italy

The pre-session working group considered the sixth periodic report of Italy (CEDAW/C/ITA/6).

#### General

1. The report mentions in paragraph 2 that the Inter-ministerial Committee for Human Rights (CIDU) “held consultations with relevant non-governmental organizations (NGOs)”. Please provide further information on the process of preparing the sixth periodic report. This information should include the nature and the extent of consultations with non-governmental organizations (NGOs), particularly women’s organizations and whether the report was adopted by the Government and submitted to Parliament.

2. With reference to the recommendations contained in paragraphs 16 and 41 of the Committee’s previous concluding observations (CEDAW/C/ITA/CC/4-5), please explain whether these concluding observations were translated into Italian and submitted to all relevant ministries and to Parliament so as to ensure their full implementation, as well as widely disseminated in order to make the people of Italy, including government officials, politicians, parliamentarians and women’s and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto gender equality, as well as the further steps that are required in this regard.

#### Constitutional, legislative and institutional framework

3. The report indicates, in paragraphs 36 and 37, that by approving Legislative Decree No. 198 of 11 April 2006 “the concept of discrimination as contained in article 1 of the above Legislative Decree results in a matter ‘with a universal nature’ [...]”. Please explain whether the Legislative Decree, referred to in the report as “the so-called Code of equal opportunities between men and women”, defines



discrimination against women in line with article 1 of the Convention and please provide the English translation of the definition of sex- and gender-based discrimination contained in the above Code.

4. The report refers, in paragraph 23, to various efforts made by the State party to achieve gender equality, including adopting and implementing equal treatment legislation, specific gender mainstreaming measures, action programmes etc., as well as gender budgeting initiatives. Please provide more accurate information on the specific measures taken by the State party and their impact on accelerating the achievement of formal and substantive equality of women and men.

5. According to paragraphs 25 and 27 of the report, it is the Ministry for Equal Opportunities and the Department for Equal Opportunities that are responsible for the advancement of women and gender mainstreaming. The report indicates that the mandate and functions of the Department for Equal Opportunities have been expanded. Please provide information on the financial and human resources of the Department for Equal Opportunities that have been allocated for promoting gender equality in view of its expanded mandate and functions. This information should include the financial resources allocated from the State budget to the Department for carrying out its gender equality mandate and the number of staff assigned thereto, including data on their type of job contracts (fixed-term, part-time or temporary job contracts, such as so-called collaboration and projects contracts).

6. Several other mechanisms and networks within the Presidency of the Council of Ministers and various government departments vested with the task of eliminating discrimination against women were created or reformed during the reporting period. However, the Committee, in its previous concluding observations, called for a structure to be put in place which would deal exclusively with the advancement of women and gender mainstreaming across all fields. Please provide information on the steps taken in this respect and results achieved, or measures planned to strengthen the Government's institutional capacities for elimination of discrimination against women on the grounds of sex and gender. This information should also include updated information on:

(a) Any mechanism mandated to coordinate and ensure uniformity of norms and results in the implementation of the Convention throughout the territory of the State party, as recommended in paragraph 24 of the previous concluding observations;

(b) The institution of an Office within the Department for Equal Opportunities, mandated to promote, analyse, monitor and support the equal treatment of women and men in access to and supply of goods and services, as referred to in paragraph 45 of the report;

(c) Progress made towards the establishment of a national independent human rights institution in accordance with the Paris Principles, as announced by the State party under the universal periodic review in February 2010.

#### **Visibility of the Convention and its Optional Protocol**

7. The report is silent about measures taken to disseminate information on the Convention among both private and public actors, as recommended by the Committee in paragraph 26 of the previous concluding observations. Please provide information on how the State party is supporting the awareness and knowledge of the rights of women under the Convention and how it disseminates information on the

Committee's general recommendations, as well as the communications and inquiry procedures provided by its Optional Protocol, in order to ensure that the Convention is used as the legal basis for measures aimed at the elimination of all forms of discrimination against women and achievement of gender equality in the State party.

### **Temporary special measures**

8. The report refers to constitutional principles, namely articles 3 and 51 of the Constitution, various laws, as well as ad hoc judicial measures for the victims of discrimination and concludes that "in this view, the so-called affirmative action has been thus legitimized" (para. 35). In paragraph 147 of the report it is further explained that "the lines of action of the Italian Government are oriented to favour the development and implementation of definitive measures, because these are deemed to be the most effective and lasting over time". Please explain whether "the so-called affirmative action", "definitive measures" and positive actions (referred to in para. 149 of the report), correspond to temporary special measures under article 4, paragraph 1, of the Convention and the interpretation of their meaning and scope in the Committee's general recommendation No. 25 (2008) on women migrant workers.

9. Please provide information, supported by data where applicable, on results achieved through the implementation of various affirmative action plans/positive action projects aimed at promoting the inclusion of women in the labour market (para. 71 of the report) and removing barriers to equal opportunity of women and men in the judiciary (para. 72 of the report). Please also provide information on measures taken or envisaged to promote the substantive equality of women and men in political life, diplomacy and decision-making in all areas and at all levels. Please also provide information on measures taken or planned to promote the participation and representation of women belonging to disadvantaged groups, such as immigrant women, older women, women with disabilities and women in rural areas.

### **Stereotypes and harmful practices**

10. In its previous concluding observations, the Committee called upon the State party to adopt a large-scale, comprehensive and coordinated programme to combat the widespread acceptance of stereotypical roles of men and women, including awareness-raising and educational campaigns aimed at women and men. While the current report mentions that gender stereotypes are still deeply rooted (para. 152) and provides information on measures taken (project EQUAL, events taking place as part of the 2007 European Year of Equal Opportunities for All, etc.), the State party does not seem to have a long-term strategy to combat gender stereotypes, nor does there seem to be any follow-up to the activities already implemented. Please provide information on the efforts taken towards adopting a large-scale, comprehensive and coordinated programme to combat the widespread acceptance of stereotypical roles of men and women.

11. The report refers to the activities taken in schools to combat stereotypes (paras. 162-169). Unfortunately, these measures are not a part of a comprehensive plan such as was called for by the Committee in its previous concluding observations. To this end, please explain the State party's agenda in this respect, including the time frame for the adoption of a comprehensive plan to combat gender stereotypes at all levels of the educational system, which addresses the inclusion of gender equality in the framework of human rights in the initial training of teachers;

in retraining and in-service training programmes; and in regular monitoring of educational curricula, subject content, education standards, teaching and learning resources, and classroom and school organization.

12. The report does not mention the media which plays an important role in forming social attitudes and values and offers immense potential as an instrument of social change. Please provide details on how the State party encourages the media to safeguard human dignity and to project positive, balanced and diverse portrayals of women's and men's images and roles in all spheres of life, as recommended by the Committee in paragraph 26 of its previous concluding observations. Further to this, please explain whether self-regulatory measures, such as codes of conduct, that exclude the use of violent or degrading presentation of women and men and are based on the principle of gender equality, have been adopted and implemented in advertising and media organizations.

13. In light of the adoption of Act No. 7/2006 on provisions concerning the prevention and prohibition of the practice of female genital mutilation, the establishment of the Commission dealing with prevention information and awareness initiatives, and various initiatives carried out to this end (paras. 449-456 of the report), please provide updated information on the impact of measures taken on preventing female genital mutilation, protecting potential victims, provision of support, assistance and rehabilitation of girls already subjected to such practices, and investigation and prosecution of offenders. Please also indicate how women and men belonging to immigrant communities from countries where female genital mutilation is practised are involved in the development and implementation of initiatives based on Act No. 7/2006.

#### **Violence against women**

14. Please provide updated information on the two bills to combat violence against women, namely bill AC 1440 on measures against persecutors and bill AC 1424 on measures against sexual violence, which were before the Chamber of Deputies and assigned to the Second Committee of Justice at the time of preparation of the report (see para. 95 of the report). Please also provide an update on the elaboration of a national action plan to combat all forms of violence against women, indicated in paragraph 106 of the report, and explain whether this plan can be regarded as a set of comprehensive measures to address violence against women and girls in accordance with the Committee's general recommendation No. 19 (1992) on violence against women, and provide information on how the coordination, monitoring and evaluation of its implementation is envisaged.

15. The report provides very limited data on different forms of gender-based violence. Please explain whether the State party has established or envisages establishing a systematic and regular collection and analysis of data and information on all forms of violence against women. Please also provide information on the number of shelters for women victims of violence and their capacity in terms of provision of housing and assistance to women victims, as well as statistical data on forced expulsion of the violent spouse through civil and the criminal proceedings; the number of complaints lodged by women; and prosecutions against perpetrators and the sentences imposed on them in matters of violence against women. Please also provide data, if available, on women murdered by their husbands, partners or ex-partners.

**Trafficking and exploitation of prostitution**

16. The report highlights the approval of bill (A.S. 1079) at the end of 2008, containing measures against prostitution, which aim to eradicate street prostitution and combat exploitation by protecting the dignity and values of the human being (para. 180). Please provide updated information on the status of this bill and explain how other types of prostitution are dealt with. Please also provide statistical data on women involved in prostitution and indicate whether a risk assessment of the bill was conducted prior to its approval, including from the perspective of the more difficult disclosure of indoor prostitution and the potentially increased vulnerability to exploitation of women involved in prostitution. Please also indicate whether exit programmes are available to women wishing to leave prostitution.

17. As regards trafficking in human beings, please provide information on measures taken to discourage a demand for the services of trafficked women and give an update on the current status of the procedure to translate the Council of Europe Convention on Action against Trafficking in Human Beings into domestic legislation.

18. The report refers to bodies established to combat trafficking in human beings which are, inter alia, tasked with actions such as data collection (paras. 188 and 191). In light of the collection of quantitative and qualitative data and other elements of the expertise referred to in paragraph 192 of the report, please provide data on trafficking disaggregated by sex, as well as the percentage of women and girls that are participating in initial assistance services and social integration programmes (see table after para. 197 of the report).

19. While the report mentions that stay permits are granted to those victims denouncing traffickers and exploiters, it does not go into detail. In this respect, the Committee in its previous concluding observations called for the State party to revisit Law 189/2002 (the so-called Bossi-Fini Law) with a view to ensuring that all victims of trafficking benefit from stay permits on grounds of social protection. Please provide information on measures taken, or planned, in this regard. In addition, please explain the procedure of granting stay permits and provide information on the number of these permits issued to women victims of trafficking after 2005.

**Political participation and decision-making**

20. According to the report, women continue to be underrepresented in politics and science and in the workplace. In its previous concluding observations, the Committee encouraged the State party to take sustained measures to increase the representation of women in elected and appointed bodies, in the judiciary and at the international level. Please inform the Committee if such measures have been introduced. Furthermore, please explain whether legislation has been passed under article 51 of the Constitution to increase the number of women in political and public positions, including through the use of temporary special measures, such as gender quotas, and to ensure adequate representation in such positions of Roma and migrant women, and women from the south of the country.

21. The report indicates that the 2007 “Directive on measures to implement the principle of equality and equal opportunities between men and women in public administration” has among its objectives to increase the number of women in top positions (paras. 150 and 223). Please provide information on the impact of this directive on the number of women in top positions in public administration.

**Employment, reconciliation of work and family life, and poverty**

22. The report refers to the measures envisaged by the State party to increase the participation of women in the labour market (paras. 274 and 276). Please provide information on concrete actions taken, especially as regards the huge discrepancy in the rate of women's employment between the southern and northern-centre regions.

23. According to the report, several measures have been introduced to contribute to burden-sharing between women and men and to reconcile work and family life. In light of the Committee's previous concluding observations, please provide information on the impact of such measures, in particular on men taking parental leave to care for their child on the basis of the parental leave introduced in 2000. Please also provide updated information by region on progress made in achieving the goal of providing 33 per cent of the country with relevant early childhood day-care services for children by 2010 and provide information by region on the availability of relevant publicly funded or publicly supported care services for elderly family members with disabilities, or other dependent persons.

24. In its previous concluding observations, the Committee recommended that the State party extend full social security benefits to part-time workers, the majority of whom are women, and take measures to eliminate occupational segregation, in particular through education and training. Please provide information on what steps have been taken, or are planned, in response to these recommendations. Please also provide data, disaggregated by sex, in respect of the table after paragraph 326 of the report on employment by sector of activity, employment status and contractual arrangements, 1997/2006, and the table after paragraph 330 on the occupation rate vis-à-vis the size of companies. If available, please provide more recent data, disaggregated by sex, on employment status and contractual arrangements.

25. Please provide information on the measures taken to address the rather significant gender pay gap referred to in paragraphs 372 to 375 of the report. In view of the lower average income of women, fewer years of contributions by women, and women being the majority of those working in the informal sector, please also provide information on gender differences in the average old-age pension per month, as well as data on women at risk of poverty and information on access criteria to child benefits and family allowances.

**Health**

26. In its previous concluding observations, the Committee requested the State party to provide information on the health-care policies in place for women in the south and policies to prevent HIV transmission between adults, including the impact of these measures. Please provide additional information on these issues in order to fully address the Committee's recommendation.

27. Paragraph 413 of the report indicates that breast cancer is the most common cancer and cause of death among women and that the National Plan of Prevention and the organization of screening programmes have achieved significant results. However, it also mentions that in southern Italy over 60 per cent of women in the targeted population do not have access to mammograms even within organized programmes. Please provide information on the steps taken in this regard.

28. Please provide information on legislative changes envisaged to regulate medically assisted procreation techniques as a response to the ruling of the

Constitutional Court No. 151 of 2009, in which the Court considered certain rules of Act No. 40 concerning medical infertility treatment as illegitimate, since they provide excessive protection of the embryo, to the detriment of the right to health as embodied in articles 3 and 32 of the Italian Constitution, respectively.

### **Disadvantaged groups of women**

#### *Rural women*

29. Unlike previous periodic reports, the current report provides information in relation to article 14 of the Convention on rural women that is, however, very limited in scope. Therefore, please provide additional information on the particular impediments faced by rural women in the full and equal enjoyment and exercise of their rights under the Convention, including how these are addressed.

#### *Roma women and migrant women*

30. While the report provides some information on Roma and migrant women, there is no comprehensive picture of the steps taken by the State party to eliminate discrimination against them in the areas of education, employment, health and participation in political and public life, as called for by the Committee in its previous concluding observations. Please provide information on the conclusions of the research entitled “Gender identity and life prospects of women belonging to the Roma community”, referred to in paragraph 128 of the report, and on concrete policy and legislative measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, to eliminate intersecting forms of discrimination against Roma and migrant women in the areas mentioned above. Please also provide information on the results achieved through implementation of such measures.

31. In his report on his mission to Italy (A/HRC/4/19/Add.4), the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended that the State party combat the exploitation and abuse of migrant workers, particularly in the agricultural sector, and ensure that appropriate legislation be put in place to protect women migrants working as caregivers and domestic workers. Please provide details on the steps taken in response to this recommendation.

#### *Refugee and asylum-seeking women*

32. In its previous concluding observations, the Committee encouraged the State party to revisit the provisions of Law 189/2002 with a view to removing the current restrictions on migrant women, and adopting laws and policies which recognize gender-related forms of persecution in the determination of refugee status. Please inform the Committee whether steps have been taken in this direction. Please also explain whether the fear of being exposed to female genital mutilation in the country of origin is considered in the State party as a recognized ground for international protection.

*Women with disabilities*

33. The report refers to several legal instruments aimed at ensuring the access of persons with disabilities to the labour market. There is, however, a relevant gender gap with only 1.8 per cent of women with disabilities in comparison to 6.8 per cent of men with disabilities having a job (para. 362). Please explain what measures the State party has taken to tackle this problem.

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