



**MINISTRY OF FOREIGN AFFAIRS**  
*Inter-ministerial Committee of Human Rights*  
*Directorate General for Political Affairs and Security*

**Written replies by the Government of Italy  
to the List of Issues (CEDAW/C/ITA/Q/6)  
to be taken up in connection with the consideration of  
the sixth periodic Report of ITALY  
(CEDAW/C/ITA/6)**

*March 17, 2011*



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**Introduction**

1. In order to respond to the List of Issues under reference (CEDAW/C/ITA/Q/6) relating to the Sixth Periodic Report of Italy to CEDAW (CEDAW/C/ITA/6), an ad hoc Working Group was established in early December 2010, at the Inter-ministerial Committee for Human Rights (acronym hereinafter CIDU), within the Italian Ministry of Foreign Affairs, being composed of representatives from all the Ministries and Institutions concerned.

2. This Working Group has been working with the two-fold aim of replying to the above-mentioned List of Issues and of preparing dossiers relating to the relevant Report (CEDAW/C/ITA/6) to be considered by the CEDAW Committee in July 2011.

3. Over the last few years, Italy submitted, in compliance with international obligations and commitments, various Reports and Documents. In this regard, it is worthy of mention that Italy was considered by the UN UPR Working Group on February 9, 2010 (See UN Docs. A/HRC/WG.6/7/ITA71- A/HRC/14/4 ).

4. Within this framework, it is also worth-mentioning that CIDU adopted, on December 23, 2010, the National Plan of Action on “Women, Peace and Security”, in accordance with Security Council Resolution 1235 (2000). In this regard this held fruitful consultations, among others, with relevant Non-Governmental Organizations (NGOs).

**General**

*[Question No.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.*

5. With the aim of drafting the sixth periodic Report relating to CEDAW, CIDU established an open-ended *ad hoc* inter-ministerial Working Group in March 2008 when it held the first meeting. Within this framework, it prepared the Basis of the national draft Report by considering: the 2005 concluding observations (which were circulated in Italian among all its members for the second time), all the CEDAW general recommendations, the national areas of concern, covering the period 2005-2008.

6. It immediately detected the women’s associations, trade unions, academia and NGOs concerned by considering those that had participated in the preparation of the shadow report relating to the previous consolidated periodic report of Italy (CIDU can provide, upon request, the list of NGOs

and other relevant stakeholders that were invited at the first meeting with civil society). Accordingly, it convened a meeting in early May 2008 when it requested material, comments on the areas of concern and information by all the participants. Following the relevant discussion, as per its own practice, it circulated a relevant List of areas of concern to be thoroughly examined by all stakeholders, in order to include the matters of concern as put forward, among others, by NGOs. Then CIDU re-circulated among all stakeholders the updated version of this List and requested NGOs and trade unions to provide relevant documentation. All the relevant documentation, which it received, was included in the sixth periodic report. Afterwards, it continued to request and receive some documentation (very little) from some of those that had participated in that meeting.

7. In between CIDU kept working with relevant Administrations by considering all the issues of concern to be included in the Report in order to provide a picture, though evolving, of the situation of human rights of women in Italy. In July 2009 it adopted the Italian version of the Report with the support by all its members. The report was promptly translated in English and submitted to the UN in December 2009, accordingly.

8. As per practice, the sixth periodic Report to CEDAW was mentioned in the annual report which CIDU is requested to submit and present to the Parliament (CIDU submitted the latter in September 2010). In June 2010, NGOs other than those involved in the shadow report relating to the Fifth periodic Report of Italy requested a meeting which was convened accordingly. On that occasion, this Group of NGOs indicated that they were preparing the shadow Report. CIDU reiterated its willingness to cooperate, so that some of these NGOs were also requested to provide information and contributions for the above-mentioned National Plan of Action on Women, Peace and Security. In this regard, most of their requests and contributions were accommodated and included in, accordingly.

***[Question No.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.***

9. As per CIDU practice, the concluding observations are promptly translated and circulated among its members during its bi-monthly meetings (they were circulated in Spring 2005). As discussed, CIDU members represent all the administrations concerned in the field of human rights: CIDU includes over 40 members representing the various components of the Government, at the national, regional and local levels, besides including some NGOs and academia.

10. As reported, CIDU has to submit the annual report on its activities to the Parliament, which includes either the translation or the national commentary to the relevant concluding observations or the reference to the website where to upload them. For sake of comprehensiveness, CIDU reported its 2005 work on the human rights of women relating to CEDAW and the requests by other relevant international mechanisms in its VII report to the Parliament (available at [www.camera.it](http://www.camera.it); also available at [www.emiliaromagnasociale.it/.../VII+relazioneCIDUal+parlamento+comitato+interminister.pdf](http://www.emiliaromagnasociale.it/.../VII+relazioneCIDUal+parlamento+comitato+interminister.pdf)), to which it annexed a concise translation and the national commentary to the observations as put forward in January 2005 by the CEDAW Committee (please see p.14, 21, 31 et ff. and 67 et sequitur, of the VII report of CIDU to the Parliament)<sup>1</sup>.

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<sup>1</sup> The concluding observations were also published on the CIDU website, which will be soon reactivated. They are also available, jointly with the sixth periodic report, at the following link of the DEO website: <http://www.retepariopportunita.it/DefaultDesktop.aspx?page=3099>

### **Constitutional, legislative and institutional framework**

*[Question No. 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.*

11. Art. 1 of the CEDAW Convention stipulates: “[...] discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

12. Art. 25 of D.Lgs. No. 198 of 11 April 2006 (Code of equal opportunity between men and women), as modified by Art.1, para.1, letter p), number 1, of D.Lgs. No.5 of 25 January 2010 (Implementation of EU Directive 2006/54/EC regarding the principle of equal opportunity and equal treatment of men and women in work and employment), defines the concepts of direct and indirect discrimination as follows: “1. Pursuant to this heading, direct discrimination is any disposition, criterion, practise, act, agreement, or behaviour, as well as order to implement an act or behaviour which causes a prejudicial effect discriminating between men and women workers on the ground of sex; 2. Pursuant to this heading, there is indirect discrimination when an apparently neutral disposition, criterion, practise, act, agreement, or behaviour places, or can place, workers of a given sex in a position of particular disadvantage with respect to workers of the other sex, unless it refers to requirements essential to the performance of the working activity, provided that the objective is legitimate and the means employed for its achievement are appropriate and necessary. 2-bis. According to this heading, discrimination refers to any treatment being less favourable on the ground of the pregnancy, the motherhood or fatherhood.

13. By the above-mentioned Legislative Decree No. 5, of January 25, 2010, the so-called *Equal Opportunities Code* has been further supplemented and amended. This Decree translated the relevant 2006 EU Directive, which provided the opportunity to review, update and better implement the principles of non discrimination and gender equality, with the aim of preventing and eliminating any forms of discrimination based on sex, entailing or leading to the infringement - preventing or jeopardizing the recognition, or enjoyment - of all human rights and fundamental freedoms.

14. According to the new rules and regulations, equal treatment and opportunities between women and men have to be ensured in all the fields, including employment, labor and remuneration. This purpose must be considered by all relevant stakeholders when designing and implementing policies, activities, rules, regulations, and administrative measures. Furthermore Articles 23 through 51 of the above *Code* lays down guarantees and safeguards relating to the principle of equal opportunities between men and women in the ethical-social relations, the economic and labor fields.

15. As for the latter, direct and indirect forms of discrimination have been reformulated, with the aim of underlining that no form of discrimination is allowed concerning: the access to the labor market; vocational training; career advancement; work conditions and wages; the access to social security and to the public employment; the enrollment in Armed Forces, special corps, the Revenue Guard Corps, military careers, etc.

16. In the event of violation, the law envisages both specific judicial and friendly settlement procedures, under and through the responsibility of the Equality Councillor, namely the ad hoc public office set up at the national, regional and provincial levels.

17. Arts. 52 through 56 of the above Code reiterate the constitutional principles enshrined in Art. 51 of the Italian Constitution with regard to the access to public offices, the business sector, civil and political actions.

18. Therefore, in light of the definitions provided for by the CEDAW Convention, Italian Authorities recall and reiterate the wording contained in paras.36-37 of the national Report concerning the universal scope of the term discrimination, as set forth by Legislative Decree No. 198/2006 - *Equal Opportunities Code*.

***[Question No.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.***

19. Since 2000 the Italian Government has been considering - and it has thus introduced - the gender perspective in budgetary measures, mainly launched, under the supervision of the Department for Equal Opportunities (acronym, DEO), at the local and regional levels, by involving Municipalities, Provinces, Regions and, in few cases, the so-called mountain communities. In 2002, these fruitful pilot projects have given birth to a Network of provinces and municipalities for the dissemination of relevant good practices in the field of gender budgeting, as coordinated by the Province of Genoa.

20. This Network is composed of several provinces and municipalities, mainly from the Northern Italy, to a different degree of involvement and commitment: some of these Institutions have promoted a gender perspective analysis of the budget documents; others have also promoted new measures to ensure the allocation of resources to women. Some Institutions have implemented, on a regular basis, the relevant measures; others have drawn up guidelines and training patterns for local councillors, managers and officials; some others have elaborated gender-sensitive expenditure indicators. All have raised awareness and thus enhanced the involvement of key players on this issue.

21. The main responsibilities of the local authorities refer to: the local planning, environment, agriculture, manufacturing, public works, vocational training, education, social policies, culture, sport, the internal organization of the institution. Several Institutions have also tested how to integrate gender budgeting with social budgeting. In this regard mention has to be made of the following legislative acts:

- Act No. 7/2007 by the Region of Puglia, entitled “Rules for gender policies and services of reconciliation between private and working life in Puglia”. Article 19, paragraph 1 of this Act stipulates: “[..] *gender budgeting as a tool for monitoring and evaluation of the impact of regional policies on men and women*”; and paragraph 3 states “*the spread of gender budgeting in local government, for this purpose it recognizes as an indicator for the granting of incentives for the management associate as stated by Article 7 of Law 19/2006, the principle of gender equality*”;

- The regional law recently enacted by the Piedmont Region on 18 March 2009, entitled “Integration of gender equality policies in the Region of Piedmont and provisions for the creation of gender budgets”. Article 3 of this laws states “... *gender sensitive controls in all stages of*

*planning, and implementation of the budget and a system of monitoring and evaluation"*, and article 4 plans to encourage local authorities to comply within two years to article 3 and to provide training for the governmental staff, article 5 defines the preconditions required for the implementation of gender budgeting in the territory.

22. In 2008, the DEO also promoted and coordinated the project, entitled "PER.FOR.MA.GE - Training Courses on gender mainstreaming", whose aim was to promote the gender perspective at all levels of the central public Administration. This project involved twelve national Ministries in workshops and specific training courses which focused on the integration of the gender perspective in different sectors and policies. In particular the project focused on:

- Assisting in the drafting of economic planning policies and administrative actions;
- Assisting the Government in identifying the most suitable social and economic policies aimed at ensuring gender equality;
- Assisting the development and harmonisation of professional competences for the integration of gender equality in the planning processes and in policy definition.

23. Another important result of the project was the emphasis on gender differences as a quality factor of the administrative action. Implementing equal opportunities means also offering a more effective and efficient level of services provided by public administrations, according to the needs of male and female citizens.

24. The DEO is a member of the European Network on Gender Mainstreaming, as created in February 2010 with the funding by the European Commission (it is currently coordinated by Sweden) This Network provides for the establishment of three working groups to study specific issues: the gender pay gap; the multiple forms of discrimination; and awareness-raising on gender-related issues. This group of activities aim at primarily improving public policy, when dealing with new social and economic challenges, and the quality of governance.

25. With regard to legislative measures, gender mainstreaming initiatives, actions and programs undertaken to achieve gender equality, mention has to be made of the following measures:

- Legislative Decree No. 81/2008, relating to the protection of health and safety at workplace, which goes beyond the traditional notion of the protection of women's work being limited to pregnancy. Rather it envisages a broader risk assessment of different male and female workers' risks. By Art.28, it is stressed the need to carry out a thorough risk assessment, for the prevention of accidents and for the protection of health and safety at workplaces, taking into account gender differences. With regard to the concrete actions introduced by the Ministry of Labour (National Equality Councilor and General Directorate for inspection activities), a Technical Committee has been set up to draft ad hoc guidelines and shared actions to be developed for the prevention of discrimination and for an effective enforcement of the above-mentioned Legislative Decree No. 81. A Memo was also drafted with regard to the regulations to be adopted at the workplace in case of resignation by working mothers and a specific annual data survey mechanism on resignations has been also put in place, with the aim of reporting its result in an ad hoc Report.

- Legislative Decree No. 150/2009, entitled "Enforcement of Act No.15, dated 4th March 2009, concerning the optimization of productivity of public work, efficiency and transparency of public administration", whose main purpose is to structurally reform the work relations of civil servants, with specific regard to collective bargaining, public administration facilities and staff assessment, merit recognition, promotion of Equal Opportunities. Within this framework it has been designed the organization performance assessment and measurement system, which considers, inter alia, the

“achievement of Equal Opportunities promotion objectives” (Art.8, letter h). A self-standing Committee has been set up for the definition of employee performance assessment general criteria and for the assessment and integrity of public administration. It is already on service and engaged in the drafting of a set of resolutions aimed at identifying inter alia assessment mechanisms also from a gender perspective. It is a major innovation that addresses Equal Opportunities-related issues without confining them to a limited realm mainly focusing on protection issues and problems but introducing their cross-cutting nature. This principle guarantees the adequate use of premium mechanisms, the recognition of professional merits. It does result in a guarantee for the work and professional growth opportunities for women employees. In compliance with the mainstreaming principles underlying Equal Opportunities, the law pays a specific attention to the identification of the costs borne by public administration from a gender perspective, so that it is necessary to carry out a preventive allocation of resources aimed at securing and promoting Equal Opportunities.

- Law No.183/2010 refers to the “Delegations to the Government in relation to fatiguing work, public body reorganization, leaves, authorizations and permits, social security cushions, employment services, employment incentives, women’s employment, apprenticeship measures, in addition to schemes promoting surfacing from undeclared work, public employment and labour dispute provisions”. Art.21 provides for: “measures aiming at guaranteeing Equal Opportunities, the well-being of workers and the lack of discrimination in public administration offices”. In concrete terms, public Authorities have set up their own “Committee in charge of Equal Opportunities, workers’ well-being and fight against discrimination”, consisting of trade unions representing both male and female workers and public administration representatives. The Committee performs various tasks, including proposals, advice and assessment, in co-operation with the National Equality Councillor. One of its aims is to verify the performance efficiency linking it to a guarantee of a working environment characterized by principles of equal opportunity.

- The “Equal Opportunities and Equality at Work Charter” addressed to Companies, Employers’ Associations, Trade Unions, institutions, etc., promoted in 2009 and supported by the Labour Ministry and by the Ministry for Equal Opportunities, as subscribed by several private companies, Trade Unions, Associations, etc., aimed at the enhancement of pluralism and inclusive practices at the work-place. The many bodies that have subscribed this Charter have committed themselves to directly fighting against all forms of discrimination (with regard to gender, age, disability, ethnic group, religious faith, sexual orientation grounds) at the work-place and at the same time to enhancing diversity within the corporate organization, with special reference to Equal Opportunities between men and women. The Charter - at the centre today of an intense organizational activity - lists ten items and is managed and coordinated at a National level by a Promoting Committee, also involving the National Councilor who is currently engaged in: the study and development of an operational model, the definition of assessment/validation criteria of the practices that have been put in place following the subscription of the above-mentioned Charter; and activities for the dissemination of the Charter itself, through the setting up of various regional Tables.

***[Question No. 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).***

26. In line with international and EU standards, by Decree of the President of the Council of Ministers of June 13, 2008, the mandate of the Minister for Equal Opportunities has been enhanced. The mandate focuses on gender equality, the fight against discrimination and the promotion of human rights-related issues<sup>2</sup>.

27. On a more specific note, by the above Decree, the Minister for Equal Opportunities has been mandated to promote and coordinate the Government's actions relating to women's human rights and equal opportunities in the following fields: health, research, education, environment, family, employment, public offices and women representation.

28. The Minister is also responsible for the prevention and elimination of any forms of discrimination in accordance with the Founding Treaty of the European Community-

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<sup>2</sup> On a more specific note, by Presidential Decree of the Council of Minister, it is decreed on June 13, 2008, as follows: "1. With effect from 8 May 2008, Minister without portfolio for equal opportunity, Hon. Maria Rosaria Carfagna is delegated to exercise the functions of planning, guidance and coordination of all initiatives, including normative ones, and any other tasks assigned by the current laws to the President of the Council of Ministers on matters relating to the promotion of the rights of the individual, equal opportunities and equal treatment and the prevention and removal of all forms and causes of discrimination. In particular, save the responsibilities entrusted by Law to other Ministers, the above Minister is delegated to:

- a) to promote and coordinate Government's actions aimed at ensuring the implementation of policies on the matter of rights and equal opportunities between women and men with regard to issues relating to health, research, education and training, environment, family, work, elected offices and gender representation;
- b) to promote the culture of rights and equal opportunities in the information and media communications sectors, with specific regard to the right to health of women, preventive health, motherhood and medically assisted procreation
- c) to promote and coordinate Government's actions aimed at ensuring the full implementation of the policies on equal opportunities between men and women on business and labor, with specific regard to the matters of parental leave and career advancement, in consultation with the Minister of Labour, Health and Social Policy;
- d) to exercise the State's functions under Law of 25 February 1992, No. 215, and Articles 21, 22, 52, 53, 54 and 55 of Legislative Decree 11 April 2006, No 198;
- e) to indicate the view in tandem with the State's responsibility entrusted to the Labour, Health and Social Policy Ministry under Articles 8, 9, 10, 11, 18, 19, 20, 43, 44, 45, 46, 47 and 48 of Legislative Decree 11 April 2006, No 198;
- f) to promote and coordinate Government's actions in the field of women's human rights and rights of the individuals, and those to prevent and remove cases of direct or indirect discrimination on the ground of sex, race, religion, ethnic origin, personal conviction, disability, age and sexual orientation, including by chairing the Committee of Ministers to address and provide strategic guidance in the field of the protection of human rights, within the Presidency of the Council of Ministers, in line with Presidential Decree of the Council of Ministers, dated April 13, 2007, in which Ministers or delegated Authorities and equal opportunities bodies participate, including in the event of immigrations-related issues being relevant to their respective mandates;
- g) to promote, in consultation with the Under-Secretary delegated to family policies, government policies to support the reconciliation between work and family;
- h) to take the necessary steps for planning, address, coordination and monitoring of the EU structural funds on equal opportunities, including by co-participating in the High-Level Group on gender-mainstreaming at the EU ad hoc structural funds and by participating in the activities for gender integration in the relevant EU policies.
- i) to promote the review of the gender impact in all Government's initiatives, as well as the highlight of the gender perspective in the general government budget data, including those being non-governmental and those relating to research and statistical surveys;
- l) to coordinate, including at the international level, the government policies on the protection of human rights of women, with particular reference to the objectives outlined in the Platform for Action adopted at the Fourth UN World Conference on Women, held in Beijing, in September 1995, in agreement with the Minister of Foreign Affairs, in relation to poverty affecting women and women's empowerment vi-à-vis economy, education, training, women's health, fight against violence against women, including with regard to armed conflicts, women's access to information, and the protection of the girl child under all forms;
- m) to promote and coordinate Government's actions in the field of exploitation and trafficking in human beings, violence against women, and the violations of the fundamental rights to personal integrity and the right to health of both women and girl children;
- n) to submit to the President of the Council of Ministers the proposal to exercise the powers provided for in Article 5, paragraph 2, letter c) of Act 23 August 1988, No 400, in all matters to be delegated, in case of persistent violation of the principle of non-discrimination;
- o) to exercise all the powers of the President of the Council of Ministers proposed with regard to the Commission for equal opportunities between men and women in the Decree of the President of the Republic of May 14, 2007, No.115 [..]"



29. The traditional duties refer to the promotion and coordination of government actions aimed at guaranteeing the full implementation of gender equality policies relating to entrepreneurship and labour market; examining the gender impact of every Government's initiative; highlighting the gender perspective in the public administration budget and in the collection of gender-disaggregated data; promoting the gender equality culture; and equality of opportunities between women and men in the fields of information and media communication. The Minister for Equal Opportunities has been also tasked with adopting specific initiatives necessary for programming, guiding, coordinating and monitoring the European Structural Funds, taking into consideration the integration of equal opportunity and the gender perspective in community policies.

30. The Minister also promotes and coordinates Government's actions to fight the exploitation and trafficking of human beings and the violence against women and girl children.

31. Last the Minister for Equal Opportunities coordinates the Public Administration's activities for prevention, social assistance and legal assistance, protection of minors from exploitation and sexual abuse, pursuant to Act No. 298/98, as well as those relating to the fight against paedophilia and child-pornography, as provided for by Act No. 38/2006. She also coordinates and promotes, in cooperation with the Undersecretary of State on family policies, Government's policies on the conciliation between work and family.

32. The DEO, as set up by Decree of the President of the Council of Ministers No. 405/1997, is the Institution within the Presidency of the Council of Ministers being responsible for the coordination of the policies on equal opportunities and the government's actions to prevent and remove any forms of discrimination.

33. The DEO, being chaired by the Chief of the Department, is structured in three main Offices, each of them directed by a Director General:

- Ufficio per gli affari internazionali e gli interventi in campo sociale;
- Ufficio per la parità e le pari opportunità, gli interventi strategici e la comunicazione;
- Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza e sull'origine etnica (UNAR).

The Government has allocated 21.942960,00 Euros to the Department for Equal Opportunities for the current year.

34. As mentioned in the national Report (§ 25), the Minister of Equal Opportunities and the Department for Equal Opportunities, is committed to promoting and coordinating Government's actions. Together with the Department for Equal Opportunities, other Ministries and institutions, also at the local level, are responsible for implementing equal opportunities policies and related actions.

***[Question No.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.*

35. In 2007, the Office for the implementation of the principle of equal treatment between men and women in access to and supply of goods and services was instituted within the Department for Equal Opportunities, in accordance with EU Directive 2004/113 on “*Implementing the principle of equal treatment between men and women in the access to and supply of goods and services*”, by Act No. 196/2007.

36. The Office within a General Directorate of the Presidency of the Council of Ministers, has the main tasks of promoting, analysing, monitoring and supporting the equal treatment between women and men in the access to and supply of goods and services, in particular, by:

- Providing independent assistance to the victims of discrimination;
- Promoting, respecting the prerogative of the national judicial authority, independent inquiry in order to verify the existence of cases of discrimination;
- Promoting the adoption of specific measures, projects and positive actions by public and private authorities, including recognised associations;
- Promotion of communication and awareness campaigns on the existing instruments on the issue of equal treatment between men and women;
- Elaboration of recommendations and opinions about the current legislation on this matter;
- Drafting of an annual Report to the Parliament on the effective implementation of the principle of equal treatment between men and women in access to and supply of goods and services and an annual Report to the President of the Council of Ministers on the activities implementation;
- Promoting studies, research, training courses, exchange of experiences, in collaboration with associations, NGOs, Statistical Institutes and experts in this field in order to elaborate guidelines on the fight against discrimination.

37. Article 1, paragraph 1, of Lgs. Decree No. 5 of January 25, 2010 enhanced the mandate of the national Committee with the aim of fully implementing the principles of equal treatment and equal opportunities between male and female workers. This has to develop initiatives to foster dialogue between social partners, in order to promote equal treatment, by relying on the results from the monitoring of the implementation of measures relating to relevant practises at the workplace, the access to the labour market and professional training, as well as on collective bargaining agreements, codes of behaviour, research works or exchanges of experiences and good practises (Art.10, paragraph 1, letter F-bis of Lgs. D. No.198 of 11 April 2006). On a more specific note, mention has to be made of:

- developing initiatives to foster dialogue with Non-governmental Organizations that have a legitimate interest in contributing to the fight against gender-based discrimination in the labour sector (Art 10, paragraph 1, lett. G-bis of Lgs.D. No. 198 of 11 April 2006);
- exchanging available information with corresponding European bodies in charge with gender equality- related issues in particular in the labour sector (Art.10, paragraph 1, lett. i-bis of D.Lgs. no. 198 of 11 April 2006);
- also through the promotion of positive actions, removing obstacles to gender equality in professional and career advancement, besides developing measures to help women re-enter the

sector after becoming mothers, and more widely spreading part-time work and other instruments of flexibility at a corporate level while envisaging the reconciliation between work and family (Art.10, paragraph 1, lett. i-ter of Lgs. D. No. 198 of 11 April 2006).

38. Art.1, paragraph 1, letter 1, number 2, of Lgs. D. No. 5 of January 25, 2010 enhanced the mandate of the Equality Councillor, who may perform independent investigations in the matter of discrimination at the workplace, and publish independent reports and recommendations on the matter of discrimination at the workplace (Art. 15, paragraph 1bis, of Lgs. D. No.198 of 11 April 2006).

39. With specific regard to the establishment of a National Human Rights Institutions, on March 3, 2011, the Council of Ministers adopted, by consensus, a relevant Bill which will be submitted to the Parliament in the coming weeks for approval.

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

*[Question No.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.*

40. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the periodic follow-up Report CEDAW and the final observations made by the Committee CEDAW are available and disseminated through the institutional website of the Department for Equal Opportunities:

41. The DEO has also promoted a training project entitled “Women, politics and institutions - educational processes for a gender and equal opportunities culture”, as launched within the Universities in 2005 and later extended.

42. The objective of the project is to provide practical and theoretical information on women's rights, in order to disseminate a gender sensitive culture, increase awareness and allow women, of every age, workers or not, to approach politics and to promote their development and participation in the national political and social life.

43. The project was addressed to all women with a secondary-school diploma and to male and female university students. The main themes analysed during the courses were the following:

- the functioning of the main relevant Italian institutional bodies, the political parties and their relationships with international organizations dealing with women's rights and gender equality;
- political and social participation;
- the organization and functioning of the European Parliament and the international system;
- national, community and international jurisprudence regarding gender policy techniques and tools.

### **Temporary special measures**

*[Question No. 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.*

44. The Italian Government is oriented to favour the development and the implementation of definitive and structural measures rather than special temporary ones, since the former are deemed to be the most effective in the longer run. With specific regard to General Recommendation No.25/2000, Italian Authorities acknowledge that “the scope and meaning of article 4, paragraph 1, must be determined in the context of the overall object and purpose of the Convention, which is to eliminate all forms of discrimination against women with a view to achieving women’s de jure and de facto equality with men in the enjoyment of their human rights and fundamental freedoms. States parties to the Convention are under a legal obligation to respect, protect, promote and fulfil this right to non-discrimination for women and to ensure the development and advancement of women in order to improve their position to one of de jure as well as de facto equality with men [see para.4 of GR 25]”.

45. Considering the footnote 4 to GR 25 (“The term “affirmative action” is used in the United States of America and in a number of United Nations documents, whereas the term “positive action” is currently widely used in Europe as well as in many United Nations documents. However, the term “positive action” is used in yet another sense in international human rights law to describe “positive State action” (the obligation of a State to initiate action versus a State’s obligation to abstain from action). Hence, the term “positive action” is ambiguous inasmuch as its meaning is not confined to temporary special measures as understood in article 4, paragraph 1, of the Convention”), unless otherwise specified, Italian Authorities refer to special temporary measures as to those measures aimed at accelerating de facto gender equality, while “positive action”, alternatively called “affirmative action” refers to a *facere* (from Latin) that Italian Authorities aim at implementing. Therefore there is no difference between positive and affirmative measures.

*[Question No.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.*

46. The Minister for the Public Administration and the Minister for Equal Opportunities signed in March 2011 a ministerial Directive concerning “Guidelines on the functioning of the system of the committees solely aimed at guaranteeing equal opportunities (*Comitati unici di garanzia per le pari opportunità*), the enhancement of the welfare of those who work and against any forms of discrimination" (to be established according to Article 21 of Act No. 183/2010, which replaced Art.57 of Act No. 165/2001). The committees to guarantee equal opportunities (acronym, CUG) will take over the functions which by the above law and the collective bargaining have been attributed to the Equal Opportunities Committees and the Joint Committees on the phenomenon of mobbing. In particular by the above Directive it has been established that: In each administration, a CUG, which will include representatives of both management personnel and non-managerial staff, will be created; The CUG will be unique even for the administrations where there is

coexistence of staff employed under the public Law and contracted personnel; The Members of the CUG shall serve for four years; Each CUG will have its own internal rules of organization. Among the tasks assigned by the Directive to the CUG, there is the verification of the implementation by the administration of the commitments contained in the assessment of risks derived from work stress. In addition, the administration will previously consult the CUG, whenever it intends to adopt any measures for flexibility, working hours, part-time, leave, training, career development, etc<sup>3</sup>.

47. Italy continues to be affected by the scourge of “informal labour” especially in the field of home care services. The DEO has thus financed a research study on regional and local best practices, aimed at the emergence of informal labour and thus the regularisation of relevant workers, which has allowed the collection of information, to promote cooperation among all stakeholders involved in the fight against informal labour and to transfer such best practices in all the Italian Regions. This research, called “Donne Sommerse” (“Hidden women”), has produced an important legislative and political result. In 2008 it was issued a public notice for funding pilot projects aimed at regularising those workers informally employed, in particular, in the field of home care services.

48. The DEO has allocated 5.000000,00 Euros to finance six projects which have been implemented at the regional and local levels. These projects are about to be concluded by March 2011. By the end of the year, after the assessment by the DEO, it will be possible to disseminate the first results of this action.

49. The DEO signed an MoU with the Italian Ministry of Economic Development in order to implement activities aimed at promoting the principle of equal opportunities and gender mainstreaming in the four Italian Regions belonging to the Objective “Convergence”. The activities will be implemented within the framework of the project “*AGIRE POR 2007-2013*” financed by the European Regional Development Fund through regional/local twinning projects and the beneficiary administrations will belong to the four Italian Regions Objective “Convergence”

50. The projects, to be soon implemented, will be focused on the following thematic areas:

- service for adequate living standards, including reconciliation-related issues;
- female entrepreneurship;
- gender-oriented evaluation systems;
- gender-oriented organizational and management models;
- prevention and contrast of the phenomena of trafficking in women for sexual and labour exploitation and the practice of female genital mutilation;
- prevention and contrast of different form of discrimination;
- social and work inclusion of immigrant women.

51. Italian Authorities will then select some EU regional/local best practices.

52. In September 2010 it was signed an MoU between MIUR and DEO, to ensure the implementation of the policies concerning the right and the equal opportunities at all levels in the field of science, technology and scientific research, to implement the EU Directives and Recommendations to this end. In particular they are both committed to raising awareness of the so-called gender culture at all levels of the schools and universities.

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<sup>3</sup> An update of the most recent activities by the equal opportunities network for the judicial system will be orally provided on the occasion of the oral debate before the CEDAW Committee in July 2011.

53. To remove all forms of discrimination directly or indirectly hindering the achievement of equal opportunities at work-place, it was introduced Act No.125 of 10 April 1991, as later incorporated into Legislative Decree No.198 of April 11, 2006, entitled “Code of equal opportunities between men and women, in accordance with Art.6 of Act No.246 of 28 November 2005”, with the aim of implementing positive actions, namely measures aimed at eliminating the disparities that strike women searching and accessing the labour market, training, professional and career advancement.

54. The positive action projects admitted for financing in the 2009-2010 period were 37, for a total amount of € 4,224,007.49. By the intervention of the National Equality Committee in charge with examining positive action projects, the projects were better defined and aimed at addressing labour conditions and organizational related issues:

- placement systems and labour assessment criteria;
- re-organization of schedules, facilities for working mothers;
- identification of new professional figures;
- access to developing and mainly males dominated sectors;
- organizational innovation.

#### **Stereotypes and harmful practices**

*[Question No. 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.*

55. The Minister for Equal Opportunities and the DEO are jointly working to ensure the effective equality, combating gender stereotypes while respecting gender differences and specificities as basic elements of women’s role in society.

56. A successful initiative is the Memorandum of Understanding, signed by the Minister for Equal Opportunities and the Minister of Education, by which it has established the yearly "Week Against Violence", which takes place every October since then. It was held from 12 to 18 October 2009 and from 10 to 16 October 2010, in all the schools across the country.

57. The goal is to favour exchange of views and reflections on the themes of respect, diversity and legality, fight of gender stereotypes, by involving students, parents and teachers, police forces, that, in the longer term, might provide a network to exchange good practices, as already existing in some schools.

58. During this week, schools organize awareness-raising, information and training on the prevention of physical and psychological violence, including when it is grounded on intolerance, racism, religion and gender, and on services provided for by Ministries, as the national toll-free number for 'listening and counselling in cases of violence at school - 800 669696 - and the national free number against violence against women - 1522.

59. In 2008, the DEO promoted a public notice to fund the planning and implementation of temporary courses on gender differences in secondary public schools. The objectives of the project were the following:

- to raise awareness on gender, in order to develop critical analysis skills and to recognize as discriminatory or stereotyped every perspective that can identify historically consolidated roles;
- to promote a *gender sensitive educational system* and combat gender stereotypes in order to understand that the gender differences have to be considered as personal resources and not as collective categories;
- to promote the rooting of a *difference-sensitive culture*, in order to achieve a fair and conscious development of gender identities.

60. In 2010, the DEO signed the above-mentioned MoU with the Minister for Education, University and Research on gender equality in science (see para.20). One of the main goal of this Memorandum is to raise awareness on gender equality and spread a gender-sensitive culture in the school system in order to fight, inter alia, gender stereotypes. This is a phenomenon persisting especially in the scientific field, through concrete measures, such as:

- Awareness-raising campaigns aimed at fighting gender stereotypes in science;
- Evidencing the role played so far by women in science.
- Promote a gender sensitive training for teachers, besides sensitizing parents on the importance of fighting gender stereotypes.

***[Question No. 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.***

61. The equation female paths = weak paths is no longer so widespread. If one looks at the latest statistics, it can be observed that the girls are not only in all the fields of the education and training but are more than the boys in terms of frequency, regularity of the studies, up to the diploma and degree.

62. Various Regions are passing ad hoc legislation on the *Integration of equal opportunities in the Policies*, by which it is strongly emphasized the role to be played by schools in the implementation of the principle of gender equality. There is a specific focus on the High Schools Systems, which have been requested to realise schools models on gender differences. As discussed the last years of the Italian History have shown the rise of the education advancement among women. In the age group, 25-44 years-old, there is a higher percentage of women than men. In the school periods 1970/71 and 2005/06 the rate of diplomas earned by women is tripled.

63. Nowadays, 80% of 19-year old girls earn diploma. 28,1% of 25-year old women are graduated while men do not overcome 19%. However within the EU framework, it still persists the gap between Italy and the other UE countries. At the regional level, there are slight differences. The Northern and the Centre regions show higher levels of girls who earn diplomas (+18%) in 2005/2006. As of 2005, the Centre Regions show higher level of young women and men who take

the graduation (+13,4%). In the academic year 2004/05, the smallest Centre and Southern Regions, such as Molise, Umbria and Basilicata, show the highest proportion of women graduated in the age group 25-44 with rates ranging from 35% and 40%.

64. Within this framework, it is worthy of mention the Project entitled “Citizenship and Constitution – Academic Year 2010/11”, by which to ensure at all levels of the school system the teaching, inter alia, of human rights, including women’s human rights.

*[Question No. 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.*

65. Since the outset, the Minister for Equal Opportunities has been paying specific attention to communication by launching relevant awareness-raising campaigns. As a way of example, it might be recalled as follows:

- **“Respect women, Respect the world”**

This campaign was promoted by the Minister for Equal Opportunities at the **International Conference on violence against women**, together with the Ministry of Foreign Affairs, under the initiatives of the Italian Presidency of the G8 (2009). A white rose, being a symbol of the innocence of the female world, gradually becomes black, poisoned by the evil dark representing the phenomenon of the violence against women. A pain that remains private, silent, for fear or shame. The protection and promotion of human rights of women are the lens through which to view both the causes of widespread violence and the complex social dynamics of discrimination that are at the root. It provides for toll-free numbers and infra-structures aimed at the protection of the victims.

- **“Stalking - When attention becomes persecution”**

The campaign "Stalking - When attention becomes persecution" sends a clear message: persecution of any kind and nature is a crime. It also speaks of harassment via the Web, especially via email. It informs the public opinion that the detention penalties go through 4 years, up to life imprisonment if the victim dies.

- **"1522 - It 's time to act”**

The campaign of "1522 - It 's time to act" aims at raising awareness about the toll-free number supporting women, victims of violence. Operating 24h/24, 365 days a year, 1522 facilitates the emergence of the phenomenon of violence against women and responds to requests for aid from women, victims of violence, especially domestic violence.

- **“No difference”**

For the first time, it has been realized, in Italy, a campaign against homophobia and sexual orientation-based violence. Posters, leaflets and a spot for the TV and the web that claim in a simple, accurate throws, "Reject homophobia, be yourself."

- **“Different abilities, the same desire for life”**

The main objective of the initiative is to sensitize the community on the principle of equal rights, to facilitate the integration of persons with disabilities in various aspects of social life, work and



family. The basic idea refers to a reality which we sometimes forget: A disability may prevent a person to do something, not all.

● **“1 out of 5”**

The Council of Europe Campaign against sexual violence on children titled “1 out of 5”, realized in cooperation with the Minister for Equal Opportunities, was launched on November 29<sup>th</sup>, 2010, in Rome. Its main objective is to promote legal initiatives, educational and public awareness campaigns addressing children, parents, teachers and other child care providers, in order to learn about the phenomenon and provide guidance, accordingly.

● **“If you love someone, give him/her weight - Campaign against anorexia and bulimia”**

Without shocking images, the campaign was designed to enable parents, teachers and friends of those suffering from eating disorders, to reflect and call for help.

● **“I say no to the violence!”**

The campaign was connected to a series of initiatives, aimed at ensuring exchange of views on the themes such as the respect for the difference and the legality, among students, parents and teachers.

● **“It isn't a matter of luck to avoid prostate cancer but the prevention”**

The campaign aims at stressing the importance of periodic medical exams for men over the age of 50.

*[Question No. 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.*

66. As long as the phenomenon of the Female Genital Mutilation is concerned, the Italian Government has provided the necessary measures to prevent, contrast and punish this practice, being a terrible violation of the fundamental rights to physical integrity and to women's and girls' health.

67. In order to perform the many tasks assigned by the above-mentioned Act, by Ministerial Decree of 16 November 2006, the Minister for Equal Opportunities established the Commission for the Prevention and contrast of the practice of Female Genital Mutilation, which is chaired by the Minister herself and composed of the Head of DEO (acting as vice-president), Department for Equal Opportunities' members, experts, representatives of the interested institutions, as well as relevant non-profit organizations, centres and communities. So the Commission is not established by law, but it results in an action-oriented body aimed at developing operational strategies, in cooperation with all the other relevant stakeholders.

68. After the Public Notice published in August 2007 for the financing of projects to prevent and combat the practice of female genital mutilation, the Minister for Equal Opportunities decided to confirm the role of the Commission by Ministerial Decree of June 9, 2009. The “new” Commission set its new operational strategic framework on the occasion of its first meeting on February 9, 2010.

69. Over the years, Italy has launched national campaigns on Stop Female Genital Mutilation. The Minister for Equal Opportunities supported the Campaign “END – FGM”, which originates from an Amnesty International initiative dating back to 2009. The END FGM network (including AIDOS, among others) realized a strategy for EU Institutions and the Italian Government in order to scale up efforts to eradicate this phenomenon among migrants across Europe.

70. The Commission for the Prevention and contrast of the practice of female genital mutilation has been requested to put forward new proposals for action, on January 27, 2011, by involving representatives of Regions and Administrations concerned, in order to determine future actions for preventing and fighting this phenomenon, including training courses for relevant care providers and the implementation of the ad hoc toll free number, tasked, nation-wide, with receiving information from whoever on cases of female genital mutilation.

71. It is worthy of mention that few months ago the Tribunal in Verona released the first condemnation verdict for a case of FGM occurred in Italy.

72. In March 2010, the Minister for Equal Opportunities organised and chaired a “side-event”, with the participation of Egypt and Senegal, on the policies to combat female genital mutilation at CSW54. In February 2011, during CSW55, the Minister for Equal Opportunities chaired another side-event to follow up and focus on the same issue, with the participation of Burkina Faso, Senegal and Egypt.

### **Violence against women**

*[Question No.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.*

73. In 2009, Italian Authorities particularly focused on violence against women and on stalking. In particular, by Act No.11/2009, they introduced the crime of “stalking” (AC 1440) in the domestic legal system.

74. The above-mentioned Act:

- Provides for the mandatory detention for perpetrators of acts of sexual violence (except for minor cases) and group sexual violence (Article 380 of the penal code);
- Contains provisions aimed at making it more difficult for perpetrators of sexual violence to have access to certain penal benefits such as criminal alternatives measures to detention (Article 4-bis of Law 354/1975 on the prison system);
- Allows for free legal aid for all the victims of sexual violence regardless of their personal income, as provided for by Presidential Decree 115/2002;
- Identifies the following aggravating circumstances (Article 576 penal code): murder committed in relation to sexual violence; sexual acts with a minor; group sexual violence; repeated sexual violence against the same victim.

75. It should be also noted that is currently under examination by the Senate (AS 1675) a specific draft law on sexual violence, which complements the above-mentioned provisions. This Text

provides, inter alia, for harsher penalties, by introducing: new aggravating circumstances; the crime of sexual harassment; the possibility of intervention by Local Authorities, rape-crisis centre, NGOs and eventually the Presidency of the Council of Ministers (in the case of crimes perpetrated against children or within the household) in relevant criminal proceedings; media information measures and the assistance to the victims of violence; and ad hoc prevention programmes within the schools.

76. As reported in the national Report, the above-mentioned Act has introduced the crime of stalking into the Italian criminal code.

77. By recalling the indications contained in the national report, it is worthy of mention that the criminal code provides for detention penalties ranging from six months to four years.

78. Other relevant draft legislative measures are under current discussion:

- The Parliamentary Committee on Justice began examining a Bill aimed at extending the free legal aid in the event of sexual violence cases committed against Italian citizens, abroad (AC 2779);
- The Bill for the ratification of the Lanzarote Convention;
- Several Bills (including AS 1079), as part of a more general package of measures to contrast prostitution and sexual exploitation.

79. On October 28, 2010, it was approved the first "National Plan to combat violence against women and stalking". This Plan expressly refers, in its preamble, to the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In drafting it there was a specific reference to General Recommendation No.19 on violence against women. During its elaboration it was shared with the competent ministries (Ministry of Justice, Ministry of Interior, Ministry of Defence, Ministry of Health, Ministry of Labour and Social Affairs, Ministry of Education) and representatives from relevant private social bodies and NGOs, as convened in April and November 2009, by the Minister for Equal Opportunities in order to collect their practical, operational and factual contributions.

80. The three-year Plan will cover the following five areas:

- a) Prevention: education, awareness and information campaigns and initiatives to protect the image of women and its use by the media and advertising.
- b) Rape-Crisis Centres and Shelters: measures aimed at crisis centres to ensure and improve and increase support services offered to victims.
- c) Training: the promotion and realization of multi-disciplinary training for the all the different kinds of operators involved in the care of victims of violence (police staff, medical operators, etc.)
- d) Data-mining: collection and analysis of data on the phenomenon, in cooperation with the Ministry of Justice and the Ministry of Interior;
- e) Measures of assistance: actions aimed to provide assistance for and empower victims of violence.

81. The actions of the Plan will be funded with ad hoc resources from the National Fund Against Gender-based Violence and Sexual Violence. To monitor its implementation, the Minister for Equal Opportunities will establish a specific committee composed of representatives of Governmental departments, Regions and Local Authorities concerned.

82. Beside from the National Plan, it is still continuing the implementation of the actions provided within the framework of three MoUs, signed in 2009, by the Minister for Equal Opportunities and

the Ministers of Interior, Defence and Education. The Protocols, to be considered preliminary to the implementation of the above National Plan, include:

- Improving the integration between law enforcement agencies and other instruments and actions promoted by the Minister for Equal Opportunities (for example in relation to the implementation of the national toll-free number 1522, dedicated to the victims of violence);
- Carrying out studies and research, with the aim of improving the understanding of stalking and violence against women;
- Training for law enforcement agencies to improve both the prevention field and the support for the victims (to avoid in particular that they can be further victimized);
- Awareness-raising campaigns for children and adolescents, their families and teachers, with the aim of improving the prevention of this phenomenon and spreading a gender-sensitive culture.

***[Question No. 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.***

83. As discussed, the "National Plan to combat violence against women and stalking" involves a specific action dedicated to the development of a data collection system and the analysis and implementation of ad hoc research findings by which to improve the understanding of the phenomenon of violence against women and the crime of stalking.

84. At present the most comprehensive research on this phenomenon was developed, in 2006, by ISTAT, on behalf of the DEO. The survey, published in 2007, has examined different types of violence against women within the household (from a partner or an ex-partner) and outside the family (from unknown people, friend, colleague, family friend, relative, etc...).

85. In 2006, the National Statistics Institute (acronym, ISTAT) presented the results of a new survey, for the first time fully dedicated to physical and sexual violence against women. The survey was conducted on a sample which included 25,000 women, aged between 16 and 70, living in the whole national territory, who were interviewed by telephone in the period from January to October 2006. The survey was the result of a partnership among ISTAT, the Minister and the Department for Equal Opportunities that provided financial support with funds from the National Operative Program "Safety" and 'system actions' of the European Social Fund.

86. The survey on women's safety indicates three different types of violence against women: physical, sexual and psychological, inside the family (from partner or ex-partner) and outside the family (from an unknown person, acquaintances, a friend, a colleague, a family friend, a relative etc.). Physical violence is ranked from the less to the most serious cases: the threat of being physically hit, pushed, grabbed or yanked, knocked with an object, slapped, kicked, punched or bitten, victim of an attempted strangulation, of a choking, burning and threats with weapons.

87. As for sexual violence, it is intended for all situations in which women are forced to do or suffer sexual acts of different natures, against their own will, such as rape, attempted rape, sexual physical harassment, sexual intercourse with a third party, undesired sexual intercourse, endured for fear of consequences, degrading and humiliating sexual activities.

88. Verbal harassment, shadowing, acts of exhibitionism and indecent telephone calls are not surveyed. Psychological violence includes denigration, behaviour control, segregation strategies, intimidation, heavy financial constraints.

89. The main data of the Survey are the following: Six million 743 thousand women, between 16 and 70 years of age, are estimated as victims of physical or sexual violence during their lifetime (31.9% of women in the considered age group). 5 million women were victims of sexual violence (23.7%), 3 million 961 thousand women were victims of physically violent acts (18,8%). About 1 million women were victims of rape or attempted rape (4.8%). 14,3% of women in a current relationship or in a previous one, were victims of at least one episode of physical or sexual violence by their partner; considering only women with an ex-partner, the percentage rises to 17.3%. 24.7% of women were victims of violent acts by another man. While physical violence is more frequently perpetrated by partners (12% against 9.8%), the opposite happens for sexual violence (6.1% against 20.4%), and this is mainly due to sexual harassment. The difference, indeed, is almost negligible as far as rape and attempted rape is concerned.

90. Over the last 12 months, 1 million 150 thousand women (5.4%) were victims of violence. The highest rates are observed among young women between 16 and 24 (16.3%) and between 25 and 34 (7.9%). 3.5% of women were victims of sexual violence and 2.7% of physical violence. 0.3%, 74 thousand women, were victims of rape or attempted rape. Domestic violence affected 2.4% of women, while violence outside the domestic context reached 3.4%. In almost all cases, violence is not reported to the police. The hidden part of violence is very high and it reaches 96% of violent acts by non-partners and 93% by partners. Even in the case of rape almost all of them (91.6%) are not reported to the police. The share of women not talking with anyone about the violence endured is substantial (33.9% among violence at the hands of a partner and 24% by a non-partner).

91. Women are victims of different forms of violence. A third of the victims suffer from both physical and sexual violence. The majority of the victims suffer from several violence episodes. Repeated violence occurs more frequently when the abuser is a partner than when they are a non-partner (67.1% against 52.9%). Among all the physical forms of investigated violence, the most frequent are being pushed, yanked and grabbed, having an arm twisted or hair pulled (56.7%), the threat of being hit (52.0%), slapped, kicked or bitten (36.1%). It follows the use or the threat to use a pistol or knives (8.1%) or the attempted strangulation or choking and burning (5.3%). Among all the forms of sexual violence, the most widespread are physical harassment, being sexually touched against one's own will (79.5%), undesired sexual intercourse felt as violence (19.0%), attempted rape (14.0%), rape (9.6%) and degrading and humiliating sexual intercourse (6.1%).

92. Partners are responsible for the largest part of rapes: 21% of victims suffered violence both in and outside their family, 22.6% only by the partner, 56.4% only by men other than their partner. Partners are responsible for the highest share among all forms of physical violence investigated. Partners are responsible, in a larger extent, also for some kind of sexual violence such as rape and undesired sexual intercourse, endured for fear of consequences. 69.7% of rapes, indeed, are perpetrated by partners, 17.4% by an acquaintance. Only in 6.2% of the cases the abuser is an unknown person. The closer the relationship between perpetrator and victim, the higher the risk of rape, instead of attempted rape. Unknown persons are, above all, authors of physical sexual harassment, followed by acquaintances, colleagues and friends. Unknown persons are perpetrators of rape, only in 0.9% of the cases and perpetrators of attempted rape in 3.6% of the cases, against respectively 11.4% and 9.1% among the partners.

93. Women with a partner, who is violent also outside the family, are generally more affected by domestic violence. A higher percentage of women report that they have been victim of violence

among those with a current partner who is physically violent outside the family (35.6% against 6.5%) or verbally violent outside the family (25.7% against 5.3%); who berates them or does not consider them in daily life (violence rate of 35.9% against 5.7%); who drinks until he is drunk (18.7% against 6.4%) in particular if he gets drunk every day (38.6%) or one or more times per week (38.3%); used to his father beating his wife (30% against 6%) or who in his turn suffered abuse from his own parents. The share of men who use violence against their partners is 30% among those who watched violence acts perpetrated in their family of origin, 34.8% among those who were victims of violence by their father, 42.4% among men who suffered violence by their mothers and 6% among those who were not victims or were not witnesses to acts of violence in their family of origin.

94. Domestic violence acts are for the most part serious. 34.5% of women reported that they were victims of a very serious violent incident and 29.7% of them declared it was sufficiently serious. 21.3% of women felt her own life was in danger when the violence was perpetrated; but only 18.2% of them consider the domestic violence as a crime. 44% consider it as something wrong and 36% only something that happened. Even in the case of rape or attempted rape, only 26.5% of women considered it a crime. 27.2% of women suffered from injuries as a consequence of the violence. These injuries in 24.1% of cases were so serious that it was necessary to seek medical treatment.

95. Women who were victims of several episodes of violence perpetrated by their partners, in almost half of the cases, suffered from, as consequences of the violence, a lack of self-esteem and self-confidence, a sensation of impotence (44.9%), sleep disorders (41.5%), anxiety (37.4%), depression (35.1%), difficulty in concentration (24.3%), recurrent pains in different parts of their body (18.5%), difficulty in managing children (14.3%), suicide fantasies and self-punishment (12.3%). Violence perpetrated by a non-partner is perceived as less serious in comparison with that perpetrated by the partner.

96. Two million 77 thousand women were stalked by partners at the moment of separation or after they split up and were particularly frightened by this (18.8%). Among women who suffered stalking, in particular, 68.5% of partners tried to talk to the woman in a nagging way, against her will, 61.8% repeatedly asked for an appointment to meet her, 57% was waiting for her outside home or at school or at a work place, 55.4% sent messages, phone calls, e-mail, mail or undesired presents, 40.8% followed her or spied on her and 11% adopted other kinds of strategies. Almost 50% of women who were victims of physical or sexual violence from a previous partner, have endured stalking by the same partner, in other words, 937 thousand women. One million 139 thousand women, on the contrary, were only victims of stalking with neither physical nor sexual violence.

97. Seven million 134 thousand women were or are victims of psychological violence : the most widespread forms are: isolation and attempted isolation (46.7%), control (40.7%), financial violence (30.7%) and berating (23.8%), followed by intimidation (7.8%). 43.2% of women were victims of psychological violence by their current partner; among them, 3 million 477 thousand have always or often suffered this kind of violence (21.1%). 6 million 92 thousand women were only victims of psychological violence by their current partner (36.9% of women living in a couple). 1 million 42 thousand women were also victims of physical or sexual violence, 90.5% among the victims of physical or sexual violence.

98. 1 million 400 thousand women were victims of sexual violence before they were 16, 6.6% of women aged 16-70. Perpetrators of violence are different and most of them known by the victim. Only in 24.8% of cases, was violence perpetrated by an unknown person. A fourth of women reported that the perpetrator was an acquaintance (24.7%), another fourth a relative (23.8%), 9.7%

a family friend, 5.3% a friend of the woman herself. Among relatives, perpetrators are more frequently uncles. Silence has been the most frequent response. 53% of women declared that they kept silence about the event. 690 thousand women were victims of repeated violence by partners and they had children at the moment of the violence. 62.4% declared that their own children were present during one or more episodes of violence. In 19.6% of the cases women reported that the children were present rarely, in 20.2% of the cases sometimes, and in 22.6% of the cases often present<sup>4</sup>.

### **Trafficking and exploitation of prostitution**

***[Question No. 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.***

99. The DEO does not collect nor elaborate data on prostitution as such. Data and statistics can be provided by the DEO only with regard to the victims or presumed victims of trafficking who are beneficiaries of the projects of first assistance and social protection promoted and co-funded by the DEO itself. These persons can be subjected both to forced labour and forced prostitution, or to other forms of exploitation (forced begging, illegal activities, etc.).

100. Women and men who want to escape from their exploiters can participate in the protection programs co-funded by the DEO. The Italian system provides for two types of programs for trafficked persons, on the basis of two national laws:

- A short-term program (“Article 13 Programme”) is provided by Art. 13 of the anti-trafficking law (law 228/2003) establishing a Special Fund for the implementation of temporary assistance programs for Italian, communitarian and foreign victims of “reduction to or maintaining in slavery or servitude conditions” and “trafficking” (offences envisaged by Articles 600 and 601 of the penal Code);
- A long-term programme (“Article 18 Programme”) is provided by Art. 18 of the Immigration Law (Legislative Decree 286/98) “Residence permits for social protection grounds”. It provides social protection measures to victims of exploitation (foreigner and EU nationals) with the aim of allowing them to escape from the violence and conditionings of exploiters.

***[Question No. 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.***

101. Italy ratified the Council of Europe Convention on Action against trafficking in human beings (Warsaw, 2005) by Bill 3402, as approved by the Parliament on June 3, 2010, by Act No. 108/2010. In November 2010, the Minister for Equal Opportunities deposited the ratification by Italy on the

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<sup>4</sup> In 2010, the Ministry of Justice indicates that 115 were killed, as reported in a Survey by the House of Women in Bologna<sup>3</sup>. The womencide cases were: 101, in 2006; 107, in 2007; 112, in 2008; 119, in 2009. Usually the perpetrator was the husband in 36% of the relevant cases, the cohabitant or the partner, in 18% of the cases, the ex partner in 9% of the cases and the relatives in 13% of the cases. Victims and killers were mainly Italians: 70,8% of the victims and 76% of the killers, respectively. According to this survey, between 2006 and 2009, the number of women killed amounted to 439. The domestic violence is the most alarming phenomenon. The jealousy is one of the main causes of the death. This kind of killings is more widespread in the North (49%) than in the South (24%). In 64% of these case the assault takes place in the house of the victim.

occasion of the High-Level launch of the CoE Campaign to stop sexual violence against children. By the above Act, it has been introduced article 602 ter in the penal code which provides for aggravating circumstances in the event of children trafficked reduced into slavery. The above Act has supplemented the previous relevant legislation, being internationally considered among the most advanced in terms of assistance for the victims and prosecution of the traffickers (See Act 286/98 and Act 228/2003, respectively).

***[Question No.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).***

102. In 2008, the DEO started working on a project for the establishment of a national observatory and database on trafficking in human beings. The data collection system so far used was changed to switch to a new one where data regarding each person assisted in the framework of the “article 18” an “article 13” programs, as entered into a national database. The start-up of this new system (SIRIT) has been recently concluded, therefore the data for 2009 and 2010 are not yet available.

103. According to the most recent data presently available (2008) in the framework of art.18 projects 1170 trafficked/exploited persons were assisted. Out of them 1025 women, 145 men, 48 minors. 908 women were exploited for the purpose of prostitution. In the framework of art. 13 projects 452 trafficked/exploited persons were assisted. Out of them 329 women, 123 men, 40 minors. 259 women were exploited in prostitution.

***[Question No. 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.***

104. Article 18 of the Unified Text on Immigration (Legislative Decree No.286 of 1998) envisages a special residence permit for victims of trafficking and exploitation for reasons of social protection. The granting of this residence permit is independent from reporting the traffickers/exploiters to the law enforcement authorities by the victim. The only necessary condition to obtain the permit is to meet the requirements provided for by the law and to participate in the so-called “article 18” assistance program. The residence permit can be issued on the basis of two procedures:

- The “judicial path”, when the case is reported to the police or when a criminal proceeding has been started. It implies that the victim will co-operate with the police and public prosecutor. She/he will be instrumental in bringing charges against the perpetrator;
- The “social path”, when NGOs or public social service assisting the trafficked persons consider that they are in current danger. The trafficked persons are not obliged to report the traffickers to the police, but they are expected to provide extensive information (“statement”) to the law enforcement agencies through the above stakeholders.

105. They get a 6-month permit which may be renewed for an additional year; it does not oblige the person to go back home once the programme is over. The granting of short-residence permits



to trafficked persons is thus based on the principle of the protection of the human rights of the individual.

106. Furthermore, the residence permit for humanitarian reasons can be converted into a residence permit for education or for work, allowing the foreigner to remain in Italy in accordance with the regulations governing the presence of foreigners on the national territory. In 2008, within the framework of the “article 18” projects co-funded by the Department of Equal Opportunities, 433 residence permits for social protection were granted. The Bossi-Fini Law (Act No. 189/2002) has not amended Article 18 of the Unified Text on Immigration.

107. The criminal design behind the exploitation and trafficking in human beings warrants the realisation of ad hoc strategies to combat these phenomena by synergies among police, judicial authorities and NGOs. It is indeed in this context that the so-called Art. 18 approach was developed (For data, please see the Annex on the Ministry of Interior, in particular “All.2”).

### **Political participation and decision-making**

*[Question No. 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.*

108. The commitment of the Italian Government to women’s participation in politics is basically reflected, at the legislative level, in the amendment to Article 51 of the Constitution (2003), by which it has been introduced the principle of gender equality in the access to public and elective offices.

109. By ad hoc legislative provisions, the percentage of women in relevant positions has increased over the last years. The current percentages of women in the Senate and in the Chamber of Deputies amount to 18% and 21%, respectively.

110. The percentage of women in apical political posts is as follows: 21,7% as Government’s Ministers; 22% as State Under-Secretaries; and 21.7% as Deputy Secretaries of State.

111. As for the measures to increase the presence of women in politics, Act No.90/2004 is in force. By setting that women have to be one third of the candidates for election to the European Parliament, it has triggered a substantial increase in women elected, in June 2004: 19.23% while in 1999 it amounted to 11.5%.

112. The DEO aims at extending the training project launched in 2005, entitled “Women, politics and institutions - educational processes for a gender and equal opportunities culture”. The objective of the project was to process practical and theoretical information in order to disseminate a gender sensitive culture and to allow women, workers or not, to approach politics and to promote their advancement and participation in the national political and social life. The project has been designed for all women with a secondary-school diploma and for male and female university students.

113. The main themes analysed during the courses were the following:

- the functioning of the main Italian institutional bodies and the political parties;
- political and social participation;
- the organization and functioning of the European Parliament;
- national and community jurisprudence regarding gender policy techniques and tools.

114. The above project was formally concluded in 2007. However considering its effectiveness, after the signing of an ad hoc Memorandum of Understanding between the DEO and the Ministry for Education, University and Research, it has been decided to launch it again in 2012.

115. As for the measures undertaken to improve the situation of women in the labour market, the Department for Equal Opportunities has signed the above-mentioned Memorandum of Understanding with the Minister for Education, University and Research on gender equality in science.

116. The Memorandum of Understanding has been signed by both Ministers, in September 2010, with the aim of promoting equal opportunities policies at all levels of science, technology and scientific research. The Memorandum envisages the establishment of a Scientific Committee consisting of relevant experts from public administrations, Universities and the civil society, tasked with elaborating concrete measures to achieve gender equality in science; to fight the under representation of women in the scientific fields; to facilitate the advancement of the career; improve the presence of women in the scientific labour market and, in particular, in decision-making posts.

117. The DEO has also coordinated two projects aimed at improving the situation of women in the scientific sector, both financed by the 7PQ namely:

- The project "**Practising Gender Equality in Science**" - **PRA.G.E.S.** was an action of coordination, lasting 21 months, aimed at comparing the various strategies implemented for promoting the presence of women in decision-making positions relating to scientific research in public institutions. It pursues the objective of collecting, classifying and evaluating good practices and positive actions (involving those where a positive contribution from men is recorded) that can be found in OECD countries, both at the national level and at the level of the individual institutions, and to make them available, in a usable form, to a number of selected targets, including both decision-makers and other relevant stakeholders. The projects ended in 2009 with the publication of the Guidelines for Gender Equality Programmes in Science .

- The project "**Women Careers Hitting the Target**"-**WHIST** , as the previous PRAGES project, is coordinated by the DEO and consists of a coordinated set of activities of networking, awareness-raising, experimentation and knowledge transfer between scientific organisations of different countries and of different kinds as well as between scientific organisations and decision-makers. The duration of the project will be 27 months. The project's aim is to "improve the situation of gender diversity in science, by inter alia improving transparency in recruitment, promotion, and nomination" and increase the capacity of scientific and technological (S&T) institutions in monitoring, managing and feeding gender diversity in their own organisation, at all levels. The project will ends on July 2011.

*[Question No. 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.*

118. As for the measures undertaken in order to promote the equal opportunities in the labour market, the “Directive on measures to achieve equality and equal opportunity between men and women in Public Administration” is still in force.

119. This Directive was signed in 2007 by the Minister for Equal Opportunities jointly with the Minister for Reforms and Innovation in the Public Administration. Its main aim is to guarantee the fair access of women to public offices<sup>5</sup>.

120. This Directive mainly applies to the central authorities and non economic bodies, but also to Regions and local bodies. The Directive provides for indications in several areas: personnel recruitment and personnel management policies; elimination and prevention of discrimination, etc..

121. To monitor the Directive, every year the DEO prepares an annual summary report by which it analyzes the data provided for by the relevant administrations. In particular, the second chapter of the 3<sup>o</sup> summary report, entitled “The personnel and the Gender”, analyses gender disaggregated data referring to a number of 396.566 public officials.

122. The apical positions in the public administration are the directors representing 1,6% of the total personnel. The 2009 statistical Survey based on a sample of 3999 directors belonging to central public administrations shows that 48,8% were women (In 2008, from a sample of 5524 directors, 37,4%, were women).

123. With regard to the measures undertaken to implement the principle of gender equality and, in particular, the objectives set out in the aforementioned 2007 Directive, the yearly monitoring on the state of implementation being conducted by the Department of Reform and Innovation for the Public administration and the Department of Equal Opportunities.

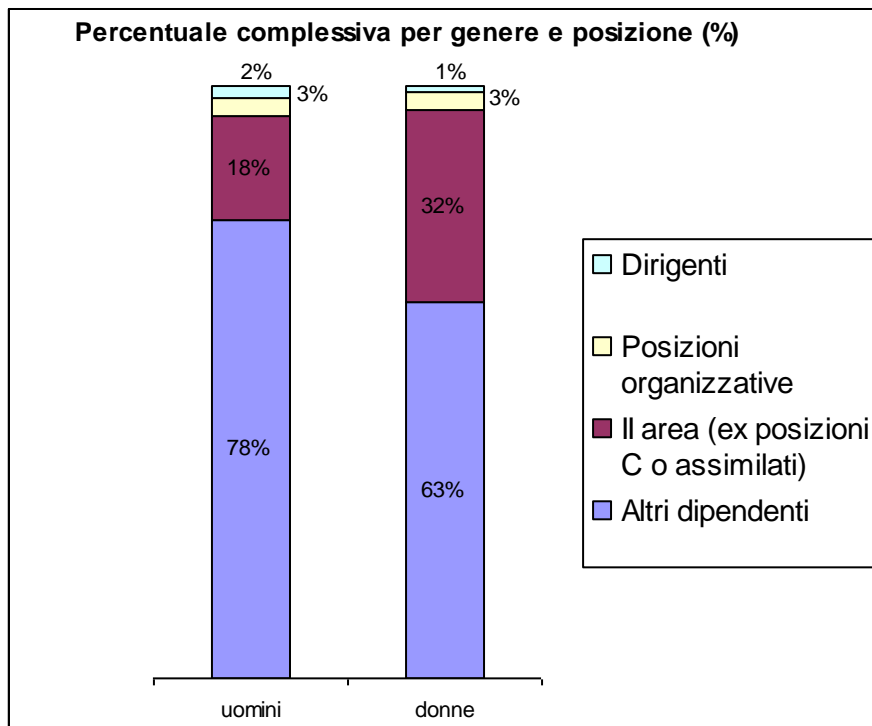
124. The survey considers, inter alia, the ‘professional staff distribution’ in relation to their position and the relating assignment to managerial posts. It includes first and second-tier managers, officers in charge of organization positions and the remaining staff, according to their position in the professional organization chart. The acquisition of these updated data concerning the overall Public administration staff allows to learn about the distribution of top positions within the public administration between men or women. With regard to 2009 data concerning 169 public Authorities that responded to the questionnaire, it emerged that from the total public administration staff amounting to 396,566, 41.6% are women (further information are available at: [http://www.innovazionepa.gov.it/media/604547/rapporto%202010\\_diretti\\_destinatari.pdf](http://www.innovazionepa.gov.it/media/604547/rapporto%202010_diretti_destinatari.pdf)).

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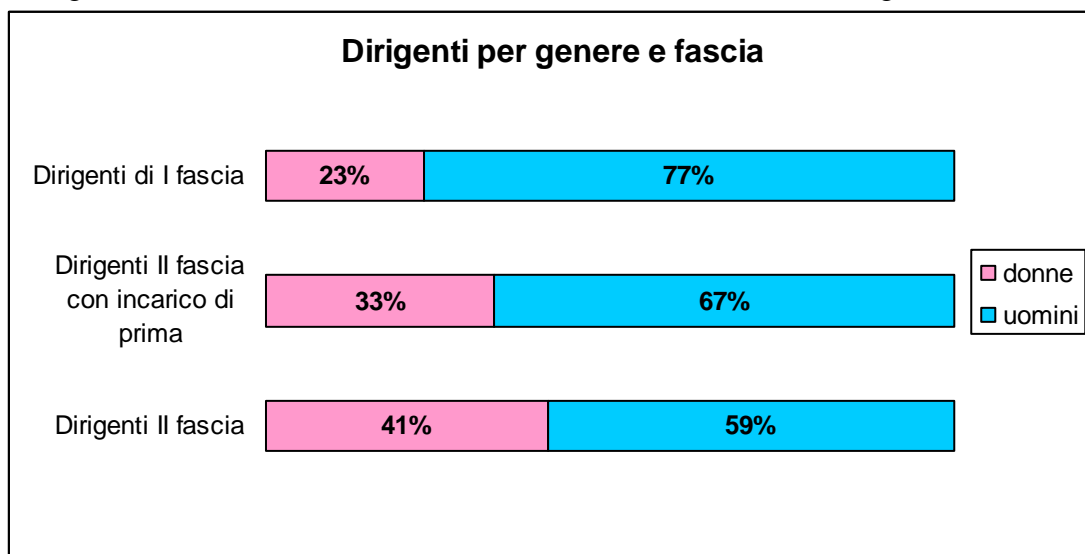
<sup>5</sup> The Minister for the Public Administration and the Minister for Equal Opportunities signed in March 2011, the Directive addressed to all administrations regarding the “Guidelines on the functioning of the system of the committees solely aimed at guaranteeing equal opportunities (*Comitati unici di garanzia per le pari opportunità*), the enhancement of the welfare of those who work and against any forms of discrimination” (to be established according to Article 21 of Act No. 183/2010, which replaced Art.57 of Act No. 165/2001). The committees to guarantee equal opportunities (acronym, CUG) will take over the functions which by the above law and the collective bargaining have been attributed to the Equal Opportunities Committees and the Joint Committees on the phenomenon of mobbing. In particular it is established that:

- In each administration, a CUG, which will include representatives of both management personnel and non-managerial staff, will be created;
- The CUG will be unique even for the administrations where there is coexistence of staff employed under the public Law and contracted personnel;
- The Members of the CUG shall serve for four years;
- Each CUG will have its own internal rules of organization.

Among the tasks assigned by the Directive to the CUG, there is the verification of the implementation by the administration of the commitments contained in the assessment of risks derived from work stress. In addition, the administration will previously consult the CUG, whenever it intends to adopt any measures for flexibility, working hours, part-time, leave, training, career development, etc.



Managers account for 1.6% out of the total staff. 39% out of 6,188 managers are women and 61% are men. As the following diagram shows, women are present in the second-tier management whereas men account for two-thirds of first-tier management.



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

*[Question No. 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.*

125. A recent pivotal programme of actions to promote the inclusion of women in the labour market is the "Plan - Italy 2020", which has been adopted by the Minister for Equal Opportunities and the Minister of Labour and Social Affairs, in December 2009.

126. The “Plan – Italy 2020” encourages the presence of women also in training, in the so-called green jobs sector and areas relating to environmental-friendly techniques, being sectors where women are traditionally less represented. The Plan main aim is the inclusion of women in the labour market through the implementation of new concrete measures such as: the creation of child-care services; the enhancement of care services; the creation of registers for care services providers and baby-sitters who have attended a specific training; economic support for tele-working workers; and the exemption from taxes for the female work in the South.

127. In order to support the Plan-Italy 2020, the Italian Government adopted, on April 29, 2010, the National Plan for interventions to promote reconciliation between work and family, by which to allocate 40 million Euros to be distributed among Italian Regions by public notices. On a more specific note, it is worth-mentioning as follows:

- 10 million Euros will be devoted to finance the child-care services throughout the developing of new profiles such as the *tagesmutter*, or the condominium based babysitter.
- 4 million Euros for the creation of registers of qualified baby-sitters and care services providers and for the training of these workers.
- 12 millions Euros for vouchers and job-offers in order to improve the female employment.
- 6 million Euros for the financing of NGOs and associations working for promoting the reconciliation between work and family.
- 4 million Euros for the tele-working.
- 4 million Euros for training courses for the re-entering of women in the labour market after a period of maternity leave or job-abandon for assisting elder relatives or persons with disabilities. Fifteen agreements with Regions have been financed, so far.

128. In the 2007-2009 period, the resources that have been globally dedicated to the development of the social educational sector of services for early infancy amount to more than 747 million: 446.4 million in state resources to finance the special triennial plan, 281 million of local administrations’ resources to co-finance the plan and a further 20 million in state resources allotted to finance early infancy day-care services.

129. Within the framework of the European Social Fund, the DEO is responsible for the systemic actions aimed at supporting those Regions falling within the so-called “Convergence Objective” (Sicily, Puglia, Calabria, Campania) on the issues of the reconciliation and women’s employment through the use of European Resources, such as for example the reconciliation between work and family by promoting tele-working, part-time, job-sharing, the organization of city schedules and by supporting the entrepreneurial best practices on gender-related issues.

130. With reference to measures undertaken to increase women’s participation in the labour market, it is worth-mentioning the following strategies, within the framework of the action Plan for the inclusion of women in the labor market:

“[\*\*Italy 2020 – Action Programme for the inclusion of women into the labour market\*\*](#)”, as jointly promoted by the Ministries of Labour and Equal Opportunities, identifies the strategic framework to facilitate the balance between work and family and to promote Equal Opportunities in the access to the labour market. This programme envisages the following five areas to which 40 million euros have been allocated: to foster family-run day nurseries through the so-called “Tagesmutter” (day-mother) experience, namely women who take care of babies at their home against payment (this kind of experience has already been successfully carried out in a few Northern regions); setting up ‘registers’ for national and foreign duly educated baby minders and caregivers; issue of vouchers addressed to the purchase of care services in facilities such as toy and play centres and summer

holiday centres; support to social cooperatives operating for work life balance in disadvantaged contexts; incentives to women's tele-working; refresher courses devoted to working women wishing to re-enter the labour market, after a period of leave.

131. On July 30, 2010, the Council of Ministers approved the three-year Labour Plan, entitled "Liberare il lavoro per liberare i lavori ("free labour to free the works"), developed by the Minister of Labour, to promote economic growth and employment through the development of demanded skills, with specific regard to youth and women. Actions in favour of women's employment focus on implementing a reconciliation policy by re-designing the working hours plan. In this regard it was requested the opinion by social partners. It was also envisaged a specific focus on the promotion of child-care services, particularly the day-care service.

132. Regarding the State's measures aimed at increasing women's participation in the labour market and updated information on the progress made in achieving the 33% territorial coverage of socio-educational services for early childhood as fixed by the European Council of Lisbon in 2000, it is worthy of mention as follows:

133. The Extraordinary plan for the development of socio-educational services for early childhood, emanating from the unified Conference Agreement between the Government, Regions, and Local Self-Government (dated 26 September 2007) aims at allowing all the Regions to launch regional plans for extending and qualifying educational services covering the age 0-3.

134. The main objectives are: to increase relevant child-friendly services; to implement the relevant measures to ensure the Essential Levels; to revitalize a strategy of collaboration between institutions for the concrete implementation of children's rights; and to overcome the strong imbalance between Northern and Southern Italy in order to get closer to the European standards. In the 2007 – 2009 period, the Extraordinary Plan allocated State resources amounting to 446 million Euros and 281 million Euros with the regional co-financing, totalling € 727 million Euros for the development of the integrated network of socio-educational services.

135. In addition, for the year 2010, the Department for Family Policies allocated additional 100 million Euros, to implement, as a priority, the development of early childhood services, along with other pro-family interventions. Closely connected to the transfer of the financial resources established for the implementation of the aforementioned Plan, and also to guarantee the quality of the aforementioned integrated network, the Department for Family Policies and the Ministry of Labour and Social Policies, relying also on Centro Nazionale di Documentazione e Analisi per l'Infanzia e l'Adolescenza (national documentation and analysis centre for childhood and adolescence) and in collaboration with ISTAT, have initiated the monitoring activity for the purposes of assessing the aforementioned Plan's state of implementation.

136. The relevant monitoring includes the following areas: a) the quantity of services present in the regional territory; b) the various types of offerings, ascribed to the two macro-areas referring to the CISIS statistical catalogue (nursery school and supplementary services consisting of play space for children, facilities for children and families, services in home settings); c) regional regulations and regulatory acts; d) resources addressing and used for services in the Region; e) services network data. With regard to the 33% final coverage objective for educational services for children under 3 years of age, the main statistical indicator focused on is the degree of coverage by early childhood educational services (nursery school and supplementary services). Analysis of the latest available data, as of 31 December 2009, shows strong a local difference between northern and southern regions: to the north, we find educational service reception rates of greater than 15 places per 100 children, with the sole exception of the Autonomous Province of Bolzano. The Regions with the

highest reception rates are Emilia Romagna (exceeding 30 places per 100 children), Umbria, Tuscany, and Valle d'Aosta.

137. The only Southern Regions providing comprehensive data are Molise and Abruzzo, reporting 15 places per 100 children. Nationwide, the reception rate for early childhood educational services equals 17.8 places per 100 children<sup>6</sup>.

138. In this setting, mention has to be made of the 2007-2013 National Strategic Framework for additional regional policy (Quadro Strategico Nazionale per la politica regionale aggiuntiva 2007-2013 – QSN) as approved by European Commission Decision No. C (2007) 3329 of 13 July 2007, which calls for a mechanism based on competition to achieve verifiable results in terms of collective services in areas being essential to ensure the adequate living standards, equal opportunities for the citizens, and the affordability for businesses to invest.

139. To this end, for the Regions of Southern Italy, four objectives have been identified which appear to be of relevance to both assess the current capacity for change in the living and well-being conditions in the territories in question, and for the capacity for the effective integration between national and regional policies. The objectives are: to raise the educational levels of the students and of the entire population; to increase social and health-care services for children and the elderly (in particular by stressing the family obligations, mainly borne by women, a factor which contributes to discourage their participation in the labour market); and to improve water services and urban waste management (within the framework of a greater effort towards improving environmental quality).

140. Italian Authorities selected statistical indicators suitable for measuring these objectives in terms of availability and quality of services. They were associated with clear goals to be reached by 2013 and incentive mechanisms for the Regions to achieve the expected improvements. In particular, with respect to the nursery school objectives, the following goals were set:

- Increasing the percentage of municipalities with children's services from 21% to 35%;
- Raising the percentage of children using the service from 4% to 12%.

141. To this end, in January 2009 it was launched the project, entitled "Azioni di sistema e assistenza tecnica per gli obiettivi dei servizi di cura per l'infanzia" ("system actions and technical assistance for the objectives of childhood care services").

142. Within this framework, it should be stressed the proposals by Osservatorio nazionale per l'infanzia e l'adolescenza (the National Observatory on childhood and adolescence) as included in the third relevant Plan of Action, that has placed specific attention to supporting families, especially women, through a number of initiatives relating to the so-called active parenting and the reconciliation. To this end, some of the actions as identified by the Plan provide for:

- Effectively implementing Act No. 53/2000, by seeking to achieve substantial equality of roles for men and women, in such a way that women do not have to renounce possible career expectations, or even jobs. This gives rise to the need for some legislative modifications to adjust to European regulations as regards the percentage of compensation earned during the period of leave, and raising children's age threshold for leave to be enjoyed.
- Strengthening the network of integrated services for early childhood through the development, throughout national territory, of services for children between 3 months and 3 years of age (nursery school, mini-preschool, company or onsite day care, new "sezioni primavera" day care

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<sup>6</sup> Indicator calculated not taking into account the population of Campania, Apulia, Basilicata, Calabria, Sicily, and Sardinia, for which the figure on places is not available.

services adjoined to preschools and nursery schools), and of educational services to supplement nursery schools and preschools (play facilities, play spaces, facilities for children and parents), raising the percentage of coverage between potential users and those enrolled in the Action Plan's three-year period.

- Developing a project of system Actions and technical assistance to the southern Regions, with the objective of intervening in the distribution of services in the various territorial areas in order to eliminate the imbalance between northern and southern Italy. The eight southern Regions will be supported in the process of achieving the objectives, with specific reference to the targets for early childhood services. Technical assistance provides for: training activity aimed at strengthening technical and professional skills; onsite technical assistance to support the programming and implementation of the regional Plans; system activity to spread – also through the use of web technology – operative instruments, documentation, guidelines, etc.; exchanges and twinning with other regions in central and northern Italy.

- Testing “home nursery schools” to help reconcile time for living and working in the family. National funding is called for, supplemented by territorial financing, for the controlled, verified trialling of the so-called “home nursery schools,” focusing on appropriately trained people offering education and child care for other people's children in their own homes.

- Improving and generalizing early childhood educational and school services in order to guarantee education to all children between 3 and 6 years of age.- Fostering attendance – by minors in fragile homes and in conditions of social and cultural exclusion – in services for 0-3 years of age, in preschools, and in educational services for 0-6 years of age.

143. The system of “compulsory communications” (including reports of regular employment or para-subordinate work) recorded in 2009 over 9.3 million activations of labor relations, distributed in an equal manner between males and females.

144. Compared to the economic activities of the male jobs are concentrated in hotels and restaurants, agriculture and construction, those women tend to be mostly in public administration, education and health, hotels and restaurants, transportation and other business services.

145. About the types of contract, there is a slight predominance of men among the activities of permanent contracts, while greater flexibility characterizes women, with increased use of fixed-term relationships and collaboration agreements.

146. This increased flexibility can also be observed in terms of average number of activations during 2009 when it amounted to 1.58 of men and 1.67 of women, respectively. Among the labor relations activities included 1.1 million of relationships with Non-EU workers (among whom 42% are for women) and 706,000 with EU workers (of which 53% women). This finding is particularly important, as it also includes foreigners temporarily present in our country.

147. With regard to the economic sector, foreign workers have greater demand for labor in activities conducted by households (including about 66% are working) and hotels and restaurants sectors in which we observe an equal distribution between men and women. These are often reports of permanent employment (linked to residence permits), but among the working relationship ended in 2009 about 40% have a duration of 2-3 months, without major differences in gender and area of origin (EU and extra EU).



148. DEO's role within NOP Obj. 1 "Governance and Systemic Actions"

The Operational Programme "Governance and Systemic Actions" addresses only obj. 1 Regions in Italy (Calabria, Campania, Apulia, Sicily). As regards NOP obj. 1, in addition to being in charge of Pillar D, the DEO supports the Labour Ministry in the implementation of Art.16 of Reg.1083/06 (horizontal principle).

149. ESF Italy: some figures. The so-called ESF Italy is implemented by 24 Operational Programmes:

- 3 National Operational Programmes (2 led by the Labour Ministry: obj. 1 "Governance and Systemic Actions" and obj. 2 "Systemic Actions" + 1 led by the Ministry for Education Research and University: "Competences for development", obj. 1 Regions)
  - 4 Regional Operational Programmes obj. 1 Convergence + 1 phasing out Region
  - 17 Regional Operational Programmes obj. 2 Competitiveness
- Within obj. 1 "Governance and Systemic Actions" NOP, specific objective 4.1 financial resources amount to circa 15 M€ for the overall period (almost 31 M€ is endowment of entire Pillar D).

150. The DEO actions within NOP "Governance and Systemic Actions" obj. 1

Concerning gender-related issues (specific obj. 4.1), according to the work programme approved by the Labour Ministry and attached to 10/4/2008 Convention, the DEO is entrusted with the direct implementation of five actions, while three actions are implemented via an agreement with ISFOL (Equal opportunities unit), an instrumental body of the Labour Ministry for ESF.

151. The following lines of interventions with regard to gender are therefore being implemented :

- start up and support of awareness-raising initiatives on equal ops aimed at local administrators and social parties;
- establishing organisational models to promote conciliation between work and family life;
- identification of intervention patterns to promote women's equality as regards access to the labour market;
- definition of models of intervention to favour women's inclusion and stay in education, training, research, social and cultural systems;
- development of pilot interventions to combat violence against women;
- implementation and consolidation of the system on gender monitoring and assessment;
- support to initiatives for gender budgeting.
- identification, dissemination and transfer of best practices on gender equal opportunities;
- actions for dissemination of gender culture and development of the Equal Opportunities Network.

A wide range of in-depth research has been funded in 2009 notably on the following issues:

- women's employment and flexicurity
- conciliation measures
- impact of black economy / non observed economy on womens' employability
- qualified family care systems
- employment policies and the Lisbon Strategy
- innovative tools for careers guidance
- foster value of women's human capital in the workplace
- diversity management to improve women's conditions at work

The main idea with these analyses is to identify best practices and define some guidelines to adapt and adopt in obj. 1 Regions, following debate with concerned Administrations.

A more recent initiative concerns the definition of new ways to involve regional administrations, namely through protocols, thematic agreements on specific issues and a steering group to accompany joint initiatives to be undertaken.

## REGIONS

The Regions are implementing the following measures for employment:

- measures designed to encourage career paths and integration of women in enterprises and in areas of public and private research
- activities to support already existing or new women entrepreneurial activities.

The following activities undertaken by the Regions for work and family reconciliation should be considered:

- conciliation vouchers as measures to support women employment for the financing of services delivered to minors
- use of integrated home care services, also through the work placement of women living in conditions of social exclusion
- creation of childcare services or increasing care services in order to light family workload and consequently to raise the participation of women in the labour market
- reorganisation of family centres
- family allowances to let elderly and disabled stay at home
- flexicurity interventions in enterprises to encourage reconciliation of family and professional life.

*[Question No. 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.*

152. As for those fathers taking the parental leave, the most recent data for employees date back to the year 2005<sup>7</sup>. These data show that there is still a difference between fathers and mothers: there were 345.000 mothers against 165.000 fathers, taking parental leave.

153. As for the mothers, there is no big difference if considering the various areas of the country. However more fathers were taking parental leave in Southern Italy. This is mostly due to the fact that in this part of Italy, generally, men are the only breadwinner and the partner is often housewife, and thus being not entitled to take parental leave.

154. Early Childhood education and Childcare facilities. As above discussed, Italy has strongly supported structural long-term measures.

155. The mentioned National Plan for development of educational and care services addressed to early childhood was set up in for the period 2007-2009 for a total amount of resources of 727 million euro. In 2010, further 100 million euros have been invested.

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<sup>7</sup> [http://www.istat.it/dati/catalogo/20080904\\_00/arg\\_08\\_33\\_conciliare\\_lavoro\\_e\\_famiglia.pdf](http://www.istat.it/dati/catalogo/20080904_00/arg_08_33_conciliare_lavoro_e_famiglia.pdf) p. 121.

156. Very important steps have been registered in achieving progressively the targets of providing childcare by 2010 to at least 33% of children under three years. A remarkable monitoring study has been set up. From available data, there is a general improvement.

157. Some Regions in the North and Centre Italy exceed the 33% target, some are around 25% and some are still on lower rate. The national estimated rate is around 24.8 %, considering public and private childcare services<sup>8</sup>.

158. The 100 million euro supplementary resources for 2010 and the following additional resources could also play an important role in achieving the EU target.

159. As above reported, in particular, in 2009, 40 million Euros have been invested to promote home-based care services for early childhood (Tagesmutter); - a pilot project has been launched in to create new nurseries in public administrations with an initial amount of 25 million euro.

160. As for the measures undertaken in order to improve the Italian situation related to child-care services the DEO has published a Public Notice for child care services in the Public administrations

161. In order to reach the goal of childcare for 33% of children under three years the DPO has published on 17 December 2009 a Public Notice aimed at financing new child care services in the workplaces of the Public Administrations. The Public Notice has been put in place together with the Department for Family Policies allocating a financing of € 18.000.000,00. After the evaluation of the several proposals arrived from all the Italian territory have been financed 9 projects.

162. With regard to possible measures introduced to contribute to work life balance and to the sharing of family care duties between men and women, Article No.53 of Law Decree No.78 dated 31<sup>st</sup> May 2010, later converted into Act No.122/2010 concerning the Productivity Contract. According to this Act during the period from 1st January 2011 to 31st December 2011, the wages paid to private sector employees benefit from social charges and tax allowances, in compliance with plant-level and area-wide collective contracts or agreements, and correlated to increases of productivity, quality, profitability, innovation, enterprise organization efficiency. In accordance with the above-mentioned "Italy 2020 Action Plan", this financial measure intends to support women's employment.

163. To this end, it is in fact necessary to encourage virtuous practices and procedures in the area of industrial relations through the implementation of flexible tools to support women in the labour market. In such a way, the promotion of organization flexibility can be translated into a greater and better work life balance and it can allow companies, workers, both men and women, to be more productive and to contribute to a better business performance.

164. On the other hand, as regards the protection of working mothers, the territorial offices' inspection activity concentrated constantly on this issue, as shown by the results for 2009, which report 406 administrative violations with regard to the economic protection of working mothers (a +67% increase over 2008) and 613 reported offences with regard to the physical protection of working mothers (a +155% increase over 2008).

165. Particular attention was also paid to the phenomenon of the resignations of working parents resigning pursuant to Art.55 of Lgs. D. No. 151/01 (which, pursuant to paragraph 4 of the

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<sup>8</sup> For a comprehensive overview :[http://www.politichefamiglia.it/media/64823/sintesi\\_nidi\\_2\\_20cop.pdf](http://www.politichefamiglia.it/media/64823/sintesi_nidi_2_20cop.pdf)

aforementioned article, must be confirmed by the Labour Ministry's inspection service) and the monitoring thereof.

166. From this standpoint, the aforementioned Technical Table – as part of its duties to provide impetus to equality instruments – has developed a declaration model and a report for surveying the data on a national level, starting 2009, and the general directorate for inspection activities (DGAI) has emanated special operative instructions to the territorial offices, to guarantee the uniformity of inspection personnel's behaviour in the delicate sector of confirming resignations (pursuant to art. 55 of Lgs. D. No.151/01) and a greater effectiveness for the procedure of ascertaining the actual desires of the resigning male or female worker.

167. Examination of the data collected for 2009 shows that over the course of the year, the provincial labour directorates issued 17,676 measures confirming resignations pursuant to art. 55, 12,100 of which in the north, 3,301 in central Italy, and 2,275 in the south.

168. It was found that the 17,676 male and female workers who had resigned were prevalently between 26 and 35 years of age (11,327), had low service seniority - up to three years (9,445) – and had just one child (11,467).

169. The phenomenon of resignations for motherhood/fatherhood mainly affects companies with up to fifteen employees (11,269), since, perhaps because of their small size, they have greater difficulties in organizing working hours (granting part-time work, shift work, etc.).

170. Instead, as regards the productive sectors in which the phenomenon is more considerable, the attached report shows that the most substantial items are those in “commerce” (6,668) and “other” (7,187) – an item likely to have contained services, a sector in which women have been traditionally employed.

171. Chief among the motivations that have most encouraged male and female workers to resign are the absence of relatives (3,845) and of such support facilities as day care (3,577).

172. Lastly, it is stressed that, starting from 2010, it will also be possible to monitor failure to confirm the resignation request, as a box for this datum has been added at the bottom of the yearly statistical report. It is pointed out that, at a national level, 17 violations of the regulations in the matter of equality of men and women and discrimination phenomena were found in the period between 01 and 31 October 2010 (Please see Tab. Excel Pag. 16 in Annex on Ministry of Labour)

***[Question No.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.***

173. As for relevant measures, it should be mentioned, as follows:

- The Italian legislation does not discriminate between part-time and full-time workers with regard to both remuneration and social protection. A part-time worker is entitled to the same remuneration per hour as a full-time worker even if every single item in the relevant salary is calculated in proportion to the number of worked hours, unless collective bargaining

provides for the remuneration to be calculated under more favorable conditions. The same rights are granted, for instance, with reference to the annual paid leave, sick leave, maternity or parental leave, work injury benefits, etc., always in proportion to the effective working time. As to family allowances, this type of benefit is granted according to the number of working hours per week: The full allowance is granted if the worker performs his/her activity on a 24 hour schedule per week; if the worker performs his/her activity on less than 24 hours per week, he/she will be entitled to as many daily allowances as the number of days he/she has really worked. Part-time workers can be authorized to pay voluntary contributions, upon request, in order to integrate their contribution records.

- As discussed, [Italy 2020 – Action Plan for the employability of youth through the integration between learning and employment](#) identifies the action lines to improve the integration between the training system and the labour market in order to accomplish youth full employability; the Plan, which has been drafted by the Ministries of Labour and Education, and launched in September 2009, identifies the joint action lines for the two Ministries, to be pursued through a shared ‘flight deck’, to build a new and more integrated relationship between the training system and the labour market in order to accomplish youth full employability.
- Various priorities have been identified: to facilitate the transition from school to work, to re-launch the technical-vocational education and the apprenticeship contract, to rethink the role played by university education, to open up Ph D courses to the manufacturing system and to the labour market. As for the specific strategic framework, Italian Authorities intend to convene a meeting between social partners and trade associations. In particular, given the fact that technical education can be an important opportunity for young people and for companies, the strengthening of guidance actions, the reorganization, the relaunch and re-qualification of technical education, that has to be boosted for young women living in the most strategic technological areas in terms of innovation and competitiveness, as well as the development of technical-vocational education and training paths, at the workplace and within the working environment, will contribute both to facilitate the match between labour supply and demand, and to reduce segregation, improving the employability of young women and their relative retention in the labour market (Please see Tab excel – tables 2 through 19 in Annex on Ministry of Labour).

***[Question No. 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.***

174. As previously discussed, an important initiative created with the aim of guaranteeing the fair access of women to public offices is the “Directive on measures to achieve equality and equal opportunity between men and women in Public Administration” signed in May 2007 by the Minister for Equal Opportunities jointly with the Minister for Reforms and Innovations in Public Administration.

175. This Directive is aimed at central authorities and non economic public bodies, but also at Regions and local bodies. The Office for intervention for equality and equal opportunities within the DEO coordinates the planning, management and monitoring of all the initiatives related to equal opportunities which are financed by national resources and it is responsible for the implementation of this Directive.

176. The Directive provides indications for areas where the authorities should intervene and determine critical points or possible direct and indirect discrimination, using surveys, studies and monitoring activities. There are 6 areas:

- elimination and prevention of discrimination;
- adoption of triennial positive action plans;
- work organization;
- personnel recruitment and personnel management policies;
- equal opportunity committee (EOC)
- organizational training and culture.

177. The Directive foresees to adopt initiatives addressed to balance women's presence at decision-making level where a gender pay gap still persists and it is more than 2/3 (para 4, letter f). For each of the relevant areas, this Directive supplies precise instructions for the administrations, appealing to them, for example, to make legal and contractual provisions regarding flexible work and to take care that appointments are conferred taking into account the principle of equal opportunity. To monitor the directive, each year the DEO prepare a summary report that analyzes the data provided by the individual administrations.

178. Within this framework, while the annual Report by the EU Commission on Progress in the field of equality between women and men indicates that in Italy women earn 5% less than men (This is the lowest percentage recorded within the EU), in December 2010, it was funded, by the ESF, a research study on the promotion of initiatives to contrast the gender pay gap in the Regions belonging to the Objective Convergence (Campania, Apulia, Calabria and Sicily).

179. The fight against informal labour is one of the programmatic priorities of the Ministry of Labour and Social Policies who is increasingly paying attention to this problem, also due to the relating problem connected with the issue of safeguarding health and safety at the workplace. The central importance of the actions combating informal labour is also necessary to guarantee the protection of working conditions, from the economic and contribution standpoints, and to prevent phenomena of social dumping which are factors that distort free competition between businesses.

180. First, it appears appropriate to make reference to the latest regulatory initiatives by which Italy has supported the action of combating informal labour which, in substance, may be broken down into “preventive” measures and measures of a more strictly “sanctioning” nature. In particular, the general measures of a “preventive” nature include:

1. the obligation to establish and keep the single work book, to replace the obligatory books in force in the various productive sectors – by all private employers, with the sole exclusion of the domestic labour employer, that employ subordinate workers, coordinated and ongoing collaborators (collaboratori coordinati e continuative – CO.CO.CO), including those hired by project, those under temporary CO.CO.CO contracts (“mini CO.CO.CO”) and associates in stakeholding, for which there is a labour contribution – introduced by art. 39 of D.L. 112/08, converted into Law no. 133/08;
2. the obligation by employers (private employers, Economic Public Corporations, Public Administrations) to make the hiring notice on the day prior to the establishment of the labour relationship (subordinate and autonomous, CO.CO.CO including those hired by project, working shareholder in cooperatives and associate in stakeholding with contribution of work), with the consequent impossibility of regularizing same after the inspections;
3. the possibility for the businesses to enjoy regulatory and contribution benefits solely if in possession of the single insurance contribution payment certificate (Documento Unico di Regolarità Contributiva – DURC). This document is a recognition certificate issued at the request of the interested party by INPS, by INAIL and, upon an agreement for this purpose

with the aforementioned institutions, by “other institutions that manage forms of mandatory insurance” as well as, in the construction sector, by the construction workers funds possessing the requirements established by the D.M. of 24 October 2007. Pursuant to art. 5 of the aforementioned D.M., the DURC attests to the company’s contributions being duly paid, if monthly or periodic obligations are met, the correspondence between payments made and payments ascertained by the institutions as owed, as well as the non-existence of pending default;

4. the re-introduction of the so-called intermittent work (art. 39 of D.L. no. 112/2008) which, by allowing particular flexibility in using workers on certain days of the week and periods of the year, in particular in the sectors of tourism, trade, and public establishments, helps bring into the light working activities that would otherwise be “clandestine”;
5. the re-introduction of accessory work, for activities of an occasional nature [art. 22 of D.L. no. 112 of 2008 (entering force on 25 June 2008)], which takes on a broader scope and can find application in a series of activities and cases (e.g. family-run businesses, domestic work, gardening, supplementary private teaching, sporting events, and for youths under 25 years of age during school vacations, and for all seasonal activities, and not only those involving winemaking) where there is recurrent use of non-regular workers;
6. the possibility of harsher penalties in the event of promotion of informal labour as laid down by Act No. 183/2010 (Art.4).

181. On the other hand, as regards the “sanctioning” policies, mention has to be made of the following ones:

- the quintupling of some administrative fines already established for the violation of regulations governing labour, social legislation, social security, and safeguarding health and safety and the workplace, and the modification of the “large penalty” for clandestine work (already provided for by D.L. no. 12/2002, converted by law no. 73/2002), introduced by art. 36 bis of D.L. ni. 223/2006 converted with Legge no. 248/2006;
- suspension of business activity (already established for the construction industry by the aforementioned art. 36 bis and for other business activities by art. 5 of law no. 123/2007) is now provided for by art. 14 of D.Lgs. no. 81/2008 and subsequent supplements and amendments. The suspension power is a new and incisive tool to combat clandestine work, which allows the Ministry’s inspection personnel to suspend business activity in the presence of grave violations in labour matters. This prerogative is recognized for the personnel of the Ministry of Labour (for violations in matters of social security it is also extended to the inspectors from the local health concerns), which may proceed to suspend any type of business activity upon the occurrence of one of the following cases: 1) use of personnel not resulting from the books and from other obligatory documentation to an extent greater than or equal to 20% of the total of workers present at the workplace; 2) grave and repeated violations in the matter of safeguarding health and safety, identified with the Labour Ministry’s ministerial decree.

182. As to the inspection approach, of particular interest is the inspection services’ organization and methods in the matter of labour and social legislation. In this regard, reference must be made of Legislative Decree No.124 of 23 April 2004, aimed at redesigning the regulations regarding the organization, responsibilities, and powers of the bodies in charge with performing oversight activities.

183. As a consequence of these modifications, the current oversight system includes the traditional inspection function, as well as activities of a preventive and promotional nature performed by the labour inspectors, also through the introduction of tools aimed at promoting and properly orienting the employers, and at providing prompt and effective responses to the workers’ concrete. Another

essential aspect that is the object of reform was the coordination of inspection activities – entrusted to the General Directorate for inspection activities (Direzione generale per l'Attività Ispettiva) – considered the indispensable tool for taking significant action to combat the phenomena of irregular and informal labour work.

184. From this standpoint, lawmakers have outlined a system of a general and systematic nature, functional to capitalizing on and harmonizing not only the contribution of the Ministry's territorial structures, but also the synergies that exist between the various bodies charged with oversight (Carabinieri command for safeguarding labour conditions, social security institutions, etc.).

185. Major changes were also made to the inspection personnel's powers, on the one hand through the innovation of such old institutions as the caution and obligatory prescription, and on the other through the discipline of new and particularly significant tools, such as the notice of verification for labour credits, and administrative settlement.

186. The perspective outlined by Lgs. D. No. 124/04 includes the Directive on inspection services and oversight activities of 18 September 2008, which in light of the radical change in inspection activities, caused by the profound legislative modifications that have recently taken place, and in order to complete the labour market modernization process initiated by the "Biagi reform," warrants attention for the oversight activity aimed at the quality and effectiveness of the inspection action.

187. The aforementioned Directive also refers to the importance of coordination with all the bodies charged with oversight in the matters under the purview of the Ministries of Labour, Health and Social Policies, to be done with mutual exchanges of information between the subjects involved, that make it possible to guide the inspection activity towards considerable objectives of particular importance.

188. Of major interest is the examination of the statistical surveys regarding the inspection activity carried out in 2009, since they show that the oversight action that was performed yielded positive results in almost all sectors of activity.

189. In view of a precise legislative direction towards bringing clandestine labour into the light and implementing programming lines defined at a territorial level by the Offices, the inspection interventions were in fact intensified in order to highlight that the institutional presence is extensive, and not of an occasional nature, throughout national territory.

190. First, it is pointed out that the "inspection corps" consists of about 5,000 inspectors belonging to the Labour Ministry and to the social security institutions (INPS, INAIL, and ENPALS), making inspections in matters of labour and social legislation. In the period from 01 January through 31 December 2009, through an incisive monitoring operation performed throughout national territory, said personnel inspected about 303.691 companies, about 58% of which turned out to be irregular (about 175,144).

191. The inspections, so performed, yielded the irregular employment of approximately 316,310 workers, about 124,476 of whom were entirely "clandestine." Significant results, with reference to both employment and to recovering contributions, were obtained through the instrument of suspending business activity. During the period from January through December 2009, the extensive monitoring operation performed throughout national territory led to the adoption of 4,770 suspension measures. Most of the companies that received the suspension measure were in the construction industry, where 1,771 suspension measure were adopted (37% of the total of measures) with suspended companies equalling 5% of those inspected.



192. High numbers were also seen in the sector of public establishments, with 1,421 suspension measures, equal to 30% of the total number thereof. The remaining percentage (33%) includes companies in other commodities sectors, from commerce (582), to handicrafts (501), to agriculture (144), to industry (134).

193. Revocation of the suspension measures took place in 3,692 cases (equal to 77%) of suspensions. And the amount of the sums collected through the revocation measure came to € 8,039,920.00. For 2010, only the data for the first half are available. In particular, 133,540 companies were inspected, of which about 62% were irregular (82,158). As for the workers, 141,432 were found irregular, of whom 45% were clandestine (64,329). It is also highlighted that the evaded contributions and premiums that were recovered amounted to € 696,602,746.00.

194. The Italian pension system, following the modifications introduced after the Ruling by the Court of Justice which ordered it to ensure equal treatment in public businesses, establishes the same requirements for men and women.

195. The old-age pension is one of the social security benefits to which everyone that is or was enrolled in any one of the obligatory social security institutions is entitled. It is a benefit obtained by both men and women upon reaching retirement age. The system for calculating the pension varies depending on the seniority for contribution purposes, in accordance with three criteria:

- contribution system, for those who paid their first contributions on 31 December 1995;
- wage system, for those who, at 31 December 1995, had a seniority for contribution purposes that was greater than or equal to 18 years;
- mixed system (wage and contribution), for those who, at 31 December 1995, had a seniority for contribution purposes that was less than 18 years.

196. Age requirements for the contribution system. Old-age pensions may be requested by men that have reached 65 years of age and by women that have reached 60 years of age, and that have paid at least 5 years of contributions, or those who:

- from 01 January 2008 through 31 December 2009, paid 35 years of contributions and have reached 60 years of age (61 if they are autonomous workers);
- from 01 January 2010 through 31 December 2013, have paid 35 years of contributions and have reached 61 years of age (62 if they are autonomous workers);
- from 01 January 2014, have paid 35 years of contributions and have reached 62 years of age (63 if they are autonomous workers);
- have, regardless of the age requirement, paid 40 years of contributions.

197. Age requirements for the wage system. Old-age pensions may be requested by men that have reached 65 years of age and by women that have reached 60 years of age, and that have a contribution seniority of at least 20 years. Still anchored to the old requirement of 15 years of contribution seniority are those who:

- as at 31 December 1992, had already reached 15 years of contributions;
- as at 31 December 1992, had already reached retirement age;
- had been authorized for the voluntary payments prior to 31 December 1992;
- with at least 25 years of insurance, have been employed for at least 10 not necessarily consecutive years, for periods of less than 52 weeks in the solar year.

The system is destined to lose its effects.

198. Mixed or pro-rated system. The mixed system remains anchored to the rules of the wage system, except for the procedures for calculating the pension, which are prorated. That means with the wage system for contributions paid by 31 December 1995, and with the contribution system for the rest of the contributions.

199. In public businesses, following a ruling by the court of justice, the criteria for granting the pension were made uniform, by making the requirements established for men equal to those for women.

200. As regards the differences in the amounts of pension related to the differences in pay, and the non-typical nature of the contribution career of women, the following table is transmitted:

201. INPS pensioners numbered 13,905,996 – 54% women and 46% men who, given the higher wages paid to them, earn 56% of the pension income. In particular, according to ISTAT 2008 data, the yearly gross total amount of pension income by sex comes to € 17,137 for men and € 11,906 for women. A woman's average monthly pension equals a gross of € 915,846, for a net of about € 500. A man's average monthly pension equals a gross of € 1,318,230, for a net of about € 900.

202. Family allowances. As far as family allowances are concerned, employed persons and pensioners, those receiving social security benefits deriving from paid employment are entitled to receive family allowances. Since 1 January 1998, these allowances are also paid to “*parasubordinati*”, i.e. those registered with the separate administration (Law 335/1995). The amount of these allowances depends on the size of the family and the income of the household. At least 70% of this income must come from paid employment.

203. A “household” is considered to include the applicant and his/her spouse, who must not be either legally or effectively separated, and the children or equivalent, under the age of 18 or without age limit if they are disabled, and nieces and nephews under the age of 18 if they are dependent on a direct ascendant (grandfather or grandmother), are in need and are maintained by a grandparent.

204. Family income is calculated taking into account the all types of income received by the various members of the household, including deductible expenses and tax deductions - those taxed separately and those that are tax-exempt, if over approximately 1000 euros. Certain types of income are however exempt.

205. Similar family allowance rules are applicable to farmers, sharecroppers and smallholders and certain categories of self-employed persons.<sup>9</sup>

206. Furthermore, municipalities are also entitled to grant family allowances (*ANF-Assegno Nucleo Familiare*), for families with at least three underage children and low incomes<sup>10</sup>.

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<sup>9</sup> Updated data available on <http://www.inps.it/doc/Informazione/RapportiCoesioneSociale/NotaspesasocialeinItalia.pdf>

<sup>10</sup> For 2009, the total expenses for all family allowances is 5.329 millions euro  
[http://www.inps.it/Doc/informazione/rapporto\\_annuale/INPS\\_RappAnnuale09.pdf](http://www.inps.it/Doc/informazione/rapporto_annuale/INPS_RappAnnuale09.pdf), p. 248.

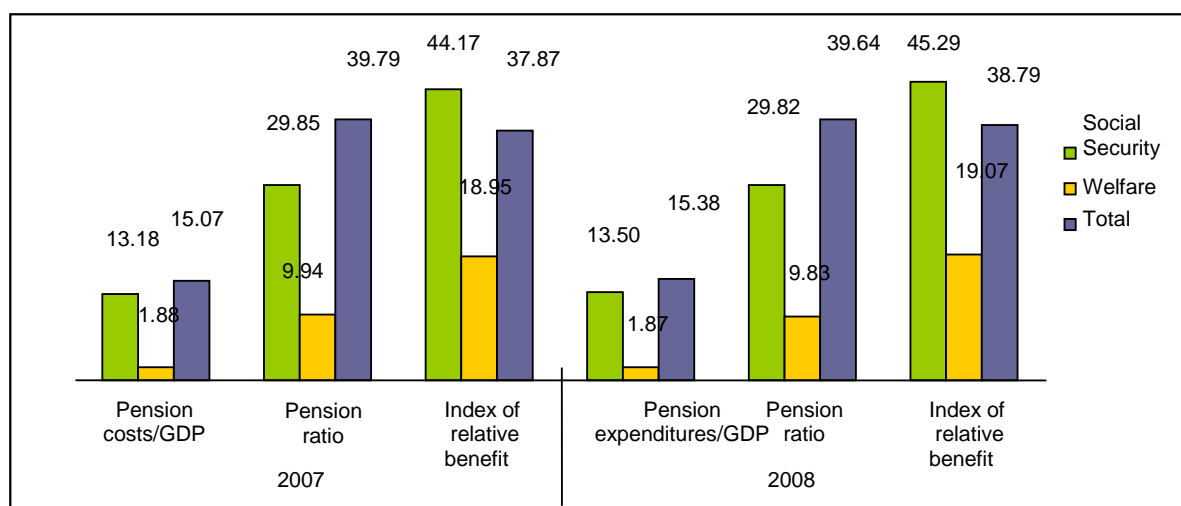
207. It is also worth to mention that beside long-run strategies, Italy has provided for specific and targeted income support measures to counteract the severity of the 2009 and 2010 crisis in order to give immediate response to women and family needs, with:

- a lump-sum bonus for low-income families varying from 200 to 1000 Euro depending on family size and income conditions;
- Tax relief of 19% of kindergarten expenses ;
- Increased family allowances:
- A monthly income support (“social card” - *Carta Acquisti*) for the purchase of primary goods for households with children or elderly;
- a Trust Fund for newborns aiming at facilitating access to credit for families with newborns;

Fare facilities to families for natural gas and electricity supply

208. To provide a clear picture, it is useful to recall that as of 31 December 2008, the number of social security and welfare pensions paid out amounted to 23.8 million at a total annual expenditure of €241,109,000 equivalent to 15.38% of GDP<sup>11</sup> (+0.31 percentage points compared to 2007). The average pension amount was €10,129 with a total increase in expenditures of 3.5% over 2007.

Figure 1 – Pension indicators (a). Years 2007 and 2008 (*percentage values*)



(a) Refer to glossary for definitions of indicators.

209. The figures above emerge from the annual surveys on pensions and their beneficiaries conducted by the National Statistical Institute (ISTAT) in collaboration with the National Social Security Institute (INPS) based on the latter’s administrative data archive, the Pensioner Central Records Office<sup>12</sup>, which collects information on pensions paid out by all Italian public and private social security institutions.

210. Pensions and beneficiaries are divided into seven categories: old-age, disability, survivor, injury, civil disability, non-contributory and war (refer to glossary for definitions). This classification makes it possible to univocally identify the number of beneficiaries within each category. Each beneficiary may receive pensions of different types hence be included in one or more of the above categories. For example, a holder of an old-age pension who also receives a

<sup>11</sup> For data on GDP, see: *Conti Economici Nazionali Anni 2007-2009 (National Economic Accounts: Years 2007-2009)*, 01 March 2010, Istat.

<sup>12</sup> Instituted through Presidential Decree no. 1338, 31 December 1971, subsequently amended by Legislative Decree no. 352, 06 July 1978, and Law no. 85, 22 March 1995.

survivor's pension will be included among cumulative beneficiaries of different types of pensions and fall within both the old-age and survivor's pension categories. Therefore the total is calculated as the sum of the individual types of pension.

211. As regards types of pension (Table 1), it can be observed that disability, old-age and survivor's pensions (Ivs) amount to 18.6 million at an overall expenditure of € 217,216,000 (90.1% of total) with an average annual amount of € 11,662.

212. Welfare pensions represent the second largest category in terms of expenditures. In 2008 such expenditures amounted to € 19,469,000 (8.1% of total) and related to 4.2 million pensions at an average annual amount of € 4,607. Injury pensions at an average annual amount of € 4,651 accounted for 1.8 % of total expenditures of € 4,424,000.

**Table 1 – Pensions and related annual, overall and average amount by type of pension. Years 2007-2008**

TYPE OF PENSION	2007					2008						
	Number	%	Overall amount Milli	Average amount euros	I.N.	Number	%	Overall amount Milli	Average amount euro	I.N.		
disability, old-	18,641,	78.6	210,25	90.2	11,27	114.	18,626,	78.3	217,21	90.1	11,66	115.
Injury	976,679	4.1	4,256	1.84	357	44.4	951,264	4.0	4,424	1.84	651	45.9
Welfare	4,102,4	17.3	18,461	7.94	500	45.8	4,225,8	17.8	19,469	8.14	607	45.5
<b>Total</b>	<b>23,720,</b>	<b>100</b>	<b>232,97</b>	<b>100</b>	<b>9,822</b>	<b>100</b>	<b>23,803,</b>	<b>100.0</b>	<b>241,10</b>	<b>100.0</b>	<b>10,12</b>	<b>100.</b>

(a) Total index number =100

213. With reference to regards pensioners (Table 2), it can be observed that in 2008 the number of pension holders, was almost 16.8 million, a figure only slightly higher than in 2007 (+0.04%). The number of pensions per capita was 1.4. Although the proportion of women pension holders was 53%, men received 56% of pension income due to the higher average amounts of their pensions (€17,137 compared to an average of €11,906 for women).

**Table 2 – Pensioners and gross annual overall amounts of pension income by sex. Years 2007-2008**

Sex	2007						2008					
	Number		Amount		I.N.		Number		Amount		I.N.	
	A.V.	%	Overall (Millions of euros)	%	Average (euros)		A.V.	%	Overall (Millions of euros)	%	Average (euros)	
Men	7,875,936	47.0	130,403	56.0	16,557	119.2	7,904,229	47.1	135,456	56.2	17,137	
Women	8,895,668	53.0	102,573	44.0	11,531	83.0	8,874,142	52.9	105,653	43.8	11,906	
<b>Total</b>	<b>16,771,604</b>	<b>100.0</b>	<b>232,976</b>	<b>100.0</b>	<b>13,891</b>	<b>100.0</b>	<b>16,778,371</b>	<b>100.0</b>	<b>241,109</b>	<b>100.0</b>	<b>14,370</b>	

(a) Total index number =100<sup>13</sup>

<sup>13</sup> **Glossary - Overall annual amount:** The annual amount of each pension is calculated as the product of the monthly amount of the pension as of 31 December times the number of monthly payments. The amounts are gross before tax and contributions. Family allowance is not taken into consideration as it is not pension-related.

**Injury pension:** pension paid as a result of an accident at work, during service and/or occupational illness.

**Index of relative benefit:** percentage ratio between the average amount of a pension and GDP per inhabitant.

**Disability pension:** pension paid to those suffering from physical or mental infirmity that permanently reduces their ability to work by at least one third in occupations suited to the aptitude of the worker (disability allowance), or that permanently causes total incapacity to perform any work (disability pension).

## Health

*[Question No. 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.*

214. Within the broader scope of our focus on women's health problems, the Superior Institute on Health (Italian acronym, ISS) has been coordinating the Strategic Programme funded by the Ministry of Health, since 2009. It is named "Gender medicine, a strategic objective for public health: *appropriate care for the safeguard of women's health.*"

215. The main objective is to conduct research activities in pre-clinical, clinical, sociological and economic contexts in order to:

- a) supply a basis for a public health planning and development that takes into account gender differences and that protects women's health specifically so as to achieve appropriate care
- b) examine gender-dedicated prevention protocols
- c) draw up guidelines specifically for the female gender
- d) examine the influence the environment and the female role have on health so as to suggest practical measures (for additional information, please see also replies to questions 29 et ff. below).

216. In particular for problems related to HIV/AIDS, in 1987, the dedicated institution of the National AIDS Committee allowed research, assistance, information, training and communication activities on HIV/AIDS to be harmonized and monitored throughout the national territory.

217. Since 2006, along with the Voluntary Councils that exist within the Ministry of Health, the focus has been put on setting up of a National Register of new HIV infections and drawing up guidelines for therapy and diagnosis, as well as developing action projects aimed at vulnerable populations, including women. In 2009, a special project was launched; it is funded by the Ministry of Health, and headed by the National Institute for the promotion of the health of migrant populations and to combat poverty-related diseases (INMP). It is a project for a *SOCIAL-HEALTH*

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**Civil disability pension:** pensions paid to citizens with insufficient income and a reduced capacity (above 73%) to work or perform normal daily functions. This category also includes pensions paid by INPS to citizens with insufficient income aged 18 to 65 suffering from reduced hearing capacity (above 75 decibels) and to citizens regardless of age with residual vision no higher than 1/20 in both eyes.

**Pensioner:** recipient of one or more pensions.

**Pension:** periodic and continuative money payment to an individual by Public Administration Institutions and public and private Bodies as a result of: reaching a certain age; reaching a given number of contribution payment years; lack or reduction of the capacity to work due to congenital or arisen disability; death of the insured person; particular service to the nation. The number of pensions does not equate to the number of pensioners in that each individual may receive more than one pension. In the case of indirect pensions paid to several co-holders, the number of pensions is considered equivalent to the number of recipients.

**Dependency ratio:** ratio between the number of pension recipients and the employed population. This indicator differs from the elderly persons dependency ratio which refers to the ratio between the elderly population (aged 65 and over) and the population of active working age (15 to 65 years).

**Welfare pensions:** these include non-contributory pensions, social allowance, pensions and/or benefits for the civil blind, civil deaf and civil invalids, in addition to war pensions including Gold Medal holder benefit, life annuity benefit for former military personnel awarded the Order of Vittorio Veneto, Military Medal and Cross for Valour benefit.

**Injury pensions:** pensions for injury at work and occupational illnesses. These pensions provide compensation to a person according to the degree of a disability caused by an event during performance of work. In the case of death, the pension is paid to the person's survivors. A harmful event (case) can lead to the provision of multiple pensions according to the number of eligible survivors.

**Disability, old-age, seniority and survivor's pensions (IVS):** pensions paid through basic and supplementary social security provisions as a result of the insured person's working activity on reaching a given age limit, contribution period or in the case of reduced working capacity (direct disability, old-age and seniority pensions). In the case of death of the person during performance of working age, or if the person has already retired, these pensions may be paid to survivors (indirect pensions).

**Survivor's pension:** pension paid to the survivors of a pensioner or insured person having the necessary insurance and contribution requirements.

**Old-age pension:** pension paid through basic and supplementary social security provisions as a result of the insured person's working activity on reaching a given age limit and contribution period.

**Pension ratio:** percentage ratio between the number of pensions and the resident population as of 31 December of each year.

*EXPERIMENTAL STUDY TO FOSTER PREVENTION, DIAGNOSIS AND CONTINUITY IN THE CARE OF HIV/AIDS INFECTIONS AND CO-INFECTIONS IN SOCIALLY AND ECONOMICALLY LESS FAVOURED GROUPS.* Up till 2008, there was no working national monitoring system for new HIV infections, and this reduced the possibility to have an accurate analysis of the epidemiological situation of HIV/AIDS infection, both among autochthonous subjects at high risk of social exclusion and among immigrants. According to the data supplied by the ISS in April 2009, the percentage of patients with an HIV positive diagnosis near (less than six months) or concurrent with an AIDS diagnosis proved to be greater than 50% and higher among foreigners than the Italian population.

218. The study therefore turned to people living in social discomfort, the homeless, immigrants (especially if illegal) and other groups at risk of poverty such as women who are victims of trafficking, prostitutes, transsexuals and drug addicts. Certain characteristics that are peculiar to these populations partly prevented a real analysis of the phenomenon from being completed and specific HIV/AIDS infection prevention, diagnosis and care programmes from being drawn up, and also hampered continuity in the therapy treatment. In the light of these considerations, two important priorities have been identified for future public health action in the context of HIV/AIDS infection:

- to achieve an overall reduction in the number of HIV infected persons who are not aware of their state in the shortest period of time possible;
- to implement specific treatment that guarantees continuity in therapy for the prevention, diagnosis, treatment and follow-up of opportunistic infections and co-infections to facilitate access to health services for persons at the highest risk of social exclusion in general and for women in particular.

***[Question No. 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.***

219. This organized screening programme is considered a basic level of health care (LEA) for resident women aged 50-69:

220. The fight against breast cancer is considered one of the priorities of public health in the 2010-12 National Prevention Plan, approved by an Agreement between State/Regions and Public Administrations dated 29/4/2010 and in the “Technical Guideline Document to reduce the cancer burden” for the years 2011-2013, which is on the table of the State/Regions Conference.

- ✓ 2010-12 National Prevention Plan. Its health objective is to reduce the cause-specific mortality rate for women and it envisages strengthening and improving screening programmes for women aged 50-69; it also gives innovative objectives for the definition of differentiated prevention according to the individual risk of each woman.
- ✓ Technical Guideline Document to reduce the cancer burden for the years 2011-2013: planned action includes: extending organized screening programmes, for mammary cancer, by halving the percentage difference between the increase in calls observed and that expected (total coverage of the target population); increasing and improving the quality of screening programmes organized by the regions as defined by the set of indicators agreed by the National Screening Observatory and the regions’ coordination, by using the National Prevention Plan instruments and the limited regional Health Fund quotas; making the population programmes for mammary cancer

screening sustainable by redesigning opportunistic screening; defining a national programme, in agreement with the regions, to experiment innovation in organizational models for screening programmes.

221. The data concerning the organized screening programmes are collected by the National Screening Observatory (Centre for screening monitoring), at the request of the Ministry of Health. The data relating to the 2009 activities are listed below. They confirm that the Regions in the South do not respect the LEAs.

<b>Region</b>	<b>Resident population (ISTAT)</b>	<b>2009 target population* (minus those excluded)</b>	<b>Women aged 50-69 who were contacted</b>	<b>Women who responded</b>	<b>% of women called in the targeted population</b>	<b>% of women in the targeted population who responded</b>
Abruzzi	163211	80438	36196	18358	45,0	22,8
Basilicata	69322	34661	41507	19295	119,8	55,7
Calabria	232164	112893	70717	18123	62,6	16,1
Campania	652290	317506	111689	31891	35,2	10,0
Molise	38871	19387	19172	10510	98,9	54,2
Apulia	493642	246821	127719	55112	51,7	22,3
Sardinia	217200	108436	11364	5187	10,5	4,8
Sicily	599372	297319	32621	11809	11,0	4,0
<b>Total</b>	<b>2466072</b>	<b>1217460</b>	<b>450985</b>	<b>170285</b>	<b>37,0</b>	<b>14,0</b>

The target population is called for a bilateral mammogram every two years; for monitoring purposes, it is assumed that every year the target population will be half the resident population that is entitled to be included in the screening programmes. Some women are excluded from the call system for pre-defined individual reasons.

222. As for measures taken to eliminate the differences detected in the implementation of the screening programmes, basically, the non-compliant Regions are given special help. To this end, various measures have been taken:

- The institutional structure deriving from the 2004-6 and the 2007-9 National Screening Plans have already made it possible to offer routine help to Regions, it is supplied by the national screening Observatory in the form of:
  - producing assessment data and supplying reports
  - organizing training and audit events to improve technical, professional and organizational quality.
- The 2007-09 National Screening Plan defined the extraordinary needs of the southern regions, historically the most backward ones in offering screening programmes, and promoted specific projects to improve the shortcomings detected and the funding linked to achieving the objectives (these projects are assessed by the CCM Scientific Committee).
- The CCC has also funded a specific programme to support regional infrastructures, which is ongoing and is aimed at the same Regions in the South and the Islands.
- Finally, extending the screening programmes has been included as an indicator of LEA compliance and therefore it contributes to the assessment of Regions' access to the 3% reward quota of funds for health services.
- To the above we must also add a project that was funded recently (2010) by the CCM to implement a national site-visits programme, entrusted to the National Screening Observatory.

However, there is still a problem in too many Regions regarding regional planning and business management, which is often linked to the more generalized problem of fund allocation that the Pact for Health in any case reserves for prevention.

***[Question No. 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.***

223. In judgement No. 151/2009, the Constitutional Court declared that – the wording of the text of the judgement follows – “art. 14, paragraph 2 of law n. 40 dated 19 February 2004 is constitutionally unlawful, the unlawfulness being limited to the words «to a single and simultaneous implant, in any case not exceeding three»” and “ art. 14, paragraph 3 of Law n. 40 dated 2004 is constitutionally unlawful, the unlawfulness being limited to the part that does not provide for the transfer of embryos, to be carried out as soon as possible as laid down in this provision, and which must be carried out without prejudice to the woman’s health”.

224. Judgement No. 151/2009 of the Constitutional Court does not introduce any further legislative modifications to law 40/2004. Indeed, in Italy, Constitutional Court judgements that accept constitutional challenges explain their effect erga omnes, thus normally entailing the revocation of the provisions declared to be unconstitutional, and therefore their (retroactive) expunction from the legal system, as of their very entry into force. In exceptional cases, instead of expunging the provisions from the system, the Court’s judgement that accepts the constitutional challenge may introduce new ones, when these are the only constitutionally admissible provisions (so-called additive judgements).

225. The effects of judgement 151/2009, as usually happens for Court judgements that accept constitutional challenges, are self-explanatory and the Italian legislative bodies are not called to implement what is stated in the judgement in any way, as the effects are produced automatically.

226. It follows that, as per decision n. 151/2009 of the Constitutional Court, art. 14 of law n. 40/2004 lays down: in paragraph 1 that “1. Cryopreservation and suppression of embryos is prohibited, without prejudice to Law n. 194 dated 22 May 1978”; in paragraph 2 that “2. Embryo production techniques, in consideration of technical and scientific evolution and of Art. 7, Para. 3, shall not create more embryos than strictly necessary...”; finally ,in paragraph 3, that “3. If the transfer into the uterus is not possible for serious and documented reasons of force majeure related to the state of health of the woman not foreseeable at the time of fertilization, cryopreservation of these same embryos until the transfer date, which must be carried out as soon as possible, is allowed” “without prejudice to the woman’s health”.

227. Therefore, as underlined also by the Constitutional Court itself in judgement n. 151/2009 (§.6 of the Legal Arguments), the “general principle of prohibiting cryopreservation” confirmed by paragraph 1 of art. 14 of law n. 40/2004 is still in force in the Italian legal system, (see also Constitutional Court order n. 97/2010). The decision of the Constitutional Court has in fact extended the possibility of derogations from this prohibition, while retaining however “the principle whereby production techniques shall not create any more embryos than is strictly necessary, as assessed and defined by the physician in each single case”, but excluding “the compulsory single and simultaneous implant and the maximum number of embryos to be transferred” (as the Constitutional Court itself stated in judgement n. 151/2009, §. 6 of the Legal Arguments). Moreover, the Constitutional Court decision laid down that “the transfer of embryos must be carried



out as soon as possible”, as laid down in paragraph 3 of art. 14, “and must be carried out without prejudice to the woman’s health” (as stated by the very Constitutional Court in judgement n. 151/2009, §. 6 of the Legal Arguments). Therefore, there is no change to art. 13 that prohibits all experimenting (paragraph 1), clinical and experimental research not for therapeutic ends (paragraph 2), and all forms of selection for eugenic aims (paragraph 3-b) on all human embryos.

### **Disadvantaged groups of women**

#### *Rural women*

**[Question No. 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.**

228. Over the past fifty years, rural Italy has been affected by profound changes that have led to a reorganization of social and economic processes. Depopulation, the progressive ageing of the population and poor maintenance of the territory have made these areas more vulnerable and over the years have accentuated the processes of depletion of human and natural resources. Consider that in the same period, the Italian rural population has decreased by about 10%. Farming, which has always been the main source of employment, has undergone sharp decline, losing more than 12 million workers.

229. On the other hand, in recent decades, because of the effects of economic globalization, and with encouragement from European policies for rural development, Italian rural areas have experienced elements of recovery - though patchy - that have led to a revaluation of rural life, as well as a more positive perception of life in rural areas. Thus, new paths of development have taken hold, based on integrated and participatory approaches, oriented to promoting the multi-functionality of agriculture and diversification of production activities. These processes require specific characteristics, such as greater flexibility, self-programming and creation of networks, features more congenial to women. One example is the implementation of the Community Leader Initiative, which has presented the opportunity for many rural women in Italy to play a leading role in the implementation of local development processes.

230. The problem also exists on a Europe level, and not just in Italy. Today there is still a lack of reliable data on the economic and social situation of women and their entrepreneurial involvement in Italian rural areas. The lack of information in this area limits the possibilities to plan interventions to meet the actual needs of rural women: in fact, though it is addressed in various intervention programs, the gender issue in rural areas still remains largely a matter of principle, more formal than substantive.

231. Demographic framework. From a demographic standpoint, Italians living in rural areas<sup>14</sup> make up about 20% of the national population (Table 1), distributed over an area of approximately 70% of the country. According to ISTAT figures, in 2009 rural women numbered about 5.8 million, which represented 18.7% of Italian women.

<b>Resident population by gender and area (INEA processing of ISTAT figures)</b>						
	Rural areas	Other Areas	Total Italy	Rural areas	Other Areas	Total Italy
<b>Men</b>				%		

<sup>14</sup> The OECD definition of rural areas is used, which considers communities as rural if they have fewer than 150 inhabitants per square kilometre.

2005	5.540.127	22.986.761	28.526.888	19,4	80,6	100,0
2006	5.542.600	23.175.841	28.718.441	19,3	80,7	100,0
2007	5.577.298	23.372.449	28.949.747	19,3	80,7	100,0
2008	5.600.499	23.551.924	29.152.423	19,2	80,8	100,0
2009	5.605.446	23.681.957	29.287.403	19,1	80,9	100,0
<b>Women</b>						
2005	5.738.168	24.486.655	30.224.823	19,0	81,0	100,0
2006	5.738.272	24.674.574	30.412.846	18,9	81,1	100,0
2007	5.775.472	24.894.071	30.669.543	18,8	81,2	100,0
2008	5.799.958	25.092.687	30.892.645	18,8	81,2	100,0
2009	5.807.299	25.245.626	31.052.925	18,7	81,3	100,0
<b>Total</b>						
2005	11.278.295	47.473.416	58.751.711	19,2	80,8	100,0
2006	11.280.872	47.850.415	59.131.287	19,1	80,9	100,0
2007	11.352.770	48.266.520	59.619.290	19,0	81,0	100,0
2008	11.400.457	48.644.611	60.045.068	19,0	81,0	100,0
2009	11.412.745	48.927.583	60.340.328	18,9	81,1	100,0

232. With regard to only the rural population, just over half (50.88%) were women in 2009 (Table 2). This value does not differ from 2005 (when women accounted for 50.87%), whereas it is more than one percentage point higher than that recorded in the census of 2001, when women accounted for 49.1%. In any event, in the last five years, compared with an increase of the rural population of 1.1%, there are no significant changes in its distribution by gender.

Population living in rural areas (INEA processing of ISTAT figures)							
	Rural						
		Centre-North	South	Italy	Centre-North	South	Italy
Men	2005	3.416.435	2.123.692	<b>5.540.127</b>	61,7	38,3	100
	2006	3.426.661	2.115.939	<b>5.542.600</b>	61,8	38,2	100
	2007	3.459.853	2.117.445	<b>5.577.298</b>	62,0	38,0	100
	2008	3.484.547	2.115.952	<b>5.600.499</b>	62,2	37,8	100
	2009	3.491.712	2.113.734	<b>5.605.446</b>	62,3	37,7	100
		-					
Women	2005	3.105.131	2.633.037	<b>5.738.168</b>	54,1	45,9	100
	2006	3.115.086	2.623.186	<b>5.738.272</b>	54,3	45,7	100
	2007	3.148.803	2.626.669	<b>5.775.472</b>	54,5	45,5	100
	2008	3.174.633	2.625.325	<b>5.799.958</b>	54,7	45,3	100
	2009	3.186.646	2.620.653	<b>5.807.299</b>	54,9	45,1	100
		-					
Italy	2005	6.521.566	4.756.729	<b>11.278.295</b>	57,8	42,2	100
	2006	6.541.747	4.739.125	<b>11.280.872</b>	58,0	42,0	100
	2007	6.608.656	4.744.114	<b>11.352.770</b>	58,2	41,8	100
	2008	6.659.180	4.741.277	<b>11.400.457</b>	58,4	41,6	100
	2009	6.678.358	4.734.387	<b>11.412.745</b>	58,5	41,5	100

233. The reading of the data for macro-areas shows around 55% of rural women living in the Centre-North of Italy, compared with 46% in the South, an area that still has - especially in inland areas - severe developmental problems (low employment opportunities, poor infrastructure, etc.), exacerbated by persistent significant cultural factors that perpetuate very rigid division of gender roles (with women more involved in domestic work and care-giving, and the men in the marketplace for already scarce job opportunities).

234. With regard to education levels, data from the last population census (2001) show that rural Italian women are increasingly highly educated and invest heavily in their education: for example, the number of female university graduates has more than tripled (from about 93,000 in 1991 to about 282,000 in 2001), and the number of secondary school graduates has also increased. In addition, a comparison with men shows there are more female than male university graduates. Rural areas in the South show a higher proportion of women with higher educational qualifications (47% of total female university graduates). For many of them, investment in study is their opportunity to attain economic independence and personal autonomy. Unfortunately, for most of them, and especially for women in the South, the search for a more skilled profession requires them to leave their area. Improving their social position, and being able to rely on services to balance work and family, push rural women to move to urban areas (often in the North), where job opportunities are greater and social pressures are not so strong.

235. With regard to gender-based violence in Italian rural areas, there is insufficient information to understand clearly the intensity of the phenomenon. What should be noted, however, is that the isolation of many rural areas, the lack of social services, and the social control exercised over rural women (including immigrants living in these areas of the country), make these phenomena even less visible, and make women even more vulnerable.

236. **Professional conditions.** The growth in female employment is a major change in the labour market in rural areas. In recent decades, rural women have in fact assumed a different position, both in terms of amount of activity and employment trends. Nonetheless, though there has been a significant increase in female employment, it should be pointed out that women still encounter many difficulties in their work and professional paths. Often rural women have little knowledge of their rights as citizens and workers, and this makes them even more vulnerable to discrimination.

- As shown in Table 3, which gives data on "Italian rural regions",<sup>15</sup> a comparison with men shows that there is still a large gap between female and male employment: in 2009, there were 3.7 million women employed compared with about 5.7 million men (based on a balanced distribution of population between the two sexes).
- In percentage terms, women accounted for 39% of rural employment in 2009, a value that differs little from 2005 (38%). The figures are not much different from those found in the "non-rural Italian regions" where the female employment rate was 41% in 2009 and 40% in 2005. In both cases, values appear to be quite a long way from goals set in Lisbon in 2010 (60%) and even further from the new 2020 target set at the Community level, for an employment rate of 75% for both men and women.
- Of the approximately 3.7 million rural women in the workforce (2009), only 35.3% live in rural areas of southern Italy. As already mentioned, this is a territory where there is still a strong culture of resistance to working women, tending to maintain the division of roles within couples, but also where companies are more reluctant to hire women (because of maternity, family responsibilities, etc.). In other words, traditional family structure in the South, the strong links between productive organization and family networks, and the social controls that still influence the behaviour of rural women limit their options for real independence and economic emancipation, resulting in perverse scenarios in backward areas that perpetuate gender inequality.

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<sup>15</sup> The ISTAT survey on business conditions, beginning with the 2001 census, is updated only at the provincial level. The definition of "rural area" is the sum of values in so-called "predominantly rural regions" (the OECD defines them as those where more than 50% of the population lives in communities with fewer than 150 inhabitants per square km) and "intermediate regions" (the OECD defines them as those where between 15% and 50% of the population lives in communities with fewer than 150 inhabitants per sq km).



South	11,9	16,9
<b>Total Non-rural regions</b>	<b>6,5</b>	<b>9,1</b>
Centre-North	4,7	6,7
South	10,2	14,3
<b>Total Rural regions</b>	<b>7,1</b>	<b>9,5</b>
Centre-North	4,9	7,2
South	10,9	15,3
<b>Total</b>	<b>6,8</b>	<b>9,3</b>

- Growth in employment of women is shown for all economic sectors in rural areas. This is also owing to European regulatory relief and financial incentives in these areas. The available statistics (Istat, 2001) show that women are predominantly employed in the education sector (35% vs. 16% for men) and health care (30% vs. 16% for men). This provides further proof of the presence of forms of horizontal segregation in the rural labour market as well. Interestingly, in this context also, only 17% of women work in public administration, as compared to about 50% for men. The latter, therefore, are more successful in the field that offers the greatest guarantee of income. In industry, women account for 30% of work units, most of which are employed in the field of manufacturing (98%). Women are also increasingly present in the artisan sector, actively participating in the revitalization of traditional and local skills.
- With regard to activities related to forms of tourist hospitality and catering (hotels, campgrounds, restaurants, bars, etc.), they are shown to be a source of new employment opportunities for women. Despite this, however, it must be noted that this area, because of its configuration, mainly offers women part-time or temporary work, taking advantage of women's flexible work availability, though because of this they have little opportunity to perform meaningful tasks. Therefore, greater effort should be made to ensure better qualification of the role of women in this area. In this regard, it should be noted that, thanks to some Community programs (Equal, Leader), many different learning experiences have been organized, with value added represented by being designed to accommodate women's time and work/family commitments.

237. **Professional conditions in the agricultural sector.** The agricultural sector accounts for only 3.8% of the active Italian workforce. Of that, 28.3% are women (2009 data), equally distributed between the Centre-North (28.7%) and South (27.9%). Note that the presence of women in agriculture has been undergoing a steady downturn since 2004, when women accounted for approximately 31% of those employed in agriculture. This is part of the physiological decline affecting the Italian agricultural sector in recent decades. It is extremely interesting that there is an inverse process for men, who went from 68.9% of employed in 2005 to 71.7% in 2009. In a society where employment opportunities are steadily shrinking, women are also being shut out of employment opportunities in sectors which, in past years, have been characterized by a strong exodus of the male workforce.

Employed in agriculture (%) (INEA processing of ISTAT figures)						
	2004	2005	2006	2007	2008	2009
Centre-North	3,2	3,0	3,0	2,8	2,7	2,8
South	7,5	7,2	7,4	7,0	6,7	6,5
<b>Total</b>	<b>4,4</b>	<b>4,2</b>	<b>4,3</b>	<b>4,0</b>	<b>3,8</b>	<b>3,8</b>

<b>Women employed in agriculture to total employment in agriculture (%)</b>						
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Centre-North	28,9	28,7	28,6	29,9	29,9	28,7
South	33,3	32,4	33,0	31,0	30,2	27,9
<b>Total</b>	<b>31,1</b>	<b>30,5</b>	<b>30,8</b>	<b>30,4</b>	<b>30,1</b>	<b>28,3</b>
<b>Men employed in agriculture to total employment in agriculture (%)</b>						
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Centre-North	71,1	71,3	71,4	70,1	70,1	71,3
South	66,7	67,6	67,0	69,0	69,8	72,1
<b>Total</b>	<b>68,9</b>	<b>69,5</b>	<b>69,2</b>	<b>69,6</b>	<b>69,9</b>	<b>71,7</b>

- Behind the statistical data on women's employment in agriculture there remains a complex and diversified working reality: labour involved in harvesting and primary processing of products, often with working conditions that border on illegal (still widespread especially in the South); women who merely act as proxies for family members who are actually employed in other employment sectors; women who work full time in the family yet receive no formal recognition of their role; full-fledged female agricultural entrepreneurs, who often focus on multi-functionality, and thus have managed to build sustainable, competitive farms.
- A look at ISTAT figures (2007) gives the following picture: about a third of Italian farms are run by women (32.2%). This figure is much lower than for men (67.8%) and this means that, as a consequence, women are not adequately represented in trade associations and public institutions. In this respect, however, it should be noted that, in recent years, there have been some steps forward, thanks to efforts by ONIFA and women's associations created within sector organizations (such as, for example, Women in the Field for the Italian Farmers' Confederation, Women in Business for Coldiretti).
- Also worth mentioning, in 2000-2007, unlike in the past, there was a drop in women agricultural entrepreneurs: from 796,000 in 2000 to 632,000 in 2007. The reduction was mainly in areas where subsistence farming is practiced (inland areas, marginal areas). From a geographical point of view, women agricultural entrepreneurs continue to be more prevalent in the South (33% of the total number of heads of farms as opposed to 27% recorded in the North), although in 2000-2007 the difference between the two values dropped by two percentage points (from 7% in 2000 to 5% in 2007). In the South, the majority of women entrepreneurs are concentrated in Puglia, Sicily and Campania.
- The share of women heads of farms with diplomas or degrees is 5.4%, slightly more than recorded in 2000 (5.2%). The figure varies little between North and South, though it is interesting to note that most of them operate mainly in areas where more profitable agriculture is practiced (areas bordering urban centres, on plains and in hills).
- The growing commercial value attributed to the characteristics of health and quality of food products, as well as their use for physiotherapy treatment, has made women's contribution to agriculture more visible by offering them a leading role in the management of these farms. This, in turn, has also found support in the active role women are increasingly carving out for themselves in activities that are complementary to agriculture, but increasingly necessary to ensure the profitability of farming (in farm stays, educational and leisure activities, personal services, etc.)
- Some field surveys show, moreover, that women who choose to engage in agriculture are better prepared to introduce innovations on their farms, starting a slow process of restructuring, retraining and specialization that leads them to improve their positions, in absolute value and in relation to the male collective.
- With regard to salaried female workers in agriculture, most are between ages 18 and 39

(9,000 units as opposed to 5,000 in 2000). Some are female workers from non-EU countries.

### 238. Migrants

- The deep structural and social transformations that have affected Italian rural areas over the past decades have also led to a loosening of the support networks of family and neighbourhood, a phenomenon that has encouraged the formation of an employment niche (domestic workers, including paid companions for the elderly and disabled) mostly involving women from foreign countries. Not only that, many of them are engaged in agriculture, especially in harvesting and initial processing of products, often without contractual guarantees.
- It should be noted that their arrival, with their families, in fragile rural areas (mountain areas, for instance) is resulting in the need to reopen services (schools, day care centres) which had been closed because they were no longer needed by a population mostly made up of older people.
- The development of the ways they enter the workforce in Italian rural areas presents a very complex dynamic that begins with their personal history and reflects the socio-economic characteristics of the area where they work. Above all, it is strongly affected by Italy's laws regarding immigration and labour.
- To date, the problem of integration of migrant women (and men as well) in rural areas is not dealt with in unitary policies, but often left to the initiatives - which are laudable - of non-profit organizations, volunteers and the sensitivity of communities where they live. In places where they are taken advantage of, they are unable to make their particular contribution to the revitalization of the area; where they are truly integrated into the community, the benefits are considerable.
- By cross-referencing the available statistical sources (ISTAT, Ministry of the Interior, Social Security), it is now possible to estimate that about one-fifth of immigrants in Italy live in rural areas. Of these, the primary sector absorbs 36%, while 27% are employed in domestic and care-giving services. Of course, estimates do not take undeclared and under-the-table work into account.
- In the agricultural sector, there were about 430,000 female migrant workers in 2008, according to the latest available data, about 41% of the foreign workforce employed in the primary sector. Immigrant women work mainly in agriculture in the South (70%), with peaks of 20% in Calabria and Puglia and 14% in Campania. In these areas there is strong demand for seasonal employment of unskilled workers (mainly harvest crews). Among the regions of the North, those with the highest figures are Veneto (with 4.4%) and Emilia Romagna (with 8.5%), where immigrant women have better contractual conditions.

Immigrants in agriculture in Italy by country of origin and gender (INEA processing of INPS figures)			
Women	2006	2007	2008
EU	396.909	418.391	408.285
Non-EU	26.377	21.171	21.766
<b>Total</b>	<b>423.286</b>	<b>439.562</b>	<b>430.051</b>
<b>Men</b>			
EU	467.572	528.971	538.113

Non-EU	69.639	63.775	68.952
<b>Total</b>	<b>537.211</b>	<b>592.746</b>	<b>607.065</b>
<b>Women and men</b>			
EU	864.481	947.362	946.398
Non-EU	96.016	84.946	90.718
<b>Total</b>	<b>960.497</b>	<b>1.032.308</b>	<b>1.037.116</b>

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- Most female immigrants employed in agriculture are young (47% are under 40), come mainly from Eastern Europe and North Africa, and intend to leave the primary sector as soon as they find the right opportunity. This is essentially because of the harsh living conditions seasonal workers are subjected to (housing with poor sanitary conditions, unreasonably long work hours, low wages, high levels of mobility).
- It is particularly interesting to note the independent entrepreneurship of female migrant workers in agriculture. About 38% of farms started by foreign nationals are headed by women. This confirms the strong potential of immigration for the primary sector in Italy.
- The other predominant employment of female immigrants in rural areas is care services (for the elderly, disabled and children). This phenomenon is related to the demands of local female workers for freedom from time and space constraints, and can also be attributed to the large numbers of old people left alone: it is the long term effect of the continuing migration that has always affected rural areas, especially the most marginalized. These women represent an implicit welfare resource: their work makes up for deficiencies in the public system, which is constrained by increasingly significant funding cuts. These are foreign women who arrive in Italy to work, with no other desire than to send money home. They are often mature women, with families to maintain in their country of origin, whom they hope to rejoin as soon as possible. The temporary nature of their condition makes them willing to accept the most extreme and difficult working conditions, with few demands in terms of needs and little involvement for processes of integration
- Another large segment of female immigrants is women who immigrate to Italian rural areas to rejoin their families. Unlike those who work, they are strongly conservative of their own culture and traditions, partly because they tend to devote themselves to the care of family and home. They have limited opportunities to interact with local communities, which working could provide. These women have the greatest problems in integrating but at the same time have the greatest needs, which they often fail to translate into an effective demand for services.

239. **Quality of life, services and infrastructure.** As we have stated, the quality of life for rural



women is strongly influenced by the opportunities offered by the local labour market, by the presence of infrastructures and services to the population, by the geographical location of the area (degree of isolation) and by the division of gender roles.

- Italian rural areas, especially the most marginalized, still suffer from serious shortcomings in terms of providing infrastructure and services to the population, a deficit increasingly exacerbated by cuts caused by the economic crisis. There is a lack not only of on-site facilities and services, but also in terms of accessibility to those in the nearest urban centres. The morphology of rural areas, the lack of infrastructure and transport services (both road and rail) makes the distances between urban centres and rural areas more burdensome. This handicap is worse in the inland areas of the South, where people must deal with very limited public transport and a poorly maintained system of roads.
- If we consider that the search for employment often results in the need for rural women to move short and long distances daily, it follows that the poor infrastructure in rural areas results in a deterioration of their living conditions, making it difficult to maintain a family and a job, especially when there is no possibility of delegating part of the family organization to others. Not to be underestimated, also, is the fact that travelling to work is not always a choice dictated by career ambition or the promise of better pay, and often affects segments of the female workforce with low-profile tasks and low wages.
- Note that, thanks to Community structural and rural development policies, which allocate a portion of funding for projects to improve the quality of life in rural areas, measures have been enacted over the past decade in Italian rural areas to strengthen small basic infrastructure and services (home care services, child care - agri-day care - on-call shuttle transport, etc.). Many interventions have been made thanks to the EU Leader Initiative, which is aimed specifically at encouraging rural development measures which are more affordable for the populations concerned.
- In order to reduce the isolation of Italian rural areas, the national government has promoted a policy over the last decade to expand the use of new communication technologies, particularly broadband access. Efforts made at the regional level as well have significantly reduced the gap among the various areas of Italy: in 2008, coverage was extended to 81% of rural areas (compared to 89% of urban centres). There is still a large gap between rural and urban areas in terms of DSL, which provides fast Internet connection (in 2008 only 17% of rural areas were covered, as opposed to 89% of urban areas). The extension of new technologies can only strengthen the role of rural women, allowing them to upgrade their networks and thus their wealth of knowledge.

**240. The gender approach in rural development policies.** Today, in Italy, there is no specific national policy for rural development. The interventions are regional versions of programs provided for in Community structural, agricultural and rural development policies (Common Agricultural Policy - CAP Regional Operational Programmes - ROPs, Regional Rural Development Plans - RDPs). A look at the major intervention programs currently in force

- Rural Development Programmes (RDPs) - shows that the gender approach is not specifically addressed in individual regional programmes. More often than not it translates into priorities and rewards criteria in the preliminary stage, and in some cases, information measures specifically aimed at female entrepreneurs, a target of beneficiaries that often cannot be reached through the traditional channels of communication used by public administrations.
- As mentioned previously, Italian rural areas have been affected over the past decade by processes of territorial policy renewal, which have led to the emergence of development processes that are endogenous, integrated and have broad participation. One example is the experience of the Integrated Territorial Projects (ITPs) and Local Development Plans

(LDPs), the latter carried out by local action groups (LAGs) within the Community Leader Initiative. Because of their organizational skills, creative agility and adaptability women have assumed a prominent role, especially at the technical level, in managing these new approaches to development. These are professionals (project managers, organisers, administrative staff, etc.) who have gained experience in the field and have technical, communication and social skills that allow circular flows of information to be set up and maintained among institutions, enterprises and beneficiaries; these characteristics are increasingly demanded by today's global economy.

- As further evidence of this, analysis of the composition of the 132 LAGs operating in rural areas throughout the country (in the 2000-2007 programming period) shows that 57% of professionals who play an active role in the territory (organization, information, technical support to operators) are women. At the same time, women account for 55% of staff performing administrative and secretarial duties. Certainly, there is still much progress to be made, especially with regard to decision-making structures (in the areas of management and politics). Again there is a gap between the sexes, strongly weighted toward men (there are only five women presidents among the 132 LAGs, and around 9% of administrative board members are women).

241. **Health Policies aimed at women in rural areas.** In the context of health policies aimed at the female population in the South, the Ministry of Health has launched the “Systemic action and technical assistance for service objectives – ADI project”, linked to the National Strategic Context (QSN), as per Article 27 of EC Regulation 1083/2006, which is the planning document on the basis of which Italy pursues the objectives laid down in the 2007-2013 Community cohesion policy.

242. This project was launched by the Ministry of Health with the cooperation of the Ministry of Labour and Social Policies and with the Prime Minister's Department for Family Policies; it is the result of an integrated effort to combine all systemic and technical assistance activities that are consistent with priority number 4 of the QSN, “Social inclusion and services for quality of life and territorial appeal”. One of the strategic objectives of this priority is to increase women's participation in the labour market, by increasing personal care services; indeed, this would lead to a lighter burden for women within the family and would make it easier for them to reconcile family life with working life.

243. Success in achieving this objective is measured thanks to a series of indicators (the number of day nurseries; children accessing child care services, aged persons receiving integrated home care (ADI), the percentage incidence of expenditure for integrated home care) on the basis of which the percentage changes compared to the base value and the expected value are periodically measured. In line with the above quoted objectives, the Health Ministry with the Ministry of Labour and Social Policies and the Prime Minister's Department for Family Policies has defined a series of activities and projects aimed at assisting Regional Administrations in the South in implementing activities aimed at achieving service Objective S.06 – Increasing the percentage of aged persons benefitting from Integrated Home Care ADI from 1.6% to 3.5%.

244. The general objective of the Project is to offer support to the South (Abruzzi, Molise, Basilicata, Campania, Apulia, Calabria, Sicily and Sardinia) for the programming, planning, rendering and monitoring home care services to people over 65, according to criteria of suitability. The fulcrum of the project is to integrate the health services offered by the ASL districts with the social-care services offered by the local bodies, also thanks to the adoption of joint instruments for planning, managing the services and assessing needs. The project is funded with FAS resources amounting to € one million and presently the first phase has been completed at a cost of € 500,000 taken from the fund; to conduct this project, a convention was

signed with FORMEZ, to which this Ministry and the other two Administrations entrusted Technical Assistance. At the moment, the project is about to enter into its second biennium (with equal funding) and will be launching joint transversal actions in the 8 regions and specific actions dedicated to each region, on the basis of the objectives reached in the first phase and the regional needs identified for the subsequent activities.

*Roma women and migrant women*

***[Question No. 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.***

245. In the 2002-2010 period, the Ministry of Labour and Social Policies financed a series of initiatives aimed at generally fostering the socio-economic integration of foreigners, and of immigrant women in particular. In particular it has requested ISTAT<sup>16</sup>, jointly with the Ministry for Equal Opportunities, the preparation of a pilot survey on the degree of integration of women and men foreigners, to be launched in the coming months. In June 2010 the Italian Government approved the “Plan for integration with security: Identity and Mutual Engagement”, promoted by the Minister of Labor and Social Policies and the Minister of Home Affairs. The Plan summarizes the strategy which, working jointly, the Italian Government intends to follow in matters concerning the integration of immigrants and in a manner that combines security with appropriate reception policies. The Plan sets out the main actions and instruments to be adopted in order to promote effective integration pathways. By this Plan, the Italian Government underlines the role of women as driving force for the integration. The social inclusion of female immigrants is considered the “litmus test” of the degree of integration a society has achieved. The five strands of integration developed in the Plan are the following : i – education and learning: from language to values; ii - work ; iii – housing and local governance; iv – access to essential services; v – children and second generation.

246. With the Fund for the social inclusion of immigrants (€ 50 million), established with the 2007 financial law, the Ministry of Labour and Social Policies financed a series of projects presented by Regions, local bodies, and bodies and associations, that regarded the following areas of intervention: 1) housing support 2) reception of foreign students 3) Protection of unaccompanied minor foreigners 4) Capitalizing on second generations 5) Protecting immigrant women at risk of social alienation 6) Spreading the Italian language 7) Spreading knowledge of Italian laws and the possible paths for social inclusion.

247. In particular, in the area dedicated to women, specific interventions were carried out to protect immigrant women at risk of social emargination, aimed at: carrying out reception interventions at facilities designed to house women (also with minor children) in conditions of family, work, economic, and/or social distress; creating paths of economic and social promotion of migrant women in distress conditions, also through training, guidance, and job integration, and protection

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<sup>16</sup> ISTAT has been mandated to carry out two more relevant pilot-surveys, in which to apply a gender perspective, as follows: the former on discrimination on the ground of sex, gender and sexual orientation; and the latter on the integration of foreigners and Roma people. This has been requested by the Ministry of Health, the Ministry of Interior and the Ministry for Equal Opportunities being interested in health, naturalisation and gender-based integration, respectively.

against all forms of gender and ethnic/racial discrimination; developing programmes that foster access to public services (social/health services, educational services, job support services, etc.) also through the assistance of cultural mediators; carrying out information campaigns, on various instruments and mechanisms, for the safeguarding of women, aimed at preventing and combating practises and forms of psychological and physical coercion, as well as all manifestations of gender violence, abuse, and blackmail in the home and working environment. In this area of intervention, 11 projects were funded overall, for a total amount of € 3,317,107.46.

248. Just as significant is the intervention performed in the school sector, where the paths for receiving and integrating foreign students are joined by interventions involving the parents and migrant families in the school's activities and in the scholastic orientation of foreign students, with a priority on those immigrating recently; these interventions are capable of fostering intercultural dialogue between Italian and foreign students, and their respective families. For this area of intervention, 25 projects were funded overall, for a total amount of € 1,614,013.83

249. In 2009, Fondo nazionale per le politiche migratorie (national fund for migration policies) was assigned € 27,360,000.00 for carrying out interventions for the social integration of immigrants. Planned interventions chiefly regarded the following thematic areas: 1) interventions in favour of immigrant women; 2) spreading information on access to public services; 3) Italian language 4) protecting unaccompanied foreign minors. As concerns immigrant women, through a public notice contributions were granted in favour of the subjects entered in the first section of the register of bodies and associations that carry out activities in favour of immigrants, implementing good practises addressing immigrant women. The top-ten bodies were granted funding aimed at repeating the project, for a total of € 400,000.00.

250. In particular, the courses aimed at learning the Italian language, developed with national funds starting in 2002 (for a total of € 12,889.326) and still being carried out by bodies in the third-sector bodies and the Regions, had women as their privileged targets, considering the greater difficulty they have in accessing education. Upon conclusion of the courses, the students can take examinations to acquire the issuance of certification of knowledge of Italian as a foreign language.

251. As part of the 2007-2013 European Fund for the integration of third-country nationals, Annual Programme 2007, this Ministry developed a project proposal for carrying out an investigation of the experiences of the subjects entered in the Register in the sector of the social integration of foreign women. The objective was to survey and learn which are the subjects that operate in the investigation's specific sector of interest and to highlight the features of the performed interventions, also in terms of effectiveness and efficiency, while identifying experiences and good practises. The results of the investigation, in addition to providing elements of deeper examination for developing active integration policies especially oriented towards this category of beneficiaries, provide grounds for analysis and impetus for further operative developments for the subjects involved.

252. In order to give effective implementation to foreigners' complete equality in accessing public health services, the Ministry of Labour and Social Policies promoted information paths in the matter of healthcare, aimed not only at meeting the simple need for medical care, but also at preventing disease, providing assistance in pregnancy and childbirth, the growth of minors, and all those pathologies that derive from conditions of social distress. Towards this end, a convention was signed with the national institute for promoting the health of migrant populations and combating the diseases of poverty (Istituto nazionale per la promozione della salute delle popolazioni migranti ed il contrasto delle malattie della povertà), for an amount of € 2,000,000.00, having as its purpose the development of a programme of interventions supporting the immigrant population in

accessing healthcare services, with particular regard to pregnant women and to minors, through the use of cultural mediators to be inserted in Italy's local health concerns.

253. Mention should also be made of the pilot project entitled "case alloggio," (residential homes) developed during the 2003 -2007 period, as part of the national operative programme "Sicurezza per lo sviluppo del Mezzogiorno 2000-2006" (security for the development of Southern Italy, 2000-2006). Focusing on the performance of professional training actions and aimed at subsequent integration in the labour market, the project addressed refugee women, women entitled to temporary protection measures, women legitimately present on national territory that were in conditions of distress and in a state of pregnancy, and women applying for political asylum. The project made it possible to provide pilot services for the initial reception phase performed in residential facilities, where a complex of services was delivered, aimed at fostering the beneficiaries' integration at work and in society. These services regarded language and professional training, the active search for housing, support in integrating children at school, and a structured job search. (Twelve casa alloggio residential homes were activated; 23 training courses were held; 469 immigrant women were received, 354 of whom completed the training courses and 142 integrated into the working world).

254. In order to prevent any form of discrimination and promote the development of paths of social inclusion in the Roma communities, this Administration has adopted a series of initiatives aimed at fostering their integration at work and in society, the integration of children in school, and access to housing. With funding from Fondo Nazionale Politiche Sociali 2008 (2008 national social policies fund), a trial programme of interventions was activated, aimed at fostering the integration at work and in society of members of the Rom community in the regional territories where their presence is particularly significant. Towards this end, specific programme agreements were signed with 4 regional administrations (Piedmont, Lombardy, Tuscany, Apulia, for a financial commitment of € 1,920,000), providing for the use of the institutions of apprenticeship and training internship, the activation of information services, orientation and accompaniment at work, and the training of Rom cultural mediators. These interventions regarded Rom women in particular.

255. As for health-related issues, within its Prevention policies aimed at the population at risk of exclusion, the Ministry has funded and conducted a project that involved all the Italian Regions: "Migration: reception systems for immigrants, which include medical services and respecting the health rights of these people"; it ended in July 2010 and its results will be published soon. The objectives of this project included drawing up a compendium of all the regional legislation relating to health for immigrants and assessing the impact of local health policies relating to access to services and care.

256. Another project that involves many regions, is "the health of the immigrant population: Monitoring Regional Health Systems", it has been financed recently and work is under way. Here, the specific objectives of the project include creating a national monitoring system to assess the response capabilities of the SSRs (Regional Health Systems), the efficacy and the efficiency of services and the impact of welfare policies on the immigrant population. There will be a special focus on assessing access to health services for subjects most at risk among immigrants: women and children.

257. The dialogue with the Regions is ensured thanks to the "Immigrants and Health Services" interregional technical group within the health Committee, whose main purpose is to make access to treatment and health care for immigrants uniform throughout the Country. Our Ministry is represented in that group.

258. There are a further two specific projects in the mother and child field aimed at immigrants and they are funded by the CCM: the first one is “the health and safety of the newborn, a guide for immigrant families”; it has been completed and it included the drafting, publishing and distribution in maternity wards of a brochure in 10 different languages (the most spoken among the immigrant population in Italy), entitled "girls and boys of the world". This brochure is a guide on caring for a newborn in his/her first year of life and it offers useful information on the available services dedicated to child health.

259. The second one is “Prevention of termination of pregnancy cases in foreign women” and its declared objective is to reduce the number of repeated abortions in immigrant women thanks to action aimed at promoting women’s health and responsible procreation, with the help of the women’s associations that already work in these communities.

260. In the completed project for the Roma and Sinti populations on “accessibility of health services and education on the health of ROMA women and girls: an experimental intervention model”, the idea was to test an intervention method that could be replicated all through Italy, which would bring the public health institutions closer to the Roma and Sinti populations, by making social and health operators responsible for giving guidance on the proper use of territorial health services and actively offering health education. To this end, brochures and specific material have been drafted; they are bilingual (in Italian and Romanian, or in Italian and Romani).

261. It is worth-mentioning the EU FEI<sup>17</sup> project entitled “Women of Foreign Origin”. In this regard, UNAR intends to promote it through the launch of information campaigns on multiple forms of discrimination against foreign women, to raise awareness of their situation in Italy.

262. The launch of this campaign is envisaged between February and March, following the conclusion of the public Notice procedure, which will include a press conference and an ad hoc initiative on the occasion of Women’s Day (March 8, 2011).

263. The information project will be developed by an ad hoc NWG (standing for National Working Group), coordinated by UNAR in which relevant organizations will participate.

264. This group will aim at assisting women of foreign origin to realize their rights, provided that they are victims of multiple forms of discrimination. The linkage between gender, race or ethnic origin will be placed at the core of each communication action. The aim of the relevant project will be to show the specific difficulties to promote gender equality in the event of additional factors causing further vulnerability, such as race, religion or ethnic origin.

265. The communication campaign will involve various media, from the traditional communication channels to the new ones, to be launched by UNAR in collaboration with the above NWG to tackle and eliminate prejudices and stereotypes. This campaign to be conducted in partnership with the above NWG will aim at specifically detecting:

- Methods to involve women of foreign origin, by considering their testimonies;
- The most appropriate strategies and means (contents, messages and tools) to combat and prevent discrimination against women of foreign origin to protect their human rights.

266. There will be a widespread communication campaign to be realized by:

- o Newspapers;
- o Local and National radios;

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<sup>17</sup> FEI Funds are allocated by the EU to the Ministry of Interior to promote the integration of foreigners.

- Publicity Banners at the railway stations;
- Publicity Banners on the buses and in the subway.

267. Between February and March, there will be several publicities to be broadcast by radios and radio news which reaches a 4 million people, per day. There will be also banner sto be displayed on the main sites for relevant associations of women of foreign origin.

268. Between March and April, the above activities will be developed in particular in Milan and Rome, especially on the occasion of Women's International Day.

269. Positive actions aimed at promoting the development of small-sized enterprises and enterprises promoted by women immigrants. To implement Art.7 of Lgs. D. No. 215/03, a new public notice was issued in October 2009 to launch relevant positive actions relatig to the race or the ethnic origin.<sup>18</sup>

270. The resources amounted to 900.000,00 Euros. This Notice addressed civil society organizations. The novelty refers to the possibility of partnership with local administrations.

271. Given the data from the UNAR *Contact Center*, three areas were to be considered: the above-mentioned enterprises; the prevention and fight against racial discrimination with regard to the youngsters, the support for and the development of associations within the foreigners communities.

272. Over 300 applications were submitted but 25 projects were financed by UNAR.

273. As for the first area, UNAR financed 8 projects, amounting to 315.943 Euros. In particular one of these projects targeted Roma women living in Scampia, one of the most disadvantaged blocks in Naples. This project envisages specific initiatives in the following areas: a vocational training aimed at setting up a cooperative working in the food sector; and inter-cultural activities.

274. In this regard, it is also worth mentioning the programme carried out by the Department on Juvenile Justice. Provided that it fully applies the principle of gender equality in line with D.P.R. 448/ 1988 aims at rehabilitating the youngsters conflicting with the law.

275. In line with the UN Convention on the Rights of the Child, the EU relevant legislation, Act No.354/75, the Regulation 230/2000, there are specific provisions and initiatives for girls and young women. Young girls within the penal system express their discomfort according to modalities other than boys'. In particular from the data, though very little, it has be analysed that crimes refer to alcohol abuse, drugs and violent approach to the community, the latter being a phenomenon among young Roma girls. The relevant system has adopted ad hoc measures accordingly.

276. In terms of good practices, to help girls build their identity, the young girls under penal measures, including young mothers, are the recipients of ad hoc health-care programs with the support by the local Health-care Departments. Since 1999, it was deemed by Legislative Decree 230/99, that the mother-child health-care sector has to be a priority. In this regard it is worthy of mention, as follows:

- The monitoring of obstetric care needs by those girls within the penal circuit;
- Prevention and protection against sexually transmittable diseases and gender-based cancers;

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<sup>18</sup> Il primo e unico avviso pubblico per azioni positive era stato pubblicato nel 2005.

- Awareness raising campaign on health for both inmates and penitentiary personnel;
- Enhancement of the pre-natal courses at family counselling centers;
- Giving birth in hospital rather than in a detention facility;
- Support for the mental and physical development of the new born.

Such objectives were confirmed by DPCM of April 30, 2008 governing the transfer of the penitentiary health care system from the Ministry of Justice to the Ministry of Health.

277. With regard to the relation between mother inmate and the child, Act No.354/1975 allowed women inmates to bring with them in the detention facility the baby up to the age of three. The following law measures (Act No. 663/1986, and Act No.165/1998), as included in Act No. 40/2001, have widely developed either the postponement of the execution of the detention penalty or alternatively the use of the house arrest measure.

278. Considering the various factors contributing to make these persons more vulnerable, the Juvenile Justice Department contributed to the adoption of ad hoc “Guidelines on the social inclusion of persons under judicial authority measure”, including a section of juveniles conflicting with law, especially girls:

- prevention, early diagnosis and mental disorders therapy, by involving the juvenile services system and the health care system, in particular those engaged in the mother-child sector;
- mother-child counselling, kindergartens and vocations training for women.

279. Some examples of good practices. Pontremoli Penal Institute.

It has been recently launched the first Juvenile Penal Facility exclusively aimed at taking care of girls, with the aim of elaborating a treatment model to ensure the effective rehabilitation of girls.

280. In terms of actions to support women and girls victims of sexual violence, the Social Service Office in Bari has developed with EU funds ad hoc training course and mental care actions to be carried out on an individual basis, in addition to ad hoc actions in the field (in particular for high schools students) by setting up labs on the violence against women and on the respect for law.

281. It has been thus created a network among relevant stakeholders; and ad hoc guidelines have been also elaborated.

282. Within this frame work, given the low number of women inmates, the presence of women foreigners is worrisome. As a consequence, it has been launched a specific project in collaboration with AICRE to facilitate the social inclusion of young immigrants on danger. It has been thus created an ad hoc communication system, multi-linguistic guidelines, a website, ad hoc meetings, including with the entrepreneurial sector.

283. To provide a picture of this situation, it is worth-reporting the following data:



<b><u>First Reception Centres</u></b>		
Year	Women entry	% of females
2005	780	21,3
2006	639	18,2
2007	680	20,1
2008	425	20,2
2009	275	19,1

<b><u>Juvenile Penal Institutes</u></b>		
Year	Women's entry	% of females
2005	272	18,2
2006	186	13,6
2007	192	14,3
2008	166	14,1
2009	142	12,2

<b><u>Social Care Offices for Juveniles</u></b>		
Year	Females taken into care	% of females
2005	1510	12
2006	1380	11
2007	<sup>19</sup> 1539	13,2
2008	1855	11,1
2009	1881	10,2

<b><u>Communities</u></b>		
Year	Women sent to communities	% of females
2005	199	15,2
2006	170	16,3
2007	176	18,2
2008	197	15,4
2009	133	12,5

283. To reply to your request concerning the findings of the research on “gender identity”, it was intended to collect information on the living standards, the gender identity and the gender-based relations within the roma communities living in Rome and Florence

284. This research shows that Roma women are the most disadvantaged within their respective communities. The overall living conditions of the Roma communities are evolving. There are opposite stances between new dynamics and old uses, such as the school enrolment and the use of children in begging, the early marriages practice and the relating pregnancies against the request by some Roma women to delay the wedding. Such contradictions stem from the complex setting in which racism-based aggression episodes occurred with the risk of endangering those local projects aimed at the integration of the Roma communities, in particular of Roma women.

285. On a positive note, those housing and educational policies aimed at moving Roma families from camps to houses and children to attend schools indicate a positive trend.

286. When policies have been focussed on Roma women, their response has been always very positive (for instance by involving Roma cultural mediators in health-care centres). More generally Roma women show their ability to drive their communities towards the integration process.

***[Question No. 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.***

287. By recalling the previous replies under paras 218-219, Italian Authorities recall as follows: In the conversion into law of Legislative Decree 78/2009 containing anti-crisis measures, specific provisions were introduced for the “declaration of family assistance and support activities” (art. 1-ter, Act No. 102/2009). This provision regulated the possibility of declaring family assistance and support activity, and regularizing the working position of non-European-Community workers present on national territory. These workers had have been employed by employers for at least three months prior to 30 June 2009, and at the time of the declaration, still be employed for the needy family support activity or for the assistance activity, for themselves or persons suffering from pathologies or handicaps limiting their self-sufficiency. Data from the Ministry of the Interior show that from 01 through 30 September, one-stop-shops for immigration (Sportelli unici per l’immigrazione) received a total of 294,744 applications, 180,408 for domestic help, and 114,336 for care workers.

288. In substance, it was a legislative measure in favour of families, with an intervention aimed at helping, as much as possible, to bring out into the open the irregular labour of domestic help and care workers – many of whom women – which is in fact quite widespread in our country.

289. The top ten nationalities in terms of applications are as follows:

- Ukrainian 37,178 (12.61%)
- Moroccan 36,112 (12.25%)
- Moldavian 25,588 (8.68%)
- Chinese (7.16%)
- Bengalese (6.30)
- Indian (5.96%).
- Egyptian (5.54%)
- Senegalese (4.63%)
- Albanian (3.78%)
- Pakistani (3.66%),

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

***[Question No. 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.***

290. By recalling the relevant concluding observations, the above-mentioned legislation (Bossi-Fini Act) does not discriminate on the ground of sex nor it affects migrant women. With specific regard to the recognition of the refugee status, Italy recalls that it ratified the relevant 1951 Geneva Convention, by Act No.722/1954, as later supplemented by other specific legislative measures, especially on asylum-seekers. As for the examination of the application of the asylum-seeker, on an individual basis, the relevant legislative framework does not mention a specific circumstance

referring to gender-based persecution, including in the event of fear of being exposed to FGM. However, from a substantial standpoint, the joint reading of Arts.3-10 of the Italian Constitution provide guidance to this end. Article 10 envisages the granting of the refugee status, by laying down “(para.3) Foreigners who are, in their own country, denied the enjoyment of those democratic freedoms guaranteed by the Italian Constitution, are entitled to the right to asylum under those conditions provided by law”. Article 3 envisages the principle of non discrimination, including on the ground of sex, which entails the effective enjoyment of all human rights and fundamental freedoms which cannot be diminished on the ground of sex. Given this framework, the relevant Committees being in charge of determining each asylum-related case will also determine it by considering the above constitutional framework in addition to the relevant national legislation being in force at the time of the examination of each case.

#### *Women with disabilities*

***[Question No. 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.***

291. Act No. 67/2006, on "Measures for the legal protection of persons with disabilities, victims of discrimination" has introduced in our legal system new tools for their protection, in accordance with Art. 3 of the Italian Constitution (principle of non discrimination).

292. To implement the above Act, Ministerial Decree of 21 June 2007 identifies, through an Inquiry Commission, the associations and organizations that can give legal assistance to persons with disabilities, victims of discrimination, including those relating to the access to the labour market. At present 61 associations have been granted the relevant locus standi.

293. For ad hoc projects, by a Public Notice issued on February 5, 2010, the DEO financed initiatives on the “Promotion of the equal opportunities for persons with disabilities in art and sport”. In particular the DEO allocated 2.000.000,00 euros for 37 projects.

294. Italian Authorities launched ad hoc communications and awareness-raising campaigns. In this regard it is worthy of mention the one, entitled “Different abilities but the same will to live”. The message of the campaign was not conceived in terms of compassion. Rather it was intended to send a positive message by which the disability can impede people to do something but not everything.

295. The campaign was widely carried out through the main media (TV, radio, newspapers) and activities and seminars performed at local level. The DEO also organised several events within the International Day on the persons with disabilities on December 3, 2010.

296. It is also worthy of mention the National Osservatoru on the situations of persons with disabilities, as established pursuant to Art.3 of Act No.18/2009, chaired by the Ministry of Labour and Social Policies (The Osservatorio’s regulations are governed by Inter-ministerial Decree No. 167 of July 6, 2010. On November 30, 2010, the Ministerial Decree was signed to establish the Osservatorio, which met for the first time in Rome on 16 December 2010).

297. This Osservatorio is a technical/scientific support and consultative body to develop national policies in the relevant sector (Art.1 of Act No. 18/2009), with specific regard to:

- promoting the implementation of the UN Convention on the Rights of Persons with Disabilities, as signed in New York on 13 December 2006;

- preparing a biennial action programme for the promotion of rights and the integration of persons with disabilities, in the implementation of national and international legislation;
- promoting the collection of statistical data and the performance of studies and research on the issue;
- preparing the report on the state of implementation of disability policies.

298. Pursuant to Article 33, paragraph 1, of the above UN Convention, the Observatory becomes the privileged body to ensure the implementation of relevant provisions, including those regarding the situation of women and minors with disabilities (Articles 6 and 7).

299. As part of the Convention between the Ministry of Labour, Health, and Social Policies and ISTAT – which calls for performing statistical and fact-finding surveys on disability – a specific area of research is aimed at the collection of data regarding women with disabilities in Italy.

300. At the overall national level, 39.9% of those with disabilities entering the labour market were women. This percentage rose in 2009 up to 40.4%.

301. Women with disabilities are either hired on direct call or through the so-called programmed agreement (convenzione di programma) pursuant to Art.11, paragraph 1, of Act No. 68/99.

302. In 2009 there was the increase in the former system and the relating collapse of the latter (from 21, in 2008, to 7, in 2009).

303. Special attention is paid to those companies not subject to the obligation pursuant to Act No. 68/99. In 2009 there was a reduction in the recruitment from 833 to 752 units.

304. The 2008-2009 period showed the rise in the application of the agreements pursuant to Art.14 of Lgs. D. No.276/03 (from 1 unit, in 2008, to 11 units, in 2009)<sup>20</sup>.

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<sup>20</sup> Women with disabilities continue to be the most disadvantaged in entering the labour market: only 1,8% of women while men amount to 6,8%.

## ANNEXES

### ANNEX I: MINISTRY OF LABOUR

### ANNEX II: ISTAT

### ANNEX III: MINISTRY OF JUSTICE

### ANNEX IV: MINISTRY OF INTERIOR

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 Persons with disabilities employed, over the age of 15. Year 2005 (for 100 persons )

AGE GROUP	GENDER		TOTAL
	MALES	FEMALES	
WITHOUT DISABILITIES			
15-44	73,3	51,5	62,5
45-64	70,6	39,7	54,9
OVER 65	7,5	1,6	4,2
<b>TOTAL</b>	<b>61,0</b>	<b>37,5</b>	<b>49,0</b>
WITH DISABILITIES			
15-44	22,3	13,9	18,4
45-64	24,6	10,4	17
OVER 65	0,9	0,3	0,5
<b>TOTAL</b>	<b>6,8</b>	<b>1,8</b>	<b>3,5</b>
TOTAL			
15-44	72,9	51,2	62,2
45-64	69,8	39,1	54,2
OVER 65	6,6	1,3	3,5
<b>TOTAL</b>	<b>59,1</b>	<b>35,2</b>	<b>46,7</b>

Fonte: Indagine "Condizioni di salute e ricorso ai servizi sanitari". 2005

