



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

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against Women**

**Consideration of reports submitted by States
parties under article 18 of the Convention on the
Elimination of All Forms of Discrimination
against Women**

Sixth periodic report of States parties

Italy ****

[16 December 2009]

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** Annexes can be consulted in the files of the Secretariat.

Ministry of Foreign Affairs

Inter-ministerial Committee on Human Rights

Comitato Interministeriale dei Diritti Umani

**Sixth periodic report of Italy, relating to the United Nations
Convention on the Elimination of All Forms of
Discrimination against Women, United Nations CEDAW
Committee**

16 December 2009

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Introduction

1. In order to draw up the sixth periodic report of Italy to the Committee on the Elimination of Discrimination against Women (“the Committee”), an ad hoc Working Group was established early in 2008 at the Inter-ministerial Committee for Human Rights (acronym hereinafter CIDU) within the Italian Ministry of Foreign Affairs. This was composed of representatives from all the Ministries concerned.

2. This Working Group has been preparing a report, aimed at providing a clear picture of the situation of human rights of women in Italy, from 2005 through 2008,¹ in line with the relevant Guidelines adopted by the Committee (HRI/GEN/2/Rev.1/Add.2 and also CEDAW/C/2007/I/4/Add.1. As to the latter, pending the submission of the Common Core Document, the Italian Authorities have mainly considered the former Guidelines). Within this framework, it is worth mentioning that CIDU held consultations with relevant non-governmental organizations (NGOs).

3. As to the **political situation**, over the last four years, there were different consecutive Governments. In 2005, Italy was run by a right-centre wing Government, led by PM S. Berlusconi. In 2006, following new Parliament elections, a left-centre party, run by Mr. R. Prodi won. However this Government lost the support of the Parliament, in January 2008, and Pres. Prodi resigned (please see art. 94 of the Italian Constitution).

4. Afterwards the Head of State started consultations to find a possible consensus to form a new Government. Since the consensus was not reached, he declared the early dissolution of the Parliament; and **the XV Legislature was concluded**.

5. **On April 13–14, 2008, the right-centre coalition, led by Hon. Mr. S. Berlusconi, won the Parliamentary elections.**² The new Council of Ministers started its term of office in the second week of May 2008.³

6. Given this recent development in the political framework, it is worth considering that new guidelines have been developed and the relating programmes are being implemented.

7. At the **institutional level**, an increasing autonomy has been recognized to Local Authorities, further to constitutional **amendments to the Title V of the Italian Constitution, in 2001**. On 7 October 2001, the entire Title V of the Constitution, devoted to Regions, Provinces and Municipalities, was extensively amended, further to a popular referendum, by which 64.2 per cent of votes were in favour of this reform, even though only 34 per cent of those entitled to, did vote.

8. The republic consists of central and local Authorities, including municipalities, provinces, metropolitan cities, and regions, being autonomous entities with their own statutes, powers, and functions (please see arts. 5, 114 and ff of the Italian Constitution.). Within this framework, in accordance with their special statute — as adopted by constitutional law — particular forms and conditions of autonomy are granted to the

¹ With only a few updates referring to the year 2009.

² In April 2008, new Parliamentary elections took place under Article 61 [Re-elections] of the Italian Constitution: “(1) The re-election of new chambers must take place within seventy days from the dissolution of the previous ones. The first session has to be take place no later than twenty days after elections. (2) The previous chambers retain their powers until the new chambers meet”.

³ Article 93 [Oath] of the Italian Constitution: “The prime minister and the ministers, prior to taking office, are sworn in by the Head of State”.

following regions: Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige, and Aosta Valley.

9. The Italian principle combines a decentralized State structure with a vertical division of powers, which supplements the classical division between legislative, executive and judicial powers. By dividing these competences between central and local Authorities, independent areas of competence, and thus of responsibility, have been created.

10. The central Authorities as well as the regions profoundly determine policies and measures, especially at the local level. Through the so-called State-Regions Conference and more generally through the Italian Government and Parliament, the Regions contribute to the administration and legislation of Italy, and in matters concerned to the European Union, alike.

11. In light of the principle of the people sovereignty, the legislative power belongs to the State and Regions, in accordance with the Constitution and within the limits set by European Union law and international obligations (art. 117).

12. While the State has exclusive legislative power in some key areas, such as foreign policy and international relations, the right of asylum, State's organs and electoral law, the Basic Law provides for a concurrent legislative power on issues, such as international and European Union relations of the Regions, foreign trade, protection and safety of labour.

13. In order to fully express people's will, local Authorities have exclusive legislative power with respect to any matters not expressly reserved to State's law. Along this line, for example in matters of concurrent legislation, the Regions cannot exercise legislative power with regard to fundamental principles, which are reserved to the State's law.

14. On a more specific note, the Basic Law contains comprehensive lists of competences with regard to those areas where the Parliament is allowed to adopt acts. These include almost all important areas of life. However, some of the areas whereby legislation originates in the Regions are: culture and local self-administration.

15. In observance of the Italian Constitution, Regions must comply with the principles of the republican, democratic and social State under the rule of law in the meaning of the Basic Law. Within this framework, Regions are "local autonomies" with their own constitutions, parliaments and governments, and are even entitled to conclude international agreements with foreign States (art. 117).

16. More specifically, regional organs are: the regional council, which exercises the legislative power granted to the Region and all other functions conferred on it by the Constitution and by law (it may propose Bills to the Parliament) and whose number of members depends on the number of residents in that Region; the regional cabinet, which is the executive authority of the region and its president. The latter represents the Region, conducts and is responsible for the general policy of the regional cabinet (thus s/he promulgates regional laws and regulations and conducts the administrative functions delegated to the Region by the State, in accordance with the instructions of central government) (art. 121).

17. In the last few decades, there has been a shift of emphasis in legislation with an increasing recognition of the role of Regions. Italy thus lives on the tension between a unitarian tendency, on one hand, and a regional-federal tendency, on the other.

18. On a more general note, it is worth recalling that the Italian Constitution was adopted in 1948, after the WWII, in a spirit of accordance with the Universal Declaration of Human Rights. Its First Part is entirely devoted to freedoms and liberties.

19. The Italian legal system relies on a solid framework of rules, first of all with constitutional status, by which **the prohibition of discrimination on grounds of sex is one**

of the pillars of said system, as authoritatively stated more than once by the Constitutional Court. Article 3, first paragraph of the Italian Constitution sets forth the inviolable principle, aimed at ensuring the equality of all citizens before the law and at prohibiting that gender — like race, language, religion, political opinion and personal and social conditions — might be a source of discrimination in the legal treatment of people.

20. The basic scope of the above provision emerges by its second paragraph that, in addition to establishing the autonomous principle of the so-called “substantial” equality and equal opportunities for all citizens in social, economic and political life – expresses a rule of interpretation to be reflected in the implementation of the principle of the so-called “formal” equality. In fact paragraph 2 describes the guarantee of non discrimination vis-à-vis the results produced or to be produced in the concrete life relations, thanks to the primary constitutional imperative of removing the “de facto” limits to equality and to pursue the ultimate goal of the “full” self-determination of the individual along with the “effective” participation in community life (please see below further information as provided under art. 1).

21. Regarding gender equality, it is worth-mentioning as basic corollaries of the relevant constitutional principle laid down by article 3 the following provisions (which also refer to women’s empowerment): Article 35 on protection of labour; article 37 which states “the right of the woman worker to the same wages for the man worker, for equal work”, under the motto “equal pay for equal work”. On this basis it is developed a set of standards aimed at ensuring equal rights in the area of the access to employment, training, working conditions and social protection. Besides, the Constitution reserves special attention to the maternity. The legal basis concerning women workers and maternity protection is found in article 37, “working conditions should allow (the woman worker) the performance of her essential role in the family and ensure the mother and the child adequate protection”.

22. *The features of the policy on gender equality:* By taking into account **the European Union (EU) Roadmap outlining priority areas of the EU action on gender equality, for the period 2006–2010**, the Italian Government has been paying specific attention to the following areas: Reconciliation of private and professional life; Eradication of all forms of gender-based violence; Promotion of gender equality in external and development policies.

23. Gender equality is a fundamental right, a common value of Italy, and a necessary condition for the achievement of the domestic and international objectives of growth, employment and social cohesion. In considering the numerous difficulties and the complexity in closing all the existing gaps, since last periodic report (CEDAW/C/ITA/4-5), Italy has made efforts to achieve gender equality, by adopting and or implementing equal treatment legislation, specific gender mainstreaming measures, action programmes, as well as by reforming or establishing relevant monitoring mechanisms, and social dialogue.

24. Over the years, many women have attained the highest levels of education, entered the labour market and become important players in public life. Nevertheless, inequalities remain and may widen, if considering the international crisis, the rise in global economic competition — demanding new rules and specific measures, including greater flexibility in the labour market — **the persistence of gender stereotypes and an unequal share of family responsibilities.**

25. In the last four years, the Ministry for Equal Opportunities — established in 1997, following the Beijing Conference (1995) — and in particular the Department for Equal Opportunities, established by Prime Ministerial Decree No. 405 of 28 October 1997, in compliance with Beijing Declaration and Programme of Action, is committed to promoting and coordinating the Government’s actions, particularly relating to: violations of the fundamental right of integrity and the health of women and girls; exploitation and

trafficking in persons; violence against women. Within this framework, the Department for Equal Opportunities was intended to strengthen the mechanisms for monitoring and evaluating actions, being carried out in the exercise of its mission.

26. In order to ensure equal opportunities, including gender equality within the EU, it was decided, by EU Decision No. 771/2006/EC, to devote the year 2007 to Equal Opportunities for All. Indeed the year 2007 was marked by several initiatives undertaken domestically, under said umbrella.

27. The Department for Equal Opportunities, designated as the National Body responsible for implementing the National Plan of Action for 2007, has been tasked with promoting all activities relating to the preparation of the National Action Plan and the elaboration of guidelines to implementing the Programme in accordance with the obligation to coordinate with all public and private stakeholders relevant to gender mainstreaming, including: witnesses and experts on anti-discrimination, associations representing victims of discrimination and network European Network Against Racism (Enar); Ministries, Regions, metropolitan areas and the National Equality Councillor; inter-ministerial technical tables also with the State-Region Conference and sectoral and thematic workshops, attended by representatives of the ministries and social or relevant organizations/associations, and trade unions.

28. The Italian National Action Plan for the European Year 2007 represented the first segment of the National Master-Plan 2007–2011, which was developed with State's funding for the overall coordination of the Italian public policies, combating discrimination, including gender discrimination and multiple forms of discrimination.

29. In particular, 15 actions in six priority areas were drawn:

1. Rules, standards and human rights;
2. Inclusion, employment and enterprise;
3. Innovation, training, and research;
4. Communication, Culture and Sport;
5. Health and environment;
6. Network systems.

30. Each Action was referring to six factors of discrimination: age; sexual orientation; gender identity; religion; race and ethnicity; and disability (according to a horizontal approach). Among the various activities organized to combat gender discrimination, the following ones deserve special attention: **Action 2**, for the organization of a seminar on gender violence and sexual orientation, aimed at raising awareness of and sensitizing on the so-called “violence qualified by the discriminatory intent”, besides spreading the analytical measures and those combating gender-based violence (also in the event it is grounded on sexual orientation and gender identity); **Action 4**, by which was planned the organization of a national conference on domestic violence, with the prior definition of a technical board involving the central and regional administrations, the local health-care Authorities, the family counselling centres, the non-profit organizations, universities and the judiciary; and **Action 6**, being intended to monitor the phenomenon of the undeclared work in the component of the labour market for home services, which mainly involves immigrant women and women over 45 at risk of expulsion from the labour market, besides defining a pilot-model of intervention for the emergence of informal jobs, so as to contrast phenomena such as illegal racket and *caporalato* (the system of directly hiring undeclared farm labourers for very low wages by landowner's agents).

31. The results of the annual Italian strategy for the European Year 2007 have been included in the broader policy framework aimed at: 1. Increasing the level of knowledge of the factors of discrimination, contexts and means of fighting against discrimination; 2. Public awareness, promotion of a shared culture and inclusive forms of community; 3. Monitoring the status of the implementation of the legislation on anti-discrimination; 4. Encouraging the formation of practice and jurisprudence on this subject; 5. Supporting the legislator in the process of revision and reform.

Article 1 on discrimination

32. Italy has at its disposal various measures of a constitutional, legislative, decree and administrative nature regarding the eradication of gender discrimination and the respect for the principle of gender equality in the economic, social, cultural, and political life of the country.

33. Generally speaking, the existing arrangements prohibit direct as well as indirect discrimination, sexual harassment, and gender-based harassment, as well as gender-based discriminatory practices.

34. In light of constitutional principles, such as article 3 (principle of non discrimination) and article 51 (women's participation) various laws set forth preventive and repressive measures, as well as ad hoc judicial measures for the victims of discrimination.

35. In this view, the so-called **affirmative action** has been thus legitimized. It was defined by the Constitutional Court (ruling No. 109/93) as the most powerful tool available to the Legislator to raise the threshold of departure for single categories of socially disadvantaged people, in order to ensure them the effective equal opportunities status for social, economic and political integration. That said, it has to be noted that in quite recent times, the Legislator has also reiterated, at the ordinary legislation level, the prohibition of gender-based discrimination, with a provision of general application, not limited to one area or sector, such as employment.

36. By approving Legislative Decree No. 198 of 11 April 2006, it was in fact adopted the so-called **Code of equal opportunities between men and women** which, at its initial disposition, article 1, provides that "The provisions of this Decree focus on those measures designed to eliminate any distinction, exclusion or restriction based on sex, which has the effect of impairing or preventing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

37. The concept of discrimination as contained in article 1 of the above Legislative Decree results in a matter "with a universal nature", as can be inferred — by its wording and — by the fact that it aims at regulating **the promotion of equality and equal opportunities between men and women in all spheres of social life, precisely in the ethical and social relationships (Book Two of the above Legislative Decree), in economic relations, namely in the workplace, business and access to goods and services (Book Three) and in the civil and political relations (Book Four).**

38. By the above Decree, we tried to create **a single body of law in which to gather and coordinate the existing provisions for the prevention and removal of all forms of gender-based discrimination, while providing, within the limits of the above coordination, the changes needed to ensure logical and systematic consistency of rules, also to adapt and simplify the normative language.**

39. In doing so, the relevant legislation was included in the above Code: For example, Act No. 66 of 1963, on "the admission of women to public offices and professions"; Act

No. 903 of 1977 on “Equal treatment between men and women in the employment area”; Act No. 125 of 1991 on “Positive actions to achieve equality between men and women in the labour market”; Act No. 215 of 1992 on “Positive action for female entrepreneurship” (as amended by Legislative Decree No. 198/06, which transfers to the Department for Equal Opportunities the relevant responsibilities on female entrepreneurship. See Law Decree No. 181/2006); Act No. 196 of 2000 on “Regulation of the activities of the Equality Councillors”; Act No. 226 of 2003 on “the Establishment of the National Commission for Equality between men and women”; and Act No. 90 of 2004 on “Rules on the election to the European Parliament”.

40. On a more specific note, by the above Decree it was given effect to **Directive 2004/113/EC** implementing the principle of equal treatment between men and women as regards access to goods and services and their supply. It is also worth-mentioning the beginning of the procedures for the transposition of **Directive 2006/54/EC** on “the implementation of the gender equality principle in the labour market”. The latter requests the re-ordering of the equality Bodies as for their complementary role, so as to set a rational range of inter-ministerial gender mainstreaming tools, aimed at new and differentiated functions, including territorial decentralization, evaluation of the efficiency and effectiveness, and costs – as functional elements of the rationale behind the so-called simplification rules, to support the pro-active development of gender equality policies.

41. More specifically, it is being developed by the legislative offices of the Ministries concerned, the text of transposition of the above Directive, by which to make overall changes to Legislative Decree No. 198/2006 and to the single Text, as included in Legislative Decree of March 26, 2001, No. 151.⁴ With the implementing legislation, we will consider further proposals contained in the EU legislation concerning the application of the principle of equal treatment, which essentially incorporates the principle of gender equality in the access to the labour market: **Proposal for Directive COM (2008) 426**.

42. As of July 18, 2008, 23 EU Member States have in fact completed the ratification procedure, while Italy, the Czech Republic and Sweden still have to do it, by uniforming the transposition according to the following main criteria: a) The general framework for combating discrimination on grounds of religion or belief, disability, age, sexual orientation; b) The concept of discrimination which distinguishes between direct and indirect discrimination; c) The equal treatment of persons with disabilities; d) The use of administrative or judicial proceedings for the protection of rights; e) The adoption of measures for the defendant to prove the absence of infringement of the principle of equal treatment (by the reversal of the proof burden); f) The establishment of equality Bodies (art. 12) for all persons, regardless of their religion or belief, disability, age, and sexual orientation (Directive 2000/43/EC and Directive 2004/113/EC, respectively).

43. To this end, when proceeding to elaborate the Text, the intention is to clarify and specify the tasks and the distinct roles of the existing equality (please see below the section devoted to art. 3). It is also worthy of mention that, in order to enhance the relating powers, special attention has been paid to the articles on the figure of the gender equality Councillor, since by law the latter plays the primary role in the promotion and protection of

⁴ Which, in turn, has further amended and recast, for clarity reasons, to bring together in a single text the main provisions in this area, the following Council Directives: 706/207/EEC of 09/02/1976, concerning the implementation of the principle of gender equality in the access to labour market; 86/378/EEC of 24/07/1986, concerning the equal treatment of men and women in the field of the professional social security; 75/117/EEC of 10/02/1975, on the nearing of the EU Member States’ legislation about gender equality; 97/80/EC of 15/12/1997, on the burden of proof in cases of discrimination based on sex.

relevant measures against discrimination in the work-field.⁵ The Text considers the full range of measures contained in the above Directive.⁶ It has also attempted, without claim of completeness, to coordinate the concepts of direct and indirect discrimination, litigation and the specification of the cases, in which the judicial action against discrimination takes place either before the administrative court or under the relevant procedural mechanism.

Article 2 on policy measures

44. The law provides women the same rights as men (please see also section devoted to art. 16). In this regard, the Authorities firmly intend to mainstream gender equality. Nevertheless, stereotypes, the complexity of the society and the relating increase in socio-economic problems continue to severely affect the implementation of the legislative system.

45. The Italian Government has thus undertaken several measures, at the legislative level, to enforce, inter alia, the principle of non discrimination and gender equality. In this regard, it is worth mentioning the following measures:

- Legislation against FGM.
- Through Act of 9 January 2006, No. 7 on, “Provisions concerning the prevention and prohibition of the practice of female genital mutilation”, the Italian Legislator has introduced the necessary measures to prevent, contrast and punish the practice of female genital mutilation, as violation of the fundamental rights to integrity and to health of women and girls.
- Law Decree No. 223 of July 4, 2006, article 19, paragraph 3, as converted with amendments by Act No. 248/2006, establishing at the Presidency of the Council of Ministers, the “Fund for the policies relating to the rights and equal opportunities”, to which it was assigned the sum of 3,000,000 Euros for 2006 and 10,000,000 Euros from the year 2007 onwards, respectively.
- Then by article 1, paragraph 1261, of Act No. 296/2006 (Finance Act 2007), the Fund has increased the above-mentioned one with 40 million Euros “for each of the years 2007, 2008 and 2009, from which a share for each of said years to be allocated to the National Fund against sexual violence and gender-based violence”. Besides the same Law also stipulates that “the Minister for Rights and Equal Opportunities, by Decree issued jointly with the then Minister of Social Solidarity, the Minister on labour and social security, the then Minister on health and the Minister on family policies, establishes criteria for allocating the Fund’s resources, which will provide a quota for the establishment of a national anti-sexual violence and gender Observatory, and an additional one for the National Action Plan against sexual and gender-based violence”. By Decree of 16 May, the Minister for Rights and Equal

⁵ It should also be considered that among the duties reserved to the National Councillor, to be performed in line with the government guidelines on the subject, art. 15 of Legislative Decree No. 198/2006 (which is confirmed in its drafting and full value, in this text, see art. 15, letters d-e) include: “The coherence of the local development policies with the EU, national and regional positions about equal opportunities, and the support for pro-active employment policies, including in the field of training, in terms of promotion and realization of equal opportunities.”

⁶ As it considers appropriate a general overview of this issue, by intentionally setting aside the social security policy section, under the responsibility of the Government, as way of executing the decision by the EU Court of Justice in case C-46/07, whereby Italy has been condemned for the violation of its obligations under art. 141 of the EU Treaty.

Opportunities allocated the National Fund against sexual and gender-based violence, an annual quota of 3,000,000 Euros and by Decree of 3 August 2007, together with the then Minister of Social Solidarity, the Minister on labour and social security, the Minister on Health and the Minister on family policies established the apportionment criteria, to allocate a quota of 2,200,000 Euros to the “National Plan of Action against sexual and gender-based violence and another quota of 800,000 Euros for the establishment of a national Observatory against sexual and gender-based violence”.

- Act No. 244, 24 December 2007 (Finance Act 2008) confirmed the allocation of 50 million Euros to be earmarked, in the year 2008, to the Fund for the policies related to rights and equal opportunities, while establishing an additional Fund to which to allocate 20 million Euros to finance “The Plan to combat violence against women”. These resources have been allocated under Chapter No. 496 of the Presidency of the Council of Ministers, cr 8, entitled “Fund against sexual and gender-based violence”.
- Legislative Decree No. 196/2007, entitled “Implementation of Directive 2004/113/EC enforcing the principle of equal treatment between men and women as regards access to goods and services and their supply”, by which it has been introduced and regulated the prohibition of all direct and indirect forms of discrimination, grounded on gender. The relevant legislation “applies to all persons who provide goods and services — that are available to the public, irrespective of the person concerned, as regards both the public and private sectors, including public bodies — offered outside the private and family life, as well as the other transactions carried out in this area. It is saved the freedom of choice of the contractor, as long as the contractor’s choice is not based on gender”.⁷ Besides specifying the difference between direct discrimination (whereby because of the gender, a person is treated less favourably than another person under a similar situation) and indirect discrimination (whereby a provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the opposite sex unless that provision, criterion or practice is objectively justified by a legitimate aim and the means to achieve that aim are appropriate and necessary), this measure clarifies that “any treatment less favourable to women because of pregnancy or maternity constitutes direct discrimination”. Among the forms of discrimination, it also includes the sexual harassment, “namely those unwanted behaviours with sexual connotations, expressed in physical, verbal or non-verbal manner, which have the purpose or effect of violating the dignity of a person, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment”, as reported by article 55 bis, paragraph 5. As for the judicial protection, the justice, upon application, orders the termination of the injurious behaviour and removes the effects of discrimination. In this framework, it is worth mentioning the following stakeholders: 1. The associations and institutions, placed in a special list, entitled to act on behalf or in support of victims; 2. By Ministerial Decree dated 19 December 2007, the institution of an Office within the Department for Equal Opportunities, with responsibility for promotion, analysis, monitoring and

⁷ As a way of example, as for financial and insurance services, it has to be underlined that gender can not be an element to diversify incentives or services. The diversification is allowed only if it is relevant in assessing the risk, but it has to be based on actuarial and statistical data, to be relevant and accurate. The legislator relies on the Institute for Overseeing Private and Collective Interests Insurances (acronym in Italian, ISVAP) for the reliability of data. The regulation can not be applied to either the media and publicity content, or education, or to employment-related matters.

support for ensuring gender equality and equal treatment, as regards the access to goods and services and their provision/supply.⁸

- Act No. 244 of 2007 (Budget Law for 2008): article 1, paragraph 376 (implementing art. 51 of the Constitution), provides that from the following Government being in office on the date of entry into force of the law under reference, the composition of the Executive must be consistent with the principle established in the second period of the first paragraph of article 51 of the Constitution concerning, inter alia, “equal opportunities between women and men”.
- On 23.5.07, the Minister for Equal Opportunities adopted together with the Minister for Reforms and Innovation in Public Administration, a Directive to implement the principle of equal opportunities within the Public Administration.
- Article 1, paragraph 463 (Development of the Plan to combat violence against women). For the year 2008 it has been established a Fund of 20 million Euros to be allocated for a Plan to combat violence against women, under the umbrella of the Department for Equal Opportunities (for further details, please see the section dedicated to art. 3).

Article 3 on women’s promotion and protection policies: an overview

46. The promotion and protection policies of the recent years stem from a specific assessment of the data collected so far. In recent years, there has been a challenge to the traditional female role related only to family and procreation. From a brief analysis of ISTAT data for 2005, it emerges that with respect to education and training women study more and with better results, even though such preparation is not properly reflected in the employment sector. Similarly, from 1961 to 2005, there has been the record of halving the average number of children per woman, along with the increased average maternal age at first birth.⁹ It also emerges the decrease of marriages in parallel with the increase in divorce and separation cases, resulting in narrowing the household and the increase of single person households. This demographic and sociological description depends on many factors, including the economic crisis, the difficulty in finding a job, social exclusion. Accordingly, the Government adopted ad hoc national policies and various initiatives, inter alia, to monitor equal opportunities between men and women, family-friendly policies, on the fight

⁸ In particular, he provides for independent assistance to victims of discrimination; carries out, by respecting the prerogatives and functions of the Court, independent investigations in order to verify the existence discriminatory phenomena; promotes the adoption of specific measures, by public and private sectors, especially by associations and recognized organizations, including affirmative action plans; disseminates the protection measures in force, also through actions to raise public awareness on the principle of equal treatment and the implementation of information and communication campaigns; formulates recommendations and opinions on discrimination related issues, in addition to proposals for amendments the existing legislations; draws an annual report to Parliament on the effective application of the principle of equal treatment on access to goods and services and their provision, and on the effectiveness of protection mechanisms, and an annual report to the Prime Minister concerning his activities; promotes studies, researches, training and practices exchange, in collaboration with associations and accredited bodies, with non-governmental organizations operating in this field and with statistical institutions, also in order to elaborate guidelines in the fight against discrimination.

⁹ Regarding family, it is relevant the gap between declared intents with regard to family and specific reproductive behaviours (CNR survey of 2003). A CENSIS survey of 2003 also shows the lack of confidence in the future more and more uncertain, due to the reduction of the welfare measures.

against violence against women, and, last but not least, in the field of international cooperation.

47. In terms of protection of human rights of women, particularly with regard to the fight against discrimination against women, there are **various relevant mechanisms and networks created and/or reformed in recent years**. In this framework, article 6 of Act No. 246/2005 empowered the Government to adopt one or more legislative decrees to reorganize the existing provisions on equal opportunities, according to the principles, policy guidelines and procedures specified by article 20 of Act No. 59/1997 (as amended) and in compliance with the following principles and criteria: Identification of tools for the prevention and removal of all forms of discrimination, particularly for causes directly or indirectly on grounds of sex, race or ethnic origin, religion or belief, disability, age and sexual orientation (also to put in place a coordinated tool to achieve the goal of the equal opportunities, as provided by the EU, in accordance with article 117 of the Constitution).

48. On a more specific note, a number of government offices work to ensure women's rights, including the Ministry for Equal Opportunity and the Equal Opportunity Commission in the Prime Minister's office. The Ministry of Labour has a similar Commission that focuses on women's rights and discrimination at work-place. Many NGOs, most of them affiliated with labour trade unions or political parties, actively and effectively promote women's rights: **The National Commission for Equal Opportunities between men and women;**¹⁰ **the National Committee for the implementation of the principles of equal treatment and equal opportunities for male and female workers; the gender equality Advisors; the Committee for Women Entrepreneurs.**

49. The National Commission for Equality between women and men at the Presidency of the Council of Ministers, established on 12 June 1984, further to the recommendations contained in the Programme of Action adopted in Copenhagen (1980) by the Second United Nations World Conference on Women, has seen defined its roles, responsibilities, composition, duration, and funds by Act No. 164/1990.

50. The Commission has been thus operating since 1990 at the Presidency of the Council of Ministers, with the task of providing advice and technical and scientific support, to the Prime Minister, for developing and implementing policies on equal opportunities between men and women, including awareness-raising actions and the promotion of the adjustment of the domestic legislation to the principle of gender equality. (Since 1996, these tasks have been transferred to the Minister for Equal Opportunities.) An important change was thus introduced by Legislative Decree No. 226/2003, under which the National Commission for Equality has been transformed into an advisory and guidance body, called "Commission for equal opportunities between men and women", as included in Chapter II of the Legislative Decree No. 198/2006 on "The code of equal opportunities between men and women" and titled "**Commission for equal opportunities between men and women**".

51. The Commission was finally regulated by Presidential Decree of 14 May 2007 No. 115.¹¹ According to article 1, paragraph 1, the "Commission" will be given a three-year mandate from the date of entry into force of the relevant Regulation. Article 2, paragraph 3,

¹⁰ The Gender Equality Committee at the Presidency of Council of Ministers, with an independent budget, was re-ordered by DPR No. 115/2007, by which it was decided that the vice-president of such body should be appointed by relevant NGOs in lieu of the Equal Opportunity Minister.

¹¹ D.P.R. dated 14 May 2007, No. 115, on "Regulation for the re-ordering of the Commission on Equal Opportunities between men and women, pursuant to Article 29 of Law-Decree No. 223/2006, as converted with amendments by Act No. 248/2006 published on the Official Journal No. 177 of August 1, 2007.

provides that members of the Commission are appointed by decree of the Minister. The Commission consists of 25 members: the Minister for Equal Opportunity, who presides over the 11 members chosen from within the most representative women's associations and movements, at the national level; three women who have made outstanding activities and have been awarded in scientific, literary and "social entrepreneurship" fields; Three regional representatives appointed by the Permanent Conference for relations between the State, Regions and Autonomous Provinces of Trento and Bolzano; four representatives of trade unions, with particular experience in the field of gender-related policies; and three members selected from the business organizations and from the relevant cooperation sector, working at the national level. By decree of the Minister, the Secretary is also appointed among the members of the Commission.

52. The Commission meets at least nine times a year, of which two by an enlarged composition, i.e. with the participation of a representative of the equal opportunity-field for each Region and Autonomous Province, in order to obtain comments, questions and reports on issues that fall within the competence of the system of Local Authorities.

53. By Decree of the Minister of 18 October 2007, "the procedure and criteria for selecting members of the Committee on Equal Opportunities" was established (OJ n. 17 of 21 January 2008), as supplemented by the Ministerial Decree of 26 March 2009 introducing a large and detailed grid of requirements that women's groups must demonstrate, in order to participate in the Commission. This measure was necessary to adapt the legislation to two judgments (2006) of the State Council, the highest judicial administrative Authority that annulled the appointment acts to the Commission on Equal Opportunities in the part related to the appointment of women's groups (11 members) on the ground of the excess of discretion, as a result of two actions opposed by a women's association.¹²

54. At the labour law level, it has been thus consolidating **the network of Gender Counsellors as well as the National Committee on Equal Opportunities (acronym in**

¹² Finally, by DPR No. 8/2009, entitled "Regulation amending and supplementing the Presidential Decree No. 115/2007, concerning the re-ordering of the Committee for Equal Opportunities", its art. 2, lett. c, was integrated with "social and business" categories, to emphasize the importance of promoting women entrepreneurship. The above 2009 DPR, modifying the third paragraph of art. 1 of the previous decree provides in its art. 1, para. 1, lett. b that "the Vice-president", previously elected by secret ballot by a majority of votes validly cast by the Commission in a single vote, "is appointed under art. 4" and then by Minister Decree, and "replaces the President in case of absence or temporary impediment or because delegated by him/her". Furthermore, under art. 1, lett. c, two new periods have been included in paragraph 5, which provides for the attendance, without the right to vote by the Head of the Equal Opportunities Department, of the Committee's meetings and the opportunity also to invite the Councillor, or the national councillor of equality in the event of debate on issues relevant to their respective competence.

The purposes of the Committee include the formulation of proposals to the Minister for the drafting of legislative amendments necessary to remove all forms of discrimination, whether direct or indirect, against women and to conform the legal system to the principle of gender equality; the proposition of the annual work-plan, by identifying the financial needs; the elaboration of opinions; advisory services; and support activity for the implementation of gender policies; and the control of the relevant implementation at the EU and international level; the drafting of an annual report to be addressed to the Minister, on the development of equal opportunities policies in the economic, social and political fields, while eventually underlining the lack of compliance with the EU commitments and the implementation of awareness-raising campaigns besides the publication of their own researches on gender equality. The financial provisions allocated to the Committee are laid down in art. 6 of DPR No. 115/2007. This provides that for the expenses set for achieving purposes and functions of the Committee, it will be utilized the ad hoc budget chapter of the Presidency of the Council of Ministers.

Italian, CNPO). The first National Committee at the Ministry of Labour for the implementation of Act 125 was established by decree of the Minister of Labour, on October 20, 1991. The CNPO is composed of the Minister of Labour, Health and Social Policies, five representatives of the trade unions and 23 representatives selected from within the employer's organization, the cooperative movement, and the women's movement and groups. The vice-president is chosen by the Minister of Labour, while in the Committee, it is envisaged, without the right of vote, the participation of 6 experts and 11 representatives of various sectors of the Public Administration. The CNPO, with a three-year mandate, informs on and raises awareness of the need to promote equality of opportunity; develops codes of conduct in accordance with the rules of equality and against discrimination; expresses advisory opinions on the financing of projects; monitors the implementation of legislation on equality; promotes adequate representation of women in public bodies; can request the intervention of labour inspectors to acquire information about specific employment situations; and represents Italy in the advisory committee to the European Commission.

55. At the national, regional, and provincial levels, Act No. 125/91 provided for the appointment of a counsellor of equality by the Minister of Labour, upon designation of regions and provinces, after hearing the trade unions. **By Legs. Decree No. 196/2000, the procedure has been reformed,¹³ specifically it has innovated the discipline on affirmative action and the role of the equality Councillor.** In particular, as far as the relevant Offices of the Public Administration are concerned, it is worth-recalling the rules of Legs. Decree No. 29/1993 (now Legs. Decree No. 165/2001) on the legal status of civil servants in the management of human resources (article 7) and equal opportunities between men and women (article 61), by which it is also expected that the Administrations concerned “prepare affirmative action plans, aimed at ensuring, within their respective competences, the removal of the de facto barriers hindering the full realization of equal employment opportunities between men and women” (art. 7, para. 5). It is, therefore, repealed (among other things) (art. 2, para. 6, of Act No. 125/1991).

56. Legislative Decree No. 161 of 2000 redesigns with an enhanced and stronger role for the Equality Councillors, to be articulated at the national, regional and provincial levels, depending on the level of influence of public and private structures affected by their actions. This figure performs “functions of promoting and monitoring the implementation of the principles of equal opportunity and non-discrimination for women and men at the workplace” (art. 1) and is appointed by Decree of the Minister of Labour, jointly with the Minister for Equal Opportunities (art. 2).

57. At present, the National Equality Counsellor at the Ministry of Labour — whose main task is to domestically monitor compliance with anti-discrimination rules — represents a specific functional Authority for effectively ensuring the respect for gender equality at the workplace.¹⁴ Over the last years, the role and functions of the National

¹³ By Decree No. 196/2000, criteria for the designation and responsibilities of Equality Councillors were reviewed. Equality Councillors launch any useful initiative to achieve the purposes set by the above Law, from filing complaints upon delegation of women workers to intervening in the relevant proceedings, including in proceedings concerning cases of collective discrimination. The national Councillor is within the Labour Department, while the regional or municipal Councillors are at the regional and municipal employment offices (AssoLei – Sportello donna, FAD).

¹⁴ At the historic level, the specific legislation on gender equality in the labour market was introduced by Act No. 903/1977, implementing the EC Directive of 9 February 1976, although such principle was already included in relevant provisions, including arts. 3, 37 and 51 of the Constitution and art. 15 of Act No. 300/1970 (The workers' statute), the latter already prohibiting discriminatory conduct, both actions or omissions, within labour relations.

Counsellor have been significantly enhanced by the establishment of the **National Network of Equality Advisors**, consisting of 220 regional and provincial equality advisors. The goal of each committee, after the repeal of article 6, paragraph. 2 of Act No. 125, 1991, has been indicated by article 7 of Legs. Decree No. 196/2000, which has also better specified the scope and content of positive actions.

58. On a more specific note, the task of the equality advisors is to support Regional and Provincial Labour Offices, to effectively detect any relevant discriminatory conduct. In this context, it is worthy of mention that to improve both the access to labour market and the female's occupation, the National Counsellor and the network of equality advisors carry out the relevant tasks, as set forth by Law, including the detection of gender imbalances, the promotion of positive actions (by means of the EU, national and local resources) and continuity between local development policies and the guidance of the EU, the national Government and local entities.

59. The National Counsellor and the above network are currently following an increasing number of discrimination cases, relating to which they are also filing complaints accordingly. Such actions are financed by the ad hoc Fund, as set forth by article 9 of Legislative Decree No. 196/2000. The latter has also enabled the creation of a specific database and an Internet portal (which is under construction).

60. The National Counsellor and the network of equality advisors play a key role in reaching the goals set forth by the legislation on the advancement of women's role in the labour market. In this perspective, in the last years the National Counsellor for Equality launched specific awareness campaigns on the role of women in the economy and: the use of part-time work for men and women as a tool for reconciling work and family life and the fight against women trafficking (the No-Trafficking Programme, in collaboration with the Department for Equal Opportunities).

61. A **new concept of Equal Opportunities** is thus taking place so as to promote positive actions in the following fields: equality in the workplace; female entrepreneurship; support to motherhood; work organization; and the implementation of social labour policies through relevant initiatives undertaken by the above Network, regionally and locally.

62. The extended list of tasks of the National Counsellor and regional and provincial Equality Advisors includes support actions for the labour policies, specifically on training, and the promotion of equal opportunities in both the private and public sectors of the labour market.

63. All the activities, mostly researches and pilot-programmes, are financed through the Fund for the activities of the Counsellors for Equal Opportunities, as provided by article 9 of Delegated Law No. 196/2000. At this end, it is worth mentioning the following activities as undertaken during the years 2005–2007:

- A Memorandum of Understanding with the General Directorate of the Labour Market for the inspection activity of public officials, in order to monitor discrimination cases
- The participation in European programmes managed by the General Directorate of the Labour market: “Gender news – good news”, and “The European Network against irregular/undeclared work”
- The participation in the European programme being managed by the Department for Equal Opportunities, entitled “L’Europe pour les Femmes”, with the aim of removing gender stereotypes at the local, national and European government levels
- The participation in an action-oriented research On Gender Wage differentials, to reduce relevant gender inequalities in the Italian industry sector

- The creation of a data-processing system for the elaboration of the biennial Regional Reports on equal opportunities in the labour market, as envisaged by article 46 of Leg. Decree No. 198/2006. At present, it has been developed an electronic format being tested in some pilot-Regions
- Various researches and studies on labour market, specifically dealing with: The Italian equal opportunity policies and institutions; the monitoring activity carried out at the local level by the Equality Advisors; and the individual and collective discrimination cases
- An agreement with the National Association of Business managers and consultants, to launch gender-budgeting related activities at the local level, as a part of the task of regional and provincial equality advisors

64. **The National Network results in an excellent and productive effort to combat discrimination in the workplace, but also in the process of cultural change — much-needed in our country — to achieve the full and effective acknowledgement and implementation of the gender equality principle.**

65. The role of the Network and its autonomy in the territory, albeit in line with the strategic guidelines of the relevant Ministry, contributed to launch effective measures with regard to both women, victims of discrimination, and the companies based across the Country. The construction of not only formal “relationships” but “substantial” ones with the business realities allowed to build new forms of dialogue, often held in the same premises of the companies, with the aim of better understanding problems related to the role of women in the labour market, such as the very low percentage of women in the labour market, the very low ranks to which they can have access, the gender pay gap, the poor granting of part-time jobs, etc.).

66. On the companies’ side, the perception has been to have not only a “controller” but a “partner”, to understand and resolve situations inconsistent with gender equality. This situation marked the success of actions developed by the Network since its inception. National Councillor, by individualised projects financed by the Ministry concerned and carried out with the cooperation and under the coordination of the Ministry’s technical Agency, called Italia Lavoro SpA, has deepened three areas: Information on discrimination-related issues and services offered by the Network; The use of the part-time job; and ultimately, the improvement of the data-collection on the situation employees within companies with over 100 employees.

67. As for communication activities, a project called “Communication on Gender” has been developed. Specifically, the project promoted the role and functions of the Equality Adviser (National, Regional and Provincial) providing information, in a timely, clear and comprehensive manner, to the public opinion, the operators, social partners, enterprises and central and local public administrations, on the wide range of initiatives and actions to be eventually performed.

68. The Network has produced, in addition to more direct relationships with the corporate world, a real contribution by creating free software that can facilitate them in the introduction and check of relevant data. This activity was completed by the last project called “Software for biennial relations”, which was concluded in March 2008. In addition to supplying free software, it added permanent customer service: according to still incomplete data, it seems that the increase in the arrival of data to the Regional Advisers exceeds 30 per cent. On 15 September 2008, the Network of National Equality Advisers signed a MoU with the relevant Department of Public Administration to develop a series of training initiatives and affirmative actions in Public Administration.

69. The activities of the **National Equality Committee**: Act No. 125/91 — as included almost entirely within Legislative Decree No. 198/2006 on “Code of equality between man and woman” — provides for the allocation of annual funds for the implementation of affirmative action plans, with a view to offering opportunities to promote better conditions for the working life of women. The National Committee for Equality, a body responsible for promoting and evaluating the projects submitted to it, annually shows the targets that intends to achieve through the financing of positive actions and the elaboration and publication of a “Programme-Objective”, which considers the labour market trends and its demands, besides the priority objectives to be pursued within the relevant EU context (namely equal opportunities in the employment sector). By addressing all those who apply for funding positive actions, the National Committee has produced an action aimed at assessing the state of play of each funded project, including the results achieved, any positive impact on the territory and its long-term effects, so as to verify and confirm that the objectives pursued were at least partially fulfilled. The first funded research had as its object the projects in the years 2003–2007 (completed in 2007) and involved the analysis of approximately 106 projects, both from a quantitative and a qualitative perspective. This research revealed the high prevalence of projects to promote both the inclusion of women in business/professional fields and levels where they are under-represented, particularly in technologically advanced sectors and in responsibility’s positions.

70. There were an increased number of projects aimed at unemployed women in the South highlighting how women’s unemployment remains a problem particularly present in this territorial area (in Italian, *Mezzogiorno*).

71. **Positive actions** aimed at promoting the inclusion of women in business, professional fields and levels where they are underrepresented, particularly in technologically advanced sectors and levels of responsibility produced effects equivalent to 63 per cent. They are followed by actions to overcome the detrimental conditions that cause employees different effects, depending on sex (47 per cent); those aimed at combating gender discrimination (44 per cent); those concerning guidance, training and self-employment (35 per cent); and those aimed at reconciliation between work and family.¹⁵ The new legislative framework has legitimized the establishment of the Equal Opportunities Committee, as the subject supporting public administration.

72. Regarding the **Italian judiciary**, as for its organization, since the discipline of the public service has a collective nature, the Superior Council of Magistracy (acronym in Italian, CSM) envisaged, on an autonomous basis, the composition of the relevant Committee. In order to make more and more effective the organizational change within the judiciary and legal professions, the CPO at the CSM promoted the establishment of

¹⁵ The research covering the period 2003–2004 underlined that the interventions for unemployed women, who continue to be more present in the Southern Italy, and women-owned businesses operating in the Centre of Italy, are mainly focussed on training activities, while the interventions for the women employed were focussed on organizational innovation actions, mostly at the work-place, being mainly located in the Northern Italy and in the Centre, with the two-fold aim of reconciling work and family and avoiding horizontal and vertical segregation against of women. The annual orientation for 2003–2004 has not deviated much from that of the previous annual: most of the projects is aimed at women already employed and it is pursuing the inclusion of women in fields where women are underrepresented (40 per cent), as well to overcome the detrimental conditions that cause different effects, depending on gender, towards employees (40 per cent); whereas, measures to promote diversification of career choices for women, particularly through educational and vocational guidance and training tools, and activities designed to facilitate access to self-employment and entrepreneurial training and vocational qualification of self-employed women and entrepreneurs are the extent of 22.7 per cent.

decentralized CPOs, at individual Judicial Councils, by resolution dated December 12, 2007 (then implemented by the CSM in April 2008). The CSM signed in July 2007, **the Charter of the CPOs Network for the legal professions**. The latter is responsible to guide the implementation of the gender equality principle, by agreeing on plans for positive actions, to remove barriers to equal opportunity in the judiciary.

73. In this frame, it is also indicated the project funded by the Department for Equal Opportunities, entitled “The network of networks”, sponsored by the Union of Italian Provinces (UPI) in collaboration with the National Association of Italian Municipalities (ANCI), aimed at supporting Local Authorities as long as the latter are in charge with promoting the culture of equality and anti-discriminatory policies, particularly in the access to elective offices, at the regional and local levels, including through the establishment of a permanent observatory on women and men within the local government, and the use of the website “Network of Networks” (created by the UPI in 2006).

74. Nowadays the protection of women’s human rights entails a specific **focus on family policies, particularly regarding the reconciliation between work and family**. Historically, the Italian Legislator, beginning in the ‘70s, has been producing a series of high-value provisions: Act No. 1204/71 on motherhood; Act No. 153/88 on the cheques for families, replacing the previous standard on family allowances; Act No. 125/91 on positive actions for the implementation of equal opportunities for men and women; Act No. 285/97 for childhood and adolescence.

75. In this framework, it should be emphasized the **number of measures** that, although positive, have however not had the impetus needed to develop and implement a structured project, designed to protect: The framework Law of 8 November 2000, No. 328 on “The implementation of an integrated system of interventions and social services”, which aims at: ensuring an integrated system of social services; promoting actions to ensure the quality of life and equal opportunities; reducing the social unrest conditions arising from low income and from other social problems.

76. To this end, it was established the **National Fund for social policies** as the main instrument for funding welfare policies. **Act of 8 March 2000, No. 53, entitled** “Provisions on the support for motherhood and fatherhood, the right to care and training, and the coordination of the timing of the city” is the result of both a theoretical and regulatory development and long-standing (over a decade) social mobilization. By effecting Act No. 1204/71 on the protection of mother workers, the former Text reinforces the recognition of the social value of motherhood and fatherhood, but is not in a position either to incentive fully flexible job relationships or to give rise to under-utilized rights, or to help those firms that favour their application. The Consolidation Act on rules concerning the support for motherhood and fatherhood — Legislative Decree 26 March 2001 No. 151 — collects and coordinates over 25 pieces of legislation (the wealth of these measures is leaning towards the rationalization of existing interventions).

77. Among **the measures to support the family** as contained in legal ad hoc interventions, it is worth mentioning the following ones: 1. **As for the support to families:** Income support actions (Legislative Decree No. 237/98 on the minimum integration income); Act No. 350/03 on the so-called income of last resort; 2. **As for fiscal provisions:** Act No. 662/96, article 3, paragraphs 143 (b) and 145, for the deduction of personal income tax rates and IRPEF deductions, including legislative Decree 446/97 for its implementation; Act No. 476/98 which allows the deduction from the total income of 50 per cent of the costs incurred by parents for the completion of adoption procedures; 3. **As for social welfare:** Act No. 162/98 which gives the Regions the task of planning interventions to support families of persons with disabilities; Act No. 285/97, establishing a National Fund for Childhood and adolescence (as subsequently included in the national Fund for social policies); 4. **As for the field of justice:** Act No. 204/06, which defines new regulations

governing the shared custody; Act No. 38/06 adapting the legislative framework relating to sexual exploitation of minors; 5. **As for the field of education and training:** Act No. 448/98, article 27 (connected to Financing Act 1999) on the free supply of textbooks, the deadline of which was extended by the Budget 2000; Act No. 9/99 (art. 1, para. 9); Act No. 30/00, article 2, on the extension, in terms of quantity and quality of kindergartens, as later considered by Acts No. 53/00, and 62/00 (art. 1, para. 14); Act No. 62/00 which introduced measures to support the right to education and more generally the education sector; Legislative Decree No. 226/05 on free education provided in the first three years of the upper secondary education institutions and for experimental education and vocational training courses.

78. Among the key interventions to support the family, contained in the Finance Acts from 2000 to 2006, it is also worth recalling the following: **As for fiscal provisions:** Act No. 342/00 and Act No. 388/00 (Budget Law 2001) which have further eased the tax burden with interventions on personal income tax rates; Act No. 448/01 (Budget Law 2002), article 2, paragraph 1, which increases the measure of personal income tax deduction for each dependent child; Act No. 289/02 (Budget Law 2003) intervened again on the tax called IRPEF; Act No. 80/03 (Budget Law 2004), which gave the Government the delegation to reform the tax system, though not implemented yet within the prescribed period, but whose principles and criteria have been incorporated in article 1, paragraphs 349–352 (that has transformed the reductions of family loads into deductions); **As for social welfare:** In the financial year 2001, it was provided aid for families in which there is a person belonging to disadvantaged groups and families under certain income conditions (art. 80); The Budget Law 2003 aimed at a sort of abolition of the constraints to the goals of the Fund for social policies that, however, were partly reintroduced by some other State's measures (Budget Law 2004). Constraints on the targets have been repeatedly considered by the Constitutional Court, in particular by Decision No. 423/04 (on the basis of the framework set by the new article 119 Constitution, it has to be considered that the discretion of the State in determining the overall resources of the Fund on one hand, and the full autonomy of the Regions in the decision on the finalization of Fund resources for them, on the other); Act No. 266/05 (Budget Law 2006) introduced “cheques for the new born and provided for the establishment of the Fund for the Family and Social Solidarity, including many measures, such as crèches and kindergartens”. **As for school and training:** The 2003 Budget Law focused on the inclusive education of students with disabilities, and the financial years 2003 and 2004 on the “education voucher”. In particular by Budget Law 2004 it was provided the granting of loans to students and the establishment of a special Fund to supply PCs to young people, while the 2005 Finance Act provided for the establishment of a Fund for the costs incurred by families for the housing needs of university students.

79. **In the area of gender mainstreaming policies and women empowerment in recent years it has been developed a specific focus on the concepts of gender budgeting, and the use of the so-called EU Structural Funds (please see the section devoted to art. 5).**

80. By the European Social Fund, in Italy in the period 2000–2007, it was achieved the co-financing of several projects affecting over 6 million people, of whom 52.2 per cent women. In the Objective 1 Regions (South), the percentage of women was 54.8 per cent, while for Objective 3 (North-Centre) it reached 51 per cent. Within the Community Support Frameworks for 2000–2006 — according to which it has to be governed and financed the construction of relevant projects, up to the end of 2008 — it was identified a specific axis (called Axis E), to be dedicated to “special measures aimed at improving access and participation of women in the labour market, including career development and access to new employment opportunities and entrepreneurial activity, also to reduce the gender-based vertical and horizontal segregation. The ownership of resources is

largely entrusted to the Regions (95 per cent) because of the institutional Italian system (territorial decentralization). The following types of actions were included: Training (52 per cent); Guidance, counselling and information; Integrated pathways; Incentives; Employment services; Government's action; the systems' integration; Information, awareness-raising campaigns and advertising. The data recorded at 31 December 2007 showed commitments under the Axis E for 1.2 billion Euros, representing 92.7 per cent of available resources on said Axis, as mostly paid (1.1 billion). Over 25 thousand projects were launched and the number of recipients involved as at 31 December 2007 amounted to approximately 377 thousand units.

81. Beyond the actions undertaken by means of the resources of the specific Axis E, the application of the gender mainstreaming principle has characterized the entire ESF programming. This means that, within each policy field of the Fund, it was planned a series of actions on gender equality and the development of the gender culture, such as: Making sure that the new job centres and services might take into due consideration the specific needs of women; Considering the gender-related variables in all relevant information, also to improve the gender statistics; Implementing assistance measures, teaching methods and organizational flexibility; Ensuring specific support for the reconciliation between family and work, with particular attention to immigrant women; Including the gender perspective in the analysis of training needs; Training of trainers, public officials, social partners; Ensuring the participation of women in vocational and refresher courses, to reflect the proportion of women occupied; Ensuring a focus on how to better implement information measures targeting female users; and providing for direct educational assistance to public administration, including by training, awareness and education models on gender-related issues, besides gender orientation techniques for the assessment of relevant interventions.

82. In particular, the Structural Funds represent a very significant area of intervention for the characteristics of the process of the EU programming and the extent of funds made available. The Department for Equal Opportunities has allocated the financial instruments made available by the EU, in particular the European Social Funds, to support, at all levels, the implementation of a strong gender mainstreaming and to ensure support for those responsible of Regional Operational Programs for the implementation of equal opportunities policies for all. The Department has thus made available the skills and expertise already gained in the previous 2000–2006 programming period in the field of gender equality, by enhancing and extending the measures to equal opportunities for all, namely to combat all forms of discrimination, as included among the EU priorities.

83. The areas of intervention refer to support and guidance activities for the central and regional authorities tasked with operational programs for specific issues related to equal opportunities and anti-discrimination policies. In particular, it recognizes a specific attention to the South (in Italian, *Mezzogiorno*), (Convergence objective), where relevant problems occur with greater magnitude, in relation to which the Department for Equal Opportunities has an entire axis of intervention.¹⁶ The Department for Equal Opportunities,

¹⁶ The following areas of intervention will strive for the targets of the European Employment Strategy and the priorities as identified by the Road Map on equal opportunities, to ensure the convergence between national and regional policies with a view to the subsidiarity, complementarity, and grafting mainstreaming processes. Thus the relevant system actions, which are related to the fields of intervention under reference, will be aimed at:

Encouraging the participation of women and those at risk of discrimination in the educational processes, as part of the so-called *lifelong learning* and with the purpose of fighting the various forms of educational segregation, while improving the skills of women and discriminated groups.

Enhancing and supporting the presence of women and discriminated groups in the fields of the research, development and technological innovation, with the aim of combining social cohesion

through the actions co-financed by European Social Fund, in the period 2005–2008, contributed to the implementation of anti-discrimination policies related to gender. The goal in this regard, as set by the Department itself, was to make a decisive contribution to the development in the field and to the strengthening of the system actions on equal opportunities, which can trigger changes in the following systems: work and training, promotion and programming of the territory, evaluation of the policies undertaken by the key decision-makers in general. To this end, the Department for Equal Opportunities has been working on the dissemination of gender policies and equal opportunities through a series of tools that have the aim of improving the quality and consistency of programs and actions co-financed by the above structural funds, in addition to those actions undertaken by national funds.

84. The main types of interventions included the realization of system-actions aimed at:
1. Improving the living conditions of women in order to better respond to the needs of women;
 2. Improving the access of women to the labour market and training;
 3. Improving the conditions of women at the workplace and redistributing the care-work;
 4. Promoting women's participation in the creation of more favourable socio-economic conditions. The major tasks covered in detail:¹⁷ (1.) Definition of a model

and competitiveness by providing the framework for the enhancement of the competences and the women's empowerment.

Supporting the system of services for the individual and the labour market still widely unprepared to collect and manage the diversity by promoting the accessibility to social protection services, including care and reconciliation ones, while respecting the basic needs of citizens and the spaces of liveability.

Giving shape to the spread of a non-discriminatory culture and to promote conditions for the development, while closing regional gaps and increasing opportunities for people within a local development-oriented approach.

Contributing to enhance the ability of Administrations in planning and managing regional policies that take into account gender mainstreaming and the various forms of discrimination.

- ¹⁷ 1. *Definition of an evaluation model of gender policies to implement the Guidelines called VISPO.* The systemic action had the aim of establishing an assessment model that would help to implement, monitor, assess and control the effectiveness of measures and actions taken by the national and regional operational programs, in order to pursue the gender equality principle. This complex and structured activity helped to identify gender-sensitive indicators for the various phases within the planning and implementation processes of activities, with the aim of influencing the monitoring and evaluation exercises. This model contains innovative aspects, in terms of methodology and inner coherence, especially for the inclusion of a gender-oriented approach in the evaluation process. As a whole, it resulted in a national evaluation tool, being updated, from time to time, and according to the different needs and territorial characteristics and benchmarks.
2. *Preparation of statistical surveys, disaggregated by gender.* The systemic action stemmed from the need to give our country statistical systems, with the ability of better detecting gender differences across the regions and sectors as for the participation in the labour market, also with reference to issues relating to the reconciliation *between* work and family, and the phenomena of harassment, violence against women, and abuses in the household. Such action aimed at being standardized as a part of the production of official statistics.
3. *Support for national, regional, provincial administrations in order to implement relevant programs:* The action has been developed mainly along two lines:

for the evaluation of gender policies for the implementation of the Guidelines VISPO; (2.) Preparation of gender-based statistical surveys; (3.) Support to national, regional and provincial authorities for the implementation of programs; (4.) The Network of equal opportunities. Among the most significant results, it has to be considered the activation of methodological support actions that have started processes on equal opportunities governance, within which the regional and local actors have developed behaviours, application and management and organizational tools, resulting innovative in many cases (such as for the dissemination of policies on equal opportunities). The experience started in this area has shown that by inserting the issue of equal opportunities policy in the agenda of local development initiatives it brings elements of improvement, modernization and equity, besides creating an environment suited to the socially responsible competitiveness. This approach allows for building networks and alliances between national and local levels, to ensure that the objectives set by the gender institutions might be used as goals of general interest. In this respect, mention has to be made of all the initiatives that have seen the involvement of gender-related issues in the preparation of agreements and protocols, to initiate projects to be promoted through various means of local development (Territorial Pacts, PIT).

85. As part of the Structural Funds 2007–2013, the Department for Equal Opportunities indicates the priorities for action with the aim of ensuring continuity with the achievements of the previous programming period 2000–2006. This aims at strengthening its role as a stimulus and guidance by supporting choices and perspectives of the regional development policies covering the topics of relevance to the Department’s mission. Continuing the line of production and dissemination of tools and models aimed at promoting equal opportunities in training, employment and social areas, the Department intends to strengthen the promotion and support of innovative strategies, through which to implement the equal opportunities principles, so as to result in actions and a methodology consistent with the mainstreaming of relevant development policies. In addition to traditional gender equality policies, the strategic proposal of the Department for Equal Opportunities originates from its new powers, including policies on anti-discrimination and human rights, so to focus on two priority areas: gender equality, and non discrimination, both requiring

The preparation of documents of guidance, address and analysis of the progress of the gender equality principle with reference to both specific actions and general ones (mainstreaming). These types of action allowed to define the extent of knowledge about the role and position of women in various contexts; and to develop modalities and ideas on how to implement policies, to improve the conditions of access and permanence of women in the labour market, as closely connected, on one hand, to women’s empowerment and, on the other hand, to the need of reconciling family and work also through specific infrastructures;

The promotion of studies, research and analysis on relevant labour market-related issues, reconciliation, accompanying measures, evaluation, etc., in order to support programs developed by the Management Authority. In parallel, the support was intended to enforce the gender equality principle at various stages of the planning, from the definition of operational programs to the monitoring and evaluation through a strong action “serving” for guidance, orientation, identification and transfer of good practices in order to ensure the necessary uniformity and efficiency of the activities performed at various levels.

4. *The Equal Opportunities Network.* The aim of action was to develop a network for all relevant stakeholders and providers that would allow to provide the users with knowledge, information and services and to promote practices exchange, to standardise relationships between those stakeholders and *institutional* actors operating at both the central and local levels. It has been created a portal structured in various thematic sections under which it is ensured a constant update and exchange of practices (www.retepariopportunita.it).

specific measures and approaches: 1. On the former side, the Department intends to capitalize on the experience developed during the 2000–2006 programme, which will help address, within the new program, the targets for progression in light of the results already achieved at a decentralised level; 2. On the latter side, the Department for Equal Opportunities is committed to developing actions that are able to identify the factors of discrimination, to be overcome.

86. These actions will be oriented not only to protect victims of discrimination but also to eradicate the root-causes. This will foster a profound cultural change, starting from the new generations, being characterised by a value-system that exalts all forms of diversity. In this regard, it is crucial to develop interventions to support the various actors, institutional and not, being currently engaged in different subject areas, in order to build a real system of governance and equal opportunities.

87. As for gender equality, the Department has developed an action plan aimed at:

- Identifying models of intervention, to propose specific modalities to ensure that women can participate more actively in the paths of education and training, labour market, social and cultural systems, by taking into account the issue of “the dual presence”. The action is a contribution to regional management authorities so that they initiate processes leading to greater and more qualifying forms of access and permanence of women in the socio-economic system.
- Developing a culture of gender in the territories through the involvement of institutional actors, the economic and social partners and the civil society, aimed at creating a system of inter-institutional networks with the ability to promote gender equality policies at the local level. Such operations may contribute, in the six-year period 2007–2013, to build at the territorial level, cultural and organizational change processes.
- Defining interventions aimed at promoting women’s empowerment in all spheres of public life. The aim is to strengthen and broaden the representation of women in pathways and in the higher career levels, so as to contribute to raise the level of democracy in the country.
- Taking measures to explore effective actions to combat forms of harassment and violence against women by involving all relevant actors in this field, with the further intent of increasing the level of attention to these issues.
- Promoting actions to spread the gender budgeting as a tool of social accountability of public institutions in the relevant territories. The aim is to spread a culture of public administration aimed at transparency and fairness of its objectives. The contribution of this strand will be to contribute to a better and more efficient allocation of public resources.
- Transferring and deepening across the above actions, what was already established in the previous programs as for the gender assessment, in light of the new EU guidelines, so as to strengthen the dissemination of the gender assessment culture in the territories in convergence.

88. On the side of non-discrimination, the Department sought to elaborate a plan of action that seeks to develop integration policies for social inclusion and non-discrimination in programs of economic development planning, with particular reference to ongoing experiences in the POR and various tools of local programming (through an integrated and multi-dimensional approach).

89. The Department has thus elaborated an innovative work-plan that aims to define, especially with the Convergence Regions, the following specific actions:

- The identification of courses of action that identify and thoroughly examine the various types of discrimination against different groups and stereotypes related to membership, with respect to training systems, labour market, social life and culture, and capable to propose hypotheses that seek to encourage the active participation of these groups in the economic and social life, with the further aim of promoting social inclusion.
- Enabling connections and strengthening networks of actors operating in the public and private and third sectors, with a view to promoting the integration of different groups discriminated against. Interventions during the six years of planning will help support the territorial networks in order to strengthen their capacity for intervention.
- The initiation and implementation of the definition of a model to evaluate direct and indirect impact of policies aimed at promoting the integration of persons belonging to groups that experience discrimination, with the aim of promoting the mainstreaming of equal opportunities for all in processes for planning and implementing relevant policies at the territorial level.
- The promotion of initiatives to develop and disseminate a culture of acceptance and openness towards discriminated groups through the involvement of institutional actors, economic and social partners and civil society, with the aim of enhancing the levels of governance on these issues.

90. In terms of programming, it can be argued that greater effort, especially in light of the EU orientations, will be directed towards the construction of a process of local government policy on equal opportunity and non-discrimination, involving - in taking over the responsibility and in identifying the strategies and the priorities – all economic, political and social partnerships. The construction and spread of forms of pro-active and practical gender equality governance is a pre-requisite for the goals of equal opportunity and non-discrimination, to become an integral part of the whole process of construction and implementation of interventions, aimed at growth and competitiveness.

91. On policies to protect women's human rights, Italy has always distinguished internationally for the specific focus on combating **violence against women, through support for relevant resolutions at relevant international conferences and for specific programs of cooperation in the fight against FGM, and through specific policies and initiatives at the national level.**

92. In Italy in recent years, there have been numerous legislative changes aimed at protecting women and children, victims of extra- and intra-familial sexual violence. Violence against women mainly emerges from the context of family relationships and affects women of any social and cultural condition, causing bodily harms and serious mental health consequences, besides high economic and social costs.

93. The phenomenon of violence against women should not be seen as an exclusively female problem, but a cultural problem that involves the entire country and as such must be addressed. **The strategic axes of the national policy** are: the prevention and the fight against sexual and gender-based violence affecting women, children, people of different sexual orientation, disabled and migrants; the identification of various forms of violence; the assessment of their social, economic and cultural impact, besides the development of mechanisms for information and awareness on this phenomenon and its complexity; the protection of victims also through regulatory action if needed; awareness and information campaigns on equality and the fight against discrimination.

94. From a legislative point of view, to complement the existing legislation, mention has to be made of Legislative Decree of 30 May 2005, implementing EC Directive 73/2002 on the implementation of the principle of gender equality in matters of access and working

conditions in case of harassment and sexual harassment. By this Decree, sexual harassment at work is equalized to other forms of discrimination, so as to extend to similar conducts all forms of protection measures already provided by the Italian law. In particular, article 2 has updated the definitions of direct and indirect discrimination under the new EC definition, in keeping with what was already established by Legislative Decrees No. 215 and 216 of 2003, respectively, in addition to introducing the definitions of harassment and sexual harassment. This Decree also established that within the definition of discrimination are to be considered all those conducts taken by the employer which constitute a response to a complaint or an action undertaken to obtain compliance with the principle of equal treatment between men and women. This framework therefore seems to offer appropriate legal tools to prevent and suppress acts of discriminatory conduct and to protect, at the civil proceeding law level, the reasons of the victims.

95. Similarly, the current Minister for Equal Opportunities, by taking up the issues contained in the Bills which were presented during the previous Legislature (2007), elaborated **two Bills to combat violence against women: the former concerning the crime of stalking and the latter concerning sexual violence, which were approved by the Council of Ministers at its sitting on 18 June 2008: I. Bill AC 1440 on “Measures against the persecutors”**. This measure was crafted to provide a concrete answer in the fight against violence perpetrated against women, in the form of the so-called stalking, namely harassment or persistent molestation. Until now, in fact, acts of violence, often preceded by forms of persecution, escape any penalty. By the former Bill it is introduced a new crime “stalking” the penalty of which increased if the conduct is perpetrated under special circumstances. It is also prohibited the ban if the alleged stalker approaches the places frequented by the person offended, by her/his relatives, partner or those bound by existing emotional relationship as required under paragraph 1 of article 3 of said Bill. The bill is currently before the House of Representatives and assigned to the Second Committee on Justice; II. Bill AC 1424 on “Measures against sexual violence”. This measure provides for measures to strengthen the criminal protection against sexual violence, introducing aggravating related to the mode of action by the offender, imposing increased punishment in the event of recidivism, and introducing mechanisms to speed up the proceedings and the certainty of punishment. The crime of sexual violence and of sexual violence by a group is thus placed among those for which it is expected to be arrested in *flagrante delicto* (and no more by denounce), besides enforcing the immediate judicial proceeding (in Italian, *giudizio direttissimo*), as well as new specific aggravating circumstances, including the use of substances that deplete the capacity to act of the victim, the quality of ascending, adoptive parent or guardian of the offender and the relationship of psychological “dependency” between victim and offender, pregnancy of the victim. Also this Bill is currently before the House of Deputies and assigned to the Second Committee on Justice.⁹⁶ Rape, including spousal rape, is therefore illegal, and the Government effectively enforces **Act No. 66/96, which introduced in the penal code the relevant crimes under article 609 bis**.

97. Act No. **154/2001**, entitled “Measures against violence within the household”, focusing on the forced expulsion of the violent spouse through the civil or the criminal proceeding, may be considered as an outstanding tool to stop the domestic violence.

98. The law criminalizes physical abuse of women, including by family members, allows for the prosecution of perpetrators of violence against women, and helps women who have been victims of attack avoid publicity. While law enforcement and judicial authorities are not reluctant to prosecute perpetrators of violence against women, victims frequently declined to press charges due to fear, shame, or ignorance of the law. As a way of example, it is worth recalling that in 2005, 4,020 cases of rape were reported, and 1,344 individuals were convicted (to further information, please refer to annex No. 1).

99. In this area, the Department for Equal Opportunities, since its establishment, has been playing the role of driving force for the implementation of relevant activities, both at the social and normative levels. This approach was supported and complemented by numerous legislative initiatives **at the regional level**, as follows: Basilicata regional Act No. 9/1999, establishing an ad hoc Fund for women victims of violence; Friuli Venezia Giulia regional Act No. 17/2000, implementing projects on violence against women and centres against violence; Abruzzo regional Act No. 31/2006, implementing projects on violence against women and centres against violence; Latium regional Act No. 64/1993, implementing projects on violence against women and centres against violence; Campania regional Act No. 11/2005, implementing projects on violence against women and centres against violence; Liguria regional Act dated 6 March 2007, implementing projects on violence against women and centres against violence; Calabria regional Act No. 20/2007, implementing projects on violence against women and centres against violence; Sardinia regional Act No. 8/2007, implementing projects on violence against women and centres against violence; Tuscany regional Act No. 59/2007, implementing measures to prevent gender-based violence.

100. The Department has been also working to support and enable investigations and survey on the subject, whose findings have provided so far data and useful information to define the context in which to develop measures to prevent and combat gender violence. In February 2007, ISTAT published a study, commissioned by the Ministry of Equal Opportunity, on sexual violence in Italy (please see annex No. 1).

101. ISTAT, the official Italian government statistical agency, reported that 6.7 million women aged 16 to 70, or 31.9 per cent of all women, had been victims of violence at least once in their lives. Five million women were victims of sexual violence and one million of rape or attempted rape. In 2006 ISTAT estimated there were 74,000 cases of rape or attempted rape, of which 4,500 were reported to the police. Approximately 23 per cent of sexual abuses were committed by partners. In fact the data show a worrying situation, where the most familiar places become those at a higher risk. This is a hidden violence, with few ways out, for single women who face a daily heavy that hardly leaves an escape route. The survey found violence in its many forms: psychological, physical violence and sexual violence. The types of sexual violence range from rape to sexual harassment, from the compulsion to sexual relations with others to unwanted sexual relations, suffered from fear of consequences, and to degrading and humiliating sexual activities: criminal acts generally provided for by the Italian penal code, article 609 bis.

102. The violence committed by their partners within the family (**domestic violence**) shows the characteristics of a set of behaviours that tend to establish and maintain control over women and sometimes the children. These are real strategies that aim to exercise power on the other person, using different types of behaviour: to destroy her belongings; to kill the animals that belong to her; to denigrate her behaviour and way of being; unmotivated jealousy, threats and violence; to implement forms of control or impose limitations that lead to social isolation. The perpetrator creates, therefore, a constant climate of tension, fear and threat in which the exercise of physical violence or sexual violence can also occur sporadically and still be very effective because the author is constantly present.

103. The ISTAT survey data are various: it is estimated that 6, 743, 000 women between 16 and 70 years, are victims of violence during their lifetime (equal to 31.9 per cent of the age group considered). Five million women have suffered sexual violence (23.7 per cent). (Please see annex No. 1.) In the course of 2006 solely the number of women victims of violence amounted to 1 million and 150 thousand (5.4 per cent). Domestic violence has affected 2.4 per cent of women; the one outside the household amounted to 3.4 per cent. The women divorced and separated suffer more violence during their lifetime: 63.9 per cent, twice the average figure.

104. In almost all cases, violence is not reported and the partners who are reported, mostly remain unpunished. The undeclared remains very high. Cases from a non-partner reach approximately 96 per cent versus 93 per cent of cases from partners. Therefore only few victims have reported domestic violence, 7.5 per cent, of whom only 27.9 per cent had a partner accused, while 8.3 per cent had a partner convicted. In 2.6 per cent of cases, the trial is still ongoing.¹⁸

105. In this frame, in April 2008, the Ministry for Equal Opportunities signed an agreement with ISTAT, to deepen the subject of harassment in the workplace, also in relation to sexual harassment. That survey will be also used for the study of gender discrimination at work-place in some of its manifestations and will result in a key-action to ensure official statistical information.

106. It has been **envisaged the elaboration of a National Action Plan to combat all forms of violence against women**. To this end, the Interministerial Decree of 3 August 2007 has allocated a sum of 2,200,000.00 Euros. The drafting of the Plan calls for the enhancement of measures aimed at designing and/or developing regional networks among various public and private stakeholders, to define strategies, actions and integrated, multi-disciplinary and inter-sectoral interventions, in the field of the violence prevention, protection and reintegration of victims. In particular, actions should involve public and private social organizations, e.g. health-care providers, social services, police, education services, legal advisors and psychological-care providers, in order to allow the creation and/or the development-qualification of sustainable networks to prevent and combat all forms of violence against women, children, people of different sexual orientation, taking into account the particularly vulnerable groups such as the disabled, elderly, migrants and women belonging to ethnic minorities, etc.

107. Among the objectives, it is expected that the Plan could:

1. Strengthen regional capacity through the collection, analysis, evaluation and exchange of experiences and best practices;
2. Develop and test methodology, training and innovative assessment to support and develop a network of regional actors of various organizational cultures and professional;
3. Develop and test standards and procedures for inter-organizational processes and cross-sectoral essential for governing the network;
4. Raise awareness, inform and specialize the various territorial actors involved;
5. Develop and test unified and standardized procedures for monitoring and evaluating relevant programs. The actors involved will be public institutions (regional, provincial and municipal) in partnership with other public and private social actors who have responsibility for preventing and combating violence in its various forms.

¹⁸ **Act No. 154/2001** entitled “Measures against violence in family relations” deals with the separation of a violent relative from the family, through civil or penal legal actions. Before the adoption of this measure there were no specific provisions to prevent the persistence of violent behaviour by an aggressive relative within the family, prior to a penal process. Law n. 154/2001 provides that a judge can impose the immediate separation of a violent relative from the places frequented by the family (for example, the workplace and children’s school), if his/her behaviour causes serious prejudice to the physical or moral integrity, or to the personal freedom, of the family, when the behaviour is not open to prosecution. This law introduces a change of perspective in addressing violence against women, because it deals with the demand of the victims to stay in the household.

108. Regarding **the use of resources for tackling gender-based violence, it is noted that of about 3,000,000 Euros given to the National Fund against gender-based violence for the year 2007**, 2,200,000 Euros (shares used to finance National Plan of Action against gender-based violence) were earmarked for the public notice of 6 December 2007, to fund 17 projects aimed at strengthening preventive measures and generally combating gender-based violence. By the following Notice published on 24.04.2008, on the same subject, the Department approved 28 projects, the budget of which amounted to 3,404,629 Euros. However, in the absence of a decree of allocation and allotment, these resources have been charged to the “Fund for the policies relating to rights and equal opportunities”. Instead, the resources devoted to the establishment of a national Observatory against sexual and gender-based violence were not used and are therefore available under Chapter 493 of the Presidency of the Council of Ministers Budget (cr 8 “Fund for Policies related to rights and equal opportunities”).

109. The alternations of the governments between 2005 and 2008 have in fact delayed the full use of resources for the National Fund against sexual and gender-based violence, despite this issue has been always considered a priority within the national policy agenda.

110. So to counter effectively the phenomenon of violence against women, the Department for Equal Opportunity has initiated several actions. In 2006 it was concluded the project entitled “Anti-violence network between the Italian Urban cities”, which had the aim of detecting the social, cultural and institutional framework in which the phenomenon of violence against women raises and develops, so as to identify and design policies of effective interventions. Thanks to the innovative methodology used by the project, it was possible to bring out what is the perception of violence and stereotypes that still justify it in various territorial areas. It was also developed an innovative way to tackle violence against women by comparing the knowledge, tools and help schemes. The results of the second phase of the project were outlined in the publication “The silence and the words”. Through an action research which has adopted gender indicators as categories of interpretation to read violence against women as a phenomenon linked to gender relations and the “tolerance” of violence as a possible way of relationships between men and women. It was thus possible to analyze the extent of the perception and tolerance to the phenomenon of violence against women, besides assessing the stereotypes that are associated to it.

111. The intervention sought to strengthen the level of knowledge and increase the wealth of data available, but also begin to develop local training and services networks. Instrument of “verification” of the data collected were the in-depth interviews with women victims of violence who have shown their point of view, the experience of violence in its phenomenological aspects, and its pervasiveness in the family, friends and community network. This also showed how women have been helped by the services or driven back into their silence. With this work we tried to combine different tools, especially for those working on the ground and for local policy-makers, on one hand by encouraging them to know the problem and its care, on the other by highlighting the practices of the specialized services with a gender perspective (created in recent decades). The results of each city have been the subject of a research-report outlining the local information and the results obtained. In light of these data, the Department for Equal Opportunity has also sought to give continuity to the initiative through a wider experimental action to combat the phenomenon of intra- and extra-familial violence against women. In 2006 it began the activities of the **Project ARIANNA (National Anti-violence network). The project aimed at creating a “National Anti-violence Network” to be supported by a number of public utility 1522**, a public service conceived to listen and support women victims of violence.

112. The Network is designed primarily as a tool to incorporate and disseminate nationally actions undertaken by the anti-violence networks at the local level, to counter the

phenomenon of gender-based violence, while ensuring the necessary connections between the relevant central administration Authorities (judicial, social and health, safety and public order sectors). The knots of the National Anti-violence Network represent pilot-Regions. These are territorial areas, municipalities or provinces, with which the DPO concludes MoUs to promote awareness actions and generally to combat gender-based violence, as well as to encourage the establishment or strengthening of local networks to counter the episodes of violence against women, to facilitate the integration of the national service 1522 with the socio-health care structures based on the territory and, finally, to organize public thematic workshops on the topic under reference. Currently, the pilot regions are the cities of Bologna, Palermo, Naples, Venice, Pescara, Prato, Cosenza, Isernia, Trieste, Ravenna, Nuoro, Potenza, Aosta, Turin, Latina, Agrigento, and the provinces of Genoa, Ancona, Bari, Catania, Caserta and the Autonomous Province of Bolzano. In these territories it was prepared a system for the direct access to local services, even in cases of emergency, as conveyed by telephone reception service 1522 (this includes a direct transfer of the call, from the call centre to the anti-violence centre being active on the opening hours to public). The 1522 is available every day for 24 hours a day and is accessible by the entire national territory free from both fixed and mobile phones, with reception available in Italian, English, French, Spanish and Arabic. The telephone operators provide an initial response to the needs of women, victims of violence, besides providing useful information of the public and private social-health services at local level. The communication style with the women who turn to 1522 falls within a framework of competent reception. By the use of the telephone, this service supports the emergence of the aid applications by allowing a gradual approach to services by women with the absolute guarantee of anonymity.

113. Along these lines, the **NGO ACMID Donna** established a toll free number for abused Muslim women and received 3,600 calls from November 2007 through May 2008. Approximately 56 percent of those cases involved violence or other mistreatment by husbands or relatives, including unwillingly being in a polygamous marriage, a situation affecting an estimated 14,000 women.¹⁹ On a more general note, the Italian Government strongly condemns **violence against women on the grounds of custom, tradition or religion**. For the first time it emerges a phenomenon which reflects the change in the Italian society under which to consider honour crimes mainly occurring among foreign communities. Between 2006 and 2007, few cases were reported in the news and to the judicial Authorities. Cases of “honour crimes” and forced marriage occurred in the period under consideration. On September 21, 2007, a 20-year-old Moroccan woman escaped from the apartment where she had been confined by her husband and mother-in-law for almost three years in Genoa. On September 6, 2007, an immigrant Indian woman, aged 31, committed suicide, allegedly to avoid an arranged marriage. On November 13, 2007, the father and two brothers-in-law of a 20-year-old Pakistani immigrant woman killed in 2006 were each sentenced to 30 years’ imprisonment in Brescia: she had been reproved for having adopted a western lifestyle.

114. As for **the various awareness-raising campaigns**, it is worth recalling:

1. Within the Council of Europe campaign to combat gender violence, in November 2006 the Italian government celebrated the Parliamentary Day on violence against women with a conference held in Rome, Palazzo Montecitorio. The

¹⁹ In this context, it may be recalled the introduction in 2006 of an Act against FGM (please see below the section devoted to art. 12). Accordingly, in August 2006, the Department for Equal Opportunities launched a three-fold program on prevention of female genital mutilation, which included an awareness campaign for immigrants, a risks factors analysis, and cultural mediators training. By Act No. 7 of 9 January 2006 concerning the “Prevention and the prohibition of female genital mutilation”, the perpetrator of this offence is punished with a 4 to 12 year-detention penalty.

meeting was attended by parliamentarians and Italian and international experts, with contributions that have driven the debate into four distinct areas: Information on investigations about gender violence in Italy and Europe, law enforcement actions in the European framework, practices, and local policies;

2. The awareness campaign on violence against women sponsored by the Department for Equal Opportunity, designed for the Day on Violence Against Women 2006. The main message of the campaign was entrusted to a slogan: “It was the champagne cork” written next to a photograph of a woman with a black eye due to trauma from beatings. The slogan shows how much women often try to hide the violence. The campaign, promoted by the main media (television, newspapers, radio) aimed at changing this view by stating that “stop the violence is more likely to hide” and “violence against women has not excuses” (besides providing a useful vehicle for the dissemination of the toll free number 1522);

3. In the field of migration, in September 2007, it was sponsored by the Department of Equal Opportunity in collaboration with the EQUAL project, the information and awareness campaign on trafficking in human beings, called “Trafficking NO! Another point of view”. At the European level, the campaign was supported by AICREE (Italian Association of CEMR) and CCRE (Council of European Municipalities and Regions of Europe).

115. The Department for Equal Opportunities also launched several projects on the territory. Between 2007 and 2008 this issued two Public Notices on “Funding for projects aimed at strengthening preventive measures and combating gender violence”, with the primary objective of designing and implementing territorial networks between public and private social organizations to define strategies, actions and integrated, multi-disciplinary and inter-sectoral interventions for the prevention of sexual violence, the protection and reintegration of victims. Through the first public notice (published in the Official Gazette No. 284 of 6 December 2007), this funded 17 projects, while the second notice (published in the OJ No. 97 of 24.04.2008), funded 28. The projects, being ongoing, should include at least two of the following specific actions: Exchange or transferability of good practice, in order to strengthen local capacity through surveys, evaluation and exchange of existing experiences in Italy and Europe; Prepare roles and people, to support the development of territorial networks through the development and testing of methodological tools, training and innovative assessment; Prepare and adapt the organization to support the testing of standards and procedures concerning the processes necessary for inter-organizational and inter-network management; Deepen understanding and help raise awareness, information, by organizing studies and seminars, focusing in particular on the issues of intra-family violence, sexual violence, abuse of minors, stalking, violence against women, including the elderly or disabled, and on the forms of psychological and physical abuse on women migrants or ethnic minorities (such as forced marriages, mutilation, blackmail and threats); Monitor and evaluate the impact of these outcomes (activities aimed at developing standardized procedures for monitoring and evaluating protection programs, including those for the economic and social reintegration of victims. The resources allocated for the above projects amounted to 2,150,000 Euros from the “National Fund against sexual and gender-based violence”. Considering the huge number of applications received, the Department for Equal Opportunities published a further Notice in April 2008 on the same subject allocating 3.5 million Euros to also rely on the National Fund against sexual and gender-based violence.

116. As regards the monitoring of the complex phenomenon of violence, it is worth recalling the establishment of a “**National Observatory against sexual and gender-based violence**”, by Ministerial Decree of 23 January 2008. This body acts as a link between local authorities, anti-violence centres and operators of the sector. Its function is to carry out

awareness-raising campaigns and monitor the activities of all public administrations involved in the fight against sexual violence. By inter-ministerial decree of 3 August 2007 it was allocated an amount of 800,000.00 Euros for the establishment of this Observatory. By Ministerial Decree of 13 December 2007 it was established a **“Permanent Forum against severe forms of harassment and violence against women”**, meant to improve dialogue between administrations and civil society, to support more effectively the fight against violence against women and the protection of victims. Member to the Forum are anti-violence centres, relevant associations, trade unions, business associations and representatives of the central Institutions.

117. Within this framework, it is also worth recalling the existing **Observatories established at the local level as a result of the sensitivity shown by regional and local Authorities** on the subject: the National Centre on Domestic Violence in Verona;²⁰ the Observatory on women victims of violence, sponsored by the Province of Rome;²¹ the Observatory on violence against women and children, created in 2007 by the Region of Liguria;²² and the Observatory on Crimes on Women and Children (a multidisciplinary and interdisciplinary group of researchers).

118. Among relevant bodies, it is also worth recalling the significant activities carried out by the National Racial Discrimination Office (more commonly known by the acronym, **UNAR**) as set, by Law Decree No. 215/2003 implementing EEC Directive 43, 2000, within the Department for Equal Opportunities, with a specific mandate to deal with any form of discrimination and harassment on the ground of race, ethnicity, culture or religion. These tasks are instrumental to the function of supporting the integration of minorities living in Italy. Its mandate is broad because it refers to the most important public and private sectors of the social life, including employment, health-care, and education, access to goods and services, and social protection. The Office acts as a focal point for both the institutions working in the field of protection of migrants and minorities and the foreign communities.

²⁰ It was founded in 2006 by the agreement between the University of Verona and National Epidemiological Observatory on Life Environments (ISPESL). This is the first reality of the Country that accepts the urgency to scientifically monitor the phenomenon. It works with “all the institutional realities of the area who are daily confronted with the phenomenon of domestic violence”, including the Verona Hospital, the Civil Major Hospital and the Polyclinic “Giambattista Rossi”, the Provincial Command of the Carabinieri Corps in Verona (involving every company of the province), the police station in Verona, and the Public Prosecutor Office at the Court of Verona. These institutions provide data to the ONVD, as disaggregated according to the needs of the ONVD (see www.ispesl.it/Observatory/ONVD.asp). The questions that the Centre wonders are as follows: How many people are killed or injured more or less seriously or harassed in various ways within household? What are their socio-demographic characteristics (gender, age, ethnic and social origin)? Who is mostly at risk? Which gaps in the institutional approach? Why do we die more often by hands of people we know/love? How to facilitate the clear emergence of relevant data? Which tools can be used by the Institutions to inform and educate on this issue? What tools when contacting both the victims and the perpetrators? How to support a specific amendment to the criminal code (namely the creation of a specific criminal offense)?

²¹ Solidea, which collects relevant data for a coherent knowledge of the phenomenon and develop cultural exchanges with local, national and international research institutions. The tasks which carries are: construction and maintenance of databases through the systematic collection of data for statistical and scientific studies and conducting ad hoc research design, intervention, monitoring and evaluation of gender policies; production and dissemination of publications of the Observatory, promotion and organization of public events, construction of an information flow to the work done by the network centers Solidea; ongoing training for operators of the network centers Solidea and experienced users of the Observatory.

²² A section that monitors the situation by considering the anti-violence work carried out by Centers, services and entities belonging to the local network. The observatory should start work soon.

This also works according to a gender perspective with the aim of ensuring, inter alia, gender mainstreaming. In doing so, it takes into account the different impact that same forms of discrimination can have on women and men “as expressly provided in article 1 of the said Legislative Decree. No. 215. In this frame UNAR. has been responsible for the partial funding of projects, proposed by some associations, aimed at promoting the principle of equal treatment, throughout the national territory, including by applying the gender perspective. Priority is given to the integration between the actions of various public and private actors as promoted at the local level, in order to prevent and combat violence under the three profiles of intervention: awareness and prevention measures against sexual and gender-based violence and discrimination; Measures for the protection of victims, including children through a network of services with specialist staff and able to address both the immediate problems and those in the medium and long term; Measures for the economic and social rehabilitation of victims through a network of services with specialized staff and able to address both the immediate and the medium/long term problems.

119. Needless to say, these initiatives could not produce results without the **relevant NGOs, such as *Telefono Rosa* (Pink Phone), the 45 anti-violence centres (which have adopted the Charter of the National Network in 29 September 2008) and especially the non-profit organizations. In this context it is recalled that, in September 2008, in Rome, the National Association Against violence, called D.i.R.E, was established.**

120. **Women migrants present in Italy represent approximately 49.8 per cent of all immigrants residing in Italy.** But there are huge differences in gender distribution according to nationality: As for the Eastern European countries, women are almost three times more than men; as for African countries the rate is reversed; as for the Far East, there is a marked female predominance, while other Asian countries see the male predominance (Please see Annex No. 4). This new social structure, which requires specific policy analysis, led to the establishment of an ad hoc “Fund for social inclusion of immigrants” within the Ministry of Social Solidarity (see art. 1, para. 1267, of Act No. 296/2006, namely the Finance Act 2007), to which to allocate the sum of 50 million Euros, for each of the years 2007, 2008, 2009.

121. The Directive of the then Minister of Social Solidarity, in consultation with the Minister for Equal Opportunities, issued on 3 August 2007, provided for the allocation of a share of the ceiling for projects in favour of immigrant women, with the aim of “eradicating the structural factors and root causes of multiple forms discrimination that affect, in particular, these women, often due to their vulnerability as amplified by relevant factors such as race, ethnicity, culture, religion or age”. It was stressed that the growth in the presence of women migrants in national territory “expresses the need to devise specific interventions to prevent the phenomena of social marginalization and discrimination of which immigrant women are often victims, thanks to the creation of pathways of social inclusion aimed at preventing situations of isolation and/or exploitation”. To this end the then Ministry for Social Solidarity funded 11 projects covering in particular: programs to promote access to public services, including through the use of cultural mediators, or the creation of paths for the emergence of marginalized women, including through training, orientation and inclusion work, as well as assistance at reception facilities and shelters designed to accommodate women in conditions of economic and social hardship.

122. By said Directive the relevant Authority envisaged the priority areas on which to channel for the year 2007 relevant measures financed by the above Fund, particularly a set of specific actions for the protection of migrant women at risk of social marginalization, which aims to prevent the phenomena of social exclusion, exploitation and multiple forms of discrimination. Among the activities planned and financed with 2,500,000 Euros, there has been the creation of paths for the emergence of marginalized women, including through

training, guidance and the inclusion of work, and information campaigns on the various forms of protection of women so as to prevent and avoid practices and forms of psychological and physical coercion, like all forms of violence and harassment.

123. The Directive, issued on 24 January 2008 to identify the overall objectives, priorities to be funded and the general guidelines for the use of financial resources available for 2008 — as increased by financial law — to €100 million, has confirmed the need to promote initiatives in favour of immigrant women at risk of social marginalization, by assigning to that priority 5 million Euros. By incorporating the information from the EU, among the actions eligible for funding it was also envisaged relevant information campaigns.

124. Foreign women who are often economically and legally bound to their spouses/fathers or employer (such as domestic workers), are more exposed to these risks and therefore need specific interventions for their empowerment through greater education, training, guidance and job placement measures. The same Project Arianna has proved to be an effective tool to help foreign women. To meet even their needs, the service has been specially structured so that it could provide an answer with a multilingual coverage, active 24h/24 and for 365 days a year. The data relating to calls from foreign women is steadily increasing. In fact, the foreign women who have resorted to 1522 were about 2,214 and of these only 1,926 have agreed to provide the detail of the country of origin.

125. Another specific area where the Department of Equal Opportunities has put in place measures to promote the protection and integration of women migrants is the one devoted to contrast the phenomenon of trafficking, a phenomenon which sees the involvement of foreign women and girls, mainly (please see section devoted to article 6). In order to provide a concrete support to the victims of this phenomenon, the Department has set up since 2000, measures implementing article 18 of the Consolidation Act on Immigration to enable trafficked women to escape the violence and the exploiters by participating in a path of assistance and social integration. It is important to stress the peculiarity of this legislation, which allows the access to these programs, by releasing a specific residence permit: not because the victim remains available to the Judicial Authority to testify or cooperate with law enforcement bodies but mainly for humanitarian assistance and social integration, which somehow obviates the need for a complaint by the victim against her exploiters. Also in this area, the UNAR (above) is significantly involved, by working with associations, institutions and non-governmental sector, including for example, “Candelaria immigrant women”, “Association of Brazilian women” and “Association of Women in movement”.

126. Several projects have been launched in recent years, among them special attention has to be paid to the initiative, promoted by the Christian Associations of Italian Workers (ACLI), entitled “Let’s get out of the silence” and referring to domestic work, an area where there is significant presence of immigrants and where the greatest number of domestic workers and family carers are women. The project — which involves the Regions of Veneto, Piedmont, Lazio, Campania, Sardinia — tested and produced a new monitoring system of discrimination and started a program of targeted educational activities.

127. With specific regard to **multiple forms of discrimination**, this is a phenomenon that increasingly involves migrant women but also those belonging to vulnerable groups (disabled, elderly, etc.). In this area, the Authorities have set up specific desks available for assistance and managed by specialized associations such as AssoLei – Women Desks, No.Di., CODI, etc., offering legal, psychological and social support. These associations are increasingly made up of migrant women, disabled or with a mixed participation. In the context of multiple discrimination the anti-racial discrimination hotline 800 901010 plays an important role.

128. With specific reference to **women belonging to the Roma community**, the Department for Equal Opportunities entrusted Lelio Basso Foundation to implement an action research called “gender identity and life prospects of women belonging to the Roma community”. This research aimed at developing a framework of knowledge about the living conditions of Roma women related to gender identity and the prospects for individual and collective life, both within the equipped camps and in the spontaneous settlements. The overall objective was divided into the following specific objectives: analysis of sectoral regulations; analysis of the forms of discrimination; existing mode of social interaction that these standards contemplated; analysis of the status of women relating to gender differences; and some critical aspects, such as the protection of health, particularly maternal and child health; and the risks of coercion and exploitation. The research, conducted in 2008, cost 20,000.00 Euros.

129. With specific reference to positive action to promote integration of Roma people in our social context, it seems worthwhile to point out that under the actions in the Plan for the European Year of Equal Opportunities 2007 it was inserted a specific action, No. 3. This action aimed at developing a model of intervention for the recovery of foreign and Roma street children, including girls, exploited and/or involved in illegal activity, based on best practices at the national and European level. The project carried out by Save the Children-Italy also responded to a specific request of the Department of Equal Opportunities: paying a special focus on Roma girls, so as to not set aside that they will often become early mothers and wives.

130. **Eighty per cent of refugees and IDPs (Internally Displaced Persons) in the world are, according to UNHCR estimates, women and their children.** Despite this, women are a minority of asylum-seekers in industrialized countries of the northern hemisphere, due to decreased mobility and the difficulty of accessing the resources necessary to seek asylum far from home. Fleeing from countries at war or crisis areas, they carry on the signs of abuse that in many cases have affected them just as women: in a large number of conflicts it is indeed manifested gender violence, comparable to ethnic violence, to the extent that it chooses its victims and the forms of abuse on the basis of identity characteristics. Real weapon of war, violence against women becomes a means to achieve military objectives such as ethnic cleansing and spreading of terror among the population, or to wear down the resistance of communities to intimidate or extort information or “reward” the combatants.

131. The way to arrive in Italy is through the landing on the coast. This is an illegal access mode, which is confirmed from year to year as the most practiced just by those potential applicants who, besides endangering their lives on boats old and decaying, could be confused with economic migrants due to mixed migratory flows. In 2008, 76 per cent of recipients of SPRAR (Protection System for Asylum-Seekers and Refugees) were in fact arrived in Italy through a landing. Having said that, it is worth noting both the consolidated legislative framework (TU Immigration and the Bossi-Fini), as amended in the light of relevant EU Directives 2004/83/EC and 2005/85/EC, and the work carried out by the national and territorial Commissions on asylum (in addition to SPRAR).

132. The SPRAR was established by Act No. 189/2002 and is constituted by the network of local authorities – for projects of reception and inclusion. They have access, within the limits of available resources, to the National Fund for the asylum policies and service. On a regional basis, local Authorities, with the invaluable support of the third sector, provide assistance by “integrated reception” measures that exceed the mere provision of room, by also ensuring guidance in legal and social area, as well as more detailed individualised patterns for the individual socio-economic development. The coordination of the protection system is guaranteed by the Central Service: an operational structure established by the Ministry of the Interior, and then entrusted by an agreement to the National Association of

Italian Municipalities. In 2008, according to the Database of the Central Service, the relevant welfare system included 8,412 people. Of these, 2,112 (25 per cent) were women, mainly coming from the following countries: Eritrea (19 per cent), Somalia (15 per cent), Ethiopia (10 per cent), Nigeria (10 per cent), and the remaining 46 per cent from 38 different countries. The latter were mostly young women, whose age's groups were between 18 and 25 years (almost 30 per cent) and between 26 and 30 years (22 per cent). In 2006, according to data of the Central Bank of the protection system (SPRAR), of the approximately 7,030 asylum-seekers, over 5,000 have benefited from the Service. Of the 5,007 recipients, 1,427 were women from the following countries: 22 per cent Eritrea 11 per cent, from Ethiopia, 8 per cent from Colombia, Turkey 5 per cent, 5 per cent from Kosovo and 49 per cent from all other nationalities. In 2006, the SPRAR hosting network has experienced further ramifications by 102 projects, 21 more than in 2005. Italy is thus rich in reception facilities with over one hundred local authorities that have joined the network, each with differentiated contexts (provinces, municipalities and unions of municipalities) and demographic size, however being each capable of making the mission of hospitality.

133. Most SPRAR projects accept the applicants by providing services, including assistance in teaching the language, access to counselling and medical service as well as programs for mothers. The practice developed so far is to ensure a general screening for beneficiaries to verify the health conditions and to act promptly on any conditions, even more delicate when you consider the violence, of which those women are nearly always victims. It has thus developed a sensitive approach to the cultural origin of the recipient.

134. For example, the municipality of Macerata chose a female practitioner, specializing in gynaecology. Along these lines many collaborations with public or private social providers specialized in taking charge of the subjects with psychological distress and victims of violence and torture were initiated by the municipality of Florence under the project with the Centre for Psychiatry and the Service of ASL, as well as the one of the City of Prato with the ethno-psychiatry Service, to develop therapeutic interventions on beneficiaries with severe forms of depression and post-trauma; or those projects carried out under the umbrella of the Municipalities of Lecco and Rosignano Marittimo, with the Naga Centre of Milan and the association "Doctors without Frontiers", respectively, for counselling and psychotherapy for the recipient with particular fragility, including the medico-legal certification on the physical and psychological post-trauma. Other projects choose instead to ensure women with care and psychological support within the Centres that host them so as to set a climate of security and familiarity that makes them less tiring to confide in – and which are essential in cases of increased fragility.

135. The presence of a large number of women of reproductive age raises again the issue of safeguarding their health. In this case there is a specific focus on the protection of the pregnancy but also the promotion of contraception as a means of conscious motherhood. Therefore it is important to ensure and promote access to services for all health education, counselling and prevention of unwanted pregnancies provided by health facilities and family counselling. Collaboration with the counselling is often formalized by the appropriate regional projects through memoranda of understanding and generally extended everywhere, thereby choosing to use the possible resources and services already in place and in use by Italian users. Some local projects have empowered the active protection, for example, by groups of psychological support to motherhood in a foreign land (citta 'di Venezia) or by programming cycle of seminars on child care and health care (citta' di Firenze) to be addressed to young mothers.

136. Within the SPRAR, it is detected the presence of a large number of beneficiaries alone with their children: 314 of 754 are single-parent families (42 per cent) of these, only two cases of one-parent family were headed by the father. If the refugee wears the scars of

persecution and the trauma of forced flight, the women who left their country, bringing along their children, support the weight of their own vulnerability and that of their children. The support entails the taking in charge of the children through various means and using resources more varied: from a baby-sitting service performed by professionals or volunteers (Florence, Ivrea, Trepuzzi, Venice) to its more structured forms, involving the beneficiaries themselves in looking after children, by providing them with forms of remuneration (a sort of scholarship), payable in turn to each of them (city of Sezze).

137. By a protection-based approach, the **Italian cooperation** has been increasing over the years, overall to extend specific programmes in the field of women empowerment and gender mainstreaming. It is thus worth-mentioning the activities carried out by the Italian Cooperation, in order to implement MDG No. 3.

138. A considerable improvement in the biennium 2006–2008 marked the activities on development cooperation related to MDG No. 3. The Directorate General for Development Cooperation has increased its commitment to and initiatives for achieving the third Millennium Development Goal and the Paris Declaration through new forms of North-South partnerships that involved decentralized institutions and civil society.

139. The **New Guidelines for the Italian development cooperation** (issued on February 2007) gives priority to gender equality and women's empowerment. New programs on gender equality and women's empowerment have been launched, by considering and including specific issues: Underlining how the local dimension can provide women with greater opportunities for their empowerment; Working with international women networks for new partnerships and by effective aid modalities on poverty eradication; Giving emphasis to the new roles of women, by considering the experience of migrant women living in Italy; Keeping focus on the implementation of international standards, including CEDAW, Maputo Protocol, UNSC res. 1325/2000; Supporting women, victim of armed conflict.

140. Within this framework, several seminar activities have been organised: International Seminar on "The empowerment of women in West Africa: a dialogue between institutions, civil society and Italian cooperation" held in Bamako (1–3 March 2007), at which Italian Cooperation launched the "Programme for the empowerment of women in West Africa"; International workshop on "The application of UNSC res. 1325/2000 in the Somalia conflict", held in Rome at the Italian MOFA, on June 13, 2007.

141. The above initiative, promoted by the Ministry of Foreign Affairs and with the participation of women of the Somali Diaspora living in Italy, was aimed at improving the role of Somali women in the peace-building process and their effective participation in the use of the resources that the international community intends to make available in the process and the rehabilitation process. National seminars (2007–2008) for participatory planning on gender and development in: Lebanon, Burkina Faso, Niger.

142. In the 2006–2008 period, considering **the endemic poverty** of Western Africa and the potential role to be played by women for the sustainable development of their countries, the Italian Ministry of Foreign Affairs launched an "Initiative for the empowerment of women in West Africa", with the aim of advancing the Millennium Development Goals on gender equality and women's empowerment. The rationale behind this initiative was to gather, in a systematic manner, the views and experiences of women and civil society in order to set the priorities for the initiative. To this end, during the preparatory phase of the seminar, it was actively involved a broad range of NGOs, women's and civil society organizations and local governments and municipalities from Italy and the partner countries.

143. The involvement of decentralized cooperation is part of the Italian cooperation strategy to enhance local level opportunities for advancing women's economic and political

empowerment, while informing and shaping national-level policymaking, generating strategic cross-national and inter-regional partnerships. By responding to regional commitments and frameworks, such as the Maputo Protocol, the programmes financed under this initiative amounted to 15 million Euros at the end of 2008.

144. Italian support to global campaigns strengthened both at the political and financial levels has been focused on the following areas: Programs to fight trafficking in women; Campaigns on Stop Female Genital Mutilation; Programs against gender-based violence.

145. During the same period (2006–2008), as a member of the UN Security Council, Italy supported the priority implementation of UN Res. 1325 and UN Res. 1820. **As a consequence, the mainstreaming of a gender perspective throughout emergency and development interventions and the financing for women’s economic, social and political empowerment have been two pivotal axis of the Italian programmes in Afghanistan, Lebanon, Palestine and the Sudan.**

146. The total amount of the overall activities, during the 2006–2008 periods, amounted to nearly 40 million Euros:

Program activities

Per country

<i>Country</i>	<i>Subject</i>	<i>Amount (in thousands €)</i>
Afghanistan	UNFPA Reproductive Health Rights	500
	UNDP – Women’s empowerment and local development	2 500
	UNIFEM – Trust fund for women	1 400
Burkina Faso (Niger and Côte d’Ivoire)	Suivi de Bamako: women’s empowerment in local development	1 700
	Support to women, victims of violence	900
Central America (Guatemala, Honduras, El Salvador, Nicaragua)	WINNER/UNDP women’s empowerment in local development	1 500
	UNIFEM/MYDEL	3 500
Lebanon	Women’s economic empowerment	300
	UNFPA reproductive health rights	700
Liberia	UNIFEM – Trust fund for women	1 000
Mali	Suivi de Bamako: women’s empowerment in local development	600
Mozambique	Support to the Ministry for women	200
Nigeria	IOM/fight against trafficking in women	1 070
Occupied Palestinian Territory	Centre for women, victims of domestic violence	2 100

<i>Country</i>	<i>Subject</i>	<i>Amount (in thousands €)</i>
	WELOD on women's empowerment in local development	1 800
	Emergency programs	400
Senegal	Suivi de Bamako: women's empowerment in local development	2 100
	Education for girls	2 100
Sierra Leone	UNIFEM – Trust fund for women	700
Somalia	Support to women in Diaspora	800
Sudan	UNIFEM – Trust fund for women	500
Tanzania	UNIFEM – Women's economic empowerment	800
Western Africa	UNIFEM/Support to the ECOWAS gender unit	990
	UNFPA/UNICEF Ending FGM	2 000
	OIM-MIDA/for migrant women	800
Total		30 960
Multilateral activities and global campaigns		
UNFPA	Core funding on reproductive health rights	4 000
UNIFEM	Core funding for MDG 3	2 000
INSTRAW	Core funding for MDG 3	700
UNICEF	Stop FGM campaign	3 600
Total		8 300

Article 4 on special measures

147. While fully recognizing the value of the principle enshrined in article 4 of the Convention, it should be noted 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.

148. However, it is worth-noting the new wording of **article 51 of the Constitution** which requests the Italian Republic, to promote “by appropriate measures, the principle of equal opportunities between women and men,” affirming the right of all citizens of both sexes to have access, on equal terms of law and fact, to public offices and elective positions, and of article 3 of Act No. 90/2004, which promotes the principle of equality of opportunity to have access to the EU Parliament.

149. Also **article 1 of Act No. 125/1991**, as recalled by article 42 of the Code of Equal Opportunity (see Legislative Decree No. 198/2006) provides that State's Authorities take positive actions to ensure, within their respective areas, the full realization of equal opportunities between men and women in the labour market, besides identifying measures to remove de facto obstacles to such an objective. The effective implementation of article 42 of the above Act and of Section V of the Directive on Equal Opportunity, dated 23/5/2007, requires action, at both central and local levels.

150. The "**Directive on measures to implement the principle of equality and equal opportunities between men and women in public administration**", as signed on 23 May 2007 by the Minister for Reforms and Innovation in Public Administration and the Minister for Equal Opportunities has the objective of: disseminating and promoting the full implementation of existing provisions on equality and equal opportunities; increasing the representation of women in top positions; developing policies for the public work, work practices and, consequently, the organizational quality cultures aimed at emphasizing the role and contribution of women and men workers in the Public Administration. The Document is intended for the heads of the various administrations and in particular for those responsible of the human resources, who will guide the policies of human resources management and the work organization along the lines above outlined.

Article 5 on sex role stereotyping and prejudices

151. The gender stereotypes, which pass through educational models, culture, and media, affect our behaviour since the early age, whether or not we are aware. Indeed in these areas there has been the specific commitment to taking action through projects and awareness-raising campaigns. These stereotypes predetermining and supporting the roles that men and women occupy in society, may indirectly hinder them in achieving their potential and their ambitions.

152. **In Italy gender stereotypes are still deeply rooted**, especially in Southern Regions of the South, and for this reason during the past years many initiatives have been undertaken to combat this problem.

153. Stereotypes — as we shall see — are also reflected in the labour world. Aware of that, some interventions have been adopted, particularly in this area, where, however, it emerges the need for permanent programs of awareness and communication, to be carried out in collaboration with business and professional associations, to stress the positive behaviours, while stigmatizing the discriminatory ones, including the public work sector, the professions and the private ones.

154. During the period covered by the report, there has been a specific intervention to promote ethical behaviour related to gender, by means of the so-called Corporate Social Responsibility (CSR), under which specific attention has been paid to the processes of assessment and management of the career. The latter referred to the promotion of forms of gender quality certification of the businesses (the so-called "*Bollino Rosa* (Pink Sticker)", being the main focus of recent initiatives by the Ministry of Labour and the Department of Equal Opportunity (see also section devoted to art. 11).

155. The Department for Equal Opportunities also promoted the project entitled **EQUAL** (referring to the Active Participation of Fathers in Family Life and Responsibilities). This project falls within the framework outlined by the "EU Charter of Fundamental Rights", which contains in its articles, relating to equal opportunities between men and women and non-discrimination, the mention of the need to encourage and support the reconciliation of work and family life. This project, among its objectives, includes also the dissemination of the role of father and mother, combating common stereotypes, while representing a useful

means of dissemination of the culture fighting every stereotype, attached to the role of women in the family (see also section devoted to art. 11).

156. However there is the need to effectively realize (already there is an obligation pursuant to art. 9 of Act No. 125/91) and adequately emphasize a system of regular and periodic monitoring to make publicly available data on women in decision-making processes, apical positions and responsibilities, beginning with the public sector. Likewise, it is necessary to move away from the approach of actions based on the emergency (on-the-spot interventions), so that we can move towards a true cultural change.

157. The issue of gender stereotyping was also at the centre of many events organized by the Department for Equal Opportunities under the European Year of Equal Opportunities for All 2007. The most important was undoubtedly the International Fair of Rights and Equal Opportunities for all-MELTING BOX held on 22–24 October 2007 at the Centro Congressi Lingotto in Turin. This event marked a major opportunity for an exchange of views between experts and representatives of civil society on the issue of discrimination, to break down prejudices and stereotypes.

158. The Department for Equal Opportunities has also made a major public awareness campaign on the principles and values of equal opportunity and the fight against stereotypes and discrimination, which consisted of advertising on public transportation (buses) in major Italian cities and on a Eurostar train, named “the train for equal opportunity” that travelled for a week across various Italian cities.

159. The Department for Equal Opportunities established in January 2008, a Public Notice for the granting of funds to high schools for the elaboration and implementation of pilot teaching models on gender differences. The objectives of this project were: to disseminate gender education programs aimed at developing critical thinking, while recognizing as discriminatory or stereotyped any view that identifies historically consolidated roles; to promote education, attentive to the gender differences, which offers tools for the understanding and the critical reflection on the potential of changing situations, roles and relationships – so as to teach the gender differences, to be regarded as personal resources and not as a collective category; to foster an attentive culture rooted in gender differences for a smooth and conscious growth of the gender identity.

160. It was signed an agreement with ISTAT for a survey on gender discrimination, sexual orientation and ethnicity, focused on stereotypes and aimed at the development of official statistics in this area – being essential for policies.

161. The persistence of cultural stereotypes has prompted over the years, the Italian Authorities to focus on the elimination of the cultural barriers in the place designated for the development of culture: **The school.**

162. As for the gender difference, schools develop projects and teaching activities, by knowing to have a specific role in building gender identity, even to fight any stereotypes still existing in some textbooks and in the mass media culture. The problem is also considered by and included in the “Indications for kindergarten”, to strengthen since the early years the gender identity.

163. Within the MIUR, there is a specific General Directorate “For the student, Integration, Participation and Communication”, which has always devoted particular attention to the emphasis on differences, starting from those relating to gender.

164. In particular, in 2007, the high school students participated in a contest on “**Women for Women**” (launched by the Presidency of the Republic, in collaboration with MIUR), which, in 2008, was followed by the second edition on “The courage of women”, with the priority intent to foster: the promotion of the gender equality culture; the respect for gender differences; the development of commitment and the courage of women to affirm their

identity and their participation in all dimensions of social, cultural, scientific, productive and political life; the promotion of the pedagogy that “redefines” the centrality of the person in being a woman; the promotion of relationships based on the respect for differences (starting from those related to gender) and on co-responsible cooperative and “participatory” behaviour; and growth of the gender culture in schools.

165. By a specific project it was allocated funding for high schools, in order: to elaborate and develop teaching models on gender differences; and to engage teachers and students in experiential and learning activities on the theme of equal opportunity between man and woman. The Project involved 14.4 per cent of high schools that planned and implemented teaching models on gender differences, to be transferable in other school settings.²³

166. **Stereotypes in textbooks and teaching support models** have been the subject of specific survey and discussion in 2007, during the European Year of Equal Opportunities. Specific “actions” and “recommendations” have been suggested for teachers and editors, accordingly. For teachers, it has been suggested to pay attention not only to the scientific accuracy of the texts, but also to the peculiarities concerning gender differences, by bearing in mind the content, language and iconography, especially at the primary and secondary schools (middle level). For editors, it was requested to initiate forms of partnerships, to promote the development of a code for publishers and authors, and to promote, under new regulations, initiatives in schools involving male and female students. It was stressed that special attention should be paid to what happens on the Internet, by promoting specific projects on the subject. It was found, in fact, that in Internet there are many sites linked to gender issues, as well as relating discussion groups: The Network, as a whole, is a low-cost breeding ground for innovating initiatives in the field of the *gender education*.

167. An important consideration was made about the differences between traditional publishing, whereby the private market influences the offer and the demand (and therefore the introduction of transformation is more closely related to changes in the long-term), and he audiovisual communication, multi-media and communication sectors. In this area, the public presence, it has been noted, is much more consistent (it is worth-considering the heritage of Rai, the communications networks, the funds earmarked for school computerization, the initiatives for introducing films in the schools). Therefore the interventions to overcome stereotypes can be achieved in shorter periods with more frequently results.

168. Among **good practices in education, training and culture**, it is worth-recalling the laboratories and the training for teachers (www.demteraprogetto.it), the summer schools, training courses promoted by Universities, as well as PhDs in gender studies. These are events promoted by specific groups, such as the League of Historian or specialized in Literature women and composed of scholars or professors. The positive elements are detectable in the activities promoted, involving the student population of universities and their field. Critical elements of these initiatives are: to remain little-used and therefore difficult to know for those who are not enrolled in the academic areas; the costs for the summer schools often high and the relating difficult access to for students; the awkward professional placement out of the areas of research (for PhDs) (for further indications, please see the section devoted to arts. 7–8).

²³ By cooperating with the Department for Equal Opportunities and FORMEZ, there is the intention to plan for the academic years 2009–2010 the gender culture and pedagogy. The main objective is thus to “build” a school that takes into account the several personal, social and emotional experiences of everyone, the quality and quantity of learning opportunities, in order to foster awareness about the gender equality and perspective.

169. Among the relevant NGOs, it may be recalled the Laboratory created by the NGO called **Arcidonna** for the elimination of stereotypes.

Article 6 on prostitution

170. The European legislation is focussed on the **fight against trafficking** and emphasizes the inextricable link between trafficking and the “markets of the prostitution” in the EU Countries. Therefore in last years the EU encouraged its Member States to implement integrated actions in order to contrast sexual exploitation and to protect victims, particularly women, to be considered as victims of trafficking and poverty (the so called “female” poverty cited in the Plan of Action plan 2006/2078 INI).

171. The law prohibits pimping, brothels, and similar commercial enterprises. In conformity with article 3 of Act No. 75 of February 20, 1958, being in force, the exploitation and the abetting of prostitution are to be considered as crimes.

172. In general terms, the phenomenon of the prostitution in Italy is deeply tied to immigration: women coming from Eastern Europe, often under the age of 18 (and thus being without any risk of repatriation), are involved in prostitution. The relevant data are scarce due to the irregular living conditions characterising victims. On a general note, it may be noted that trafficking for the purpose of sexual exploitation mainly affects young women, in particular from Nigeria and Eastern Europe countries.

173. Since 2002 it has been registered the decrease of the trafficking of Albanian women, in parallel to the increase of victims coming from other Eastern European Countries, in particular from Romania, Moldavia and Ukraine. In this context, as for **article 18 of the Legislative Decree No. 286/98 (Act No. 17 of February 26, 2007), its new paragraph 6 bis is of the utmost importance, particularly for citizens from Romania and Bulgaria: it provides for the participation of foreign people as well as citizens of EU Member States who want escape from violence and traffickers.**

174. The prostitution is a hidden and unknown phenomenon and the recent trend to exercise it in closed places, like private apartments – so as to abandon the unsecure streets, makes more difficult its disclosure. The girls live irregularly and their dependency from traffickers is psychological and physical. This is true above all for girls from Eastern Europe and Latin America and, recently from China, while the Nigerian prostitution still occurs mainly in the streets.

175. African women, mainly from Nigeria, being permanent in Italy, tend to create an isolated group within the social and territorial context. They do not participate in social events and often ignore the municipal services. The Nigerian women are still subjected to forms of blackmail tied to animistic rituals. Their condition of psychological enslavement makes them more open to accept to enter social protection programs, if comparing that situation to women from Eastern Europe. However such approach does not contribute to their emancipation and their liberty from a psychological subjugation, and does not help the investigations, as well.

176. From the recent data of the years 2005–2007, it was registered the increase of 16.83 per cent of the total number of the lodged denunciations. According to data by the Ministry of Justice, in 2007, 68 individuals were condemned, at the first instance, for slavery subjection (art. 600 of the penal code), 9 persons for trafficking and slave trade (art. 601 of the penal code); 1 person for the alienation and the purchase of slaves (art. 602 of the penal code); 100 persons for the exploitation of the child prostitution; at the second instance (at the appeal level), 10 persons were condemned for trafficking of human beings (art. 601 of the penal code, as amended by Act No. 228/2003).

177. As above recalled the prostitution must be considered in relation to the wider **phenomenon of the transnational organized crime**. There are transnational exploitation networks, whose structure can be defined as an integrated criminal system, including three different levels: I. At the first level there are the so-called ethnic organizations, engaged in planning and managing the flow of irregular migrants from the Country of origin to the Country of destination; II. At the second level, there are the organizations that operate in strategic territories, i.e. at the frontier between transit Countries or Countries of destination; III. At the third level, there are those organizations working in transit of frontiers' areas.

178. **The exploitation of prostitution constitutes a very remunerative criminal business for several criminal organizations of Albanians, Nigerians, Bulgarians, Moldavians, Ukrainians and Romanians — just to cite a few — particularly in some areas of Northern Italy, such as Piemonte, Veneto and Lombardi where it emerges the worrying phenomenon of outrageous criminal activities, such as human beings trafficking and children reduction into slavery.**

179. Such situation has led to the current debate on prostitution and on the opportunity of amending the Merlin Act, by promoting a reform that takes into consideration the new social context, though preserving its basic content.

180. At the end of the year 2008, the Council of Ministers approved **Bill (A.S. 1079)** containing “Measures against the prostitution”, proposed by the Minister for Equal Opportunities, the Minister of the Interior and the Minister of Justice. The crime of prostitution in public places or in a place open to the public has been introduced; and the arrest from five to fifteen days with a fine from 200,00 to 3000, and 00 Euros is provided for whoever offers sexual performances or for whoever requests it. These measures aim at eradicating the street prostitution and, above all, to contrast the exploitation, by protecting the dignity and the values of the human being. Whoever is prostituted, by violence or threat, is not punishable.

181. As far as the proposal to punish whoever demands prostitutes is concerned, it is worth recalling that the Council of Europe Convention on the fight against trafficking of human beings, as signed in Warsaw in 2005, specifically provides that States adopt legislative and other measures, being necessary to define, within their respective national legislations, this crime, including services for exploitation purposes – if it is ascertained that the prostitute is a victim of trafficking, more severe penalties will be imposed on whoever organizes or participates in a criminal organization aimed at the exploitation of the prostitution. **Within this framework, it is worthy of mention that the Italian Authorities are defining the procedure to translate the above-mentioned Convention into the domestic system.**

182. During the period covered by the report, the fight against trafficking in human beings has been realised by primarily entrusting **Police Forces to combat it, and then public and private social services providers, in charge of protecting victims.**

183. As already mentioned in the section devoted to article 3, in addition to the provision that envisages relevant actions, namely article 18 of Legislative Decree No. 286/98, Italy also adopted Act No. 228 of August 11, 2003 on “Measures against trafficking”, in order to strengthen the fight against criminal organizations involved in trafficking and slavery-reduction-related activities.

184. As far as **monitoring mechanisms and the coordination of the integrated actions are concerned**, it is worth-recalling the following bodies: The “Inter-ministerial Commission for the support to victims of trafficking, violence and exploitation” that works within the Ministry for Equal Opportunities. This is composed of representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour, Health and Social Policies.

185. By Presidential Decree No. 102 of May 14, 2007, the above Commission was reformed and entrusted primarily to give guidance on, and to monitor and plan the resources for assistance and social integration projects to be realized by local Authorities or the private sector with the resources and in agreement with the State: (a) System actions; and (b) Social protection programmes.

186. The Commission manages the Fund that grant economic resources (70 per cent) to local Authorities and NGOs (the latter if enlisted in a Register that certifies their professionalism and their non-profit nature), to implement social protection projects. Moreover, this Commission carries out monitoring exercises on the performance and the effectiveness of relevant projects, also through inspections and mid-term evaluations.

187. In implementing projects, the data mainly refers to the victims under assistance — being voluntarily involved in individual protection paths — and to the collection of information of the phenomenon in its basic elements and local manifestation. Data and information are contained in quarterly reports being sent to the technical structure of the Commission, which — in collaboration with experts — elaborate the documentation at disposal of the Commission itself, the Department and the Ministries concerned.

188. The “Coordination Committee of the Government’s actions against trafficking of human beings” (Ministerial Decree of March 21, 2007) mainly aims to define social intervention strategies in favour of victims of exploitation for sexual and work purposes, begging, and forms of compulsory deviance on behalf of third parties (i.e. thefts, drugs trade and imposed sale of commercial counterfeited and illegal products). The purpose is also to collect data and information on the quantitative-qualitative evolution of the above phenomena, inter alia to raise awareness of trafficking-related issues at the media and public opinion levels. In March 2008 the Committee produced a guide for a systemic elaboration of a National Plan against Trafficking.

189. The Committee is composed of representatives of association (trade unions, NGOs, catholic and non-profit associations) and of representatives of Police Forces and Judiciary Police, magistrates and legal experts. The Committee — by its instituting decree — aims also at analyzing the phenomenon and spreading relevant information, also through the publication of materials.

190. The Observatory on trafficking of human beings was created by Decree of the Minister for the Equal Opportunities, on 21 March 2007. This is tasked with the study and the analysis of the exploitation for sexual and work purposes, and begging, also to provide updated and detailed information to central and local institutions. The CNELT, body of national coordination of local Authorities against trafficking, was created within ANCI, in 2007. This results in a unique attempt to coordinate local public entities in support of victims of trafficking.

191. By Ministerial Decree of 20 June 2007 the Department for Equal Opportunities created the Observatory on the phenomenon of trafficking in human beings, with the following tasks: The elaboration of instruments for the monitoring and the analysis of the phenomenon; The elaboration of instruments for the monitoring of interventions realised within projects financed according to article 18 of Legislative Decree No. 286/98 and article 13 of Act No. 228/2003; The elaboration of instruments for the monitoring of the activities carried out by the relevant toll free number; The collection, elaboration and evaluation of data; The elaboration and implementation of a database that allows an efficient collection and evaluation of data, in the full respect of the confidentiality requirement; Researches and studies on the phenomenon of trafficking both at the national and international levels.

192. For the start-up of the above Observatory, the Department for Equal Opportunities asked for ad hoc *expertise*, and published the call for a European competition, which was

won by “The Transcrime” Institute of Research within the University of Trento”. As a consequence, it was envisaged that by the relevant Service, the following objectives will be achieved over an 18-month term:

- Collection of quantitative and qualitative elements on phenomenon, through:
 - The collection and elaboration of data from specific protection actions (projects under art. 18 and art. 13 – toll free number)
 - The collection and elaboration of data from various sources, in particular from Ministries and competent national institutions
 - The collection and evaluation of data concerning trafficking-related phenomena from relevant entities (mechanisms aimed at combating prostitution, begging, as well as at protecting children; labour oversight offices; trade unions, etc.)
 - The collection and elaboration of available data, as integrated through qualitative analysis on the contribution from relevant stakeholders, such as law enforcement officials
- Research of qualitative-quantitative aspects of the phenomenon, with specific attention to the emerging trends
- Comprehensive and updated compilation of international, national, regional and local norms
- Collection of the jurisprudence
- Collection of studies, documents and reflections on relevant policies
- Database on the system of interventions, the stakeholders, and the areas of interventions at the national and international levels
- Collection, elaboration and emphasis on good practices
- Compilation of methodologies for the data collection, the relevant schemes, the techniques of elaboration, and eventually on those inadequately collected

193. On a more specific note, within this framework, it is worth-mentioning the measures adopted in accordance with **article 18²⁴ of Legislative Decree No. 286/98 and article 13 of Act No. 228/2003**. In this specific regard, the projects aimed at ensuring assistance and social integration measures have been co-financed by the Department for Equal Opportunities within the relevant Ministry that, to this end, annually supplies 7 million Euros, to be allocated, as follows: 4,400,000 Euros for the projects under article 18; and 2,500,000 Euros for the projects under article 13, respectively.

194. The **Inter-departmental Commission for the support to the victims of trafficking, violence and exploitation**, as chaired by the Department for Equal Opportunities, is the body in charge of selecting and monitoring the relevant projects. This Commission may also release opinions on both the applications for the ad hoc Register of

²⁴ By recalling the previous periodic report (CEDAW/C/IT/A/CC4-5, pp. 32–34), it should be considered that Act No. 189/2002 (the so-called Bossi-Fini Law) did not alter the content of article 18 of the Unified Text on immigration. By the latter, excellent results continue to be recorded, as confirmed by the significant and progressive increase in the number of relevant social protection projects, as admitted to public co-financing by the Inter-ministerial Commission for the fight against trafficking.

“NGOs and other entities operating in the migration-related field”, and the draft Mousy between local entities, including municipalities, and private sector.²⁵

195. **To enforce article 18 of Legislative Decree No. 286/98, paragraph 1**, the Department under reference launched between 2000 and 2008, nine Public Notices, as published on the Official Bulletin of the Italian Republic, and co-financed 533 projects throughout the Italian territory.

196. According to the Department’s statistics, between 2000 and May 2007, approximately 54,559 individuals approached such projects and received initial assistance services, but not all the people concerned participated in the social protection programmes: The most common requests concerned “accompanying assisted to health-care facilities”, or psychological/legal advisory services.

197. The number of people effectively participating in these projects amounted to 13,517, of whom 938 were minors (please find below relevant data):

Number of individuals participating in these projects, in vocational courses or in the labour market, between 2000 and 2007

<i>Number of victims, including those accompanied to social services (health care-psychological-legal services)</i>	<i>Number of victims involved in social protection projects</i>	<i>Number of victims enrolled in vocational/educational courses (scholarships/internships)</i>	<i>Labour market</i>
54 559	13 517	9 663	6 435

Source: Department for Equal Opportunities (2007).

198. From the above statistics, it may be noted that the women from Eastern Europe are more educated than men (high school level), while the Nigerian women present a low level of education (primary school or illiterate), which results in a more complex access to the local labour market. For most cases, the vocational programme was focused on short-term (2, 4 months) and long-term individualised vocational patterns at companies (i.e. internships). Such methodology ensures the learning of normal labour contexts. This also ensures the matching between the enterprise and the women’s needs, besides changing the approach and eradicating cultural stereotypes. The access to labour market ensures a positive and pro-active role for women.

199. **By article 13 of Act No. 228/2003, it was envisaged the establishment of an “ad hoc Fund” to develop assistance programmes, with the aim of ensuring, on a temporary basis, adequate accommodation and related services to the victims of slavery, exploitation and trafficking.** In accordance to the above article, the Department for Equal Opportunities launched three Public Notices, between August 2006 and August 2008, to implement the projects under reference and co-financed 49 programmes.

200. To the above ends, an important role has been played by Local Entities. Since long time **Local Authorities** have been engaged to support victims of trafficking through complex measures, ranging from initial contacts, reception services, legal-health care-psychological counselling to socio-health services, being aimed at reducing the damages, by ensuring housing, labour, awareness-raising campaigns, the signing of agreements and

²⁵ The Interministerial Commission has been recently reset by Decree of the Minister for Equal Opportunities, being currently under registration period. It is composed of representatives appointed by the Ministers of Interior, Justice, Labor, the Department for family policies and the State-Regions Conference’s, respectively.

protocols to be implemented on the territory, so as to set networks at all levels, in accordance with article 18 of Legislative Decree No. 286/98 and article 13 of Act No. 228/2003.

201. A toll free number to fight trafficking **800 290 290** was created, to supplement both the social protection system, as set forth by article 18 of Legislative Decree No. 286/98, and the specific programmes for the initial assistance, in accordance with article 13 of Act No. 228/03. The focus is on the protection of victims of trafficking and the fight against any forms of exploitation, by involving judicial Authorities, socio-health care providers, private sector, professional associations, NGOs and citizens, who might face, at any level, such scourge.

202. The toll free number 800 290 290 — started at the end of July 2000 — consists of a central location (in use 24h/7 days) and fourteen local locations, being managed by Local Authorities through NGOs and experts. The latter locations are placed in various areas at the regional and cross-regional levels, where the social protection projects are being implemented, so as to create stronger synergies.

203. Between August 2000 and September 2007 (with a break between July and December 2006, limited to the re-definition of the management of the central location, as transferred from ATESIA to the Municipality of Venice), the service under reference received 509,034 in-bound calls.

204. A new MoU with this toll free number was signed in December 2007 (covering the period from 1 December, 2007 through 31 May 2009) at the cost of 2,470,000.00 Euros, by which the Department aimed at strengthening the service under reference, inter alia on the basis of the requests from citizens for the so-called “participated safety” (namely, the involvement of all social actors in any exchange of views and information about security and the fight against criminal organisations).

205. Along these lines, the Department called upon entities in charge of the various locations, linked to the toll Free Number, to perform traditional and new tasks, including social mediation, information campaigns and awareness-raising campaigns across the country with a specific focus on the new generations.

206. From the above programmes, it is worthy of mention as follows: (a) The engagement of Local Authorities as proposing or acting entities that proportionately participate in, by financing such programs with 30 per cent and 20 per cent of the total resources, respectively. The National Association of the Italian Municipalities (acronym in Italian, *ANCI*) and the Union of the Italian Provinces (acronym in Italian, *UPI*) signed, during the European Year for Equal Opportunities (2007), a MoU to support and develop gender-related policies within the Public Administration, to jointly facilitate relevant actions by Municipalities and Provinces; (b) At the interpretative level, when implementing projects under article 18 of Legislative Decree No. 286/98, about 13,000 individuals were involved, many of whom have found a job and reviewed their own migratory projects. The pilot phase has been overcome. The most relevant changes were marked by the seven Public Notices of 2007, which envisaged a wider scope as for the forms of exploitation, not to be limited to the exploitation for sexual purposes, but also for work. The latter — to be still carefully evaluated — mainly concerns men; (c) At the legislative level, it is of the utmost importance the introduction of article 18, paragraph 6 bis in Legislative Decree No. 286/98, by Act No. 17/2007, since this provision widens the scope of the so-called “article 18 approach” to the citizens of the EU member States, victims of exploitation and trafficking.

207. **Within this framework, it is worth-mentioning the following projects and traineeships:**

1. Under the regional programs financed by the European Social Fund and supported by the Department (ob. 1), the cross-regional project entitled “Way out”, as proposed by the Region of Piedmont, was launched in 2004, coordinated by the Region of Campania and involved also Calabria, Latium, Sardinia, Tuscany, and Aosta Valley. In addition to pilot-projects for the social and economic reintegration of victims of trafficking, it aimed, inter alia, at launching awareness-raising campaigns and the exchange of best practices. This project concluded the first phase with an action-oriented project-research, which was submitted, with the support of the Department, on 12 September 2007, to the General Directorate for Labour and Social Affairs within the European Commission. Its outcome was illustrated in the course of a national Conference in December 2007.

2. Under the EU Programme on “Prevention and fight against crime – Action Grants 2007”, all the projects, in which the Department would play a role, are being implemented. In particular, the Department has proposed two projects:

(i) Transnational inter-sectoral Action to fight against trafficking for labour exploitation, focussed on the identification and assistance to victims (to be realised with ILO). The project’s aim is to analyse the informal labour of migrants, slavery-like labour, best practices and information/training processes for relevant stakeholders. The resources allocated to this end amount to 438,000.00 Euros;

(ii) Elaboration of a Transnational Referral mechanism for the victims of trafficking. This will function for both the countries of origin and those of destination (it will be realised in close cooperation with the International Centre for Migration Policy Development), namely between Third States and the EU member States, in order to both ensure an adequate management of single cases of transnational trafficking and share best practices and relevant data (the budget amounts to 440,000.00 Euros).

208. The Department under reference is also partner of two other projects: The former was launched by the Romanian National Agency against trafficking, to both reduce the number of trafficked women from Romania and Bulgaria towards Italy and Spain, and raise awareness of the trafficking for sexual purpose; The latter, entitled “*Progetto AGIRE*”, was launched by Save the Children Italia, with the aim of strengthening cooperation between public and private sectors’ relevant stakeholders in Italy, Greece and Romania, in the field of the identification and assistance to minors, potentially victims of trafficking.

209. “Thematic Programme of the European Commission for the Cooperation with third countries in the field of migration and asylum” (EuropeAid/126364/C/ACT/Multi): Nigeria Thematic Programme. Moreover the Department under reference is partner of an ILO biennial programme, aimed at strengthening cooperation between Nigeria and Italy, in detecting and assisting victims of trafficking, while prosecuting traffickers. The programme includes a research component, to be coordinated by the Department, in order to analyse the whole migratory flow of Nigerians towards Italy, with a specific focus on trafficking for labour exploitation.

210. Along these lines, Italy concluded, in Bucharest, on 9 July 2008, an MoU with Romania, being a country of origin, which specifically involves the above Department, the Labour Ministry, the Italian Regions and the Romanian Ministry of Labour Affairs, Family and Equal Opportunity. Funded with European Social Fund resources, this MoU envisages, for the period 2007–2013, cooperation and coordination activities, in order to combat trafficking.

211. Furthermore, the Ministry of Interior launched many initiatives to facilitate the use of measures under article 18 of the Unified Text on Immigration. By Ministry of Interior

Memo, No. 1050/M(8) dated 28 May 2007, it has been prioritised the release of the stay permits to those victims denouncing traffickers and exploiters, while indicating the criteria to be applied by the senior Police officers (*Questori*) for said release.

212. The **Public Security Department** implemented the following projects:

(i) AViCri project (acronym, Attention for Victim of Crime), aimed at the training of trainers, as jointly realised with the Italian Revenue Guard Corps as well as with Carabinieri Corps, within the framework of Daphne II. This project, addressing 150 members of the above Forces, was based upon a 9-month course, carried out by the Faculty of Psychology at University La Sapienza, in Rome. Introduced in March 2008, it included five thematic areas: law, sociology, forensic medicine and psychology;

(ii) The Programme AGIS/CE – IOM Project entitled “Strengthening the network”, included an ad hoc joint training course on “Trafficking towards EU from acceding and border countries”, targeting Police forces, NGOs and International Organisations.

213. On margin of this section, along the above lines it is also worth recalling that by Law, there is a specific commitment to fight against child exploitation, prostitution and trafficking, so that domestic courts can try citizens and permanent residents who engage in sex tourism, even outside Italy, when the offense is not a crime in the country in which it occurred. The country also adopted a code of conduct for tourist agencies to help combat sex tourism.

Article 7 (on political and public life) and article 8 (on representation)

214. Italy is characterized by a clear marginalisation of the women’s role in the political decision-making processes. By comparing the situation with other European countries, Italy is marked by a significant gender unbalance in the elected positions, which poses our Country among the last places in the ranking.

215. In terms of Parliament seats for women, the number of women deputies and women senators is very low so as to be easily overcome by other EU countries, particularly those from Northern Europe and Spain, whereby women in the Chamber of deputies exceed those elected of 1/3 (see www.senato.it; and www.camera.it).

216. Under the current Legislature, women sitting at the Senate amount to 17.85 per cent, while those at the Chamber of Deputies amount to 21.27 per cent, whereas Italian women parliamentarians reach 19.2 per cent. As at December 2008, at the governmental positions level, the rate of women amounted to approximately 11 per cent.

217. Women mayors within the Italian municipalities amount to 789 out of 7,238 male mayors. In the municipalities Councils, there are 19,130 women out of 86,325 men. In the regional Governments there are 40 women out of 193 men, while in the regional Councils, there are 118 women out of 1001 men. Against this background, from the 2008 Council of Europe Report, it emerged that, in Italy, 10 per cent of the Presidents of the regional Governments are women. This is thus far beyond 2.8 per cent of the European average (see www.anci.it).

218. Mention has to be made of the **political participation of women and their relationship with politics**. Despite women study and work more than in the past, data clearly show that the political dimension is felt far from their interests. Only 47.9 per cent of women are weekly informed about politics, versus 64.6 per cent of men. There are also

significant differences on how to get such information: Only 45.1 per cent of women read newspapers, while men amount to 58.1 per cent. It seems that women prefer to get this information through relatives.

219. The direct political participation, aimed at affecting the political decisions, the political Parties and Government actions, remains a reality for a strict number of individuals and groups of the population within which men show to be more interested. Women participate less than men in strikes (only 4.4 per cent versus 6.7 per cent) and even less in rallies (4.6 per cent versus 9.3 per cent). Accordingly women remain a minority as for funding or volunteering in political Parties.

220. Such trend reflects the situation of the women membership to charity Organizations, or of those volunteering in trade unions, environmental associations and other kinds of association which play an important social role: 9.3 per cent of men are involved in charity association while women represent 8.5 per cent.

221. Eighteen and a half per cent of men fund associations, while women are 17.8 per cent. However this gap is not so marked if comparing it to the political participation, under which it is registered a significant gap between women workers and women with a higher level of education: The approach towards the social participation is not reflected in the political participation.

222. In light of the data available, it is possible to draw the various approaches of women to politics (Please see also relevant Tables under annex No. 3):

Group No. 1: Women, being not interested at all in politics	35.6% (9 290 000)	The near-totality of women in this group is not informed and do not speak about politics.
Group No. 2: Women informed but not involved	34.5% (9 012 000)	The near-totality of women in this group is informed and do not speak about politics.
Group No. 3: Women workers who follow politics with continuity	17.4% (4 535 000)	They are informed of politics very often: every day or more times per week. They use various means of communication, including TV, radio, newspapers, relatives, friends and colleagues. The political participation entails following political debates, political rallies (44.5%), associations funding (31.8%) and, to a lesser extent, participation in rallies, strikes, cultural associations' meetings. One woman out of four states, to be inscribed in a trade union.
Group No. 4: Women involved in charity-related activities or in cultural associations	6.7% (1 748 000)	Their fields relate to the volunteership and the associations: the majority is inscribed in charity-like associations, while 1/3 work in cultural associations. Women committed in social-related fields are fairly informed about politics. The women's involvement in such area is very high (83%) or in related ones (22.8%). Nevertheless such degree of commitment is not reflected in political participation.

Group No. 5: Women managers, managers, employees or women actively involved in professional associations or in trade unions	4% (1 044 000)	Strong participation mainly in trade unions and professional associations. Women actively participate: in meetings; by funding the above associations; or working for them for free. Such engagement is associated to a stronger interest in politics.
Group No. 6: Women working in political parties and in trade unions	1.8% (463 000)	Small group of women very actively participating in trade unions and political parties: 62.8% is inscribed in a political party, 43.3% in a trade union and 61.3% finances political parties. 1 woman out of 4 is also inscribed in cultural or charity-like associations. 1 woman out of 3 works in the above associations.

223. For sake of respect for the differences, it is intention of the Italian Authorities to facilitate women when performing their activities by progressively ensuring the access to roles and positions which were in the past associated to the exclusive domain of men. The Equal Opportunities Department is committed to detecting administrative and normative measures which allow women to rediscover the primary role that they can play in the field of the political institutions. It is undeniable that the lack of women in democratic institutions shows a crisis of political participation. It is thus necessary to act in a more effective way. Within the relevant normative framework, it is worth recalling the amendment to article 51 of the Italian Constitutions and “the Directive on measures to implement gender equality in the Public Administration”²⁶ (on this issue, please see also the section devoted to art. 4).

224. As for the initiatives to be undertaken, it is necessary to transmigrate from a formal approach of gender equality, mainly inspired by a protection profile, to a more operational and developed one, so as to ensure the full expression of the personality of women in all the sectors, including politics.

225. Along these lines, the Equal Opportunities Department promoted an educational project, entitled “**Women, politics and institutions – educational patterns for the gender equality culture**”, between 2005 and 2007. The two-fold aim of this project is: to provide theoretical and practical knowledge to disseminate the gender equality culture; and to promote women’s participation in social and political life. The educational offer was focussed on providing information about the functioning of specific institutional and political mechanisms and, more generally, on governance-related issues. The goal was to ensure that women could approach more easily politics, regardless of their age or their job position. Such project, as financed by the above Department, addressed Italian Universities: the former 4-year cycle was concluded in June 2005, and the latter is still ongoing.

226. More specifically, the following subjects were introduced in the relevant programme: Gender-related issues between politics, daily life, and political Parties; Social and political participation; The organisation and functioning of the EU and the Italian parliamentary and governmental Institutions, respectively; The governance system; The EU and the domestic case-law on gender equality; Equal opportunities between theory and

²⁶ As for the implementation of this Directive, it is envisaged that Administrations prepare, with the support of the Equal Opportunities Committees, an annual report on the actions adopted.

practice; Gender policies, between techniques and tools (job, training, welfare); Culture, human rights and citizenship; Autonomy and local entities; Communication labs.

227. Another project by the Department, entitled “**Europe pour les femmes**”, was aimed at enhancing the principle of “gender democracy” as an added value in the public and private spheres, for the local, national and European governments. The key factor was the fight against gender stereotypes which hinder the equal participation in the decision-making processes in the field of politics, economy, and finance, as a way to improve the governmental activities (administrative and governmental actions). The following goals were set: Identifying and elaborating strategies, mechanisms and measures to facilitate the elimination of gender stereotypes; Encouraging Medias to offer the image of men and women who respect human dignity, while promoting gender equality; Increasing women’s participation in politics, economy and finance, to combat gender stereotypes.

228. By the EU enlargement — which entails the redefinition of the EU identity, including women and men — we acknowledge that this represents an historical phase to include the principle of the democratic participation of women in the political agenda of the European and national governments. To this end, the project under reference aimed at implementing an ad hoc strategy focussed on procedures/legislation and cultural aspects of the Countries participating in such initiative, by working on targeted awareness-raising interventions, at the grass-root level.

229. There is thus a clear need to initiate a system-oriented action — by balancing the cultural and procedural components — aimed at combating either the inner stereotypes affecting the gender identity or, externally, those affecting the communication profile: The intention is to identify the stereotype, to then move towards a model increasing women’s presence.

230. The outcome is the creation of a “circular mainstreaming process”, virtually affecting culture, by promoting legislative interventions on the gender equality culture and by raising awareness of relevant legislative measures, so as to eradicate gender stereotypes and to help develop the equal role between women and men (based upon the integration of gender equality values). The ultimate goal is to propose women as subjects of the general representation. To this initiative, the budget amounted to 485,568.93 Euros.

231. Women are active, autonomous and conscious, though they continue to be **under-represented in politics, science and in the workplace**. This situation is the result of several factors, such as the structure (power relations), socio-economic factors and forms of self-inhibition, including stereotypes. Under given circumstances, human capabilities cannot work or be properly developed due to structural, socio-economic and cultural reasons. It results in a very high women’s underrepresentation in many fields, including management, entrepreneurial business, and self-employment. In 2007, only 10 per cent of hospital department heads and 5 per cent of deans of faculties of medicine were women.

232. Except for **Banks and Assurance Institutes**, there is no woman in the Boards of Directors of 63.1 per cent of the **quoted Companies**, within which there are only 110 women out of 2,217 members (amounting to 5 per cent). In the Banks system, considering 133 Institutes, in 72.2 per cent of the Boards of Directors, there is no woman. Generally, in this field, the women employed amount to 40 per cent and only 0.36 per cent of women are managers versus 3.11 per cent of men. In the assurance Institutes, 45 per cent of the staff is women, among whom 11 per cent are managers; among men 5 out of 100 are managers, while women amount to 0.7 (out of 100).

233. Within the **domestic health-care Authorities**, the top level management is composed of the General Director, the Administrative Director, and the Health Director: 8 per cent of women are GDs. Such rate increases to 9 per cent among ADs, up to 20 per cent

among HDs. Against this background, it is worth-noting that female nurses in the health-care system amount to 62 per cent.

234. As for the central Administration, the women's presence among the managers is slightly higher: women managers of the second band amount to 35 per cent while those of the first band amount to 20 per cent. As for additional assignments: men get 56 per cent of the total assignments versus 44 per cent of women.

235. As for **women diplomats**, over the last few years, it has been registered the advancement of women being appointed at the rank of ambassadors. As at December 2008, it amounted to 2 women out of 25 ambassadors and 7 more, acting as ambassadors, out of 120 Italian Embassies throughout the globe. Differently, at the EU Institutions level, within the EU Commission, it is worth-noting the positive figure of nearly-equality between men and women: 44.6 per cent out of 1,380 Italian officers are women.

236. As for women in the **judiciary**, as at December 2007, there were 3,813 women out of 9,158 male magistrates. This apparent discrepancy stems from the late access of women to the magistracy, as introduced only in 1966, with the additional result of affecting their election/appointment to higher positions. Further, up to 2007, the career advancement was based upon the solely criterion of the length of service. On July 31, 2007, by the entry into force of Legislative Decree No. 160/06 aimed at reforming the Penitentiary System, it was also envisaged the scaling of said criterion, with the view to setting a balance in the access to the higher positions of the judiciary.

237. In terms of women's access to the career, from 2004 onwards, it has been registered a positive trend. In 2007, there were 166 women out of 322 contest winners. Despite difficulties, women within the judiciary are able to acquire specific positions, including at the high-rank levels. At the Supreme Court level (the Italian Court of Cassation), as at July 2008, for the above reasons, there were 44 women out of 389 male magistrates, of whom only 1 woman was covering a managerial position.

238. The above reasoning also applies to **women Prefects**, whose access to the career was introduced in 1966. At present, there are 46 women Prefects out of 206 men. In terms of percentage, women amount to 25%.

239. As for **the school sector**, the women's presence has increased at all levels and grades, so that it emerges the clear feminization of the primary and secondary schools. In Italy 81.1% of the teachers are women. Such percentage brings Italy at the second place in Europe, after Hungary.

240. On a negative note, the women's presence decreases while the educational level increases, with the further result to affect their social prestige. In terms of data, 99.6% of teachers in the kindergartens are women versus 59.7% of women in the high schools.

Women teachers between 2006 and 2007

Kindergartens	99.51%
Primary schools	99.77%
Secondary schools (middle level)	76.80%
Secondary schools	60.64%

241. Within the school management, the women's presence significantly increases when comparing it to the other public sectors, as long as the access to the managerial posts is reserved to teachers, whose vast majority is made of women.

242. In the academic year 2006/07, there were 3.066 women managers, amounting to 39.9%, while in 2007/08 the rate amounted to 47.1%. Nevertheless, the women's presence in the managerial positions within the school system decreases, while going through the higher level of the educational system.

Women managers in the school system. Academic year: 2006/07

Primary school and secondary school (middle level)	47.7%
Secondary school	26.3%

243. As for women in the **Italian Forces**, mention has to be made of their late access, as introduced by Act No. 380/1999 and following legislative measures (please, see also endnote),²⁷ aimed, inter alia, at guaranteeing gender equality. There is no doubt that this is

²⁷ The women's voluntary military service, as established by Act No. 380/1999, has been included into the important process of historical change of the Italian armed forces, consisting of the professionalization of the military. The increasing operational commitments associated with the changed international scenario and the technological development of the component factors accounted for the transition to a fully professional system. Following the adoption of Act No. 226/2004 on the early suspension of the mandatory military service and discipline of the volunteers enlisted in the troops under fixed term, the figure of the conscript military serviceman has been fully replaced by the volunteer, who becomes the "base" of the entire institution. In this phase of significant institutional changes, the entry of women in the armed forces was an important resource, and effectively integrated with full guarantees of rights, duties, responsibilities and opportunities than the male component.

The subject under reference led to the adaptation of the legislative and regulatory framework. Law of 20 October 1999, n. 380, by which the Government was delegated to introduce women's military service, provided for the enactment of legislative decrees to regulate the recruitment, the status and progress of female military personnel. By Legislative Decree No. 24/2000, relating to voluntary recruitment, the legal status and advancement, then repealed and replaced by Legislative Decree No. 198/2006 (code of equal opportunities between men and women), for those rules on the prohibition of discrimination in both the recruitment and the military careers.

On a general note, the status and progress of female military personnel are covered by the same provisions for the male staff: Decree of the Minister of Defense, 4 April 2000 No. 114, lays down, "Regulation on the suitability of military service and list of defects and diseases that cause unfit for military service; Law of 25 January 2006, No. 29 (Community Law 2005), of which Article 26 makes changes to Act No. 380/1999 by stating that the Minister of Defense may provide military personnel limitations to the recruitment of women only in the presence of motivated requirements linked to the functionality of specific roles, bodies, categories, specialties and specializations of each Force if, by reason of the nature or conditions for the exercise of specific activities, the gender is an essential requirement. Under the principle of gender equality was thus guaranteed the deployment of women and men on an equal footing, by specifically allowing the access of women to different ranks, qualifications, and assignments within the Army, Navy, Air Force and the Carabinieri Corps.

The recruitment of female personnel has been made initially along a program of gradual and targeted inclusion which has provided as follows: in the initial stage, a broader opening to the enrollment of officers, to ensure, at the time of recruitment of personnel belonging to non-management roles, of female trainers with adequate teaching skills and able to be a valuable point of reference "for general problems", the initial estimates of female staff to be recruited which has been set to allow a progressive access of women and gradually solve all the problems of logistics and infrastructure. Thus it was possible to effectively integrate the female component in the armed forces. It was therefore possible to extend the recruitment to all the roles so as to eliminate any limitation to the percentage of women in the Armed Forces, including within Carabinieri Corps. Regarding the results of the first competition open to both sexes, it marked a success under the qualitative (it was

one of those sectors in which there is the acknowledgment of the role played by women on the ground both in Italy and in missions abroad.

244. **As at 31 December 2008, the number of women in the Forces was as follows:** In the Army, women amounted to 5.2%, of whom 219 officers, 52 under-officers, 5102 in the troops; In the Navy, 3.3% were women, of whom 305 officers, 133 under-officers, 1024 in the troops; In the Air Force, the presence amounted to 1.4%, of whom 137 officers, 85 under-officers, 388 in the troops; in Carabinieri Corps, the percentage decreases to 0.9%, of whom 168 officers, 295 under-officers, 488 in the troops.

245. As for **women in the State Police**, as at December 2008, they amounted to 14.664, of whom 917 performing managerial duties.

Article 9 on nationality

246. The legislation on citizenship dating back to Act No. 91/1992, is still in force.

247. By processing the applications for citizenship – in the event of wedding (art. 5 of Act No. 91/1992) or residence (art. 9 of Act No. 91/1992), it emerges that mainly women, under the age of 40, apply (more than 7,000 granting measures were released in 2004 and this rate has been significantly increasing between 2004 and 2008 following the marriage). The rate lowers when considering applications by women, regardless of their country of origin, based upon the residence criterion.

noted, as a result of competition between candidates, greater preparation) and quantitative profiles (the number of competitors who have competed in the Armed Forces was particularly high initially, to then reach the percentages similar to those of other nations).

Within the training institutes for the military staff, appropriate efforts were made to adapt the infrastructures (belonging to different housing needs) without changing the educational training programming. The results of those attending such course, both men and women, were essentially homogeneous. In view of the physical differences between men and women, different physical requirements were identified in the recruitment phase [e.g. Minimum height], and different parameters when selecting physically: in certain sports is more difficult for female staff to achieve the standard required for men. In any case, the joint training of men and women tend to align the performance of the two sexes in terms of physical and operational efficiency. The female military personnel are employed, both across the country and in all major theaters of operations abroad, in various roles, bodies and specialties, with no difference, except for certain uses purely operational (e.g. special units, raiders, submarines).

The problem related to the inclusion of female personnel within the military organization highlighted two sets of factors. The first, as previously noted, concerns the adjustment of infrastructure to ensure an appropriate living areas for both sexes within the staff. It is still a work in progress that will progressively be completed in all military facilities in relation to available financial resources. The second, certainly more sensitive, refers to the integration of female personnel within a “new” labour context under which it seemed necessary to also define a general guide to regulate relationships in order to ensure the proper conduct of tasks. Particular attention was paid to allow easy, fast and effective integration of women in military organization, ensuring equal treatment between women and men. The experience to date supports the conclusion that women are optimally integrated into the armed forces. In diverse areas of use, the achievements of women were very positive and, in certain circumstances, have proved, being indispensable, as in the case of operations conducted in cultural settings very different from the West’s: for example in the theaters of Afghanistan and Iraq for the realization of activities vis-à-vis the local female staff (searches, information research, gender-interaction, and medical interventions), by which those citizens have appreciated the Italian mission’s members.

248. By comparing relevant data on the release of such measures, there is no form of discrimination against women. Specifically, the applications for marital reasons in 2007 amounted to + 23.48% and, in 2008, to + 15 %, while for residence reasons amounted to + 26.76%, in 2006, and to + 91.57% in 2007.

249. At the end of 2007, to better protect women throughout this process, by Ministerial Memo, it has been envisaged that the applicant without any income may still be the recipient of the above measure, if the husband can prove that he can adequately provide it by his income. The same approach applies to those applicants who work as domestic workers (on relevant data, please see annex No. 4).

Article 10 on education

250. The right to education is a fundamental right, being essential for the effective implementation of the principle of gender equality. It might be considered a pre-requisite for the social inclusion of girls, who will be the women of tomorrow (See arts. 3-9-33-34 of the Italian Constitution).

251. In all grades and levels of education, including in kindergartens, there is an equal rate of enrolment between girls and boys. Besides, it is applied the principle of the so-called co-education, namely the elimination of those schools separating boys from girls. In the past it had contributed to a sort of segregation, so that girls tended to study humanistic subjects while boys were oriented to scientific-technical subjects. Although not formally envisaged in the Italian educational system, such orientation still remains.

252. The distinction and different approach to the subjects to be studied by boys and girls emerges more clearly at the higher level of the education, as long as girls tend to get prepared for professions relating to education and services, despite their school curriculum proves to be better, also in scientific and technical subjects. Their results, in terms of scores, are higher, also when passing the State examinations. This consideration applies also **when considering foreign or nomad-communities students. In the latter case, at the high school level, there are 110 girls out of 219 students.**

Academic year 2006/07

	<i>Boys</i>	<i>Girls</i>	<i>Percentage</i>
Kindergartens	857 623	795 066	48.11%
Primary	1 457 497	1 362 653	48.32%
Secondary (middle level)	902 313	827 418	47.84%
Secondary	1 392 975	1 336 035	48.96%
University	524 644	630 597	54.58%

253. From the above data, and considering the EU Parliament Resolution No. 2135/06 on Discrimination against women and girls, Italy has been marked by significant progress in this field, including at **the university and post-university levels.**

254. In the Universities, women overtook men during 80's, in Faculties, such as Law, being mainly chosen by women (since this allows them to compete for the access to the judiciary).

255. On a more general note, in the educational field, women starting this pattern from a negative situation, have been able to overcome men in all relevant fields. Such change is so marked that most women between the age of 30 and 34 have taken a diploma or are graduated.

256. Women are also recuperating **the educational disadvantage in the field of new technologies, a field traditionally attributed to men**. However, the women's presence in scientific Faculties, such as Engineering, remains low. There is an average of 18.4 women out of 100 freshmen. Such situation reduces chances for the women of getting hired by the most advanced IT companies. Therefore, as for scientific and technical positions, gender stereotypes persist in many companies.

257. This "gender gap" in the above field has been the subject of a specific analysis, as launched by the Ministry of Education and University (in Italian, MIUR) since 2008.

258. Needless to say, the number of women scientists remains low. Therefore many ad hoc association and working groups have been established to improve this situation. It is worthy of mention the so-called **Helsinki Group on "women and science"**, as established in November 1999, in Helsinki, with the aim of elaborating a global strategy, based upon a long-term cooperation, to contribute, inter alia, to the political process. This Group is composed of civil servants, engaged in the promotion of the women's presence in the scientific research, within domestic borders, EU member States and in the associated countries.

259. The above exercise has to be placed in the "gender monitoring system", aimed at improving the gender mainstreaming in the relevant work plan and in the overall policy on research.

260. As for NGOs, mention has to be made of the Association called "Women and Science", as founded in December 2003, by a group of women researchers and scientists, from various disciplines, particularly in the so-called contemporary science, who have been committed, since 80's, towards this field. The main purposes of this Association are as follows: Establishing an Italian network of women researchers, to facilitate the dissemination of information, projects and specific initiatives; Collecting relevant material concerning the situation of women in research Institutes, the legislation and the relating policies; Promoting research; Organising conferences, and other initiatives aimed at disseminating information on the women's role and experience in the research area; and Promoting and facilitating the participation of Italian women researchers in national and international initiatives (www.women.it/scienziat).

261. **The development of the innovation ability of this Country requires, on the one hand, an increasing number of women graduated in the technical-scientific subjects, on the other, measures to promote the demand to facilitate women's involvement in small and medium-sized companies.**

262. In addition to the measures of support for the employment, there is the need to consider the measures for improving the training and vocational areas, to be developed within strategies for the local development and innovation, in order to ensure the adequate participation of women. It is thus necessary to ensure a wider choice of vocational, educational and training activities for women in the field of the higher education, specifically in the technical-scientific areas linked to the innovation sector.

263. The initial level of support measures and incentives, such as scholarships, will be aimed at getting diplomas in the technological field. Such initiatives will be launched, in tandem with awareness-raising and communication campaigns in the schools. It will be also necessary to find out public support measures for the Universities in order to promote the rise of the women's participation in the fields under reference: graduation courses, masters,

advanced post-graduation courses, teaching courses, etc. Adequate forms of incentives should be envisaged to introduce a broader presence of women in the public and private research Institutes, with the aim of involving them in the top managerial positions.

264. In this context, it is also necessary to recall **the situation of the access to education for foreign women and Roma girls. The foreign women students are from** 162 different countries. The analysis carried out on three different courses (diploma, language integration, and short-term courses) underlines as follows: Courses aimed at obtaining a diploma are mainly attended by African origin citizens (9.460 students, of whom 2/3 men and 1/3 women), followed by European countries citizens (4.748, equally shared between men and women) and Asian's (4.672 with a majority of men).

265. By analysing the data concerning the presence of the European citizens attending courses in Italy, in terms of percentage women represent 64% of the totality, followed by Asian citizens (with more than 11,000 adults students, whose majority are men (6.319), while 4.869 are women). The third place goes to European citizens from Non EU countries, with more than 8,000 citizens (nearly 62%), mainly from Russia and Ukraine. As for the EU and US citizens, the vast majority attending courses are women: in the former case, about 70% while as for the latter, it results 3,666 women out of 5.623 students.

266. By comparing data on the diplomas taken in the Countries of origin (corresponding to the Italian ones), it emerges that 8% of those enrolled in courses aimed at the social and language integration already got a graduation (of whom the majority are women); more than 25% of those enrolled in Italian courses got a high school diploma (data show that there is no difference between men and women); 1/3 of those enrolled already got a diploma, which in Italy has to be taken at the end of the middle level of the secondary school (in this specific case, men represent the majority); the remaining (33.74%) got a primary school diploma or is without any diploma (also in this case the majority are men).

267. **As for Roma girls**, it is to be taken into account that the schooling rate reduces from the age of 13–14, due to various reasons, including early marriages and early motherhood.

268. On June 22, 2005, the Ministry of Education, University and Research (MIUR) signed a MoU with the most representative NGO of the Roma community, "Opera Nomadi",²⁸ in order to protect Roma, Sinti, and Travellers communities' children. Such MoU stemmed from two one-year enquiries, entitled "Students without Italian citizenship – Private and Public Schools", and "Enquiry on the outcome of students without Italian citizenship (2005)", respectively: the former concerning the presence of the **foreign students** in the Italian school system; the latter examining few quality aspects of the phenomenon under reference, besides considering the various implications of a reality, which reflects a stable and structured dimension.

Article 11 on employment

(As for relevant statistics on women in the labour market and women and poverty, please refer to Annex No. 3)

269. The role of women is changing. Their presence in the labour market is increasing, as well as their role in the decision-making processes. Such revolution characterizes the entire globe, and is also reaching the most traditional societies, as stressed by the UN in its last report on MDGs: The change in the labour market is very slow but generalised.

²⁸ It is worth noting that such Protocol was renewed on April 2009.

270. **In the labour market**, we still utilize the wording “glass ceilings” when referring to limitations faced by women in acquiring positions of responsibility, particularly in large-sized companies. However, worthy of mention are the initial signals of “success”. In fact it has been registered that in many parts of the world women are reaching the top positions in almost all sectors. This phenomenon clearly emerges from data concerning public administration, NGOs and thousands of small productive initiatives. This sort of success sometimes does not emerge from the formal collection of relevant data. Even though it does not eradicate the problem, at least remains an encouraging signal.

271. Along the above lines, the Italian Authorities are adopting specific measures, by effectively implementing the normative framework, included in **Book III of the Code on Gender Equality** (please see supra the sections devoted to arts. 1, 2, and 3, respectively) concerning “equal opportunities between men and women in economic affairs”. The above Book includes the entire legislation on gender equality in the labour market and in the entrepreneurial activities.

272. In particular, by article 25, it has been introduced the distinction between direct and indirect discrimination; by article 26, there is the list of discriminatory behaviours, including harassment and sexual harassment;²⁹ by article 27, it is included the principle of the strict prohibition of any forms of gender discrimination relating to the access to all sectors and levels of the labour market; by article 28, it is envisaged the prohibition of pay discrimination; by article 29, it is envisaged the prohibition of discrimination vis-à-vis qualification, duties and career progression.

273. The support for the women’s employment remains one of the most important goals to be reached by the Italian Government. This aim is particularly relevant when considering the gap between Northern and Southern Regions of Italy vis-à-vis **the Lisbon Strategy objectives, which specifically envisage** the share of 60% by 2010.

274. Italy has envisaged support policies for the job demand by women, policies and services for the reconciliation between work and family, policies for the enhancement of the female entrepreneurship which represent forms of intervention contributing to a broader and better inclusion of women in the labour market. Besides, positive actions against gender discrimination, as well as various forms of intervention for gender equality have been taken to impact on women’s employment.

275. By presenting its PNR to the EU, on November 2008, the Council of Ministers emphasized the commitment of the Italian Government to promoting pro-active employment policies, focused on women. To strengthen gender equality, notably by enforcing all appropriate measures, to eliminate discrimination against women in the field of employment and labour market, the Italian Government has been adopting measures and strategies oriented to the so-called “functional welfare” and the increase of women in the labour market.

²⁹ In particular, paragraph 1 also regarded as discrimination harassment, or those unwanted behavior, put in place for reasons related to sex with the purpose of violating the dignity of a woman worker or a man worker and create an intimidating hostile degrading humiliating or offensive environment. The subsequent paragraph 2 considers also as discrimination, sexual harassment or unwanted behaviors of a sexual nature, as expressed in physical, oral or non-verbal forms, with the purpose or effect of violating the dignity of a woman worker or a man worker.

276. In order to provide more visible and effective measures for the promotion of the gender mainstreaming in the labour market, the Italian Government aims at significantly increasing the level of women's occupation, by a broad range of actions. It is the intention of the Italian Government to elaborate ad hoc relevant simplification and Deregulation programs with care not to lower the protection system, so as to free both the enterprise and the person undertaking the work from bureaucratic and formal obligations, with the further result to reduce indirect costs. This will result in a package of measures, aimed at ensuring, inter alia, more flexible working hours, as is the case with the part-time jobs (in line with the EU standards); the enhancement of social services; the possibility of professionalizing those women who decide to re-enter the labour market after having devoted time exclusively to the household; and family-friendly policies, in line with the principles of subsidiarity and the integration of public social security policies in the private sector, including the third sector.

277. In 2006, the rate of women employed amounted to 46.3%, while the EU average marked a share of 57.4%. Italy was below the relevant Lisbon target but with a different situation between the Southern Regions (Mezzogiorno) with a share of 31.1% and the Northern Regions, with a share of 56% in the Northern-West and 57% in the Northern East, respectively.

278. The above data reflect the figures concerning the national average. However they cannot provide a clear picture of a very complex situation, characterised by many differences.

279. As a matter of fact, **in the Northern-Centre Regions and for specific age groups, since long time the women's employment rate has overcome the target of 60%, while in the Southern Regions a low level around 30% still persists and contributes to wide areas characterised by irregular work.**

280. If Italian women might reach the same rate of men (70.5%), it would be significantly beneficial to the Italian economy so that its GDP would achieve 17%, corresponding to 260 billion Euros.

281. The Bank of Italy has provided the therapy to cure the weak development of the gender mainstreaming in the labour market. Several studies and researches have stressed the emergency without indicating the solutions to such problems.

282. By the accurate analysis of the relevant trend, the women's employment rate in the Northern Regions amounts to: As for women between the age of 25 and 34, over 75.2%; As for women between the age of 35 and 44, to 75.1%; As for women between the age of 45 and 55, to 65.4%; As for women between the age of 55 and 64, it remains low and amounts to 22.1%. The latter figure indicates a very low level, which emphasizes the need of specific ad hoc policies to address, with the utmost urgency, those territorial and sectoral situations being characterized by obsolete models, so as to concentrate the available resources where interventions are mostly needed.

283. **The Southern Regions have been unable to take advantage of the increase in female labour as started during the 90's.** In fact, between the years 1993 and 2006, the rate of women employed amounted to about 1.467,000 in the Northern-Centre, while in the South it resulted in only 216,000 more jobs. Despite the reduction of the unemployment rate in the Southern Region, between the years 2004 and 2005, it emerged the negative signal of women's inactivity, which continued, up to the first semester of 2007, with 110,000 inactive women more than the previous year. Moreover, in many cases, it emerged that Southern Regions women, including young women, have stopped to search a new job.

284. It has been estimated that in Italy there are six million women being inactive,³⁰ namely those having renounced to look for a job due to their role in the family – since the family care remains a “private affairs” to be often demanded to women. The low **burden-sharing between men and women in the family care** entails that, in terms of weekly working hours, women work 7 hours and 26 minutes, per day, including Sundays, to be shared between home and office. If comparing this figure to other EU countries, this is much higher. 77.7% of the family work made by a couple still remains a women’s prerogative. It results in an asymmetrical distribution of care responsibilities, to be linked to inadequate reconciliation measures, which are to be improved by means of a specific public services offer, the better organisation of cities life, including office and shops hours, mobility policies, etc., as well as the management of the work in the enterprises.

285. To support the enhancement of reconciliation policies, relevant services strategies were launched. In this regard, it is worth mentioning the **National Strategic Framework 2007–2013, financed by the EU structural Funds and aimed at the so-called Service-Objectives**.

286. Representing a significant priority within the National Programming 2007–2013, the above Framework was strengthened by a bonus and incentives schemes, designed to encourage Regional Administrations, to reach the following quantified targets, by 2013: Increasing the percentage of municipalities offering child-care services, from the current 21% to 35%; Increasing the children demand for and resort to child-care services, from the current 4% to 12%; and finally, Increasing the percentage of the elderly being the recipients of home-care assistance, from the current 1.6% to 3.5%.

287. By the Service-Objectives Project, it has been envisaged the significant allocation of financial resources to eight Regions in the Southern Italy, in addition to the above bonus and incentives scheme, as linked to said targets (and amounting to 3 billion Euros, as financed by the National Fund for the under-utilized areas, 2007–2013).

288. Within the framework of the reconciliation-related activities, the development of the services network also meets the objective of improving the women’s employment policies, by raising the occupation rate. In this regard, mention has to be made of the Extraordinary Plan on care services for the early childhood, which was signed on September 26, 2007 within the Unified Conference between the Government, the Regions and the local Governments. By this Plan, it has been intended to establish an integrated, extended, qualified and diversified network, aimed at covering the entire Country with kindergartens, as well as integrated and new relevant services in the work-places, so as to promote the best interest of the child, the reconciliation and the support for the educational role of the parents.

289. This is an **Extraordinary Intervention Plan for the development of the territorial system which enhances the existing relevant structures**. In doing so, it has been initiated the process of definition of the essential levels, while re-launching cooperation between the State, Regions and Municipalities’ institutions, in order to effectively implement children’s rights. Among the Plan’s objectives, it is worth mentioning either the closing of the gap between North and South or, more generally, the wider improvement of the national system in line with the European standards.

³⁰ According to ISTAT source, it has to be stressed that inactive women between 15 and 64 years as at 2006 amounted to 9,529,000 (FL survey), of whom almost 7,798,000 do not look for a job and are not available. Therefore the following considerations in the para. may be applied solely to 1,727,000 inactive women, falling within the so-called grey zone (such as those being discouraged, potential workforce, etc.).

290. By 2010, it has been thus envisaged to achieve the goal of covering 33% of the Country with relevant services, as set by the European Council, in Lisbon, in 2000.

291. Among the interventions to extend the kindergartens network across the Country, **it is worth mentioning: Act No. 296/2006** entitled “Budgetary Law for the year 2007”, which laid down in Article 1, para. 1259, the allocation of financial resources, for each of the respective years 2007, 2008, and 2009, amounting to 100 million Euros, by which Regions have to implement an Extraordinary Plan of intervention for the development of a socio-educational services system on the ground, including kindergartens and new relevant services at the work-place, home and blocks; **Act No. 244/2007**, entitled “Budgetary Law for the year 2008”, increased the resources for the year 2008 with more 70 million Euros. Further, in addition to the above aims, it was also envisaged the utilization of the **Fund for Family policies**, as laid down in para. 1250 of the 2007 Budgetary Law, which was increased with 210 million Euros for the year 2007 and 180 million Euros for each of the years 2008 and 2009.³¹ Last but not least, within the Ministry of Education Budget, from 2007 onwards, it has been authorized the expense amounting to 220 million Euros for interventions aimed at enhancing both educational services for children under the age of 3 and, more generally, the educational offer for children between the age of 2 and 3 (also by means of pilot-projects concerning kindergartens).

292. Along these lines, financial resources for “non-State driven schools” were increased to 100 million Euros, to be allocated, on a priority basis, to kindergartens, in accordance with art. 1, para. 635, of the 2007 Budgetary Law.

293. On a more specific note, the above Extraordinary Plan was adopted with the two-fold aim of providing kindergartens for 33% of the Italian territory while reducing the current unbalances among various areas of the Country (even though, as for the offer of services for the early childhood, the latter has to be considered according to the various contexts which characterise the Italian territory).

294. By dividing the Italian territory in three areas, namely North, Centre, South, including Islands, the services coverage has been shared as follows: 15.7% in the Northern Regions; 15.5% in the four Regions of the Centre; and 4.4% in eight Southern Regions, including the Islands. For the three-year term 2007–2009, it was initially disbursed the sum of 604 million Euros, allocated as follows: 340 million Euros by the State and 264 million Euros by the Regions and local Authorities, concurring to financing the above Plan with the financial commitment not being below 30%.

295. By the 2007 Budgetary Law, it has been launched a structured and long-term project to enhance the child-care and family-friendly services, which is unprecedented in Italy. 340 million Euros are shared as follows: 250 million Euros go to all the Regions and 90 million Euros to the remaining eleven Regions, whose coverage is lower than the national average.³²

³¹ For the organization and functioning of socio-educational services for the early childhood targeting children aged up to 36 months, at institutions and departments of the Ministry of Defense, the Finance Act 2008 has established a fund with a budget of 3 million Euros for each of the years 2008, 2009 and 2010. These socio-educational services are also accessible to minors who are not children of employees of the Defense and contribute to integrate the supply of the integrated socio-educational services for the early childhood and its special Plan of action, pursuant to article 1, paragraph 1259, of the Law of 27 December 2006, No. 296, as amended by paragraph 457.

³² By Law-Decree No. 159, dated October 1, 2007, establishing urgent measures on economic and financial development and social equity, as converted by Act No. 222 of 29 November 2007, the Government has allocated additional 25 million Euros, to increase the extraordinary plan for socio-

296. Besides, 90 million Euros have been proportionately allocated, on the basis of the difference between the National average coverage for the year 2004 and the coverage estimated per each region, taking into account the respective population rate whose age is between 0 and 36 months. Northern and Centre Regions contribute to the Plan by co-financing 30%, corresponding to approx. 53 million Euros, to which to add 211 million Euros, as pledged by the Southern Regions.

297. **An additional new element within the early childhood-care services framework is the financing, for the academic year 2007–2008, of a pilot educational service, to be added to day-nurseries (0 through the age of 3) and kindergartens (from 3 through the age of 5),** to be offered to children between the age of 2 and 3. This funding amounts to 35 million Euros. Further to the submission of relevant projects, 1.362 “spring sections” have been financed, of which 517 in the Northern regions, 207 in the Centre, 442 in the Southern Italy, including 196 in the Islands.

298. Such State’s initiative had a domino effect as long as many Regions decided to allocate financial resources for the relevant projects. The huge public investment involved the one of the private sector in the services offer, whose quality and standards are ensured by the strict accreditation procedures of local Authorities.

299. It is equally important to mention **Budgetary Law 2008**, by which it was established a three-million Euros Fund for the years 2008, 2009 and 2010, respectively, in order to organize and start up the socio-educational services for children under the age of 3, at the **Ministry of Defence facilities**. Thus ad hoc support programmes for families with children of civilian and military personnel working for the above Ministry were adopted.

300. On a more general note, the financial resources allocated to the above aim amount so far to more than 747 million Euros, of which 446,4 million Euros from State’s resources (to finance the extraordinary three-year Plan), 281 million Euros from the Regions (to co-finance it) and additional 20 million Euros for the above-mentioned “spring sections”. By such Plan, it is envisaged an additional offer of 41.000 places, to which to add 24.000 more places from the “spring sections”. By 2013, it has been planned to cover 15% of the relevant socio-educational services demand for the early childhood.

Resources for the early child-hood services

<i>Kindergartens Plan</i>		<i>Resources in Euros</i>
State’s funding	Budgetary Law 2007	300 000 000
	Family Fund 2007	40 000 000
	Integrations for the Kindergartens Fund 2007	25 000 000
	Integrations for the Family Fund 2007	25 000 000
	Budgetary Law 2008	56 462 000
	Total of State’s Funds	446 462 000
Regional funding	Co-financing by Northern Regions in 2007	53 008 952
	Co-financing by Northern Regions in 2008	16 598 350

educational services, to which it was added another 25 million Euros following the reshaping of the 2007 Fund for the family.

Besides the 2008 Budget, in addition to the resources already allocated by the 2007 Budget Act, amounting to 340 million Euros for the three years, envisages, for the current year, 66.4 million Euros, of which 10 are allocated to finance the so-called spring Sections (2008).

<i>Kindergartens Plan</i>	<i>Resources in Euros</i>
Co-financing by Southern Regions in 2007	211 550 940
Total of Regional Funds	281 158 242
Total (in Euros) for the kindergartens Plan	727 620 242

301. The lower level of women's occupation depends on choices within the family and the lack of support services for children and the elderly, in addition to the **companies approach**. Companies deem that, notwithstanding equal individual features, such as skills and education, they can offer women a lower wage – which leads to a gender pay gap.

302. Much remains to be done, for instance, by means of de-contributions, services and flexibility in terms of working hours and company organization. This entails interventions at the entrepreneurial level, as well as within the family, inter alia by means of a services network, including the re-entry after the pregnancy, and the career orientation.

303. Forms of **maternity discrimination**, family work overload and scarce burden-sharing hinder the women's access to the labour market, besides discouraging, on one hand, women who aspire to work and, on the other, by weakening those being employed.

304. The reconciliation between work and family plays a vital role in the women's participation in the labour market. Reconciliation policies are among the variables influencing women's occupation trend, in terms of quantity and quality. Since the family-care burden still relies mainly on women, the implementation of measures aimed at effectively balancing the work dimension and the family life improves both the overall level of women's occupation and their participation in positions of greater professional responsibility.

305. As per European average, the **mandatory maternity leave lasts** 16 weeks, but in many cases, such as the UK and Italy, this term is longer. In Italy, this leave lasts five months, to be shared in a flexible way before and after the child-birth.

306. However, when comparing the economic contributions guaranteed to mothers in Italy during the leave with other EU countries', this is not so high. In fact, in Italy, the indemnity is equal to 80% of the average wage (to be calculated on the basis of the last month wage before the beginning of the leave), while in many other countries, this indemnity amounts to 100% of the wage (Lower indemnities are provided in Belgium, Ireland, and Spain).

307. The **parental leave, as introduced in Italy, in 2000**, to translate a relevant EU Directive into the domestic system, may be requested by both parents, if employees and when their child is within the age of 8 and for a term not exceeding ten months (to be extended to 11 months whereas the father asks for a 3-month leave). Specifically, the single parental leave, to be requested by each parent, cannot exceed the 6-month term (to be extended to seven, if the father asks for at least a three-month leave), on a continuous or divided basis.

308. A major innovation is given by the possibility of granting the parental leave simultaneously. In this event the indemnity amounts to 30% of the salary. However, the low level of indemnity de facto limits such possibility, specifically for the fathers, who usually earn higher salaries and less willing to lose it.

309. In light of the above considerations, the Italian Government **has been developing a new strategy aimed at synergic interventions that** involve various public and private stakeholders and resources, so as to facilitate the job re-organisation, the promotion of new cultural models, inspired by an effective reconciliation approach, and the definition of a

family-friendly territory with better and more accessible support services, to be coordinated also by taking into account the working-hours.

310. **By Act No. 53/2000**, it was set forth the institute of the parental leave, to promote the reconciliation between work and family. Such Act has also contributed to test new contractual arrangements introducing positive actions in the work-place, to reconcile work and family (art. 9).³³ **By virtue of such legislative measure, from 2001 onwards, 459 projects have been approved for a total amount of approx. 30 million Euros. In 2007 it was allocated the amount of 21 million Euros and 18.4 million Euros for 2008.** By such measure, it is possible to constantly monitor the need and development of reconciliation policy.³⁴ By data, it clearly emerges, for instance, the need to reorganise the working hours,

³³ With regard to Article 9 of Law No. 53/00, there is an ongoing review of the tools provided by this provision, following an inter-ministerial WG, chaired by the Department for Family and involving the Ministry of Labor, Health and Social Policy, Ministry of Equal Opportunities, and Ministry of Economy and Finance.

³⁴ By Act No. 53/2000 on "Provisions for the support of motherhood and fatherhood, the right to care and training and the coordination of the city's working hours", it is introduced at its Art. 9 the funding of "Measures to support time flexibility by which three different types of action can be taken: Projects articulated to allow workers, both mother and father, to make use of particular forms of flexible working-time; Training programs for the reintegration of workers after the period of leave (maternity, paternity or parental leave); Projects that enable the replacement of the business owner or self-employed, benefiting the period of compulsory leave or parental leave with another employer or self-employed. As it is clear from the wording of Article 9, this aims at rebalancing the distribution of care duties towards children and other family members, by offering financial support to those companies seeking to develop flexible arrangements aimed at reconciling family and work, so as to ensure a real distribution of family duties. The measures for the reconciliation of working time and family life have been financed by the Fund for the employment, with an annual allocation of 21 million Euros. The D.I. of May 15, 2001 defined the terms for financial contributions to businesses and entrepreneurs/self-employed who intended to test organizational flexibility, to meet the workers' needs for the care of the family.

Agreements with trade unions and regional associations must be signed in support of the activities for which the funding is requested. The Ministry of Labor has made use of a technical commission responsible for examining applications for funding projects as submitted by the end of February, June and October of each year. The Technical Commission completed, in February 2007, the examination of the last projects submitted at the end of October 2006. Between 2001 and 2006, the Ministry of Labor obtained and maintained the funding requests of the companies involved in actions of organizational flexibility pursuant to Article 9 of Act No. 53/2000. The projects received by December 31, 2006 were 704, of which about 50% were admitted to financing (317). Total loan disbursed amounted to € 21,755,057.00. The number of grant applications submitted by companies recorded an upward trend that was consolidated in the years 2005–2006.

As regards the geographical distribution of projects in 2001–2006, relevant measures under Art. 9 seemed to find fertile ground, especially in North-Central regions, from which it stemmed 60% of requests for funding, while over 70% of the projects were authorized. The performance of the Regions of the North-West appears to be the best, with the admission of 117 projects out of 220 submitted (equals to 53%). Then the North-East regions with 112 projects financed out of 224 (equals to 50%). Lower percentages refer to areas of the Centre and South of Italy, including the Islands with a share of respectively 45 and 18% of projects admitted to the financing.

As for the type of actions, training projects for those returning from the parental leave seemed to be authorized more frequently, while the organizational flexibility projects and the replacement ones reached the quality's standards, less frequently. It seems that the companies have encountered the greatest difficulties in detecting the actual needs of reconciliation of their employees and the identification of reconciliation measures to be implemented/experienced while maintaining their productive and organizational standards.

by requesting the reversible part-time contract, the tele-working, and the concentration of working hours or the so-called “bank of hours”. It also emerges the importance of establishing family-support services at the work-place, such as play areas and home baby-sitting, as well as transportation services for children and the elderly, etc.

311. Many **significant reconciliation services are being implemented at the regional level, which will be enhanced in the coming years, by resorting to national and European Funds**, particularly within and for the Southern Italy Regions. Mention may be made of the so-called A.L.F.A project. This is a pilot-project run by the Region of Sicily, to test and implement the so-called **reconciliation and services vouchers**, which is an important tool to both promote gender equality at the work-place and reconcile family and work-load, in accordance with Act No. 53/2000 and Act No. 125/1991, respectively.

312. The reconciliation voucher represents an effective labour policy tool, by which to launch virtuous mechanisms, also against the informal labour particularly in the field of the home care services. This is an integrated project, whose focus is on the distribution of the reconciliation and services vouchers, so as to facilitate the increasing access to labour market, by women, people with disability and the most exposed to social marginalization.

313. Within this framework, the relevant interventions target families and aim at enhancing relevant services from the quantity and quality standpoints, including the improving of professional skills of both public and private care providers (who are involved in the management of the reconciliation vouchers), such as those within CPI, Heath-care Districts, Local Authorities, Social Services, etc.

314. Additionally, the Department for Equal Opportunities launched and coordinated the Project entitled *P.A.R.I. – Padri Attivi nella Responsabilità Interna alla famiglia*, on the role of fathers in promoting gender equality and reconciliation between work and family, as financed by the European Commission. Nevertheless Italy acknowledges the difficulties in the use of some means, as envisaged by the relevant legislation: The organizational contexts continue to be a brake more than a vehicle for new opportunities.

315. As recalled, companies tend to invest less on women, to avoid the potential risk linked to the maternity leave or family-care labour. Researches on parental leaves indicate the normative weakness. The above-mentioned indemnities rates severely affect the duration of the parental leave, since families have to protect their income. It is thus necessary to raise awareness of the reconciliation means, since the rate of people ignoring such measures, particularly in the Southern Italy (30%) and among private sector’s workers (23%) still remains too high. Public policies and companies bear the duty to consider the

Among other factors which influenced the refusal to admit projects to financing, the following ones are worthy of mention: the lack of innovation with respect to collective bargaining (one of the indicators of the assessment was the “Innovativeness of the action”) and the lack of understanding of the types of eligible actions or the allocation of the costs. The projects discussed are addressed in 64% of cases to no more than three employees, a percentage that decreases with the increase in the number of recipients: 16% of the projects involves, in fact, groups of up to ten employees, while 11% not more than twenty employees and the remaining actions (9%) involve targeted groups, consisting of more than 20 units (and up to over 200).

The composition of the targeted group of actions is strongly characterized by gender. In fact, there were 1376 women (over 80%) out of 1672 of the workers involved. The increased need for reconciliation expressed by women workers rather than men is evident in the gender distribution of the actions taken: women represent 70% of the recipients of the actions of hours flexibility. The same ratio was noted even among farmers who have benefited replacement in the period of parental leave. Regarding training to return from maternity/paternity leaves, women represent almost all recipients (98%).

role of parents as a natural step in the life of people, being the real resources of any company.

316. Within this framework, it is necessary to consider the recent debate on the phenomenon of the so-called “white resigns (*dimissioni in bianco*)”. By Law Decree No. 112/2008, converted into, and amended by Act No. 131/2008, it was abolished Act No. 188/2007 which had envisaged that voluntary resignations should be submitted by the worker to the employer, only on the paper prepared by the Ministry of Labour, so as to render any other format invalid.

317. The abolition of Act No. 188/2007 relies on the following concept, “*This phenomenon was residual and emerged only from small sized companies. We cannot make the bureaucracy heavier for all companies. Besides, if needed, workers can always initiate a criminal proceeding.*”

318. In light of new provisions, the labour Inspectors and the Equality Counsellors jointly worked to ensure that the resignations are co-validated only if responding to the will of the woman/mother worker to recede from the job relation.³⁵ (Please see section devoted to Article 3). To this end, there will be both a strict monitoring exercise to combat the phenomenon of the forced resignations and the intervention by the Equality Counsellor to ensure equality treatment. The confirmation of the resignation is a procedure envisaged by Law, to protect mothers workers during the period under which it is prohibited to dismiss them, namely at the beginning of the pregnancy until the first year of the child. The same protection is ensured in case of parental leave requested by the father in the event of death or serious disease of his wife.

319. The need to ensure reconciliation measures while ensuring the access to the labour market in a globalised context — whereby the latter is characterised by both mobility and flexibility — was analysed and introduced by Act No. 30/2003 and Legislative Decree No. 276/2003, the so-called **Biagi Act** (being still in force).

320. The above Act has helped to innovate the labour law and drawn the attention of those countries being engaged in the difficult and necessary search for adequate instruments to make the labour market more flexible, besides increasing the level of occupation, particularly of young men and women (while ensuring the essential level of guarantees): Along the normative lines introduced in the year 1997, after a long confrontation with the social parts, this legislation has made the Italian labour market more dynamic despite the economic difficulties.

321. From the 2006 annual Report on the situation of the Country by the National Institute on Statistics (acronym in Italian, ISTAT), it has been registered the overall constant rise of the population in the labour market since the end of 90’s in all the EU countries, including Italy. Such a rise has been facilitated, above all, by the introduction of new types of flexible jobs (fixed term contracts, part-time contracts, temporary job contracts, etc.).

³⁵ On February 26, 2009, the Ministry of Labor updated, by Note No. 2840, the procedure for the validation of the resignation by introducing a new model called “Declaration of the resign by mother/father worker”, which will allow a comprehensive collection of all elements that identify the context, including the environmental one, in which the choice to resign emerged.

322. On a more specific note, as for women in the labour market, it has been registered the rise of both the women's occupation share and their participation's rate in the labour market. From ISTAT data, it emerges that more than over 60% of the overall increase in the occupation sector refers to women (2.7 million in 10 years), mostly employed under part-time job contracts.³⁶

323. It seems that the latter contractual arrangement matches the need of reconciliation between work and family. In the decade 1996–2006, the women part-time workers rose over 71% (while men rate reached 9%), contributing to increase the overall rate of employed women from 20% to 26.5%.

324. From the above, it results that ¼ of women working as subordinate employed, have a part-time job. The same percentage is reflected in the case of those employed under the so-called collaboration contracts (in Italian, *contratti di collaborazione coordinata e continuativa*) as well as under project contracts, as envisaged by Act No. 30/2003. From a general standpoint, the women's presence in atypical jobs is higher than men.

325. Within this framework, considering the part-time contractual arrangement and a new more flexible approach of companies towards women and men workers' needs, it has been developed with *Italia Lavoro* an ad hoc project, entitled "**Part-time Project**", which includes an awareness-raising campaign, based upon actions of mass communication, direct marketing, the organization of a relevant event and a national survey (the latter being aimed at detecting, among representative samples of both companies and workers, the degree of knowledge of the part-time and its perception further to the legislative amendments. The survey addressing the employers aimed at detecting the degree of knowledge of the new rules introduced by Act No. 30, the percentage of various job types within the companies, the reasons, the appreciation and possibly any advice to make better use of this job type). The relevant results and their dissemination allowed getting feedback and the return of information, at the national and local levels.

326. As reported below, the data by ISTAT show the trend within the labour market, over the last decade, since the entry into force of the so-called Biagi Act:

1. The full-time job has dropped by 1.2%, in parallel with the rise of the part-time job. This is not a negative datum per se, since the rise in the part-time job (which can also be on a permanent basis) contributes everywhere to increase the women's occupation;
2. The employment increases by 2.5%. This significant rise depends on 1.8% from the fixed-term job contract. However, also the permanent-term job increased by 1% and remains the main arrangement. The autonomous work drops by -2.7%, despite it represents over ¼ of the overall occupation.

³⁶ Legislative Decree No. 276/2003, by fulfilling delegated Act No. 30/2003 (the so-called Biagi Law) made changes to the discipline of the part-time job, in order to promote the use of this type of contract. Under the new legislation, the part-time work is now defined as that contract with hours below the normal one, per year. The part-time work has been made more flexible in defining the terms and conditions of work performance, which can now be determined not only by national and local collective agreements but also by collective enterprise bargaining. Compared to 2000 the incidence of part-time has increased by almost 5 percentage points in total employment (and 10 for women). Within this frame work, please note the numerous communication campaigns.

The employment by sector of activity, employment status and the contractual arrangements (Percentage of the total employees) – 1997/2006

<i>Activity's field</i>	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Agriculture	5.6	5.3	4.9	4.8	4.7	4.5	4.3	4.4	4.2	4.3
Industry	24.5	24.6	24.2	23.6	23.1	22.9	22.8	22.5	22.3	21.9
Constructions	7.4	7.3	7.3	7.4	7.6	7.6	7.8	8.2	8.5	8.3
Services	62.5	62.8	63.5	64.2	64.6	64.9	65.0	64.9	65.0	65.6
Type of job										
Full-time	87.9	87.6	87.0	86.6	86.8	86.7	87.1	87.3	87.2	86.7
Part-time	12.1	12.4	13.0	13.4	13.2	13.3	12.9	12.7	12.8	13.3
Employees	70.9	70.9	71.3	71.4	71.8	72.2	72.1	71.9	73.3	73.6
Permanent	63.0	62.7	62.5	62.3	62.9	63.3	63.3	63.4	64.3	63.9
Fixed-Term	7.9	8.2	8.8	9.1	8.9	8.9	8.9	8.5	9.0	9.7
Self-empl.	29.1	29.1	28.7	28.6	28.2	27.8	27.9	28.1	26.7	26.4
Total	100.0									

Source: Elaboration of ISTAT data.

327. In brief: **Over the last decade, the level of occupation (both subordinate and self-employed) in Italy has increased by 2.6 million jobs.** In 2006 the workers touched 23 million units. As for the work-fields, despite the reduction in the agricultural sector, it may be noticed a slight increase of jobs in the industrial field (from 4,988,000 jobs in 1997 to 5,026,000 in 2006) and in the buildings' (from 1,516,000 to 1,900,000 jobs). The job boom has emerged in the third sector (from 12,748,000 to 15,080,000 jobs).

328. As regards the type of work and thus the debate on the so-called **precarious work** (in Italian, *precariato*) from 1997 (when the Treu normative package was adopted) to 2006 (the Biagi Act passed in 2003), the full-time jobs increased by over 2 million; the part-time jobs increased by approx. 600,000 jobs (which is not a negative datum when comparing it to the European data by which it results that both the part-time job and the women employed rate are high). As for the employees, they have increased by approx. 2.5 million jobs, to be shared as follows: 1.8 million workers have a permanent job contract, while those under fixed-term contract amount to 600,000 units. In 2006, 425,000 new jobs were created, of which 341,000 subordinate employees (+2%) and 48,000 self-employed (+0, 7%), as indicated in the CNEL report on labour market stressing "that the occupational rate in 2006 was extraordinary since it was the highest rate ever registered in our Country". Evidently, the trend has changed.

329. It is worth-noting the average variations of the occupation in the various periods. From 1990 to 1996 the yearly average increase amounted to 0, 4%; from 1991 to 1995 the trend was reversed (-1.1%). Then it started the upswing (+1%) from 1995 to 2000; and +1.4% from 2001 to 2006. Over the last period, in the EU, only Ireland (+3, 1%) and Spain (+45%) scored better results (countries sparing no efforts on the issue of the work flexibility). Such positive trends have to be linked to the production dynamics. CNEL stresses that the rise in the occupational level occurred during the recession, "without any doubt, it is unusual if considering it from an historical standpoint".

330. It is worth-noting the features of the occupational rise. In 2006, such positive development took place in the small and medium-sized companies (+2.6%). Within this framework, a special phenomenon was registered: those companies (that give work to ¼ of

the Italian workers) employing between ten and no more than 50 workers registered a significant increase, while the smaller companies had worse results. The number of workers in the small-sized companies increased with an average rate of 11% (with increasing positive results for companies with less than 15 workers and for those with over 20 workers), while in companies with at least 50 workers but not exceeding 250, the occupation resulted in a slight flexion (-0.4%); in the event of micro-companies (less than 10 workers), the occupation rate dropped (-0.8%).

Occupation rate vis-à-vis the size of the companies

	Variation	2005	2006
Self-employed without employees	-0.3	3 486	3 476
Up to ten employees	-1.1	6 667	6 594
Between 11 and 15	15	1 836	2 112
Between 16 and 19	5.9	2 844	3 012
Between 20 and 49	21.3	736	892
Between 50 and 249	-0.4	3 981	3 964
250 and more	-4.4	2 556	2 442

Source: ISTAT 2006.

331. According to CNEL, any renovation process awarded companies, overall medium-sized companies: practically speaking those falling within the so-called Northern-East Model, where the acceleration of the women's occupation rate is more marked (2.5%) than men's. A specific positive influence stems from the part-time job (5.4%); and the incidence of the part-time job has reached 13.3%. It may be considered that the women's occupation rate increased everywhere, including in the South, despite the unfavourable conditions recorded in 2005.

332. However, the situation in the Southern Italy (*Mezzogiorno*) remains problematic, as stressed by the recent Svimez Report, by which it emerges that despite the rise of the occupation rate, the so-called North-South gap has increased too. Besides, the rise of the occupation rate for all the age's groups has been confirmed, except for the youngest ranging between the age of 15 and 25 (also because of the increasing schooling).

333. In brief, the new relevant legislation has unblocked the labour market and the occupation rate increased despite the economic stagnation. Nevertheless such process has not triggered occupation's rates exceeding the real needs of the companies. Thanks to a better economic juncture, "it has been reactivated an additional job demand", specifically in the third sector: This is a trend, common to all developed countries.

334. In order to improve and broaden awareness of the labour market, also to anticipate any development of the women' occupation rate, the **adequate collection of relevant data is vital**. To this end, it is acknowledged a gap since the gender perspective should be better addressed, even within the existing surveys.

335. The current Government started consultations on women's occupation-related issues within the framework of the so-called Green Book on the future of the social model, entitled "The good life in the pro-active society", as submitted by the Ministry of Labour, Health and Social Policies.

336. As regards the improvement of and the increase in women's occupation, there was a specific focus on issues, such as the convergence between objectives and intervention by active and subjective policies, namely the so-called *flexicurity model* which is a concept

referring to a balanced combination between job flexibility and protection measures, including services networks and ad hoc programmes, as funded by the EU, domestic and regional Authorities.

337. Once the above consultations involving all relevant stakeholders (namely Central Authorities, Regions, and Local Authorities, social parts, professional associations, NGOs, research centres and private citizens willing to contribute) are concluded, the main policy options will be identified and conveyed in a White Book on the future of the social model. Accordingly, the Italian Government will make relevant legislative proposals on labour, health, and social policies-related issues.

338. Within the framework of gender equality and women's occupation, the **informal labour** issue has to be considered. Since long time, Italian Authorities have been committed to promoting measures to stop the informal/undeclared labour.

339. The transition from the informal to the formal labour, jointly with economic and contributions protection measures is one of the top priorities for the Italian Authorities. The Italian Government deems that effective relevant measures reduce risks, such as social dumping and distortion effects over the freedom of competition among companies.

340. The dimension and the sectors affected by the informal labour — in which women participate — allows to better understand and monitor the various factors pushing women to choose, freely or not, an informal or a partly informal labour.

341. The sample test selected by ISFOL³⁷ for its survey involved 987 Italian and foreign women based in three municipalities Turin (306 women), Rome (351 women) and Bari (330 women), respectively.

342. The data so collected can be briefly reported, as follows: **Young women at the conclusion of their studies:** They are women up to the age of 34 (60%), single (60%), with a high school diploma (51%), formally unemployed but mainly working without a written contract in the third sector (58%) and with a net month salary ranging between 500 and 700 Euros (27%). Sometimes, they have successfully concluded their educational path with a diploma or the graduation and look for a job matching their preparation and their preference for a work done for hire rather than the self-employment. Generally speaking, they have not acquired a specific job experience yet and still have to glimpse the labour market.

343. So the informal labour is considered temporary and instrumental to achieve a relevant experience, in order to have access to formal labour. Such situation may be transformed in a lasting or permanent situation in the event of a scarce job demand and high unemployment rate. Young women accept an informal labour as long as this is not perceived as a definitive work but a step to have access to the formal labour market.

344. **Middle-aged women with a family:** They are women, whose age is between 35 and 44 (20%), married (55%), with children (62%), and who took a primary school diploma (44%). They are enrolled in the Job Centres as unemployed; despite they work in the services sector with a net monthly salary between 300.00 and 700.00 Euros and no written contract (67%). The difficulties to have access to formal labour in most cases are due to their condition of mothers and wives, and thus the difficulty to reconcile work and family.

³⁷ This is the research, entitled "Gender and undeclared work. Survey on the female participation in the informal and undeclared work. Monograph No. 13 by ISFOL – institutional and regulatory Observatory (2007), as realized within the activities of PON System Actions Ob 3 Mis. E Action 2, 2000–2006.

345. The lack of reconciliation services hinders the access to the formal labour market and brakes the search for a formal job, while the informal labour conditions persist. In most cases, they work in peculiar job sectors within which both the informal labour nature and the relating economic activities allow to reconcile the dual role of workers and care-givers within the family. In such contexts, it is deemed that flexibility and family care compensate the disadvantage of the informal nature of their job: to some extent, the lack of a job contract entails greater freedom to manage family duties.

346. **Older women at the end of their work life:** They are women, whose age is between 45 and 55 (16%), married (54%), with children (68%), with a primary school diploma (54%). Formally unemployed, they perform without any job contract ,duties not requiring either specific skills or specialization in the work-field of the personal care services, with a monthly net salary ranging between 300.00 and 500.00 Euros. The access to or the reintegration into the formal labour market remains difficult due to the high job offer with a low qualification level.

347. There is no illusion for these women to get out from the trap of the informal labour: it is very high the risk that this situation persists. The lack of both other family income and a diploma workable in the regular labour market, in addition to flexible working hours, push a quota of those women to accept informal labour. As for a minority quota, this results in a free choice to save the benefits from the so-called procedures for the income transfer. Moreover, as for other women, the informal labour is a chance to resume an active role, more rewarding in terms of self-esteem. To ensure the emergence and the eradication of such plague, the Italian Authorities have adopted both “preventive and repressive measures”:

- As to the former, it is worth mentioning: the obligation, for both the public and private employer, to communicate, the day before the hiring, the beginning of the work regardless of the nature and type of the job contract; the necessity for the Companies to get the so-called Document on regular social security and assurance contributions (acronym in Italian, DURC) if they want to be the recipients of normative and contributions benefits; the reintroduction into the legal system of the so-called job on call;³⁸ the review of the accessory labour (The latter being applied in contexts where informal labour is transitory, as is the case with domestic workers, gardening, private teachers, sport and cultural exhibitions, summer jobs for the youngsters under the age of 25 regularly enrolled at the University, and seasonal agricultural activities); the accumulation of all direct seniority pensions with earnings from the self-employment and work done for hire, from January 1, 2009; the experimental tax exemption of the wages due for overtime and productivity bonuses concerning the second semester of 2008 (As for the private sector employers, referring to those with a gross income up to 30,000.00 Euros, it is envisaged a dry share of 10% with a plafond of 3,000.00 Euros. This facilitation has to be added to the de-contribution of variable elements also composing the wage, as introduced, on an experimental basis, by Art. 1, para. 67, of Act No. 247/2007, for the term 2008–2010).

³⁸ This type of contract that allows a specific flexible use of workers on certain days of the week and times of the year may help reduce unauthorized work, particularly in the fields of tourism, commerce, shops, etc.

- As for the repressive measures, it is worthy of mention the quintupling of the administrative sanctions in case of violation of labour law, social legislation, social security, and provisions concerning the protection of safety, health and environment in the work-place, besides the amendments to the “maxi-penalty” against undeclared work. Plus, it is also envisaged the suspension of the entrepreneurial activity when it is ascertained that 20% or more of the personnel at the work-place is undeclared, as well as in case of serious and reiterated violations of the protection measures concerning health and safety at the work-place.

348. The intensification of the inspection activities has already produced significant results with regard to the occupational profile and the contributory recovery. Between August 2006 and December 31, 2007, within the solely buildings sector, 37.129 construction sites were inspected. 57% of the 58.330 companies operating in the construction sites were irregular. The suspension measure affected 3.052 companies, of which 3.013 that employed about 63% of informal workers out of 5.723/9.095 workers. The relevant controls underscored that over 206.000 workers (of whom 91.161 Italians and 115.060 foreigners) were not known by INAIL.

349. **The fight against the informal/undeclared labour is one of the strategic priorities at the Regional level too. Some Regions (Latium, Liguria, and Puglia) passed ad hoc legislation on informal labour. Other Regions adopted measures within regional legislation on the labour market.**

350. Within the European Social Funds Planning 2007-2013, Regions have paid specific attention to the theme devoted to immigrants and informal labour. As for the Southern Italy (*Mezzogiorno d'Italia*), the objective to be achieved by the end of said programmed cycle is to reduce the number of those informally working, from 19.6% to 16.8%. In this context, within the European Year on Equal Opportunities (2007), it is also worth recalling that the Department for Equal Opportunities has been promoting **the action entitled “Overwhelmed women (*Donne Sommerse*)”**.

351. The above action has been launched to improve the development of the Country and increase the women’s occupation rate, by matching work conditions, ensuring the appropriate use of competences and professional skills, and setting spaces for the reconciliation between work, family and individual.

352. A significant rise of the rate of women’s qualified occupation may be reached in the work-field of the personal care services at home. In this context — within which the care-work remains mainly a women’s prerogative — there is a strong demand, still increasing that has not found yet an adequate response. Plus, the family changes, including the rise of the life expectancy and the relating inability to be self-sufficient in an advanced life stage, contribute to the increase of the home care-services demand, being still without an adequate and appropriate response.

353. Unlike other European countries, the public intervention and the productivity of Italy in the work-field of the personal care-services are underestimated. Plus the relevant services demand, which is currently increasing, fosters a *parallel market based upon informal and disqualifying labour*. This is a component of the informal market, mainly characterized by female work-force, who works with scarce or nearly inexistent protection. In this context, it emerges that the most employed are foreign women, mainly as “family collaborators (in Italian, *colf*)”, and those Italian women present in areas of the Country with less professional chances, whose choice depend also on their age, low professional skills, limited time of reconciliation between work ad family.

354. Within this framework, it is worth considering that foreign women are often set aside or limited in the enjoyment of the most basic human rights, with the further risk of extending exploitation phenomena.

355. Since long time it has been registered the informal market in the field of the home personal-care services; and its increase warrants adequate counter-measures, to be based on good practices and effective operational models. To this end, by the action entitled “Women overwhelmed (in Italian, *Donne sommerse*)”, it has been taken stock of this situation nationally through an initial seminar, involving relevant stakeholders, at all levels. Moreover, this action paved the way to a notice, in December 2007, as promoted by the Equal Opportunities Department, to finance pilot-projects, aimed at the emergence of the informal labour in the field of the home care services.

356. The primary objective of the financing is to improve the home-care services sector through appropriate and adequate professional responses, such as job qualification actions, the fight against the informal labour, the reduction of the job abandonment and overall the protection measures for the occupational field.

357. The relevant budget allocated by the Equal Opportunities Department amounts to 5 million Euros. Within this framework, six projects were financed with 4.917.420.00 Euros. Such projects will ensure a regular job in the field of the home-care work to thousands women, both Italians and foreigners, in a very large part of the Country so as to make the informal labour more visible: a phenomenon being more and more increasing in Italy, as outlined by an ISTAT survey, which shows that the irregular work in this sector is further beyond 41% out of approx. one million domestic family collaborators (in Italian, *badanti*).³⁹

358. Within this framework, the need for a specific focus on migration, specifically on women migrants, has emerged. By Art. 1, para. 1267, of Act No. 296/1996 (Budgetary Law 2007), the then Ministry on Social Solidarity envisaged the establishment of a Fund entitled “**Fund for the social inclusion of immigrants**”, and aimed at facilitating the social inclusion of the immigrants and their families. For each of the years 2007, 2008 and 2009, the above Fund received the sum of € 50.000.000.00. The protection of women immigrants, exposed to social marginalization, is one of the priority areas of the intervention of the Fund under reference.

359. The women immigrants present on the Italian territory amount to 49.4% of the total resident foreigners. Such situation contributed to launch specific measures to prevent social marginalization and discrimination cases, mostly affecting women immigrants. It is necessary to disarticulate the structural factors causing multiple forms of discrimination targeting women whose vulnerability is amplified by race, ethnicity, culture, religion or age. Besides women immigrants remain the most exposed to both domestic violence and harassment at the workplace, as long as they are legally or economically subjected either to their spouses or fathers or to their employers. In this context, it is worth-mentioning the following measures for women immigrants who face family, work, social or economic difficulties: a) shelters facilities for women and their children; b) socio-economic measures, including education, vocational training and access to the labour market, as well as protection measures against any forms of discrimination, based on gender, ethnicity and race; c) programmes facilitating the access to public services, also through cultural

³⁹ To ensure the proper conduct of the projects resulting eligible for funding, the Department for Equal Opportunities will set up — under Article 13 of Public Notice of 12 December 2007 to finance pilot projects for the emergence of undeclared work in the field care-services at home — a “Technical Table of National Coordination”, that will monitor the implementation of the several funded projects, to ensure congruence between the aims of the Notice and the actual implementation of the projects financed.

mediators; d) awareness-raising campaigns on various women protection tools and mechanisms, to prevent and combat any forms of violence against women. The resources for this Fund amount to Euros 3.393.367.00. In 2007, eleven projects out of 104 applications were financed with Euros 3.317.10746.

360. As for **women members of the Roma, Sinti and Travellers communities**, they bear the family charges, mainly among Roma people. The Romani women often bring their children with themselves in begging-related activities, since nobody else can look after their kids. Only by promoting their access to labour market, such situation may change and thus eradicate also other phenomena, such as the use of drug and alcohol.

361. As for **women with disabilities**, they are the most affected by such situation. In 2005, while people with disabilities amounted to 4.8%, the percentage of women with disability counted 6.1% and men were 3.3%. Such disadvantage does not solely depend on the higher life expectancy of women. Between the age of 70 and 74, the percentage of women with disability amounts to 11.4%, while men with disability are 7%. Between the age of 75 and 79 the above percentages reach 20.8% and 13.4%, respectively. Nearly half of the women over 80 (48.9%) are affected by various forms of disabilities, while men amount to 35.8%.

362. As for the access to work for people with disability, **the gender gap is relevant:** only 1.8% of the women work and men amount to 6.8%. However it seems that the younger generations affected by disability, mainly women, are benefiting from the work integration policies, rather than the older generations: among people with disability whose age ranges between 15 and 44, women employed are 13.9% while men amount to 22.3%.

363. The gender gap is more relevant in the age's group ranging between 45 and 64 (10.4% of women and 24.6% of men). 80.4% of people with disability has a full-time job, but with a lower job position if compared to the entire population (88%). Among women with disability, those with a full time job are significantly lower: 70%, while men are 86.4% [Source: ISTAT 2006].

364. The relevant legislation on workers with disabilities dating back to 1999 was integrated by Act No. 67/2006 on "Measures for the judicial protection of persons with disabilities, being victims of discrimination", by which effective legal tools have been introduced in the Italian legal system, in order to guarantee equal opportunities for the persons with disability in all sectors, including labour. Therefore it is prohibited any direct or indirect discriminatory practice against persons with disability.⁴⁰

365. As for the judicial protection of persons with disability, by Art. 4 of Act No. 67/2006 relevant associations, as enlisted in a joint Decree of the Minister for Equal Opportunities and the then Minister for Social Solidarity, may file complaints on behalf of the victims. On June 21, 2007, the above Ministers signed a Decree envisaging the requirements for the relevant locus standi, pursuant to the above-mentioned Art. 4 of Act No. 67/2007.

366. As for the access of the persons with disabilities to the labour market, the IV Report to the Parliament on the implementation of Act No. 68/99, entitled "Provisions on the right to work of people with disabilities", for the Years 2006–2007, as submitted by the Minister on Labour, Health and Social Policies, indicates that the year 2007 was marked by the highest number of those having access to work (31.535 people with disabilities).

⁴⁰ The law under reference was intended to promote the implementation of the principle of equal treatment and equal opportunities for persons with disabilities (Article 3 of Act No. 104/1992), in order to ensure their full enjoyment of civil, political, economic and social rights, as enshrined in Article 3 of the Constitution.

367. In addition, for the first time the Northern Eastern Regions market signalled an involvement higher than in Northern-West's. It was registered the number of 10.151 people in the former case, while in the latter it amounted to 9692. Data from the other Regions show that these figures are increasing in both the Centre (with 5.548 workers) and the South, including the Islands (with 6.144 workers). The above data may also be interpreted according to a gender approach, which contributes to detect and consider specific gender needs.

368. The **gender analysis of the situation of people with disability** entails a specific focus on two areas: on one hand, the situation of women with disability – those putting forward specific demands to the System; on the other, the phenomenon of multiple forms of discrimination.

369. As for men and women with disabilities being registered under the unified provincial job list, their registration in the relevant lists across the Country show percentages equal to other contexts with higher rate of women and men registered in the Southern Italy, including the Islands, followed by those in the Centre of Italy, and finally by those in Northern-West and Northern-East. At the national level, those men being registered are always more than women in all geographical areas (+5%).

370. While the job start-up of women and men with disabilities differs throughout the country, it was recorded a uniform trend in the biennium 2006–2007. More specifically, by analysing within the above biennium the job start-up of those registered on the unified provincial job list as at December 31 of each of the years 2006 and 2007, it emerges that even in those areas where women registered are quantitatively higher than men, the rate of those women starting a job remains lower than men's. Nationally, women with disability being registered amount to 48%; and if considering the rate of start-ups, they amount to 36%.

371. The multiple forms of discrimination affecting women with disabilities stem from objective, social and cultural factors. Within the broad range of unfavourable conditions, as a way of example, it may be stressed: their greater vulnerability from physical, psychological and social standpoints; the limitations they meet when carrying out their daily activities; the lower access to social resources, including education, vocational courses, IT training, job, social and health-care services, sport, cultural activities and leisure time; the difficulties they face in achieving higher educational levels; the access to services based upon a medical approach rather than a social one; a more unfavourable disadvantaged condition, so as to expose people with very serious disabilities to poverty. More importantly, they are often victims of abuse, including sexual violence, besides being hindered or discouraged to a sexual life, including relationships and motherhood (as for the latter case, it may happen that they are compelled to drop their job if opting for motherhood).⁴¹

372. Within the Italian labour market, **it emerges a rather marked gender pay gap**. From a very recent research conducted by ISFOL (2007), the average pay gap ranges between 15% and 23%, if considering elements such as the type of data-base, the labour context and the wage.

⁴¹ The issue of disability is also reflected in terms of reconciliation between work and care duties. In Italy it is the family and especially the woman to take charge of the disabled. During the past years it had been provided, through the budget laws for families with the disabled and elderly, funds for home care services, forms of support to relatives and "good neighbor", to promote ties in the territory. However, it has to be stressed that future policies on reconciliation must necessarily take into account the problem that women are particularly affected since within the family *menage* they care for the disabled.

373. The average income for men amounts to 16.347 Euros and as for women it barely reaches 12.537 Euros (ISTAT, 2006). In Italy the gender pay gap grows with the rank and the position to be covered. The gap between workers and those employed amounts to 11–12%, while it reaches 24% with regard to managerial and executive positions. Similarly, the pay gap grows with the level of education of workers. In practical terms, if compared to men with a high school diploma, women with the same diploma earn 74.4 %. Among those being graduated, the yearly average income differs of 36.5 %. In one of its 2007 reports, the EU Commission indicated the gender pay gap within the Universities: In Italy women researchers earn approx. 25.652.00 Euros, while men reach 38,440.00 Euros with a differential pay, amounting to 33.27%.

374. An additional relevant factor is the age. The so-called pay profile in the women career is “flatter” than men’s. It results in a more marked gap: if the differential among young people amounts to 5%, with regard to the older people, it significantly raises and overcomes 20%.

375. If women in the labour market are concentrated in areas and professions with a lower wage, their average income will be lower than men’s. Accordingly, the existing obstacles to improve the women’s average wage contribute to maintain the gender pay gap.

376. **As for women in the labour market, another factor to be considered is the frequency of the work interruptions due to the difficulties to reconcile work and family, which characterizes the Italian context.** The reconciliation problem works on a double track: on one hand, it often forces women to drop their job when nearing events such as the motherhood, with the result of interrupting the normal wage progression linked to the professional career, on the other it reduces, to a later stage, the career opportunities of women due to their lower availability to work.

377. **Further to a Bank of Italy analysis, the gender pay gap, at the same job position, is more marked in the private sector than in the public.** Regardless of their position, women in the private sector earn less than men, with the result that the gender pay gap is amplified. **In the private sector**, this gap is higher among the executives/top managers. The differential amounts to 37.1%, whereas in the public sector it amounts to (29.8%). At the same job position, an executive in the public sector has a differential corresponding to 1/3 of what is “suffered” by his/her colleague in the private sector. It emerges that the public service is less discriminatory, particularly at the top level.

The average income for the employees, according to gender, sector and professional position

<i>Sector</i>	<i>Position</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Diff %</i>
Private	Worker	12 406	8 708	11 314	29.8%
	Employed	16 640	12 614	14 533	24.2%
	Top manager/Executive	32 698	20 551	29 876	37.1%
	Total	14 774	10 913	13 367	26.1%
Public	Worker	12 752	10 825	11 961	15.1%
	Employed	16 672	14 253	15 271	14.5%
	Top manager/Executive	26 195	22 866	25 251	12.7%
	Total	17 735	14 454	16 025	18.5%

<i>Sector</i>	<i>Position</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Diff %</i>
	Worker	12 432	8 960	11 371	27.9%
	Employed	16 655	13 500	14 913	18.9%
Total	Top manager/Executive	29 584	21 815	27 581	26.3%
	Total	15 528	12 307	14 197	20.7%

Source: Elaboration of the Bank of Italy data. Sample survey on the Italian families' budget, 2002.

378. To sum up, the women population has a less stable position within the labour market and a lower income than men. The rate of women employed under fixed term contract amounts to 15%, while men's rate reach 10.5% (such discrepancy is high at the stage of the hiring) with the further consequence that women face more difficulties to move to a permanent job.

379. Against this background, over the last decade, although slowly, the position of women in the economic world has improved with the rise of self-employed women and female entrepreneurs, mainly in the services sector, who amount to 30% (2006).⁴²

380. The gender pay equality⁴³ and the improvement of the quality of the women's occupation are contained, among others, in the regional planning 2007–2013 on the cohesion policy. The Italian Government is fully committed to tackling this very serious gap. Among the various measures, it is worth-mentioning the Project entitled *Bollino Rosa S.O.N.O. Stesse opportunità Nuove opportunità*.

⁴² The above data have to be combined with those concerning the low presence of women in the decision-making processes at the economic, institutional and political levels.

⁴³ The Department for Equal Opportunities has promoted and implemented as part of the 2000–2006 EU programming, system-actions aimed at analyzing the phenomena related to the unequal conditions between men and women, especially in relation to pay differentials. The Department has made, specifically, the project "Gender pay gaps: hypotheses and in-depth research". This project has been the definition of a statistical survey with a representative sample of Italian families, to analyze the determinants of the genesis of wage differentials. It was also activated a research team composed of some of the major national experts of the topic, aimed at preparing a survey.

Programmes entitled PARI – reconciliation actions targeting women

Abruzzo	872	715	7	145	84	229
Basilicata	233	209	77	160	57	217
Calabria	928	868	63	250	222	472
Campania	2 160	2 041	25	647	709	1 356
Emilia Romagna	1 019	531	716	464	2	466
Friuli Venezia Giulia	325	296	5	157	41	198
Lazio	1 601	1 399	9	653	509	1 162
Liguria	1 551	1 467	1 257	861	57	918
Lombardia	1 270	1 066	119	906	183	1 089
Marche	708	494	444	355	69	424
Molise	292	288	75	110	29	139
Piemonte	818	469	123	282	118	400
Puglia	666	609	1	120	106	226

381. Within the European Year on Equal Opportunities (2007), the Ministry on Labour launched the above project with the aim of detecting an effective tool for the voluntary certification of gender quality, by which a system of certification is released by ad hoc private or public organizations for those companies being in a position to prove the adoption of non discriminatory company strategies and practices.

382. Within this framework, it is also worth-mentioning the following **tax measures adopted with the aim of supporting the development** and reducing the territorial gaps:

(i) **Budgetary Law 2007** (Act No. 296/06), by which it has been introduced the so-called social burden (in Italian, *oneri sociali*) with a specific focus on women's occupation and on the Southern Italy (in Italian, *Mezzogiorno*). The fiscal burden and the contributions on the gross salary have been reduced of 5%, by sharing the 60% of benefits (3%) among enterprises and the remaining 40% (corresponding to 2%) among the workers. As for the tax relief for enterprises, the above measures included a reduction of the job costs within the national taxation addressing companies, called *IRAP*, specifically when hiring permanent workers; a further reduction of 5.000,00 Euros for each worker, to be added to 5.000,00 Euros for the *Mezzogiorno* Regions (in observance of the limitations envisaged by the *de minimis rule* envisaged by EC Reg. 1998/2006). A further reduction has been envisaged for those enterprises hiring women in geographical areas, where the unemployment rate overcomes the EU average, by 100%. By this policy the entrepreneur saves between 150,00 and 170,00 Euros, per month, per each women employed in the company;

(ii) **Budgetary Law 2008**, by which (Article 2, paras. 539 through 548) it is indicated the so-called tax credit, amounting to 333.00 Euros for every single worker and work's month in the event employers hired permanent workers, mainly in the *Mezzogiorno* area, in the year 2008 (in the latter case such rule has been applying for the years 2008, 2009 and 2010, respectively). With specific regard to disadvantaged women, such sum has been increased up to 416.00 Euros;

(iii) By Article 2, para. 509, of the 2008 Budgetary Law, it was envisaged a bonus for the year 2008, amounting to 20 million Euros, for people searching the job for the first time, to be devoted either to vocational courses or directly to the enterprises hiring with a permanent contract;

(iv) By Article 2, paras. 539 through 548, it is also envisaged a discount on regional taxes for companies. This measure had been already included in the previous Budgetary Law, and then extended for three more years in the event of those women who were hired in the year 2007, in the *Mezzogiorno* area.

Sardegna	334	84	2	122	12	134
Sicilia	597	595	130	311	10	321
Toscana	831	385	79	191	14	205
Umbria	341	7	31	30	2	32
Veneto	486	485	30	125	416	541
Total	15 032*	12 008	3 193	5 889	2 641	8 530

* In some regions, to PARI regional plans it has to be added those data on thematic programmes.

** In those "out of the system", it is included the datum on those retired, those refusing the occupational inclusion, and those not immediately available to work.

383. Within this framework, it is also worth-mentioning that in the budget estimation of the Ministry for economic development, it has been established a 200 million Euros Fund for each of the years 2008, 2009 and 2010, to be taken from the National Fund for the under-utilized areas.

384. Additionally, the **EU Initiative called EQUAL** contributed to fight all forms of social and professional discrimination, by fostering new approaches and practices, specifically when accessing the labour market. The gender equality and the fight against gender discrimination were considered a political priority within the above-mentioned Initiative, aimed at eradicating *inter alia* the persistent forms of discrimination and vertical and horizontal segregation.

385. The gender equality and the equal access to opportunities has been developed by considering various aspects, including the domestic and regional normative framework, the regional needs, bests practices, strategic priorities, the Lisbon agenda and the European strategy for the occupation.

386. As for the Italian situation, the priority refers to **the eradication of the gender gap and the reduction of the professional segregation**. Accordingly Italian Authorities have emphasized the need to remove gender obstacles which limit the equal access to opportunities within society, vocation and labour market.

Equal Opportunities Projects, as financed through EQUAL

	<i>Sector</i>	<i>Region</i>	<i>Total</i>
EQUAL I Phase	5	29	34
EQUAL II Phase	6	45	51

387. Along the above lines, it is worthy of mention the **Project entitled *Pari-Italia Lavoro***, of which the recipients are: workers under the so-called Integration Fund (in Italian, *Cassa Integrazione*), namely under substitute treatment of the wage to be allocated when the job is temporarily suspended; workers under mobility, namely under substitute treatment of the income when the work activity is stopped or changed; and dismissed workers.

388. Furthermore a section of the above project has been devoted to unemployed women who can apply for the so-called **inclusion/integration contract**, by which they receive 450.00 Euros per month over ten months, with the aim of facilitating the reintegration into the labour market. The above contract may be utilized in those geographical areas where women reside, as detected by the Ministry of Labour (namely where the women's unemployment rate is higher than men's).

389. In terms of the objectives achieved so far, it may be considered that approx. 15.000 women were involved. Over 12.000 women were involved in the above scheme, of which 5.900 women were placed again in the labour system, successfully (namely 40% of the cases under reference).

390. On March 1, 2008, the Inter-ministerial Decree dated October 30, 2007 entered into force and introduced **the mandatory system of the e-communications on job relations, which has significantly simplified the communication obligations vis-à-vis the job services and the social security Authorities**. This system collects all the communications by employers, both public and private, about all relevant events, including the beginning, the variation and the conclusion of the job relation. Such system has been elaborated with the further aim of collecting relevant quantitative and qualitative gender disaggregated data, particularly to detect the situation of women workers per number, age, nationality, type of work, wage amount, change and conclusion of the job relation.

Article 12 on health

(Please for all relevant statistics provided by ISTAT, refer to Annex No. 2.)

391. The right to health of women entails primarily the acknowledgment of its scope in both the health-care and socio-economical fields. Then it requires a specific focus on the constitutional framework within which it is enforced (Please see also *supra* under the section devoted to the Introduction).

392. From an institutional standpoint, in observance of the so-called **Bassanini Law**, the current Government has reduced the number of Ministries, by combining the Ministry of Labour with the Ministry of Health and the Ministry on Social Solidarity. Thus, from the second semester of 2008 onwards, there is only one Minister with the following tasks: Labour, Health and Social Policies.

393. In observance of Title V of the Italian Constitution, the so-called **health-care federalism has been introduced**. Thus the relevant normative framework relies on said Title, as amended by constitutional Act No. 3/2001, D.P.C.M., dated November 29, 2001 and following integrations concerning the detection of the so-called Essential Levels of Health-care (in Italian, Livelli Essenziali di Assistenza).

394. This sector, in the period covered by the Report under reference, has been also guided, *inter alia*, by the State-Regions Agreement, dated March 23, 2005 (in line with Article 1, para. 173, of Act No. 311/2004). **This Agreement assumes the respect for the principle of the uniform distribution of the above Levels under adequate conditions, efficiency, quality, and consistently with the planned resources by the National Health-care Service**. The relevant provisions recall DPCM 29.11.2001, as entered into force on February 23, 2002, which defines Livelli Essenziali di Assistenza (acronym in Italian, LEA), namely the services and the performances by the National Health-care Service, to be provided to all citizens, free of charge or upon payment of a participation fee (in Italian, ticket), by means of public resources collected through the general taxation.

395. **LEA** is organized in three big clusters: (i) The collective health-care assistance in living and working environments, including preventive measures for both the individuals and the society; (ii) The district assistance, namely social and health-care services throughout the Country, from the basic medicine to home care-services, from the counselling to the hospitals.

396. Regions, being responsible to detect health-care services and facilities are thus committed to ensuring the effective distribution of services under the LEA umbrella, by taking into account the specific needs of each regional territory. Besides the envisaged services, Regions may also include additional activities whose costs will be borne by the Regions themselves.

397. In line with the gender approach designed by relevant international Conferences (primarily Beijing 1995), the EU and WHO resolutions, among the health-care priorities for the period 2005–2008, it is worth enlisting the following ones: Cardiovascular prevention, including the dissemination of the Charter of cardiovascular risks to specific targeted groups; The prevention of obesity in women of childbearing age and in children; Screenings, including for breast cancer and cervical cancer; The prevention of accidents, including road, home and at work accidents; Vaccinations, including the implementation of the vaccination coverage, specifically for those belonging to groups at greatest risk and, more generally, the improvement of the quality of vaccination services and activities.

398. Such priorities have to be considered jointly with some national demography data: Italy is characterised by a greater life expectancy, as a result of the increase in the elderly, “big seniors” and a slight rise of the child-birth rate, depending mainly on the birth of foreign babies in Italy.

399. The high **life expectancy** at the birth is a matter of fact. At present, as regards women, they reach the age of 82.9. Such figure indicates the relevant increase in the older population, who is located across the Country with unhomogeneity and differing needs on which to modulate the regional health-care offer.

400. **Reliable demographic forecasts** show a steady increase in the number of elderly people (over 65) and very old people (over 85). In recent years, the life expectancy of women in Italy has been constantly growing and has reached 84 years, 6 years longer than men. This value, however, hides the differences between the various Regions, ranging from the age of 85 in the Marche Region to the age of 82.6 in Campania.

401. In Italy, 56% of women state that they felt, “good” or “very well”. This percentage varies in the Regions: from 59% in Friuli Venezia Giulia to 51% in Umbria (excluding the specific data from the Autonomous Province of Bolzano, 75%). The percentage drops to 20% for the over 65, so that 3% of women between 65 and 69 years and 2% of men aged 65 to 69 years are in need of daily care. This percentage rises to 25% in women over 80, and to 16%, as for men. Consequently, the prevalence of **chronic diseases** of the elderly has increased by about 50% over the last 10 years.

402. The age-related diseases and diseases with high morbidity for which there are perspectives for prevention, treatment or delay in the onset and the disability related to them are enlisted as follows: Osteoporosis, osteoarthritis, diabetes, cardiovascular disease, depression, Alzheimer’s disease, dementia, Parkinson’s disease, cancer, including breast, cervix, and colon-rectum ones, chronicle obstructive bronchus pneumopathy (acronym in Italian, BPCO), physical disability, psychological and mental disability. It is difficult to provide reliable frequency data on these diseases, but for example we know that dementia is a condition that affects from 1 to 5% of the population over 65, with a prevalence that doubles every four years later on, reaching then a percentage close to 30% at the age of 80.

403. In Italy it is estimated that about 500 thousand patients suffer from Alzheimer’s disease. Although not recent, **the 2005 data on the rate of women with at least one serious chronic disease amounted to 13.1 per 100 women.**⁴⁴ Conversely in Italy, as in many countries with advanced economies, we have witnessed in recent years a marked decrease in the birth rate. Currently, the average number of children per Italian is 1.2: a figure among the lowest in the world.

404. The above demographic changes have affected the detection of health-care needs since the epidemiological picture stresses the prevalence of some types of diseases, such as chronic degenerative diseases, cardiovascular diseases, cancers, and other ageing diseases, as well as those related to socio-economic conditions. New needs emerge, spanning social and health-care contexts vis-à-vis the socio-economic development, the rise of the immigration and the mobility of the general population. The clear characteristics of the Country, such as the population ageing, the low birth rate, the need to control preventable infectious diseases, with appropriate strategies, have prioritized the areas of cardiovascular

⁴⁴ Regarding exclusively female tumor diseases, the incidence of breast cancer was 37,302 cases in 2005, while the prevalence amounted to 415,910 cases. The rate of disabled women is about two times higher than men’s (6.12% vs. 3.32%). Among the most frequent causes of death, it is worth mentioning: diseases of the circulatory system (46.8%) and cancer (23.8%–17% is for breast cancer).

diseases (leading cause of death and consumption of healthcare resources),⁴⁵ the cancers (primary cause of years of potential life lost), other diseases related to childhood and ageing (See diseases, such as osteoporosis, mainly affecting women).

405. As for **the preventive health of women, between 2005 and 2008, four critical socio-health care profiles were detected**, through the work of a technical table on the “health of women,” the Commission on Women’s Health (established in 2006), the relevant debates that took place at the Forum called SANIT and an ad hoc Plan, as submitted in 2007, the so-called “Action Plan for the Health of Women and Children”, whose guidelines is now being implemented:

(i) Women with addictions caused by physical and mental diseases. It concerns old women who suffer an addiction and have to rely on other people to carry on; and women, whose will depends on substances, such as smoking, alcoholism, drug addiction . or by other persons;

(ii) Women and post-partum depression. They are those being victims of a pathology, which represents another risk profiles recently identified which may also trigger serious health consequences on the child (In this regard, it is worth-recalling some projects developed at the regional level, such as the project, “Mom beyond the blue”, aimed at overcoming the post-partum discomfort and more generally the prevention of depression, by the Emilia Romagna Region, in collaboration with the Department for Equal Opportunities);

(iii) Women who suffered or continue to suffer from various forms of violence, especially sexual offenses and mobbing (In this regard, it may be recalled that there are various types and degrees of violence which women can be subjected to: physical violence and sexual violence but also psychological. It is also growing the violence grounded on cultural reasons, especially among immigrant women. As to the latter, the latest figures indicate the reduction of complaints despite the non-decrease of cases of violence. Violence against women has serious health consequences as pointed out by the WHO, which are often overlooked: it causes physical damage, disability and temporary permanent, unwanted pregnancies, gynaecological problems, sexually transmitted diseases, gastro-intestinal problems, cardiovascular problems and, last but not least, self-injurious behaviours);

(iv) The immigrant woman. The profile of immigrants is particularly at risk because of their biculturalism which entails social and health-related consequences, such as ad hoc training courses for doctors, the particular social and medical conditions of the migration process, the different perception of symptoms in relation to culture, the particular situation of the girl-child (2nd generation), reproductive health-care and the right to free and responsible procreation, motherhood. Among major problems, it is worth recalling the prostitution, the poor knowledge of contraceptive methods, and the spread of AIDS.

406. According to ISTAT figures, submitted on March 2, 2007, 8.3% of Italian women report poor health compared to 5.3% of men, but women are more attentive to their health and undergo more often in prevention inspections than men. Along these lines, **women are at the first place in the consumption of pharmaceutical products**. According to ISTAT data (2005), in terms of percentage, the following figures indicate the pharmaceutical consumption in Italy: 42.1% of women and 32.3% of men.

⁴⁵ It has been estimated 120 casualties out of 100,000 individuals.

407. Negative effects from the use of medicines affect more frequently women (+1.5–1.7%), even though such figure is less reported in relevant studies. So far, gender prejudices have affected such area, on the idea that the origin of disease mainly stems from the hormonal variability. These prejudices delay the pharmaceutical research, the research devoted to detect the socio-environmental factors as well as the primary prevention, namely the eradication of the causes and the risk factors.

408. Until a few years ago, **women were scarcely recruited in clinical experimentation**. In recent months, it has been registered a change of attitude, at least, as regards the number of women involved, although the gender analysis is still inadequate, probably because this leads to an increase in the cost and complexity of the experimentation.

409. On a more specific note, the analysis, as appropriate, of the effects of drugs in women aims at studying their efficacy and safety also with regard to the reproductive life of women (menstruation, pregnancy, breast-feeding, menopause, etc.). In recent years, along with the changing role of women in society, there has been a variation of the diseases affecting women. The demand of growing commitments led to increased stress and depression among women. Diseases which, in the past, mostly stroke men, such as cardiovascular disease and certain cancers such as lung cancer, are becoming important causes of death in the female universe.

410. From “**The 2005 Report on Cancer in Italy**”, it is clear that, while decreasing in men, the incidence and mortality from malignant tumours in women are increasing, albeit with a lower trend than in the previous years. On the contrary, cardiovascular diseases are the leading cause of death also for women. In Italy, only due to myocardial infarct 33,000 women die each year. This is three times more than deaths caused by breast cancer. The coronary lethality is relevant in all areas of national territory, since it is far worse in women. In fact between the age of 35 and 74, three men and four women out of ten die, within 28 days of the onset of symptoms. Furthermore, by comparing the rates of coronary and cerebrovascular events, it emerges that men predominate in the former and women in the latter (source: National Centre for Epidemiology, Prevention and Health Promotion – Istituto Superiore di Sanita’ Roma).

411. According to international statistics, **cardiovascular disease** has been always considered a disease more common in men. Nowadays this is the number one killer for women between 44 and 59 years and far exceeds all causes of death. There is still a gender bias regarding the approach to cardiovascular problems in women. Although the diagnosis is done in a more advanced stage than men, the prognosis is more severe for the same age.

412. As mentioned earlier, every year in Italy there is still about **240 thousand new cancer cases and 140 thousand are the fatalities (28% of overall mortality)**. There are, thus, almost a half million people living with cancer, among recovered patients, new cases and those under treatment. The incidence of these diseases is constantly increasing due to aging population and for exposure to risk factors known and unknown, and carcinogens such as cigarette smoking, and certain environmental pollutants. It is estimated that in 2010 there will be about 270 thousand new cases of cancer per year and 145 thousand deaths. In the data provided by the network of the Italian Cancer Registries, lung cancer is the one with the highest incidence, followed by breast, colorectal and stomach. The distribution of cancer in Italy is characterized by a difference in incidence and mortality in large areas of the country, particularly between the North, where there is an increased risk of getting sick, and the South.

413. **Breast cancer** is the most common cancer and cause of death among women. **The National Plan of Prevention and organization of screening programs have achieved significant results, but there are strong regional differences and even social inequality: In Southern Italy, over 60% of women in the targeted population remains without the offer of mammograms even within organized programs.**

414. As for **cervical cancer**, the disease is related to infection linked to human papillomavirus (HPV). In a proportion of cases, years after, the infection persists and can lead to cancer of the cervix. Today, the tumour can be detected at a very early stage with a Pap test and possibly with the HPV test. These two weapons join the vaccine, recommended at the ages between 9 and 26. As for the prevention and protection of women's health, in 2008 there was the launch of the **campaign of vaccination against cervical cancer, aimed at all women, but guaranteed free of charge to young Italian women between 11 and 12 years.**

415. Since March 2008, the campaign offering the relevant vaccine was given free to girls (from those born in 1997) between 11 and 12 years, uniformly throughout the Italian territory, resulting in a progressive immunization of young adult population exposed to the risk of said infection. **To encourage the spread of the public vaccination against cervical cancer across the country's, from the 2008 Budget Act it has been allocated 30 million Euros as an additional contribution to the resources already earmarked for pharmaceutical assistance. Another 40 million Euros have been retrieved from the budgetary chapters of the then Ministry of Health.**

416. Within this framework, it is also worthy of mention that the current Minister for Equal Opportunities intends to launch a **communication campaign** on the importance of preventing female cancers, by stressing long-term effects, both biologically and socially, in order to also identify effective rehabilitation measures for the reintegration of women in the workplace and in society.

417. As regards **cancer and accidents at work-place**, it is reported the preparation of the "Manifesto for the protection of the rights of those sick and ill oncology, women and men, at work", sponsored by LILT (Italian League for the fight against cancer – a public entity which operates under the high patronage of the President of the Republic and the supervision of the Ministry of Labour, Health and Social Policy), in collaboration with the ADAPT Foundation and the EUROPA DONNA Association.

418. The aim of the above event is to expand and extend collective bargaining in all public and private sectors to protect workers suffering from oncological disease, by including, among others, the expansion of the reference period for the calculation of sick and the maintenance of the workplace, the facilitation of the recruitment of specific types of contract, part-time, modular and flexible, the promotion of initiatives for reintegration into the workplace. **The Manifesto was presented to the President of the Republic and thus developed under the code of the rights of women affected by cancer. Consequently it was introduced to the European Commission in order to implement policies in accordance with European Directives that call for more attention to standardize relevant legislation across the EU countries.**

419. In the light of demographic trends described above, **considering the decrease in the average number of children per woman, the tendency to postpone the beginning of reproductive life, and in part, the recovery of fertility in older age**, the Italian Authorities, in the period covered by the report, have been paying more attention to **pregnancy and childbirth.**

420. The **protection of maternal and child health** has led to an analysis of relevant data, from which it is noted that pregnant women undergo an average of 7 control visits during pregnancy (which increases in the event of risk pregnancies). The obstetric ultrasound scan is the preferred technique in the study of foetal well-being, while the use of amniocentesis, the most used technique in prenatal invasive techniques, varies e at the regional level: it is most used in the North.

421. Accordingly, there are some regional differences that must be considered. The Southern regions and islands of the country present data worse than the Central and Northern regions'. In the former regions, women have more limited opportunity to attend pre-natal classes and to choose the mode of delivery. In 2004–2005, 23.4% of women in Southern and 21.8% in Italian island said they had not attended a childbirth preparation course either due to the lack of organization by relevant structures or being not accessible. 45.9% of women in Southern and 42.8% in the island said they were alone at the birth because the structure did not allow the presence of other people. Similar figures apply to the use of caesarean delivery⁴⁶ and general anaesthesia, the rate of infant and child mortality, low birth weight and the use of breast-feeding.

422. Given those figures, for the period under consideration, there have been some notable initiatives, including the adoption, in October 2006, by the Council of Ministers, of the Bill, entitled "**Regulations for the protection of the rights of labour, childbirth and the promotion of safeguarding the health of the newborn**" as assigned to the XII Commission on Social Affairs of the Chamber of Deputies, on 5 September 2008. This DDL, once approved by Parliament, will aim at: protecting the rights and health of the pregnant woman and child through the promotion of knowledge of the care modalities and health-care practices; the use of modalities for pain control during the delivery; reducing the risk of disease for the future child; fostering physiologic birth; reducing the use of caesarean operations; promoting breastfeeding; guaranteeing equity in access to maternal and child protection services, by including the immigrant population; promoting continuity of care before and after birth.

423. Similarly, to **encourage breast-feeding** the Italian Authorities have launched several initiatives, such as: an agreement in the State-Regions Conference where they approved the first national guidelines on the protection of the rights of the parturient, the promotion of natural childbirth and the protection of the health of the newborn.

⁴⁶ Caesarean operations:

Data for 2003 can be integrated and compared with the surveys of 2005

	2005	2003
Campania	60%	(58.2%)
Sicilia	52.5%	(48.1%)
Friuli Venezia Giulia	23.9%	(22.4%)
Molise	48.9%	(42.3%)
Puglia	47.7%	(43.5%)
Prov. Auton. Trento	23.2%	(27.1%)
Basilicata	50.4%	(51.4%)

Only in the last two figures, please note a trend reversal.

424. On December 20, 2007, the Ministry on Health reached an agreement, on behalf of the Italian Government, with the Italian Region under special statute⁴⁷ and more generally with the so-called State-Regions Conference, on “The National Guidelines on the protection, and promotion of the breast-feeding practice”. In doing so, this text provides guidance, nationwide, on breast-feeding. Specifically, this recommends: the breast-feeding as the solely method for feeding children, up to the age of six months. This also envisages the support for the extension of such practice as long as mothers will manage;⁴⁸ the establishment of an Ad Hoc Committee, pledged on the issue of breastfeeding (The Committee was set up by DM 15 April 2008, for the following purposes: to facilitate the smooth functioning of a national network of protection, promotion and support of breastfeeding pursuing the objectives outlined in the “National Guidelines on the Protection, promotion and support of breastfeeding, including on how to promote uniform collection of data on the prevalence of breastfeeding according to the criteria of ‘WHO’); the publication and dissemination of a pamphlet entitled “Breastfeeding – a drop of wisdom, a great opportunity”, written in collaboration by the then Ministry of Health, the National Institute of Health and the Centre for Child Health.

425. Accordingly, at the national level, various campaigns have been launched: “*Guadagnare salute, rendere facili le scelte salutari*”, by the then Ministry on Health. This program aims at involving all relevant institutional stakeholders, in promoting awareness-raising campaigns on how to change “incorrect approaches”. Inter alia, this envisages a specific support for the above project on the so-called “Friends of Children’s Hospitals”, by enhancing relevant activities⁴⁹ and ensuring the compliance with the international relevant Code; “*Genitori più*”. This is a national awareness-raising campaign, promoted by the then Ministry on Health. By this campaign, originally projected by Veneto Region under the UNICEF-Italia auspices and soon extended nationwide, the Ministry on Health addressed parents across the Country, with the aim of highlighting the importance of the solely breast-feeding; “*Promozione e valutazione di qualità di modelli operativi del percorso nascita*”, being a program launched by the Ministry on Health, jointly with the National Institute on Health, with the aim of implementing specific actions to promote breastfeeding. To this end, at the regional level, while recalling the Italian constitutional framework and system

⁴⁷ Article 116 of the Italian Constitution entitled “Special Forms of Autonomy”, sets forth as follows:

(1) According to their special statutes adopted by constitutional law, particular forms and conditions of autonomy are enjoyed by Friuli-Venezia Giulia, Sardinia, Sicily, Southern Trentino, and the Aosta Valley; (2) The region Southern Trentino consists of the autonomous provinces Trento and Bolzano; (3) Upon the initiative of the region concerned, after consultation of local administrations, state law may assign further particular forms and conditions of autonomy to other regions according to the principles laid down in Art. 119; such forms and conditions shall concern the matters specified under Art. 117, para. 3, as well as the matters listed in paragraph 2 of the same article under the letters l) — with regard to the organization of the offices of the justices of the peace only — n), and s). The law, based on an agreement between the state and the region concerned, needs the approval of the Chambers with a majority of their members.

⁴⁸ Please, see Official Bulletin No. 32, dated February 7, 2008.

⁴⁹ Among the initiatives to be promoted, worthy of mention are as follows: Training for health-care providers; adequate information to be provided to mothers; specific legislation for mothers-worker; agreements with the private sectors to avoid the free supply of artificial milk in the specific hospital divisions; agreements with scientific societies and the Association promoting the breast-feeding.

(within which Italian Regions enjoy specific autonomy in this area, pursuant to Art. 117⁵⁰ of the Italian Constitution) specific regional initiatives are worthy of mention: the establishment of an ad hoc Inter-regional Working Group, composed of regional competent Divisions; UNICEF-Italia concluded specific Memoranda of Understanding on the promotion of breast-feeding with some Regions, namely Abruzzo, Toscana, Val d'Aosta and Veneto.

426. In this frame, it is worth indicating that **maternal mortality** has been gradually reduced, going from 490 deaths of the 70's to fifteen cases at the beginning of 2000. Although it is recognized that such situation has to be kept under control, especially in territorial areas where there are socio-economic conditions less favourable and with a high presence of migrant women.

427. Considering the mother and child health, mention has to be made of the issue of infertility and the rules of **Medically Assisted Procreation**, as introduced by Act No. 40 of 19 February 2004, being supplemented by the Decree of 7 October 2005 (OJ No 282 of 3 December 2005). Such Legislation established the National Register of Facilities authorized for the application of techniques of Medically Assisted Reproduction; and aims at solving problems of sterility or infertility, if there is no other effective treatment to address the causes of said problems.

428. At the programming level, the Ministry of Health defined the Guidelines detailing the procedures and techniques of medically assisted procreation, which are updated periodically, at least every three years, in relation to the technical-scientific development and progress, in accordance with Act No. 40/04.

429. The MAP techniques include a range of treatment options at different levels of invasiveness, both technical and psychological (techniques of 1st, 2nd and 3rd level). Over the years, in the light of the criticism against this Act, the Ministry of Health has undertaken a study for a specific course of action, called "**National Plan for prevention of infertility**". In this framework, it has been selected a range of public health objectives, such as primary prevention of causes of infertility and correct information campaigns targeting women, couples and the entire population, including the youngsters.

430. This context, however, has proven to be insufficient to protect the rights of couples and women, particularly their right to motherhood. Therefore, the Constitutional Court has started since 2006 (Order No. 369/2006) to act on certain rules of law and the related

⁵⁰ Article 117 of the Italian Constitution entitled "State and Regional Legislative Power" sets forth: "(1) Legislative power belongs to the state and the regions in accordance with the constitution and within the limits set by European Union law and international obligations. [omissis] 3) The following matters are subject to concurrent legislation of both the state and regions: international and European Union relations of the regions; foreign trade; protection and safety of labor; education, without infringement of the autonomy of schools and other institutions, and with the exception of vocational training; professions; scientific and technological research and support for innovation in the productive sectors; **health protection**; food; sports regulations; disaster relief service; land-use regulation and planning; harbors and civil airports; major transportation and navigation networks; regulation of media and communication; production, transportation and national distribution of energy; complementary and integrative pensions systems; harmonization of the budgetary rules of the public sector and coordination of the public finance and the taxation system; promotion of the environmental and cultural heritage, and promotion and organization of cultural activities; savings banks, rural co-operative banks, regional banks; regional institutions for credit to agriculture and land development. In matters of concurrent legislation, the regions have legislative power except for fundamental principles which are reserved to state law".

guidelines, by stating their failure to the standard of reasonableness and the right to health under Art. 3 and Art. 32 of the Italian Constitution, respectively.⁵¹

431. Pending the legislative development that will follow the decisions of the Constitutional Court, it is worthy of mention that, at the operational level, in Italy, there are 276 centres authorized by Regions to apply MAP techniques. Besides the Guidelines for the application of Act No. 40 (indicating the procedures and techniques of Medically Assisted Procreation) envisages the counselling service to couples before the beginning of each treatment. The following types of advice have been identified: (i) **Decision** (This type of advice is defined by the international Literature and by that European Society of Human Reproduction and Embryology ESHRE-, Implications counselling or decision-making counselling). The basic purpose is to allow actors to understand and reflect during the proposed treatment of the implications this might have for them, their families and any children. This type of counselling will be available before each treatment; (ii) **Support** (as defined by the international Literature and by ESHRE support counselling). Its purpose is to support couples in times of stress and difficulty. Individuals or couples who may need such help are: either those who can not have access to the treatment or whoever has difficulty to undergo a specific type of treatment or whoever has to face the failure of a treatment cycle; (iii) **Therapy** (as defined by the international Literature and by ESHRE therapeutic counselling). The purpose is to assist individuals or couples in developing strategies that enable them to cope with the consequences of infertility treatments, and help moderate their expectations and accept the reality of specific situations. In particular, people are urged to examine their attitude towards: their infertility, the infertility of the partners, the possibility that the treatment fails.

432. Within the framework of reproductive health, it has to be stressed the positive data on the rate of **Voluntary Interruption of Pregnancy** cases (acronym in Italian, IVG). Since 2005 there has been a decrease of 6.7% of the rate of abortion (No. of IVG for 1000 women aged between 15–49 years). The reduction is more rapid among women better educated, employed and married. More generally, it may be noted the steady decline in the abortion rate from 80's up to date, when this has fallen by 43.5%. Italy is among the countries of the world with the lowest rate of abortion cases (11.1%), as preceded only by Germany (7.4%).⁵² Moreover, in Italy, the rate of **teenage pregnancies** is among the lowest in Europe and is continuing to fall: less than 2% of all births occur in women younger than 20 years. The abortion rate of minors for the year 2006 turned out to be equal to 4.9 out of 1000. This value is similar to previous years', but with higher values in Northern and central Italy. In the latter case, the consent for surgery was released in 69.3% of cases by the parents and in 29.8% of cases by the protection Court. As in previous years, it may be confirmed the low rate of teenage abortion, especially if comparing it with other Western countries'. In this regard, the family planning centres, of which 2157 public and 112 private (as at 2004), play a major role. These data however do not describe the situation of

⁵¹ By case No. 151 of April 2009, the Constitutional Court pointed out: "The law [40] allows that the protection of the embryo may weaken in order to make room for the aim pursued, namely to allow the use of the medically assisted procreation as guaranteed by concrete expectations of success. Now, if the purpose of the law is to find the right balance between protecting the embryo and the need for procreation, it would be unreasonable the production of embryos in such numbers as to make possible the operation of a single installation and in no event exceeding the number of three, as well as the substantive prohibition of cryopreservation, allowed only in cases of *vis major* when so necessary with regard to the health status of women arising after the fertilization **Law No. 40 of 2004 should not exclude the possibility of allowing the investigation of the many variables that accompany the story of assisted procreation, such as health and age of the woman concerned and the possibility that she will produce embryos not strong.**"

⁵² Figures for 2008 as provided by the Epidemiology Center.

immigrant women. While in 1995 only 7% of IVG cases referred to foreign citizens, in 2005 this figure rose to 30%. The abortion rate as for foreign women, especially very young and single, is thus 4 times higher than Italian women's.

433. As for the situation of **spontaneous abortion**, the phenomenon is increasing: The figure of the early '80s was about 89.2 per 1,000 live births; the figure of the early years of 2000 shows about 127.6. Among the causes of the phenomenon it has to be considered the increase in maternal age at delivery, as well as environmental and working factors, with a negative influence on the foetal development. In this area, the North registers more cases of spontaneous abortion, while in the South; such situation emerges among the youngsters (15–19 years).

434. Women's health requires special attention when addressing the issue of **mental illness and addiction**, since these phenomena are prevalent among women: Depression is the leading cause of disability in women aged 15 to 44 years. Schizophrenia is usually underestimated. The National Health Plan 2006–2008 has identified a series of actions aimed at countering the effects of lifestyle heavily influenced by specific forms of dependence, which are major risk factors for health, with particular attention to the abuse of alcohol and the use of drugs.

435. In recent years, the health policies of our country in the field of **alcoholism** have been consolidated, as shown by the report submitted by the then Minister of Health to Parliament, pursuant to Art. 8 of Act No. 125/2001. Already in the National Health Plan 2003–2005, the reduction of health and social harm caused by alcohol was recognized as one of the most important public health objectives, especially in relation to the protection of the health of younger generations. The consolidation of the policies of our country reflects the alcoholism policy guidelines of the EU, which emphasized through the new Community Action Program of Public Health for the years 2003–2008, the health problems associated with the use and abuse of alcohol.

436. Within this framework, despite the progress registered in the system of services and interventions of the National Health-care Service, there are still some worrying phenomena and weaknesses in relation to the relevant: Increase in the total population of consumers and therefore a greater exposure of the population at risk of social harm, particularly consumers belonging to socio-demographic groups at particular risk of alcohol-related harm, such as women and youth.

437. The number of consumers is increasing among young women, aged 18 to 24 years. More generally it is registered: the increased consumption – behaviour at risk, such as consumption between meals, surplus consumption and intoxication, particularly in the young population of both sexes and among women; that 50% of women continue to drink during pregnancy; besides the difficulty in few territories of ensuring the therapy adapted to the users' needs with problems of blown alcoholism. According to statistics by ISTAT (2006), some high-risk behaviour is higher among those, both males and females, who go to discos. To protect the health of the youngsters and women, the Ministry has been adopting policies and actions, such as appropriate guidelines and communication campaigns aimed at the cultural perceptions of drinking, to make clear the different implications of behaviours at risk.

438. The spread of **smoking** is still too high, among the youngsters and women, especially those of childbearing age or pregnant, provoking risks to the health of the unborn child. Smoking during pregnancy causes low birth weight, with consequences for the development of respiratory function and a significant share of so-called "cot death". In recent years, the number of women who suffer from smoking-related illnesses, such as lung cancer or infarction, is increasing. The rate of smokers, who stops, is still too low and solely refers to subjects in adulthood, who in many cases have already diseases related to

smoking. It is estimated that 17% of Italian women fall into the category of habitual smokers, 3.4% is definable strong smoker, while data on men stop at 29.2% and 10.1%, respectively. Therefore, Italian Authorities aim at the following objectives: The prevention of smoking initiation among young people, through the activation of integrated health communication programmes targeting school-age children (middle school and early years of the secondary school cycle); Encouraging the cessation of smoking during pregnancy, through educational and communication actions, besides organizing, within relevant structures, care systems for women who smoke during pregnancy and women of childbearing age.

439. As for the issue of **obesity**, about which the information is sketchy in Italy because there is no national surveillance system on this phenomenon, the figures released by ISTAT reported that 8.7% of women are obese, mostly housewives. In some regional situations, attention and sensitivity of administrators and operators of Public Health and of the other sectors involved have given rise to interesting projects and initiatives that could be adopted nationally. In some ASL, upon the initiative of Sian (Service of Food Hygiene and Nutrition) or other corporate structures, started education projects for both schools, by which to address pupils and teachers, and operators of food companies. Other local projects have included the formulation of guidelines for school meal and experience of control of school lunch programs (Friuli Venetia Giulia, Veneto and Lombardy, for example) and the variety of meals, including the control of the menus and nutritional surveillance in homes for the elderly (in Italian, RSA). Moreover, it was decided to launch projects of social marketing, including the automatic distribution of food, by involving relevant stakeholders (Region of Emilia-Romagna).

440. As mentioned in the section on violence against women under Art. 6 and Art. 3 of the CEDAW Convention, violence against women, including sexual, physical, mental and economic violence, results to be attentively tackled also from a medical point of view, due to both the immediate consequences related to physical injury and the side effects, such as depression, anxiety, panic attacks, eating disorders, addictions, sexual and gynaecological disorders, sexually transmitted diseases, gastrointestinal disorders and cardiovascular diseases.

441. ISTAT data (2006) show that women between 16 and 70 years, victims of violence during their lifetime, are estimated at nearly 7 million. Violence against women, especially domestic violence, is seen as a multifactorial genesis phenomenon, which is the basis of different forms of violence occurring in society towards the weak. The knowledge of violent modalities within the couples' dynamics is considered a starting point for implementing effective prevention, even within the healthcare facility. The number of victims who turn to emergency services in hospitals is a growing phenomenon. Battered women use health services with a frequency of 4 to 5 times greater than women not abused. The number of victims who turn to the emergency room is significantly higher than women's who go to the police for counselling, social services and services provided by volunteers.

442. The perpetrator is rarely reported to the physician on duty in the ER (most often results from the clinical file a generic definition of "violence by a known person). It is thus difficult to detect the true extent of the phenomenon. Indeed it is in the ER that, in addition to the medical intervention on the emergency, the domestic violence can be brought out, and an organic response, including from the psycho-social point of view, can start with the further result of building a relevant territorial network.

443. For years, in Italy, it has been registered the establishment of small groups of healthcare workers, whose location and management is diversified (Sexual Violence Relief Centres, listening Centres, Centres for identifying sexual abuse and mistreatment on children, Counselling Centres, Youth Areas, etc.). **There is today the clear need to**

standardize the development of appropriate aid services for the victims of sexual and domestic violence at the hospital emergency rooms as a privileged area for the opening of dedicated branches and for promoting intensive ad hoc training for the health-care personnel.

444. As for the situation of **immigrant women**, one of the major problems relating to the implementation of a universal system includes the variability of the population as a result of mobility processes within and outside Europe, that are being consolidated over the years. It is well known that in some areas of the Country the foreign presence, regularized or not, assumes a relevant size, with a significant contribution to economic development and welfare of the country.

445. In December 2006, it was set up the Commission on Health and Migration, whose mandate included, inter alia, the promotion of the accessibility and usability of health-care services by immigrants, with particular attention to women. Indeed, in 2006, there were over 2 million regular migrants in the national territory, and a half was women. To promote both the access of the migrant population, particularly women, to social and health-care services, and the development of relevant information and health-care guidance at the Italian ASL (in Italian *Azienda Sanitaria Locale*), it was decided, by Act No. 296/06, that the then Ministry of Health should authorize the expenditure of 25 million Euros, between 2007 and 2009, for the establishment of a **National Institute for the Promotion of the Health of Migrant Populations and the Contrast of Poverty-related Diseases**. The Ministerial Decree dated August 3, 2007 (Art. 1) placed the Institute under the supervision of the Ministry of Health.⁵³

446. To promote the health of migrant populations, since 1996 there has been a focal point of the Latium Region, then included in the above INMP, open to all citizens, Italian or foreigners. The treatment is provided free of charge also to illegal immigrants. Every day they receive between 150 and 200 people. The structure takes advantage of the work of linguistic-cultural mediators who are engaged in social interpreting social and ensure the reception of patients in their language of origin. Currently in the Centre mediators speak about 20 languages. Annually, about 8.000 people, including women who have undergone genital mutilation, receive medical examinations under the following specialties: dermatology, allergology, oncology, plastic surgery, internist, infectious disease, neurology, tropical diseases, sexology, sexually transmitted diseases, AIDS. The use of the facility, in the years 2005, 2006 and 2007, has recorded a total of 24,000 patients, about a half was made of immigrant women.

⁵³ Among other tasks assigned by the Ministry of Health to the Institute, it is particularly relevant the activation of social and regional health facilities for diagnosis, prevention and cure of major diseases related to migration as well as the counter of poverty-related diseases, in close cooperation with regional services, with the ASL of the regions and the voluntary associations active in the field of migration. The activities of specialized assistance, including through collaborative relationships with other public health facilities, concern in particular: a) interventions for prevention, diagnosis and treatment of patients at risk for sexually transmitted diseases, b) given the lack of preventive habits by certain groups of women at risk, developing a program for prevention of cervical cancer (HPV and cervical cancer), c) care and protection of women and children migrants and nomads, by facilitating access to SSR and guidance towards local health-care services. In particular, to facilitate access to social and health services, it has launched a project that will include an intercultural and multidisciplinary staff to carry out the activity of reception, guidance, health education and support throughout the medical treatment. Multicultural staff, specially trained, consisting of 25 cultural mediators, will provide technical advice to the ASL, thanks to financial support by the INMP.

447. Another situation being a matter of concern refers to those who are more likely to be subjected to discrimination: **Romani women**, who live in a precarious state of health, especially Romani mothers. One of the critical issues on which specific interventions are ongoing, although not targeting Roma people, refers to sexual and reproductive health of women. The review of the **Counselling centres** entails, inter alia, the establishment of open spaces to protect Romani women, with the further aim of anticipating, at the time of the gestation and birth, the protection of the Romani children. Romani women usually go to hospitals only for childbirth, and do not resort to the checks provided by the Italian legislation in the course of pregnancy. Also, the access to clinics should be able to help address the problem of early marriages and early motherhood, the consequence of which for the health of young mothers and their children warrant the utmost attention. Nowadays the problem is to create a contact between the communities living on the territory and the health-care services (for more details on the Counselling Centres, see the section dedicated to Article 13).

448. In terms of **good practices**, a positive experience of training on these issues for Romani women was held in the camps and conducted by ASL-NA1 (in Naples). The health-care providers were able to establish a relationship that led to facilitating the access of Romani women to ASL clinics. Along these lines, even in the ASL-Na2 it was enhanced a programme, entitled “Birth Paths” for mothers in difficulty at the clinics, so as to create a bridge between the territory and the hospital where the birth takes place.

449. The increase in migration flows to the Western world has made visible, in all its drama, even in European countries, the phenomenon of **female genital mutilation**, a practice that continues to perpetuate itself in at least 28 African countries and some Asian countries, and that affects some 130 million girls and women of the planet. Italy now holds the sad record of European country with the highest number of female infibulations, mostly among women of Somali or Nigerian origin. In line with the Declaration and Program of Action adopted in Beijing in 1995, Italy adopted specific legislation focused on both the repression and the prevention measures, by means of awareness-raising campaigns, training and refresher courses.

450. Act No. 7/2006, entitled “Provisions concerning the prevention and prohibition of the practice of female genital mutilation”, was adopted with the aim of prevention, care and rehabilitation of women and girls undergoing the practice of genital mutilation. It has been thus intended to sanction outrageous practices which affect children, adolescents and women. Under the new rules, whoever practices female circumcision will be punished with imprisonment from 4 to 12 years, and the penalty will be increased by one third if the mutilation is performed on a minor, and in all cases in which it is done for profit.

451. The introduction of a specific criminal behaviour fills a legislative vacuum. In the past, for such conduct it was envisaged the crime of bodily injury, punishable under Article 582 of the penal code. Now the new crime is specific, distinguishes the particular conduct and above all provides a severe penalty. In fact Article 583-ter of the penal code also provides for the punishment of the health-care provider in the event s/he perpetrates the offense under reference, by adding as the corollary of the above penalty, the interdiction of the profession from three to ten years.

452. Furthermore Act No. 7/2006 provides for a number of initiatives, including a series of information campaigns for members of the communities concerned, present in our Country, the establishment of a toll free number, the development of guidelines, aimed at health-care professionals and other operators who work with communities of immigrants from countries where such practices occur, in order to carry out prevention, care, and rehabilitation activities for those girls already subjected to such practice.

453. The above Act deals with repressive and preventive profiles which inevitably involve various Administrations: 1. With regard to the **training for health-care personnel**, the Ministry of Labour, Health and Social Policy, in consultation with the other Ministries concerned, was tasked with drawing Guidelines, to be addressed to relevant stakeholders, including professionals who operate within the community of immigrants. By the Guidelines approved by the then Ministry of Health (by means of a Decree dated December 17, 2007), though not exhaustively, — it has been registered — it emerged the need of awareness-raising at the university level, where these issues are unknown, and of educating the NHS providers and private sector operators; 2. At the Ministry of the Interior it was set up a **toll free number**, as designed to receive reports from whoever becomes aware of cases of genital mutilation on the national territory, and to provide information on charity organizations, NGOs and health-care facilities that operate within those communities of immigrants, being from countries where such practice occurs; 3. The Ministry of Foreign Affairs, by its **development cooperation programs**, carry out in countries where such practice takes place despite national rules prohibiting FGM, activities such as training courses, information campaigns to discourage such practice, and anti-violence shelters for victims fleeing the violence; 4. The Minister for Equal Opportunities has been assigned a **strategic role in the prevention and repression of Female Genital Mutilation**, by — as an initial task — preparing, in cooperation with other Administrations, information campaigns on basic human rights, particularly women and girl's, by which to highlight the prohibition of such practice in Italy. In implementing this provision (Art. 3, para. 1, lett. a, of the above-mentioned Act), the Minister for Equal Opportunities prepared, in 2006, a **brochure and a poster** aimed at discouraging such practice by recalling the relevant international standards and criminal law provisions. In drafting the pamphlet, as circulated among the prefectures, the border police Offices, the reception Centres, and the Immigration Offices at the Police HQs., there was the opportunity of consulting and getting contributions from immigrants association, relevant NGOs, doctors and anthropologists who provided valuable suggestions for a lean, effective and immediate impact brochure. The Act also entrusted the Ministry for Equal Opportunities with promoting public awareness initiatives, in collaboration with health-care centres, voluntary organizations and non-profit organizations, in addition to information courses for pregnant infibulated women. Of particular note, the Ministry has been also assigned to launch relevant training courses for teachers (given the role that education and the school system can play in promoting and disseminating knowledge of women and girls' rights).

454. In order to perform the many tasks assigned by the above 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 Department (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. The Commission, therefore, deals with prevention information and awareness initiatives. This has also prepared a Plan for the development of operational strategies, by incorporating relevant elements contained in various Guidelines.

455. Based on these Lines, the Minister for Equal Opportunities issued a Public Notice in August 2007 for the financing of projects to prevent and combat the practice of female genital mutilation in three different areas: Actions/research projects; Awareness-raising campaigns; Training and refresher courses. The Public Notice admitted Regions, local Authorities, and National Health Service's Administrations, in addition to bodies of the Third Sector, no profit-making organizations that have among their purposes the protection of health or the human rights of migrants. With regard to the budget for the relevant projects, an ad hoc evaluation Committee is in charge of evaluating them, and the amount of the resources made available by the above Department relevant Fund is equal to

3.546,290,00 Euros, pursuant to Act No. 7/2006. Such resources are allocated as follows: 793,890.00 Euros for Action/research projects; 1,160,382 Euros for information and awareness campaigns; and 1,592.018 Euros for training and refresher courses.

456. The selected Institutions signed a special act, under which they undertook to carry out the projects according to the technical and economic elements agreed upon, and to comply with the relevant work-plan, to be concluded by September 30, 2009 (Public Notice dated August 2007).

457. It has also been established at the Department for Equal Opportunities, an **ad hoc Commission to study the right to health**, with the aim of monitoring the current situation and formulate proposals aimed at ensuring equal conditions for citizens and the access to health services by eliminating any forms of discrimination. The Commission's task is to identify positive actions to promote equal opportunities for immigrant women, to formulate proposals for the establishment of a protection program for children and women, and to ensure the right to health of vulnerable people, as the elderly and people with cancer. Organ transplants will also be subject of study and intervention. The Commission is also engaged in promoting a culture of health and prevention through information and awareness campaigns.⁵⁴

458. Regarding **HIV/AIDS**, the data show that the phenomenon is growing among immigrants. There is a change in the characteristics of people with AIDS. Foreigners are increasing (over 20% of cases reported last year). In contrast, although increasing the average age for both men (43 years) and women (40 years), it is decreasing the number of HIV cases among drug users. In 2006, the Italian citizens who are still living with HIV amounted to 110-130.000 thousand. The cases with overt disease are about 25,000 thousand. The fatality rate has drastically decreased and the number of relevant cases is significantly down from more than 10 years, thanks to the prevention, early diagnosis and therapies. For 2007, estimates showed stability in the number of new AIDS cases, compared to 2006. With regard to women with HIV, the Italian Authorities have launched several monitoring campaigns, especially on the situation of pregnant women living with HIV. Within this framework, at the end of 2001, it was launched, by the Superior Health Institute a National Surveillance Project throughout the country, which involved obstetricians, paediatricians and infectious disease doctors. As of December 2007 it was registered the collection of demographic data for more than 1200 signals. Demographic data have confirmed some characteristics, being common to other Western countries. The population of pregnant women with HIV is characterized by an average age above 30 years, a good clinical and immunological condition, an increasing proportion of women of non-Italian nationality (40-45%, in recent years), especially from Africa, a high percentage of unplanned pregnancies (at least 50%, in addition to a relatively large proportion of cases in which the diagnosis of HIV infection occurs during pregnancy (23%).

459. As for **the issue of the working conditions, particularly the accidents at workplace, this has been always considered only with regard to men workers**. Accordingly, as for women workers, they are considered only during the pregnancy, and solely for the risks of the unborn. Also the protection of the fertility of the couple vis-à-vis possible occupational hazards has had little attention so far. Work-related illnesses and injuries that affect women (such as skin diseases and musculoskeletal disorders) are not

⁵⁴ As at 2009, three projects are being developed to study and analyse the issue of the right to health as funded by the Department for Equal Opportunities and commissioned to research institutions in relation to requests made by the Study Commission for the right to health. Research pertain respectively: access to health for immigrant women, protection of women as mothers and containment of caesarean section; stigma on anxiety and other psychiatric disorders.

sufficiently taken into account. Still less it is the attention given to the pathological events associated with domestic work, in particular accidents. There is little more attention to the specific biological response of women to common occupational hazards such as heavy work, shift work, the toxicokinetics. The pathological stress is associated only with productive work, without considering the increased psycho-social risks affecting women as provoked by the double workload that they bear.

460. As for civil society, in 2006 it was established Wave (in Italian, *ONDA*) – National Observatory for Women’s Health, with the aim of promoting the culture of gender health, so as to raise awareness that being woman or man influence health and health perceptions, and thus that all relevant policies should carefully consider these differences to achieve equal opportunities. The National Observatory for Women’s Health has intended to stimulate research on major diseases that affect the gender universe, and their implications for the elaboration of economic and social policies, contributing to the dissemination of medical science and promoting the cultural role of women in society, by enhancing research and scientific knowledge (www.ondaosservatorio.it).

Article 13 on economic and social benefits

(As to statistics concerning women and poverty, as well as economic and social services, please refer to Annex No. 3)

461. In this juncture social and economic processes have profoundly affected the living standards of citizens as well as those measures aimed at reducing inequalities. There is no doubt that over the last fifteen years fairly large changes in the productive structure of the country and in the system of social protection have been registered. To implement the principle of subsidiarity, and to better respond to the needs of families, welfare is more and more entrusted to decentralized institutions of the State, regional legislation, as well as the Municipalities, the third sector and, where possible, the same families and the family’s associations.

462. This raises the question of access to services and their cost, inter alia in relation to difficulties related to time and family organization. The degree of participation in the labour market and quality of employment may be in fact constrained by the lack of adequate services and facilities to support families when taking care of the children and/or other family members in need of assistance.

463. The availability of services in the territory becomes vital, if we can not rely on the support of kin network, which — as well-known — in Italy plays a prominent role in supporting the family. The lack and/or inadequacy of social services and facilities in the territory may also be a factor reducing the possibility of reconciling work and family, besides affecting the chance of looking for a job.

464. From the Social Policy Monitoring Report 2006 of the then Ministry of Social Solidarity, it emerged that in the year 2003, the total relevant spending — as estimated by the survey — amounted to almost 5.3 billion Euros. By comparing the above data to the resident population, it resulted in just over 91 Euros per inhabitant, with values ranging from 142 Euros in North-East to 104 in North-West, from 102 Euros in the Centre to 72 Euros in the Islands and just 39 Euros in the Mezzogiorno area.

465. Most of the expenditure is devoted to areas, such as family and children (38%), the elderly (25%) and disabled (21%), while the immigrants-related area is just over 2%.

466. Three-quarters of the total expenditure is supported by individual municipalities, the remainder being mainly under the responsibility of the so-called Associations of municipalities (almost 18%) and to a lesser extent (a little over 7%) of socio-sanitary districts operating upon delegation by Municipalities (whose role is more important in Northern where they account for approximately 26% of spending).

467. The “actions and services” on one side and “structures” on the other cover 37% of expenditure, the remaining 26% is represented by the “cash transfers”. The distribution of spending among these three broad types is influenced from the user. Interventions and services account for an even larger share of spending in the areas of user charges related to addictions (55%), elderly (50%), and immigrants (45%) and disabled (44%). In contrast, in the family and children area, 55% of the expenditure is absorbed by the structures.

468. As indicated by a specific ISTAT survey (2008) among the 174 thousand mothers who wish to spend more time working outside the home and devote less to the role of care-giver, in 27.2% of cases the inability to work longer hours comes from the unavailability of adequate services on the territory, whose cost, schedule, proximity to area of residence and presence of personnel would enable and provide a valuable support in the care of children (As for children-related care services and the issue of reconciliation, please see the section under Article 11).

469. The phenomenon of postponing the age of marriage, and of having children increases the number of families where children are present simultaneously with the elderly so that the couple has to work harder. The care need posed by a declining number of children allowed to re-balance in the 90's the growing load on the middle ages as a result of aging, but today and in future years, this is no longer possible, since it is not conceivable a further contraction in births, but rather increases, while the aging trend will strengthen more and more, generating an increasing demand for support services.

470. Alongside these trends there are also other factors to be taken into account, such as the phenomena of marital instability and the presence of low-income families in severe socio-economic hardship, and the crisis of parenting skills.

471. The **counselling centre**, for its peculiar character of multiprofessionalism and multidisciplinary, works with other agencies to the elaboration and implementation of common protocols between the different institutions that should treat families with multiple problems while training more specifically relevant care-givers in recognizing and tackle situations of distress. This type of Centre also works on initiatives aimed at promoting and facilitating the foster care, the adoption and any subsequent support service to families. The family counselling is an important tool for the implementation of measures aimed at protecting women's health, developmental age, and family relationships, while being strongly oriented to prevention, information and health education.

472. In some local contexts, good results have been achieved with counselling centres for the elderly. On a more general note, it is necessary to support the care tasks for frail elderly. The relevant interventions should ensure the central role to be played by the family as a relational strategic resource, while providing significant support to it, particularly to women. When the elderly are no longer able to care for themselves, the family's income is put to the test. Nursing homes are quantitatively inadequate and expensive, and even home-based care, particularly the integrated one as delivered by local institutions is insufficient. In this area, there is thus a strong commitment of volunteers — even if the operation is entrusted to an increasing extent, to domestic helpers — but the situation is such that the quality is not guaranteed, besides the high costs to be borne. Therefore, there is the need to define specific schemes and patterns, so as to bring to a settlement also the economic and social phenomenon of the so-called domestic carers (in Italian, *badanti*).

473. Regarding the access to the labour market from a social point of view, it is worth recalling the types of public employment service dedicated solely to women, as tested in the course of time, which can be grouped into four categories: (i) Initiatives aimed at reconciling work and family life (financial support or services), also directed to employers, in order to promote a reshaping of timetables, or the presence of relevant services at the work-place; (ii) Interventions for the reintegration in the labour market (guidance projects, training, placement plans through internships and apprenticeships); (iii) System-oriented actions; (iv) Interventions to promote gender culture, often including the Gender Equality Counsellor, to promote equal participation of women in economic and social life, by using information desks on the specific legislation, and other gender-related events. Specific attention is also paid to services to promote female entrepreneurship, which are grouped into different types according to the various tasks and missions of the employment services, by means of different sources of funding, including regional programming, the participation in EU programmes, initiatives related to Act No. 53/2000 or regional regulations on job placement, especially in the field of the promotion of self-employment.

474. The financial basis is important to ensure the sustainability of these initiatives over time. There is the need to read the trend of activation in economic terms and not only in terms of territorial congruence with specific needs. The conclusion/withdrawal of some services for women, in fact, is also linked to the impossibility to bear, over time, the costs of their stabilization. The types of services provided to women have often in common the occasional availability of funds, while only in a few cases of particular relevance there has been their confirmation, through the adoption of good practices at the institutional level, by regional refinancing or the development of a management system. In other cases, such activities passed by the employment services, the experimentation of which was characterized by the uncertain fate, as long as they only passed through the horizontal cooperation envisaged by ad hoc projects, especially the European's.

475. As a consequence, there is the intention and aim to consolidate a model and a rational and effective instrument of integrated workfare for the overall employment and in particular to help women. A contribution to innovate social and labour policies, by developing the ability to make a "community", with particular attention to women's issue, as contained in the Green Paper on the future of the social model, by the Ministry of Labour.

476. The consultation launched on the Text will provide elements to define an appropriate intervention to be included in the White Paper in which the women's requests will be reported. The Italian Government believes that it is necessary to make a change of pace in matching job demand and job offer, to develop pro-active policies and support women's employment, with care to consider differences in age and territory, by enhancing institutional and civil society structures and by the re-organisation, rationalization and coordination of the various institutional levels, both regional and provincial.

477. Integrated and subsidiary policies should network the employment centres, the services for the employment, the network of intermediary agencies, the certification bodies, such as Universities, the equal bodies, bilateral bodies, labour opportunities mechanisms, the bilateral bodies, the inspectorates, and the National Stock Exchange of Employment (the Information System for matching demand and job offer through an online postings system), so as to result in a systemic virtuous circle of the so-called integrated labour market, characterized by public-private partnerships.

478. Under the Government's anti-crisis measures, it is worth-mentioning the introduction of the **Social Card**. This is a payment card, to women who hold social

pension, equal to those that are already in circulation and widely disseminated in Italy. But the main difference is that the expenditure incurred by the Social Card, instead of being charged to the cardholder, is charged and paid directly by the State.⁵⁵

479. As for the **services for mothers in prison**, the prison affects the development of many children, both when their parents are in prison and when they perpetrate some crimes themselves. For the care and assistance of mothers in prison, the Italian Penitentiary Administration organises some crèches as provided for by the law. As of 31st December 2008, in female prisons and in female wings of prisons there were 2,526 women, that is 4.35% of the whole Italian prison population; the mothers imprisoned who were keeping their babies with them were 53, and the whole number of children in prison with their mothers amounted to 55. Those figures are very changeable, since the stay of the children in our penitentiary structures only lasts for the time necessary to grant an alternative measure to the imprisoned mother.

480. The service has the following characteristics:

- Whenever it is possible, it is situated on the ground floor, in order to annex green areas to the wing, at the disposal of children for their plays
- There are two rooms with one bed and one cradle, with annexed toilet
- A small kitchen
- A play room
- Toilet facilities and rooms for cleaning materials
- An external courtyard equipped with toys and a green area
- Services rooms (a room for the agents, visit rooms)

481. Female prisoners and children can benefit from the services offered by all the medical, nurse and technical staff who work in the prison. Moreover, they have also the right to benefit from other specialists: paediatrics, gynaecologist, puericulture specialist and, if possible, a psychologist specialised in psychology of the age of development.

482. A **very positive experience is carried out in Milan**, where a special establishment for mothers was created. It is a low-custody unit, a detached structure of the local remand prison, where the daily life activities are carried out as in a “community”, more than as in a prison. This means that all the participants — both prisoners and staff — play an active role

⁵⁵ It has the value of 40 Euros per month. To obtain it, it is sufficient to go to post offices. For applications made before 31 December, this card will be loaded by the Ministry of Economy with 120 Euros, for the months of October, November and December 2008. Later in 2009, the card will be charged every two months with 80 Euros on the basis of available resources. In completing the application, the applicant may request assistance at the post office or to the institution of social security. The application, and the possible delegation form, with a photocopy of the passport and the ISEE certification issued by the municipality, INPS or a CAF, should be lodged at a post office. The application form can be downloaded directly from the website of the Ministry of Economy (www.mef.gov.it/carta_acquisti) and must be completed in all its parts. The Italian Post Office will ensure the delivery or the booking of the card, which will be activated after verification of requirements by INPS. Benefit from the social card to the resident Italian citizens over 65 and children under the age of three. For 65 + should be: do not enjoy social security treatment and/or welfare of an amount exceeding 6000 Euros (8000 for over seventy), have an ISEE less than 6000 Euros, not having been subjected in the two years prior to tax for personal income tax net more than 10,33.00 Euros and do not receive any asset security. As regards, however, children under the age of three, the requirements are the same with reference to the situation of parents, but without any reference to the retirement treatments.

in managing spaces and in carrying out activities. The objectives to be achieved by such an experiment concern the increase of the mothers' responsibility and autonomy (even through the relations among the mothers, with the support of the educational staff), their vocational training and acquisition of working skills, the development of the children's social interaction both inside and outside the structure, the development of the children's autonomy, in the perspective of the separation from their mothers when they will reach the age of three. Following that positive experience in Milan, other projects — aimed at addressing the problem of children under the age of 3 staying in prison with their mothers — are going to be carried out in other Italian regions (Lazio, Sicily, Tuscany).

Article 14 on rural women

483. Women who do not live in Metropolitan areas, namely the biggest municipalities, enjoy the same rights, services, and benefits as all citizens residing throughout the Country. However it is worth recalling that the Italian Constitution lays down specific measures for those — including women — living in the five Special Statute Regions of Italy, namely Sicily, Sardinia, Valle d'Aosta, Friuli Venetia Giulia and Trentino Alto Adige; and the Italian Authorities take action, accordingly.

Article 15 on women entrepreneurship

484. The international financial crisis has struck in recent years the entrepreneurial sector. From the data of the Bank of Italy (2008), it strongly emerges the restriction of credit and the associated problems' of the banks to disburse it, which predominantly affects small and medium-sized enterprises and craft, where the female component is more present.

485. Female entrepreneurship today represents 24% of the totality (June 2008), with the rate over the average in the following fields: Agriculture (29.3%); hotels and restaurants (33.7%); and trade (27.5%). The prevalent form is the individual firm, but also joint-stock companies and cooperative societies have grown too. 5,523 new female companies were born from June 2007 through June 2008.

486. At the central level, since 2006 the relevant State responsibility with regard to female entrepreneurship has been transferred from the Ministry of Productive Activities to the Presidency of the Council of Ministers and, as a result of delegation, to the Department for equal opportunities (hereinafter, the Department).

487. At the Department, it operates the National Committee for Women Entrepreneurs (the Committee). The Committee is chaired by the Minister for Equal Opportunities. She is responsible for guidance and coordination, consultation, planning general with regard to the activities programmed in the area of affirmative actions for female entrepreneurs. This also promotes the study, research and information on women entrepreneurship. In recent years, the Committee met several times to redefine the regulation and its role, the schedule and planning of interventions in consultation with the Regions.

488. Specifically, the work of the Committee and in general of the Department in recent years has been aimed at designing innovative interventions to support women-owned businesses, improve employment levels and create long term secure employment for women. They designed affirmative actions regarding: (i) The management of financial

incentives; and (ii) The promotion of the entrepreneurial culture and equal opportunity.⁵⁶ The Department considered it important to strengthen the relationship with those professionals being considered strategic for the achievement of its objectives: Councillor of equality, equal opportunities Committees, Committees for entrepreneurship and other local institutions working in this field.

489. For advice and training assistance, the contribution can reach 80% of the eligible expenditure (the upper limit of expenditure eligible for grant amounts to 50,000 Euros, and subsidies are granted under the de minimis rule).

490. For **female enterprises**, it is intended: one owner enterprise, whose owner is a woman; professional careers; self-employed women, partnerships, formed by not less than 60% by women (in case of limited partnerships are considered only the general partners), corporations and cooperative societies, whose shares owe to women to an extent not less than two thirds, and whose bodies are composed of women directors for at least two thirds. In this context, initiatives eligible for aid are as follows: start-ups, corporate takeover or succession, innovation, qualification of human resources.

491. The **new women-owned businesses** may be granted a loan at a subsidized rate for the provision of liquidity to the fullest extent of 40.000,00 Euros for the duration of 60 months, including the ad hoc period of 24 months.

Data covering the period 2005–2007

<i>Competition</i>	<i>Resources allocated from the Province budget</i>	<i>No. of enterprises</i>	<i>No. and type of enterprises concerned</i>
2005	513 771 € for subsidies 224 000 € for loan (7)	34	16 Services 7 Commerce 5 Craft 3 Industry 3 Tourism
2006	444 437.50 for subsidies 240 000 € for loan	40	
2007	476 270.00 € for subsidies 675 000 € for loan	57	26 Services 17 Commerce 8 Craft 1 Industry 5 Tourism

492. Within this framework, the strategic plan outlined in the course of the last years will seek to introduce a precise measure of gender mainstreaming, to be applied to all forms of financing to strengthen entrepreneurship in general and encourage all initiatives aimed at creating new jobs and especially self-employment.

⁵⁶ Regarding the latter point, during the year it was produced by the Department, in collaboration with the Association of Women in the Future, an interactive CD-ROM entitled “The City of the female entrepreneurship”, a company startup handbook elaborated as a business game where the user is taken into a “city of the future” (female) in which a series of symbolic places “are associated to the pillars of the educational-documentary-interactive content. By walking, one may have access to the archive of downloadable documents or pages (information, recommendations, advice on line) and to an interactive test area, which produces a profile or generate a result for those who made it out. It results in a collection of the best elements and “facilitator-tools” of doing female business.

493. The Department has in recent years put in place system-oriented measures aimed at the implementation of the culture of gender equality in enterprises through the support and assistance to the Regions, to plan locally targeted support and technical assistance measures for the self-employment and the potential women entrepreneurs. The Regions, in recent years, to this end, have developed several interventions: among these, cofinancing for information desks and the provision of incentives for the creation of new businesses.⁵⁷

494. The Finance Act 2008 has introduced additional measures to assist women entrepreneurs, by expanding the scope of the **Fund for financing companies** whose actions in previous years were intended solely to finance and consolidate technology-related companies, besides the economic strengthening of small and medium-sized enterprises as located in disadvantaged areas of the Country. Since 2008, the resources of the Fund are also intended to support both the creation of new businesses and the consolidation of small and medium-sized businesses run by women throughout the Country. It is therefore envisaged a special role of the Minister for Equal Opportunities (in coordination with the Minister for Economic Development) in the definition of criteria for using the above Fund when women-owned businesses resort to it. In particular there are benefits for the start-up of innovative firms, through the reduction of social charges for all researchers, technicians and other support staff. This measure promotes women-owned businesses that are often highly innovative.

495. In this same frame, it is ongoing the review and the relaunch of the overall strategy to support women's entrepreneurial initiatives, with the introduction of alternative and innovative measures such as the public fund of guarantee for credit support to small and medium-sized enterprises and the access to micro-credit: The national instrument for promoting female entrepreneurship, Act No. 215 of 1992, is in fact the subject of a major overhaul to overcome the support system so as to move towards forms of support to credit.

496. Since 2000, the Department is committed to supporting the dissemination of good practices of gender budgeting; that commitment stems from the awareness that the budget is not a simple economic tool, but a political tool through which decision-makers define the model of development, the distribution of resources within the society, the priorities vis-à-vis the policies and needs of citizens.

497. The debate on this issue is still young and requires, as for many other issues related to gender equality, of being debated, processed and shared between different actors and at different levels, but for all becomes necessary to have a detailed knowledge of the needs and aspirations of citizens, men and women, to whom the budget is targeted.

498. In this dimension, the Department has initiated a system-oriented action, by using the resources of the Structural Programming Funds 2000-2006, which achieves a pilot model for the internalization of the gender perspective in the Government budgetary procedures.

499. This action, which allowed testing a methodology and better reading the public budget, will be continued in the new programming cycle, and will involve the Department until 2013.

500. By this action, the Department intends to support the Objective Convergence Areas, willing to undertake this process. The support will have a two-fold aim: firstly, ensuring the

⁵⁷ Among the projects to be undertaken at the local level provided by the Department, one may include: technical support to the definition of accompanying measures in favor of women entrepreneurs in disadvantaged areas in the Region of Calabria; support for the identification of models and tools for promotion of equal opportunities in enterprises and support for the creation of women-owned businesses in the Puglia Region.

scientific and technical accompanying towards the gender mainstreaming projects in the regional budget, including through the organization of courses to improve relevant skills related to the preparation of gender financing, human resources located in offices that treat the budget according to the internalisation of the procedures; and promoting awareness-raising actions directed to local institutions (namely, Regions, Provinces, Municipalities) and their associations (ANCI, UPI, State-Regions Conference), besides the Social Partnership, institutions and public companies.

501. This second aim is vital because the spread of practices relating to gender budgeting and an institutional culture oriented to the construction of paths of mainstreaming also passes through the involvement and the link of the different institutional levels that are involved in their respective capacities in the choices of policies to implement and, therefore, in making the best use of the EU, national and regional funds.

502. This commitment is supported, **at the national level**, by Directive of 27 May 2007 entitled Measures to implement equality and equal opportunities between men and women in government, by which it is intended that “*gender budgets become an established practice in the affairs of social accountability by relevant administrations*”; **locally**, there are several initiatives, among them it is worth mentioning those by the Autonomous Province of Bolzano, under Prov. Act No. 4/97 (“Aids for the economy”). Along these lines, since 2005 it takes place the annual contest, entitled “Women in the economy”, with the aim of promoting the participation of women in business.

503. The women-owned businesses operating in the craft, Industry, Commerce, Services and Tourism, with headquarters or branches in the province of Bolzano may apply to the Provincial Department for Innovation, Research, Development and Cooperatives for a contribution or a soft loan. In the event of companies’ investments, the maximum contribution is set at 50% of the eligible expenditure (Maximum investment eligible for aid: 350,000 Euros).

Article 16 on marriage and family life

504. The law provides women the same rights as men, including rights under family law, property law, and in the judicial system.

505. Leaving home to build a couple — married or not — mainly concerns women: in the age group between the age of 25 and 29, married or cohabiting men amount to 12%, while women are 34%; between 30 and 34 years the percentages are 48% and 69%, respectively. The girls, however, like their peers, tend to extend their stay in the family of origin or at least temporarily to return after a longer or shorter periods of absence for reasons of study or even after the failed marriage.

506. In recent years, the legislative and jurisprudential debate has been lingering on various issues from the question of the double surname, particularly the double surname for the children, to cohabitation and single parent families. For all these issues, albeit slowly, it should be emphasized the evolution in action.

507. As for **the double surname for children**, the first Civil Chamber of the Supreme Court ruled by order (No. 23934) to refer it to the Unified Sections, on 22 September 2008. The above Court opens the allocation of maternal surname to their children, “Although since 1979 there have been legislative proposals in this regard, Parliament has not reached concrete solutions”. The Court stated that with the “signing of the Treaty of Lisbon”, Italy has to adopt the principles of the EU Charter of Fundamental Rights, which prohibits, under Art. 21, all forms of discrimination, including when grounded on sex, race, colour, social or ethnic origin, genetic features, language, religion or belief, political opinion or any other

opinion, membership of a national minority, property, birth, disability, age or sexual orientation. It was thus predictable to consider the consequences of the Treaty, particularly as regards the extension and the equalization of rights between men and women.

508. The exclusive use of the surname is also defined by the Supreme Court “legacy of a patriarchal conception of the family no longer in tune with societal trends and sources of supranational law”.

509. Already in 2006, by ruling No. 16093, the Supreme Court had intervened by merely appealing to the Italian Parliament, to enact a law on adoption of mother’s surname by children. The Supreme Court also stated that if the Unified Sections believe that this question already oversteps the limits of their hermeneutics activities, it should be called upon the Constitutional Court for the examination.⁵⁸

510. The Legislator in this regard is trying to provide a solution to the problem: there are several legislative proposals as submitted under the current Legislature and designed to amend the provisions of the Civil Code. Among others, it is worthy of mention Bill No. AS130 by Senator Poretti, which has been presented to the Senate, but its examination has not begun yet.

511. Other legal institute which is the object of analysis and an intense debate, especially during the previous Legislature, refers to **the cohabitation**. Over the years, this phenomenon has significantly increased and gradually changed its character. If in the 70’s it mainly referred to situations of cohabitation, even if established, could not be regularized under the force of the principle of indissoluble marriage. On the contrary, nowadays, the cohabitation increasingly interprets the choice of individuals who prefer to live their relationships out of their institutional obligations.

512. With the evolution of the customs and morality, the society itself has evolved from a largely hostile and derogatory (using for example the term concubinage) approach to a gradual acceptance of cohabitation as normal and fully clothed in dignity. However, this issue still triggers complex legal problems in terms of protection and regulation, in particular the relationship between the partners, whereas the equating of natural children to those legitimate, has resolved numerous problems in the aspect that concerns the offspring.

513. The underpinnings of the Italian legal system consider only the legitimate family as the pivotal post of social life: Article 29 of the Constitution defines the legitimate family as a natural society founded on marriage, while Art. 30, para. 1, of the Constitution envisages the compatibility of the natural children with the legitimate ones and set forth specific obligations for the parents.

514. This is an important moment of transition from discrimination of cohabitation to its recognition as a social formation, within which to place the human personality, according to the principle laid down in Article 2 of the Constitution. (Cass. I, 8 February 1977, No. 556).⁵⁹ All legislative actions over the past 25–30 years, albeit fragmentary, are inspired by

⁵⁸ It is recalled that the Council of State, by decision of 25 January 1999 No. 63, judged illegitimate the refusal by the Administration Authorities of allowing the addition of the maternal to the paternal surname in case of consent of both parents and use of that surname in the family school and societal contexts, though considering the evolution of social consciousness and the European context.

⁵⁹ By Constitutional Court ruling No. 71, dated June 21, 1966, it was stipulated “the natural parents are not a family”; with a ruling of 1976 (Constitutional Court Case 15 July 1976, No. 179), it was limited to “save” the existence of free unions and de facto families, but always in opposition to the legitimate family. In 1986 with the decision No. 237 of 1986, it was recognized the need for protection, in relation to Article 2 of the Constitution, for the “de facto families as characterized by a degree of stability”.

a progressive and increasingly significant recognition of the union as a de facto relationship freely chosen, which is like a centre of the institutional affection and solidarity based on the consent of the parties to be considered valid until such a consensus remains.

515. This journey is still ongoing, as long as in Italy it is influenced far more than in other European countries by the presence of the Catholic Church and its influence on civil society.

516. Worthy of mention is the ongoing debate on the possibility of **adoption by singles**, including women-single. In the last Legislature, various legislative proposals aimed at amending Act No. 184/1983, particularly its Article 6 that indicates the requirements to adopt a child: The first of them identifies the existence of a pair marriage and the stability thereof.

517. The Legislator, even with the changes made in 2001 to the Act referred above, wished to continue to achieve the model of the natural relationship that puts the child in relationship with a father and a mother, united in marriage.

518. On a more general note, this issue will continue to be the subject of attention during the current Legislature, of which the *pendant natural* is the sharing of parental responsibility in case of divorce.

519. By Act No. 54/2006, it has been flipped the relevant custody system, under which children were assigned either to one of the parents according to the discretion of the presiding judge or the court or by understandings reached by the spouses. With the reform, if the parents separate, **children are assigned to both parents as a rule**, and only as an exception to one of them – in the latter event only if it responds to the best interest of the child. The new rules implement the relevant principles stemming from the European legal systems and the UN Convention on the Rights of the Child, by which a new “ordinary” regime has been introduced in order to overcome — in the event of the breakage of the family union — the previous system of custody to only one of the parents.⁶⁰

520. Finally, in this context, it is reported the intense activity of relevant associations. Among the legal desks, the most known is called **Telefono Rosa**, but in general it can be

The milestone resulted in Constitutional Court ruling No. 404, dated April 7, 1988 (see “Forum It.” 1988, p. 2515), which envisaged the succession of the partner in rental contract in case of death of the other. Likewise, the Supreme Court of Cassation, with the ruling Cass. May 25, 1989, No. 2524, recognized the right of women living with offspring to succeed in the lease, following the crisis of the relation. It also states explicitly that “it should be borne in mind that the social consciousness has matured the need to secure the position of the one who lives in the rented apartment, not simply on the basis of the distinction between the legal and de facto family for exclusive protection of the latter, but more generally to prevent that persons cohabiting as de facto family under one roof, remain without the house in case of division. Only in 1994 with the ruling March 28, No. 2988, the Supreme Court recognizes the right to compensation for damage to the cohabiting partner in the event of death by accident of the other partner, but only in terms of morale damage.

⁶⁰ In this new perspective, it was marked a turning point in the consideration by the legislator of family relationships and parent-child relationship. Shared custody becomes the norm unless to save the best interest of the child it is necessary that the latter lives exclusively with one parent (Arg. under Art. 155a cc). In this sense, it was overcome a double form of discrimination towards the woman-mother, who before the reform was largely the sole recipient of the children, and towards the father who in the past had usually been excluded following the separation. The new legislation will ultimately recognize the undeniable right to be parents and enjoy this status for both parents, not only in the exclusive interest of the children but also of both parents.

reported that all relevant desks and centres deal with gender – based violence and make available, among the various services, free legal advice.

521. For decades, the **Association Forum of Women Lawyers** has been playing an important role. The Forum is made up of women lawyers who deal with family law and, among other things, “founded and managed the Justice Centres UDI, since the entry into force of the Family Law by Act of 1975. The association, formally constituted by deed in 1994, pursues the following objectives: To develop a legal culture and a jurisprudence that consider the awareness and relevant knowledge by women; To affirm human rights of women through awareness raising campaigns, study, research and development of family law by comparing it with legislation of other countries, including the study of the relationship of women with justice and their position in the Italian and foreign legislation; The establishment of a permanent observatory on the evolving legislation and law with regard to family law and the rights of women in general; and the promotion of initiatives, conferences and seminars” (www.forumdonnegiuriste.it/index.htm).

522. As for the systemic collection of data disaggregated by gender, it is worth recalling the Bill, entitled “**Provisions on gender-related statistics**” as submitted by CNEL (the National Council on Economy and Labour), the latter being enabled to initiate legislative proposals as provided by the Constitution and Act No. 936/86. In view of the attention that has been always dedicated to issues relating to the status of women in its various aspects, the above Bill was re-launched in June 26, 2008 and re-proposed in the competent fora.⁶¹

⁶¹ The legislative initiative by CNEL represents an input for the implementation of the commitment solemnly, made since ‘95, by our government and from other countries signatories of the Beijing Conference, to collect, produce and disseminate gender statistics in all areas, including economic, cultural and social. This commitment triggered several recommendations by the European Union and some draft laws presented to the Italian Parliament in the last Legislatures that were not realized. Further, under the broad institutional collaboration on economic and social issues that the CNEL constantly offers to the Government and Parliament, the government itself urged, in 1999, the Council to check the “Social Pact for Development and Employment”, as dedicated to equal opportunities. By this initiative, it emerged serious structural deficiencies in the collection of data; and all social partners stressed the need to have a systematic reading of gender disaggregated official statistics, even in order to make a proper assessment of the impact of regulations on equal opportunity policies. By ad hoc CNEL’s reports it has been shown that the low participation rate of the female population of working age continues to be the more problematic figure, given the structure of the Italian labor market, bringing us away from the Lisbon targets, and that in some respects results to be further aggravated in recent years (especially in the South and as far as self-employment is concerned). The same survey of CNEL, however, does not allow to systematically investigate these trends and to monitor the relevant dynamics. Therefore, by this legislative initiative, the Council aims at ensuring greater awareness of disaggregated data to properly set the general policies, according to the “gender impact assessment” and at improving *inter alia* the preparation of periodic reports on the labor market and the development of adequate databases.