

Italy, CEDAW, A/60/38 part I (2005)

298. The Committee considered Italy's fourth and fifth periodic report (CEDAW/C/ITA/4-5) at its 681st and 682nd meetings, on 25 January 2005 (see CEDAW/C/SR.681 and 682).

Introduction by the State party

299. In his introduction, the representative of Italy noted that the State party's efforts to reaffirm the dignity of women and to protect them from all forms of discrimination, abuse and violence were a follow-up to the Beijing Platform for Action, which had brought renewed commitment to the advancement of women's rights. He provided an update on developments in four selected areas since the completion of the report in 2002.

300. In 2003, action had been taken towards incorporating European Directive 2002/73 into the domestic legal framework, with the aim of mainstreaming gender equality in regard to access to the labour market, education and professional training, and working and social conditions. The country's legislation already prohibited direct and indirect discrimination based on sex and the Directive would broaden the definition of sexual discrimination and harassment in the workplace and measures that employees might take in response to such discriminatory actions.

301. The State party's commitment to implementing the Convention was reflected in the establishment, in 1996, of the Office of the Minister for Equal Opportunities, which was responsible for coordinating and ensuring the effectiveness of equal opportunity policies. The mandate and objectives of the National Commission for Equal Opportunities, which was now chaired by the Minister, had also been reformed. In 2004, the Ministry established the National Office for the Promotion of Equality and Elimination of Racial and Ethnic Discrimination as an operational instrument to fight all forms of discrimination.

302. The commitment of the Government to the participation of women in political and socio-economic decision-making was reflected in the amendment to article 51 of the Constitution, introducing the principle of gender equality in access to political office. Law 90 of 2004 required at least one third of candidates from either sex for election to the European Parliament. As this had led to a substantial increase in women elected in June 2004 (19.23 per cent of the total as compared to 11.5 per cent in 1999), a similar bill was under consideration for other elections.

303. Despite an unfavourable economic climate, women's employment rates continued to rise, as did women's participation in the workforce. Women's rate of economic activity increased by 3.7 per cent between 1998 and 2003. Between 2000 and 2003, 63 per cent of new workers were women. A new initiative within the European Union framework on gender equality issues aimed to promote the role of women workers. The Government's full commitment to family issues was reflected inter alia in a national action plan on social inclusion, aimed at preventing social marginalization and exclusion of

the elderly, children and persons with disabilities. The “Biagi” Law to reform the labour market, which envisaged new forms of flexibility, particularly part-time work, was among the measures aimed at better reconciliation of work and family life and the promotion of equal opportunities for women, particularly in the workplace. A fund had been established in 2003 to support companies in establishing childcare services in the workplace.

304. High priority was being accorded to protecting women from all forms of violence and strict provisions had been enacted to that end, including laws and policies relating to sexual violence, domestic violence and child abuse. Efforts to combat trafficking, both through legislation and social services, remained one of the main priorities. Under article 18 of Law 286, residence permits for reasons of social protection could be issued to trafficking victims. Seventy per cent of the costs of assistance programmes were funded by the Government, with the balance being provided by local councils. The projects funded through this approach had demonstrated their effectiveness. Law 228 of 2003, which established trafficking as a specific crime, also reflected the provisions of the Protocol to Prevent, Punish and Suppress Trafficking in Human Beings.

305. Women’s health had emerged as one of the main issues of the Fourth World Conference on Women and the Government attached the utmost importance to that issue. The current National Health Plan (2002-2004) included initiatives to reduce Caesarean sections, and the Mother-Child Objective Project aimed to achieve appropriate levels of care for every birth. The Chamber of Deputies was considering a programme to provide pregnant women with personalized assistance in order to safeguard their rights during delivery.

306. In conclusion, the representative of Italy noted that while not all expectations had been met, the Government remained committed to achieving them, and new strategies and policies were being developed to eliminate all forms of gender-based discrimination and promote effective equal opportunity policies. Dialogue with all relevant stakeholders, including political actors, non-governmental organizations and social partners, was the best and most meaningful way to promote women’s rights.

Concluding comments of the Committee

Introduction

307. The Committee expresses its appreciation to the State party for its combined fourth and fifth periodic report (CEDAW/C/ITA/4-5), although it regrets that it was overdue, provided insufficient analytical information on the de facto situation of women and did not comply with the Committee’s guidelines for the preparation of reports. The Committee also regrets that information not contained in the report, including on articles 8, 9, 15 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women, which was requested in the list of issues and questions, was again not provided in the State party’s written responses.

308. The Committee expresses its appreciation to the State party for the constructive dialogue but regrets that the delegation was unable to provide succinct, clear and direct answers to the questions posed by the Committee.

309. The Committee regrets the limited involvement of non-governmental organizations during the preparation of the report.

Positive aspects

310. The Committee commends the State party for amending article 51 of the Constitution which, as was stated by the delegation, is the vehicle through which the Convention will become part of the law of the land and forms the constitutional basis for the use of temporary special measures, including the use of quotas for accelerating the increased participation of women in political and public life.

311. The Committee commends the State party for the legislative reforms taken in the past few years for the advancement of women, including Law 66/1996 on sexual violence, Law 53/2000 on parental leave and Law 154 of 2001, on inter alia, protection measures in favour of trafficked women.

312. The Committee commends the State party for ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in September 2000, as well as for accepting the amendment to article 20, paragraph 1, of the Convention in May 1996.

Principal areas of concern and recommendations

313. The Committee notes the State party's obligation regarding the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls on the State party to focus on these areas in its implementation activities and to report on action taken and results achieved, in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

314. The Committee is concerned that the State party has taken inadequate steps to implement the recommendations in regard to several concerns raised in the Committee's previous concluding comments adopted in 1997 (see A/52/38/Rev.1, part two, sect. B.4). In particular, the Committee finds that its concerns about the low participation of women in public and political life (*ibid.*, para. 355), and lack of programmes to combat stereotypes through the formal education system and to encourage men to undertake their fair share of domestic responsibilities (*ibid.*, para. 356) have been inadequately addressed.

315. The Committee reiterates these concerns and recommendations and urges the State party to proceed without delay with their implementation.

316. The Committee is concerned that while the amendment to article 51 of the Constitution provides for equal opportunities for men and women, there is no definition of discrimination against women in accordance with article 1 of the Convention in the Constitution or in legislation other than in the field of employment. The Committee is concerned that the absence of such a provision contributes to the limited understanding of substantive equality evident in the State party, including among public officials and in the judiciary.

317. The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention be included in the Constitution or in appropriate laws. It also recommends the implementation of campaigns to raise awareness about the Convention and the State party's obligations under the Convention, and the meaning and scope of discrimination against women, aimed at the general public and especially public officials, the judiciary and the legal profession.

318. While recognizing the efforts of the State party to integrate a gender perspective in all fields, the Committee is concerned about the absence of specific national machinery for the advancement of women. It is also concerned that, as the work of the Ministry of Equal Opportunities covers a number of grounds of discrimination, this may result in low priority and insufficient focus being given to the specific nature of discrimination against women and its relevance across all the prohibited grounds. It is further concerned about the significant erosion of the powers and functions of the National Commission for Equality and Equal Opportunities.

319. The Committee recommends that the State party put in place an institutional structure which recognizes the specificity of discrimination against women and which is exclusively responsible for the advancement of women and for monitoring the practical realization of the principle of substantive equality of women and men in the enjoyment of human rights. In order to achieve this, the Committee recommends the strengthening of a national institution to monitor and support the enjoyment by women of their human rights across all fields.

320. The Committee is concerned that the different levels of authority and competencies in the State party create difficulties in respect of the implementation of the Convention throughout the country. Noting the full responsibility of national Governments in decentralized and federal States to ensure implementation of international obligations by regions, the Committee is concerned about the absence of appropriate national structures to ensure the implementation of the Convention by regional and local authorities and institutions.

321. The Committee recommends that the State party promote uniformity of norms and results in the implementation of the Convention throughout the country through effective coordination and the establishment of mechanisms to ensure the full

implementation of the Convention by all regional and local authorities and institutions.

322. The Committee remains concerned about the persistence and pervasiveness of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes undermine women's social status, present a significant impediment to the implementation of the Convention and are a root cause of women's disadvantaged position in a number of areas, including in the labour market and in political and public life. The Committee is also deeply concerned about the portrayal of women in the media and in advertising as sex objects and in stereotypical roles.

323. The Committee calls upon the State party to adopt a large-scale, comprehensive and coordinated programme to combat the widespread acceptance of stereotypical roles of men and women, including awareness-raising and educational campaigns aimed at women and men, to help ensure the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention. It recommends that the State party make every effort to disseminate information on the Convention among both private and public actors to increase awareness and understanding of the meaning and content of the substantive equality of women. It also recommends that the media and advertising agencies be specifically targeted and encouraged to project an image of women as equal partners in all spheres of life and that concerted efforts be made to change the perception of women as sex objects and primarily responsible for child-rearing.

324. While noting with appreciation the increase in the number of Italian women in the European Parliament, the Committee remains deeply concerned about the severe underrepresentation of women in political and public positions, including in elected bodies, the judiciary and at the international level. The Committee is especially concerned that the political participation of women at the national level has fallen in recent years and remains among the lowest in Europe.

325. The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies and in the judiciary and at the international level. It recommends that the State party introduce appropriate measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in political and public positions. It further encourages the State party to step up efforts to pass legislation under article 51 of the Constitution to increase the number of women in political and public positions, including through the use of quotas, and to ensure adequate representation in such positions of Roma and migrant women, and women from the south of the country. The Committee recommends that the State party carry out awareness-raising campaigns among both men and women on the importance of women's participation in political and public life

and in decision-making, and that it create enabling, encouraging and supportive conditions for such participation.

326. While noting the sharp increase in the employment rate among women, the Committee is concerned about the serious disadvantages women face in the labour market, including the underrepresentation of women in senior positions, the concentration of women in certain low-wage sectors and in part-time work, the considerable wage gap between men and women and the lack of implementation of the principle of equal pay for work of equal value. While noting that Law 53/2000 recognizes the right of both parents to take leave from work to care for a child during early infancy, the Committee is concerned that a very small percentage of men take advantage of this opportunity.

327. The Committee urges the State party to accelerate and ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to ensure equal pay for work of equal value. It also recommends that the State party extend full social security benefits to part-time workers, the majority of whom are women, and take measures to eliminate occupational segregation, in particular through education and training. The Committee further urges the State party to give women more access to full-time employment and to improve the availability of affordable childcare facilities, and encourage men, including through awareness-raising, to take equal responsibility for childcare.

328. The Committee, while noting the legislative reforms in the area of violence against women, remains concerned about the persistence of violence against women, including domestic violence, and the absence of a comprehensive strategy to combat all forms of violence against women. While recognizing the efforts made by the State party to combat trafficking in women, the Committee is concerned about the impact of Law 189/2002 (the so-called Bossi-Fini law) which grants discretionary power to local authorities to place restrictions on victims of trafficking and for the issue of stay permits.

329. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee underscores the need to fully implement and monitor the effectiveness of the laws on sexual violence and domestic violence, provide shelters, protection and counselling services to victims, punish and rehabilitate offenders, and implement training and awareness-raising for public officials, the judiciary and members of the public. The Committee also encourages the State party to revisit Law 189/2002 with a view to ensuring that all victims of trafficking benefit from stay permits on the grounds of social protection.

330. The Committee expresses its concern that the report contains insufficient data and information on the impact of health-care policies

on women, particularly regarding the impact of the privatized health system on women's health, and the impact of initiatives taken to reduce caesarean sections and prevent cancer. The Committee is concerned about the lack of data and analytical information on the care of elderly women and the health care available to women in the south.

331. The Committee requests the State party to monitor the impact on women of its health-care policies, including the National Health Plan, and to provide in its next report detailed statistical and analytical information on measures taken to improve women's health, including the impact of these measures, in accordance with the Committee's general recommendation 24 on women and health. The Committee also requests the State party to provide information on the care of elderly women, health-care policies in place for women in the south and policies to prevent HIV transmission between adults, including the impact of these measures.

332. The Committee is concerned that certain groups of women, including Roma and migrant women, remain in a vulnerable and marginalized situation, especially in regard to education, employment, health and participation in public life and decision-making. The Committee is particularly concerned about the impact of Law 189/2002, which imposes far-reaching restrictions on migrant women workers, and about the absence of laws and policies concerning asylum-seekers and refugees, including lack of recognition of gender-related forms of persecution in determining refugee status.

333. The Committee urges the State party to take effective measures to eliminate discrimination against vulnerable groups of women, including Roma and migrant women, and to enhance respect for their human rights through all available means, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. It calls on the State party to provide, in its next periodic report, a comprehensive picture of the de facto position of Roma and migrant women in the areas of education, employment, health and participation in political and public life. The Committee also encourages the State party to revisit the provisions of Law 189/2002 with a view to removing the current restrictions on migrant women, and to adopt laws and policies which recognize gender-related forms of persecution in the determination of refugee status.

334. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in 2006.

335. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and consult non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.

336. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.

337. The Committee notes that States' adherence to the seven major international human rights instruments, i.e., the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Italy to consider ratifying the treaty to which it is not yet a party, i.e., the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

338. The Committee requests the wide dissemination in Italy of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women, as well as the further steps that are required in this regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".