Italy

Submission to the CEDAW Committee
8th (virtual) pre-sessional Working Group (1-5 March 2021)
List of issues prior to reporting (LOIPR)

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I. Introduction

The LOIPR for Italy should address two very important concerns:

• the regulation of firearms given their documented impact on violence against women (VAW), especially femicides. The regulation has become more permissive in recent years. The information provided follows up on a 2019 UPR recommendation to Italy\(^1\) and that, regrettably, Italy did not support.

• Italy’s transfers of arms to other countries. This follows up on CEDAW Committee’s recommendations to made in 2017, which remain unimplemented.

II. Impact of firearms on femicides

Possession of a firearm is a risk factor in cases of domestic violence and femicide.\(^2\) The following information provides a compelling case of the urgent need to tighten the regulation of firearms in Italy.

Troubling data on femicides

A 2019 study by research institute EURES Ricerche Economiche e Sociali\(^3\) reveals that in Italy female homicide victims rose from about 25% of the total in the early 2000s to almost 40% in 2018. In that same year, one homicide out of two was committed in the family, with 67% being female victims, and firearms were used in 4 out of 10 family homicides, significantly outnumbering those by blades (24.6%); in 65% of those cases the firearms were legally owned. The number of victims killed with firearms in the family in 2018 (39.9%) registered a significant increase compared to 2017 (+97%) and was much higher than the average for the entire period 2000-2018 (32.2%).\(^4\)

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\(^1\) Recommendation 148.135 Consider revising the framework regulating the control of firearms, given the correlation between their use and femicides (Peru), Report of the Working Group on the Universal Periodic Review Italy, A/HRC/43/4, 27 December 2019.

\(^2\) The Spousal Assault Risk Assessment method (SARA method) for the assessment of the risk of recidivism in cases of intimate partner violence lists the possession of a weapon, even if legally held, as a risk indicator.


\(^4\) “L’incidenza delle vittime uccise con armi da fuoco nel 2018 risulta molto superiore alla media dell’intero periodo 2000-2018 (1.139 vittime, pari al 32,2%), registrando un significativo aumento rispetto al 2017
In that same period, firearms were also the most frequently used weapon in filicides, i.e. deliberate acts of parents killing their own children (32.3%). The number of such cases rose sharply in 2018, when more than half of filicides (51.6%) were committed with firearms. Analysis of data from the above-mentioned EURES report shows that in almost all instances of filicides committed with firearms between 2000 and 2018, the author of the crime was the father (91.5%).

Indeed, in the last 20 years, “firearms have been the most common weapon used in family and intimate homicides” highlights Giorgio Beretta, an analyst of the Osservatorio permanente sulle armi leggere e le politiche di sicurezza e difesa, OPAL. Using information available in the media, OPAL tracks in a publicly available database the number of homicides committed with firearms in Italy. In March 2020, Beretta reported that in the previous two years, homicides committed with legally-owned firearms exceeded those committed by the mafia or by robbers. He also recalled that, contrary to what one might think, the most frequent weapon used in killings of family members in Italy are not ‘blunt instruments’ (e.g. knives, metal objects, laces), which are available to everyone, but firearms.
And especially legally-owned ones.⁹ Adding that “owners of legally-owned firearms have mainly killed women.” ¹⁰

Analysis of data from the Ministry of Interior, for the period June 2019 to July 2020, shows that the victims of nearly 70% of family and intimate partner homicides were women.¹¹ In November 2020, in during an event organised by the Commissione Parlamentare d’inchiesta sul femminicidio,¹² Prime Minister Conte raised the alarm over the fact that during the COVID-19 lockdown the number of femicides had tripled, reaching the disturbing average of one woman being murdered every two days. He added that this rate is even more disturbing considering that during the lockdown there had been a decline in the overall rate of homicides in Italy.¹³ In January 2021, it was reported that, according to Ministry of Interior’s data, the decrease in total murders in 2020 had not been matched by an equivalent decrease in homicides involving female victims.¹⁴

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¹² Parliamentary Commission of Inquiry into Femicide

Note: The Prime Minister appears to have based his comments on statistics provided by the Ministry of Interior in its 15 August 2020 Dossier Viminale, which had wrongly indicated that the data provided in a table under the column “periodo di lockdown” (lockdown period) were in fact data for the period 9 March to 31 July 2020 (in Italy, the lockdown had run from 9 March to 3 June 2020). Thus, the increase in percentage terms of femicides for the lockdown period should be adjusted to take this into account; the increase remains troubling, nonetheless. The imprecision in the report of the Ministry of Interior is an example of the need for the Ministry to improve its data analysis and reporting.
The clear role of legally-owned firearms in femicides in Italy is often highlighted by media outlets, especially around the International Day for the Elimination of VAW. When concerns about such impact are shared on social media by activists or prominent figures, a strong reaction, which often appears well-coordinated or planned, from pro-gun individuals follows. A notable example is that of Senator Valeria Valente, the President of the Senate Commission on Femicide, whose comment that “One thing is certain, however: women close to an armed man run higher risks. It is unacceptable, but it is true. We have to start taking this problem seriously” was met by a stream of pro-gun individuals’ comments, some even insulting, trying to undermine that assertion.\(^{15}\)

**Impact of firearms go beyond use in femicides**

It is important to emphasise that while we have highlighted the impacts of firearms on femicides, firearms facilitate non-lethal violence. Even the mere presence of firearms within a household has the potential of increasing the risk of GBV, including psychological violence such as intimidation, and negatively impacts women’s equality and bargaining power. The CEDAW Committee has recognised that the accessibility and availability of firearms heighten women’s risk of exposure to serious forms of GBV.\(^{16}\)

**Insufficient public data from the Ministry of Interior**

The Ministry of Interior (Viminale), which collects administrative data on homicides, publishes some of this information in three reports:

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\(^{15}\) *Unofficial translation. Original in Italian: “Una cosa però è certa: le donne vicine ad un uomo armato corrono rischi più alti. È inaccettabile, ma è così. Dobbiamo iniziare a porci seriamente questo problema.”*  
The Senator had made that comment in reaction to the news of a man who had shot his wife, two-year-old twins, dog, and then himself. The man had reportedly purchased the gun about a month before the shooting. Comments included (Unofficial translations): “Anyway, ladies, be careful when using nylon stockings and tights. In extreme cases they can be used to strangle without having to apply for a licence and without giving satisfaction to many conformists who do not understand that a weapon, without the human will to use it in the wrong way, is an inert object.” “Who could have written such crap? They capitalise on tragedies to get themselves noticed. Shame on them.” “Here we are, riding on a tragedy to take yet another swipe at legal gun owners ... these despicably morons are overshadowing a family tragedy that is chilling in its cruelty and disregard for life.” “An idiot with a capital ‘I’ who wrote this article....Disrespectful towards the misfortune occurred (but in order to sell, they would give away even their a**), and also nonsensical assertions about those who legally own a weapon, paying for the licence, with a clean criminal record and a suitable psychophysical state. Please, you insignificant journalists... either write sensible truths, or go and f*** yourselves ... !!!”. See Facebook post and related comments at this link: https://www.facebook.com/partitodemocratico/posts/10158245006696896.

\(^{16}\) General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 14 July 2017, paragraph 42.
An annual report known as the *Dossier Viminale*,¹⁷ which is published on 15 August. Since 2019, the Ministry of Interior, which has finally started including some sex-disaggregated and intimate partner data in relation to homicides; the report now includes number of homicides committed in the family/intimate partner sphere as well as the percentage of women within that total; however, it does not indicate the weapons or other instruments mechanisms used in the killings.

The annual report by the *Direzione centrale della polizia criminale* (Central Directorate of Criminal Police) on voluntary homicides, which provides sex-disaggregated and intimate partner data but no information on the weapons used either.

The report on femicides ("*Questo NON È AMORE*" (This is not love)), which, since 2017, is published every November. This report provided some data on the weapons used in femicides only once, in 2019, in a report covering the period 2018 and January-August 2019. This report shows that firearms were used in 38% of the cases of femicides in 2018.¹⁸ Even though that report included data on femicides committed with firearms, it did not indicate how many of those were committed by licenced individuals; these are very important data in order to assess the relevance and effectiveness of the current regulation.¹⁹

Moreover, the Ministry does not publish any information on the exact number of firearms in circulation in Italy either, not even the total number of licences issued and still valid. It should be noted that in recent years the most requested licence is for skeet shooting (*tiro al volo*) but it has been reported that more than half of those who hold sport shooting licences do not carry out any sport activity, not even occasionally.²⁰ A recently published research showed that almost 70% of owners of a shooting

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¹⁷ *The Dossier Viminale*, which is published every year on the occasion of the traditional 15 August meeting of the National Committee for Public Order and Security, provides a summary of the activities and initiatives of all the components of the Ministry of the Interior, addressing the issue of security - understood as safety and security - also through comparison, where possible, with the previous period.

¹⁸ See: “*Questo NON È AMORE*” (This is not love), 2019, page 19, https://www.poliziadistato.it/statics/12/brochure_questononeamore_2019.pdf; see also https://twitter.com/beretta_g/status/1331211115724935170?s=20.


²⁰ *Legittima difesa: una legge manifesto che mette a rischio la sicurezza* (Self-defence: a poster law that puts security at risk), Associazione Antigone, 11 October 2018, https://antigoneonlus.medium.com/legittima-difesa-una-legge-manifesto-che-mette-a-rischio-la-sicurezza-720e6119724d. See also: *Quanti armi circolano in Italia* | *Intervista a Giorgio Beretta* (How many weapons are circulating in Italy): “Se pensiamo che le due principali associazioni sportive, l’Unione Italiana Tiro a Segno (Uits) e la Federazione Italiana Tiro a Volo (Fitav), dichiarano di non superare nel loro insieme i 100 mila tesserati e anche ammettendo che altrettanti siano gli iscritti ad altre associazioni e ai poligoni di tiro privati, resta il fatto che più della metà di coloro che detengono questa licenza non svolgono, nemmeno saltuariamente, alcuna pratica sportiva. Essendo questa licenza,
sports licence in 2018 were unknown to the sports facilities, suggesting that the licences were obtained in order to keep a weapon legally at home. 21

The Fifth Conference of States Parties to the Arms Trade Treaty adopted several commitments relating to GBV and gender; these include: “States Parties are encouraged to collect gender disaggregated data within their national crime and health statistics, including gender disaggregated data on victims of armed violence and conflict, and make this data publicly available.”22 Under this commitment, Italy should be doing more to advance gender disaggregated data collection.

Both the National Strategic Plan on male violence against women and the NAPs on Women, Peace and Security, including the most recently adopted one,23 pay no attention to the correlation between firearms and femicides and other forms of VAW.

Changes in regulation raising serious concerns

Effective gun control laws are a key way to prevent VAW, including femicides. For this reason, the loosening of legislation regulating the acquisition and use of guns in recent years in Italy is of serious concern.24 Two main legislative key actions have been taken in recent years that can actually

insieme col nulla osta, la più semplice da ottenere è evidente che l'intenzione di gran parte dei richiedenti non è quella di praticare uno sport, bensì di poter avere delle armi a disposizione.” ( “If we consider that the two main sports associations, the Italian Shooting Union (UITS) and the Italian Shooting Federation (FITAV), state that they do not have more than 100,000 members, and even if we assume that there are just as many members of other associations and private shooting ranges, the fact remains that more than half of those who hold this licence do not practise any sport, not even occasionally. Since this licence, together with the permit, is the easiest to obtain, it is clear that the intention of most applicants is not to practise a sport but to have weapons at their disposal. (Unofficial translation)), 17 April 2018, http://www.today.it/cronaca/armi-italia-intervista-beretta-opal.html/pag/2.


23 ITALY’S IV PLAN OF ACTION ON WOMEN, PEACE AND SECURITY (2020 – 2024), IN ACCORDANCE WITH UN SECURITY COUNCIL RESOLUTION 1325 (2000), adopted on 10 December 2020, available at: https://cidu.esteri.it/comitatodirittiumanhi/resource/doc/2021/01/plan_of_action_1325_2020-2024.pdf. While the NAP recalls that the importance of addressing the root causes of violence and refers to the objective to “promote the direct, formal and meaningful participation of women and youth in peace processes and in all decision-making processes related to (...) disarmament (…),” it is silent on any commitments towards addressing the impact of arms, such that linked to Italy’s arms transfers.

24 It is worth recalling that in 2014, Italy voted in favour of Human Rights Council resolution 26/16 on “Human rights and the regulation of civilian acquisition, possession and use of firearms” providing that the acquisition,
incentivise or encourage the acquisition or use of firearms by any person: the legislative decree n. 104 of 10 August 2018 and the new law on self-defence of March 2019.

1) The legislative decree n. 104 of 10 August 2018, which entered into force in September 2018, doubled the number of ‘sport’ weapons that licensed individuals could own; the category of sport weapons includes some semiautomatic weapons such as several models of the AR-15, an assault rifle. It also loosened limits on magazine capacity without any legal obligations to inform the police of the purchase (for more details, see footnote).25

2) The new law on self-defence adopted in March 2019 broadens the legal grounds for private persons to apply lethal force for self-defence; it states that in cases of trespassing “the proportionality always exists” between the offence and the defence (e.g. shooting an intruder with a legally-owned firearm. Previously, the law had required proof that an intruder posed an immediate physical threat to the household in order to justify the use of lethal force, such as shooting.) This law has the potential to encourage more people to acquire licensed firearms to keep at home and ‘take justice into their own hands.’ As indicated earlier, the presence of firearms within a household has the potential of increasing the risk of GBV.

Additional concerns relate to the fact that even though two legislative decrees of 2010 and 2018 26 have established the exchange of data between the Ministry of Interior and the Ministry of Health on mental health of firearms owners, in order to suspend or revoke the licences if necessary, the ministries are yet to adopt the necessary implementing measures.27
UPR recommendation on gun control not supported by the government

In 2019 Italy received but, regrettably, did not support a UPR recommendation to “consider revising the framework regulating the control of firearms, given the correlation between their use and femicides.” In its explanation, Italy stated that firearms were used “only in 18% of the cases” of femicides during 2019. The government’s explanation used only data from some of the months of 2019 and glossed over the fact that the rate of femicides committed with firearms in 2018 was a troubling 38%. Moreover, as pointed out by the trade analyst Giorgio Beretta, there has been a troubling trend in Italy: “legal gun owners (who are less than a tenth of the Italian population) are responsible for more than a quarter of the murders of women and femicide in the family-affective sphere.” In any event, it is worth asking whether 18% isn’t more than enough to raise the alarm about the urgency of reviewing the current legislation.

Suggested questions

- Which ministries are collecting administrative data on GBV under the requirement of Art. 11 of the Istanbul Convention i.e. collecting, in a systematic and periodic way, data disaggregated by sex of the victim and of the perpetrator, the relationship between them, age, the place where the violence took place?
- What administrative data are collected and published under the definition of gender-based homicides? Are they disaggregated by migration status, disability and other relevant factors?

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28 Recommendation 148.135 Consider revising the framework regulating the control of firearms, given the correlation between their use and femicides (Peru), Report of the Working Group on the Universal Periodic Review Italy, A/HRC/43/4, 27 December 2019.

29 “Recommendation No. 148.135. Not accepted. The analysis of operations concerning the cases of femicide, based on information provided for by Police Headquarters during 2019, shows that a firearm was used only in the 18% of the cases; bladed weapons (36%), blunt instruments (27%), suffocation or other means (19%) were used in the other cases. Current legislation envisages that the Quaestor promptly adopts measures concerning the detention of firearms when cases of domestic violence and stalking are reported.” Report of the Working Group on the Universal Periodic Review, Italy. Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/43/4/Add.1, 19 February 2020.

● What data are collected on the weapons or other instruments used in homicides and how are they made public? And what data are collected on the potential correlation between gender-based homicides and the weapon used to kill the victim? How are these analysed and disseminated?

● What measures are taken to assess applications for sport shooting licence, including to ascertain whether it is indeed linked to the exercise of a sport activity?

● Has the exchange of information between the Ministry of Interior and the Ministry of Health concerning firearms owners’ mental health become operative? How is it carried out?

### III. Impact on human rights of Italy’s arms transfers

The CEDAW Committee has repeatedly recognised the negative impacts of arms on women and girls.\(^{31}\) In 2017, the CEDAW Committee expressed concerns about Italy’s arms exports, including to conflict zones, and the absence of a specific mechanism for GBV risk assessments and made specific recommendations in this regard.\(^{32}\) In 2019, Italy received three UPR recommendations relating to regulation of arms transfers but accepted only two.\(^{33}\)

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\(^{31}\) In addition to the Lists of issues and Concluding observations, it has done so in General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 18 October 2013, paragraph 32; General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, CEDAW/C/GC/35, 14 July 2017, paragraph 31 (c), and General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, paragraph 34, CEDAW/C/GC/38, 20 November 2020, paragraphs 34 and 70.

\(^{32}\) “The Committee recommends that legislation regulating arms export control be harmonized with article 7 (4) of the Arms Trade Treaty and with Council Common Position 2008/944/CFSP of the Council of the European Union defining common rules governing control of exports of military technology and equipment. It also recommends that the State party integrate a gender dimension into its strategic dialogues with countries purchasing Italian arms and that, before export licences are granted, comprehensive and transparent assessments be conducted of the impact that the misuse of small arms and light weapons has on women, including those living in conflict zones”. CEDAW/C/ITA/CO/7.

\(^{33}\) Accepted recommendations: 148.232 Take more measures to prevent arms transfers that may facilitate human rights violations, including gender-based violence, and that negatively impact women (Namibia); and 148.15 Ensure that all arms transfers and exports comply with Italy’s obligations under the Arms Trade Treaty (Iceland). Recommendation not accepted: 148.7 Sign and ratify the Treaty on the Prohibition of Nuclear Weapons, and integrate a human rights impact assessment into its arms export control mechanisms (Ecuador). For the source of Italy’s positions on these recommendations, see: Report of the Working Group on the Universal Periodic Review, Italy. Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/43/4/Add.1, 19 February 2020, see paragraphs 4 and 8.
Italy is a State Party to the Arms Trade Treaty, the Firearms Protocol\textsuperscript{34} and is further bound by the EU’s Common Position 2008/944/CFSP. It also has obligations relating to arms transfers stemming from human rights treaties it is party to, such as CEDAW and the IESCR.\textsuperscript{35} Italy’s arms export control is based on Law 9 July 1990, n. 185, as updated by Legislative Decree 105 of 2012.\textsuperscript{36}

Italy’s continued arms transfers to countries with poor human rights records remain a matter of great concern. Concerns also relate the transparency around licensing decisions.

According to SIPRI,\textsuperscript{37} Italy was the 9\textsuperscript{th} largest arms exporter for the period 2014-2019.\textsuperscript{38} During that period Italy authorised arms transfers to several countries, including Turkey, Pakistan, Saudi Arabia, Turkmenistan, the UAE, Brazil, Mexico and Niger. It did so despite well-known human rights concerns in these countries, including in relation to GBV, and the involvement of some of these countries in armed conflicts. (Additional relevant information available in an Annex sent separately).

In the case of Egypt, transfers include those made in 2014 in disregard of the agreement in the EU Foreign Affairs Council to suspend export licenses to Egypt of any equipment which might be used for internal repression; in December 2020, despite strong condemnation by human rights groups,\textsuperscript{39} a first

\begin{itemize}
\item \textsuperscript{34} Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Known as the Firearms Protocol).
\item \textsuperscript{35} With regard to the IESCR, we recall that in March 2020 for CESC pre-session the issue of arms transfers was raised in a joint submission on women’s rights by Fondazione Pangea onlus, WILPF, as well as several Italian feminist organisations. The European Center for Constitutional and Human Rights (ECCHR) also made a submission about Italy’s extraterritorial obligations under the Covenant. The submission focuses on violations arising from Italian arms transfers to third countries and pointing to Italy’s obligation to protect, particularly in relation to Italian businesses operating in the arms industry. It emphasises that arms transfers can have a profound impact on economic, social and cultural rights as they can lead among others to damage and destruction of civilian infrastructure, schools, hospitals, housing and water and sanitation infrastructure, directly impacting the population’s enjoyment of their economic, social and cultural rights, such as the right to health, water, education, adequate food and adequate housing.
\end{itemize}

The submission is available at: https://www.ecchr.eu/fileadmin/Juristische_Dokumente/ECCHR_CESCR_SUBMISSION_ITALY_MAR2020.pdf

\begin{itemize}
\item \textsuperscript{36} Nuove norme sul controllo dell’esportazione, importazione e transito dei materiali di armamento (1) (2) (3); Legge 9 luglio 1990 n.185, http://www.difesa.it/Legislazione/Norme_in_rete/Pagine/urn_nir_parlamento_legge_1990-07-09_185_28_02_200501_06_2011_15_07_28.aspx.
\item \textsuperscript{37} Stockholm International Peace Research Institute
\item \textsuperscript{38} https://www.sipri.org/sites/default/files/2020-03/fs_2003_at_2019.pdf
\end{itemize}
instalment of a deal (known as the ‘order of the century’\(^\text{40}\)) without any official communication to Parliament, thus, preventing it from exercising the oversight role required by Law 185 of 1990.

A 2020 report on Mexico highlighted that one third of the 238,000 weapons sold from 2006 to 2018 to the Mexican police were exported from Italy. The report recalls Italian weapons “have been used by police in several Mexican states in multiple serious human rights violations. These include the forced disappearance of 43 student teachers from the Ayotzinapa Normal School in September 2014.” \(^\text{41}\) It highlights that “Weapons that are manufactured in Italy and are destined for the civilian market – including police agencies – don’t need specific authorization, and can be shipped from Italy with simple administrative documentation which does not include any end-user certification.” \(^\text{42}\)

CSOs have been campaigning to stop Italy's arms transfers to countries involved in the conflict in Yemen, including by a criminal complaint with the public prosecutor of Rome \(^\text{43}\) and submitting a communication to the International Criminal Court, calling for an investigation into the responsibility of corporate and governmental actors in some European arms exporting countries, including Italy. \(^\text{44}\)

In June 2019, the Italian Parliament approved a motion that committed the government to adopting the necessary acts to suspend the export of aircraft bombs, missiles and their components to Saudi Arabia and the UAE that may be used against civilians in Yemen. In December 2020, the Parliament asked that the exports licences be revoked; CSOs called on the government to swiftly implement the

\(^{40}\) L'affare del secolo con l'Egitto (The deal of the century with Egypt), 9 January 2021, https://comune-info.net/perche-continuiamo-ad-armarlo/.


\(^{42}\) Ibid., page 10.


Parliament’s requests. On 29 January 2021, the government finally announced the decision to revoke those licences.\textsuperscript{45} This was a huge victory for those who had campaigned relentlessly for a halt to those arms transfers; and while this is an important step in the right direction, the many actions needed to achieve that decision demonstrate the government’s reluctance to fulfil Italy’s human rights obligations. Moreover, it is important to emphasise that the revocation only applies to licences for export of missiles and aerial bombs; it does not apply to licences for other weapon systems still ongoing.

A 2017 agreement between Italy and Niger, supposedly to strengthen cooperation between the two countries on migrant flow management, defence and security,\textsuperscript{46} opens the door to simplified exports of arms and defence equipment. It allows the transfer of military equipment from Italy and allows private individuals to export military equipment, circumventing arms trade rules. The agreement makes Niger a contracting country, which reduces arms export controls.\textsuperscript{47} The agreement was not submitted to the Italian Parliament for ratification, despite a requirement to do so contained in Article 80 of the Italian Constitution, and it was not published in the Official Gazette either.\textsuperscript{48} The lack of transparency in this agreement contradicts Italy’s obligations as a state party to the ATT.

\textsuperscript{46} Using the Freedom of Information Act, the Italian CSOs requested access to the content of the agreement. In February 2019, they succeeded in their bid to be granted access despite opposition from the Italian government, which was invoking security concerns and risks of detriment to international relations, and they published the contents of the agreement. However, it appears that the Lazio Regional Administrative Court did not order the disclosure of the contents of the letters that constitute the real legal basis for cooperation between Italy and Niger, which means that neither civil society nor Italian MPs know what is in them
Experts have highlighted that Italy is one of the least transparent countries in the European Union in relation to fulfilling the reporting requirements under the Arms Trade Treaty.49

The report to the Parliament does not include essential information needed to ensure that the Parliament can exercise its supervisory role and ascertain whether the authorisations issued by Italy’s arms licensing authority (UAMA) are in line with the prohibitions laid down in Italy’s own legislation.50 For example, it does not the list of countries subject to arms embargoes, nor does it include a list of “countries whose governments are responsible for serious violations of international human rights conventions, ascertained by the competent bodies of the United Nations, the EU or the Council of Europe” or a list of countries in a situation of armed conflict.

CSOs have been urging greater and more thorough parliamentary scrutiny of both the government’s annual report and arms transfers authorised by the government. This includes ensuring greater transparency in the government’s annual report to Parliament on arms transfers.51

In 2019, a Senator presented a bill52 that aims at, inter alia, re-establishing an inter-ministerial committee to review requests for arms transfers, promoting measures to convert military equipment for public utility purposes, introducing clearer and more stringent criteria for transfers, of an explicit reference to the criteria of the ATT.

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49 Export di armi, l’Italia tra i meno trasparenti in Ue. Da quattro anni non comunica all’Onu i Paesi a cui vende armamenti e mezzi militari (Arms exports, Italy among the least transparent in the EU. For four years it has failed to inform the United Nations of the countries to which it sells arms and military equipment) https://www.ilfattoquotidiano.it/2020/07/31/export-di-armi-litalia-tra-i-meno-trasparenti-in-ue-da-quattro-anni-non-comunica-allonu-i-paesi-a-cui-vende-armamenti-e-mezzi-militari/5885177/.


51 30 anni di export militare: quasi 100 miliardi di vendite, la maggioranza fuori da UE e NATO (30 years of military exports: almost 100 billion in sales, the majority outside the EU and NATO), 9 July 2020 https://www.disarmo.org/rete/a/47835.html

For the text of the legislation, see Law No. 185 of 9 July 1990, New provisions on controlling the export, import and transit of military goods (COURTESY TRANSLATION) https://www.esteri.it/mae/resource/doc/2017/06/legge_09_07_1990_n185.pdf

52 Senatore Ferrara (M5S) presenta disegno di legge contro la vendita di armi a paesi in guerra (Senator Ferrara (M5S) introduces bill against arms sales to warring countries) https://www.luccaindiretta.it/politica/item/137619-senatore-ferrara-m5s-presenta-disegno-di-legge-contro-la-vendita-di-armi-a-paesi-in-guerra.html
No efforts towards reconversion of the arms industry

Italy’s legislation on the licensing of arms transfers envisages for the government to arrange “measures capable of supporting the gradual differentiation of production and the conversion of defence industries to civilian use.” The Parliament has referred to the need for initiatives to encourage and support the conversion into civilian production of the activities of arms producers, including through the establishment of an ad hoc fund and the financial incentives. Activists, including WILPF Italy, Sardegna Pulita (Clean Sardinia), Donne Ambiente Sardegna (Women Environment Sardinia), have been promoting initiatives to convert arms factories into alternative economic activities.

During the COVID-19 lockdown in the spring of 2020, arms production was allowed to continue, subject to additional authorisation from local prefects. This included the production of F-35 Joint Strike Fighters in a Lockheed Martin-run factory in northern Italy. It was also reported that workers in Italy’s arms factories were working without health protections and masks and that at least one factory (RWM Domusnovas) decided to temporarily suspend production on the request of the factory trade union representatives.

Suggested questions

- What measures has the State put in place to suspend arms transfers to countries where there is a risk that arms might be used to facilitate or commit serious violations of international human rights law and international humanitarian law?
- What specific criteria are used to assessed if pending arms transfers, and the granting of licences on production facilities, risk facilitating or contributing to GBV or VAW in the recipient

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54 http://documenti.camera.it/leg18/odg/assemblea/xhtml/2019/06/26/20190626.html
55 See, for example, Sardegna: un progetto per la riconversione della fabbrica bombe RWM (Sardinia: a project for the reconversion of the RWM bomb factory) https://www.adista.it/articolo/64577
58 Coronavirus, Rwm ferma la produzione (Coronavirus, RWM suspends production) (https://www.sardiniapost.it/cronaca/coronaviurs-rwm-ferma-la-produzione-ridurre-ulteriori-rischi-per-il-territorio/)
country? Does Italy request any mitigating measures or additional information from states that import Italian arms?

- What information is provided in the annual report to the Parliament (Law No. 185 of 9 July 1990)\(^{59}\) to ensure thorough Parliamentary reviews of arms export licences?

- What governmental initiatives have been taken to ensure the implementation of Art. 1 (3) of the Law 9 July 1990, n. 185 with regard to the conversion of defence industries to civilian use?

- Why did the government include arms companies among the ones that were permitted to continue operating during the lockdown?

- How has the state ensured that the role of Italy’s arms transfers and domestic firearms acquisition in GBV and femicide be fully addressed in the recently adopted National Action Plan on Women, Peace and Security?

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\(^{59}\) “Relazione sulle operazioni autorizzate e svolte per il controllo dell’esportazione, importazione e transito dei materiali di armamento”.