

# Review of Italy

Joint submission to the UN Committee on Economic, Social and Cultural Rights (CESCR)

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**Focus: women's rights**

*Submitted in January 2020 by:*

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This submission is made by Fondazione Pangea onlus, WILPF Italy, a national section of the Women's International League for Peace and Freedom and the women organization BeFree, Prospettiva Donna, Germoglio Viola, Centro Renata Fonte-Donne Insieme, UDI, Giraffa, Forum of Mediterranean Women Journalist, Filomena la rete delle donne, Ponte Donna, Trama di Terre, LAIGA, Parsec, ProChoice. It is based on a joint advocacy brief for the UPR of Italy — which took place in November 2019 — endorsed by some 70 Italian organisations.<sup>1</sup>

## Context

Since 2015, Italy has witnessed the revamping of a ferocious public debate on the so-called natural family, and the strengthened institutional support to conservative policy arenas (such as the Fertility Day campaigns, the controversial convening in Verona of the World Congress of Family of March 2019) wilfully used by government members to pursue an anti-gender, and ultimately anti-women, agenda. A new government came to power in September 2019 and there was a visible positive change in public pronouncements and appointments; yet, despite this, many policies that were changed under the previous government are still in place such as, for example, the one on asylum seekers and refugees.

Historically, government's attention to a gender-oriented approach has been intermittent and residual. In fact, many of the problems described in this submission are long-standing.<sup>2</sup> Many of these have been in disregard or have run against human rights recommendations made to Italy, including by the CEDAW Committee, obligations under, *inter alia*, the Convention on preventing and combatting violence against women and domestic Violence (the Istanbul Convention), and commitments under Beijing Declaration commitments, the Sustainable Development Goals. Consequently, equality policies with their required inclusiveness, coherence over time and adequate financial backing, are lacking throughout the national territory. A clear example of this is that despite existing laws, equal representation mechanisms are still inadequate and weak.

## Gender stereotypes and discrimination (GC 16)

In 2015, the CESCR recommended that Italy step up its efforts to combat gender stereotypes and that it embark on national awareness-raising campaigns.<sup>3</sup> Two years later, the CEDAW Committee made

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<sup>1</sup> Available at [http://www.pangeaonlus.org/r/Pangea/Documenti/Pdf/advocacy/UPR-2019/UPR-2019\\_Italy\\_Analysis-and-Recommendations%20\\_english-version.pdf](http://www.pangeaonlus.org/r/Pangea/Documenti/Pdf/advocacy/UPR-2019/UPR-2019_Italy_Analysis-and-Recommendations%20_english-version.pdf)

<sup>2</sup> See shadow reports to CEDAW Committee in 2011 and in 2017 by Italian CEDAW platform, or the Beijing alternative report of 2015.

<sup>3</sup> See E/C.12/ITA7C075, paragraph 23.

recommendations on this issue too.<sup>4</sup> However, Italy has not undertaken systematic action aimed at promoting changes in the stereotyped and unbalanced public perception of genders, and at transforming the patriarchal culture based on unequal and discriminatory power relations between women and men in every sphere of life.

Increasingly, political vision aimed to push women away from the public sphere and lock them in traditional family roles is gaining traction among the discontented, but very vocal and growing constituencies for populist, sexist and homophobic demagoguery. A virulent climate of social fear, with sexist and xenophobic intersectional discussions, including hate speech promoted also by politicians, has been perceived in the country periodically based on the political wave and agenda in place. This is reflected in a strengthening of repressive laws and measures relating to security that were easily enacted apparently to solve complex issues, including those related to women's rights.

The degrading representation of the female body of every age, and of gender roles persist at all levels: in the political debate, mass and social media, as well as in commercial messages. The attitudes and behaviours to disparages and discredits women impeaches their credibility when they denounce gender-based violence. It is not a coincidence that, for example, domestic violence is often downgraded to family conflict without having due criminal and civil consequences for perpetrators, on child custody rights and visitation (For example, the previous government put regressive draft legislation, including many draft laws relating to divorce and custody of children). Women from minority groups, such as the Roma and Sinti women, are also among those very much affected by sexism and gender stereotypes.

Moreover, since 2013 ultra conservative groups advocate discriminatory, homophobic and racist theories in educational institutions, particularly in kindergartens and primary schools, in support of the "natural/biological" family and traditional gender roles, and against the LGBTQI community. The *Buona Scuola* (Good School) law reform of 2017 envisaged specific measures for teachers and students aimed at promoting gender equality, countering discrimination and gender-based violence. However, no concrete action has been taken to counter these discriminatory theories (see, for example, the Trento municipality that banned any gender equality education from schools).

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<sup>4</sup> "Put in place a comprehensive strategy with proactive and sustained measures to eliminate and modify patriarchal attitudes and gender stereotypes, with particular focus on women belonging to minority groups, who are often the target of hate speech and racially motivated violence, by revising textbooks and curricula and conducting awareness-raising campaigns directed at women and men in general and at the media and advertising agencies specifically". See CEDAW/C/ITA/C0/7, July 2017, Paragraph 26(a).

## Questions

- What practical measures have been taken to combat gender stereotypes?
- Which awareness-raising campaigns has the government carried out or promoted to modify the public's mindset as regards to gender roles?
- What practical measures have been taken to combat sexism and sexual harassment in all fields, including politics?

## Women's access to work and welfare (Arts 3, 6 and 7)

In 2015, the CESCR expressed concerns about, *inter alia*, "women's concentration in the informal economy and in low-paid sectors, which perpetuates vertical and horizontal occupational sex segregation and the gender wage gap."<sup>5</sup> It also reiterated its recommendations that Italy "without delay explicitly include in the labour code the principle of equal pay for work of equal value for men and women, and introduce the mechanism necessary for its effective implementation."<sup>6</sup>

While the full equality between men and women is recognised in the Constitution,<sup>7</sup> de facto women continue to earn less than men. The government is yet to enact measures to try to overcome the gender pay gap.<sup>8</sup> Wage differences also have a major impact on women's choices forcing them to choose between the private and the professional sphere, choosing a part time job or staying home if their partner earns more (as it is usually the case.) The difficulty of women's participation in the labour market remains closely related to family responsibilities.<sup>9</sup> Traditional gender roles and stereotypes limit not only women's access to the labour market and their ability to keep their job, but also create barriers to their career development. Many young women, even when with high levels of education, are confined to low quality and precarious jobs,<sup>10</sup>

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<sup>5</sup> See E/C.12/ITA7C075, paragraph 26 and 27.

<sup>6</sup> See E/C.12/ITA7C075, paragraph 31.

<sup>7</sup> Articles 3, 4, and 37

<sup>8</sup> The female employment rate 15-64 years in 2017 was 49.1% and, since the male employment rate was 67.1%, the gender employment gap in 2017 stood at 18 points. According to the report of the World Economic Forum 2017 on the gender pay gap, Italy ranks 82 out of 144 countries. The estimated per capita income of women is US\$26,273 against US\$50,682 for men with a high incidence of part time jobs for women. In 2016, 25.9% of women, especially young women, were not included in the labour market, against 18.2% of men, and there were strong local variations: in 2016, the gender differential moved from 5.3 points in the North, to 5.8 in the Centre, and 14.3 points in the South, where the unemployment rate was 31.0% for men and 45.3% for women. Women seeking employment -12.8% - as well as those immediately ready to work are considered in this UPR Italy Joint Recommendation Oct\_2019, [http://www.pangeaonlus.org/r/Pangea/Documenti/Pdf/advocacy/UPR-2019/UPR-2019\\_Italy\\_Analysis-and-Recommendations%20\\_english-version.pdf](http://www.pangeaonlus.org/r/Pangea/Documenti/Pdf/advocacy/UPR-2019/UPR-2019_Italy_Analysis-and-Recommendations%20_english-version.pdf)

<sup>9</sup> In fact, in the second quarter of 2017 the employment rate of 25-49-year olds is 81.1% for women living alone, 70.8% for those living in couples with children and 56.4% for mothers. Some 32.4% of women are employed part-time.

<sup>10</sup> Female employment remains at the same levels as in the last decade although slightly improving with significant differences, both regional (in the North 59.4%, in the South 32.3%) and in family structure, and in educational qualifications (29.8% for those with a school-leaving certificate, 73.3% for graduates) and in age classes. Even when employment is obtained, women experience more often and for longer periods of time precarious situations.

something that prevents and hampers long-term life strategies and choices, including motherhood. Women in their 40s and 50s who find it hard to find a new job often end up in low quality and precarious jobs too.

Migrant women are particularly affected. They suffer intersecting discriminations, being discriminated both as women and as migrants. They are mainly employed in care work, characterised by long hours and low pay, something that, among other things, puts them at high risk of burn-out. Since many of them hold a university degree (especially those coming from Eastern European countries), their expertise and skills are not put to the best use.<sup>11</sup>

Difficulties for women to enter the labour market are related to structural weaknesses that, in turn, are also the result of traditional welfare policies<sup>12</sup> and organization of services. These weaknesses are expected to be counterbalanced by informal family support systems. However, families are left to fend off for themselves in absence of adequate and effective welfare policies. Single-parent<sup>13</sup> and “rainbow” families fare even worse.

New provisions have been included in the State budget in December 2020<sup>14</sup> aimed to support families with children and improve the life work balance. This is a positive signal that should be implemented in practice; however, it is too early to evaluate their real effect. The current family-based social protection should be replaced by a welfare system based on universal social protection system as it would also allow to fully include single women of every age.

According to a research conducted in 2017 by Episteme in Italy, 37% of women do not own a personal bank account or they cannot manage it independently, with differences according to age, level of education and

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<sup>11</sup> <https://www.ingenere.it/articoli/la-doppia-discriminazione-delle-donne-immigrate>

<sup>12</sup> Maternity leave amounts to 150 days against 7 days for paternity leave starting from 2020.

<sup>13</sup> Almost 10million of women with children are alone and should face between family and work: 43.2% of women between 25 and 49 years with minor children is unoccupied, and a poor network of services for early childhood forces a good part of 40.9% of mothers with at least one child to choose a part-time regime even if continue to have a job. In 2016, the absolute incidence of poverty among families with a woman as household head was 6.1% (5.4% in 2014), while the corresponding indicators among households with a man is 6.4 % in 2016 (5.9% in 2014). It confirms the plight of single mothers with children: 85% of single-parent families in absolute poverty has a woman as the central figure. For this family type, the incidence of absolute poverty is growing, going from 6.7% in 2015 to 8.1% in 2016.

<sup>14</sup> It introduces the ‘family package’: the increasing of the contribution for kindergartens up to € 3,000 for medium-low income families, the extension of paternity leave from five to seven days and the extension of the one-time ‘baby bonus’ for another year. From 2021, a monthly universal cheque will be introduced providing a contribution all new-borns (ranging from 80 to 160 euros per month up to one year). In support of the measure, the Universal Check and Family Services Fund will be established (€ 1,044 million for 2021 and € 1,244 million from 2022). The package also includes support for so-called smart working (i.e. flexible work arrangements) and support to people with disabilities. See: <https://www.fasi.biz/it/notizie/novita/21158-il-testo-della-legge-di-bilancio-2020.html>

geographical location.<sup>15</sup> Economic dependency on their partners make women particularly vulnerable to various forms of abuse and violence, including economic violence.

A government decree (no. 151/2015) completely changed the role of the *Consigliere di parità (Equality counsellors)*, particularly at the local level, stripping them of their independent powers to monitor discrimination in the workplace.

## Questions

- What concrete steps have been taken to include the equal pay for work of equal value for men and women in the labour code?
- How is the government monitoring the gender pay gap (GPG) in the labour market across the regions of the country? What reports are provided to the Parliament on the state of the gender pay gap (GPG) and the pension gap?
- What government policies have been carried out to eliminate GPG? What sanctions are envisaged for employers that discriminate between salaries provided to female or male employees?
- What social protection is provided to women working in precarious job and precarious working conditions?
- What does the legislation providing for paternity leave entitlements envisage? What measures have been taken to promote men taking parental leave?
- What measures have been taken by the government to avoid women leaving work at the birth of children?
- What measures has the state introduced to end the discrimination of migrant women in the labour market?
- Which measures has the state undertaken to promote financial independence of women and tackle women's exposure to economic violence?
- How is the government ensuring that the Equality Counsellors are fully independent and not subject to political pressure?

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<sup>15</sup> According to this research, none of the women who stopped their education at the middle school have a personal or independently managed bank account; there is a lack of autonomy also for 35,8% of women who are between 55 and 64 years old, whatever their level of education, for 46% of women who live in the South or on the islands, and for almost three out of 10 women who live in much richer areas as the Northeast (27%) or the North West (31%). See: <http://www.museodelrisparmio.it/wp-content/uploads/2017/09/Ricerca-LE-DONNE-E-LA-GESTIONE-DEL-RISPARMIO.pdf>

## VAW: prevention, protection and the need for integrated policies at the national and regional levels

Gender-based violence is a structural phenomenon that continues to be very serious and widespread. A gender-based approach to understand its roots and dire consequences is still needed at all levels. In 2015, the CESCR expressed concerns that domestic violence against women and girls remains pervasive in Italy and made recommendations to address this.<sup>16</sup> In 2017, the CEDAW Committee made numerous recommendations to address gender-based violence against women.<sup>17</sup> Italy is a state party to the Istanbul Convention<sup>18</sup> but is yet to take effective steps to implement it.

Data from the latest (2014) Prevalence Survey on women's safety carried out by the Italian National Institute of Statistics (ISTAT) show that 6,788,000 women between 16 and 70 years of age, i.e., almost one in three (31.5%), have reported some form of physical or sexual abuse in the course of their lives. Indeed, every 72 hours, a woman is killed in gender-based violence (i.e. an average of 120 women per year), usually by a partner, former partner or a relative.

The administrative data collection systems concerning victims of gender-based violence and femicide of the Ministries of Justice, Interior and Health are not in line with the provisions of the *Istanbul Convention*.<sup>19</sup> Prevention and protection policies and measures are not evidence based. Over the past 10 years, rates of femicides and extremely serious injuries from attempted femicides have remained largely constant, despite a decrease in the overall number of homicides during the same period.

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<sup>16</sup> "36. The Committee is concerned that domestic violence against women and girls remains pervasive in the State party despite numerous legislative and policy measures adopted to address it. The Committee is also concerned that the measures taken do not address the situation of women and girls with disabilities, who are particularly subject to domestic violence (art. 10).

37. The Committee recommends that the State party redouble its efforts to combat violence against women and girls and to prosecute perpetrators. In that regard, it calls upon the State party to ensure effective implementation of the related legislation, and the adequate resourcing of plans of action, including the action plan against sexual and gender-based violence. Furthermore, the Committee recommends that public awareness-raising campaigns against domestic violence be strengthened, and that support for victims of domestic violence be reinforced, including by facilitating their access to adequate services for recovery, counselling and other forms of rehabilitation. The Committee draws the State party's attention, in particular, to the domestic violence experienced by women and girls with disabilities and recommends that the State party facilitate their access to complaint procedures and ensure that they receive adequate support and assistance." See E/C.12/ITA/CO/7, paragraph 36 and 37.

<sup>17</sup>CEDAW/C/ITA/CO/7, 24 July 2017, paragraph 28

<sup>18</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, ratified by Italy on 10 September 2013, and entered into force on 1 August 2014.

<sup>19</sup> Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

The lack of coordination between the central and regional governments<sup>20</sup> as well as the constant weakness of administrative bureaucracy represent an important obstacle to the action of existing local networks on combating and preventing violence against women as well as on the timely distribution of financial resources to specialised women services, so-called anti-violence centres and shelters only for women, transparency on the distribution of national, regional and local funding, and monitoring of their use.<sup>21</sup> All of these weaknesses expose women who experience violence to secondary victimisation because it is often difficult to access timely support services, protection and adequate empowerment.

Italy has a National Strategic Plan on male violence against women for the period 2017-2020;<sup>22</sup> the national women organisations specialised in violence against women<sup>23</sup> and on perpetrators program<sup>24</sup> were involved to build in consultation the Strategic Plan. The Plan envisaged a series of integrated policies, including prevention and protection measures, and more funds. However, the Operational Plan<sup>25</sup> has not led to any concrete results. The scarcity of financial resources allocated by the competent ministries for the training of relevant actors also hampers effective prevention and protection from violence as well as punishment of its perpetrators.

In January 2020, the Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) published its first baseline evaluation report on Italy. Our organisations hope that Italian Parliament, all ministries and the Department of Equal Opportunity will take the opportunity provided by this report and implement its recommendations.

## Questions

- What measures have been taken to fully implement the Istanbul Convention such as in relation to improving coordination and gender mainstreaming between national, regional and municipal interventions? How are women's associations and specialized women services providers involved in the development of integrated policies? What funding is provided to these organisations?

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<sup>20</sup> Each *Regione* has put in place its own regional law on violence against women with significant disparities among each other in the availability and quality of assistance and protection services, including specialized shelters, as well as intersecting forms of discrimination against women victims of violence belonging to minority groups.

<sup>21</sup> It may take years to receive financial support as it is stuck between different actors in national, regional and municipal administrators, who are often locked in internal disputes or who are marred by inefficiency in transferring, sharing and report on funds and beneficiaries.

<sup>22</sup> See National Report, A/HRC/WG.6/34/ITA/1, paragraph 21.

<sup>23</sup> Telefono Rosa, DIRE, UDI, Fondazione Pangea

<sup>24</sup> Maschile Plurale and Relive – Rete nazionale dei centri per autori di violenza nelle relazioni di intimità

<sup>25</sup> The plan meant to operationalise the National strategic plan on male violence against women 2017-2020

- What measures are taken to ensure that all relevant ministries plan, finance and carry out activities towards the operationalisation of National Strategic Plan on male violence against women 2017-2020?
- What preventive and protection measures are enacted in consultation with migrant women and their organizations towards preventing all forms of violence including forced marriage and female genital mutilation? What similar measures have been enacted with regard to asylum seeker and refugee women?
- What measures have been taken to put in place mechanisms that guarantee effective implementation, in a consistent manner, throughout the country of all integrated policies related to prevent violence against women, protect victims and investigate and punish perpetrators?

## **Violence against women: access to justice**

The current organization of the courts and the prosecution system also hinders a rapid and effective access to justice. For example, access to free legal aid is not ensured to all women as required by law 119/2013 because it is not supported by dedicated and consistent funds. Gender-based violence is underestimated by the actors involved in the phase of protection, investigation and judicial proceedings who, due to stereotypes and prejudices about women and men, often treat situations of domestic violence as mere conflicts within the family. This lack of understanding of causes and consequences of violence inflicts serious damage to women victims who are forced to undergo procedures of family mediation and, in the case of Children Witnessing Domestic Violence (CWDV), to accept joint custody, even when not desired, without a recognition by the authorities in charge of the impact that witnessing violence has on the children.

The lack of harmonization between criminal and civil protection measures leads to secondary victimisation: orders and decisions by criminal judges are not automatically taken into consideration by the civil juvenile judges involved in divorce and child custody cases. In particular, in civil courts, women are often sanctioned and sentenced to damage compensation as they are considered responsible for the bad relationship between father and children.

This approach, which often uncritically accepts psychological expert opinions requested during civil proceedings, is discriminatory against women because, as recognised by the CEDAW Committee it: "a) stigmatizes women for Parental Alienation Syndrome (PAS); b) ignores the will of the minors involved; c) exposes minors to psychological expert examinations that often force them to meet their fathers; d) fathers

are rarely sanctioned for violating their parental duties.” Children witnessing violence is a condition rarely considered in civil courts when defining custody rights of violent men, in violation of article 33 of the Istanbul Convention. Mediation is not expressly forbidden in cases of violence against women, and its use is widespread in all custody cases, without considering father’s violent record.

Finally, women belonging to groups in vulnerable situations like older women, women living in rural areas, migrant women, asylum seeker and refugee women, women with disability, sex workers, Roma, Sinti and *Camminanti* women, women with addiction, lesbian and transgender women, are exposed to greater risk of violence and multiple forms of discrimination and they encounter greater difficulties in accessing the justice and protection systems, which are not equipped and trained to understand the complexity of their situations.

## Questions

- What measures have been taken to adequately address the consideration of the specific needs of women and children to determine child custody in cases involving gender-based violence in the domestic sphere? What measures have been taken to discourage the use of the “parental alienation syndrome” by experts and by courts in custody cases?<sup>26</sup>
- What legal measures are in place to guarantee the provision of services and rights in an even manner to all Italian children in all districts when the father fails to pay child maintenance?
- What steps have been taken to guarantee a mechanism that takes into consideration the gender disparity of earning capacity between the separating spouse and the case of divorce and child custody?
- What measures have been taken by government to give adequate information and facilitate access to justice to women with different vulnerabilities survivors of violence? Which protection system has been put in place in every regions of the country to adequately address and take into consideration the specific needs of older women, women living in rural area, migrant women, asylum seeker and refugee women, women with disability, sex workers, Roma, Sinti and *Camminanti* women, women with drug addiction, lesbian and transgender women, who are survivors of violence?

## Violence against women, femicides, firearms

Possession of a firearm is a risk factor in cases of domestic violence and femicide.<sup>27</sup> In 2015, the research institute EURES reported that between 2010 and 2014, firearms were used in 28% of cases of domestic

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<sup>26</sup> See CEDAW/C/ITA/CO/7, July 2017, Paragraph 52

<sup>27</sup> 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.

violence against women that resulted in their death, therefore, representing the third most common weapon used in femicides in Italy. In 2018 alone, 28 femicides were committed with legally held firearms. The Ministry of Interior, which collects administrative data on homicides, does not collect sex-disaggregated and intimate partner violence data on gender-based killings, nor does it provide figures to understand how many gender-based killings are committed with firearms. Moreover, the Ministry does not publish any information on the exact number of firearms in circulation in Italy, not even the total number of licenses issued and still valid. In 2018, Small Arms Survey reported 8,600,000 as the estimated total civilian-held legal and illicit firearms in Italy in 2017. Both the National Strategic Plan on male violence against women and the National Action Plan on UN Security Council resolution 1325 pay no attention to the correlations between violence against women and femicides committed with firearms.

Effective gun control laws are, thus, key factors to prevent violence against women, including femicides. For this reason, the loosening of legislation regulating the acquisition and use of guns in Italy is of serious concern.<sup>28</sup> Two main legislative key actions have recently been taken that can incentive the use of firearms by any person:

- 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 citizens could own.
- 2) The new law on self-defence adopted in March 2019. It broadens the legal grounds for private persons to apply lethal force for self-defence stating that "defence is always legitimate" and "the proportionality always exists" between the offence and the defence in cases of trespassing, making the latter not punishable. This law has the potential to encourage more people to 'take justice in their own hands' and buy firearms to keep at home.

## Questions

- Which ministries are collecting administrative data under the requirement of Art. 11 of the Istanbul Convention that is 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?

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<sup>28</sup> 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, possession and use of firearms by civilians must be regulated in order to effectively protect human rights. Yet, through the above-mentioned measures, Italy is taking actions that run counter these recommendations.

- What administrative data are collected and published under the definition of gender-based homicides? And what data are collected and published on the potential correlation between gender-based homicides and the weapon used to kill the victim?
- What measures are taken to assess each sport shooting license application carefully, including to ascertain whether it is indeed linked to the exercise of a sport activity?

## Right to health, including sexual and reproductive health

In 2015, the CESCR<sup>29</sup> expressed concerns about regional disparities and the impact of austerity measures in access to basic health services.<sup>30</sup> From 2009 to 2017, investments in health have increased by a meagre 0.6%, with a loss of 70,000 beds and a radical block of turnover. Women's access to health, especially those belonging to disadvantaged groups, has been negatively impacted by a number of factors, such as a) the reduction in public funds allocated to health-care and the partial privatization of the sector; b) the regional disparities in the provision of the essential level assistance; c) virtual total absence of sex education and contraception campaigns in public health policy and measures. Contraception campaigns simply do not exist. Initiatives for sex education in schools are anecdotal at best, and the propaganda against the presumed gender ideology prevents any foreseeable change of direction, despite the alarming situation. Knowledge about the variety of contraceptive approaches is ridiculously absent. Italy is placed at the bottom of the list of European countries for hormonal contraceptive use;<sup>31</sup> d) the reduction of funds in the area of prevention of sexually transmitted diseases, in particular HIV/AIDS;<sup>32</sup> e) the patchy application of the law on voluntary termination of pregnancy (VTP) in the various regions of the country (e.g. there are regions where it is not possible to access reproductive health rights and, in particular, VTP. The situation is worse with regard to

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<sup>29</sup> "46. The Committee is concerned about regional disparities in access to basic health-care services adversely affecting populations living in the southern provinces and about the inadequate measures taken by the State party to address such disparities. The Committee is also concerned that, as a result of the budget cuts in the context of the austerity measures, a considerable segment of the population can no longer access health-care services because of increased fees. The Committee is further concerned at the reported trend of institutionalizing dependent persons and persons with intellectual and psychosocial disabilities (art. 12).

47. The Committee recommends that the State party:

(a) Take effective measures to ensure equal access to basic health-care services throughout the State party with a view to bridging the gap between the provinces in the north and the south of Italy in such access;

(b) Ensure that reforms adopted do not limit access by persons on the basis of their socioeconomic situation, taking into account the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health;

(c) Assess the impact of any proposed cuts on access by the most disadvantaged and marginalized individuals and groups to health-care services;

(d) Provide alternative family- and community-based care systems for dependent persons and persons with intellectual and psychosocial disabilities and ensure that institutional care is used only as a measure of last resort."

<sup>30</sup> E/C.12/ITA/CO/5, 28 October 2015, paragraph 46.

<sup>31</sup> Only 16.2% of women make use of contraceptives - the EU average is 21.4%. Around 42% of women under 25 used no contraceptive methods at all during their first sexual experience, according to a recent survey conducted by the Italian Society of Gynaecology and Obstetrics-SIGO.

<sup>32</sup> Yearly, there are 3,500 – 4,000 new HIV/AIDS cases diagnosed in Italy, with the highest increase among those between 25 -29 years old.

access to the medical VTP method); f) the limited availability of, and accessibility of services for voluntary termination of pregnancies (VTP) due to the significant number of health personnel who object on conscientious grounds to carrying them out, and the lack of health centres providing these services, leading pregnant women to undergo unsafe abortions.<sup>33</sup> Almost 7 out of 10 Italian doctors (68.4%) refuse to carry out abortions on 'conscientious objection' grounds. Despite the fact that the European Committee for Social Rights of the Council of Europe has twice recognised the virtual non-application of the law 194/78 due to the public health system caregivers' objections, past and current governments have not undertaken any credible action to ensure access to legal abortions. At the same time, according to the Italian Society for Migration Medicines women section (SIMM), a mounting trend of migrant women in Italy are resorting to illegal forms of abortions has emerged in different parts of the country.

With regard to violence against women during childbirth, the Special Rapporteur on violence against women its causes and consequences states in her 2019 report<sup>34</sup> that 50% of women underwent an episiotomy in Italy and "61 per cent of women in Italy who were subjected to an episiotomy were not given appropriate information and that their informed consent was not sought."<sup>35</sup>

## Questions

- Please provide information on the implementation of the CEDAW committee recommendations to Italy on women and health,<sup>36</sup> including to:
  - Increase the budget allocated to the health sector in order to ensure the full realization of the right to health, including sexual and reproductive health and rights, for all women and girls and the essential level assistance are evenly provided across the various regions of Italy;
  - Ensure the full application of Act No. 194/78 throughout the State party, including by identifying existing hindrances and adopting a procedure common to all provinces in order to guarantee access to abortion services and appropriate referral services, and ensure that the exercise of conscientious objection by health-care personnel does not pose an obstacle for women who wish to terminate a pregnancy;
- Please provide information how the State has ensured:

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<sup>33</sup> In 2017, a total of 80,733 abortions were reported, confirming the constant declining trend (minus 4.9% compared to 2016 and minus 65.6% if compared to 1982, the year of the highest incidence of abortions in Italy).

<sup>34</sup> Special rapporteur on violence against women, its causes and consequences, *A human rights-based approach to mistreatment and violence against women in reproductive health services with a focus on childbirth and obstetric violence*, A/74/137, 11 July 2019, available at: <https://undocs.org/A/74/137>

<sup>35</sup> A/74/137, 11 July 2019, paragraph 25

<sup>36</sup> CEDAW/C/ITA/CO/7, July 2017, paragraph 42.

- Access to free and new generation of contraceptives for women, including the application of IUC (intrauterine contraception) and free subcutaneous, covered by the National Health Service and also if these are provided for free to migrant, asylum seeker and refugee women;
- adequate budget allocation to the prevention of sexually transmitted diseases, in particular HIV/AIDS, providing figures on new budget allocation;
- that all staff in the *Aziende Sanitarie Locali* (ASL) (territorial health units) are trained according to an intercultural approach on FGM, forced marriages, trafficking in human beings and other harmful practices.
- Which measures has Italy undertaken at national and regional level to promote sexual and reproductive health education and awareness-raising campaigns?
- Which measures has Italy undertaken at national and regional level to relaunch and strengthen basic health services, and family-care territorial health units, and providing adequate funding towards it?
- Please provide information on the implementation of the Special Rapporteur on violence against women recommendations on obstetric violence including to:
  - Address the current problem of mistreatment and violence against women in reproductive services and childbirth from a human rights perspective; and
  - ensure the effective and proper application of informed consent, in line with human rights standards.

## Environmental disasters and women's health

In a country endowed with considerable environmental problems, such as the ILVA steel plant in Taranto, and the presence of areas of toxic waste discharge, such as the so-called Land of Fires (*Terra dei Fuochi*),<sup>37</sup> there is no official gender-specific analysis of the impact and the health risks caused by environmental disasters nationally. Informal epidemiological data related to recent cases of environmental contamination show that women are particularly vulnerable to such events, especially with regard to their reproductive health and during pregnancy. This impact, of course, does not spare children and the entire population of the regions affected, as it is well documented. No measures have been adopted to address this situation despite the principle of precaution enshrined in European norms.

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<sup>37</sup> See, for example, ILVA scandal: following the ECHR decision, Italy must take immediate action to end the environmental crisis: <https://www.fidh.org/en/issues/globalisation-human-rights/business-and-human-rights/ilva-scandal-following-the-echr-decision-italy-must-take-immediate>

Italy's Trash Problem a Burning Issue in the 'Land of Fires': <https://www.courthousenews.com/italys-trash-problem-a-burning-issue-in-the-land-of-fires/>

## Questions

- How has Italy ensured that national health policies be designed paying attention to the social and environmental determinants of health and gender?
- Which measures has the state undertaken to ensure that policies be fully implemented in all contaminated areas of the country and aim to avoid environmental contamination and negative health impacts, particularly on women's reproductive, neonatal and child health?
- How has the government collected data on heavily contaminated areas? Are these data publicly available? Are the data collected disaggregated by sex and age?

## Trafficking, gendered impacts of the response to migration flows

Women belonging to groups in vulnerable situations are exposed to a greater risk of suffering multiple forms of violence and discrimination both as women and as members of, for example, migrant communities and they encounter greater difficulties in accessing the justice and protection systems, which are not equipped and trained to understand the complexity of their lives. In 2017 the CEDAW Committee expressed concerns about the prevalence of trafficking in women and girls in Italy and their subsequent forced prostitution, especially in the context of migration flows.<sup>38</sup> Given the prevalence of women among victims of trafficking, it is crucial to develop stronger coordination between the implementers of the 2016 National Plan of Action on Human Trafficking and those of the National Strategic Plan on male violence against women 2017-2020.

Furthermore, it is increasingly difficult to work with women victims of trafficking because the early identification system, support and protection of all victims of trafficking is compromise due to the so-called security decree of 2018. This decree limits the right to obtain humanitarian protection and make more difficult to obtain the international protection.

In 2017, the majority of asylum seekers obtained humanitarian protection while fewer obtained international protection. Furthermore, the decree has limited the action of all those who work to facilitate the inclusion and integration of women and men who have obtained the international protection or the former humanitarian protection. The main consequences of the security decree are the creation of a huge

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<sup>38</sup> In 2017 the total number of newly assisted victims of trafficking in human beings (THB) was 1,050 (of whom 85.6% were female); 121 (11.5%) of the victims were children. In 2018 (up until 16 October 2018), there were 569 newly assisted victims (of whom 92.6% were female); 42 (7.38%) of the victims were children. The main countries of origin of the victims in 2017-2018 were Nigeria, Romania, Morocco, Bangladesh, Pakistan, Albania and Bulgaria.

number of people, women and men, illegal and irregular, unable to return to their country, unable to access public services such as mental health to overcome the traumas experienced. Their extreme poverty and vulnerability make them potential subjects at the margins of society, exploited by criminal organizations.

Please note that WILPF Italy has made a submission providing additional information and questions relating to migration and asylum.

In 2015 the CESCR Committee expressed concern about the limited “enjoyment of the Covenant rights by migrants, asylum seekers and refugees upon arrival in the State party.”<sup>39</sup> Further, the United Nations High Commissioner for Refugees has stated that a newly introduced additional security-oriented piece of legislation, decree DDL 53/19 of 15 June 2019 - which curtails and penalizes non-authorized rescue at sea operations - is in breach of international law, in particular of the principle of *non-refoulement*. It is reasonable to expect that this law will also reverberate negatively on the rights and protection entitlements of victims of trafficking in human beings.

## Questions

- Please provide information on how has the state ensured that:
  - Victims of trafficking be quickly identified and their rights upheld, including access to residence permits, justice, health services, food and adequate lodgings;
  - well-trained staff with a gender perspective be available in all reception processes for victims of trafficking and women in general, including first reception centres for asylum seekers, in order to obtain rapid identification and protection of women survivors of gender-based violence, including trafficking in human beings;
  - all those authorities involved in processing migrant women's status be fully aware of the legislation enshrined in Article 18-bis of Law 119/2013, which covers the matter of residence permits for victims of domestic violence.
- Please provide information on how the state has implemented the recommendations on women refugees and asylum seekers made by the CEDAW committee in 2017, “including in relation to gender-appropriate, individual screening and assessment procedures, adequate reception standards for refugees and asylum seekers, with particular attention to the needs of women and girls, strict observation of the principle of non-refoulement, support to civil society organizations working with

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<sup>39</sup> E/C.12/ITA/CO/5, 18 October 2015, paragraph 18

women refugees and asylum seekers, and allowing rescue boats of NGOs to dock in Italian ports and allowing those rescued to disembark.”<sup>40</sup>

- Which measures has Italy undertaken to implement recommendations by the CEDAW Committee,<sup>41</sup> the Committee on the Elimination of Racial Discrimination,<sup>42</sup> and the Special Rapporteur on contemporary forms of slavery<sup>43</sup> to ensure the effective implementation of the law to combat undeclared work and labour exploitation in agriculture i.e. the law against the *caporalato*? Is the monitoring of the impact of this law carried out in a gender-sensitive way?
- How has Italy mainstreamed the Women, Peace and Security agenda in domestic policies, particularly with respect to women asylum seekers and refugees in Italy?

## Human rights impact of Italy's arms transfers

Italy has been the 9<sup>th</sup> largest arms exporter for the period 2014-2019. It has concluded, among others, arms export agreements with Niger,<sup>44</sup> and with countries involved in the Yemen conflict, including Saudi Arabia and the UAE. Arms transfers have a well-documented and multi-faceted impact on human rights, with women and girls being particularly affected, including by the use of explosive weapons in populated areas. Parties in the Yemen conflict use heavy explosive weapons, including aircraft bombs, rockets and artillery, to carry out attacks in, on and around residential areas and civilian objects. In October 2016, an airstrike allegedly by the Saudi-led military coalition struck the village of *Deir Al-Hajari* in Northwest Yemen, killing a family of six, including the pregnant mother and four children. At the site of the airstrike, remnants of the bomb were found, including a suspension lug manufactured by the Italian company RWM Italia S.p.A. In 2018, civil society organisations filed a criminal complaint with the public prosecutor of Rome against the company's managers and senior officials of Italy's national authority in charge of authorising arms transfers.<sup>45</sup> 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

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<sup>40</sup> CEDAW/C/ITA/CO/7, July 2017, paragraph 16.

<sup>41</sup> CEDAW/C/ITA/CO/7, July 2017, paragraph 40.

<sup>42</sup> CERD/C/ITA/CO/19-20 (2017), paragraph 24.

<sup>43</sup> A/HRC/42/44/Add.1, July 2019, paragraphs 111-115

<sup>44</sup> A 2017 agreement with Niger, supposedly to strengthen cooperation on migration flows management, defence and security, opened the door to simplified exports of arms and defence equipment, circumventing arms trade rules. For more information, see joint submission for the Universal Periodic Review of Italy, with Fondazione Pangea onlus, Associazione Trama di Terre onlus, Filomena – La rete delle donne, and Unione Donne in Italia, paragraphs 24 and 25, available at <https://www.wilpf.org/wilpf-statements/joint-submission-for-the-upr-of-italy/>

<sup>45</sup> For more information, see "Legal challenges to EU member states' arms exports to Saudi Arabia: Current status and potential implications", 28 June 2019, <https://www.sipri.org/commentary/topical-backgrounder/2019/legal-challenges-eu-member-states-arms-exports-saudi-arabia-current-status-and-potential>; and joint submission for the Universal Periodic Review of Italy, with Fondazione Pangea onlus, Associazione Trama di Terre onlus, Filomena – La rete delle donne, and Unione Donne in Italia, paragraphs 15 – 25, available at <https://www.wilpf.org/wilpf-statements/joint-submission-for-the-upr-of-italy/>

that may be used against civilians in Yemen. While the government publicly announced (and later confirmations came from the industry) that the suspension asked by the Parliament was put in place in July 2019 for a period of 18 months, it has not disclosed the practical and formal measures taken to implement the motion.

In September 2019, in its report to the Human Rights Council, the GEE on Yemen<sup>46</sup> reiterated a recommendation to States to prohibit the authorization of transfers of, and refrain from providing, arms that could be used in the conflict to parties to the conflict in Yemen.<sup>47</sup> In 2017, the CEDAW Committee expressed concerns about Italy's arms exports, including to conflict zones, and on the absence of a specific mechanism for gender-based violence risk assessments and made specific recommendations in this regard.<sup>48</sup> During the last UPR cycle Italy received three recommendations in this regard.<sup>49</sup>

## Questions

- What measures has the state undertaken to suspend arms transfers to countries involved in the coalition in Yemen and to any other country 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? In particular, what practical and formal measures has the government taken to implement the Parliamentary motion of June 2019 regarding the suspension of the export of aircraft bombs, missiles and their components to Saudi Arabia and the UAE that may be used against civilians in Yemen?
- Please provide information regarding the steps taken to 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.
- How has the state ensured that the issue of the impact of Italy's arms transfers and of the proliferation of small and light weapons on gender-based violence are fully addressed in the next National Action Plan on Women, Peace and Security (i.e. on the implementation of UN Security Council resolution 1325 and subsequent related resolutions)?

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<sup>46</sup> Group of Eminent International and Regional Experts (GEE)

<sup>47</sup> "Considering the prevailing risk that arms provided to parties to the conflict in Yemen may be used to commit or facilitate serious violations of international humanitarian law and international human rights law, States should prohibit the authorization of transfers of, and refrain from providing, arms that could be used in the conflict to such parties", paragraph 933 of "Situation of human rights in Yemen, including violations and abuses since September 2014, Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen", UN index: A/HRC/42/CRP.1.

<sup>48</sup> See, for example, <https://www.wilpf.org/cedaw-committee-recommends-more-stringent-regulation-of-italys-arms-exports/>

<sup>49</sup> 6.15, 6.7 and 6.232