

# Situation report on discriminations against women in Italy

March 2023

## INTERNATIONAL AND REGIONAL INSTRUMENTS

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Optional Protocol

**1985**  
 CEDAW Ratified

**2000**  
 Optional protocol ratified

Council of Europe Convention on preventing and combating violence against women and domestic violence (known as Istanbul Convention)

**2013**  
 Ratified

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

Not Applicable

International Covenant on Civil and Political Rights

**1978**  
 Ratified

International Covenant on Economic, Social and Cultural Rights

**1978**  
 Ratified

## MAIN OBSTACLES TO GENDER EQUALITY DE JURE AND DE FACTO



Devaluing, patriarchal views of women's work that prohibits them from partaking in socio-economic and public life.



National, regional and local authorities have not been sufficiently involved and sensitised concerning the implementation of CEDAW on the Italian territory.



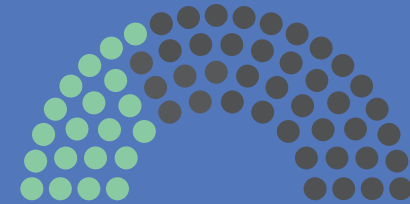
Lack of adequate training activities in relation to information on and implementation of the Convention and the Optional Protocol for judges, public functionaries, lawyers and all the other actors operating in the legal system

# Did you know?

## RECOMMENDATIONS

- Use the same level of commitment in relation to prevention, protection, investigation, punishment and provision of remedies for violence against women, in accordance with the due diligence standard as set by GREVIO.
- Adopt coordinated and multi-agency policies that engage with and value women's associations' expertise and competences, which have historically founded specialised services for women (including anti-violence centres and shelters).
- Consider amending the Italian legislation to explicitly recognise the need to take into account incidents of violence covered by the scope of the Istanbul Convention in the determination of custody and visitation rights of children.

**36,40%**  
Proportion of seats held by women in national parliaments

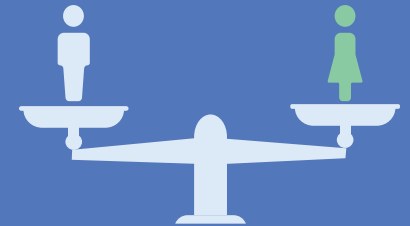


**7,64%**  
Gender pay gap



**Equal rights**

Inheritance rights for widows and daughters



**39,89%**  
Female labour force participation



**19%**  
Prevalence of gender violence in lifetime (% women)\*\*

\*Source: Gender global gap report 2022:  
<https://www.weforum.org/reports/global-gender-gap-report-2022/>

\*\*This is understood according to the more specific Gender Global Gap Report qualification that the statistic refers to the: "Percentage of ever-partnered women who ever suffered intimate partner physical and/or sexual violence".

# LEGISLATIVE FRAMEWORK

## International conventions

At the Council of Europe level, Italy is part of numerous human rights treaties. Among others, the European Convention on Human Rights (ratified in 1955). In 1985, Italy ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and signed its Optional Protocol in 2000.

In its 2017 Concluding Observations, the CEDAW Committee remained concerned about the general lack of awareness of the Convention, Optional Protocol and the Committee's general recommendations. The 7th periodic report on the implementation of the CEDAW Convention was submitted by the Italian Government in 2015.

In 2017, the Italian national platform "30 years CEDAW: Work in Progress", submitted its shadow report. In 2018, Italy submitted a report to GREVIO concerning Article 68, paragraph 1 of the Istanbul Convention<sup>1</sup>. The report titled GREVIO Baseline Evaluation Report Italy was adopted on 15 November 2019 and published on 13 January 2020, pursuant to Article 66 of the Istanbul Convention, following the monitoring visit to Italy about its implementation (Article 68) five years on from the ratification of the Convention by the Italian Government. On March 7 2022, the Italian State submitted the 8th periodic report in response to the LOIPR (List of Issues prior to Reporting).

## Constitutional equality

From a constitutional standpoint, **the general principle of equality between women and men is enshrined in Article 3 of the Constitution**: "All citizens have equal social dignity and are equal before the law without distinction of sex, race, language, religion, political opinion, personal and social conditions. It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organization of the country".

## Constitutional equality

A reform of the family law was adopted in 1975 (Law 151/1975), which recognises **perfect equality between men and women** and gives the same rights to children born inside and outside of marriage. **Divorce** was introduced in 1970. In 1981, some laws pertaining to so-called "crimes of honour" were repealed (one provided that strong mitigating circumstances could be applied to murderers of adulterous wives and the other exonerating rapists who volunteered to marry the women they had raped).

In April 2022, Italy's Highest Court ruled that children could be given their mother's and father's surnames at birth, declaring the automatic practice of only giving children their father's surname "constitutionally illegitimate". Parents will be able to choose the order of surnames or decide to use only one.

Since June 2016, same sex marriage has been legal in Italy according to the Civil Union Act.

## Political rights

Since 1948 women **have enjoyed the right to vote and to be elected**. Article 51 of the Italian Constitution, which was amended in 2001, envisages that “any citizen of either sex is eligible for public offices and elected positions on equal terms, according to the conditions established by law. To this end, the Republic shall adopt specific measures to promote equal opportunities between women and men”. **Gender quotas** are in force for local elections and similarly for the national Parliament since 2017.

## Sexual and reproductive rights

Law n. 194/1978 recognises **abortion as a fundamental right and an essential service**. Pregnancy may be terminated during the first 90 days for health, economic or social reasons. The law also allows termination in the second trimester of the pregnancy when the life of the woman would be at risk or the foetus carries genetic or other serious malformations which would put the mother at risk of serious psychological or physical consequences.

Abortions should be performed free of charge in public hospitals or in private structures authorised by the regional health authorities. The law, however, gives the option for health professionals to claim the right to refuse to perform abortion.

**Sexual freedom is recognised** as part of the fundamental right of identity and the right to self-development. Relations before marriage and same-sex sexual relations are permitted. The age of consent for consensual sex is 14 (with some exceptions).

## Laws on gender-based violence/violence against women

Over the years, the Italian government has paid increasingly more attention to the issue of **violence against women and domestic violence** but has done so almost exclusively through regulations and in particular through the criminalisation of such acts.

In 2006, Law no. 7/2006 introduced in the Criminal Code Art. 583-bis which criminalised female genital mutilation (FGM), establishing a punishment of a prison sentence from four to twelve years for anyone causing a mutilation or injury to the genital organs of women or girls without therapeutic purposes<sup>2</sup>.

In 2009, stalking was criminalised through the Decree Law 11/2019. In 2013, emergency procedures were used to enact several criminal regulations. That same year also saw the introduction of a three-year long national anti-violence plan and the ratification of the Istanbul Convention. In July 2019, Parliament approved “Red Code (Act 69/2019)”, which envisaged a preferential and urgent judicial pathway for cases related to gender-based violence. New criminal provision was adopted on: Forced marriage (Article 558bis); Disfiguring permanently one’s face by acid attack (Article 583quinquies); Illicit distribution of sexually-explicit images or

videos (Article 612ter). In May 2022, a new law on statistics on gender-based violence was adopted.

## Constitutional equality

Article 37 of the Italian Constitution establishes that: “Working women are entitled to equal rights and, for comparable jobs, equal pay as men”. The last barrier regarding access to a profession for women fell in 1999, when military careers were opened up to both sexes. Discrimination, both direct and indirect, is condemned by law (Law 198/2006). In 2011, a quota system was imposed on the boards of Directors and Statutory Auditors of companies listed on the Stock Exchange and on the boards of non-listed state-owned companies.

## Vulnerable and/or marginalised populations

Law No. 205/1993 on “Urgent measures on racial, ethnic and religious discrimination” protects individuals from intersecting forms of discrimination.

The Italian law provides **specific provisions against racism and xenophobia**. Law No. 654/1975 establishes in Art. 3 that “everyone who promotes ideas that are based on racial or ethnic superiority or hatred, or who incites to commit or commits acts based on racial, ethnic, national or religious discrimination, will be punished with imprisonment up to one year and six months or with a fine of maximum € 6000” (lett. a) and that “everyone who incites to commit or commits violence or acts that provoke violence, which are

based on racial, ethnic, national or religious discrimination, will be punished with imprisonment from six months up to four years” (lett. b). Moreover, Law No. 205/1993 (Legge Mancino) provides that a person convicted for a racially motivated crime can be sentenced to additional penalties or restrictions”.

At the end of the 1990s, Italy implemented its first phase of **anti-trafficking policies** and by doing so took a pioneering role both in Europe and across the globe by approving art. 18 of the Consolidated Act of Provisions concerning Immigration (286/1998), establishing the requirements for a special stay permit release. It outlines two parallel ways of obtaining a stay permit: social protection and judicial collaboration. The release of a stay permit out of social protection reasons does not lay down any obligation to report to the police on the victim’s side. The same law also provides for a one-year residency permit for migrant women in cases of domestic violence. However, its effectiveness is compromised by the need to open criminal proceedings and is closely dependent on the expertise of the law enforcement officers who come into contact with these women.

## De facto discrimination

### Civil and familial rights

Existing laws do not effectively address the **economic disparities between spouses during divorce proceedings** and the lack of uniform and clear application of the principles regarding spousal support among all courts. In family law matters, women

disproportionately rely on free legal aid. Legal aid fees granted to lawyers are often lower than the minimum requirement, and sometimes do not include access to private consultants. Thus, women often face barriers in access to justice concerning civil and familial rights.

Deep concerns persist regarding the extent to which current legislative mechanisms consider gender-based violence against women in the determination of child custody as well as the consistency with which different districts handle failure by the father to pay child maintenance. Other concerns address the validity of the “parental alienation syndrome” concept and its application in child custody proceedings, which lead to a secondary victimisation of women in family law proceedings involving child custody.

## Political rights

Notwithstanding the legislative changes, amendments of municipality statutes, pressure and advocacy from civil society organisations, few changes have occurred concerning the fact that in Italy **women are less represented in political institutions than men**<sup>3</sup>. The quota system has also proven itself insufficient in ensuring real gender equality in accessibility within the electoral process.

This imbalance compromises the quality of democracy itself and is a limitation to representing the specific interests and rights of women. Indeed, there are ongoing cultural patriarchal prejudices about women in powerful roles and various material barriers that block women from participating in public life. Women in political offices often find themselves targeted by sexist attacks and harassment<sup>4</sup>.

## Sexual and reproductive rights

The regionalisation and progressive defunding of the public health system, alongside the increase of private health providers has brought about a reduction and uneven distribution of Family Counselling Centres throughout Italy. Although data show a significant decrease in the rate of voluntary interruptions of pregnancy over the years<sup>5</sup>, **access to voluntary abortion in many Italian regions is very difficult, often almost impossible.**

This is due to the extremely high number of conscientious objectors in the medical community<sup>6</sup>. Varying across the regions, this can range from around 18% in Aosta Valley to 87% in Molise according to 2020 statistics<sup>7</sup>. In addition, recent measures adopted deliberately make it more difficult for women to access medical abortions by imposing a three-day hospital recovery period.

The three-day recovery period is not needed and guidelines issued by the Ministry of Health do not require it. Despite this, some regions impose it in order to discourage women from taking recourse to abortion. In terms of access to contraception, Italy is one of the most expensive countries in Europe in which to obtain contraception and it is difficult to obtain long-term contraceptive options for women<sup>8</sup>. Knowledge about women’s health, including issues concerning sexuality and reproductive health, is almost completely absent from school curricula.

## Laws on gender-based violence/violence against women

**Violence against women is deeply embedded and widespread throughout Italy.** Like everywhere in the world, it is based on the historical unequal balance of power between men and women, as underlined in the Istanbul Convention. In Italy, the implementation of National Action Plans has not guaranteed that global and coordinated policies against violence against women are put in place. The experience accumulated over 20 years by the women's NGOs that established the first coun have developed in implementing government policies on these issues.

According to the 2020 position paper "The change we want", and the 2018 Shadow Report on the implementation of the Istanbul Convention, in Italy women still encounter **too many obstacles in terms of law enforcement, the judiciary, social welfare and healthcare professionals.** This is due in part to poor preparation/training concerning the phenomenon of violence, but also to the Italian cultural substratum that is characterised by profound sexist stereotypes, gender inequalities, biases against women who report situations of violence and the persistent tendency to deny the credibility of women.

One of the most pressing issues is secondary victimisation in child custody and during Civil Court and Juvenile Court proceedings. Judicial offices demonstrate a deep mistrust towards women – women are continuously not believed when they express doubts as to the safety of their children due to the father's behaviour, even to

the point where women themselves are blamed for harming their children's wellbeing.

In 2017, the Italian National Statistical Office (ISTAT) and the Department for Equal Opportunities signed an agreement to establish an integrated data system on Violence against Women (VAW). As of 1 January 2018, 54 centres and/or programmes for perpetrators were active in Italy.

## Economic and social rights

In Italy, the situation of the job market for women is extremely critical. The employment rate for Italian women is nearing 50% (while the average rate in EU countries is 64.3%), with major geographic or regional differences. This is due to a perspective that has characterised Italian public policies that women's work is viewed as complementary to men's and is marginal to the country's economy.

Organisational models of production have, until now, maintained a stifling grip on female participation with systems that reward physical presence more than quality of work and penalise women who must take on care roles during traditional working hours. Work-life balance policies should also be reassessed from the perspective of support for economic development, not only from a family and individual support perspective.

These realities have produced a gender equality gap that places Italy below the European average. The digital gender gap is higher in Italy than in other European countries. Horizontal segregation is damaging women in the world of training and research, as it does



in the world of work. The cited barriers in the job market inevitably lead to lower pensions for women, (which are often minimal), leaving the majority of women relying only upon a survivors' pension. Single women with dependent children are particularly exposed to the risk of poverty (both relative and absolute) even when many of these women are employed. Among others, Parity Councillors have not been sufficiently informed and invited to use the CEDAW Convention for legal proceedings in cases of gender discrimination in the workplace.

## Vulnerable and/or marginalised populations

**Asylum-seeking and refugee survivors of violence against women** continue to face multiple obstacles during the asylum procedure and do not receive the adequate support they are entitled to in order to overcome violence. There are legal and economic barriers that prevent **women with a migrant background** from accessing social protection.

Indeed, access to social protection is not always granted to women with irregular status, women without a place of residence and women with third country nationality (extra-EU). Women with no regular status, but also women with no place of residence, are at risk because of these are preconditions for accessing many social protection measures, but residence permits do not even always guarantee these women social benefits. Women and girls with disabilities face multiple barriers in accessing education, securing economic independence through access to employment, and engaging in social life. As a result of the current de facto legislative framework, the legal and social situation of **women and girls**

**within the Roma, Sinti and Camminanti** populations is extremely worrying. Their complete lack of visibility in public discourse, their statelessness, even for those born in Italy, the denial of residency permits throughout their lives, and their exposure to multiple forms of discrimination within the school, work and healthcare systems, places these women and girls at great risk.

**Lesbians, bisexuals, transsexuals, transgender, non-binary, intersexual and queer people** may suffer more forms of discrimination and violence in their daily lives than other women. This can happen in all walks of life: from a young age within the family, at school, at work, in relationships and in society in general.

It is necessary to overturn the current **anti-trafficking policies**, basing them on the principle of respect for women's human rights, empowerment and active listening to women, as well as avoiding any form of paternalism.



# Recommendations

## To the Italian State

- Use the same level of commitment in relation to prevention, protection, investigation, punishment and provision of remedies for violence against women, in accordance with the due diligence standard; as set by the recommendation of the Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) to Italy. In order to effectively fight the phenomenon of violence against women, the State must put in place an integrated and holistic set of measures. It therefore has to commit and equally engage in all intervention areas (prevention, protection, punishment), without giving precedence or disregarding one of these areas.
- Adopt coordinated and multi-agency policies that engage with and value women's associations expertise and competences, which have historically founded women-specialised services (i.e. anti-violence centres and shelters).
- Develop appropriate long-term/multi-annual financing solutions for anti-violence centres and shelters, to secure continuous funding for ongoing support and protection services for women survivors of violence and their children.
- Consider amending the Italian legislation to explicitly recognise the need to take into account incidents of violence covered by the scope of the Istanbul Convention in the determination of

custody and visitation rights of children.

## To the EU and UN Institutions

- Coordinate European and international data collection regarding all forms of Violence against Women and GBV.



## Endnotes

- 1 Report submitted by Italy pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report) via 16808e8133 (coe.int).
- 2 UN Women, Global Database on Violence Against Women Law No. 7/2006 on Female Genital Mutilation (unwomen.org).
- 3 D.i.Re and others, The Change We Want. Feminist Proposals 25 years Post Beijing (2020), p. 25, [https://www.direcontrolaviolenza.it/wp-content/uploads/2020/07/Il-cambiamento-che-vogliamo\\_Position-Paper\\_ENG.pdf](https://www.direcontrolaviolenza.it/wp-content/uploads/2020/07/Il-cambiamento-che-vogliamo_Position-Paper_ENG.pdf).
- 4 Ibid.
- 5 Ministry of Health 2018
- 6 D.i.Re and others, The Change We Want. Feminist Proposals 25 years Post Beijing (2020) , pp. 15-16.
- 7 Statista, Abortion objectors among Italian gynaecologists (2020), Italy: abortion objectors among Italian gynecologists 2020 | Statista.
- 8 D.i.Re and others, The Change We Want. Feminist Proposals 25 years Post Beijing (2020) , pp. 15-16.  
Implementation of the Istanbul Convention in Italy. Shadow Report of Women's NGO's (2018) GREVIO.Report-inglese-finale.pdf (direcontrolaviolenza.it).