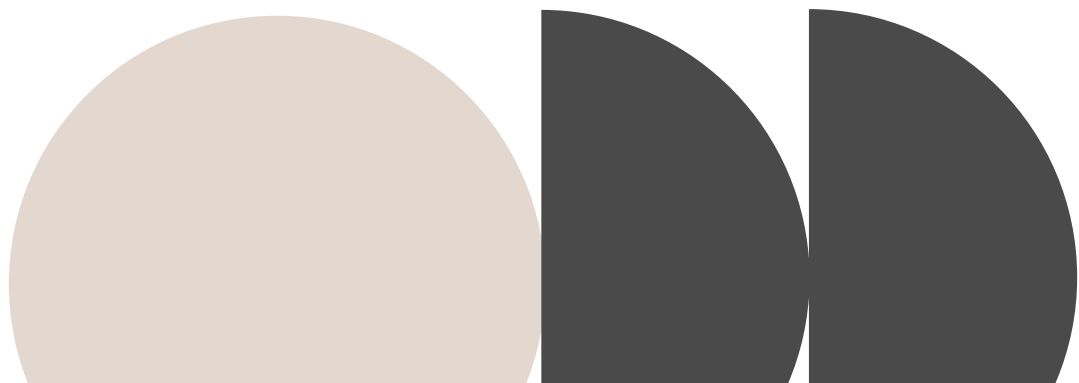


87th Session I CEDAW Committee



**Report by “Italian civil society
organizations for CEDAW”**



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- 1 The Italian State has failed to implement a systemic and structural approach in closing the gender gap and has not implemented policies or investment strategies targeted to women's caregiving, work, empowerment, economic status, segregation, stereotypes and violence against women. There remains a continuing and unrelenting tendency to reinterpret and redefine gender equality policies in terms of family and maternity policies.

- 2 The absence of a systematic approach in combating gender stereotypes, including the perpetuation of gender stereotypes throughout the media, impedes women's participation in political and public life. This culture of omission seeps into other sectors, including education, where the curriculum often overlooks the causes of gender discrimination and where the promotion of a culture of consent and sex education is not mandatory.

- 3 Employed women continue to be under-represented, underpaid and relegated to low-paid professions and face obstacles in reaching high-level positions. These challenges intersect with women's health and reproductive rights, where funding diversion to private anti-choice associations hinders access to services of choice.

- 4 Tackling violence against women (VAW) lacks a systemic and structural approach. Significant challenges persist for women victims in accessing justice, reflected in the high dismissal rates of reported VAW cases, low conviction rates, and the lack of adequate training on judicial bias. The judiciary's pattern of overlooking VAW in child custody perpetuates secondary victimization. Women's access to civil justice is not adequately supported by legal aid. The absence of transparent procedures to ensure the appropriate allocation of VAW funding specifically committed to Women Anti Violence Centres (WAVCs) and shelters , has resulted in severe underfunding and sustainability issues for women's associations. An effective VAW resource allocation and monitoring system is urgently required to avoid that VAW intended funds are redirected to other non specialist public or private services.

¹ This Report is informed by: [Report from Italian women's NGOs](#) to the Committee of the Parties of the Istanbul Convention; Rule 9 [Submission](#) to the ECtHR Committee of Ministers regarding the supervision of the execution of judgments"; [Position Paper](#) "The change we want. Feminist proposals 25 years post Beijing".

² Women specialized services in Italy refer to Women Antiviolence Centres (WAVCs) and Shelters.

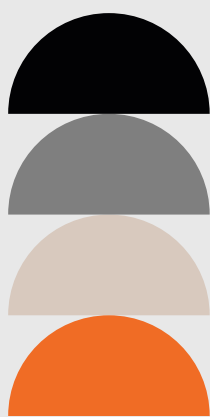
- 5 The State's migration policies hinder the Plan of Action against Trafficking and Serious Exploitation 2022-2025. Asylum-seeking and refugee women experience several barriers in accessing VAW specialized services and existing conditions of identification centers undermine their psychological and physical integrity.

- 6 Women from marginalized groups, including immigrants, face additional barriers from laws and an infrastructure that either fails to take into account their unique needs or simply discriminates against them.

- 7 Women with disabilities in all their diversity remain invisible and marginalized in society. To better explain their discrimination and human rights violations an Ad hoc Report was submitted by Italian Disability Forum (see subsequent page references).

I.

General



General

1. UN Women reports that, as of December 2020, only 47.5% of indicators needed to monitor the SDGs from a gender perspective were available from Italy and many areas lack comparable methodologies for monitoring. Moreover, the National Statistics Institute (ISTAT) still uses the family unit to measure poverty and material living conditions instead of gender-disaggregated data.
9. Since the last conducted general survey on VAW in 2014, most data added to the "integrated information system on violence against women" was collected by WAVCs and Shelters. AVCs lack the human and financial resources to collect such data.
10. In 2022, a new law (53/2022) – yet not implemented – was passed on gender statistics to ensure adequate information collection. This law fails to clearly identify data sources or define "how" data should be collected, therefore undermining standardization. There are no sanctions for non-compliance.
11. Data on VAW criminal proceedings are incomplete, not collected systematically and lack disaggregated analysis by gender, precluding comprehensive analysis. Data on civil proceedings are not collected.

12. Suggested recommendations

- a.** Close gender data gaps with a view to achieving gender-related SDG commitments and to enable a proper gender impact assessment of public policies.
- b.** Support and adequately fund WAVCs' data collection.
- c.** Mandate relevant ministries to issue implementing decrees for Law 53/2022.
- d.** Execute an independent analysis on why numbers of VAW-dismissed cases are so high and conviction rates so low; improve and mandate data collection, including in civil family proceedings.

II.

**Women's rights and gender
equality in relation to the pandemic
and recovery efforts**



Women's rights and gender equality in relation to the pandemic and recovery efforts

13. Italy will receive 191.5 billion euros for the Italian Recovery Fund (ITRRF), the highest amount allocated amongst the EU27 Member States. These funds are expected to boost economic growth and GDP, yet the gender impact assessment shows considerable imbalance in favour of males, due to the government prioritizing massive infrastructural investments characterized by strong horizontal segregation in the labour market. The Italian Ministry of Finance estimated "the Plan involves allocating around 79.8% of resources to business sectors with a majority of male workers."
14. Other research confirms 74.3% of ITRRF resources offering job opportunities to men in the short-term and 60.2% in the mid-term, thus restoring the pre-pandemic gender gap. Only 6.8% of resources will contribute to closing the gender gap in the long-term, mainly due to gender-targeted initiatives included in the ITRRF.
15. The gender mainstreaming approach of the ITRRF is weak, lacks political support, and faces corporate opposition. The two gender procurement tools adopted for this strategy have been ineffective so far. The first sample of data showed only 29.2% of ITRRF tenders adopted the Conditionality Clause (30% employment for women and young people) and only 4.59% the gender certification awarding criteria.
16. The situation of widespread discrimination suffered by women with disabilities is detailed on page 6 et seq. of the FID Report.

17. Suggested recommendations

- a.** Develop a stronger commitment to gender mainstreaming in the implementation process to strengthen ITRRF's weak gender impact.
- b.** Commit to systemic and structural approaches to close the gender gap, including policies and investments targeted to women's caregiving, work, empowerment, economic status, time, segregation, stereotypes, and violence.

III.

Access to justice



Access to justice

18. Despite the introduction of the Red Code, available data reveals around 50% of reported cases of gender-based VAW cases are dismissed without prosecution. Conviction rates are equally low.
19. Specialized training on judicial bias on VAW does not exist. Courses organized by Scuola Superiore della Magistratura (Higher School of the Judiciary) focus only on legal and technical aspects without reference to gender bias, the Istanbul Convention, or CEDAW.
20. A general judicial reform (Cartabia Reform) sought to improve the efficiency of the justice system and expedite proceedings. This reform could adversely impact women's rights in civil and criminal matters.
21. In civil law and family law, VAW remains invisible, making it impossible to assess the impact of the Reform.
22. In terms of criminal law, and before the Reform, the offense of injuries between 20 and 40 days committed in a domestic context was punishable ex officio (Lesioni, art. 582 of the Criminal code referring to physical violence). After the Reform, the offense of injuries up to 40 days is punishable only on complaint with no distinction if injuries are committed in a family or domestic context. With the Reform, harassment, private violence, and illegal restraint are also punishable on complaint and not ex officio.
23. In pending cases, victims have either not been notified or not informed of the modifications. Subsequently, several women who did not file a complaint because they were not required to do so had (or will have) their cases dismissed without notification.

24. Reparation of damages (Art. 162 ter c.p.p.) and restorative justice (RJ) are widely available extinguishing mechanisms before and after sentencing, thus limiting access to justice for VAW victims. In particular, RJ can be conducted without the victims' consent and in their absence. Significantly, one of the first cases reported in the media where RJ was authorized without the victim's family's approval was a tragic case of femicide.
25. Legal aid may be a discriminatory mechanism in family law and VAW cases, often disadvantaging women who rely on it more frequently. Under Legal Aid, lawyers receive less than half the usual fees after long delays, meaning their work is not cost effective. Few external consultants (i.e. psychologists or psychiatrists) are available on such terms. There is no comprehensive public data or analysis on who benefits on legal aid in separation and divorce proceedings or on lawyer's compensation and how this affects women. A fund for legal expenses for VAW victims has been introduced in some regions (Piedmont, Lombardy, Lazio).
26. In criminal cases, while legal aid is granted to victims of sexual violence, ill-treatment and stalking regardless of income, lawyers are paid half the standard fee. This payment is often delayed and is therefore not cost effective for the lawyer.
27. Female lawyers are traditionally more involved in family law, therefore legal aid impacts on them disproportionately. Recent data shows that women earn half as much as men in the legal professions.
28. The barriers to accessing justice and denying legal capacity of women with disabilities are detailed on page 10 et seq. of the FID Report.

29. Suggested recommendations

- a.** Monitor the Cartabia Reform on family law with the participation of civil society and AVCs.
- b.** Require data collection on the impact of reforms with regard to art. 582 of the Criminal Code.
- c.** Collect comprehensive public data or analysis on legal aid in family law and criminal VAW cases.
- d.** As a matter of urgency, explicitly prohibit restorative justice before sentencing in VAW cases, and collect and publicize relevant data on its use.

IV.

Women peace and security



Women peace and security

- 30.** Military expenses are continuously increasing at the cost of public services, including support for women and their children. Despite the gender equality aim of the Three-year Programming and Policy Planning Document 2021-2023 for Italian international cooperation, only 4% of cooperation projects in 2021 included this as the main focus, lower than the average DAC of 6%.
- 31.** For projects with gender equality as a significant objective, Italy spent 30% of its bilateral allocable ODA, below the DAC average of 36%.

32. Suggested recommendations

- a.** Reprioritise military expenses and invest in conflict prevention and resolution initiatives.
- b.** Enhance the National Action Plan on Women, Peace and Security, 2020 – 2024, supporting women’s organizations in conflict areas.
- c.** Reach at least the DAC percentage in gender equality projects.

V.

Language, stereotypes and harmful practices



Language, stereotypes and harmful practices

- 33. Italy lacks a systemic approach to combating gender stereotypes. There is a significant disparity between men and women in education that results in systematic disadvantages for women. While women excel in school, they are mostly present in traditionally female areas of education leading to low-paid occupations (i.e. "care" professions). Women rarely hold top executive positions, even in sectors where women are strongly represented, such as education or healthcare.
- 34. In terms of language, the National Strategy for Gender Equality 2021-2026 calls for adoption of a protocol for non-sexist and non-discriminatory language throughout the Public Administration, recognizing language's role as a functional tool for building women's empowerment and leadership within PA.
- 35. Media coverage of VAW continues to re-victimize murdered and surviving women, despite the adoption of art. 5 bis of the Unified text for journalists' duties and Venice Manifesto. Some media companies have taken steps to address gender stereotypes. Public media RAI developed a gender policy adopted by the board of directors, whose implementation must be monitored by the Equality Bodies within RAI.
- 36. The European project No Women No Panel and the BBC project 50:50 approved by RAI, was not mentioned in the new Public Service Contract 2023-2028.
- 37. In media and journalism, the gender gap remains significant as demonstrated by rare top executive positions for women. Women journalists are more likely to be targeted by hate crimes.
- 38. Women continue to be consulted more to recount their personal experiences than to provide analysis of problems. Women are rarely consulted as sources of news in the fields of science and health (11%), politics (25%) and economics (14%).

39. Suggested recommendations

- a.** Mandate training on gender stereotyping in all university courses of study, especially computer science, STEM classes, artificial intelligence, journalism, teaching, advertising and others that impact society and culture.
- b.** Mandate enhanced, specialized training for journalists on gender-sensitive reporting on VAW cases and gender stereotypes.
- c.** Urge all media groups to adopt a gender policy, possibly through the still-underrepresented figure of the diversity editor.
- d.** Strengthen civil society's role in combating hate speech against women journalists and defenders, and provide for mechanisms for such victims to seek effective redress.

VI.

Gender-based violence against women



Gender-based violence against women

- 40. A National Action Plan to address gender-based violence against women was adopted (2021 – 2023), yet no executive plan followed. As of today, the Plan has not been updated and a plan for 2024–2027 is not foreseeable.
- 41. Article 1(149) of the Budget Law 2022 (No. 234/2021) has removed the obligation for the Minister delegated for equal opportunities to transmit an annual report on the implementation of the Plan to the Parliament, preventing any parliamentary/social control on its effectiveness.
- 42. NGOs running WAVCs and Shelters are rarely involved in needs and costs assessments or impact analysis. As for the “Governance Model,” these organizations are only included in the Observatory Assembly where, of more than 30 representatives, only 10 are designated by NGO and only 3 represent WAVCs and shelters.
- 43. In September 2022, new “Minimum standards for anti-violence centers and shelters” were adopted. Such standards pose requirements for NGOs to receive state/regional funds. Art. 1 of these standards maintains that NGOs must “Pursue by statute, exclusively or predominantly, activities to prevent and combat male violence. This is also assessed by analyzing the amount of budget allocated to them.” Such criteria prevent the diversion of funds to general organizations (e.g., social services cooperatives, Caritas, or the Red Cross) instead of women’s associations with specialist expertise. A few Regions contested such criteria, suggesting it be eliminated. Elimination would undermine a gender-sensitive approach and be devastating for women’s NGOs that predominantly deal with VAW and domestic violence.

44. In terms of social services, the adoption of the Red Code increased involvement of the public Social Service, which is inadequately trained to recognize violence.
45. National anti-violence funds significantly increased between 2013 and 2023 and, since 2022, a yearly allocation for the National Strategic Plan on VAW was established. However, funds are not regularly programmed or tied to the Plan's pillars.
46. Shelters and WAVCs remain severely underfunded as resources are not based on a regular in-depth assessment of national and local needs and costs. Their sustainability is challenged by the delayed transfer of funds. No specific resources aimed at survivors with disabilities are provided. Funds for perpetrator programmes, however, increased disproportionately in 2022 (+9 million euros).
47. The 2024 budget law allocated 10 million euros per year for 2024, 2025, and 2026, and 6 million euros per year starting from 2027 for the Freedom Income to economically support women survivors. Only 2.000 out of 21.000 potential recipients will benefit from it. Still, the monthly payment is inadequate and does not account for discrepancies of purchasing power in different areas of the country. Paid leave applications increased (from 50 in 2016 to 1.630 in 2022), but only a limited number was accepted (about 35% between 2019 and 2022).
48. The State invests poorly in prevention. Between 2020 and 2022, only 27,9 million euros were allocated towards prevention (i.e. 11,8% of the overall anti violence funds) and planned only 10,8 million euros for primary prevention (i.e., 4,6% of total anti violence funds). As of 15 October 2023, just 6 million euros were planned for prevention, of which only 50% accounted for measures to address violence before it occurs.
49. Finally, transparency as to the funding, activities implemented, and outcomes is lacking

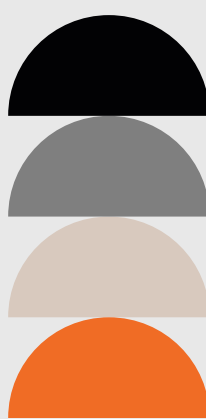
50. In terms of addressing female genital mutilation (FGM), the Budget Laws assigned 917,129 euros in 2021 and 2022, and 1,239,845 euros in 2023 for awareness-raising campaigns, a national hotline, and training of professionals and practitioners. Between 2019 and 2022, the DEO allocated about 1,200,000 euros on FGM-related activities. No comprehensive, easily accessible information is available on how the money was spent.
51. Italian legislation on such workplace harassment and bullying is deeply fragmented and dispersed, which prevents proper training. This fragmented system, combined with the high turnover rate of female workers, hinders the prevention of workplace VAW.
52. Notwithstanding GREVIO and CEDAW committee recommendations, the State has failed to amend legislation to base the offence of sexual violence on the lack of consent, as required by the Istanbul Convention.
53. For women with disabilities, the higher risk of violence, including human trafficking, during humanitarian crises, is detailed on page 14 et seq. of the FID Report.

54. Suggested recommendations

- a. Retain Art. 1 of the Minimum standards for WAVCs and shelters and the current criteria for budget allocation for NGOs running WAVCs.
- b. Instruct DEO to jointly plan the use of national anti-violence funds with all relevant stakeholders, including WAVCs, based on a regular needs and costs assessments.
- c. Adopt a specific criminal offense in line with ILO Convention 190 to address workplace harassment.
- d. Introduce policies to prevent and combat violence and harassment in the workplace through effective, transparent and confidential procedures, and sanctions for perpetrators.
- e. Take steps to ensure that services are inclusive of all populations and their needs, in particular those of women and girls with disabilities.
- f. Ensure the Working Group on VAW includes meaningful representation from civil society that serves victims of violence.
- g. Reinstate Parliament's oversight of the implementation of the National Action Plan, including funds allocation.

VII.

Trafficking and exploitation of prostitution



Trafficking and exploitation of prostitution

- 55.** The Plan of Action against trafficking and serious exploitation 2022-2025 was recently approved and focuses on support for and social inclusion of trafficked persons. However, implementation is hampered by an anti-migration approach and trafficking indicators are often not detected among asylum seekers. Refugee status is therefore often denied and consequently trafficked persons remain vulnerable to traffickers. Art. 18 of the Law on immigration is used rarely. Standard Operational Procedures on data collection are still lacking, with negative consequences on data protection.
- 56.** Italy lacks cooperation measures with the main countries of migrant origin. Agreements with Libya and Morocco aim to limit departures, negatively impacting trafficked persons who experience torture, rape and exploitation.
- 57.** The Dublin III Regulation negatively affects women applying for asylum in the country of first arrival (typically Italy), where women are often subjected to forced prostitution. If they manage to escape Italy for other European countries, women are required to return to Italy, a situation that places them at further risk.
- 58.** No significant new measures address the link between exploitation of women in the contexts of prostitution and of trafficking for sexual exploitation. No reliable data exists about web-based prostitution.

59. Suggested recommendations

- a.** Allow the presence of NGOs during interviews with trafficked persons to assist them to obtain international protection and access to social inclusion projects.
- b.** Reform Article 18 – Law on immigration.
- c.** Adopt Standard Operational Procedures on data collection.

VIII.

Participation in political and public life



Participation in political and public life

- 60. There are ongoing cultural and patriarchal prejudices about women in powerful roles and various material barriers blocking women from participating in public life.
- 61. Women's participation in governance is declining, despite the presence of a female prime minister. After the November 2022 general election, the legislature comprised only 33% women, a decline from previous legislatures. Currently, only 30.8% of Ministers are women, a reverse trend from previous governments. A similar trend exists among regional and municipal governments. Electoral laws in three Regions fail to provide for double gender preference. Only one region has a woman President, and regional governments and regional councils are still male-majority, with one exception. From 2018 to today, women councilors have declined in representation from 33% to 28%.
- 62. In municipalities where gender guarantee rules exist, women constitute more than 15% of mayors, nearly 30% of Presidents of Municipal Councils, and approximately 43% of councilors. Despite this evidence of the validity of gender guarantee rules, proposals to introduce gender balance rules in public offices have not been re-presented.
- 63. The positive result of gender quotas in boards of directors continues because the "Golfo-Mosca law" has been renewed and strengthened. Since 2011, when the law was adopted, female representation on boards has increased from 7% to 41.2%.
- 64. Even though defenders working to protect the rights of migrants and refugees, including women, are exposed to increased risks of online and offline threats and attacks, the State Report fails to provide further information on this issue.

65. Suggested recommendations

- a.** Take steps to combat cultural and patriarchal prejudices and encourage significant cultural change to eliminate existing gender stereotypes and discrimination.
- b.** Introduce gender guarantee rules in all public institutions and in private governance bodies with sanctions for cases of non implementation.

IX.

Education



Education

66. All the measures described in the State report completely lack a gender perspective and fail to address the root causes of gender discrimination in education. There are more young women Not in Education, Employment or Training (NEET) aged 15–29 (20.5%) than young men (17.7%).
67. Gender segregation exists within STEM studies. Primarily men participate in ICT, engineering, manufacturing and construction fields, while women mostly participate in the Education, Health and Welfare sphere.
68. Gender segregation encompasses factors which are far from being addressed. These include:
- Cultural factors, such as gender stereotypes (which associate STEM fields with masculinity and personal care with traditional female roles in the society), and the lack of female role models.
 - Organizational and societal level factors in female-dominated work sectors feature less favorable working conditions in terms of stability and quality of employment, while women in male-dominated sectors experience more gender discrimination, such as lower wages and fewer career opportunities, barriers accessing leadership positions and decision-making roles), and the structure of the education system (e.g., vocational programs tend to be more gender-typed).
69. School textbooks lack an equality perspective. Language and illustrations retain strong embedded gender associations.
70. From primary school onwards, more articulate visions of educational, personal, and professional plans for girls and boys, fostering girls' interest also in non-traditionally feminine subjects (such as STEM) and at the same time enhancing children's development of skills concerning care, should be recommended to the State.

- 71 Financial education from the early stages of schooling is an important protective factor against economic violence.
72. Among young people there is a lack of a culture of consent and awareness of the different forms of violence. In the few cases where initiatives are organized, they are neutralized in the fight against bullying and often entrusted to figures without adequate preparation or limited to law enforcement. Italy is one of the last EU Member States without mandatory sexual education in schools. The optional programs focus solely on the biological aspect of sexuality.
- 73 The unfortunate directive “Education on Relationships,” issued by the Ministry of education (MIM) in November 2023, and the subsequent Memorandum of Understanding, “Prevention and Counteraction of VAW and Domestic Violence” – a joint initiative by the Ministry for Family, Natalité, and Equal Opportunities, the MIM, and the Ministry of Culture, proposes a time-limited intervention, applicable only to upper secondary education (14–19 year olds), after school hours, based on voluntary participation, and without provision of teacher training.
48. Measures to prevent and tackle VAW and sexual harassment in universities remain scarce. Only 12 active university anti-violence help desks exist (out of 96 universities), and these are mainly based on collaboration with WAVCs.

75. Suggested recommendations

- a.** Promote more equitable visions of educational, personal, and professional plans for all students, foster girls' interest in non-traditionally feminine subjects (such as STEM), while simultaneously enhancing children's development of skills concerning care for themselves, others, the environment, etc. from primary school onwards.
- b.** Introduce comprehensive, systemwide education against gender stereotyping not limited to the ad-hoc initiatives described in the State Report.
- c.** Institute mandatory sexuality education with a feminist and trans-feminist approach and a focus on consent.
- d.** Encourage and support university initiatives to combat VAW.
- e.** Adopt the "Educating for Differences" strategies, indicators and guidelines.

X.

Employment



Employment

76. In Italy, the State has no plan or intention to develop a women's employment strategy. Further, it has not addressed the crucial issues of unequal share of household care work or the development of early childhood education and care services for the elderly and disabled. Until adequate financial resources are allocated to the redistribution of care work within the family and society, women's employment in the formal sector will not increase. The situation has remained unchanged, demonstrating how poor conditions in women's employment have a structural and systemic character requiring organic and long-term interventions.
77. The employment rate for women aged 15-64 in 2022 is 52.6%, with regional differences (in the North it is 58.2%, in the South 31.7%), and the labour market is characterized by a high horizontal gender segregation.
78. There is a greater "child disadvantage" in both employment rate and wages than in the rest of Europe. The employment rate for women aged 25-49 living alone is 81.3% compared to 60.2% for mothers; 20% of employed mothers leave work giving birth. The bonuses implemented by the government are temporary measures, insufficient to change structural inequities and interventions only concern women with children (from the second child).
79. Despite the 1971 law establishing public crèches, the percentage of children enrolled in public nurseries is only 14%, and with huge regional differences. At risk is achievement of the ITRRF target of 33% of children in nurseries by 2026.
80. Gender differences affect employment contracts: 27.2% of women work on fixed-term and are unable to find a full-time job (involuntary part-time). The increase in involuntary part-time work is also due to the tax exemption for companies that increased female employment almost exclusively with part-time or fixed-term contracts.

81. Salaries, positions, and pensions reflect gender disparities. Men's pensions are on average 35.8% higher than women's because women work fewer years, work fewer hours per day, and receive lower incomes.
82. Although State data (ISTAT) show decreased female employment in agriculture, official data from the "Italian research organization dedicated to the agri-food supply chains" and the "National Institute for Social Security" report more female agricultural workers, especially non-EU workers. It is likely that a percentage of female workers, especially non-EU women, are slipping into an area of non-regulation. Despite the "Caporalato law," working conditions have not improved: low pay, working and housing conditions lack minimum safety and hygiene requirements continue, as well as dependence on illegal middlemen (so-called "caporali").
83. Persons caring for disabled family members, the majority of whom are women, experience intersectional discrimination to the detriment of paid employment, due to the difficulties of reconciling work and care activities. It is concerning that the law on "the care of dependent persons" is unfunded for 2024.
84. Presently, parental leave provides only 10 days leave, and is poorly paid (30% of salary except for one month at 80%), making it inconvenient for families since fathers are typically the family's highest earners. Fathers' lack of care work, added to involuntary part-time and lower wages, pushes women to abandon work after giving birth.

85. Suggested recommendations

- a.** Implement quality universal public nurseries, pre/post-school services and care for the elderly, sick or dependent in line with European standards. It is necessary to increase the supply of nurseries to overcome territorial discrimination.
- b.** Introduce and extend compulsory paternity leave, which is rarely applied.
- c.** Introduce structural incentives, anchored in collective bargaining, for companies to promote gender equality and growth opportunities for women.
- d.** Reinstate ITRRF conditionality clauses for contracts that required at least 30% of the project workforce to be women, currently reduced to 5%.

XI.

Health



Health

- 86. Reduced public spending on healthcare and long waiting lists force people to turn to the private health sector or refrain from care/prevention. Out-of-pocket household expenses have increased. Public health and family planning services are unevenly spread over the national territory, with significant regional variations. Because women have fewer economic resources, this disproportionately affects women's health, with an even greater impact on victims of violence.
- 87. Investments in territorial health and social services, particularly Family Counselling Centres (FCC), are low. Funds are diverted from the public sector to private anti-choice associations, creating further obstacles to free reproductive choices.
- 88. The board of directors of AIFA (Italian Medicine Agency) recently ruled that free access to birth control be available only to women under the age of 26, and dispensed in FCC or public facilities such as hospitals. This penalizes older, more fragile women.
- 89. According to the Council of Europe, Italy "violates Article 11 on the Right to Health of the European Social Charter," because it does not protect women's right to access VIP services.
- 90. Women and girls with disabilities are at higher risk of isolation, lack of access to health and reproductive services. Their situation is detailed on page 30 et seq. of the FID Report.
- 91. Few Regions apply the Ministry of Health's August 2020 Guidelines on pharmacological VIP, which can be administered in FCC in outpatient facilities. Surgical VIP is predominant over pharmacological VIP, whereas in other Western Countries pharmacological VIP accounts for 70-90% of cases.
- 92. Open, public, up-to-date data, disaggregated by hospitals, are needed. The Ministry of Health's latest report on the implementation of Law 194/78 (2022) refers to 2020 and reports national and aggregated regional data.

93. Suggested recommendations

- a.** Conduct regular impact assessments of reduced public spending on healthcare on women's health.
- b.** Eliminate obstacles to free reproductive choices.
- c.** Eliminate obstacles in access to contraception.
- d.** Enforce Law 194 and reduce the difficulty of accessing legal abortions.
- e.** Implement WHO's 2022 Abortion care guidelines.

XII.

Refugee, asylum-seeking and migrant women



Refugee, asylum-seeking and migrant women

94. Asylum-seeking and refugee women experience several barriers in accessing VAW specialized services. The inhumane conditions of identification centers where migrants are arbitrarily detained undermine their psychological and physical integrity. Little progress has been made at border areas, where the Government has allowed some NGOs access to first identification facilities in addition to UN agencies.
95. Another major issue is the lack of training on VAW for staff involved in identification procedures, reception centers, and the Asylum Territorial Commissions. Another concern is adding countries, such as Nigeria, Gambia and Côte d'Ivoire, to the list of "Safe Country of Origin," which puts women's lives and safety at risk.
96. Despite the adoption of relevant documents (2023 "Vademecum for the detection, identification and support of vulnerable persons" and 2021 SOPs on identification of gender-based survivors), a referral mechanism for VAW survivors is still lacking. While the State Report refers exclusively to the SAI reception system (paras. 278-280), since 2021, due to the unavailability of SAI places, most asylum seekers, including women and their children, are placed in Extraordinary Reception Centers (CAS). According to Decree Law 20/2023, CAS no longer provides services such as psychological assistance, Italian language courses, and legal and territorial counseling, thus undermining women's pathways to social inclusion.
97. Detention centers' functions were expanded under provisions on "accelerated procedures" for asylum-seekers coming from "Safe Country of Origin" (Art. 7 bis D.L. 20/2023) and the possibility of interrupting detention by providing a financial guarantee (Decree of the Ministry of the Interior of 14.09.2023). Moreover, the period of detention in Repatriation Centers for migrants receiving an order of expulsion was increased up to 18 months, with a possible extension in agreement with the Ministry of Defence (Law 50/2023).

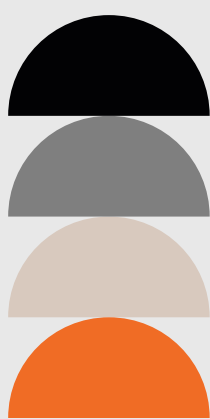
98. Migrant women lacking a residence permit or “residence status” cannot work, cannot enter into a rent contract, do not fully access public health or social support, and experience financial insecurity. “Residence status” procedures, which are under the responsibility of municipalities, are often arbitrary.
99. Migrant mothers are often placed in mother-child care facilities as there is a stereotyped and classist approach on migrant women’s motherhood capabilities. Courts request an assessment of parenting capacity by social services and, more than in other cases, allocate custody of the child to social services with subsequent limitations on the mother's parental rights.
100. The “residence permit for victims of domestic violence,” (Law 119/2013), is not fully implemented and its effectiveness is compromised by the need for open criminal proceedings.

101. Suggested recommendations

- a. Guarantee migrant women's access to protection in all circumstances, irrespective of the place of arrival.
- b. Comprehensively implement an identification and referral system throughout Italy and consistently strengthen the capacity of the reception system.
- c. Promote alternatives to detention centres to ensure migrant women's specific needs are addressed.
- d. Respect the principle of non-refoulement, which is violated by bilateral agreements with transit countries and aimed at externalising borders.
- e. Promote consistent implementation of Residence Status procedures at the national level.
- f. Counter the stereotyped and classist approach towards migrant women's motherhood capabilities.
- g. Implement consistent procedures for the application of residence permits for domestic violence victims throughout the country and promote specific training to law enforcement.

XIII.

Economic empowerment of women



Economic empowerment of women

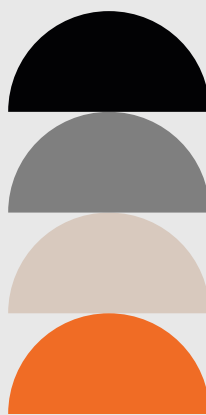
- 102.** Despite civil society pushing for a strong investment in training and development of female entrepreneurship, only 40 of 191 million euros are directed to female centered programs, and the State Report mentions "strategies" unaccompanied by real investments.
- 103.** No specific investments or incentives are envisaged for the development of female entrepreneurship in technology and artificial intelligence sectors.
- 104.** Calls for tenders are generic without attention to empowering female entrepreneurs; projects presented are in "typical women" sectors such as care, catering, etc., rather than technological innovation and A.I.
- 105.** The ITRRF included a safeguard clause to ensure all tenders result in hiring 30% of women or young people. However, 60% of companies did not apply it, with no consequences. No monitoring data is available to verify how many men and how many women have entered the ITRRF awards.
- 106.** A recent survey by the National Institute for the analysis of public policies– (annual Report 21.12.23) confirms the by-now structural occupational status of men (60%) and women (40%). Despite the incentives allocated in 2022, only 1 in 4 contracts is awarded to a woman, and the gender gap remains structural and unchanged over the years.

107. Suggested recommendations

- a.** Invest in training and development of female entrepreneurship, particularly in technology and artificial intelligence sectors.
- b.** Increase a gender sensitive approach in public calls for tenders extending them to non-typically stereotyped “female” sectors.
- c.** Collect gender disaggregated data on ITRRF awards.

XIV.

Marriage and family relations



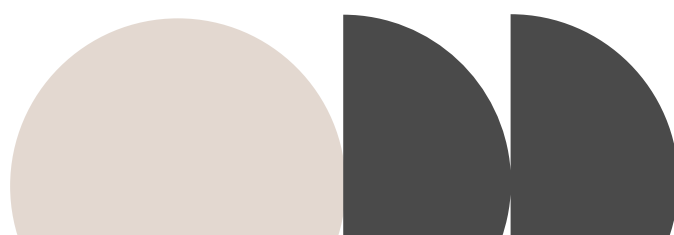
Marriage and family relations

- 108.** In its June 2021 report, the Femicide Commission highlighted the invisibility of gender-based and domestic violence in civil courts.
- 109.** In its May 2022 report, the Commission found that in 96% of separations involving VAW, courts did not consider violence relevant for child custody. GREVIO stressed that employing the concept of parental alienation and similar notions may impede identification of violence against women and their children by ignoring the gendered nature of violence.
- 110.** Despite the Italian Supreme Court ruling on the lack of scientific basis of court-appointed expert (CTU) opinions when they suggest diagnosis of parental alienation syndrome, judges continue to validate CTUs mentioning parental alienation and its derivatives, even punishing the mothers with fines as well as the abduction of the child and loss of parental responsibility. Moreover, CTUs often do not have specific training or specialization on VAW.
- 111.** Social Services ignore VAW when evaluating parenthood, and the principle of joint custody is given precedence over the rights of the child, often considering the woman as the inadequate parent.
- 112.** The judiciary does not recognize VAW and/or witnessed violence. In the Femicide Commission report, "violence is invisible to the eyes of operators [...] who [...] are not able to design interventions that include combating it as a fundamental component." In Civil Courts, violence is rarely mentioned. In almost all cases examined, shared custody is ordered even when evidence of violence is provided, and it is not unusual for women to be indirectly "forced" to engage in mediation ending in secondary victimization. It is a common practice in Italian jurisprudence to consider a mother who has suffered violence as unfit. For example, the Supreme Court recently declared a child with a violent alcohol addicted father who had violently abused his wife as adoptable (Civil Supreme Court, Section I, Judgment No. 3546 - 4th February 2022).

113. The Italian Supreme Court reaffirmed the best interest of the child shall prevail over the right to shared parenthood and stated the traumas resulting from removing the child from the mother, deemed to be uncooperative, cannot be ignored, without violating Article 8 of the ECHR.
114. Civil Courts and Juvenile Courts do not use risk assessment tools.
115. Economic barriers also affect women victims of violence. CTUs are expensive and because many women cannot afford their own experts, their equal right of defense is impaired.
116. Family civil law cases, heavily characterized by a disparity of economic power, lead to a lack of protection of fundamental rights (protection from violence, recognition of parental responsibility, maintenance, retention of the family home) and to a 'forced' acceptance of consensual solutions due to the economic impossibility of facing the costs of a trial. Many separated women are forced into extreme poverty by a system that does not guarantee equal access to justice and ignores the effects of VAW. Consequently, they are forced to 'consensually' relinquish all property and child custody rights.
117. The ongoing problem of fathers' failure to pay child support has no structural solution as there is no available data of actual application of the alleged funds - Fondo per la solidarietà per il coniuge - allocated by the Ministry of Justice in 2016 (renewed in 2021).
118. The organic surname reform necessary to modify the rules on the surname of married women and regulate the attribution of the double surname as foreseen from the three sentences of the Constitutional Court (2016, 2022 and 2023) has not yet been approved.

119. Suggested recommendations

- a. Prescribe for civil separation/divorce and child custody proceedings a thorough examination of the relevance of DV and witnessed violence for decisions in the best interest of the child with consequent measures to protect the child and its mother;
- b. All professionals (social, psychological, judiciary) involved in family proceedings be required to undergo regular training on VAW;
- c. All Courts and services dealing with VAW and DV cases must apply efficient risk assessment procedures;
- d. No forms of compulsory mediation or covert mediation should be imposed in proceedings characterized by intimate violent partnerships.
- e. Family law proceedings must provide for economic support mechanisms to counterbalance the disparity of economic power that strongly discriminates against an equal right to defend one's personal and property rights;
- f. The frequent non-payment of maintenance by one parent must be countered with more effective enforcement procedural tools and enduring public funds for the other parent.



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