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**Committee on the Elimination of Discrimination against Women**
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# Responses to the list of issues and questions for consideration of the combined fourth and fifth periodic reports

## Italy

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## General part

**1.** To draw up the report, the Government specially established a Working Group coordinated by representatives of the Ministry of Equal Rights and the Ministry of Foreign Affairs, within the activity of the Interministerial Committee of Human Rights, and composed of representatives from various other administrations (Ministry of Labour and Social Politics, Education Ministry, etc.). This Working Group has been in operation for three months, during which many instructive meetings for the preparation of the dossiers relative to the report have been organized.

It is to be added that as a general political line the Government regularly consults non-governmental organizations (NGO) when it concerns the planning and drawing up of targeted interventions in sectors in which there is a presence of associations and public bodies; for this reason, the majority of the interventions mentioned in the report have benefited positively from contributions of NGOs.

**2.** In relation to articles 8, 9, 15 and 16, there is nothing to report, as they refer to fundamental rights that are widely recognized and deeply consolidated in the Italian system.

As regards article 14, a constant feminization in Italian agriculture appears to have taken place since the last general census of agriculture in 2000, by the National Institute of Statistics (ISTAT). This process originates from the gradual exodus of the male worker towards the industrial building sector since the 1970s and 1980s, as a result of which women started to substitute them not only in the manual work but also in agricultural management, making themselves authors of significant changes in the ways of management and methods of production.

At the moment 5 per cent of employed women work in agriculture, 36 per cent of whom are under the age of 45; there are around 600,000 female farm managers, 60 per cent of whom are over 55 and 6 per cent are younger than 35.

The average size of the farm managed by a woman is on the increase; all in all female managers control over 3 million hectares.

As regards production, the DOC and DOCG wine growing female managers have increased 72 per cent since 1990, while the female olive growers have increased by 15.3 per cent. From a Confagricoltura study of this year, as far as the elements of success of the farms managed by women are concerned, the production of typical products is in first position followed by the innovation of process, innovation of product, management ability and communication. On the whole it appears that women manage to utilize to a better advantage the area at their disposition, directing themselves towards intensive or quality production, more profitable than that of men, so that the profits produced by women per day of work exceed those of men with percentages of a minimum of 4 per cent for economically small farms to a maximum of 22 per cent for the larger ones.

In conclusion, if it is true that the evolution of the professional role in agriculture is connected to the process of social emancipation, women, gaining ever larger areas of the management world of agriculture, from which traditionally they appeared to be excluded in the past, have given a strong impetus to this process, thanks also to the managerial role progressively assumed resulting in the reduction of cultural and social differences as compared with women living in the cities.

**3.** All the initiatives and actions taken by the Government with regard to the implementation of politics of equal opportunities are mentioned and described in the fourth and fifth report submitted to the Committee. Among the more important cases dealt with recently by the Government the problems surrounding the entry of women into the armed forces can be mentioned.

In Italy, Law No. 380/99 gave female personnel access to the military system using a system of gradual quotas. This system provides that each year, the relative number of entries of women into the various roles of the armed forces is established by a Decree of the Ministry of Defence (to be agreed upon with the Ministry of Equal Opportunities, Infrastructure and Economy).

The decision in favour of the quota system was taken for two concurrent needs, to ensure that women develop their professional potential in a traditionally male sector, and to ensure a balanced presence of both sexes in the Armed Forces. The Government has also decided that the target of a greater female presence in the Armed forces must take place gradually.

One can say, that as of today, good results have been obtained if one takes into consideration that for certain military roles almost 100 per cent of the posts available to female personnel have been filled.

The Government has undertaken to complete the process abolishing the system of quotas.

**4.** The actions undertaken by the Government are described analytically at points 6, 7 and 8.

In agreement with the decisions of the Convention, it concerns a group of measures which are intended to remedy or compensate, with targeted interventions in some sectors, a situation of disadvantage or weakness in which one sex can find itself in certain circles of economical and social life. From the above one can deduct that the idea of positive actions is necessarily anchored to the temporary nature of the measures adopted.

**5.** As well as the Ministry for Equal Opportunities, which has general responsibility for putting into practice the Convention, other ministries are involved for some specific aspects only, providing themselves with a systemic monitoring activity: the Ministry of Labour and Social Politics deals with all questions relating to women in the work place (including family leave); the Internal Ministry and the Ministry of Justice deal with all themes dealing with disputes of violence against women and the battle against trafficking. In this last area, the Ministry of Foreign Affairs has responsibility for promotion of programmes of international cooperation in the countries involved in the sad phenomenon of trafficking, as provided for in article 14 of Law No. 228/2003.

There is also an Observatory on female management inside the Ministry for Productive Activities.

**6.** Many initiatives have been taken by the Government in order to increase the presence of women in decisional and political processes.

Firstly, on the initiative of the Ministry for Equal Opportunities, Parliament has approved Law No. 90/2004. This law provides that, in European Parliamentary elections, each of the two sexes cannot be represented in a measure less than one

third of the candidates. The parties who do not respect this rule are liable to a fine, which consists of a proportional reduction of public funding. The results showed an increase of 20 per cent in the presence of females in the European Parliament after the elections of June this year.

A Bill (AS 3051) containing the same previsions for the other different types of elections is, at present, being considered by Parliament. All these measures are considered temporary.

Another initiative achieved is represented by the agreement between the Ministry for Equal Opportunities and the rectors of 21 Italian universities to fund — from the academic year 2004-2005 — special courses dedicated to "Women, politics and instruction — formative courses for the promotion of equal opportunities in the decisional centres of politics".

**7.** The query raised in this point reflects in substance that which forms the object of the investigation at the previous point.

The concrete measures adopted are described at point 6 and have been put into being thanks to the new wording of article 51 of the Constitution that represents the modified constitutional foundation.

Return, therefore, to the previous point.

**8.** Taking into consideration that the female presence of the legal field is fairly high in Italy, especially as far as the number of female magistrates and lawyers is concerned, many initiatives have been taken to increase the awareness of these professionals of the objectives and the themes of the Convention. For example, in 2004, the Ministry for Equal Opportunities in collaboration with the Higher Magistrates Council (C.S.M.) — the body guaranteeing the independence of the magistracy, organized several seminars whose object was a project for the formation of the European Community directives against discrimination. The initiative, in which lawyers as well as representatives of the academic and association worlds took part, made a good impression on the high number of participants.

It must also be underlined that in the circles of the Higher Magistrates Council the Committee for Equal Opportunities, one of whose members is a representative of the Ministry for Equal Opportunities, is extremely active in making the magistracy aware of themes of gender equality. Finally, it must be reported that the Ministry for Equal Opportunities has recently expressed the opinion that in the case of multiple births women-magistrates have the right to as many periods of parental leave (Legislative Decree No. 151/2001) as the number of babies born at one time and that they can be cumulative.

This opinion was completely accepted by the Higher Magistracy Council, which granted the magistrate in question two periods of leaves for the same number of babies born at the same time.

## Stereotypes and education

**9.** The processes of overcoming cultural stereotypes are of historical size and cannot therefore be measured in the short term nor be translated into quantitative terms.

In our country in the last years, as far as communications are concerned, the general picture of journalism (newspapers, plays, literature, specific transmissions that refer to female condition) has contributed in promoting a considerable acceleration in the change of traditional stereotypes.

As far as the particular role of the woman in society is concerned, the recent reforms in the labour market have given an incentive to overcome stereotypes in professions considered typically male.

We refer to Law 30 of February 2003 in which the challenge of change and modernization is welcomed.

Through part-time, temporary work, job-sharing and other flexible and adaptable regulations we are moving towards the emersion of illegal labour and a fairer division of the safeguard of work in the favour of women and men. For example, from a recent study by the National Council of Economy and Labour it emerges that between 2001 and today we have witnessed a progressive increase in female employment in the ICT sectors (information, communication, technology), especially in the freelance world, indicating how successful the new forms of contract introduced by the above-mentioned Law are in this sector as the organizational model requires flexible working relationships suitable for reconciling the difficulties of employment and family responsibilities, as ever assigned to the women.

Through these measures the provision of article 5 of the Convention, where the States agreed to adopt every measure to "modify the schemes and models of sociocultural behaviour of men and women and arrive at the point of attaining the elimination of prejudices and the practices, habitual or other, that are based on the conviction of the inferiority or superiority of one or other of the sexes or the idea of stereotyped roles of the men or women", can be considered satisfied or generally reached.

**10.** The contribution offered by Law 53/2000 on parental leave (Provisions for the support of maternity and paternity for the right of care and education and coordination of the pace of city life) is essential in the argument of men sharing family responsibilities.

This innovative measure contains a series of provisions referring to a variety of objectives joined together under the names; care leave and educational leave; reconciliation between private life and working hours leading to the promotion of maternal and paternal care.

This subject represents a notable break down of the traditional concept of the male and female roles in family life, recognizing rights and duties in the care and upbringing of offspring to the fathers as well.

With the possibility of working fathers too benefiting from periods of leave to care for and help their children or the incentive of flexible working hours, or even the prospect of retraining programmes for the return to work for men or women after a period of leave (paternity, maternity or parental), the priority of the principle of equal rights in employment has been recognized and the development of strategies of reconciliation which favour important social changes through the promotion of the father figure and the spread of the so-called "responsible fatherhood".

**11.** In relation to the themes inherent to the communication and role of women following the work done by the National Commission of Equality, on 30 April 2002, the Minister for Equal Opportunities established a special body of experts and consultants with the task of:

- Analysing the levels of female presence in the sectors of communication, with reference to the press, radio and television transmissions, publicity and institutional communication and to identify their roles and levels of responsibility
- Examining the ways of representation of the female world by the mass media
- Proposing projects of intervention, even on a regulative basis, for the elimination of stereotypes and the encouragement of the correct representation of the female image.

The results of an initial period of monitoring and study of the phenomenon were presented in a meeting which was held in Rome in December 2003.

Distinguishing between the various types of television communication (information, entertainment, fiction, publicity), information is the field in which female journalists are best represented from a qualitative and quantitative point of view.

A notable surprise came from television publicity which, though resorting to the use of stereotyped figures, did not show forms of debasement or degradation of the female image.

The Working Group, on the basis of the results of the monitoring, has drawn up a handbook in order to define some basic principles that communication should draw inspiration for the progressive elimination of every stereotype in respect of the dignity and reality of the female image. In particular, some of these principles are:

– To make recognizable and promote the variety of the roles and specificity of the knowledge of the woman in contemporary society;

– Privilege representations or affirmations from which every form of physical and moral violence against women is excluded;

– Avoid every form of forced representation of the image relating to sexuality if without justification in the context in which the female figure is inserted;

– Promote programmes for the diffusion of the culture of equal rights in the world of children and anyway the new generations.

**12.** A Code of self-regulation to eliminate discrimination and the stereotyped image of women in school tests is mentioned in the report.

This initiative is a pilot scheme on which it is not yet possible to have quantitative results as they deal with Guidelines aimed at publishers with the hope of making them aware of themes of historical and linguistic cultural stereotypes that can be found in school textbooks. The Code of Self-Regulation presents the possibility of voluntary choice on the part of educational publishers and it is a directional guide to authors for the drafting of textbooks and to teachers to be used as a tool of assessment to help them in their choice. The code, therefore, does not contain principles, but indications that the liberty and creativity of every publisher, with the help of his and her own authors, will know how to develop and realize; in

practice it represents a handbook aimed at overcoming sexual stereotypes through language, representation and various cognitive styles. We also report the exponential increase of activities supporting guidance towards gender awareness, in order to overcome stereotypes and to promote equal opportunities for women in advanced employment sectors put into place by the Ministry of Education in its National Operative Programme "School for development", which has already been mentioned in the report.

Such interventions are aimed at encouraging specific responsibilities of teaching staff in subjects of gender orientation and equal opportunities; support innovative ways in the higher secondary school to guide female students towards scientific and technological education and continual guidance for adult women for their orientation in the work market.

It is to be underlined that in the years 2002-2004 the number of projects activated tripled in respect of 2000-2002, passing from 1,280 to 3,250, involving 50,000 people as compared with the 25,000 of the first two years.

## Work

**13.** In the last ten years, the female component has been that which, in Italy, has most contributed to the development of employment and to the reduction of unemployment, as well as the increase of activity.

ISTAT has found, as of 2003, that this component was responsible for 80 per cent of the expansion of employment levels. Such elements are obtained in ISTAT data produced in the area of a System Action promoted by the Department of Equal Opportunities using FSE (European Structural Funds) funds "Drafting and production of a fuller set of gender indicators on the labour market".

The intention of the Action is to favour statistical recognition of gender-based differences at a territorial level, with disaggregation of all the relevant variables, in relation to different productive contexts and different levels of labour.

In particular, as already said, the rate of female activity and employment has increased and there has been a slight decrease in female unemployment in the south which stood at 25.3 per cent in 2003.

This decrease is undoubtedly due to Government intervention in the years 2000, 2001 and 2002, particularly from investments in favour of female occupation co-funded by Community Structural Funds. In fact, an overall investment of 758 million euros has been forecasted for the period 2000-2006 to increase female employment in the south.

The model of development on which the plan is based provides for a series of specific actions intent on the entry and continued presence of women in the labour market; supporting entrepreneurial inclination and self-employed jobs; to attract women, who have been discouraged by the difficulties of reconciliation between family life and employment and obstacles of social and cultural nature, to the labour market.

Some of these actions are:

– Creation of centres for female employment; preparation of ways for entry/re-entry into the labour market in cases of special disadvantage (over 45);

– Preparation of ways of desegregated working insertion;

– Identification of innovative models of organization (in social and working areas) aimed at favouring reconciliation;

– Preparation of measures aimed at favouring the creation of self-employed entrepreneurial jobs for women.

**14.** Sex-disaggregated data referring to part-time work is shown in the table below:

***Italy — Employed sex-disaggregated years 2001-2002-2003***

| | FEMALE | | | MALE | | |
|---|---|---|---|---|---|---|
| | 2001 | 2002 | 2003 | 2001 | 2002 | 2003 |
| Full Time | 83,4 | 83,1 | 82,7 | 97,5 | 96,5 | 96,8 |
| Part time | 16,6 | 16,9 | 17,3 | 2,5 | 3,5 | 3,2 |

From the findings elaborated by ISTAT, from 1993 to 2003 an emphasis on the tendency of part-time work, above all among women, is seen to assume a notable effect. In fact in 2003 the part-time female quota reached 17.3 per cent of all female employment (against 11.2 per cent in 1993) as compared with the 3.25 registered for males (2.5 per cent in 1993).

Taking into consideration the territorial division significant differences emerge; the increase of this type of contract concerns predominantly the central-northern regions while less so in the south, where instead we see a greater male presence.

In 2003 21.1 per cent of women in the north-east were in part-time jobs and 18.4 per cent in the north-west; in the centre these figures decrease to 16 per cent, while in the south it is 13 per cent.

Replying to the second part of the question the laws in force which control labour rule that the same benefits are applied to part-time workers as those in force for other employees.

The law states, amongst other things, ... that with the CCNL (National Collective Contract) the *percentage* of part-time employees to be engaged, the *tasks* and *working hours* of the service are set down.

As regards the payment of a pension, in the case of transformation of part-time employment into full employment and vice versa, in order to calculate its total the whole period of full-time service is calculated and — in proportion to the number of hours worked — the part-time service. This method is also applied to periods of service that were part-time from the outset. (INPS memorandum No. 123 of 27 June 2000, which is attached.)

The relative calculation is controlled by INPS (National Institute for Social Security) memorandum No. 158 of 29 July 1999, also attached.

**15.** As regards the impact of law 53/2000 on the scale of the use of parental leave on the part of employees in public bodies, we provide data from the National Observatory on the Family of Bologna. In their findings there is a comparison of two periods; one before and one after the Law came into force. The information was collected in two different periods of time of equal length (annual).

– 1 January 1999-31 December 1999

– 1 June 2000-31 May 2001

*Numbers of parental leave utilizers before and after the Law 53/2000 came into force*

The data used refers to the following sample of public bodies:

- 19 municipalities, capitals of provinces
- 53 provinces
- 10 regions
- 9 universities (limited to techno-administrative personnel)

Altogether a sample of 301,280 employees of public bodies was considered.

Employees making up the sample, by gender and by period.

| | Period 1<br>1 Jan.-31 Dec. 1999 | Period 2<br>1 Jun. 2000-31 May 2001 | TOT |
|---|---|---|---|
| M | 74.214 | 69.461 | 143.675 |
| F | 80.718 | 76.887 | 157.605 |
| TOT | 154.932 | 146.348 | 301.280 |

Employees making up the sample, by territorial area, by gender and by period (% gender)

| | Period 1 | | | Period 2 | | |
|---|---|---|---|---|---|---|
| | M | F | TOT | M | F | TOT |
| North-west | 40,4 | 59,6 | 100 | 39,4 | 60,6 | 100 |
| North-east | 43,6 | 56,4 | 100 | 42,5 | 57,5 | 100 |
| Centre | 51,0 | 49,0 | 100 | 52,7 | 47,3 | 100 |
| South and Islands | 69,0 | 31,0 | 100 | 70,2 | 29,8 | 100 |
| Total | 47,9 | 52,1 | 100 | 46,9 | 53,1 | 100 |

The analysis shows that the population examined showed some distinctive characteristics:

- Substantial gender equilibrium, with some territorial specificity (more feminization in the north than in the south)

- Overrepresentation of the northern areas of the country in respect of those of central Italy, the south and the islands

Percentage of utilizers of the total of employees by gender and by period

| | **Period 1<br>1 Jan.-31 Dec. 1999** | **Period 2<br>1 Jun. 2000-<br>31 May 2001** |
|---|---|---|
| Percentage of utilizers of a total of employees | 2.2 | 3.2 |
| Percentage of MALE utilizers out of total utilizers | 6.1 | 17.5 |
| Percentage of FEMALE utilizers out of total utilizers | 93.l | 82.5 |
| Percentage of MALE utilizers out of total MALE employees | 0.3 | 1.2 |
| Percentage of FEMALE utilizers out of total FEMALE employees | 4.0 | 5.0 |

From the sample examined we can conclude that:

(a) There has been a general increase in the use of parental leave since Law No. 53 of 2000 came into force: passing from the utilizers being 2.2 per cent of all employees to 3.2 per cent (this increase is to be considered slightly under valued, as from one year to the next a slight decrease in the overall number of employees has been registered, about 6 per cent, while the distribution by sex and by age has remained much the same);

(b) In particular, the number of males who use at least one day of leave has passed from 6.1 per cent of the total of the utilizers to 17.5 per cent, as compared to a substantially unchanged overall distribution by gender;

(c) The increase, therefore, is registered both for women and for men. For the latter the increase seems to be more: from 0.3 per cent of the total of male employees to 1.2 per cent, among the women from 4.0 to 5.2 per cent.

*Ways of using parental leave by mothers and fathers*.

In this case the sample referred to was extended to two other public bodies: Poste Italiane (Italian postal workers) and Trenitalia (Italian railworkers).

Altogether, therefore, these second specific findings on individual behaviour have considered a sample of 580,946 employees amongst whom 13,980 have utilized at least one day of parental leave.

The average number of days of leave used in a calendar year, by gender:

| | *F* | *M* | **total** |
|---|---|---|---|
| Average number of days of leave used in a year | 69,4 | 31,3 | 61,5 |

Therefore this analysis shows that in a calendar year the parents have used an average of 62 days of parental leave.

Looking at the differences between the sexes it is immediately obvious that men and women behave in a different way: while fathers use an average of 31 days of parental leave per year, mothers use 69. In the family there is therefore a certain disparity.

The following table shows the days of leave used in a calendar year by the number of days (in groups) and by gender

(Percentage by gender)

| | M | F | TOT |
|---|---|---|---|
| From 1 to 30 days | 70,4 | 38,2 | 44,8 |
| From 31 to 60 days | 18,8 | 16,4 | 16,9 |
| From 61 to 90 days | 5,1 | 12,7 | 11,2 |
| From 91 to 120 days | 2,4 | 10,2 | 8,6 |
| From 121 to 150 days | 1,6 | 8,0 | 6,7 |
| More than 150 days | 1,7 | 14,4 | 11,8 |
| Total | 100 | 100 | 100 |

The table shows, therefore, the difference between the behaviour of mothers and fathers: 7 men out of 10 take a maximum of 30 days, and almost 9 out of 10 a maximum of 60; on the contrary, among the women approximately 1 out of 3 use more than 90 days of leave.

This trend is strongly influenced by the rules of the National Collective Work Contract in force in the bodies present in the sample.

As an improving measure in respect of the law, in fact, the first 30 days of leave are fully paid for almost all of the employees considered; by Law 53 this benefit can only be used by one of the parents not both.

It can be assumed therefore, that within the organization of a family it is often the father who uses those 30 days of full pay, since, in the majority of cases, it is he who has the higher pay and would therefore suffer more from an eventual reduction.

**16.** Guaranteed remedies from the courts for cases of discrimination. In decree No. 196/2000 the general structure of actions before the court, that provide two-way protection of equal rights, founded on one hand by Law No. 903/77 and on the other Law No. 125/91, has remained unchanged. Therefore, the type of actions possible is based on the objective idea of discrimination and on the type of discrimination taken into consideration, direct or indirect, individual or collective as set out in article 8 of the decree 196/2000, precisely:

co.1 “Discrimination is … omissis … any, act, pact or behaviour that produces a prejudicial effect discriminating even indirectly workers due to their gender”;

co.2 “Indirect discrimination is every prejudicial treatment as a result of the use of criterion that put the workers of one or other of the sexes at a greater disadvantage and take into consideration requirements not essential for the performing of the task”;

co.5 "The provincial or regional councillors for equality competent for the territory … omissis … have the faculty as Judge of labour to go before the tribunal or for the cases submitted to its jurisdiction, to the regional administrative tribunal territorially competent, with the proxy of the interested party, that is, to take part in the case presented by the same";

co.7 and co.8 provides for the disciple of collective discrimination with relative initiatives by councillors of equality.

Another general regulation that has remained unchanged (in respect of the previously mentioned article 4 of Law No. 125/91) concerns the possible presence of a Councillor of Equality in court actions of individuals (by proxy of the interested party) or the intervention *ad adiuvandum* in a judgement already taken, and finally the possibility of autonomous action granted to the Councillor of Equality in the case of collective actions.

In spite of these provisions the novelties introduced by article 8 of the decree No. 196/2000 on the discipline of court cases are relevant, precisely:

- Co. 8 of article 8 introduces the legalization to act in court for cases of collective discrimination, to national councillors of equality in cases of national relevance as well as regional councillors
- The opinion — not binding — provided for by previous regulations, of the Preliminary College of the National Committee for Equality is no longer obligatory to promote a collective court case
- Still referring to collective discrimination a different trial procedure, which, depending on the case can be used by a national or regional councillor to appeal urgently against discrimination, that draws from the general provisions of article 28 of Law 300/70, for the repression of anti-trade-union behaviour has been introduced. The results of the procedure can be the end of the discriminatory behaviour and the removal of the effects.

As regards the procedural aspects of court cases the most significant novelties, even though with less impact than the previous one concern:

- The explicit provision of the alternative competence of the Judge of Work or Regional Administrative Tribunal according to the bipartition introduced by Law No. 533/73 and decrees of 1993 and 1998.
- The compulsory preventive procedure of reconciliation, ex article 410 from the Code of Civil Procedure, already provided for by the previous ruling for disputes relating to gender discrimination in the private sector, which may be attempted by Councillors of Equality, is now also extended to employees in the public sector.
- Co.13, of article 8 decree No. 196/2000 concerns the extension of the procedure of urgency (provided for by art. 15, co. 10, Law No. 903/77 to counteract gender-related discrimination relative to access to work and the ban on night work for women) to all cases of possible discrimination based on sex in working circles. The possibility to delegate to a provincial or regional councillor for Equality as well as a Trade Union by the interested party has also been introduced.

*Cases of discrimination*

Since decree No. 196 of 23 May 2000 came into force the competence for the cases of sexual discrimination have been divided as follows:

- The provincial Councillor of equality deals with individual cases
- The regional Councillor collective cases
- The national Councillor cases having national relevance.

At the moment we do not have statistics dealing with the complaints filed because an apposite database is being set up.

From information we have and from past experience it emerges that the greater part of the complaints filed concern problems connected to childbirth, career advancement and job openings.

## Health

**17.** In addition to references to laws, such as Law No. 53/2000, already fully clarified in the answers to queries at points 10 and 15, the Government, making use of its programmatic procedure in the field of health, that is the National Health Plan 2003-2005, and through the Maternal Infantile Objective Project (D.M. 24 April 2000), dedicates some objectives to women's health, such as the promotion of conscientious and responsible family planning, protecting pregnancies at risk and giving sufficient support to families. The action programmed to obtain such objectives is the promotion of health education programmes, with particular reference to family planning, in schools, in young peoples' meeting places and within the general public, with integration of the network of services. Another action will be the early recognition of pregnancies at risk.

The indicators that, in the future, are to be verified will be the percentage of adolescents and of the adult population, on the basis of a survey, that have a reasonable knowledge of reproductive physiology and the linked problems, the incidence of Voluntary Abortion, the reduction of handicaps (see table on women's health).

In this area the Ministry of Health — Direction of prevention — has recently established an Office for Women's Health to give more coherence to the actions of the Direction in this field: in this context of objectives, the Commission for Women's Health was established by decree on 30.04.2002 and then reconstituted by a decree on 04.12.2003 for the need to discover suitable strategies both from the point of view of prevention and that of cure for the promotion of the psychophysical well-being of the woman; the regulations for the realization of Law No. 40 of 19 February 2004 on medically assisted reproduction have also been formulated; an educational-informative project has been created in collaboration with Superior Institute for Health, for the promotion of breastfeeding; as well as a Health Ministry report on the realization of a law containing regulations for the social tutelage of motherhood and elective abortion (Law 194/78) has also been circulated.

Three Working Groups on cancer screening for tumours of the rectum and colon, breast and cervical/uterine tumours have been set up.

Apart from all this, it should be remembered that a Parliamentary initiative ("Regulations for the protection of the rights of women in labour, the promotion of natural childbirth and the protection of the newborn" — Record of the Lower House 352) is under examination by the XII Commission (Social Affairs) of the Lower House in which, amongst the principal aims, (at point a) mentions the intention to encourage and promote personalized assistance during childbirth, protecting the rights and free choice of the expectant mother. Also, among the rights of the woman in labour, at N. II, in order to promote natural childbirth there is an ample subdivision of the points dedicated to the spontaneous method of the evolution of the time and rhythm of the birth, the promotion and diffusion of natural and pharmacological techniques used for pain control during childbirth, the continuity of assistance and the increase of supplementary help (equip) and not least the intention to foster free choice about the place in which the birth can take place, satisfying the needs of the psychophysical maternal-infantile well-being during pregnancy, puerperium, nursing and newborn period.

**18.** We defer to the following point 19 with regard to diagnosis-related groups[1] (DRG) and the control that is made on assistance from the SSN (National Health System) and also for that which concerns accredited private structures, remembering that essential levels of assistance are defined in the Decree of the President of the Council of Ministers (DPCM) of 29 November 2001.

Apart from this it must be noted that the National Health System (SSN) adopted by the Italian State covers the national territory as well as the population neither in a percentage nor subordinate measure, but in its entirety and sets aside the economic status of the citizen following the principle of the universality of the service.

**19.** One of the objectives of the scheme of National Health Plan 2002-2004 is to diminish the frequency of Caesarean sections and reduce the marked regional differences that exist at the moment, arriving at a national value of 20 per cent within three years in line with the average values of the other European countries also through a revision of the relative DRG.[1]

With the "natal course", one of the qualifying points of the Maternal Infantile Objective Project (D.M. 24 April 2000), it has been suggested that every birth should be guaranteed an essential and appropriate level of obstetrical and paediatric/neonatal assistance, through a network organization on a regional or interregional basis articulated in three levels with different structural features and professional responsibilities: the three levels correspond to an increasing organization from the point of view of the structural needs of the Hospital and the professional competence or teams that work therein, up to highly specialized units.

The objective that the project proposes is that, with admission to a maternity centre competent for the health needs, at least 80 per cent of the high-risk pregnancies and newborn babies will be assisted at level III and there will be a reduction of Caesarean sections, especially in Level I[2] and II structures. The percentage of pregnancies and newborn babies at high risk assisted in level III, the percentage of Caesarean sections per level and the percentage of satisfied patients (see Birth Course scheme) have been chosen as indicators for evaluating the achievement of these objectives. (see Natal course scheme)

The functions and standards of organization provided by the objective Project for each of the three levels represent a guide to be adapted to the various needs of health planning and within the limits of the respective business plans.

Some investigations to clarify the scale and possible causes of the high number of Caesarean sections have been carried out. The excessive recourse to Caesarean section constitutes a complex phenomenon. Some principal explanatory factors can be shown as seen in the table. Above all, an obvious "geographical factor" is noticeable with greater intensity of the phenomenon in many central regions and even more so in the south; in these regions the excess is met with in both public structures and private accredited ones.

In this area of geographical concentration an "organizational factor" is shown by a greater distribution of Caesarean sections in private accredited structures, particularly in Campania.

In the regions with more frequent Caesarean sections higher percentage values are seen in the private structures (accredited or not[3]) rather than the public ones. As regards the accredited private structures a particularly critical situation is constituted by those operating in the region of Campania which carry out 57 per cent of all Caesarean sections performed in private Italian accredited structures, as compared with a percentage of births in that region equal to 12.6 per cent of the Italian total (see table 1).

Finally, other studies available, as well as other trials also conducted in Italy, indicate that a fundamental role is exercised by aspects of "process", constituted by variation of the behaviour of single doctors working even in similar organizational conditions or, sometimes in the same health centre ("doctor factor"), by the doctor-patient-medical team relationship, by the complete information and preparation that the medical personnel give to the patient, by the excessive medicalization of the birth process.

In this context, with the ever-increasing specialization, in recent years, of the practice of pain-free childbirth through epidural anaesthesia and with the increase of information and the request for the use of such methods on the part of the women, we should certainly expect a decrease in the recourse to Caesarean section.

The indicator relative to the incidence of Caesarean sections has been made an object of continual attention by the Ministry of Health and has also become one of those that make up the "System for the guarantee for the monitoring of health assistance", decree 12 December 2001. A parameter of reference equal to 15 to 20 per cent for this indicator of clinical suitability has been established in this decree. This reference parameter has been identified on the basis of international experience, which shows similar (or lower) values in the majority of European countries.

Control and monitoring also takes place through DRG and the comparison with Hospital Discharge Forms using the technical-scientific support of the Public Health Agency established in the various Regions with National coverage at the Regional Council for the Protection and Cure of Health. This Agency performs its activity through: (a) the inspection and revision of the quality of the health services and performance also through the accrediting of the medical facilities provided for by decree No. 502 of 30.12.1992; (b) planning, promotion and development of models of organization and management directed at efficiency, effectiveness and the

improvement of the quality of the health service; (c) formulation of projects for the promotion of health and health education in order to improve the epidemiological picture; (d) monitoring the process of the realization of the regional health plan and the state of health of the population; (e) analysis of the economic impact as a result of the realization of the scheduled regional objectives as well as the cost-effective and cost-performance ratio. In addition the XII Commission (Social Affairs) of the lower House is examining a parliamentary initiative ("Rules for the protection of the rights of women in labour, the promotion of natural childbirth and the protection of the newborn" — Record of the Lower House 352) in which at point (d) cites the intention to encourage natural childbirth, reducing the percentage of Caesarean sections. Also, at N. II, in order to promote natural childbirth there is an ample subdivision of the points dedicated to the spontaneous method of the evolution of the timing and rhythm of the birth, the promotion and diffusion of natural and pharmacological techniques used for pain control during childbirth, the continuity of assistance and the increase of supplementary help (equip).

These instruments of control will certainly allow the Government, in the near future, to verify the implementation of the National Health Plan 2003-2005.

| OBJECTIVE[4] | ACTIONS | INDICATORS |
|---|---|---|
| - Humanization | - Prenatal courses | - N. courses activated |
| | - Qualification of personnel | - Percentage of pregnant women participating in courses. |
| | - Presence of a person chosen by the woman during labour and birth | - N. training courses activated |
| | - Experimentation of ways of demedicalization of childbirth | Percentage of medical facilities which have activated courses of demedicalization of childbirth and the facilitation of mother-child contact |
| | - Activation of ways of facilitating mother-child contact | - Percentage of births with the presence of a person chosen by the woman |
| | - Rooming-in | - Percentage of departmental facilities that allow rooming-in |
| - Protection of the pregnant woman and new born | - Assistance to mother | -Percentage of high-risk pregnancies and newborns assisted at level III |
| - At least 80 per cent of high-risk pregnancies and newborn babies assisted at level III | - Admission to competent maternity centres for level III needs | |
| - Reduction of number of C.S. especially in levels I and II | - Prenatal classes and post-natal assistance | |

| | | |
|---|---|---|
| - Promotion of breastfeeding<br>-Increase, over 3 years, of percentage of precocious breastfeeding (within 24 hours)<br>- Check initiatives for promoting breastfeeding after third month<br>- Prevention and treatment of maternal pathologies and marked delays in intrauterine growth, premature birth, grave malformations and other foetal pathologies | - Qualification of personnel<br>- Activation of facilitation of mother-child contact<br>- Identification of protocols of pre-conceptional prevention, prenatal diagnosis and mother-foetal and newborn therapies<br>- Regional and National Register of very small newborn babies<br>- Regional and National Register for congenital deformities | - Percentage of C.S. per level<br>- Percentage of satisfied patients<br>- N. courses activated<br>- Percentage of women present at courses<br>- Percentage of post-natal women assisted<br>- N. qualification courses activated<br>- Percentage of medical facilities that have activated courses<br>- Percentage of breastfed babies of total discharged<br>- Percentage of women breastfeeding after third month<br>- Incidence of maternal pathologies at each level<br>- Percentage of facilities that have activated prenatal diagnostic protocols and maternal-foetal and neonatal therapy<br>- Percentage of diagnosis and evaluation |

Table 1: Regional distribution of total births and Caesarean births in public and private medical facilities — year 2002

| Regione | PARTI TOTALI | | | | PARTI CESAREI | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | in strutture pubbliche | in strutture private accreditate | in strutture private | *totale* | in strutture pubbliche | | in strutture private accreditate | | in strutture private | |
| | | | | | numero | in % sul totale dei parti | numero | in % sul totale dei parti | numero | in % sul totale dei parti |
| PIEMONTE | 33.778 | 184 | | 33.962 | 9.133 | 27,0 | 98 | 53,3 | | |
| V. D'AOSTA | 1.116 | | | 1.116 | 263 | 23,6 | | | | |
| LOMBARDIA | 79.222 | 5.418 | 449 | 85.089 | 18.126 | 22,9 | 1.775 | 32,8 | 264 | 58,8 |
| P.A. BOLZANO | 5.058 | 240 | | 5.298 | 939 | 18,6 | 50 | 20,8 | | |
| P.A. TRENTO | 5.022 | | | 5.022 | 1.286 | 25,6 | | | | |
| VENETO | 41.869 | | | 41.869 | 10.639 | 25,4 | | | | |
| FRIULI V. G. | 9.000 | 618 | | 9.618 | 1.852 | 20,6 | 109 | 17,6 | | |
| LIGURIA | 11.111 | | | 11.111 | 3.306 | 29,8 | | | | |
| EMILIA R. | 32.426 | 1.043 | 37 | 33.506 | 9.056 | 27,9 | 434 | 41,6 | 27 | 73,0 |
| TOSCANA | 27.693 | 292 | | 27.985 | 6.737 | 24,3 | 92 | 31,5 | | |
| UMBRIA | 7.085 | | | 7.085 | 1.880 | 26,5 | | | | |
| MARCHE | 11.354 | 1.084 | | 12.438 | 3.692 | 32,5 | 447 | 41,2 | | |
| LAZIO | 39.681 | 6.375 | 1.671 | 47.727 | 12.607 | 31,8 | 2.301 | 36,1 | 805 | 48,2 |
| ABRUZZO | 9.949 | 427 | | 10.376 | 3.586 | 36,0 | 196 | 45,9 | | |
| MOLISE | 2.550 | | | 2.550 | 912 | 35,8 | | | | |
| CAMPANIA | 37.303 | 28.099 | | 65.402 | 17.550 | 47,0 | 17.347 | 61,7 | | |
| PUGLIA | 37.448 | 4.649 | 157 | 42.254 | 14.967 | 40,0 | 2.090 | 45,0 | 99 | 63,1 |
| BASILICATA | 5.012 | | | 5.012 | 1.981 | 39,5 | | | | |
| CALABRIA | 13.209 | 5.251 | | 18.460 | 4.492 | 34,0 | 2.430 | 46,3 | | |
| SICILIA | 35.341 | 4.197 | | 39.538 | 14.337 | 40,6 | 2.428 | 57,9 | | |
| SARDEGNA | 11.318 | 1.550 | | 12.868 | 3.139 | 27,7 | 335 | 21,6 | | |
| TOTALE | 456.545 | 59.427 | 2.314 | 518.286 | 140.480 | 30,8 | 30.132 | 50,7 | 1.195 | 51,6 |

*Source: Hospital discharge forms 2000*

Taken from: A. Fortino,[5] L. Lispi. F. D'Ippolito, G. Ascone[6]

**Violence against women**

**20.** In the years before the establishment of the Ministry for Equal Opportunities in 1996 the actions taken in favour of female victims of violence had a spontaneous character on the part of female associations which had planned and opened anti-violence centres, homes for mistreated women, consultation centres, refugees and open-house facilities, groups for legal help etc., financed by local councils. These initiatives have modified themselves over the territory because local councils approached the problem in different ways.

The central action of the Government through the activity of the Ministry for Equal Opportunities therefore was realized immediately allowing the introduction of

many specific laws against violence (L 66/96), on childhood (L 269/98), against child abuse (L 285/97), against trafficking (Decree 286/98); on estrangement of a violent spouse (L 154/2001) and many others already mentioned in the report. The Government has called a National Conference, pressed ISTAT to make an initial investigation into "Security of the Citizen", which also regarded the research into some forms of violence and sexual harassment and then stipulated an agreement, again with ISTAT, for an investigation into "Violence against women and maltreatment in the home" and into the "Reconciliation between family life and work". It has assumed all the well-documented initiatives in the report against human trafficking for sexual exploitation and to contrast the phenomenon of violence against women in family circles, as, for example the Urban Pilot Project, illustrated in the report, that is considered positively in Europe.

Many of the actions put into place have seen the involvement of other Ministries like the Justice Ministry, the Internal Ministry, Ministry of Welfare, Ministry of Education, Ministry of Health etc. A combined action that naturally reflects a greater systematization in the concrete actions taken by the local bodies.

**21.** In Italy the introduction of Law n. 66/95 against sexual violence has certainly produced a positive impact having caused a greater sensitization towards this theme both in society and the female victims of violence. This is demonstrated by the analysis of information taken from complaints filed by women to the police and processed by ISTAT, referring to two periods: one before the other after the introduction of Law No. 66/96 (p. 28). As one can see from the attached table the increase in the number of the women's complaints of sexual violence and violent sexual harassment in the years of reference (1994-2002) is evident, from which the emersion of the phenomenon in respect of the previous years results.

**People trafficking**

**22.** As already illustrated in our report (p. 67-71) the war against people trafficking is of national and international priority. In this sense the Italian Government has responded quickly and efficiently to the increasing fear constituted by people trafficking with decree 25 July 1998 n.286. Article 18 of No. 286 provides for the emission of a residence permit for reasons of social protection in order to "*allow the foreigner to subtract him or herself from violence and from the hands of criminal organizations and to participate in a programme of assistance and social integration*" (art. 18, comma 1).

An Interministerial Commission at the Department of Equal Opportunities has been established to put into effect article 18, with the responsibility for direction, control, planning and evaluation of assistance programmes and social integration, realized by local councils and private subjects, 70 per cent financed by the State, from resources assigned to the Department of Equal Opportunities, and 30 per cent from local councils (art.58 comma 2 Regulation for actuation of DPR 31.08.99, No. 394).

From 1999 until 2004 the Department for Equal Opportunities has co-financed 296 projects of social protection, covering the entire national territory, giving particular attention to the zones with high risk of criminality. Such projects, whose mechanism has already been illustrated in our report, are directed towards foreign women and minors who are victims of trafficking for sexual exploitation, and as

requested the data relative to the number of people who have participated, from March 2000 to March 2003[7] is included:

- Around 5,388 victims of trafficking have been included in the projects;
- 2,857 residency permits have been emitted, with the following annual subdivision:
  - 2000/2001 No. 833
  - 2001/2002 No. 1,062
  - 2002/2003 No. 962
- 1,125 people have attended courses of professional education
- 1,368 people have attended literacy lessons and scholastic education
- 1,055 people have received educational or work grants
- 2,004 people have been placed in jobs.

Confirmation that the victims of trafficking are almost exclusively women and for the main part come from Nigeria (around 50 per cent of the total) and many from East European countries comes from a comparative analysis with data from the first three years of the project. Lately it has been noted that there has been a decrease in the trafficking of Albanians and an increase from other East European countries, particularly from Romania, from where the youngest come, Moldavia and the Ukraine.

**23.** The number of residence permits for motives of social protection, article 18 decree No. 286/98, is explained at point 22.

As regards assisted repatriation we defer to that already illustrated on the action of system to ensure the voluntary return to and reintegration in the countries of origin of victims of trafficking, coordinated by the Internal Ministry, with the help of the *International Organization for Migration (OIM)* (pp. 69, 70 of the report). From the initial date of the action of system, July 2001 until 2003, 160 cases from different geographical origins (Moldavia, Ukraine, Romania, Bulgaria, Hungary, Poland, Czech Republic, Slovakia, ex Yugoslavia, Albania, Estonia and Byelorussia) have been assisted. As regards the data relating to expulsion see the attached table.

**24.** With regard to the "responsibilities" of women victims of trafficking and those of the traffickers note that art. 18 (decree No. 286/98) introduces a strong innovative element through a two way: judicial and social, without one influencing the other. In fact, the emission of a residence permit for social reasons is in no way dependent on the obligation of the filing of a complaint on the part of the victim, allowing therefore, the possibility of social and psychological rehabilitation which lead to an atmosphere of fundamental trust for future (eventual) judicial collaboration.

In fact, the tendency of victims to stand up to their exploiters, choosing to file formal complaints and agreeing to collaborate with the investigative authorities in the courts, thanks to an atmosphere of greater trust in the social bodies and police authorities is confirmed in the analysis of the project of social protection. This new tendency shows the effectiveness of article 18 and especially the progression of social protection, which has produced very important results in terms of

rehabilitation, social reinsertion and the ensuing social conscientiousness of the victims of trafficking.

The Italian Government has wanted passionately the approval of Law No. 228 of 2003 "Measures against people trafficking", through which it has seen to redesigning our judicial organization of some forms of crime, and precisely those of reduction to slavery, people trafficking and slave trade and to introduce other new ones. This is also in consideration of the fact that the figures forecasted by the previous legislation did not result suitable to delineate and contain the phenomenon. The new law acknowledges the indications contained in the protocol of Palermo (December 2000) of the United Nations Convention against organized transnational crime, depicting people trafficking as a specific and independent idea of crime.

In particular, an ample definition of slavery and servitude has been given, choosing to criminalize the subjugation of the person whether this can be retraced to the idea of slavery as traditionally understood (that is to practice on a person a power corresponding to that of the right of ownership) or if it can be retraced to other widespread forms of enslavement, put into practice not only through the classic way of violence, threat or deception but also through the obligation to repay a sum of money, borrowed in order to reach Italy, in a way which includes all the situations of debt bondage. For the crimes on which the new law has intervened, a heavy aggravation of the punishment has been established set at imprisonment for eight to ten years, with an increase in the minimum and the maximum of the sanctions previously in force.

A specific augmentation which involves increasing by a third to a half the punishment inflicted when the victims of the crimes are minors or in the case, actually more recurrent, in which the reduction to slavery or bondage is for exploitation of prostitution or the removal of organs has been provided for.

The police forces have carried out initial operations applying the law actually in force which have led to the incrimination of a number of traffickers. The number of people under investigation/accused/sentenced for crimes pertinent to trafficking for exploitation has been, in the period between June 1996 and June 2001,[8] around 7,582, according to an inquiry financed by the Department for Equal Opportunities with funds of art. 18 coordinated by the Ministry of Justice and run by the Transcrime Institute of Trento (p. 70 of our report).

In particular, of the 7,582 people sentenced/accused: 1,216 are females (around 16 per cent) and 6,366 males. According to the above-cited report, trafficking for exploitation is a prerogative for foreigners. Only 32 per cent of the total of the perpetrators turned out to be Italian nationals; the remaining 67 per cent were foreigners. The most represented nationalities among the perpetrators of trafficking crimes were Albanians, Chinese, Romanians and Nigerians.

**Vulnerable groups of women**

**25.** Decree No. 286 of 25 July, the so-called Unique paper in matters of foreigners, helps the processes of integration without difference of sex — in respect of health, culture, traditions and primary religious beliefs.

On the basis of these rules and exactly of Title V — Nos. III and IV on immigration, the matter is submitted to the local councils, which deal with specific needs case by case. While at a national level there are at the moment proposals for a

law (A.C. 225 and A.C. 985- presented 30.5.2001 and 19.6.2001) and a bill presented to the Senate (A.S. 447 presented 11.7.2001), at the regional level special laws have emanated in favour of or protecting Rom and Sinti from 1984 until today. Among the numerous and complex rules we report: for the Fruil-Venezia-Giulia Region L.r. 14.3.88, No. 11; L.r. 20.6.1988, No. 54; L.r.24.6.99, No. 25; for the Lazio Region L.r. 24.5.85, No. 82; Tuscany Region, L.r. 8.4.95, No. 73; for the Veneto Region L.r. 22.12.89, No. 54. In conclusion, for the general discipline please go to our answer to the next query No. 26.

**26.** The female population among immigrants is on the increase. The tendency has been to control arrivals linking them to residence permits, in turn linked to employment contracts. This leads to a series of guarantees (social security contributions). Health assistance is guaranteed even if entry into the country was not legal. The experience of the Municipality of Roma, where on 14 October 2003 the Council approved two important instruments aimed at facilitating the representation and participation of foreign non-European citizens in the political and administrative life of the city should be reported. In the elections of 29 March 2004, the foreign community present in Rome elected four councillors, one for each continent of origin of the different ethnic origins, that is of Romania, Philippine, Peruvian and Moroccan nationality. Among these is a woman, elected in compliance to the Regulation that provides anyway for election through mechanisms of guarantee. At the moment additional foreign councillors operate in the municipalities of: Nonantola; Empoli; Macerata; Urbania; Chiaravalli; Mazara del Vallo; Fermo; Ancona; Lecce; Perugia; Pescara; L'Aquila; Bolzano; Pompei; Aversa.

The additional foreign councillors, although without the right to vote, participate in the council sessions where they have been elected and take part in the discussion of the Council and the Commission of the local body. In reality we note that territorially there has been less improvement in the functioning of additional councillors.

On 23 December 2003, the Council of foreigners took office in the province of Florence, following the approval of the relative Regulation on the part of the Provincial Council in December 2002. This organization is composed of 21 members, representing the 50,000 foreigners living there. (45,000 non-European and 5,000 European.) The president of the Council can participate in all the sessions of the provincial council with the right to speak, can be heard by the commission and the council, but does not have the right to vote.

Another example is the start of consultations for the election, 23 May 2004, of the first Council of immigrants in Bolzano, with responsibilities of an advisory nature. These are some of the elected councils actually active: Modena; Palermo; Ravenna; Calenzano; Rimini province; Roma province; Milano province; Region of Sicilia; Piazzola sul Brenta.

This is the number of immigrants in Italy subdivided by sex, according to the following CARITAS prospect (Dossier Status immigration 2003):

| | 2000 | 2001 | 2002 |
|---|---|---|---|
| **Resident immigrant population** | 1.388.153 | 1.360.049 | 1.512.324 |
| **Percentage incidence male** | 754.424 | 726.809 | 786.132 |
| **Percentage incidence female** | 583.729 | 635.821 | 726.192 |

**27.** We report that several proposals of laws on the right of exile in relation to the new typology of the migratory phenomenon are under discussion. In particular the draft of Law 3847: introduction of article 30 — bis of Law No. 189 of 30 July 2002, in the matter of concession of political exile to female victims of violence. Below we quote the data subdivided by sex regarding asylum and refugee applicants, supplied by the Internal Ministry, Department for Civil Liberty and Immigration.

Attached exile:

*Overall data of asylum applicants from 1999 (year of application of decree 30 December 1989, n. 416, converted with modifications into Law 28 February 1990 n. 39) to 31 December 2002.*

| | **Asylum applicants** | | | **Recognized refugees** | | |
|---|---|---|---|---|---|---|
| | Male | Female | total | Male | Female | total |
| | 95.534 | 32.592 | 128.126 | 7.717 | 3.415 | 11.132 |

Data 1999-2002:

| | **Asylum applicants** | | | **Recognized refugees** | | |
|---|---|---|---|---|---|---|
| | Male | Female | total | Male | Female | total |
| 1999 | 15.849 | 8.959 | 24.808 | 1.034 | 506 | 1.540 |
| 2000 | 13.919 | 4.439 | 18.358 | 1.122 | 600 | 1.722 |
| 2001 | 13.397 | 4.005 | 17.402 | 1.057 | 506 | 1.563 |
| 2002 | 13.221 | 2.802 | 16.023 | 888 | 246 | 1.134 |

**28.** The affirmation that 60 per cent of families headed by a woman are under the poverty line is not confirmed by the data of the Report (p. 48) that basing itself on ISTAT statistics (2002) fixes the threshold at 12 per cent. Since the times of a Regal Decree 8 May 1927, No. 798, converted into Law No. 2838 of 6 December 1928 and then of decree No. 9 of 18 January 1993, converted into law 18 March 1993, n. 67 the provinces provide for the payment of grants and economic subsidies specifically directed towards single mothers.

Even though the competence of the matter of planning and managing social policies is exercised by the regions, provinces and municipalities provisions, passed at national level, exist for economic support not referring expressly to this category, but which, women heading poor families can take advantage of, such as the experimentation of minimum income for insertion, provided for by decree 237/98 in some Italian municipalities, as well as income support for particular subjects at risk of social exclusion, provided for during 2001-2003. In particular, modification of the Irpef regulations has been finalized which raises the sum of fiscal deductible expenses for dependent children including adopted or foster children, for a family

nucleus with an income below 100 million. According to initial findings this measure has helped 300,000 families to raise themselves above the poverty line. There are other regulations giving support to one parent families, relating to working mothers or fathers, like the non-compulsoriness of night work (decree No. 532 of 26 December 1999 and decree 66 of 2003), or facilitation for access to infant care services. In some municipal administrations there is an allowance for single mothers in the poverty bands.

**29.** It should be clarified that no governmental intervention on this subject is possible, the judicial authorities being the only ones to have competence for decisions relating to alimony and the division of matrimonial assets, following absolutely discretional judgements.

It can only be said that actual Italian legal picture provides regulations that give judges faculties to decide, case by case, proportionate alimony and adequate sharing of family assets in the case of separation or divorce.

As a result of laws (898/70 on divorce and 151/75) which, in previous years have modified Family Law (art. 156 and 433 Civil Code), the entreaties to the judicial bodies to take into consideration the aspects recommended by the Committee have emerged from an institutional political debate. Now, as a result, the jurisprudential orientation is more heedful to a comprehensive evaluation of the effective family fortune and to the possibility of verifying the patrimonial economic situation over a period of time.

**30.** In 2001, in order to make the Optional Protocol widely known, the Italian Government, on the request of the National Commission for Equal Opportunities updated its own "Women's Code" (first edition 1990) enriching the list of national and international regulations on the conditions of women. It contains the unabridged text of the Optional Protocol and the publication has been presented to the press and spread in a capillary manner through associations and organizations for equality (regional and provincial Commissions). The Optional Protocol has also been inserted into a publication of the Commission, dedicated to CEDAW (year 2002) and spread in the same way.

Crimes reported by citizens to the Judicial Authorities of the State Police, the Armed Militia (Carabiniere) and the Revenue Guard Corps comparable with the relative crimes in the investigation on the "Safety of Citizens"

| Crimes | **1994** | **1995** | **1996** | **1997** | **1998** | **1999** | **2000** | **2001** | **2002** |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |
| Carnal violence | 869 | 946 | | | | | | | |
| Sexual violence | | | 1.151 | 1.582 | 1.846 | 1.904 | 2.336 | 2447 | 2.543 |

*Notes*

[1] Diagnosis-related group or correct homogenous grouping by diagnosis, in order to allow hospitalization. The DRG were introduced by a ministerial decree in April 1994.

[2] *The levels of assistance at childbirth can be so defined: a) the units that in the absence of confirmed pathologies, control low-risk pregnancies, guaranteeing the right of the mother to live childbirth as a natural event ……. are defined as "level I functional perinatal units (minimum care)"; b) the units that assist pregnancies and births at risk and the relative*

*newborn babies with pathologies that do not require hospitalization at level III are defined as "level II functional perinatal units (medium care)". The labour and delivery wards are considered places of intensive assistance; c) the units that assist pregnancies and births at high risk and pathological newborn babies, including those needing intensive care are defined as "level III functional perinatal units (intensive care)".*

[3] *Institutional accreditation is an instrument of selection of suppliers of services for the SSN (National Health System); it is recognized and presumes, for the functions of assistance supplied, coherence with the policy of regional scheduling, the adhesion to predefined requisites and positive inspections of the activities undertaken and the results obtained. The system is governed by the regions.*

[4] Taken from Progetto Obiettivo Materno Infantile.

[5] General direction of health planning.

[6] General direction of prevention.

[7] The data refers to the first three years of the realization of the projects art. 18 which go from 2001 to 2003, those relative to 2004 and 2005 are not yet available.

[8] Final report of the synthesis of the research on "People trafficking for exploitation and traffic of migrants" carried out by the Transcrime Institute of Trento for the Ministry of Justice and Ministry for Equal Opportunities (pp. 143-146).